

**HIA for the redevelopment of Erven 242 and 212 (Protea Village) situated in  
Bishops Court, Cape Town**

(Assessment conducted under Section 38 (8) of the  
National Heritage Resources Act (No. 25 of 1999) as part of a Basic Assessment)

Prepared for  
Chand Environmental

March 2019



**ACO Associates cc**  
Archaeology and Heritage Specialists

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### **CONTENTS OF THE SPECIALIST REPORT – CHECKLIST**

<b>Regulation GNR 326 of 4 December 2014, as amended 7 April 2017, Appendix 6</b>	<b>Section of Report</b>
(a) details of the specialist who prepared the report; and the expertise of that specialist to compile a specialist report including a <i>curriculum vitae</i> ;	Preamble
(b) a declaration that the specialist is independent in a form as may be specified by the competent authority;	Preamble
(c) an indication of the scope of, and the purpose for which, the report was prepared;	1 Introduction
(cA) an indication of the quality and age of base data used for the specialist report;	2 Method
(cB) a description of existing impacts on the site, cumulative impacts of the proposed development and levels of acceptable change;	4.1 Receiving environment.
(d) the duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment;	N/a
(e) a description of the methodology adopted in preparing the report or carrying out the specialised process inclusive of equipment and modelling used;	2 Method
(f) details of an assessment of the specific identified sensitivity of the site related to the proposed activity or activities and its associated structures and infrastructure, inclusive of a site plan identifying site alternatives;	7 Heritage indicators
(g) an identification of any areas to be avoided, including buffers;	10.1 Kirstenbosch drive
(h) a map superimposing the activity including the associated structures and infrastructure on the environmental sensitivities of the site including areas to be avoided, including buffers;	Accompanying Mapset
(i) a description of any assumptions made and any uncertainties or gaps in knowledge;	2 Method
(j) a description of the findings and potential implications of such findings on the impact of the proposed activity, including identified alternatives on the environment, or activities;	7 Heritage indicators
(k) any mitigation measures for inclusion in the EMPr;	10.1.1 Mitigation
(l) any conditions for inclusion in the environmental authorisation;	10.3.1, 10.4.1
(m) any monitoring requirements for inclusion in the EMPr or environmental authorisation;	12.1 Recommendation
(n) a reasoned opinion— i. as to whether the proposed activity, activities or portions thereof should be authorised; iA. Regarding the acceptability of the proposed activity or activities; and ii. if the opinion is that the proposed activity, activities or portions thereof should be authorised, any avoidance, management and mitigation measures that should be included in the EMPr or Environmental Authorization, and where applicable, the closure plan;	12 Conclusion
(o) a summary and copies of any comments received during any consultation process and where applicable all responses thereto; and	HWC final comment awaited.
(p) any other information requested by the competent authority	n/a
Where a government notice gazetted by the Minister provides	n/a

for any protocol or minimum information requirement to be applied to a specialist report, the requirements as indicated in such notice will apply.	
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**Details of the specialist**

This study has been undertaken by Tim Hart BA Hons (UCT), MA (UCT), ASAPA and APHP member, of ACO Associates CC, archaeologists and heritage consultants.

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## **CURRICULUM VITAE**

**Name:** Timothy James Graham Hart

**Profession:** Archaeologist

**Date of Birth:** 20/07/60

**Parent Firm:** ACO Associates

**Position in Firm:** Director

**Years with Firm:** 9

**Years experience:** 32 years

**Nationality:** South African

**HDI Status:** n/a

**Education:** Matriculated Rondebosch Boys High, awarded degrees: BA (UCT), BA Hons (UCT), MA (UCT).

**Professional Qualifications:** Principal Investigator ASAPA, member of Association of Heritage Professionals (APHP)

**Languages:** Fully literate in English, good writing skills. Conversation in Afrikaans, mediocre writing skills, good reading skills. Some knowledge of Latin.

## **KEY QUALIFICATIONS**

- Bachelor of Arts in Archaeology and Psychology (UCT)
- BA Honours in Archaeology (UCT)
- MA in Archaeology (UCT)
- Recipient of Frank Schweitzer Memorial Prize (UCT) for student excellence
- Professional member (no 50) of Association of Southern African Professional Archaeologists (ASAPA)
- Principal Investigator, cultural resources management section (ASAPA)
- Professional member in specialist and generalist categories Association of Heritage Professionals (APHP) Awarded Department of Arts and Culture and Sport award for best heritage study in 2014

## **Some recent Project Experience with respect to large projects:**

- Specialist consultant – Eskom's Kudu Integration project (identifying transmission line routes across Namaqualand)
- Specialist consultant – Eskom's Atlantis Open Cycle Gas Turbine project, upgrade and power lines

- Specialist consultant – Eskom's Mossel Bay Open Cycle Gas Turbine project, substations and power lines
- Specialist consultant – Eskom's proposed Omega sub-station
- Specialist consultant – Eskom's Nuclear 1 programme
- Specialist consultant – Eskom's PBMR programme
- Specialist consultant – Department of Water Affairs raising of Clanwilliam Dam project
- Specialist consultant to De Beers Namaqualand Mines (multiple projects since 1995)
- Specialist consultant – Saldanha Ore Handling Facility phase 2 upgrade
- Three years of involvement in Late Stone Age projects in the Central Great Karoo
- Wind Energy systems: Koekenaap, Hopefield, Darling, Vredendal, Bedford, Sutherland, Caledon
- Specialist consultant – Eskom Nuclear 1
- Bantamsklip Nuclear 1 TX lines
- Koeberg Nuclear 1 TX lines
- Karoo uranium prospecting various sites
- HIA Houses of Parliament
- Proposed Ibhubesi gas project, West Coast of South Africa.

## **Experience**

After graduating from UCT with my honours degree I joined the Southern Methodist University (SMU, Dallas Texas, USA) team undertaking Stone Age research in the Great Karoo. After working in the field for a year I registered for a Masters degree in pre-colonial archaeology at UCT with support from SMU. On completion of this degree in 1987 I commenced working for the ACO when it was based at UCT. This was the first unit of its kind in RSA.

In 1991 I took over management of the unit with Dave Halkett. We nursed the office through new legislation and were involved in setting up the professional association and assisting SAHRA with compiling regulations. The office developed a reputation for excellence in field skills with the result that ACO was contracted to provide field services for a number of research organisations, both local and international. Since 1987 in professional practise, I have has been involved in a wide range of heritage related projects ranging from excavation of fossil and Stone Age sites to the conservation of historic buildings, places and industrial structures. To date ACO Associates CC (of which I am co-director) has completed more than 1500 projects throughout the country ranging from minor assessments to participating as a specialist in a number of substantial EIA's as well as international research projects. Some of these projects are of more than 4 years duration.

Together with my colleague Dave Halkett, I have been involved in heritage policy development, development of the CRM profession, the establishment of 2 professional bodies and development of professional practice standards. Notable projects I have been involved with are the development of a heritage management plan and ongoing annual mitigation for the De Beers Namaqualand Mines Division, heritage management for Namakwa Sands and other west coast and Northern Cape mining firms. Locally, I was responsible for the discovery of the "Battery Chavonnes" at the V&A Waterfront (now a conserved as a museum – venue for Da Vinci exhibition), the discovery of a massive paupers burial ground in Green Point (now with museum, memorial and published book), the fossil deposit which is now the subject of a public display at the West Coast Fossil Park National Heritage Site as well as participating in the development of the Robben Island Museum World Heritage Site. I have teaching experience within a university setting and have given many public lectures on archaeology and general heritage related matters.

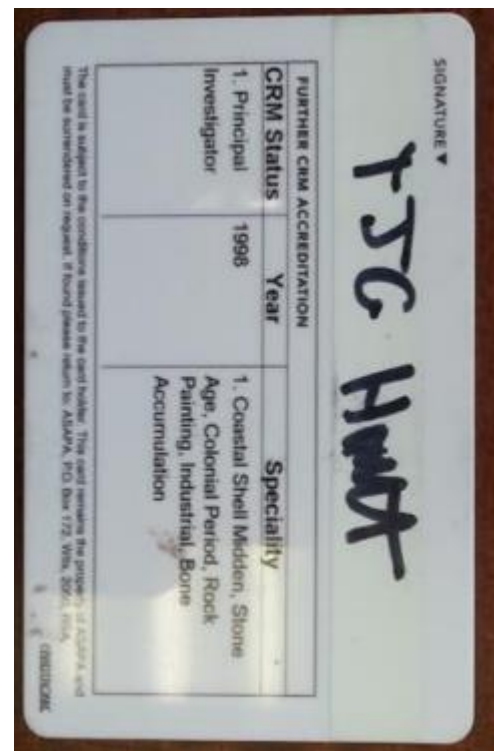
## **Academic Publications**

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- quaternary) land surfaces at Duinefontein 2, Western Cape province, South Africa. *Journal of Archaeological Science* 30.
- Parkington, J.E., Poggenpoel, C., Halkett, D. & Hart, T. 2004 Initial observations from the Middle Stone Age coastal settlement in the Western Cape. In Conard, N. Eds. *Settlement dynamics of the Middle Paleolithic and Middle Stone Age*. Tübingen: Kerns Verlag.
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## **Declaration of independence**

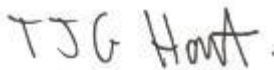
### **PROJECT: HIA for the redevelopment of Erven 242 and 212 (Protea Village) situated in Bishops Court, Cape Town**

I, **Tim Hart**, as the appointed independent specialist hereby declare that I acted as the independent specialist in this application; and that I

- regard the information contained in this report as it relates to my specialist input/study to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the NEMA, the Environmental Impact Assessment Regulations, 2014 and any specific environmental management Act;
- have no and will not have a vested interest in the proposed activity proceeding;
- have disclosed, to the applicant, EAP and competent authority, any material information that has or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the Environmental Impact Assessment Regulations, 2010 and any specific environmental management Act;
- am fully aware of and meet the responsibilities in terms of NEMA, the Environmental Impact Assessment Regulations, 2010 (specifically in terms of regulation 17 of GN No. R. 543) and any specific environmental management Act, and that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the specialist input/study was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments on the specialist input/study;
- have ensured that the comments of all interested and affected parties on the specialist input/study were considered, recorded and submitted to the competent authority in respect of the application;
- have ensured that the names of all interested and affected parties that participated in terms of the specialist input/study were recorded in the register of interested and affected parties who participated in the public participation process;
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not; and
- am aware that a false declaration is an offence in terms of regulation 71 of GN No. R. 543.

**Note:** The terms of reference must be attached.

#### **Signature of the specialist:**



#### **Name of company:**

ACO Associates cc

**Date:** 18 March 2019

## **GLOSSARY**

**Archaeology:** *Remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures.*

**Cultural landscape:** *The combined works of people and natural processes as manifested in the form of a landscape.*

**Heritage:** *That which is inherited and forms part of the National Estate (historical places, objects, fossils as defined by the National Heritage Resources Act 25 of 1999).*

**National Estate:** *The collective heritage assets of the Nation.*

**SAHRA:** *South African Heritage Resources Agency – the compliance authority which protects national heritage.*

**Structure (historic):** *Any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith. Protected structures are those which are over 60 years old.*

## **Acronyms**

DEA&DP	Department of Environmental Affairs and Development Planning
ESA	Early Stone Age
GPS	Global Positioning System
HIA	Heritage Impact Assessment
HWC	Heritage Western Cape
LSA	Late Stone Age
MSA	Middle Stone Age
NHRA	National Heritage Resources Act
SAHRA	South African Heritage Resources Agency

## Summary

ACO Associates cc (archaeologists and heritage practitioners) were appointed by Chand Environmental Consultants cc to conduct a heritage impact assessment for land in Bishopscourt that was previously known as Protea Village. Protea Village was a community of people who lived in the area since the emancipation of slavery but were forced to leave the site as a result of the separate development policies of Apartheid in the 1960s. The community, who were dispersed across the Cape Flats, have always maintained cohesion and successfully launched a land claim in 1995. The site, which consists of two erven, remains largely undeveloped and has been used as publically accessible space. An area of approximately 28.4 hectares of land was originally 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 can be restored to the community. The entire area of the property that can be restored is approximately 12.35 hectares amounting to 43.49% of the original claim. The community, who are the developers, have engaged with consultants to facilitate their return to ancestral land, and wish to develop the site. The identified heritage indicators are those which are considered important by the returning community. Their main desire is to re-actualise their heritage by establishing a village on what is left of the land that Protea Village once occupied. Since the heritage of the site is the heritage of the returning community, it is their right to identify the conservation issues that affect them. Getting the community back home is seen as the final completing of a historic heritage circle.

The proposed development includes residential opportunities and public open space, and recreational areas on Erven 242 and 212 in Bishopscourt – the site of the Protea Village Community Land Claim. The 86 claimants intend to resettle on Erf 242 (north of Kirstenbosch Drive), with the development of additional high value residential properties on Erf 212 (south of Kirstenbosch Drive) to create the financial resources necessary for the servicing of the proposed 86 stands and the construction of 86 proposed houses for the claimants who wish to return. Erven 242 and 212 lie on the north and south sides of Kirstenbosch Drive which bisects the project area. Today the site is a wooded suburban enclave through which flow the upper reaches of streams forming the Liesbeek River. After the forced removal of the residents the land became an arboretum which accommodates some 900 mature trees of a variety of species. Established against the wishes of the claimants in the mid-1990s who were lodging a claim at the time, the arboretum has become an important place in Bishopscourt where residents enjoy the riverside trails and walk their dogs. It functions as public open space while Erf 242 is an informal parking area for concert goers and the Kirstenbosch Craft and Food Market.

In summary:

- ±12% of the total land area of Erf 212 and Erf 242 will be transferred to third-parties to fund the development;
- ±33% of the area will be retained by the City of Cape Town for Public Open Space;
- ±10% of Erf 242 will be transferred to the City of Cape Town for the purposes of Public Open Space and Public Streets;
- ±1.75% will be transferred to the Home Owner's Association (Private Street); and

- **±43% of the area will be retained by the Protea Village CPA Community Members**

## **Heritage Indicators and Responses**

There is a general agreement across all the specialist disciplines that have been involved in the project with respect to the main heritage indicators which are as follows:

The wooded and scenic qualities of the site as an interface between suburbia and the slopes of Table Mountain make a considerable contribution to the character of the site and environs. This however has increased substantively after forced removals, especially on Erf 242.

*Response: Conservation of important trees and the creation/conservation of public open space will be observed. Furthermore the layout has been adapted to conserve trees wherever possible, and proposed new planting will follow to make up for trees that have had to be removed.*

The Liesbeek riparian zone and its tributaries have high historical, aesthetic and ecological value worthy of Grade 2 heritage significance and will be conserved. This includes the Protea Village community spring. The Liesbeek is a cultural landscape and frontier of conflict during the earliest days of the Cape.

*Response: A large proportion of the wetland areas as well as the entirety of the Liesbeek River and tributaries, and community spring will be conserved as part of the proposed public open space. Members of the community have asked that access to the spring is not overtly public as they wish it to be a quiet place to be approached through the network of forest paths. Creating a direct linkage from Erf 242 will represent a loss of approximately R10m which will jeopardise the servicing of the proposed 86 stands and the construction of 86 proposed houses on Erf 242. The Protea Village community has rejected this.*

Off-site heritage indicators that will not be affected are the Church of the Good Shepherd, the old stone steps to the School and the Stone Cottages adjacent to Erf 242.

The archaeology of the site has been badly disturbed and not much may have survived apart from the (estimated) 20<sup>th</sup> century dump.

*Response: Site preparation, monitoring and recording.*

Kirstenbosch Drive is an historic route that still retains significant features – an avenue-like quality, cobbled verges and gutters and disused bus stops.

*Response: Maintain the tree rich soft edges of the drive and alter as little as possible. There would be inter-planting of appropriate tree specimens with a view to maintaining a tree-lined avenue.*

The conservation of open space where the sports grounds were historically located on Erf 212.

*Response: This is deemed to be un-economical and would jeopardise the development of Erf 242 and ultimately, result in lesser homes for the returning 86 dispossessed families.*

## **Buffer Zone**

The heritage buffer zone will be the biodiversity buffer zone that conserves the riparian zone and spring.

The site lies outside of the buffer zone of the Table Mountain National Park which includes Kirstenbosch Gardens (erf 178088) and the three stone cottages west of the site.

## **Grading:**

Areas to be developed: Grade IIIA in recognition of the historical restitution process.

Liesbeek River, Spring and Wetlands: Grade II

## **Conclusion**

The restoration of the Protea Village community will have a tolerable and positive impact on the main heritage qualities of the site in that the proposed development acknowledges the natural qualities of the site and has achieved a good balance between development and retaining riverine and forest areas as public open space. The return of the villagers to their ancestral area (and in homes which are of a stature and design befitting of the local context) is a positive heritage impact in itself as it represents a closure of a circle of history that started with the alienation of indigenous pastoral communities from their traditional lands, to slavery and emancipation, forced removal and finally the return of the families of early inhabitants who have had an association with the place for 200 years or more.

## **Recommendations**

- It is recommended that the areas of the 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. Grade IIIA indicates high local significance but does not directly affect the use of the site but recognises the unique history of the place. While the normal application process is used for planned developments, the grading alerts the authorities to be on the alert for proposed activities that could negatively affect the site and its history.
- Provided that mitigation as indicated in the specialist studies is carried out, and that any conditions that HWC may request are met, it is recommended that the proposed activity be timeously approved.
- In terms of archaeological evidence, indications are that the site has been extensively disturbed. Subject to requirements of Heritage Western Cape, the value of archaeological research on this site seems limited. However a precautionary monitoring brief during site preparation is appropriate.

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# 1 Introduction

ACO Associates CC (archaeologists and heritage practitioners) were appointed by Chand Environmental Consultants cc to conduct a heritage impact assessment for land in Bishopscourt that was previously known as Protea Village. Protea Village was a community of people who lived in the area since the emancipation of slavery but were forced to leave the site as a result of the separate development policies of Apartheid in the 1960s. The community, who were dispersed across the Cape Flats, have always maintained cohesion and successfully launched a land claim in 1995. The site, which consists of two erven, remains partially undeveloped and has been used as public open space. The returning community are the developers of the site and have invoked the assistance of a team of consultants to find a way to sustainably return to the site.

This report is being published for a 30-day public review period in response to a request, made on 9 April 2019, for such by Heritage Western Cape (HWC).

## 1.1 Development proposal

The proposed development includes residential opportunities and public open space, and recreational areas on Erven 242 and 212 in Bishopscourt – the site of the Protea Village Community Land Claim (refer to **Appendix A**). The 86 claimants intend to resettle on Erf 242 (north of Kirstenbosch Drive) (Figure 1), with the development of additional high value residential properties on Erf 212 (south of Kirstenbosch Drive) (Figure 2) to create the financial resources necessary for the servicing of the proposed 86 stands and the construction of 86 proposed houses for the claimants. Erven 242 and 212 lie on the north and south sides of Kirstenbosch Drive which bisects the project area. Today the site is a wooded suburban enclave through which flow the upper reaches of streams forming the Liesbeek River. After the forced removal of the residents, but during the process of lodging and processing a land claim, the land became an arboretum which accommodates some 900 mature trees of a variety of species. It functions as an open space for anyone to access and use (but note that it is not zoned as Public Open Space) while Erf 242 is an informal parking area for concert goers and the Kirstenbosch Craft and Food Market.

The recent history of the site renders this study unique. The returning community is de-facto the owner of the site and have instructed the consultant team to find a way to finance the redevelopment and their return to Protea Village without the benefit of start-up capital. Hence the proposal has to finance the return of the Protea Community from development opportunities that can be unlocked within the properties, which is fully supported by the Protea Village community. The other factor that renders this project different is that the heritage of the site is largely the heritage of the returning community. While in terms of the National Heritage Resources Act 25 of 1999, heritage is legally a part of the National Estate, it is hard to ignore the moral position that the heritage is “owned” by the returning villagers, they are the most significant stakeholders and their needs and aspirations should carry substantive weight. The view is taken that the ultimate heritage actualisation for the site is the successful return of the villagers themselves.

The development proposal retains a significant portion of the total site as public open space (approximately 33% of the total area)- which includes being formally zoned and managed as such- thus preserving the riparian corridor as a recreational open space for public benefit. The subdivision layout of the development proposal has been through several design iterations in response to various informants including environmental, visual and heritage (note that more information on the design evolution process as well as the alternatives assessed will be forthcoming in the Basic Assessment Report, which will be published for public comment at a later date). The proposed development (with the latest iteration being from February 2019) is considered as the preferred option and is therefore assessed in this report. The design process has seen a number of different iterations tested, starting with the concept as developed by NM Associates in 2004 ("NMA study"). More information on the various development iterations investigated, as well as the alternatives assessed in the environmental impact assessment process will be presented in a separate document, namely the Basic Assessment Report, in due course.

With regard to the NMA study, it should be noted that comprised a contextual analysis of the opportunities and constraints of the site, which served to provide a contextual analysis and some preliminary design guidelines. There was no business plan and proposal at the time, which is stressed throughout the report, and it was a high level study done for the City of Cape Town, not the Protea Village community. The report did not consider the economics of the restitution project at all.

Information from that study is now largely outdated and the findings have been updated, where required, for the Basic Assessment process. The site informants from the NMA study have also been considered and updated for this process.

This Heritage Impact Assessment (as well as the Basic Assessment process and land use planning process) takes into account the most recent information thereby considering and weighing up the needs of the Protea Village community, current environmental baseline, and present status of the market.

## **1.2 Notification of Intent to Develop**

Notification of Intent to Develop was submitted to HWC (case no 17120718WD120BE). The following requirements were made:

- A visual impact assessment on the cultural landscape,
- A desktop archaeological study, and
- The inclusion of alternatives.

The visual impact assessment (which is one of the specialist studies which will be included in the Basic Assessment Report, to be published at a later date) by David Gibbs is strongly orientated to assessment of the cultural landscape, while the site has been walked and checked for archaeological evidence. In terms of project alternatives, the planning process has seen numerous iterations resulting in one alternative which best suits comment from specialists and the needs of returning families.

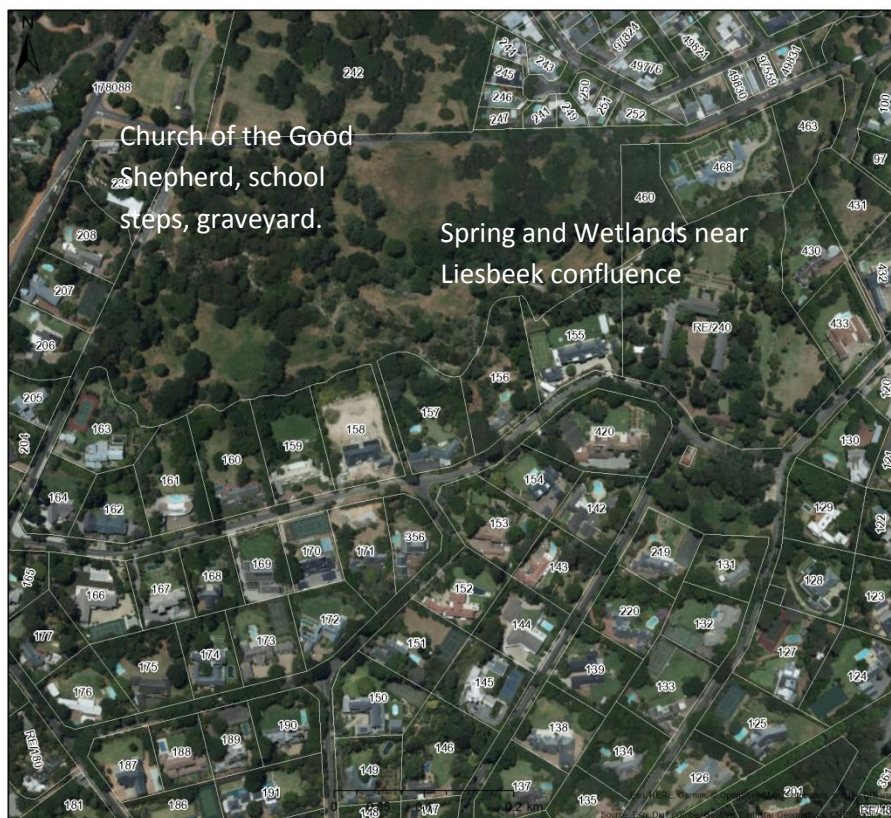


**Erf 242 "Protea Village"**

Scale: 1:2 257  
Date created: August 24, 2018



*Figure 1 Erf 242 is where returning residents will have their homes. It consists of meadow and mature trees used as an informal overflow parking area for the Kirstenbosch Craft and Food Market.*



**Erf 212 Bishops court**

Scale: 1:4 514  
Date created: August 24, 2018



*Figure 2 Erf 212 is open park land that contains wetlands, the Liesbeek and tributaries. It was seen as commonage by the villagers who crossed it to collect water from the spring. This will be the site of public open space and private residential opportunities.*

## 2 Method

The identification of heritage informants is a reflection of what was identified as significant by members of the returning community. The site is mainly their heritage so through all aspects of the project they have provided their input into not only the design and their desired outcomes but also what is significant to them in terms of heritage, and what they believe to be an acceptable sacrifice. Given the history of the site, the heritage practitioner has resisted pre-scribing the heritage informants. What is reflected in this study, reflects the views of the returning community. A first draft of this report was presented to the IACOM committee of Heritage Western Cape (HWC) (refer to **Appendix B** for the minutes from that meeting) and was revised to the present version. Following the conclusion of the 30-day public review period of this report (the review period will conclude on 8 July 2019), comments received from Interested and Affected Parties (I&APs) will be incorporated into a second draft to then be presented before the IACOM committee of HWC. Note that the circulation of this draft HIA Report is done in order to honour the request from HWC in this regard.

The consultant team has responded to the initial comments issued by HWC by refining the project layout, has provided the various alternatives and the history of their consideration by the claimant community. The HIA has also challenged certain views of HWC and supplied supporting evidence.

The site has been subject to numerous studies in defence of the land claim, the veracity of which has been tested successfully in court. Hence there was a solid body of historical evidence to draw on for this assessment. Previous residents of Protea Village were kind enough to attend meetings and accompany Tim Hart on an oral history tour of the site. This study is therefore grounded in presenting the known historical background and comprehensive oral history.

The author is grateful to the following ex-residents for their input.

- Mr. Cedric van Dieman
- Ms. Ann Ntebe
- Mr. Cecil McLean
- Mr. Christopher McLean

### 2.1 Public process

The public participation process is ongoing however a separate focus group meeting in which all registered conservation bodies within the metropole were invited was carried out on 8 October 2018 (prior to the general advertisement of the proposal in the media). This meeting also included members of the Fernwood residents association who provided their input. Minutes of this meeting are included in **Appendix C**

Furthermore, general public participation associated with the Basic Assessment process under which this HIA falls has also taken place and includes the following:

- Formal meetings with the Bishops court and Fernwood Ratepayers' Associations (November/December 2017) and again, combined, in October 2018;
- Regular engagement with the Bishops court and Fernwood Ratepayers' Associations throughout the process to keep them up to speed with the latest progress thereof;
- Focus Group Meetings were held with landowners adjacent to Erf 242 and Erf 212 on 13 and 14 November 2018 respectively;

- A Focus Group Meeting was held with representatives of key organisations associated with the biophysical aspects of the site (i.e. SANBI, City of Cape Town Environmental Management, Friends of the Liesbeek and TreeKeepers) on 19 November 2018;
- Advertisement (through site notices, a mail-out, knock-and-drop to adjacent landowners and adverts in the Cape Times and Cape Argus) of the proposed development and Basic Assessment process including the distribution of a Background Information Document (BID) for public comment (36 days were provided for the comment period) in November 2018;
- An Open House event was extensively advertised in the media as well as through the placement of notices in the surrounding areas and was held during the above-mentioned comment period; and
- A one-on-one meeting with The Hill Pre-primary School on 19 March 2019.

Comment from I&APs are being gathered and assimilated by Chand in the form of an Issues Trail, which also includes responses. This Issues Trail will distil the results of the public participation process (including the current public review period of this draft HIA Report) and will be included in the Basic Assessment Report, to be published at a later date.

### **3 Legal**

The basis for all heritage impact assessment is the National Heritage Resources Act (NHRA) (Act 25 of 1999), which prescribes the manner in which heritage is assessed and managed. The National Heritage Resources Act has defined certain kinds of heritage as being worthy of protection, by either specific or general protection mechanisms. In South Africa, the law is directed towards the protection of human-made heritage, although places and objects of scientific importance are covered. The National Heritage Resources Act also protects intangible heritage such as traditional activities, oral histories and places where significant events happened. Generally protected heritage which must be considered in any heritage assessment includes:

- Cultural landscapes (described below),
- Buildings and structures (greater than 60 years of age),
- Archaeological sites (greater than 100 years of age),
- Palaeontological sites and specimens,
- Shipwrecks and aircraft wrecks, and
- Graves and grave yards.

Section 38 of the NHRA requires that Heritage Impact Assessments (HIAs) are required for certain kinds of development such as rezoning of land greater than 10 000m<sup>2</sup> in extent or exceeding 3 or more sub-divisions, or for any activity that will alter the character or landscape of a site greater than 5000m<sup>2</sup>.

### **3.1 Cultural Landscapes**

Section 3(3) of the NHRA defines the cultural significance of a place or objects with regard to the following criteria:

- (a) its importance in the community or pattern of South Africa's history;
- (b) its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- (c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- (d) its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- (h) its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and
- (i) sites of significance relating to the history of slavery in South Africa.

### **3.2 Scenic Routes**

While not specifically mentioned in the NHRA, Act No 25 of 1999, Scenic Routes are recognised by the Department of Environmental Affairs and Development Planning (DEA&DP) as a category of heritage resources. In the DEA&DP Guidelines for involving heritage specialists in the EIA process, Baumann & Winter (2005) comment that the visual intrusion of development on a scenic route should be considered a heritage issue. This is also given recognition in the Notice of Intent to Develop (NID) application which is used by HWC.

### **3.3 Heritage Grading**

Heritage resources are graded following the system established by Baumann and Winter (2005) in the guidelines for involving heritage practitioners in EIA's (Table 1).



Table 1 Grading of heritage resources (Source: Winter & Baumann 2005).

Grade	Level of significance	Description
1	National	Of high intrinsic, associational and contextual heritage value within a national context, i.e. formally declared or potential Grade 1 heritage resources.
2	Provincial	Of high intrinsic, associational and contextual heritage value within a provincial context, i.e. formally declared or potential Grade 2 heritage resources.
3A	Local	Of high intrinsic, associational and contextual heritage value within a local context, i.e. formally declared or potential Grade 3A heritage resources.
3B	Local	Of moderate to high intrinsic, associational and contextual value within a local context, i.e. potential Grade 3B heritage resources.
3C	Local	Of medium to low intrinsic, associational or contextual heritage value within a national, provincial and local context, i.e. potential Grade 3C heritage resources.

## 4 Background

### 4.1 The receiving environment

The project area is situated in the upper reaches of the Liesbeek River Valley to the east of Kirstenbosch Botanical Gardens. The Liesbeek derived its flow from mountain streams (now dammed) on the plateaux of Table Mountain which descend through Kirstenbosch Gardens and in turn the project area. From there on the river valley passes through the exclusive suburbs of Bishopscourt, Newlands, Rondebosch and Mowbray before it joins the Salt River in Observatory and exits into Table Bay. The river is a key historic landmark that played a pivotal role in the development and environmental history of the city. Hence erven 242 and 212 lie within a powerful historic context. The two erven were once the site of Protea Village, a community of more than 130 families (86 families wish to return) who trace their origins back to the emancipation of slavery in 1834. The community was evicted from their homes from 1961 onwards as a result of the Group Areas Act implemented by the apartheid government of the time. Their homes, village school and sports grounds were demolished because Bishopscourt was declared a "whites only" suburb. Since the clearing of the land, the two erven have remained undeveloped and are used as an openly accessible area by the general public (Figure 3),

however Erf 212 is zoned agricultural and Erf 242 general residential. Little has survived apart from the Church of the Good Shepherd and the graveyard, stone work and some foundations of the old school. An arboretum was established on Erf 212 circa 1990 (following the submission of the claim on the land by the Protea Village community) which included some landscaping such as the excavation of ponds, planting of exotic trees. It is currently zoned agricultural. Erf 242, which is zoned agricultural and residential I, is freehold land held by the Department of Public Works, however they have agreed to provide the land to the Protea Village Communal Property Association at no cost. A portion of land is used in part as a parking area by both Kirstenbosch Concert goers and visitors and stall-holders associated with the monthly Kirstenbosch Craft and Food Market. A portion of Erf 212 is also used as parking for The Hill Pre-primary School.

Today, the site which lies on either side of Kirstenbosch Drive, is attractive parkland, with various well established trees that create a sense of shady urban woodland. The pure waters of the Upper Liesbeek and its two tributaries, Window Stream and Protea Stream, flow through and converge at the eastern end of Erf 212. These are just a trickle in summer but often a raging torrent in the rainy winter months. There is a riverside walk, small rock pools and shady river banks which have high amenity value for local visitors to the site. On the eastern edge of the site close to the boundary of the residence of the Archbishop of Cape Town are a number of wetlands and three large ponds which are fed by a perennial spring on the site. Although on first appearance the site has synergy with, and sits comfortably in the leafy, Kirstenbosch – Bishopscourt context, the landscape is an artificial creation born out of apartheid policy of forced removal and the consequent purposeful erasure of almost every trace of human habitation.



*Figure 3 Erf 212 Bishopscourt. Open space and woodland.*



## 5 The historical background

The Liesbeek River Valley, from the point that the river joins with the Black and Salt Rivers and enters the sea to its upper reaches at Kirstenbosch, is one of the Western Cape's most significant historic landmarks.

The land's appearance in the past was quite different to that of today. While the valleys of the Liesbeek and Black Rivers remain quite well defined (used as a conduit for some of Cape Town's major roads) and essentially have not changed, the rivers themselves have been straightened and canalised, in places draining what were significant areas of marshland. The river valleys on the eastern side of Table Mountain were wooded with afro-montane forests and the streams, fed by numerous prolific springs between Kirstenbosch and Mowbray, would have flowed year round. The Salt, Liesbeek and Black Rivers had a common confluence flowing into a large lagoon and wetland that extended all the way northwards to Rietvlei. This estuary was a huge natural resource, not only for grazing cattle on grasses and young reeds but it also served as a rich fishing ground. In the early 20<sup>th</sup> century, much of this estuary was drained to make way for the Culemborg shunting yards and railway workshop. In the 17<sup>th</sup> century the Liesbeek River and its estuary almost rendered the Peninsula an island, with only one point of entry and exit via Varsche Drift. Varsche Drift still exists, as this point of limited access was used for the Union Rail network (circa 1870) and for the Voortrekker road crossing into the hinterland (the river had been canalised by this time). In prehistoric and early historic times this was the only easy access onto the Peninsula. The sandy dune lands known as the Cape Flats, were full of lakes and muddy dune slacks that were very difficult to cross. Hence, the Peninsula was a geographically contained area – relatively easily fortified and almost viable as a self-contained unit. The Liesbeek River effectively marked the geographical boundary between the well-watered afro-montane rain shadow areas below the eastern side of the mountain, and the depleted sandy and inhospitable Cape Flats. The verdant strip of land between the Liesbeek Valley and the lower slopes of Table Mountain was the best grazing land the Peninsula had to offer, hence it was important for Khoikhoi pastoralist groups who resided here in pre-colonial times.

This same land that Van Riebeeck identified in 1652 for farming, was the best grazing land in terms of the limited resources that the Peninsula had to offer, especially for grazing cattle. At first the bartered company cattle would graze near the fort, side by side with the Khoekhoe herds. But it was not long before Van Riebeeck identified the fertile strip behind Table Mountain for the expansion of agricultural activities which was achieved through the granting of farms to *Freeburghers* who commenced settled farming, which resulted in displacement of indigenous groups. Van Riebeeck granted himself the farm Boscheuvel in the Kirstenbosch – Protea Village area. This was a fine site on the best land in one of the most scenic locales on the Peninsula.

The uneasy relationship between the VOC and the Peninsula Khoekhoe was clear from the beginning: the Khoekhoe enjoyed the benefits of being closely associated with the VOC (protection, food, drink and tobacco) but at the same time were worried about the permanency the settlement seemed to take. Low grade tensions commenced as early as 1653, however the Dutch continued to absorb more and more of what was seen by the Khoekhoe to be communal grazing land, which given the limited resources of the Peninsula, threatened their very existence.

20 Feb 1657. "Some persons having desired their freedom, and land for cultivation, the Commander went out with them again, in order, as yesterday, to inspect the parcels which they might select, and then to agree upon the preliminary conditions. As was the case yesterday, he visited the camps of Herry and some of the Caepmans, and held with them a conversation of no particular importance, giving them tobacco and brandy etc. ... Herry and the fat Caepman with some of their chief men seeing us looking on, and hearing us talk of building houses here and there ... asked us, if we built houses, and broke up the ground there, which they observed to be our intention, where should they live? We replied that they might live under our protection, and that there was room enough everywhere for them to graze their cattle; that we were going to employ this land to grow bread and tobacco, when we would, like good friends, give them a share etc. on which they expressed themselves satisfied, but it might be easily seen that it was not quite to their mind". (Moodie 1838: 93)

The granting of farm land to *freeburghers* was a concept that was completely foreign to the Khoekhoe who viewed land as a shared resource over which the concept of ownership did not apply. Within a short while, the best and most well-watered land of the Cape Peninsula in the Liesbeek Valley was no longer available (Figure 4). The failure to reach an understanding with the Dutch caused tensions to rise.

18 January 1660. "... the reason why they had made war upon us, was, that we everywhere broke up the best land with the plough, and they thought to prevent that by taking away the oxen with which we did it, ...." (Moodie 1838: 198)

Van Riebeeck decided that the best course of action was to build a physical barrier around the VOC agricultural lands. It is of interest to note that the Council of Policy Resolutions clearly reveals that the initial intent was to build a cattle-proof barrier to stop the Khoekhoe from driving away Company cattle. Parts of the Liesbeek River that were too deep or swampy to drive cattle across were also strategically identified to form a combination of physical and natural barriers. Using natural features, palisade fences and in some areas a wild almond hedge (part of which still survives in the Kirstenbosch Botanical Garden) a barrier was constructed to control the movement of cattle from areas under VOC hegemony. The barrier was supplemented with a series of small forts or lookout posts strategically situated on points of high ground close on either side of the Liesbeek River. Work gangs were sent out to steepen the banks of the Liesbeek, and furthermore the *Freeburghers* were ordered to secure the eastern borders of their land with thorn and brushwood barriers, to prevent the movement of cattle.

The early historical context of Protea Village is deeply enmeshed with the very early politics of dispossession along the Liesbeek River Valley, and the very first frontier between settlers and First Nations people.

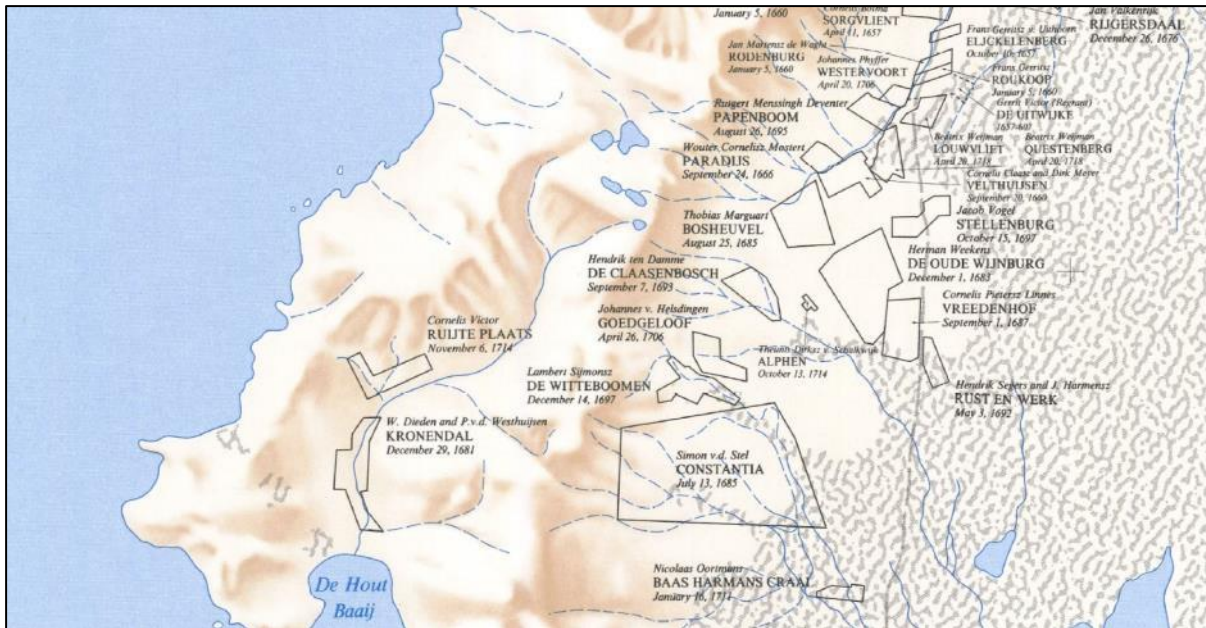


Figure 4 The location of Bosheuvel in relation to other early land grants.

## 5.1 Historic roots of Protea Village

The name Protea Village is derived from the farm "Protea". Protea Farm was originally derived in part from Bosch-heuvel which was first granted in 1658 to Jan Van Riebeeck, the first VOC commander at the Cape. Indications are that these early farms practised mixed agriculture – some viticulture but mainly stock farming, cereals and vegetable cultivation. For most of the 17<sup>th</sup> and 18<sup>th</sup> centuries a slave workforce worked the land, many of the slaves being associated with the farms for several generations. Slavery was abolished from 1834 onwards, which in turn resulted in its own social ramifications such as homeless populations who no longer had rights of residence on the farms that they used to work on after they had completed their periods of indentured labour. Indications are that Protea Village had its origins when the 29 slaves who lived at Protea were emancipated and formed a settlement on a piece of land close to the junction of the farms Kirstenbosch, Protea and Fernwood (Figure 6). In 1851 parts of Protea (originally Boscheuwel) were purchased by the colonial Bishopric Fund as a residence of the Arch Bishop of Cape Town, a role that it fulfils to this day. No doubt in the early days after emancipation the residents of the early Protea Village worked on the farms of their slave owners and supplemented their existence by growing their own small stock and vegetables, flower cultivation and small scale hunting in the nearby Newlands Forrest and slopes of Table Mountain. Large stretches of the eastern slopes of the mountain were subject to forestry which would have provided further opportunities (Figure 5). Ex-residents mention how within living memory occasional porcupines were hunted for the pot.



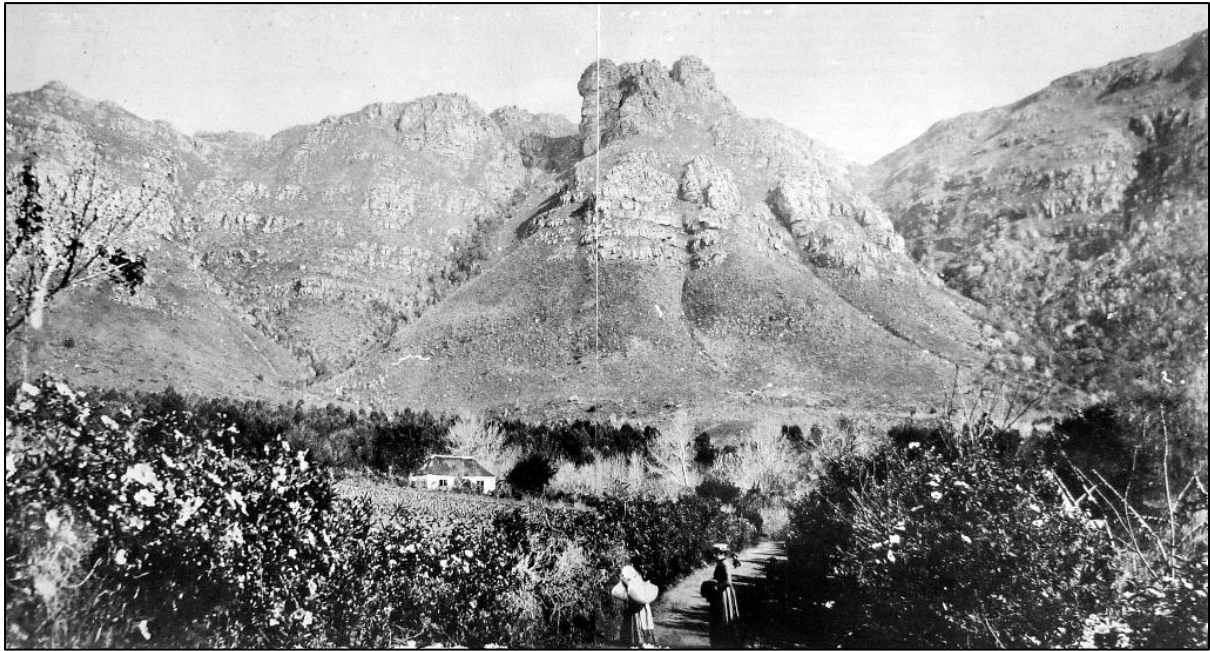


Figure 5 A view towards where Kirstenbosch is now (mid-late 19<sup>th</sup> century) from Protea Farm. Indigenous vegetation is scarce, large trees in the background appear to be pines (Stuart Harris collection, Pinned interest).

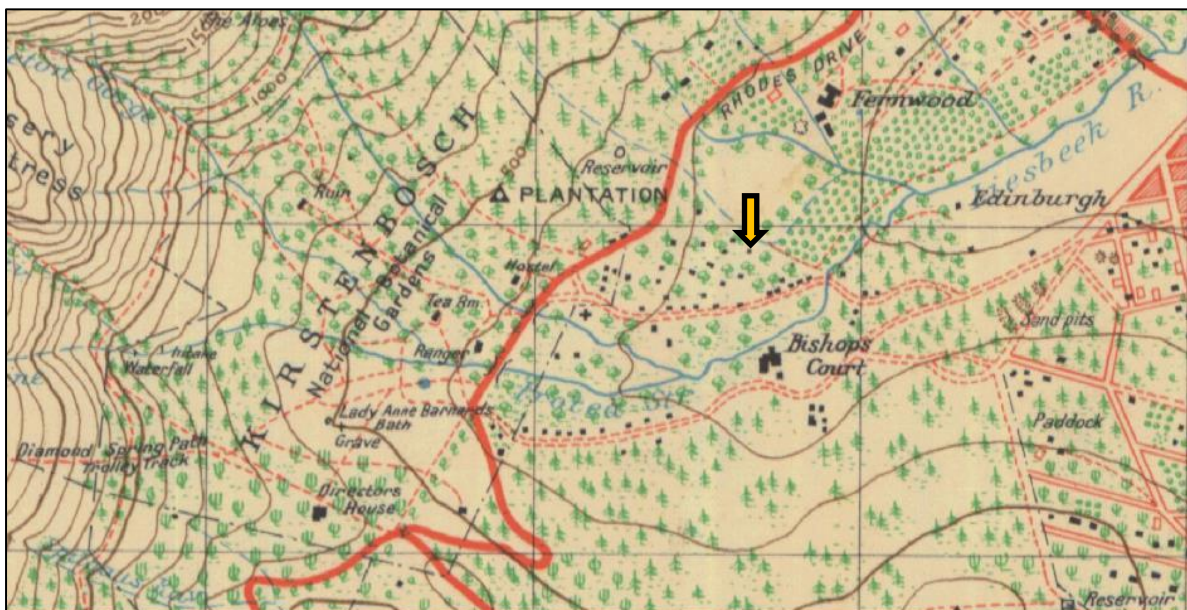
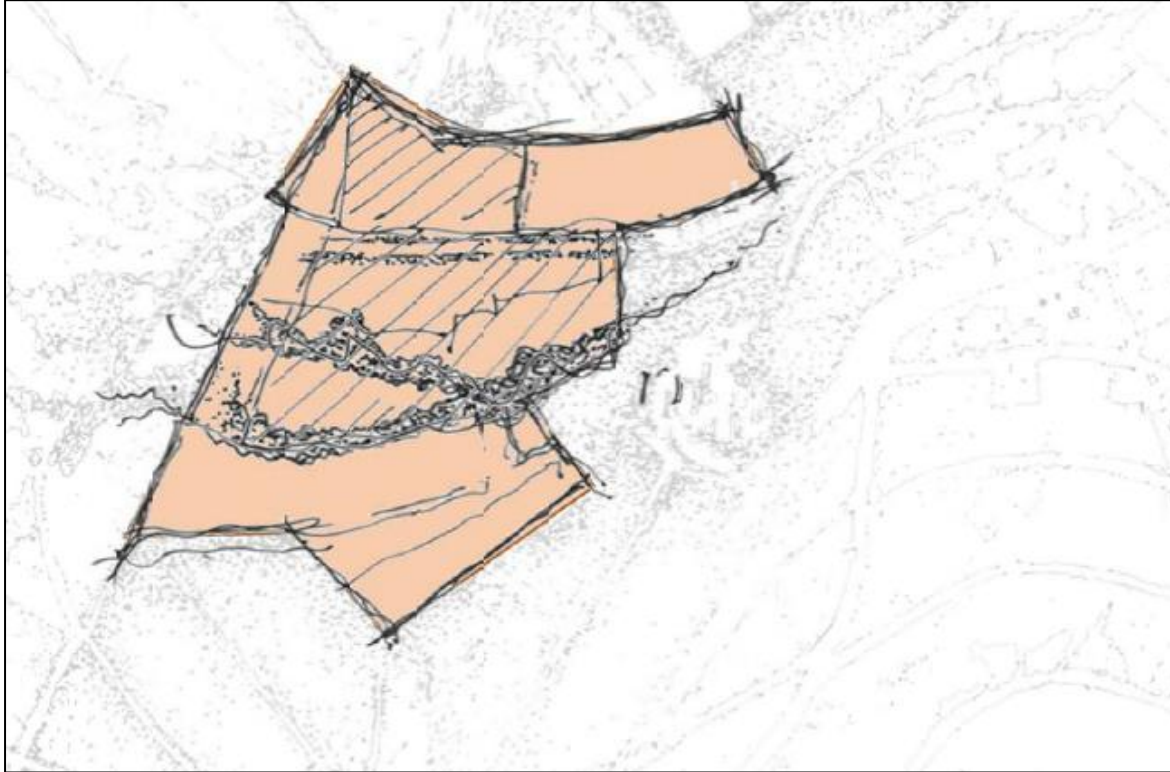


Figure 6 This 1934 topographic map clearly shows the beginnings of Kirstenbosch Drive with many small houses of Protea Village to the north of the road. Also marked is the Church of the Good Shepherd and the National Botanical Gardens, the Liesbeek River and the Bishops Residence (National Spatial Geographic Information, Department of Rural Development and Land Reform).

Each resident of the village was allowed a small portion of land for subsistence farming while rental was paid in kind to the landowner at the rate of a day's labour per week for a male member of the household. Certainly for the full duration of the 19<sup>th</sup> century and the earlier half of the 20<sup>th</sup> century the context of Protea Village was rural and agricultural

prior to the 20<sup>th</sup> century suburbanisation of the Liesbeek Valley. The villagers would have lived close to nature, surviving off what they could produce and sell in the nearest suburb – Claremont. Ample water was available from the Liesbeek while clean drinking water was obtained from the perennial spring (which flows to this day). Refer to Figure 7 for an indication of the area where the Protea Village community originally resided.



*Figure 7 Approximate Original Extent of the area inhabited by the Protea Village Community relative to Erf 212 and Erf 242 (area with diagonal lines) (source: David Gibbs, 2019)*

By the end of the 19<sup>th</sup> century, Cecil John Rhodes had procured almost every land portion along the eastern mountain slope between Tokai and Devils Peak as he wished to realise an ambition to create an enormous man-made landscape populated with exotic animals and trees that he could enjoy from his home at Grootteschuur, Newlands. He died before this could be completed, Grootteschuur Zoo being as far as he got with this ambition. He left his entire estate to the Nation. Kirstenbosch Gardens came into fruition in 1913. The development of the gardens was the start of a long relationship with Protea Village. Many villagers were employed on building the paths and continued to work at the gardens until the village was closed down. Hence there is a strong physical and social association with the Kirstenbosch Gardens. The construction of Rhodes Drive provided further employment with stone houses being built at Kirstenbosch to accommodate the staff. The three Stegmann's stone cottages which exist today were originally built as 6 semi-detached structures in 1913 and were occupied at times by people working at Kirstenbosch. There were also 3 "rondawels", since demolished (Katherine Gribble, Kirstenbosch Botanical Gardens *pers comms*).

The implementation of apartheid policies saw the development of Bishopscourt as a white residential area. From the late 1950's to 1964 some 120 families were evicted from Protea Village and re-settled at a variety of government built and notoriously dreary residences on the Cape Flats. The entire community was effectively broken up and dispersed, their dwellings were flattened and almost all traces of the village –



gardens, allotments and paths were expunged. The church and cemetery survived due to the apparent practise of the apartheid government to spare religious institutions. Despite being broken up and displaced, the residents of Protea Village have never lost their identity and their sense of association with the land on which they lived. The community, although mature in age, has remained intact and has successfully launched a land claim (granted in 2006), fended off a contestation of the claim and now has the right to seeks means to develop.



*Figure 8 The environment around Protea at in the 19<sup>th</sup> century. Afro-montane forest has been felled and replaced with conifers*

#### *5.1.1 The environmental History*

Early topographic maps are informative as they were based on ground-truthed information (Figure 6). A cluster of houses is depicted on Erf 242 in 1930, set in an apparently idyllic woodland environment – open mountain landscapes, forests and streams that lay beyond the urban edge at that time recalls a somewhat idyllic existence, however early photographs and the sequence of aerial photographs from 1944 onwards indicate an environment that was quite changeable (Figure 8 and Figure 9). Photographs of the late 19<sup>th</sup> century depict the area as having **fynbos**-type vegetation with stands of what appears to be exotic forest in places. Clearly by the late 19<sup>th</sup> century the Afro-Montane indigenous forests had been felled and replaced with a mosaic of eucalyptus and conifers (Figure 8, Figure 9 and Figure 10).



*Figure 9 Left: 1944. The village (yellow boundary) was a densely populated area. Large trees are few. Erf 212 was a mosaic of riverine vegetation and open areas. Right: 1974 shows that the site became covered in dense vegetation after forced removals.*

The 1944 aerial photograph is informative and relatively clear. Erf 242 was quite densely developed with rows of dwellings extending much further westward than the available land parcel today. Also visible are the agricultural allotments of land of the community on the southern side of the Liesbeek (Upper Bishopscourt Drive area) which today is upmarket housing. What is also apparent is that at this time Protea Village on Erf 242 was denuded of most large trees as the residents needed to utilise the land. Erf 212 contained a clearly visible field as well as several other open areas, however the riparian areas were heavily wooded. Contrasted with a 1974 aerial photograph (Figure 9), it is clear that vegetation growth accelerated after forced removals, and what is visible today, particularly on Erf 242 is largely a product of the apartheid-era abandonment of the site and the later arboretum. Erf 212 was also less densely vegetated with a clear mosaic of open spaces between the wooded riparian corridors of the Liesbeek River tributaries. It is interesting to note the degree to which the village area has been eroded by suburban development to the east and the loss of the agricultural allotments to the south to high end development (Figure 9).

It is clear that the physical context of Protea Village was never entirely wooded but varied between a heavily canopied site in the late 20<sup>th</sup> century and a mosaic of large trees, riverine bush, agricultural allotments and a fairly densely developed village in 1944. Even the 19th century images of Protea Farm showed a patchwork of open fynbos and non-indigenous forest (Figure 9).

#### 5.1.2 Village life

Ex-residents of Protea Village availed themselves to spend time with the author of this report, both on and off site. They presented a picture of village life and indicated places of significance that have survived on the affected erven.



*Figure 10 Protea Village - the long boundary wall appears to mark the edge of Kirstenbosch Drive. Note the stone pines, cleared areas and small fields in the background.*

Villagers had a very strong identity and sense of community. Informants speak of a place where generations had known each other for years, there were village traditions and elders within the community were the holders of knowledge, keepers of tradition and the dispensers of advice. Bishop Gray, the first resident at the Anglican Bishopric, played a role in engendering Christianity among the residents, who worshipped at a wood and mud church that was designed by Sophie Gray. This was known as the "Church of the Good Shepherd". In 1881 the increasing size of the

congregation necessitated the construction of a new church that was built with local stone. Evidently the villagers played a role in its construction, collecting Table Mountain Sandstone boulders from the nearby Liesbeek

River which were dressed on site. The church was not demolished and as in the past, continues to play a key role as a place of convergence for the community. The associated grave yard served the community in the past and still has a memorial garden

where ashes of deceased residents are placed to this day. Anne Ntebe described how the death of a villager would be accompanied by allowing the deceased to lie in-state within the family home, the use of the best white linen on the bed and finally the carrying of the deceased to the church.

Everything relating to community life happened within the village, which had its own school, and sports field on/near Erf 212. Today a pre-school is on the site of the second village school (demolished) immediately next to the Church and grave yard. The small shop (Hussein's Store) serviced the community's daily needs. Members of the community used the bus service (City Tramways) to commute to Claremont or nearby suburbs – the bus stops along Kirstenbosch Drive and the low wall by the shop where children would sit and wait are fondly remembered. A visible clearing among the trees on Erf 212 was indicated by informants as where the village sports field was situated. Rugby was important with the community producing some notable players.

The homes that made up the village were constructed in a mix of different forms and material. The majority of these were located on Erf 242. Some were brick, some stone and a number were made from iron (zinc) or enhanced with iron additions. Most villagers had gardens for small scale cultivation of vegetables. Wealthier people had a tap on their properties; however the reliable spring on Erf 212 was used by many people as a source of potable water. A number of residents owned their own homes but many residents paid rental. As may be expected, there was inevitably a resident who would supply liquor from an "informal" outlet. There was always a "relationship" with the Archbishop's residence on the adjacent property. Villagers were employed there and the informants told how, as children, they would go to the fence to "observe" the Bishop's garden parties which sometimes resulted in a libation of ice cream over the fence.

The wooded quality of the landscape was important to villagers. One informant narrated his distress at arriving on the dusty and featureless Cape Flats, and very much missed the tree cover which was a characteristic of Protea Village area. The trees provided shade for sporting events, enhanced the amenity value of the place for children and were a source of fallen branches that could be collected for firewood. The Liesbeek was not only a source of water, but informants spoke about the significance of the river as a place of recreation. People would pile boulders to create small dams that were used for swimming and leisure.

The process of forced removals was traumatic and at times families and their homes were moved with very little notice. It was not unusual for members of the community to come home from being at sea or at work to find their homes abandoned after their families had been forcibly removed, where-after followed a traumatic 'hunt' to locate relatives on the Cape Flats. The houses of Protea Village were bulldozed to the extent that very little visible fabric has survived on the site. Its conversion to an open area circa 1974 and subsequent rezoning as agricultural and general residential has seen it re-landscaped, greened and sanitised of its history. Despite this, the old community has remained united and is now in a position to commence reconstruction.

## **5.2 The land claim and disputes**

Following on the passing of the Land Rights Restitution Act 22 of 1994 in the first year of South Africa's democracy the Protea Village community launched a claim in 1995. In 2006 the claimants were successful and the machinery was set in motion to return the erven 212 and 242 for their use. However in 2009 members of the Bishopscourt



community, particularly residents who lived adjacent to Erf 212 sought to contest the land claim taking the Minister of Land Affairs, the Regional Land Claims Commissioner, the Protea Village Action Committee, Botanical Society and City Council to court seeking the overturning of the agreement reached in 2006. The applicants wished to maintain their quality of life adjacent to what is referred to the “arboretum” and the scenic qualities of the upper reaches of the Liesbeek. The nature of the dispute focussed on the rights of the Protea Villagers with respect to Erf 212 which was open space that was not used by the villagers for residential purposes, and also challenged the nature of “community” which refers to the very essence of the nature of Protea Village posing a point of view that Protea Village was a “congregation” associated with the Anglican Church. This particular court challenge sparked a great deal of research into the history of the village, particularly oral history in which the work by Ms Sally Gross and the District Six Museum played a significant role. The judgement found in favour of the respondents cementing the recognition of the concept of community and recognised that the villagers historically exercised control over Erf 212 which was set aside as a common amenity. Hence, a great amount of time has elapsed and many impediments dealt with since the community launched their land claim in the 1900s. A number of people have passed away before they could see the fruition of their efforts and many original villagers are getting increasingly elderly. It is appropriate that a swift process within the heritage compliance authority be enacted so the redress can be completed.

## **6 The site today and surviving places of memory**

Both Erven 212 and 242 function as an open area accessible to the public (but are not zoned or maintained as Public Open Space).

Erf 212 is most recently described as an “arboretum” (established mid-1990s). This attractive and well-cared for parcel of land has the tributaries of the Liesbeek River flowing through its southern edge creating a leafy riverine corridor with water flowing over a rocky riverbed most times of the year. There is a riverside walking path that is valued by local residents for walks and recreation. Occasional ropes affixed to tree boughs show that local children frequently use the site. A visible clearing among well-established oak trees marks the area where the community sports field used to be. On the eastern end of the erf are three large ponds and an associated wetland fed by a rivulet that flows from the spring which is roughly in the centre of the property. The spring itself is a rather delightful enclave of ferns and water under a shady leaf canopy. It has been formalised in places with brick paving. The pipe which was laid in historic times to take water to the Archbishop’s residence is clearly visible. Interestingly the water was flowing steadily during one of the most intense droughts experienced in the region. It is indicated by past residents as being a place of significant memories to the community.

Erf 242 was historically the residential area of the village where the majority of the private dwellings were built. The site is also used (but not zoned as) as public open space. The majority of the site is used for parking for the well-known Kirstenbosch Craft and Food market once a month, and serves as additional but critical parking for the Kirstenbosch summer concerts. As with Erf 212, the site has the appearance of having been sterilised of all traces of human residence. Today the site has a park-like quality – a grassy expanse of land, well shaded by a variety of mature trees. A significant amount

of the original foot print has been absorbed into the Riverside Road area of Bishopscourt with the result that the land parcel available for development is significantly reduced.

### 6.1 Places of significance that have survived on site.

The following spaces on the site have been identified as being of significance.

**Spring:** On Erf 212 informants pointed out the spring (Figure 11) as a place of very high significance and expressed a desire that it be declared as a heritage site or protected area, at least at Provincial Level

**Bus stops:** Bus stops which existed on Kirstenbosch Drive appear to be largely defunct today but the places are marked with the remnants of signboards which still stand. Notable

is the stop opposite Hussein's Store, which together with the bus stop was a natural gathering area (Figure 12).



*Figure 11 The spring which is a special place of memory is still present and flowing on Erf 212. The community would like to see it celebrated and proclaimed a heritage site.*



*Figure 12 Largely dis-used bus stop on Kirstenbosch Drive.*

**Clearing:** A large clearing among the trees marks the location of the sports ground.

**School steps:** Just outside the project area near the site of the church and pre-school are the stone steps (now from Winchester Road) that led up to the Protea Village Primary School. This building made of weather board in the mid-20<sup>th</sup> century was the

second school built at Protea Village. It has since been demolished and replaced with a pre-school which serves the neighbourhood (Figure 13).



*Figure 13 The old school steps to the west of Erf 212.*

**Trees,** especially mature oak trees (Figure 14), are among the few features that have survived since the days of the forced removals. These, together with the Liesbeek itself, are remembered by people. Unfortunately some of these trees are now reaching the end of their lives and will need to be felled or risk falling during winter storms.





*Figure 14 The tree lined verges and cobble stone gutters along Kirstenbosch Drive.*

On Erf 242 surviving remnants are: the small shop which is now an urban café in Bishopscourt was previously Hussein's Store. Adjacent to the store is a short stretch of wall which served as a seat.

**The riparian zone.** (Figure 15) It has been asserted in a number of studies in the Liesbeek River Valley that the Liesbeek has a singular significance as being the site or frontier of early antipathy with local Khoikhoi groups over the loss of grazing land. Protea Village was once part of this frontier and shares the same significance. It is noted that HWC has declared the large site known as TRUP and the River Club Site as Provincial Heritage Sites for this reason.



*Figure 15 One of the three pools fed from the spring that is part of the wetland area in the riparian zone. The entire system as well as the Liesbeek and its tributaries will be conserved as public open space. This photograph was taken at the height of the 2018 drought.*

## **7 Heritage Indicators**

### **7.1 Landscape, setting and visual character**

The Sylvian landscape of the project area in its original wooded setting on the lower slopes of Wynberg Hill/Bishopscourt has changed significantly since the start of the 20<sup>th</sup> century. The urban edges of Claremont, Wynberg and Bishops Court have now engulfed the site on three sides – what was Protea Farm is now one of Cape Town's most wealthy suburbs: a patchwork of leafy erven and homesteads built on the Peninsula's finest agricultural ground. Although the project area retains a wooded shady green quality, and is somewhat reminiscent of what the area looked like in the past, one must consider that albeit a strikingly attractive area, its quality is in part a result of the apartheid period of forced removals and sterilization of the site. Houses and schools were flattened, people were relocated and the area effectively re-landscaped as an urban park. If one were to consider the cultural setting in a way that is true to history, this is a place where people lived for a long time. There were houses, fields and vegetable gardens, schools and sport fields. Certainly trees were a very important part of the environment, especially on Erf 212 but to a lesser degree in the residential area as well. The trees provided the visual continuity of the site with Wynberg Hill, the wooded eastern slopes of Table Mountain, Constantia Nek and Kirstenbosch. The wooded quality of the site within the Bishopscourt context set immediately adjacent to Kirstenbosch Gardens and the Table Mountain National Park buffer zone is a strong indicator that perhaps contributes most to the sense of place. The photographic evidence provided indicates that the canopy varied overtime but thickened after the forced removals. While the tree cover can be considered a heritage indicator, the history of the site suggests that undue significance must not be placed on them. Vegetation comes and goes, trees have a finite life after which they must be re-planted.

#### *7.1.1 Proposal responses*

HWC indicated that they considered the tree canopy to be a major heritage indicator as "the 1945 aerial photograph" indicated their interim comment. While the project consultants agree with the importance of the tree canopy, it is asserted that the canopy as it is today has densified after the forced removals. The 1944 and 1974 images (1945 aerial was not located, 1944 used instead) demonstrates this very clearly (Figure 7). It is not possible to retain all trees and develop the site, however the site layout, particularly Erf 242, has been re-designed to include open spaces and as many trees as possible. Old trees and trees that are clearly in the way will need to be felled, however this will be accompanied by replanting. Indications are that a tree cover similar or better than that of 1944 can be achieved through re-planting, conscious conservation and encouragement of the tree-ed environment in the riparian areas.

### **7.2 The Liesbeek and its tributaries**

This attractive area has had huge value to inhabitants and continues to play an important role in the quality of the area. In keeping with the trend of successful rehabilitation of the Liesbeek in recent years Erf 212 presents the opportunity for both the conservation and creation of a high quality public open space and riverine zone which can continue to be enjoyed by the public. This key element which needs to be

framed in a generous buffer zone (see fresh water ecology report) will help impart and continue the woodland quality of the area.

The spring, which is situated in the wetland part of the site, is considered a very important place of memory by the community. Set in the wetland context of trees, shrubs, greenery and ferns it remains a place of delight on Erf 212. The ex-residents have indicated that it is not only a social space but embodies the qualities and character of Protea Village. They have asked that the site be graded and declared which would require that a nomination for declaration be submitted to HWC. If this were the case, the spring can be considered worthy of Grade 2 status.

#### *7.2.1 Proposal responses*

HWC has found in favour with the suggested grading of the spring and also strongly suggested that the development plan for Erf 212 be modified to include direct public access to the spring through the residential area from Erf 242. HWC's response was considered and sketch drawings developed for consultation with the leadership of the returning community. The financial implications of doing this were re-tested and it was found that three residential plots would need to be lost at a cost of approximately R10 million which would impact the sustainability of the returning community, the financial sustainability of which is a tight balance. Furthermore there are a number of environmental issues that need consideration.

The recent experience of Newlands Spring, St James spring and others in public areas has seen a massive interest in the collection of natural water. Crowds at Newlands resulted in the closure of that facility while the St James spring experiences a queue from 4:00 am most days, even after the lifting of water restrictions. With direct public access similar scenarios are a certainty at the Protea Spring which has a strong perennial water flow and is set within a vulnerable natural environment. The Protea Village community has indicated that direct access from Kirstenbosch Drive is not favoured by them as they envisage the spring to be a quiet meditative place that is better accessed by the proposed network of forest paths along the Liesbeek, a place of related and shared significance.

### **7.3 Other surviving places of significance**

Many of the surviving places of significance lie **off** the site – notably Hussein's store and bus stop, the school steps, and the Church of the Good Shepherd. These will not be physically affected by the new proposed development but are likely to become enlivened by the return of the residents.

Kirstenbosch Drive is a historically important road and place of memory that will be affected by the development. Today, it is a slightly informal tree-lined avenue and an important scenic access route to Kirstenbosch. The mature trees that line the drive and the backdrop of wooded landscape render a patina to the street which will change because of the development. It is important that as much of the quality of Kirstenbosch Drive is conserved through the retention of wide informal verges, mature trees and the historic cobbled roadside gutters that remain in place today. In short, changes to the road should be kept to minimum.

### 7.3.1 Proposal response

The development proposal envisages only a single entrance into the residential area (Erf 212) and access immediately opposite to Erf 242. This means that Kirstenbosch Drive will remain largely as is. There is a development set back to protect the sense of place of the avenue, furthermore, dead oak trees would be replaced and new, appropriate trees would be inter-planted along the affected segment of Kirstenbosch Drive in order to maintain the tree-lined avenue.

## 7.4 Archaeology

The apartheid regime seems to have been particularly efficient at ridding the site of evidence of previous habitation. On first appearance the site is pristine and sanitised, however there is a likelihood that floors, paths and wall footings will have survived in places although there is very little to be seen on site today. These are likely to become apparent during redevelopment of the site. There is also a large 20<sup>th</sup> century dumping area (between the tributaries of the Liesbeek) that burned for years after the forced removals. It is expected that this will not be of archaeological interest due to its young age. The need for archaeological mitigation of possible foundations of 19<sup>th</sup> and 20<sup>th</sup> century structures of likely moderate significance needs to be balanced against the time and cost of the work as opposed to the need for restorative justice. It is our view in this instance that the benefits of archaeological mitigation on what appears to be a damaged and fragmented site are not high compared to the benefit of getting the community back onto site as timeously as possible.

## 7.5 The organic layout of Protea Village

There are no clear maps of the layout of the original Protea Village. The map reconstructed by NM Associates 2010 (Figure 16) is not dissimilar to the appearance of the village depicted on early topo-cadastral maps of 1934, however the 1944 aerial photograph (only 10 years later) depicts a dense village consisting of rows of houses arranged across the site in a northwest – southeast direction, either back to or facing roughly downslope. There is little tree cover and the site appears quite crowded. By this time the quality of a forest glade village had changed.

### 7.5.1 Proposal response

It is argued that there is no merit in taking cues from the prior historic village as a heritage informant for the renewed design. Today there is far less space available and furthermore the returning community wishes to enjoy a reasonable standard of living in modern dwellings. They wish to benefit from modern services that need to be included in the layout, and have requested the consultants to provide them with an erf size of 300m<sup>2</sup> for each of the proposed 86 plots. The priority of the community is to return to their original village site. For them that is the main heritage

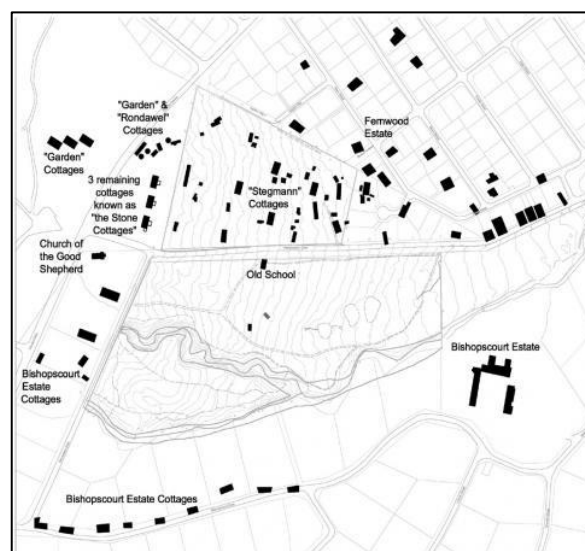


Figure 16 Compilation of maps prepared by NM Associates identifies the likely footprints of cottages of Protea Village, Fernwood and surrounds. The highest concentration of buildings was on Erf 242



consideration, and it is this priority that the development consultants have tried to meet, whilst retaining as much of the character of the area as possible.

## 8 The development proposal

Detailed drawings are presented in **Appendix D**. The evolution of the development proposal is a long one, the various iterations tested and alternatives assessed will be unpacked in more detail in the Basic Assessment Report, to be published at a later date. The original design of NM Associates was the first concept that was subjected to environmental and financial testing. While the proposed school on Erf 212 was welcomed as a source of immediate start-up funding it meant that part of Erf 242 had to be used for private development resulting in erven of some 180m<sup>2</sup> each for the returning villagers. Furthermore, specialist tree and wetland studies further decreased the available land for redevelopment (Figure 17 and Figure 18).

The small plot size did not meet the aspirations of the returning community who wished for 300m<sup>2</sup> per plot. This saw the project go back to the drawing board for further development.



Figure 17 Design informants with conservable trees and wetlands indicated. The spring is marked by the blue arrow





Figure 18 The combination of heritage and natural buffer zones. The spring will be conserved in a wetland context.

### 8.1 Buffer zones

Mammon 2004 indicated that almost all the site was developable apart from the riverine zones. The heritage no-go zone includes the wetland areas (which) include the spring and riparian areas which will be the project buffer zones (Figure 19).



Figure 19 the revised proposed layout (February 2018) showing the buffered areas to be conserved and the erven set aside for development.

The proposal under assessment (Figure 19 and **Appendix A**) in this study is considered the best option to date which will see some  $\pm 33\%$  of the overall landscape retained as open space. The essential goal of the development is to return the previous residents back to their new homes on the ancestral property. The ambition is to provide each of the 86 claimant families with a reasonably comfortable home that will be acceptable within the current urban context. The cost of building the 86 homes will be significant. To achieve this, parts of the site will be sold for high value residential development to raise the funding needed for financing the construction of the claimant's homes. In order to create these necessary financial resources, the community is required to dispose of high value land (on both a freehold and leasehold basis) from the 12.35 hectares they were awarded. It is currently estimated that:

- $\pm 12\%$  of the total land area of Erf 212 and Erf 242 will be transferred to third-parties to fund the development;
- $\pm 33\%$  of the area will be retained by the City of Cape Town for Public Open Space;
- $\pm 10\%$  of Erf 242 will be transferred to the City of Cape Town for the purposes of Public Open Space and Public Streets;
- $\pm 1.75\%$  will be transferred to the Home Owner's Association (Private Street); and
- $\pm 43\%$  of the area will be retained by the Protea Village CPA Community Members

The challenge is to balance the development requirements of the Protea Village Community with the need to respond to both heritage and ecological indicators. Being a riverine area with associated ponds and wetlands, the ecological requirements (which strongly overlap with heritage indicators) are significant. The project team has reached

a position where a development proposal has been designed that satisfies the broad range of conservation requirements, and will hopefully in its revised form satisfy heritage concerns.

## **8.2 Claimants housing**

It is proposed that the resident community's houses would be built on Erf 242 north of Kirstenbosch Drive. This is historically the residential portion of the site, which today has been cleared of building fabric and is a patchwork of meadows and trees that is used as informal parking for Kirstenbosch Food and Craft Market and summer concerts. The erven which will be based on a conventional street grid will consist of:

- 86 Residential Stands of some 300m<sup>2</sup> each + 86 Homes for the claimant community,
- Incorporating green public open spaces & public streets,
- Architectural guidelines to maintain Integrity
- Retain as many mature trees as possible
- Access to the residential area will be via an access road off Kirstenbosch Drive – subject to TIA.

While this moderately dense development does not reflect the spacious upmarket character of greater Bishopscourt area, the retention of significant mature trees along with new planting and open space will help retain the texture of the suburb. It must be born in mind that this is a restorative justice project that will provide quality homes for the affected community within the economics of the overall project. The latest proposed layout (of 2019 February) is an improvement on previous iterations. It is a little more organic, retains more of the significant trees and shady open space which been worked into the planning and provides a shaded environment. New tree planting is proposed for the road verges.

## **8.3 High value private housing**

Erf 212 which was previously communal land linked to Protea Village that contained a school, sports ground, the Liesbeek wetlands and spring will contain a lower density development to be sold privately. These will be larger stands aimed at the high value residential market. The development would consist of:

- larger residential stands for private sale including a complex of townhouses along Kirstenbosch Drive.
- Serviced by private internal roads
- Architectural Guidelines to maintain Integrity
- Retention of mature trees identified in the tree survey of the site. (The tree survey was done by Planning Partners is an in-depth peer reviewed study (Paul Britton) which has seen the grading and identification of all trees greater than 100 mm stem circumference. This study will be published with the Basic Assessment Report, at a later date).
- Access off Winchester Drive

- There is a generous allocation of public open space, which will include the spring, the three ponds, the Protea and Window streams and their convergence into the Liesbeek. The public open space will contain mature trees, landscaped stormwater management pond areas, parking for the public and a network of riverside walks.
- The latest development plan includes the planting of trees with Erf 212 that will in time regenerate the tree canopy.

#### **8.4 The no-go alternative**

The no-go alternative sees development within existing rights (Erf 242 general residential and Erf 212 agricultural). Although this may be neutral in terms of heritage impacts, it denies the key heritage of the site and that is to return the displaced residents back to Protea Village. Exercising of agricultural rights could see much of site cleared of vegetation as well as fencing off of the site to prevent trespassing by the public. In heritage terms it is not supported. The existing rights are as follows:

- Residential and agricultural buildings as allowed in terms of zoning, however changing the character of the site may trigger an HIA process.
- No development would occur within the river and riparian zones including the maintenance of a 50 m buffer from the spring;
- Less than 10 cubic metres of soil, sand, shells, shell grit, pebbles or rock would be excavated, filled or moved within the wetland areas;
- Less than 300 square metres of indigenous vegetation would be cleared (noting that most indigenous vegetation occurs within the riparian zones, with a small number of trees being indigenous);
- If any livestock are to be introduced to the site, it would be below the following thresholds:
  - 20 square metres per large stock (i.e. horses) and less than 500 in total;
  - 8 square metres per small stock unit (e.g. pigs, chickens, etc.) and less than 1000 in total, unless pigs are kept which would then be less than 250;
  - 3 square metres per rabbit and less than 500;
  - 250 square metres per ostrich/emu and less than 50.

### **9 Grading of the site**

Given the context of the site as an aesthetically significant cultural landscape, on these grounds alone Grade IIIA (high local significance) is suggested in recognition of the long and somewhat traumatic history of the site. This grading is not suggested as a development restrictor but recognises the special significance of the place. Within this a grading of Grade 2 (worthy of provincial declaration) for the spring is supported as per the wishes of the returning community. It is also argued that the return of the community to this site should be considered as an important historical event which in itself enhances the significance of the site even after it is developed. The recent grading of certain open land along the Liesbeek as grade 2 on account of the river being an important historical landmark applies no less to the riverine parts of Erf 212.

It is therefore recommended that the areas of the 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.

## **10 Impacts on heritage**

It is necessary to take cognisance of the fact that the delightful wooded riparian enclave that is so admired and enjoyed today is largely anthropomorphic and an artefact of unjust circumstances, however its existence has set the tone of the area and requires measured acknowledgement in the proposed development to achieve a tree cover density similar to that which existed in 1944. The main heritage indicator that is reflected on independently by both the author of this report and David Gibbs (visual impact assessment) is the sylvian quality of the area set against its backdrop of Table Mountain, however it must be acknowledged that this was a place where people lived with associated impacts – people, vehicles, agriculture and pollution. The “pristinity” that is there today does not reflect the character of the site as it was in the past. In the Visual Impact Assessment specialist study, David Gibbs has made recommendations about soft edge treatments, particularly along the sensitive and historic Kirstenbosch Drive which passes through the project area; and the critical retention of healthy mature trees where ever possible, on the edge of and within the proposed development. The reservation of some 33 percent of the site as a riparian zone is supported and encouraged, however there are further issues that require comment.

### **10.1 Kirstenbosch Drive**

It is inevitable that the experience of Kirstenbosch Drive would change. The forest and grassy glades will be replaced by suburbia on both sides. Part of the development plan involves a row/town house type of development along the south side of Kirstenbosch Drive on Erf 212 which will impact the quality of the space. This form of development is not common place in this suburb and will “jar” with the texture of the area.

#### *10.1.1 Mitigation*

Measures must be taken to soften this impact. Already in place is a good setback from Kirstenbosch Drive, however diversifying the building forms and roof-scapes would help along with tree conservation where possible.

Ideally, apart from the intersection for the new Protea Village, Kirstenbosch Drive should remain as untouched as possible. Bus stops should be re-instated where they are needed. Hard concrete curbs must be avoided, and new planting implemented to compensate for any trees that need to be felled. The cobble rain gutters must remain in place and the soft interface of road and surrounds maintained and enhanced.

### **10.2 Architectural guidelines**

Design guidelines will be implemented. On Erf 212 such guidelines should be fairly limited as the architectural qualities of Bishopscourt are very eclectic ranging from conservative single story bungalows to grand mansions and modernist buildings of up to 3 stories in height. The common characteristics of the houses are that most are on large erven arranged on loose a grid system. The majority of properties have a lush garden and a canopy of mature trees which is a major contributor to the urban quality. It is important that there is variation in the design of homes to create some harmony with

the diverse architecture of the suburb. Final design guidelines must be submitted to HWC for their comment if they request this.

### **10.3 Loss of forest and meadows**

Planning Partners has conducted a tree study, which has also been independently peer reviewed, and identified trees that must be removed because they are unsafe, alien invasive trees which must be felled as well as healthy mature indigenous or non-invasive trees that should be retained. The development activities will see temporary thinning of the tree canopy and loss of the meadows that will be developed. Note that more detail on the tree survey and peer review thereof will be provided in the Basic Assessment Report, to be published at a later date.

#### *10.3.1 Mitigation*

Mitigation of this will, –in part, be through planting of new trees, the retention of as many mature trees as possible and the creation of the riparian public open space that will see conservation of significant trees, wetland areas, ponds and the spring. The conservation of a large area of riparian land as public open space is a significant contribution to mitigation.

### **10.4 The spring**

The spring will not be affected by the development, and in itself it is a charming shaded fern-rich area with strong natural qualities. It is strongly recommended that public access to the spring not be overt but rather achievable by taking the adventurous network of forest paths. There is concern that too much public access would create environment and management issues and degrade the quality of the place.

#### *10.4.1 Mitigation*

The community has asked for its declaration and celebration – an idea that is supported by this study however the details of which should be a separate landscaping and interpretation project. Overall it must be recognised that the community is returning to a smaller piece of land without the traditions or form of the original Protea Village. The spring symbolises that past for the community. They wish it to be conserved, and for reasons mentioned above, covertly public.

## **11 Overall response to heritage indicators and impact assessment**

The identified heritage indicators are in close synergy with the ecological and visual character of the site which all acknowledge the importance of trees, wetlands and open areas. The development proposal has responded well to this by ensuring that the most sensitive and attractive areas of the site will not be developed. It is accepted that the new village on Erf 242 will be an estate as the economics of the site, the ecological and heritage restrictions render this the best way forward. The up-market Erf 212 development is not overtly greedy and contributes greatly to public benefit by conservation of the riparian areas. Further mitigation is needed for conserving the rural quality of Kirstenbosch Drive and ensuring that over-regularity of the structures does not cause visual contrast with the existing texture of the area.



<b>Alternative 1 :</b>	
<b>PLANNING, DESIGN AND DEVELOPMENT PHASE</b>	
<b>Potential impact and risk:</b>	<b>Destruction of archaeology. Change to Kirstenbosch Drive</b>
	<b>Loss of forest and meadows in site preparation</b>
Nature of impact:	<b>Possible destruction of footprints of structures (if any have survived), loss of meadow areas and trees, loss of amenity value for locals.</b>
Extent and duration of impact:	<b>Local impact, permanent duration.</b>
Consequence of impact or risk:	<b>Loss of some archaeological/historical information and visual character</b>
Probability of occurrence:	<b>Possible</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Moderate archaeological significance</b>
Degree to which the impact can be reversed:	<b>Moderate reversal possible with mitigation</b>
Indirect impacts:	<b>n/a</b>
Cumulative impact prior to mitigation:	<b>n/a</b>
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	<b>Medium (-)</b>
Degree to which the impact can be avoided:	<b>Low</b>
Degree to which the impact can be managed:	<b>Medium (-)</b>
Degree to which the impact can be mitigated:	<b>Medium (with positive outcomes)</b>
Proposed mitigation:	<b>Monitoring of site preparation, recording and sampling where needed.</b>
Residual impacts:	<b>n/a</b>
Cumulative impact post mitigation:	<b>Low accumulative impact</b>
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	<b>Low (+)</b>
<b>OPERATIONAL PHASE</b>	
<b>Potential impact and risk:</b>	
Nature of impact:	<b>Loss of forest and meadows off-set by conservation of riparian areas. The spring to be conserved</b>
Extent and duration of impact:	<b>Local and permanent</b>
Consequence of impact or risk:	<b>Change to sense of place and some inconvenience for locals, change to approach to Kirstenbosch</b>
Probability of occurrence:	<b>Likely</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Resources can be technically restored but this is unlikely to happen</b>
Degree to which the impact can be reversed:	<b>Impact can be reversed but this is unlikely to happen</b>
Indirect impacts:	<b>n/a</b>
Cumulative impact prior to mitigation:	<b>Loss of rare urban green space</b>
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	<b>Medium High (-)</b>
Degree to which the impact can be avoided:	<b>Moderate</b>
Degree to which the impact can be managed:	<b>Medium</b>
Degree to which the impact can be mitigated:	<b>Medium-high (+)</b>
Proposed mitigation:	<b>Creation of riparian public realm, retention of significant trees, soft edge landscaping of Kirstenbosch Drive</b>
Residual impacts:	<b>n/a</b>



Cumulative impact post mitigation:	n/a
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium
<b>DECOMMISSIONING AND CLOSURE PHASE</b>	
<b>Potential impact and risk:</b>	
Nature of impact:	n/a
Extent and duration of impact:	n/a
Consequence of impact or risk:	n/a
Probability of occurrence:	n/a
Degree to which the impact may cause irreplaceable loss of resources:	n/a
Degree to which the impact can be reversed:	n/a
Indirect impacts:	n/a
Cumulative impact prior to mitigation:	n/a
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	n/a
Degree to which the impact can be avoided:	n/a
Degree to which the impact can be managed:	n/a
Degree to which the impact can be mitigated:	n/a
Proposed mitigation:	n/a
Residual impacts:	n/a
Cumulative impact post mitigation:	n/a
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	n/a

<b>No-Go (i.e. development within existing rights) Alternative:</b>	
<b>All phases</b>	
<b>Potential impact and risk:</b>	<b>The site will change as it will be prepared for farming</b>
Nature of impact:	<b>The return of the original residents to the site is a positive heritage impact in its own right. Lack of redress which will be the negative impact of the no-go scenario fails to acknowledge the deep history of the area – a place that has seen continuity of its slave occupants since the earliest days of the colonial settlement.</b>
Extent and duration of impact:	<b>Permanent</b>
Consequence of impact or risk:	<b>The site will remain imbued with an unfortunate heritage</b>
Probability of occurrence:	<b>High</b>
Degree to which the impact may cause irreplaceable loss of resources:	<b>Medium</b>
Degree to which the impact can be reversed:	<b>Low</b>
Indirect impacts:	<b>Indirect long-term social impacts which are closely related to heritage impacts</b>
Cumulative impact prior to mitigation:	<b>n/a</b>
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	<b>Medium</b>
Degree to which the impact can be avoided:	<b>Medium</b>
Degree to which the impact can be managed:	<b>Medium</b>
Degree to which the impact can be mitigated:	<b>Medium</b>
Proposed mitigation:	<b>Allow claimants return to site</b>
Residual impacts:	<b>n/a</b>

Cumulative impact post mitigation:	n/a
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium high (+)

## 12 Conclusion

The restoration of the Protea Village community will have a tolerable, and in some ways positive impact on the main heritage qualities of the site in that the proposed development acknowledges the natural qualities of the place and has achieved a good balance between development and retaining riverine and forest areas as public open space. The return of the villagers to their ancestral area represents a closure of a circle of history that started with the alienation of indigenous pastoral communities from their traditional lands, to slavery and emancipation, forced removal and finally the return of the families of early inhabitants who have had an association with the place for 200 years or more. The return of the residents brings a particular unique heritage significance to the site, which is why it is suggested that a grade IIIA status is fitting for the area. While the normal application process is used for planned developments, the grading alerts the authorities to be on the alert for proposed activities that could negatively affect the site and its history.

### 12.1 Recommendations

- It is recommended that the areas of the 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.
- Provided that mitigation as indicated in the specialist studies is carried out, and that any conditions that HWC may request are met, it is recommended that the proposed activity be timeously approved.
- In terms of archaeological evidence, indications are that the site has been extensively disturbed. Subject to requirements of Heritage Western Cape, the value of archaeological research on this site seems limited. However a precautionary monitoring brief during site preparation is appropriate.

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