

**APPROVED MINUTES OF THE MEETING OF HERITAGE WESTERN CAPE (HWC)
ARCHAEOLOGY, PALAEOLOGY AND METEORITES COMMITTEE (APM)
HELD ON 4 AUGUST 2021, WEDNESDAY ON MICROSOFT TEAMS CAPE TOWN AT 09:00 AM**

1. Opening and Welcome

The Chairperson, Dr Lita Webley officially opened the meeting at 9:00 and welcomed everyone present.

2. Attendance

Members

Dr Lita Webley (LW)
Mr John Gribble (JG)
Ms Emmylou Bailey (EB)
Ms Cecilene Muller (CM)
Dr Ragna Redelstorff (RR)

Members of Staff

Ms Aneeqah Brown (AB) Secretariat
Ms Stephanie Barnardt (SB)
Ms Zikhona Sigonya (ZS)
Mr Olwethu Dlova (OD)
Ms Penelope Meyer (PM)
Ms Waseefa Dhansay (WD)
Ms Cathy-Ann Potgieter (CAP)

Visitors

Wouter Fourie
John Parkington
Ilse Locher
Schalk Boshoff
Wilhelmina Seconna
Andrea Gibb
Kim Gordon
Jonathan Kaplan
Willem Ritche
Jayson Clark
Jennifer Booth
Jenna Lavin

Observers

None

3. Apologies

Dr Jayson Orton (JO)
Dr Wendy Black (WB)
Ms Ayanda Mdludlu (AM)

Absent

None

4. Approval of Agenda

4.1 4 August 2021

The Committee approved the agenda dated 4 August 2021 with additions and amendments.

5. Approval of Minutes and Matters Arising from Previous Meeting

5.1 16 July 2021

The Committee reviewed the minutes dated 16 July 2021 and resolved to approve the minutes after minor amendments had been made.

6. Disclosure of Interest

- 6.1** JG – Item 28.4
RR – Item 29.1

7. Confidential Matters

- 7.1** None

8. Appointments

- 8.1** Item 10.3 Clanwilliam Dam -Rock to be removed for long term storage @ 10:00

- 8.2** Item 31.1 Proposed Tooverberg Wind Energy Facility on Remainder & Portion 1 of Farm 244, Witzenberg @10:30

9. Administrative Matters

9.1 Outcome of the Appeals

CAP reported back on the following items;

- 1. Proposed Alterations and Additions, Erf 1444, 24 Davenport Road, Vredehoek, CT34-A&A
HM/CAPE TOWN METROPOLITAN/VREDEHOEK/ERF 1444
Case No: 21020115KB0202E
Appeal against BELCom's decision to approve the application was dismissed.**
- 2. Proposed Alterations and Additions, Erf 55, 85 Church Street, Elim, CTS27
HM/OVERBERG/CAPE AGULHAS/ELIM/ERF 55
Case No: 191024LB1126E
Appeal against HOMs decision to issue a Stop Works Order upheld with the resolution that a Heritage Agreement must be entered into to protect the existing character of the street-facing facades.**
- 3. Notification of Intent to Develop: Proposed Clearance of Vegetation on Rem of Erf 558, Garden Route National Park, Knysna. CT38(8)
HM/GARDEN ROUTE/KNYSNA/REM OF ERF 558/GARDEN ROUTE NATIONAL PARK
Case No: 210521111SB0527E
Appeal against HOMs requirement for an HIA was upheld.**
- 4. Notification of Intent to Develop: Proposed Rezoning on Erf 7614, Knysna, CTS38(1)
HM/EDEN/BITOU/KNYSNA/ERF 7614
Case No: 21030213SB0216E**

Appeal against HOMs requirement for an HIA was upheld. The Committee raised concerns over the fact that the Appeals Committee referred this matter to the APM Committee, which had advised that a full HIA comprising of specialist archaeology and paleontology studies was necessary. The Appeals Committee did not reflect this in their decision, instead resolving that no further studies were required. The Committee was concerned of the fact that the advice was not incorporated into the Appeals Committee's decision. Legal to raise the query with the Appeals Committee.

**5. Letter issued in terms of Section 51(1)(c) of the NHRA and Regulation 3(3)(a) of PN 298 (29 August 2003)
HM/CAPE WINELANDS/DRAKENSTEIN/PAARL/ERVEN 2139 & 5213**

Case No: 21012103SM0127E

Appeal against HOMs decision to issue a S51 letter is upheld, and the Committee recommended that charges be laid. The Committee further recommended that a Stop Works Order be issued.

**6. Notification of Intent to Develop: Proposed fencing on Rem of Farm 94, Klein Melkbosch, Blaauwberg, Cape Town.
CTS38(4)**

HM/CAPE TOWN METROPOLITAN/BLAAUWBERG/REM OF FARM 94

Case No: 21051908SB05212E

Appeal against HOMs requirement for an HIA was dismissed.

9.2 MSP Government Stakeholder Communication- Marine Sector Development Review

The Committee noted that this document falls outside its brief as it is a SAHRA matter. However, HWC had specifically been asked to comment. JG noted that he had sent his comments to SAHRA directly. He was asked to circulate his comments to the APM Committee, and the members were requested to add any additional matters. The item to be tabled at the next APM.

9.3 Proposed development of an amaryllis bulb production facility on ptn of Farm 10 of Farm 180, Zandkraal

The Committee noted that having access to the NID documentation clarified the decision of HOMs. However, they noted that the area was of potential archaeological interest. HWC staff would circulate NID applications which would benefit from specialist input, to the Committee, as required.

9.4 Proposed rezoning for group housing, eco estate plots, a small apartment, etc. on REM of Cape Farm 1529 and Erf 5112, Kommetjie

The Committee's request for specialist studies in archaeology and paleontology had been overturned by the IACom who had requested archaeological and palaeontological monitoring instead. This was based on the 2015 AIA which was still considered relevant.

10. Standing Items

10.1 Erf 4998, Sayers Lane, Simons Town (Reburial)

HWC had been informed that it seemed that groundworks had begun on the property. Although the erf had been cleared of human remains by ACO Associates in 2019, concern was expressed as to the potential impacts to human remains under the road reserve and in adjoining properties. The Committee noted that any trenching for services would have to be flagged and would require monitoring. A site inspection would be undertaken by HWC staff on the 10th August 2021.

10.2 Amsterdam Battery Report Back on CMP and Heritage Agreement

Nothing to report

10.3 Clanwilliam Dam - Rock Art Panels to be moved for long term storage

Ms Stephanie Barnardt introduced the case.

Wouter Fourie (heritage consultant), John Parkington (Professor emeritus at UCT), Wilhelmina Seconna (Iziko Museums), Ilse Locher (I&AP) and Schalk Boshoff (I&AP) were present and took part on the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- Prof Parkington expressed his concern about the ongoing threats and vandalism to the Living Landscape building which currently houses the rock art panels.
- HWC staff will be undertaking a site inspection on the 7th September but Prof Parkington urged the committee to investigate a more speedy resolution
- Wouter Fourie has initiated discussions with Dr Wendy Black of the Iziko Museums to have the panels moved to the Clanwilliam Museum, on long term loan from Iziko. Iziko requires a facilities report to be completed by the Clanwilliam Museum meeting minimum storage standards, and Iziko conservators would complete a condition report on the panels, prior to the move. Facility and conservation conditions need to be met before the loan will be approved.
- PM noted that the agreement relating to the proposed arrangement would have to be examined by the legal team
- Mr Schalk Boshoff of Bigen Group, noted that they were available to assist with the transfer of the panel from the Living Landscape to the Clanwilliam Museum within the week.

INTERIM COMMENT

The Committee agreed that with the necessary agreement in place, the rock art panels be moved within the next few weeks. It was agreed that LW send brief minutes outlining the process to all present.

SB

10.4 Accidental Finds of Skeletal Remains – Fish Hoek

HWC had been alerted by the press to the discovery of a child's skull near Peer's Cave in Fish Hoek which had been removed by a member of the public and taken home. The discovery was reported to the police who are investigating. The skull was examined by Dr Gibbon of FACT who was of the opinion that it is a forensic case. PM noted that it was important to determine whether the skull was recovered from inside the Peer's Cave PHS boundaries if possible.

10.5 Criteria for long term storage of human remains - held over until September

There has not been sufficient time to discuss the criteria for moving human remains from the temporary storage at FACT to the Iziko Museums and this matter is held over until September.

10.6 Erf 64, Baboon Point Cave, Elands Bay - Feedback to be provided

Nothing to report.

11 Site Inspections

None

12 Proposed Site Inspections

12.1 Lourens River- 13 August 2021

SB noted the intention of HWC staff to visit the mouth of the Lourens River to determine whether the construction of gabions had impacted on known shell middens in the area. JG and LW to provide them with any background information on the sites.

12.2 Simons Town- 10 August 2021

HWC staff to undertake a site inspection to Erf 4998, Sayer's Lane on the 10th August.

12.3 Clanwilliam Dam – 7 September 2021

SB staff to undertake a site inspection on 7 September to Clanwilliam to investigate the status of the rock art panels.

13 Site Inspection Report

Nothing to report

14 Report back on Council

Nothing to report

15. Policy and Procedures

15.1 SAPS and HWC Accidental Finds Protocol and Procedure

At the meeting of the 16th July, it was proposed to add some visual aids to the protocol to assist the police. JO had submitted some photographs, and these had to be provided with the necessary captions and included.

15.2 Draft - Guideline for Applications for Disturbance of Human Remains

It was recommended that this item be replaced with the National Policy on the Repatriation and Restitution of Human Remains and Heritage Objects

15.3 Circulation/Workshop of accidental finds of human remains protocol

Due to Covid-19 regulations, a workshop cannot be held, but SB is distributing copies of the protocol to the police when she investigates reports of accidental finds.

MATTERS DISCUSSED

16. SECTION 35 PERMIT APPLICATION

**16.1 Proposed firewall and clearing of vegetation on PHS site Erf 174483 Muizenberg East Pvt Nature Reserve: MA HM/CAPE TOWN METROPOLITAN/MUIZENBERG/ERF 174483
Case No: 21031209SB0504E**

Application form and relevant documentation prepared by Kim Gordon
Ms Kim Gordon was present and took part in the discussion.

Ms Stephanie Barnardt introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- The permit is for clearing of the vegetation and constructing a firewall around the lime works.
- No archaeological material will be collected during this process.

DECISION

The Committee approved the permit application by Mr Malcolm Phillips.

SB

17. SECTION 35 PERMIT REPORTS

17.1 None

18. SECTION 35 REGISTRATION OF REPOSITORIES

18.1 None

19. SECTION 36 PERMIT APPLICATION

19.1 None

20. SECTION 36 PERMIT REPORT

20.1 None

21. SECTION 38 WORKPLAN APPLICATIONS

21.1 None

22. SECTION 38 WORKPLAN REPORT

22.1 None

23. SECTION 38 (8) HIA

23.1 None

24. SECTION 38 (4) HIA

24.1 None

25. Section 34 - ALTERATIONS/ADDITIONS/PARTIAL DEMOLITION

25.1 None

26. SECTION 38 (1) NID

26.1 None

27. REQUEST FOR EXCEPTION/OPINION/ADVICE

27.1 None

28. SECTION 38 (8) TO OTHER AUTHORITIES

**28.1 PTN 7 of Farm 16 Hamel Kraal Laingsburg: NM
HM/CENTRAL KAROO/LAINGSBURG/PTN 7 FARM 16
Case No: 21052101AM0615E**

Permit Application

Ms Stephanie Barnardt introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- The Committee observed that while fossils have been recovered from outside the substation footprint, the site itself is covered by unconsolidated deposits of low palaeontological significance.
- The Committee discussed the significance of the engraved stones within the wider landscape and the implications of moving them elsewhere on site. They were of the view that the mitigation of the engraved stones required careful consideration and that a workplan would be needed.
- The Committee discussed the removal of the stones on the “burial cairn” and possible “ground testing”. They were of the view that a workplan would be needed to investigate the feature.
- The Committee noted that the comments of the registered conservation bodies and local municipality will only be available on the 6th August.

COMMENT

The APM Committee endorses the amended report by ASHA Consulting dated July 2021 with the following amended recommendations:

7. The MTS site should be included within the preconstruction survey for the already authorised powerlines in order to check for any further significant resources, especially engravings.
8. A work plan must be submitted to determine the appropriate mitigatory action for the recording and potential relocation of the engraved stones (497 - 502, 506) before they are moved.
9. Waypoints 508 and 510 to the East of the MTS footprint must be declared a no go area.
10. A work plan must be submitted to investigate the potential grave/cairn.
11. The cluster of Stone Age material located outside of the East end of the site should be avoided and protected throughout construction.

The MTS site should be included within the preconstruction survey for the already authorised powerlines in order to check for any further significant resources, especially engravings:

- The engravings should be photographed and traced as necessary to produce a clear record. This should include moving the stones in order to achieve the best light for photography;
- The potential grave cairn should be unpacked and the ground tested to determine the status of the feature;
- The cluster of Stone Age materials located just outside the eastern edge of the site should be avoided and protected from harm throughout the construction phase; and ASHA Consulting (Pty) Ltd | Reg. no.: 2013/220482/07 27
- If any fossils, archaeological material or human burials are uncovered during the course of development then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist. Such heritage is the property of the state and may require excavation and curation in an approved institution.

AM

**28.2 Proposed construction of the Maralla East Wind Energy Facility Laingsburg Farm Aanstoot 721 Farm Annex Joseph's Kraal 84, Farm Aurora 285 Welgemoed 268: MA
HM/CENTRAL KAROO/LAINGSBURG/FARM AANSTOOT 72/1, FARM ANNEX JOSEPH'S KRAAL 84, FARM AURORA 285 & WELGEMOED 268
Case No: 16041211AS0418E**

Request for comment on land use application submitted to Laingsburg Municipality

Ms Stephanie Barnardt introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- PM and SB to investigate further as this the first time APM have been asked to comment on a land use application.

SB

**28.3 Proposed Gravel and Rock Mine on REM of Portion of Farm 298, Mossel Bay: NM
HM/GARDEN ROUTE/MOSSEL BAY/FARM 298
Case No: 2013406622SB0720E**

HIA and associated documentation prepared by ACRM

Jonathan Kaplan was present and took part in the discussion.

Ms Stephanie Barnardt introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- The proposed gravel and rock mine will be less than 5ha in size and on undeveloped land.
- The fossil sensitivity is regarded as low.
- Small numbers of ESA and MSA flakes and cores (IIIC/NCW) were found scattered across the area and impacts to archaeology are considered low.

FURTHER REQUIREMENTS

The HIA does not comply with the requirements of Section 38 (3) as it has not included the comments of the registered conservation bodies.

SB

**28.4 Proposed Vaalkoof Solar Project on Farm Vaal Rivier 261, Farm Vaalkoof 262, Portion 1 of Farm Jurgens Fontein 263, Portion 2 of Farm Kolkies Rivier 234 and Portion 1 of Farm Eiberg West 260, East of Ceres
HM/CAPE WINELANDS/WITZENBURG/CERES/261, 262, PTN 1 OF 263, PTN 2 OF 234 & PTN 1 OF 260
Case No: 2126553180SB0719E**

HIA and associated documentation prepared by ACO

Willem Ritche and Jayson Clark were present and took part in the discussion.

Ms Stephanie Barnardt introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- Mr Willem Richter noted that the land portions identified for the HIA differ from those of the VIA. The Committee requested that this needs to be resolved in the HIA report.
- The Committee considered that the proposed facility would not impact on the Floriskraal Formation in the southern section of the site.

COMMENT

The Committee endorses the report by ACO Associates dated July 2021 with the following recommendations:

1. **Palaeontology:** A Fossil Chance Find Protocol as attached as Appendix D of the PIA must be implemented. If the two hills in the south of the study area formed by the Floriskraal Formation are going to be impacted by the development of the PV facility (CF on Figure 8), then a site visit by a palaeontologist is recommended to survey and collect a representative sample of the fossils if they are present. Alternatively, the Floriskraal Formation must be avoided by the PV facility.
2. **Archaeology:** As stated above, some of the archaeology recorded on the site to date is graded as NCW and is of low heritage significance. No mitigation is proposed in respect of this material.
 - a. It is recommended that wherever possible the occurrences of archaeological material graded as IIC are avoided and preserved in situ during the construction of the PV facility.
 - b. Given their location and topography, it is unlikely that the rock art site and the hilltop site on the outcrop of Dwyka Group diamictite or tillite, both of which are graded IIIA, will be affected by the PV facility. However, it is recommended that exclusions zones are established around these sites and they are treated as no-go areas during construction work.
 - c. Should any human remains be encountered at any stage during the construction or earthworks associated with the project, work in the vicinity must cease immediately, the remains must be left in situ but made secure and the project archaeologist and HWC must be notified immediately so that a decision can be made on how best to deal with the remains. Once the final position and extent of the proposed PV facility has been established it is recommended that a final, intensive archaeological walkover survey of this area is undertaken to ensure that no additional archaeological sites or materials will be impacted by the facility.
3. **Built Environment:** Activities related to the proposed PV facility must avoid the stonewalled kraal and the workers' cottage and the kraal should be demarcated as no-go area on project documentation.

29. SECTION 27: PROVINCIAL HERITAGE SITE

29.1 Proposed maintenance of Matjies Rivier site Ptn 4 Farm Annex Arch Rock: NM HM/GARDEN ROUTE/BITOU/PTN 4 OF FARM ANNEX ARCH ROCK Case No: 21051401

Application form and relevant documentation

Jennifer Booth was present and took part in the discussion. RR took part in the discussion and recused herself for the decision.

Ms Stephanie Barnardt introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- The Committee was informed that the project was being managed by SAHRA with input from various institutions and individuals
- The Committee requested that the implementation dates be amended from 2020 to 2021.
- The Committee was of the opinion that the maintenance work was extremely important and commended the team.

COMMENT

The Committee supports the permit application by Philip Hine (SAHRA) for maintenance work at Matjies River.

SB

30. REPORT BACK FROM OTHER MEETINGS WHEN RELEVANT

30.1 None

31. OTHER MATTERS

**31.1 Proposed Tooverberg Wind Energy Facility on Remainder & Portion 1 of Farm 244, Witzenberg: MA HM/WITZENBERG/TOOVERBERG WEF
Case No: 18102909AS1108M**

Previous HIA tabled.

Ms Stephanie Barnardt introduced the case.

Wouter Fourie and Andrea Gibb were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The HIA (including AIA and PIA) reports had been subject to an HWC Appeal after the Environmental Authorisation was granted before the final comments of HWC's committees had been made.
- The Appeal was subsequently withdrawn, but there are no final HWC comments on the reports for the wind energy facility or the powerline. This has implications for the EMPr and the submission of a Workplan for mitigation.
- The developer requests a final HWC comment for due diligence in order to take part in the final bidding process for the project.
- APM is requested to comment on the draft EMPr or both the wind energy facility and the powerline.
- The Committee discussed that they would need the most recent AIA and PIA documents to provide context for their assessment of the EMPr.
- The Committee noted that it cannot comment on the VIA.
- The Committee also requested a short overview of what has changed or been amended with respect the project.

COMMENT

On receipt of the necessary documents, the APM Committee will comment on the draft EMPr.

SB

**31.2 Draft CMP for Bains Kloof, Wellington: MA
HM/CAPE WINELANDS/DRAKENSTEIN/WELLINGTON/BAINSKLOOF PASS
Case No: 19050303SB0619E**

Draft CMP prepared by Aikman Associates.

Ms Stephanie Barnardt introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- The CMP needs to address the following;
 - The issue of land ownership and the responsible management authorities;
 - Provide a list of the formal stakeholders and indicate the nature of the consultation process which will be undertaken;
 - Practical steps for the implementation of CMP;
 - Who will be responsible for monitoring the implementation and ensuring that they are undertaken to the satisfaction of HWC; and
 - Indication that the CMP will be updated on a regular basis.

COMMENT

The Committee requests an amended CMP which addresses the issues raised under discussion.

SB

32. ADOPTION OF RESOLUTIONS AND DECISIONS

The Committee adopted the resolutions and decisions.

33. CLOSURE

The meeting adjourned at: 14:35

34. DATE OF NEXT MEETING:

1 September 2021

CHAIRPERSON

H. E. Webley

DATE 1 September 2021

SECRETARY: A Brown

DATE: 1 September 2021