

**Approved Minutes of the Meeting of the Impact Assessment Committee
of Heritage Western Cape held on Wednesday, 10 February 2016, at the 1st Floor
Boardroom, Protea Assurance Building, Green Market Square, Cape Town,
at 09h00**

1. Opening and Welcome

The Chairperson, Ms Cindy Postlethwayt opened the meeting at 09H05 and welcomed everyone present.

2. Attendance

Members

Ms Cindy Postlethwayt (Chairperson)
Mrs Mary Leslie
Dr Lita Webley
Mr Quinton Lawson
Ms Corlie Smart
Mr Siphiso Mavumengwana
Dr Piet Claassen
Mr Steven Walker
Ms Quahnita Samie
Mr Frik Vermeulen
Mr Chris Snelling

Staff

Dr Errol Myburg
Ms Colette Scheermeyer
Mr Zwelibanzi Shiceka
Ms Penny Meyer
Mr Jonathan Windvogel
Mr Guy Thomas
Mr Andrew September
Ms Waseefa Dhansay
Mr Olwethu Dlova
Ms Lithalethu Mshoti
Ms Heidi Boise
Ms Katherine Robinson

Observers

Mrs Adelaide Combrink (CoCT)

Mr Bewin September (CoCT)

Visitors

Mr David Gibbs
Dr Nicolas Baumann
Mr Winton Gibbs
Mr Alastair Rendall

Mr Neil Schwartz
Mr Stuart Burnett
Mr Andre Pentz
Ms Bridget O'Donoghue

3. Apologies

Mr Tim Hart
Ms Jenna Lavin

4. Approval of the Agenda

4.1 Dated 10 February 2016

The Committee resolved to approve the agenda dated 10 February 2016 with amendments.

5. Approval of Minutes of Previous Meeting

5.1 Dated 20 January 2016

The Committee agreed to adopt the minutes with no corrections.

6 Disclosure of Interest

- CP: 12.1
- LW: 13.3 and 15.1
- FV: 9.3

7. Confidential Matters

7.1 None

8. Appointments

8.1 The Committee noted the appointment of item 13.1 set for 12H00.

9 Administrative Matters

9.1 Outcome of the Appeals and Tribunal Committees

None

PM

9.2 Proposed Development, Eikestad Mall Urban Renewal Project, Erven 14641, 2051, 2017, 7644, 4282, 9365, 6083, 2043, 4803, 2045, 2046, 2048 & 2013, Stellenbosch: MA

KR tabled a response from Urban Concepts, dated 09 February 2016 regarding the remedial works that have not been undertaken. A letter was written to the municipality, as required by Committee, but no response has been received within the two week time frame requested.

DECISION

The Committee notes the explanation provided by Urban Concepts. Remedial action, as indicated must be completed in full by 31 March 2016, including painting the steel gate aluminium panels a charcoal colour, failing which HWC will consider taking appropriate legal action.

KR

9.3 Cnr Main Road and Newry Street, Werdmuller Centre, Claremont

FV recused himself for this item.

KR reported back on vandalism at the Werdmuller Centre, for which a police case docket has been opened. The communication from Mr Lillie in this regard is noted.

The Committee noted the correspondence entered into between HWC officials and Mr Lillie, and that the site should be properly secured in order to ensure the integrity of the heritage resource.

KR

9.4 Phase 1 and Phase 2 HIA's

It was noted that the matter of phased HIAs is under discussion and continuous review. The Committee recommended that representatives of the heritage practitioner community be invited to a discussion, should it be proposed that the general practise of preparing HIA's be changed.

ZS

9.5 DCAS Awards

The Committee congratulated the award recipients, Dr Jayson Orton (best heritage project) and Chris Snelling (best HIA).

Mr Snelling accepted the Committee's congratulations but strongly regretted that the contributions made by Melanie Attwell in particular, for her socio- historical study on the Zwelihle Hostel which was an integral component of the HIA, as well as all other contributors (including ACO) throughout the process were not also acknowledged, and wished to formally do so.

The Committee concurred with Mr Snelling's acknowledgement of Ms Attwell's important contribution and requested that this be conveyed to her by HWC.

CP

10 Standing Items

10.1 Site Inspections

None

PM

10.2 Report back from ExCo, Council and any other Committees

PC reported on the ExCo meeting that was held on 29 January 2016.

PC/JL

MATTERS TO BE DISCUSSED

11 SECTION 38(2) RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP

11.1 None

12 SECTION 38(1) INTERIM COMMENT

12.1 Proposed Development Imhoff's Gift Farm, Erf 5457 Kommetjie, Cape Town

Phase 1 Heritage Impact Assessment Report prepared by Cindy Postlethwayt, dated January 2016 was tabled.

CP recused herself and FV chaired this item.

Waseefa Dhansay made a power-point presentation.

The discussion it was noted that:

- The research, historic analysis, as well as the identification and assessment of the heritage resources were very thorough and the recommendations and indicators as tabled in the report were noted.
- It was however noted that the required visual component was not included in the Phase 1 HIA. . Furthermore, the Committee considered an archaeological assessment to be necessary. Both are required in order to identify heritage resources and potential impacts to better inform future development.

- Given the lack of these two components, the proposed site development can only be supported in principle and should not be seen as a full endorsement at this stage.
- No redevelopment is currently envisaged in the werf.

INTERIM COMMENT

The Committee endorse the Heritage Indicators and Design Informants as proposed by the consultant and identified in the report thus far, to which any future development should respond.

- An archaeological assessment is required to determine whether archaeological resources will be impacted.
- Resolved to support the layout alternative shown on the 'Final Site Development Plan', as included in the report, in principle only, on the understanding that this may change resultant on any archaeological and visual studies, and on condition that all detailed development proposals are to be assessed in a Phase 2 HIA and submitted to HWC for approval in terms of s38(4) ;
- Resolved to support in principle only, the proposed demolition of all buildings outside the proposed Grade IIIA Werf precinct that have been identified as not having heritage significance.

This comment is made without prejudice in response to the Phase 1 HIA and in no way binds the Committee with respect to its final decision on the final HIA, bearing in mind that further heritage resources may be identified.

WD

13 SECTION 38(4) RECORD OF DECISION

13.1 Somerset Precinct, Erven 2166, 2174 Remainder 1559, 1955 and Portion 1056, Green Point: MA HM/CAPE METROPOLITAN/GREEN POINT/ERVEN 2166, 2174 REMAINDER 1559, 1955 AND PORTION 1056

Case No: 14051303JW0514M

Phase II Heritage Impact Assessment prepared by Andre Pentz was tabled.

Mr Alistair Rendall made a power-point presentation. This was followed by a presentation from Mr Stuart Burnett of the Green Point Residents and Ratepayers Association. They, together with Mr Pentz, participated in the discussion.

In discussion it was noted that:

- The HIA is not considered to fulfil the requirements of S 38 (3) since the most recent archaeological report has not been provided to HWC nor integrated into the HIA.
- The Committee accepts the arguments made in the HIA regarding the heritage significance of the Hellen Bowden Nurse's Home. The building can be considered ungradable and demolition supported in principle.
- In respect of the demolition of Buildings 61 and 62, DOCOMOMO and the Cape Institute of Architects support the demolition and the Green Point Ratepayers and Residents Association do not. Some members of the Committee are of the

opinion that further argument is required in support of the proposed demolition, specifically in so far as alternatives need to be assessed.

- The Committee further notes a concern that the spaces about the heritage buildings particularly south of Fort Wynyard Street and Buildings 32 and 26 may be insufficient to protect the significance given the height of the proposed adjoining buildings.
- The possible demolition of Building 14 (the Shipley building) has been previously indicated by Committee as appropriate to investigate in order to enhance the context of the primary heritage resource being the Somerset Hospital; however the HIA does not assess the impact of this proposal and this will be necessary.
- The Committee supports the reduction in height of the buildings along Granger Bay Boulevard from 16 to 10 storeys. However the Committee does not believe that the creation of a gateway at its junction with Beach Road is appropriate - the Somerset Hospital and Fort Wynyard are the primary heritage resources and should be the primary reference points for development along Beach Road

INTERIM RESPONSE

The Committee require a revised HIA incorporating the most recent archaeological report and addressing the matters raised. The most recent proposal should be assessed in that report.

JW

13.2 Proposed Redevelopment of Gateway Precinct, Dock Road, Erven 149294 and 9588, V&A Waterfront, Cape Town: MA HM/CAPE TOWN METROPOLITAN/WATERFRONT/ERVEN 149294 AND 9588

Case No: 15110515GT1110E

HIA prepared by N Baumann, dated November 2015 was tabled.

Mr Guy Thomas made a power-point presentation.

Dr Baumann and Mr Schwartz were present and participated in the discussion.

In discussion it was noted that:

- The revised reports before Committee are considered to be comprehensive responses to the Committee's concerns.
- The Committee supports the reallocation of bulk away from the Amsterdam Battery, under the recommendations outlined in the Archaeological Impact Assessment.
- The Committee notes concerns in respect of the very tall building on Erf 9588. However it is accepted that this matter will be decided upon by the City of Cape Town.

RECORD OF DECISION

The requirements of S 38 (3) of the NHRA have been met.

The Committee approves the recommendations of the consultant as follows:

Amsterdam Battery Park

- The proposals for the Amsterdam Battery Park and associated parking garage are approved.

- The SDP must be submitted to HWC for the proposed Battery Park, including the proposed nature and extent of the reinstatement of the “lost” portions of the Battery and a Conservation Management Plan, including an Interpretation Plan.
- The SDP may indicate presence of the existing Waterfront Studios building in its present location, provided all other recommendations are fulfilled.
- The proposed parking garage on the Canal edge must reflect the original splayed alignment of the front face of the Battery as illustrated in the Report: Figure 1, Precinct Plan and Figure 5, Landscape Concept Plan
- The façade of a section of the Battery wall may be constructed to a height indicating the original mass and presence of the original Amsterdam Battery.
- The facade treatment of this edge should be in the form of a solid, “punctured wall” to recall the original mass construction of the Battery; commercial development at canal level must allow for this aesthetic and form an active edge to the canal pedestrian route.
- Any new development around the remaining fabric of the Battery is to be set back by approximately 5m.
- To the east of the park, a view shed of at least 20m is to be established between land parcels A1 and A2 to retain the visual shaft between Signal Hill and the coastline.
- Development parcels C1 and C2 to the north of the park may not exceed building heights of 30m and 22m respectively, as illustrated in Sections AA, BB and CC on Figures 2 and 3.13 of the Report

Erf 9588:

- The urban design parameters (Figure 4 in the supplementary report) for the site known as erf 9588 is approved by IACOM
- The footprint of any building on erf 9588 should respect the view line down Buitengracht Street; the footprint should also be set back on the northern side to enable views to the Queens Hotel (Erf 1895) from Dock Road
- The footprint and landscaping treatment of any interventions on the site must acknowledge the original location of the site on the water’s edge.
- The massing and form of any building on the site must respond at podium height to the height of the Queens Hotel and be tapered on the upper levels to address important views along the Buitengracht Street visual corridor.
- The building height above podium level of 10m is to be determined in relation to the heritage indicators identified in this report and with reference to permitted building heights on either side of Buitengracht Street
- A SDP must be submitted to HWC for the proposed landscaping and development on Erf 9588.

Archaeology

- The findings and recommendations of the September 2014 ACO Archaeological report, particularly with regard to the possibility of human remains and shipwrecks, are supported. Archaeological exposure of and mitigation at the Amsterdam Battery remnant is to precede the SDP submission.
- An Archaeological Workplan detailing the proposed mitigation at and around the battery, and specialists who will do the work (in terms of the HWC Section 38 A/P Guideline) must be approved by HWC before work starts.

Development Bulk

- Subject to resolution of the recommendations outlined above, the maximum bulk in the precinct is permitted to be 93 000m².

- The revised precinct plan diagrams (Figures 1 to 5 in the HIA) are approved.

GT

14 SECTION 38(8) NEMA RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP

14.1 None

15 SECTION 38(8) NEMA INTERIM COMMENTS

**15.1 Proposed Residential Development on Erf 136, USP Housing, Robertson: NM
HM\CAPE WINELANDS\BREEDE RIVER WINELANDS\ROBERTSON\ERF 136
ROBERTSON USP HOUSING**

Case No: 15060203AS0613E

HIA prepared by ACRM dated 25 January 2016 was tabled

Mr Guy Thomas made a power-point presentation.

In discussion it was noted that:

- The staff are requested to comment directly in terms of their delegated powers.

GT

16 SECTION 38(8) NEMA FINAL COMMENTS ON ENVIRONMENTAL IMPACT ASSESSMENT

**16.1 Proposed Uranium Mine on Portions of Farm Quaggasfontein and Ryst Kuil, Beaufort West: NM
HM\CENTRAL KAROO\BEAUFORT WEST\PTN QUAGGASFONTEIN AND RYST
KUIL**

Case No: 15100705WD1009M

LW recused herself for this item.

Heritage Impact Assessment by ACO Associates was tabled.

Ms Waseefa Dhansay made a power-point presentation.

FINAL COMMENT

The requirements of S 38(3) have been met. The Committee endorses the recommendations of the consultants in the HIA as follows:

Paleontology:

- A paleontologist must show the geologists from the mining company how to recognize fossils and instruct them on the monitoring of excavations for any possible fossil discoveries;
- The Fossil Finds protocol must be implemented, and if any fossils are uncovered, they must be left in place and reported to a recognized South African Palaeontological Research Centre, so that they can be excavated with and

stored for future research purposes. A Work Plan for this mitigation work must be approved by HWC.

Archaeology:

- Site D009 on Quaggasfontein must be mitigated under a Work Plan approved by HWC before work commences and a report must be submitted to HWC for approval before destruction. A surface collection may be sufficient as there does not appear to be any depth to the site. Mitigation must involve setting up a grid across the site and collecting and recording the archaeological material. Some sieving of sub-surface material may be required; and
- If there are any significant changes to the layout of the facilities, the new designs should be assessed by a heritage practitioner and HWC must be informed.
- If any archaeological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.

WD

16.2 Proposed Residential Development on Rem Farm 1265, Safariland, Paarl, Drakenstein: NM
HM\CAPE WINELANDS\DRAKENSTEIN\PAARL\FARM 1265 SAFARILAND

Case No: 15061110GT0612E

HIA report prepared by David Gibbs, Lize Malan, and Graham Jacobs dated 2 December 2015 was tabled

Mr Guy Thomas made a power-point presentation.

Mr Gibbs was present and participated in the discussion.

In discussion it was noted that:

- The Committee is satisfied with the identification of heritage resources and potential for impacts.

FINAL COMMENT

The requirements for S 38(3) of the NHRA have been met.

The Committee supports the proposed development subject to the mitigation measures proposed in the HIA.

- The interface with Schuurmansfontein Road is of critical importance to maintain a sense of rural quality within the local context. Even in the face of increasing development, this would help to retain some sense of the area's remoteness: this being the underlying factor for its choice as Mandela's last place of incarceration. Schuurmansfontein Road has only recently been tarred – it was previously a gravel surface road, which has a farm more 'rural' connotation. However, without concrete kerbs and with open 'swale channels' it retains a more rural expression that if concrete kerbs and channels had been introduced in the typical 'sub-urban' engineering manner.
- To retain the 'rural' quality and sense of 'openness' Schuurmansfontein Road currently enjoys, (and with reference to the area identified within the Botanical assessment report), it is recommended that a buffer strip of minimum 30m be maintained along the length of Schuurmansfontein Road, as indicated on plan,

with appropriate landscaping. Built features should be avoided within this zone. (This necessitated setting back the proposed entrance gates 30m from the edge of the roadway and omitting 2 residential erven previously indicated within this zone)

- Berm and dam features may be incorporated in a manner which is sensitive to natural landform (avoiding steep, trapezoidal berms and other landforms of rectilinear geometries that appear heavily 'engineered'). Views towards the mountains should be maintained, and planting should retain a wilderness quality. Indigenous vegetation consistent with the botanical assessment report ought to be integrated as a biodiversity corridor. Formal avenues of trees are not recommended along Schuurmansfontein Road, informal clusters of trees and large shrubs would seem more appropriate in this context.
- The design of this edge should be explored in detail and be submitted for review by the Drakenstein Municipality
 - A Landscape Context Plan (say – 1km radius) – including the approach to the prison house, relationship and transition to farmland – beyond the borders of the site, should be included to contextualize the proposal.
 - A Landscape Development Plan (preferably prepared by a SACLAP-registered Professional Landscape Architect), incorporated as part of the Site Development Plan package, indicating the Schuurmansfontein Road buffer strip, position of fencing, signage, lighting bollards, etc. Indication of lighting and signage and / or (discreet) way-finding system – positions to be included on plan. It is recommended that the Site Development Plan address lighting and signage to the approval of Drakenstein Municipality's Planning Department. This requirement could become a condition of the rezoning approval. Irrigation and Drainage Strategy - (open, planted channels and swales recommended; no concrete kerbs or channels, particularly within the buffer zone).
 - A Landscape Detailed Plan of the 30m buffer-strip / Schuurmansfontein Road interface (preferably prepared by a SACLAP-registered Professional Landscape Architect) at (say) 1:100 scale, to include the following:
 1. Suggested plant species list, quantities (areas) or typologies, details of irrigation and maintenance strategies, existing trees to be retained, sizes and species of new trees, shrubs and groundcovers, indication of proposed paving / hard-landscaping materials and details
 2. Details of fence / boundary treatment (no continuous solid masonry walls; – rather visually permeable, non-obtrusive farm fences, with informal hedges and screen planting)
 3. Incorporation of the 30m buffer strip into the holistic landscape maintenance and management programme for the site.

GT

16.3 Erven 558; 609; 610; 612; 615; 616; 617; 626 And 628, Philippi: NM HM/ CAPE TOWN METROPOLITAN/ PHILIPPI/ ERVEN 558; 609; 610; 612; 615; 616; 617; 626 AND 628

Case No: 15101907WD1020M

Heritage Impact Assessment by Bridget O'Donoghue; Urban Design Framework; CoCT Comment and I&APs Comment were tabled

Ms Waseefa Dhansay made a power-point presentation.

Ms O'Donoghue and Mr Bewin September were present and participated in the discussion.

In discussion it was noted that:

- This Committee has previously, on 25 November 2015, noted its concern in regard to the incremental erosion of the Philippi Horticultural Area, which is noted as having a high degree of socio/cultural historic significance and has been identified by the COCT as being of Grade III A significance and is a proposed Heritage Protection Overlay Zone.
- It is noted that all applications are however to be considered on their own merits.
- The fact that the COCT has recently approved a revised urban edge does not derogate from the significance of the PHA as a heritage resource and the potential for impacts there on.
- The property concerned has been identified by the consultant as Grade III C heritage resource, falls within the proposed HPOZ, Graded IIIA, is actively farmed and this is a consideration in the decision making.

RECORD OF DECISION

The Committee resolved by a vote of seven to three not to approve the proposed development of this site.

The Committee is of the opinion that the heritage significance of the PHA is under threat due to the continual erosion of the farm lands; Development of this property will derogate from the significance of both immediate site and overall significance of the Philippi Horticultural Area

It is recommended that HWC provisionally protect the PHA in terms of S 29(1) (a) (ii)

WD

17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP

17.1 None

18 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN INTERIM COMMENT

18.1 None

19 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL COMMENT

19.1 None

20 SECTION 38(8) OTHER LEGISLATION NOTIFICATION OF INTENT TO DEVELOP

20.1 None

21 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT

21.1 None

22 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT

22.1 None

23 SECTION 42 – HERITAGE AGREEMENT

23.1 None

24. OTHER

24.1 None

25 Adoption of decisions and resolutions

25.1 The Committee agreed to adopt the decisions and resolutions.

26. CLOSURE –

27. DATE OF NEXT MEETING: 9 March 2016

CHAIRPERSON _____ **DATE** _____

SECRETARY _____ **DATE** _____