

**Approved Minutes of the Meeting of the Impact Assessment Committee (IACOM)  
of Heritage Western Cape (HWC) held on the 1st Floor in the Boardroom, Protea  
Assurance Building, Greenmarket Square, Cape Town,  
at 09H00 on Wednesday, 11 July 2018.**

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**1. Opening and Welcome**

The Chairperson, Mr Chris Snelling (CSn), opened the meeting at 09H10 and welcomed everyone present.

**2. Attendance**

**Members**

Mr Chris Snelling (CSn)  
Prof Lucien le Grange (LLG)  
Dr Lita Webley (LW)  
Mr Frik Vermeulen (FV)  
Mr Siphiwo Mavumengwana (SM)  
Mr Guy Thomas (GT)  
Mr Dave Saunders (DS)  
Ms Cecilene Muller (CM)

**Staff**

Mr Jonathan Windvogel (JW)  
Ms Waseefa Dhansay (WD)  
Mr Andrew September (AS)  
Ms Heidi Boise (HB)  
Mr Zethembe Khuluse (ZK)  
Ms Stephanie Barnardt (SB)  
Mr Olwethu Dlova (OD)  
Ms Khanyisile Bonile (KB)  
Ms Yolanda Moya (YM)  
Mr Thando Zingange (TZ)

**Observers**

Ms Tamar Shem-Tov (TS-T) (CoCT)

**Visitors**

Dr Nicholas Baumann (NB)  
Ms Samantha Dyer (SD)  
Ms Barbara Southworth (BS)  
Mr Mark Noble (MN)  
Ms Clarice Arendse (CA)  
Mr Bruce Plane (BP)  
Ms Shameerah Abdurahman (SA)  
Mr Guillaume Narainne (GN)  
Ms Jennifer Whitehead (JW)  
Mr Stefan De Kock (SDK)  
Mr John May (JM)  
Ms Janet Bodenstein (JB)  
Mr Francois Els (FE)  
Ms Susan Mosdell (SM)

Dr Stephen Townsend (ST)  
Ms Kirsten Goosen (KG)  
Mr Neil Schwartz (NS)  
Mr Mike Scurr (MS)  
Ms Teresa Thomson (TT)  
Mr Craig Armstrong (CA)  
Ms Lindelwa Mabuntane (LM)  
Ms Ansa Ferreira (AF)  
Prof Walter Peters (WP)  
Mr Tiaan Meyer (TM)  
Mr David Halkett (DH)  
Mr Troy Smuts (TS)  
Mr David Allpass (DA)

**3. Apologies**

Ms Colette Scheermeyer (CSc)  
Ms Penelope Meyer (PM)

**3.1. Absent**

None

#### **4. Approval of the Agenda**

4.1 The Committee resolved to approve the agenda dated 11 July 2018.

#### **5. Approval of Minutes of Previous Meeting**

5.1 The Committee resolved to approve the minutes dated 6 June 2018 without amendments.

#### **6. Disclosure of Interest**

- LW: item 16.1 and
- GT: item 13.2.

#### **7. Confidential Matters**

7.1 WD outlined the process undertaken thus far in respect of item 12.1, in order to provide the Committee with background to the issue at hand.

#### **8. Appointments**

8.1 The Committee noted the appointments of item 12.1 set for 13:20 and item 13.3 set for 12:30.

#### **9 Administrative Matters**

##### **9.1 Outcome of the Appeals Committee, Tribunal and Court Cases**

WD reported on the following appeals matters:

- Proposed Total Demolition, Erf 1489, 12 Bradwell Road, Vredehoek: Section 34
- Proposed Total Demolition, Erf 551, 4 Oliver Road, Sea Point: Section 34
- Proposed Total Demolition, Erf 5277 and 5278, 51 Buitenkant Street, Cape Town, CBD: Section 34
- Proposed Alterations & Additions, Erf 88327, 56 Main Road, St James: Section 34
- Notification of Intent (NID) to Develop, Farm 25112, Farm Maastricht, Tygerberg Road, Bellville: Section 38(2)
- Proposed Alteration & Additions, Erf 3008, 184 Upper Buitenkant Street, Oranjezicht: Section 34
- Unauthorised Alterations & Additions, Erf 1084, Old Police Station, St Stephen's Road, Pinelands: Section 34
- Proposed Alterations & Additions, Erf 1827, 34 Elizabeth Avenue, Pinelands: Section 34

The M.E.C. Tribunal ruling in respect of 44 Commercial Street was also noted.

##### **9.2 Decisions via email.**

Following the receipt of a "request" for a decision to be taken by the Committee via email in respect of the St Cyprians matter, the process which should be undertaken was clarified. Whilst it was noted that ordinarily decisions via email should be for urgent matters only, such as the requirement for responding to a NEMA application within a prescribed period, such requests must come from the Chair or the CEO. The Committee is however mindful that HWC staff are under pressure and that as such, there will be

occasion where administrative issues have precluded consideration of an application within a reasonable period. As such, the Committee has no problem helping out in such matters where it is able to. It is only requested that any requests in this regard, should be made via the Chair or CEO and worded in such manner as it does not come across as an order.

### **9.3 Staff update: Acting Assistant Director:**

JW informed that Ms Dhansay has been appointed acting Assistant Director. The Committee congratulated her and wished her all the best.

### **9.4 Recusals.**

The Chair noted that he is the author of an HIA that will be tabled at IACom in due course. Given that the application could be termed as controversial, he is mindful that notwithstanding there are procedures and policy in place for such eventuality, perception of bias by the public is a real concern, and that furthermore he believed it would be unfair on the members of the committee to comment on an application he is the author of whilst he is chairing the meeting on the day the item is to be heard. The Chair suggested that it would be fair for him to tender apologies from the Committee for that specific day and attend the meeting as an ordinary member of the public. He further suggested that he should leave the meeting during any discussion or decision taking but be available to answer any questions.

The Committee noted the concerns raised and agreed to this approach in principle.

## **10. Standing Items**

### **10.1 Site Inspections**

None.

### **10.2 Report back from ExCo, Council and other Committees**

The Chair provided brief feedback on the Council Meeting held on 13-06-18. It was noted that the IACom recommendations in respect of public participation and comment was endorsed by Council and should be written into the HIA Guidelines.

**CSn**

### **10.3 Discussion of the agenda**

For noting.

## **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 Pipelines Proposed for Farm 815/RE, Philippi: NM HM/ CAPE TOWN METROPOLITAN/ PHILIPPI/ FARM 815**

**Case No:** 18023002WD0607M

Application documents were tabled.

Ms Waseefa Dhansay gave a PowerPoint presentation.

Ms Janet Bodenstein, Mr Troy Smuts, Mr Francois Els, Mr David Allpass and Ms Susan Mosdell were present and took part in the discussion.

Amongst other things, the following was discussed:

- It was noted that HWC had issued a response to the NID submitted, and based on the infrastructure, (boreholes, storage tanks etc.) to which the pipelines were connected, and the potential impact of the extraction of ground water from the PHA on Farming and agricultural practices, (recognized by HWC as a heritage resource), had requested that an HIA be submitted.
- The Committee requested clarity from the applicant as to the purpose of the proposed presentation, as the IACom does not have the authority to overrule a decision which has already been issued by HWC. If the purpose of the presentation was to reverse or alter a decision taken, then an appeal would need to be submitted, to be considered by the Appeals Committee.
- It was confirmed that the presentation was for information purposes only and that guidance was required from the IACom as to what further information should be included in the HIA.
- Mr David Allpass thereafter gave a Power Point presentation.
- The Committee confirmed that the HIA should be conducted in terms of the provisions of s38 (3) of the NHR Act, (which includes public participation), and that the specialist studies requested in the NID response should be included.
- It was however confirmed that the archaeological component, need not be an in-depth assessment, but a desktop study, which identifies potential 'red flags' and makes appropriate recommendations.

#### **COMMENT**

The Committee awaits the submission of the HIA.

**WD**

## **13 SECTION 38(4) RECORD OF DECISION**

### **13.1 Proposed Development on Erf 173716, Site C, Portwood Road, V&A Waterfront: NM HM/WATERFRONT/ERF 173716**

**Case No:** 18021307AS0214E

Heritage Impact Assessment prepared by URBAN Con and Public Participation Appendices were tabled.

Mr Andrew September introduced the item with a PowerPoint presentation.

Dr Nicholas Baumann, Ms Samantha Dyer, Ms Kirsten Goosen, Ms Barbara Southworth, Mr Neil Schwartz and Mr Mark Noble were present and took part in the discussion.

Amongst other things, the following was discussed:

- Dr Baumann opened the discussion on behalf of the applicant, noting that whilst concerns in respect of height have been raised, there would be an improvement to the public realm, (along Portside Road) and a pedestrian link to Dock Road, and that it was believed that the benefits to the public realm outweighed the impacts on heritage resources.
- The Committee noted its support for the Heritage Indicators, as provided in the HIA, however it was concerned that the indicators have not been complied with. It appeared as if the Indicators have not guided the proposed development and that the need to bulk up site B, and particularly site C, informed the proposal instead.
- It was noted that there was inconsistency between drawings contained in the submission, with some reflecting recent amendments / setbacks and others not. There was also a discrepancy between heights provided, e.g. 36,5m MSL for building C1 on the sections, but a height of 36m MSL on the 3D massing drawing.
- Whilst it was felt that the massing and the marginal increase in height of the proposed building on site B was acceptable, it was the proposed bulk, and in particular the heights of the proposed building on site C in relation to the identified Grade IIIA Villa's, and the impact on the Portswood Road streetscape, (and to a degree views from Helen Suzman Boulevard), which were of particular concern.
- It was noted that there was no convincing motivation provided for the heights sought for the building on site C, being 5 storeys (21,5m above ground) for C1 and 4 storeys (17,5m above ground), now set back by one third. Although proposed as a 5-storey building, in reality the 4,3m floor to floor heights of the building have resulted in the effective equivalent of a 7-storey high building on site C1 and a 5½-storey building on site C2. It was strongly felt that the shaft of the proposed building on site C1 and the infill building on site C2 (even with its one third setback) are both one storey too high, and, due to their proximity to the villas, that this has a direct impact on these identified Grade IIIA heritage resources, effectively overwhelming them. It was also noted that existing development along Portswood Road, (a significant entrance into the Waterfront), is of a particular domestic scale and height, within a garden setting. The proposed development, seemingly driven by maximising bulk, with the resultant height, and ineffective set back of the upper floor on site C2, was incompatible with this. In addition, it was felt that this increased height on Site C was not in keeping with the overall scale of buildings that make up the ensemble of existing developments/buildings throughout this particular quarter of the city (from Helen Suzman Boulevard all the way along Portswood Road, down towards Somerset Hospital precinct).
- The setback of building C1 from Helen Suzman Boulevard was considered inadequate and should be increased to line up with the south-west façade of Merchant House.
- Members of the Committee also regarded the Visual Study as requiring more work, and that two of the most important vantage points; being diagonally opposite the site from the corner of Portswood Road and the Boulevard, as well as opposite the site access on Portswood Road had not been taken into account.

- The Committee supported the partial demolition of rear portions of the Grade IIIA Villas.
- The Committee supported the distinctly contemporary architecture proposed for the new infill buildings.
- The Committee furthermore endorsed the noted improvement to the public realm; however, it was overwhelmingly felt that at this stage, the benefits of an improved public realm do not outweigh the impact on identified heritage resources.
- The Committee also noted the comments provided for by the Cape Institute for Architecture's Heritage sub-committee as well as the City of Cape Town's Heritage Resources Section. The comments, which echo the concerns of the Committee, were found to be useful, and the City's HRS, in particular, was commended for its very detailed input.

#### **INTERIM COMMENT**

Whilst noting the improvement to the public realm along the street edge and the pedestrian link to Dock Road, as well as being in support of the demolition of the rear additions to the Villas, the Committee is concerned about the bulk assigned to site C, the proposed heights of the building and its impact on identified heritage resources, being the Villas and the Portwood Road streetscape in particular.

The Committee cannot at this stage support the proposal, and awaits a revised proposal, which takes its concerns into account.

**AS**

#### **13.2 Proposed Mixed Use Development on Erven 9333, 1451-1455 and 1466-1469 (Goldies), Cape Town: MA HM\CASES\CAPE TOWN METROPOLITAN\CITY CENTRE CBD\ERF 9333, 1451-1455 AND 1466-1469**

**Case No:** 17072534WD0726M

GT recused himself and left the room.

Revised Phase 2 Heritage Impact Assessment Supplementary Report: Design Revision dated July 2018 prepared by Rennie Scurr Adendorff Architects were tabled.

Ms Waseefa Dhansay gave a PowerPoint presentation.

Dr Stephen Townsend, Mr Mike Scurr, Ms Clarice Arendse, Ms Teresa Thomson and Mr Bruce Plane were present and took part in the discussion.

Amongst other things, the following was discussed:

- Dr Townsend noted the good and useful discussion regarding townscape considerations, which was held at the previous IACom meeting; however he did not feel that there has been a material change to the drawings previously seen by the Committee. In this regard he believed that height was still a heritage issue that has not been addressed. Dr Townsend indicated that, (other than the issue of height), he did not object to future design work to the podium, winter garden, etc. being conditional to later approval.
- Mr Scurr, responded on behalf of the applicant, and informed the Committee that the building had been lowered from 124, 22 to 122,22m and that it does step

down from its neighbours. It was however felt that in order to avoid an “architectural whim”, the building form was kept as simple and ordered as possible, and this was considered as being more important than an arbitrary step-down line relating to the Prestwich Street interface.

- The Committee re-iterated its previous comment in respect of the sky-line being a heritage resource, as an element of the townscape and noted that its previous comment referred to there needing to be a meaningful transition in the height of the building and that and its neighbours to the south, without creating a Ziggurat-built form.
- In principle, the Committee did not object to the overall height of the building. It was however felt that given the proposed height of the building, being some 120m; a uniform drop in height of only 2m was effectively meaningless. Instead, it was suggested that in order to achieve a meaningful transition, the roof top as an architectural element should step down more substantially, so as to achieve this transition.
- The Committee again expressed concern regarding the proposed architectural treatment of the bottom 35m of the building’s facade. Previous comments made by the Committee in this regard are of reference, particularly about ‘dishonest’ architectural responses, with superficial facades being applied to buildings in an attempt to lessen the impacts of parking. It was however agreed that this was an aspect of the design that could be reviewed at a later stage.
- Given that there appeared to be an impasse in respect of the treatment of the roofscape of the building, the applicants were given the opportunity to choose as to whether they would prefer a Decision, which they could appeal, or an Interim Comment, which would give them an opportunity to address the remaining concerns of the Committee. After conferring, the applicants indicated that an Interim Comment was preferred.

#### **INTERIM COMMENT**

The Committee reiterated its support in principle for the proposed development; however concern remains in regard to the lack of a meaningful transition in respect of the height of the building and that of its neighbours to the south.

The Committee also expressed its ongoing concern in regard to the architectural expression of the bottom 35m of the building, and how it meets the ground. The Committee however accepts that further detailed drawings in this regard, as well as for the winter garden, can be submitted for approval in due course.

The Committee awaits revised drawings addressing the concerns raised above.

**WD**

### **13.3 Proposed Development on Erven 333, 2281 & 2907, St Cyprian's School, Oranjezicht: MA HM/CAPE TOWN METROPOLITAN/ORANJEZICHT/ERVEN 3333, 2287 & 2907**

**Case No:** 16041101KR0420M

Phase 1 building plans submitted by Meyer & Associates Architects and Urban Designers were tabled.

Ms Heidi Boise gave a PowerPoint presentation.

Dr Stephen Townsend, Mr Tiaan Meyer and Mr John May were present and took part in the discussion.

Amongst other things, the following was discussed:

- The Committee noted that the building plans were in accordance with the approved Site Development Plan, and that the proposed work would not impact on heritage resources.
- The Committee confirmed that this submission was in compliance with a previous condition of approval and that as such, the public participation process had been concluded.
- The Chair signed and dated the relevant drawings which were submitted.

#### **ENDORSEMENT**

The Committee endorsed Phase 1 Building Plans, dated May 2018, as submitted, as being substantially in accordance with the approved SDP.

**HB**

### **13.4 Proposed redevelopment of the Tygerberg Hospital Estate on Erf 15350 (Remainder of Erf 14298), Parow: MA HM/PAROW/TYGERBERG HOSPITAL PRECINCT REDEVELOPMENT**

**Case No:** 16060607AS0606M

LW recused herself and left the room.

An Addendum to the Phase 1 HIA, including a Detailed Architectural Assessment, was tabled.

Mr Andrew September gave a PowerPoint presentation.

Mr Stefan De Kock, Ms Ansa Ferreira, Ms Jennifer Whitehead and Prof Walter Peters were present and took part in the discussion.

Amongst other things, the following was discussed:

- The Committee welcomed and endorsed the additional heritage assessment which was provided by Prof Peters. It was considered as being an important addition to the body of work.
- Ms Whitehead made presentation on behalf of the Provincial Department of Health and noted the concerns of the Department in respect of the proposed Phase II HIA's as outlined in the HIA. Included in her submission was the memorialisation of the separate access policy based on race, which was practiced during at the time.
- The Committee noted however, that it had informed previously that the additional information required in respect of assessing the significance of the buildings on site may mean that demolition of buildings as previously indicated may not be possible. This is the case in this instance, and it was felt that the HIA has been amended accordingly with appropriate recommendations to reflect such significance. This is the case with the Laundry building which had been identified as an increasingly rare typology and was afforded a Grading of IIIB.
- Whilst the concerns of the Dept. Health in respect of its building program were noted, it was pointed out that the recommendations and proposed program as outlined in the HIA were in the Committee's opinion, very flexible. HWC can

furthermore only deal with the heritage issues as have been tabled before it and cannot enter into discussion in respect of a building program, which is an issue between the Dept's of Health and Public Works.

#### **COMMENT**

The Committee endorsed the Phase I HIA with Addendum Report and the recommendations contained therein, and will await the relevant Phase II assessments, as and when they are submitted.

**AS**

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

14.1 None

#### **15 SECTION 38(8) NEMA INTERIM COMMENTS**

15.1 None

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

##### **16.1 Proposed 150MW PVSEF on Farm 1076, Heuningklip, Vredenburg: NM HM/VREDENBURG/FARM 1076**

**Case No:** 16112201AS1124E

Heritage Impact Assessment prepared by ACO Associates and specialist studies was tabled.

Mr Andrew September gave a PowerPoint presentation.

Mr David Halkett was present and took part in the discussion.

Amongst other things, the following was discussed:

- The Committee reiterated concerns it had raised previously in that there did not appear to be a holistic policy in regard to the placement of PV installations throughout the Western Cape and that it is very difficult to assess these on an ad-hoc basis.
- The Committee was however satisfied that in this instance, the receiving environment in which the proposed PV solar plant is located is not a significant cultural landscape.
- It was however noted that there are a number of homesteads located within a 2km radius of the site, but it was felt that with the mitigatory measures as proposed in the application, there would not be a negative impact on these homesteads.

#### **FINAL COMMENT**

The Committee endorsed the HIA as having met the requirements of s38 (3) of the NHRA and resolved to support the development with the conditions as suggested in the HIA. These are:

1. If any buried heritage resources are identified in the PVSEF site during construction, then HWC and the consulting archaeologist must be informed to determine further action.
2. The vernacular structure found to the north of the PVSEF site is, due to its largely ruinous state, an archaeological site in terms of the NHRA.
3. A buffer of 20m from the centre of the ruined dwelling must be maintained during the construction and operation phases of the project.
4. Access to the PVSEF site should avoid the structure.
5. In the event of any fossil resources being uncovered, the "Fossil Finds Protocol" as indicated in Appendix 8 must be implemented.
6. The excavations for the development must be monitored for by a suitably experienced Palaeontologist.

AS

**16.2 Proposed borrow pit #3 & borrow pit #4 mine on Remainder of Farm Langeberg 188, Vredenburg: NM  
HM/VREDENBURG/REM OF FARM LANGEBERG 188**

**Case No:** 18031905AS0309E/ 18031904AS0329E

Heritage Impact Assessment prepared by ASHA Consulting and additional Information for both Borrow Pit #3 & #4 were tabled.

Mr Andrew September gave a PowerPoint presentation.

Amongst other things, the following was discussed:

- The area has the potential for significant palaeontological remains to be found below the ground during mining, particularly in the calcrete deposits.

**FINAL COMMENT**

The HIA was endorsed as having met the provisions of s38 (3) of the NHRA.

There are no objections to the development proceeding on condition that:

1. A professional palaeontologist must be appointed at the commencement of the mining operations to determine the schedule for inspecting the mine pits (Pit 3 and 4) at appropriate intervals. A workplan application must be submitted to HWC for approval prior to the commencement of mining in order to streamline any mitigatory actions that may become necessary.
2. A brief training workshop with mine staff must be held at the start of mining to enable workers to better identify and report any fossils they uncover.
3. If any archaeological material, fossils or human burials are uncovered during the course of development, work in that immediate area must be stopped, and the find reported to HWC who will require inspection by an archaeologist or palaeontologist as relevant.

AS

**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 27 PROVINCIAL HERITAGE SITES**

23.1 None

**24 SECTION 42 – HERITAGE AGREEMENT**

24.1 None

**25. OTHER/ ADVICE**

25.1 None

**26 Adoption of decisions and resolutions**

26.1 The Committee agreed to adopt the decisions and resolutions.

**27. CLOSURE – 14:40**

**28. DATE OF NEXT MEETING: 8 August 2018**

**CHAIRPERSON** \_\_\_\_\_ **DATE** \_\_\_\_\_

**SECRETARY** \_\_\_\_\_ **DATE** \_\_\_\_\_