

**Approved Minutes of the Meeting of the Impact Assessment Committee
of the Heritage Western Cape (HWC) held at the 1st Floor Boardroom, Protea
Assurance Building, Green Market Square, Cape Town,
at 09h00 on Wednesday 12 April 2017.**

1. Opening and Welcome

The Chairperson, Mr Chris Snelling opened the meeting at 09H05 and welcomed everyone present.

2. Attendance

Members

Mr Chris Snelling (CSn)
Mr Frik Vermeulen (FV)
Mr Sipiwo Mavumengwana (SM)
Mr Guy Thomas (GT)
Ms Cecilene Muller (CM)
Ms Natasha Higgitt (NH)
Prof Fabio Todeschini (FT)
Mr Andrew Hall (AH)
Prof Lucien le Grange (LLG)
Mr Steven Walker (SW)

Staff

Ms Colette Scheermeyer (CSc)
Mr Jonathan Windvogel (JW)
Ms Waseefa Dhansay (WD)
Ms Penelope Meyer (PM)
Ms Katherine Robinson (KR)
Mr Andrew September (AS)
Ms Heidi Boise (HB)
Ms Lithalethu Mshoti (LM)
Mr Zwelibanzi Shiceka (ZS)

Observers

None

Visitors

Mr G Jacobs	Mr M Callaghan	Ms L Munro
Mr M Turok	Mr B De Robillard	Ms C Jansen
Mr D Zeller	Mr G Underwood	Dr S Townsend
Ms J Paterson	Dr N Mammon	Mr C de Beer
Ms C Postlethwayt	Mr D Halkett	Ms L van Riet
Mr B Watkyns	Ms W Wilson	Ms S de Villiers
Mr M Law	Dr N Baumann	Ms B O'Donoghue
Mr T Meyer	Ms a Trumpelmann	Mr T Bonga
Mr G Daniels	Prof S Klapper	Mr D Morison

3. Apologies

None

4. Approval of the Agenda

4.1 Dated 12 April 2017

The Committee resolved to approve the agenda dated 12 April 2017 with three additional items.

5. Approval of Minutes of Previous Meeting

5.1 Dated 8 March 2017

The Committee agreed to adopt the minutes with no changes.

6 Disclosure of Interest

6.1 None

7. Confidential Matters

7.1 None

8. Appointments

8.1 Item 23 at 10H00 and 13.4 at 11H00

9 Administrative Matters

9.1 Outcome of the Appeals, Tribunal Committees and Court Cases

PM reported back on the following appeal and tribunal matters:

- Erf 633, 19 Southway Pinelands (BELCom matter).
- Erf 2051, Old Post Office, Stellenbosch (BELCom matter).
- Erf 1724, 46 Du Toit Street, Porterville (HOMS matter).

PM

9.2 Proposed Housing development in La Motte Interim/Final Comment.

The matter was discussed and it was noted that there had been two responses to the Interim Comment. These were regarded as follows:

- Comment by CK Rumboll and Partners, which was supported by the municipality, dealt with town planning matters and the need for housing in this area, but did not address heritage concerns raised by the Committee.
- Comment by Aikman Associates reiterated information that had already been before the Committee without addressing the areas of concern.

Final Comment

On the basis of the above and in light of the failure of the applicant to address the matters raised, the Committee resolved that the previous comment issued is still valid and that the development could therefore not be supported in its current form.

9.3 Pre-application Draft Heritage Impact Assessment: Proposed Development of Sense De Lieu: Portion 3 of Farm 845, Paarl

Cindy Postlethway was present for this item and took part in the discussion.

RESPONSE

The Committee resolved that, in order to comply with the provisions of s38(3) of the National Heritage Resources Act (NHRA), it cannot deviate from well-established precedent that responses of Interested and Affected Parties (I&AP's) and

municipalities must have been considered by the applicant and then laid before the Committee, before it can consider a matter of this nature.

RECOMMENDATIONS:

Given the conflict between the position stated above and the responsibilities under Promotion of Administrative Justice Act 3 of 2000 relative to the Standard Operating Procedure between Heritage Western Cape and Department of Environmental Affairs and Development Planning; it is strongly recommended that the relevant part of the SOP be renegotiated as a matter of urgency.

9.4 St Cyprians matter: Perception of bias raised by objectors in regard to the heritage practitioner who conducted the HIA

This Matter was discussed during the open session for the item.

10 Standing Items

10.1 Site Inspections

The following site inspections undertaken by Committee members and staff were noted:

- Farm Ratel River
- Two Rivers Urban Park- Oude Molen, Erf 264, SA Astronomical Observatory.

10.2 Report back from ExCo, Council and any Other Committees

Due to time constraints, there was no report back from the Council meeting which was held on 15/03/2017

Report back will be provided at the next meeting.

CSn

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 None

13 SECTION 38(4) RECORD OF DECISION

13.1 RE OF PORTION 12 OF THE VERGENOEGD FARM NO 653 - PROPOSED DEVELOPMENT: MA HM/ CAPE TOWN METROPOLITAN/ SOMERSET WEST/ RE OF PORTION 12 OF THE VERGENOEGD FARM NO 653

Case No: 16012507WD0210M

Previously endorsed Heritage Impact Assessment (HIA), Revised Design and IACom ROD dated Sep 2016 were tabled.

Ms Waseefa Dhansay made a PowerPoint presentation.

Discussion:

The Committee accepted that the revised masterplan was an improvement on the previous plan, which the Committee had endorsed in principle and with conditions.

DECISION

The Committee resolved to approve the amended master plan revision 1, dated March 2017.

WD

13.2 Proposed Development on Erven 31100, 31101, 31102, 31103, 31104 and 31105, Bounded by Gordon, Hare and Victoria Road, Mowbray.

Case No: 16062410WD0624M

HIA and Supplementary Information were tabled.

Ms Waseefa Dhansay made a PowerPoint presentation.

Ms Claire Abrahamse and Mr Deon Morison were present and took part in the discussion.

Amongst other things, the following was discussed:

- The authors of the HIA were commended for the report. The social and urban design components were particularly well researched and illustrated.
- The comment from I&AP's and the CoCT were noted.
- Whilst the heritage resources were well identified and appropriate heritage resource indicators were provided and argued, the Committee did express some concern in regard to the CoCT grading audit as it was evident that the gradings recorded in the City's audit are discordant with the evident significance of the structures.
- The Committee did not believe that the proposed development had responded to the heritage resource indicators and recommendations as were tabled in the HIA.

DECISION

The Committee endorsed the heritage design indicators in the report and also supported the demolition of the various buildings as identified in the report.

The Committee resolved not to approve the proposal in its current form as it was felt that the overall form of the proposed building, particularly along the Gordon Street edge would impact negatively on the heritage resources identified in the report. The applicant is requested to revise the proposal to be more in keeping to the heritage design indicators provided in the HIA, as well as reducing the overall bulk and height of the proposal.

WD

13.3 Development of Tourist Facilities and Accommodation on Erf 31 and 1324, McGregor.

Case No: 16081520WD0822M

HIA, HWC NID response and Additional Information were tabled.

Ms Waseefa Dhansay made a PowerPoint presentation.

Discussion included, inter alia, the following:

- The comments from various I&APs were noted.
- The applicants and objectors were present during the meeting. All parties were given an opportunity to present to the Committee and took part in the discussions thereafter.
- The Committee observed that there was a layer missing in the HIA that would help gain a better understanding of the site and proposals; whilst the HIA identified both the wider McGregor's heritage significance, as well as that of the immediate site itself, there was nothing provided that would help in the understanding of the impact of the development at an intermediate neighbourhood scale. It was recommended that the impact of the development at a streetscape level be included in the HIA.

DECISION

The Committee resolved to conduct a site visit. (Csn AH SM LIG)

WD

13.4 Proposed New Swimming Pool, School Hall, Additional Classrooms and Vehicular thoroughfare with parking on Erven 333, 2281 and 2907, St Cyprian's School, Oranjezicht.

HM/CAPE TOWN METROPOLITAN/ORANJEZICHT/ERVEN 3333, 2287 & 2907

Case No: 16041101KR0420M

NID submission by Stephen Townsend, HIA by Stephen Townsend dated 25 March 2017, comment letters from I&AP's and a Tree Assessment were tabled.

Ms Katherine Robinson made a PowerPoint presentation.

Amongst other things, the following was discussed:

- A hard copy submission was made to the Committee by Cullinan and Associates. This was only handed to the Committee when the item was tabled. Neither the Committee nor applicant had had an opportunity to read and consider the submission. It was agreed that the applicant would be given time

to consider this submission and to respond to it. The issue of Dr Townsend's objectivity was raised by various objectors and was discussed by the Committee. The Committee did not believe this to be an issue for reasons made clear in discussion. These include, but are not limited to:

- That section 38(2) of the NHRA requires that a report be prepared by a person with the relevant qualifications and experience and professional standing in heritage resources management.
- That Dr Townsend is recognized as a heritage practitioner with the requisite skills and professional standing to conduct an HIA.
- That the Committee comprises of members who are themselves recognized experts in their fields, with no interest or links to St Cyprian's, who are able to apply their minds to the provisions of the NHRA independently and objectively.
- That an independent assessment by a recognised heritage specialist had found no bias in the report.
- The Committee noted that there was a lack of 3D visual information and insufficient photographs provided in the HIA, and in this regard, it would be advisable to conduct a site inspection in order for the Committee to assess potential impacts on heritage resources. It was agreed that the Urban Designer would provide further visual information prior to the site visit being conducted.
- Prof Todeschini wished to place on record that he objected strongly to Dr Townsend inferring that the individual Committee members had been remiss in not conducting site visits prior to the application being tabled.

DECISION

The Committee resolved to conduct a site inspection and will report back at the next IACom meeting when the item will be re-tabled. (CSn, SM, LLG, FV,SW and AH)

KR

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 **Plan Amendments for Manor House and archaeological monitoring report for Outbuildings, farm Ratel River 300: MA
HM/ OVERBERG/ CAPE AGULUS/ FARM 300**

Case No: 14100604AS1010M

Mr Andrew September gave a power-point presentation. He had visited the site and included his observations in the presentation.

Amongst other things, the following was discussed:

- The Committee accepts the findings of the site visit conducted by HWC officials, and noted that there have been no deviations from the approved phased approach of the proposals, and that the designs were according to the approved plans as referenced in the Final Comments dated 28 April 2016.

FINAL COMMENT

The Committee supports the amended proposals as they do not impact negatively on the heritage significance of the existing built fabric of the outbuilding.

The Committee supports the findings of the archaeological report.

AS

16.2 Proposed Subdivision, rezoning and residential units on Erf 1556, Hout Bay: NM HM/ CAPE METROPOLITAN/ HOUT BAY/ ERF 1556

Case No: 15090210GT9409M

HIA by ACO Associates, associated appendix and comments from the City of Cape Town and I&APs, were tabled.

Mr Andrew September made a PowerPoint presentation.

Mr Dave Halkett was present and participated in the discussions.

Amongst other things, the following was discussed:

- There are no heritage resources on the site and there are not significant broader heritage impacts.
- Comments received may well be valid in terms of proximity to the World Heritage Site and impacts on bio-diversity, but those areas are not within the mandate of HWC.
- There are some potential concerns regarding visual impact of new buildings on the scenic character of Hout Bay.

FINAL COMMENT

The report satisfies the requirements S38 (3) of the NHRA.

From a heritage perspective, the development alternative 1 is supported provided that steps are taken to ensure that the design guidelines are applied to any construction on the site.

AS

16.3 Proposed photovoltaic facility and abalone farm on portion 6 of farm Langfontein 453, Gouritzmond: NM HM/ HESSEQUA/ GOURITZMOND/ POTION 6 OF FARM 453 Case No: 16100429AS1006E

HIA by CTS Heritage and Addendum, were tabled.

Mr September gave a brief presentation of the item and the HOMs recommendations were tabled. However, due time constraints it was agreed that discussion and decision in regard to the item would be circulated by email.

This item is to be resolved via email.

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 42 – HERITAGE AGREEMENT

23.1 None

24. OTHER

24.1 Baseline Heritage Study -Two Rivers Urban Park - Oude Molen, Erf 26439 re: Alexandra, Erf 24290 re: Valkenburg, Erf 26439, erven 118877, 160695 the SA Astronomical Observatory, Erf 26423-0-1 River Club

Case No: 16071903WD0721M

Ms Atwell gave a presentation to the Committee and thereafter the applicants and various interested and affected parties were given an opportunity to make representation to the Committee and took part in the discussion.

Ms Atwell verbally confirmed that application was being made in terms of the provisions of s38(8) of the NHR Act.

It was formally agreed on that the Committee would go into closed session in order to frame its response.

Amongst other things, the following was discussed:

- The very competent and informative baseline study was noted and commended, although certain gaps were identified. These were primarily in respect of the following:
 - Lack of discussion of the estuarine system as a whole and particularly in respect of the area to the north of the site and its history.
 - The National Khoisan Legacy Project in particular the understanding that this site may form an important aspect thereof. It is further understood that this site has been identified as part of the National Liberation and Resistance Project of Government. These are aspects that cannot be ignored and must be taken into account when framing heritage related informants for the site.
 - The living heritage relating to the D'Almeida incident of 1510.
 - The River Club and its history and relationship with the development of Afrikaner nationalism.
 - Organisations present raised concerns regarding the cultural and natural landscape and broader metropolitan significance of the site.
- The potential loss of open space qualities were of particular concern, as was the impression that fast tracking pockets of development was being promoted.
- Concern was raised in respect of the origin of certain of the heritage informants that have been tabled; one example is that it is wholly unclear as to how the height related informants for the River Club were derived. It is difficult not to draw conclusion that these are based on a pre-conceived development concept.
 - A further presentation in respect of the wider planning and development framework for the TRUP site was offered to the Committee by NM Associates in order to inform the Committee of the current state of planning for the area.

On balance it is evident that based on the heritage resources identified in the baseline study and its supporting documentation, that the TRUP is of extremely high heritage significance. The Committee agrees that the overall site is of at least Grade II heritage significance, if not higher.

RECOMMENDATION

Based on the significance of the overall site the Committee recommends that the TRUP area is referred to the next meeting of the Inventories, Grading and Interpretation Committee for formal grading.

Given the strategic importance and high significance of the site, it is a strong recommendation of the Committee, that the Council of HWC gives consideration to the provisional protection of the TRUP area under S 29 of the NHRA, and in so doing, providing more effective legal controls than those provided for in S 38(8), and specifically to investigate the desirability and extent of the area to potentially be declared as a Provincial Heritage Site.

INTERIM COMMENT

The Committee cannot at this stage endorse the Baseline Study as meeting the requirements set out in the response to the NID, dated 25 August 2016.

The Committee resolved that a formal presentation of the wider planning issues as well as any conceptual design framework undertaken thus far, is made to it by NM Associates at its next meeting.

WD

25 Adoption of decisions and resolutions

25.1 The Committee agreed to adopt the decisions and resolutions.

26. CLOSURE – 17H00

27. DATE OF NEXT MEETING: 10 May 2017

CHAIRPERSON _____ **DATE** _____

SECRETARY _____ **DATE** _____