

**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, 12 September 2018.**

1. Opening and Welcome

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

2. Attendance

Members

Mr Chris Snelling (CSn)
Prof Lucien le Grange (LLG)
Mr Guy Thomas (GT)
Mr Frik Vermeulen (FV)
Mr Sipiwo Mavumengwana (SM)
Mr Dave Saunders (DS)
Ms Cecilene Muller (CM)
Dr Antonia Malan (AM) (co-opted)

Staff

Ms Penelope Meyer (PM)
Mr Andrew September (AS)
Ms Heidi Boise (HB)
Ms Waseefa Dhansay (WD)
Ms Stephanie Barnardt (SB)
Mr Olwethu Dlova (OD)
Ms Nosiphiwo Tafeni (NT)
Ms Yolanda Moya (YM)

Observers

None

Visitors

Ms Ursula Rigby (UR)
Mr Neil Schwartz (NS)
Ms Barbara Southworth (BS)
Mr Alistair Turrell (AT)
Mr Henry Aikman (HA)
Mr Tim Hart

Dr Nicholas Baumann (NB)
Ms Samantha Dyer (SD)
Mr Ernst Roodt (ER)
Mr Tim Hart (TH)
Mr Mark Noble
Ms Liesbet Schiettekate

3. Apologies

Dr Lita Webley (LW)
Dr Mxolisi Dlamuka (MD)
Ms Colette Scheermeyer (CSc)

3.1. Absent

None

4. Approval of the Agenda

4.1 The Committee resolved to approve the agenda dated 12 September 2018, with additions.

5. Approval of Minutes of Previous Meeting

5.1 The Committee resolved to approve the minutes dated 8 August 2018 without amendments.

5.2 The Committee resolved to ratify the minutes dated 21 August 2018 without amendments.

5.3 The Committee resolved to approve the minutes dated 5 September 2018 without amendments.

6. Disclosure of Interest

6.1 CSn: item 13.1

7. Confidential Matters

7.1 None

8. Appointments

8.1 None

9 Administrative Matters

9.1 Outcome of the Appeals Committee, Tribunal and Court Cases

PM reported on the following appeals matters:

- Proposed replacement of coloured glass with stained glass based on art of the late Peter Clarke in St. Francis Church, Simons Town: Section 27
- Proposed Total Demolition, Erf 56019, 19 Talana Road, Claremont, Cape Town: Section 34
- Proposed Total Demolition, Erf 9282, No. 41 Synagogue, Paarl: Section 34
- Proposed Total Demolition and Residential Development on Erven 132, 133 and 134, Paul Kruger Street, Stellenbosch: Section 38(4)
- Proposed Additions and Alterations to the existing Pioneer Outbuilding and a new garage on the PHS, Farm 709-1, Landskroon Farm, Agter-Paarl: Section 34

9.2 Letter from Claire Abrahamse. Cape Farms 738 and 767, Philippi

An email from Ms Abrahamse addressed to Ms Dhansay was tabled and discussed by the Committee.

Ms Abrahamse was concerned that the Committee had not endorsed the Heritage Impact Assessment (HIA) as having met the requirements of s38(3) of the National Heritage Resources Act (NHRA), particularly given she did not believe that the Committee had mentioned that an alternative model needs be explored in the previous meeting.

The following was noted.

The Committee noted Ms Abrahamse concern, and in this regard wished to assure Ms Abrahamse that it was not the content of the HIA itself which was problematic, but the lack of alternatives provided to work with.

In this regard, the Committee has repeatedly pointed out that the urban development model was considered an inappropriate alternative.

At the meeting of 11 April 2018, the Committee strongly felt that:

- the scale of the proposed development, which is densely urban in nature, is problematic and cannot be regarded as a transitional solution;
- whilst accepting that some limited form of development could occur on the property, such development should be related to its agricultural zoning, either visually or in terms of use and
- they were deeply concerned about the scale (and very urban nature), of the proposal as tabled.

It was therefore clear, coming into the last meeting, that the Committee wanted alternatives to the urban model to be explored and assessed.

At the meeting of 5 September 2018, the Committee was of the view that:

- the proposal still imposes a highly urban development typology on the rural landscape;
- both Options A (perimeter blocks) and C (fingers) are multi-storey urban models, with roughly the same amount of area being taken out of agriculture;
- they would favourably consider a more rural model of development that concentrated around the farm werf itself, or which replicated that pattern;
- they did not believe that alternatives have been adequately explored, and documented in the HIA, as is required i.t.o. s38(3)(f) and
- The Committee also noted that the development application was in some ways hampered by it being submitted in the context of a 'planning' as well as 'legal' vacuum, and that this would be an ideal time to investigate alternatives to the urban model.

The applicant however asked for a Final Decision to be provided based on the application at hand. Given the lack of alternatives to the urban model provided, it was in this regard that the Committee could not regard the HIA as being compliant with s38(3).

9.3 St Cyprians' School.

Ms Meyer tabled her concern in respect of the decision taken to amend the minutes in respect of the St Cyprians item. The Committee noted and thanked Ms Meyer for her input, and stressed that the reason for amending the minute was merely to provide greater clarity in respect of its intent behind the decision only, and not to change the decision. Notwithstanding the tensions that had arisen out of this matter, the Committee acknowledged the need to take more care in the wording and meaning of conditions imposed in the future.

9.4 Proper referencing

The Committee noted that it will provide proper referencing when quoting from source material or literature provided in an application, when such material is included in its minutes.

10. Standing Items

10.1 Site Inspections

10.1.1 None

10.2 Report back from ExCo, Council and other Committees

Nothing to report.

CSn

10.3 Discussion of the agenda

None.

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 Proposed Subdivision, Rezoning and Development on Erf 46115, 2 Glen Darrach Road, Rondebosch: NM HM/RONDEBOSCH/ERF 46115

Case No: 171124111ZK1128E

CSn recused himself and left the room. FV was nominated to chair this item.

Heritage Impact Assessment prepared by Chris Snelling and addendum documents were read by the Committee.

Ms Ursula Rigby was present as an observer for the Rustenburg Valley Ratepayers Association.

Amongst other things, the following was discussed:

- The Committee noted that the environment of the application site was sufficiently significant to warrant a site inspection to assess the sense of place.

REQUIREMENT

The Committee resolved to undertake a Committee-only site inspection prior to the next IACom meeting (CM, LW, SM, DS, LLG and FV to attend).

AS

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

Case No: 18021307AS0214E

Supplementary Report dated August 2018 was tabled.

Mr Andrew September gave a PowerPoint presentation.

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

Amongst other things, the following was noted in discussion:

- Dr Baumann and Ms Southworth provided a summary of the design development that had taken place since the IACom meeting of 11 July 2018. These included:
 - The adjustment of floor to floor dimensions in C1 and C2, which reduced the total heights of these blocks by 2,5m;
 - The introduction of a setback of 2,5m on the top floor of C1;
 - A setback of 5.9m on the top floor of C2 and
 - C1 to be set back on Helen Suzman Boulevard to midway between Merchant House and Alfred House.
- Dr Baumann added that the new development was seen as a transition between the villas on Portwood Road and the family of larger contemporary buildings to the east and north.
- The Committee however pointed out that Blocks C1 and C2 appeared anything but transitional in height, and were in fact considerably taller than any other in this cluster of buildings.
- The Committee was unanimous that the above amendments to C1 and C2 appear negligible when viewed against the considerable size of the new buildings and their close proximity to the Grade IIIA villas.
- The Committee was of the opinion that this is in conflict with the heritage indicators of the heritage practitioner, as it was likely to visually overwhelm the grouping and did not refer to, or respect the height, scale and massing of the existing villa morphology.
- The Committee added that the fact that currently the villas are partially screened by trees, (as claimed by the applicant in mitigation in respect of 3D views provided), did not act as justification or mitigation for the impacts of the proposed buildings.
- It was noted that the Committee had provided a very detailed comment at the IACom meeting of 11 July 2018, when this matter was previously discussed. Dr Baumann indicated that the applicant team had not received the full minute, only the concluding requirements. The Chair then read out the discussion section of the previous minutes.
- The Committee was of the view that without the full minute and the detailed guidance provided, the applicant was at a disadvantage and it was resolved that the applicant should be given an opportunity to respond to each of the points raised at the previous meeting and the current meeting.
- As a general point, not specifically related to this application, the following was discussed:
 - It was noted that a great deal of the challenges in respect of the Waterfront development is that the nature of development in the V&A requires a number of applications, spread over an undetermined time frame, to be made to

HWC, and in this regard a lot of institutional memory is lost over time, which results in some frustration on the part of both applicants as well as HWC staff and Committee members. It was suggested that an appropriate way in response to this would be for the V&AW to compile a CMP, or enter into a Heritage Agreement with HWC, that would preclude the need for future s38 applications to be made for each development. This suggestion was supported in principle by the V&AW, and will be hopefully be taken forward.

INTERIM COMMENT

The current proposal is not supported, as it does not comply with the heritage practitioner's heritage indicators, and is considered to visually overwhelm the group of villas, which are Grade IIIA heritage resources. The Committee awaits a revised proposal, which takes its concerns into account.

The applicant is furthermore advised to submit a response to the points raised at the previous meeting and the additional points raised above.

AS

13.3 Conservation Management Plan for Amsterdam Battery on Erven 149294 & 9588, V&A Waterfront: MA HM/WATERFRONT/ERVEN 149294 AND 9588

Case No: 15110515GT1110E

Reports prepared by ACO Associates and Nicolas Baumann, as well as a revised Landscape Plan were tabled.

Mr Andrew September introduced the item by way of a PowerPoint presentation.

Dr Nicolas Baumann, Mr Neil Schwartz, Mr Ernst Roodt, Mr Alistair Turrell, Mr Tim Hart and Ms Liesbet Schiettekatte were present and took part in the discussion.

Amongst other things, the following was discussed:

- The Committee noted the serious concerns regarding the revised landscaping proposal that were raised by the APM of HWC, as well as the applicant's heritage consultants, Dr Baumann, and Mr Hart.
- The Committee noted that conditions issued in respect of its previous decision, have not as yet been complied with. These include a final landscape plan to be submitted to HWC for endorsement, as well as the submission of a Conservation Management Plan, prior to development of the battery.
- The proposal as submitted includes work which is almost complete, and which was never endorsed by HWC, or its IACOM and APM.
- In response, the V&A Waterfront indicated that the previously approved Site Development Plan (SDP) had included five-a-side soccer cages in the location of the current basketball court and skate park. The IACOM are however unaware of this SDP having been approved by either it, (or the APM), particularly as the previous approval granted had specifically noted the appropriateness of a more austere response to the Amsterdam Battery, which had acknowledged the socio-historic significance of the Battery amongst others. It was resolved that previous approvals should be confirmed.
- The current proposal indicates a number of visual intrusions which appear to be the exact opposite of what was previously endorsed by HWC, and it is difficult to

consider the Battery as being treated as a unique heritage resource. In many ways the nearly completed activity zones are considered by the Committee as trivializing the heritage significance of the battery.

- The Committee recognized that archaeological issues were central to this application, and in this regard the impact of intensity of the activity within the skate park on historic fabric was regarded as a potential concern.
- Mr Roodt wished to place it on record that he takes exception to the comment that the work has trivialized significance. It was however pointed out in response, that both the applicant's heritage practitioners had voiced concerns in this regard which have seemingly not been considered, and that furthermore the activity proposed was the antithesis to reasons behind the original approval granted by HWC. In that regard, the concerns in respect of the site being trivialized are apt.
- The Committee recognized that many issues raised are not ones that can be further discussed without the benefit of a site visit to assess the impact of the completed work (CSn, DS and FV to attend) However, given the concerns raised by both the applicant's heritage practitioners, members of the APM who are very familiar with the site, as well as HWC officials, it was deemed appropriate that the Committee recommends that HWC issues a cease works order, as unauthorised work was taking place.

RECORD OF DECISION

The Committee recommends that HWC issues an immediate stop works order on the entire Battery precinct site. The Committee will conduct a site visit as a matter of urgency and will thereafter report back to HWC.

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 Penhill Greenfields Development Project, Portion of Welmoed Estate, Eerste River: NM HM/EERSTE RIVER/PENHILL ESTATE

Case No: 17041204AS0504M

Heritage Impact Assessment prepared by ACO Associates and Visual Impact Assessment prepared by VRM Africa were tabled.

It was noted that neither Consultants nor representatives of the Client/Developer body were present at the meeting.

Mr Andrew September gave a PowerPoint presentation.

Amongst other things, the following was discussed:

- The Committee noted that this is regarded as a flagship CoCT project, and that it has been approved by the Municipal Planning Tribunal, without heritage or environmental approval.
- The Committee noted that the site of the development was of little intrinsic tangible heritage significance in itself; however it immediately abuts a very significant Cape Winelands cultural landscape, which falls within the borders of the Stellenbosch Municipality.
- It was felt that there was insufficient visual representation material provided in the documents received by the Committee for it to be able to fully assess the application, and this includes anything more than basic, high level Site Development Plans of either of the alternatives and a couple of 3D models. Importantly there is also not a basic landscape plan which could be assessed either. However, based on the information available, the Committee has strong concerns regarding the potential impact of the development on the identified significant Cape Winelands cultural landscape, and that the dense urban model, with 8 000 units, as proposed, presents a very dense edge to this rural landscape which flies against accepted norms and where a more scaled down, urban transition zone would be appropriate.
- The Committee noted that the HIA had also identified this as a concern. It was however also noted that whilst identifying concerns, the HIA had not been able to adequately provide for appropriate urban design or cultural landscape informants that could have mitigated any impact on the Winelands Cultural Landscape.
- Whilst the Committee notes that there are two options provided for and that Alternative A is the preferred option, no alternatives to the dense urban model appear to have been considered, or provided, for assessment.
- The Committee also noted that the Social Impact Assessment Report had identified a 'fatal flaw' in the application, as no provision had been provided for the future of the farmers currently making a living on the property:
 - *“The proposed Penhill Greenfields Development therefore has the potential to have a significant negative impact on the livelihoods of the farmers and their families that currently farm on the site if a feasible alternative for farming is not identified. . The livelihoods of the farmer workers and their families that live on the site and whose livelihoods are linked to the current farming operations will also be significantly impacted. The farmers, farm workers and their families that live on the site and who are not on the CoCT housing list will also lose their accommodation unless they are provided with accommodation as part of the development.*
 - *Unless the social impacts associated with the proposed development on the current occupants on the Penhill site, including the farmers living on and off the site, farm workers living on the site and other non-farming related households living on the site, are effectively addressed, these impacts would represent a **Fatal Flaw**”.* (Barbour and Van der Merwe, June 2018, Social Impact Assessment Report Penhill Greenfields Development Project, City of Cape Town, Executive Summary, page iii).
- The Committee considers that this is an extremely important consideration that should be responded to in the HIA, and that furthermore the socio-historic (living) heritage of those currently living, and farming, on the land should be included in a heritage impact assessment, as it is all too often an aspect of our heritage that is overlooked.
- It is further noted that given the findings of the Social Impact Assessment are inconclusive in respect of future sustainability, as the development model and type of business proposed has not been clarified. As such, it is not possible to

balance the socio and economic benefits of the development against the potential impact on heritage resources, (which includes the potential loss of farming and the need for a more appropriate interface as noted in the SIA) at this stage.

- The Committee is finally of the strong opinion that a meaningful assessment of the proposed built typology at the edge of the site, abutting the identified significant cultural landscape, be conducted.

INTERIM COMMENT

The HIA cannot at this stage be considered as being compliant with the provisions of s38(3) of the NHR Act. HWC awaits the submission of an updated HIA, which addresses the areas of concern discussed above.

AS

16.2 Proposed Development of Agripark on Ptn 27, 29, 38, 48 & 49 of Farm 98, Doornrivier, Herold, George: MA HM/ EDEN / GEORGE / HEROLD / PTN 27, 29, 38, 48 & 49 OF FARM 98

Case No: 15060303GT0609E

Supplementary Heritage Impact Assessment Report prepared by Aikman Associates dated August 2018 and supporting documents were tabled.

Ms Heidi Boise gave a PowerPoint presentation.

Mr Henry Aikman was present and took part in the discussion.

Amongst other things, the following was discussed:

- The Committee noted the additional archaeological and Urban Design work that had been undertaken, and that these had addressed remaining concerns previously made by the Committee.
- The Committee reiterated its support for the project and wished the applicants success.

FINAL COMMENT

The Committee endorsed the HIA as having met the requirements of S 38(3) of the NHRA, and resolved to support the proposed development on condition that:

1. Final plans in respect of work to any buildings older than 60 years identified in the report are submitted to HWC for endorsement prior to the submission of final building plans.
2. Monitoring by an Archaeologist of all sub-surface work.
3. If any archaeological material, fossils or human burials are uncovered during the course of development, work in the immediate area should be stopped. The find/s need to be reported to the heritage authorities and may require inspection by an archaeologist or palaeontologist as relevant. Such heritage is the property of the state and may require excavation and curation in an approved institution.

HB

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 – 14:00

28. DATE OF NEXT MEETING: 10 October 2018

CHAIRPERSON_____ **DATE**_____

SECRETARY_____ **DATE**_____