

**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, Green Market Square, Cape Town,
at 09h00 on Wednesday 17 January 2018.**

1. Opening and Welcome

The Chairperson, Mr Chris Snelling, opened the meeting at 09H06 and welcomed everyone present.

2. Attendance

Members

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

Staff

Mr Mxolisi Dlamuka (MD)
Mr Zwelibanzi Shiceka (ZS)
Ms Heidi Boise (HB)
Mr Zethembe Khuluse (ZK)
Ms Waseefa Dhansay (WD)
Mr Andrew September (AS)
Ms Penelope Meyer (PMe)
Ms Stephanie-Anne Barnardt (SAB)
Ms Aneeqah Brown (AB)
Mr Zukisani Sijula (ZK)

Observers

Ms Sandra Hustwick (SH)
Ms Roslynn Groep (RG)
Mr Peter van Heerden (PvH)
Mr Bewin September (BS)

Visitors

Mr Erik Mazonduce (EM)
Mr Gerhard Gerber (GG)
Mr Marc Turok (MT)
Ms Bridget O'Donoghue (BO)
Mr Adriaan Visagie (AV)
Mr Henry Aikman (HA)
Mr Riad Davids (RD)
Ms Rachel Cloete (RC)
Ms Claire Abrahamse (CA)
Mr Chris Bornman (CB)
Mr Peter Kotze (PK)

Ms Melanie Attwell (MA)
Mr Craig Alexander (CA)
Mr David Marais (DM)
Dr Elzet Albertyn (EA)
Mr Jonathan Hendrick (JH)
Dr Stephen Townsend (ST)
Mr Andre Bosman (ABo)
Mr Nicholas Smith (NS)
Mr Hendro Hugo (HH)
Mr Johan Slee (JS)
Dr Jayson Orton (JO)

3. Apologies

Mr Olwethu Dlova (OD)
Ms Colette Scheermeyer (CSc)
Ms Katherine Robinson (KR)

3.1. Absent

None

4. Approval of the Agenda

- 4.1 The Committee resolved to approve the agenda dated 17 January 2018 with the addition of item number 16.2, which had been inadvertently left off the agenda.

5. Approval of Minutes of Previous Meeting

- 5.1 The Committee resolved to approve the minutes dated 6 December 2017 with no amendments.

6. Disclosure of Interest

- 6.1 None

7. Confidential Matters

- 7.1 None

8. Appointments

- 8.1 The Committee noted appointment of the Item 24.1 set for 10:30

9 Administrative Matters

9.1 Outcome of the Appeals Committee, Tribunal and Court Cases

Nothing to report.

9.2 Erf 6156, Aan De Wagenweg, Proposed Developments, Stellenbosch

Clarity was required in respect of drawings submitted and public participation.

10. Standing Items

10.1 Site Inspections

10.1.1 Farm 168/16 , Farm Klipfontien, Tulbagh

It was noted that due to the festive season break, unavailability of Committee members, as well as the requested BELCom member, it was not possible to conduct a site visit prior to this meeting.

The Committee resolved that a site visit should be held as soon as possible. A site visit report will be compiled and recommendations made by attending Committee Members in respect of the application that will be circulated to the other Committee Members for decision via email.

10.2 Report back from ExCo, Council and other Committees

Nothing to report

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 Developments, Erf 6156, Aan De Wagenweg, Stellenbosch HM/ CAPE WINELANDS/ STELLENBOSCH/ ERF 6156

Case No: 170825802WD0830M

Application documents were tabled

Ms Waseefa Dhansay gave a PowerPoint presentation.

Dr Elzet Albertyn, Mr Hendro Hugo, Mr Johan Slee, and one other were present and took part in the discussion

Amongst other things, the following was discussed:

- It was noted that the landscape drawings submitted to HWC were not the latest revisions and that the Committee had not had opportunity to consider the version tabled.
- No comment had been received from the Interested and Affected Parties (I&Aps). Whilst technically the 30 day comment period had been complied with, it was pointed out that this includes the festive season and hence, additional time should be allowed for comment that takes this into account.
- The Committee applied its mind to the latest revised landscape plan, (Rev.7) tabled at the meeting and it was noted that the mitigation of the parking area was effectively the introduction of one tree in the centre of the circular parking area, as well as a few trees introduced at the entrance.
- Whilst accepting, based on new information introduced at the meeting, that the parking area previously existed as a tarmac area, it was pointed out that this information should have been included and assessed in the HIA in order for the Committee to assess and to provide informed comment.
- The Committee again re-iterated that the significance of the site is also related to its remnant rural qualities, and that treatment of the parking area and further mitigation must reflect this. Possibilities include breaking up the parking area into smaller pockets, providing a less formal layout, allowing parking to exist between trees and allowing the entrance to reflect a more informal, rural quality, with cars screened from the road.
- The Committee indicated that it was generally supportive of the revised development proposal on the balance of the site, which has addressed its initial concerns.

INTERIM COMMENT

The Committee awaits revised drawings to be submitted, addressing the concerns which had been raised.

WD

13.2 Proposed Integrated Rapid Transport System, Erven 52424, 52423, 58104, 58105 and 110205, Claremont: HM/ CAPE TOWN METROPOLITAN/ CLAREMONT/ ERVEN 524524, 52423, 58104, 58105 AND 110205

Case No: 16062006WD0928M

Application documents were tabled

Ms Waseefa Dhansay introduced the item with a PowerPoint presentation.

Ms Bridget O'Donoghue and Mr Bewin September were present and took part in the discussion.

Amongst other things, the following was discussed:

- The City's EHM Branch's comment and request for additional studies, particularly the possibility of retaining the Grade IIIB house on Erf 52424, were noted.
- The Committee was informed that this application was being submitted as a stand-alone HIA, but that the section of road and affected properties under discussion, formed part of a wider application for which an HIA would be submitted at a later stage.
- It was also noted that there were various options considered for the greater Rapid Transport system.
- It was observed that in order to provide a holistic and qualified comment in respect of the proposal, as well as to comply with the provisions of s38(3)(f) of the Act, viz; *if heritage resources will be adversely affected by the proposed development, the consideration of alternatives*, that all the various options should be tabled, and that the report should include an overview of (a) the entire transport route affected and (b) a general assessment of the heritage significance of the greater neighbourhood affected.

INTERIM COMMENT

The Committee is not in a position to consider the application holistically at this point in time and awaits a revised application which responds to the comment provided above.

WD

13.3 Proposed development at Erf 150157, 414 Main Road, Observatory: HM/ CAPE TOWN METROPOLITAN/ OBSERVATORY/ERF 150157

Case No: 17020703HB0208M

Application documents were tabled

Ms Heidi Boise introduced the item with a PowerPoint presentation.

Mr Marc Turok on behalf of the Observatory Civic Association and Ms Claire Abrahamse were present and took part in the discussion.

Amongst other things, the following was discussed:

- It was accepted that the existing Arcadia building was not of particular heritage value and that there are no objections to its proposed demolition.
- The Committee debated the proposal at some length and noted its concern in respect of the proposed style, bulk, height and general aesthetic of the development.
- However, the Committee is aware of its mandate in terms of the provisions of the National Heritage Resources Act (NHRA) and discussion was held as to whether the actual context within which the proposed development falls is a heritage context. There was general agreement that this is not a heritage context and that in fact, it was only the Garden of Remembrance which had significance. This however was not felt to be impacted on by the development.
- The Committee is aware of ongoing discussions between the applicant, I&AP's and the City of Cape Town's Heritage Resources Section. All parties are encouraged to continue with this engagement in order to arrive at the most appropriate built form for the site, which will be submitted to the CoCT for consideration in terms of its land use management process, still to follow.

FINAL COMMENT

The Committee resolved to endorse the HIA report as having met the requirements of 38(3) of the NHRA and to approve the development.

The Recommendations of the Heritage Practitioner, as contained in the HIA, were endorsed by the Committee.

The Following Condition is imposed:

1. Archaeological monitoring must be implemented during earthworks along the boundary of Erf 150157 and the Garden of Remembrance.

HB

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 Remedial Work to the Seweweekspoort Pass, Laingsburg and Ladismith District, Kannaland: HM/KANNALAND/SEWEWEEKSPOORT PASS UPGRADE

Case No: 16091504AS1018M

Application documents were tabled

Mr Andrew September gave a PowerPoint presentation.

Dr Jayson Orton was present and took part in the discussion.

Amongst other things, the following was discussed:

- The Committee noted that its previous requirements had been complied with.

FINAL COMMENT

The Committee endorsed the HIA report as having met the requirements for 38(3) of the NHRA and resolved to support the upgrade, including the landscape rehabilitation plan on condition that:

1. In general, all disturbance footprints should be kept to an absolute minimum;
2. Archaeological features close to crossings should be marked as no-go areas during the construction period;
3. At Km 45.97 construction of the temporary bypass is preferred on the downstream side of the road. However, if the upstream side is used then the bypass should be constructed within 8 m of the edge of the existing road in order to reduce the chances of impacts to archaeological artefacts and features related to the historic farm werf.
4. At Km 46.35 construction of the temporary bypass, if required, must occur on the downstream side of the road to protect the historic retaining wall. During construction of the new structure impacts to the historic retaining wall must be minimised and, as far as possible, the new structure should be integrated with the old wall. Where required, the drystone retaining wall should be reconstructed in a manner that matches the existing walling;
5. At Km 51.6 all work and related activities must be restricted to the downstream side of the road. No activity to be allowed on the upslope (northwest) side of the road at this point so as to protect the ruin that lies very close to the edge of the road;
6. At Km 54.1 construction of the temporary bypass is preferred on the upstream side of the road. However, if the downstream side is to be used then the bypass should be constructed within 8 m of the edge of the existing road and no further than 25 m south of the stream bed in order to avoid impacts to possible unknown archaeological features in the dense bush around the convict station;
7. At Km 54.3 construction of the temporary bypass is preferred on the downstream side of the road. However, if the upstream side is to be used then the bypass should be constructed within 8 m of the edge of the existing road and no further than 25 m north of the stream bed in order to avoid impacts to possible unknown archaeological features in the dense bush around the convict station;
8. At Km 46.35 minimise damage to the drystone walling, integrate the new works with the base of the wall and rebuild the wall where it was damaged in such a way as to ensure minimal contrast between the old and new fabric;

9. No bollards must be placed on top of the new retaining walls between the road and the river as this would be out of character with the pass; and
10. If any 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.
11. Heritage Western Cape should consider the merits of declaring the Seweweekspoort Pass a Provincial Heritage Site (PHS).
12. In general it was recommended that all reinforced concrete retaining walls, and bridge construction elements be clad with a local stonework finish. Furthermore that new horizontal surfaces to bridges are to be finished with an exposed aggregate (of local stone/gravel).

AS

**16.2 Proposed Mixed Development on Erf 9209, Optenhorst Street and Main Road, Paarl
HM/PAARL/ERF 9209**

Case No: 16081003AS0524M

Application documents were tabled

Mr Andrew September gave a PowerPoint presentation.

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

Amongst other things, the following was discussed:

- The Committee noted that all I&APs had been notified of the revised proposal.
- The comment received from the Municipality was noted.
- It was noted that many of the previous concerns have been addressed by the applicant and that the proposed development had largely responded to the primary heritage resource, which was the townscape of Paarl, and the historical role that the town farms have within the wider cultural landscape.
- As previously noted, the Committee accepted and endorsed the development of the previously identified pockets of the land on the northern and eastern portions of the site.
- The massing, scale and form of the proposed development within the north-western quadrant of the site was accepted as being more appropriate than previous submissions, and was endorsed in principle. The contemporary barn typology, with lean-to's, was also endorsed as an appropriate built form for the shopping centre, so as to mitigate its scale.
- The remaining concerns of the Committee related to the proposed landscaping and edge treatment to the site and in this regard the following was noted:
 - a) The landscaping treatment, especially to the edges must reflect the site's rural qualities in respect of walling, entrances etc. Indeed the comment of the Municipality in this regard was endorsed.
 - b) The proposed gateway structures / framing devices were considered alien and were not supported.

- c) The vineyard buffer along the Optenhorst Street edge should be widened to the width of the Main Road edge.
- d) Whilst the notion of parking within vineyards is endorsed, and it was noted that the Grande Roche and Steenberg models, with raised vines have been used as precedent, it was felt that more could be done in this regard. The effect should be that the parking be read as being incorporated within a “carved out of a vineyard”, rather than a token strip of vines, planted to screen a large, monotonous parking lot. Considered input should be made by the Landscape Architect in this regard.

INTERIM COMMENT

The Committee endorses the revised layout of the development in principle, but awaits the submission of revised landscaping plans, which have addressed the Committee’s remaining concerns.

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 Proposed development on Farm 168/16, Farm Klipfontein, Tulbagh :HM/ CAPE WINELANDS/ WITZENBERG/ TULBAGH/ FARM 168/16

Case No: 16090813HB0914E

INTERIM COMMENT

The Committee resolved that a site visit should be conducted as soon as possible. Members of the Committee attending the site visit are to prepare a site visit report and make recommendations in respect of the application that will be circulated to the Committee for decision via email.

HB

24 SECTION 42 – HERITAGE AGREEMENT

24.1 None

25. OTHER/ ADVICE

**25.1 Two Rivers Urban Park - Oude Molen Erf 26439 RE Alexandra Erf 24290 RE Valkenburg Erf 26439 RE, Erven 118877,160695 The Observatory Erf 26423-0-1 River Club Erf 151832 Ndabeni Erf 103659-0-2 RE:
HM/ CAPE TOWN METROPOLITAN/ OBSERVATORY/ TWO RIVERS URBAN PARK**

Case No: 16071903WD0721M

Baseline Heritage Study was tabled.

Ms Waseefa Dhansay made a PowerPoint presentation.

Mr Gerhard Gerber, Mr Adriaan Visagie, Ms Melanie Attwell, Mr Craig Alexander, Mr Marc Turok, Mr Riad Davids, Ms Roslynn Groep, Mr Peter van Heerden, Ms Sandra Hustwick, Dr Stephen Townsend, Mr Nicholas Smith, Mr Andre Bosman, Ms Rachel Cloete and others were present and took part in the discussion.

Amongst other things, the following was discussed:

- The Committee noted the process that has been entered into between HWC and the applicant and noted the Baseline Study and Supplementary Report that have been prepared.
- The Committee acknowledged that various heritage resources have been identified and assessed to date and that these may be further unpacked, and that other heritage resources and suitable responses to these, may still be identified through a process of public participation, as the s38 process continues.
- The Committee commended the research undertaken to date, and on the understanding that wider and further public participation will be ongoing throughout the various applicable statutory processes, including the s38 process; the Committee agreed that the findings contained in the draft Baseline Study could be used as a starting point for further and inclusive public participation.
- The Committee noted however that it is premature, at this stage, to endorse any of the heritage resource indicators provided in the document. These should also

be informed by the ongoing public participation process, the outcome of which, should, by necessity also assist in informing an appropriate land use and development framework for the site, its overall character, and ambience of the TRUP. Furthermore these findings should influence a possible overarching quality and association that should influence the design of individual precincts as and when they are considered.

- Amongst others, the site is representative of highly significant intangible heritage values, and opportunity exists for the creation of a unique environment that embodies this.
- The Committee was informed by the applicant that no development proposals existed as yet and that such proposals would be informed by the findings of the final Baseline Study.
- The Committee accepted that there are private land owners within the wider TRUP who would be within their rights to not follow the process entered into and to submit applications independent of this process, if they so choose. It was however noted that if such applications were to be made, it would be inadvisable to ignore the findings or heritage resources identified and assessed in the broader Baseline Study.

INTERIM COMMENT

1. The Committee notes the process undertaken thus far and requires that the applicant subjects all the TRUP Phase 1 HIA information to further public participation and thereafter submit the Phase 1 HIA information and the outcomes of the further public participation to HWC for consideration.

WD

26 Adoption of decisions and resolutions

26.1 The Committee agreed to adopt the decisions and resolutions.

27. CLOSURE – 14:19

28. DATE OF NEXT MEETING: 14 February 2018

CHAIRPERSON _____

DATE _____

SECRETARY _____

DATE _____