

**Approved Minutes of the Meeting of the Impact Assessment Committee (IACOM)
of the Heritage Western Cape (HWC) held at the 7th Floor Boardroom, Protea
Assurance Building, Green Market Square, Cape Town,
at 09h00 on Friday 9 June 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 Siphiwo Mavumengwana (SM)
Mr Guy Thomas (GT)
Ms Cecilene Muller (CM)
Mr Steven Walker (SW)
Prof Lucien le Grange (LLG)
Mr Andrew Hall (AH)
Ms Joline Young (JY)
Prof Fabio Todeschini (FT)

Staff

Mr Zwelibanzi Shiceka (ZS)
Mr Jonathan Windvogel (JW)
Ms Waseefa Dhansay (WD)
Ms Penelope Meyer (PM)
Ms Katherine Robinson (KR)
Mr Andrew September (AS)
Ms Heidi Boise (HB)
Mr Zethembe Khuluse (ZK)
Mr Olwethu Dlova (OD)

Observers

None

Visitors

Mr Bruno De Robillard (BDR)
Prof Sandra Klopper (SK)
Ms Bridget O'Donoghue (BO'D)
Mr Paul Elliott (PE)
Ms Larissa Heyns (LH)
Dr Nicolas Baumann (NB)
Mr Neil Schwartz (NS)
Mr Niaz Ahmed (NA)
Mr Henry Aikman (HA)

Mr David Zeller (DZ)
Ms Melanie Attwell (MA)
Ms Claire Abrahamse (CA)
Mr Mark Borzsony (MB)
Ms Anne-Marie Fick AMF
Mr Thomas Linder (TL)
Mr Mokena Makeka (MM)
Mr Kempie van Rooyen (KvR)

3. Apologies

Ms Natasha Higgitt (NH)
Ms Colette Scheermeyer (CSc)

4. Approval of the Agenda

4.1 The Committee resolved to approve the agenda dated 9 June 2017 with additions.

5. Approval of Minutes of Previous Meeting

5.1 The Committee resolved to approve the minutes dated 10 May 2017 with one minor correction.

6. Disclosure of Interest

- FT: item 9.2, 9.3, 9.6 and 9.7 and
- CSn: item 9.2 and 9.6

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 back on the following appeal matter:

Herold Meander, George:

It was noted that the applicants had appealed a "Decision" taken by IACom in respect of this matter and that the Appeal Committee had referred it back to IACom. IACom noted that this had arisen, as it had made a clerical error in recording what was intended to be an 'Interim Comment', as being a 'Decision'.

9.2 R44, Stellenbosch

CSn and FT recused themselves and left the room.

HWC to meet with DEADP in terms of the SOP. Case officer to present recommendations and outcomes from the meeting.

AS

9.3 Mount Prospect, Constantia

FT recused himself and left the room.

It was noted that the application had exceeded the timeframes in terms of the NEMA regulations, and as such a new application must be submitted.

HWC officials will follow up with DEADP and report back to the Committee.

AS

9.4 Executive Summaries

The issue of executive summaries was raised and it was noted that in many instances HWC guidelines were not being complied with. The Committee requested that officials ensure that executive summaries are supplied in correct format with all applications and as a separate file. Failing this the report should be returned to the applicant as incomplete.

9.5 Comments/Decisions

The Committee noted the confusion that lead to a recent appeal.

The Committee acknowledged that it has erred in respect of how it had minuted its resolution. Members of the Committee are requested to bevigilant when decisions or comments are being recorded.

9.6 100 Buitengracht, Cape Town

CSn and FT recused themselves and left the room.

The Committee noted that the decision of the City of Cape Town will be taken on review.

9.7 Werdmuller Centre, Main Road, Claremont

The Committee noted that a Phase II application is about to be submitted to HWC. Due process will be followed.

KR

9.8 Compensation and recognition of lost heritage, tangible memorialisation and compensation

In light of frequent suggestions by developers and heritage professionals and debates in the Committee, it was felt that mechanisms in the Act need to be activated in order to address compensation or memorialisation on the part of affected communities through generations, in a meaningful way.

DECISION

This matter be referred to the Council for discussion and possible policy formulation.

AH, JY, CM and GT will formulate a position and circulate to Committee members.

10 Standing Items

10.1 Site Inspections

None

10.2 Report back from ExCo, Council and Other committees

CSn gave a brief report back on previous Council and Exco meetings held and in particular, the issues of recording of meetings and perception of bias.

As was requested by IACom, legal opinion has been received in regard to members of committees performing work which is to be tabled at a committee of which they are a member. The opinion received informed that Council's current policy is valid. The opinion will be circulated to all members of the Committee and will be tabled at the next Committee meeting.

Council's EXCO has endorsed the recording of meetings. The mechanisms of how this will work will be explained to all committees by the legal advisor prior to it being initiated.

10.2.1 Report back from IGIC

TRUP

The IGIC decision was noted. However, the Committee also noted that the IGIC does not have delegated authority to take decisions in respect of provisional protection. The recommendation that the area be provisionally protected in terms of s29 of the NHRA (Act 25 of 1999) must be decided on by HWC Council.

RESOLUTION

The Committee is unanimously of the view that based on the information provided for in the consultant's Baseline Report tabled before this Committee, the TRUP is of potential Grade II or even Grade I significance. The Committee stands by its previous recommendation that the site should be provisionally protected so that the matter is fully investigated. The Committee recommends that a recommendation for the provisional protection of the TRUP is sent to the Council of HWC for its consideration.

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 Development of Tourist Facilities and Accommodation on Erf 31 and 1324, McGregor: MA HM/MCGREGOR/ERF 31

Case No: 16081520WD0822M

A Heritage Impact Assessment (HIA), HWC NID response and additional information were tabled.

Mr Bruno De Robillard, Mr David Zeller, Prof Sandra Klopper and Ms Melanie Attwell were present and took part in the discussion.

Ms Waseefa Dhansay made a PowerPoint presentation.

Amongst other things, the following were discussed:

- The Committee noted that the I&AP's had not had sight of the additional documentation submitted. In the circumstances, the Committee was unable to consider the additional information.

- The Committee recommended that the applicant consider including an urban designer with heritage experience in his team in order to resolve the townscape concerns previously raised.

After discussion, the item was withdrawn from the agenda by the applicant.

WD

13.2 Proposed Development on Erven 31100, 31101, 31102, 31103, 31104 And 31105, Bounded by Gordon, Hare and Victoria Road, Mowbray: MA HM/ CAPE TOWN METROPOLITAN/MOWBRAY/ERVEN 31100, 31101, 31102, 31103, 31104 AND31105

Case No: 16062410WD0624M

Revised plans were tabled.

Ms. Claire Abrahamse and Mr Paul Elliott were present and took part in the discussion.

Ms Waseefa Dhansay gave a power-point presentation.

Amongst other things, the following were discussed:

- The Committee considered the revised drawings and was in general agreement that concerns previously raised have been addressed.

RECORD OF DECISION

The Committee endorsed the HIA as having met the requirements of Section 38(3) of the NHRA and resolved to approve the revised proposal on condition that final drawings are substantially in accordance with the drawings dated 05.05.2017 and are to be submitted for endorsement by HWC prior to submission to the City of Cape Town.

WD

13.3 Proposed consolidation of Erven 3370, 3381 & 3382, 16, 18 & 20 Main Road, Paarl: NM HM/CAPE WINELANDS/DRAKENSTEIN/PAARL/ERVEN 3370, 3381 & 3382

Case No: 16110809KR1116E

NID application document and Heritage Impact Assessment in terms of Section 38(8) of the NHRA were tabled.

Ms Anne-Marie Fick and Ms Larissa Heyns were present and took part in the discussion.

Ms Katherine Robinson gave a power-point presentation.

Discussion included the following:

- The comments of all I&APs and municipality were noted.
- The Committee noted that this site was unlikely to have been part of the area which was subject to forced removals.

- The reports submitted to HWC, and the heritage related informants contained therein were generally endorsed by the Committee.
- Concerns were however raised by the Committee in respect of the scale and height of the proposed development to the rear of the site (buildings B and C) and their resultant impact on the identified heritage resources. In particular this also related to the proposed “raising of the building on stilts” to accommodate parking. These buildings should be reduced in height and width and be more ‘grounded’.
- The set back of building A from Paarl Main Road was also an issue of concern for the Committee. Whilst it was recognised that this set back was in order to comply with road widening provisions, it was also noted that, given the number of identified heritage resources and Provincial Heritage Sites located along the Main Road, the road widening scheme which has been proposed since the 1980’s was unlikely to ever go ahead. Paarl Main Road, with related established building lines, is furthermore recognised as a heritage resource in its own right, and as such it was recommended that the applicant investigate complying with the established building lines of the heritage resources located adjacent in order not to detract from the established pattern and character which contributes to the significance of the street.

INTERIM RESPONSE

The Committee resolved not to approve the proposal in its current form given the concerns that have been raised. These include the height and scale of the buildings to the rear of the site as well as the setback along Main Road.

It is recommended that the proposal is revised accordingly and resubmitted to HWC for approval

KR

13.4 Proposed Commercial Development on Erven 55668, 559 and 55670 (Unregistered Erf 177502) on the Corner of Main and Draper Street, Claremont: NM HM/ CAPE TOWN METROPOLITAN/ CLAREMONT/ ERVEN 55668, 55669 AND 55670 (UNREGISTERED ERF 177502)

Case No: 16083102WD0915M

A HIA, HWC NID response and additional information were tabled.

Ms Waseefa Dhansay gave a power-point presentation.

Amongst other things, the following issues were raised in discussion:

- The thoroughness of aspects of the HIA were commended by the Committee, however it was argued that the report lacked an assessment of the significance of the Draper/Hemlock community which was forcibly removed from the area in the 1960’s.
- The HIA insufficiently recognised that a grouping of surviving tangible heritage resources existed (inclusive of the Mosque across Main Road from the site in question).
- Although the building of which the façade is proposed to be retained is identified by the City as having a grading of IIIB, the building is regarded as being part of a group of structures on the site that are still representative of the

grain and fabric that existed in the Draper/Hemlock area prior to forced removals. In this regard the group itself should be regarded as having historic significance.

- The site is located opposite the Claremont Mosque which is regarded as highly significant, particularly in respect of forced removals as well as a site of resistance in the 1980's.
- Concern was expressed regarding the issue of facadism as an appropriate response in this instance. The issue of authenticity was also discussed.
- It was suggested that in order to interact more positively with the Mosque, as well as other streetscape issues, the new tower-building needs to respond by having a greater set back from the facade. It was further argued that the grain and texture of the buildings in the group should be expressed in a meaningful way.
- Moreover, it was suggested that an appropriate means of commemorating the Draper/Hemlock Street Community should be investigated.

INTERIM RESPONSE

The Committee resolved to undertake a site inspection in order to better understand the significance of the site and the issues that have been raised. (CM, SM, AH, GT, FT and JY)

WD

13.5 Proposed Development of the East Quay Precinct Erf 149294 and 176352 - V&A Waterfront: NM HM/ CAPE TOWN METROPOLITAN/V&A WATERFRONT/ ERF 149294 AND 176352

Case No: 17020905WD0110M

A HIA,HWC NID response, additional information and comments from SAHRA, City of Cape Town and CIFA were tabled.

Dr Baumann, Mr Makeka, Mr Schwartz, Mr Linder, Mr Ahmed and Mr Van Rooyen were present and took part in the discussion

Ms Waseefa Dhansay gave a power-point presentation.

The HIA and attached components were discussed in some depth and included, amongst others the following observations:

- The Committee noted that the HIA had identified the heritage resources pertaining to the site and surrounds and had generally provided adequate heritage resource indicators. However further assessment of the Quay 7 building, its significance and history, and its suitability for adaptive reuse are required before the Committee would be able to take a decision as to whether it should be demolished or not.
- The Committee was of the view that there is a "gap" between the heritage resource indicators, as provided, and the proposed development massing envelopes tabled. The proposal needs be integrated into a broader Development Framework that pertains to the Waterfront as a whole, as well as to the Precinct
- The Committee's concerns are: how the proposed development responds to the Waterfront's quay edges, as well as mitigating the impact of the Table Bay

Hotel, in terms of visual impact and physical form and layout. The Table Bay Hotel should not be used as a massing or height informant.

- The potential massing and scale of proposed new edge buildings must be addressed and respond to the heritage informants set out in the HIA.
- Specific concerns in respect of the 'walling-in' of the basin by overscaled development must be addressed
- The Committee recognised that the area of the proposed heliport was of lesser significance and had no objection in principle to the proposed development in this area.

INTERIM RESPONSE

The Committee broadly endorses the Heritage Indicators as provided for in Section 4 in the HIA, but cannot at this stage endorse the HIA as having met the requirements of S38(3) of the NHRA.

It was resolved that a revised development proposal and assessment be submitted to HWC that complies with the provisions of S38(3) as well as takes into account concerns raised by this Committee.

WD

- 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 None
- 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 Proposed Rezoning and Subdivision for Residential Units on Erf 195, Elands Bay: NM HM/ELANDS BAY/ERF 195

Case No: 16081003AS0524M

HIA and appendices were tabled.

Mr Andrew September gave a power-point presentation.

Amongst other things, the following was discussed:

- The findings of the HIA were acknowledged by the Committee, however further information is required in terms of Archaeological investigation.

INTERIM RESPONSE

The Committee resolved to support the workplan application to determine the statement of significance for the final HIA on condition that testing occurs throughout Erf 195 to determine extent of possible archaeological significance and extent of resources.

AS

21.2 Proposed Redevelopment on the Remainder of Erf 9209, Paarl: NM HM/PAARL/ERF 9209

Case No: 16081003AS0524M

HIA prepared by Aikman and appendices were tabled.

Mr. Aikman was present at the meeting and took part in the discussion.

Mr Andrew September gave a power-point presentation.

Amongst other things, the following was discussed:

- The comments of the Municipality and I&APs were noted.
- It was noted that the Subdivision of Agricultural Land Act does not apply in this instance and that the revised Paarl Municipal Spatial Development Framework has identified the site as being suitable for Urban Infill. Furthermore, the Paarl Farms Land Use Policy has not identified the farm as being one of the more significant.
- Overall, the HIA identified the farm as being of Grade IIIC significance, with the homestead located thereon having Grade IIIB significance.
- In this instance the Committee understands the identified IIIC significance of the farm to mean it has historic and visual contributory significance to the character of the Paarl Main Road which is regarded as a heritage resource in its own right.
- It was recognised that the farm workers and families are included within the proposed development; however, it was felt that the HIA would have benefitted from including a socio-cultural component that spoke of their histories and heritage.

- Whilst the Committee recognised that development of this farm is inevitable, concern was raised specifically in respect of the nature and form of the proposed development itself being alien to existing built form and layout: The proposed shopping mall model with attended parking surrounding the building as well as the proposed traffic circle to be created in order to provide entrance to the site being a case in point.
- Furthermore, given the site has been identified as contributing to the character of the Main Road, it was opined that the nature of the proposed development would negate any of this significance. The proposed interface with Main Road was queried as being insufficient in width, along with the nature of the planting, and the very isolated nature of the existing homestead was considered problematic.
- The Committee was of the opinion that a site visit would assist it in further understanding the nature of the site and its significance.

INTERIM RESPONSE

The Committee resolved to conduct a site inspection (Csn, JY, AH, SM & LG).

AS

21.3 BONNIEVALE 75MW PVSEF

A letter from Mr Halkett was tabled.

It was noted that the environmental process is at an advanced stage and that the final documentation has already been submitted to DEA.

In Its Previous Comment, HWC has expressed dissatisfaction with the description of the Cultural Landscape in the report previously submitted to HWC.

Mr Halkett's letter goes some way to rectifying this by providing some additional paragraphs describing the cultural landscape. Indeed the development is somewhat unprecedented in this region and the full view of cumulative impacts is therefore difficult to assess.

INTERIM COMMENT

Nonetheless the report submitted to DEA has not addressed all of the heritage issues to the satisfaction of HWC. The report does not comply with Section 38(3) of the National Heritage Resources Act (25 of 1999).

WD

22 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT

22.1 Proposed Coastal Resort on the Portion of Remainder of Farm Zevenputs 434, Matzikama: NM HM/MATZIKAMA/REM OF FARM ZEVENPUTS 434

Case No: 16031113GT0318M

A HIA prepared by Perception Planning, additional reports and comments from I&AP's were tabled.

Mr Andrew September gave a power-point presentation.

Amongst other things, the following was discussed:

- It was noted that the revised HIA and supplementary documentation had addressed previous concerns raised by the Committee.
- The report(s) were endorsed as having met the requirements of s38(3) of the NHR Act.

FINAL COMMENT

The Committee resolved to support Layout Option 3 as being the preferred alternative, on condition that:

- Existing access roads and tracks must be used and introduction of new roads or tracks be minimised.
- Two-storey structures may not be permitted though dormer structures within a maximum height of 6,5m (as measured from ground level to the top of roofs) may be considered.
- Architectural design of units should reflecting local vernacular element as per conceptual proposals provided.
- An architectural design manual should be compiled and adhered to for all future structures and ancillary services.
- Interior and exterior lighting must be designed so as to reduce the overall nocturnal footprint of the development.
- Full time monitoring is not required, but a suitably-qualified project archaeologist must brief the Environmental Control Officer before construction operations commence.
- If any unmarked human remains, or ostrich eggshell caches, for example, are exposed or uncovered during excavations these must immediately be reported to Heritage Western Cape (Att: Mr Andrew September).
- The above recommendations must be incorporated into the Environmental Management Plan (EMP) for the proposed development.
- HWC recommends that archaeological monitoring be conducted to all bulk earthworks.
- In the event that DEA&DP approves the development for option 1 or 2 the application must be submitted for re-assessment by HWC due to the sensitivity of archaeological resources.

AS

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 –

16H30

27. DATE OF NEXT MEETING:

12 July 2017

CHAIRPERSON _____

DATE _____

SECRETARY _____

DATE _____

Approved