

**MEETING OF HERITAGE WESTERN CAPE,
IMPACT ASSESSMENT COMMITTEE**

**Minutes of the meeting of the Impact Assessment Committee
of Heritage Western Cape that was held on
Wednesday, 10 August 2011,
on the 1st Floor Boardroom, Protea Assurance Building,
Greenmarket Square, Cape Town at 09h00**

1 Opening and Welcome

The Chairperson, Dr Stephen Townsend, opened the meeting at 09h20 and he welcomed everyone present.

2 Attendance

Members

Dr Stephen Townsend (Chairman) ST
Ms Sarah Winter SW
Mr Roger Joshua RJ
Ms Sharon de Gois SdG
Mr Richard Summers RS
Mr David Hart DHAR
Mr David Halkett DHAL

Staff

Ms Tamar Grover TG
Ms Christina Jikelo CJ
Ms Jenna Lavin JL
Mr Zwelibanzi Shiceka ZS
Ms Lithalethu Mshoti (Sec) LM
Mr Jonathan Windvogel JW

Observers

None

Visitors

H Aikman
A Berman
N Baumann
A Jacobs
A Lillie
W Foure
C Abrahamse
R Ajodhapersadh
S Mung-oo
L Hagermann
N Rolland
P Niland
R Bosman

3. Apologies

John Almond JA
Ms Mary Leslie ML

4. Approval of minutes of previous meetings

4.1 IARCOM Minutes dated 6 July 2011.

The Committee resolved to approve the minutes with no amendments.

5 Confidential Matters

5.1 None

6. Appointments

6.1 None

7 Administrative Matters

7.1 Report back from the Council meeting held on 3 August 2011

Change of Committee name.

It was noted that:

- The Council resolved to change the name of the Committee from Impact Assessment Review Committee to Impact Assessment Committee.

Baboon Point

- The HWC Council resolved to appoint a sub-committee.
- The members of the sub-committee had resolved to have their first meeting on 15 August 2011.

Legal opinion

- The HWC Council has discussed its own legal opinion in terms of various aspects of Section 38.
- In its last meeting the Council discussed what constitutes other legislations in terms of Section 38 noting that LUPO does not make provision for the evaluation of or decision-making in respect of heritage resources.
- This will be conveyed to City of Cape Town that this is how HWC will deal with these matters in future.
- It was noted that this does not remove the responsibility of either party to see applications; it simply shows where the decision-making responsibility lies.

7.2 Comment on SAHRA/DEA letters.

- The CEO has received draft letters from SAHRA (addressed to HWC and to "Stakeholders") with regards with the interaction with DEA concerning the treatment of Section 38 applications that go to DEA from HWC.
- The CEO asked the members to look at these letters and make any suggested changes/comment to him.

7.3 DEA amendment of HWC recommendations

- A case that was submitted to HWC and HWC recommended that the type of development proposed should be within a 5 km radius; however DEA reduced it to 2 km radius on its record of decision.
- DEA did not give reasons for this change.
- The call for concern is that DEA does not have the appropriate skills and staff to assess impact on heritage resources.

- The CEO will write to DEA and request reasons for the change.

7.4 Meeting with Archaeologist professional bodies.

- It was noted that Ms Mary Leslie, Dr Townsend and Mr Hall have met with the Association for Southern African Professional Archaeologists (ASAPA) and Palaeontological Society for South Africa (PSSA)
- There have been concerns about various implications of decisions and whether decisions are or should be made under section 38 or section 35 and the implications of section 38(10) on the decisions.
- To explain to these bodies the HWC Council's interpretation in respect of section 35 where section 38 applies.
- There are still some uncertainties and it was agreed that regulations need to be developed and that HWC should come up with a standard template outlining conditions which would obviate some of the concerns.

7.5 Guidelines in respect of Wind Farms

After some discussion it was agreed that the CEO would discuss this issue with DEA&DP.

8. Matters arising from previous meeting

8.1 Pending/ awaiting submissions.

FIRST SESSION: TEAM EAST PRESENTATION

E. 9. SECTION 38(2): RESPONSES TO NOTIFICATIONS OF INTENT TO DEVELOP

E.9.1 None

E. 10 SECTION 38(2) DECISIONS

E.10.1 None

E 11 SECTION 38 (4) RECORDS OF DECISION

E.11.1 None

E.12 SECTION 38(8) NEMA RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP

E.12.1 None

E.13 SECTION 38(8) NEMA COMMENT

E.13.1 None

E 14 SECTION 38(8) NEMA FINAL COMMENTS ON ENVIRONMENTAL IMPACT ASSESSMENT

E.14.1 Proposed development, remainder Erf 1960, Milnerton.
HM/MILNERTON/ERF 1960

Case number: 110726SD32

Impact Assessment Report prepared by Ashley Lillie dated July 2011 was tabled.

The documents had been delivered and read by ST, RJ and SW

Ms Jenna Lavin made a power-point presentation on behalf of Shaun Dyers

In the discussion it was noted that:

- APM does not have any archaeological concerns.
- Palaeontological material has been found in the vicinity and as a result there must be monitoring of bulk earthworks by a palaeontologist.

Final Comment

The report satisfies HWC requirements

HWC has no objection to the proposed development on condition that a palaeontologist compile a plan of action and monitor bulk earthworks and that a monitoring report be submitted to HWC on conclusion (this would include the recovery of material if necessary)

E 14.2 400KV Single circuit Transmission Power Line from the Existing Phillipi Substation to a proposed Mitchell's Plain Substation and the Phillipi Substation Upgrade. HM/PHILLIPISUBSTATION

A draft Environmental Impact Assessment Report, combine Locality Map Scoping phase and Environmental management Plan prepared by BKS (Pty) dated June 2011 were tabled.

Mr Louw had received and read the report.

Ms Jenna Lavin made a power-point presentation on behalf of Shaun Dyers

Mr. Halkett recused himself

In the discussion it was noted that:

- The siting of the proposal seems to be a logical outcome due to the scale of the infrastructure (power lines) and an attempt to locate it within existing bulk infrastructure corridors like N2 and railway lines having being made.
- Although there may be references to heritage, heritage is not an overwhelming aspect in this environment and it is the only place where a facility of this kind can be located.

Final Comment

Recognising the importance of the provision of major infrastructure of this sort and recognising the extent of the studies and analysis completed to date, HWC accepts

that the development should proceed and recommends that the preferred alternative be adopted.

SD

**E 14.3 Proposed InoWind Energy near Swellendam, Heidelberg, Albertina and Mossel Bay
HM/SWELLENDAM/HEIDELBERG/ALBERTINIA/MOSSEL BAY**

A final Environmental Impact Assessment report prepared by CSIR dated June 2011 was tabled.

Case number: 110628SD05

Ms Jenna Lavin made a power-point presentation on behalf of Shaun Dyers

The Committee noted that:

This application should not have been accepted as one application; and that the comments of HWC are directed separately to each site which is regarded as an independent application.

**Swellendam
Interim Comment**

HWC requires an indication as to the impact of the proposed mitigation measures in respect of landscaping (berms and trees) on the heritage resources (homesteads and related buildings) in question.

HWC also requires an indication of the outcome of the recommendation that the feasibility of reducing the heights of the turbines and repositioning turbine 1 in layout 1 be investigated.

HWC recommends that the principle of positioning turbines and their infrastructure on the far side downslope of ridges be adopted wherever possible. This should apply for scenic routes as well as farmsteads.

**Heidelberg
Final Comment:**

HWC has no objection to the proposed development subject to the points below:
HWC accepts the proposals for mitigation, namely, repositioning the turbines beyond 500m from the R322, reducing the size of the turbines from the 100m hub height to an 88m hub height and repositioning the turbines on the downward slope to reduce visual exposure.

HWC recommends that the principle of positioning turbines and their infrastructure on the far side downslope of ridges be adopted wherever possible. This should apply for scenic routes as well as farmsteads.

**Albertinia
Final Comment**

HWC accepts the recommendations of the lead consultants (CSIR) that the mitigation measures suggested by the VIA consultant will not adequately change the

impacts; and, accordingly, it is recommended that this site not be used for a wind energy facility.

Mossel Bay

Final Comment

HWC has no objection to the proposed development subject to the mitigations suggested by the lead consultants, that is, that alternative 3 be implemented including reducing the number of turbines from 44 to 38, that the realignment of the game road and relocation of the entrance gate to the game reserve be investigated.

SD

**E 14.4 Proposed Bridge Over Doring River on Portion 1 of Uitspankraal 28, Eastern Cederberg, West Coast.
HM/WEST COAST**

Case number: 110704JL01

A final Basic Assessment Report relating to the proposed construction of crossing structure over Doring prepared by Enviro-Dinamik, dated May 2011 was tabled.

Ms Jenna Lavin made a power-point presentation.

Final Comment

There is no objection to the proposed development. However, a condition should be imposed to the effect that should any archaeological or palaeontological remains of any sort be located, the ECO should safeguard these in situ and HWC must be alerted so that the appropriate mitigation measures can be implemented.

JL

**E 14.5 Proposed Construction of Sewerage Pipeline, Upgrade to the Stormwater and Detention Facilities in Hillside, Beaufort West, Tulbagh.
HM/TULBAGH**

Case number: 110707JL06

A Palaeontological Impact Assessment prepared by Jennifer Botha-Brink, dated 04 July 2011 was tabled.

Ms Jenna Lavin made a power-point presentation.

Final Comment:

- No further studies are required
- and HWC has no objection to the proposal.

JL

**E 14.6 Proposed Rhebokfontein Wind Energy Facility Near Darling.
HM/DARLING**

Case number: 110627JL20

An Environmental Impact Assessment Prepared by Savannah, dated 24 June 2011 to be tabled

Mr. Hackett recused himself

Ms Jenna Lavin made a power-point presentation as did consultants representing the applicant

The matter was deferred until the documentation describing the revised proposal/layout and the results of the public consultation in that regard is received.

**E 14.7 Proposed Construction, Installation and Operation of Photovoltaic (Solar) Power project of 10 MW on Portion 1 of farm Steenrotsfontein 168 near Beaufort West.
HM/BEAUFORT WEST**

Case number: 110714JL14

A Final Basic Assessment report prepared by CSIR, dated 13 July 2011 was tabled.

Mr Halkett recused himself

M Winter and Ms de Gois had received and read the documentation.

Ms Jenna Lavin made a power-point presentation.

Final Comment

There is no objection to the proposed development
Alternative 2 is favoured

A condition should be imposed requiring that the ECO should be made aware of the potential for finding fossils and should monitor any excavations into unweathered bedrock and if any fossils are uncovered, they should be reported and mitigation may be required.

JL

**E 14.8 Proposed Southern Arterial Road, George.
HM/ARTERIAL ROAD EXTENSION/GEORGE**

Case number: 110720JL24

An Environmental Impact Assessment Prepared by Sharples Environmental Services, undated was tabled.

The documents have been delivered and read by SdG, ST and SW

Ms Jenna Lavin made a power-point presentation.

Final Comment

HWC has no objection to the construction of the road and recommends that the northern option be preferred for the crossing of the Schaapkop River (for archaeological and visual reasons)

It was noted that:

- The HIA prepared by Mr. R. Martin is vague and without meaningful recommendations in almost all respects;
- The heritage report is not endorsed.

JL

**E 14.9 Proposed Witberg Wind Farm
HM/WITBERG FARM**

A Final Scoping report prepared by ERM, dated December 2010 was tabled.

Ms Jenna Lavin made a power-point presentation as did a consultant, Ashley Lillie, for the applicant.

Mr. Halkett recused himself.

Interim Comment

The Committee requires that the conclusions and recommendations of the HIA be reviewed and integrated with the findings and conclusions of the VIA and the comments of I&APs before it will conclude on this matter.

JL

**E 14.10 Mainstream Renewable Energy Facilities land parcel Beaufort West
comprising of Remainder of Farms 15 and 16, PTN 1 farm 15, PTN farm 4 farm
374, PTN 21 farm 374, PTN 11 farm 374 PTN 1 farm 370, PTN 4 farm 370, PTN 3
farm 370
HM/CENTRAL KAROO/BEAUFORT WEST/VARIOUS FARMS RENEWABLE
ENERGY FACILITIES/BEAUFORT WEST**

Case number: 110727JL33

A Heritage Impact Assessment prepared by Mary Patrick of Cape Archaeological Survey and other heritage specialists dated July 2011 was tabled.

Ms Jenna Lavin made a power-point presentation.

Final Comment

Option 2 is the preferred option subject to the following:

- Before any construction, a palaeontologist must conduct a detailed field survey to determine areas of high palaeontological sensitivity
- The palaeontologist must develop a mitigation programme and protocol for palaeontological finds.
- The red-flagged archaeological sites and graveyards must be demarcated by an archaeologist prior to construction. The graveyards as identified must not be adversely impacted by roadworks, PVs or turbines.
- A joint management plan between the client and archaeologist should address long-term protection and management strategies.
- The final layout must be assessed by the heritage specialist.
- Archaeological monitoring during various stages of development of associated infrastructure is required – a monitoring report must be submitted to HWC.
- A buffer zone of 1km from the site boundary to Palmietrivier and Amospoortjie is required.
- A watching brief should be imposed in terms of the EMP to ensure that the graveyards as identified are not adversely impacted by roadworks, PVs or turbines

JL

**E 14.11 Proposed Undefined Residential Development on Portions 4, 5, 6, 7, 9, 11, 14 and Remainder of farm Welgevonden 75, de rust, Oudtshoorn.
HM/OUTSHOORN**

Case number: 110727JL31

A draft Basic Assessment report prepared by Sharples environmental Services, dated 19 July 2011 was tabled.

DH, RJ and SdG had received and read the documentation.

Ms Jenna Lavin made a power-point presentation.

Mr. Halkett recused himself.

The matter is deferred for the submission of additional information including the spatialisation of all development relative to existing resources including graves, kraals etc. and an analysis of the visual and any other impacts of the proposed development on those resources.

JL

**E 14.12 Proposed Establishment of Renewable Wind Energy Facility at the Konstabel Site.
HM/TOUWSRIVER/REM OF FARM 154, PTN 1 OF FARM 158, PTN OF FARM 159, FARM & FARM 156**

A Final Environmental Impact Assessment prepared by ERM, dated 14 January 2011 was tabled.

SW and DH had received and read the documentation.

Ms Jenna Lavin made a power-point presentation on behalf of Mr Justin Bradfield.

Mr Summers recused himself

Final Comment

Alternative 3 is the preferred option subject to the following:

- Before any construction, a palaeontologist must conduct a detailed field survey to determine areas of high palaeontological sensitivity.
- The palaeontologist must develop a mitigation programme and protocol for palaeontological finds
- The red-flagged archaeological sites must be demarcated by an archaeologist prior to construction.
- A joint management plan between the client and archaeologist should address long-term protection and management strategies
- The final layout must be assessed by the heritage specialist. Archaeological monitoring during various stages of development of associated infrastructure is required – a monitoring report must be submitted to HWC
- A buffer zone of 1km from the site boundary of the farm is required
- A watching brief should be imposed in terms of the EMP to ensure that the graveyards as identified are not adversely impacted by roadworks, PVs or turbines
- A setback of 1 km from N1 is recommended to partly conceal turbines by ridgelines.
- A set back of 500 m from local scenic road passing through the 'poort' and 250 m from farm boundaries should be observed.
- The mountainous ridge to the North of the N1 and the ridge immediately to the south of the N1 must be regarded as no-go areas of development.

JL

**E 14.13 Proposed Precinct Two Development Located on the AECl site Somerset West.
HM/Somerset West**

Case number: 110622ZS26

A Phase II Heritage Impact Assessment prepared by Rocco Bosman, dated 22 June 2011 was tabled.

Mr Zwelibanzi Shiceka made a power-point presentation.

Mr. Halkett recused himself

Noted: The applicant's representatives had no objection to Mr. Louw being included in the discussion of this application notwithstanding his previous involvement at an earlier phase.

HWC requests that a larger scale map be submitted that synthesises the major heritage issues

A subcommittee consisting of the following members will meet before the next IACom meeting (presuming that the required details are submitted in time) to assess this matter: Mr. Louw, Mr. Hart, Ms. Winter, and Mr. Joshua.

ZS

**E 14.14 Proposed Residential Development, Erf 415 Suiderstrand
HM/SUIDERSTRAND**

Case number: 110727ZS31

This matter was withdrawn by the applicant.

ZS

**E 14.15 Proposed New Development at Bridgehouse School in the Franschoek Valley.
HM/FRANSCHOEK/BRIDGEHOUSE**

Amended landscape plan was tabled.

Mr Zwelibanzi Shiceka made a power-point presentation.

Final Comment

HWC accepted the revised landscape concept plan dated July 2011 as requested. This comment is to be integrated with those of the previous meeting.

ZS

**E 15 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN RESPONSE TO
NOTIFICATION OF INTENT TO DEVELOP**

E.15.1 None

**E 16 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN INTERIM
COMMENT**

E.16.1 None

**E 17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL
COMMENT**

E.17.1 None

E.18 SECTION 38(8) OTHER LEGISLATION NOTIFICATION OF INTENT TO DEVELOP

E.18.1 None

E.19. SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT

E.19.1 None

E.20 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT

E.20.1 None

SECOND SESSION: TEAM WEST PRESENTATION

W.9. SECTION 38(2): RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP

W.9.1 Proposed Development and Rezoning of Consolidated Erf 11057 Corner Main, Realigned Lord Roberts Road and Mitchel Street Hermanus. Station Square. HM/HERMANUS/ERF 11057

Case number: 110727JW32

A Phase II Heritage Impact Assessment prepared by Chris Snelling, dated July 2011 and Plans prepared by Andrew Greeff Architects dated 26 May 2011 were tabled.

Mr Jonathan Windvogel made a power-point presentation.

The matter is deferred
HWC requires that a 3D drawing or model or representation of the proposal that clearly indicates the height and extents of all buildings and the position and nature of all pedestrian access onto and across the site.
Furthermore, that the complete list of design indicators approved by HWC in July 2010 is to be provided with brief explanations as to their satisfaction.

JW

W.10 SECTION 38(1): INTERIM COMMENT

W.10.1 None

W11 SECTION 38(4): RECORD OF DECISION

W.11.1 Redevelopment of Erven 171618, 152677, 52674, 94460, 152678, 153691, 153670 and 152675 Longkloof Studios, Park Road, Cape Town. HM/LONG KLOOF/CAPE TOWN

Phase 1 HIA:

Interim decision in respect of design indicators:

The committee resolved to accept the heritage and urban design indicators as recommended in the Phase I HIA accepting the volume of the envelope of the building abutting the MLT building above its eaves.

JW

W 11.2 Additional Research into the cultural significance of the buildings off Nieuwmeester lane; and related strategy statement. Section 34 application:

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**Demolition of buildings: Nieuwmeester Lane, Portion Erf 8248, And Erf 5099
Parliamentary Precinct
HM/PARLIAMENTARY PRECINCT/ERF 8248/5099**

Case number: 110630JW40

A supplementary report prepared by Melanie Attwell and Associated, dated June 2011 was tabled.

Ms Attwell and Mr Jacobs gave input into the discussion.

Final Decision in respect of a condition imposed in 2008:

Approval to demolish certain buildings is granted subject to conditions:

- (a) Salvageable early fabric is to be carefully recovered and stored for incorporation into the new development under the direction of the heritage architect.
- (b) That the heritage architect supervises the recovery and storage of the early fabric identified for later re-use.
- (c) That this be complemented by an approved interpretation strategy for the site and surviving early material as part of the redevelopment proposals (recognizing the example set by the development of Constitutional Hill in Johannesburg).
- (d) That the buildings be subject to an archaeological investigation prior to demolition, and that watching briefs by a suitably qualified archaeologist and heritage architect be conducted during the demolition and that an archaeological monitoring report be submitted to HWC.

Note: The impact of the proposed building will have to be assessed and approved by HWC (which is a condition of the 2008 approval)

TG

W.12 SECTION 38(8) NEMA RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP

W.12.1 None

W.13 SECTION 38(8) NEMA INTERIM COMMENT

W.13.1 None

W.14 SECTION 38(8) NEMA FINAL COMMENT ON ENVIRONMENTAL IMPACT ASSESSMENT

W.14 None

W.15 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP

W.15.1 None

W16 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN INTERIM COMMENT

W.16.1 None

W.17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL COMMENT

W.17.1 None

W.18 SECTION 38(8) OTHER LEGISLATION NOTIFICATION OF INTENT TO DEVELOP

W.18.1 None

W.19 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT

W.19.1 None

W.20 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT

W.20.1 None

21. Adoption of decisions and resolutions
The Committee adopted all decisions and resolutions

22. OTHER MATTERS

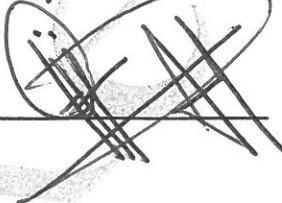
22.1 None

23. CLOSURE – 12H30

24. DATE OF NEXT MEETING: 7 September 2011

CHAIRPERSON 

DATE 7/9/2011

SECRETARY 

DATE 7/09/2011