

# **OUDE MOLEN PRECINCT**

## **Heritage Impact Assessment**

### **Comments and Responses Report**

**March 2025**

#### **Contents**

1. Introduction .....	3
2. Prior consultation: Preliminary Phase .....	3
3. Approach to public participation .....	3
4. List of interested and affected parties .....	4
5. Advertisement of Draft HIA .....	5
6. Stakeholder engagement process .....	5
7. Submissions received .....	6
8. Comments and responses .....	7
ANNEXURES: .....	76
Annexure A: OMP Notice calling for I&AP Registration .....	76
Annexure B: Placement of Notice calling for I&AP Registration .....	76
Annexure C: OMP I&AP List .....	76
Annexure D: Notice calling for Comment on OMP HIA .....	76
Annexure E: Placement of Notice Calling for Comment on OMP HIA .....	76
Annexure F: Email of Notice Calling for Comment on HIA .....	76
Annexure G: Posters displayed at OMP Open House Event .....	76
Annexure H: Photographs of OMP Open House Event .....	76
Annexure I: Attendance register at OMP Open House Event .....	76
Annexure J: Emails to I&APs .....	76
Annexure K: List of OMP HIA Submissions Received .....	76
Annexure L: OMP Submissions Received .....	76

## Abbreviations and Acronyms:

CCT	City of Cape Town Municipality
DCAS	Department of Cultural Affairs and Sport
DOI	Western Cape Government Department of Infrastructure
DU	Dwelling unit
E&HM	City of Cape Town Environmental and Heritage Management
FN	First Nations
GPR	Ground penetrating radar
HIA	Heritage Impact Assessment
HWC	Heritage Western Cape
IACOM	HWC Impact Assessment Committee
I&AP	Interested and affected party
LSDF	Local Spatial Development Framework
NB&A	Nigel Burls and Associates
NEMA	National Environmental Management Act (1998)
NEMBA	National Environmental Management: Biodiversity Act (2004)
NHRA	National Heritage Resources Act (25 of 1999)
NMC	National Monuments Council
OMP	Oude Molen Precinct
OMEVTA, OMVTA	Oude Molen Eco Village Tenants Association
PAJA	Promotion of Administrative Justice Act (2000)
RDP	Reconstruction and Development Plan
RLHR	Resistance and Liberation Heritage Route
SAHRA	South African Heritage Resources Agency
SAM	Social Accounting Matrix
SDP	Site development plan
SIA	Social Impact Assessment
TRUP	Two Rivers Urban Park
TRUPA	Two Rivers Urban Park Association
VIA	Visual Impact Assessment
WCG	Western Cape Government

# 1. Introduction

Nigel Burls and Associates (NB&A) was appointed by the Applicant (Western Cape Department of Infrastructure) in August 2023 as Lead Consulting Entity, with a responsibility to “*conclude the remaining required workstreams to secure appropriate development rights for the proposed development of the Oude Molen precinct*”.

The aim the heritage-related phase of the public participation component of the project was to facilitate the statutory stakeholder engagement processes required in terms of the Heritage Impact Assessment (HIA) legislation. This HIA Comments and Responses Report has been produced at the conclusion of the statutory processes relating to the HIA, and describes the public participation process undertaken regarding the Draft HIA. It sets out the comments received from interested and affected parties (I&APs) to the Draft HIA and responses to these comments by the Project Team.

## 2. Prior consultation: Preliminary Phase

Prior to the heritage-related phase of public participation, a so-called “Preliminary Phase” of public participation was conducted. This phase was completed some time ago, and included the production of a Stakeholder Due Diligence report, the preparation of an initial list of I&APs, and a series of focus groups held with stakeholders. Stakeholder groups identified and engaged within this stage included some First Nations representatives from various Groupings, members from the Oude Molen Tenants Association, relevant heritage bodies and green organisations, representatives of surrounding neighbouring areas’ civic, ratepayers and residents associations, as well as the then Ward Councillor and Sub-Council Manager. The information shared at these sessions and notes of discussion / outcomes were posted on the dedicated project webpage of the Western Cape Government, and incorporated into the HIA and served as an informant to the formulation of the development concept.

## 3. Approach to public participation

The overall objective of the public participation component in the heritage phase was to fulfil the statutory public participation requirements in relation to this aspect. The approach to public participation for the heritage phase is summarised below:

- Establishing and maintaining a list of I&APs
- Distributing statutory notices as required in terms of legislation relating to the HIA
- Establishing and maintaining a dedicated project email address for public submissions regarding heritage issues
- Facilitating the submission of comments by I&APs with regard to the draft HIA and to the draft Development Concept
- Making arrangements for and managing public events and meetings (venues, logistics etc), including an Open House event
- Capturing comments made by I&APs
- Coordinating and collating the preparation of comments and responses on the HIA
- Preparing a Comments and Responses Report

**Relationship between statutory processes for Heritage and Land Use proposals:**

The statutory public engagement process for the HIA preceded the statutory public engagement process regarding the land use proposals. However, at an Open House event (18 September 2024) for the draft HIA, the draft Development Concept was made available for review. The Open House event thus gave I&APs an opportunity to view and comment on the draft HIA, and to provide an initial response to the draft Development Concept Plan<sup>1</sup>.

Comments from stakeholders could be submitted in writing, either at the Open House event on the comments' forms provided, or through the dedicated email address ([omp@desertbloom.co.za](mailto:omp@desertbloom.co.za)), as communicated in the published notice, which was established to receive public comments and managed by the public/social facilitator to ensure independence and the Applicant (Western Cape Government Department of Infrastructure) stepping back.

It was envisaged at the outset that both heritage-related comments and comments relating to the draft Development Concept would be submitted by I&APs. It was agreed with the Applicant that, should comments received on the draft Development Concept be considered substantial, amendments to that plan should be made. Comments and objections relating to the HIA and heritage related aspects of the draft Development Concept are addressed in this report.

Given the delay between the Preliminary Phase of public participation and the initiation of the NHRA legislated public participation, the following measures were implemented:

- Early in 2024, the Applicant issued a fresh call for I&APs to register.
- Clear information on the project and the statutory process was made publicly available on the Applicant's project webpage, and registered I&APs were notified of this in all communications.
- The statutory public engagement processes for both heritage and the land use were clearly explained and demonstrated to I&APs at the public event. One public event, an Open House, was planned and held.
- The public participation team would acknowledge all possible views, maintaining its independence and neutrality.

During the preparation of the HIA, as part of the baseline Social Impact Assessment (SIA), at least 18 interviews with Oude Molen tenants and Department of Infrastructure (DOI) appointed Estate Management representatives/company were conducted.

## **4. List of interested and affected parties**

On Thursday, 29 February 2024, the Applicant published a notice inviting people and organisations to register as I&APs (see Annexure A). The notice was published in the Cape Times, Die Burger, Vukani, the Southern Suburbs Tatler and the People's Post (Woodstock/Maitland). It was also published on the dedicated DOI project webpage.<sup>2</sup> The notice was posted on all site boundaries of the Oude Molen Precinct. Hard copies of the notices were also placed on notice board at the Pinelands Library and ay Sub-Council 15 Offices. The closing date for responses was Monday, 01 April 2024. Annexure B contains photographs of

---

<sup>1</sup> Note that the process of asking stakeholders for their visions for the site was undertaken in the preliminary phase of the project.

<sup>2</sup> See below for webpage details

notices placed on site calling for registrations, as well as tear sheets from the relevant newspapers.

A list of I&APs was developed (see Annexure C) on the basis of registration requests received in response to the notice, as well as requests from stakeholders on the list from the Preliminary Phase, to update or confirm their details. This list was used to invite registered I&APs to comment on the draft HIA, and to attend an Open House event which was held on 18 September 2024. It will also be used to inform I&APs of the date of submission of the HIA to Heritage Western Cape (HWC), and of the Record of Decision of HWC. The list of I&APs was updated on an ongoing basis, as needed. By February 2025, the list contained 313 email addresses<sup>3</sup>.

## 5. Advertisement of Draft HIA

On 10 September 2024, a Notice was published inviting members of the public and interested and affected parties to comment on the draft HIA for the Oude Molen Precinct. Notices calling for comments and objections were placed in the press<sup>4</sup>, on site, at the Pinelands Library and at the offices of Sub-council 15. Those I&APs who had registered earlier in the year (287 in number) were informed of the Notice directly by email. A copy of the official Notice for comment in terms of Section 38 of the National Heritage Resources Act 25 of 1999 (NHRA) is attached as Annexure D. Annexure E contains photographs of notices placed on site and in the press. All I&APs registered on the stakeholder database at that point received a copy of the same notification by email (Annexure F).

The Notice also invited members of the public to attend an Open House event which was aimed at providing the opportunity to clarify the draft HIA, the draft Development Concept and its relationship to the planning and development processes.

The 30-day commenting period opened on 10 September 2024 and was to have closed on 10 October 2024, allowing 30 days for comment. The closing date was extended to 31 October 2024, at the request of stakeholders at the Open House event (see below), thus extending the period for comment to 51 days. It was made clear in the Notice that only written submissions would be accepted.

A full set of the draft HIA documentation, as well as the draft Development Concept and the posters displayed at the Open House were made publicly available for download via the dedicated Department of Infrastructure webpage for the Oude Molen Precinct as follows: <https://www.westerncape.gov.za/tpw/departement-of-infrastructure/oude-molen-precinct-omp>. Since then the WCG communications have streamlined the webpages and the I&APs were notified via email of this change on 06 December 2024. New page with all project related information can be accessed via: <https://www.westerncape.gov.za/infrastructure/oude-molen-precinct-omp>

## 6. Stakeholder engagement process

---

<sup>3</sup> Note that a few stakeholders had more than one email address.

<sup>4</sup> Notices were placed in the Cape Times, People's Post and Southern Suburbs Tatler.

Stakeholder engagement after the publication of the Notice took place primarily through an Open House event, which was held 8 days after the Public Notice was published and placed on site, to give I&APs an opportunity to view the documents placed on the webpage before the event, and to come with questions for clarification.

The Open House event was held on 18 September 2024 from 16h00 to 19h00 pm at the Oude Molen Hall, Alexandra Road, Pinelands, to present the draft HIA to the public. Poster displays at the event included the Archaeological Impact Assessment, Social Impact Assessment, Built-environment Study, Cultural Landscape Study and Visual Impact Assessment for the Oude Molen Precinct. Posters depicting the draft Development Concept were also displayed. (See Annexure G for posters displayed at the Open House Event). Members of the consultant team were on hand to explain the assessments and to respond to questions for clarification. Annexure H contains photographs of the Open House event. Both the HIA documentation and the posters were also made available on the dedicated DOI project web page (mentioned above).

Of those who attended the Open House event, 62 signed the attendance register while a small number did not (see Annexure I: Attendance Register). The list of I&APs was updated on the basis of the attendance register.

At the Open House event, a request was made by the Councillor for Ward 15 for an opportunity to hold an informal meeting during the event, to enable members of the public to ask questions of clarification regarding the draft HIA and draft Development Concept on display. This was granted. Mr Nigel Burls of the Project Team responded to questions of clarification only. A request was made to extend the closing date for submissions. This was agreed to and the closing date was extended to 31 October 2024, which was communicated via an email to the list of I&APs 20 September 2024 (Annexure J1), effectively allowing a total of 51 days for comment. A Project Update was emailed to I&AP on 6 December 2024 (Annexure J2).

## **7. Submissions received**

As mentioned earlier, only written submissions were accepted. A total of 52 written submissions were received from I&APs during the period set aside for comments. These included hard copy submissions received at the Open House event, as well as emailed submissions.

Submissions were received from:

- First Nations: Goringhaiqua Goringhaicona Kingdom Council (and Oude Molen tenant)
- Oude Molen tenants (at least 17)
- Conservation Bodies: Pinelands Ratepayers and Residents Association, the Observatory Civic Association and the Two Rivers Urban Park Association (TRUPA)
- The Ward Councillor for Ward 15
- Heritage authorities: Department of Cultural Affairs and Sport (DCAS), City of Cape Town Environmental and Heritage Management (E&HM), and South African Heritage Resources Agency (SAHRA)
- Over 30 private individuals, including users of the Oude Molen Precinct and Pinelands residents

- 1 NGO representative (African Development Network)

The overwhelming majority of submissions (48) were objections, almost all wishing to retain the status quo, while four expressed qualified (conditional) support for some development. These were the Pinelands Ratepayers and Residents Association; SAHRA, Yazied Davids (African Development Network), and the City of Cape Town Environmental and Heritage Management.

Annexure K sets out a list of all submissions received. All comments and objections received are contained in the folder Annexure L, attached to this report.

## 8. Comments and responses

It is important to note that a Comments and Responses Report such as this cannot effectively respond to every comment made. This report therefore draws on comments that are seen to be representative of many views expressed and a consolidated response is provided. Comments have thus been clustered and summarised and responses formulated. In the table which follows, comments are clustered as follows:

- Timeline constraints
- Complexity of material
- Lack of inclusiveness
- Lack of access to key documents
- Insufficient Community Engagement
- Legal and Regulatory Framework
- Concerns regarding the possibility of predetermined outcomes
- Historical Public Participation
- Indigeneity
- Tenants/OMV supporters input
- Comments by Heritage Authorities
- Comments on the Heritage Impact Assessment (HIA)
- Comments on other specialist studies
- Comments on the draft Concept Plan (also called the draft Precinct Plan)
- Consideration of suggested alternatives

**Table 1: Comments and Responses**

Comment / objection summary	Response
<p><b>1. Timeline Constraints:</b> The tight timelines imposed for reviewing the HIA and related documents have been a significant concern for stakeholders. The initial six-week period for public response, even with a two-week extension, was considered inadequate for a thorough analysis of the extensive and complex material. This time constraint limited the ability of stakeholders, many of whom had busy schedules and lacked expertise in heritage matters, to fully engage with the process and provide meaningful input.</p>	<p>The original 30-day period for comments was set out in all notices issued, placed on site and sent to all registered I&amp;APs. An extension of 21 days was granted after a request was made at the Open House event. Notice of this extension was emailed to all registered I&amp;APs shortly after the Open House event. The date of the Open House event was scheduled 8 days after the notice of the HIA comment period to enable stakeholders to read and formulate questions to ask at the Open House event. While posters of both the draft HIA and the draft Development Proposal were displayed, very few questions were received by any members of the Heritage team, while most of the focus was on the Development Proposal. From the comprehensive written comments received it does not appear that there was difficulty in understanding the documents.</p> <p>A further extension of time to allow for deeper analysis was possible. However, no further requests for an extension of time were received.</p> <p>See also Section <b>6. Legal and Regulatory Framework</b> below.</p>
<p><b>2. Complexity of Material:</b> The sheer volume and technical nature of the HIA documentation posed a significant barrier to participation for many stakeholders. Navigating the numerous reports, often requiring expert interpretation, proved to be a daunting task. This complexity likely excluded individuals who might have had valuable input but lacked the time or resources to decipher the technical language and dense content.</p>	<p>It was recognised at the outset that the HIA documents would not be easily accessible to all I&amp;APs. To improve accessibility, a set of posters summarizing key aspects were prepared and displayed at the Open House event, where the professional team were available to explain them and answer questions. These posters were also placed on the dedicated DOI project webpage.</p>
<p><b>3. Lack of Inclusiveness:</b> The process should have been more inclusive.</p>	<p>To make the process as inclusive as possible, an initial extensive preliminary database was further extended/updated by way of public notices issued in March 2024 inviting people to register as I&amp;APs. Because of the time gap between consultation with stakeholders who had been involved in the Preliminary Phase in</p>



Comment / objection summary	Response
<p>The technical nature of the HIA had the effect of reducing the involvement of some stakeholders, and in that sense it was not inclusive.</p>	<p>2021, this notice allowed for any I&amp;AP to register or update their details. A database of registered I&amp;APs was then compiled and has remained open throughout the process. Public notices calling for comments and inviting people to the Open House event were placed in prominent positions on site, in one national and two local newspapers, and emailed to all registered I&amp;APs.</p> <p>See also Sections <b>2. Complexity of Material</b> above and <b>6. Legal and Regulatory Framework</b> below.</p>
<p><b>4. Lack of Access to key documents:</b> The unavailability of crucial documents, such as previous HIAs, amendments to source documents, feedback from the previous (2021) public participation process and the tender document, has been a major obstacle for stakeholders seeking to engage with the HIA process in a meaningful way. This lack of access to information hindered their ability to scrutinize the assessment's findings, understand the rationale behind decisions, and formulate well-informed responses. It was suggested that a comprehensive review of all HIAs should be undertaken to address discrepancies and omissions.</p>	<p>There has been no HIA process for the Oude Molen site other than the one currently in process. This comment may relate in part to the relationship between the 2021 Baseline studies and the current HIA document. There was no previous HIA for OMP.</p> <p>No recent reports and documents pertaining to Oude Molen (including the baseline studies) were intended for public review. All relevant and recent studies and reports for comment were published on the project webpage.</p> <p>All records of discussions and minutes of the focused stakeholder engagement sessions held during May 2021, including additional discussions and correspondence, have been made available on the project webpage.</p> <p>Responses to recently asked questions in the media post-advertisement of the draft HIA were also published on the project webpage for all I&amp;APs and general public to access.</p> <p>See also Section <b>8. Historical Public Participation</b> below for further responses.</p> <p>It is therefore assumed this comment may also refer to the many HIA submissions which related to the general Two Rivers area since 2002, over 20 years. It is also a long standing dispute with some stakeholders.</p>

Comment / objection summary	Response
	<p>It should be noted that historically each submission has built progressively on the previous as relevant, and report references are invariably made accordingly. This is also the case with the current Oude Molen HIA. There is no need to detail every previous report and every process individually and make comparative statements, provided all are correctly referred to and referenced.</p> <p>Moreover, each application must, by law, be individually considered under its own recognisances. <b>It should not be the responsibility of a legislative process for a single site (Oude Molen in this instance) to review, as suggested, all HIAs in the area to address discrepancies and omissions. Nor is it the responsibility of the HIA process for Oude Molen, to prepare heritage indicators or guidelines for the Two Rivers Area. In the absence of any such guidelines from the heritage authorities (and after many years), the Two Rivers Local Spatial Development Framework (LSDF), which was guided by heritage inputs, remains the sole approved guideline for the area.</b> This provided the relevant contextual considerations are addressed.</p> <p>Nonetheless, to respond more specifically, the process of heritage assessments in this broader area been lengthy and complex, in part as a result of on-going further requirements of HWC, and in part as a result of a number of simultaneous, related or overlapping, and iterative processes which have resulted in a complicated professional, legislative and public consultation environment. However principal submissions to and discussions with HWC in respect of the heritage assessments for the general area (excluding processes for individual landholdings such as The South African Astronomical Observatory; Valkenberg; the River Club; and Valkenberg Manor) include, <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• Two Rivers Urban Park (TRUP) Heritage Baseline Study (2002) Aikman Associates</li> <li>• TRUP Contextual Framework Review and Preliminary Heritage Study, Phase 1 Report, first submitted to HWC November 2015, resubmitted May 2016 (Attwell et al)</li> </ul>

Comment / objection summary	Response
	<ul style="list-style-type: none"> <li>• TRUP Phase 1 Heritage Baseline Study first submitted October 2016, resubmitted February 2017 and April 2017. An extensive process of consultation was undertaken between 2015 and 2017 to engage the public in the TRUP planning process and associated baseline studies (Attwell et al)</li> <li>• TRUP Phase 1 HIA 2019, 2020 (Postlethwayt). Following submission and after yet further requirements by HWC, the Applicant disputed in its entirety their views and understanding of process. It was noted that this process had been ongoing for more than 5 years; and there had been reports after reports, prepared by many professional consultants, and extensive public participation, all specifically addressing the further requirements of HWC. This continued requirement for further information was considered unacceptable, particularly since there was no indication of whether this would be finally acceptable to the Committee. Moreover, the Interim Comments were not rationally connected to the HIA before the Impact Assessment Committee of HWC (IACOM). Consequently, this could not constitute fair or reasonable administrative procedure, nor indeed was in the interest of heritage or redress. Since there is no legal weight to an Interim Comment or a Phase 1 HIA, nor indeed was the requirement for an HIA actually triggered, the Applicant determined that the HIA process for the Two Rivers LSDF would be suspended, and there would be no additional HIA work undertaken at the level of the area as a whole in respect of this particular project. The City of Cape Town Municipality (CCT) would be requested to proceed with the approval process for the LSDF (which process has now concluded and is the primary planning informant to development in the area). It was also noted that the development processes planned for individual parcels e.g. Oude Molen, would proceed in accordance with the legal rights and the requirements of the NHRA but they would be informed by the work of the Phase 1 Two Rivers HIA (and the comments of HWC) as a guide to developing and extending an assessment of heritage resources, significance, grading and informants. The overarching heritage project dealing with the heritage issues at the macro scale, as already begun by the DCAS Steering Committee, would continue as planned.</li> </ul>

Comment / objection summary	Response
<p>Queries regarding the transparency of the Tender process.</p>	<p>All of these reports underwent extensive public participation, including many of those I&amp;APs now commenting on the Oude Molen Precinct Draft HIA.</p> <p>It is the view of these assessors that previous informants to heritage reports in this area have been more than adequately included in this OMP HIA and should not hinder any I&amp;APs ability to engage with the OMP HIA.</p> <p>With regard to the OMP HIA process, baseline studies were undertaken by a separate project team, but <i>prior to any consultative or approval process</i>, a contractual dispute led to a halt in the project. This required a re-tendering and a new project team was appointed to continue the project in 2023. In accordance with standard professional practice, the new project team referenced the previous baseline work, undertook additional studies, and formed their own professional conclusions. This point is made clearly in the HIA. The baseline studies referred to in detail in some of the I&amp;AP comments <u>have no legal standing, and were not in the public domain</u> and it is not clear how the I&amp;APs were able to legitimately access such reports. There is accordingly no need to respond to any of these comparative statements.</p> <p>It is accepted however that the time gap between the stakeholder consultation conducted in 2021 during the baseline studies to obtain input into the visioning exercise and hear the concerns by I&amp;AP groupings, and the advertising of the Draft HIA in 2024 may have created some confusion. They are part of the same process, albeit delayed as a consequence of the contractual considerations. The 2021 consultative process was however explicitly referred to in the HIA, including as a source contributing to the development of the proposals.</p> <p>It is important not to conflate other HIA consultative processes such as the River Club HIA, the Two Rivers LSDF, Valkenberg West, the SAAO, etc with the OMP HIA.</p> <p>This is outside the scope of the draft HIA and anyone who wishes to get more information on the tender process must submit a PAIA application to the Western</p>

Comment / objection summary	Response
<p>Accusations that the land owner already has developers ‘on board’.</p>	<p>Cape Government Department of Infrastructure (DOI). Suffice to say the full professional team are appointed as sub consultants to NB&amp;A who were appointed by the Western Cape Government Department of Infrastructure as the PSP for the Oude Molen project to assist with the remaining enablement work including specialist studies and impact assessments to take the Project into statutory application stage to secure development rights.</p> <p>This claim is not elaborated or justified. However, the Department of Infrastructure is undertaking detailed assessments and required statutory processes to obtain appropriate development rights to rectify the current use and zoning of the site as these are non-conforming and to enable future development of the site to address its various infrastructure and socio-economic mandate. The Department has been clear and transparent on this matter in engagements and correspondence, this process is to secure development rights, the development implementation and potential disposal process will follow its own process in-line with the applicable legislative requirements.</p> <p>The process is transparent and has been communicated and placed on the project webpage. There are no developers involved. An understanding of government processes would assist because before a developer is appointed, DOI will publish a disposal notice for public participation which will be followed by an open tender to procure a developer. Those processes have not been initiated.</p>
<p><b>5. Insufficient Community Engagement:</b> A criticism of the HIA process is that there was inadequate engagement with the community and the failure to meaningfully incorporate their concerns. The approach to public participation was seen as a “top-down, legislative approach”. Stakeholders felt that the consultation process was more about ticking boxes than genuinely listening to local voices. The lack of feedback on previous consultations, the absence of a clear framework for assessing community input, and the limited evidence of consultation with directly affected communities</p>	<p>Given the differing interests at play, particularly those of the site tenants, and those of the site custodian, the Western Cape Government, the latter which is required to be fiscally responsible, utilise its resources wisely and for the benefit of the broader community of Cape Town, it is unlikely that any process will achieve an equally satisfactory outcome for all.</p> <p>The Department has been actively engaging with the tenants for many years on the conditions of their tenancy, and it has also been made clear, for some time, that the site will undergo a process to obtain development rights.</p>

Comment / objection summary	Response
<p>all contributed to this perception of insufficient engagement. Comments advocated a “systematic, community-focused engagement”, sometimes referred to as a “co-design” process with stakeholders, stressing the importance of integrating community input into development proposals.</p>	<p>The request for co-design has also been an on-going request in this area. This was a process undertaken by the CCT in the very early processes associated with the TRUP Contextual Framework, but, to our knowledge, has never been repeated. Given the attractiveness of inner City urban land for a range of potentially competing interests, a key problem with a “co-design” process would be to reach agreement on which I&amp;APs to include, and what weight to assign to each stakeholder in the process. Deadlock-breaking mechanisms would need to be agreed. The likelihood of a successful “co-design” process with consensus outcomes is questionable. Instead, it could well become a lengthy, expensive and potentially fruitless process.</p> <p>The process by which the proposed development of the Oude Molen site has and will be subject to, and which is articulated clearly in the HIA, is legally sound, standard practice and the project team continue to believe that the process is more than adequate in respect of obtaining the comment of as many I&amp;APs as possible. Further comment will be elicited during the planning/land use application process, still to be activated.</p>
<p><b>6. Legal and Regulatory Framework:</b> While the HIA process makes reference to relevant legal frameworks like the NHRA and the Promotion of Administrative Justice Act (PAJA), stakeholders argue that the stakeholder engagement process has fallen short of fulfilling the spirit of these laws, particularly in terms of ensuring genuine community participation and upholding procedural fairness.</p>	<p>The NHRA contains only the following in respect of consultation <i>Section 38(3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a): Provided that the following must be included: (e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources.</i></p> <p>This requirement has been met.</p> <p>HWC have Public Consultation Guidelines (June 2019) which expressly take into account the requirements of PAJA, stipulate as follows:  <i>Appropriate steps are taken to communicate the administrative action to those likely to be materially and adversely affected by it and call for comments from them.</i></p>

Comment / objection summary	Response
	<p><i>Registered conservation must be consulted when applications are received for particular geographical areas or categories of heritage resources for which they have registered</i></p> <p><i>The relevant Local Authority must be consulted. It is also recommended that the local Ward Councillor be informed.</i></p> <p><i>Heritage Western Cape recommends that any application made to HWC for a decision in terms of sections 27 and 29, and as well as fulfilment of the provisions of section 38(3)(e), of the NHRA, is advertised as follows:</i></p> <ul style="list-style-type: none"> <li><i>- An advertisement is placed in a local newspaper (see Annexure D).</i></li> <li><i>- An A3 size laminated copy of the notice placed in clear public view on the property or site to which the application pertains for a minimum of 30 days.</i></li> <li><i>- A copy of the application is to be left at the local library or other appropriate public place for the 30 day period.</i></li> <li><i>- Email or written correspondence with the relevant registered Conservation Body/Bodies and Local Authority allowing a minimum of 30 days for comment.</i></li> <li><i>- In addition to the above, depending on the significance of the heritage resource and the nature and extent of the work proposed, as well as public interest, HWC may require that broader consultation is held, which may include a public meeting.</i></li> </ul> <p><i>Proof of Consultation Process</i></p> <p><i>For all applications made to HWC that require a decision in terms of sections 27, 29, 30, 31 and 34, as well as decisions in terms of section 38(4) of the NHRA, HWC requires proof of consultation in terms of the Notice and Comment Procedure outlined in (1) above as well as in terms of the Process for Consultation with registered Conservation Bodies outlined in (2) above.</i></p> <p><i>Such proof includes:</i></p> <ul style="list-style-type: none"> <li><i>- A copy of the published newspaper notice if applicable.</i></li> <li><i>- Photographs of the notice on the site.</i></li> <li><i>- Copies of any comments received.</i></li> <li><i>- Contact details of any person who has indicated their interest in the application.</i></li> <li><i>- Copies of correspondence with registered Conservation Bodies and Local Authority.</i></li> </ul>

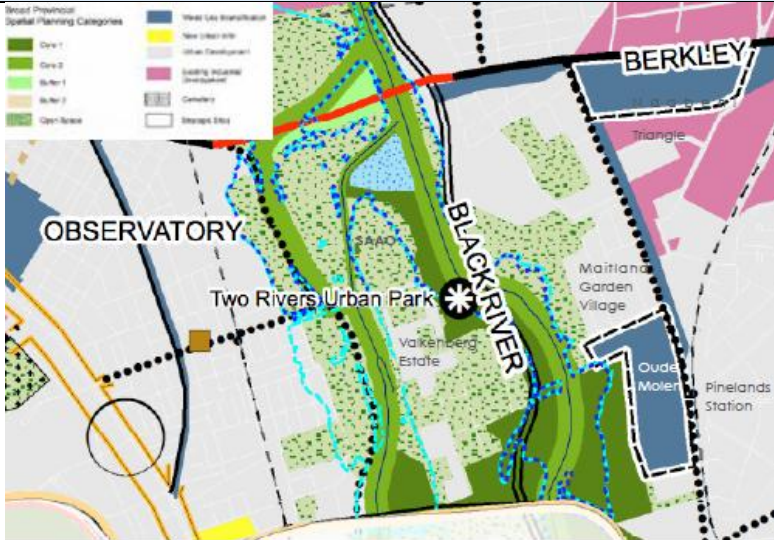
Comment / objection summary	Response
<p>A NEMA application should be required.</p>	<p>These requirements have been met (with the exception of hard copies in the public library because of the volume of documents and the fact that post-covid, this now rarely happens. Instead, notices were placed in the library). The I&amp;AP database is very extensive, based on the original database for the widely advertised Two Rivers LSDF process and expanded/updated with two opportunities to register as I&amp;Aps.<sup>5</sup> There were previous processes to engage groups of stakeholders in a visioning exercise and hear concerns (Chand). Interviews were undertaken with many tenants as part of the socio-economic baseline study (Barbour &amp; van der Merwe). These were summarised in the HIA and noted as informants to the development proposals. The advertising of the Draft HIA is considered to have elicited a high volume of comments.</p> <p>It is unlikely that any further public participation exercises would achieve different or improved outcomes.</p> <p>The Oude Molen site comprises the built area adjacent to Alexandra Road. It does not include the wider open space between the erf boundary and the Black River which is zoned open space and owned by the City of Cape Town. The Site is not a declared conservation area, and it is within a built urban context. There are no NEMA triggers and sensitivities on Oude Molen as confirmed by the Department of Environmental Affairs and Development Planning in 2022. This was confirmed in the HIA.</p> <p>The site has been transformed and therefore no endangered vegetation species are found on-site.</p> <p>Any development proposals will carefully consider the interface between Oude Molen and the Black River Corridor to mitigate any potential negative impacts; and appropriate open spaces will be included in the redevelopment portions of the</p>

<sup>5</sup> Further detail on the advertising undertaken is set out above in Section 6: Advertisement of Draft HIA.

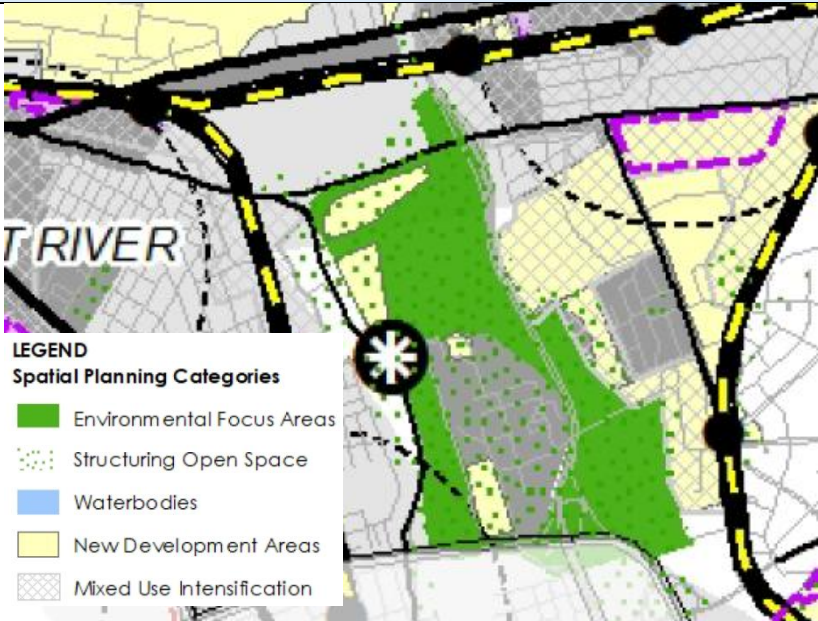


Comment / objection summary	Response
<p>Oude Molen has been rezoned to utility Zone ‘by stealth’.</p>	<p>Oude Molen site. Policy and legislative prescripts will be adhered to; and mitigation measures will be proposed, where appropriate and applicable.</p> <p>In reference to possible wildlife on the site such as the Western Leopard Toad, relevant mitigation design measures will be considered in this regard, as and when appropriate.</p> <p>The property was given a “utility zoning” by the Municipality with the introduction of the Development Management Scheme (DMS) in 2015. Prior to that, in the 1990’s the property was either zoned Undetermined or Community Facilities. In either instance, no land uses were permitted as of right and consent for various uses could be deemed to have been granted (institution, place of assembly, place of instruction, place of worship or community residential as defined in the scheme). This would have been the appropriate zone at that time.</p> <p>With the introduction of the DMS, the site was deemed to be zoned “Utility” as the site was no longer being used for “institutional purposes” with none of the uses on site at that time lawfully permitted. The current zone allows for “authority use” which is defined as “a use which is practised by or on behalf of an organ of state, the characteristics of which are such that it cannot be classified or defined under other uses in this development management scheme”. The “Utility zone” is therefore the correct zone for the portion of the site in the current circumstance, as any other zoning would have “legitimised” the existing uses on site which were not sanctioned by the custodian.</p>
<p><b>7. Concerns regarding the possibility of predetermined outcomes:</b> Stakeholders expressed concerns that the HIA process was designed to arrive at a preordained conclusion, namely, the approval of large-scale development at the expense of heritage considerations. This, it was argued, stems from several factors, including the WCG’s initial brief emphasizing high-density development, the restriction of</p>	<p>The aim of the current development management/enablement process for WCG and its DOI has always been to a) rectify the current non-confirming use vs. zoning and b) enable future development of this strategically located under-utilised state-owned land in-line with spatial policies and planning legislation. The draft vision and development objectives presented to various key I&amp;AP groups during May 2021’s information sharing and gathering sessions were based on the socio-economic mandate of the WCG. The information gathered guided the current</p>

Comment / objection summary	Response
<p>feedback to heritage-related matters while sidelining development concerns, and the language used in the reports suggesting a foregone conclusion. The perceived exclusion of alternative perspectives and community needs further solidified the impression of a biased process.</p>	<p>vision, objectives and proposals. The vision and development proposal/concept plan have morphed to respond to the comments from the 2021 sessions and the detailed heritage design indicators to ensure protection and equitable access to all within an urban development addressing the historic spatial injustices, housing and employment related, within an existing dense urban fabric.</p> <p>Planning policy has also had a significant influence in determining the future trajectory of Oude Molen.</p> <p>Planning for the Two Rivers area, including Oude Molen/Valkenberg West, was initiated with the Two Rivers Urban Park Contextual Framework in 2003, with a strong policy emphasis primarily on environmental management. The Valkenberg East precinct then was envisaged as a sustainable mixed use precinct incorporating many of the existing uses and more intensification of use albeit very modest in scale.</p> <p>The 2012 District Plan proposed Oude Molen for Mixed Use Intensification.</p>

Comment / objection summary	Response
	 <p data-bbox="981 790 1960 853">Extract from 2012 Table Bay District Plan, Oude Molen proposed for Mixed use Intensification</p> <p data-bbox="981 893 2038 1109">However, by 2018, the metropolitan political and planning emphasis shifted to addressing rapid urbanisation providing housing and employment opportunities that would unlock the development of the site, while enhancing and protecting the river corridors and acknowledging a variety of open space needs. The plan would need to acknowledge and integrate the First Nations narrative as one of the layers to be institutionalised into the planning process.</p>

Comment / objection summary	Response
	<div data-bbox="981 240 1742 906"> <p><b>KEY</b></p> <ul style="list-style-type: none"> <li><b>Study Area</b>: Dashed line boundary</li> <li><b>Natural Systems</b>: <ul style="list-style-type: none"> <li>Eco Corridor: Green wavy line</li> <li>Public Open Space: Yellow wavy line</li> </ul> </li> <li><b>Movement Paths</b>: <ul style="list-style-type: none"> <li>Mobility Route: Solid black line</li> <li>New Mobility Route Connection: Dashed black line</li> <li>East-West Link - Pedestrian Priority Boulevard: Dotted red line</li> <li>Green Space Related Pedestrian Route: Dotted green line</li> <li>NMT Route: Dotted orange line</li> <li>Regional Station &amp; Activity Corridor Connection: Dashed red line</li> <li>Regional Station &amp; Local Area Route Connection: Dashed orange line</li> </ul> </li> <li><b>Nodes</b>: <ul style="list-style-type: none"> <li>Higher order to lower order Nodes: Red circle with cross</li> <li>Nodes: Red circle</li> </ul> </li> <li><b>Public Facilities</b>: <ul style="list-style-type: none"> <li>Regional Sports Facility Relating to Linsbeek Corridor: Green star</li> <li>Major Regional Medical Facility: Red star</li> <li>Major Regional Scientific Facility: Blue star</li> </ul> </li> <li><b>Public Spaces</b>: <ul style="list-style-type: none"> <li>Public Space: Brown circle</li> </ul> </li> <li><b>Development</b>: <ul style="list-style-type: none"> <li>New Urban Infill: Yellow rectangle</li> <li>Urban Development: Grey rectangle</li> <li>Mixed use Intensification: Blue rectangle</li> <li>General Industrial Development: Red rectangle</li> <li>Regional Activity Corridor: Red hatched rectangle</li> <li>Local Area Activity Corridor including mixed use: Orange hatched rectangle</li> </ul> </li> <li><b>Protection</b>: <ul style="list-style-type: none"> <li>Protected views &amp; Buildings: Blue line</li> </ul> </li> </ul> </div> <p data-bbox="1317 911 1697 943">2023 Extract: Two Rivers LSDF</p> <p data-bbox="981 986 2040 1198">The 2023 approved Two Rivers LSDF represents the current planning policy for the area and it has been this lengthy process, together with the identification of Oude Molen as Strategic Public land which could be utilised to achieve planning objectives, that has established the essential premise for redevelopment of the site. The heritage considerations have nonetheless remained an informant in these processes since at least 2015.</p> <p data-bbox="981 1238 1693 1270">The 2023 District Plan supports these general intentions.</p>

Comment / objection summary	Response
	 <p>Extract from 2023 Table Bay District Plan, Oude Molen identified as a new Development Area, Mixed Use Intensification</p> <p>a) <i>“the WCG's initial brief emphasizing high-density development”</i>: This is a reference to a previous version of the WCG brief for the OMP. This was revised during the 2021 stakeholder consultation process, where the vision was amended to <i>“A safe, walkable and sustainable eco-neighbourhood, with compact mixed-use developments, integrating education, affordable housing, public facilities and open spaces, while providing equitable access to cultural heritage and natural resources.”</i></p> <p>The reference to “sustainable eco-neighbourhood” in the vision statement does not refer to low-density, semi-rural landscapes, as the comment implies. Eco-neighbourhood are rather neighbourhoods that are designed, organized and</p>

Comment / objection summary	Response
	<p>managed in accordance with sustainable development principles, including efficient use of land, efficient energy use, housing diversity, social cohesion, etc.</p> <p>Regardless, the HIA illustrates a process of design development (p109 – 112) which included varying degrees of development density, discarded for a variety of reasons (p120).</p>
<p><b>8. Historical Public Participation.</b></p> <p>Mention is made about previous consultation but does not recognise or mention prior consultation since 1998 to 2015 on the broad TRUP area and the founding documents that remain in place to guide TRUP, nor extensive and intense consultation in 2016 and after on the broader TRUP areas.</p> <p>This includes the client brief to start a new HIA process from scratch, disregarding the previous engagement processes and inputs made around Oude Molen before 2021 and providing no feedback of the workshops done since 2021.</p> <p>We draw attention to the fact there was a Baseline Heritage Study commissioned for Oude Molen, produced by O'Donoghue et al, in 2022. This baseline study is not appended to the HIA; only excerpts are cannibalised for reproduction in the HIA. The current HIA reaches substantially, if not diametrically opposite conclusions. For example: The Baseline HIA produces 24 pages of detailed Heritage indicators specific to each domain: built environment, Site Character, Visual design, Social Design, Cultural Landscape and Overarching Heritage indicators. In</p>	<p>See comments made above <b>4. Lack of Access to key documents</b> and <b>7. Concerns regarding the possibility of predetermined outcomes</b></p> <p>If by TRUP <i>founding documents</i> the I&amp;AP refers to the 2003 Two Rivers Urban Park Contextual Framework, it is not clear what formal status this document has, as the CCT notes that in the approval of the Two Rivers LSDF, this document is to be withdrawn as Council Policy. It is also not clear to what extent this document has been amended, through a broadly consultative process, to incorporate current heritage considerations beyond the generally environmental focus of the original document.</p> <p>This is not a new but a continuation of an HIA process. P11 of the HIA prefaces this section as follows: "This historical background to the site and context has been exhaustively and authoritatively researched over many years, most recently documented and extended by Bridget O'Donoghue in a Baseline Study for the site dated 26 October 2022. Information from said report is extracted directly herein (without detailed referencing for ease of reading). The emphases and conclusions drawn however, are those of the current heritage team. Moreover, due to the very comprehensive body of research previously prepared for this historically rich site, much of this detail is included as Annexure B to the HIA and related sources listed in said reference section. The key themes are generally summarised here for ease of reading and focus. In addition, sections of the Social Impact Assessment (Annexure C to the HIA) have been included as relevant, but should be read directly for a more comprehensive historical background."</p>



Comment / objection summary	Response
<p>contrast, the current HIA has 11 pages of text devoted to heritage indicators, which are focused on Indigenous Heritage, Tangible Heritage resources (with detailed recommendations for 6 of the buildings on site), landscape, archaeology and other development sensitivities. There is no mention of Site Character, Social Design or Cultural landscape other than the Khoi indigenous elements and no overarching indicators. It is therefore short on key detail which cannot guide subsequent development. More importantly, the indicators diverge substantially in what they propose. We therefore urge HWC to consider the HIA incomplete since it does not justify the departure from the baseline HIA conclusions.</p> <p>Such a pattern is consistent with the River Club development where the Baseline Heritage Assessment came to the conclusion that the chief heritage resource of the site associated with the cultural heritage of indigenous groups was the OpenSpace of the site. The developers, seemingly unhappy with her conclusions, managed to replace the consultant with another heritage expert whose reports were diametrically opposed to the baseline HIA and sought to justify the heavy development footprint sought by the landowners. It is hard to avoid the conclusion that the same pattern is being followed here.</p> <p>Many concerns expressed directly or implied that there is a conspiracy between WCG/consultants/developers and constant reference made to River Club outcomes.</p>	<p>Regarding the adequacy of analysis and heritage indicators, it is asserted that the HIA analysis is extensive, includes contextual and site specific analysis; the indicators equally so, and any differences in summarising, aggregating or arranging information is a matter of professional preference and emphasis. Given that the baseline studies have no standing other than as an existing reference point, and the existing project team was required to continue the HIA and design process, this is entirely legitimate, as are the conclusions drawn by this professional team.</p> <p>The direct or implied allegation that there is a conspiracy between WCG, their consultants and developers, and allegations regarding untoward connections to the River Club process and outcomes is rejected entirely.</p>
9. Indigeneity	

Comment / objection summary	Response
<p>Inadequate analysis and representation of First Nation Interests in HIA and proposals</p>	<p>This is insufficiently motivated and is strongly disputed: the historical analysis builds on years of inputs in the area, is very comprehensive and the issue given a significant focus.</p> <p>It is worth noting that at least 23 representatives or organisations directly representing First Nation interests were included on the direct advertising list; and representative organisations from the Two Rivers LSDF process invited to the 2021 pre-consultation meeting. However, only Goringhaiqua Goringhaicona Kingdom (an existing OMV tenant) have chosen to comment on the Oude Molen HIA.</p> <p>Whilst comments raised in this regard are not entirely clear, this is, at heart and in principle, a claim for restorative justice/reparations throughout the area formerly inhabited by First Nation ancestors. The issues raised by the First Nations revivalist movements are important to address, indeed for South Africa as a whole. However, it is not possible for a single HIA, nor a single landowner, to deal with such generalised claims without any detailed supporting evidence, proposal or mandate pertaining to the property concerned.</p> <p>It is posited that this very complex issue would be more appropriately addressed through a land claims process, and/or a state-managed process (including the Resistance and Liberation Heritage Route (RLHR)).</p> <p>The HIA and SIA make mention of the following:  <i>Possible amendments to the restrictive terms of the Act were initiated in 2016 with the drafting of the Exceptions to the 1913 Natives Land Act Cut-off Date Policy by the (then) Department of Rural Development &amp; Land Reform (DRDLR), in consultation with the Khoe &amp; San Reference Group on Land Restitution, the latter group comprising of Khoe and San representatives from each of the nine provinces. The policy served to codify the exceptions to the 1913 Natives Land Act cut-off date to accommodate the descendants of the Khoe and San as well as heritage sites and historical landmarks that were considered to be of particular significance to traditional and indigenous communities disposed before said date. In accordance</i></p>



Comment / objection summary	Response
	<p><i>with this policy, the Gorinhaiqua Tribal House provided a submission to the DRDLR to establish a presence on Oude Molen, which it saw as the last representative portion of land that formed part of the T’Groenveldt farmland that could be restituted. This proposed presence included, inter alia, the establishment of a cultural centre, agricultural enterprise, medicinal herbs and indigenous plants, space for rituals &amp; cultural events and a residential component. Formally, this process is still under consideration by the successor of the DRDLR.</i></p> <p>The Development Proposal proposals do respond to the specific aspects of the claim in terms of land use, although ultimately resolution of the user and/or owner must form part of a separate and later process. It is suggested that given this, there be no further requirements in this regard for this current process other than to also reflect upon the nature of the relationship between proposals for this site; and those pertaining to the RLHR which has its own consultation process with the relevant parties.</p>
<p><b>10. Tenants/OMV Supporters Input</b></p> <ul style="list-style-type: none"> <li>a) No effective consultation</li> <li>b) OMV represents a rich living heritage</li> <li>c) We have not been adequately presented in the HIA</li> <li>d) The socio-economic impacts on existing businesses and residents of redevelopment have not been factored in.</li> <li>e) The socio-economic benefits related to the nature of the existing community have not been properly described</li> <li>f) Lack of clarity about what happens to existing tenants</li> <li>g) Challenge the HIA claims re the nature of the lease agreement.</li> <li>h) Tenants have invested significantly in the site and stand to lose everything, with few being able to afford alternatives.</li> </ul> <p>Particular referral to significance of horses and NGOs</p>	<p>Regarding representation, the history, current users and uses are described in the HIA pp 30 – 31 and 45 to 49 and referenced appendices, specifically Annexure C to the HIA: Socio Historical Impact Assessment pp26 - 45.</p> <p>It is posited that what is essentially in dispute is that the current users are not foregrounded in the HIA. It is our contention that regardless of the value placed on the use by the current tenants and users, this cannot imply that any such tenant grouping has a priority right to the unchanged and permanent use of strategic public land. Social history relating to other aspects of the site’s history are regarded as having greater significance.</p> <p>The HIA makes an explicit preface establishing the viewpoint of this HIA in respect of the role of a Social Impact Assessment in an impact assessment governed by the requirements of the National Heritage Resources Act. To quote:</p>

Comment / objection summary	Response
	<p>“Social History as a discipline has a very wide application. Samuel (1985) discusses the anti-institutional bias of social history – the move away from the purely institutional accounts of history to focus on that of all people, rather than the few, and understanding the relativity of historical interpretation. The general objective is to “enlarge the map of historical knowledge and legitimate major new areas of scholarly inquiry – as for example the study of households and kinship; the history of popular culture; the fate of the outcast and the oppressed ....”. This giving of voice to the experience of marginal groups (or those historically so), is particularly significant in South Africa, and has become, appropriately, an increasingly important component of assessment in terms of the NHRA.</p> <p>Whilst social history is a necessary dimension in every kind of history, the danger is that these (often individualised) histories could become divorced from politics, economics or broader historical themes. It is this authors view that, in the case of the OMP HIA, whilst the voice of the existing users must be heard, (and following Rasool 2004) we should recognise the existence of <i>multiple narratives intersecting and crosscutting each other, paralleling and contradicting each other as they compete for the creation of historical meaning.</i></p> <p>It is within this frame (the creation of historical meaning) that the Social Impact Assessment (Annexure C to the HIA) makes its contribution to this HIA. The socio-historical themes of the site and related broader socio-historical imperatives will be the appropriate focus of this impact assessment. This is not to deny other contemporary social concerns or imperatives, but these are more relevant as inputs into the planning and design process, not the heritage impact assessment process, and should be utilised accordingly.</p> <p>As Martin states:  Oude Molen boasts one of the richest social tapestries in Cape Town, being part of a landscape pivotal to the sustainability of the First Nations groups, most notably the Gorinhaiqua; then the site of dispossession of said groups through the advent of the Free Burgher system; ground zero for the first war between black and white in</p>

Comment / objection summary	Response
	<p>this country; among the first colonial frontier farms; a place of incarceration; a place of healing and now, a (possible) place of reconciliation.</p> <p>A Socio-historical Study would ideally incorporate voices of individuals and groups who had first-hand experiences of these events and processes. This is not possible due, <i>inter alia</i>, to the timeline involved, the dispossession of the original inhabitants and the site, the lack of recorded history by these original inhabitants and the biased recordings by the colonial masters. However, a strong resurgence movement has long been researching hidden and other sources, piecing together the subtle nuances of the lost voices of our collective past, enabling the aims of this study to navigate the rich aforementioned tapestry and assign specific significance to the rich layer of heritage narrative attached to the precinct.</p> <p>The City of Cape Town’s Cultural Heritage Strategy (Attwell et al 2018) argues that it is important to acknowledge the achievements of individuals and groups during the City’s history and seeks to recognise and protect places, narratives and traditions associated with such people and events.”(p50)</p> <p>The tenants classification of themselves and their activities as a “rich living heritage” is not, in these assessors’ views, a correct interpretation of the NHRA or corresponding internationally accepted definitions. This needs to be qualified by the commentators, as it cannot in our view be referring to the OMV being holistically representative of <i>Indigenous Knowledge Systems</i>.</p> <p>HWC has no clear policy or guidelines in respect of incorporating matters affecting social history and intangible heritage into the formally legislated Heritage Impact Assessment process. Nor is there any guidance of how such matters should be weighted against other factors relating to tangible heritage findings. However, such matters are increasingly (and rightly so) assuming importance in the heritage arena and require greater clarity.</p> <p>The NHRA provides some <u>legal guidance</u>:</p>

Comment / objection summary	Response
	<p>Section 2 Definitions (xxi) “living heritage” means the intangible aspects of inherited culture and may include-</p> <ul style="list-style-type: none"> <li>• Cultural tradition</li> <li>• Oral history</li> <li>• Performance</li> <li>• Ritual</li> <li>• Popular memory</li> <li>• Skills and techniques</li> <li>• Indigenous knowledge systems</li> <li>• The holistic approach to nature, society and social relationships</li> </ul> <p>Section 3(2) The national estate includes, inter alia</p> <ul style="list-style-type: none"> <li>• places to which oral traditions are attached or which are associated with living heritage</li> </ul> <p>Section 3(3) Criteria for assessing the significance of a place or objects. A place has heritage significance, inter alia, because of:</p> <ul style="list-style-type: none"> <li>a) Historical value <ul style="list-style-type: none"> <li>• its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;</li> </ul> </li> <li>d) Social value <ul style="list-style-type: none"> <li>i. It is associated with economic, social or religious activity</li> <li>ii. It is associated with living heritage (cultural traditions, public culture, oral history, performance or ritual)</li> </ul> </li> <li>e) Spiritual value <ul style="list-style-type: none"> <li>i. It is associated with religious activity and/or phenomena</li> <li>ii. It is significant to a particular group relating to spiritual events and/or activities</li> </ul> </li> </ul>

Comment / objection summary	Response
	<p>Sections 3(3)(d) appear to be most pertinent, although there remains a lack of clarity in defining exactly the extent to which these associations apply.</p> <p><u>Policy guidance</u> is provided by:          UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (which SA has ratified) proposes five broad 'domains' in which intangible cultural heritage is manifested. This includes "<u>traditions or living expressions inherited from our ancestors and passed on to our descendants, such as oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe or the knowledge and skills to produce traditional crafts</u>"....</p> <p>"The importance of intangible cultural heritage is not the cultural manifestation itself but rather the wealth of knowledge and skills that is transmitted through it from one generation to the next."<sup>6</sup></p> <p>The belief practices of indigenous communities are also most often referred to when it comes to matters of intangible heritage: the transmission of historic practices, rituals and beliefs that define a cultural identity and are passed down from one generation to the next. In South Africa, the traditions of the Reel Dans; Namaqua traditional song and music; the practices of traditional medicine; traditional farming methods: or those keeping almost extinct indigenous languages alive are good examples of living heritage. Historical community presence and cultural traditions in places like the Bokaap are equally an expression of living heritage.</p> <p>Locally, only the Maropeng National Policy on South African Living Heritage (Draft 2009)<sup>7</sup> provides specificity in the local context in respect of 'living heritage'. However, it has a clear focus on the living heritage of people indigenous to Africa and slaves and is unable to answer the assertions raised by the OMP tenants.</p>

<sup>6</sup> <https://ich.unesco.org/en/intangible-heritage-domains-00052>

<sup>7</sup> [www.maropeng.co.za/uploads/files/National Policy on South African Living Heritage ICH](http://www.maropeng.co.za/uploads/files/National_Policy_on_South_African_Living_Heritage_ICH).

Comment / objection summary	Response
	<p>While there are no easy answers, it is our contention that defining the current uses of Oude Molen as intangible or living heritage, is an unsupportable thesis in the broader context of heritage and the imperative to the promotion of intangible heritage on site and in the area. It does represent the values of a particular sector of Cape Town society but this is small and largely niche oriented.</p> <p>Regarding concerns about the future of the leaseholders, this process is to secure development rights not to assign end users. The relevant lease agreement entered into between DOI and legal tenants regulates the process regarding the current use of the site. The current process will not address implementation and end users, this is a separate process.</p> <p>Nonetheless, given the extent of concern expressed by objectors in this regard, it is worth placing this issue in perspective. Valkenberg Hospital began consolidation of its operations on the Valkenberg west campus in the early 1990's. After the Oude Molen site was vacated, the property was subject to land invasion and vandalism. This continued unabated during the late 1990's and early 2000's with many of the buildings on site being completely vandalised and some even destroyed.</p> <p>At the same time, people began to illegally occupy land and buildings on the property. Some of the occupants pursued a more formal arrangement with the custodian (the Provincial Government) and various agreements were put into place with some of the occupants.</p> <p>This semi formal and fluid arrangement existed for some years and not all occupants were part of the arrangement. A management company was appointed to regularise the occupation as far as practically possible. In 2022, the management company sought to bring all tenancies onto a single standard lease, and to date all legal occupants on the site are now on this lease. These are all 3 year leases with an option for renewal. The lease agreements include termination conditions in the event the Department secures development rights and proceeds with development.</p>

Comment / objection summary	Response
	<p>With regard to legitimacy of tenure and expectations: The legal occupants on site have a real right in terms of the lease agreement provisions. Any other occupant or user of the site has no right to tenure.</p> <p>The current legal occupants are not being “evicted” as part of this heritage and upcoming land use process. The heritage process is establishing the possibility of redevelopment of the property in the context of its historical attributes while the land use exercise in its conclusion will not only regularise the existing non-conforming land uses on site but will also frame the parameters within which future redevelopment of the site can occur.</p> <p>The proposed future development does not preclude the incorporation of existing uses on site into the redevelopment, but nor does it guarantee inclusion of any users/entities/legal tenant currently on site. The current existence on and use of the site is regulated by the lease agreements entered into and in accordance with its prescripts as it relates to the existence and use of the site and buildings. Inclusion or otherwise in future development will be driven by landowner instruction, compatibility with the vision and design proposal and the financial feasibility of the project.</p> <p>There would appear to be some expectation by certain tenants in relation to investments made by these tenants into the buildings or uses on site. Once again it is reiterated that the legal situation pertains to the lease provisions. Should the tenant choose to leave or be required to leave in the future, then they can remove anything that is theirs knowing fully that any investment made was entirely at their risk, knowing full well that they occupied the site illegally initially and then in terms of leases signed with the landowner. Permanent tenure on site was never offered to occupants or conceded by the landowner.</p> <p>The tenants are an Interested and Affected Party, they do not have escalated status when engaging on the future development.</p>

Comment / objection summary	Response
	<p>It is therefore not the mandate of this Project Team to address tenancy, property management and use of the site (excluding regularising). The tenants have been properly informed of the process DOI is undertaking, the new lease agreements entered into recently address specifically the redevelopment and their role on the site. The Estate Management has been managing the use and DOI the enablement.</p> <p>Tenants are engaged via Property Management of the Custodian and through the lease agreements they have signed. The tenants established a Committee through which they are to be engaged. If there are tenant/landlord issues, they raise them through MusterProp. But for any process related to advertised documents and proposed development, they are engaged as any other I&amp;AP.</p> <p>With regard to the claim that <i>the socio-economic impact of the proposal on existing tenants has not been considered</i>:  The socio-economic impact study has explored the impact of the proposed development within the broader context of the City. To the extent that the tenants are part of this broader context, they have been included within the exercise. The rights of the legal tenants on site are set out above, and they are not, and cannot be regarded as a specific group singled out for specific analysis in terms of the socio-economic study.</p>
<p><b>11. Comments received from Heritage Authorities</b></p> <p><b>a) SAHRA</b></p> <p>1. Considering the condition of some of the buildings at the site and possible challenges to the maintenance, the SAHRA agrees that action must be taken at the site in a combination of maintenance, restoration and appropriate development. Development must be highly sensitive to the site's heritage values.</p>	<p>Noted and supported</p>



Comment / objection summary	Response
<p>2. Previous studies have recommended retaining several buildings, while other studies have advocated for demolition. The SAHRA maintains an opinion of that of appropriate development, which would include restoration of majority of the existing buildings at the site, with a long term plan for sustainable maintenance of these resources. Furthermore, the SAHRA advocates for the adaptive reuse strategies of built heritage resources.</p> <p>3. The SAHRA is in the process of assessing the heritage significance of the greater TRUP area, of which the above mentioned site falls within. This case was referred to the SAHRA by Heritage Western Cape. The SAHRA requests to be included on any proposed developments that may happen at this site.</p>	<p>Noted and supported</p> <p>Noted. The HIA notes that Oude Molen itself has previously been included in or the subject of a number of nominations for National Heritage Significance to the SA Heritage Resources Agency (SAHRA). These include:</p> <ul style="list-style-type: none"> <li>• In 1997 the National Monuments Council (NMC) (now renamed SAHRA) proposed the declaration of the old farmstead-complex and grounds as place of incarceration of King Cetshwayo (SAHRA 9-2-018-269, NMC WC, 1997). In the event, requests for permission from the land owner to effect the declaration went unreturned, and the proposal was shelved with the coming into effect of the NHRA in 1999 and the disbandment of the NMC (SAHRA 9-2-018-269, various).<sup>8</sup></li> <li>• In 1998, Chief Joseph Little addressed a letter to the NMC, stating that the Oude Molen and Nieuwe Molen sites constituted 'Goringhaiqua tribal territories', and that the land held deep spiritual significance to the Khoi. He indicated that Mr Derek Hanekom (Department of Land Affairs) had been (unsuccessfully) approached to buy the Oude Molen property for the Khoi. He proposed declaration of the site as a national monument to protect the cultural and heritage asset (SAHRA 9-2-018-269, Chief Joseph Little/ Cape Cultural Heritage Development Council to MNC). This was not approved although it is not clear whether this was on specific grounds or for administrative reasons.</li> </ul>

<sup>8</sup> It is noted that in 2018, the statues of former kings Cetshwayo, Langalibalele and Sekhukhune and 17th century resistance leader, Doman were unveiled at the Castle of Good Hope.

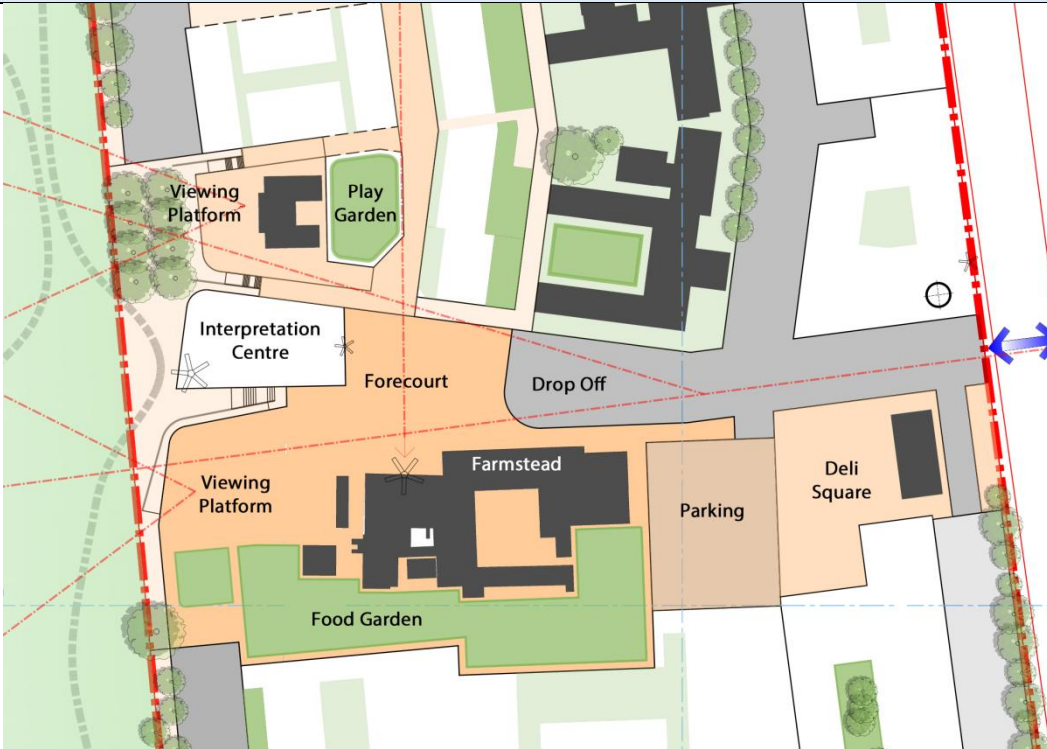
Comment / objection summary	Response
	<ul style="list-style-type: none"> <li>In 2021, HWC nominated the Two Rivers Urban Park, including the Oude Molen site on the basis of its intangible heritage. The application was not supported by SAHRA (Case ID 16907).</li> </ul> <p>Since interpretation of this latter point is disputed by the Observatory Civic, the publicly available information from SAHRA is as follows:</p> <p>Status:</p> <ul style="list-style-type: none"> <li><u>SUBMITTED</u> and refused</li> </ul> <p>Heritage Authority(s):</p> <ul style="list-style-type: none"> <li><u>SAHRA</u></li> </ul> <p>Case Type:</p> <ul style="list-style-type: none"> <li><u>Nominations &amp; Declarations</u></li> </ul> <p><u>Proposal Description:</u>  Nomination of the <b>Two Rivers Urban Park</b> consisting of Erf 15326; 16676; 24278; 24288; 24290; 24816; 26166; 26437; 26439; 26440; 26456; 26458; 28125; 28171; 28174; 151832; 26423-0-1; 160695; 160696; 148700; 118877</p> <p><u>Expanded Motivation:</u>  <i>The TRUP includes two significant Rivers (Liesbeek &amp; Black) that are historical rivers associated with the early Heritage of the Cape that sustained life since earliest times, since they flow throughout the year. The confluence of the rivers is a sacred ancestral First Nations Site and the rest of the Cultural Landscape in the TRUP also has immense heritage significance in that it tracks thousands of years of precolonial history, sustaining human habitation at the gateway to the Cape Peninsula. The TRUP is the site of the only early practical crossing point, between and above the wetlands where the river banks are fairly flat, from Oude Molen in east to Varsche Drift in the west (at north of Malta Farm). This was a noted large settlement attacked by the Portuguese general d’Almeida in March 1510 when the Khoena defeated their attack. It was the site of the first Dutch colonial land capture in 1657 of ancestral common lands on the banks of the Liesbeek River, that included Mostert’s land grab on east of Liesbeek which is the River Club Site under threat today. The first war between settlers and indigenous Khoena was in 1659 and</i></p>

Comment / objection summary	Response
	<p><i>gave way to a series of such wars. As such, the site is referred to as the First Frontier. For that reason, the site is slated to be included in the National Liberation Route, a series of sites that express the key aspects of the South African liberation experience, based on historical evidence of events and activities associated with the history of the struggle. Indeed, the frontier wars led to expulsion and near destruction of the Khoena People, who existed as a well-established successful sustainable nation prior to colonial intrusion. The Khoena are still needing restorative recognition and healing by recognizing their heritage and sacred bond with this heritage site. There has been extensive research by a number of heritage practitioners over the last 10 years who all agree that there is highly significant heritage associated with the site. Most recently, the Draft Heritage Impact Assessment for the Two Rivers Local Spatial Development Framework noted that “... in many respects, the intangible heritage factors could be regarded as being of at least Grade II significance, probably of the highest order.” This assessment is consistent with heritage indicators emerging from the Attwell baseline report. The various reports have since convinced Heritage Specialists IACOM and HWC Council that TRUP is needs to be Protected as either Provincial Heritage Grade or higher. We are therefore applying for urgent grading of the TRUP, as phase 1.</i></p> <p><u>Application Date:</u> Friday, July 30, 2021 - 16:30</p> <p><u>Case ID:</u> 16907</p> <p>The allegations that “It is inexplicable that a heritage practitioner of Posthlethwayte’s (sic) experience could mistake the application for heritage grading to SAHRA, which is still pending as having been “not supported by SAHRA” on the basis of confusing a Provisional Protection application for the River Club with an application for grading of the TRUP as a national heritage resource. This is a material misrepresentation to HWC. “ seems to imply wilful intent which is strongly disputed. A later discussion with SAHRA during the consultation process has somewhat clarified this.</p>

Comment / objection summary	Response
<p>4. The Western Cape Department of Cultural Affairs and Sport (DCAS) identified the TRUP as once of the Province's RLHR sites. The SAHRA suggests that DCAS liaise with relevant stakeholders to ensure that planned development at the site is aligned with above mentioned programme and does not detract from the RLHR significance of the site.</p> <p>5. Heritage values of the site must be enhanced by sensitive development that highlight symbolic representation, interpretation, access and safeguarding of relevant visual connections. Visual links to Table Mountain, Lion's Head and other aspects of the TRUP should remain without any interruptions.</p> <p>6. Developments must be done in partnership with the Khoi and San communities to ensure the intangible heritage values associated with the site are properly recognized and correctly interpreted.</p> <p>7. In developing the site, it is strongly advised that rainwater goods and supporting infrastructure be implemented to mitigate negative environmental impacts to the landscape which is part of the broader DCAS RLHR sensitive cultural landscape.</p> <p><b>b) CCT</b></p>	<p>The current investigations has been at the behest of HWC not the I&amp;APs involved in the River Club application, although the decision reflected as refused, in the circumstances of on-going investigation is ambiguous and the time frames to reach a conclusion are not clear. The Oude Molen HIA nonetheless acknowledges the potentially very high significance of the area.</p> <p>Information provided in the HIA in this regard is sourced from direct consultation with the DCAS RLHR project managers and the implications for the OMP site discussed. The documentation was circulated to them for comment although no comment was received.</p> <p>This is all directly acknowledged in the HIA. In the opinion of these assessors, there is no negative impact upon these aspects nor the RLHR project.</p> <p>Ultimately, it has been made clear in the HIA that any such proposals related to the use by, or celebration of these aspects must be done in consultation (see also SIA recommendations which are included in the HIA).</p> <p>Noted.</p> <p>Noted and supported (see Mitigations in the HIA and Section <b>14. Development Proposal Proposals</b> below)</p>

Comment / objection summary	Response
<p>The HIA and its associated studies is comprehensive and provides extensive background information, site development informants and heritage indicators.</p> <p>The heritage indicators are noted and supported. There are however some concerns with the spatial proposal's response to these indicators. E&amp;HM is of the view that the concept design requires further refinement in order to adequately protect the sense of place, character and high heritage significance associated with the site.</p> <p>The site will be developed as part of a Package of Plans approach, whereby the approved Two Rivers LSDF is the highest planning level, to be followed by this conceptual proposal as a Development Proposal. Further details are to be finalised at Site Development Plan (SDP) level.</p> <p><i>Assessment of impact</i></p> <p><i>Comment on proposal in relation to the identified heritage indicators</i></p> <p>E&amp;HM notes the HIA's generally positive assessment of the response to the indicators, but would like to add the following which is still lacking in how it is represented spatially:</p> <p><i>Response to indigenous heritage/ intangible heritage/ social impact assessment</i></p> <ul style="list-style-type: none"> <li>As stated in the HIA, the most significant historical associations of the site are those of dispossession, exclusion, imprisonment, marginalisation and loss.</li> <li>The intention to accommodate events and cultural practices related to First Nation heritage is noted. More spatial clarity is however required. The position of the cultural heritage and resource centre is not clear (it is shown outside of study area on diagram and is not included</li> </ul>	<p>Noted.</p> <p>Correct. This is an important point. Refer to HIA recommendation which makes provision for further detailed planning.</p> <p>In the OMP Development Proposal, the cultural practices and intangible heritage of the First Nations (FN) people are accommodated in numerous locations. These are:</p> <ol style="list-style-type: none"> <li>1. The Homestead will be restored (outside of this appointment), and repurposed as a public building. Various people's heritage, including that of the FN, could be celebrated within this restored public building.</li> </ol>

Comment / objection summary	Response
<p>on the conceptual map). It is stated elsewhere in text that this aspect will be incorporated in the retained homestead; this is to be confirmed as part of the concept plan.</p>	<ol style="list-style-type: none"> <li>2. The formalised public open space – a forecourt – in front of the entrance to the Homestead will act as a space for gathering and civic engagement.</li> <li>3. The formal public open space towards the west of the Homestead will become a public lookout and gathering space – a viewing platform – with magnificent views across the green open space and Black River, as well as Mowbray Ridge and Table Mountain.</li> <li>4. A new Food Garden is proposed on the south of the Homestead, giving acknowledgement to the medicinal and other plants cultivated by the FN on the OMP site historically.</li> <li>5. The preferred Development Proposal proposes a new public building, referred to as the “Interpretation Centre” on the plan. This purpose built new facility will be utilised to accommodate and celebrate the cultural practices and heritage of various people that have affected the OMP over time. It will be a modest building, but a landmark within its setting adjacent to the historic farmstead and cottage. This new building also serves as an interface with the green public open space and Black River towards the west.</li> <li>6. Just west of the Interpretation Centre, public open space is provided as a threshold space between the OMP edge and the public green park landscape. This place can function as an arrival point – connection point – when the envisaged “Resistance and Liberation Heritage Route” is established within the larger TRUP.</li> <li>7. The old Superintendent’s Cottage is also retained and repurposed in the new Development Proposal. It could ideally be used as a visitor’s centre or an information centre, but could also function as a management office for the new OMP community.</li> </ol>

Comment / objection summary	Response
	 <p data-bbox="1039 1031 2007 1203">8. A secondary public place is created in front of the Town Hall building (ex-Dining Room), to accommodate civic activity. A set of green steps leads down from the Town Hall Square towards the park landscape, acting as an amphitheatre-like event space that links to the “Resistance and Liberation Heritage Route.”</p>

Comment / objection summary	Response
<ul style="list-style-type: none"> <li>The association of open space ‘moments’ along the river edge landscape and potential future Resistance and Liberation Heritage Route initiatives is positive. However more open space should be retained generally to recognise the site as a remnant component of the riverine and wetland system with a ‘bucolic’ sense of place.</li> </ul>	<p>9. Conclusion: As per the above notes, a sequence of public open spaces – hard and soft landscapes – are proposed within the preferred OMP Development Proposal, as well as new and re-used buildings that can accommodate cultural practices and heritage references.</p> <p>The inclusion of more open space/retention of existing open space in the proposed redevelopment of the Oude Molen Precinct is a common concern amongst objectors. However, it must be recognised that in terms of existing policy, Oude Molen is regarded in terms of current policy as a strategic site envisaged as an intensive mixed-use precinct inclusive of offices, residential, schools and related facilities</p> <p>The open space component of the LSDF refers to the space between the proposed mixed use on Oude Molen and river i.e. the City owned land west of the site. The only other reference notes that a portion of the site also has significance to indigenous cultural groupings that have used the precinct for traditional religious practices. Future plans for the precinct should therefore formalise and celebrate some of the green spaces / areas for traditional practices and cultural celebrations.</p> <p>The riverine corridors are the primary open space component of the Two Rivers area and whilst an appropriate relationship between developed or developable land along its edges must appropriately reference these important environmental and historically significant spaces, it is not required that any of these sites should reflect the same degree of openness. Indeed, this would nullify the ability of these sites to achieve the broader socio-economic goals expressed in approved policy. It is to be noted that the approval of the Two Rivers LSDF was specifically accompanied by the proposed withdrawal of earlier policies, including the 2003 Two Rivers Urban Park Contextual Framework.</p>



Comment / objection summary	Response
	<p>Nonetheless, the Visual Impact Assessment (VIA) undertakes a cultural landscape analysis and a number of points are worth highlighting:</p> <ul style="list-style-type: none"> <li>• It is important to recognise and acknowledge the dynamic quality of cultural landscapes in that places do change over time (some features endure, certain patterns resonate; others fade, many vanish); and that development is at times necessary (and even desirable) for the continued vitality of place; it is important to <i>identify, protect, enhance, and integrate</i> visual qualities which contribute significant value to the character of landscape and lend meaning to the interpretation of place.</li> <li>• Whereas the site itself can be described as an evolving cultural landscape, with remnant vernacular homestead and relict institutional built form components, layered, modified, and adapted over time, resulting in a somewhat idiosyncratic and bucolic site of unique character; it is also set within the context of an evolving urban cultural landscape, with visual resources, heritage resources and Heritage Protection Overlays demonstrating the significance of the receiving environment.</li> <li>• Within this context, certain geographic features prevail as defining and structuring elements: the Black River and associated wetlands, the Peninsula Mountain range – with visual connections from the site to Fernwood Peak and Devil’s Peak, Mowbray Ridge and (more distantly) to Lion’s Head and Signal Hill as landmark elements. Other features are more friable and transient, or perhaps occur at a more localized scale.</li> <li>• The site itself is a highly transformed landscape; with clusters of mature trees in places associated the existing buildings, creating visually enclosed courtyard spaces without lending legibility to the site as a whole. The vegetation patterns of the site have changed significantly over time, with much of the current tree coverage introduced since the 1990’s.</li> <li>• The adjacent open space and wetland spaces are characterized by grassland and reed bed respectively, with little to no trees, and therefore being more visually exposed and sky dominated. Former windbreaks once planted within this area have declined and disappeared.</li> </ul>

Comment / objection summary	Response
<ul style="list-style-type: none"> <li>The site has a history of small scale urban agriculture over a long period of time. More provision should be made for a continuance of this practice on site.</li> </ul>	<ul style="list-style-type: none"> <li>Apart from some mature trees of stature, (notably Ficus species) the planting pattern appears scattered and random, without clear design intension or evidence of an ordering system, hierarchical or otherwise. (i.e., there are no longer clear avenues or windbreak alignments. Tree planting occurs in predominantly in clusters, which lends a ‘parklike’ ambiance to the site.</li> <li>Apart from providing environmental shelter (shade and wind protection) the tree planting should be used to lend spatial definition, legibility, and cohesion to the site. At present, this is not the case. For example: the approach avenue to the homestead is not clearly defined and is not easily discernible from the vegetation pattern; neither is the forecourt to the homestead clearly framed. Entrances and thresholds should be reinforced with ‘structuring’ planting, as part of the wayfinding strategy.</li> </ul> <p>The history of urban agriculture has been described and acknowledged in the report. Ultimately however, it is necessary to balance all the competing heritage references on the site. It is the view of this assessor that whilst much of Cape Town has some historical association with farming as a consequence of the colonial patterns of growth and development, the major historical themes of significance to this site relate to the broader First Nation considerations of dispossession; the incarceration of King Cetshwayo and of associated significance to the Zulu Nation; and the segregated psychiatric facilities for people of colour who were treated unequally in the system of mental health provision (dispossession, exclusion and containment).</p> <p>To contextualise the quote, the SIA refers specifically states:  <i>In summary, preserving and integrating the remnants of built form <b>and</b> memory within future planning and design is crucial to the acknowledgement of the sense of loss, destruction and devastation for the descendants of any people whose ancestors were forcibly dispossessed. Planning and design should continue to incorporate the ‘sense of place’ that has been informed by these intangible memories and continued cultural practices on the site. How a site is ‘remembered’</i></p>

Comment / objection summary	Response
<ul style="list-style-type: none"> <li>The Socio-historical study notes that the incorporation of the sense of place is a way of ‘preserving and integrating the remnants of built form <b>and</b> memory’.</li> </ul>	<p><i>or ‘memorialised’ needs to be community led, involving ongoing engagement through the design process.</i></p> <p>This does not specifically pertain to urban farming/gardening activities. In this regard, the HIA further notes: <i>With some important historic buildings and aspects of small-scale urban agriculture and community gardening, in its current condition, as a relict institutional ‘parkland’ overlaid upon an early farm, overlaid upon an earlier indigenous landscape; surrounded by infrastructural spatial ‘barriers’ between neighbourhoods, the site lacks a clear identity, and spatial cohesion. It is neither truly ‘urban’, nor essentially ‘rural’.</i></p> <p>See discussion of the extent to which the existing uses and tenants can be considered to fall within the remit of the NHRA is discussed in the section above <b>10. Tenants/OMV Supporters Input.</b></p> <p>See also discussion pertaining to the engagement with tenants in same.</p> <p>Opportunities have been provided for small scale gardening on OM, linked also to the potential opportunities for First Nation activities around the Homestead; and there are similar opportunities around the public place around the pool, but it has not been defined yet who should be utilising these opportunities (nor would that be appropriate or even possible at this stage of planning).</p> <p>The City-owned open space to the west of the site is an obvious opportunity for passive recreation and equestrian opportunities and also links to the proposed</p>

Comment / objection summary	Response
<ul style="list-style-type: none"> <li>The equestrian component of the precinct has been integral to the social cohesion of the site with the surrounds. It acted as a therapeutic use and space of connection with youth from Maitland Garden Village and has been a place of integration of many across the City, making it a unique equestrian centre which is economically inclusive. There is no clarity on how this use will be retained or continued with the existing tenants, which in this case provides significant employment to residents from Maitland Garden Village. Similarly it is not clear what the arrangements are for continued use of space by established social organisations. This must be clarified to understand the full social impact.</li> <li>The Two Rivers LSDF identified the open space immediately west of the site as an appropriate location for passive recreation and equestrian activities. The concept should more clearly express how such uses can also be included on the site itself.</li> <li>General assessment of the design proposal. In general the development intent is supported, subject to the resolution of some impacts on character and retained buildings, as noted above.</li> </ul>	<p>RLHR. But this is not for this project to determine and these users (in particular the equestrian which is an unusual and very space intensive use in the inner urban core – as the area is defined in the relevant policies - and already depends on available grazing and riding opportunities in this municipal owned and managed area) should approach the City in this regard.</p> <p>For responses to the concerns raised in this regard, see Section on <b>14. Development Proposal Proposals</b> below.</p>
<p><b>12. Comments on the HIA</b></p> <p>a) Biased in favour of development</p>	<p>The requirement for an HIA in terms of the NHRA is triggered by the proposed enablement towards long term development of the site. It is thus specifically designed to assess the impacts of proposed Development Proposal, including the No Go/status quo option. The assessment of significance is based on a coherent</p>

Comment / objection summary	Response
<p>b) Does not acknowledge OMV currently as a place of healing</p> <p>c) Insufficient analysis of current uses</p> <p>d) Some comments support ID of heritage resources, significance and indicators, but believe the proposals are insufficiently responsive</p>	<p>and comprehensive heritage based analysis. The heritage design indicators are prefaced by the following statement:  <i>Redevelopment of the site is accepted in principle. It is earmarked for appropriate mixed use development in terms of approved planning policy. Despite its high heritage significance, this is not ubiquitous across the site, and includes both tangible significance (which has an identifiable spatial footprint ) and intangible significance (which has a less identifiable spatial footprint). The under-developed nature of the site is a merely a function of its relative isolation from the developing City until the early 20thC and its long institutional use, not of an historically significant remnant rural landscape. It is possible to accommodate more development on the site without necessarily negatively impacting heritage significance.</i></p> <p>This is considered an acceptable and motivated view.</p> <p>Whilst the uses that could be said to fall within the ambit of healing (health facilities, horse riding, Gorinhaikona kraal) are described, and community orientation of other uses also described, it is correct that the heritage assessments do not primarily characterise the contemporary uses as being defined as a Place of Healing. However, the SIA references d) Oude Molen as a potential site for Healing specifically in relation to the Khoi and San history which is one of violence, disruption, dislodgement and tragedy for the collective as well as individuals. This has never been rectified and future generations cannot continue to live in pain. The HIA also refers to the institutional history of the site and regards the potential of the site to promote integration and inclusiveness as a positive factor in this regard. It is a matter of emphasis.</p> <p>See responses in Section above <b>10. Tenants/OMV Supporters Input.</b></p> <p>See responses in Section <b>14. Development Proposal Proposals</b> below.</p>

Comment / objection summary	Response
<p>Concern that proposals presented were perhaps premature and in addition did not reflect well the indicators that were referenced in the HIA.</p> <p>e) Some comments believe the historical analysis is deeply flawed, partial, and indicators inadequate.</p> <p>f) HIA is premised on a recurrent theme that it must respond to a broader spatial justice imperative. The City and the Province have not achieved spatial justice across their planning for the City as a whole in their consideration of other developments. For example, Ndifuna Ukwazi has had to turn to the Constitutional Court to fight for spatial justice in seeking to oppose state sell-off of well-located land suited for inclusive housing. It is unclear why some developments should attract the moniker of spatial justice whereas in other settings, spatial justice is subordinated to economic gain. It would seem that claims to spatial justice are made all too frequently and are abused in order to justify inappropriate developments when it suits the landowner. The relationship to spatial justice is superficial and never examined critically. Given the massive housing shortage in Cape Town, any development, including, for example, the building of low-cost housing on Robben Island, could be argued in the same vein to be worthy of</p>	<p>It is standard practice to test the responsiveness of a development proposal against heritage informants through an HIA process, including public participation. Disputes in this regard can be addressed by way of responses. It is also important to recognise that at this stage, it is only possible to assess a high level concept, and many details have to be addressed in later stages of the approval process. This too is standard.</p> <p>It is argued that the historical analysis builds on years of professional inputs, is as comprehensive as is possible within the framework of an HIA and the dispute relates primarily to differences of opinion on 1) the degree to which Oude Molen should be redeveloped or not; and 2) the lack of proposals for the greater Two Rivers area.</p> <p>This is argued to be a legitimate position and is in line with all policy relating to this area.</p> <p>It is also noted that Ndifuna Ukwazi, Reclaim the City &amp; Development Action Group (DAG) were all included on the direct mailing I&amp;AP list but did not provide any comments.</p>

Comment / objection summary	Response
<p>approval because of reasons of spatial justice. This is illogical. There is no clear explanation in the HIA as to why the development should, as a nett effect, promote spatial justice when it is displacing city businesses and residents and will have gentrification effects on the nearby community of Maitland Garden Village. It may well exacerbate spatial injustice but this is not considered in the HIA.</p> <p>g) The idea that the HIA can be based on conceptual proposals that “are high-level by design” and that the proposal is at “this high level” and will “require greater finessing” is potentially problematic if it does not set indicators that are sufficiently specific and robust to ensure that development does not destroy heritage resources on site. Currently, the HIA fails to produce heritage indicators that are protective of heritage resources because it plays along with the ‘high-level by design.’ The same approach was used by the developers of the River Club when proposing their HIA to HWC for approval, claiming that the HIA did not need to provide any restrictions on the built form of the development as that would follow later. HWC specifically rejected that approach in that case. We believe the same is applicable for Oude Molen.</p> <p>h) The HIA adopts the position that the overall significance of the site can be detached from the different precincts and elements on the site. We believe this is a serious flaw that downplays the significance of the Site as a whole.</p>	<p>This is standard practice when development proposals form part of a Package of Plans approvals process. The proposed HIA mitigations are designed to highlight areas of concern to the assessors and require more detailed assessment at the point at which such detail might be available (eg at SDP and Building Plan level). The indicators are considered comprehensive.</p> <p>The site is proposed as a Grade II heritage resource, but it is also argued that the site is of very high, multi-layered and complex, heritage significance, derived from multiple uses, by diverse groups of people over a very long time. This is not regarded</p>

Comment / objection summary	Response
<p>i) In fact, in HWC IACOM did not approve the HIA for the TRUP and many of reasons apply to the Oude Molen HIA. IACOM noted then that the HIA structured the TRUP into 10 landscape areas, which prevented holistic assessment of the heritage of the site. This would lead to fragmentation and “little opportunity to bed down significance and collective understanding of the heritage resources pertaining to the TRUP in a holistic manner.” (Special IACOM Minutes 9 October 2020). Given the way for example, the site has links to a Tussen die Rivier landscape rather than being part of it), we anticipate similar challenges with treating heritage in a fragmented manner.</p> <p>j) The HIA proposes that the site is of Grade II significance. buildings, archaeological, visual and other heritage resources (p4 and elsewhere). However, the practitioner ignores the fact that SAHRA are currently busy with a process to consider grading the entire site as Grade 1. Contrary to the statement on page 74, SAHRA have not rejected the application for grading but are actively in the process of assessment. Case 16907 did not pertain to the TRUP but to an application for Provisional Protection of the River Club site, an area also located in the TRUP but distinct from Oude Molen. It was Heritage Western Cape itself that responded to a nomination of the TRUP as a Provincial Heritage Site by concluding there was sufficient evidence for Grade I status to warrant referral to SAHRA in July 2021. SAHRA are still busy with assessment. It is inexplicable that a heritage practitioner of Posthlethwayte’s experience could mistake the application for heritage grading to SAHRA, which is still pending as having been “not supported by SAHRA” on the basis of confusing a</p>	<p>as a flaw but the outcome of a detailed analysis of significance of both site and context.</p> <p>See comments made under Section 4. <b>Lack of Access to key documents</b> above.</p> <p>The objectors should not conflate a project pertaining to the whole of the Two Rivers area (now approved policy) and the development proposal for an individual site. The broader context of the Two Rivers area and its significance is however clearly acknowledged in this site specific HIA.</p> <p>See responses made under Section <b>11. Heritage Authorities/SAHRA</b> above.</p>



Comment / objection summary	Response
<p>Provisional Protection application for the River Club with an application for grading of the TRUP as a national heritage resource. This is a material misrepresentation to HWC.</p> <p>k) The HIA fails to make clear recommendations for heritage indicators. It does so, partly because it fails to identify heritage resource adequately and because it irrevocably wedded to the scale and intensity of the development proposal put forward. In our view this is the biggest flaw in the HIA. This leaves the matter of protection of heritage resources to subsequent planning processes, which have no guarantee of effectiveness, in the absence of clear guidance as to what has been approved and what has not. Firstly, the development will protect some heritage resources but destroy others. The HIA gives no evidence-based assessment of the relative balance of protection versus destruction of heritage resources in asserting that benefits of heritage protection weigh in to justify social and economic benefits. Secondly, the idea that the pressing demands on the City regarding socio-economic redress can override heritage protections is not the task of an HIA. We are exceptionally disturbed that the HIA can come to the conclusion that “the overall benefits to onsite and associational heritage and the pressing demands of the City” are said to justify increased building density, the loss of some buildings (of lesser significance), and a loss of informality“. We note as well that the harms from the proposed development described as justified in the HIA are said to be the impacts on sense of place (which has been sanitised as an ‘altered’ impact rather than adverse impact) and the reduction of the character of the site - framed as “bucolic.” This is a deeply mistaken and patronising view of the character of the site. “Bucolic”</p>	<p>This is disputed; heritage resources are identified in detailed, based on extensive analysis; and the heritage indicators are accordingly comprehensively framed.</p> <p>Section 38(3)(d) of the NHRA requires an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development.</p>

Comment / objection summary	Response
<p>invokes notions of an idealised rural life with farm animals and herdsman. This is far from the reality of the Eco-village which have a wide diversity of livelihood, leisure, cultural and educational activities taking place in a green space in the urban metropole. It is precisely this combination of activities in an eco-village that makes it unique rather than 'bucolic'. If the HIA believes that the character of the site is 'bucolic', it has clearly failed to understand the living heritage and significance of the site. Lastly, the social and economic study on which this claim to meet the pressing needs of the City is based is one that did not interview any of the current occupants or users of Oude Molen nor residents of Maitland Garden Village, but used desktop research. Interviews were seemingly only conducted "with local developers in the study area." (page 13, para 2.3). This is a clearly biased orientation and one that starts from the perspective that local residents, services and small businesses are of no importance. Frankly, I am amazed that a Social and Economic Assessment can makes zero reference to the impact on existing people and livelihoods, particularly when the introductory comments in the HIA state that "consideration is to be given to retaining ... existing productive economic activity within this precinct" which would "where possible, be incorporated into the possible redevelopment precinct proposals." In fact, the Socio-economic assessment makes no effort to measure the current economic contribution of the current activities in the eco-village. It is astonishing that it an come to a conclusion that "By transforming the site into a mixed-use development led by residential units but also incorporating commercial (office) and retail opportunities, the development, together with the other initiatives in the area</p>	<p>See responses made under Section <b>10. Tenants/OMV Supporters Input</b> above.</p>

Comment / objection summary	Response
<p>will start to create a mixed-use node which will allow broader economic benefits to start to be developed for the wider spatial area” without reference to the social, environmental and economic contributions currently made by the existing community. For example, the Archaeological Specialist Study as part of the Baseline HIA notes that “amount of vegetation present, especially mature trees, is notable” and that “aerial photography shows that much of the growth dates to within the last two decades” (page 201, para 8.3.2). The role of the local community in stewarding a green space is totally ignored in this HIA, unlike the baseline HIA which recognised their contributions.</p> <p>l) Concerns that HIA is mitigation driven</p>	<p>This is standard practice when development proposals form part of a Package of Plans approvals process. The proposed HIA mitigations are designed to highlight areas of concern by the impact assessors and require more detailed assessment at the point at which such detail might be available (eg at SDP and Building Plan level). The indicators are considered comprehensive.</p>
<p><b>13. Comments on other Specialist Studies</b></p> <p><b>1. Visual</b></p>	

Comment / objection summary	Response
<p>Unacceptably sharp contrast in scale vis-à-vis Maitland Garden village (Intact Garden Cities village, proposed HPOZ) – proposed massing will negatively impact heritage resources.</p> <p>CoCT comment that the height and bulk proposed buildings will dwarf the historical buildings which are already 2stories high, and destroy the ‘bucolic quality’</p> <p>Concern that flagged issues of concern are left to later mitigation</p> <p>Objection to the use of the term ‘bucolic’</p>	<p>The visualizations indicate the maximum envelope of the buildings contemplated in the development, which in this case are scaled to the Alexandra Road interface, a higher order mobility route. Whereas the building envelopes do not indicate architectural response, (fenestration, balconies, lean-to roof structures, covered walkways, pergola’s – all of these elements would reduce the ‘block-like’ form nature of the building envelope, by carving out nuance, texture and interest. However, it has been acknowledged that the proposed buildings need to step down in scale to meet the Maitland Garden village edge appropriately – this will need to be explored in more detailed design (the exploration of typical sections at this interface is recommended). However, the Design team have made further modifications in this regard.</p> <p>Assuming this is in relation to the F-wards – the VIA noted a concern of potential ‘back of house’ condition at this interface. This interface should be explored in more detail in section, but again it is noted that only the building envelopes have been modelled, which give a maximum impact. The more detailed architectural resolution will be more subtle.</p> <p>The proposed buildings near the homestead have always been flagged as a potential concern, noting that the historic homestead complex needs sufficient ‘breathing space’ to retain its meaning. However, the Design team have made further modifications in this regard</p> <p>Assessment of later phases/ more detailed design is still anticipated. Assessment needs to be independent of the design process, though it needs to inform it. In certain cases, it may be useful to considered setback or buffers around critical heritage resources (such as the homestead) and to restrict the heights of new buildings proposed within a certain radius of these structures, though this needs to be explored at a more detailed level inquiry. However, the Design team have made modifications in this regard.</p>

Comment / objection summary	Response
TRUPA alleges that the HIA adopts faulty Visual Impacts analysis.	<p>‘Bucolic’ was used in the sense of relating to pleasant aspects of the countryside or rural life, in that the site has pastoral setting (the river parkland) that evokes a certain simplicity, tranquillity, and scenic amenity. However, the site has an urban location and cannot be described as truly ‘rural’, hence ‘bucolic’. (‘Unique’ and bucolic are not mutually exclusive). This was not intended to be patronizing, and apologies for any offence caused. Perhaps we could substitute ‘bucolic’ for <b>‘agrarian lifestyle’</b>? (I do not believe that ‘eco-village’ is the correct designation either, as this would imply a fully sustainable village community, living off grid, producing food, generating electricity, managing recycling and waste on site with great efficiency, integrated with stewardship of the natural environment.</p>
Preserve farm precinct around historic homestead	<p>TRUPA does not fully elucidate what it considers to be a proper Visual Analysis, nor does it establish how this report is flawed or substandard. The methodology and approach used within the Visual Impact Assessment process aligns with the CSIR standard for engaging visual specialists within the assessment process, using established criteria, definitions and terms of reference.</p>
With respect to tree establishment, the team’s qualifications were questioned.	<p>Agreed that the homestead precinct needs sufficient curtilage, and concerns around the proposed buildings in proximity have already been noted. The homestead is certainly an ‘anchor’ in the landscape and should be afforded sufficient ‘breathing space’ to retain/improve its setting and connection to the broader landscape, notable the river corridor. The Design team have made modifications in this regard.</p>
Query re terminology	<p>The design team includes professionally registered Landscape Architects. In addition, the Visual Impact Assessor is a professionally registered Landscape Architect with more than 20 years’ experience. So yes, they do know how long it takes for a tree to become established and well-rooted, and note that it is also species dependant, micro-climate dependant, management and maintenance dependant, and that it is possible to establish a viable treescape, noting that many of the trees on site are not appropriate species, and have been planted within the last 20 years or so.</p>































Comment / objection summary	Response
<p>Query about language usage/assessment of relating to site visibility</p>	<p>‘advancing a new precinct typology’ means promoting a different type of neighbourhood that differs from the standard dormitory suburb in that it is mixed used and integrates environmental context in innovative ways – including soft engineering (sustainable urban drainage systems, etc),</p> <p>‘Affordable housing opportunities’ can mean low-rise high density group housing options which integrate solar electricity and shared recreational spaces, as apposed to unsustainable RDP-style houses. The references to ‘crime and grime’ seem disingenuous.</p> <p>‘will require greater finessing’ means that further design development (and assessment) is needed to determine impact more accurately. (the original comment seems somewhat sarcastic)</p> <p>The terminology used is consistent with the terms, definitions and established criteria for engaging visual specialists within the assessment processes as per the CSIR guidelines. The translation of the VIA text offered in the comment is sarcastic, simplistic, and inaccurate.</p> <p>You can see the OMP site, but at a distance, and while travelling at speed. It is visible because it is located within a city with many people moving around, and the foreground (river corridor) is ‘unbuilt’ i.e. you can see across it without obstruction.</p> <p>Because of this you will be able to see the new buildings, but they will be at a distance and not dominate your view, and the proposed landscape plan will soften the impact of the buildings so that it the new conditions becomes mitigated.</p> <p>It is not responsible to retain the site in its current condition (picturesque decay and dereliction in most parts). The proposals are not for high rise, densely packed wall to wall interventions (perhaps there was some difficulty interpreting plans and diagrams) and it is recommended that these are translated into typical sections</p>

Comment / objection summary	Response
<p>Query about scale of buildings along Alexandra Road</p> <p>Concern about sharp contrast to Maitland Garden Village</p> <p>Concern around cumulative impacts, especially in the context that Pinelands will be completely overwhelmed by a number of significant surrounding developments including Conradie; Mowbray Golf Course; and Amazon.</p> <p>Proposals made with regard to retaining and preserving landscape qualities</p>	<p>through the site which demonstrate the scale of spaces between buildings. It is possible for buildings to frame and define space positively, providing shelter from the wind and rain to external spaces, and this is the intention the development proposal.</p> <p>See also responses in Section <b>14. Development Proposal Proposals</b> below.</p> <p>These are proposed as four to five stories building envelope – consistent with similar scale / class of roadway (noting that it is still possible to walk-up 4-5 stories without requiring mechanized elevators.</p> <p>This can be addresses through architectural detailing at later stages in the development process, but can include balconies, covered walkways, lean-to roof, pergola, etc that bring down the scale to the pedestrian scale at the interface, also stepping back and stepping down the massing towards the scale of the single storey houses adjacent. The scale of the Pinelands houses on the other side of the railway have little relevance – Pinelands is one of the least dense and most inefficient neighbourhoods in the city (compare to Sea Point for one of the most dense and most efficient) – what is proposed in this case is more of a median – and cannot be described as massive. There are already “massive” buildings along Alexandra Road – e.g. Vincent Palotti hospital / office complexes and industrial buildings. It is possible to contrast sensitively with heritage fabric. However, the Design team have made further modifications in this regard</p> <p>The urban environment is by its very nature dynamic and ever-changing. This is not necessarily negative – and can enhance character if carefully managed. Our role is to safeguard value and to guide change in response to what is valued in an integrated and cohesive manner.</p> <p>As mentioned above, Pinelands is a very poor example of an efficient urban neighbourhood – having densities far too low and too much unproductive / dormant</p>

Comment / objection summary			Response
46	Helene	<p>for the total or part of this development:</p> <p>In support of Section 16 - Conclusion and Section 17 - Mitigation of the HIA Oude Molen Sept2024 Draft.</p> <p>Protection and integration of identified heritage resources, tangible and intangible.</p> <p>In support of retention of existing buildings that were part of the original early 20<sup>th</sup> c Valkenberg Hospital as being part of the heritage value of the site and suited for sensitive adaptive re-use.</p> <p>Recommendations of the Visual Impact Assessment Report – i.t.o. proposed mitigations as set out under 8.3 Cumulative Impacts</p> <ul style="list-style-type: none"> <li>• Transitional spaces bridging from larger scale developments towards increasing finer grain and smaller scale towards the Maitland Garden Village edge</li> <li>• Attention to the interface between proposed new housing and Block F</li> <li>• The Homestead and its curtilage to be carefully considered i.t.o. potential overwhelming by larger developments</li> </ul> <p>Retaining as many trees as possible and preserving landscape qualities</p> <p>Oude Molen may not be 'a farm', yet it is a transitional space between riparian open space and an urban context. A parklike character with integration of buildings, treescape and planting with a certain level of informality should be retained.</p>	<p>open space, planted often with exotic tree species which do little to improve soil conditions.</p> <p>Agreed. This is a supportive and useful comment, fully endorsed by the visual specialist</p>
<p><b>2. Landscaping</b></p> <p>City Heritage – Landscape Comments by B. Irrgang:</p> <ol style="list-style-type: none"> <li>1. Noting that most of the existing trees will be lost which is detrimental to place-making.</li> <li>2. Visual absorption capacity requires retention of many mature trees as possible</li> <li>3. “Blue Dot Tree”, denoting heritage or cultural trees, many are located within proposed building footprints and therefore will be removed despite being shown on the plan.</li> <li>4. Final plan is not clear about how many existing trees will be retained and sufficient space allocated.</li> <li>5. Many trees appear to be more significant than described many more could be retained if not for the development footprint.</li> <li>6. Noting that new trees and planting should be locally indigenous species.</li> </ol>			<ol style="list-style-type: none"> <li>a. From landscape comments by City Heritage, it appears that the process being followed is not clearly understood. The Urban Design and Landscape Framework as prepared will allow the Heritage Consultant and Specialist to test a Design against Heritage Indicators. These indicators will inform the future Urban Design and Landscape Framework for final approval of the plan by Heritage Western Cape. This approved plan will be taken forward in the Town Planning, Package of Plans process with City of Cape Town.</li> <li>b. Yes, the site is earmarked by Western Cape Provincial Government for development following the current process. This means that existing trees will need to be removed to allow for future development, while also noting that retention of mature trees that will assist with place-making and visual</li> </ol>



Comment / objection summary	Response
<p>7. Statement that their insufficient recognition of existing mature trees greenery and opens space etc.</p> <p>E&amp;HM Environment – Comments by S. Hustwick</p> <ol style="list-style-type: none"> <li>1. No Legend on the Tree Survey Plan</li> <li>2. Survey does not provide criteria of determining the quality of a tree.</li> <li>3. Extensive comments related to NEMBA listed trees and the categories related to retention or removal of trees with a few species highlighted including <i>Phytolacca dioica</i>, <i>Eriobotrya japonica</i> &amp; <i>Melia azedarach</i>.</li> <li>4. Comments regarding description of the state of the tree in the Tree Survey report that relates to age, shape and damage to being immaterial to any grading of trees.</li> </ol>	<p>absorption. This balance between development and retaining trees are conceptually shown on the current Landscape Framework.</p> <ol style="list-style-type: none"> <li>c. Yes, some heritage/cultural trees, place-making trees and trees in good condition are shown in building footprints. These trees are indicators that may be consider important to affect the footprint of buildings during this Heritage process and/or during the Package of Plans' Town Planning process that will follow later.</li> <li>d. 517no. Trees were surveyed. The Landscape Framework shows the following trees: 49no. Heritage &amp; Cultural Significance Trees; 8no. Listed Protected Species in terms of the Forestry Act; 40no. Large Mature Place Making Trees; and 178no. Trees in a Good Conditions. These existing trees should be considered during the Site Development Plan phase to be retained or be removed as part of the Package of Plans approach.</li> <li>e. It should be noted that limiting the plant list to only locally indigenous species selection would be impractical from a horticultural perspective in an urban setting and that the plants list should consist of a mix of indigenous and exotic trees with indigenous groundcovers and shrubs. Due to the PSHB infestation of trees becoming a serious problem in Cape Town's Urban areas, Tree selection must incorporate exotic alternative species that are immune to or non-reproductive hosts of this pest. This would enhance the Green Infrastructures of shade trees reducing heat island effects with future global warming.</li> <li>f. Contrary to the comment, the Landscape Framework shows extensive open space, greenery and potential retention of mature trees, that includes food gardening allotments comparable in size to what is currently found on site.</li> </ol> <ol style="list-style-type: none"> <li>a. All Tree Survey Plans including 77360-T1-RevA; 77360-T2-RevA; 77360-T3-RevA; 77360-T4-RevA have a Legend included onto the plans, that refers to the Colour coding on the trees. Also, the Landscape Framework Plan (77306-LFP) has the similar colour coding in the legend as the tree survey</li> </ol>

Comment / objection summary	Response																											
<p>5. Statement related to tree survey description need to be more nuanced and focussed on other attribute e.g. broken branch or trunk split etc.</p> <p>6. Extensive comments about what is relevant in terms of tree description and what is not.</p> <p>7. Tree criteria used to classify a tree is required.</p> <p>8. Statement that the tree survey as supplied is not a useful tool and require further refinement and in the writer’s viewpoint more appropriate criteria.</p> <p>9. Statement that tree survey does not link with the Landscape Design Guidelines Tree Evaluation criteria.</p> <p>10. Landscape Framework is too blurry and the legend and drawing could not be could not be read.</p> <p>11. The Footprint of existing building compared to proposed building could not be clearly seen on the Landscape Framework.</p> <p>12. Recommended that a green verge with trees along Alexandra Road is incorporated that may impact on the footprint of proposed buildings along the road to have sufficient space for trees and landscaping.</p> <p>It is noted 3d Block Renders give the impression, due to the scale of buildings blocks, that the landscape and trees are limited in comparison to the Landscape Frameworks Plan that show more greenery and trees.</p>	<p>drawing. The drawings must be read with the Tree Catalogue Report. Please see the legend from the Tree Survey Plans below:</p> <p style="text-align: center;"><b>LEGEND</b></p> <table><tr><td>PLACE MAKING TREES. MATURE SPECIMENS TO BE POTENTIALLY RETAINED</td><td>TREES IN GOOD CONDITION TO BE POTENTIALLY RETAINED</td><td>HERITAGE OR CULTURAL TREES OF SIGNIFICANCE BASED ON HISTORICAL SPECIES / LOCATION NEAR HERITAGE BUILDING / 1955 AERIAL PHOTOGRAPH</td><td>LISTED PROTECTED TREES. REQUIRES PERMITS TO BE REMOVED</td><td>INVASIVE TREE SPECIES TO BE REMOVED</td><td>TREE SPECIES THAT COULD BE TRANSPLANTED OR BE REMOVED</td><td>TREES TO BE REMOVED</td></tr><tr><td><b>A</b></td><td><b>B</b></td><td><b>C</b></td><td><b>D</b></td><td><b>E</b></td><td><b>F</b></td><td><b>G</b></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> <p>Please see the legend extract from the Landscape Framework Plan below:</p> <table><tr><td></td><td>EXISTING TREES WITH HERITAGE AND CULTURAL SIGNIFICANCE (POTENTIALLY TO BE RETAINED)</td></tr><tr><td></td><td>PROTECTED SPECIES - EXISTING TREES (POTENTIALLY TO BE RETAINED)</td></tr><tr><td></td><td>EXISTING TREES IDENTIFIED AS PLACE-MAKING TREES (POTENTIALLY TO BE RETAINED)</td></tr></table> <p>b. We will incorporate the criteria that we used into the Tree Catalogue Report:</p> <p>i. <u>Tree Conditions</u> Trees were visually inspected, photographed, numbered, identified, girth of trunk and canopy estimated. Overall appearance of the tree was judge based on each species age, growth shape, state of foliage, trunk and branches structural stability, and any sign of disease or pest on the trees. Based this overall assessment the Trees Quality was described if the tree is in a Good Condition for</p>	PLACE MAKING TREES. MATURE SPECIMENS TO BE POTENTIALLY RETAINED	TREES IN GOOD CONDITION TO BE POTENTIALLY RETAINED	HERITAGE OR CULTURAL TREES OF SIGNIFICANCE BASED ON HISTORICAL SPECIES / LOCATION NEAR HERITAGE BUILDING / 1955 AERIAL PHOTOGRAPH	LISTED PROTECTED TREES. REQUIRES PERMITS TO BE REMOVED	INVASIVE TREE SPECIES TO BE REMOVED	TREE SPECIES THAT COULD BE TRANSPLANTED OR BE REMOVED	TREES TO BE REMOVED	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>									EXISTING TREES WITH HERITAGE AND CULTURAL SIGNIFICANCE (POTENTIALLY TO BE RETAINED)		PROTECTED SPECIES - EXISTING TREES (POTENTIALLY TO BE RETAINED)		EXISTING TREES IDENTIFIED AS PLACE-MAKING TREES (POTENTIALLY TO BE RETAINED)
PLACE MAKING TREES. MATURE SPECIMENS TO BE POTENTIALLY RETAINED	TREES IN GOOD CONDITION TO BE POTENTIALLY RETAINED	HERITAGE OR CULTURAL TREES OF SIGNIFICANCE BASED ON HISTORICAL SPECIES / LOCATION NEAR HERITAGE BUILDING / 1955 AERIAL PHOTOGRAPH	LISTED PROTECTED TREES. REQUIRES PERMITS TO BE REMOVED	INVASIVE TREE SPECIES TO BE REMOVED	TREE SPECIES THAT COULD BE TRANSPLANTED OR BE REMOVED	TREES TO BE REMOVED																						
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>																						
																												
	EXISTING TREES WITH HERITAGE AND CULTURAL SIGNIFICANCE (POTENTIALLY TO BE RETAINED)																											
	PROTECTED SPECIES - EXISTING TREES (POTENTIALLY TO BE RETAINED)																											
	EXISTING TREES IDENTIFIED AS PLACE-MAKING TREES (POTENTIALLY TO BE RETAINED)																											

Comment / objection summary	Response
	<p>retention or not. A Total of 275no. Trees of 517no. Trees was considered in a Good Condition.</p> <p>ii. <u>Heritage Significance:</u> Trees identified as heritage trees are those of cultural significance. This includes species historically used in agricultural settings or during Cape Town's early development. Additionally, trees older than 60 years located near Heritage Buildings are considered culturally significant.</p> <p>iii. <u>Listed Protected Trees:</u> Species listed under the National Forest Act (Act No.84 of 1998) are considered protected trees. A removal permit from the National Department of Forestry is necessary for any pruning or removal of these protected species.</p> <p>iv. <u>Placing-Making Trees:</u> Large, mature trees in good condition with impressive structure and/or shape were categorized as placing-making trees.</p> <p>v. <u>Transplantable Trees:</u> Trees and Palms in good condition and identified as transplantable species should consider for relocation on-site. Species include all Ficus Tree species, Pheonix Palm species and Washingtonia Palm species.</p> <p>vi. <u>Invasive Trees:</u> The National Environmental Management: Biodiversity Act (2004) (NEMBA) Regulations classify invasive plant species into categories based on their level of invasiveness. Trees listed as Class 1, 2, and 3 Invasive Species was shown to be removed with only one exception noted in the Guidelines.</p>

Comment / objection summary	Response
	<p>c. Response in relation to our interpretation of NEMBA listed invasive species and especially category 3 listed species with a specific focus on <i>Phytolacca dioica</i>, <i>Eriobotrya japonica</i> &amp; <i>Melia azedarach</i>.</p> <p>Category 3 “Invasive species which may remain in prescribed areas or provinces. Further planting, propagation or trade, is however prohibited”</p> <p>Reference Book: Problem Plants and Alien Weeds of South Africa by Clive Bromilow (2010)</p> <p><i>Phytolacca dioica</i> – Page 146 - Category 3: “Impact: These trees can be very competitive in dry areas and because of their size have a visual impact. The roots and fruit are said to be poisonous. Control: These trees are best to cut down and removed.”</p> <p><i>Melia azedarach</i> – Page 137 – Category 3 (recommend being changed to 1b in the future): “Impact: .... One of the most widespread of all alien invasives... commonly found along streams. ... It establishes itself very easily in such areas, where it replaces indigenous vegetation, blocks waterways... The berries are one of the most common causes of human poisoning in South Africa and fatalities have been recorded. Control: ...is fast growing and coppices strongly, even from stumps... For this reason, is difficult to control... It is important to apply annual follow-up treatment in order to destroy escaped individuals and seedlings.”</p> <p><i>Eriobotrya japonica</i> – Page 154 – Category 3: “Impact: ... act as an alternative host for fruit fly... Control: Unwanted plants should be removed”</p> <p>Planning Partners as rule always view Category 3 Invasive species through the prism of the long terms maintenance to control the spread of these listed species. We have found, both on private and public land in urban</p>

Comment / objection summary	Response
	<p>areas, that Category 3 species are not controlled on an annual basis and that seedlings and garden escapees gain a foothold in areas and grow to larger specimens that spread the invasive species further. During our Tree Survey we found numerous examples of both <i>Phytolacca dioica</i> and <i>Melia azedarach</i> of various ages that has spread via seedlings across Oude Molen.</p> <p>We interpret the Category 3 regulation in relation to “Further planting, propagation” to mean that any seedling left uncontrolled is propagating the invasive species creating further planting that are prohibited. The spreading of seedlings may occur naturally, but the non-control of seedlings creates the problem of propagation of the species. In our experience the long-term control of seedlings will be costly and more than likely not occur to level that control the species from escaping the Oude Molen site to adjacent properties that include sensitive wetland and river systems.</p> <p>From our research there may be valid reason to include <i>Eriobotrya japonica</i> with the two very large <i>Phytolacca dioica</i> to be retained and controlled as part of the guidelines, rather than remove these trees.</p> <p>Two very large and older than 60 years <i>Phytolacca dioica</i> are considered to be of Heritage significance and are proposed to be retained under strict control and management of seedlings.</p> <p>But we remain of the view, in our professional opinion, that the remainder of <i>Phytolacca dioica</i> and <i>Melia azedarach</i> be removed from the site as invasive alien species.</p> <p>d. Extensive comments about descriptive language used or the lack thereof in the Tree Survey. From the writers viewpoint the Trees Survey is not an useful tool without further refinement of the descriptives.</p>

Comment / objection summary	Response
	<p>The tree survey consists of 4no. A0 drawings with a Tree Photograph Catalogue Book of 211 pages long recording 627 trees with 517 trees found in the study area of Oude Molen. Yes, more descriptive information could be added, but we have found in the past that relying on descriptive language to grade trees correctly, is difficult to use and unproductive. Language is not a very productive process for grading a tree that requires a visual assessment. Therefore, our process relied on photographs of each tree as the main information for grading the trees, while the descriptive noted in the catalogue and drawings tables were the impression of the trees at the time of the survey.</p> <p>We disagree with the writer's viewpoint that this is not a useful tool. The Tree Catalogue is extensive, showing each tree photographically at the time of the survey and allowing grading of the tree that can be visually backed-up with a photograph.</p> <p>e. Tree Survey in the association with the Landscape Design Guidelines.</p> <p>The Landscape Framework Plan incorporated all trees in good condition and the Guidelines extensively refers to these trees. But we agree, it would be good idea to include as an annexure the 4no. Tree Survey Plans and the Tree Catalogue Report for more detailed information on this topic.</p> <p>f. Landscape Framework Drawing is blurry.</p> <p>The Landscape Framework Drawing is a A0 drawing and very large digital file. To allow the drawing to be used on the internet the file size had to be reduced with the implication that the quality of the drawing was reduced causing the blurriness. High Resolution drawing is available.</p> <p>g. Differentiation between Heritage Building Footprints and new Indicative Building Footprints.</p>

Comment / objection summary	Response
<p>OMEVTA comment</p> <p>Statement that trees were undercounted</p>	<p>The Landscape Framework Plan focus is external spaces and therefore only speak to external spaces created by building footprints. The differentiation of footprints can be seen on other drawings related to this topic by other specialist. But yes, if required, it can be differentiated on the Landscape Framework Plan.</p> <p>h. More trees and green spaces along Alexandra Road which will require further set-back of building footprints.</p> <p>Yes, this could be considered by the Urban Designers.</p> <p>i. 3D Block visual showing fewer green spaces compared to Landscape Framework Plan</p> <p>The 3D Block visual is only shown to consider the scale of proposed building footprints and are not a representation of the future architecture or any of the external spaces. The Landscape Framework Plan and 3D Block visual are 100% aligned in terms of location and layout on plan.</p> <p>a. From the comment it appears that OMEVTA has not access all the information available to them to see the number of trees that were survey or are misrepresenting the true state of the information available to the OMEVTA.</p> <p>b. The trees were survey by a professional Land Surveyor based on the following requirements in brief:</p> <ul style="list-style-type: none"> <li>a. All tree with a trunk diameter larger than 100mm to be surveyed.</li> <li>b. Extent of Canopy to be surveyed</li> <li>c. GPS Surveyor technology was used by the Land Surveyor because of the accuracy the technology renders.</li> </ul> <p>c. Planning Partners with a team of 2 people used the Surveyors Information to inspect each tree, confirm the location on plan, classify the tree and</p>

Comment / objection summary	Response
<p><b>3. Social Impact Assessment (SIA)</b></p> <p>As of 2024, there are 62 tenants at Oude Molen Eco Village, a notable increase from approximately 40 tenants identified in a 2020 lease audit. OMEV is home to approximately 120 residents and more than 40 businesses or enterprises, fostering a vibrant ecosystem characterised by:</p> <ul style="list-style-type: none"> <li>• <b>Diverse Backgrounds:</b> Residents include families, young professionals, artists, and social entrepreneurs who share a commitment to sustainability and community engagement.</li> <li>• <b>Social Enterprises:</b> Many businesses operate with social missions, focusing on environmental sustainability and local empowerment.</li> </ul>	<p>photograph the tree. A few smaller trees below the 100mm were also include into the Tree Quality Survey.</p> <p>d. It should be noted that during the Quality Survey, that on a few instances, Tenants blocked access (some very aggressively) to trees within their space. These trees were survey from a distance to the best of our abilities.</p> <p>e. 517 Trees were survey in the study area and categorise as follows: 49No. Heritage Trees; 8No. Listed Protected Tree Species; 40no. Place-Making Trees; 104no. Trees in Good Condition; 74no. Trees in good condition that are Transplantable; 143No. Listed Alien Invasive Tree Species that must be removed; and 99no. Tree in Poor Condition that could be removed.</p> <p>We can confirm in our professional capacity that the Tree Survey and Tree Quality Survey are a true reflection of the number and quality of tree in the study area at the time of preparing the survey and report.</p> <p>Any trees planted after the survey was conducted will not be reflected, but it is noted that this should not be occurring on land leased for a limited period, as is the case for this site.</p> <p>The work conducted for the baselines studies can only accurately reflect a single moment in time and it is accepted there will be some change in a long running process. However, this HIA and associated reports are addressing matters of principle, not the future users or tenaning of the site, and it is argued that the essential aspects defining the tenants on Oude Molen is sufficiently accurate for the purpose of this report. See also Section <b>10. Tenants/OMV Supporters Input</b> above.</p>



Comment / objection summary	Response
<p><b>4. Archaeological Impact Assessment (AIA)</b>  PC ARAN  “the furnace our people was burnt alive and the unmarked destroyed graves on the wetlands”</p>	<p>References<sup>9</sup>  PC ARAN</p> <ul style="list-style-type: none"> <li>The features pointed out as graves are all outside of the study area. They comprised two large, rectangular walled structures. One is located close to the Oude Molen property fence near a small dam, and the second some distance to the south west and closer to the river. The lower of the two had a concrete upper surface that sloped downwards before disappearing below the soils and detritus that had built up within the low outer walls. The upper of the two features is overgrown with grass and had several concrete and granite chunks on it, obscuring its upper surface.</li> </ul> <p>These features appear to be related to the dam and are part of water supply systems. Further to these two features, numerous sections of concrete pipe were visible, as well as a few rectangular granite blocks. While it cannot be proven that the granite blocks are not disturbed headstones, it should be noted that several of them occur adjacent to a track around a dam, and they may well merely be displaced seating from here. The cement blocks and pipes appear to mark a pipeline between the upper concrete walled feature and the dam.</p> <p>These findings are not conclusive, as no excavation or intrusive investigation of any kind was undertaken. Further, the positive</p>

<sup>9</sup> Orton, J. 2022a. Archaeological Specialist Study (Scoping): Erf 26439-RE, Oude Molen Village, City of Cape Town, Western Cape, 12 August. Prepared for Bridget O'Donoghue. Cape Town: Asha Consulting.

Orton, J. 2022b. Heritage Western Cape Work Plan Application For Mitigation Of Archaeological And Palaeontological Sites: Erf 26439-RE, Oude Molen Village, City of Cape Town, Western Cape, 7 October. Prepared for HWC. Cape Town: Asha Consulting.

Schietecatte, L. and Hart, T. 2015. The first frontier: an assessment of the precolonial and proto-historical significance of the Two Rivers Urban Park site, Cape Town, Western Province; November. Prepared for Melanie Attwell and Associates. Diep River: ACO Associates.

Comment / objection summary	Response
<p>Oude Molen Village Tenants Association (OMVTA)  8.2.6 Archaeological Impact Assessment - Katie Smuts of Rennie Scurr Adendorff for Nigel Burls &amp; Associates  Hislop's study is again instructive here in that he advocates for "a thorough archaeological investigation of the ... surrounds (which) may provide more clues about the original layout and age of the house, as well as pinpoint the exact site of the Oude Molen windmill and possibly provide information about Khoekhoe activity in the area prior to the colonial era". OMEVTA supports the view for a thorough archaeological investigation before proceeding with predetermined rezoning and large-scale development  8.2.6.1 Methodology employed in the AIA  8.2.6.1a</p>	<p>identification of these features as anything other than graves does not negate the possibility of other unmarked graves existing nearby, nor does it negate the oral histories around graves existing in the area.</p> <ul style="list-style-type: none"> <li>On inspection, the furnace was found to be clearly mid-C20th in origin, built of high-fired, mass-produced brick, and secured with railway track I-beams. The burnt medical waste outside the furnace comprises glass bottles, vials and at least two mercury thermometers. Legible printing on the vials includes the names of several medicines - local anaesthetics and antidepressants - one with an expiry date of July 1988.</li> </ul> <p>The structure is first evident on aerials in 1968, and does not appear on the 1958 aerial; it was likely associated with the use of the H-shaped ward built for black men in 1957. It is, thus, not very old, and certainly not contemporaneous with the colonial period or slavery. The structure certainly holds symbolic and associational significance for the Goringhaicona group at Oude Molen, and the disjuncture between the history of the structure and the stories associated with it does not negate this significance. Indeed, the macabreness of the story associated with this structure speaks to a collective trauma that cannot and should not be dismissed.</p> <p>OMVTA</p> <p>8.2.6</p> <ul style="list-style-type: none"> <li>Hislop's comments are not "instructive" as Hislop is not an archaeologist.</li> </ul> <p>8.2.6.1a</p> <ul style="list-style-type: none"> <li>GPR is not indicated for identifying low density artefactual material; the best means of recovering such material is through monitoring of excavation work during construction where more extensive work will yield a more informative assemblage of any materials present. The likely location of the significant structural remains of the mill has been established through mapping</li> </ul>

Comment / objection summary	Response
<p>Methodological failings: should have considered other methods besides visual inspection, such as ground penetrating radar (GPR) and soil sampling</p> <p>8.2.6.1b</p> <p><i>Smuts states that: "Any large-scale redevelopment or site-clearing, levelling and trenching would negatively impact remaining below ground features or materials." This assertion implies that there are indeed potential archaeological materials or features present below the surface, which contradicts her earlier conclusion of no evidence found.</i></p> <p>c. Key Points of Contradiction</p> <ul style="list-style-type: none"> <li>- Need for Excavation</li> <li>- Impact on Subsurface Features</li> </ul> <p>8.2.6.2 Burial Sites</p> <p>a. The AIA raises significant concerns regarding an assertion that burials are considered "possible but unlikely," especially in light of oral evidence from stakeholders like Kendre Allies, Tauriq Jenkins and PC Arans, who have indicated the presence of burial sites in the OMP. This discrepancy is particularly sensitive given the cultural and historical implications for local communities and stakeholders involved.</p> <p>b. Contradiction in Findings</p> <ul style="list-style-type: none"> <li>- Oral Evidence: The oral testimonies presented suggest that burial sites exist within the area, contradicting Smuts' assessment. This evidence should be given considerable weight, as it reflects the community's historical knowledge and experiences.</li> <li>- Sensitivity of the Area: The acknowledgment of potential burial sites is not merely a theoretical concern; it has real implications for local stakeholders, including OMEVTA. Dismissing this evidence as "unlikely" without thorough investigation can</li> </ul>	<p>overlays, and will be tested through excavation. Should GPR be utilised for this purpose, any anomalies revealed would still require excavation to determine what they represent, therefore there is no call for such a study. No other structures warrant preliminary exploration.</p> <ul style="list-style-type: none"> <li>• Soil sampling, a bulk strategy, is an impractical approach to locate low density, chance finds, and is not an appropriate strategy here.</li> <li>• Visual assessment, including of areas disturbed by cultivation, planting, or mole activity, is an entirely appropriate method in this instance.</li> </ul> <p>8.2.6.1b</p> <ul style="list-style-type: none"> <li>• No contradiction was intended. This section has been reworded for additional clarity.</li> </ul> <p>8.2.6.1c</p> <ul style="list-style-type: none"> <li>• Excavation is only indicated to locate the remains of the mill, which is both likely to persist in some form, and of very high significance. Preliminary test excavation to locate chance occurrences of low density, low significance precolonial material is not an appropriate strategy, and monitoring of construction activities is far more likely to yield an assemblage of viable, scientifically useful size, if at all.</li> <li>• The inferred contradictory statement has been reworded. There is always a chance that features exist below ground that are not known from site assessment or historical mapping. The AIA determines the likelihood of these occurring and their likely significance, with mitigation devised in response to these variables. Here high significance features outside the mill area are not anticipated.</li> </ul> <p>8.2.6.2a</p> <ul style="list-style-type: none"> <li>• The burial sites were investigated together with PC Aran. The outcomes of this site inspection have been reflected in updated AIA recommendations. Should burials be found to exist, these are automatically afforded highest local significance, and, in this instance, would likely warrant Grade II or even Grade I status. The sensitivity of such graves is not disputed.</li> </ul>

Comment / objection summary	Response
<p>undermine community trust and overlook significant cultural heritage.</p> <p>c. Methodological Concerns</p> <ul style="list-style-type: none"> <li>- Insufficient Investigation: If Smuts' assessment did not include an exhaustive investigation into these oral claims, it raises questions about the thoroughness of her methodology. A comprehensive archaeological assessment should involve both physical surveys and engagement with local knowledge to ensure all potential archaeological features are recognized.</li> <li>- Need for Further Study: Given the sensitivity of the subject and the conflicting evidence, a more detailed archaeological study is warranted. This could include: <ul style="list-style-type: none"> <li>- Subsurface Testing: Excavations in areas identified by local testimonies could provide concrete evidence regarding the existence of burial sites.</li> <li>- Community Engagement: Involving local stakeholders in the assessment process can yield valuable insights and foster collaborative relationships.</li> </ul> </li> </ul> <p>8.2.6.3 Confinement of Heritage</p> <p>The AIA's restrictive view on heritage could undermine the cultural significance of the OMP while facilitating extensive development that may not align with community values or historical preservation efforts.</p> <p>Like the other assessments, the AIA appears to limit the scope of heritage considerations to specific structures like an amphitheatre and a cultural heritage centre.</p> <p>By confining heritage to a few designated sites, the assessment risks overlooking broader cultural and historical contexts, particularly those linked to the indigenous Khoe peoples who historically occupied the area.</p> <p>The emphasis on a limited heritage scope supports the justification for extensive development plans that may not</p>	<p>8.2.6.2c</p> <ul style="list-style-type: none"> <li>• As indicated previously, a site visit was undertaken to assess the grave locations.</li> <li>• Preliminary test excavation, except at the mill location, is not considered the appropriate course of action in this instance.</li> <li>• Community engagement has been undertaken as part of the HIA process, with additional consultation sought as part of the outcomes of PPP specifically for the AIA.</li> </ul> <p>8.2.6.3</p> <ul style="list-style-type: none"> <li>• An AIA, by its nature, confines itself to consideration of the archaeological resources of an area, and the likely impacts of any given development on them. Such resources are, by definition, tangible.</li> <li>• No consideration at all is given to either an amphitheatre or a cultural heritage centre, and this appears to be a cut and paste error</li> <li>• While the significance of any archaeological material is influenced by intangible aspects, as noted repeatedly in the report, the "cultural landscape and historical narratives", together with the "site's full historical, cultural especially the living heritage significance" cannot be addressed in an archaeological assessment, and are for consideration in the HIA.</li> </ul> <p>8.2.6.4</p> <ul style="list-style-type: none"> <li>• Mitigation strategies are designed to be appropriate to the nature and significance of archaeological materials present. In this instance, low density, low significance finds are determined not to warrant either preliminary investigation, nor do they impact layout proposals. Monitoring of construction activities is the most likely way that finds will be uncovered and retrieved in sufficiently significant numbers to constitute a statistically viable sample. The mill location is to be tested prior to development, and has been indicated as a no-go area for development, reflecting both its very high significance and the likelihood of remnants of the structure persisting on site. Other structural remains have been mapped and identified as not warranting mitigation beyond some monitoring.</li> </ul>

Comment / objection summary	Response
<p>adequately consider or respect the site's full historical, cultural especially the living heritage significance.</p> <p>Given the significance of the OMP as a historical, cultural and ecological area, there is a pressing need for a more nuanced assessment that incorporates community voices and recognises the full spectrum of heritage values. This includes conducting thorough consultations with local stakeholders to understand their perspectives on what constitutes heritage in this context.</p> <p>Observatory Civic Association Comments on OMP HIA</p> <p>21. It is unclear why archaeological indicators should only be considered during design development phase of this project going forward. Of note is that AIA report attached to the HIA recommends only test trenching in the vicinity of the mill, whereas the AIA report for the baseline study recommends more extensive trench testing across the precinct, not only at the mill area and the homestead area, but across the entire site to enhance the confidence that it is possible to work outside the vicinity of the mill and homestead. Both AIAs note that while graves are not likely findings, they are possible in the area. The baseline AIA also notes that there is a good likelihood of Stone Age artefacts present in the area, though the finds are likely sporadic and chance finds.</p> <p><b>5. Socio-economic Impact Assessment (SEIA):</b> Query regarding the validity of the Social Accounting Matrix (SAM) Model</p>	<ul style="list-style-type: none"> <li>• These strategies would be equally applicable regardless of the density of development proposed. Less dense development, resulting in less disturbance to the site would result in fewer opportunities to find such precolonial material as may occur.</li> </ul> <p>Observatory Civic Association: Notwithstanding that this is an ongoing application, with a new archaeologist, the following is noted in response to the points raised:</p> <ul style="list-style-type: none"> <li>• Indicators are provided at design development stage to highlight any red flags that might affect layout plans.</li> <li>• The 2022 Baseline Report (not AIA) notes a “very small chance” of precolonial material across site, of “low significance due to their very low density” (Orton, 2022a: 22). Test excavation is proposed in terms of this study “to focus on the vicinity of the old mill house and mill” with “a few other tests...in the wider study area for the sake of completeness” (Orton, 2022b: 3). This approach clearly does not constitute “extensive trench testing across the precinct”.</li> <li>• This archaeologist does not find that there is cause to conduct preliminary excavation across site to test for low density, low significance finds, and that monitoring of ground works is more likely to yield a statistically significant quantity of material if such is present on site.</li> </ul> <p>The possible grave sites are to be investigated with PC Aran, and the outcomes of that investigation will be included in an updated AIA</p>

Comment / objection summary	Response
	<p>The Social Accounting Matrix (SAM) Model is an accepted model internationally that allows economists to determine the impact that an investment (called a shock to the economy) OR in some cases disinvestment (if for instance a factory were to close down) would have on an economy.</p> <p>The model breaks the economy down into different economic activities. It is therefore a data base showing all the relationships between different economic entities and it allows the user to capture inter-relationships between all economic agents in an economy. The social accounting matrix shows the inter-links between the different agents in the economy (sectors, firms and households). It serves as the basis of the model, that is used to estimate the potential impact of a project or industry at a point in time. It is also important to note that the value generated from the SAM model are based on the intersectoral linkages informed by the Input-Output tables and Supply and Use Tables compiled by Stats SA and used in the formulation of the SAM along with household and business surveys conducted by Stats SA and which have been updated to reflect information for 2024. They represent the potential impact that an investment may have on the economy based on the both the underlying data used to generate the SAM and the various assumptions made, both in respect of the SAM and with regards to the input data.</p> <p>The allocation of land was based on the Applicant brief for a high density mixed use development and the market study indicated a high demand for residential land uses in the study area. The affordable housing needs to form part of the development as part of the overall development mix.</p>

Comment / objection summary	Response				
<p><b>14. Comments on the draft Concept Plan (Precinct Plan)</b></p> <ul style="list-style-type: none"> <li>a) Does not reflect indicators</li> <li>b) Housing prioritised over cultural heritage its allocation of space</li> <li>c) Most housing is not low income</li> <li>d) All trees to be retained its principles, but most go</li> <li>e) Vision (eco ...) is not supported by these proposals. To call it eco is disingenuous</li> <li>f) Mitigation for Western Leopard Toad</li> <li>g) Historic precinct is overshadowed</li> <li>h) See CCT proposals</li> <li>i) How are impacts on wetlands to be mitigated</li> <li>j) Prioritises commercial interests over community well being</li> <li>k) Must include stables, more farming</li> <li>l) Want scenario C to be properly explored</li> </ul>	<ul style="list-style-type: none"> <li>a) The conceptual plan addresses every heritage indicator that has been identified.</li> <li>b) The Applicant's brief to the current design team was to propose a "residentially led" development proposal. Housing of different types and tenures were therefore prioritised.</li> <li>c) As supported by the Applicant, the current proposal indicates a split between affordable and open market housing as follows: <table border="1" data-bbox="1061 619 2011 703"> <tr> <td>Inclusionary DUs (Social + FHF/FLISP)</td><td>34%</td></tr> <tr> <td>Open Market DUs (Apartments + Row Houses)</td><td>66%</td></tr> </table> <p>This would allow adequate cross-subsidisation to render the concept viable.</p> </li> <li>d) See <b>Response to Landscaping (13.2 above)</b></li> <li>e) The reference to "sustainable eco-neighbourhood" in the vision statement does not refer to low-density, semi-rural landscapes, as the comment implies. Eco-neighbourhood are rather neighbourhoods that are designed, organized and managed in accordance with sustainable development principles, including efficient use of land, efficient energy use, housing diversity, social cohesion, etc.</li> <li>f) The proposal allows for a fully permeable development, allowing free movement for the Western Leopard Toad (should it inhabit parts of the site) between the site and the open space along the Black River corridor.</li> <li>g) Ample space is allowed around the historic homestead and cottage, giving these buildings the prominence within the design that they require.</li> <li>h) The proposal is not out of keeping with the City-approved TRUP LSDF.</li> <li>i) There are no wetlands on the site and stormwater from the site will be properly managed in accordance with City policy in this regard.</li> <li>j) The conceptual plan seeks to balance the provision of affordable housing on the site and the restoration and maintenance of existing heritage resources with</li> </ul>	Inclusionary DUs (Social + FHF/FLISP)	34%	Open Market DUs (Apartments + Row Houses)	66%
Inclusionary DUs (Social + FHF/FLISP)	34%				
Open Market DUs (Apartments + Row Houses)	66%				



Comment / objection summary	Response
<p>General assessment of the design proposal: In general, the development intent is supported, subject to the resolution of some impacts on character and retained buildings, as noted above. Concerns regarding the conceptual proposal is summarised below:</p> <ul style="list-style-type: none"> <li>• The proposal is for an intensified development on the site. Although this intensity is correctly concentrated towards the Alexandra Road edge, there is a concern with the extent of infill and the resultant loss of trees and open space, particularly along the central avenue.</li> <li>• The loss of some heritage structures (the nurses home and H –shaped wards) is accepted subject to the mitigation of other impacts and the enhancement of the setting through increased retention of open space.</li> <li>• The edging of retained heritage structures with infill buildings, thereby diminishing the qualities of its setting and associated greenery, is not supported.</li> </ul>	<p>the commercial opportunities required to cross-subsidise these and to render the development viable.</p> <ul style="list-style-type: none"> <li>k) The proposed redevelopment of the OMP represents a sensitive and strategic response to the historical and cultural significance of the site, its locational advantages within the metropolitan area, and the immense opportunity it presents for achieving spatial justice objectives, where accommodating affordable housing in a well located area is prioritised over accommodating horses. The site is located at the heart of the urban area where well located land for affordable housing is scarce. Farming is not an appropriate use in this context.</li> <li>l) The alternatives have been adequately explored before selecting the preferred alternative to take forward.</li> </ul> <ul style="list-style-type: none"> <li>○ The central avenue is envisaged as a walkable pedestrian-friendly “village street”. Where appropriate, trees of value are retained, as per the Landscape Architects drawings and assessments.</li> <li>○ Noted.</li> <li>○ Ample space is allowed around the historic homestead and cottage, giving these buildings the prominence within the design that they require. The design creates defined public spaces by framing spaces with new buildings, as well as hard and soft landscaping.</li> </ul>



Comment / objection summary	Response								
<ul style="list-style-type: none"><li>• The proposal represents Insufficient recognition of existing mature trees, greenery and open space; this also relates to the limited provision of food gardening opportunities and other sustainable eco-initiatives, which is an approved LSDF principle for the redevelopment of the site.</li><li>• There is a lack of clarity around potential edge conditions and boundary treatments of infill buildings, should these be retained.</li><li>• The height of new buildings and its proximity as a backdrop to the homestead complex to the south.</li><li>• The transition of scale in relation to Maitland Garden Village.</li><li>• Clarity required on processes related to memorialisation/ interpretation opportunities.</li><li>• The character of the central avenue, which is now more constrained and subjected to an extensive loss of trees. The visual setting to the retained wards are also negatively affected. (See image below, as included in planning report, which shows a more sensitive infill response in relation to the core).</li><li>• There is a lack of clarity regarding the extent to which existing businesses and tenants will be able to remain as part of the redeveloped site.</li><li>• It is anticipated that the intention for social housing units, if concentrated in the retained wards, might require some form of access control. Although this will be dealt with at SDP level, any form of enclosure of parts of the site should be avoid and carefully considered.</li></ul>	<ul style="list-style-type: none"><li>○ Food gardening is proposed on the south of the homestead complex.</li><li>○ All trees on the site have been surveyed and evaluated. The urban design proposal has taken this evaluation into account.</li><li>○ Environmental sustainability will form part of the development requirements of all new and re-used buildings on the site.</li><li>○ All buildings that have been identified by specialists to have historic value, has been retained in the proposal.</li><li>○ The design has spatially responded to the following class of trees:</li></ul> <table><tr><th>A</th><th>B</th><th>C</th><th>D</th></tr><tr><td>PLACE MAKING TREES. MATURE SPECIMENS TO BE POTENTIALLY RETAINED</td><td>TREES IN GOOD CONDITION TO BE POTENTIALLY RETAINED</td><td>HERITAGE OR CULTURAL TREES OF SIGNIFICANCE BASED ON HISTORICAL SPECIES / LOCATION NEAR HERITAGE BUILDINGS</td><td>LISTED PROTECTED TREE REQUIRES PERMIT TO BE REMOVED</td></tr></table> <ul style="list-style-type: none"><li>○ The current team has not been appointed to the level of “architectural guidelines” that could be used to control the style of architecture in the future.</li><li>○ On the south of the homestead, buildings have been setback to allow for a food garden.</li><li>○ Buildings have been setback by 8,5m from the OMP site boundary, creating a public walkway along the interface with Maitland Garden Village. Height along this edge has been limited to two storeys. It should be noted that much of this edge looks out onto the Maitland public park, and that sufficient development on this edge could promote passive surveillance of the park, enhancing public safety.</li></ul>	A	B	C	D	PLACE MAKING TREES. MATURE SPECIMENS TO BE POTENTIALLY RETAINED	TREES IN GOOD CONDITION TO BE POTENTIALLY RETAINED	HERITAGE OR CULTURAL TREES OF SIGNIFICANCE BASED ON HISTORICAL SPECIES / LOCATION NEAR HERITAGE BUILDINGS	LISTED PROTECTED TREE REQUIRES PERMIT TO BE REMOVED
A	B	C	D						
PLACE MAKING TREES. MATURE SPECIMENS TO BE POTENTIALLY RETAINED	TREES IN GOOD CONDITION TO BE POTENTIALLY RETAINED	HERITAGE OR CULTURAL TREES OF SIGNIFICANCE BASED ON HISTORICAL SPECIES / LOCATION NEAR HERITAGE BUILDINGS	LISTED PROTECTED TREE REQUIRES PERMIT TO BE REMOVED						

Comment / objection summary	Response
<p>Conclusion: The HIA and accompanying studies comprehensively set out relevant heritage information and indicators. Some aspects of the proposal require further consideration in order to protect the site's sense of place and high heritage significance, as set out above. E&amp;HM is therefore not supportive of the proposal in its current form and recommends that further mitigation options be incorporated. These are discussed above and could be considered as conditions for the possible support of a revised concept design. In terms of the social impact of the development, clarity is still sort on the future of the existing tenants who have built community and social cohesion on the site and with its surrounds, extending to the whole City.</p> <p><i>We are of the opinion that all buildings of historic relevance including the adjacent and surrounding precinct open areas are retained and rehabilitated accordingly. The historic precinct could become a 'focus jewel' in a beautifully planned development.</i></p> <p><i>3. All mature trees, exotic and indigenous, need to be retained and the new buildings planned according.</i></p> <p><i>4. We would not necessarily oppose a combination of medium to high-density, low-rise development to the balance of the available land, providing that the chosen architectural style compliments the historic precinct and that the bulk does not aesthetically dominate and overshadow the historic precinct. In addition, there needs to be sufficient public open spaces to ensure breathability of the development and to ensure the overall density respects the proximity to the adjacent water course.</i></p>	<ul style="list-style-type: none"> <li>○ The semi-public courtyards of the F-Wards will be enhanced during the refurbishment and re-use of these buildings. When refurbished, the entrances of the F-Wards, located on the east of each building, will be enhanced and clearly visible to end-users.</li> <li>○ The current proposal does not preclude any of the existing tenants to be accommodated in the future redevelopment of the site, should this be commercially viable.</li> <li>○ The intention is NOT to create enclosed areas within the site, NOT to create any form of gated village.</li> </ul>

Comment / objection summary	Response
<p><i>5. The horse stables have played an incredibly important role in the identity of this area, and it is a concern that they seem to only have been mentioned in passing. We are of the opinion that this service should be retained and protected, not only for the benefit of the current, previously disadvantaged operator, but also for the incredible value it will continue to add to the existing community and the new development. The horse stables, and all that it offers, services an incredibly wide and diverse community from various socio-economic and cultural</i></p>	
<p><b>15. Consideration of suggested alternatives</b></p> <p>See specific recommendations of OMVTA; CCT specific recommendations; Scenario C; TRUPA proposals; Philip Rosenthal proposal; Pinelands residents against high density housing, and Observatory Civic: it is clear that the redevelopment of Oude Molen could be accomplished consistent with spatial justice with limited intensity of development on the part of the site that could accommodate such development (along Alexandra Rd and near Vincent Palotti) without the imperative for dense population high-rise development proposed for the whole site.</p>	<ul style="list-style-type: none"> <li>○ Previous official design proposals, shared with the current design team by the Applicant, were considered.</li> <li>○ From a residential development point of view, the proposal indicates a low-rise high-density development.</li> <li>○ The taller buildings along Alexandra Road are predominantly commercial buildings.</li> </ul>

## **ANNEXURES:**

---

### **Annexure A: OMP Notice calling for I&AP Registration**

See attached file: *Annexure A\_OMP Notice calling for I&AP Registration.pdf*

### **Annexure B: Placement of Notice calling for I&AP Registration**

See attached file: *Annexure B\_Placement of Notice calling for I&AP registration.pdf*

### **Annexure C: OMP I&AP List**

See attached file: *Annexure C\_OMP I&AP List\_15 Feb 2025.pdf*

### **Annexure D: Notice calling for Comment on OMP HIA**

See attached file: *Annexure D\_OMP\_Notic calling for comment in terms of Section 38 of the NHRA.pdf*

### **Annexure E: Placement of Notice Calling for Comment on OMP HIA**

See attached file: *Annexure E\_Placement of Notice calling for comment on OMP HIA*

### **Annexure F: Email of Notice Calling for Comment on HIA**

See attached file: *Annexure F\_Email of Notice calling for comment on OMP HIA*

### **Annexure G: Posters displayed at OMP Open House Event**

See attached file: *Annexure G\_Posters displayed at OMP Open House Event.pdf*

### **Annexure H: Photographs of OMP Open House Event**

See attached file: *Annexure H\_Photos of Open House Event.pdf*

### **Annexure I: Attendance register at OMP Open House Event**

See attached file: *Annexure I\_Attendance register at OMP Open House Event.pdf*

### **Annexure J: Emails to I&APs**

See attached email files:

*Annexure J1\_OMP Extension of Time for Comment*

*Annexure J2\_OMP Project Update 2024-12-06*

### **Annexure K: List of OMP HIA Submissions Received**

See attached file: *Annexure K\_List of OMP HIA Submissions Received.pdf*

### **Annexure L: OMP Submissions Received**

See attached folder: *Annexure L\_Comments received.pdf*