

**Approved Minutes of the Meeting of the Impact Assessment Committee (IACOM)
of Heritage Western Cape (HWC) held via MS Teams
at 09H00 on Wednesday, 15 November 2023**



1. Opening and Welcome

The Chair, Mr David Gibbs, officially opened the meeting at 09:00 and welcomed everyone present.

2. Attendance

Members

Mr David Gibbs (DG) (Chair)
Dr Antonia Malan (AM)
Ms Sarah Winter (SW)
Ms Katie Smuts (KS)
Ms Samantha Lee (SL)
Mr Chefferino Fortuin (CF)
Mr John Wilson-Harris (JWH)
Mr Dave Saunders (DS)

Staff

Ms Waseefa Dhansay (WD)
Mr Olwethu Dlova (OD)
Ms Stephanie Barnardt (SB)
Ms Xola Mlwandle (XM)
Ms Sneha Jhupsee (SJh)
Ms Penelope Meyer (PM)
Ms Naushina Rahim (NR)
Ms Corne Nortje (CN)
Ms Chane Herman (CH)

Observers

None

Visitors

Mr Henry Aikman
Mr Michael Hendrickse
Mr Henrico Alberts
Ms Anine Trumelmann
Mr Theo la Grange
Mr Frank Cumming
Ms Erna van Zyl
Ms Kirsty Westcott
Mr Tiaan Meyer
Ms Michelle Herbert

Mr Ricky Stone
Ms Tanja Kruger
Mr Chris Snelling
Ms Patricia Botha
Ms Bridget O'Donoghue
Mr Cleeff Fortuin
Ms Jaana Ball
Mr Tali Bruk
Dr Jayson Orton

3. Apologies

None

3.1. Absent

None

4. Approval of the Agenda

4.1 Agenda dated 15 November 2023

The Committee resolved to approve the agenda dated 15 November 2023 with minor changes.

5. Approval of Minutes of Previous Meeting

5.1 Minutes dated 18 October 2023

The Committee reviewed the minutes dated 18 October 2023 and resolved to approve them as circulated with minor amendments.

6. Disclosure of Interest and acceptance of the code of conduct

- DG: item 13.2 and 15.1 (this item removed from the agenda)

7. Confidential Matters

None

8. Appointments

None

9 Administrative Matters

9.1 Outcome of the Appeals and Tribunal Committees

NR reported back on the following appeals matters:

- Section 34 Permit issued in respect of Doves Funerals & Mortuary facilities at Erf 16337, 267 Victoria Road, Salt River

10. Standing Items

10.1 Site Inspections/Virtual Assessments undertaken:

None

10.2 Report back from Council and other Committees

Nothing to report.

10.3 Discussion of the Agenda

For discussion.

10.4 Potential/proposed Site Inspections

- Upgrade of R310 (MR168 and TR2/1) and Quarterlink on TR2/1, Baden Powell Drive, Stellenbosch

MATTERS DISCUSSED

11. SECTION 38(2) RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP (NID)

11.1 None

12. SECTION 38(1): INTERIM COMMENT

12.1 Upgrade of R310 (MR168 and TR2/1) and Quarterlink on TR2/1, Baden Powell Drive, Stellenbosch: MA HM / CAPE WINELANDS / STELLENBOSCH / R310 UPGRADE

Case No: X110831TG02

Ms Sneha Jhupsee introduced the case.

Mr Henry Aikman (heritage consultant), Mr Ricky Stone (Cullinan & Associates obo Spier) and Mr Michael Hendrickse (Department of Infrastructure) were present and took part in the discussion.

FURTHER REQUIREMENTS:

The Committee resolved to undertake a site inspection on Monday, 27 November 2023 at 11:00 (DG, CF, KS, SW, SL and JWH).

SJ

13. SECTION 38(4) RECORD OF DECISION (ROD)

13.1 Consolidation, Rezoning and Subdivision on Erven 564, 2759 and 6809, Cnr of Voortrek Street and R60, Swellendam: MA HM / OVERBERG / SWELLENDAM / ERVEN 564, 2759 AND 6809

Case No: HWC22120813CN1209

Ms Corne Nortje introduced the case.

Ms Tanja Kruger (architect) and Mr Henrico Alberts were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- Revised and updated landscape plan was tabled.

RECORD OF DECISION:

The Committee resolved to approve the updated landscape plan indicated on drawings numbered AHML1/rev0/01/11/2023, AHML2/rev0/01/11/2023 and AHML3/rev0/01/11/2023 dated 1 November 2023 and prepared by Plant Solutions Landscapers as having met the further requirements to the satisfaction of the Committee.

1. The Committee resolved to endorse the Heritage Impact Assessment prepared by Perception Planning as meeting the requirements S. 38(8) of the NHRA. The Committee further endorsed the recommendations of the HIA as follows: The urban design interventions/ mitigation measures outlined in 8.4 of the HIA report (3 of the Executive Summary) must be incorporated into the final Site Development Plan.
2. If any human remains or significant archaeological materials are exposed during development activities, then the find should be protected from further disturbance and work in the

immediate area should be halted and Heritage Western Cape must be notified immediately. These heritage resources are protected by Section 36(3)(a) and Section 35(4) of the NHRA (Act 25 of 1999) respectively and may not be damaged or disturbed in any way without a permit from the heritage authorities. Any work in mitigation, if deemed appropriate, should be commissioned and completed before construction continues in the affected area and will be at the expense of the developer.

The approvals contained in this decision are valid for 5 years from the date of this decision. This period may be extended on good reason being shown and at the discretion of HWC, provided that application for extension must be made prior to the effluxion of the 5-year period.

CN

- 13.2 Proposed Mixed-Use Development: 'Block 28' (CCT Masterplan), Erven 846, 853-RE, 854-RE, 855-860, 861-RE, 862, 863, 865-867, 868-RE, 869, 870, Cnr Buitengracht, Waterkant and Strand Streets, Cape Town: MA
HM / CAPE TOWN METROPOLITAN / CITY CENTRE CBD / ERVEN 846, 853-RE, 854-RE, 855- 860, 861-RE, 862, 863, 865-867, 868-RE, 869, 870**

Case No: HWC21112311SJ0228E

DG recused himself and logged off from MS Teams. The Committee nominated DS to chair this item.

Ms Sneha Jhupsee introduced the case.

Ms Bridget O'Donoghue (heritage consultant), Mr Tiaan Meyer (Urban Designer), Mr Frank Cumming (CoCT), Mr Cleeff Fortuin, Ms Erna van Zyl (CoCT) and Ms Kirsty Westcott (Urban Designer) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The comment from the City of Cape Town EHMB particularly its requirement for the retention of the trees along the northern edge of Strand Street.
- The abovementioned requirement for the retention of these trees has resulted in a setback from the Strand Street edge which does not allow for a positive response from a built form perspective as per the previous comments from IACom.
- Notwithstanding the Committee's support for the general principle of the retention of mature trees, this particular historical urban context should allow for the removal of trees to accommodate a more positive urban design response to the pattern of setbacks along Strand Street and corner condition in relation to the Lutheran Church Complex.
- The more detailed resolution for the interface of the proposed development with the Prestwich Memorial space is supported.

RECORD OF DECISION:

The Committee confirms its previous position that the portion of the building facing Strand Street should include a podium which responds in a respectful manner to the massing of the adjacent, highly significant Lutheran Church Complex.

This must include the following design informants:

1. The long-established built form line along the northern edge of Strand Street be respected with a podium approximately the same height as the cornice of the Lutheran Church Complex, namely 12m.
2. That the width of the podium shall be 5m from the existing property boundary.

The Committee confirms its support for all other changes made on the Buitengracht and Waterkant Street edges.

The Committee endorses the remainder of the recommendations of the HIA for 'Block 28', dated November 2023, prepared by Bridget O'Donoghue, as follows with minor edits:

1. This HIA be endorsed by HWC as meeting the requirements contained in the response to the NID, dated 4 May 2021.
2. The statement of significances and the heritage design indicators proposed in the report be accepted, subject to the amendments as per points 1 and 2 above;
3. The Urban Design Guidelines and development Requirements, dated November 2023, be approved subject to the amendments as per points 1 and 2 above;
4. That the final Site Development Plan is submitted to HWC for approval;
5. The following archaeological mitigation measure are to be included in the ROD:
 - a. Archaeological monitoring conducted by a suitably qualified and experienced archaeologist is recommended during any future development of Block 28. If archaeological material is encountered, work in that area must cease until Heritage Western Cape has been notified, a decision has been made on whether further mitigation is required and, if it is required, that mitigation has taken place;
 - b. In the unlikely event that human remains are encountered during future development activities on the site, work in the vicinity must cease immediately, the remains must be left in situ but made secure and the project archaeologist and HWC must be notified immediately so that a decision can be made on how best to deal with the remains.
6. A registered Engineer, experienced with historic buildings, is to provide a Method Statement on the interface of the historic and proposed building to ensure that no negative structural impacts to the historic building results from the proposed development. This Method Statement will be subject to approval by the CCT EHMB.

SJ

14 SECTION 38(8) NEMA RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP

14.1 None

15 SECTION 38(8) NEMA INTERIM COMMENTS

15.1 Proposed Mixed Use Development on Farm 1060, Malanshoop, Koelenhof, Stellenbosch: NM HM/CAPE WINELANDS/STELLENBSOCH/FARM1060

Case No: 22012809AM0202E

The matter was removed from the agenda.

SB

**15.2 Proposed Padloper Solar Facilities 5 To 7, The Associated 132 KV Overhead Powerlines, and their associated Infrastructure, Murraysburg, Magisterial District: NM
HM/CENTRAL KAROO/BEAUFORT WEST/ PORTION 2, 3 & 7 OF FARM 26**

Case No: None

Ms Stephanie Barnardt introduced the case.

Dr Jayson Orton (heritage consultant) was present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The determination of buffer zones.
- The particular nature and level of impact and need to protect the resource.
- Consideration of context (whether urban or rural, etc.).

FINAL COMMENT:

The Committee resolved to endorse the HIA as meeting the requirements of S.38(3) of the NHRA and also endorse the recommendation of the HIA as follows:

Padloper Solar Facility 5 and EGI 5:

1. The archaeological sites at waypoints 016 and 184 must be flagged as a no-go area;
2. The house at waypoint 183 must be flagged as a no-go area and any road widening that occurs must be away from the house;
3. No stones may be removed from any archaeological or historical sites;
4. Lighting mitigation must be employed to ensure that light is directed only to where it is needed and, preferably, that it only switches on when needed;
5. Buildings to be painted in earthy tones where technically feasible;
6. Signage demarcating the entrance of the facility must be modest in nature and should not exceed the height of regular street signage; and
7. If any archaeological material or human burials are uncovered during the course of development, then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist. Such heritage is the property of the state and may require excavation and curation in an approved institution.

Padloper Solar Facility 6 and EGI 6:

It is recommended that the proposed Padloper Solar Facility 6 be authorised, but subject to the following recommendations which should be included as conditions of authorisation:

1. The archaeological sites at waypoints 016 and 172 must be flagged as no-go areas;
2. The southern section of the EGI alignment must be surveyed prior to construction;
3. No stones may be removed from any archaeological or historical sites;
4. Lighting mitigation must be employed to ensure that light is directed only to where it is needed and, preferably, that it only switches on when needed (note that passing traffic should not trigger the motion sensors and light up the facility);
5. Buildings to be painted in earthy tones where technically feasible;
6. Signage demarcating the entrance of the facility must be modest in nature and should not exceed the height of regular street signage; and

7. If any archaeological material or human burials are uncovered during the course of development, then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist. Such heritage is the property of the state and may require excavation and curation in an approved institution.

Padloper Solar Facility 7 and EGI 7:

It is recommended that the proposed Padloper Solar Facility 7 be authorised, but subject to the following recommendations which should be included as conditions of authorisation:

1. Access Option 2 is preferred;
2. If access Option 1 is used, then the stone-walled kraal at waypoint 191 must be flagged as a no-go area and road construction must stay at least 15 m from the walling;
3. If access Option 1 is used, the house at waypoint 188 must be flagged as a no-go area;
4. If access Option 1 is used, alteration of the historic leiwaterrand furrow must be minimised and the furrow must remain functional after construction;
5. If access Option 2 is used, then it must be surveyed well before construction;
6. The archaeological sites at waypoints 016 and 172 must be flagged as no-go areas;
7. The southern section of the EGI alignment must be surveyed prior to construction;
8. No stones may be removed from any archaeological or historical sites;
9. Lighting mitigation must be employed to ensure that light is directed only to where it is needed and, preferably, that it only switches on when needed;
10. Buildings to be painted in earthy tones where technically feasible;
11. Signage demarcating the entrance of the facility must be modest in nature and should not exceed the height of regular street signage; and
12. If any archaeological material or human burials are uncovered during the course of development, then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist. Such heritage is the property of the state and may require excavation and curation in an approved institution.

The ECO for this project must be informed that the Balfour Formation (Adelaide Subgroup, Beaufort Group, Karoo Supergroup) has a Very High Palaeontological Sensitivity.

1. The ECO/designated responsible person for this project, must constantly monitor Balfour Formation area during surface clearance and construction. If Palaeontological Heritage is uncovered during surface clearing and excavations, the Chance find Protocol attached should be implemented immediately. Fossil discoveries ought to be protected and the ECO/site manager must report to South African Heritage Resources Agency (SAHRA) (Contact details: Heritage Western Cape, 111 Harrington Street, Cape Town. PO Box 4637, Cape Town 8000, South Africa. 3rd floor Protea Assurance Building, 142 Longmarket St, Cape Town City Centre, Cape Town, 8000; Private Bag X9067, Cape Town, 8000 Tel: 021 483 9598. Fax: +27 (0) 21 483 9845. Web: www.hwc.org.za) so that mitigation (recording and collection) can be carried out.
2. Before any fossil material can be collected from the development site, the specialist involved would need to apply for a collection permit from SAHRA. Fossil material must be housed in an official collection (museum or university), while all reports and fieldwork should meet the minimum standards for palaeontological impact studies proposed by SAHRA (2012). These recommendations should be incorporated into the Environmental Management Plan for the Padloper Cluster development.

SB

- 16 SECTION 38(8) NEMA FINAL COMMENTS ON ENVIRONMENTAL IMPACT ASSESSMENT**
16.1 None
- 17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP**
17.1 None
- 18 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN INTERIM COMMENT**
18.1 None
- 19 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL COMMENT**
19.1 None
- 20 SECTION 38(8) OTHER LEGISLATION NOTIFICATION OF INTENT TO DEVELOP**
20.1 None
- 21 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT**
21.1 None
- 22 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT**
22.1 None
- 23. SECTION 27 PROVINCIAL HERITAGE SITES**
23.1 None
- 24. ADVICE**
24.1 None
- 25 SECTION 42 HERITAGE AGREEMENTS**
25.1 None
- 26. OTHER**
26.1 None
- 27 Adoption of decisions and resolutions**
The Committee agreed to adopt the decisions and resolutions as recorded above.
- 28. CLOSURE:**
The meeting adjourned at 13:00
- 29. DATE OF NEXT MEETING:** **6 December 2023**

MINUTES APPROVED AND SIGNED BY:



CHAIR:

DATE: 6 December 2023



SECRETARY:

DATE: 6 December 2023

APPROVED