

**Approved Minutes of the Meeting of the Impact Assessment Committee (IACOM)
of Heritage Western Cape (HWC) held via MS Teams
at 09H00 on Wednesday, 24 July 2024**



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 Dave Saunders (DS)
Mr John Wilson-Harris (JWH)
Mr Dennis Belter (DB) BELCom
Mr Graham Jacobs (GJ) BELCom
Mr Shawn Johnston (SJ) BELCom
Ms Helene van der Merwe (HvdM) BELCom
Ms Heidi Boise (HB) (BELCom)

Staff

Ms Penelope Meyer (PM)
Mr Olwethu Dlova (OD)
Ms Stephanie Barnardt (SB)
Ms Corne Nortje (CN)
Ms Sneha Jhupsee (SJh)
Ms Chane Herman (CH)
Ms Chiara Singh (CS)
Ms Xola Mlwandle (XM)
Emily-Jane Vowles (EJV)
Ms Nsoiphiwo Tafeni (NT)

Observers

None

Visitors

Ms Cindy Postlethwayt
Ms Adelaide Combrink
Mr Graham Jacobs
Dr Jayson Orton
Adv Peter Kantor
Mr Shilo Hope
Ms Tinkie Olckers
Mr Justin Branford
Ms Jane Visser
Ms Marisa Hesseling
Mr Philip Smith
Mr Jan Desseyn
Ms Nicola Visser
Ms Theresa Gordon
Mr Frans Van Der Walt
Mr John Yeld
Mr Theron Van Wyk
Ms Petra Broddle

Mr Chris Snelling
Mr Clive Theunissen
Ms Lize Malan
Ms Cindy Postlethwayt
Mr Sbonelo Ndlovu
Ms Tamar Shemtov
Ms Ursula Rigby
Mr Anton Pelser
Ms Josephine MacRobert
Ms Bridget O'Donoghue
Mr Gideon Voelkel
Mr Louis van Wyk
Ms Phelisiwe Mthembu
Dr Antonieta Jerardino
Ms Jenna Lavin
Mr Willie John van Niekerk
Ms Lizelle Gregory
Ms Quahnita Samie

Mr Steyn Andries
Mr NJ de Kock

Ms Lizelle Gregory
Dr Graham Avery

3. Apologies

Mr Sipiwo Mavumengwana (SM)

3.1. Absent

None

4. Approval of the Agenda

4.1 Agenda dated 24 July 2024

The Committee resolved to approve the agenda dated 24 July 2024 with minor changes.

5. Approval of Minutes of Previous Meeting

5.1 Minutes dated 20 June 2024

The Committee reviewed the minutes dated 20 June 2024 and resolved to approve them as circulated without amendments.

5.2 Confidential Minutes dated 20 June 2024

The Committee reviewed the confidential minutes dated 20 June 2024 and resolved to approve them as circulated without amendments.

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

- SW: item 9.2
- KS: item 9.2 and 13.1; and
- DG: item 16.1

7. Confidential Matters

7.1 See attached confidential minutes.

8. Appointments

The Committee noted the appointment time of item 7.1 set for 09:40 and item 13.2 set for 11:30.

9 Administrative Matters

9.1 Outcome of the Appeals and Tribunal Committees

PM reported back on the following Appeals matters:

- Erf 357, 6B Devonport Road / 8 Signal View Close, Tamboerskloof
- Erven 1107, 1113, 672 and 669, No's 18, 20, 22, and 24 Wisbeach Road, Sea Point
- Erf 9461, 18B Upper Union Street, Gardens
- Old Mossel River Post Office, Erf 2225. 56 10th Street, Voelklip, Hermanus (for noting)

9.2 Erf 49306-Re, Cannon Brewery, Cannon Street, Newlands, Cape Town

SW and KS recused themselves and logged-off from MS Teams.

Ms Sneha Jhupsee introduced the case.

The Committee endorsed the revised proposal as meeting condition 1 of the Tribunal ruling dated 08 December 2020. Conditions 2 & 3 of the Tribunal ruling must be met by the submission of required documentation to HWC. Conditions 4 & 5 of the Tribunal ruling must be implemented accordingly.

Case officer to draft letter for Legal review.

9.3 Erf 1306 RE, Cummings Street, Wellington

Ms Emily-Jane Vowles introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- Insufficient information supplied.
- Non-compliance with minimum standards.
- Lack of integration of supporting documents and specialist studies.
- Insufficient cultural landscape assessment supplied.
- Urban-rural transition spatial conditions are not fully explored.
- Lack of spatial informants and urban design considerations.
- Lack of discussion on relevant planning policy.

RECORD OF DECISION:

The Committee resolved that the information presented is insufficient, and the HIA does not fulfill the requirements of S38(3) of the NHRA. The Committee further noted that the proposal for the submission of a phased HIA was not appropriate given the scale of the project.

10. Standing Items

10.1 Site Inspections/Virtual Assessments undertaken:

- Parliament, 120 Plein Street, Cape Town
- Proposed Redevelopment of the Lenox Complex situated on Erven 381, 384-RE, 385 and Portion of 386-RE, 2 & 4 Mill Street, Oranjezicht.

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

- Portion of the Remainder of Farm 1305, Schoongezicht, 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 None

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

13.1 Proposed Redevelopment of the Lenox Complex, Erven 381, 384-RE, 385 and Portion of 386-RE, 2 & 4 Mill Street, Oranjezicht: MA HM / CAPE TOWN METROPOLITAN / ORANJEZICHT / ERVEN 381, REMAINDER OF ERF 384, 385 AND A PORTION OF THE REMAINDER OF ERF 386

Case No: HWC23042606CN0530

KS recused herself and joined the applicants.

Ms Corne Nortje introduced the case.

The Committee reported back on the site inspection undertaken on 19 July 2024.

Ms Cindy Postlethwayt (heritage consultant), Mr Chris Snelling (heritage consultant), Ms Jane Visser (architect) and Ms Adelaide Combrink (CoCT) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- Documentation well-presented and well-researched.
- HIA comprehensive and clear (consultant team to be commended).
- Verbal feedback from site inspection delivered by members of the IACom.
- Concern around the current fragile state of Lincon House (ingress of water, structural issues).
- Heritage objects on site and in storerooms noted (balustrades, period furniture, tools and equipment, etc.).
- CoCT comments on the streetscape noted.
- Layering of history noted, as well as the potential for sensitive addition of contemporary layers

RECORD OF DECISION:

The Committee resolved to endorse the HIA prepared by Cindy Postlethwayt in association with Chris Snelling, dated May 2024, as meeting the requirements of NHRA. The Committee supported the recommendations of the HIA as follows:

1. HWC endorse the HIA report as having met the requirements of Section 38(3) of the NHRA.
2. In terms of Section 38(4) of the NHRA, HWC supports the proposed development, generally in accordance with the proposals included as Annexure H in the HIA report and subject to the implementation of the mitigation measures described in Section 13 of the HIA Report.
3. HWC approves the demolition and partial demolition of structures older than 60 years on the property as indicated in Annexure H1 of the HIA report on condition that final plans are

submitted to HWC for endorsement as being generally in accordance with, prior to Final Building Plan submission.

The Committee requires that urgent works to stabilize Lincon House are carried out as necessary.

CN

**13.2 Proposed Private Equestrian Estate, Erf 676, 10 Cardinal Close, Noordhoek: NM
HM / CAPE TOWN METROPOLITAN / NOORDHOEK / ERF 676**

Case No: HWC23101709SJ1020

Ms Corne Nortje introduced the case.

Ms Bridget O'Donoghue (heritage consultant) and Mr Philip Smith (CoCT) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- CoCT comments noted.
- Homestead drastically altered through conjectural 'restoration'.
- Loss of heritage significance and authenticity due to heavy handed restoration already carried out on site.
- Sterilization / sanitization of idiosyncrasies, nuances and subtleties through over-design (regrettable loss of character of site).

RECORD OF DECISION:

Noted that HWC cannot condone illegal works undertaken prior to the submission of the application, the extent of which is not fully documented, However, it is clear that heritage significance has been lost through the heavy-handed 'restoration' work already carried out. The Committee considers that the requirements of an HIAs no longer apply and this is to be resolved by HOMs.

CN

**13.3 Erven 418-re, 420, 421 and 419, Cavalcade, Glenside, and Freeman Street, Greenpoint: MA
HM / CAPE TOWN METROPOLITAN / GREENPOINT / ERVEN 418-RE, 420, 421 & 419**

Case No: 20033103JW0420E

Ms Stephanie Barnardt introduced the case.

Ms Bridget O'Donoghue (heritage consultant), Ms Ursula Rigby (heritage consultant) and Ms Tinkie Olckers (neighbour) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The proposed change in use has no material impact upon heritage.

- Neighbours concerns around potential impact of excavations on surrounding built fabric noted.

ENDORSEMENT:

The Committee resolved to endorse the drawings prepared by Darryl Croome Architects, dated April 2024 - drawing numbers PNT 13.290, PNT 13.280, PNT 13.270, PNT 13.260, PNT 13.250, PNT 13.240, PNT 13.230, PNT 13.220, PNT 13.210, PNT 13.200, PNT 13.190, PNT 13.180, PNT 13.170, PNT 13.300, PNT 13.301, PNT 13.302, PNT 13.400, PNT 13.401 as being substantially in accordance with approved proposals.

SB

**13.4 Remainder Farm 1054, Klein Goederust, Franschhoek: MA
HM/CAPE WINELANDS/STELLENBOSCH/FRANSCHHOEK/REMAINDER FARM 1054**

Case No: 20120229TZ1203E

Ms Stephanie Barnardt introduced the case.

Ms Cindy Postlethwayt (heritage consultant) was present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The current proposal is quite different to the approved SDP.
- The proposal for a supplementary HIA, to address (amongst others) the impact of the proposal upon the scenic corridor and the setting of the proposed building upon the existing site setting, is supported.

RECORD OF DECISION:

The Committee requires the submission of a supplementary HIA to assess the current proposal.

SB

**13.5 Erf 31366, Cecilia junction, Paarl: MA
HM/ CAPE WINELANDS/ DRAKENSTEIN/ PAARL/ ERF 31366**

Case No: 21071303SB0726E

Ms Stephanie Barnardt introduced the case.

Mr Graham Jacobs (heritage consultant) and Mr Clive Theunissen (Drakenstein Municipality) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The Committee noted that the matter should be handled by the local municipality as the competent heritage authority.

COMMENT:

The Committee has confidence that Drakenstein Municipality has the capacity to manage this application.

SB

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 Redevelopment (Frater Estate) of Erf 8442-Re (De Zoete Inval Farm), Paarl: MA HM/ CAPE WINELANDS/ DRAKENSTEIN/ PAARL/ ERF 8442-RE

Case No: 22022506CH0228E

Ms Chane Herman introduced the case.

Ms Cindy Postlethwayt (heritage consultant) and Mr Clive Theunissen (Drakenstein Municipality) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The supplementary information requested in the previous meeting of the IACom has been supplied and is to be integrated into the HIA discussion.

INTERIM COMMENT:

The Committee notes and echoes the heritage and visual concerns with respect to impacts upon cultural landscape that will result from the proposed development, as raised within the HIA. The Committee supports the recommendations with respect to the mitigations as stated within Section 16 of the HIA as follows:

1. Some mitigation has been incorporated in the Preferred Alternative such as reducing the density from west, adjacent to development, to east, adjacent to agriculture. More could be done along these lines namely reducing the height of buildings to 1 -1,5 storeys in the east.
2. Green buffers and single storey houses have been provided along the boundaries adjacent to the rural landscape in the south (with the exception of a couple of 2 storey units) and the boundary with the Frater Farm work building area. In the instance of the Frater Farm area, distant views of the Simonsberg have been retained as a result of reducing the building heights and providing a setback.
3. The proposed development, and landscaping thereof, will be phased with time limits put on homeowners, sectional title and commercial property developers, but no time limit is put on the main developer for implementing the areas that will be their responsibility. The planting of trees is a very important mitigation measure for screening the development from the rural areas to the southwest and north west. Linear Parks have been provided for these areas resulting in development being set back and the potential to plant windrows for screening. It is suggested that Phase 1 be extended to include the full extent of the southwestern and north western linear parks so that the proposed tree windrows are planted as early as possible and that the size of trees be increased to 100lt container sized trees.

4. Maintaining the view south eastwards from the farm entrance has not been suitably achieved with the proposed development intruding on the view cone. In order to mitigate this, the development would need to be along the current fence and line of cork oak trees which would result in the loss of 24 erven.
5. Further, mitigating the visual impact of the proposed development, will be more achievable at the SDP level of the individually phased developments. The SDP's, Landscape Development Plan's, Urban, Architectural and Landscape Architectural Guidelines for each Phase, should be reassessed in terms of the potential Visual Impacts with mitigation measures being included at that stage. The Visual Reports and SDP's et al should then be submitted to HWC for comment prior to Municipal Approval.
6. The large existing trees which have been surveyed on site (Tree Survey Rev A May 2023, Planning Partners) and indicated as being retained in the Landscape Master Plan, must be retained and maintained. While many large trees (66 - 88) along the farm access road fall outside the boundary of the proposed site of development, they are close to the boundary and their roots and crowns may extend over the boundary into the site. These trees are of visual and heritage significance and must be individually assessed by an arborist and if necessary, the parking area must be designed to accommodate these tree roots and crowns. While the trees are not on the site and may be removed by the landowner, the developer must implement mitigation measures on his side of the boundary, namely retaining the existing soil levels for the extent of the crowns - i.e. no infill. Similarly, the soil levels around the row of Cork Oaks Trees (102 - 117) en route to the Van Wyk's River must remain as is.
7. Lighting is to be done in consultation with a Lighting Engineer such that light spill and pollution is minimized, no tall mast lights, particularly at the circular access point. The implications of the current development proposal for the on-going viability of the agricultural operations and maintenance of the integrity of the Berg River cultural landscape must be discussed and resolved to the satisfaction of the Drakenstein Municipality in the next phase of planning and prior to the Municipal approval of an SDP.
8. A protocol for finds of potential fossil material (and buried artefacts, unmarked graves), the Fossil Finds Procedure (FFP), is to be included in the Environmental Management Plan (EMP) for the Construction Phases of the project, basically "If fossil material is uncovered during excavations for the services and foundations, stop work and report to Heritage Western Cape.

Despite the support for the mitigation measures above, the Committee requests further mitigation be undertaken to reduce the monotonous nature of the proposal with greater variation in the density gradient and larger plots along the agricultural edges.

CH

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

16.1 RE of Portion 21 of Farm 195, George: NM HM/GARDEN ROUTE/GEORGE/RE OF PTN 21 OF FARM 195

Case No: HWC22112306AM1122

DG recused himself and joins the applicants. The Committee nominated SW to chair for this item.

Ms Stephanie Barnardt introduced the case.

Ms Lize Malan (heritage consultant) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The site has no visual connection with the Seven Passes Scenic Route which is in a heavily treed valley.
- The site layout has been carefully considered in terms of providing the homestead with breathing space and to protect views from the front stoep towards the mountains.
- The topographical conditions of the site will ensure that the proposed development will not block these views.
- The site is located between approved developments to the east and west which appear to have given little consideration to the landscape context.
- The scale and massing of the proposed development has been carefully considered and there is no reason for objections to this aspect.

FINAL COMMENT:

The Committee endorses the HIA as satisfying the requirements of S.38(3) of the NHRA. The Committee supports the findings and the recommendations of the HIA.

The Committee requests the submission of a consolidated plan showing the proposed development within the context of approved developments adjacent to the site (to illustrate the proposal in context).

SB

**16.2 Proposed Residential Units, RE of Erf 66, Elands Bay: MA
HM/WEST COAST/CEDERBERG/ELANDS BAY**

Case No: 21110815SB1108E

Ms Stephanie Barnardt introduced the case.

Dr Antonieta Jerardino, Ms Quahnita Samie, Adv Peter Kantor, Ms Josephine MacRobert, Mr Anton Pelser, Dr Jayson Orton, Ms Lizelle Gregory, Ms Jenna Lavin and Mr Louise van Wyk were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- Hailstone midden and coastal strip archaeologically sensitive.
- Human remains have been found in the vicinity.
- IGIC concern around urban edge line noted as communicated to the municipality.
- Public participation process incomplete. Recommendation for Public participation (open house) meeting at Elands Bay to enable holistic community engagement.
- Independence of Visual Impact Assessment should be confirmed by peer review.
- Supplementary archaeological report by Dr Orton has addressed the previous requirements.
- Chance Finds Procedure is difficult to manage at sites distant from the metropole (full time supervision of the excavations by archeologist required).

FURTHER REQUIREMENTS:

The Committee requires the public participation process to be completed as per the requirements of the NHRA. All comments and responses received to be included within the documentation.

SB

**16.3 Portion of the Remainder of Farm 1305, Schoongezicht, Stellenbosch: MA
HM/CAPE WINELANDS/STELLENBOSCH/ FARM 1305**

Case No: 222030707NK0328E

HELD OVER:

The Committee resolved to undertake a site inspection on Thursday, 15 August 2024 (DS, SW and JWH).

SB

**16.4 Portion 4 of Farm 560, Yzerfontein: NM
HM/WEST COAST/SWARTLAND/PORTION 4 OF FARM 560**

Case No: HWC23063007AM0705

Ms Stephanie Barnardt introduced the case.

Mr N.J. de Kock (planning consultant) and Ms Jenna Lavin (heritage consultant) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The potential for archaeological remains and fossil material to be uncovered during the excavations and earthworks exists. Therefore, need to fully educate site teams on protocols, noting the limitations of the Chance Finds Procedures.

FINAL COMMENT:

The Committee notes that archaeological issues have been expressed and recorded accordingly. The requirements articulated by HWC in the response to the NID have been met; and therefore S.38(3) of the NHRA has been satisfied. The Committee further endorsed the recommendations of the HIA prepared by CTS Heritage dated June 2024 as follows:

1. The attached Chance Fossil Finds Procedure must be implemented for the duration of construction activities. Should any palaeontological material be uncovered during the course of development activities, work must cease in the vicinity of these finds. Heritage Western Cape (HWC) must be contacted immediately in order to determine an appropriate way forward.
2. Earthworks personnel are recommended to visit the West Coast Fossil Park to be acquainted with fossil bones and palaeontological science.
3. Should any buried archaeological resources or human remains, or burials be uncovered during the course of development activities, work must cease in the vicinity of these finds. Heritage Western Cape (HWC) must be contacted immediately in order to determine an appropriate way forward.

SB

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. SECTION 47 CONSERVATION MANAGEMENT PLANS

24.1 None

25. ADVICE

25.1 None

26. SECTION 42 HERITAGE AGREEMENTS

26.1 None

27. OTHER

27.1 None

28. Adoption of decisions and resolutions

The Committee agreed to adopt the decisions and resolutions as recorded above.

29. CLOSURE:

The meeting adjourned at 15:00

30. DATE OF NEXT MEETING:

21 August 2024

MINUTES APPROVED AND SIGNED BY:

CHAIR:

DATE:

SECRETARY:

DATE: