

**Adopted Resolutions and Decisions of the Meeting of the Impact Assessment
Committee (IACOM)
of Heritage Western Cape (HWC) held via Microsoft Teams,
at 09H00 on Wednesday, 20 July 2022**



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 Proposed Parcardie Development, Erf 31366, Cecilia Street, Paarl: NM
HM/CAPE WINELANDS/ DRAKENSTEIN /PAARL / ERF 31366**

Case No: 22070411SB0705E

INTERIM COMMENT:

The Committee notes that the NID has addressed all issues and that there are no heritage resources that will be affected by the implementation of the fence line.

In terms of the provisions of s38(2) of the NHR Act the developer is notified that S.38 does not apply in this instance.

SB

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

13.1 None

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 Residential Development: Picardie, Erf 3396, Paarl Mountain Slopes, Paarl: MA
HM/CAPE WINELANDS/ DRAKENSTEIN /PAARL / ERF 3396**

Case No: 17112101ZK1205E

FINAL COMMENT:

Notwithstanding that the Committee did not believe that its previous concerns raised in respect of their needing to be a successful transition between the agricultural and suburban landscape, and in particular this refers to the strip of land previously identified by the heritage consultant as a sensitive zone, and one which the IACom believed should be investigated as being a “no-go area”, had been fully addressed, it is accepted that the mitigation measures as set out in the HIA and VIA

have reduced the impact of the proposed development on the primary identified heritage resources, and that the significance of these resources would not be lessened by the development.

As such HWC resolved to support the development, on condition that the recommendations as set out in the HIA and VIA are implemented as conditions by the consenting authority. The Committee endorsed the HIA as having complied with the provisions of s38(3) of the NHR Act.

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

SB

16.1 None

17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP

17.1 None

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

18.1 None

19 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL COMMENT

19.1 None

20 SECTION 38(8) OTHER LEGISLATION NOTIFICATION OF INTENT TO DEVELOP

20.1 None

21 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT

21.1 Proposed Business Centre on Portions of Erven 852 & 857, Struisbaai: NM HM/CAPE AGULHAS/ STRUISBAAI/PORCION OF ERF 852 & 857

Case No: 22012512NK0126E

INTERIM COMMENT:

The Committee supports the development proposal in principle but raised some concerns about the direct architectural reference to the fisherman's cottages (PHS) reflected in the four structures at the interface of the retail shed and the public realm and recommends the simplification of these elements in deference to the PHS.

NK

22 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT

22.1 Proposed Poortjie Wes Cluster Grid on Remaining extent of Portion 2 of Farm Belvedere No. 73: NM HM/CENTRAL KAROO/ BEAUFORT WEST/NELSPOORT/FARM BELVEDERE NO.73/ PORTION 2

Case No: 22050404CM0504E

FINAL COMMENT:

The Committee supports the recommendations contained in HIA prepared by Jenna Lavin - CTS Heritage, and dated April 2022 and quoted below as the development proposal will not impact negatively upon heritage resources.

The following recommendations are to be adhered to:

1. The recommendations of the VIA must be implemented.
2. The Grid and other infrastructure should be concentrated to the south side of the road and should not follow both sides of the road simultaneously.
3. The Grid Road crossings should be concentrated to the west side, in the broader valley area, consolidating with the existing grid road crossings.
4. The HWC Chance Fossil Finds Procedure must be implemented for the duration of construction activities.
5. Although all possible care has been taken to identify sites of cultural importance during the investigation of the study area, it is always possible that hidden or subsurface sites could be overlooked during the assessment. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils, burials or other categories of heritage resources are found during the proposed development, work must cease in the vicinity of the find and HWC must be alerted immediately to determine an appropriate way forward.

The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.

CM

22.2 Proposed Brakpan 1 Solar Energy Facility (Option A) as part the Poortjie Wes on the Farm Poortjie 76: NM HHM/CENTRAL KAROO/ BEAUFORT WEST/NELSPOORT/FARM POORTJIE 76

Case No: 22042625CM0504E

FINAL COMMENT:

The Committee supports the recommendation contained in HIA prepared by Jenna Lavin - CTS Heritage, and dated April 2022 and quoted below as the proposal will not impact negatively upon heritage resources.

The following recommendations are to be adhered to:

1. The recommendations of the VIA must be implemented.
2. Palaeontological observations 380, 381 and 385 must be collected by a palaeontologist prior to construction. This must be done under a workplan application in terms of section 38(8) to be submitted by a palaeontologist and approved by HWC.
3. The HWC Chance Fossil Finds Procedure must be implemented for the duration of construction activities.
4. Although all possible care has been taken to identify sites of cultural importance during the investigation of the study area, it is always possible that hidden or subsurface sites could be overlooked during the assessment. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils, burials or other categories of heritage resources are found during the proposed development, work must cease in the vicinity of the find and HWC must be alerted immediately to determine an appropriate way forward.

The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.

CM

**22.3 Proposed Montana 1 Solar Energy Facility (Option E) as part of the Poortjie WES of Portion 4 of the Farm Montana No.123: NM
HM/CENTRAL KAROO/ BEAUFORT WEST/NELSPOORT/FARM MONTANA NO.123, PORTION 4**

Case No: 22042627CM0504E

FINAL COMMENT:

The Committee supports the recommendation contained in HIA prepared by Jenna Lavin - CTS Heritage, and dated April 2022 and quoted below as the proposal will not impact negatively upon heritage resources.

The following recommendations are to be adhered to:

1. The recommendations of the VIA must be implemented.
2. The HWC Chance Fossil Finds Procedure must be implemented for the duration of construction activities.
3. Although all possible care has been taken to identify sites of cultural importance during the investigation of the study area, it is always possible that hidden or subsurface sites could be overlooked during the assessment. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils, burials or other categories of heritage resources are found during the proposed development, work must cease in the vicinity of the find and HWC must be alerted immediately to determine an appropriate way forward.

The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.

CM

**22.4 Proposed Montana 2 Solar Energy Facility (Option D) as part of the Poortjie WES of Remainder Portion 3 of the Farm Montana No.123: NM
HM/CENTRAL KAROO/ BEAUFORT WEST/NELSPOORT/FARM MONTANA NO.123, REMAINDER PORTION 3**

Case No: 22042628CM0504E

FINAL COMMENT:

The Committee supports the recommendation contained in HIA prepared by Jenna Lavin - CTS Heritage, and dated April 2022 and quoted below as the proposal will not impact negatively upon heritage resources.

The following recommendations are to be adhered to:

1. The recommendations of the VIA must be implemented.
2. A 100m no-go development buffer is implemented around sites POORTJIE027 & POORTJIE028 (Figure 7).
3. The HWC Chance Fossil Finds Procedure must be implemented for the duration of construction activities.
4. Although all possible care has been taken to identify sites of cultural importance during the investigation of the study area, it is always possible that hidden or subsurface sites could be overlooked during the assessment. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils, burials or other categories of heritage resources are found during the proposed development, work must cease in the vicinity of the find and HWC must be alerted immediately to determine an appropriate way forward.

The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.

CM

**22.5 Proposed Montana 5 Solar Energy Facility (Option C) as part of the Poortjie WES of Portion 1 of the Farm Belvedere No.73: NM
HM/CENTRAL KAROO/ BEAUFORTWEST/NELSPPOORT/MURRAYSBURG/FARM BELVEDERE NO. 73, PORTION 1**

Case No: 22042629CM0504E

FINAL COMMENT:

The Committee supports the recommendations contained in HIA prepared by Jenna Lavin - CTS Heritage, and dated April 2022 and quoted below as the proposal will not impact negatively upon heritage resources.

The following recommendations are to be adhered to: -

1. The recommendations of the VIA must be implemented.
2. No PV infrastructure should be located within 500m of the historic route.
3. The PV facility must be located at least 1km from its nearest neighbouring PV facility.
4. The HWC Chance Fossil Finds Procedure must be implemented for the duration of construction activities.
5. Although all possible care has been taken to identify sites of cultural importance during the investigation of the study area, it is always possible that hidden or subsurface sites could be overlooked during the assessment. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils, burials or other categories of heritage resources are found during the proposed development, work must cease in the vicinity of the find and HWC must be alerted immediately to determine an appropriate way forward.

The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.

CM

**22.6 Proposed Rezoning and Residential Development on Erf 155 Keurboomstrand, Plettenberg Bay: MA
HM/GARDEN ROUTE/ BITOU/ PLETTENBERG BAY/KEURBOOMSTRAND/ ERF 155**

Case No: 21060110AM0615E

FINAL COMMENT:

The Committee notes that heritage resources are not impacted negatively by the proposal. The Committee endorses the APM comments that: The APM Committee endorsed the recommendations for mitigation of archaeology and palaeontology on page 43 of the HIA (Hearth Heritage dated June 2022):

1. Due to the dense vegetation and limited archaeological visibility, a suitably qualified archaeologist should do a foot survey of the site intermittently during clearing of vegetation and once vegetation has been finally cleared before any earthworks are to commence.

2. Although unlikely, there may be buried or currently hidden archaeological material including human remains, present on site and should these be uncovered or exposed during excavations or vegetation clearing, HWC should be notified immediately and all development work on site (preconstruction included) should be halted until these finds are investigated by HWC (Att: Ms Waseefa Dhansay 021 483 9685).
3. No negative impact to significant palaeontological heritage is anticipated as the palaeontological sensitivity of the geology of the development area is considered to be very low and there are no objections on palaeontological heritage grounds. In the event of important fossil material being identified during excavations, the HWC Fossil Finds Procedure must be implemented.

The Committee endorses the HIA prepared by Hearth Heritage and dated June 2022 as meeting requirement of S.38(3) of the NHRA and notes that the proposal will not impact negatively on any heritage resources.

The Committee supports recommendations that:

1. Archaeology and palaeontology

According to the specialist reports, there is no evidence of historic or prehistoric occupation of the site. Consequently, the site is regarded to be of low to negligible sensitivity from an archaeological and palaeontological heritage perspective and there are no objections to the proposed residential development on Erf 155 on condition that:

- a. Although unlikely, there may be buried or currently hidden archaeological material, including human remains, present on site and should these be uncovered or exposed during excavations or vegetation clearing, HWC should be notified immediately and all development work on site (preconstruction included) should be halted until these finds are investigated by HWC (Att: Ms Waseefa Dhansay 021 483 9685).
- b. No negative impact to significant palaeontological heritage is anticipated as the palaeontological sensitivity of the geology of the development area is considered to be very low and there are no objections on palaeontological heritage grounds. In the event of important fossil material being identified during excavations, the HWC Fossil Finds Procedure must be implemented.

2. Visual and landscape character

According to the Local Area Spatial Plan future development in Keurboomstrand must have low visual impact (Keurbooms and Environs Local Area Spatial Plan, 2013, p.154). The Department makes specific reference to development proposals on slopes of 1:4 or steeper, where development would be highly visible and recommends development be limited to flatter ground. Recommendations: To augment the botanical and geotechnical sensitivity mapping, the following visual sensitivity parameters have been established and should be adhered to in the final proposal for all alternatives:

- a. A 35m Scenic route setback (offset) that delineates a no-go area for development on the site from the part of the receiving environment with the highest exposure and sensitivity;
- b. Additional 5m offset from the eastern ecological and slope sensitivity exclusion area, to ensure that the dense forest vegetation screening views of the proposed development from the east remains unaffected by development.
- c. Adherence to the key parameters of the Architectural Guidelines (Pg 118, Smit VIA, 2022). Due to the high value and sensitivity of the receiving environment, landscape character and the visual receptors, it is extremely important that a responsible and enforceable

design approach be taken for the planning, construction and operational phases of each dwelling unit and the development as a whole, taking care to minimize the visual impact wherever possible. The Site Development Plan (SDP) and building plans must demonstrate adherence to the recommendations of this report in order for visual impact to be managed successfully. Given that none of the Alternatives are compliant with the visual sensitivity parameters, the proposal should be revised to avoid biodiversity and visual impacts, by proposing buildings within the developable area only (indicated by the Botanical, Geotechnical and Visual sensitivity offsets and no-go areas).

The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.

AM

22.7 Proposed Development of an Eco-Estate on Remainder Erf 220, Still Bay East: NM HM/ GARDEN ROUTE/ EDEN/ HESSEQUA/ STILL BAY/ RE ERF 220

Case No: 21052101AM1108E

FINAL COMMENT:

The Committee notes that heritage resources are not impacted negatively by the proposal. The Committee endorses the APM comments that: The APM Committee endorses the recommendations 2, 8, 9 and 10 as included for mitigation in the archaeology and palaeontology sections on pg. 70 and 71 by Dr Nilssen dated March 2022:

1. There is some possibility of fossil bone finds in the Wankoe Formation but evidently of low likelihood. Nevertheless, earth works personnel must be involved in mitigation by watching for fossils as excavations are made. It is recommended that a protocol for finds of buried fossil bones, the Fossil Finds Procedure (FFP) is included in the Environmental Management Programme (EMPr) for the proposed development. See further details in Section 7 and Appendix 3 of the accompanying palaeontology report (Appendix A).
2. If the current proposal for development – low density and low profile – is adhered to, then there will be little to negligible negative impact to the aesthetic value of the cultural landscape and scenic route and hence there are no further requirements in terms of the NHRA.
3. The ECO must be briefed about the potential of sub-surface archaeological resources (eg stone tools, fossil shells and bones) and should report any discovery of such heritage resources during the construction phase to HWC. Any such resources are protected under Section 35(4) of the NHRA and must be protected from further disturbance until investigated by HWC and/or a suitable qualified archaeologist. Any work in mitigation will require a work plan and, if deemed appropriate, should be commissioned and completed before construction continues in the affected area and will be at the expense of the developer.
4. In the event of exposing human remains during construction, then the find should be protected from further disturbance and work in the immediate area should be halted. The find will fall under the authority of HWC and must be reported to them and will require inspection by a professional archaeologist to determine the way forward. Any disturbance to a human burial older than 60 years will require a permit in terms of Section 36(3)(a). Graves and burial grounds are the property of the state and may require excavation and curation in an approved institution. Any work associated with the find will also be at the cost of the developer.

The Committee endorses the HIA prepared by Dr Peter Nilssen and dated June 2022 as meeting requirement of S.38(3) of the NHRA and supports recommendations that:

1. There is some possibility of fossil bone finds in the Wankoe Formation but evidently of low likelihood. Nevertheless, earth works personnel must be involved in mitigation by watching for fossils as excavations are made. It is recommended that a protocol for finds of buried fossil bones, the Fossil Finds Procedure (FFP) is included in the Environmental Management Programme (EMPr) for the proposed development. See further details in Section 7 and Appendix 3 of the accompanying palaeontology report (Appendix A).
2. If the current proposal for development – low density and low profile – is adhered to, then there will be little to negligible negative impact to the aesthetic value of the cultural landscape and scenic route and hence there are no further requirements in terms of the NHRA.
3. The ECO must be briefed about the potential of sub-surface archaeological resources (eg stone tools, fossil shells and bones) and should report any discovery of such heritage resources during the construction phase to HWC. Any such resources are protected under Section 35(4) of the NHRA and must be protected from further disturbance until investigated by HWC and/or a suitable qualified archaeologist. Any work in mitigation will require a work plan and, if deemed appropriate, should be commissioned and completed before construction continues in the affected area and will be at the expense of the developer.
4. In the event of exposing human remains during construction, then the find should be protected from further disturbance and work in the immediate area should be halted. The find will fall under the authority of HWC and must be reported to them and will require inspection by a professional archaeologist to determine the way forward. Any disturbance to a human burial older than 60 years will require a permit in terms of Section 36(3)(a). Graves and burial grounds are the property of the state and may require excavation and curation in an approved institution. Any work associated with the find will also be at the cost of the developer.

The above comment is valid for a period of 5 years from the date of the written notification thereof to the applicant. This period may, for good reason, be extended provided that application for the extension is made in writing prior to the expiration of the period.

AM

**22.8 Proposed Housing Development on Remainder Farm 382, Redelinghuys: NM
HM/ WEST COAST/ BERGRIVER/ REDELINGHUYS/ RE FARM 382**

Case No: 21081902AM0820E

INTERIM COMMENT:

The Committee endorses the Phase I HIA including the heritage indicators, and notes that whereas the indicators restrict a development to single storey, 1½ to 2 storeys could also be acceptable to allow for variety and variation in the design response.

AM

23. SECTION 27 PROVINCIAL HERITAGE SITES

**23.1 Proposed New Agricultural Werf and Associated Buildings Kleinbosch Farm, Dal Josaphat, Paarl:
MA
HM/CAPE WINELANDS/DRAKENSTEIN/PAARL/FARM 1576 PORTION 9**

Case No: 21091320SB1004E

RECORD OF DECISION:

1. New Building:

The Committee endorsed the updated proposal for new building as tabled on condition that detailed drawings to be submitted to HWC for stamping.

2. Alteration on Huguenot Gedenkskool:

The Committee noted the simplified proposal and endorsed the proposal for Huguenot Gedenkskool.

SB

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.