

**Adopted Resolutions and Decisions 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**



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

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

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

RECORD OF DECISION:

The Committee resolved that the HIA prepared by Blue Green Planning & Design, dated February 2021 meets the requirement of the NHRA. The Committee endorsed the recommendations of HIA as follows:

1. At the stage where the application is formally advertised for comment, and with the input of Heritage Western Cape, and the City of Cape Town, particularly the urban design branch, further design iteration and detailing may be necessary.
2. That the recommendations emanating from the HIA be incorporated into the final design development.
3. That the findings of this urban design assessment, particularly the comments relating to further detailed design development in Annexure A be considered at the next stage of the process.
4. It is recommended that any approval of the rezoning from GR4 to GB4 be specifically tied to final site development plans, and that these demonstrate alignment with the findings of this report in as far as compliance with the proposed urban design indicators.
5. In addition, final SDP approval should also be subject to a landscape plan to ensure that the proposed greening of the edges of the property can be optimally achieved in regard to building setbacks and the footprint of the proposed parking basement.

SB

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

Case No: 20120229TZ1203E

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

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

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

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

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

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.