

**Approved Minutes of the Meeting of the Impact Assessment Committee (IACOM)
of Heritage Western Cape (HWC) held 1st Boardroom, Protea Assurance Building,
Green Market Square, Cape Town
at 09H00 on Wednesday, 21 June 2023**



1. Opening and Welcome

The Chair, Mr David Gibbs, officially opened the meeting at 09:15 and welcomed everyone present.

2. Attendance

Members

Mr David Gibbs (DG) (Chair)
Mr Dave Saunders (DS)
Ms Sarah Winter (SW)
Ms Katie Smuts (KS)
Ms Samantha Lee (SL)
Mr Chefferino Fortuin (CF)
Ms Helene van der Merwe (HvdM)

Staff

Ms Waseefa Dhansay (WD)
Mr Olwethu Dlova (OD)
Ms Stephanie Barnardt (SB)
Ms Muneerah Solomon (MSo)
Ms Penelope Meyer (PM)
Ms Zikhona Sigonya-Ndongeni (ZSN)
Ms Chane Herman (CH)
Mr Robin George (RG)
Ms Corne Nortje (CN)
Ms Cecilene Muller (CM)
Ms Xola Mlwandle (XM)
Ms Naushina Rahim (NR)

Observers

None

Visitors

Mr Stefan de Kock
Mr Shahiem Dalvie
Mr Jeremy Rose
Dr Stephen Townsend
Ms Claire Abrahamse
Mr Henk Lourens

Ms Cindy Postlethwayt
Ms Bridget O'Donoghue
Ms Lize Malan
Mr Frik Vermeulen
Mr Hannes Krynauw

3. Apologies

None

3.1. Absent

None

4. Approval of the Agenda

4.1 Agenda dated 21 June 2023

The Committee resolved to approve the agenda dated 21 June 2023 with minor changes.

5. Approval of Minutes of Previous Meeting

5.1 Minutes dated 17 May 2023

The Committee reviewed the minutes dated 17 May 2023 and resolved to approve them as circulated with minor amendments.

6. Disclosure of Interest

- DG: item 16.1 and 16.2
- KS: item 9.4 and 13.1
- SW: item 13.2 and 16.2

7. Confidential Matters

None

8. Appointments

None

9 Administrative Matters

9.1 Outcome of the Appeals and Tribunal Committees

PM reported back on the following appeals matters:

- Proposed Partial Demolition, Alterations & Additions on Erven 2445 & 2546, Cnr Joubert & Merriman Street, Stellenbosch
- Proposed Total Demolition on Wenga Farm, 21 Kommetjie Road, Sunnydale
- Proposed Construction of a temple, administrative unit and utility building on Erf 160695, 80 Liesbeeck Ave, Observatory
- Proposed mixed-use development on Portion of Erf 1144, Velddrif
- Proposed Total Demolition on Erf 55183, 24 Bishopslea Road, Claremont

9.2 V&A Waterfront CMP

Ms Waseefa Dhansay introduced the case.

CMP report due end June: request for extension until end September.

The Committee resolved to grant the extension, on condition that the applicant supply regular (monthly) updates to indicate progress towards meeting the new deadline (30 September 2023).

9.3 Loop Street, Cape Town

The committee resolved to approve the revised drawings submitted by Fabian Make Architects numbered 1641 AD-1000 Rev A – 1641 AD – 9001 Rev 0 dated 8 May 2023.

9.4 Close-out Report on Erf 2166 and Portion of Erf 1559, Somerset Hospital, Green Point

KS recused herself.

Ms Stephanie Barnardt introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- The report by Rennie Scurr Adendorff Architects dated 7 June 2023 is submitted in fulfilment of the conditions of the Section 38(4) Rod issued for the redevelopment of a portion of the Somerset Hospital.
- The archaeologist was only advised of the commencement of basement excavation activities the day after work had started and the material removed from in situ.
- It was noted that the material was in poor condition and did not warrant further studies.
- The HOMs committee referred the report to the IACom committee to address the commencement of work without the appointed archaeologist being present or being notified.
- This is an ongoing concern from HOMs committee and requested assistance.

RECORD OF DECISION:

The Committee resolved to endorse the close-out report.

SB

10. Standing Items

10.1 Site Inspections/Virtual Assessments undertaken:

- Proposed Rezoning, Subdivision and Adaptive Reuse of Structure on Erf 1220, Pinard Street, Malmesbury
- Proposed Retirement Village on Erf 11628-RE, D'Aria Winery Estate, Bellville
- Drostdy Museum CMP, Erf 2920, Swellendam

10.2 Report back from Council and other Committees

Proposed appointment of Mr John Wilson-Harris to IACom approved by HWC Council. Letter of appointment to be issued to and accepted by Mr Wilson Harris.

10.3 Discussion of the Agenda

For discussion. Addition of Administrative Items 10.5; 10.6 and 10.7

10.4 Potential/proposed Site Inspections

- Zomerlust Residential Development on Erf 21875, 193 Main Street, Paarl
- Proposed Development on Portion 2 of Farm Calais No. 6000, Paarl
- Proposed M3 Road Widening and Pedestrian Bridge, Bishopscourt

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 Zomerlust Residential Development on Erf 21875, 193 Main Street, Paarl: NM HM/CAPE WINELANDS/DRAKENSTEIN/PAARL/ ERF 21875

Case No: 22072610SB0827E

FURTHER REQUIREMENTS:

The Committee resolved to undertake a site inspection.

SB

13.2 Proposed Rezoning, Subdivision, and Adaptive Reuse of Structure on Erf 1220, Pinard Street, Malmesbury: MA HM/WEST COAST/SWARTLAND/ MALMESBURG/ ERF1220

Case No: HWC23050801SB0509

SW recused herself and joined the applicants.

Ms Stephanie Barnardt introduced the case.

The Committee reported back on the site inspection that was undertaken on 7 June 2023. See attached annexure SI1.

Mr Shahiem Dalvie (NM & Associates) was present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The site is zoned Single Residential and is proposed for rezoning to Authority Zone.
- The Malmesbury Municipality refused a Land Use application related to the proposal at tribunal level.
- Various objections to the proposals were lodged by local residents.
- A Victorian villa and barn (c.1900) are mostly intact in form and detail and form the centrepiece of the site. The villa has been under national government ownership since 1918 and known as the Magistrate's House, however, has been vacant since 2014 and has suffered from neglect and vandalism.
- It would be important to retain the spatial relationship of the existing villa and barn to each other.

- The villa must retain a strong presence i.t.o its relationship to the street, viewlines are important to be retained.
- Appropriate adaptive reuse permissible to enable heritage protection is supported in principle.
- A rezoning should include Conditions of Use necessary to retain and conserve heritage significance.
- Serious concerns were noted about ongoing management, maintenance and appropriate repair by landowner i.e. National Dept. of Public Works (poor track records – neglect and dereliction of buildings in DPW portfolio).
- It was noted that, should subdivision proceed according to the proposed subdivision plan, the remainder of the site with the villa and barn would still measure over 10000m², thereby any future development on this site would trigger S.38(1) of the NHRA.

RECORD OF DECISION:

The Committee resolved to endorse the heritage impact assessment prepared by Sarah Winter (dated 5 May 2023) as meeting the requirements of the NHRA and further endorsed the recommendations of the HIA as follows:

1. It is recommended that HWC endorse the Heritage Indicators outlined in Section F of the HIA report and endorse the HIA as having satisfied the provisions of Section 38 (3) of the NHRA.
2. It is recommended that HWC allow the proposed rezoning and subdivision to proceed subject to the following conditions:
 - a. The submission of building plan proposals to HWC for alterations for adaptation of the villa and barn buildings.
 - b. A building maintenance programme for the villa and outbuilding must accompany the building plan submission to HWC in terms of S.34. The building maintenance programme must be subject to a Heritage Agreement between HWC and DPW in terms of Section 42 of the NHRA.
 - c. A Site Development and Landscape Plan indicating boundary edge security and planting, vehicle access, parking, lighting, surface treatments and other landscaping must be submitted to HWC for approval.
 - d. Building alterations are subject to the heritage indicators (Section F of this report) and require monitoring by an architectural professional with heritage experience.

This approval pertains only to the buildings that are the subjects of the HIA.

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.

SB

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

Case No: HWC22120813CN1209

Ms Corne Nortje introduced the case.

Mr Stefan de Kock (heritage practitioner) was present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- It is a very green site, an open field with trees along the edges (existing status).
- A comprehensive landscaping approach would be required.
- More trees could be added to the forecourt and parking area.
- It was suggested that the municipality and the business developer could possibly come to an agreement for the 'lost space' between the site and the R60 to be productively used by the business, included in landscaping and maintenance plans and so not left to become wasteland.
- Interface with the conservation area is critical to mitigate impacts of large new structures (berm and tree line may be required for screening of back-of-house / service yard activity)
- No comments were received from registered conservation bodies.

RECORD OF DECISION:

The Committee resolved to endorse the heritage impact assessment prepared by Perception Planning (dated May 2023) as meeting the requirements of the NHRA. The Committee further endorsed the recommendations of the HIA as follows:

This report satisfies the requirements of Section 38(3) of the NHRA Act 25 of 1999 for a Heritage Impact Assessment, namely:

1. Identification and mapping of all heritage resources in the area affected.
2. Assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7.
3. Results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources.

It is recommended that HWC approve the findings of this HIA report including the following Conditions of Approval:

1. 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.

As a condition of approval, a landscape plan which addresses inter alia the eastern boundary of the site as per the mitigation measures of the HIA as follows:

1. Proposed tree line for visual screening - To improve the aesthetic appeal of the site and block the view of the building and storage spaces, it is recommended to establish a tree line and dense planting of indigenous vegetation along the southern and eastern edges.
2. Tree line and landscaping to define edges - In order to define the edges along the R60 and Voortrek Street, it is recommended to establish a tree line and other landscaping features aimed at providing visual cues that create a sense of enclosure and in turn, a sense of safety, security, and privacy. These also assist in creating a sense of ownership, pride, and well-being. They can act as a buffer between the public and private spaces and can help to soften the harsh lines of built environments. They also provide shade, windbreaks, and other environmental benefits.
3. Ornamental trees - To enhance the visual appeal of the parking bays and driveways, it is recommended to establish ornamental trees. The trees are essential to providing shade from the summer heat of Swellendam because they reduce the ambient temperature. The trees would provide shade by blocking the sun's direct rays and also by evaporating water from their leaves, which has a cooling effect. The trees would also provide cooling shade that helps reduce energy costs associated with air conditioning, as well as providing a pleasant and comfortable environment for people.
4. Low-walled gabions - To establish clear boundaries around the subject site while maintaining permeability, it is recommended to use low-walled gabions (minimum 300mm height above natural ground level) and other permeable boundary fences/walls. These features would define the edges of the site while creating an appealing visual transition between private and public realms. The features can also contribute to sense of place and visual permeability by creating a visually pleasing and accessible space. By using gabions to create a three-dimensional structure, the space can be divided into different sections with varying levels of visual permeability. This can help create an interesting space that encourages exploration and interaction. Additionally, gabions can be used to create unique and creative seating areas and can be used to create a variety of beautiful and interesting garden features. Gabions can also be used to define a space and create a sense of enclosure, providing a space for people to gather and interact, as well as a physical and visual separation from the R60 and Voortrek Street to the proposed development. To curb costs, a low, plastered wall (minimum 300mm height above natural ground level) may be permitted along the lower (southeast) boundary along the R60.
5. Textured Parking bays and driveways - To establish different textures of hard surfaces to define parking bays and driveways as those features would add to visual interest, helps to define, and differentiate different types of spaces, and creates a more comfortable space. Different textures and colours can help to create a feeling of movement and flow, as well as a sense of harmony and unity. They can also provide a sense of safety and security, as different colours and textures can distinguish between areas of high and low traffic, or those intended for pedestrian or vehicular use. Additionally, the different textures and colours can provide a tactile experience, making the space more inviting and pleasant.
6. Lost Space as part of the road reserve - This area of green space between the subject site and the public road, owned by the Municipality, is currently a "lost space" that requires thoughtful and considered design (Figure 18). This space could serve as a buffer zone between the proposed development and the road, with the potential to establish a link between the soft edges created by the proposed low-walled gabions and landscaping. This could provide a sense of definition and purpose to the area and create a pleasant and inviting environment.

7. Landscape berm - The addition of a landscape berm along the southern boundary to provide visual screening to the storage area and delivery section on the subject site from being seen from the R60 was considered. However, due to limited storage and delivery space available, this design intervention could not be included.
8. Screening device - Screening devices along the edge of the storage or refuse areas must be implemented as illustrated in Figure 18 of the HIA to prevent them from being seen by creating visual barriers that conceal the area from view.

The landscape plan is to be prepared by a suitably qualified landscape architect. This landscape plan to be submitted to HWC for approval by HOMs.

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

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 Development on Portion 2 of Farm Calais No. 6000, Paarl: MA
HM/CAPE WINELANDS/DRAKENSTEIN/PAARL/ PTN 2 OF 6000**

Case No: 22021102SB0221E

FURTHER REQUIREMENTS:

The Committee resolved to undertake a site inspection.

SB

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

16.1 Proposed M3 Road Widening and Pedestrian Bridge, Bishopscourt: NM HM/CAPE TOWN METROPOLITAN/BISHOPSCOURT/M3

Case No: 21062507SB0920E

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

Ms Stephanie Barnardt introduced the case.

Ms Bridget O'Donoghue (heritage practitioner) and Mr Jeremy Rose (Infinity Environment) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- Potential impact of the M3 widening on the UCT Summer House (Rustenburg Belvedere)
- Potential impact of the proposals on the De Meule Precinct and Welgelegen (UCT property)
- The replacement pedestrian bridge should not compete visually with Mostert's Mill. An elegant, understated structure would be more appropriate for the proposed pedestrian bridge, as opposed to visuals provided in the application documents. The bridge requires further detailed design development.
- Alternative A1 (replace existing footbridge) is currently preferred as it will lessen the impact on the De Meule precinct with the road widening occurring on the western side of the M3 within the existing road reserve.
- Appropriate landscaping and plastering proposals are required to soften the visual effect of the wall behind the summer house.

FURTHER REQUIREMENTS:

The Committee resolved to undertake a site inspection (to include UCT representatives as well as the heritage consultant and EAP).

SB

**16.2 Proposed Retirement Village on Erf 11628, Bellville: MA
HM/ CAPE TOWN METROPOLITAN/ BELLVILLE/ERF 11628**

Case No: 20082603SB0826E

DG and SW recused themselves. The Committee nominated DS to chair for this item.

Ms Stephanie Barnardt introduced the case.

The Committee reported back on the site inspection that was undertaken on 7 June 2023. See attached annexure SI2.

Ms Lize Malan (heritage consultant), Mr Hannes Krynauw (Urban Planner) and Mr Henk Lourens (Durbanville Heritage Society) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The HIA does not satisfy the provisions of Section 38 (3) of the NHRA as it not adequately responds to the planning policy considerations, such as the site being located outside of the Urban Edge.

HELD OVER:

The matter is to be held over.

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. ADVICE

24.1 Erf 31990, Corner Rhodes Avenue and Main Road, Mowbray: NM HM / CAPE TOWN METROPOLITAN / MOWBRAY / ERF 31990

Case No: None

Ms Corne Nortje introduced the case.

DISCUSSION:

Amongst other things, the following was discussed:

- A Phase 1 Heritage Impact Assessment (dated November 2012) was presented to HWC in January 2013 for proposed redevelopment of the (then) existing Shoprite Centre site.
- The application which included rezoning to GB4 and demolition of the existing structures on the site was approved by HWC in February 2013.
- The existing structures have been demolished and the site has now been vacant for two years.
- There was no building plan approval. Land Use approval has lapsed. No expiry date was noted in the HWC RoD.
- The previously approved zoning right is being reinstated, but is now being proposed as GB5 and linked to a revision of the previous building design proposal.
- The building development proposal is for a 7 storey student residence.
- The committee had sight of a building plan (floor plans, diagrammatic elevations, author B. Wilson, dated April 2023) that does not demonstrate a response to heritage and urban design indicators as presented in the 2012 HIA.
- The significant heritage context with many graded late 19th C and early 20th C historic buildings in the immediate proximity does not appear to be taken into account.
- This site lies at a node being near an important public transport interchange connecting north-south and east-west train, bus and taxi routes, and as such the area hosts lively commercial activity accessible to high levels of pedestrian traffic.
- Pedestrianized active street edges and response to heritage context has not been addressed.

COMMENT:

The Committee resolved that the proposal is not 'substantially in accordance' with the approved phase I HIA by Chris Snelling, dated 2012. Therefore, a new application is required to be submitted in terms of S.38(1) of the NHRA.

CN

25 SECTION 42 HERITAGE AGREEMENTS

25.1 None

26. OTHER

26.1 Heritage Agreement_UCT Conservation Framework: NM

Case No: None

Ms Cecilene Muller introduced the case.

Dr Stephen Townsend (heritage practitioner), Mr Frik Vermeulen (town planner) and Ms Claire Abrahamse (heritage consultant) were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The integrated development framework (IDF) as context to the Conservation Management Framework (CMF) and Heritage Agreement.
- The requirement for more detailed precinct plans to be developed in due course by UCT for each campus.
- Refinement of some of the clauses in the agreement in respect legal compliance (Penny to add/specify)
- Hiddingh Campus PHS (nomination application) is excluded from the IDF which pertains to the contiguous 'main campus' Rondebosch/Rosebank/Mowbray/Observatory.
- CoCT overlay zone: Urban conservation area would be replaced by Hiddingh PHS – gradings for areas covered by the CMF to be added to the City Map Viewer. The implementation and management / awareness of the CMF by CoCT officials (see above)

COMMENT:

The IACom fully endorses the following:

1. UCT Conservation Framework (and Heritage Agreement) , prepared by Stephen Townsend and Claire Abrahamse, dated April 2023; and recommends that HWC Council approve the UCT Conservation Framework and Heritage Agreement.
2. The IDF as prepared by Bluegreen Planning and Design and MLH Architects and Planners, dated January 2023.

Further detailed comment on the heritage management agreement to follow.

Case Officer to arrange a meeting between HWC Legal advisor, Dr Townsend and Legal Consultant (Richard Summers) to discuss refinement of certain clauses within the agreement.

CM

27 Adoption of decisions and resolutions

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

28. CLOSURE:

The meeting adjourned at 13:40

29. DATE OF NEXT MEETING:

19 July 2023

MINUTES APPROVED AND SIGNED BY:

CHAIR:

DATE:

SECRETARY:

DATE:

APPROVED