



**APPROVED MINUTES OF THE MEETING OF HERITAGE WESTERN CAPE (HWC)
ARCHAEOLOGY, PALAEOLOGY AND METEORITES COMMITTEE (APM)
HELD ON 3 MARCH 2021, WEDNESDAY ON MICROSOFT TEAMS CAPE TOWN AT 09:00 AM**

1. Opening and Welcome

The Chairperson, Dr Lita Webley (LW), officially opened the meeting at 9:00 and welcomed everyone present.

2. Attendance

Members

Dr Lita Webley (LW)
Ms Emmylou Bailey (EB)
Dr Ragna Redelstorff (RR)
Ms Cecilene Muller (CM)
Mr John Gribble (JG)
Dr Jayson Orton (JO)

Members of Staff

Ms Aneeqah Brown (AB) Secretariat
Ms Stephanie Barnardt (SB)
Ms Waseefa Dhansay (WD)
Ms Zikhona Sigonya (ZS)
Ms Colette Scheermeyer (CS)
Ms Cathy-Ann Potgieter (CAP)
Mr Thando Zingange (TZ)
Ms Nosiphiwo Tafeni (NT)

Visitors

Prof. John Parkington (10.3)
Ms Jenna Lavin (17.1)
Mr Nic Wiltshire (17.1)
Ms Emmylou Bailey (19.1)
Ms Bettina Woodward (19.1)
Mr John Gribble (20.1, 20.2 & 20.4)
Ms Amy Rawlins (20.1)
Dr Jayson Orton (20.3)
Ms Bridget O'Donoghue (20.5)

Observers

None

3. Apologies

Dr Wendy Black

Absent

None

4. Approval of Agenda

4.1 3 March 2021

The Committee approved the agenda dated 3 March 2021 with additions and amendments.

5. Approval of Minutes and Matters Arising from Previous Meeting

5.1 3 February 2021

The Committee reviewed the minutes dated 3 February 2021 and resolved to approve the minutes with no additions or amendments.

6. Disclosure of Interest

Item 19:1: EB

Item 20.1: JG and JO

Item 20.2: JG

Item 20.3: JO

Item 20.4: JG and JO

7. Confidential Matters

7.1 None

8. Appointments

8.1 None

9. Administrative Matters

9.1 Outcome of the Appeals

PM reported back on the outcomes of the following Appeals matters:

- 16 Wherry Road, Muizenberg. Appeal against HOMs decision to approve the plans. The appeal was upheld and HOMs decision was substituted with the approval of the revised plans submitted.
- Nursery Road, Rosebank. It was referred back to HWC by the tribunal. The Committee had further requirements.
- 19 Torbay Road, Greenpoint. Appeal against BELCom decision to approve the proposed development. The appeal was upheld and the Committee approved the revised drawings.
- Sir Lowry Square, Woodstock. Appeal against IACOM's decision to approve the proposed development. Both the appeals were dismissed.
- Athlone Power Station Tribunal: appeals were dismissed.

9.2 Conservation Management Plan (CMP) Amsterdam Battery

Nothing to report. SB to follow up.

9.3 Groot Winterhoek Complex Protected Area Management Plan

Cape Nature have asked for input and advice on their management plan. The report will be circulated to the Committee on the blog. The deadline for comments is the 23 March 2021.

9.4 Recusals of Committee Members

JG again expressed his concern that Committee members have to recuse themselves when their items are discussed. He noted that this prejudiced their clients unfairly as they are not able to address the case or answer any questions before the Committee. He referred the Committee to Clause 5.1.4 of HWC's Code of Conduct for Council, Committees and Members of Council and its Committees which states that "If a member is the representative of a party to a matter being considered by Council or a committee the member may represent that party provided that it is declared and that s/he leaves the room at the time of decision making". CP noted that it was very important that the Committee should avoid any perception of bias. It was agreed to refer this matter back to the Legal Advisor and that the current Committee meeting follow existing guidelines.

10. Standing Items

10.1 Erf 4998, Sayers Lane, Simons Town (Reburial)

Nothing to report.

10.2 Kasteelberg nomination

LW reported that she had received the folder with the nomination documents from JG and had started working on the nomination submission. However, she had found a nomination dossier from November 2019, which read: *Submission to the Declaration Review Committee: The approval of the nomination of Kasteelberg Archaeological Site as a PHS*. She had written to Jonathan Windvogel asking whether Kasteelberg had been submitted to IGIC in the past. JW was not at the meeting and the matter was held over.

10.3 Clanwilliam Dam

Prof John Parkington reported to the Committee that the University of Cape Town was in the process of publishing a tender document for the hire or purchase of 16 Park Street, Clanwilliam which houses the rock art panels from the Clanwilliam Dam mitigation project. The panels had been removed by PGS Heritage and placed in temporary storage in the St John's school hall. According to the contract with DWS, the panels were intended for the Clanwilliam Dam Archive Project, but the funding for this venue has never been released. The ideal solution would be for the panels to remain in Clanwilliam for the local residents to see. If a suitable tenant could be found for 16 Park Street, it is possible the panels could stay at their current venue. HWC indicated that the Legal team was looking into the matter. There is currently no long-term solution.

10.4 Accidental Finds of Skeletal Remains – Tygerberg Hospital

SB reported that she had undertaken a site visit after a report of human remains uncovered near student residences, on the Stellenbosch University medical campus, north of Tygerberg Hospital. It was unclear from the context, whether the human remains were uncovered *in situ*, or had been

transposed accidentally from the Hardekraaltjie Cemetery, some 200m to the south-east, which had been used informally to store soil from the site. LW reported on the history of the Hardekraaltjie Cemetery and the possibility that individuals had been buried outside the cemetery after it was closed in 1946. A Section 36 emergency permit should be submitted for further investigation of the remains, which are currently stored in the FACT laboratory at UCT. The Legal team would advise on the public participation process.

10.5 Erf 64, Baboon Point Cave, Elands Bay

SB reported that she had been unable to undertake a site inspection of the PHS. The inspection was re-scheduled for some time in April and the report back would be provided at the May meeting.

10.6 Site Inspection

10.6.1 Proposed Site Inspection

10.6.1.1 Proposed upgrade of the Distillery Road Bridge, Stellenbosch

SB reported that she had been unable to undertake a site inspection of the PHS. The inspection was re-scheduled for some time in April and the report back would be provided at the May meeting.

10.6.1.2 Graffiti Removal for Erf 64, Baboon Point Cave, Elands Bay

SB reported that she had been unable to undertake a site inspection of the PHS. The inspection was re-scheduled for some time in April and the report back would be provided at the May meeting.

10.6.1.3 Erf 4293, Bobartia Road, Betty Bay (LW, CM, EB)

The Committee noted that the shell midden on the adjoining erf, Erf 4292 Bettys Bay had been excavated by JO in 2014 and was subject to a Heritage Agreement. The shell midden extends to Erf 4293. The owner of the property had recently started building a house on the erf. He had not responded to communication from HWC. A site inspection would be undertaken to see if there was any damage to the midden. A Stop Works Order may have to be issued. SB, LW, CM and EB to undertake a site inspection on 5 March.

10.6.1.4 Ida's Valley Plantation, Stellenbosch (LW, CM, EB)

During vegetation clearance work, the ruins of a building and possible graves were uncovered and reported to HWC. A site inspection would be undertaken to investigate the significance of the finds. SB, LW, CM and EB to undertake a site inspection on 5 March.

10.6.2 Site Inspection Report

None

11. Report back on Council

EB gave a report back on the Council Meeting. The Committee noted the revised NID form, the guidelines for NID and HIA submissions and Notices 1, 2 and 3 of 2021 which had been approved by Council.

12. Policy and Procedures

12.1 SAPS and HWC Accidental Finds Protocol and Procedure

The Committee approved the human remains recording sheet which had been circulated by SB with minor changes. The recording sheet would be discussed at a meeting with FACT later in the day. CP noted that HWC had been alerted to guidelines related to the transportation of human remains. SB was in the process of drawing up a flow-chart which would explain the process and this would be circulated to the Committee.

12.2 Draft - Guideline for Applications for Disturbance of Human Remains

Nothing to report.

12.3 Updating minimum standard of AIA protocol

This item had not been approved by Council and had been sent back to the legal advisor.

12.4 Circulation/Workshop of accidental finds of human remains protocol

Covid restrictions had prevented a workshop.

MATTERS DISCUSSED

13. SECTION 35 PERMIT APPLICATION

13.1 None

14. SECTION 35 PERMIT REPORTS

14.1 None

15. SECTION 35 REGISTRATION OF REPOSITORIES

15.1 None

16. SECTION 36 PERMIT APPLICATION

16.1 None

17. SECTION 38 WORKPLAN APPLICATIONS

- 17.1 **Proposed Construction of Bovenvlei Dam on Portion 9 of the Farm Berg Rivier (Boven Vlei) No. 151, Malmesbury: MA**
HM/WEST COAST/ SWARTLAND / MALMESBURY / PTN 9 OF THE FARM BERG RIVIER (BOVEN VLEI)
NO. 151
Case No: 18011824SB0124E

Workplan application and associated documentation prepared by CTS Heritage

Ms Stephanie Barnardt introduced the case.

Ms Jenna Lavin and Mr Nic Wiltshire were present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The Committee discussed the proposed methodology which would see visible materials point plotted and collected from the surface only. It was noted that in sandy areas, small items such as stone chips tend to get covered and the collected sample might thus not be fully representative.
- The Committee observed that from the experience of the members a more appropriate methodology would involve sieving the sandy top soil in grid squares to recover a more complete sample.
- The Committee repeated its concern regarding the archaeological significance of the riverine corridors of the Swartland and the need to obtain a fully representative sample from these sites.

FURTHER REQUIREMENTS

The Committee requests that the Workplan be revised to reflect the discussion regarding methodology. The approval of the revised Workplan will be undertaken via email.

SB

18. SECTION 38 WORKPLAN REPORT

- 18.1 None

19. SECTION 38 (4) HIA

- 19.1 **Proposed redevelop the historic complex as an Agri-tourism facility on Farm 956, Donkerhoek, Simondium, Paarl: MA**
HM/ CAPE WINELANDS / DRAKENSTEIN / PAARL/ FARM 956
Case No: 20030508SB1020E

HIA and associated documentation prepared by Aikman Associates

Ms Stephanie Barnardt introduced the case.

Ms Bettina Woodward and Ms Emmylou Bailey were present and took part in the discussion.

EB recused herself and left the meeting when the comment was formulated.

DISCUSSION:

Amongst other things, the following was discussed:

- The Committee supported the monitoring methodology as indicated in the AIA and the recommendations as set out in the Fabric Analysis Report dated 15 January 2021.

COMMENT

The Committee endorses the Fabric Analysis Report prepared by Hearth Heritage dated 15 January 2021 and the Model Method Statement and Specifications for Interventions to Historic Fabric prepared by Arcon dated February 2021.

SB

20. SECTION 38 (8) TO OTHER AUTHORITIES

20.1 Part Two EA Amendment for the Rheboksfontein Wind Energy Facility, Malmesbury Magisterial District, Western Cape: NM

HM/WEST COAST/ SWARTLAND / MALMESBURY / RHEBOKSFONTEIN WIND ENERGY FACILITY

Case No: 15031602GT0317E

Original HIA And Heritage Specialist Impact Statement prepared by ACO Associates

Ms Stephanie Barnardt introduced the case.

Ms Amy Rawlins and Mr John Gribble was present and took part in the discussion.

JG and JO recused themselves from the meeting when the comment was formulated.

DISCUSSION:

Amongst other things, the following was discussed:

- The Committee noted that JO had undertaken the original HIA in 2010.
- The wind farm had received Environmental Authorisation in 2012.
- The application for environmental authorisation amendment related to increases in the size of the rotor blades, turbine hub height and turbine footprints. The layout will remain unchanged except that turbines 32 and 33 will be omitted.
- There will be no impacts to archaeological heritage.

COMMENT

The Committee endorsed the Heritage Specialist Impact Statement by ACO Associates, dated 16 November 2020, for the Rheboksfontein WEF Part Two EA Amendment Application.

SB

**20.2 Proposed Tourist Accommodation Farm 96, Farm Groenfontein, Ceres: NM
HM/ CAPE WINELANDS / WITZENBURG /CERES/ PTN 481/12**

Case No: 2012703SB1223E

HIA and associated documentation prepared by ACO

Ms Stephanie Barnardt introduced the case.

Mr John Gribble was present and took part in the discussion.

JG recused himself from the decision and left the meeting.

DISCUSSION:

Amongst other things, the following was discussed:

- The revised HIA was submitted including an assessment of palaeontology and the cultural landscape.
- A desktop PIA had been prepared and was submitted with the revised documentation.
- The proposed site is underlain by shales and sandstones of the Kweekvlei Formation (Lake Mentz Subgroup) that may contain fossils. Plant fossils have been recorded from the area, although not from this farm. As there is a chance of disturbing fossils a Chance Finds Protocol must be implemented.

FINAL COMMENT

The Committee endorses the revised HIA dated February 2021 with the following recommendations:

1. The Fossil Chance Find Protocol must be included in the EMP.

SB

20.3 Proposed Sand Mine on Portion 30 Of Farm Klein Soebattersvlakte 369, Riversdale Magisterial District, Western Cape Province: NM

HM/EDEN/HESSEQUA/STILL BAY/PTN 369/30

Case No: 20111808SB1119E

HIA and associated documentation prepared by ASHA Consulting

Ms Stephanie Barnardt introduced the case.

Dr Jayson Orton was present and took part in the discussion.

JO recused himself from the decision and left the meeting.

DISCUSSION:

Amongst other things, the following was discussed:

- The Committee noted that the recommendations of the report on page 34 specify the "sampling of archaeological artefacts and test excavations" but the sites which have to be mitigated were not clearly identified by site name or number, nor was the methodology for the mitigation explained.

- The Committee noted the potential for uncertainty during any future mitigation applications, especially if the work was undertaken by an archaeologist other than the author of the report.

FURTHER REQUIREMENTS

The Committee requires further details on the recommendation in the report with respect to which sites must be sampled and the sampling methodology.

SB

20.4 Proposed Quarry on Portion 4 Of Farm 120, Waai Kraal, outside Beaufort West, Western Cape HM/CENTRAL KAROO/BEAUFORT WEST / FARM 4/120: NM Case No: 20112407SB1125E

HIA and associated documentation prepared by ACO Associates, but with fieldwork undertaken by ASHA Consulting

Ms Stephanie Barnardt introduced the case.

Mr John Gribble was present and took part in the discussion.

JG and JO recused themselves from the decision and left the meeting.

DISCUSSION:

Amongst other things, the following was discussed:

- The Committee commented on the absence of any historic mapping which may inform a more detailed cultural landscape assessment, for example wagon routes.
- The Committee recommended that in future, the recommendations in the report are presented in a single section of the report.
- A desktop PIA was submitted. The area falls within the highly significant *Cistecephalus*, *Dicynodon* and *Daptocephalus* Assemblage Zones of the Beaufort Group. There is no record of fossils on the farm and the author recommends a site visit to be conducted by a palaeontologist prior to any activities if shale is mined.

FINAL COMMENT

The Committee endorses the HIA report by ACO Associates (dated February 2021) with the following conditions:

1. A site visit is undertaken by a palaeontologist prior to quarrying.
2. The implementation of the Fossil Chance Finds Protocol.
3. The stone kraal is photographically recorded and its position accurately mapped before it may be destroyed.

SB

**20.5 Proposed new development on Erf 177887, Ottery, Cape Town: NM
HM/CAPE TOWN METROPOLITAN/OTTERY/ERF 177887
Case No: 15101207WD1113E**

Phase One HIA and associated documentation prepared by Bridget O'Donoghue

Mr Thando Zingange introduced the case

Ms Bridget O' Donoghue was present and took part in the discussion.

DISCUSSION:

Amongst other things, the following was discussed:

- The Committee commented on the date of the archaeological report and the fact that only a single, weathered handaxe was identified. They noted that it was unlikely that a revised AIA would make any different findings.
- The area is of zero palaeontological sensitivity.

COMMENT

The Committee endorsed the archaeological report by Jonathan Kaplan dated December 2015.

TZ

21. SECTION 38 (1) NID

21.1 None

22. SECTION 27: PROVINCIAL HERITAGE SITE

22.1 None

23. REQUEST FOR EXCEPTION / OPINION / ADVICE

23.1 Draft Heritage Protocol: NM

Draft Heritage Protocol Advice

HWC had received the draft "Requirements for the assessment and minimum criteria for reporting on identified environmental themes" for heritage resources from the National Department of Environment, Forestry and Fisheries (DEFF) for comment. The APM Committee was asked to comment.

A variety of concerns with respect to the Site Sensitivity Verification Reports that this DEFF initiative requires were raised by Committee members and discussed. They were advised to forward these to CP as soon as possible.

24. REPORT BACK FROM OTHER MEETINGS WHEN RELEVANT

24.1 None

25. OTHER MATTERS

25.1 None

26. ADOPTION OF RESOLUTIONS AND DECISIONS

The Committee adopted the resolutions and decisions.

EB moved to endorse and adopted the resolution and decisions and JO supported.

27. CLOSURE

The meeting adjourned at: 14:30

28. DATE OF NEXT MEETING:

7 April 2021

CHAIRPERSON_

A. E. Webley

DATE_7 April 2021**_**

SECRETARY: A Brown

DATE: 7 April 2021