

**Approved Minutes of the Special Meeting of the Impact Assessment Committee
(IACOM)
of Heritage Western Cape (HWC) held in the Auditorium, Library Services, Chiappini
Street, Cape Town and via Microsoft Teams,
at 09H00 on Friday, 9 October 2020**



1. Opening and Welcome

The Chairperson, Mr David Gibbs, opened the meeting at 09h30 and welcomed everyone present.

2. Attendance

Members

Mr Dave Saunders (DS)
Mr Mike Scurr (MS)
Mr David Gibbs (DG)
Ms Cecilene Muller (CM)
Mr Gaarith Williams (GW)

Staff

Dr Mxolisi Dlamuka (MD)
Ms Penelope Meyer (PM)
Ms Waseefa Dhansay (WD)
Ms Nuraan Vallie (NV)
Mr Olwethu Dlova (OD)
Ms Aneeqah Brown (AB)
Ms Xola Mlambo (XM)
Ms Zikhona Sigonya-Ndongeni (ZSN)
Mr Reagon Fortune (RFo)
Mr Jonathan Windvogel (JW)
Ms Colette Scheermeyer

Observers

None

Visitors

Ms Cindy Postlethwayt
Chief Zenzile Khoisan
Mr Jeremy Jackson
Ms Jeanette Abrahams
Mr Mark Callaghan
Mr Tauriq Jenkins
Ms Bridget O'Donoghue
Ms Lindelwa Mabuntane
Ms Marshallene Harris
Ms Meg Mulder
Aukre (CfAH)
Mr Alastair Rendall
Mr Dennis McClurie
Mr Ron Martin
Chief Juan Liedeman
Ms Gallian Liedeman
Mr Marvin Charles

Dr Stephen Townsend
Mr Clive Ephraim
Mr Dimitri Georgeades
Mr Edwin Angless
Ms Tamar Shem-Tov
Mr Marc Turok
Mr Mark Bell
Ms Alta Steenkamp
Mr Riad Davids
Ms Samantha Dyer
Mr Nigel Titus
Mr Rudewaan Arendse
Ms Karin Dugmore-Strom
Mr Melvin Arendse
Mr Henry Haas
Ms Aneesa Mohamed
Chief John Jansen

- 3. Apologies**
Mr Jason Knight (JK)
Ms Sarah Winter (SW) (Recused)
Mr Siphiwo Mavumengwana (SM)
Mr Rashiq Fataar (RF)

- 3.1. Absent**
None

4. Approval of the Agenda

- 4.1 Agenda dated 9 October 2020**
The Committee resolved to approve the agenda dated 9 October 2020.

- 5. Disclosure of Interest**
None

- 6. Confidential Matters**
6.1 None

MATTERS DISCUSSED

- 7. Section 38(8) - Two Rivers (TRUP) Draft Heritage Impact Assessment (Phase I), Including Erven Oude Molen Erf 26439; RE Alexandra Erf 24290; RE Valkenburg Erf 26439 RE; Erven 118877;160695 The Observatory Erf 26423-0-1; The River Club Erf 151832; Ndabeni Erf 103659-0-2 RE**

DISCUSSION:

Amongst other things, the following was discussed:

Preamble:

The committee acknowledges the complexity of the site and the significance of the project to the people of the Western Cape and South Africa, the protracted nature of the application process due to the compliance and administrative framework, the volume of work undertaken by consultants and officials, and the significant public interest in the project from all interested and affected parties.

The Two Rivers Urban Park (TRUP) presents a unique set of issues, opportunities and constraints embedded in the desire to balance sustainable development and conservation while at the same time taking cognisance of the need for careful and holistic consideration of the project in its entirety.

- With respect to the presentations made, careful consideration has been given to feedback from interest groups since the inception of the project to the latest presentation on the 9th October 2020.
- It is clear, based on the heritage resources identified within the baseline study and its supporting documentation, that the TRUP is of extremely high heritage significance. The Committee and consultants agree that the overall site is of at least Grade II heritage

significance, if not higher (with reference to comment of IACom dated 3 May 2017) in terms of its regional and national significance.

- Significance at the macroscale: the cultural landscape - which includes the valley, TRUP and Two Rivers - constitutes a dynamic river system with a continuity of the riverine corridor, all of which contribute to the sense of place.
- Grading: the updated grading of identified heritage resources can only occur once significances have been assigned after consulting with interested parties and stakeholders. This process needs to be consultative and participative involving all stakeholders using S7 of NHRA, S6 (HWC) and HWC's approved document titled "Grading: Purpose and Management Implications" as a guide.
- Identification of significance: It is essential that values and significances ascribed by stakeholders to heritage resources (both cultural and natural) as indicated in S3(3) of the NHRA be recorded, while ensuring that they inform the appropriate indicators. Heritage significance should be the primary informant for the development of the whole site and not just a parcel. Significance should inform the LSDF as highlighted by CoCT.
- Planning areas/ lack of informants: A concerning aspect is the lack of consideration related to intangible heritage resources and the mapping of these resources.
- Issue of assumed rights: The assumption and inclusion of assumed rights with regard to the River Club site was noted by the committee as problematic, as that process is not yet fully concluded.
- Although public consultation has occurred, there remains an unresolved disconnect related to what stakeholders understand regarding what constitutes the heritage resources of the site. This was also identified in the HWC "Final Comment" (related to the River Club Application) dated 13 February 2020. Stakeholders should also be consulted and engaged regarding the mapping of these resources.
- Gaps in the report: Key identified gaps are noted in the points above regarding heritage and cultural significances and the need for broad and thorough public consultation. Further to this, Attwell indicated that Historical Archaeology might be present due to the two farms in the area; Hart cautions that although no pre-colonial archaeological evidence has been found to date, it does not exclude the existence of such evidence. In the First Nations Report dated 25 September 2019, Ethnography is mentioned as one of the methods employed in the report. The information provided that relates to Ethnography is sparse.
- The question of scale: Although it is acknowledged that the methodology related to the Phased approach of the HIA process was agreed with HWC, a number of questions now arise from this. These largely relate to questions of scale with respect to site, precinct and overall TRUP area. It was noted by the consultant that the "Phase 1" process would seek to gain endorsement for the high-level identification of heritage resources, and that the ensuing "Phase 2" HIA's would necessarily further progress the studies done in Phase 1. However, if all requirements as set out in S38 for phase 1 HIA's are not fully met, then Phase 2's cannot be initiated. Furthermore, the net result could be a fragmentation of the wider site into development areas assessed separately with little opportunity to bed down significance and collective understanding of the heritage resources pertaining to the TRUP in a holistic manner. This underscores the need to fully consider and identify all issues at this (Phase 1) stage.

- Corrections: A minor issue should be corrected to ensure wrong information is not carried forward - Fig. 22 in the report is ascribed to IS Glass. The image in question is a painting by Thomas Bowler depicting the Royal Observatory in 1854. (Ian Glass is an astronomer and scientific historian currently at the SAAO).
- The structuring of the area into 10 landscape character areas and the LSDF into 8 planning precincts (which generally accord with the LCA's) is noted. While this may be a useful way of describing character areas, this cannot be done without the aforementioned holistic assessment of significance and grading, and the concomitant implications of this.
- The committee noted issues with Figure 30 (p.50). Although this is noted as showing conceptual areas and not development footprints, it nonetheless parcels up areas in a way which does not speak to the identified overall intangible significances. Furthermore, the Black River is noted as having "ecological constraints" while the Liesbeek is noted as having "intangible heritage informants". A further fragmentation comes with denoting the River Club site as "Develop with some caution" and the 'triangular', former SKA site to the south as "Develop with constraints". These terms are vague and not helpful and furthermore, make assumptions regarding these sites.
- Fig. 34 (SDF diagram) also appears to fragment the area (and seemingly confirms this with the jigsaw icon). The entrenching of development strategies and links on the River Club site relates also to the issue of the inclusion of assumed rights.
- Fig. 36 (Composite LSDF overview), while understandably diagrammatic, demonstrates clearly the problem of scale across the wider site. The diagram is not a useful informant.
- Many I&AP comments at the meeting referred to the social positives of the development, sometimes conflating the River Club with TRUP. The basic need for employment and the arising opportunities which this broader initiative represents was noted as positive. Countering this are narratives suggesting that thinking in terms of an overall decolonial framework is necessary and that this overrides any benefits that might accrue at a site scale in the first instance.

INTERIM COMMENT:

The Final Phase 1 HIA report does not comply with S.38(3) of the NHRA, therefore IACom cannot support the recommendations on pg 111.

RECOMMENDATION:

1. IACom recommends to HWC Council that a sub-committee of council be constituted and commissioned to oversee the heritage related aspects of the TRUP project as well as submissions for developments that trigger S.38, 29, 27, emergency applications and S34 (where applicable).
2. IACom recommends to the consultants that in order to comply with S38(3) the following be reviewed:
 - a. Elevated level of significance to be attributed to the study area holistically
 - b. Updated grading of heritage resources to be undertaken
 - c. Interrogation and meaningful incorporation of public participation input especially regarding significances.
 - d. Further developing the spatial implications and indicators arising from the above.

- e. Consideration be given to the issue of scale and its implications for the assessment process moving forward so that the holistic nature of the site and its significance is not lost.

WD

8 Adoption of decisions and resolutions

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

9. CLOSURE:

The meeting adjourned at 15:30

29. DATE OF NEXT MEETING:

14 October 2020

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON

DATE:

SECRETARY _____

DATE _____