

**Minutes of the meeting of the Impact Assessment Committee  
of Heritage Western Cape that was held on  
Wednesday, 13 February 2013,  
in the 1<sup>st</sup> Floor Boardroom, Protea Assurance Building, Green Market Square, Cape Town at 09h00**

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**1. Opening and Welcome**

The Chairperson, Dr Stephen Townsend, opened the meeting at 09H09 and welcomed everyone present

**2. Attendance**

**Members**

Dr Stephen Townsend  
Ms Sarah Winter  
Ms Mary Leslie  
Mr Roger Joshua  
Mr Quinton Lawson  
Mr Richard Summers  
Mr David Halkett

**Staff**

Ms Christina Jikelo  
Mr Troy Smuts  
Mr Olwethu Dlova (TW Sec)  
Mr Calvin van Wijk  
Mr Shaun Dyers  
Mr Zwelibanzi Shiceka  
Mr Andrew Hall  
Ms Tamar Grover  
Ms Litha-lethu Mshoti (TE Sec)

**Observers**

None

**Visitors**

Dr Elzet Albertyn  
Mr Kentridge Makhanya  
Mr J. Pauw  
Mr W. Smith  
Mr A Cave  
Mr M Nieuwoudt  
Mr T Taber  
Mr Ron Martin  
Mr Jonathan Kaplan

Mr Chris Snelling  
Mr Mosses Mabuda  
Ms Cindy Postlethwayt  
Mr De Villiers  
Mr B Schabort  
Mr Nicholus Smith  
Mr Walter Fyvie  
Mr S Fitzhenry

**3. Apologies**

Mr David Hart  
Mr Piet Louw

It was noted that Ms de Gois has resigned from the IA Comm.

**4. Approval of minutes of previous meeting held on 16 January 2013**

The Committee agreed to approve the minutes with a minor correction.

**5 Conflict of Interest**

- 5.1** Mr David Halkett: W 15.1 and E15.4  
Mr Richard Summers: E.15.5

**6. Approval of the Agenda**

- 6.1** The Committee agreed to approve the agenda of the meeting of 13 February 2013 with the following additional item:

- Matjesfontein
- Proposed upgrade of the Mossel Bay Point Area, Erven 3419, 3794 and Ptns of Erven 3626 and 15131.

## **7 Confidential Matters**

7.1 See attached minutes

## **8. Appointments**

8.1 The Committee noted the appointments for item E.15.1, E.15.5 and W.15.1

## **9 Administrative Matters**

### **9.1 Outcome of the Appeals and Tribunal Committees**

Neither Tribunal nor Appeal Committee had met in the past month.

### **9.2 Formulation of Requirements in respect of Comments and Decisions**

Mr Summers has completed first draft and forwarded to CEO, BELCom and IACom committee chairs. It was agreed that it would be forwarded to all members of BELCom, IACom and APM.

**CvW/TS**

### **9.3 Summaries of Heritage Impact Assessments.**

The Committee agreed that the Committee members would submit examples of good and bad summaries to be discussed at the next meeting.

The Committee agreed that this matter must be accelerated to improve accessibility to and use of the website.

**ST/AI**

### **9.4 Checklist for Application related decision making.**

Council had agreed that the staff would develop a draft checklist and the CEO said that the staff had worked on it at their December workshop and that it would be circulated for comment.

**AH**

### **9.5 Unauthorised extension of height of the new Economics Building, UCT Middle Campus**

The CEO and the case officer, SD, are to meet with the director of UCT's Physical Planning Unit, Mr Nigel Haupt.

**SD/AH**

### **9.6 Matjesfontein**

The Committee agreed that the CEO should write to DEADP requesting immediate suspension of the environmental authorisation and advising them of the apparent

administrative failure in this respect; and the committee requested that he meet with the DEADP officials and the development team as a matter of urgency.

The case officer is to immediately inform the DEADP case officer of this matter telephonically.

**TG/AH**

**9.7 Proposed upgrade of the Mossel Bay Point Area, Erven 3419, 3794 and Ptns of Erven 3626 and 15131.**

The CEO has offered to meet with the heritage consultant in Mossel Bay in the second week of March 2013.

**TS/AH**

**9.8 Letter from Worton Rose Attorneys re UCT New Lecture Theatre/ IACom decision of 10 October 2012**

**Decision**

The CEO explained the background to the letter received from UCT's attorneys; and it was agreed that the chairperson and RS would convert the minutes of the meeting of 10 October 2012 into formalised reasons and send that to the CEO.

**FIRST SESSION: TEAM EAST PRESENTATION**

**E. 10 SECTION 38(2) RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP**

E. 10.1 None

**E. 11 SECTION 38(1) INTERIM COMMENT**

E 11.1 None

**E 12 SECTION 38(4) RECORD OF DECISION**

E.12.1 None

**E 13 SECTION 38(8) NEMA RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP**

E.13.1 None

**E 14 SECTION 38(8) NEMA INTERIM COMMENTS**

E.14.1 None

**E 15 SECTION 38(8) NEMA FINAL COMMENTS ON ENVIRONMENTAL IMPACT ASSESSMENT**

**E 15.1 Proposed Establishment of the Woseley Wind Farm: MA HM/BOSELEY WIND FARM**

**Case No:** 120524SD31D

Mr Halkett recused himself and joined the development team for the item

QL, RJ, and SW gave a report back on their site visit (PL's comments were also tabled)

A Cave, B Schabort and M Nieuwoudt, representing the applicant, were present and took part in the discussion.

In discussion it was noted that:

- The receiving landscape comprises the valley
- A preliminary final comment that questioned the positions of 6 turbines in relation to the Bains Kloof "gateway precinct" had been circulated, which the applicant requested be amended and they explained why they made this request.
- Additional information regarding the visual impact was tabled, with particular reference to the appearance from the Bains Kloof gateway.
- The receiving landscape comprises the valley bottom, the foot slopes on the north-east and east, and the foothill zone at the mouth of the Bains Kloof Pass, all part of a broader Valley landscape.
- The site is situated within a visually cluttered and 'degraded' agricultural landscape characterised by tunnel farming and traversed by a 400Kv powerline.
- Most of the site is visually contained by topography and some tree belts.
- The valley bottom component of the landscape impacted on by the proposed development does not warrant formal protection as a heritage resource.
- The mouth represents the 'gateway' to and from the Pass, and includes the combination of topography, river corridor, the historic route, and the associated view cones associated with the route.

#### **FINAL COMMENT**

The Committee resolved that after studying the additional visual information that it had no objection to the proposal and no changes were required to any of the turbine positions.

**SD**

#### **E.15.2 Proposed Development on Ptn of Rem Erf 27438, Groot Parys, Paarl: MA HM/PAARL/GROOT PARYS/ERF 27438**

**Case No:** X121121TG29M

ST and SW gave a report back on their site visit

Dr Albertyn, Ms Postlethwayt and Mr Pauw were present and contributed to the discussion.

The Committee was informed that Mr Raymond of the DHF had been invited to attend the meeting.

In discussion it was noted that:

- The proposal is essentially to extend an already approved housing development and will not visually impact on the Groot Parys werf and the landscape context.
- The Committee requests that the CEO follow up the allegation made by Mr Raymond that conditions imposed in the previous approval (ito NEMA) have not been satisfied and that the CEO forward the allegation and response from the applicant to DEADP in this respect.

#### **FINAL COMMENT**

The Committee, recognising that heritage resources are not being adversely affected, has no objection to the proposed development.

**SD**

#### **E.15.3 Proposed Development of Ptn B of Erf 14275, Klein Parys', Paarl: MA HM/PAARL/PTN B OF ERF 14575**

**Case No:** 110719ZS18M

ST and SW gave a report back on their site visit

Ms Postlethwayt was present and contributed to the discussion.

The Committee was informed that Mr Raymond of the DHF had been invited to attend the meeting.

In discussion it was noted that:

- The proposal is essentially to add to an already approved housing development and, because it is hidden in a low 'valley' will not visually impact on the Groot or Klein Parys werwe or the landscape context.

#### **FINAL COMMENT**

The Committee, recognising that heritage resources are not being adversely affected, has no objection to the proposed development.

**ZS**

#### **E.15.4 Proposed development on PTN of Rem Farm 948, Lighthouse Road, Kommetjie: MA HM/KOMMERTJIE/FARM 948**

**Case No:** X130129ZS25E

Revised site plans were tabled

Mr David Halkett recused himself

Mr Zwelibanzi Shiceka made a power-point presentation

#### **FINAL COMMENT**

The Committee, recognising that the application differed only in that it included fewer (seven of the 12) houses previously supported by HWC, supported the amended proposal and required only that all of the conditions attached to the previous application be included in this case, namely:

- That a CMP for the management of the archaeological site be incorporated into the home-owners association's rules or equivalent,
- That the remainder erf not be gated or fenced and that the group of seven houses not be gated,
- And that the mitigation measures listed on pages 13-16 of the VIA are endorsed.

**ZS**

**E.15.5 Proposed residential development, Erf 1526 Tamboerskloof, Cape Town: NM HM/Tamboerskloof/Erf 1526**

**Case No:** X121030ZS02E

Heritage Impact Assessment Report prepared by Cindy Postlethwayt, dated January 2013 was tabled.

Mr Zwelibanzi Shiceka made a power-point presentation

Mr Richard Summers recused himself and left the room

Ms Postlethwayt, Mr Smith and Mr De Villiers were present and contributed to the discussion; Mr Smith submitted his heads arguments.

In discussion it was noted that:

- COCT and CIBRA had been informed that the matter would be considered at this meeting;
- This final comment also took account of the NID;
- The CoCT supported alternative 2 of the proposed development;
- No heritage resources will be affected by the proposed development;
- The proposal has considerably less impact on the environs generally than the proposal supported by HWC in 2008.

**FINAL COMMENT**

The Committee agreed that the HIA satisfies the requirements of S38(3) and the Committee has no objection to the alternative 2 described in the HIA and accepts that no heritage resources are affected by the development. HWC recognises that the CoCT is able to regulate the development through the subdivision process.

**ZS**

**E 16 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP**

E.16.1 None

**E 17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN INTERIM COMMENT**

E 17.1 None

**E 18 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL COMMENT**

E 18.1 None

**E 19 SECTION 38(8) OTHER LEGISLATION NOTIFICATION OF INTENT TO DEVELOP**

E 19.1 None

**E 20 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT**

E 20.1 None

**E 21 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT**

E 21.1 None

**E 22 Other**

E 22.1 None

**SECOND SESSION: TEAM WEST PRESENTATION**

**W 10 SECTION 38(2) RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP**

W 10.1 None

**W 11 SECTION 38(1) INTERIM COMMENT**

W.11.1 None

**W 12 SECTION 38(4) RECORD OF DECISION**

**W.12.1 Proposed Development on the Shoprite Building located on Erf 31990, Corner Rhodes Avenue and Main Road, Mowbray: NM HM/MOWBRAY/ERF 31990**

**Case No:** 120418JW08M

A Phase I Impact Assessment prepared by Chris Snelling, dated November 2012 was tabled

Ms Tamar Grover made a power-point presentation

Mr Snelling and Mr Fitzhenry (representing the ratepayers' association) were present and took part in the discussion.

Ms Winter presented Mr Louw's comments

In discussion it was noted that

- The City Council has all the powers necessary to regulate the development using the planning legislation;
- It was suggested that the City Council specifically include the CIA in the consultation process;
- It was recognised that the views of the mountain from the Durban Road axis would not be significantly improved by reduction in the proposed height.

**DECISION**

The Committee resolved that the report satisfies S38 (3) and resolves in terms of S38 (4) that the development may proceed.

**JW/TG**

**W 13 SECTION 38(8) NEMA RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP**

W.13.1 None

**W 14 SECTION 38(8) NEMA INTERIM COMMENTS**

W.14.1 None

**W 15 SECTION 38(8) NEMA FINAL COMMENTS ON ENVIRONMENTAL IMPACT ASSESSMENT**

**W.15.1 GAMMA-KAPPA-OMEGA 765 kV Transmission Line: MA HM/GAMMA-KAPPA-OMEGA**

Mr Troy Smuts made a power-point presentation

Mr Kentridge Makhanya (from ESKOM) and Mr Mosses Mabuda were present and participated during discussion

**INTERIM COMMENT**

The Committee agreed that the request to reduce the study corridors from 10 to 4 km is accepted but reserves the right to require wider corridors in particular areas if necessary on basis of information coming from the EIA process.

TS

**W.15.2 Proposed 65 MW Photovoltaic Solar Farm on 200 HA of Farm 400, Bergvaley: NM HM/BERGVALEY/FARM 400**

A Heritage Impact Assessment prepared by Ron Martin Heritage Consultancy, undated, Archaeological Impact Assessment prepared by Jonathan Kaplan, dated November 2012 and Visual Impact Assessment prepared by Cave Klapwijk and Associates, dated November 2012 were tabled

Mr Troy Smuts made a power-point presentation

Mr Martin and Mr Kaplan were present and took part in the discussion.

**FINAL COMMENT**

The Committee has no objection to the proposal and alternative 2 is preferred. The mitigation measures detailed on pages 43 to 46 of the Visual Impact Assessment must be incorporated in the decision by the competent authority under NEMA.

TS

**W 16 SECTION 38(8) MPA ENVIRONMENTAL PLAN RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP**

W.16.1 None

**W 17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN INTERIM COMMENT**



W 17.1 None

**W 18 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL COMMENT**

W 18.1 None

**W 19 SECTION 38(8) OTHER LEGISLATION NOTIFICATION OF INTENT TO DEVEL**

W 19.1 None

**W 20 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT**

W 20.1 None

**W 21 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT**

W 21.1 None

**22. OTHER**

22.1 None

**23 Adoption of decisions and resolutions**

23.1 The Committee agreed to adopt the decisions and resolutions.

**24. CLOSURE – 15H00**

**25. DATE OF NEXT MEETING: 13 March 2013**

**CHAIRPERSON** \_\_\_\_\_ **DATE** \_\_\_\_\_

**SECRETARY** \_\_\_\_\_ **DATE** \_\_\_\_\_