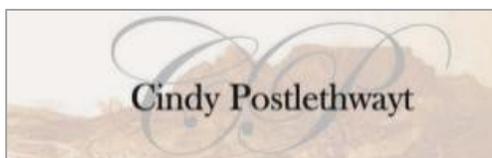


**RESPONSE TO HWC FURTHER REQUIREMENTS IN RESPECT OF
HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED DEVELOPMENT OF OUDE MOLEN PRECINCT: PORTION
OF ERF 26439-RE CAPE TOWN WESTERN CAPE
FEBRUARY 2026**

To be submitted in terms of Section 38(4) of the NHRA (HWC Case Number : 21022615SB0330E)



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Client: Western Province Government: Department Of Infrastructure: Directorate: Programme – Special Projects

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1. BACKGROUND

Following the submission of a Heritage Impact Assessment (HIA) to Heritage Western Cape (HWC) in the above-mentioned regard, HWC issued a Further Requirements Response dated 3 June 2025, noting as follows:

The Committee is of the opinion the HIA does not meet the requirements of S.38(3) of the NHRA for the following reasons:

1. *The intangible heritage/living heritage has not been sufficiently investigated including how that significance translates tangibly, with reference to S.3.3 of the NHRA.*
2. *There is insufficient information regarding the significance of the site in relation to the broader TRUP heritage area (macroscale). Further work is required concerning spatial integration with TRUP land.*
3. *There is insufficient information regarding the interrelated significances of various character areas within the site itself and therefore insufficient information to inform precinct specific heritage indicators.*
4. *More detailed information is required pertaining to the massing of proposed buildings in order to make an accurate assessment of the impact on heritage resources.*
5. *Additional alternatives are required regarding the nature of interfaces (internal between old and new fabric and external particularly related to TRUP land and Maitland Garden Village) and the underlying rationales supporting those alternatives.*

The revised HIA is to be advertised to all Interested and Affected Parties including All First Nation Groups identified in River Club HIA process.

Given that the applicant's response to the Further Requirements are to be incorporated into a revised HIA for advertising and resubmission; and given the already considerable documentation comprising the HIA, it has been determined that a direct response to these requirements be included as a foreword to the HIA for ease of reading and the HIA, as attached to this Report, has been revised to include all the changes as noted, for advertising (now completed) and resubmission.

Many of the additional requirements raised by HWC are interrelated and the responses will be equally requiring cross-referencing.

2. INTANGIBLE/LIVING HERITAGE

The intangible heritage/living heritage has not been sufficiently investigated including how that significance translates tangibly, with reference to S.3.3 of the NHRA.

2.1 Reference to Section 3.3 of the NHRA

Section 3.3 of the NHRA is as follows:

- (3) Without limiting the generality of subsections (1) and (2), a place or object is to be considered part of the national estate if it has cultural significance or other special value because of —
- a) its importance in the community, or pattern of South Africa's history;
 - b) its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
 - c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;

- d) its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- f) its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- h) its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and
- i) sites of significance relating to the history of slavery in South Africa.

It is contended that all heritage resources as identified in terms of Section 3(2) of the NHRA and described on pages 80 to 91 of the HIA are ordered by way of the provisions of Section 3(2) of the NHRA, and the relevant aspect of cultural significance or other special value per Section 3(3) is referred to where relevant in each instance. However, this section (Heritage Resources & Significance) has been re-framed to explicitly note the application of Section 3 (3) against each heritage resource identified .

2.2 Tangible expression of Intangible/Living heritage

The comment that “*The intangible heritage/living heritage has not been sufficiently investigated including how that significance translates tangibly*” is not entirely clear.

The intangible heritage related to the site and context as described in the HIA has been extensively researched, based too on work undertaken through-out the lengthy Two Rivers LSDF process and incorporating research undertaken in the River Club application. The report reiterates on a number of occasions that the major historical themes of significance to this site relate to the broader First Nation considerations of dispossession; the incarceration of King Cetshwayo and of associated significance to the Zulu Nation; and the segregated psychiatric facilities for people of colour who were treated unequally in the system of mental health provision (dispossession, exclusion and containment). These are all defined as Intangible, of historical and associational significance but can be broadly linked to specific (tangible) locations on and off the site (figures 130 and 131, page 91). It should be appreciated that by virtue of its intangibility, it is not always possible to define by way of tangible means or illustrations.

Based on access to the recording of the IACom meeting 14 May 2025, at which this matter was discussed, there appeared to be no debate with these primary findings.

However, it can be inferred from the discussions that the primary source of concern may lie partly in the definition of *Living Heritage*, and also in the degree to which Living Heritage are already represented on site and/or can be represented in the proposals by tangible means.

In discussion¹, the Committee used the terms living heritage and intangible heritage interchangeably. The I&APs represented at the meeting were almost all, bar Mr Jenkins, Mr Turok and the City of Cape Town (CCT) representative Ms Irgang, tenants at Oude Molen. The tenants regarded themselves and their

¹ Based on notes taken during the meeting and access to the meeting recording. It should be said that the discussions held in the decision making process were held in camera and not available. This does limit a clearer understanding of the rationale for the details of the Interim Comment.

businesses as representing living heritage and accordingly requiring protection in terms of the NHRA. Mr Jenkins referred to the Khoi groups as representing living heritage.

The Committee members expressed a number of views²:

Mr Fortuin: Living heritage is a challenge currently in our country and how to address it. How are they going to make provision for something like that. I have listened to the discussion on the national route (National Liberation Heritage Route – NLHR). There is not necessarily a lot of information as to how it is going to happen. However that is in the nature of living heritage. How are they going to make provision for that. It is real. There is not enough policy in place. The NHRA refers to it but the how, the why and when, still a work in progress. ... Living heritage refers to a lot of things: cultural traditions, the oral histories, performance, rituals, popular memory. All these things need to be on display in the Interpretive Centre. The fence takes a huge section of the intangibility away. The Interpretive Centre needs to speak to the river. It must be set in context.

Mr Jacobs: We need clarity in an environment where there are claims of living heritage and charm and character. The question revolves around how applicable our Heritage Resources Act is when it comes to dealing with intangibles and issues like living heritage. My understanding is that it becomes an issue in terms of the Act when there are physical impacts on the manifestations of living heritage or intangibles. It is a fundamental issue. Spatial issues are also heritage resources, it relates to that riverine space, which at the moment bleeds into the site.

Mr Saunders: This Committee has grappled with issues of living heritage before, most recently with the River Club. We would like some kind of response; not enough attention has been paid to this and what are key informants in acknowledging aspects of living heritage and how to reflect on that going forward. The Living Heritage of the site is not just the site but the position of site in relation to a highly contested foreground, the battles that took place, it was at the edge of the VOCs control. We are all aware of the high significance of the landscape outside the development area, the development area's relationship with that area is very strong and this site provides a unique opportunity to recognise that space. The site has an important role to play in recognising it. The riverine corridor and link between the Black River and Liesbeeck site has an important role in recognising that. ... we can facilitate uses which reflects skills, based on and reflecting the heritage linked to the site. Try and reclaim some of the crafts related to the rural history of the site.

Mr Wilson-Harris: The land is ripe for development. The idea of this eco-village as it stands, which only now, after many, many years seems to, has got a foothold on what it is about, and now there is this proposal on the table. There is a very vigorous horse stable there but that is unfortunately not a heritage issue. And a lot of the people at the meeting are concerned about 'what happens with us'. But we are dealing with heritage issues here. The transition between this important landscape/flood plain is extraordinarily important and my main concern is how that happens. Concerned about the fence, parking lot and road at the edge. There needs to be some anticipation of and reaction to the transition between the floodplain and property. This is being looked at as a fenced-in development. The levelling out of space, and level change about the farmhouse and interpretive centre is a concern.

Ms Rabie: I want to bring to this table an idea about living heritage. We tend to take a romantic stance about what living heritage looks like: rituals and dances and fancy costumes. If you look at

² Not direct quotes but the essence is verifiable on the meeting recording

this space through time, it was an institution for a small amount of time, for most of the time before that it was pastoral, farming. So the idea of living heritage including things like skills, knowledge transfer, things that go through generations, this also needs to be taken into account. Internationally, it has been supported with sustainability goals. So farming, the knowledge of farming is being lost and it doesn't have to be by a small niche, tiny group of people. It can be any group of people who have taken this as an idea that needs to be continued and maintained. Living heritage is not only something from the past but it also forms part of the present and it is knowledge and it is skills. It can be a mechanic that is a fourth generation mechanic. On this site, skills and knowledge about food production around land cultivation is very important. There are schools here, education centres and schooling which isn't only Western Cape Education Department, is it is learning skills, it is learning many different things and these are all an integral part of living heritage and I think we need to allow space for that, whatever it looks like. We need to put in place management structures to allow for that to keep happening without trying to freeze things through an interpretive centre.

These views appear to be disjunctive; members, in their discussions, expressed the concern that there appears to be no clear policy on Intangible Heritage. The UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (ICH) was in fact only ratified earlier this year by South Africa as a signatory country, although it was formulated in 2003. Policies are currently being devised by the Department of Sport, Arts & Culture through their ICH Authentication Committee and are not necessarily available to the broader public. However, programs directly related to ICH preservation and celebration through existing legislation (including the NHRA) are being run by the agencies of DSAC, including SAHRA, one such program which HWC actively participated in during January 2024 at the Castle of Good Hope.

Accordingly, the Socio-historical Impact Assessment consciously applied the principles of ICH, as defined by the Convention and relevant draft policies in that it (the Convention) defines ICH as follows:

1. "Intangible Cultural Heritage" means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.
2. "Intangible Cultural Heritage", as defined above, is manifested inter alia in the following domains:
 - a) Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
 - b) Performing arts;
 - c) Social practices, rituals and festive events;
 - d) Knowledge and practices concerning nature and the universe;
 - e) Traditional craftsmanship.³

³ UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003.

The HIA too makes a distinction between Intangible Heritage and Living Heritage. Both are essentially derived from the same concept, referring to the non-physical aspects of heritage. However, the broader "Intangible Heritage" (specifically historical events, the course of history, associational significance, cultural significance, where there may be no tangible, associated heritage resources) is distinguished from "Living Heritage". The latter is used to refer to the dynamic, evolving aspects of culture that are passed down through generations and highlights the ongoing, living nature of these traditions, which may be adapted and reinterpreted in the present. There is importantly an ancestral component to it.

The HIA and Socio-historical Impact Assessment address this distinction (HIA p56 – 57 and p181 – 185). It continues to be our view that, with the exception of the Gorinhaicona kraal and assumed practices, the occupations and businesses of the tenants do not constitute Living Heritage either in terms of legislative and policy guidelines (the latter are very limited), and generally commonly accepted definitions internationally. Were this link of Living Heritage to the tenant occupations and businesses to be the case, or some of the similar expressed views of the Committee, by extension this would imply that, using the same examples, all schooling, health and healing practices, technical or artistic skills or food gardening activities elsewhere within somewhat like-minded communities could fall within the remit of the NHRA and management by the heritage authorities. This is likely to be considered judicial over-reach.

However, it is agreed that the manner in which Intangible Cultural Heritage, including Living Heritage can be expressed in a tangible way on this site has not been explored fully. There are two principal reasons for this:

- 1) The project proposal remains at the highest level of concept. The site will not be developed by the owner, the Western Province Government: Department of Infrastructure, but will in all likelihood be packaged for largely private sector development in accordance with the approved Development Framework and ultimately Precinct Plan and SDPs. The development of the heritage precincts, however, will require a more considered process. The repurposing of the F-wards and associated buildings as a grouping may be less complex. But the proposals for and management of the publicly accessible historic core of the site centered around the homestead, its curtilage and links to the broader riverine landscape and R&LHR, are likely to require a comprehensive and creative plan for funding and sustainability, given that it is considered most suitable as the area in which the history of the site, its associations and its links with the Two Rivers area can be articulated and celebrated.

The HIA recommends the following conditions:

- Opportunities for memorialisation and links to the Tussen Die Riviere Resistance and Liberation Heritage Route require the engagement of all interested and affected parties, and should be led by the Department of Arts and Culture in respect of the latter and the WCG site custodian in the respect of the former, as site development plans and development take shape. This is likely to be an on-going project.
- Details in respect of the nature and detailed use of the Centre for Memory in and around the Homestead site proposed in this project are to be established in consultation and with reference to the recommendations included in the SIA linked to this HIA. Similarly the spaces within the precinct that have been identified for the ongoing practise of rituals and other forms of cultural expression; and where Indigenous Knowledge Systems (IKS) are practiced and applied.
- Other opportunities for memorialisation, including tangible representations of the intangible heritage related to the significant historical themes, in the form of place and street names,

building precinct naming, etc should be explored at the appropriate time in the development process.

- Memorialisation should preferably not only be static (e.g. information plaques, etc) but have a catalytic function that would encourage the consumer to interact with the narrative, e.g. festivals, commemorative days and events, etc.

This is considered appropriate and will not be amended. But the heritage design indicators pertaining to the proposed site of memory (p95) has been amended to include the following:

However, it is crucial that the responses to the intangible heritage of the site recognise all aspects of identified intangible heritage significance: indigenous heritage; the role of the site in relation to the First Frontier; the rural role of the site; the incarceration of the Zulu King Cetshwayo; and the inequalities of the institutional history of the site. A Conservation Management plan is proposed for works to the Homestead. However, whilst there will be overlap, this is not the appropriate vehicle for determining the use, management and funding of a cultural centre which celebrates, acknowledges and responds to all aspects of heritage significance relating to this site.

A project team, led initially by the site custodian, and including DAC, together with potential funders/ users and directly affected heritage related I&APs requires establishment and a programme of action in this regard. This should be initiated as a condition of any approval for the redevelopment of the precinct at SDP level.

- 2) The proposals that will emerge from the National Liberation Heritage Route project⁴ are likely to be part outcome of the planning of these spaces on Oude Molen. This is discussed extensively in the HIA (see particularly p147 – 149 of the HIA). As the HIA states, details regarding conceptualisation and design, feasibility, and financial models for the *Tussen die Riviere RLHR* has not been finalised, and it has its own stakeholder consultation process. The provision of space (on Oude Molen) to align with this project must therefore (and by their own request) be sufficiently flexible to accommodate future proposals that emerge from this process, without negatively impacting upon the ability to plan for other elements relating to the re-development of the OMP. It should however link directly to the riverine corridor, and ideally also reference the previous submission to the DRDLR in respect of the Restitution of Land Rights Act.

Beyond this, any proposals relating to memorialising the intangible heritage of the site, including but not limited to, its associations with the broader First Nations landscape, can only be legitimately detailed in discussion with all relevant I&APs (including, importantly, representatives of the Zulu nation).

The suggestions by the Committee to facilitate uses which promote skills based on and reflecting the heritage of the site; and to try and retain some of the crafts related to the rural history of the site or introduce further crafts reflecting the rural history (Soetmelks Vlei was referred to as a creative precedent) is considered to over-emphasise the rural/semi-rural character of the site and its heritage significance; is premature at this stage of the project (as noted in the HIA, this HIA and subsequent planning process is to secure development rights not to assign end users p184); and unjustifiably prescriptive.

If, as is implied, the intention is to retain some of the existing tenant activities, the Committee are referred to pages 184 – 185 in the HIA addressing this issue. Moreover, a precedent such as Soetmelks Vlei is not

⁴ This author and the client have held discussions with the project champions, and access was provided to documentation and preliminary proposals, but this remains under embargo.

appropriate to this context. Soetmelks Vlei is a working farm, in an authentic rural area, linked to the very successful Babylonstoren, with owners of sufficient means to initiate and fund such programs in a creative and on-going manner. In the case of Oude Molen, this may go the way of other 'show' historical rural craft villages, such as the Ambagswerf linked to the Swellendam Drosty or the Worcester cultural history museum, many of which grapple with attracting sufficient visitors, securing adequate funding and tend to emphasise colonial history.

Deacon and Dondolo (2007) note that safeguarding intangible (and tangible) heritage does not mean preventing change,⁵ but rather it should involve as many stakeholders as possible; and ensure ethical and effective means of ensuring that the significance of heritage forms is safeguarded, including the continuing practice and transmission of intangible heritage. As a result, the protection of intangible heritage does not mean the "freezing" of a site from development but rather a dynamic process of participation, consultation and recognition of the significance of ceremony, tradition, and culture, particularly if such culture has been marginalised in the past".

It is with the intangible heritage linked to the most marginalised history that this HIA is most concerned. As section 3 below expands on further, the liminal location of the site provides further motivation to provide opportunities for restitution⁶, given that the structural geography of Cape Town related to apartheid persists.

As Mellet notes, "Restorative Memory is required to fashion Restorative Justice, Reparation and Restitution"⁷. Reviewing the past, reclaiming it, bringing it to life and memorialisation form part of the act of restitution.

It is acknowledged that this does not necessarily require an interpretive centre and this has been removed from the project proposals as being unduly specific at this time. It can also include researching and naming individuals who have historically been ignored in the public record; it can include the creation of gardens; walking routes, light displays, art, public spaces, a mediation centre, information signage, site renaming, etc⁸. These should be both site specific and linked to the broader Two Rivers cultural Landscape. These options have been explored more explicitly in the Socio-historical Report and are provided to illustrate the opportunities for making intangible heritage visible or tangible or expressed. The precise nature of these must however be the subject of a separate process.

However, restorative justice can also entail land reparation, and breaking the spatial barriers of apartheid by integrating those who have historically been spatially and economically marginalised. It is to the latter that the current proposals are focussed. The WCG is expected to lead by example in terms of service provision and providing for social and incremental housing and outcomes are to be driven by sustainable social derivatives. Development must be viable and projects of the Directorate: Special Programmes/Projects such as this are designed to provide residentially led mixed use developments that provide for cross-subsidization (See also Socio-economic report).

This response is to be read with revised proposal for the historical core.

⁵ Deacon H and Dondolo, L 2009 page 65 in Attwell & Arcon Oct 2017 p49

⁶ In its broadest sense, it should not be taken to mean land restitution

⁷ <https://herri.org.za/6/patric-tariq-mellet/>

⁸ In accordance with the ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites (October 2008:2), "interpretation refers to the full range of potential activities intended to heighten public awareness and enhance understanding of cultural heritage site. These can include print and electronic publications, public lectures, on-site and directly related off-site installations, educational programmes, community activities, and ongoing research, training, and evaluation of the interpretation process itself."



Figure 1: Some precedent illustrations for celebrating/referencing intangible heritage included in the revised UDG

3. SPATIAL INTEGRATION & NATURE OF INTERFACE

There is insufficient information regarding the significance of the site in relation to the broader TRUP heritage area (macroscale). Further work is required concerning spatial integration with TRUP land.

Additional alternatives are required regarding the nature of interfaces (internal between old and new fabric and external particularly related to TRUP land and Maitland Garden Village) and the underlying rationales supporting those alternatives.

It is assumed that the stated significance of the broader context as framed in the HIA is not in question.

3.1 Two Rivers Cultural Landscape and contextual relationship with Oude Molen

More detailed analysis of the recording of the meeting indicates a number of common concerns:

- Need to recognise the intangible significance of the space in the foreground of the site;
- Need to recognise the riverine corridor and the link between the Black River and Liesbeeck River
- Transition between the site and Black River floodplain. Currently, the riverine space 'bleeds' into the site. Concern about the level changes, fence, parking, road, hard landscaping along the western boundary: there must be some anticipation/reaction to the presence of the floodplain (the edge condition). Historical core must be integrated with the riverine landscape. Need a focal area within the historical curtilage of the historical centre. Relate it to the rural context.

A great deal of research and analysis has been undertaken over a period of many years into the history and cultural landscape of the Two Rivers area and it is assumed there is no requirement to reiterate the many motivating arguments in the identification of the Two Rivers heritage significance, tangible and intangible, particularly by Attwell and Arcon in various reports⁹ submitted to HWC and whose work (already utilised and referenced in the HIA, see particularly p 11 – 17 and indicators; and by O'Donoghue Annexure B1) will be further drawn upon.

The relationship between the land of the Two Rivers and the site itself has been addressed throughout the report and was assumed as inferred but it is agreed that a more explicit focus on the nature of the spatial relationship is an important heritage informant.

The Cultural Landscape Context section of the HIA has been expanded to include the following:

The cultural heritage and natural landscapes of the Two Rivers area are closely linked to the topography and the rivers, the wetlands and confluence and riverside pastures. These are key elements defining the remnants of the early (pre-colonial and early colonial) cultural landscape, as well as (in a much modified form) its current character.

"The system is legible despite the fragmented character of the area created by secure precincts including institutions such as the Alexandra Institute and Valkenburg Psychiatric Hospital where access is restricted. The landscape is most characteristic of a riparian landscape where river edges are natural and not canalised. It is a substantially modified landscape.

⁹ For background history of the Liesbeeck and Black Rivers see Attwell and Arcon Two Rivers Urban Park Baseline Study (2016); Attwell and Arcon Two Rivers Urban Park Supplementary Report (October 2027); and ACO-Associates: *The First Frontier: An assessment of the Pre-colonial and Proto-historical Significance of the Two Rivers Urban Park Site*, Cape Town (2015).

The TRUP site is situated at a key point in the City and as a result, opportunities exist for the site to link areas and communities formerly divided by apartheid."¹⁰



Figure 2: From HIA Figure 39: Regional setting: subject site (shaded red) (Gibbs 2024). Note the location of the site at the intersection between mountain foothills and coastal plain between the historical Cape Town urban landscape on the lower foothills of the peninsula mountains, and the newer suburbs of the Cape Flats, the development of which was largely driven by apartheid imperatives of separate (and unequal) development.¹¹

"TRUP exists as a topographically unique area defined and surrounded by development, forming part of the original "Coast to Coast Greenway". It is a space defined by riverine settings and hill crests, with significant views towards Devil's Peak. It is surrounded by a road network with little penetration into the site, a matter which has assisted in conserving its landscape qualities. Recreational spaces exist on the western periphery where they abut the historical residential and industrial areas of Observatory and Salt River.

It is a riverine landscape with a dominant topographical quality of shallow hills and crests, extending towards the river corridors and wetlands. The presence of the riverine system, with its strong linear spatial qualities and the openness and visual accessibility of parts of the site, provides a strong sense of visual

¹⁰ Attwell and Arcon Oct 2017: 16

¹¹ Note: The HIA includes the following in the HIA Heritage Design Indicators p92: The most significant historical associations of the site are those of dispossession, exclusion, imprisonment, marginalisation and loss. Given the liminal location of the site at the junction (defined by the river corridor) between the more historical development of the City at the base of the Table Mountain chain (generally the locus of privilege), and the Cape Flats (generally defined by the historical lack of privilege and removal), recognition and redress should ideally be at the core of any heritage sensitive planning process.

Notions of redress and acknowledgement of past injustices are explicit and implicit in the NHRA. As a result, it is necessary in terms of the Act and guided by Resolution 61/295 to examine notions of redress and acknowledgement of colonial and apartheid injustices. As state owned land, the proposed development of the OMP site could recognise and accommodate this concept in a meaningful (albeit practical and feasible) way. This imperative is equally underpinned by consistent policies - national, provincial and local - for spatial justice in decisions regarding the built environment

relief in an urbanised landscape. Its dominant character of hilly crests and valley systems extending towards the lower slopes of Devil's Peak, contributes to a strong sense of place.

The Liesbeeck and Black Rivers extended from south to north creating a landscape determinant for development and use. Bridges and crossing points were dependent on the landscape and river conditions. Such crossings and bridges marked the point at which there was engagement with the River Corridor. The crossings of the 17th and 18th centuries were points of control while the bridges of the 19th century (Observatory crossing, Durban Road Bridge) facilitated ease of movement.

Historical development responded to the constraints and opportunities within the river corridors. Historic homesteads were situated above the areas of potential river flooding. Institutions were situated on the crests of hills for visual effect, and the historically flood prone areas west of the Liesbeek River, were used for sports and recreational facilities. Historically, development and placement of werfs faced the river corridors. Where wind was necessary for energy, early milling facilities were placed on the crests of the hills. One of these hills became the site for the astronomical observatory enabling a clear sight line towards the Cape Town harbour and Signal Hill.

Consequently, uses and responses to the River corridors have created a cultural landscape, including a structure of placement and orientation within the TRUP area.

The River corridors have been affected by amendments to the river courses and canalisation which have affected place-making qualities. Orientation towards the river corridors, entrance and crossing points, strong view corridors and (in some cases) high visibility placements within a landscape setting, has all contributed to its place-making qualities.

A strong linear nature created by the river corridor system is reinforced by road systems to the west (Liesbeek River Parkway); and to the east (Alexandra Road). Recreational and social facilities are located at the western edge of the Two Rivers Urban Park site in areas that were historically flood prone, allowing a green and open interface with the historic suburb of Observatory. By contrast the Alexandra Road is defined by high walls allowing little visual wards (sic).

In summary, the full site comprises heritage related landscape features as follows:

- Topography of hills, summits and riverine landscapes set within the riverine basins of the Black and Liesbeek Rivers and against the foothills of the lower mountain slopes.
- Nodal clusters of high value heritage buildings – institutions, werfs and residential environments.
- Evidence of early agricultural settlements and their landscape contexts and in a linear fashion following the riverine pattern.
- Edges, peripheries and zones of transition following the linear river patterns.
- Landmarks and focal points, some intentionally placed along the ridgelines which contribute to a unique sense of place.
- Significant views and sight lines.
- Open spaces and biodiversity areas which frame the historic nodal precincts.
- The River corridors consisting of the Black and Liesbeek Rivers and their confluence. The mixture of soft and hard (canalised) edges of the river systems.
- General sites and landscapes associated with First Nation ancestral lands and transhumant pastoralism.

- Flat industrial spaces towards the Ndabeni Triangle."¹²

"While the Black and Liesbeek Rivers and related hills and riparian landscapes form a unifying feature, it should also be noted that the river system as a viable and positive system is currently compromised through poor environmental qualities. In addition, access to the Black River area from the west is compromised and fragmented by the M5 which creates a barrier between the two river areas"¹³.

"The Black River featured historically more at its lower reaches than its upper reaches which receive little historical mention. From a heritage point of view the Black River is less significant than the Liesbeek River which carries with it strong connotations of forceful segregation, defensiveness and removal, particularly for the early indigenous peoples. It has however featured increasingly in regional Khoisan historical narratives.

It was a seasonal river and flowed through the marshlands and sand-dunes of the Cape Flats area, reaching the Salt River where it assumed part of the estuarine environment. Changes to the natural environment of the Black River occurred as early as 1813 with the road to the north, and formally in 1845 with the building of the hard road on the alignment of the current Voortrekker Road. This made it possible to transverse the sandy Cape Flats with vehicles for the first time. It was followed by a rail line in the 1860's resulting in a "pinch point on the river system, which altered the nature of the wetland qualities of the Black River and affected its link to the Salt River estuary."¹⁴ In 1998, the interchange between the M5 and N2 near Raapenberg allowed a "return" of some of the wetland qualities of the Black River and the development or "restoration" of a valuable wetland habitat. Both the Salt River and Black River are canalised for most of their lengths, except for the section around the Raapenberg Bird Sanctuary which is a protected wetland"¹⁵.

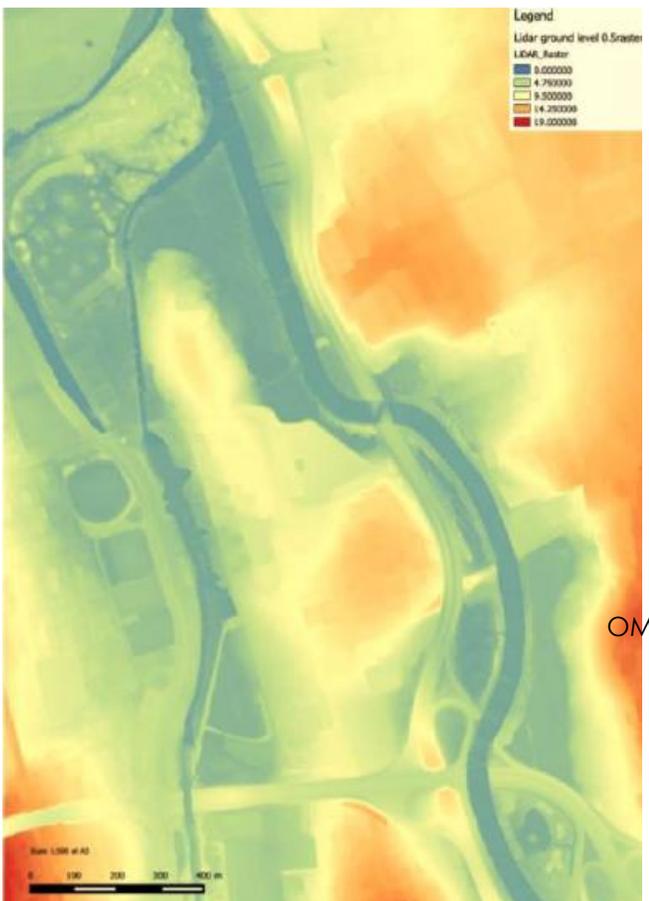
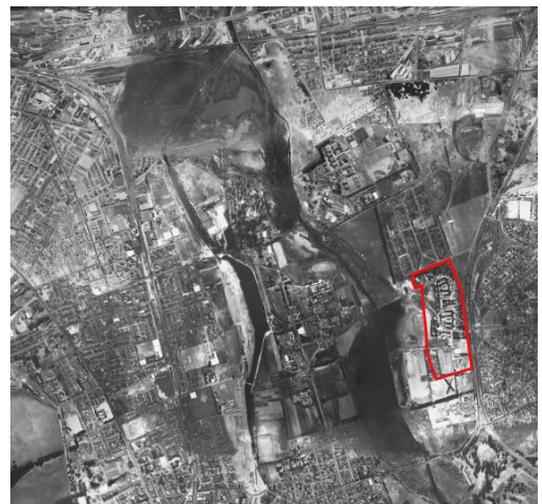


Figure 3 (left): Topography of Two Rivers riverine system - the landscape character of the site is defined by the riverine systems and the related topographies. Source: TKLA (2016). (Attwell & Arcon TRUP Supplementary Report October 2017).

Figure 4 (below): The 1945 aerial of the broader Two Rivers area illustrating the extent of the riverine corridor prior to canalisation & the relationship of Valkenberg East to this (CCT)



¹⁴ Ibid 31 - 32

¹⁵ Ibid Page 146.

"In the absence to date of physical evidence with respect to the archaeology of the Two River Urban Park Land's early history, the general archaeology of pastoralism, environmental factors and primary sources are used to synthesise an understanding on the role this area played in the early history of the Cape. There were Khoikhoi groups on the Cape Peninsula and Table Bay who made a living on the relatively limited resources that Peninsula had to offer, while there were more powerful groups to the north who occasionally came to Table Bay during the summer months. Due to the Peninsula's unfavourable geology, its carrying capacity was limited. It was isolated by the sterile sands of the Cape Flats, however the Liesbeek and Black River valleys formed a verdant strip of good grazing land that stretched from the Salt River Mouth to Wynberg Hill. When Van Riebeeck began to cultivate this land circa 1658, relations with the local Khoikhoi pastoralists took a turn for the worse. Tensions lead to the construction of a cattle control barrier formed in part by the eastern bank of the Liesbeek and the eastern border of freeburgher farms. In places a pole fence was built reinforced by cultivated hedges and thorn bush barricades, while a number of small forts and outposts kept watch over the movements of Khoikhoi. This short simple boundary was the very beginning of a process that saw the acculturation of the Khoikhoi during the following century.

While we can never know the exact positions of van Riebeeck's defensive line of watch towers and redoubts there is compelling evidence to suggest that the spine of land between the Liesbeek and Black Rivers, that now houses the Royal Observatory and Valkenburg Hospitals, played a key role. The site for the Royal Observatory was chosen in 1820 on account of its key location on raised ground that placed it in line of sight of Table Bay so the falling of the time ball could be observed from the Table Bay and the Castle. Descriptions contained in Moodie and the Resolutions indicate that one of the major forts of the DEIC – Khoikhoi confrontation (Fort Ruitervacht II) was built on the same site as its signals could be observed from the Fort and other watchtowers that formed the system. Indications are that the barrier would have extended through the grounds of Valkenburg Hospital, the next high ground being the site of the Hospital Administration, then southwards possibly across Rondebosch Common before turning westwards to Kirstenbosch. The exact places where incidents and confrontations occurred can never be known, but what is evident is that the historic landscape contained within the land between the Black and Liesbeek River marks one of the most tangible and earliest historical frontiers that were to eventually herald the fragmentation of the Khoikhoi nation.

The historic records have revealed a number of interesting observations.

- The wetland that encompassed the Black River, Salt River and Liesbeek estuary (incorporating land in the confluence of the rivers) was of primary importance as grazing land, and was able to support thousands of head of cattle for periods of time. Frequent reference is made to the location as being the place where the Khoikhoi camped. The historic presence of a large outspan in Maitland is an interesting linkage.*
- The Dutch identified the fertile valley of the Liesbeek Valley as prime agricultural land. The turning of the soil evoked the ire of the Khoikhoi as this was good grazing land used by them.*
- The "fence" that was erected by the Dutch was a rather ad hoc barrier that involved using a mixture of natural features (deepening of the Liesbeek), a palisade fence in places and compelling the freeburgher farmers to erect barriers (thorn bushes, hedges, palisades) on the eastern side of their lands. Hence the eastern side of the first land grants as per the 1661 map marks the edge of the DEIC land. This places the "border" firmly between the Liesbeek and Black Rivers or in certain areas along the eastern bank of the Liesbeek River.*

- The positions of forts and outposts are difficult to determine. Indications are the Keert de Koe was situated close to the railway crossing of the Black River in Maitland, an outpost Ruitervacht II was on the Royal Observatory site and Ruitervacht I further south, possibly as far as Rondebosch Common. Consensus of opinion is that the bigger fort, Coornhoop was located in Mowbray.
- The Liesbeek Valley was therefore contested and likely to be the general place of Dutch-Khoikhoi confrontation.
- The evidence from historic records is compelling in terms of identifying the TRUP land parcel as an historic frontier.
- The historical evidence is cohesive enough to confirm that the TRUP forms part the first frontier between the Dutch colonists and the Peninsula Khoikhoi. This historical landscape extends from the Salt River Mouth and follows the Eastern side of the Liesbeek River through the Observatory land, Mowbray, urban Rondebosch to the Bishopscourt area. The archaeology of this frontier has proven to be very sparse, and as to date no physical evidence of the watch towers, forts, or the palisade fence have been found, however it is not impossible that evidence will in time be uncovered."¹⁶

The OMP site itself may however not have attracted pre-colonial settlement due to exposure and lack of shelter from the wind. It was at best only used for temporary encampments, and possibly only for grazing and the utilisation of other natural resources. There is no evidence yet of any artefactual material in the study area attributable to the precolonial period. This is at least part linked to extensive landscaping of the site during the colonial era, including exposure to sheet erosion from tilling (ACO, 2003).

Regarding settlement of the Oude Molen site, the mill was completed early in 1718. OM Mentzel (at the Cape c1732-1741) almost certainly referred to Oude Molen when he wrote: 'There is a windmill behind the Devil's Mountain which, though outside the town, comes under the control of the burgher councillors. This windmill is leased out by the authorities and all bakers who grind their wheat in it have to pay a definite fee. The mill is of brick, in the characteristic Dutch style; its head, wings and mill-shaft turn according to the direction of the wind' (Mentzel, in NMC HWC Submission, 1997).

The Oude Molen site was peripheral to the Cape settlement, and would remain so into the early 20th Century. The location was likely chosen both for its relative unattractiveness to farming (sandy soils), its strategic location near the Liesbeek valley farming area and the gateway to the interior - and offering a more constant wind flow than experienced in the City Bowl. (HIA p20) This isolated position was also the likely reason for incarceration of King Cetshwayo; and for the construction of the Valkenberg East wards.

The development of Valkenberg East across the Black River from Valkenberg West replicated use of the river as 'cordon sanitaire' for the confinement of native political exiles (1875-1887), and the establishment of the contact (plague) camp and Ndabeni Location 1901-3, and links up with the theme of liminality of the first VOC-era boundary c1660. HIA p25

Indicator 1 in the HIA has been expanded to incorporate the spatial relationship of the site with the Two Rivers area in so far as it responds to intangible heritage. Indicator 1 should explicitly reflect the liminal and transitional spatial quality of the Oude Molen site within the broader TRUP cultural landscape. The site's crest position on the eastern bank of the Black River offers a unique vantage and symbolic threshold between contested landscapes of colonial incursion and indigenous pastoralism. The interface with the riverine corridor (owned and managed by the CCT) is therefore not just ecological, but historically charged, representing a physical manifestation of dispossession and containment. This representation is what prompted the application by the Gorinhaiqua Cultural Council to the DRDLR to establish a presence on Oude Molen, which it saw as the last representative portion of land that formed part of the T'Groeneveldt farmland that could be restituted. This proposed presence included, *inter alia*, the

¹⁶ ACO Nov 2015: 3 - 4

establishment of a cultural centre, agricultural enterprise (for medicinal herbs and indigenous plants), space for rituals & cultural events and a residential component. Formally, this process is still under consideration by the successor of the DRDLR (SIA, page 46).

The expanded Indicator therefore now emphasises:

- Preservation and re-establishment of visual linkages between the Homestead precinct, river corridor, and Valkenberg/Observatory ridge line (historic containment frontier).
- Maintenance of permeability across the edge conditions, especially along the western boundary adjoining the floodplain.
- Integration of landscape structuring elements (tree lines, berms, open space design) that recall historic east–west connections across the ridge.
- Recognition that the heritage significance lies not only in the site itself, but in how it mediates between the TRUP open landscape and the surrounding urban fabric.
- The Oude Molen Precinct, as the last representative portion of *T'Groeneveldt*, represents the powerful “battlefield” cultural landscape alluded to in the *Tussen die Riviere* report. This is a tangible representation of a known historical event, while also a link to a forgotten narrative relating to the First Nations' presence on site, an Intangible Cultural Heritage indicator. The accommodation of the battlefield element would, by default, serve as a powerful tangible symbol in the strong ICH associated with the First Nation

It is important however to note that this is not the only associational significance of the site, and such responses should not be to the exclusion of its significance as a site of incarceration and marginalisation.

The following diagrams are now included in the HIA as illustrating the Oude Molen Precinct site in relation to Two Rivers landscape character defining elements in relation to broader context:

- Crest position
- Landmark and vistas, re-establishment of focal point @ Homestead
- Peripheral location
- Visual link between riverine and wetland landscape and site at edge
- View across the site to the line of containment and conflict imagined at the crest of the Valkenberg/Observatory hill
- Direct link to riverine corridor and wetland

The diagrams highlight the Oude Molen site as a nodal crest on the eastern bank of the Black River near its confluence with the Liesbeek River, with visual axes extending:

- westwards (Background view) towards Devil's Peak and the confluence floodplain.
- northwards (foreground view) to Maitland Garden Village on the Black River ridge.
- Westwards (midground view) to the line of historic conflict (Ruiterswacht and Coornhoop) along the Valkenberg/Observatory crest.

This locational diagram reinforces Oude Molen's position in relation to a historic frontier zone, before becoming an isolated institutional enclave, and how it could be treated as an interface node within the Two Rivers cultural landscape.

The proposed development plans have also been amended, or additionally illustrated to respond more explicitly or clearly to this issue.



Figure 5: OMP (red) within TRUP (orange) – broader context & background views (Devil's Peak and Lion's Head). Source Google Earth Pro (Gibbs)



Figure 6: OMP (red) within TRUP (orange) – local context & middle-ground views (SAAO & Valkenberg). Source Google Earth Pro (Gibbs)



Figure 7: OMP (red) within TRUP – site context & foreground views (Maitland Garden Village). Source: Cape Farm Mapper (Gibbs)

Also per the HIA, the following diagram remains relevant.

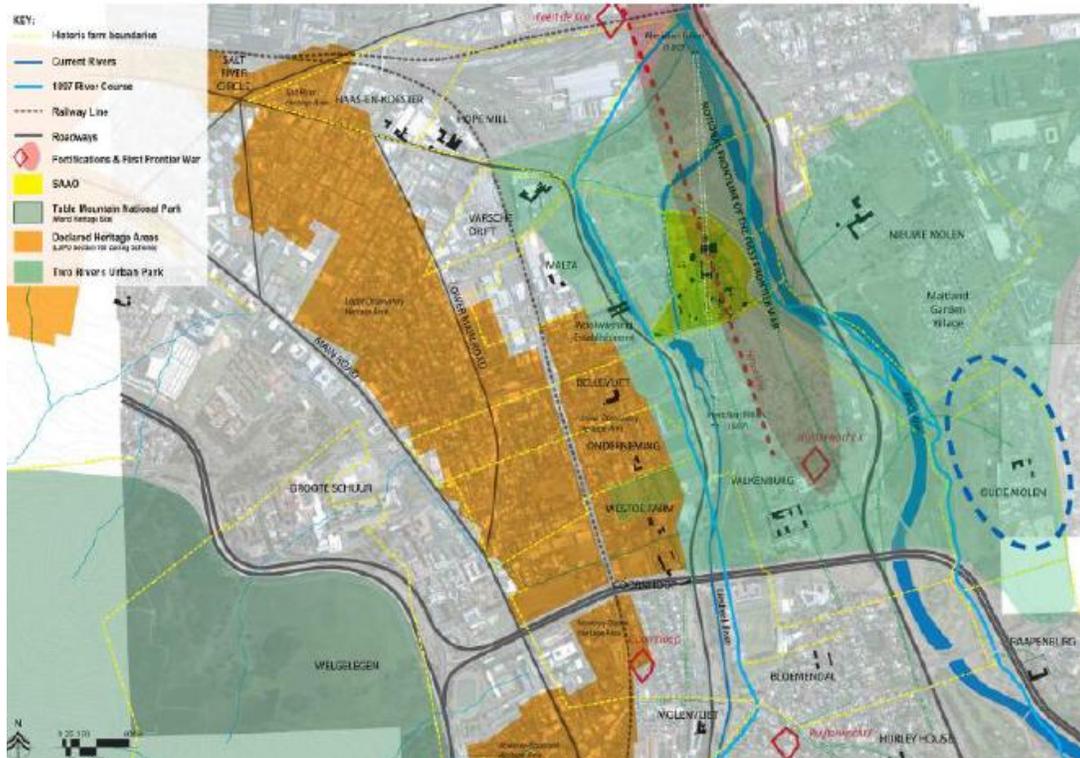


Figure 8: Historical archaeological potential. Oude Molen indicated in blue; the dotted red line indicates the possible alignment of the cattle barrier (Smuts 2023 after Winter 2017:9 in In the HIA p17)

3.2 Relationship to Maitland Garden Village

In order to clarify the nature of the concern, as the HIA notes, Maitland Garden Village (MGV), as a neighbouring community, is one of the earliest Garden City inspired designs in Cape Town and as such has some historic significance. Its position has scenic value as it is situated on the crest of the Black River hill and has views across to Devil's Peak. The buildings have a consistency in terms of scale, grain and design. It has retained a considerable degree of authenticity and coherence. It has social significance as a 'coloured' area from its inception, eventually a Coloured Group Area. It has been proposed as part of a larger Heritage Protection Overlay Zone (HPOZ), although individual elements do not all have the same level of intrinsic significance (HIA p84 - 85).

The HIA includes an indicator in this regard as follows: "The edge of the site with Maitland Garden Village should promote integration with the adjoining fine grain residential area and permeability, both physical and visual."

As noted in the HIA: Permeability and integration with Maitland Garden village is included as a principle in the Draft Precinct Plan and Urban Design Informants. Build-to lines and form-based codes which inform the building massing, articulation and effective design of thresholds are discussed; and the proposals for the edge with Maitland Garden Village indicate a setting back of the floors above Ground Floor to scale the street interface. The aerial perspectives give a sense of the texture of the proposed built form in context. The scale of the proposed buildings relative to the hospital and office buildings to the south is comparable and is an appropriate fit. ...



Applications at Oude Molen:

- Enforce the development of perimeter courtyard blocks, by imposing built-to lines, and form-based-codes for future developments
- Place development density in relation to points of good accessibility
- Use density to shape the built mass of the OMP neighbourhood. Outcomes to aim for include prominent corners, landmark buildings, articulated skyline, framed views and architectural variety and richness.



The following revision to the HIA integrates an additional Visual Impact Assessment (VIA) perspective into the MGV section of the narrative – aligned with urban design and socio-cultural considerations.

Visual Impact Considerations in Relation to Maitland Garden Village (MGV)

Whereas Maitland Garden Village (MGV) possesses a recognisable character due to its consistent townscape scale, grain, and Garden City layout, the visual sensitivity of the interface with the Oude Molen precinct is nuanced. The visual coherence of MG V is undermined to an extent by the poor state of maintenance of a number of dwellings, the small scale and limited capacity of the original council housing stock, and the widespread emergence of backyard structures that reveal the lived realities of the space constraints of the original houses, especially in the context of multigenerational households. The value of MG V thus lies more in its social history and community continuity than in the architectural integrity or intactness of its built fabric.

*From a visual impact perspective, the sharp contrast in scale between the predominantly single-storey fabric of MG V and the multi-storey massing proposed for Oude Molen is acknowledged. However, the **actual interface** is mediated by significant spatial separation: the 20-metre width of Perseverance Road and the large green open space that forms a central reserve introduce both physical and perceptual buffering. This zone provides visual distance, mitigating direct visual intrusion and allowing for a gradation of scale. The proposed height limit in the Development Framework along the MG V edge is 9m, which is the same height that is permitted in terms of the Development Management Scheme for the Residential 1 zoned properties within MG V.*

It is important to recognise that visual impact is not solely a function of height or proximity, but also of form, rhythm, materiality, and interface treatment. While the design proposals remain conceptual at this stage, the use of setbacks above ground level, articulation through form-based codes, and the incorporation of landscape and architectural scaling elements (such as pergolas, canopies, tree planting and generous pavements) will be essential to ensure a legible and context-sensitive transition between precincts. These devices should be explored in greater depth during the Site Development Plan (SDP) stage to mitigate the scale differential and enhance pedestrian comfort and visual integration.

The illustrated perspectives (HIA Figures 201–202) demonstrate that the proposed development, while taller, does not dominate the skyline when viewed from MG V, and retains a backdrop quality rather than

competing with the foreground townscape. The broader development pattern also offers opportunity for visual connectivity, rather than abrupt spatial termination.

It is further noted that the proposal introduces affordable housing typologies that could resonate with the spatial needs currently expressed within MGV – particularly the need for dignified family-appropriate housing. This potential functional continuity may, in time, contribute to visual cohesion through shared typologies and public realm treatments that reinforce a contiguous, yet differentiated urban fabric.

Overall, the visual impact of the proposed development on Maitland Garden Village is **moderate**, and largely mitigable through:

- design detail at the interface;
- careful landscape structuring along the edges;
- maintenance of visual permeability and pedestrian-scaled articulation.
- and a sensitive approach to texture, fenestration and roofscape.

Provided these aspects are addressed at the detailed design phase, the proposal is not considered visually inappropriate within its context. The transitional spatial buffer, combined with responsive edge treatments, offers the potential for a well-managed scale interface that respects the social and spatial characteristics of Maitland Garden Village.

The following will be incorporated into the HIA to ensure Visual Impact reinforcement (Maitland Garden Village Interface)

- The importance of scaling mechanisms (setbacks, articulation, landscape buffers) not only for visual mitigation but also as a recognition of cultural adjacency—acknowledging MGV's historical significance as a segregated community.
- Opportunities for shared public realm treatments (street trees, pavements, lighting) to visually knit the edges together, reducing the perception of a hard boundary.



Figure 9: Maitland Garden Village interface (VIA in HIA p64), illustrating the width of the road and setback from the residences at this point



Figure 10: Visual Impact Assessment Existing View C: Southwards from Maitland Garden Village, across existing Green Open Space, Oude Molen in the background (Fig 201 in HIA).



Figure 11: View C: (Simulated). Source: SVA (Figure 202 in HIA)

4. SITE CHARACTER & PRECINCTS

There is insufficient information regarding the interrelated significances of various character areas within the site itself and therefore insufficient information to inform precinct specific heritage indicators.

In this regard, the HIA confined itself to identifying the heritage sensitive precincts, grading them as precincts of coherent heritage based character. The identification of the locus of intangible heritage tends to be linked to these character areas, indicators were developed accordingly and mitigations developed to promote consistent approaches to groups of buildings and spaces in the packaging of

development parcels and towards SDP stage design. The design work, in the main, responded to these accordingly.

However, it is accepted that this could be further refined and will be particularly important in informing the rezoning and subdivision stage of the planning process.

4.1 *Overarching character*

In respect of the overarching character of the site, we respectfully disagree with the Committee's repeated view that this is a site with a rural or semi-rural character and uses¹⁷ which is, in turn suggested as a significant heritage informant.

While the site has residual pastoral qualities (allotments, open spaces, scattered trees), its dominant heritage character is that of a transitional institutional landscape, layered over earlier agricultural and indigenous uses. From a visual and landscape perspective, the site is best described as bucolic-institutional—a hybrid that retains vestiges of small-scale agriculture, overlaid by institutional built form, but situated firmly within the urban cultural landscape.

By commonly accepted definitions, a rural area or a countryside is a geographic area that is located outside towns and cities. Semi-rural areas are neither entirely urban nor fully rural and usually provide a transition between urban and rural, and maintain a predominantly rural character. They comprise predominantly open spaces, farmland, or natural landscapes and are characterised by lower population densities. We believe the site cannot fulfil either definition.

This issue was explicitly addressed in the HIA. This history of farming was described (p20 – 24) and contextualised within the framework of other historical periods, uses and events. The cultural landscape analysis, including that of the site was described in the following terms:

Whereas the site lies within the urban edge, it has some remnant bucolic and former institutional qualities, it has certain coherence of character as an eco-village, which combines bucolic (due to the presence of the allotments) and townscape qualities, (though it lacks spatial cohesion or a legible spatial sequence)(p74).

With some important historic buildings and aspects of small-scale allotment and community gardening, in its current condition, as a relict institutional 'parkland' overlaid upon an early farm, overlaid upon an earlier indigenous landscape; surrounded by infrastructural spatial 'barriers' between neighbourhoods, the site lacks a clear identity, and spatial cohesion. It is neither truly 'urban', nor essentially 'rural', though it has been 'transformed' through layers of human use and intervention. It has been described variously as "semi-agricultural", in that parts of the site are partially or moderately involved in agriculture, but that the primary focus or function is not exclusively (or even predominantly) agricultural, and that residential, educational, institutional and light industrial activities also occur; "semi-rural" in that it possesses characteristics of both urban and rural environments, an intermediate or transitional zone that exhibits elements of both city and countryside living, with a mix of residential, agricultural, and natural landscapes, combining the features of urban development with the open spaces and activities often associated with rural regions.

For the purposes of the visual impact assessment, the site has therefore been described as having a "bucolic" character, i.e.: somewhat remote, informal, and pastoral. This bucolic quality could be

¹⁷ IACom comment DS: (on the site visit) we were all struck by the sylvan, semi-rural nature of the site, it is quite unique, a sense of an eco village detached from the city with those views over to the mountain. It has a very unique sense of place which it has taken on over the last few years with the various uses and the fact that it's a very well treed site (author's emphasis).

interpreted as a place-making informant and integrated into the planning and design of the redevelopment proposal, which should seek to strengthen the identity of the site (P100)...

Many of the objectors seek to retain what they see as the rural quality of the site and environs. This assertion was explicitly addressed through the analysis and assessment. The cultural landscape analysis makes a number of points worth highlighting:

- It is important to recognise and acknowledge the dynamic quality of cultural landscapes in that places do change over time (some features endure, certain patterns resonate; others fade, many vanish); and that development is at times necessary (and even desirable) for the continued vitality of place; it is important to *identify, protect, enhance, and integrate* visual qualities which contribute significant value to the character of landscape and lend meaning to the interpretation of place.
- Whereas the site itself can be described as an evolving cultural landscape, with remnant vernacular homestead and relict institutional built form components, layered, modified, and adapted over time, resulting in a somewhat idiosyncratic and bucolic site of unique character; it is also set within the context of an evolving urban cultural landscape, with visual resources, heritage resources and Heritage Protection Overlays demonstrating the significance of the receiving environment.
- Within this context, certain geographic features prevail as defining and structuring elements: the Black River and associated wetlands, the Peninsula Mountain range – with visual connections from the site to Fernwood Peak and Devil's Peak, Mowbray Ridge and (more distantly) to Lion's Head and Signal Hill as landmark elements. Other features are more friable and transient or perhaps occur at a more localized scale.
- The site itself is a highly transformed landscape; with clusters of mature trees in places associated with the existing buildings, creating visually enclosed courtyard spaces without lending legibility to the site as a whole. The vegetation patterns of the site have changed significantly over time, with much of the current tree coverage introduced since the 1990's.
- The adjacent open space and wetland spaces are characterized by grassland and reed bed respectively, with little to no trees, and therefore being more visually exposed and sky dominated. Former windbreaks once planted within this area have declined and disappeared.
- Apart from some mature trees of stature, (notably Ficus species) the planting pattern appears scattered and random, without clear design intention or evidence of an ordering system, hierarchical or otherwise. (i.e., there are no longer clear avenues or windbreak alignments. Tree planting occurs in predominantly in clusters, which lends a 'parklike' ambiance to the site.
- Apart from providing environmental shelter (shade and wind protection) the tree planting should be used to lend spatial definition, legibility, and cohesion to the site. At present, this is not the case. For example: the approach avenue to the homestead is not clearly defined and is not easily discernible from the vegetation pattern; neither is the forecourt to the homestead clearly framed. Entrances and thresholds should be reinforced with 'structuring' planting, as part of the wayfinding strategy.

The history of urban agriculture has been described and acknowledged in the report. Ultimately however, it is necessary to balance all the competing heritage references on the site. It is the view of this assessor that whilst much of Cape Town inevitably has some historical association with farming as a consequence of the colonial patterns of growth and development, the major historical themes of significance to this site relate to the broader First Nation considerations of dispossession; the incarceration of King Cetshwayo and of associated significance to the Zulu Nation; and the segregated psychiatric facilities for people of colour who were treated unequally in the system of mental health provision (dispossession, exclusion and containment)(HIA p185 and 186). The current character which includes but is not limited to, urban gardening, and tree planting is of recent origin and not regarded as being of heritage significance.

Key points to note:

- The **tree clusters** are lacking structuring intent, producing a parkland feel but not a coherent rural character, and in places obscuring important sight lines between elements.
- The **visual absorption capacity** of existing trees is high in places (notably around the F-wards and Homestead), but legibility and wayfinding remain weak in the current condition.
- The site's **landscape quality is therefore defined more by fragmentation and transformation** than by rural continuity, distinguishing it from genuinely rural precedents (such as Soetmelksvlei).
- Its significance lies in the **historic layering of dispossession and containment** (First Nations, Cetshwayo, psychiatric segregation), rather than in contemporary urban agriculture or "eco-village" imagery.

Certainly, the HIA recognises the transitional function of this site in relation to the broader riverine and open space landscape, but it neither a rural/semi-rural area itself, nor a rural/semi-rural backdrop looking onto the site. The site sits within the broader context of an **urban cultural landscape with a significant riverine open space component**.

The Site character analysis p69 – 74 is therefore retained.



Figure 12: Urban Morphology (Attwell & Arcon Baseline Oct 2017) OM precinct starred. The site is linked to the urban area, adjacent to the Open Space (riverine) corridor

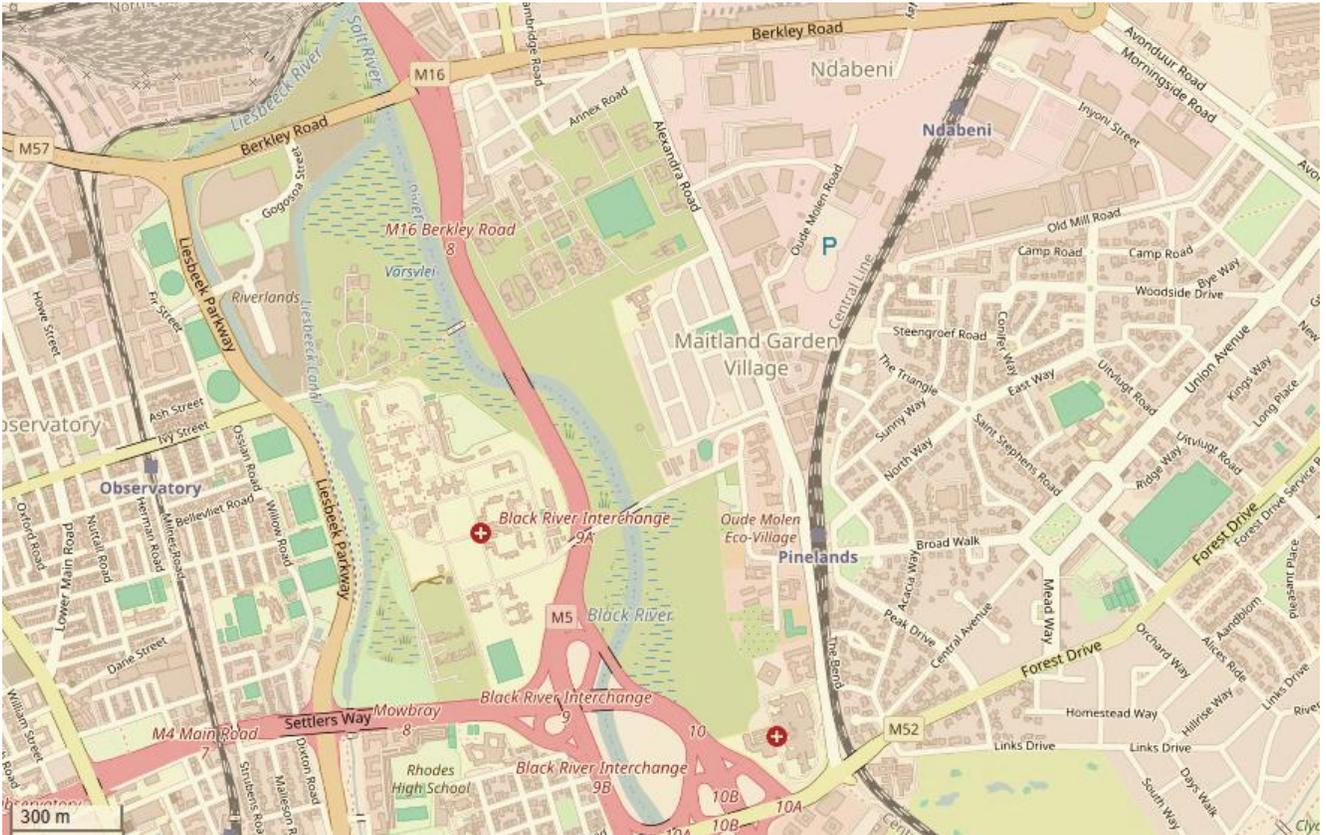


Figure 13: The Open street map provides a figure-ground illustration of the institutional grain of Oude Molen, in common with Valkenberg, the SAO, Vincent Palotti, and Alexandra.



Figure 14: HIA Figure 34 Valkenberg East Hospital c1977, a clear indication of the institutional grain of development on the site, largely unchanged today.

4.2 Character areas

The character areas should be framed as **heritage precincts of varying integrity**, with differential heritage weight:

- **Homestead Precinct (High Significance):**
Landmark historic core, degraded but with strong potential for reinstatement as the symbolic and interpretive focus. Requires expanded curtilage, clearer landscaped forecourt, and stronger linkages to the riverine edge.
- **F-Wards Precinct (Medium–High Significance):**
Coherent institutional grouping with strong architectural identity (wards, dining hall, boiler house). Requires packaging as a single parcel to ensure cohesive redevelopment and to prevent piecemeal erosion of its character.
- **Peripheral/Accretive Structures (Low Significance):**
Later additions and marginal service buildings contribute little to heritage character and can accommodate adaptive reuse or redevelopment with minimal constraint.
- **Interstitial Open Spaces (Variable Significance):**
Currently fragmented, but with potential to reinforce heritage structuring (avenues, courtyards, thresholds) through landscape design.

This refined characterisation will ensure that **heritage indicators are spatially targeted**, guiding subdivision, packaging, and interface management at later planning stages.

The site has, as a consequence of its layered history of use and development, no coherent character, although the most recent contemporary layer of current tenant activities have overlain what was essentially an institutional environment. It is a now somewhat unconventional in use and presentation of spaces, with a strong affiliation with Rudolph Steiner (or similar) principles of living, educating, serving and growing.

If, as this HIA posits, it is taken that the current activities and associated character do not constitute Living Heritage (or any other heritage), then the primary aspects providing the site with its heritage related character is, in respect of the built environment, the institutional buildings, particularly the F-shaped wards, dining hall and boiler room which are the most significant (bar the homestead) and present a clear sense of character, along with the interstitial spaces. The Superintendent's house, with some intrinsic significance, is relatively self-contained, with no direct physical relationship with other parts of the site. This is also the case for the Nurses' Home and Married Quarters, presumably to separate the residential functions from the institutional. Almost all other institutional buildings have little to no significance and, having grown by accretion, contribute little to a positive character.

The Homestead precinct, presently the most dilapidated, with landscaping, parking, surrounding or attached uses and internal routes about it undermining its significance and landmark status, has significant potential to be reinstated as the primary locus of heritage significance, both tangible and intangible. Given on-going and recent deterioration of the building, the heritage indicators and mitigations in respect of this precinct have been made more robust to promote appropriate protection and re-purposing.

Its historical landscape character would, as originally part of the mill, been exposed, a landmark, and open to the riverine landscape below. It does not face the west, but these viewsheds, towards Devil's

Peak and the crest of the central hill between the Black River and Liesbeeck would have been a secondary point of overlooking. All the west facing facades of the buildings were historically screened, probably from the winds, by mature tree planting, and were only open to the riverine landscape beyond this screen.



Figure 15: 1935 aerial

The following diagram, a variation of Figure 127 in the HIA (Proposed grading of coherent historical precincts in OMP) and Figure 142, both of which have accordingly been updated, illustrates these as the two heritage precincts to be regarded as a heritage informant to the proposed development of the site. The Indicators were already largely developed to ensure these precincts are packaged appropriately at later planning and development stages in order to promote the protection of heritage resources. However, they have been adjusted to provide an expanded curtilage to the Homestead, including the significance of the boundary interface and to promote the enhancement of the link between them.

Moreover, the development proposal now includes an indicative Precinct Boundaries diagram, for submission in the LUMS process, and from which development parcelling will follow.



Figure 16: Principles of heritage precinct delineations

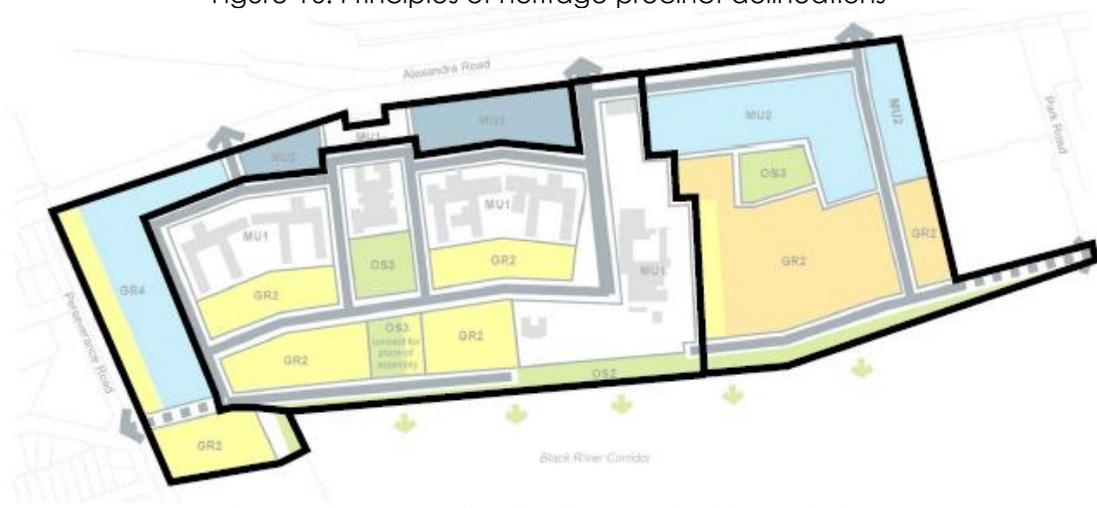


Figure 17: Proposed Indicative Precinct boundaries

Exiting mitigations in the HIA (as amended) include (*inter alia*):

1. At SDP stage, detailed explorations of the interface between the F-Wards and the buildings proposed immediately to the west of these to avoid 'back-of-house' conditions. For approval by the HWC as a fulfilment of a Section 38 decision.
2. It is proposed that the F-shaped Wards (including dining hall) and Boiler Room and space west of the dining hall to the property boundary be packaged as a single development parcel at SDP level, and the SDP address the sustainable maintenance, use and protection of this precinct, and provide more detailed parameters to guide the physical re-purposing of the individual buildings. Later building plans will require Section 34 applications for approval by HWC which should include an assessment of the detailed alterations and additions against the principles established at SDP level and including any additional relevant heritage related analysis (such as fabric analysis) and assessment.
3. At SDP stage, detailed explorations of the building envelopes proposed for the immediate vicinity of the homestead and its curtilage (including the forecourt area), the Manager's House, Superintendents House and the spaces linking them, to prevent overwhelming and encroaching upon this special area. This area has an informality and 'softness' which contributes to its character and significance. Detailed designs for this area should be restrained in order to preserve nuance and idiosyncrasy. Detailed design proposals should not be 'sanitised' or sterilise the bucolic characteristics of the homestead precinct. General sightlines and visual connections to the broader landscape context are essential to retain the meaning of this space. For approval by the HWC as a fulfilment of a Section 38 decision.
4. The Draft Precinct Plan proposals relating to the homestead core are not sufficiently detailed to ensure that these proposals are implemented (or even feasible). A Conservation Management Plan, detailed design, use, tenanting and sustainable funding of this precinct should be resolved to the satisfaction of HWC. It is accepted this may take a considerable length of time. However, in order to ensure sustained commitment to the project, a progress report should be submitted to HWC every 6 months from the point of time when the first parcel of land in the Precinct being released for redevelopment, or at intervals thereafter jointly determined by HWC and the owner. Whilst public access is required to the memorialisation component, there is no reason why a more sustainable use (such as an office headquarters, or similar) could not be considered. The heritage indicators included in this report must be fulfilled prior to approval of the CMP and SDP for the site. For approval by the HWC as a fulfilment of a Section 38 decision.
5. Building plans for the Homestead will require a Section 34 application for approval by HWC which should include an assessment of the detailed alterations and additions against the principles established at SDP level and including any additional relevant heritage related analysis (such as fabric analysis) and assessment. A Section 35 application will also be required for Archaeological monitoring and/or fabric investigations.
6. All sites for memorialisation should consider details for implementation at SDP stage, developed to the satisfaction of HWC and as appropriate to that stage of design development.

(P 178 HIA)

An additional diagram (Figure 19) provided by the planning team in response is included in Section 5 below and the revised HIA. These revisions are considered adequate response to the Committee's concerns.

5. FURTHER DESIGN REVISIONS & ADDITIONAL ILLUSTRATIONS

5.1 Process revisions

From a planning approval process perspective, the redevelopment of Oude Molen will follow the "package of plans" process as provided for in terms of item 136 of the City of Cape Town Development Management Scheme (DMS), which states the following:

The general purpose of a package of plans is to provide for a mechanism to plan and manage the development of large or strategic urban development areas. It is a phased process of negotiation, planning and approvals, whereby increasing levels of planning detail are approved together with conditions for such approvals.

The requirement to follow the package of plans process for the Oude Molen Precinct (OMP) arises due to the large scale of the site, being 13ha in extent, and its proposed rezoning to Subdivisional Area.

A package of plans consists of the following components that are listed in a hierarchy from higher-order to lower-order plans. The lower-order plans must be in compliance with the higher-order plans. The hierarchy of components as set out in the DMS is listed in the table below, left-hand column, including the level of detail required of each, and the specifics with respect to the OMP are explained alongside:

'PACKAGE OF PLANS' HIERARCHY	'PACKAGE OR PLANS' FOR OMP
<p>Contextual Framework</p> <p>A Contextual framework lays down broad land use policy for the development and the surrounding area. It may include principles or heads of agreement summarising the general obligations of the City and the developer in relation to the development. The contextual framework may be prepared by the City, or by a land owner or development agency under supervision of the City, and may not be in conflict with a spatial development framework or structure plan approved by the City.</p>	<p>With respect to the OMP, the Two Rivers Local Spatial Development Framework serves as the Contextual Framework for the site. The Two Rivers LSDF has been the subject of a thorough visioning and planning exercise and extensive public participation, culminating in its formal approval as a policy document in 2023. This document provides detailed guidance as to the future spatial development of the OMP.</p>
<p>Development Framework</p> <p>A development framework identifies overall policy, broad goals, and principles for development within the development. The development framework identifies the range of uses, general spatial distribution of uses, major transport and pedestrian linkages, infrastructure and any limits within the development, including but not limited to density and floor space.</p>	<p>The current LUM application that has been submitted to the City of Cape Town seeks approval for a development framework for the OMP, together with a basket of rights for the site, a maximum developable floor space for the site, and rezoning to Subdivisional Area. The development framework illustrates the proposed distribution of land uses and maximum permissible heights across the site. The development framework is broadly in alignment with the Two Rivers LSDF as required in terms of the package of plans process.</p> <p>The approval of the development framework will be conditioned to require the submission of a series of documents together with the Precinct Plans which follow, setting out the development intention for the site in greater detail, including but not limited to an Urban Design Framework, Transport Master Plan, Landscape Master Plan, etc.</p>
<p>Precinct Plans</p> <p>Precinct plans apply to specific areas within the development framework that have common features, functional relationships or phasing requirements. There may be several precinct plans that make up a</p>	<p>Once the Development Framework is approved, the next step down in the hierarchy is the submission of Precinct Plans. The OMP is likely to comprise two or three precincts, whose boundaries will be determined</p>

<p>development. A precinct plan describes in more detail the development objectives and intentions for a specific area in the development, as well as principles for urban form, land use, pedestrian links, traffic movement, floor space and environmental management.</p>	<p>prior to submission of those precinct plans. The precinct plan submissions will be accompanied by a series of overarching documents which set out the design aspects of the development in greater detail including an Urban Design Framework, Transport Master Plan, Landscape Master Plan, etc. and more detailed TIAs and civil services reports.</p>
<p>Subdivision Plans Subdivision plans, if required, are processed in terms of this By-law to establish new cadastral boundaries and to facilitate the transfer of land units. Subdivision plans may be approved at any stage after the development framework has been approved.</p>	<p>In the case of the development of the OMP, it is likely that subdivision plans will be submitted together with Site Development Plans. The subdivision of the individual development portions will vest the specific zoning applicable to that portion in respect of the Subdivisional Area zone, while the SDP will provide the level of detail required to inform the subdivision and the detailed nature of the development itself.</p>
<p>Site Development Plans for one or more land units within a development. These provisions may include, but are not limited to, details relating to land use, floor space, building lines, height, parking requirements, municipal services and landscaping, as well as details relating to the position and appearance of buildings, open space, pedestrian links and traffic movement.</p>	<p>Site Development Plans will be submitted for each development portion within the OMP. These SDPs will be required to be in accordance with the approved Precinct Plans for the site, as well as any further overarching documents, including detailed TIAs, Landscaping Masterplans, Urban Design Framework, etc. The SDPs will be accompanied by Landscaping Plans for each development site.</p>
<p>Building Plans Building plans contain detailed specifications as required by the National Building Act, and once approved by the City, authorise building work to be performed.</p>	<p>Building plans submitted for development on the OMP will be in accordance with approved SDPs and Landscaping Plans.</p>

It is to be noted that the current LUM application is in the process of being revised in response to requests from internal City departments for additional information. Part of this revision involves an amendment of the application to seek approval for a **Development Framework** with a basket of rights, rather than a more detailed Precinct Plan as was originally the intention. This will allow the developer who will actually deliver the development in due course to determine the necessary detail to seek approval for subsequent plans in the hierarchy as allowed for in the package of plans process in terms of the DMS. Subsequent Precinct Plan and SDP submissions will determine how the basket of rights is distributed physically across the site subject to detailed design. The basket of rights therefore represents a maximum development quantum, the broad distribution of land uses and maximum heights across the site, and is thus not affected by changes in the plan for which approval is sought from HWC.

**OUDE MOLEN PRECINCT
DEVELOPMENT FRAMEWORK**

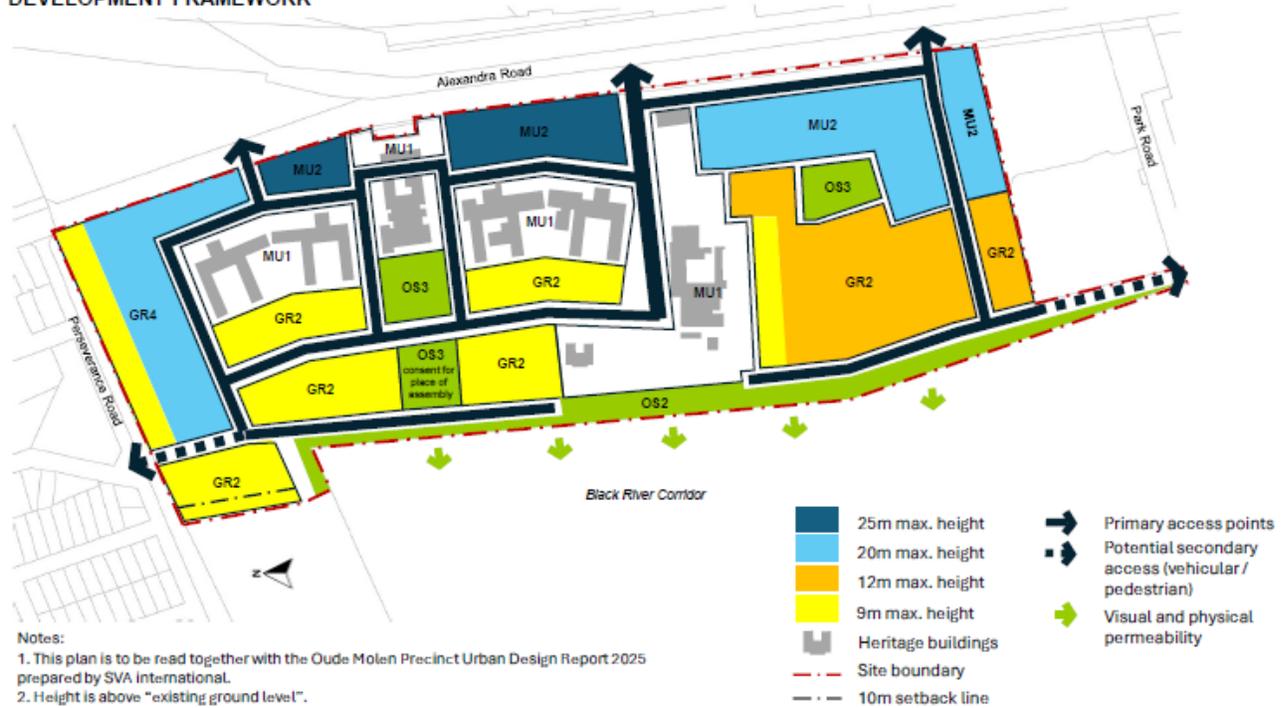


Figure 18: Proposed Oude Molen Development Framework

Although it does not yet meet the detailed requirements the CCT has for the submission of a Precinct Plan, substantial and iterative work has gone into the draft Precinct Plan and urban design guidelines to date, for the purpose of the NHRA submission and responding to the heritage considerations. The impact assessment has required this level of detail in order to conclude this phase of the heritage process. They remain valid and is considered essential to be retained as a baseline guideline for the finalisation of the Precinct Plan for LUMS submission.

It is therefore proposed that HWC approve the Development Framework to be read with the Draft Precinct Plan and Urban Design Guidelines (UDG). Once the Precinct Plan (or Precinct Plans, if more than one) is ready for submission to CCT, it should be submitted to HWC for confirmation that it is, in all heritage related aspects, substantially in accordance with the approved draft Precinct Plan and UDG.

The rezoning to Subdivisional Area to allow for a number of zonings (including MU2, OS2 and TR2) will only become vested upon detailed subdivision of the development parcels, public open space and public road portions that make up the OMP site. These subsequent subdivision applications will be accompanied by detailed Site Development Plans and Landscaping Plan as, following Precinct Plan approval, the next level of detail in the "package of plans" process. The same will apply to the historic buildings that will be retained for future use within the OMP. Their zoning will only vest once the parcels upon which they are located are subdivided, which applications will include Site Development Plans / Landscaping Plans submitted for approval. The plan to follow is an indication of how the parcels within the OMP could possibly be subdivided in future.

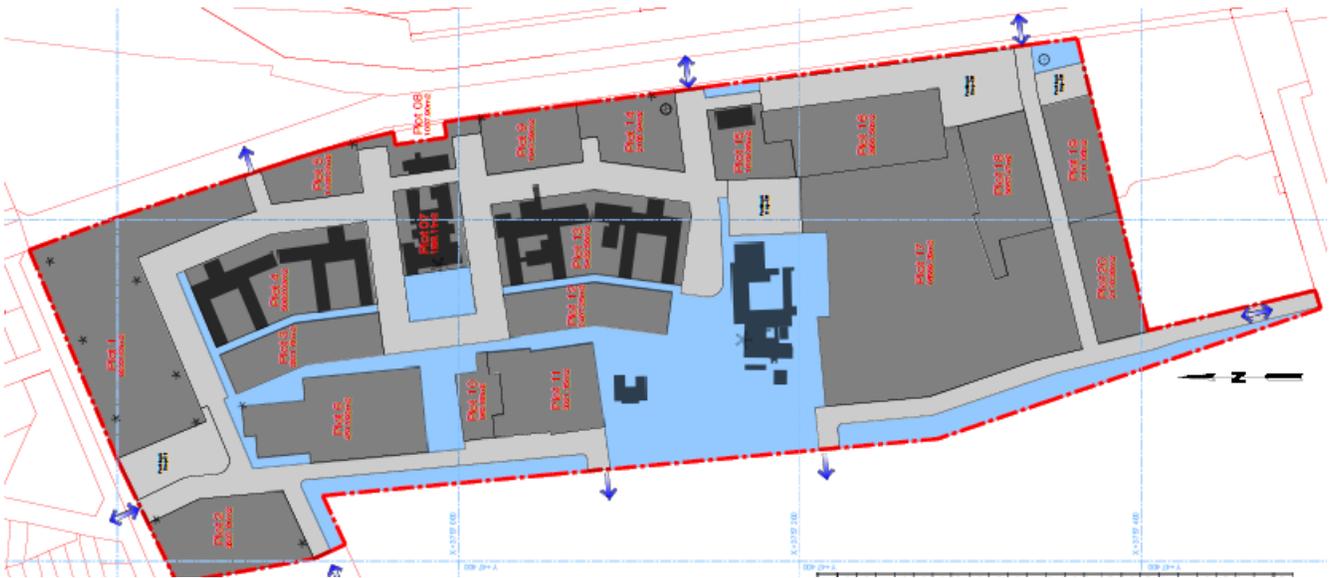


Figure 19: Preferred Alternative: Development Parcels

5.2 Design revisions

Design revisions have been made to accommodate the concerns expressed by IACom. These will be articulated and illustrated below. However a correction is made to the comments by IACom in respect of a perimeter fence/gated-in development. The proposals put before Committee did not include any boundary fencing. Further, it is noted that the entire property is in fact currently fenced, as the photographs that follow, confirm.





(Google Earth)



(Google Earth)

It is noted that the basket of rights remains essentially the same.

Dwelling units:	1 364
Residential GLA:	79 167m ²
Commercial (office) GLA:	18 981m ²
Retail GLA:	4 159 m ²

A number of changes were made to the initial preferred alternative (4a) as a result of public comments made. The then preferred alternative Draft Precinct **Alternative 4b**, as assessed by IACom included the following amendments:

- 1) The scale of the buildings at the interface with Maitland Garden Village were detailed more; the buildings have been pulled back, and down by 6m; and a double row of trees planted along the road.
- 2) Some of the proposed residential buildings around the yellow/Superintendent's cottage in proximity to the homestead were removed to increase the curtilage and also allow more open space on the eastern side
- 3) Some of the residential blocks on the south side of the homestead were removed to allow for a more extensive open space curtilage and possibly additional productive space.
- 4) The number of residential units in the F wards was reduced and a school included.

- 5) The landscape plan was amended to respond to the design changes and the landscape principles amended in terms of how the trees were evaluated.
- 6) More clarity was provided as to what is assumed to be used for community/interpretive purposes.

The design team determined not to make changes to the residential proposals for the western edge of the F Ward courtyards. In their view the courtyards are the back spaces to the F Wards, the front yards will be clearly reinstated, and the back-to-back condition with the proposed units separated by a pedestrian space. The existing and new buildings are similar in scale.

The final Preferred alternative **4c** is a further revision of Alternative 4 in response to the further requirements of HWC. A summary of the revisions include as follows:

Homestead Precinct and Curtilage

The revised Landscape Plan enlarges the open garden south and east of the Homestead, establishing a broad curtilage that reinstates its prominence as the visual and symbolic heart of the precinct .

- The “Food Garden” and “Parklet” bands have been pulled back, introducing breathing space around the Homestead.
- The adjacent educational plots now respect this setback, preventing encroachment on the heritage setting
- The “Interpretation Centre” has been removed.

Scale Transitions and Massing Adjustments

The Building Height Plan proposed the following gradation:

- 9 m closest to the Homestead, Maitland Garden Village and the TRUP edge;
- stepping up to 15 m in mid-block parcels; and
- 25 m reserved for the commercial/urban frontages near Alexandra Road

Edge Interface with Maitland Garden Village (MGV)

- A 10 m landscape setback and dual tree rows along the shared boundary;
- Reduced building footprints on Plots 17–20 with lower height bands at the interface (9 m);
- Walk-up typologies replacing taller blocks adjacent to the MGV boundary.
- The height of future buildings directly along this edge have been lowered to a maximum 9m.

Landscape Plan

- Existing trees were re-evaluated in terms of locations associated with roads and buildings. All trees per category to be retained are shown and all tree to be removed are shown.
- Bio Detention Pond was added in central “park” area Bioswale, informal path, veld grass landscaping with scattered trees was added along the western boundary
- Interface with Maitland was softened with a liner park with path and dense tree planting.
- Vehicular entrance to the site was stringed with boulevard trees
- Manor House landscaping has been adjusted both in front and to the back towards western boundary to include more food garden space in a formal design approach.

Western Interface and Floodplain Transition

The Landscape Concept Plan linked to the Draft Precinct Plan confirms a porous western edge, now articulated with a braided pedestrian/cycle path and habitat-friendly planting rather than a rigid fence line. The earlier hard edge has been softened through bermed landscape forms and shaded parklets.

The re-designed landscape optimises the green landscaped public promenade along this boundary. The public street along this boundary could give public access to the Black River Park and its amenities. This promenade is to be designed as a multi-use pedestrian friendly and slow-movement street.

Public Realm Structure

The POS and Circulation plans, components of the Draft Precinct Plan, now show a continuous public space network connecting the Homestead forecourt, food gardens, and parklets to the Black River Park edge

- The internal lanes are clearly pedestrian-priority, maintaining a human-scaled grain compatible with the heritage environment.
- The Forecourt, Public Park, and Cultural Place areas reinforce a visual hierarchy of civic space that references the original institutional landscape pattern.

Plot Consolidation and Building Uses

According to the Building Use and Plots drawings of the Draft Precinct Plan:

- Cultural, educational, and public functions are concentrated around the Homestead and forecourt (Plots 7–10), reinforcing heritage-based civic anchors.
- Mixed-use (retail below residential) occurs along the main internal street and toward Alexandra Road, away from the core heritage fabric
- The backs of buildings face onto the backs of other buildings on the same street block, creating semi-private courtyards and play areas, and that active frontages of buildings face onto public streets and public open spaces.

Additional graphic information has provided further clarification, particularly the Sections. This is provided in detail in Section 13 of the updated HIA.



Figure 20: Consolidated draft Precinct Plan Final Preferred Alternative 4c



Figure 21: Draft Precinct Landscape Plan

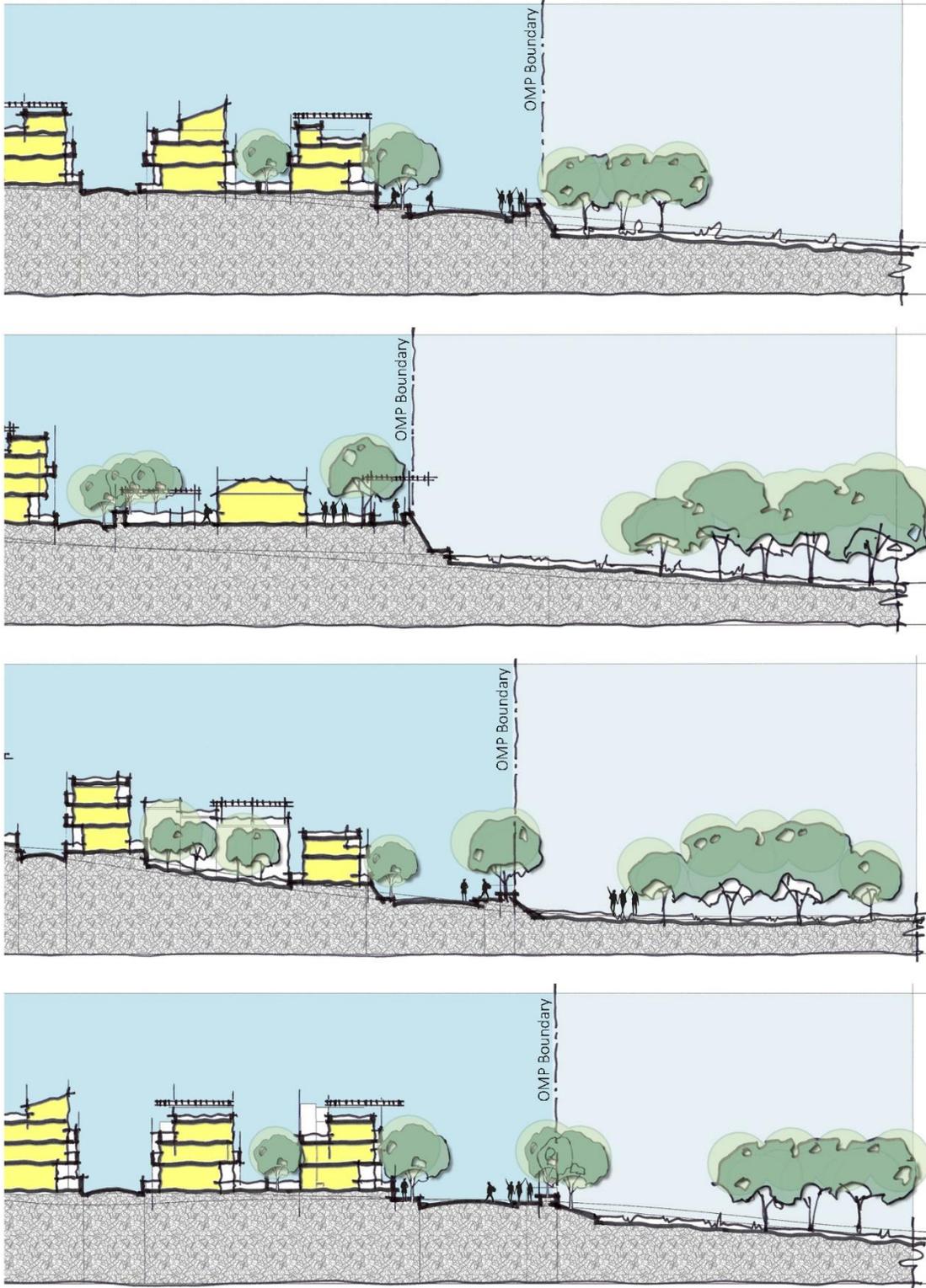


Figure 22: Typical park edge conditions



Figure 23: The primary public places of the new OMP



Figure 24: Homestead precinct



Figure 25: Hierarchy of green spaces and links to adjacent public green open space



Figure 26: 3D model and land uses

5.3 Clarification

It appears there may be some confusion and concern stemming from the current Homestead works and its future within the bigger planning process that DOI is undertaking.

1. **Homestead works** (Homestead building only)
 - This workstream is an emergency works plan to **safeguard** the building from further dilapidation (roof and wall collapses and leaks).
 - It is to ensure that the structure/building is stable (it was a health and safety risk and structurally unsound), walls are structurally sound, roof secured and leak proof.
 - The future use and users are not included in this workstream nor in the development plan / enablement projects as this will require extensive stakeholder engagement and detailed planning and designs.
 - The works are limited to the building footprint, while the significance of the building and its potential future within the bigger development plans are included in the enablement / development plan process – holistically and integrated.
 - The WCG Economic Hub – enablement project lead has agreed with General Infrastructure (Homestead emergency works project lead) that the main goal is to safeguard the building, including agreement with the custodian/property management that no new leases will be entered into until the development rights have been secured.
2. **Enablement/Development Framework plan** (bigger site)
 - As per the HIA, the Homestead has been identified as a 'heritage core' and has always been included in the development plan as a main heritage feature.
 - The building and potential future use(s) have been considered as part of the development plan, including linkages to the *Tussen die Riviere* Resistance and Liberation Route Project (DCAS) and proposed to be integrated with the bigger development, recommending setbacks and design measures to be adhered to, to protect this resource.
 - This workstream includes archaeological trial excavations to further define the no-go zone parameters around the Homestead and potentially establish the existence and define the extent of remnants (if found) of the old mill (all included in detail in the HIA and AIA). This will be activated only when there is a decision from HWC and the outcomes will be recorded for future detailed development to consider.
 - The primary objective of this stage of the project is to secure a basket of development rights to enable future development based on the Development Framework and development guidelines prepared. Detailed planning based this will follow, in line with the conditions of approval of the land use application and aligned to HWC's decision in respect of heritage indicators.

6. ASSESSMENT OF DESIGN RESPONSE TO HERITAGE (AND VISUAL) INDICATORS

6.1 Response to LUMS process

The revision of the LUMS submission for a Development Framework approval at this stage is a pragmatic response to the level of detail required by the CoCT at each stage of the package of plans process. The Development Framework has been derived from the draft Precinct Plan. Given the significance of the draft Precinct Plan and UDG to the heritage assessment process, it is considered important that HWC also supports these documents as principle guidelines for the development of the final precinct Plan, and that this be confirmed with HWC at the appropriate time.

6.2 Further design response to HWC concerns

The spatial design revisions made since the previous HIA submission are assessed to confirm how the current proposal Alternative 4c responds to the heritage (and visual) indicators and addresses concerns

raised by HWC/IACom regarding massing, scale, edge treatment, and the relationship between the new development and the historic core of Oude Molen.

Homestead Precinct and Curtilage

The revised Landscape Plan clearly enlarges the open garden south and east of the Homestead, establishing a broad curtilage that reinstates its prominence as the visual and symbolic heart of the precinct.

- The “Food Garden” and “Parklet” bands have been pulled back, introducing breathing space around the Homestead.
- The adjacent plots now respect this setback, preventing encroachment on the heritage setting
- This adjustment resolves IACom’s earlier concern regarding “urbanisation pressure” on the Homestead and restores a sense of forecourt and open sky.

Scale Transitions and Massing Adjustments

The Building Height Plan demonstrates a coherent graduation:

- 9 m closest to the Homestead, Maitland Garden Village and the TRUP edge;
- stepping up to 15 m in mid-block parcels; and
- 25 m reserved for the commercial/urban frontages near Alexandra Road

This hierarchy softens visual impact on sensitive edges while maintaining sufficient bulk for the mixed-use programme.

Edge Interface with Maitland Garden Village (MGV)

Revisions dated 16 January 2025 and 18 September 2025 introduce:

- A 10 m landscape setback and dual tree rows along the shared boundary;
- Reduced building footprints on Plots 17–20 with lower height bands of 9m maximum.
- Walk-up typologies replacing taller blocks adjacent to the MGV boundary.

These changes reduce perceived bulk and enhance permeability between the precinct and the neighbourhood.

Western Interface and Floodplain Transition

The Landscape Plan confirms a porous western edge, now articulated with a braided pedestrian/cycle path and habitat-friendly planting rather than a rigid fence line.

The earlier hard edge has been softened through bermed landscape forms and shaded parklets, creating an integrated visual transition to the TRUP floodplain.

Public Realm Structure

The POS and Circulation plans now show a continuous public space network connecting the Homestead forecourt, food gardens, and parklets to the Black River Park edge

- The internal lanes are clearly pedestrian-priority, maintaining a human-scaled grain compatible with the heritage environment.
- The Forecourt, Public Park, and Cultural Place areas reinforce a visual hierarchy of civic space that references the original institutional landscape pattern.

Plot Consolidation and Building Uses

According to the Building Use and Plots drawings:

- Cultural, educational, and public functions are concentrated around the Homestead and forecourt (Plots 7–10), reinforcing heritage-based civic anchors.
- Mixed-use (retail below residential) occurs along the main internal street and toward Alexandra Road, away from the core heritage fabric

This locational clarity strengthens visual legibility and curtails incompatible intensification near the heritage core.

Heritage and Visual Impact Synthesis

Heritage / VIA Issue	Revised Design Response	Visual Impact Outcome
Encroachment on Homestead curtilage	Expanded garden/forecourt; reduced adjacent plot intensity	Re-establishes landmark prominence and spatial hierarchy
Over-scaled built form near MGV	Lower height band, landscape setback, finer grain typology	Moderates skyline; improves compatibility
Hard western edge to TRUP floodplain	Braided paths, bermed transitions, continuous tree planting	Increases permeability and reduces engineered appearance
Disconnected public realm	Linked open space corridors and forecourts	Strengthens continuity of civic landscape
Monotony of massing	Graduated height zones; varied plot depths	Improves visual rhythm and breaks up bulk

6.3 Conclusion

The revisions to the draft Precinct Plan and UDG dated October 2025 represent a demonstrable and more contextually and landscape responsive development structure, addressing the heritage (and visual) indicators as well as HWC/IACom concerns. The expanded homestead curtilage, moderated building heights, and permeable edge interfaces collectively reinforce the heritage and visual integrity of the site within its context while achieving functional urban integration. These adjustments evidence commitment to design evolution through heritage dialogue and iterative refinement.

The redevelopment of Oude Molen presents a transformative opportunity to unlock the area's economic potential, create substantial socio-economic benefits, while preserving and expanding upon its significant cultural heritage.

Given the site's strategic location in the broader metropolitan area, together with the social and heritage imperatives for the site to play a significant role with respect to spatial justice and redress, it is proposed that a third of the residential opportunities provided on site be affordable housing (i.e. Social Housing and FHF/FLISP). Given the increasing limitations with respect to grant availability, it is necessary for the commercial and market residential land uses to cross-subsidise the affordable component, which requires a level of intensity of land use as demonstrated in the Draft Precinct Plan (Figure 18). Significant cross-subsidisation will also be required in order to provide for the restoration, ongoing maintenance and memorialisation of the heritage resources related to the site.

The draft Precinct Plan has adequately achieved an appropriate balance between responding sensitively to the identified heritage indicators while ensuring that the development opportunity is optimised so as to allow for meaningful redress through the provision of affordable housing within a high quality integrated development, the repurposing of the F-shaped wards and the restoration of the Homestead precinct, including expansion of its expression of intangible heritage of the site as a whole and in relation to the Two Rivers area.

Given the significance of the draft Precinct Plan and UDG to the heritage assessment process, it is considered important that HWC also support these documents as principle guidelines for the development of the final precinct Plan, and that this be confirmed with HWC at the appropriate time.

It is therefore proposed that HWC support the Development Framework to be read with the Draft Precinct Plan and Urban Design Guidelines (UDG). Once the Precinct Plan is ready for submission to CCT, it should be submitted to HWC for confirmation that it is, in all heritage related aspects, substantially in accordance with the approved draft Precinct Plan and UDG.

7. ADVERTISING

The revised HIA is to be advertised to all Interested and Affected Parties including All First Nation Groups identified in River Club HIA process.

Whilst the requirement for an additional commenting period following a Response to the Further Requirements is supported (the outcome will be further detailed below), there is some concern that by implication the HIA was not advertised to First Nations groups, or that they should be foregrounded as I&APs. As was noted by the Project Team in the IACom meeting, in Section 18 of the HIA (particularly p180 – 181) and in the very comprehensive Annexure J to the HIA, consultation has been extensive. The original stakeholder engagement list was developed on the basis of the I&AP list developed in the lengthy Two Rivers Local Spatial Development process, which overlapped with the separate River Club HIA process and for which there was a significant overlap in interested and affected parties, including First Nations Groupings.

A preliminary series of workshops with groups of key I&APs were held in May 2021, including First Nations grouping, to which all identified groups were invited (but many did not attend). As the HIA Comments and Responses report notes (Annexure J), given the delay between the Preliminary Phase of public participation and the initiation of the NHRA legislated public participation, early in 2024, the Applicant issued a fresh call for I&APs to register. Clear information on the project and the statutory process was made publicly available on the Applicant's project webpage, and all previously registered I&APs were notified of this in all communications. The notice was published in the Cape Times, Die Burger, Vukani, the Southern Suburbs Tatler and the People's Post (Woodstock/Maitland). The notice was posted on all site boundaries of the Oude Molen Precinct. Hard copies of the notices were also placed on notice board at the Pinelands Library and at Sub-Council 15 Offices. Per the requirements of HWC, proof of these were included in Annexure J of the HIA.

An updated list of I&APs was developed on the basis of registration requests received in response to the notice, as well as requests from stakeholders on the list from the Preliminary Phase, to update or confirm their details. This list was used to invite registered I&APs to comment on the draft HIA, and to attend an Open House event. It was also used to inform I&APs of the date of submission of the HIA to HWC. The list of I&APs was updated on an ongoing basis, as needed. By February 2025, the list contained 313 email addresses.

It should be noted that the original list of River Club First Nation groupings has in any event changed in the intervening period. There were at least 31 identified First Nation I&APs on the list of Oude Molen registered I&APs and there may have been others who registered as individuals. Only one First Nation grouping commented on the HIA, being the Goringhaicona Kingdom Council (and Oude Molen tenant). The Gorinhaiqua Cultural Council gave verbal comment at the Open Day where they confirmed their support for the recommendations of the SIA and HIA, subject to the conditions already proposed.

7.1 Further requirements participation process

HWC, in an email dated 30 July 2025, confirmed that advertising again in the newspapers; at libraries; and at Sub-Council 15 Offices would not be necessary, but that requests for comment be circulated to those on the I&AP list and an on site notice be provided.

Accordingly, this Response to the HWC Further Requirements report and updated HIA was advertised to said I&AP list in full, which list was extended by a further 40 contacts before and during the current process, bringing the total list of I&APs to 353. The documents were made publicly available on the Applicant's project webpage. Three on-site notices were placed: at the boundary with Maitland Garden Village, the main entrance to the Oude Molen village; and on the boundary fence in front of the swimming pool area. By the end of the advertising process, one on-site notice remained, at the entrance where presumably the security presence deterred vandalism. The redacted I&AP list, and proof of on site adverts are provided in Annexure K to the revised HIA.

7.2 Comments

A total of 88 individuals or organisations provided comment, in 112 responses (the latter included attachments and additional emails from the same individuals or organisations and have been grouped accordingly). A redacted list of those who responded is included in Annexure K to the revised HIA.

With the exception of responses provided by SAHRA (late comment), representatives of the Zulu Monarch, who also undertook a site visit; and representatives of Maitland Garden Village Residents Association, comments were universally objections. By a substantial majority, the greatest proportion of comments were made by tenants and current users of the Oude Molen Eco-village in favour of retention of the current uses.

A meeting was held between the Applicant and their DCAS colleagues from the Resistance and Liberation Heritage Route project (RLHR). The conceptual site-specific RLHR project proposals for OMP were outlined and it was agreed to place the RLHR implementation and further stakeholder engagements on hold until OMP Development Framework and development rights have been through the relevant legislative processes. They were further given notice of the opportunity to formally comment as part of this Further Responses advertising process, but have not done so.

In respect of HWC Registered Conservation Bodies, the Observatory Civic Association provided comment; the Pinelands Ratepayers & Residents Association did not. No Councillors provided comment. SAHRA and The City of Cape Town Environment and Heritage Management (CCT E&HM) provided comment.

All comments are included in full in [Annexure K](#). All comments have been read. Responses to the comments have been prepared, but given the volume and extent of repetition across responses, it is not possible to effectively respond individually to each comment made. Instead, this report draws on a summary of the comments that are seen to be representative of the many views expressed and a consolidated response is provided. It is requested that the Committee read these comments in full. The HIA has been updated accordingly.

Comments have been clustered and a consolidated summary¹⁸ formulated as follows:

¹⁸ With the part assistance of ChatGPT

OBJECTIONS

1. Objection to the Proposed Development

Across almost all submissions, there is clear opposition to the proposed redevelopment in its current form. Respondents argue that the scale, density, and intensity of development would cause irreversible harm to the site's heritage, environment, and community life, and the project should be halted, rejected, or fundamentally re-envisioned in consultation with the tenant community and other I&APs.

2. Procedural and Public Participation Failures

Concerns are raised about:

- Inadequate access to information and missing or unclear documentation
 - Short comment periods over the holiday season
 - Inadequate notification and engagement with affected communities
 - A perception that the development outcome was predetermined
 - Definition of heritage related objections
 - The HIA ignores the fact that the site is currently part of the area under consideration by SAHRA for Grade I status
-

3. Oude Molen as a Living Cultural Landscape

A central and recurring argument is that Oude Molen is not vacant or underutilised land, but a living cultural landscape, where heritage resides in:

- Open space, agricultural land, gardens, animals, and rivers
- Long-standing community use, stewardship, and daily practices
- Education, healing, farming, equestrian activities, care work, and small enterprises

Heritage is described as place-based and relational, not limited to historic buildings.

4. Failure to Properly Assess Living and Intangible Heritage

The Revised HIA is criticised for:

- Narrowly defining heritage in ways that exclude current communities and practices
 - Failing to assess intangible heritage such as social practices, Indigenous knowledge, education, therapy, and human–nature relationships
 - Ignoring UNESCO principles and South Africa's obligations under the NHRA regarding living and social heritage
 - heritage cannot be relocated or "offset" without being destroyed.
-

5. Failure to view TRUP as an Integrated Cultural Landscape

Oude Molen forms part of a multi-layered cultural and environmental landscape of national significance that includes Valkenberg, Maitland Garden Village, the Liesbeeck River, Hartleyvale and First Nations cultural routes. Assessing the site in isolation fragments this landscape and diminishes its meaning. The Revised HIA fails to adequately engage with these interconnections

6. Indigenous Heritage and Custodianship Ignored

Submissions from Indigenous representatives emphasise:

- The site's deep First Nation significance (Khoi / Khoisan ancestry)
- Rivers, wetlands, grazing land, ritual sites, and possible burial grounds as part of a continuous ancestral landscape
- Lack of free, prior and informed consent
- Ongoing colonial patterns of dispossession reproduced through redevelopment
- Recognition of the Goringhaicona Traditional Khoena Royal Kingdom as sole custodians of the site

This is framed as a failure of both heritage law and restorative justice.

7. Overdevelopment, Density, and Loss of Open Space

A significant concern is that the proposed density, height, and urban form are incompatible with:

- The site's semi-rural, low-intensity character
- Its heritage setting and sense of place
- Surrounding neighbourhoods and ecological systems
- Preserve key zones: stables and paddocks, equestrian routes, open fields; riverine zones and wetlands; communal healing and ceremony spaces; agro-ecology plots as non-negotiable heritage zones.
- If social housing and mixed-use are proposed, these should be sensitively designed with low-impact, ecologically sustainable footprints respecting open spaces, heritage zones and community practices. Clarification is also sought whether social housing is earmarked for the Eco-Village area or the area next to Pinelands Station outside of the Eco-Village. This will have important implications for continued displacement and spatial apartheid. Social housing in this location is a source of concern for many.

Respondents stress that open land itself is a heritage resource, not "residual space" for densification.

8. Environmental and Ecological Harm

Many submissions highlight that Oude Molen is:

- A critical urban green lung
- Part of the Two Rivers Urban Park and river-wetland system
- Habitat for protected and endangered species (including Western Leopard Toad)

The HIA is criticised for:

- Underestimating ecological sensitivity
 - Ignoring cumulative impacts
 - Proceeding without an integrated Environmental Impact Assessment
-

9. Social, Community, and Mental Health Impacts

The precinct is described as a functioning social ecosystem supporting:

- Schools, care facilities, therapy programmes, gardens, stables, NGOs, and micro-enterprises
- Mental health, education, youth development, and intergenerational learning

Redevelopment is seen as leading to displacement, loss of livelihoods, and erosion of social cohesion, particularly affecting vulnerable groups.

10. Failure to Consider Alternatives

Submissions consistently note that:

- Only one development scenario was meaningfully assessed
- Lower-density, conservation-led, or community-based alternatives were not properly explored
- Earlier studies recommending low-intensity, park-like development were ignored

This is argued to be non-compliant with NHRA requirements. HIA should be strengthened through the inclusion of clear, comparative alternatives, such as:

- i. At least two or three distinct height and massing transition models.
 - ii. Alternative spatial layouts that protect key sightlines, courtyards and movement patterns.
 - iii. A heritage-led development option that explicitly retains and evolves the village-like cluster structure.
-

11. CCT E&HM considerations

- The proposed development allows for mixed use development which includes 1364 housing opportunities of which 34% are inclusionary units (Social and First Home Finance & Subsidy Assistance - apartments and row houses); approximately 18 981m² GLA offices ; 3 379m² GLA retail and an Interpretive Centre of approximately 788m² GLA. The above figures are as per the initial preferred development proposal – no updated figures have been provided as a result of the final revised Consolidated Precinct Plan (Alternative 4C) and it is not clear to what extent the reduced heights and layout changes have resulted in decreased bulk, if at all.

- This plan should be accurate and comprehensive enough both to inform the assessment of the proposal and to ensure that the correct approvals guide more detailed later submissions. An updated Precinct Plan is therefore required, consisting of the following information:
 - 1) Graphic differentiation between existing (retained) and new buildings;
 - 2) An accurate and clear differentiation between (a) existing trees to be retained and (b) new trees. The existing colour-coded 'tree legend' is misleading as it indicates existing trees within potential built footprints. The inclusion of a tree legend of which only some information is shown does not make sense.
 - 3) Indication of public / landscaped open areas and private (restricted) areas;
 - 4) Existing building height or a maximum height for the various building envelopes as proposed (consistently indicated as meters above existing ground level or similar);
 - 5) Unrestricted public access and semi-public access in terms of pedestrian circulation routes.
 - 6) A legend should be included denoting all of the above.
- The HIA states that the height of future buildings directly along the MGV edge have been lowered to a maximum of two storeys. The Precinct Plan however indicates this area as 'Max 2 to 3 Storeys/12m max'. Spatial provisions should be consistently indicated. The colour bands of the height map (Figure 163) are unclear with respect to the differentiation between the 25m and 20m categories. Again, this needs to be clear to ensure correct future approvals.
- E&HM's previous comment regarding the units edging the retained superintendent's house and the backdrop immediately adjacent to the homestead complex have been addressed to a degree. The following remains relevant:
 - The setting of the retained F-shaped wards could be improved by omitting the row of units immediately to its west. These units will create a negative 'back-of 'house' edge to the retained wards. Moreover, it represents a measure of insensitive infilling which also greatly impacts on existing mature trees and the sense of place currently associated with the central avenue.
 - The enlarged food garden to the rear of the Homestead has no positive/ active built edges facing onto it.
- Future detailed plans will not be able to address the loss of trees if the built footprint established in the Precinct Plan does not allow for this. If the identified trees for retention is an indicator, then the concept design should appropriately be informed by this at the earliest stage.

12. Recommendations to Authorities

Across the documents, stakeholders commonly request that authorities:

- Reject or set aside the Revised HIA
- Require new, independent heritage and environmental assessments (including living and cultural landscape studies)
- Formally recognise OMEVTA (and associated community practitioners) as a living heritage community granting them heritage-custody status, voice in decision making and rights to stewardship, access, spatial justice and protection.
- Formally recognise the Goringhaicona Traditional Khoena Royal Kingdom as custodians of the site.
- Protect Oude Molen as a public-benefit, low-density cultural–natural landscape.
- Reopen a transparent, inclusive participation process. development and living heritage can co-exist but only if community-led heritage stewardship, participatory design and inter-generational continuity are prioritised.
- Ensure that heritage meaningfully shapes development, rather than being subordinated to it

Overall Position

Taken together, the submissions present a generally consistent position: The Revised HIA is procedurally flawed and substantively inadequate, and the proposed redevelopment would irreversibly damage a

rare living heritage landscape of high cultural, ecological, social, and historical value. Respondents urge a shift toward conservation-led, people-centred, and landscape-based planning for Oude Molen.

CONDITIONAL SUPPORT

Three letter of conditional support were received from

- SAHRA
- KwaZulu-Natal Co-operative Governance and Traditional Affairs (COGTA), on behalf of the Zulu Monarch, with the input of the KwaZulu-Natal Amafa and Research Institute which is the provincial heritage resources authority (PHRA) for KwaZulu Natal; and
- Maitland Garden Village Residents Association (MGVRA)

These comment are included more fully since they are the first substantive comments made by these I&APs

SAHRA *(late comment):*

- The revised Heritage Impact Assessment presents a more balanced and inclusive proposal, with reduced massing, improved recognition of primary heritage resources and their surrounds, preserved visual connections, softened edges, and measures to retain living heritage and cultural practices.
 - SAHRA further recommends the development of appropriate conservation and disaster risk planning documentation, together with interpretation signage to communicate the site's significance and strengthen linkages to the wider context, ensuring the safeguarding and meaningful appreciation of the identified resources.
-

COGTA:

- confirm that on 15 November 2021, a letter was submitted to the WC government from Prince Mangosuthu Buthelezi, Traditional Prime Minister to the Zulu Monarch and Nation, noting WC government interest in developing the Oude Molen precinct and declaring the importance of preserving the Zulu nation heritage through this process.
- The KZN Government, through its entity, the KZN Amafa and Research Institute, has already identified Isandlwana and other key sites associated with King Cetshwayo and the Anglo-Zulu War, as potential sites that are worthy of being considered as grade I in terms of section 24(1)(e) of the NHRA. It will be fitting if Oude Molen could be re-assessed to establish its true heritage significance to the nation.
- The Draft report and its annexures offer a deep and thorough insight into the historical use and significance of the site, and as a result note its layered history of heritage matters – in summary the First Nation use and events, the Zulu Nation link through the Zulu Monarch stay at the Homestead, and the use as a medical race based facility, Valkenberg.
- It appears that there is little documentation about the stay of the Zulu Monarch and in the development of the Memorial Nature of the site more research will be required to give a fuller picture of the King's time at the site.
- However, what may also require more emphasis is the Resistance Heritage aspect that the site offers. Without degrading the struggles and losses of the First Nation people in this area of the country, the holding of the Zulu Monarch at Oude Molen opens up the opportunity to expand the current narrative of resistance in the South African historiography.
- This would mean making much more explicit links between the OMP colonial period and the province of KZN and wider. This historical angle has not yet been adequately explored through this OMP assessment and it does offer the opportunity to create a much deeper and wider narrative about the enduring impact of colonialism on the shape of our current social, economic, and political framework. It offers opportunities to elevate more Heroes, make wider geographical links in South Africa to other Heritage routes and activities, and to links outside of South Africa with Britain, amongst others. This may then also impact the design as it may require that the public

facilities allow for a range of cultural activities, which have not necessarily been set out yet, as well as possible types of facilities for accommodation etc.

- We also acknowledge that the wider precinct has a multi layered history and would want to use this development process to explore relationships and engage in social cohesion activities that build relationships between many national and international parties towards nation building of the precinct and the key heritage sites.
- It is proposed that proposals for the mixed used development must clearly demonstrate heritage design indicators that explicitly show respect of the multi-layer history and the intangible heritage that the site present. If this is well articulated it will be in line with the broader government's strategic goals of social inclusion, reconciliation and non-racialism.
- As the report states though, much more consultation and engagement is required in the development of a Conservation Management Plan. It is not clear though if this is the relevant plan that can ensure building up a cohesive group of stakeholders that can support the long term development of the OMP. The Stakeholder identification and engagement plan for the CMP is critical and KZN stakeholders need to be included on a much more pro-active basis in the development of the CMP.
- The revised design of the site with regards the key heritage areas is acknowledged, in that it does widen the open space around the key heritage significant buildings, and also creates linkages and potential flow between these spaces. This is important as it allows for the undertaking of possible indoor and outdoor heritage commemoration activities within the precinct, that is in line with the government policy framework of memorialisation.
- It is suggested this may include a reconsideration of the immediate surrounding mixed use development, outside of the defined heritage public area, as it will need to support the actual heritage activity usages. E.g. accommodation for tourist, social activities and types of retail for tourists as well as encouraging the site to be an area of general day to day attraction. Ultimately, this approach would be offering a developer a more sustainable economic relationship between mixed use development and the Heritage uses.
- The draft report does acknowledge the excellent location of the site and its links to the wider area within the TRUP precinct. Lessons from the River Club project should be explored so that both the histories of the First Nations and Zulu Kingdom could be efficiently accommodated.
- A key consideration is whether the site is a simple heritage site for occasional interested tourists or if it is a site that should be marketed in the same realm as Robben Island, the Harbour etc. Currently the design, while still tentative seems to be more focussed on mixed residential types rather than on mixed retail/ economic use. The concern is whether this would detract or inhibit the opportunity for creating a space that visitors and residents may want to visit with or without a strong interest in the Heritage aspects. Due to its central and accessible location, along with the promotion of its Heritage importance, offers a higher end economic opportunity in the site which should not be impeded by its current approach to an Eco village concept.
- Conclusion:
 - KZN Government and His Majesty King Misuzulu ka Zwelithini be registered as Interested and Affected Parties.
 - Where a decision is to be made His Majesty King Misuzulu ka Zwelithini be notified in terms of section 10(2) of the NHRA.
 - The KZN Government requests to be engaged further during the restoration and the development of the heritage sites, as well as the wider related precinct development in its planning stages.
 - In this regard we confirm and support the recommendation for the development of the Conservation Management Plan, and that we be included as an active stakeholder.
 - Further engagements must happen between HWC, Amafa and SAHRA concerning the assessment of the homestead and its restoration, as well as the potential that it be graded as a National Heritage Site.

- Engagements should include actively facilitating the interprovincial cultural heritage promotion through the Cradle of Human Culture and the Resistance and Liberation Heritage Route that is being spearheaded by the National Heritage Council.
- The Precinct Conservation / Heritage plans should be linked to the life and journey of His Majesty King Cetshwayo incorporating events beyond the province of Western Cape, including International - from his palace at Ondini, the battle of Isandlwana, the destruction of Ondini, the Kings incarceration , the incident at Port Durnford where he boarded a boat to the Cape Colony and his movement from Castle to Oude Molen, his meeting with the British Prince's and his journey to Britain where he met the Queen.
- The development of a museum with archives and historical material to be explored.
- A fuller unpacking of the relevant heritage type activities that give rise to the heritage indicators of the site, with regards to the links to the Zulu monarchy and KZN history of colonialism, will also better inform the detailed designs and possibly even the TOR in the call for developers in and around the core sites.
- There is a need to identify in the earliest stages that any proposal in the area should highlight how it intends to commemorate the existing heritage resources and intangible heritage for posterity. The concept of a dedicated heritage institution within the precinct development should be deeply explored and possibly be made a prerequisite.
- Mixed use development needs to ensure it creates the OMP as a place to gather for a variety of social and economic uses, leveraging off the heritage vision, but also to enhance and enable sustainable use and maintenance of the Heritage aspects. As examples: development of Infrastructure with cultural, business and lifestyle activities to augment the Heritage sites (homestead and surrounds), including a possible cultural village as part of performing of specific rituals by the Royal Family and those entrusted with that responsibility; and development of accommodation facilities, including Lifestyle centre with restaurants, Curio shops, office space etc to support various economic type activities.
- We do look forward to an active and constructive working relationship and commit to support the Western Cape government to the sustainable development of this important Heritage site and wider precinct.

MGVRA

- The redevelopment of Oude Molen presents a unique opportunity not only to celebrate heritage but also to address long-standing housing needs in a way that embodies restorative justice
- Maitland Garden Village is historically significant as one of Cape Town's oldest planned working-class communities, with deep cultural and social roots.
- Its proximity to the TRUP and Oude Molen Precinct places it at the heart of current debates about spatial justice, heritage recognition, and inclusive development.
- The community continues to face challenges of overcrowding, limited housing stock, and generational displacement, which directly impact its ability to sustain its living heritage.
- Housing in MGVR is not only a socio-economic issue but also a heritage concern: the preservation of community identity depends on secure tenure and adequate living conditions.
- The NHRA's emphasis on intangible and living heritage underscores that safeguarding heritage must include protecting communities from forced displacement and ensuring continuity of cultural practices. Addressing housing shortages in MGVR aligns with the principles of Restorative Justice and Restitution, as highlighted in the HIA, by breaking spatial barriers of apartheid and integrating historically marginalised communities into viable, sustainable developments.
- Any development proposals for Oude Molen must explicitly consider the housing needs of MGVR residents, ensuring that interfaces between the precinct and the village are not exclusionary. Opportunities for incremental housing provision, social housing units, and cross-subsidised residential development should be explored as part of the Special Projects Directorate's mandate. Spatial integration should prioritise permeability between MGVR and the TRUP landscape, avoiding fenced-off developments that reinforce historical divisions.
- Conclusions

- Establish a joint planning forum with MGV residents, heritage practitioners, and government representatives to co-design housing solutions.
 - Prioritise affordable housing allocations within the Oude Molen Precinct development framework, with clear mechanisms for MGV residents to benefit.
 - Incorporate memorialisation and naming strategies that recognise MGV's heritage while addressing contemporary housing needs.
 - Ensure that housing interventions are sustainable, linked to public transport, green spaces, and community facilities, thereby reinforcing both heritage and quality of life.
-

7.3 Responses to Comments

The Oude Molen tenants and users are clearly the most impacted by the proposals; and are the primary objectors.

It is noted that many of the objections raised were also raised previously in the 2024 advertising process. These will, in the main, not be further responded to and reference should be made to Section 18 of the HIA and to the Comments and Response Report attached in Annexure J, dated March 2025.

1. Procedural and Public Participation Failures

A number of the concerns raised about missing or unclear documentation related to the initial advertising process, have been previously responded to in the HIA and discussed at IACOM and will not be dealt with further.

The commenting period followed standard process. The requests for an extension of time were considered and responded to as follows: *Most of the documents released for viewing and comment as part of the Revised HIA process have been part of the process and public domain since the release of the draft HIA, September 2024 and the Final HIA March 2025. We recommend that you consider the 'Response to HWC IACOM Further Requirements' document that provides responses to the IACOM request for further requirements and any changes that may have been made in the Revised HIA; the refined Precinct Plan, and Landscape Plan to aid the review of the information/reports by focusing on the main reports related to revisions to be commented on and for HWC IACOM consideration and decision. As such, the request for extension of time was not granted.*

The extent of public participation process has already been outlined in the HIA as part of the initial public participation process, the case argued and will not be dealt with further. On-going requests for co-design and more participation have also been responded to previously. To summarise: The request for co-design has also been an on-going request in this area. This was a process undertaken by the CCT in the very early processes associated with the TRUP Contextual Framework, but, to our knowledge, has never been repeated. Given the attractiveness of inner City urban land for a range of potentially competing interests, a key problem with a "co-design" process would be to reach agreement on which I&APs to include, and what weight to assign to each stakeholder in the process. Deadlock-breaking mechanisms would need to be agreed. The likelihood of a successful "co-design" process with consensus outcomes is questionable. Instead, it could well become an even lengthier, more expensive and potentially fruitless process.

The comments made by the tenants association and individuals have been premised on a number of fundamental statements that:

- "We are not merely tenants - we are custodians of living heritage to public land";
- That they "have been systematically excluded, dismissed or misrepresented in the revised HIA"; and that

- "Lease insecurity is repeatedly invoked in the Revised HIA to undermine the legitimacy of living heritage, yet it is never assessed as a heritage impact. Short-term leases generate cultural anxiety, operational instability and constant risk of displacement. They also create the perception of an inevitable redevelopment outcome, which in turn erodes heritage transmission. This condition is described as tenant anxiety, despite being material to the sustainability of living heritage."
- "In effect, the lease system itself becomes a threat to heritage continuity".

It should however be noted that the tenants of Oude Molen have long been aware of the process to consider development of the site and have been engaged with variously, directly and indirectly, individually and as a group. It is worth reiterating the initial HIA response to these issues:

Given the differing interests at play, particularly those of the site tenants, and those of the site custodian, the Western Cape Government, the latter which is required to be fiscally responsible, utilise its resources wisely and for the benefit of the broader community of Cape Town, it is unlikely that any process will achieve an equally satisfactory outcome for all.

The Department has been actively engaging with the tenants for many years on the conditions of their tenancy, and it has also been made clear, for some time, that the site will undergo a process to obtain development rights.

Regarding concerns about the future of the leaseholders, this HIA and Development Framework planning process is to secure development rights not to assign end users. The relevant lease agreement entered between DOI and legal tenants regulates the process regarding the current use of the site. The current process will not address implementation and end users; this is a separate process.

Nonetheless, given the extent of concern expressed by objectors in this regard, it is worth placing this issue in perspective.

Valkenberg Hospital began consolidation of its operations on the Valkenberg west campus in the early 1990's. After the Oude Molen site was vacated, the property was subject to land invasion and vandalization. This continued unabated during the late 1990's and early 2000's with many of the buildings on site being completely vandalised and some destroyed.

At the same time, people began to illegally occupy land and buildings on the property. Some of the occupants pursued a more formal arrangement with the custodian (the Provincial Government) and various agreements were put into place with some of the occupants.

This semi formal and fluid arrangement existed for some years and not all occupants were part of the arrangement. A management company was appointed to regularise the occupation as far as practically possible. In 2022, the management company sought to bring all tenancies onto a single standard lease, and to date all legal occupants on the site are now on this lease. These are all 3 year leases with an option for renewal. The lease agreements include termination conditions in the event the Department secures development rights and proceeds with development.

With regard to legitimacy of tenure and expectations:

The legal occupants on site have a real right in terms of the lease agreement provisions. Any other occupant or user of the site has no right to tenure.

The current legal occupants are not being "evicted" as part of this heritage and upcoming land use process. The heritage process is establishing the possibility of redevelopment of the property in the context of its historical attributes while the land use exercise in its conclusion will frame the parameters within which future redevelopment of the site can occur.

The proposed future development does not preclude the incorporation of existing uses on site into the redevelopment, but nor does it guarantee inclusion of any users/entities/legal tenant currently on site. The current existence on and use of the site is regulated by the lease agreements entered into and in accordance with its prescripts as it relates to the existence and use of the site and buildings. Inclusion or otherwise in future development will be driven by landowner instruction, compatibility with the vision and design proposal and the financial feasibility of the project.

The tenants are an Interested and Affected Party; they do not have escalated status when engaging on the future development.

Objectors note that the Revised HIA omits or minimises the ongoing Provincial and National Heritage applications. "This creates an unlawful separation between development and heritage processes. The NHRA requires alignment between heritage grading, heritage assessment and land-use decision-making. Allowing development processes to proceed in parallel or to eclipse heritage processes, undermines statutory intent and prejudices outcomes."

This has already been responded to in the initial public participation process. The revised HIA has been further corrected where necessary. However, as has already been stated, each application must, by law, be individually considered under its own recognisances. The Oude Molen HIA nonetheless acknowledges the potentially very high significance of the area and proposes grading in terms of assessed significances within the site and contextual context and makes related recommendations to be considered by HWC and further explored at detailed planning stages to follow. SAHRA supports the revised HIA.

The process by which the proposed development of the Oude Molen site has and will be subject to, and which is articulated clearly in the HIA, is legally sound, standard practice, and contains integrated inputs and assessments from all specialist disciplines on the project. The project team continue to believe that the process is more than adequate in respect of obtaining the comment of as many I&APs as possible. There will be further opportunity for comments to be made within the legislated planning / land use process underway and planned.

In respect of the query regarding the definition of heritage based objections it is noted that HWC's template for advertising specifies that objections or comments that are not made on heritage grounds will not be considered. This responds to Section 5(1)(d) of the NHRA which states that heritage resources management must guard against the use of heritage for sectarian purposes or political gain. The legitimate agenda must be the promotion of heritage. I&APs should not raise planning issues or use heritage as an avenue to ventilate objections based on the scale or density of the proposal. These would include also traffic and service considerations; crime concerns; concerns about low income or social housing; impacts upon attractive streetscapes or environments etc. The opportunity for raising these matters will be within the legislated planning/land use process. However, the continued assessments undertaken to date include input from various specialist disciplines to ensure an integrated development plan and assessment of and responding to heritage

2. Oude Molen as a Living Cultural Landscape

The central argument made by the current tenant and user objectors is that the daily practices of the tenant community represent living heritage and that the analysis of Living Heritage in the HIA is both narrowly defined in ways that exclude the current community and practices and misrepresents the UNESCO principles in this regard.

There is clearly a fundamental and irreconcilable difference of opinion between the objectors and the heritage practitioners on this project and we can only re-state our position in this regard. The understanding presented in this and the HIA and associated specialist reports recognise contemporary practices of living heritage but continue to hold that the current practices/businesses of most (not all) of the Oude Molen tenants, whilst representing the values of a particular sector of Cape Town society

(particularly those who subscribe to Steiner or similar principles of life style and learning), is very small and largely niche oriented. This does not preclude an understanding that these operations are important to the businesses or residents themselves, and their users. Only that it is not valid, with one exception, to claim the protection of heritage in order to promote personal interests, however legitimate in their own right.

Given this difference of opinion, many of the subsequent points of objection, which are based on the premise that the current tenant activities constitute living heritage, and must be retained in toto, can only be assessed in their own terms and in the context of alternative views provided in this HIA.

3. Indigenous Heritage and Custodianship Ignored

Far from being ignored, indigenous heritage is explicitly recognised and opportunity provided for expressions of this and more directed processes of engagement. However, equally it is noted that there are other significant heritage-based claims to the site, most notably including KwaZulu-Natal Cooperative Governance and Traditional Affairs (COGTA), on behalf of the Zulu Monarch.

The claim that the way in which the location of the OMV within TRUP and the grading of TRUP for Grade I heritage status is handled is wholly inadequate is disputed. There is clearly a difference of opinion, but the matter has been very extensively explored and articulated.

There is a claim that the HIA ignores the fact that the Tussen die Riviere concept is integral to OMV, not something separate. It is further noted that the "Tussen die Riviere study" was not provided to I&APs but that it frames the entire Two Rivers Urban Park as a park, not as a development area with park-like aspects. The HIA misquotes the report.

This is disputed. There have been direct discussions with DCAS in this regard, but this assessor is not in a position to release embargoed documents, although they have been viewed. The HIA states that "it is understood that this will take the form of an extended urban 'park', utilising the riverine landscape and associated available public spaces to connect the landscape and facilitate a consistent public experience which documents, commemorates and educates users about the history and the role of indigenous people towards the resistance and liberation".

The Tussen die Riviere culture park project is designed to rectify the omission of the Khoi-San from the national narrative; it is recognised that the site is in an urban environment and is well serviced with infrastructure and close proximity to potential visitor markets and presents an important opportunity to display and memorialise cultural confluences by focusing on all of the groups in the present.

This is discussed and incorporated into the HIA heritage design indicators section 12, subsection 1.2.

It is the view of this assessor that it is neither legally permissible nor appropriate within the framework of this HIA to engage with issues of alternative (and competing) custodianship or land restitution.

4. Overdevelopment, Density, and Loss of Open Space

It is acknowledged that the proposed density, height, and urban form of development represent a significant change from the status quo. However, the assessment concludes that Oude Molen is not open land and that the impacts can be sufficiently managed to minimise impacts upon heritage resources, tangible and intangible. Moreover, the project presents the opportunity to fund the very considerable costs in restoring, repurposing and exploring the heritage values of the site and in relation to the broader Two Rivers context.

Many of the concerns expressed about the density; and location of social housing are not motivated on heritage grounds. The indicative location of affordable housing is included on Figure 25 of this report; and in the HIA. It is within the Oude Molen site.

5. Environmental and Ecological Harm

It is acknowledged that Oude Molen is adjacent to a system of open riverine spaces and a river-wetland system. However the requirement for an Environmental Impact Assessment is disputed.

This has previously been responded to and will not be responded to further, save to restate that The Oude Molen site comprises the built area adjacent to Alexandra Road. It does not include the wider open space between the erf boundary and the Black River which is zoned open space and owned by the City of Cape Town. The site is not a declared conservation area, and it is within a built urban context. There are no NEMA triggers and sensitivities on Oude Molen as confirmed by the Department of Environmental Affairs and Development Planning in 2022.

The site has been transformed and therefore no endangered vegetation species are found on-site. Nonetheless, development proposals must and do consider the interface between Oude Molen and the Black River Corridor to mitigate any potential negative impacts; and appropriate open spaces will be included in the redevelopment portions of the Oude Molen site. Policy and legislative prescripts will be adhered to; and mitigation measures will be proposed, where appropriate and applicable.

6. Social, Community, and Mental Health Impacts

The comments made by many current tenant and user objectors have provided a very clear and human understanding of the value of the businesses, social and community facilities and users of the site to themselves. The personal views and community and user views expand upon the baseline information included in the social impact assessment.

These are acknowledged, and that redevelopment may lead to displacement, loss of livelihoods, and erosion of social cohesion, possibly affecting some vulnerable individuals is also acknowledged. However, reference is made again to the view of this assessor that these do not legitimately fall within the purview of heritage management and protection; and that the longer term retention of tenants is in any event not expressly or implicitly precluded by the broad development concept but will be a matter for negotiation with the land owner at the appropriate time.

7. Failure to Consider Alternatives

The process of considering redevelopment of the Oude Molen site has been on-going for many years with public engagement to varying degrees. Since 2021, there have been at least 5 development concept revisions, most of which were subject to extensive feasibility exercises. One of these alternatives did include a low density development scenario (largely retaining the status quo) but was assessed as providing very low yields and did not capitalise on the inherent opportunities of site nor the public service responsibilities of the owner. Another included a higher density scenario which was considered to insufficiently accommodate the heritage considerations. These are outlined in Section 13.2 of the HIA. The final proposed alternative is ultimately what can be supported by the land owner, taking into consideration competing interests and many other relevant factors including but not limited to heritage; and, importantly, feasibility and public sector objectives.

In brief, the low density scenario (outlined in the HIA) included as follows:

Scenario 1: Limited development footprint / envelope

Scenario 1 Description: "Productive Farm Village"

- o Rezone to MU1 (FAR = 1,5 / Coverage = 75% / Height = 15m)
- o Status quo to remain, but better maintained and managed by the land custodian.
- o No new infill development
- o Refurbishment and Re-use of most current buildings (where feasible)
- o Restoration of key heritage buildings, incl. Homestead and Community Hall
- o Current access and internal infrastructure to remain

- o Rezoning from “utility” to “MU1”, but with no additional building envelope rights
- o Structuring of a PPP and linked tenants associations to manage the activities and sustainability of the precinct.
- o Market related tenancies-agreements need to be put in place.
- o Focus on upgrading and maintaining the natural landscape, productive landscapes, and facilitate access to existing facilities and green recreation activities for the wider community.

Ultimately, whilst there were some obvious benefits, particularly to the resident community and open space qualities, the option was not preferred. Predominantly, only the current users of the OMP would remain beneficiaries of the facilities. The lack of additional development rights on the site makes for a financially strained neighbourhood, that, even with market related leases, will most likely not be able to support non-profitmaking public facilities, memorialisation opportunities and the restoration of the buildings of heritage significance into the future. Without significant additional development on the site, this proposal also does not adequately address the urgent public demand for well-located housing and job opportunities.

As they have stated, the Department of Infrastructure (DoI) remains the custodian of this property and landlord to the tenants that occupy the property. Any plans for this property have always been premised on the DoI and the Western Cape Government's commitment to ensure that the property reaches its highest and best potential in serving the wider communities of the Western Cape, while facilitating an integrated development that provides a residentially led mixed use development inclusive of affordable housing (including social housing) with access to job opportunities, education, and natural and heritage resources to all; not just a select few.

8. CCT E&HM considerations

The current LUM application is in the process of being revised in response to requests from internal City departments for additional information. Part of this revision involves an amendment of the application to seek approval for a Development Framework with a basket of rights, rather than a more detailed Precinct Plan (as defined within the Development Management Scheme) as was originally the intention. This will allow the developer who will actually deliver the development in due course to determine the necessary detail to seek approval for subsequent plans in the hierarchy as allowed for in the package of plans process in terms of the DMS, based on the Development Framework once approved. Subsequent land use processes and related approvals will guide the detailed plan process to follow at implementation stage. It will determine how the basket of rights is distributed physically across the site subject to detailed design. The basket of rights therefore represents a maximum development quantum and is thus not affected by changes in the plan for which approval is sought from HWC.

The detailed queries or concerns expressed by E&HM will more appropriately be addressed at subsequent HWC and CCT Precinct Planning and SDP stages.

9. Zulu nation considerations

The comments made by COGTA are welcomed and the importance of preserving the Zulu Nation's heritage on this site is supported. Nothing in the proposals as they stand preclude any of the suggestions including, for example, further research into the role of the Zulu Nation, tourism accommodation and associated facilities. Reference is made to the potential for the Conservation Management Plan as a potential vehicle to enable this aspect of the site re-development. Whilst there will be overlap with the recommended Homestead Conservation Management Plan it is agreed that the realisation of the cultural core concept requires active project management as part of the further planning stages of implementation. The heritage indicators and mitigations have been further expanded in this regard.

10. MGVRA

The MGVRA position on addressing long-standing housing needs in a way that embodies restorative justice is supported in the HIA, and particular nature of and problems of over-crowding in MGVA acknowledged. The development of Oude Molen does present, in principle, an opportunity to address these issues. However, at this stage, the proposal cannot address details of ultimate beneficiaries of the proposed affordable housing element (social or FLISP/FHF housing), nor any of the private apartment/town-house alternatives.

Consideration of these matters at implementation stage is included as a mitigation recommendation for future consultation when assessing criteria/beneficiaries as part of the housing beneficiary processes.

8. CONCLUSION

This report addresses the Further Requirements of IACOM and the attached revised HIA(V3) and recommendations are submitted for a Record of Decision.