



# **“We are not merely tenants - we are custodians of living heritage to public land”**

**OMEVTA Formal Response to the Revised HIA**

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

**Formal Response of the Oude Molen Eco-Village Tenants Association (OMEVTA) to the Revised Heritage Impact Assessment Submitted to HWC**

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**Submitted to: Heritage Western Cape**

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## 1. Introduction and Executive Summary

**1.1 Overview** - This formal response is submitted by the Oude Molen Eco-Village Tenants Association (OMEVTA) to directly address and challenge the findings, omissions, misinterpretations and procedural defects contained in the Revised Heritage Impact Assessment (HIA) of November 2025 for the proposed redevelopment of the Oude Molen Precinct (OMP) within the Two Rivers Urban Park (TRUP) Cultural Landscape.

This should be read in tandem with OMEVTA's first submission of 31 October 2024.

OMEVTA asserts that the Revised HIA fundamentally misapplies UNESCO intangible cultural heritage and living heritage principles, excludes current heritage-bearing communities, inaccurately represents intangible and living heritage at Oude Molen and fails to meet Heritage Western Cape's (HWC) requirements set out in its 14 May 2025 meeting and 3 June 2025 Further Requirements. This document therefore provides detailed arguments demonstrating that the HIA is fatally flawed and cannot be accepted as a compliant or credible heritage assessment. This report of OMEVTA offers a preliminary, albeit high-level Living HIA for consideration by HWC.

The tenants of Oude Molen comprising First Nations practitioners, horse trainers and equestrian culture-bearers, eco-therapists, urban farmers, educators, craftspeople, healing practitioners and environmental stewards constitute a long-standing post-apartheid living heritage community whose practices meet the full UNESCO criteria for intangible cultural heritage and living heritage (ongoing practice, intergenerational transmission, community recognition and deep connection to place). These communities have been systematically excluded, dismissed or misrepresented in the revised HIA. OMEVTA therefore calls on the HWC to reject the HIA in its current form, to require an independent Living HIA and to halt large-scale commercial redevelopment approvals pending proper heritage processes.

This response aims to fill the gap in the Revised HIA. A Revised HIA that takes living heritage, community custodianship, ecological-cultural landscapes and social justice seriously could transform the process; not simply as a hurdle for development but as a potential path to sustainable, inclusive, heritage-sensitive urban transformation.

### 1.2 Summary of Submission

This submission demonstrates that the Revised HIA is materially defective and cannot lawfully inform decision-making under the National Heritage Resources Act (NHRA). The Revised HIA fails to meet statutory requirements, disregards explicit directives issued by HWC and is compromised by fundamental methodological, conceptual and procedural flaws. *It misapplies UNESCO's Intangible Cultural Heritage (ICH) framework*, incorrectly denies the existence of living heritage at Oude Molen and adopts an assessment approach that implicitly presumes large-scale, commercial redevelopment as the preferred outcome rather than objectively evaluating heritage resources.

**1.2.1 Public-benefit vs Privatisation** - Crucially, the Revised HIA also fails to engage with the public-interest character of the site. Oude Molen has historically functioned as land held for public benefit, with origins in the colonial farming and milling system that serviced surrounding settlements and institutions. That public-serving function has continued, in evolving forms, into the present. The conversion of public heritage land into privately controlled, profit-driven space represents a fundamental rupture in this historical continuity and constitutes an anti-heritage outcome under the NHRA.

For these reasons, the Revised HIA is unreliable, incomplete and legally insufficient for the purposes of decision-making under NHRA S38. OMEVTA accordingly requests that HWC reject the Revised HIA, require a specialist Living HIA and ensure that heritage processes proceed independently of development pressures and commercial imperatives.

### **1.3 Key Findings at a Glance**

#### **1.3.1 Failure to Comply with NHRA Section 38(3)**

The Revised HIA does not comply with the mandatory requirements of NHRA section 38(3). It fails to properly identify affected heritage resources, assess impacts, evaluate socio-cultural effects, consider alternatives and mitigation measures or conduct meaningful public participation. The broader TRUP cultural landscape is treated as peripheral rather than integral. These failures are not technical oversights. They reflect a systematic narrowing of scope that undermines the Act's purpose of safeguarding heritage in the public interest.

#### **1.3.2 Systematic Dismissal of Living Heritage**

Living heritage at Oude Molen is not merely under-documented; it is actively dismissed. Despite more than thirty years of continuous, place-based practices, the Revised HIA asserts that no living heritage exists, that tenants do not constitute heritage-bearing communities and that UNESCO's ICH criteria are not met. These conclusions are contradicted by documentary evidence, community testimony and internationally accepted heritage practice. They are methodologically unsound and legally indefensible.

#### **1.3.3 Disregard for HWC Directives**

The Revised HIA largely fails to implement HWC's formal directives issued at the IACOM meeting of 14 May 2025 and reiterated in the Further Requirements Letter of 3 June 2025. Instructions to assess intangible heritage, identify character areas, evaluate TRUP and Maitland Garden Village linkages (as well as Pinelands), document impacted communities, properly address massing and interfaces, undertake a genuine socio-cultural impact assessment were not complied with citing that the HIA is at its "conceptual stage" (Revised HIA p.6). Expanded consultant narratives do not respond to the clarity sought by IACOM. OMEVTA also argues that documenting the economic impact and cost of uprooting the Eco-Village's multi-layered community should be investigated.

### **1.4 Structural Bias and the Public–Private Land Question**

The Revised HIA displays a structural bias toward large-scale, commercial development that is closely tied to an unexamined shift from public to private land logic. This bias is evident in the predetermined framing of the site, selective use of evidence, exclusion of tenant testimonies and dismissal of contemporary heritage layers as “temporary” or “non-permanent.”

Oude Molen’s heritage significance is inseparable from its long-standing role as land used for public benefit. From its origins as a milling and agricultural node serving surrounding areas, the site has consistently functioned as a shared, productive landscape rather than an enclave of private extraction. The contemporary eco-village continues this lineage through public-oriented uses: education, healing, food security, environmental stewardship, cultural transmission and community access. The Revised HIA fails to interrogate how the alienation of public land, whether through sale or long-term private control constitutes a heritage impact in itself. Treating privatisation as neutral or inevitable, while framing public use as precarious or incidental, reverses the heritage logic of the NHRA and legitimises an anti-heritage outcome.

### **1.5 Omission of Provincial and National Heritage Processes**

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.

### **1.6 Lease Precarity and Heritage Sustainability**

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.

### **1.7 Absence of Alternatives**

NHRA section 38(3)(c) requires the assessment of alternatives and S38 processes are integrated with EIAs, meaning alternatives are legally unavoidable in combined or parallel applications. The Revised HIA provides none. No heritage-compatible development options, conservation-led scenarios or public-benefit models were explored. The absence of alternatives reinforces the conclusion that large-scale, commercial redevelopment was treated as a foregone conclusion.

### **1.8 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.

### **1.9 Consequences of Approval**

The Oude Molen Eco-Village represents one of the most active and continuous living heritage systems in Cape Town. Approval of the current proposal based on a defective HIA would result in displacement of heritage bearers, loss of place-based practices, social fragmentation and the erosion of TRUP as a public cultural landscape. These outcomes are not speculative; they are enabled by the Revised HIA itself.

### **1.10 Decisions Requested from HWC**

OMEVTA respectfully requests that HWC reject the Revised HIA dated November 2025 as non-compliant with the NHRA; require an independent Living HIA by recognised ICH specialists; mandate a Cultural Landscape Assessment of TRUP and require a revised public participation process grounded in UNESCO's community-centred principles.

OMEVTA further requests that all large-scale, commercial redevelopment considerations be suspended until heritage applications are finalised; that Oude Molen be recognised as a living heritage community under NHRA section 3(2)(b) and that no approvals proceed that would privatise or alienate public heritage land in advance of statutory heritage determinations.

## **2. Background and Context**

The Oude Molen Eco-Village is a multi-layered cultural landscape containing tangible, intangible, historical and contemporary living heritage. Any credible HIA must therefore treat the site not only as a repository of past events but as an evolving socio-cultural environment shaped by communities who continue to practice, transmit and protect heritage today.

The Revised HIA, in sharp contrast, frames the cultural landscape almost exclusively through pre-1994 historical layers: First Nations presence, early agricultural use, the incarceration of King Cetshwayo and psychiatric institutional history while systematically excluding the post-apartheid living heritage community currently resident at Oude Molen. This represents a methodological error and an incomplete reading of both heritage chronology and community continuity.

Since the early 1990s and during the democratic transition, the Oude Molen Eco-Village has been home to a unique urban eco-village community comprising First Nations practitioners, healers, horse trainers, equestrian culture-bearers, agro-ecological farmers, educators, craftspeople, community therapists and social development organisations. These individuals and groups collectively shaped the Eco-Village into a working cultural landscape of environmental care, place-based knowledge transmission, ritual practice, healing traditions and socio-economic innovation.

These practices have taken place continuously for more than 30 years and are rooted in deep relationships with the land, the rivers, the horses, the gardens and the wider Two Rivers system that goes back for decades and centuries. The Revised HIA fails to acknowledge this period as a legitimate heritage layer, even though heritage legislation, UNESCO frameworks and local precedent clearly recognise post-apartheid cultural formations as valid and historically significant.

Crucially, First Nations practitioners are not only a historical reference point at Oude Molen, but they are also present-day tenants whose ceremonial, educational, ecological and

spiritual practices are embedded in the landscape. Their exclusion from the HIA's analysis of intangible heritage post-1994, is therefore both inaccurate and discriminatory.

In this context, OMEVTA submits that any assessment which erases or marginalises the living heritage of existing communities is incomplete, unbalanced and cannot guide responsible heritage decision-making. A credible heritage assessment must recognise all layers of cultural activity including those of the present community and integrate them into a coherent analysis that respects the full timeline of heritage continuity.

### **3. Procedural Irregularities in the HIA Process**

OMEVTA submits that the Revised HIA contains substantial procedural defects that render it non-compliant with the NHRA, HWC requirements and internationally accepted standards for heritage assessment, particularly where living heritage and community participation are concerned (UNESCO).

#### **3.1 HWC Meeting of 14 May 2025**

##### **3.1.1 Failure to Implement HWC's Directive of 14 May 2025**

HWC's 14 May 2025 Committee resolution required:

- i. A deeper, more comprehensive treatment of intangible and living heritage.
- ii. Proper recognition of resident cultural communities (not spurious dismissal because it serves redevelopment narratives).
- iii. Analysis of character areas and cultural landscape relationships.
- iv. Full consideration of impacts on Maitland Garden Village (MGV) and TRUP.

The Revised HIA does not meet these requirements. Instead, it reiterates earlier conclusions, dismisses tenants' submissions and reframes HWC's directives in a narrow manner ("conceptual phase") that avoids the substantive work requested.

##### **3.1.2 Conflict of Interest, lack of independence and poor oversight of IACOM members – Meeting held on 14 May 2025**

The proceedings of the Impact Assessment Committee (IACOM) of HWC, as noted in item 13.2 of the approved Minutes of the 14th of May 2025 meeting, raise serious concerns regarding the previous committee's independence and procedural integrity.

Specifically, during the review of the Oude Molen HIA "Development Application", three of the seven full IACOM members (Chairperson David Gibbs, Sarah Winter and Katie Smuts) recused themselves simultaneously. These recused members after formally stepping back from their official responsibilities from evaluating a matter involving the Western Cape Government (WCG), the applicant in this matter, have been replaced by the Committee's additional members to consider the application. We do not know the substance and content of the conflict and indeed what the nature of the recused members work for the WCG involves and how these conflicts further in the deliberations and decision-making of HWC. This situation creates a clear perception of conflict of interest and compromises the

impartiality of the process. We look forward to greater transparency and accountability of the current committee.

The replacement of almost half the committee for this single application, particularly when the recused members are now not only affiliated with the applicant but also offering advice and expert strategy, undermines independent oversight and raises questions about the voting powers of the substitute members. This dynamic, risks skewing the evaluation and prejudicing the outcome of the OMEVTA Response against the WCG's application, effectively rendering the process biased in favour of the applicant and eroding public confidence in the committee's objectivity.

OMEVTA respectfully requests that the incoming committee members conduct a site visit, following the valuable precedent set by their predecessors. OMEVTA believes that this direct engagement is essential for developing a first-hand understanding of the issues.

### **3.1.3 Lease renewal and its impact on the OM HIA**

#### **3.1.3.1 Introduction**

The current lease agreement framework governing the OMEV tenants; places an extraordinary burden on the community of heritage-bearers whose practices form the living cultural landscape of the eco-village. As documented by OMEVTA members and consistently raised in public engagement processes, the leasing environment is characterised by short-term extensions, administrative uncertainty and an absence of long-term security of tenure. For a precinct whose significance lies not only in its built environment but in the continuity of its living heritage systems, these conditions generate severe risks to heritage sustainability, cultural continuity and community well-being.

This section examines how the lease status and renewal practices actively undermine the safeguarding of intangible heritage, amplify tenant anxiety and contribute to the perception, widely held among residents that large-scale redevelopment is already a foregone conclusion.

#### **3.1.3.2 Structural Instability Created by Short-Term Leases**

The widespread use of short-term leases, sometimes reduced to annual or even month-to-month arrangements, creates a structural instability incompatible with the safeguarding of living heritage. Heritage-bearers at Oude Molen require:

Predictable access to space; stable tenure to invest in the continuity of practices; sufficient horizon for long-term planning of programmes, animals, educational activities and cultural work.

UNESCO's 2003 Convention emphasises that intangible cultural heritage is "transmitted from generation to generation," "constantly reintegrated by communities," and "requires sustained enabling conditions for continuation." Short-term leasing denies these enabling conditions and creates a chronic planning impossibility that directly jeopardises the viability of the site's horse culture, agricultural practices, First Nations knowledge systems, healing and wellness traditions, educational initiatives, craft production and eco-centred social programmes. *In effect, the lease system itself becomes a threat to heritage continuity.*

#### **3.1.3.3 Administrative Uncertainty as a Source of Anxiety and Operational Burden**

Tenants routinely experience delayed renewal decisions, ambiguous communication and inconsistent timelines. This creates a pervasive atmosphere of insecurity which manifests in several ways: anxiety regarding possible displacement; reluctance to invest in buildings, infrastructure, animals or long-term programmes; difficulty securing funding or partnerships due to unclear future tenure; inability to plan inter-generational mentorship and transmission of knowledge.

For heritage-bearers whose practices rely on stability, such uncertainty has material consequences. It disturbs the capacity to train youth, maintain horses, cultivate land, run indigenous healing work or ensure continuity of cultural education. In addition to operational disruptions, the psychological burden on practitioners is profound, undermining the dignity and well-being of those who maintain the site's significance.

### **3.1.3.4 Lease Practices and the Perception of a Predetermined Large-scale, Commercial Redevelopment Outcome**

The way lease agreements are handled contributes to a widespread belief among tenants that decisions about the future of the eco-village have already been made in favour of large-scale, commercial redevelopment. Several features reinforce this impression:

1. Increasingly short-term or conditional renewals, implying tenants are not expected to remain.
2. A parallel development trajectory, advanced and resourced, running ahead of or overshadowing the statutory heritage processes.
3. Official messaging emphasising a future large-scale, commercial redevelopment vision, rather than supporting the continuity of heritage practices.
4. Lack of synchronisation between lease decisions and heritage application processes, signalling that the heritage significance of current occupants is not considered materially relevant.

*These conditions create a power imbalance in which tenants experience the lease system as a mechanism of soft displacement: incrementally undermining their presence without issuing formal eviction notices. The result is a strong perception that the large-scale, commercial redevelopment outcome is predetermined, regardless of what the heritage processes find.*

### **3.1.3.5 Contradiction with UNESCO's Living Heritage Safeguarding Principles**

UNESCO's safeguarding principles emphasise "Safeguarding without Freezing" which requires that living heritage be supported as a dynamic, evolving practice embedded within communities. This includes:

- Creating stability and favourable conditions for cultural transmission
- Supporting the agency of heritage-bearers
- Ensuring communities can participate meaningfully in decisions affecting their heritage.

The current lease environment contradicts these principles by creating instability and undermining community agency. Instead of enabling heritage to flourish, it constrains it through bureaucratic precarity. The resulting anxiety and operational paralysis are not incidental; they directly degrade the living heritage for which the precinct holds significance.

### **3.1.3.6 Implications for the Heritage Impact Assessment and Statutory Heritage Processes**

The lease system raises several critical concerns that affect both the HIA and any decisions made by HWC. These include:

- i. Whether the precinct's heritage can remain meaningful if the very practitioners embodying that heritage are destabilised or displaced. Ostensibly to be replaced by "social housing" occupants. (Please note this is a red herring as the social housing component is not earmarked for the Eco-Village location overlooking Table Mountain; but rather parcelled off next to the Pinelands Station with views blocked by the proposed high-rise buildings. Furthermore, this is not a social housing project – it is a large-scale, commercial redevelopment application with a controversial social housing component squeezed in).
- ii. Whether the heritage process can be considered procedurally fair if parallel development processes and lease practices create an atmosphere of inevitability.
- iii. Whether the administrative environment constitutes an indirect form of cultural erosion by weakening the ability of tenants to maintain, transmit and defend their heritage.
- iv. Whether a heritage assessment that does not factor in these structural vulnerabilities is capable of accurately assessing significance, risk or impact.

These concerns underscore that the leasing environment is not a separate administrative matter; it is an intrinsic heritage issue.

As such, the current lease agreement framework at Oude Molen imposes an extraordinary burden on tenants, suppresses the continuity of living heritage and creates a climate of acute anxiety among heritage-bearers whose practices define the significance of the eco-village. The combination of short-term leases, administrative uncertainty and redevelopment-oriented messaging fosters a powerful impression that displacement is expected and redevelopment predetermined.

For any meaningful safeguarding of the precinct's intangible heritage to be possible, stability of tenure is essential. Without it, the heritage significance of the Oude Molen Eco-Village cannot be sustained and the heritage process risks being overshadowed by development pressures that pre-empt its outcomes.

### **3.2 Development Process Outpacing Heritage Process – Grading I and II Application**

The Revised HIA proceeds on the assumption that the development framework and spatial planning decisions are fixed and uncontested. This is procedurally improper. Heritage assessment must inform development not the reverse.

Furthermore, the submission does not acknowledge or integrate the Provincial and National Heritage Site application processes for Oude Molen and the broader TRUP. Indeed, the claim that the grading processes have been concluded have been debunked. This omission is serious and creates a situation where development approvals risk eclipsing proper heritage determinations, contrary to Section 38 of the NHRA.

### **3.3 Absence of a Required Living Heritage Assessment**

Given that Oude Molen hosts practising communities: First Nations groups, horse trainers, healers, educators, agro-ecological farmers and social development practitioners; the **Revised HIA should have commissioned a dedicated Living HIA led by specialists with lived and scholarly expertise.**

Instead, the consultant unilaterally asserts that no living heritage exists because post 1994 activities cannot all constitute living heritage. This perspective completely ignores the evo-

village's link with the past through Valkenberg and First nations in colonial and pre-colonial eras. This ensures that no meaningful assessment could take place. This constitutes procedural exclusion and results in a biased, incomplete record.

### **3.4 Conflation of Consultation with Public Participation**

#### **3.4.1 Public Participation Deficiencies**

Here OMEVTA outlines how the consultation process conducted in connection with the HIA falls short of meaningful participation.

**3.4.1.1** The public participation process seems to have been limited to advertisement, optional comment submissions and perhaps a single “open house” event: insufficient to engage the community meaningfully, especially tenants whose day-to-day practices and living heritage depend on the site. A public participation consultant shared with the author that her “role was to book a venue, put up some posters, allow for information of 1 hour, take down posters, go home”. This makes a mockery of the public participation process.

**3.4.1.2** The extensive 119-page OMEVTA Response Report dated 31 October 2024, was also not initially part of the submission reports by I&AP. Only upon request was this omission partially rectified *after* the 14 May 2025 meeting when the matter was heard before a reduced-member IACOM Meeting. OMEVTA's detailed response is still misallocated under the “Attachments” section instead of being accorded FULL Submission status. Furthermore, the WCG OMP online website contains a rich repository of I&AP submissions which substantively address the germane heritage and historical matters. It is not clear how and where these submissions are reflected in the draft HIA nor indeed the current Revised HIA.

**3.4.1.3** There is no evidence of co-identification of heritage values, co-evaluation of heritage impacts or any collaborative process whereby tenants and living-heritage practitioners helped define the significance of their practices and spaces. Indeed, the HIA Report focused on rebutting I&APs submissions. None of the I&AP submissions are integrated or reflected into the HIA.

**3.4.1.4** In many cases, tenants likely lacked the resources, information or platform to participate on equal footing with developers, consultants and state agencies; especially as the HIA seems to have treated their input as anecdotal rather than authoritative. Hence, the process fails the “participation” requirement of good heritage governance, the spirit of the NHRA and international best practices in safeguarding living heritage.

**3.4.2 The Revised HIA repeatedly suggests that “stakeholder” comments were ‘considered,’** but provides no evidence of: co-identification of heritage values; co-evaluation of impacts; collaborative assessment; capacity-building or support for communities; and participatory decision-making into the current HIA.

This is contrary to the principles of the NHRA, HWC guidelines and UNESCO directives, all of which identify participation as a substantive process, not a procedural formality. Indeed, as OMEVTA we do not see ANY of our previous and detailed substantive input reflected anywhere in the Revised HIA. UNESCO's Article 11 is quite unequivocal: that the “safeguarding measures” include “the participation of communities, groups and relevant NGOs”. Note UNESCO uses the term “participate” very deliberately. It does not use generic,

meaningless words like “engagement” and “consultation”. Here participate means that communities who hold agency must meaningfully impact decision-making in matters affecting their future heritage.

### **3.5 Lack of Transparency in Methodology and Evidence**

The Revised HIA provides: no transparent methodology for determining intangible heritage, no coherent explanation for dismissing tenants’ submissions or where it is reflected in the HIA, a weak justification for historical emphasis at the expense of contemporary practice, no demonstration of impartiality or balanced consideration. The HIA is commissioned for large-scale, commercial redevelopment. This is the consultant’s brief which inexorably leads to a development-aligned HIA.

### **3.6 OMEVTA Requests the following**

Given the cumulative procedural defects including failure to follow HWC directives, absence of a Living HIA, misrepresentation of public participation and premature alignment with fixed development proposals, OMEVTA submits that the Revised HIA is procedurally unsound and must be rejected.

OMEVTA therefore requests that HWC:

1. Require a new, independent Living HIA.
2. Place heritage processes ahead of development timelines particularly regarding the processes for Grading I and II Heritage status.
3. Direct the WCG and its consultants to meaningfully engage resident heritage communities and not characterise them as mere “tenants” without heritage rights rights.
4. Suspend development approvals pending completion of proper heritage processes.

## **4. Misapplication of the UNESCO 2003 Convention on Intangible Cultural Heritage**

The UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage defines living heritage as *practices, expressions, knowledge and skills that communities recognise as part of their cultural heritage*, transmitted across generations and continually adapted in response to their environment, social realities and identity. The Revised HIA applies this framework inaccurately and selectively, leading to the exclusion of current heritage-bearing communities at Oude Molen.

### **4.1 The HIA Treats Intangible Heritage as a Static Historical Category**

The Revised HIA restricts intangible heritage at Oude Molen to pre-democratic historical periods. She ringfences First Nation dispossession, colonial agriculture, the incarceration of King Cetshwayo and psychiatric institutionalisation. These layers are essential and UNESCO emphasises that intangible heritage is *living* and must be identified through current practice, not solely past events.

This approach violates UNESCO's principle of "safeguarding without freezing", which explicitly warns against limiting heritage to historical narratives while ignoring contemporary cultural expressions. (See Ms Rabie's contribution)

#### 4.2 Living Practitioners at Oude Molen Meet All UNESCO Criteria

Despite the HIA's dismissive stance, present-day tenants including First Nations practitioners, equestrian culture-bearers, healers, agro-ecological farmers, educators and environmental stewards fulfil every UNESCO requirement:

- i. **Actively practised traditions:** Rituals, healing, horse culture, ecological stewardship, communal agriculture.
- ii. **Transmission across generations:** Youth riding programmes, apprenticeships, mentorship in healing traditions, IKS healing and teaching.
- iii. **Community recognition:** Tenants identify their practices as heritage tied to place.
- iv. **Embedded in landscape:** Cultural and ecological practices are inseparable from the paddocks, gardens, river spaces and communal structures.
- v. **Ongoing cultural relevance:** Activities support identity, healing, belonging, livelihoods, spirituality and social cohesion.

This OMEVTA Report references Ms Rabie's thoughtful contribution at the IACOM Meeting of 14 May 2025 as it resonates strongly with OMEVTA's understanding of ICH and Living Heritage, as follows:

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 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."* (Extract in Revised HIA)

The Draft HIA and Revised HIA provides an inaccurate application of the UNESCO framework as evidence for its claim that these practices do not constitute living heritage, contrary to UNESCO methodology.

#### 4.3 Erasure of First Nations Practitioners as Living Heritage Communities

The Revised HIA incorrectly implies that the First Nations presence at Oude Molen exists only in the distant past. This erases the ongoing work of First Nations heritage-bearers or tenants if you like - who currently practise ceremony, river rituals, IKS education, land-based stewardship and ancestral traditions within the precinct.

UNESCO is unequivocal: *intangible heritage includes living rituals, social practices and knowledge systems concerning nature and the universe*. Excluding active First Nations practitioners within a revivalist framework, accepted by UNESCO, from the intangible heritage assessment undermines the credibility of the HIA.

#### **4.4 Reversal of UNESCO's Community-Centred Approach**

UNESCO states that communities themselves are the *primary authorities* in determining their intangible heritage. Heritage experts are facilitators not arbiters. The Revised HIA reverses this principle by positioning itself as the sole judge of what constitutes intangible heritage, dismissing tenant assertions as “misinterpretations” and later as “judicial overreach” and failing to document or integrate community-defined heritage values.

This approach contradicts international norms and disqualifies the Revised HIA from being a legitimate assessment of living heritage.

#### **4.5 Public Character, Living Heritage and Continuity of Public Benefit**

**4.5.1 UNESCO Application** - In accordance with the principles articulated in the UNESCO 2003 Convention for the Safeguarding of ICH, the heritage significance of the Oude Molen–Valkenberg landscape is inseparable from the continuity of use, function and transmission of knowledge and practice within a shared cultural space. Across pre-colonial, colonial, institutional and post-1994 periods, the site has consistently functioned as a public-benefit landscape, supporting collective activity, service provision and socially embedded practices rather than exclusive or enclosed use. This enduring public character constitutes an intangible heritage attribute and forms part of the site's significance as a living cultural landscape, where meaning is generated through ongoing use, access and custodianship rather than through built fabric alone.

**4.5.2 NAHRA / SAHRA** - Consistent with the NHRA and SAHRA guidance on cultural landscapes, a clear distinction must be drawn between reversible occupation of public land that sustains public benefit and irreversible alienation through subdivision, sale or exclusive privatisation as per the current WCG redevelopment application. The current tenant communities represented by OMEVTA do not assert ownership nor seek permanent control of the land; their presence reflects a custodial model that enables the continued practice, transmission and care of living heritage within a publicly oriented landscape. By contrast, the permanent or piecemeal privatisation of the site would result in the loss of public access, shared custodianship and continuity of cultural practice, thereby constituting a fundamental and irreversible heritage impact. Such alienation directly undermines the living heritage values of the site and must therefore be assessed as a high-order impact within the HIA, beyond considerations of architectural mitigation or adaptive reuse alone.

**4.5.3 Procedural Implications for Heritage Assessment and Decision-Making** - In keeping with UNESCO's precautionary approach to living heritage and SAHRA's requirements for the assessment of cultural landscapes under the NHRA, any proposal that

would fundamentally alter the public character or governance of the Oude Molen-Valkenberg landscape must be assessed not only in terms of physical change but also in terms of loss of continuity, access and inter-generational transmission of living heritage practices. Decisions that pre-emptively convert public land into private property or exclusive development parcels risk foreclosing heritage outcomes before they have been adequately identified, documented and safeguarded. Accordingly, the HIA process must explicitly consider non-alienating alternatives, heritage-led land governance models and interim protective measures to ensure that living heritage values are not irreversibly compromised by administrative or development-driven actions undertaken in advance of heritage determination.

#### **4.6 Implications for Heritage Decision-Making**

The incorrect application of UNESCO principles leads to the erasure of 30+ years of post-apartheid heritage practices, systematic exclusion of active heritage communities, failure to identify contemporary cultural layers (Historicised approach to tenants. No link of current tenants to Valkenberg Hospital nor pre-colonial and colonial First Nations) and a biased, development-driven heritage narrative at the behest of the employer, the WCG.

This prevents HWC from fulfilling its mandate under Section 38 of the NHRA.

#### **4.7 OMEVTA Requests to HWC**

Considering the above, OMEVTA respectfully requests that HWC:

1. Reject the Revised HIA as misaligned with UNESCO principles and South African heritage law.
2. Require an independent, community-led Living HIA inclusive of all tenant and First Nations practitioners.
3. Formally recognise the contemporary living heritage community – tied to place and history at Oude Molen.
4. Suspend development approvals until a full, compliant assessment is completed.

### **5. Failure to Recognise Existing Living Heritage Communities at Oude Molen**

#### **5.1 Introduction**

The Revised HIA suffers from a foundational flaw: it fails to recognise the existence, legitimacy and heritage significance of the contemporary living heritage communities who have inhabited, shaped and stewarded the Oude Molen Eco-Village continuously since the early post-apartheid period. This error undermines every subsequent conclusion in the HIA because living heritage communities are not an optional consideration under the NHRA, nor under the UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage.

Section 3(3) of the NHRA affirms that cultural significance includes “living heritage” and UNESCO Article 11 obliges States to recognise communities as “the primary custodians” of intangible heritage. By excluding the communities currently practising at Oude Molen, the Revised HIA contradicts international norms and misrepresents the true cultural landscape.

#### **5.2 The Living Heritage Communities of Oude Molen**

For more than thirty years, the Oude Molen Eco-Village has been home to a vibrant, diverse and interdependent community of cultural practitioners whose work constitutes ongoing intangible heritage. This includes:

- i. **First Nations knowledge-keepers and ceremonial practitioners**  
Who conduct land- and river-based rituals, teach intergenerational IKS and steward indigenous plant corridors.
- ii. **Horse trainers, riders and equestrian culture-bearers**  
Who maintain paddocks, stables, trails and mentorship programmes that transmit horsemanship skills to young people from Maitland Garden Village, Pinelands, Langa, Kensington and beyond.
- iii. **Eco-therapists and animal-assisted healing practitioners**  
Whose work integrates land, horses, community, nature and trauma healing in ways recognised in intangible heritage domains involving “knowledge concerning nature and the universe.”
- iv. **Agro-ecological farmers and seed-keepers**  
Who cultivate organic crops, maintain soil regeneration systems and teach sustainable farming methods to youth and volunteers.
- v. **Social development educators, artisans and cultural workers**  
Who operate within communal and semi-public spaces, offering workshops that pass on knowledge, craft, identity and collective memory.

These communities are not abstract categories: they are real, active, embodied practitioners who have lived and worked at Oude Molen since the early 1990s. Their cultural practices are inseparable from the landscape, its stables, paddocks, gardens, indigenous forest, open fields, watercourses and communal buildings.

As Kendre Allies (Oude Molen Stables) put it:

*“The horses are not just here. They have shaped this place; and this place has shaped us. You cannot take the horses out of Oude Molen and pretend the heritage is still intact.”*

And a First Nations Elder explained in the Draft HIA Response process last year:

*“We come to this river because our ancestors did. We teach the children here because the land still speaks here. Our living heritage is not in a museum it is happening in this very place every week.”*

These testimonies align directly with UNESCO’s definition of living heritage as “transmitted from generation to generation” and “constantly recreated by communities in response to their environment” (UNESCO 2003, Article 2).

### **5.3 Living Heritage as a Legally Protected Heritage Layer**

The NHRA clearly recognises living heritage as a core component of cultural significance. Section 3(2)(b) mandates protection for “intangible heritage,” including cultural practices, knowledge systems and social interactions embedded in specific places.

Moreover, Section 9.4 of the Draft National Living Heritage Policy (April 2025) affirms that cultural landscapes include spaces transformed and maintained through ongoing human practice, community continuity and intergenerational transmission.

The current communities at Oude Molen therefore form a **post-apartheid heritage layer**, spanning from the early 1990s to the present. This layer includes spatial, ecological, cultural, social and inter-generational heritage. The Revised HIA, by failing to identify or assess this layer, violates NHRA's requirement for holistic assessment of "all the cultural significance of a site" (Section 38(3)(a)).

#### **5.4 The Revised HIA's Erasure of Living Heritage Communities**

The Revised HIA asserts that intangible heritage at Oude Molen is limited to pre-1994 historical layers. This leads to several false conclusions:

**a) That the site contains no contemporary cultural practices of heritage significance**

This is demonstrably false. Cultural practices, ceremonies, mentorship programmes, healing traditions and agricultural practices happen on a weekly, often daily basis.

**b) That current communities are irrelevant to heritage analysis** The consultant treats current practitioners simply as "tenants", stripping them of cultural identity and authority.

**c) That heritage exists only in the past, not the present** This violates UNESCO Article 2, which defines Intangible Heritage as living not historical.

**d) That development can proceed without assessing displacement impacts** If living heritage is erased, then the HIA can claim there is "no heritage impact". This erasure is not an academic oversight, it materially affects heritage outcomes, legal compliance and community rights.

#### **5.5 Definitions of ICH and Living Heritage**

##### **5.5.1 UNESCO-Aligned Definitions**

- i. This Section is framed for the application of the Litmus Test or Living HIA for Oude Molen
- ii. OMEVTA's contention is that instead of dismissing the Oude Molen tenants as heritage bearers and custodians; a Living HIA of the Oude Molen community should have been undertaken by the consultant. OMEVTA provides a preliminary, high-level Living HIA in this Response Report – which needs further exploration by HWC.

##### **5.5.2 Intangible Cultural Heritage (ICH)**

Under the UNESCO 2003 Convention, ICH refers to: The living practices, knowledge systems, expressions and skills; together with their associated cultural spaces that communities and groups and sometimes individuals themselves recognise as part of their heritage, that are transmitted from generation to generation, actively practiced today and purposefully passed on into the future.

This definition includes oral traditions and expressions, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, traditional craftsmanship. UNESCO requires that ICH must demonstrate the following three main qualities, which form the litmus test for assessing whether ICH is present:

**ICH Litmus Test (UNESCO) / ICH/Living Heritage Impact Assessment:**

**1. Transmission across generations**

The knowledge or practice is inherited, taught or passed down within families, communities, cultural groups or learning lineages.

**2. Current, ongoing practice**

The heritage is not historical or dormant; it is actively lived, performed or used in everyday life, rituals, teaching or community activities.

**3. A conscious and concerted effort to transmit it into the future**

Practitioners intentionally train others, maintain apprenticeships, run educational programmes or create safeguarding initiatives that ensure continuity.

These three conditions guide UNESCO’s global application of the 2003 Convention and are the recognised standard for evaluating living heritage worldwide.

**5.5.3 Living Heritage**

“Living heritage” is the term used by UNESCO to emphasise that heritage is not a museum object, but heritage that is actively practiced and recreated today by its community of practitioners, providing identity, continuity and belonging; and sustained through deliberate transmission into the future.

Living Heritage is defined by active practice in the present (not only historical); embeddedness in everyday cultural life; community ownership of knowledge; adaptation, creativity and evolution over time (revitalisation principle); and practitioners who intentionally safeguard and pass their knowledge forward.

**5.6 How Living Heritage is Embedded in the Oude Molen Landscape**

Living heritage practices at Oude Molen are directly tied to specific physical spaces that will be destroyed by the proposed development:			
	<b>Living Heritage Practice</b>	<b>Physical Space Required</b>	<b>Threat Under Proposed Development</b>
1	Horse training & mentorship	Paddocks, trails, fields	Removal of stables, paddocks & open areas
2	First Nations rituals	River edges, open natural areas	Loss of access to ceremonial spaces
3	Eco-therapy	Quiet naturalised zones	Replacement with high-density buildings
4	Agro-ecology	Fields, gardens	Eradication of garden spaces
5	Craft, healing & learning	Communal spaces	Demolition or displacement

Kendre Allies described the relationship as follows:

*“The land is not a backdrop to our work. It is part of the therapy. If the land goes, the practice cannot survive.”*

This is precisely why UNESCO emphasises “inseparability of practice and place” in heritage safeguarding.

## **5.7 Argument for a Broad, Horizontal Interpretation of “Generation to Generation” in ICH**

A central conceptual flaw in the Revised HIA and in the broader heritage landscape is its reliance on a narrow, “vertical”, numericist and ahistorical interpretation of UNESCO’s formulation of ICH, particularly the phrase “transmitted from generation to generation.”

**The phrase is read as implying a fixed, numeric requirement** of at least *three biological generations* (e.g., grandmother → mother → granddaughter, equating to a span of ±60–75 years). This interpretation is inconsistent with the UNESCO 2003 Convention itself, global best practice in ICH safeguarding, South African heritage policy and jurisprudence and the underlying purpose of living heritage protection.

### **5.7.1 UNESCO’s Definition Does *Not* Prescribe a Numeric Generational Threshold**

Contrary to the numericists, UNESCO nowhere specifies that living heritage must be demonstrated through a biologically linear three-generation chain. If UNESCO intended such a strict threshold, the Convention would state it explicitly. Other domains refer to building age, where numerical thresholds are common.

**5.7.1.1** It is important to note though that the NHRA *introduces 60 years as a key threshold for statutory protection, not as an automatic test of heritage value*. In practise this means: 60 years triggers legal protection – a procedural mechanism, not heritage status by default. In other words, any building older than 60 years is:

- i. Is treated as a heritage resource by default in law
- ii. Requires a permit before demolition or alteration
- iii. Falls under the oversight of the relevant authority (usually SAHRA or provincial authority)

However:

- i. A building younger than 60 years can still qualify as heritage
- ii. The Act does not say that buildings under 60 years are excluded from heritage consideration
- iii. Significance is assessed using heritage criteria, not age alone.

The Convention emphasises that ICH is: “*constantly recreated by communities in response to their environment, their interaction with nature and their history.*” A rigid “three-generation rule” is incompatible with a phenomenon that UNESCO itself recognise as dynamic, adaptive and responsive rather than static, linear or fossilised.

### **5.7.2. The Vertical Interpretation Freezes Heritage; UNESCO Explicitly Rejects Freezing**

UNESCO literature repeatedly cautions against “freezing” living heritage into fixed categories. A vertical, genealogically-anchored interpretation privileges bloodline over practice, prefers static continuity over adaptive continuity and ignores the social, communal, apprenticeship-based nature of many practices.

**Living heritage often exists through:** Master → apprentice relationships, elder → youth transmission, ceremonial instruction, community recognition; and shared practice. Not solely through biological descent. Thus, UNESCO’s use of “generation to generation” refers to functional and cultural transmission – qualitative indicators, not biological or temporal prescription – quantitative indicators.

### **5.7.3. South African Policy and Legislation Also Do *Not* Impose Generational Numerical Requirements**

If the legislators intended to impose a strict generational threshold, they would have written it into law just as they did with tangible heritage thresholds (e.g., “older than 60 years” for buildings under the NHRA). The omission of a numerical prescription is deliberate in the view of OMEVTA.

The fact that tangible heritage has an explicit age procedural requirement, ICH definitions *do not*, and the Draft South African Living Heritage Policy explicitly emphasises community identification.

All demonstrate that intangible heritage was intentionally left flexible, open and responsive, not bound to a prescriptive numeric rule. This strengthens, not weakens the horizontal interpretation.

### **5.7.4. The Horizontal Interpretation Is Supported by Heritage Practice, African Knowledge Systems and the Realities of Cultural Transmission**

A horizontal interpretation of “generation to generation” recognises that:

- i. Transmission may occur socially, practically, ritually or spiritually, rather than biologically.
- ii. Communities “become” heritage communities through practice, memory, revival, use and collective meaning-making.
- iii. Many African and IKS transmit knowledge through peer groups, elders, community ceremonies and mentorship, not solely through family lineage.

The horizontal model is therefore better aligned with African IKS, where “*generation*” often refers to cohort rather than bloodline and *continuity* refers to practice in place, not merely genealogy.

### **5.7.5. Application to Oude Molen: A Living Heritage Continuum, Not a Numeric Gap**

Under the horizontal interpretation, the living heritage at Oude Molen becomes both legible and substantial.

#### **5.7.5.1 Khoi and San Heritage Continuities**

Oude Molen lies within a landscape with deep Khoi and San historical layers. Current Khoi and San heritage bearers practising environmental healing, spiritual, ritual and traditional knowledge at the Eco-Village represent a renewed expression of this deep-time cultural

continuum. The UNESCO Convention specifically allows for: revitalisation of cultural practices, re-expression in contemporary form and adaptive transmission; all of which are present at Oude Molen.

#### **5.7.5.2 Valkenberg Traditions of Care, Healing and Therapeutic Practice**

Valkenberg Psychiatric Hospital (established 1891) historically practiced: horticultural therapy, pig and vegetable farming, nature-based occupational rehabilitation. Today's living heritage at Oude Molen: equestrian therapy, environmental restoration, horticulture, agro-ecology, Robin Trust care work, reflects a direct thematic continuity with this historical therapeutic landscape.

The practices have evolved, but continuity of purpose, method and healing ethos remains intact, fully meeting UNESCO's adaptive continuity model.

#### **5.7.5.3 Equestrian Knowledge Transmission and Community Praxis**

Oude Molen's stables reflect more than recreational activity they form a multi-decade equestrian cultural practice involving mentorship, apprenticeship, skills transfer, community identity-building, youth development and emotional and therapeutic care.

Knowledge holder → novice transmission is itself a form of "generation to generation" in the *horizontal* sense endorsed by UNESCO.

#### **5.7.5.6. The Vertical Approach Produces Absurd Results and Excludes Most ICH Globally**

If the HIA's narrow, numeric interpretation were applied globally: Most global ICH elements would fail to qualify. Revitalised traditions (a major category of UNESCO listings) would be excluded. Urban and hybrid or syncretic cultural practices, common worldwide, would be disqualified. Most African IKS, which rely on horizontal knowledge-sharing, would be marginalised. This would contradict the purpose of the Convention and undermine nearly every UNESCO ICH listing globally.

#### **5.7.5.7. Conclusion: The Horizontal Interpretation is the Only Legally, Conceptually and Practically Defensible Approach**

**The horizontal interpretation:** Aligns with UNESCO's explicit rejection of "freezing" heritage. It aligns with South African heritage law and policy and with IKS knowledge transmission models. It accurately reflects Oude Molen's living cultural ecology and ensures communities retain agency over identifying and safeguarding their own heritage.

**The narrow vertical interpretation:** Has no basis in UNESCO policy and is unsupported by South African law. Misunderstands ICH transmission models. Would erase living heritage and has been weaponised within the Revised HIA to exclude legitimate heritage communities at Oude Molen.

Therefore, OMEVTA adopts and recommends that HWC adopt the horizontal, community-centred interpretation of "generation to generation" as the correct lens through which to evaluate the living heritage at Oude Molen.

### **5.8 Assessment of OMEVTA and Oude Molen Tenants Against the UNESCO Living Heritage / ICH Criteria**

This section evaluates OMEVTA and the principal tenant groups against the three UNESCO criteria for ICH and Living Heritage: a. Transmission from generation to generation. b. Currently and actively practised (“living”). c. Concerted efforts to transmit into the future (“safeguarding”).

UNESCO requires that all three criteria must be met for a cultural practice or knowledge system to qualify as ICH or Living Heritage. The assessment below demonstrates that OMEVTA and its tenants satisfy these criteria comprehensively across multiple domains of heritage.

### **5.8.1 OMEVTA as a Living Heritage System**

#### **1. Transmission from generation to generation**

OMEVTA represents a multi-decade community of practitioners whose traditions, skills and knowledge systems have evolved at Oude Molen since the mid-1990s. The association embodies a continuity of community knowledge, including sustainable land use, IKS, equine practices, environmental education, community farming and social care systems that are shared across generations of practitioners, apprentices, children, youth volunteers and families.

#### **2. Currently and actively practised**

The Eco-Village continues to function as a living heritage landscape. Daily activities include horse training, animal husbandry, traditional healing, organic agriculture, community rituals, educational programmes, outdoor learning, craft production and cultural practices linked to First Nations custodianship. These are dynamic, ongoing and central to daily life.

#### **3. Concerted efforts to transmit into the future**

OMEVTA coordinates community training, mentorship, open days, school programmes, cultural events, apprenticeships and youth outreach. Many tenants maintain formal and informal learning pathways that ensure generational continuity. OMEVTA’s governance structure itself is designed to safeguard the Eco-Village’s unique living heritage and to ensure its future viability. OMEVTA meets all three UNESCO criteria and functions as the community-level safeguarding institution essential for Living Heritage continuity.

### **5.8.2 First Nations / IKS Practitioners**

#### **1. Transmission from generation to generation**

IKS practitioners at Oude Molen draw from ancestral Khoi and San knowledge systems that have been passed down through family lineage, community elders, ritual custodians and cultural practitioners. These practices include traditional healing, plant knowledge, ritual use of the landscape and identity-based cultural transmission.

#### **2. Currently and actively practised**

First Nations practitioners hold ceremonies, teach plant-based ecological knowledge, engage in community healing, maintain cultural gardens and practice traditional forms of wellbeing and custodianship over land. These activities are ongoing and form part of a living cultural landscape.

#### **3. Concerted efforts to transmit into the future**

Revivalist programmes include youth education, cultural workshops, heritage days, skills transfer, medicinal plant training and mentorship of younger practitioners. Their work explicitly aims to preserve, adapt and transmit First Nations cultural knowledge to future generations. The IKS practices at Oude Molen clearly satisfy all UNESCO criteria and model a living heritage system that cannot be replicated elsewhere.

### **5.8.3 Equine Culture, Horse Stables and Therapeutic Horse Programmes**

#### **1. Transmission from generation to generation**

Horse culture at Oude Molen has existed for over 30 years, involving inter-generational knowledge in ridership, equine care, riding instruction and community-based stable management. Many trainers were mentored by previous generations and are now mentoring new riders and youth. Horse culture and healing also has a strong link to Valkenberg Hospital established in 1891, where patients were also engaged in pig-farming and small-scale agriculture. The current owner was mentored by the original owner and is transmitting the skills and experience to a new layer of heritage-bearers (qualifying even under the narrow, vertical interpretation). These traditions continue in the current Oude Molen Stables.

#### **2. Currently and actively practised**

Daily routines include horse training, riding instruction, equine therapy for vulnerable children, community rides, horse care, tack maintenance and farm-based educational programmes. Horses are central to the daily function and identity of the Eco-Village.

#### **3. Concerted efforts to transmit into the future**

Stable owners and riding instructors run youth mentorship programmes, outreach to township children, therapeutic riding for special needs learners and structured training for aspiring equestrians. This creates a strong safeguarding mechanism ensuring continuity.

The equine practices at Oude Molen meet all UNESCO heritage criteria and constitute a rare example of socially embedded, community-based equine culture in an urban setting.

### **5.8.4 Small-Scale Organic Farmers and Agroecology Practitioners (Oude Molen Food Garden, Oude Molen Fruit Forest, Forest of First Nation People, Back Area Garden Organic Produce)**

#### **1. Transmission from generation to generation**

Farming knowledge: traditional, organic, agroecological and community-based has been passed down through practitioners with decades of experience. Many farmers combine family-taught skills, Indigenous ecological knowledge and community-led learning. Practices we see in the Food Garden and First Nation Forest.

#### **2. Currently and actively practised**

Organic cultivation, seed-saving, composting, water harvesting, natural pest control, livestock care and community farming take place daily. Produce is grown, harvested, sold and used on site. (Heirloom Seed Preservation and Swaps).

#### **3. Concerted efforts to transmit into the future**

Farmers teach school groups, run internships, youth programmes, permaculture workshops and mentorships for future growers. Safeguarding of soil knowledge, regenerative agriculture and seed heritage is done intentionally.

The agricultural tenants fulfil all UNESCO criteria and represent a functioning heritage agroecology system.

### **5.7.5 Continuity of Farming and Agricultural Practices (Historical Link to Valkenberg)**

Historically, Oude Molen included dairy, pig and vegetable farming as part of occupational therapy for psychiatric patients under Valkenberg Hospital. Present-day organic and agro-ecological farming at Oude Molen represents a direct evolution of this historic land use, maintaining inter-generational agricultural knowledge and land stewardship. Farming activities today combine ecological, educational, therapeutic and community goals, demonstrating living heritage continuity from past occupational therapy and institutional farm practices.

Oude Molen's current farming is a living agricultural heritage, preserving historic occupational therapy and therapeutic land-use practices.

### **5.8.6 Creative Arts, Craft and Maker Studios**

#### **1. Transmission from generation to generation**

Craft and creative practices at Oude Molen reflect lineages of artistic knowledge, including metalwork, sculpture, traditional craft, music and fabric arts. Many practitioners teach apprentices, interns or community learners.

#### **2. Currently and actively practised**

Studios operate daily and produce tangible creative outputs. Artistic work is sold to local and international visitors, used in exhibitions and integrated into cultural education.

#### **3. Concerted efforts to transmit into the future**

Workshops, mentorship programmes and community teaching initiatives ensure continuity of skills and techniques. Many practitioners actively nurture creative skills in youth.

The arts and craft tenants satisfy ICH criteria through continuous practice and intentional transmission.

### **5.8.7 Social Development, Education and Wellness Programmes**

#### **1. Transmission from generation to generation**

Educational organisations at Oude Molen operate within long-standing traditions of community-based education, holistic learning, environmental stewardship, therapeutic practice and alternative pedagogy.

#### **2. Currently and actively practised**

Daily educational activities include early childhood development, outdoor learning, therapy programmes, environmental education and youth development initiatives.

#### **3. Concerted efforts to transmit into the future**

Schools, training centres and wellness practitioners provide structured educational pathways designed to produce future generations of learners and practitioners who understand and uphold Eco-Village values and skills.

The educational and wellness tenants function as safeguarding bodies that fulfil all UNESCO criteria.

### **5.8.8 Healing Heritage: Continuity with Valkenberg Psychiatric Care and Vincent Pallotti Hospital Mental Health Walks (Education, Robin Trust, farming and stables)**

**Historical background** - Valkenberg Hospital has a complex and rich history, evolving from a colonial farm (1770s) to a major psychiatric institution. Its story reflects both South Africa's architectural heritage and the changing approaches to mental health. Established in 1891, as Cape Town's primary psychiatric institution to relieve overcrowded and poor conditions for psychiatric patients on Robben Island. In 1912, the Union Government acquired Oude Molen as part of Valkenberg's institutional network. The site included occupational-therapy farms (dairy, pig, vegetables) providing therapy and skill development for psychiatric patients.

**Link to contemporary healing and therapy** - Oude Molen Stables, the Robin Trust and First Nations provide therapeutic horse-based programmes, psychiatric care and community wellness, continuing the site's healing function. The shift from custodial institutional care to inclusive, community-led healing illustrates a living heritage transformation, maintaining continuity with past therapeutic uses.

#### **UNESCO ICH Criteria applied**

1. Transmission from generation to generation - Healing and wellness knowledge is actively passed to new practitioners, youth and community members.
2. Currently and actively practised - Daily therapeutic programmes are integral to the Eco-Village's living culture.
3. Concerted efforts to transmit into the future - Structured programmes, mentorship, outreach and governance safeguard healing heritage.

Robin Trust, the Schools, the Oude Molen Stables and First Nations all exemplify living healing heritage, linking contemporary practices to Valkenberg's historic psychiatric-care legacy.

### **5.8.9 Oude Molen as a Living Heritage Landscape**

Across all major tenant groups, Oude Molen Eco-Village demonstrates:

- Intergenerational transmission of knowledge and culture
- Daily living practice of heritage traditions
- Intentional and structured efforts to transmit these systems into the future

Oude Molen is not merely a site of "activities." It is a multi-layered, multi-community Living Heritage system, meeting UNESCO's full criteria for ICH.

Oude Molen Eco-Village is therefore a multi-layered Living Heritage system, meeting UNESCO's full criteria for ICH and embedding unique healing and agricultural heritage. Any redevelopment threatening these uses would disrupt living heritage continuity, cultural practices, ecological systems and therapeutic functions.

## **5.9 Cultural Dispossession Through Development Framed as "Progress"**

Disregarding living heritage communities creates a narrative in which development appears to have no cultural cost. This is deeply concerning because it mirrors historical patterns of displacement. The Revised HIA uses spatial justice terminology to justify removal, even though Section 3(3)(d) of the NHRA warns against heritage processes being used to enable “further dispossession or marginalisation.” Oude Molen’s communities, many historically excluded from land and cultural space, now face dispossession again. As Faiez Evans, Co-Chairperson of OMEVTA stated:

*“We came here after 1994 because we were told this new South Africa would make space for us. Now it feels like we are being pushed out again.”*

This demonstrates that erasing living heritage creates a false, dangerous rationale for displacement, undermining the constitutional right to cultural practice (Constitution of South Africa) reminiscent of apartheid forced removals of the nineteen sixties, seventies and eighties.

### **5.9.1 Consequences of Failure to Recognise Living Heritage Communities**

The Revised HIA’s omission results in:

- i. Non-compliance with NHRA Section 38
- ii. Violation of UNESCO Article 11 (community authority)
- iii. Failure to identify key heritage layers
- iv. Incorrect impact assessment (living practices not assessed)  
A development-biased narrative
- v. Risk of cultural erasure and community displacement
- vi. Denial of constitutional cultural rights
- vii. Inaccurate representation to HWC

These failures invalidate the HIA’s conclusions on intangible heritage.

### **5.10 OMEVTA Requests to HWC**

OMEVTA submits that the Revised HIA’s exclusion of contemporary living heritage communities is a fatal legal and methodological flaw. The communities at Oude Molen meet all criteria for recognition as custodians of living heritage under South African and international law. Their erasure renders the HIA non-compliant with statutory requirements and incapable of guiding responsible heritage decision-making.

OMEVTA therefore requests that Heritage Western Cape: Reject the Revised HIA in its current form, require formal recognition of contemporary living heritage communities, direct the commissioning of a new independent Living HIA and suspend development decisions pending completion of such an assessment.

<b>5.11 Tenant, Organisations, Visitors, Community Testimonies, Interviews and Written Submissions as Evidence of Living Heritage at Oude Molen</b>
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Anaur Diedericks – Grade 9, 16 years old and an Oude Molen participant for 7 years, opines:

*"Every corner has a story, every person there teaches you something, and you actually feel like you belong to something real; not just a space made for rich people who won't even care about what was here before."*

This is reinforced by Dara Kell as follows (paraphrased):

*"We regularly visit OM with our 2,5-year old son. OM is a place of calm and healing. It's a space that nurtures our mental health, our sense of community and connection to the natural world. We feed the horses, visit the chickens. This is not entertainment. This is education, healing education – an embodied experience of farm life, animals and ecological balance."*

In support of Section 5, OMEVTA submits a consolidated body of tenant interviews, written submissions and first-hand testimonies documenting the ongoing living heritage practiced at the Oude Molen Eco-Village. These testimonies are central to understanding the continuity, community-based transmission and cultural significance of the practices at the site.

They provide direct evidence that: Living heritage exists and is actively practised at Oude Molen.

1. These practices are intergenerational, community-driven and socially embedded, consistent with UNESCO's 2003 definition.
2. The Revised HIA failed to recognise, interview or meaningfully consult the individuals who safeguard and sustain this heritage.

Summaries of key themes emerging from tenant evidence and written submissions are contained in in the Annexure Section below.

### **5.11.1 Intergenerational Equestrian Knowledge and Community Care of Horses**

Numerous tenants involved in equestrian work describe the passing down of horse care, riding and animal-assisted therapy from one generation to the next. Testimonies reveal:

- i. Children and youth receiving long-term mentorship in horsemanship.
- ii. Families who have lived and worked with horses on the site for decades, establishing a multi-generational line of praxis.
- iii. Programmes that use horses for healing, rehabilitation and trauma support for vulnerable community groups. Kendre Allies, owner of the Oude Molen Stables states:

*"The horses have taught our children discipline, responsibility and respect. Some of them grew up here and now teach the younger ones. This is our heritage."*

These practices meet UNESCO criteria for "knowledge and skills transmitted from generation to generation, recreated by communities in response to their environment."

### **5.11.2 Indigenous Healing, Rituals and Environmental Stewardship**

Multiple tenants describe indigenous healing traditions practised at Oude Molen, including plant-based healing, spiritual rituals and ceremonial gatherings rooted in local knowledge systems. A first Nation Healer (2024) says:

*“My grandmother taught me these ways. I practice them here because this land still holds the spirit of our old ways. Without the space, we lose our connection.”*

These testimonies highlight:

- i. The importance of place-based knowledge,
- ii. The role of environmental healing as cultural practice, and
- iii. The sacredness of landscape within indigenous heritage traditions

These community practices align with UNESCO’s living heritage domains of “oral traditions,” “knowledge concerning nature” and “social practices, rituals and festive events.”

### **5.11.3 Social, Educational and Community-Building Programmes**

Tenants involved in youth work, informal education and environmental rehabilitation describe a long-standing culture of hands-on ecological education, youth mentorship, skills transfer in sustainable agriculture, environmental awareness and community leadership as well as community-run workshops and festivals. Faiez Evans notes:

*“We teach children about nature, food and community. These are life skills: they come from the land and from each other. This is living heritage, not just a project.”*

These practices contribute to heritage continuity through education, fulfilling UNESCO’s principle that living heritage “provides communities with a sense of identity and continuity.”

### **5.11.4 Cultural and Social Identity Embedded in Place**

Tenants repeatedly emphasise that their identity, livelihood and cultural expression are inseparable from the Oude Molen landscape, forming a “community of practice” that includes daily communal labour, collective stewardship of the land, shared cultural events and celebrations and a long-term sense of place and belonging. Dan Nesor notes:

*“This is more than where we work. It is a community that grew over 30 years. Our daily lives, our community memories, our ways of living, they all come from here.”*

Faiez Evans: *“Extended reach and benefits like employment opportunities that include training of baristas and helping inexperienced business owners by supplying coffee to previously advantaged individuals who own coffee shops. Millstone coffee shop has an actual historically significant millstone in its garden area which is a unique setting for a space that is safe, relaxing, promotes mental health and serves traditional Cape Malay foods and treats.”*

### **5.11.5 Evidence of Heritage Transmission Risk Under Proposed Development**

Testimonies overwhelmingly indicate that the proposed development threatens to destroy the conditions required for living heritage to persist. Tenants articulate loss of outdoor and horse spaces, displacement of indigenous and spiritual practices, disruption of youth education and community sustainability and breaking of intergenerational continuity. As Rod Solomons notes:

*“If we lose this place, we lose the heritage we carry. It cannot simply be relocated, it lives here.”*

These concerns confirm that the development, as currently conceptualised, would cause severe and irreversible impacts on intangible living heritage, a factor the HIA fails to recognise or assess.

#### **5.11.6 Tenant Testimonies as Primary Evidence of Living Heritage**

The collected interviews and submissions are not anecdotal: they form a robust, community-based evidence base demonstrating the existence of active living heritage communities, the centrality of place-based cultural practices, the absence of tenant voices in the HIA process and the need for a revised assessment grounded in community consultation

These testimonies reveal that living heritage at Oude Molen is not an abstract concept, it is a daily, continuous intergenerational social practice. The Revised HIA's omission of these stakeholders constitutes a fundamental defect in its methodology and findings.

#### **5.11.7 Further Quotations from visitors to Oude Molen**

**5.11.7.1 Silvanacretu@ wrote** *"It is an amazing place for culture to be passed on. My two girls played here many years ago, and it is so magical to continue to see this place stay as it is for many generations."*

**5.11.7.2 Kathpeter2002@ wrote:** *"This is a wonderful little café. Perfect stop for a Beautiful breakfast and cup of tea. Such history, came here when our kids were little for pony rides+ playshed. SO GLAD ITS STILL GOING."*

**5.11.7.3 Yamkela17005@** *"I'm Yamkela Kasana, born and raised in Langa and fortunately had the privilege to study and have a very firm foundation @Gaia Waldorf - a place very special to my heart and a school I still advise others to attend. I am very saddened by proposed developments as this place is very sacred our worlds future - the young children who learn to be different and positively impact their world. I am in support of keeping this land, so we continue to educate & keep the community eco-friendly."*

## **6. The Eco-Village, Horses, Indigenous Practices and Environmental Healing Traditions as Living Heritage**

In this section, OMEVTA asserts that the practices within the Eco-Village constitute living heritage; not relics of the past; but active, ongoing practices embedded in the landscape and community life.

- i. **Horses and Equestrian Culture:** The stables, paddocks, fields and riding trails at Oude Molen are not merely recreational amenities, but integral components of a long-standing equestrian culture. Horse-keeping, training, mentorship programmes for youth and related equestrian care constitute intergenerational knowledge transmission. The horses, their care, the land and the people form an inseparable heritage landscape.
- ii. **Indigenous Practices and Healing Traditions:** First Nations practitioners and other community healers draw on ancestral knowledge, river- and land-based rituals, indigenous healing practices and herbal medicine rooted in local ecology. These practices are ongoing, repeated and passed on, fulfilling the criteria for intangible

cultural heritage under the framework adopted by international heritage bodies.

- iii. **Environmental Healing, Ecological Stewardship and Agro-Ecology:** The Eco-Village's ecological work: restoring wetlands, maintaining river corridors, regenerating soil, practicing sustainable agriculture, seed-keeping, urban farming, forms part of a living relationship between people and land. These practices connect ecological restoration with cultural continuity, healing, community resilience and sustainability.
- iv. **Community, Social and Educational Programmes:** The diverse small businesses, social enterprises, educational initiatives, arts and crafts, communal living structures and cultural-social networks that have developed over decades embed social memory, knowledge transmission, shared identity and community cohesion in Oude Molen.

This mixture of equestrian, indigenous, environmental, social and educational practices constitute a living heritage community which is dynamic, evolving continually recreated; and deeply rooted in place and people.

## **7. The Revised HIA's Systemic Exclusion of Tenants as Heritage Stakeholders**

This section argues that the revised HIA fails to treat tenants and current practitioners as legitimate heritage-bearers and stakeholders.

- i. The HIA privileges external expert assessments and historic-structural heritage (buildings, colonial-era history, old institutions) while dismissing or ignoring the living community currently resident. In doing so, it treats tenants merely as "occupants" or "stakeholders" in a development application; not as custodians of living heritage.
- ii. Such an approach runs contrary to internationally recognised heritage practice: under the logic of the UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage, communities themselves must be central: communities define, maintain, adapt and transmit living heritage. By marginalising tenants, the HIA subverts this core principle.
- iii. Moreover, organising the assessment around pre-1994 historical layers only, the HIA creates a false dichotomy: "past heritage" vs "present occupants." In reality, heritage is layered and ongoing; current residents are part of that heritage, not separate from it.

This systemic exclusion is not a minor oversight but a structural failure in the heritage assessment methodology.

## **8. The Cultural Landscape of the TRUP and the Tenants' Role in Its Living Continuity – HWC Requirements of 3 June 2025**

This section situates Oude Molen within the broader cultural landscape of TRUP, a landscape repeatedly recognised as having major heritage significance.

### **8.1 TRUP**

**8.1.1** The TRUP area comprising wetlands, rivers (Black River, Liesbeeck), floodplains, natural corridors; and former institutional and farm sites, has long been considered of provincial and national heritage significance. The heritage value of TRUP is not limited to colonial history: it includes pre-colonial and First Nations heritage, ecological heritage and social memory tied to dispossession, resistance and land justice.

**8.1.2** In previous heritage-grading exercises, authorities have recognised that the TRUP landscape is a “historically evolved landscape” spanning multiple eras: pre-colonial, colonial, apartheid and post-apartheid reflecting complex layers of memory, displacement, resistance, ecology and social use.

**8.1.3** The current residents and tenants of Oude Molen including First Nations practitioners, equestrian riders and healers, environmental stewards, social workers, educators and artisans contribute to the living continuity of this landscape. Their ongoing practices sustain ecological corridors, social-cultural connections to riverine landscapes and inter-generational transmission of knowledge tied to land, water and community.

**8.1.4** Erasing or marginalising their presence in a heritage assessment would break this continuity, undermining the cultural landscape’s integrity.

## **8.2 Response to HWC Requirement: Insufficient Information Regarding Interrelated Significances of Character Areas**

HWC Requirement (3 June 2025): “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 her response to HWC’s Further Requirements, the consultant acknowledges that the draft HIA lacked sufficient clarity on how different parts of the Oude Molen site relate to one another in terms of heritage significance and character (i.e., character areas). She proposes to reframe the heritage description and make the links between heritage elements and spatial areas more explicit.

### **8.2.1 Oude Molen comprises multiple distinct yet interconnected precincts:**

- i. The former institutional and hospital-related structures linked historically to Valkenberg.
- ii. The equestrian and stabling precinct.
- iii. Agricultural and agro-ecological activity zones.
- iv. Conservation landscape and ecological corridors forming part of the Two Rivers Urban Park.
- v. The creative, artisan, therapeutic and social-development clusters.
- vi. Areas associated with contemporary Khoi/San heritage bearers and healing practitioners.

These areas do not exist in isolation. Their interconnectedness is central to understanding the site's overall significance. For example, the agricultural and equestrian areas continue practices historically associated with Valkenberg's farming activities. The healing and social-care activities are a continuation though transformed of the site's long institutional tradition of therapeutic work and mental-health care. Khoi and San heritage practices today find renewed expression within open landscapes that historically formed part of indigenous grazing, movement and ecological networks. Artisan, creative and environmental practices rely on the low-scale, open, village-like spatial qualities inherited from earlier land uses.

### **8.2.2. Key Concern Not Fully Resolved at a Practical Level**

The Revised HIA largely promises re-framing and clarification of significance rather than providing concrete, site-wide spatial analysis showing how character areas interact visually, historically and experientially now and under the revised development. This can leave decision-makers with a narrative rather than an actual sense of how these areas fit together as a heritage landscape.

### **8.2.3 Impact on Decision-Making**

Without clear, integrated diagrams or simplified narratives of how character areas connect (especially between heritage core, river edge, landscape edges, homestead grouping and surrounding open space), it remains a challenge to understand the precinct effect of future development. This may limit HWC's ability and community stakeholders' ability, to judge whether new development truly respects the heritage fabric versus just identifying assets in isolation.

### **8.2.4 Living & Intangible Heritage Still Underplayed**

While the response suggests that intangible and living heritage themes are researched, the link between that intangible heritage and the physical character areas on the ground remains somewhat abstract. There is a risk that character areas are described as separated categories instead of a continuum of heritage experience, which was a core concern of the IACOM review.

This web of relationships forms the lived cultural landscape of Oude Molen. Because the Revised HIA does not map or assess these relationships, it cannot produce meaningful precinct-specific heritage indicators, such as: scale and massing sensitivities; landscape and open-space protection zones; movement and access patterns; interfaces requiring safeguarding; heritage-compatible development parameters.

In effect, the Revised HIA's siloed treatment of character areas renders it unable to meet HWC's requirement for landscape-level significance assessment. The tenants' lived knowledge expressed through interviews, written submissions and decades of occupation demonstrates these interconnections clearly and must be integrated into any future heritage assessment. It would be more useful to see simple, visual or tabular summaries that clearly show how each character area connects with others (e.g., how the homestead relates spatially and historically with river edges, how roads and paths link heritage sites and how open landscapes provide context). Without those, the justification for development scale and form remains weak and *heritage logic* can be lost.

## **9. Response to HWC Requirement: Insufficient Building Massing Information**

HWC Requirement (3 June 2025): "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."

The Revised HIA responds to HWC's request for more detail on building massing by highlighting changes from the original draft such as lowered height bands, landscape setbacks, finer grain typologies and breaks in bulk to reduce monotony and visual dominance near heritage resources. They argue that these adjustments improve compatibility with the heritage context.

### **9.1 OMEVTA Critique**

#### **9.1.1 Still Too Conceptual, Not Enough Specificity**

The response relies heavily on design intentions (e.g., "varied plot depths", "graduated height zones") rather than demonstrating how these translate into the actual experience of scale and mass when standing at heritage vantage points (e.g., near the homestead, the river corridor and existing character areas).

#### **9.1.2 Limited Visual Evidence**

There is limited use of clear, comparative visuals (simple massing diagrams or zone sections) that show before vs after; or heritage vantage point vs proposed form. Without this, it's hard for decision-makers to visualise whether the proposed massing truly mitigates impact or just theoretically does so.

### **9.1.3 Broad Justifications Without Measurable Thresholds**

Statements that massing is “moderated” lack quantitative context: how tall are the tallest structures adjacent to heritage resources? What’s the relative scale compared to existing buildings? How will shadows, sightlines and skyline impact the heritage core? These are the very things most reviewers want to grasp in the absence of straightforward comparisons.

### **9.2 OMEVTA Recommendation:**

Provide simple diagrams/tables that show:

- i. Height and bulk relative to key heritage points
- ii. Views showing how massing changes from different parts of the site
- iii. Comparisons of massing before and after revision

This would turn design rhetoric into usable heritage evidence and make it easier for HWC to judge impacts.

### **9.3 General Tone and Accessibility**

The Revised HIA’s responses are clearly crafted by a professional for a professional audience, that tend to assume a level of technical familiarity with heritage practice principles. For OMEVTA’s purposes where a range of community stakeholders and visitors might read the report, the language would benefit from being more grounded in everyday terms (e.g., “how tall buildings look from the homestead courtyard” instead of “finer grain typology”).

Given that the proposed development includes substantial new bulk, this absence of simple diagrams and tables is not a minor technical issue but a major procedural deficiency. Without massing studies, HWC cannot determine: whether the new buildings overpower or overshadow existing heritage elements; whether views to and from TRUP and MGV are compromised; whether the cultural landscape’s openness and permeability are eroded; whether living heritage practices remain viable under altered spatial conditions.

Thus, the HIA does not satisfy S.38( of the NHRA, which requires an assessment of the potential effect of development on heritage resources. That assessment is impossible without massing.

## **10. Response to HWC Requirement: Insufficient Alternatives for Internal and External Interfaces**

HWC Requirement (3 June 2025): “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.” / HWC Concern (Paraphrased): The Revised HIA does not sufficiently demonstrate that alternative design approaches were explored, particularly in relation to how new development could respond more sensitively to the scale, spatial logic and lived heritage character of the Oude Molen precinct.

### **10.1 Failure to Provide Meaningful Development Alternatives**

**10.1.1** The Revised HIA maintains that the proposed scheme has evolved to address heritage sensitivities through moderated height bands, articulated building forms and landscaped transitions. However, these refinements are presented largely as adjustments to a single preferred development framework, rather than as genuinely different alternatives tested and assessed from a heritage perspective.

#### **10.1.1.1 Summary of the Revised HIA Response - OMEVTA Critique**

##### **1. Limited Exploration of Height, Bulk and Permeability Transitions**

- i. While the Revised HIA refers to improved transitions in scale and massing, it does not demonstrate alternative ways in which new structures could step down, fragment or open up more gradually in relation to the low-scale historic fabric.
- ii. The report focuses on how the chosen scheme has been softened, rather than asking whether fundamentally different approaches such as lower maximum heights closer to heritage cores, more porous edges or reduced building footprints could better support heritage outcomes.
- iii. As a result, the assessment reads as a justification of an already-determined large-scale, commercial development envelope, rather than a comparative exploration of heritage-led design options. From an OMEVTA perspective, this limits confidence that the least-harmful option to heritage resources has been identified.

##### **2. Absence of Alternative Spatial Arrangements**

The Revised HIA does not adequately test alternative site layouts that could:

- i. Preserve important sightlines between historic buildings, landscapes and waterways
- ii. Retain or enhance open courtyards as meaningful heritage spaces rather than residual gaps between buildings
- iii. Maintain established movement routes and spatial “flows” that underpin how the site is experienced and used today, including MGV and TRUP.

Instead, spatial relationships are largely assessed within the constraints of the proposed layout, making it difficult to understand whether different configurations with fewer buildings, different orientations or more generous open spaces were ever seriously considered.

This is particularly significant because heritage value at Oude Molen is not only located in buildings, but in how space is organised, accessed and shared.

##### **3. External Interfaces (TRUP and MGV)**

TRUP and MGV are both high-sensitivity heritage environments. Yet the HIA does not: provide alternatives for buffer zones or setbacks; explore different façade or edge treatments; evaluate alternative circulation and access patterns; consider alternatives that enhance ecological and cultural linkages with TRUP; demonstrate how the new development will avoid overshadowing or visually dominating MGV’s historic streetscape.

These omissions are significant because both TRUP and MGV possess independent heritage significance that may be harmed by inappropriate edge conditions at Oude Molen.

#### **4. Insufficient Consideration of the “Village-Like” Cluster Pattern**

One of the defining features of the Oude Molen precinct’s contemporary living heritage is its village-like cluster pattern: small-scale buildings arranged around shared open spaces, with informal connections, layered uses and a strong sense of communal identity.

- i. The Revised HIA acknowledges this character but does not meaningfully explore alternatives that prioritise retention of this pattern as a structuring principle for future development.
- ii. Instead, the village character appears to be treated as an aesthetic reference, rather than a spatial logic that could fundamentally shape density, layout and building relationships.

From OMEVTA’s perspective, this represents a missed opportunity to demonstrate how development could evolve from the existing heritage pattern, rather than replacing it with a more conventional urban development model adapted only at the margins.

#### **5. Relevance for Heritage Assessment**

The NHRA and established heritage practice require that reasonable alternatives be explored, particularly where change may significantly alter heritage character.

In this case:

- i. Alternatives are not clearly illustrated, compared or assessed.
- ii. The heritage impact assessment therefore lacks a transparent basis for concluding that the proposed approach represents the most appropriate or least damaging option.
- iii. Community stakeholders are left without a clear understanding of what other futures for the site might have been possible.

#### **10.2 OMEVTA Recommendation**

OMEVTA recommends that the HIA 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.

These alternatives need not be highly technical; simple diagrams and plain-language explanations would significantly improve transparency and allow HWC and the public to make informed judgments.

The Revised HIA refines a preferred scheme but does not convincingly demonstrate that heritage-supportive alternatives were genuinely explored. As a result, it falls short of showing that the proposed large-scale, commercial redevelopment represents the most appropriate response to the unique living and spatial heritage character of Oude Molen.

### **11. Heritage Layering and Continuity at Oude Molen: A Corrective Framework**

OMEVTA proposes a corrective framework for heritage assessment, one that recognises heritage as layered, continuous and dynamic across time and communities. Under this framework:

**11.1.1 Historical layers** (pre-colonial, colonial, institutional, apartheid-era) must be documented: buildings, archaeology, ecological remnants, memory of dispossession and resistance.

**11.1.2 Ecological/environmental layers:** wetlands, river systems, natural habitats, ecological corridors, old-growth vegetation, watercourses, soils must be mapped and their significance recognised.

**11.1.3 Social and cultural layers:** current communities, living heritage practices, social enterprises, arts, agriculture, agro-ecology, equestrian culture, community healing, educational initiatives.

**11.1.4 Spatial and landscape layer:** how buildings, open spaces, river corridors, paddocks, stables, gardens interrelate to create a coherent living environment; how spatial justice, access, community use and heritage use intersect.

**11.1.5 Inter-generational transmission and community continuity:** recognising that heritage is not frozen in time, but continuously recreated by communities, adapting to changing social, ecological and economic contexts.

This framework treats the site not as a museum, but as a living cultural landscape: dynamic, contested, evolving and continuously inhabited.

## **12. Impact of Proposed Development on Living Heritage Practices**

Under the proposed large-scale, mixed-use, high-density redevelopment of Oude Molen Precinct, OMEVTA submits that key heritage practices are under serious threat:

- a) **Loss of space for horse programmes and equestrian access:** Removal or densification of paddocks, stables, open riding areas will render horse-keeping and mentorship programmes impossible or unsustainable.
- b) **Displacement of Indigenous and healing practices:** Loss of access to open land, riverine spaces, quiet natural zones essential for rituals, healing, plant-gathering, land-based spiritual practice and intergenerational knowledge transfer.
- c) **Destruction of environmental and agro-ecological infrastructure:** Gardens, seed-banks, restored wetlands, ecological restoration zones, agro-ecology plots and environmental healing landscapes will be lost along with their ecological and cultural functions.
- d) **Erosion of community cohesion, identity and inter-generational continuity:** Displacing or fragmenting the community, physically and socially would break the cycle of knowledge transmission, threaten livelihoods, cultural identity, social

services, learning programmes and shared memory.

- e) **Irreversible damage to the broader TRUP cultural landscape:** Once the open-space footprint and ecological integrity of Oude Molen are compromised, the integrity of the wider Two Rivers landscape will suffer undermining not only Oude Molen but the entire heritage value of TRUP.
- f) **Loss of public access** favouring privatisation.

These impacts are not peripheral side-effects, they strike at the core of what OMEVTA defines as living heritage.

### 13. Alternative Development Scenarios Supporting Heritage Co-Existence

Recognising the pressures for social housing and urban development, OMEVTA proposes alternative development scenarios that honour heritage while meeting social needs. Key principles:

1. **Heritage-sensitive planning:** Any redevelopment must begin with recognition of living heritage, ecological heritage and social heritage; not treat them as afterthoughts.
2. **Retention of core Eco-Village areas:** 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.
3. **Collaborative governance:** Establish a governance structure involving developers, government and the community (tenants, heritage practitioners, First Nations representatives, organisations) to oversee heritage-sensitive planning, land use, allocation and ongoing management.
4. **Mixed-use but low-density and eco-oriented development where appropriate:** 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.
5. **Spatial justice and equitable access:** Ensure that development does not privilege external market-oriented interests, but addresses the rights and needs of tenant communities, cultural practitioners and heritage stakeholders.
6. **Heritage co-existence and community-led stewardship:** Recognise that development and living heritage can co-exist but only if community-led heritage stewardship, participatory design and inter-generational continuity are prioritised.

Such scenarios would allow for transformation and social upliftment without erasing heritage, community, ecology or culture.

#### **14. Alignment with South Africa's Draft Living Heritage Policy**

OMEVTA submits that its practices and community structure align closely with the principles set out in National Heritage Policy including draft policies on living heritage (e.g. by the Department of Arts and Culture – “Draft National Policy Framework for Heritage Memorialisation”). Core alignments include:

- i. **Community ownership and custodianship:** The Eco-Village is inhabited, managed and nurtured by a community of residents, tenants, cultural practitioners, social enterprises, NGOs acting as living custodians of the public (not private) land and its traditions.
- ii. **Inter-generational continuity:** Through equestrian training, indigenous knowledge transmission, healing practices, agro-ecology, education, social enterprises and mentorship, knowledge, identity and cultural practice are passed across generations.
- iii. **Cultural and environmental sustainability:** The community's approach integrates ecology, healing, sustainability, social support, livelihood and cultural practice aligning with the policy's emphasis on sustainable, living, adaptive heritage systems.
- iv. **Inclusivity and social justice:** The Eco-Village provides space for historically marginalised groups (First Nations practitioners, social entrepreneurs, artisans, community healers). Formal recognition of such living heritage communities addresses historic injustice and affirms cultural, social and environmental rights. Spatial redress is not replacing this community of heritage custodians at Oude Molen with 34% social housing opportunities and future occupants (located not in the Eco-Village itself with grand vistas but opposite, next to the Pinelands Station).

Recognising OMEVTA as a living heritage community would thus be consistent with national goals for cultural heritage, social transformation, ecological sustainability and inclusive heritage governance.

#### **15. Spatial Justice Claims in the HIA: A Critical Rebuttal**

OMEVTA frames part of its argument in terms of spatial justice; the right to land, to culturally appropriate space, to community, ecology and livelihoods.

- i. The HIA (and associated development proposal) misrepresents spatial allocations: large-scale mixed-use, high-density development prioritises market-driven interests (economic return, housing units, infrastructure) rather than existing community needs and heritage values.
- ii. By marginalising tenants and living-heritage practitioners, the development plan treats the existing community as disposable; as “in the way” of progress rather than

as stakeholders and heritage-bearers with rights to land, cultural practice, ecological stewardship and social infrastructure.

- iii. This mirrors historic patterns of dispossession, spatial exclusion and marginalisation under apartheid and urban redevelopment. To repeat such patterns under the guise of “development” is unjust and contrary to constitutional values of dignity, equality and cultural rights. This is akin to replacing the dispossessed District Community with the dispossessed Claremont communities.
- iv. Spatial justice demands equitable spatial recognition: heritage zones, communal spaces, ecological zones and living-heritage community spaces must be respected and retained, not sacrificed for densification.

Therefore, heritage protection in this context is not only about preserving memory or culture; it is a matter of social justice, land justice and community rights.

## **16. Legal and Policy Arguments for Recognition of OMEVTA as a Living Heritage Community**

OMEVTA bases its claim for formal recognition on several overlapping legal and policy grounds:

- i. **The NHRA:** The NHRA establishes an integrated system for the identification, assessment and management of heritage resources including intangible and living heritage.
- ii. **Protection of cultural landscapes and living heritage:** The Act’s principles envision that heritage includes not only old buildings but also landscapes, natural features, social practices, community traditions, oral histories, ecological relationships and living cultural systems.
- iii. **Precedent of the TRUP heritage process:** Past applications for heritage status over the broader TRUP area have recognised the significance of the confluence of rivers, wetlands, natural corridors and historical as well as intangible heritage including memory, displacement, First Nations heritage, colonial and post-colonial history, social use, landscape memory.
- iv. **Constitutional and human-rights arguments:** The right of communities to cultural expression, land, heritage, identity, ecological sustainability, community cohesion and social infrastructure can be interpreted as supported by constitutional values (e.g. dignity, equality, cultural rights).
- v. **Policy direction towards living heritage recognition:** The aspiration (as reflected in the draft national living heritage policy) to recognise and protect living heritage: communities, practices, ecological-cultural landscapes; supports formal recognition of OMEVTA as a living heritage community.

Given this legal and policy context, rejecting living heritage simply because it is contemporary or evolving or because it challenges narrow, historically frozen notions of heritage would be arbitrary, unjustified and inconsistent with both national law and broader moral commitments to redress, inclusion and cultural continuity.

### **17. Required Corrective Actions by HWC (and other authorities)**

Considering the foregoing, OMEVTA respectfully calls on HWC (and relevant authorities) to take the following actions before any development decisions proceed:

1. **Suspend approval of any development at Oude Molen until a corrected, inclusive living heritage assessment has been completed.** The revised HIA should not be accepted in its current form.
2. **Commission an independent, community-led Living HIA** with involvement from OMEVTA tenants including First Nations practitioners; ecological and heritage experts, social scientists and community members to document and assess living heritage practices, ecological-cultural landscape values and the full cultural significance of the site.
3. **Ensure full, meaningful public participation** not only in the form of open-house meetings or comment periods, but through ongoing consultation, co-identification of heritage values, participatory mapping, community decision-making and inclusive governance structures.
4. **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.
5. **Require any future development proposals to embed heritage co-existence, social justice and ecological sustainability** including preserving core heritage zones (stables, paddocks, open fields, wetlands, river corridors), maintaining equestrian, healing, agro-ecology, environmental restoration, educational and social enterprise functions and ensuring community benefit.
6. **Adopt a heritage-layering and cultural-landscape framework** for the site, recognising historical, ecological, social and intangible layers in the heritage assessment and evaluating impacts not only on buildings or viewsheds but on living practices, ecological systems, social networks and community continuity.
7. **Maintain Public-benefit vs Privatisation** Oude Molen has historically functioned as land held for public benefit, with origins in the colonial farming and milling system that serviced surrounding settlements and institutions. That public-serving function has continued, in evolving forms, into the present. The conversion of public heritage land into privately controlled, profit-driven space represents a fundamental rupture in this historical continuity and constitutes an anti-heritage outcome under the NHRA.

These corrective actions are necessary to ensure that heritage as defined by the NHRA, international heritage norms and community rights is properly safeguarded, not sacrificed in the name of development.

## 18. Recommendations for a Proper Living Heritage Impact Assessment

For a Living HIA that genuinely reflects the living realities of Oude Molen, OMEVTA recommends the following methodology and scope:

- i. **Community-led survey and mapping:** Work with tenants, practitioners, elders, youth, community organisations to map all current living heritage practices: equestrian uses, ritual/spiritual practices, healing, agro-ecology, social enterprises, community services, educational programmes, ecological stewardship, river/land rituals, gardens, open-space uses, communal buildings, paths, river corridors, wetlands.
- ii. **Inter-generational knowledge documentation:** Record oral histories, testimonies, narratives, memories, ritual and healing traditions; document how knowledge is transmitted (mentorship, apprenticeships, teaching, community workshops).
- iii. **Ecological-cultural landscape analysis:** Map rivers, wetlands, floodplains, vegetation corridors, watercourses, soil types, ecological zones and document how community practices interact with and sustain these ecological features.
- iv. **Social, economic and spatial analysis:** Assess how the community uses space (housing, stables, paddocks, communal areas, workshops, farms), how livelihood, social enterprises, small business, education, healing, community services function. And how typical development proposals (densification, mixed-use, built massing) would affect them.
- v. **Participatory impact assessment:** Rather than expert-only evaluation, involve community members in assessing impacts both direct (loss of space, displacement) and indirect (loss of access, loss of community networks, ecological degradation, disruption of intergenerational continuity).
- vi. **Heritage-sensitive design recommendations:** Based on documentation, develop design proposals and spatial plans that retain core heritage zones, integrate residential uses where possible but protect open space, ecological corridors, community and heritage functions; embed heritage-friendly building typologies, densities, typologies respectful of living heritage.
- vii. **Ongoing monitoring and stewardship framework:** Propose governance structures (community + government + developer) for long-term stewardship of heritage zones, ecological areas, living heritage practices, community use, cultural transmission and adaptive heritage management.

Such an assessment must treat living heritage with the same seriousness as built heritage, archaeology or landscape heritage because for communities like Oude Molen, heritage is alive, evolving, meaningful and essential.

## **19. CONCLUSION - Summary of OMEVTA Response to HWC Further Requirements (3 June 2025)**

HWC Further Requirements confirmed that the HIA submitted by the WCG failed to meet statutory and methodological requirements under Section 38(3) of the NHRA. OMEVTA acknowledges the clarity of HWC's guidance and submits that the November 2025 Revised HIA continues to fall materially short of compliance.

### **19.1 Failure to Investigate Intangible / Living Heritage (UNESCO 2003 + NHRA S3(3))**

HWC's first concern was that the HIA had not sufficiently investigated intangible or living heritage, nor explained how this significance manifests tangibly in the landscape. The Revised HIA still does not address this foundational deficiency.

#### **19.1.1 Continued Misinterpretation of "Living Heritage"**

The Revised HIA adopts an outdated, restrictive interpretation of intangible heritage. It defines living heritage almost exclusively in terms of deep historical continuity, implying that it can only be recognised when a community can prove three generations (roughly 75 years) of uninterrupted practice. This is not supported by UNESCO, national policy or the NHRA, all of which emphasise that living heritage is not about the antiquity of a practice but about the ongoing meaning, recognition and use of cultural practices by a community today.

Under UNESCO's 2003 Convention, intangible heritage is valid even when revived, reinterpreted or adapted by communities responding to contemporary social and environmental realities. The Revised HIA ignores this and treats living heritage as something fixed in the past directly contradicting the principle of "Safeguarding Without Freezing", which encourages dynamic, evolving expression of heritage. This narrowing has the practical effect of disqualifying almost all living heritage at Oude Molen, which is an unacceptable misapplication of international and national standards.

#### **19.1.2 Failure to Recognise Living Heritage at Oude Molen**

Instead of identifying living heritage on its own terms and in the terms set by UNESCO and domestic policy, the Revised HIA maintains that current tenants do not qualify. This is incorrect. Oude Molen hosts a genuine, multidimensional living-heritage community. Indigenous healers, Khoi and San knowledge holders, horse-culture custodians, environmental practitioners, youth-development organisations, therapeutic care services (including the Robin Trust and the Oude Molen Stables), community farmers, educators and artists all enact living heritage daily within the Oude Molen landscape.

These practices extend and reinterpret deep historical traditions:

- **The Valkenberg Psychiatric Hospital**, established in 1891, cultivated a therapeutic agricultural environment where patients engaged in growing vegetables, animal care and land-based healing: traditions that continue today in agricultural and healing practices at Oude Molen.
- **The Khoi and San cultural histories embedded in the Two Rivers system** find renewed expression in contemporary practitioners who use the space for healing, ceremony,

ecological stewardship and cultural transmission.

- **Equestrian cultures**, which have long formed part of the landscape's history, are today embodied through stabling, riding, rehabilitation programmes and horse-assisted therapy.

These contemporary living practices express continuity, adaptation and community recognition. They align perfectly with UNESCO's definition, even if the "three-generation" biological over a 75-year threshold artificially imposed is not met.

### **19.1.3 Failure to Link Intangible Heritage to Tangible Spatial Expressions**

Section 3(3) of the NHRA requires that intangible heritage significance be linked to its tangible spatial expressions: how practices manifest in the landscape. The Revised HIA does none of this. There is no mapping of where Indigenous healing occurs, how horse-keeping structures support equestrian culture, how agricultural practices shape communal spaces or how the sensory and experiential qualities of the landscape contribute to heritage meanings. Without this translation into tangible spatial significance, the assessment cannot meaningfully evaluate impacts or propose mitigation.

**Conclusion for Requirement 1** - The Revised HIA remains structurally non-compliant. A rigorous, community-led Living HIA is required.

## **19.2 Inadequate Discussion of the Broader TRUP Cultural Landscape**

The second requirement asked for deeper understanding of Oude Molen's significance in relation to the broader TRUP heritage landscape. The Revised HIA's attempt remains superficial and incomplete.

### **19.2.1 Narrative Without Cultural-Landscape Analysis**

While the Revised HIA adds text describing the TRUP area, it still does not provide a cultural-landscape analysis. It lacks an assessment of historic land-use patterns, Indigenous spatial relationships, spiritual ecologies or the symbolic meanings attached to the Two Rivers system. Without such an analysis, it is impossible to understand how Oude Molen interacts with the wider landscape as a culturally and historically interconnected entity.

### **19.2.2 Failure to Consider the Active Heritage Nomination of TRUP**

The omission of the ongoing Provincial and National Heritage nomination process for TRUP is a significant flaw. The existence of this nomination means that any development proposal must be evaluated especially carefully and ideally cannot proceed ahead of or parallel to decisions about heritage status. The Revised HIA does not acknowledge this, indeed it incorrectly claimed that this process was closed - creating a procedural irregularity and raising the risk of prejudicing the nomination process.

### **19.2.3 Failure to Present Oude Molen as Part of a Unified Cultural Landscape**

The Revised HIA treats Oude Molen as an isolated development parcel, ignoring its identity as part of a continuous Indigenous cultural landscape, a healing landscape linked to the former Valkenberg institution, and an ecological and symbolic space defined by the meeting

of the Black and Liesbeek Rivers. Without recognising this interconnectedness, the HIA cannot meaningfully assess broader heritage impacts.

**Conclusion for Requirement 2** - This requirement is not met. A full cultural-landscape analysis must be completed.

### **19.3 Insufficient Identification of Internal Character Areas**

The third requirement directed the consultant to identify and describe the interrelated significance of various character areas within Oude Molen. The Revised HIA still does not achieve this.

#### **19.3.1 Conceptual Zoning Instead of Character Areas**

Instead of mapping character areas rooted in cultural use, lived experience, historical layers and spatial rhythms, the Revised HIA provides only broad conceptual zones. These generic categories bear no relationship to how people use or experience the site. They do not reflect the specific qualities, histories or values embedded in different areas of the eco-village.

#### **19.3.2 Omission of Living-Heritage Character Areas**

Most problematically, the Revised HIA excludes the character areas that embody living heritage in practice. These include: Equestrian training areas, horse paddocks and stable environments; indigenous healing and ceremonial areas tied to the landscape's spiritual qualities; community food gardens and agricultural plots linked to historical agricultural practices; outdoor spaces used by youth development, education and social-rehabilitation programmes; therapeutic areas that continue the Valkenberg tradition of land-based healing.

By ignoring these, the HIA cannot generate accurate heritage indicators, nor can it identify or mitigate impacts that the proposed development would have on these living, functioning cultural spaces.

**Conclusion for Requirement 3** - This requirement remains unmet and must be redone with robust community participation.

### **19.4 Lack of Building Massing Detail Precludes Meaningful Impact Assessment**

The fourth requirement asked for detailed massing information to assess the visual and spatial impacts on heritage resources. The Revised HIA still does not provide this.

#### **19.4.1 Absence of Essential Technical Information**

The Revised HIA only offers conceptual diagrams which are too vague to ascertain the scale, height, visual impact or intrusiveness of proposed buildings. Proper massing studies would include height specifications, three-dimensional modelling, shadow analysis, view-line studies and comparative assessments of how new structures affect existing character.

#### **19.4.2 Impact Assessment Is Impossible Without Massing**

Because the essential technical information is missing, the HIA cannot assess the impact on:

Heritage buildings; living-heritage spaces; character areas; the visual coherence of the TRUP cultural landscape; ecological and symbolic sightlines connected to indigenous

heritage. The result is a conceptual development plan without the technical depth needed to evaluate its consequences for heritage significance.

**Conclusion for Requirement 4** - Non-compliant. Proper massing studies must be prepared before impact assessment can proceed.

### **19.5 Absence of Genuine Alternatives and Interface Analysis**

The fifth requirement called for additional alternatives and explanation of internal and external interfaces. The Revised HIA still does not meet this requirement.

#### **19.5.1 Predetermined large-scale, Commercial Redevelopment Logic**

All options presented in the Revised HIA reflect the same predetermined development model. Alternatives that would integrate or safeguard living heritage such as heritage-led development, eco-village retention and enhancement, or Indigenous-cultural landscape stewardship models are excluded entirely. This creates the appearance of alternatives without actual variation.

#### **19.5.2 Lack of Interface Assessment**

The HIA superficially or not at all examines the crucial interfaces: How the development interacts with Maitland Garden Village; how cultural and ecological flows between Oude Molen and TRUP are affected; how pedestrian, equine and cultural mobility patterns will change; how living-heritage spaces respond to proximity or overshadowing by new buildings.

Without these analyses, the consultant cannot argue that the proposal respects or enhances heritage significance.

#### **19.5.3 Failure to Meet Statutory Requirements for Alternatives**

*The NHRA specifically requires alternatives under Section 38(3)(e).* A process that omits genuine alternatives is automatically non-compliant. The Revised HIA sidesteps this requirement, undermining the credibility of its impact assessment.

**Conclusion for Requirement 5** - This requirement is still unmet. The alternatives section must be reconstructed from first principles.

### **19.6 Conclusion**

In its Further Requirements of June 2025, HWC clearly identified fundamental flaws in the original HIA. The Revised HIA of November 2025 does not correct these deficiencies. It continues to misapply heritage law, marginalise living-heritage communities, exclude Indigenous cultural perspectives, omit essential technical studies and avoid presenting meaningful alternatives.

OMEVTA therefore asserts that the Revised HIA remains non-compliant with Section 38(3) of the NHRA and cannot be accepted. A full Living HIA, Cultural Landscape Study and alternative-development review must be undertaken through a participatory, transparent and community-led process aligned with UNESCO principles and HWC policy. The revised HIA submitted in November 2025 fails both methodologically and ethically to recognise, assess and protect the living heritage of Oude Molen. By treating heritage as static, historical and

focused only on old buildings or institutional history, the HIA erases the vibrant, evolving living heritage community that has shaped and continues to sustain the site.

OMEVTA as the community of tenants, custodians, practitioners and stewards must be formally recognised as a living heritage community. Heritage authority, environmental justice, social justice, cultural rights, ecological stewardship and spatial justice demand nothing less.

We therefore call on HWC (and relevant authorities) to reject the revised HIA in its present form, commission an inclusive, independent living heritage assessment and ensure that any future development respects, integrates and preserves the living heritage, ecological systems, community life and intergenerational knowledge embedded in Oude Molen and the wider Two Rivers landscape

## **20. Annexures – Tauriq Jenkins**

To support this formal response, OMEVTA commits to attaching the following annexures in the final submission:

- **Annexure A - Declaration by River Club First Nations – Non-receipt of current Revised HIA as per meeting decision of 14 May 2025**
- **Annexure B - Summaries of OMEVTA tenants and heritage practitioners**
- **Annexure C – Full testimony submissions**