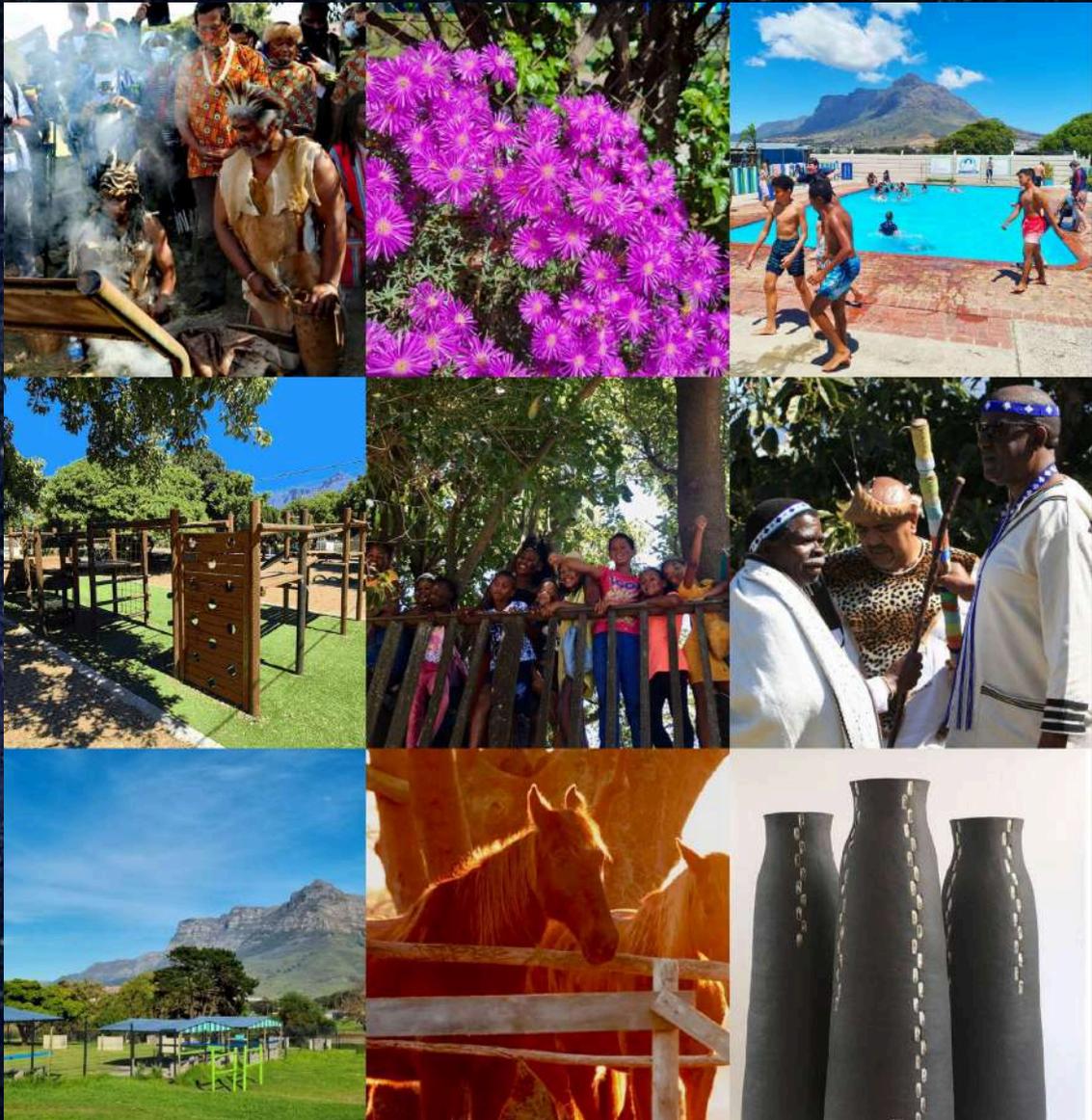


Part 2

Oude Molen, Two Rivers Urban Park as a Site of Continual Contestation

Supporting Rebuttal of Revised Heritage Impact Assessment (HIA) & Objection to Commercial Development at Oude Molen Eco Village



OMEVTA Formal Response to the Revised HIA
To be submitted in terms of Section 38(4) of the NHRA (HWC Case Number:
21022615SB0330E) to the Revised Heritage Impact Assessment Submitted to HWC
Date: 15 December 2025
Submitted to: Heritage Western Cape

TO: Heritage Western Cape (HWC) / South African Heritage Resources Agency (SAHRA)

FROM: Interested and Affected Parties (I&AP) regarding Oude Molen Precinct

DATE: December 15, 2025

SUBJECT: Rebuttal of Revised Heritage Impact Assessment (HIA) & Objection to Commercial Development at Oude Molen Eco Village

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1. Introduction

This submission serves as part of a formal rebuttal to the "Revised Heritage Impact Assessment" titled **Safeguarding of the Intangible Cultural Heritage at Oude Molen Eco Village**. While the HIA correctly identifies some heritage assets of the precinct, it fails to adequately situate Oude Molen within its broader, interconnected historical and decolonial context. Furthermore, the associated commercial development application contradicts the very principles of "safeguarding" it claims to uphold.

The proposed development, described by stakeholders as haunted by nearby "horrendously ugly Amazon buildings"¹, poses an existential threat to the delicate balance of the Oude Molen Eco Village (OMEV). Critically, the HIA process reveals a fundamental flaw: the assessment is being conducted not for the benefit of the public or the Western Province Government's Department of Infrastructure, but "in all likelihood be packaged for largely private sector development." This admission underscores that the process is geared towards commercialisation, not genuine heritage conservation. This report demonstrates that OMEV is a functioning, successful model of Intangible Cultural Heritage (ICH) that exists within a landscape of profound historical trauma, global entanglement, and contemporary healing. This living heritage will be destroyed, not preserved, by the proposed commercialisation.



Photo credit: www.oudemolenecovillage.co.za

¹ Document 01 Cindy Woodman – Save Oude Molen Eco Village

2. Current Heritage Status and Legislative Context

Oude Molen is widely recognised by its community and visitors as "a living heritage gem"² and a "rare oasis of natural beauty and biodiversity."³ However, its significance extends far beyond this to its role within the Two Rivers Urban Park (TRUP), a landscape foundational to South Africa's colonial and post-colonial narrative.

2.1 National Heritage Resources Act (NHRA) & Section 38

The site is subject to Section 38 of the NHRA. Heritage Western Cape has already critiqued the initial HIA, stating it did not meet the requirements of Section 38.3 for several reasons, including: 1) insufficient investigation of intangible/living heritage; 2) insufficient information on the site's significance in relation to the broader TRUP heritage on a macro scale; and 3) insufficient information on the interrelated significances of various character areas within the site. The current revised application continues to fail these requirements because it prioritises "economic gain at the expense of the cultural and heritage being destroyed"⁴. The "Safeguarding" document itself admits that "dangerous precedents are being set in many suburbs where no alternatives were explored other than economic gain"⁵.



Photo credit: www.oudemolenecovillage.co.za

² Document 02 Michal Hoffman Shababo – Oude Molen Story

³ Document 03 AFDA Student – OM Food Garden and general, August 2025

⁴ Document 04 SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE AT OUDE MOLEN ECO VILLAGE

⁵ Ibid



Photo credit: Salt River Heritage Society

2.2 UNESCO 2003 Convention on Intangible Cultural Heritage

South Africa officially joined the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage by depositing its ratification in January 2025. This convention defines ICH as "practices, representations, expressions, knowledge, skills... that communities, groups and, in some cases, individuals recognised as part of their cultural heritage"⁶.

Crucially, UNESCO emphasises that ICH is "constantly recreated by communities and groups in response to their environment"⁷. The submitted evidence below proves that OMEV is a thriving engine of living heritage – constantly recreated by its diverse tenants, which cannot be fossilised within a commercial mall or parking lot.

Recent UNESCO emphasis further clarifies that safeguarding living heritage requires the active protection of the communities that practice it, not just the documentation of their traditions. This is particularly vital for indigenous rituals and knowledge systems, such as those of the San and Khoi, which have faced historical erasure and are now often carried forward within Nguni spiritual traditions. Practices such as Inau initiation ceremonies, the ritual burning of Mphepo (herbal incense) for cleansing, and other ancestral healing rituals are living, intangible heritage that depends on access to specific landscapes for their continuity and transmission.

⁶ <https://ich.unesco.org/en/convention>

⁷ Ibid

2.3 The Founding Narrative: Oude Molen within the Decolonial Heritage of the Two Rivers Urban Park (TRUP)

The revised HIA is fundamentally deficient for failing to adequately investigate the site's intangible and living heritage, and for not situating it within the broader, interconnected heritage context of TRUP. A decolonial narrative reveals Oude Molen not as an isolated precinct, but as a vital part of a landscape that is the epicentre of South Africa's colonial 'original sin' and its contemporary healing. The HIA's failure to integrate the broader TRUP context, including key heritage assets like the South African Astronomical Observatory (SAAO), represents a critical omission that invisibilizes the site's true **genius loci**.

- **Epicentre of Colonial 'Original Sin' and Global Entanglement:** TRUP, specifically the area encompassing Oude Molen and the adjacent South African Astronomical Observatory (SAAO), is the frontier where settler-colonialism was cemented. Jan van Riebeeck's 1657 garrison and the Pega-Pega fence across the Liesbeek River enacted the first formal land dispossession, cutting off Khoi and San communities from vital resources and introducing a permit system – a direct precursor to apartheid. This 'Berlin Wall' of the San and Khoi was the first instance of zero public participation and the weaponisation of Roman Dutch law to justify indigenous land theft for commercial agriculture, beginning the radical degradation of the land. This area became a confluence of global forces: the dispossession of First Nations peoples, the importation of slaves from across the Dutch Empire, and the arrival of European settlers, creating a 'global DNA' foundational to Cape Town. The TRUP landscape holds the memory of the Khoi-Dutch Wars, the resulting **Khoi Mfecane** (mass migration), genocide, forced removals, epistemic violence, and the extinction of totem animals like the quagga and bluebuck.
- **Sites of Scientific and Medical Significance with Dark Legacies:** The HIA inadequately addresses the interconnected significance of nearby National Heritage Sites. The SAAO, a site of major astronomical breakthroughs and a declared National Heritage Site under consideration for UNESCO status, shares a *genius loci* with TRUP that is ignored. The observatory's location means the entire precinct is of extraordinary significance for astronomical observation, a value threatened by inappropriate development. Crucially, the adjacent Valkenberg Hospital's legacy is not merely medical but is tied to the institutionalised assault on indigenous bodies and knowledge systems – including the incarceration of King Cetshwayo, segregated psychiatric care, and the harvesting of indigenous remains for "race science". This represents a decolonial issue: the imposition of Western scientific and medical

frameworks at the expense of indigenous bodies and knowledge systems, such as the understanding of "calling sickness" within indigenous healing.

- **A Living Landscape of Memory, Trauma, and Healing:** The land of TRUP and Oude Molen holds the memory of profound historical violence. Oude Molen Eco Village represents the living embodiment of this history's potential healing. Reclaimed from derelict hospital buildings associated with the segregated incarceration of Black and Coloured patients, it is a site consciously regenerated by a diverse community of activists, tenants, and business people seeking connection and freedom. This reclamation is a direct response to a site of total collapse, dereliction, and decay, making its current vibrancy a testament to community-led healing. It is a documented site of spiritual significance where Khoi-San rituals are practised, and residents report encounters (ghost sightings, poltergeist activity) tied to the site's traumatic past. Its current organic uses – schools, therapeutic equine programs, community gardens – are a regenerative, holistic response to a history of containment and control.
- **Oude Molen as a Contemporary Site of Khoi-Korana Reunification and Heritage Revitalisation:** The site's profound contemporary significance as a living heritage landscape is powerfully demonstrated by its recent role in a historic act of indigenous cultural revitalisation. In 2019, Oude Molen served as the sacred ground for the formal reunification of the Korana nation after approximately 200 years of colonial separation. Under the leadership of figures such as Khoebaha Melvin Arendse and Kai B'ia Glen Taaibosch, key factions like the Taaibosch Kei Korana Royal House and the Trans Frontier Kai Korana reunited at the Oude Molen kraal. This gathering, hosted by the Goringhaicona Khoi Khoi Indigenous Traditional Council, was a profound cultural and spiritual event aimed at healing colonial divisions, particularly those fostered by structural racism between Khoi and Xhosa (and various Nguni speaking) communities. It involved cleansing ceremonies, coronations, and the symbolic reintegration of related groups into the Korana family, explicitly rejecting the divisive "coloured" identity imposed during apartheid and reaffirming deeper African kinship ties. This event is a quintessential example of UNESCO-defined Intangible Cultural Heritage in action – featuring rituals, social practices, oral traditions, and a commitment to protecting the environment of the Black River and Two Rivers Urban Park. Critically, it underscores the living nature of the site's heritage: a place where First Nations peoples actively work to reclaim, revitalise, and transmit their eviscerated traditions. This site holds significance to the Khoi and San groups including but not limited to the Cochoqua, Goringhaiqua, Goringhaicona / Ammaqua, Gorachoqua, Korana, Nama and IXam Sonqua.

- Heritage of Resistance and Ongoing Contestation:** The area remains a centrifuge for movements seeking reconciliation, restitution, and reparations for First Nations peoples. The HIA process for Oude Molen alarmingly mirrors the highly contested River Club development, suggesting a repeated pattern where broader heritage significance is acknowledged but then invisibilised at specific development sites to facilitate privatisation. The HIA's approach of isolating Oude Molen with colonial-era boundaries ignores the interconnected reality of the TRUP landscape and its shared historical trauma. Citing the River Club's contested "First Nations Heritage Centre" as a success, while omitting the deep community division, ongoing legal challenges (including a rescission application), and the fact that Heritage Western Cape has consistently objected to its HIA, is misleading and sets a dangerous precedent.
- Specific Omissions and Contradictions:** The HIA consultant's contested relocation of the significant Battle of Salt River/D'almeida Raid away from Oude Molen – against numerous public the testimony of historians like Ron Martin – is a critical and telling omission that seems designed to downgrade the site's heritage value. Furthermore, while an archaeological assessment notes a high probability of 18th-century mill ruins and recommends a "no-go zone", it downplays the likelihood of pre-colonial material, stating the signature would be "ephemeral". This requires a much fuller, sensitive investigation. The HIA's semantic debate over "living heritage" versus "intangible heritage" for current tenants misses the fundamental point: the community itself is the agent of a profound cultural and spiritual revival on this historically charged land. Most alarmingly, the HIA admits the project is at a "highest level of concept" and that the site "will not be developed by the owner... but will... be packaged for largely private sector development." This reveals the entire motivation and undermines any claim of genuine heritage safeguarding.

This founding narrative frames the fundamental conflict: between a decolonial, interconnected view of heritage that sees Oude Molen/TRUP as a sacred, traumatic, and healing landscape of global importance, and a development-driven process that minimises this narrative to enable commercialisation.

3. Evidence of Living Heritage: Collated Stakeholder Submissions

The following evidence, drawn from independent source documents, interviews, and letters of support, illustrates the active ICH at Oude Molen that the development threatens to obliterate. This living heritage must be understood within the foundational narrative of TRUP and the recent Korana unification event outlined above.

3.1 The Korana Unification, September 2020



Photo credit: Taaibosch Korana Royal House

The Korana Unification was an historic peace and unity event hosted by the Goringhaicona Khoi Khoin Indigenous Traditional Council. The central theme was the reunification of the Korana nation after approximately 200 years of separation. Key factions like the Taaibosch Kei Korana Royal House and the Trans Frontier Kai Korana formally reunited at the Oude Molen kraal in Cape Town, under the leadership of figures such as Khoebaha Melvin Arendse and Kai B'ia Glen Taaibosch.

The event was a profound cultural and spiritual gathering aimed at healing colonial divisions, particularly those fostered by structural racism that damaged relationships between Khoi and Xhosa (and various Nguni speaking) communities. It involved cleansing ceremonies, coronations, and the symbolic reintegration of related groups of kin like the Abathembu, Pandomise, and Madiba Clan, into the Korana family. Leaders explicitly rejected the divisive "coloured" identity imposed during apartheid, reaffirming deeper African kinship ties.

The narrative details the Korana's rich pre-colonial history, their displacement and persecution during colonial wars and smallpox epidemics, and the forced alteration of their clan names. It underscores a current nationwide movement among Khoi and San communities toward rediscovery, activism, and identity renewal across sectors like politics, heritage, language, and justice.

Significant was a combined statement of commitment to unity from the reunited Korana groups, witnessed and endorsed by the Goringhaicona council. It calls for continued bravery, patience, and steps toward unity across all spheres of South African society.



Photo credit: Taaibosch Korana Royal House



Photo credit: Taaibosch Korana Royal House

Connection to UNESCO's Framework for Protecting Living Heritage

This event powerfully exemplifies the principles behind UNESCO's 2003 Convention for the Safeguarding of the intangible Cultural Heritage (ICH)— often referred to as “living heritage”. The recent amendment to the Convention's Operational Directives further emphasizes the crucial role of indigenous peoples as custodians of this heritage and strengthens measures for its protection.

Intangible/Living Heritage: This refers to traditions, expressions, knowledge, and skills that communities recognize as part of their cultural heritage, passed down through generations. The Korana unification event is a living manifestation of this, featuring:

- **Rituals and Ceremonies:** The cleansing and coronation rituals performed at the kraal and along the rivers.
- **Social Practices:** The reaffirmation of kinship structures, clan histories, and traditional governance.
- **Oral Traditions and Expressions:** The recounting of historical narratives, lineages, and the shared wisdom extracted in the leaders' letters.
- **Knowledge About Nature:** The expressed commitment to protect the environment of the Black River and Two Rivers Urban Park.

The Importance of Indigenous Rituals and Cross-Community Carrying: The highlights a critical issue in living heritage: the dislocation and revitalization of rituals. It notes that due to colonial genocide, language erasure, and social fragmentation, many Khoi and San indigenous rituals were severely disrupted or eviscerated within their communities of origin.

However, some of these traditions often survived through absorption and practice by Nguni speaking groups (such as Xhosa, Zulu), who maintained them. A prime example is the Ingqira tradition (spiritual intermediary who communicates with ancestors and healing rites), including practices like the burning of **Mphepho** (herbs used for purification and ritual purposes). This cross-community carrying of rituals is a testament to both the resilience of the intangible heritage and the deep, historical interconnections between Khoi-San and Nguni speaking peoples—a connection explicitly reclaimed during this unification event. The use of Mphepho is used across Southern Africa, transcending imposed colonial borders.

The Korana gathering, therefore, represents an active “safeguarding effort” in the UNESCO sense. It is a community-driven initiative to “reclaim, revitalize, and transmit” their living heritage. By coming together to perform ceremonies, share sacred spaces, and openly discuss a painful past, they are strengthening the viability of their intangible cultural heritage for future generations, directly aligning with UNESCO's goal of ensuring that living heritage remains a dynamic and empowering part of contemporary community life. A powerful and meaningful gathering that is specific to the site.



Photo credit: Taaibosch Korana Royal House

3.2 Social Cohesion and the "Village" Typology

OMEV serves as a unique "meeting point of cultures and religions" in a way that few other spaces in Cape Town do⁸. This social fabric is a direct contemporary response to the area's history of forced separation and conflict, and a living extension of the cross-community healing sought in events like the Korana unification.

- **A "Sanctuary" and Gateway:** Long-term stakeholders describe the village as a "Gateway" project – a transition zone between the city and nature that functions as a "Sanctuary"⁹. It represents a form of "organic urbanism" where the community acts as a safety net, allowing children to "run free" in a way that is impossible in standard suburbs.
- **Diverse Education:** At the Gaia Waldorf School, children from "every race, and every religion in South Africa" learn together¹⁰. One parent notes, "As a Jewish woman, I have made friends with people who are Muslim and Christian, and it has been wonderful and enriching"¹¹. These schools (Gaia Waldorf, Montessori) are fundamentally dependent on the natural setting—the vegetable gardens, allotments, horses, and terrain—for their pedagogical philosophy. Their existence is interconnected with the landscape.
- **Safe Haven:** The village creates a "warm and welcoming" atmosphere¹², allowing children to play freely in a "safe, farm-like experience" that is unique in the city¹³.
- **A Cultural Melting Pot:** This unique social fabric is described by Mohamed Faiez Evans as a "melting pot, biryani" and a vital platform for healing and interaction between cultures that, post-1994, have few other spaces to connect meaningfully¹⁴. He emphasises Oude Molen as a place where people can "get rid of their anger towards other cultures" and dispel stigmas and mysteries surrounding identities like Cape Malay, Muslim, Khoi, or San¹⁵.

⁸ Document 02 Michal Hoffman Shababo – Oude Molen Story ⁹

Document 05 HIA Compilation of Parent Submissions

¹⁰ Ibid

¹¹ Ibid

¹² Document 05 HIA Compilation of Parent Submissions

¹³ Ibid

¹⁴ Document 06 Interview with Mohamed Faiez Evans Summary

¹⁵ Ibid

3.3 Intergenerational Knowledge and Educational Ecosystems

A core tenet of UNESCO's ICH definition is the transmission of knowledge. OMEV is a functional educational hub where learning is embedded in the landscape, offering an alternative to historically imposed education systems.

- **Immersive Learning:** The Gaia Waldorf School and the Montessori operates as part of a wider ecosystem. Education is not confined to a classroom; children engage directly with the blacksmith, the stables, the river, creating a holistic learning environment.
- **Youth Skills Development:** Local youth organisations, such as the New Apostolic Church, use the site to teach "agriculture, nature, life lessons and skills"¹⁶.
- **Student Service:** High school students complete community service here, learning technical skills like "weeding and... mulching" and the value of "teamwork and responsibility"¹⁷.
- **Higher Education:** University students (e.g., AFDA) use the site as a living classroom, describing it as a "surrealist world" that offers "warmth and openness" for creative projects¹⁸.
- **Cross-Disciplinary Learning:** Faiez Evans notes the frequent presence of academics from UCT, Stellenbosch, and the Department of Agriculture, as well as community-led programs like Kelly's seed farm and the food garden¹⁹. This underscores the site as a living laboratory for intergenerational and cross-disciplinary learning.

¹⁶ Document 07 New Apostolic Church - Reference letter - Food Garden - Sept 2025

¹⁷ Document 08 Rondebosch Boys - Oude Molen Eco Village - Testimonial - July 2025

¹⁸ Document 03 AFDA Student – OM Food Garden and general, August 2025

¹⁹ Document 06 Interview with Mohamed Faiez Evans Summary

3.4 Therapeutic Heritage Landscape

New evidence from healthcare providers on site highlights that OMEV acts as a critical therapeutic landscape. The 'peace and tranquillity' is not merely aesthetic; it is a clinical necessity and a form of healing deeply connected to the land's history of trauma and its contemporary role in indigenous spiritual revitalisation.

- **Palliative and Dementia Care:** The Robin Trust cares for patients with Alzheimer's and those in palliative phases. Families state that the peaceful atmosphere and views of the mountain are vital for the dignity of those in their final stages of life. Commercial densification would introduce noise and traffic that would destroy this therapeutic environment, effectively forcing the displacement of this essential social service. Adjacent hospitals like Vincent Pallotti also have patients who frequent Oude Molen for therapeutic walks and care.
- **Neuro-diverse Support:** The site hosts Edgewise²⁰, a neuro-diverse-friendly maker-space. This facility provides a supportive environment for individuals with barriers to employment (e.g., ADHD, Autism, anxiety), offering lived acceptance that would be impossible to replicate in a sterile commercial mall.
- **Spiritual Healing:** The therapeutic value is deeply personal and spiritual for many. Sarah Matchett (Uyintando) describes the land as a "sanctuary" where her breath "slows down and settles," a vital space for psychological refuge²¹. Both she and Nina Callaghan describe using the land for profound ritual cleansing (– ukuchatha –) within the – AmaXhosa – tradition, a practice essential for their ancestral and intergenerational healing journeys²². For Callaghan, this ritual washing on the banks is a "deep meditation and prayer" that connects her to the memory and strength of the land's ancestors, a practice that requires privacy, natural elements, and a sense of sacred openness²³.

²⁰ Document 10 Edgewise - Recommendation letter - Oude Molen Eco Village - September 25

²¹ Document 09 Sarah Machette (Uyintando) Summary

²² Document 12 Nina Callaghan (Chukumisa) Interview Summary

²³ Ibid



Photo credit: www.instagram.com/oudemolen_ecovillage_sa

3.5 Equine Heritage as Social Justice

The stables at OMEV are incorrectly categorised by developers as mere recreational facilities. They represent a significant, accessible living heritage that also functions as a therapeutic response, echoing the site's historical connections to healing.

- **Accessible Heritage:** Unlike elite equestrian centres, Oude Molen Stables is accessible to all, functioning as a 'riding school with a difference' that welcomes diverse economic and cultural groups.
- **Historical Continuity:** The stables maintain the site's agrarian history by actively using horses for ploughing the land, keeping the historical memory of the site alive through active practice. The horses are also part of a broader socio-political narrative of Cape Town, representing the legacy of horse and cart travel in Salt River.
- **Therapeutic Riding:** The interaction with horses provides healing and therapeutic programs, further cementing the site's status as a place of psychological restoration. These programs are used for the rehabilitation and regenerative pedagogy of youth from areas like the Cape Flats.

3.6 Agroecology and Environmental Stewardship

The practices concerning nature are a specific domain of ICH protected by UNESCO. OMEV hosts advanced, community-led agroecology, representing a regenerative relationship with land in stark contrast to its history of dispossession and extraction.

- **Regenerative Agriculture:** The site features a "regenerative food forest" that supports wildlife and neighbouring apiaries²⁴. Unlike commercial landscaping, this system is "100% regenerative" and "zero-waste"²⁵.
- **Food Security:** The Back Area Gardens provide "affordable organic produce"²⁶, while the food forest supplies vegetables to the neighbouring old-age home²⁷.



Photo credit: www.instagram.com/oudemolen_ecovillage_sa

²⁴ Document 11 OMEV Food Forest. Agroecology. A living Heritage

²⁵ Ibid

²⁶ Document 02 Michal Hoffman Shababo – Oude Molen Story

²⁷ Ibid

3.7 The Creative Economy as Living Archive

Businesses at OMEV are not merely commercial entities; they are cultural curators and agents of memory work in a landscape of historical amnesia.

- **Prop Art:** This entity acts as a "living archive of stories, memories, and possibilities"²⁸. It preserves South African history, such as "rusted signs" from the Apartheid era²⁹.
- **Maker Culture:** The village supports a 'Maker' culture (instrument makers, artists) that relies on the 'DIY' spirit of the precinct. This creative community explicitly rejects the 'Amazon' model of commerce³⁰, seeing it as a repetition of the commercialisation begun by the Dutch East India Company.
- **Livelihood as Social Healing:** Mohamed Faiez Evans frames his coffee shop, the Millstone, as a social enterprise from its inception – a place for employment, training, and, crucially, social gathering and healing. He invested "sweat and tears"³¹ to transform a derelict space into a community hub, arguing that this collective investment is the heritage.
- **Creativity Grounded in Sense of Place:** Nina Callaghan speaks of the pottery studio in an old Victorian building as an "idyll"³² for creativity, where the ramshackle state allows for agency and a direct, unmanicured connection to the landscape³³.



Photo credits: www.instagram.com/oudemolen_ecovillage_sa

²⁸ Document 12 Nina Callaghan (Chukumisa) Interview Summary

²⁹ Document 13 More than Props - Final Essay_ For Kirk

³⁰ Ibid

³¹ Ibid

³² Document 12 Nina Callaghan (Chukumisa) Interview Summary

³³ Document 12 Nina Callaghan (Chukumisa) Interview Summary



Photo credit: Save Our Sacred Lands

3.8 Indigenous Ritual, Ancestral Healing, and Living Memory

The transcripts provide irrefutable evidence of Oude Molen as an active site for the practice and transmission of intangible living heritage, specifically indigenous ritual knowledge. This is the most potent manifestation of the site's role within the TRUP founding narrative: a place for engaging with and healing deep historical wounds. It also directly connects to the documented phenomenon of cross-community carrying of Khoi-San rituals, as highlighted in the Korana unification narrative.

- **Site of Ritual Practice:** The land is actively used for ritual cleanses within the AmaXhosa healing tradition (AmaGqirha). Practitioners like Sarah Matchett and Nina Callaghan use the space to administer herbal medicines (intswe), apply white clay (imbola), and perform ritual washes. This is not a historical re-enactment but a contemporary, vital spiritual practice³⁴.

³⁴ Ibid

- **Vehicle for Intergenerational and Ancestral Healing:** For these practitioners, the rituals performed at Oude Molen facilitate deep ancestral healing, addressing intergenerational trauma. Matchett describes it as "cleansing the lines behind me," a communal act that heals the complex entanglements of colonial history embodied in their own diverse ancestries³⁵. The land, itself a "space of contestation," holds the complexity needed for this work³⁶.
- **Connection to Pre-Colonial Heritage & Khoi-San Legacy:** Nina Callaghan explicitly connects her affinity for the land to its pre-colonial inhabitants, the Khoi nations, and her own Nama and Korana lineage³⁷. The practice of indigenous rituals here represents the living continuity of First Nations' spiritual relationships with the land, even as those specific Khoi and San communities were dispersed. The rituals carried by Nguni groups, such as the burning of Mphepo and other cleansing ceremonies, constitute a living bridge to this eviscerated heritage – a heritage that events like the Korana unification actively seek to reclaim and revitalise in its place of origin.
- **Living Memory & Historical Consciousness:** The land is described as holding memory. Callaghan states that places "leave traces of memory... you can tell and feel when you spend time... in this place"³⁸. From imagining Khoi settlements and battles against colonialism to feeling the legacy of the Valkenberg hospital, users of the site engage in a constant, active dialogue with its layered past, which is a core function of living heritage.

³⁵ Document 09 Sarah Machette (Uyintando) Summary

³⁶ Ibid

³⁷ Document 12 Nina Callaghan (Chukumisa) Summary

³⁸ Ibid

4. Protest and Resistance

Continuity of Resistance, Protest, and Indigenous and Civic Mobilisation as Heritage in the Two Rivers Urban Park

4.1 Introduction: Protest as Heritage, Not Externality

This chapter addresses a central and fatal omission in the Heritage Impact Assessment (HIA): its failure to recognise continuity of resistance, protest, and civic mobilisation in the Two Rivers Urban Park (TRUP) as a heritage value in its own right.

The HIA treats in its silence on protest and civic action as incidental or contemporary “issues,” rather than as long-standing cultural practices embedded in the landscape. This approach misunderstands the nature of heritage in post-colonial contexts, where resistance is often the primary means through which historical memory survives, is transmitted, and is made legible in public space.

In the TRUP, resistance is not episodic. It is continuous, cumulative, and place-based, and therefore qualifies as intangible, associative, and living heritage.



Photo credit: Salt River Heritage Society

4.2 The TRUP as a Landscape of Continuous Contestation

From the earliest moments of colonial incursion along the Liesbeek and Black Rivers, the TRUP landscape has been shaped by contestation over land, water, and authority. This contestation did not end with formal conquest or legal dispossession; it evolved.

Resistance along these rivers has taken multiple historical forms:

- Indigenous defence of land and livelihood;
- Refusal, evasion, and reoccupation under colonial regimes;
- Anti-apartheid spatial struggle and institutional critique;
- Contemporary civic mobilisation against enclosure, privatisation, and erasure.

What unites these forms is **their continuity in place**. The TRUP has functioned, over centuries, as a site where power is challenged and where alternative claims to land and memory are asserted. This continuity is itself a heritage value that cannot be captured through site-specific inventories or building-focused assessments.

4.3 Civic Mobilisation as a Mode of Heritage Transmission

In the absence of equitable archival representation, protest and civic mobilisation function as modes of historical transmission. They are how suppressed histories are carried forward.

In the TRUP, mobilisation has repeatedly taken the form of:

- Public walks, processions, and commemorative gatherings;
- Collective re-occupation of river corridors;
- Speeches, oral testimony, and embodied storytelling in situ;
- Multi-generational participation linking elders, activists, and youth.

These practices transmit historical knowledge through movement, repetition, and presence. The annual or near-annual Walk of Resistance is therefore not merely a political event; it is a heritage practice that reinscribes historical meaning onto the landscape.

The HIA's failure to recognise these acts as heritage reflects an outdated epistemology that privileges static material evidence over living social practice.



Photo credit: Save Our Sacred Lands

4.4 Protest as Intangible and Associative Heritage

South African heritage law explicitly recognises intangible and associative heritage, including traditions, practices, and social processes that communities identify as part of their cultural inheritance.

Protest in the TRUP meets all such criteria:

- It is **place-specific**, tied to the rivers and their histories;
- It is **recurrent**, not sporadic;
- It is **collectively organised and socially transmitted**;
- It carries **shared meanings of loss, resistance, and custodianship**.

Importantly, protest here is not abstract dissent. It is an **embodied claim to place**, enacted through walking, gathering, naming, and remembering. These actions create and sustain associative meaning between people and landscape, a core component of heritage significance.

By omitting protest from its assessment, the HIA excludes precisely the forms of heritage most relevant to historically dispossessed communities.

4.5 The Walk of Resistance as a Heritage Practice

The Walk of Resistance, and various commemorative events have emerged as central expressions of TRUP's living heritage. Their regular recurrence, ritualised form, and broad-based participation mark it as more than a once-off political demonstration.

As a heritage practice, the Walk:

- Re-enacts historical routes of encounter and dispossession;
- Publicly asserts First Nations and community custodianship;
- Connects environmental protection to historical justice;
- Produces a shared, embodied historical consciousness.

The Walk's power lies in repetition. Each iteration adds another layer of meaning, memory, and public recognition to the landscape. This cumulative process is a defining feature of living heritage and stands in direct contradiction to the HIA's static analytical framework.

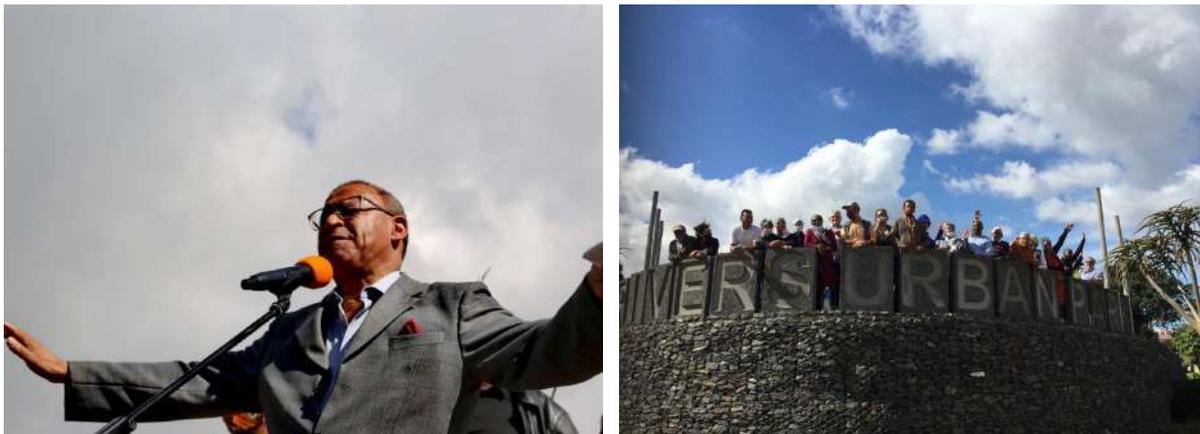


Photo credits: Salt River Heritage Society

4.6 Resistance as a Form of Care and Stewardship

In the TRUP context, resistance is inseparable from care. Civic mobilisation has consistently aimed to:

- Protect floodplains and river systems from enclosure;
- Defend access to commons against exclusive development;
- Safeguard spaces of memory from erasure or sanitisation.

This form of resistance constitutes **active heritage stewardship**. It is through protest and civic action that the cultural landscape remains legible and accessible. To treat such mobilisation as an external threat to heritage, rather than as its primary means of preservation, reverses cause and effect.

4.7 Protest and Civic Mobilisation as Heritage Practice

Protest within the TRUP is not incidental or opportunistic. It is recurrent, organised, and transmitted across generations.

Activities such as the Walk of Resistance constitute living heritage practices because they:

- Occur repeatedly in the same landscape;
- Involve collective participation and leadership;
- Transmit historical knowledge through oral testimony, ritual, movement, and presence;
- Assert custodianship and responsibility toward land and rivers.

These practices are how many of us learn, remember, and teach the history of the TRUP. They function as a living archive where written records are absent, incomplete, or silencing.



Image credits: Goringhaicona Khoi Khoin Indigenous Traditional Council

4.8 Conclusion: Resistance as Heritage Value

In the Two Rivers Urban Park, resistance is not a reaction to heritage loss; it is the means by which heritage survives.

The continuity of protest and civic mobilisation constitutes a living archive — one written on the land through walking, gathering, and collective assertion. To ignore this is not a neutral oversight; it is an erasure that reproduces historical patterns of silencing.

Any Heritage Impact Assessment that fails to recognise continuity of resistance as a heritage value in its own right is fundamentally flawed and cannot form a sound basis for decision-making.

Heritage here is not only remembered. It is continually defended.

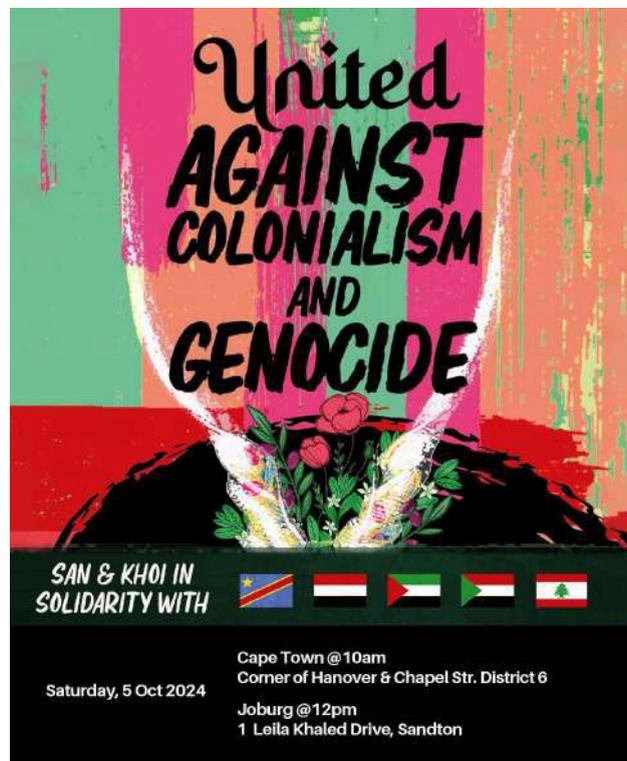


Image credits: Poster for the Liesbeek Action Campaign / Poster for Save Our Sacred Lands



Photo credit: Salt River Heritage Society

5. Legal Alignment: NHRA Framework

Alignment with the National Heritage Resources Act (NHRA), Act 25 of 1999

The continuity of resistance, protest, and civic mobilisation in the Two Rivers Urban Park (TRUP) squarely meets the statutory definition of heritage significance under **Section 3 of the NHRA**, which the HIA fails to apply correctly.

Section 3(2)(b): *Places to which oral traditions are attached or which are associated with living heritage*

- The Walk of Resistance and ongoing civic mobilisation are oral, performative, and embodied traditions tied to specific routes, river edges, and gathering points.
- These practices transmit historical knowledge outside the written colonial archive and are therefore protected forms of living heritage.

Section 3(2)(c): *Places associated with the history of slavery, resistance, liberation, and democracy*

- TRUP is historically associated with early Indigenous resistance to colonial land seizure and contemporary resistance to spatial enclosure.
- The continuity of protest establishes an unbroken line of association with resistance and liberation history, extending into the present.

Section 3(2)(d): *Places of significance relating to the history of human rights*

- Civic mobilisation in TRUP directly concerns access to land, commons, environmental justice, and cultural survival.
- Protest activity constitutes a living human-rights heritage practice, not an external disturbance.

By omitting continuity of resistance and protest from its assessment, the HIA is non-compliant with Section 3 of the NHRA and therefore legally defective. Its findings on significance, impact, and mitigation cannot be relied upon.

Key Finding: In TRUP, resistance is not external to heritage – it is the mechanism through which heritage is sustained.

Any decision based on the current HIA risks authorising irreversible harm to protected living heritage and is therefore procedurally and substantively flawed.



Photo credit: www.oudemolenecovillage.co.za

6. Embodiment, Movement, and Memory

Decolonial heritage rejects the separation of mind and body implicit in colonial knowledge systems. Memory is not only spoken or written; it is **embodied**.

Walking routes, river crossings, gathering spaces, and pauses for speech or ceremony are themselves repositories of meaning. The repetition of these movements over time produces continuity.

Any development that disrupts these embodied practices – by rerouting movement, restricting access, or sanitising space – causes **heritage harm**, even if no physical structure is altered.

The HIA fails because it does not recognise movement and presence as heritage-bearing acts.

7. Oude Molen and the Refusal of Terra Nullius

The treatment of Oude Molen as a non-entity devoid of heritage value mirrors the colonial doctrine of **terra nullius**: the fiction that land without recognised colonial institutions is empty.

Decolonial heritage insists that **occupation, use, care, and memory** constitute legitimacy.

The communities and organisers connected to Oude Molen are not temporary users; they are active producers of heritage meaning. Their resistance practices are not noise around heritage – they are heritage.

To ignore continuity of resistance is not merely a technical failure. It is a continuation of colonial governance by other means.

A decolonial heritage framework demands a different starting point:

Heritage here is not what is left behind. It is what refuses to disappear.

Within the TRUP, near-annual practices such as the Walk of Resistance function as ritualised acts of counter-archiving. They reinscribe suppressed histories onto the landscape and transmit them intergenerationally.

From a heritage perspective, this constitutes intangible and associative heritage of high significance.

The River Club Moratorium and the Collective Archive of Testimony

Over an extended period of approximately two years, during which Heritage Western Cape imposed a moratorium on development at the River Club, an unprecedented process of public testimony, submission, and evidentiary gathering took place.

During this period, San and Khoi First Nations groupings, alongside environmental organisations, social justice movements, and human rights entities, submitted oral testimony, written objections, expert reports, ceremonial statements, affidavits, and public records relating to the heritage significance of the TRUP and River Club precinct.

This body of material constitutes a collective archive of contestation. It is not ancillary to the heritage of the site; it is a continuation of the long historical struggle over land, memory, access, and authority that defines the TRUP landscape.

From a decolonial heritage perspective, this archive must be understood as:

- A living extension of resistance practices;
- A counter-archive produced precisely because earlier colonial and apartheid archives excluded Indigenous voices;
- A cumulative, multi-vocal record of living memory and custodial claim-making.

The submitted HIA fails entirely to acknowledge, reference, or analyse this archive. It proceeds as though the moratorium period — and the extensive knowledge production that occurred during it — has no heritage significance.

This omission is not neutral. It constitutes a form of **epistemic erasure**, whereby Indigenous and community-produced knowledge is rendered invisible because it does not conform to static, materialist, or colonial evidentiary standards.

Such erasure amounts to epistemic violence against living memory, reinscribing colonial hierarchies of knowledge at the very moment when heritage law and policy require their dismantling.

By treating the heritage discourse surrounding the River Club as unevolved, static, and closed — rather than as an active, contested, and living field — the HIA reproduces precisely the colonial epistemologies that decolonial heritage practice seeks to overcome.

8. Selective Representation and the Fatal Flaw of Omission

The updated HIA makes reference to a single umbrella grouping, the **Western Cape First Nations Collective (WCFNC)**. This grouping came into existence during the River Club process itself and does not, and has never, represented the full spectrum of San and Khoi First Nations groupings with historical, material, tangible, and intangible stakes in the TRUP landscape.

From a decolonial heritage perspective, this selective recognition constitutes a fatal flaw of omission rather than inclusion.

By naming one recently constituted umbrella body while excluding reference to other San and Khoi groupings – many of whom actively participated in the Heritage Western Cape moratorium process, submitted testimony, and hold long-standing custodial, cultural, and historical relationships to the land – the HIA produces a distorted representation of Indigenous engagement.

This practice reproduces a colonial administrative logic whereby Indigenous plurality is collapsed into a single, convenient interlocutor, while dissenting, critical, or non-aligned voices are rendered invisible. Such an approach is incompatible with both decolonial heritage practice and the constitutional requirement for meaningful engagement.

Critically, the HIA fails to address whether meaningful engagement was undertaken with *all* relevant First Nations groupings, including:

- Whether all San and Khoi groupings listed in Heritage Western Cape's own databases were formally notified;
- Whether recognised community leaders who participated in the River Club moratorium process were alerted to or consulted during the preparation of the updated HIA;
- Whether dissenting positions expressed during the moratorium were substantively engaged with rather than selectively disregarded.

The absence of this information is not a minor procedural oversight. It represents a continuation of epistemic erasure, whereby Indigenous knowledge is filtered through a singular, administratively convenient voice, while the plurality of living memory and custodial claim-making is excluded.

In heritage terms, the exclusion of Indigenous plurality constitutes **epistemic violence**. In legal terms, it undermines the credibility of the HIA's consultation record and renders its findings on heritage significance and impact unreliable.

9. Assessment of the Heritage Impact Assessment

The HIA is methodologically deficient because it:

- Privileges material and archival evidence while excluding living heritage practices;
- By its silence, treats protest and civic mobilisation as contemporary planning issues rather than heritage values;
- Fragments an integrated cultural landscape defined by movement and encounter;
- Selectively represents Indigenous engagement through a single umbrella grouping;
- Fails to assess impacts on continuity of resistance as a heritage practice.
- Ignores a Cabinet decision for the TRUP to be included within the National Liberation Route denying clear recognition related to historical colonial entanglement.
- Fails to adequately acknowledge the fact the SAHRA is undergoing an assessment for Oude Molen, and the TRUP for National Heritage Status.
- Fails to interlink the SAAO, a declared National Heritage Site, and pending a UNESCO World Heritage Site submission made by the National Government.
- The Heritage Impact Assessment fails to recognise continuity of resistance, protest, and civic mobilisation as heritage values.
- It does not record, assess, or consult meaningfully on living heritage practices
- As a result, the HIA does not reflect the full heritage significance of the TRUP and cannot provide a sound basis for decision-making.
- Fails to show any evidence that would suggest it has remotely upheld the request from HWC to inform, consult, and meaningfully engage with all the San and Khoi I&APs involved in the RiverClub (now Riverlands processes) in this process.

This reflects a colonial epistemology inconsistent with transformative heritage practice in South Africa.

10. Impact Analysis: What Is at Risk

Any development that:

- Disrupts routes used for protest and commemoration;
- Restricts public access to gathering spaces;
- Restricts public access to gathering spaces;
- Purposefully limits Oude Molen as well as the broader TRUP's direct and interconnected proximity to immensely significant heritage resources and acknowledgement;
- Reconfigures the landscape in ways that prevent repetition of resistance, ritual, and healing practices;

constitutes a direct impact on heritage, even in the absence of physical destruction.

The HIA does not assess these impacts and therefore underestimates both significance and harm.



Photo credits: www.oudemolenecovillage.co.za / www.instagram.com/oudemolen_ecovillage_sa

11. Rebuttal of the Proposed Development

The "Safeguarding" HIA lists numerous heritage assets (Millstone, Stables, Food Garden)³⁹ yet supports a development plan that is incompatible with their survival and ignores the foundational decolonial narrative of TRUP and its contemporary significance for First Nations heritage revival.

- **Violation of "Community Participation" (Article 15):** UNESCO requires the "widest possible participation of communities" in managing heritage⁴⁰. The current proposal is viewed by the community as a top-down imposition that feels like "the death of... a rich inheritance of community"⁴¹. Mohamed Faiez Evans equates such a top-down proposal to colonial rudeness, "like the English coming in and say, hey, you all have to start speaking English," and a crime against the people who built the community with their lives, not just money⁴². This repeats the historical pattern of exclusion and imposition – exemplified by Jan van Riebeeck's Pega-Pega fence – endemic to the TRUP landscape and directly undermines the self-determination so powerfully demonstrated in the Korana unification. It contradicts the established TRUP policy (in place since 1996) that calls for the preservation of this 220-hectare area environmentally and culturally, prohibiting inappropriate large-scale development.
- **Destruction of the Therapeutic "Sense of Place":** The HIA acknowledges the site is a "sanctuary for animals"⁴³. However, replacing a quiet, regenerative zone with a commercial precinct (comparable to "Riverlands Mall"⁴⁴) destroys the specific environmental conditions required for the Robin Trust's palliative care, the sensory-friendly environment for Edgewise, and the sacred container required for indigenous ritual practice. The "peace and tranquillity" described by Sarah Matchett and the "wide open space" needed for ritual cleansing by Nina Callaghan are non-negotiable prerequisites for this intangible living heritage⁴⁵. This destruction would sever the living connection to a landscape used for healing deep historical trauma and for monumental acts of cultural reunification, such as the Korana gathering. It would also destroy the essential conditions for the educational models of the Waldorf and Montessori schools.

³⁹ Document 04 SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE AT OUDE MOLEN ECO VILLAGE

⁴⁰ <https://ich.unesco.org/en/convention>

⁴¹ Document 01 Cindy Woodman – Save Oude Molen Eco Village

⁴² Document 06 Interview with Mohamed Faiez Evans Summary

⁴³ Document 05 HIA Compilation of Parent Submissions

⁴⁴ Document 01 Cindy Woodman – Save Oude Molen Eco Village

⁴⁵ Document 12 Nina Callaghan (Chukumisa) Interview Summary

- **Economic Displacement vs. Support:** The HIA argues that the site supports "small businesses that contribute to the character... of the area"⁴⁶. The proposed development threatens to displace these micro-enterprises in favour of high-end retail, repeating the tragedy of "forced removals" mentioned in the HIA itself⁴⁷ and the historical dispossession central to TRUP's story. Evans draws a direct parallel to the bulldozing of District 6, noting that destruction of place means destruction of community, economic networks, and interpersonal relationships⁴⁸.
- **Contradiction of UNESCO Principles on Living Heritage:** The proposed development seeks to fossilise heritage in a report while destroying the living community that actively creates and sustains it. It fails to protect the "constantly recreated" intangible heritage UNESCO mandates. The active rituals, the intergenerational learning, the community-built economy, and the therapeutic landscape are all processes, not static artefacts. A commercial development would terminate these processes and erase the contemporary, community-led chapter of the TRUP narrative – one of reclamation, healing, and, as evidenced by the Korana event, profound indigenous cultural revitalisation.

Replication of a Flawed and Contested Model: The development approach mirrors the problematic process seen in the nearby River Club development, where broad heritage significance was acknowledged but then "invisibilized" at the specific site to enable corporate development. This HIA repeats the same pattern, creating a "Bermuda Triangle" that extracts heritage significance from Oude Molen into the broader TRUP, claiming the area is important "but not here." Citing the River Club's "First Nations Heritage Centre" as a success, while omitting the deep community division and legal challenges it caused, is misleading and sets a dangerous precedent for Oude Molen. It ignores the clear lesson that authentic safeguarding requires protecting the living community and the active, self-determined use of the land for heritage practice, as seen at Oude Molen.

As Advocate Rod Solomons states, "I used to serve on the board of the National Heritage Council, and I'm quite flabbergasted that the heritage consultant appointed by the Department of Infrastructure to do the amended heritage impact assessment has seen fit not to give credence to the fact that of a major decision that the National Cabinet and with the concurrence of the Provincial Cabinet, the major decision that they've made that they've identified this trap site that incorporates Oude Molen Eco Village as one of the 12 major liberation routes in South Africa and it has significant heritage importance. I wonder what National Government or even the Cabinet would say as an interested and affected party around that omission. And the fact that

⁴⁶ Document 05 HIA Compilation of Parent Submissions

⁴⁷ <https://www.westerncape.gov.za/infrastructure/oude-molen-precinct-omp>

⁴⁸ Document 06 Interview with Faiez Evans Summary

Cabinet saw it fit to regard that as one of our 12 heritage liberation sites must be a major significant issue for us in the Western Cape. And I would have thought that the provincial government would try and maximise the value from that with all the attended spinoffs that could easily be unearthed with that. And another factor that makes one to question the quality of this work done by this heritage practitioner.”⁴⁹



Photo credit: www.oudemolenecovillage.co.za

⁴⁹ 24 Adv Rod Solomons Interview Summary

12. Conclusion and Motivation for Dismissal

The "Safeguarding of the Intangible Cultural Heritage" document paradoxically argues for a development that will eradicate the very heritage it lists. The evidence from the community – spanning healthcare, education, agriculture, the arts, and, critically, indigenous spiritual practice – is clear: Oude Molen is already a successful, sustainable, and deeply culturally significant precinct. It must be understood as the living, contemporary embodiment of the Two Rivers Urban Park's complex heritage: a site of foundational colonial trauma that has been actively reclaimed as a space for healing, intercultural dialogue, alternative knowledge transmission, and spiritual practice. Its significance is not merely historical but vibrantly contemporary, as proven by its role as the sacred ground for the historic reunification of the Korana nation – an event that epitomises UNESCO's principles for safeguarding living heritage.

The new testimonies and the founding narrative prove it is a site of living heritage where:

- Indigenous healing rituals, connecting to the legacy of Khoi and San relationships with the land, are actively practised.
- Ancestral and intergenerational trauma is engaged with and healed.
- A layered historical consciousness is maintained through direct engagement with the landscape.
- A community has invested its life, spirit, and ingenuity to create a unique model of social and ecological cohesion in direct response to the site's history.
- First Nations peoples have actively chosen and used the site for monumental acts of cultural reclamation and unity, signalling its ongoing sacred and social significance.
- The community has steadfastly rejected the corporate development model, representing a living alternative to the "Amazon" style commodification that mirrors the area's colonial commercialisation.

To approve a commercial development here would be to "strip away a space that nourishes the human spirit"⁵⁰, degrade a critical healthcare facility, sever the living connection to indigenous spiritual practice and ancestral memory, and erase a vital chapter of community-led healing and cultural revitalisation in the TRUP narrative. It would replace a "living refuge"⁵¹ with a sterile commercial zone, violating the spirit and letter of the UNESCO 2003 Convention South Africa has just ratified, and repeating the historical patterns of dispossession and erasure that define this landscape's past. It would also validate a deeply flawed HIA process that admits its

⁵⁰ Document 03 AFDA Student - OM Food Garden and general - August 2025

⁵¹ Ibid

purpose is to package public land for private sector gain, failing the fundamental requirements of Section 38 of the NHRA.

We submit that the Heritage Council must:

1. Dismiss the development application as it poses an irreversible threat to the identified Intangible Cultural Heritage, the therapeutic function of the site, and the active practice of indigenous spiritual rituals that constitute living heritage. The application also fails to adequately assess the site's significance within the broader, interconnected decolonial heritage narrative of the Two Rivers Urban Park and its documented role as a contemporary site for First Nations cultural revitalisation, such as the Korana unification. Furthermore, the application fails to meet the specific requirements set out by Heritage Western Cape under Section 38.3 of the NHRA.
2. Recognise OMEV in its current form as a protected "living heritage" site, acknowledging its role in sustaining practices like AmaGqirha, !nau, healing rituals and ancestral connection, its place within the TRUP landscape of memory, trauma, and contemporary healing, and its proven capacity to host events of national significance for indigenous identity and unity.
3. Support tenure security for current tenants to allow them to invest in the repair of buildings without the threat of displacement, thereby safeguarding the community that is a custodian of this heritage and an active agent in this landscape's ongoing story of regeneration and reclamation.

Sincerely,

Oude Molen Eco Village

15 December 2025

Footnote References:

- Document 01 Cindy Woodman - Save Oude Molen Eco Village
- Document 02 Michal Hoffman Shababo - Oude Molen Story
- Document 03 AFDA Student - OM Food Garden and general - August 2025
- Document 04 SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE AT
OUDE MOLEN ECO VILLAGE
- Webpage: <https://ich.unesco.org/en/convention>
- Document 05 HIA Compilation of Parent Submissions
- Document 06 Interview with Mohamed Faiez Evans Summary
- Document 07 New Apostolic Church - Reference letter - Food Garden - Sept 2025. pdf
- Document 08 Rondebosch Boys - Oude Molen Eco Village - Testimonial - July 2025
- Document 09 Sarah Machette (Uyintando) Summary
- Document 10 Edgewise - Recommendation letter - Oude Molen Eco Village - September 25
- Document 11 OMEV Food Forest. Agroecology. A living Heritage
- Document 12 Nina Callaghan (Chukumisa) Interview Summary
- Document 13 More than Props - Final Essay_ For Kirk
- Webpage <https://www.westerncape.gov.za/infrastructure/oude-molen-precinct-omp>

Additional Sources:

- 01 Content for Oude Molen Stables
- 02 Gaia Waldorf - Testimonials
- 03 Petrus Jacobus Van Der Walt Interview Summary
- 04 OMEV Food Forest. Agroecology. A living Heritage
- 05 Robin Trust - Testimonials
- 06 Robin Trust letter
- 07 Dan Nesor Interview Summary
- 08 Juliette Souchon Interview Summary
- 09 Objection – Dara Kell
- 10 Objection – Nathan Roberts
- 11 Objection – Rebecca Sher
- 12 Objection – Steven Van Der Spy
- 13 Objection – Candice Scott
- 14 Objection – Glenda Nevill
- 15 Objection – Ingrid Sinclair
- 16 Objection – Leira Bilbao
- 17 Oude Molen Objection Arona Dison
- 18 Final Comment, Erf 151832 Corner Liesbeek Parkway and Observatory Road,
The River Club, Observatory _ HWC Feb 2020
- 19 Acknowledgement of Nomination - TRUP
- 20 Coronation Acceptance letter final
- 21 Coronations Ceremonies
- 22 Taaibosch Affidavit
- 23 Taaibosch History and the TRUP
- 24 Adv Rod Solomons Interview Summary
- 25 O Donoghue River Club HIA Ph 1 HWC Submission February 2017
- 26 Applicants' Confirmatory Affidavits June 2022 in case no.12994/21
- 27 Cabinet meeting National K&S Liberation Route



Photo credit: www.oudemolenecovillage.co.za



Photo credit: www.oudemolenecovillage.co.za

Save Oude Molen Eco Village!

The Oude Molen Eco Village seems to be one of the few remaining areas on the globe where the human impact on nature hasn't yet gone over that invisible line between harmonious cohabiting and utter destruction of natural resources. Shopping at the new Riverlands Mall, while convenient, always makes me want to gag: the entire area is in the process of being landscaped into a picture-perfect version of Nature being tamed, put into a straight-jacket of neat rows and artificial-looking bushes and flowers and dominated by the horrendously ugly Amazon buildings. Looking at the concept drawings and pictures of what is on the cards for the village gives me exactly the same feeling of nausea. The village is not perfect, no – buildings in need of repair, potholes in the roads, here and there a dumping ground for rubble and trash being blown about – but then fix it, don't throw it down to make room for what on the surface appears to be the pinnacle of modern day living, but which will mean the death of not only entire eco-systems of natural treasures, but also a rich inheritance of community.

Cindy Woodman

Pinelands

19 November 2025

My Oude Molen Story

We came to Oude Molen because we found the wonderful school Gaia for my six year old son. He was blessed to be at school with two teachers, one is isiXhosa and one is Indian South African. My son has spent the year with children from every race, and every religion in South Africa and it has been an absolute gift. Oude Molen is the most diverse place I have experienced in Cape Town. As a Jewish woman, I have made friends with people who are Muslim and Christian and it has been wonderful and enriching to my life. The school's open days and markets are a treasure to everyone.

Oude Molen has given me a community here in Cape Town. I get my coffee and meals at the lovely Millstone Cafe, enjoying the samoosas, koesisters and other unique Cape Malay cuisine. The restaurants provide a communal space as well. I do my main produce shop at the Back Area Gardens, which provides affordable organic produce. My daughter learns horse riding right here in Oude Molen and my son learns swimming at the pool here.

Our memories of Cape Town are entrenched in Oude Molen.

This place is a living heritage gem. It is a meeting point of cultures and religions in the middle of Cape Town in a very warm and relaxed atmosphere.

Oude Molen should be cherished and nurtured. The facilities can be improved upon for future generations this treasure of a place.

Please help preserve this beautiful gem.

Sincerely
Michal Hoffman Shababo

18 August 2025

To Whom it may concern

Last year, I had the privilege of spending a great deal of time at Oude Molen, most notably in the Food Garden. Alongside a group of fellow AFDA students, we selected this space as the set for our Honours short film. We had visited many gardens before, but none offered the warmth and openness we experienced at Oude Molen. From the very first moment, Kelly Mansfield - the devoted caretaker of the garden - embraced our small project with genuine enthusiasm. She welcomed us with open arms and granted us the freedom to reimagine her garden as the surrealist world our story required. As students working on a low budget, we could not have been more grateful. Kelly asked nothing in return except that we treat her garden with the respect and kindness it deserved.

Over the weeks that we spent filming there, we encountered many gestures of kindness. When a heavy rainstorm interrupted our work, we were offered shelter in the tavern. We coexisted harmoniously with those tending to the garden, each of us carrying out our tasks with mutual respect. Immersing ourselves daily in such a lush and abundant environment, we became aware of the peace that radiates from this sanctuary - a peace so rare when set against the constant demands and noise of the city. Oude Molen is not merely a garden; it is a living refuge, a breathing space of calm, connection, and renewal.

Even now, my fellow students and I often reflect on our time there with deep fondness. We talk about our desire to go back, to give back, and to contribute to the community that so generously opened its arms to us. The spirit of Oude Molen is not one of taking, but of sharing - and it continues to give abundantly to all who walk through its gates.

It would be a profound tragedy if this haven were to be lost to overdevelopment. Oude Molen, along with its surrounding areas, is a rare oasis of natural beauty and biodiversity – a pocket of bliss amidst a restless city. Its loss would not only disrupt the delicate balance of local wildlife but would also strip away a space that nourishes the human spirit.

For me, Oude Molen will always symbolize more than a garden. It is a reminder of kindness freely given, of community in its truest sense, and of the healing power of nature. To lose it would be to lose a place where people find belonging, peace, and inspiration - treasures far more valuable than concrete and steel could ever provide.

Sincerely,

Lara MacPhail

L MacPhail

SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE AT OUDE MOLEN ECO VILLAGE.

This submission is presented, taking into account, the importance of the preservation of the intangible cultural heritage of the Western Cape, as a mainspring of cultural diversity and a guarantee of sustainable development, as underscored in the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989, in the UNESCO Universal Declaration on Cultural Diversity of 2001, and in the Istanbul Declaration of 2002 adopted by the Third Round Table of Ministers of Culture. We submit this consideration in view of current building developments and new by-laws passed by COCT in regard to densification of suburbs taking place in the Western Cape.

On 24 January 2025, South Africa deposited with the Director-General its instrument of ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage. In accordance with the terms of its Article 34, the aforementioned Convention will enter into force with respect to South Africa three months after the date of the deposit of its instrument, that is to say on 24 April 2025.

Recognizing that the processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also gives rise to, the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage. In particular, owing to a lack of resources, for safeguarding such heritage of communities in the past and now in the present in several suburbs and areas.

Importance of Oude Molen Eco Village as an open to the public spaces

Support of local economies by providing a space for

Localised markets, shops and craftsmen workshops

Training facilities for the unemployed

Rest and relaxation facilities lowering stress levels

Improve public health and care facilities

Cultural expression and preservation opportunities

Encourage people to be volunteers

Tourism Venue

Entertainment Venue

Services to the Public and a venue for upcoming artists and musicians

The enormous opportunities and potential is reflected in the Businesses and entities listed below for due consideration for protection as it has not only served the public but served the public in a unique and socially uplifting way that lowers stress levels and thereby contribute to the overall well being of the public in Cape Town.

The Millstone House, currently under restoration, is well documented and a very valuable architectural site as it holds great historical and cultural significance, especially for the Khoi and

San Heritage as well as the Zulu nation and according to oral history, the Malays, Portuguese and local farmers all disembarked on the shores of the black River adjacent to Oude Molen. Stones and other Milling flour artifacts and structures are found on site and with excavations and digging more will possibly be found.

The Oude Molen Stables and Horse rides for the public and first-time horse ride experiences with some seeing live chicken for the first time in the lives. Numerous people who, visit the stables, share generational experiences and memories and would love to continue the use of the services for their future generations.

The OM Food Garden, run by Kelly is visited by Schools, universities and research Programs. Many Schools in the area send the grades 10 to 12 to volunteer in Oude Molen in order to teach the learners the importance of ecosystems, the source of food other than the supermarkets and many of the pupils get to experience working in the stables, compost making business and building projects.

Robin Trust is a non- profit sub-acute rehabilitation facility and a home-based care college, where many bade farewell to their parents and grandparents.

Gaia Waldorf, has 5 generations of memories and experiences constantly revisited and beloved by past pupils is a primary school that is world renowned and Oude Molen represents the ethos and cultural values they teach their pupils A testament to its diversity is that Gaia was hailed as the most diverse Waldorf School in South Africa (teachers conference 2019).

Montessori School, pupils since 2015 At Pinelands Montessori, every child is treated with respect and offered individual guidance in a stimulating environment. We provide an environment free of judgment, discrimination, and prejudice conducive to learning. Always placing our students' best interests first.

The Yes We Can Sport & Jazz Foundation, NPC, a not-for-profit entity established By Rod Solomons for the empowering of youth through sports and cultural initiatives, particularly in jazz. Programs include sports activities, sports sessions for children aged 10 to 16, jazz sessions that feature local talent with and annual Oude Molen Eco-Village Jazz Festival and music events in addition, monthly food and craft markets fostering a vibrant cultural scene while promoting social engagement and development within the community.

There is also an organic herb and vegetable garden that has a healthy partnership with UCT Food Connect and projects are undertaken to promote sustainable living by empowering young people, particularly from disadvantaged backgrounds. It makes its space available to host events in order to raise funds for good causes or for members of the broader community to host community or family functions.

Oom Daan Se Plaas recreation facility, for all types of functions and activities that has invariably produced fond and unforgettable memories year after year. The funds generated are also

applied to projects on the OMEV, like roads and trimming of the trees and general maintenance that improves safety.

In January 2000, Oude Molen Stables riding school started as an added attraction to the farm. This was an opportunity for families to bring their children to an environmentally aware and friendly area, where ponies and horses were available for a range of activities.

Animal welfare: The stables operate as a sanctuary, rescuing, rehabilitating, and providing a home for horses that have been abused or are in bad condition.

Community and therapy: The stables cater to a diverse range of people from all walks of life, using the open space and the horses for healing and therapeutic programs.

Education: The stables offer riding lessons and programs, continuing the historical land use while educating the community on horse care and riding. [African Horse Co evolved out of the Oude Molen Farm Project. https://www.africanhorseco.com/history.php](https://www.africanhorseco.com/history.php)

Oude Molen Farm was the perfect place to bring the history of the horse back into focus. Here horses are used to plough the land and a horse drawn wagon delivers vegetables into the suburb.

Millstone Coffee Shop with an actual Millstone in its court yard has been a Coffee Shop and a venue for hosting birthday parties, flea markets, religious gatherings and outreach programs. A free space for local homemade cultural and traditional products like pies, samoosas, bollas, and koesisters are offered at the venue. A space that promotes and encourages families and friends to establish localized business showcasing and preserving indigenous cuisine.

Play Shed is a kiddies play areas for children under the age of ten within easy reach of all communities of Cape Town and set in a friendly safe environment.

Back-Area-Garden Deli, started in 2009 by Margot Nesor and her trusty assistant David Koko & Bandile. are organic vegetable micro-farmers that offer fresh, organic food to the suburbs as conveniently as possible. The vegetables and herbs are grown organically and some sourced from small independent farmers from around the Western Cape. This ranges from organic dairy products, flour, free range poultry, fresh, pasture-reared meats, coffee and teas to a variety of condiments. The capacity to produce has increased and they offer seasonal vegetables throughout the year. Some of the organic produce is brought in to afford the opportunity to have a holistic approach to eating organically.

"**MASA MARA** as stated by the owner, captures the harmony that can exist between the past and the present; the traditional and the modern. Designs honour the cultural wear of various African tribes while blending these elements with urban active wear, with the aim of introducing traditional values to today's generation, while celebrating their innovation"

Propart Film Production services, Founded in 2010, Prop Art Rentals serves as a vibrant creative hub for film, commercials, television, still photography and events. As a comprehensive prop and set dressing rental company we boast one of the most extensive collections of original, cleared artwork available for hire

Numerous other businesses entities and individual service providers exist and a variety of economic activity takes place at Oude Molen Eco Village which serves to promote employment and enhance the lives of those who are in need of a safe space. Amongst others we also have

Chameleon Custom
OMV Workshop
Lynne Mathhysen Catering
JetAway Café
Compost Happens
MPD Construction
Access Rigging

The primary example in our historical context, is the destruction of the suburb, by the Apartheid government, adjacent to the Cape Town City Center, known as District Six, which was devastating for the entire Western Cape Economy.

The number of resources that was employed and the amount of money spent on the forced removals and subsequent demolishes could have easily been spent on upgrading the district and rejuvenating the area for the people of District Six. The cultural diversity and the value of the artistic, entrepreneurial initiatives, social interaction and cohesion, cultural heritage and overall community dynamics and economics was all destroyed due to the displacement of the people. The impact of having to travel from outlying areas created as slums, impacted on the disposable income of the households and reduced the number of hours spent with families.

We now have a similar proposal where parties to, single entity or company will benefit from the removal of an entire village which has taken 30 years to establish, which will be setting the tone of forcibly removing people, destroying the cultural and heritage of the site for so called economic gain, when there is economic activity already generated on the site for 30 years sustaining businesses, organizations, welfare and social enterprises.

We have to be aware of the universal will and the common concern to safeguard the intangible cultural heritage of OMEV, which is vital in understanding the overall impact it will have on the future generations who will not be able to benefit from or even visit similar experiences of their parents as a cultural practice as outlined below.

Recognizing that communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and recreation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity. The list of the various ongoing cultural activities, many of which, have been on site for over 30 years like:

On the site is a Heritage building that is being restored and quite often artifacts related to. The site is adjacent to a river and flood plain used currently for Horse rides and hikes.

Noting the far-reaching impact of the activities of UNESCO in establishing normative instruments for the protection of the cultural heritage, in particular the Convention for the Protection of the World Cultural and Natural Heritage of 1972,

Noting further that no binding multilateral instrument as yet exists for the safeguarding of the intangible cultural heritage, dangerous precedents are being set in many suburbs where no alternatives were explored other than economic gain at the expense of the cultural and heritage being destroyed

Considering that existing international agreements, recommendations and resolutions concerning the cultural and natural heritage need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage,

Considering the need to build greater awareness, especially among the younger generations, of the importance of the intangible cultural heritage and of its safeguarding, we have an opportunity at OMEV to showcase a snippet of the Cape Cultural heritage and history with a living model of

Considering that the international community should contribute, together with the Stated Parties to this Convention, to the safeguarding of such heritage in a spirit of cooperation and mutual assistance, -2-

Recalling UNESCO's programmes relating to the intangible cultural heritage, in particular the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity,

Considering the invaluable role of the intangible cultural heritage as a factor in bringing human beings closer together and ensuring exchange and understanding among them,

(a) to safeguard the intangible cultural heritage; of all the various cultural groups that shared the space and use Oude Molen as bridge for the cultural divide that should be celebrated through various cultural events that can be held by the local government and NGOs

(b) to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned;

(c) to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;

(d) to provide for international cooperation and assistance.

Article 2 – Definitions

For the purposes of this Convention,

1. The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

2. The “intangible cultural heritage”, as defined in paragraph 1 above, is manifested inter alia in the following domains:

(a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;

(b) performing arts;

(c) social practices, rituals and festive events;

(d) knowledge and practices concerning nature and the universe;

(e) traditional craftsmanship. -3-

3. “Safeguarding” means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and nonformal education, as well as the revitalization of the various aspects of such heritage.

4. “States Parties” means States which are bound by this Convention and among which this Convention is in force.

5. This Convention applies mutatis mutandis to the territories referred to in Article 33 which become Parties to this Convention in accordance with the conditions set out in that Article. To that extent the expression “States Parties” also refers to such territories.

Article 3 – Relationship to other international instruments

Nothing in this Convention may be interpreted as:

(a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated; or

(b) affecting the rights and obligations of States Parties deriving from any international instrument relating to intellectual property rights or to the use of biological and ecological resources to which they are parties.

II. Organs of the Convention

Article 4 – General Assembly of the States Parties

1. A General Assembly of the States Parties is hereby established, hereinafter referred to as “the General Assembly”. The General Assembly is the sovereign body of this Convention.

2. The General Assembly shall meet in ordinary session every two years. It may meet in extraordinary session if it so decides or at the request either of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage or of at least one-third of the States Parties.

(a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory;

(b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant nongovernmental organizations. -6-

Article 12 – Inventories

1. To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated.

2. When each State Party periodically submits its report to the Committee, in accordance with Article 29, it shall provide relevant information on such inventories.

Article 13 – Other measures for safeguarding

To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to:

(a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes;

(b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory;

(c) foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger;

(d) adopt appropriate legal, technical, administrative and financial measures aimed at:

(i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage and the transmission of such heritage through forums and spaces intended for the performance or expression thereof;

(ii) ensuring access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage;

(iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them.

Article 14 – Education, awareness-raising and capacity-building

Each State Party shall endeavor, by all appropriate means, to:

(a) ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society, in particular through:

(i) educational, awareness-raising and information programmes, aimed at the general public, in particular young people;

(ii) specific educational and training programmes within the communities and groups concerned; -7-

(iii) capacity-building activities for the safeguarding of the intangible cultural heritage, in particular management and scientific research; and

(iv) non-formal means of transmitting knowledge;

(b) keep the public informed of the dangers threatening such heritage, and of the activities carried out in pursuance of this Convention;

(c) promote education for the protection of natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage.

Article 15 – Participation of communities, groups and individuals

Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

IV. Safeguarding of the intangible cultural heritage at the international level**Article 16 – Representative List of the Intangible Cultural Heritage of Humanity**

1. In order to ensure better visibility of the intangible cultural heritage and awareness of its significance, and to encourage dialogue which respects cultural diversity, the Committee, upon the proposal of the States Parties concerned, shall establish, keep up to date and publish a Representative List of the Intangible Cultural Heritage of Humanity.

2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this Representative List.

Article 17 – List of Intangible Cultural Heritage in Need of Urgent Safeguarding

1. With a view to taking appropriate safeguarding measures, the Committee shall establish, keep up to date and publish a List of Intangible Cultural Heritage in Need of Urgent Safeguarding, and shall inscribe such heritage on the List at the request of the State Party concerned.

2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this List.

3. In cases of extreme urgency – the objective criteria of which shall be approved by the General Assembly upon the proposal of the Committee – the Committee may inscribe an item of the heritage concerned on the List mentioned in paragraph 1, in consultation with the State Party concerned.

Article 18 – Programmes, projects and activities for the safeguarding of the intangible cultural heritage

1. On the basis of proposals submitted by States Parties, and in accordance with criteria to be defined by the Committee and approved by the General Assembly, the Committee shall periodically select and promote national, subregional and regional programmes, projects and -
8-

activities for the safeguarding of the heritage which it considers best reflect the principles and objectives of this Convention, taking into account the special needs of developing countries.

2. To this end, it shall receive, examine and approve requests for international assistance from States Parties for the preparation of such proposals.

3. The Committee shall accompany the implementation of such projects, programmes and activities by disseminating best practices using means to be determined by it.

V. International cooperation and assistance

Article 23 – Requests for international assistance

1. Each State Party may submit to the Committee a request for international assistance for the safeguarding of the intangible cultural heritage present in its territory.

2. Such a request may also be jointly submitted by two or more States Parties.

3. The request shall include the information stipulated in Article 22, paragraph 1, together with the necessary documentation.

Article 24 – Role of beneficiary States Parties

6. A State which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered:

(a) as a Party to this Convention as so amended; and

(b) as a Party to the unamended Convention in relation to any State Party not bound by the amendments.

Article 39 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

Article 40 – Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

Chief Little and his LEO initiative gave rise to the Cape Cultural Heritage Development Council (CCHDC), the forerunner to many of the Khoen and San revivalist groups who are now part of the

43 WCFNC. He remains a symbolic patron to the WCFNC5. This will be expanded upon in the next chapter.

Revised HIA: Gaia Parents/ Staff Submissions**November 2025**Kathryn Muller

I had visited Oude Molen a few times with my son when he was a baby, and I immediately liked the atmosphere, a sense of being a bit removed from the hustle and bustle of city life, without having to drive out of town. I visited Gaia preschool when I was deciding on where to send my child to preschool. Again I was struck by the atmosphere which was very warm and welcoming. It was very clear to me that this was a community-oriented school, which would protect my child's childhood allowing him to play freely, spend time in nature and form authentic friendships with his peers, all under the kind supervision of the teachers. Since my son started at Gaia in March this year, all my intuitions have proven true. I love how the children get to walk around Oude Molen, visiting the horses and seeing chickens with their chicks running around. Where else in Cape Town is this safe, farm-like experience so accessible? I love that they get to play outside in a big playground with a stunning view of Table Mountain in the background. Oude Molen strikes me as a totally unique and very special place. It is true that some of the buildings are in disrepair and it is encouraging that building work is taking place to restore some damaged areas. In spite of the peeling paint, I think Oude Molen should be protected and preserved as much as possible. As a place for people to live, for the small creative businesses to operate, for children to learn and grow up in a warm community, for the animals and the open space... all of this feels increasingly valuable in a world that often feels too fast, too wasteful, too disconnected. I feel so privileged to be able to spend time at Oude Molen, and for my child to be there every day. I sincerely hope that its value is appreciated by those with the authority to make decisions about its future. Thank you!

Nur Jehaan Keeran

Our daughter has grown to love and interact with her surroundings. From the horses and chickens that she feeds every day after school pickup, to the flowers, trees and river that she helps water and maintain. She has become part of a family and community that cares about each other and actively contributes to building a better society. This area is essential to maintaining the wildlife surrounding it.

Ebrahim Jakoet

For me, the Eco Village is so much more than just a physical space – it's a vibrant, living community. It brings together a range of small businesses that contribute to the character and heartbeat of the area, creating a place where people connect, support one another, and build meaningful relationships. It's also a sanctuary for animals, offering them a safe, cared-for environment where they can live as close to their natural state as possible. And at the heart of it all is Gaia Waldorf School, a truly one-in-a-million place that nurtures children in a way that is deeply connected to nature, community, and creativity. The Eco Village holds a unique spirit, and it's this blend of people, animals, and education that makes it so special to me

Summary of Interview with Mohamed Faiez Evans

Mohamed Faiez Evans, a lifelong Capetonian, is the owner of the Millstone Coffee Shop at Oude Molen. His testimony focuses on the site's profound social, communal, and cultural value, arguing passionately for its preservation and investment rather than commercial development.

Key Points:

Personal & Business Connection: Evans came to Oude Molen in 2017/18 to supply coffee and eventually took over a space to establish his roastery and café. He invested significant personal resources ("blood, sweat and tears and money") to transform a neglected area into a community hub.

A Unique & Neglected Asset: He describes Oude Molen as a "farm-like setting in the middle of a city," a "hidden secret" with immense but unrealized potential. He criticizes government neglect over 60 years, arguing it should be a "world-class" public asset like Kirstenbosch, not left derelict.

A Crucible for Social Healing: Evans emphasizes Oude Molen's unique role as a "melting pot" where people of all economic levels, races, and cultures interact. He sees it as a vital "place of healing" for Cape Town's fractured society, where social gatherings, reunions, and dialogue can help break down stigmas and historical anger between different communities.

Community, Not Commodity: He frames the current value of Oude Molen as being built by the community through time, effort, and ingenuity – not by capital investment. He powerfully compares the threat of development to the destruction of District Six, warning it would destroy the community fabric, interpersonal relationships, and local economy that has organically grown there.

Critique of Development: He condemns the development proposal as a "crime" against the indigenous people and the community who built Oude Molen. He calls the process "rude" and "colonial," prioritizing profit over people.

Vision for the Future: Evans advocates for:

- **Investment and Care:** Significant public and philanthropic investment to restore the buildings and landscape to a high standard.
- **A Living Heritage Showcase:** Not a static museum, but an interactive, "live history" platform with recreations (e.g., a Khoi hut, a windmill) and cultural storytellers to bridge past and present, fostering understanding and healing.

- **A Synergistic Model:** The site should become a model for synergy between business, residents, heritage, and culture, creating a people-centered space that increases in social and cultural value, rather than a short-term commercial development that will become a "slum."

Overall: Faiez Evans positions Oude Molen as an irreplaceable social and cultural infrastructure for Cape Town. Its greatest heritage is its living, breathing role as an inclusive, cross-cultural meeting ground and a site of communal self-determination. His vision is for it to be intentionally nurtured as a world-class public heritage space that actively promotes social cohesion and historical understanding.



New Apostolic Church Lincoln Estate

Email received 5 September 2025

To whom it may concern:

My name is Carlo Marra, the young people coordinator for the New Apostolic Church of Lincoln Estate congregation. I'm writing this letter to express our thankfulness to the Oude Molen Eco Village and staff for the amazing experiences the young people and I had at this establishment. We highly recommend that this place continue its good work within the community as it brings so much joy and an added learning experience. The place is very scenic and peaceful even though it's surrounded by the residential area and a busy highway it seems so far removed from the busy-ness of the city. It's a brilliant opportunity for learners, young people and basically all walks of life to experience its beauty, nature and to get away from the stress and pressure of everyday life.

During our time together, we learnt about agriculture, nature, life lessons and skills that we can apply in our daily life. This place together with its staff is a great asset to the community and to those who need to be uplifted and those who want to get involved in doing community service. Here are a few words from the young people that were involved for the day that we had experienced at Oude Molen Eco Village:

Aimee "I really enjoyed growing the vegetables and making a positive writing on the wood. I loved growing the white, yellow and rainbow corn. It was a wonderful experience and I would do it again. My favourite was the wood, writing positive messages on it and that was the best part. The seeds for the vegetables were good. I just won't do the soil again as it was not really my favourite."

Jared "What I would say about the garden it's a really nice place to detach from the noise of everyday life, it's really fun if you go with a open mind and a means to learn, would definitely visit again when given the chance"

Nicolai" I found the experience very freeing, relaxing and a very good learning experience The whole experience was a very enjoyable and memorable one."

Special thanks to the staff Kelly, Maralize and Kathy who are all friendly, open, engaging, knowledgeable and committed to this great cause.

Sincerely,
Carlo Marra

Young people coordinator for the New Apostolic Church of Lincoln Estate



RONDEBOSCH

BOYS' HIGH SCHOOL

Dear Facilitators and Team at Oude Molen Eco Village,

My name is Jonathan ####, I am a grade 8 student at Rondebosch Boys' High School and I recently completed my 16 hours of community service at Oude Molen Eco Village during the July school holidays on 30 June and 1-2 July 2025.

I would like to thank you for giving me the opportunity to complete my community service hours at Oude Molen Eco Village. I really enjoyed the three days I spent working in the food garden, horse stables, and the outside children's play area in the up and coming restaurant.

Thank you for the friendly way you welcomed me to Oude Molen Eco Village and for guiding me through the tasks I completed each day.

Thank you for taking the time to explain each task so clearly and in detail. It is because of this I was able to learn a lot about caring for the environment.

Working in the garden was the part that I enjoyed the most. I learnt about weeding and the term mulching which I never knew before and now I know what mulch is and why it is used in gardens.

Even though I did get stung by Stinging Nettle weed while removing it, when it went through my garden glove, I would like to thank the facilitator for helping me with this and for treating the sting.

Working in the horse stables and cleaning up the children's play area, showed teamwork and responsibility.

It was very rewarding for me to see how my work made a difference in an area when seeing the before and then the after once I was done, especially when cleaning the children's outside play area at the restaurant.

I now see how small actions can really make a difference.

Thank you for your patience, kindness, and for teaching us how important our small efforts are in supporting your eco village.

Thank you for the important work you do every day to help the community and care for nature. I hope to return in the future and help again.

Thank you for having me.

Kind regards,
Jonathan ####

Summary of Interview with Sarah Matchett (Uyintando)

Sarah Matchett, an Associate Professor at UCT, discusses her deep personal, spiritual, and artistic connection to the land known as Oude Molen in Cape Town. Her testimonial highlights the area's significance as both a tangible and intangible heritage site.

Key Points:

Personal Connection: Sarah's relationship with Oude Molen evolved from noticing it as a "green belt" and "threshold" while driving, to an intimate daily connection after her children attended Gaia School nearby. She describes it as a vital sanctuary and ritual space for walking, reflection, and family activities.

Spiritual Significance: As a trainee healer in the Amakulcha tradition, Oude Molen is essential for her spiritual practice. It is where she performs necessary cleansing rituals. She frames her healing journey—alongside her partner Nina—as an act of "deep ancestral healing," acknowledging her own Dutch colonial ancestry and the complex, entangled history of the land.

Heritage & Complexity: She identifies Oude Molen as a "space of contestation" with a layered history of colonial entanglement. Its value lies in its ability to "hold us in all of its complexity," serving as a fitting ground for reconciling intertwined and difficult pasts.

Opposition to Development: Sarah strongly opposes conventional housing development on the land, believing it would destroy its ecological, spiritual, and communal value. She describes such a prospect as a "travesty."

Vision for the Future: Her preferred framework is the creation of an "intentional community." This would involve:

- Maintaining the integrity and expansiveness of the land.
- Acknowledging its complex history.
- Providing mixed housing.
- Preserving existing community uses (allotments, pottery, rituals, pony rides).
- Intentionally funding a space that continues to serve as a communal and spiritual resource for a diverse range of people and practices.

Overall: Sarah Matchett's testimony presents Oude Molen as a vital living heritage site, an urban ecological sanctuary, a container for personal and ancestral healing, and a model for how contested land can be respectfully stewarded to serve community, history, and spirituality.



A learning environment to help students get the edge!

19 St Joseph Road
Plumstead
7800

17 September 2025

Recommendation and Endorsement of the Oude Molen Eco Village

Dear Sir/Madam

As an educator, mentor and facilitator working with both South African high school students and US graduates who visit Cape Town, I have had the privilege of experiencing the unique opportunities offered by the Oude Molen Eco Village. I'm passionate about diversity, sustainable business growth and environmental conservation, and I have witnessed how the eco village successfully brings these values together in one dynamic and inclusive space.

The eco village has provided extraordinary opportunities for my high school students, many of whom struggle with anxiety, stress and ADHD. They have benefitted greatly from Equine Therapy sessions at the village, which have supported their confidence and emotional well-being. In addition, exposure to businesses such as Access and Rigging Services has opened career pathways, with one learner enjoying a meaningful job shadowing experience. These initiatives highlight the eco village's capacity to contribute to both personal development and practical skill-building.

My US graduate students, who travel to Cape Town to learn about our history, challenges and successes, have also benefitted from their time at the eco village. They live at the village in the perfect accommodation, visit numerous cafés, volunteer in the organic vegetable garden and one of my graduate volunteers started a youth theater group. These experiences have given them a holistic and authentic immersion into South Africa's culture, sustainability practices and community engagement, which they carry back as a lasting legacy of Cape Town's innovative spirit.

The Oude Molen Eco Village is far more than a collection of businesses and programmes. It is a hub of social inclusion, job creation and ecological responsibility. In a city facing complex socio-economic and environmental challenges, it stands as a practical model of how collaboration and creativity can foster sustainable innovative growth.

I respectfully urge the City of Cape Town and interested developers to recognise, support and invest in the potential of the Oude Molen Eco Village as a space of immense value to the community, to education, and to eco-tourism. With careful planning and inclusive vision, it can become a world-class eco village, a benchmark of sustainable spatial urban development, and a pioneer of future socio-environmental innovation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Hepburn-Brown', with a stylized, cursive script.

Andrew Hepburn-Brown

EdgeWise Learning Centre
Director | Owner | Educator

Maryna Booysen

OMEV Food Forest: An Agroecological Initiative.

2021 – 2025

This initiative - 500m² of Organic mix- vegetable production - began as a community Peace Garden however was unable to secure finance for necessary infrastructure due to lack of long-term tenure. A fundamental requirement for any agricultural endeavour.

I personally financed fencing, shade netting, irrigation, wages, seeds, compost, etc, and of most value, my own time and hard labour in an attempt to maintain the Garden, while waiting for a finalisation of decisions regarding the status and future of Oude Molen.

What began as intensive organic vegetable production evolved into a food forest as a result of the long commute I have to reach the Garden. Vegetable production requires consistent daily work. A regenerative food forest can go days, weeks and even months in the right conditions, without human intervention.

The Garden is now teeming with wildlife, provides pollen aplenty for the neighbouring apiary and vegetables, when available, for the old-age home next door. It is full of Avocado, Pomegranate, Paw Paw, Mulberry, Tree Tomato, Gooseberry, Strawberries, a variety of medicinal and culinary herbs and self-seeding vegetables. It is 100% regenerative, with this all happening naturally.

I must admit, I keep my Olive trees in pots, as I am keenly aware the Garden may one day be flattened and replaced by a parking lot or apartment block. I do not need to wax lyrical about the all-round benefits to the Environment, Climate and Community that regenerative, zero-waste, agroecological systems provide. Anyone with Google can research that. On a micro or macro scale everything benefits. From soil up. This work is the very foundation of all cultural heritage, and the story of our Earth.

If I were to have a wish for Oude Molen it would be to see the establishment of a fully functional Training Hub, Cultural Centre and Eco-Tourism Site, hosting workshops and providing a curriculum of courses from bee-keeping and agroecology to arts, crafts, theatre and storytelling. For this to happen there would need to be a unified, clear vision forward, financial investment and secure tenure for businesses. Availability of housing would be increased and improved, and should ultimately be made available for rental for those that wish to live or work in the village. Student Accommodation (for example) is in short supply and could be integrated well into the village providing a much-needed dynamic economy for the Precinct.

The future of OMEV has hung in the balance for many years, maintaining instability and retarding progress. If we were to view Cape Town 50 – 100 years into the future, wouldn't it be imperative, right now, to preserve and protect natural areas that provide regenerative eco-system services and centres of creative, cultural exchange? There should be no question about it. One should be able to plant one's Olive trees, without hesitation, simply because they would be there to nourish and provide shade for future generations.

Sincerely

Maryna Booysen

Summary of Interview with Nina Callaghan

Nina Callaghan, a researcher and co-director at the Centre for Sustainability Transitions, provides a detailed testimony on the heritage value of Oude Molen in Cape Town. Her perspective combines personal, historical, spiritual, and academic lenses.

Key Points:

Initial & Personal Connection: Nina's first connection was as a mother choosing the Gaia Waldorf School for her daughter in 2010. She was captivated by the school's location on Oude Molen – its "unmanicured, wild, imaginative, nurturing" environment. The space became a daily refuge for walking, contemplation, and developing a deep sense of belonging.

Historical & Heritage Significance: Her intimacy with the land sparked a curiosity about its layered history. She details its significance as:

- A pre-colonial home to Khoi nations
- A site of battle and resistance against colonial occupation and slavery
- Part of the Falkenberg Hospital precinct, which served Black and "coloured" patients
- A place with a "shimmering" heritage of diverse beings and events, making it an deeply underrated anthropological site

Intangible Heritage & Value: She argues powerfully that the land's value is intrinsic and does not require development. Its intangible heritage lies in its:

Energetic resonance: Its ability to inspire a "longing for liberation" and alignment with nature.

Community agency: Its "ramshackle" state has allowed diverse people and enterprises to creatively shape their visions in community with the land.

Spiritual container: It serves as a vital space for ritual cleansing, prayer, and communion within her healing practice in the Amakwacha <spelling> tradition. She describes performing rituals there as feeling "completely at home" and "welcomed."

Critique of Development & Vision: Nina strongly criticizes the nearby Amazon development as a "violation" and "rape of land and people's sense of belonging." She opposes conventional development that would disrupt the site's serenity.

Alternative Framework: She advocates for an imaginative approach that is not an "either/or" colonial checkmate. She believes heritage, ecology, and sensitive development (like mixed housing and sustainable infrastructure) can co-exist if done thoughtfully to preserve the sense of place, freedom, and historical memory.

Overall: Nina Callaghan frames Oude Molen as a critical, multi-layered heritage site that is essential for personal refuge, spiritual practice, historical memory, and community creativity. She asserts that the testimonies and connections of people like

herself are central to validating its heritage status and advocates for a future that protects its intangible and ecological values while exploring inclusive, sensitive forms of habitation.

More Than Objects: Adventures, Stories, and Prop Art



*Thina
Mona*



More Than Objects: Adventures, Stories, and Prop Art

The opening of Alfred Hitchcock's 1954 film *Rear Window* is one of the most studied sequences in film studies. It is often cited as a masterclass in "pure cinema" a style Hitchcock championed, where storytelling is conveyed primarily through visual means rather than dialogue. Having emerged from the era of silent films, Hitchcock was deeply influenced by the power of imagery, expressive acting, and musical accompaniment to communicate narrative and emotion. In that opening of *Rear Window*, the story unfolds through carefully composed camera angles, deliberate editing, and strategic lighting. These techniques work together to evoke emotion, build suspense, and immerse the viewer without the need for exposition. Hitchcock's mastery lies in his ability to make the camera itself a storyteller.

In the film's opening sequence, the camera pans across the protagonist Jefferies' apartment, zooming in on various props and set pieces that subtly reveal details about his character. A close-up shows Jefferies seated in a wheelchair with his leg elevated in a cast. The next shot reveals a broken camera, followed by a framed photograph of a racing car mid-accident, with a tire suspended in the air. The camera then pans to other items: a negative photo of a woman, and a stack of magazines with the one on top titled *Paris Fashion. Special Report on Europe*. These close-up shots on the props, presented without dialogue or exposition, allow the audience to infer that Jefferies is likely a photojournalist or race car photographer who was injured while working. As the film progresses to its first instance of dialogue, it is revealed that Jeffries is the former. Through visual storytelling alone, Hitchcock invites viewers to piece together the protagonist's backstory; an elegant demonstration of pure cinema in action. It is not only the camera techniques that contributed to this brilliant demonstration. However, many other elements go into the success of visual storytelling, I would like to highlight the presence and influence of the props.

In filmmaking, props are central to the storytelling process. They materialize the world of the film, transforming ideas from the script into tangible elements on screen. They may not always command attention, but they are fundamental to cinematic storytelling; quietly shaping the narrative and enriching the visual experience in ways that often go unnoticed by audiences. They help establish the time period, situating the audience within the historical or cultural context of the story. Likewise, they signal the geographical or spatial setting in which the narrative unfolds.

A character's interaction with certain props can trigger an emotional response, helping to establish the tone of the film. In certain films, props even set the narrative in motion, becoming a tool for plot development, like the spinning top in the 2010 Sci-Fi film *Inception*. It belonged to the protagonist Cobb, who would use it to determine if he was in a dream or reality. In the dream, the top never stops spinning, and it does so, eventually, only in reality. This is also an example of how creators develop a character, specific items being assigned to that character to signal their backstory, personality, or identity. Objects unique to them that carry symbolic weight. What is interesting also is how props can also uncover hidden truths or help characters solve problems within the story. In this way, props operate as silent narrators while subtly guiding the audience, deepening character arcs, and revealing layers of meaning that elevate the story beyond what is spoken or seen at first glance.

Welcome to the house of props

Having established the important role that props play in a production there are multiple storehouses in Cape Town that house dynamic, special elements. I had the pleasure of visiting one called Prop Art, nestled within the Oude Molen Eco Village, a place steeped in layered history. Once a psychiatric hospital, the site was later abandoned, left derelict, and overgrown with wild bush. But even before that, originally it was a land where the Khoi grazed their cattle.

Today, Oude Molen Eco Village is home to a vibrant community of independent, local social enterprises. Prop Art is one of the first businesses you encounter upon entering the village. It is

hard to miss, a red cow sculpture with a dartboard-like circle painted on its hip stands proudly on the roof, beside a sign that reads: Prop Art. Art Rentals & Prop Hire.

The first room you step into at Prop Art feels like entering a grandmother's living room, if she were a meticulous hoarder with an eye for beauty. Everything is curated with care: a large brown table adorned with vases, shells, and lamps sits at the front, with cozy couches next to it and walls covered in framed artwork. All the surfaces, walls, ceilings, even corners, are filled with artwork: some abstract, others emotive, surreal, or expressive. Each piece invites you to pause and wander, though the sheer volume can be overwhelming, offering little time to linger.

Prop Art boasts over 1,000 cleared artworks by 120 artists, and the space unfolds like a series of homes, each room with its own style, atmosphere, and energy. Walking through the shop feels like moving through different lives and eras, with each space organized in its own way, reflecting a distinct mood or narrative. It's not just a prop house; it's a constellation of curated environments, each one whispering a story waiting to be discovered and told.

Prop Art doesn't just rent out props, it curates memory, emotion, and possibility. The way the items are arranged feels personal, almost like stepping into someone's home. With so many objects layered across decades, styles, and stories, I found myself wondering how they kept track of it all. When I asked a staff member if the layout helped them remember where things were, she smiled and nodded; though admitted they sometimes forget, especially when something is moved from its rightful or usual place. In a space like this, where every object holds a story, rigid organization isn't optional; it's essential.

The shop also unfolds like a labyrinth of time and culture. There are multiple rooms, a second floor, and an outdoor area, all overflowing with props of every kind. From tiny ink stamps and pins to surfboards and heavy furniture pieces. Their website lists 45 categories of props. The collection spans decades and continents; walking through the space feels like slipping through time itself. One moment you are in the 1950s and the next you are in the early 2000s, each item revealing the era it once belonged to.

Telephones with rotary dials sit beside push-button models. Radios with tuning knobs and cassette slots share shelves with CD players and towering speakers. Typewriters, vintage cameras, and

other gadgets whisper stories of past and emit a quiet nostalgia. Each room becomes a portal, a stage for the imagination to conjure characters, scenes, and histories.

One tiny room captured my attention. Tucked behind a bright red door, opening up to reveal the excess that characterises the shop. Inside to the left is a toilet I initially assumed was non-functional, because everything in a prop house is open to such assumptions. The room: two vanity tables filled with cosmetics and beauty accessories, shelves lined with a lot of perfume bottles in varying sizes, lotion containers, used lipsticks, and toiletry bags. Above, floating shelves held mannequin heads adorned with wigs in multiple colours, and beaded necklaces draped over neck displays. Two large salon hair dryers stood like sentinels.

This is Shirley's room, I deemed it.

She might be a showgirl, a performer, a woman of mystery, someone who changes her wigs and masks her body with scents and creams. I imagined her returning home exhausted, her vanity table cluttered with the remnants of her day: a bowl with vaginal cream, a nail file, and a packet of tablets. A life lived in fragments, each item a clue.

Outside in the yard of Prop Art, the lush green of the plants contrasts with rows of heavy steel shelving stacked with larger industrial props: metal garden chairs, chains, street poles. Among them, old signage anchors me in a specific moment in South Africa's past: one board advertises "Coldrinks. Cola. Raspberry. Ginger Beer R1.50". Its outdated price points to a long-gone era; another, rusted, writes, "BUS STOP FOR NON-WHITES." True to the power of props, this rusted sign carries a very significant history of Apartheid in South Africa and transports its viewer to that particular time.

My wanderings through the maze of the Prop Art house led me to ponder on the notion that props are far more than decorative objects. They are vessels of character, narrative, and memory. Each one carries a story of where it came from, how it was used, and what it once meant. They whisper of the past, revealing their former functions, their evolution, and sometimes, even their obsolescence.

Through these fragments, genres like period films become possible, materialized on screen in ways that allow us to re-enter times long gone and making it possible to step into moments of history

through a medium different from written texts. They allow us to visualize and inhabit worlds we were never part of yet are deeply connected to by virtue of being their future.

This is the incredible tenet of filmmaking; its artifice that lies in the careful construction of worlds that look and feel real, though they are entirely fabricated. It is not just imagination; it is materialization. A crafted illusion that invites us to believe, to feel, and to remember.

The owner of Prop Art is, in many ways, the kind of character you'd expect to find in a film: an instrument maker, traveller, musician. His journey into the film industry wasn't linear but rather a winding path shaped by creativity, curiosity, and chance encounters.

Born in Zimbabwe, Kirk Doman moved to Makhanda (formerly known as Grahamstown) at the age of 10. There, he attended the Johan Carinus Art Centre, studying painting, sculpture, history, and geography. Due to disciplinary issues, he was expelled and later completed his schooling at East London Technical School in their Art programme. In his own words, he was "a bit of a wild child."

Makhanda is known for its strong creative energy, hosting festivals throughout the year, most notably the National Arts Festival. Kirk recalls how there was always a 10-day festival that guaranteed an opportunity to make money, such as selling handmade jewellery, T-shirts, art pieces, and crafts. In this way, creativity was not only celebrated but woven into the life of the town.

Though he dreamed of attending art school after matric, the high costs made it inaccessible. Ever resourceful, he chose to travel the world instead. For four years, he did odd jobs abroad, starting in Israel, where he worked on a kibbutz with free food and lodging but no pay. Israel was an easy country to get a work visa at the time, and for him, it was simply a gateway to leave the country and see the world. He also spent time in the UK and Australia, working on building sites, where he developed practical skills in carpentry, plastering, and landscaping. It was in Australia that he learned to play the didgeridoo, a long, hollow wind instrument created by Aboriginal Australians.

After saving up, he applied and was accepted into an art college in London and obtained a student visa. But before the course began, he returned to South Africa for a short visit. During a road trip

with friends, he came across Oude Molen Village for the first time, not yet knowing how significant it would become in his life.

Upon trying to return to London, he encountered visa problems. At the time, in the early '90s, UK visas were issued on arrival. But when he tried to return to London on a one-way ticket, visa complications arose. Authorities questioned how he had supported himself during four years of travel with only nine months of documented work. He was required to have a return ticket and was sent to Pretoria to resolve the issue. However, with only a one-week grace period, his passport was returned after it had already expired, causing him to lose both his flight tickets and the £1,000 he had paid to the art college.

With only R6,000 left to his name, he bought a car from a widow for R4,000 and travelled to the Eastern Cape, where he began crafting and selling didgeridoos and other handmade instruments. Eventually, he traded the car for a kombi and drove to Cape Town. He parked it on Victoria Road and lived out of it, sleeping on a mattress and storing his instruments inside. By day, he would sit at St. George's Mall, playing music and meeting people.

One day, he ran into an old friend from Makhanda, someone he had once collaborated with on a *Midsummer Night's Dream* production, where he'd been asked to play the didgeridoo. She was now working as a project developer at Oude Molen and mentioned that the manager of Oude Molen was looking for people with small art businesses to take up space there. He got a dilapidated room that had a toilet and two urinals, which he used to store his instruments while he continued to sleep in the kombi. He paid R100 per month to rent the room. The same friend also nudged him toward the film industry, suggesting he work as a runner on sets.

Given his background in sculpting, instrument-making, construction, and design — skills gained through years of travel and creative survival — Kirk found a natural fit in the Art Department. He began working on commercials with a company called Rocket Films and, over time, transitioned into film.

As he continued working on sets, his collection of items began to grow, prompting a move to another part of Oude Molen. He stored not only his instruments but also surfboards and various props left over from productions. A former colleague from the commercial industry had a similar

setup, keeping props in a warehouse. Kirk started renting out his items, a side business that organically evolved into something more substantial.

In 2008, Kirk and his longtime friend Barry, from Makhanda and former high school mate, decided to formally open a business. Barry had obtained an Arts diploma and combining that qualification and their wealth of experience in the field, they were confident enough to start something of their own. But they didn't want to create just another prop house. "There are many of those around Cape Town," Kirk emphasized. Instead, they envisioned a space that reflected their love for art, a prop house filled with collected artworks from their travels, each piece doubling as a prop.

The idea behind Prop Art was not only innovative but addressed a clear gap in the industry, one that their business was uniquely positioned to fill. As Kirk explained, when a film set requires artwork to decorate its walls, the standard process involves sourcing pieces from galleries. This often becomes expensive, as gallery prices are typically inflated by up to 60%. The production team is instructed to contact the artist directly for permission, after which the artist sets their price. The gallery then adds its own markup, making the entire process costly and complicated.

Prop Art offers an alternative model. Kirk and his team purchase artworks directly from artists, informing them upfront that the pieces will be rented out as props. They enter into contracts with the artists, ensuring transparency and mutual agreement. While some artists are open to this arrangement, others may not fully understand or embrace the model.

Recently, they compiled a physical catalogue of all the artwork in the shop, making it easier for clients to pick art pieces without walking through the whole shop. This is also available on their website. To date, Prop Art holds the largest collection of cleared artwork for rental in Cape Town. Seeing the shop with art covering every wall and even the ceilings, this is a claim I'm more than willing to believe

This vision shaped Prop Art into a unique hybrid: a prop house and an art archive. Much of their collection has been gathered through travel, personal connections, and artistic appreciation. "With the artwork," Kirk said, "it isn't just a prop. There was an artist I met and engaged with, because there was something about their art that I was attracted to; whether it resonated with me personally or I thought people would want that artwork on their film set."

Unlike everyday props that can be replaced, repurposed, or become obsolete, artwork holds a different kind of weight. It is the interaction with the artist, their process, their sweat and tears, their vulnerabilities expressed on a canvas in colour and strokes. With each artwork, one carries a tangible piece of the artist's life. Kirk reflected on this during our conversation, sharing a recent moment of loss and remembrance. "She studied Fine Art at Rhodes University," he said, speaking of an old friend from Makhanda who had recently passed away. "She helped me with some T-shirts when I was a youngster. After I travelled and started the business [Prop Art], one of our first paintings — we still have it. It's a big oil painting of these trees. And over the years, I've collected a few more of her pieces. I always supported her. I liked her artwork; I liked her style. I think it's quite stunning. And when she passed away, I said, 'I have some of her artwork to remember her by.'"

While artwork carries emotional and personal resonance, the broader world of props operates with a different kind of rhythm that is shaped by scripts, production schedules, visual requirements, and logistical precision. At Prop Art, this process begins long before the cameras roll.

During pre-production, once the script has been broken down to identify the elements needed for characters and scenes, members of the film or television Art Department such as set dressers, set decorators, or props masters, would visit Prop Art to browse for suitable props. They take photographs of potential items to compile and present to the set designer.

In some cases, they come in even earlier in the pre-production phase, while the visual language of the film is still being explored. They photograph items to create mood boards for presentations to the production designer and, possibly, the director, who is the person who ultimately holds the vision of the film.

Kirk noted that while some people prefer sourcing props online for convenience. However, being physically present in the shop allows for spontaneous discovery, the kind that can spark unexpected creative choices. Once the team decides which props to rent, they fill out a rental form and return with a truck to collect the selected items.

This process, however, often happens multiple times, as set dressers typically visit various prop houses since it is sometimes impossible to find everything needed in one place. In South Africa, Kirk explained, sourcing specific props can be challenging, especially under tight deadlines. In

major cities like London and New York, he explained, productions benefit from services like Amazon, where virtually anything needed for a scene can be ordered online and delivered the next morning. While this convenience is desirable, Kirk pointed out that having such systems locally could eliminate jobs, such as the drivers hired on sets to transport props.

In those cities, prop houses also tend to specialize. For example, one might focus solely on fake blood, and every crew member in the art department knows exactly where to go for it. Kirk believes this kind of niche model should be adopted in South Africa to help distribute the load and alleviate the space constraints that many prop houses face. Space (and the constant need to organize it) is a persistent challenge. Specialization would reduce the need to collect and store everything in one place, which often leads to clutter and difficult decisions about what to keep or discard.

Kirk recalled a time when he had a large, unattractive postcard display box taking up space. “It was big, taking up a lot of space, and ugly,” he said. “And every time I looked at it, I thought, I gotta get rid of that thing.” Eventually, he did, only to receive a call sometime later from someone asking specifically about that display.

At Prop Art, the process of collecting props is both intentional and organic. Items are sourced in several ways: through marketplaces where good value meets quality, through donations, or from individuals looking to sell or give away belongings often due to relocation, downsizing, or the loss of a family member. These moments of transition become opportunities for the prop house to acquire unique pieces.

Kirk also explained that film sets are another key source. After a production wraps, a markdown sale is held where producers and department heads are given first pick of the leftover items. Whatever remains is then opened to the art department, and it’s during these moments that prop house owners gather, selecting pieces that might one day find their way into another story. Kirk’s explanation demonstrates the sophisticated network that even the simplest of props are part of.

In many ways, Prop Art is more than just a prop house, it’s a living archive of stories, memories, and possibilities. It is a place where objects and artworks are granted second, third, and infinite lives. Where an object’s life continues in ways its original owner could never have imagined. When someone parts with a piece, they rarely know what lies ahead; what purpose it will serve, what character it will embody, or what world it will help build.

Prop Art also preserves the unseen, precious process of an artist's work, offering it longevity through loops of time. Art often outlives its creator, and here, that truth becomes beautifully symbolic. A single piece might reappear in productions set in the future. Or sometimes, the artwork itself may even predate its artist. This is when placed in a setting older than its maker, lending its authenticity to imagined histories and distorting time in the most fascinating way.

For the sentimental, Prop Art validates the impulse to hold on to keepsakes. But perhaps, with places like this, there's comfort in letting go, knowing that what was once personal clutter may find new meaning in countless other narratives.

And at the heart of it all is Kirk: the collector, the curator, the quiet architect of this cinematic organized chaos. His journey, and the space he's co-created, remind us that filmmaking is not just about illusion; it's about connection. Between past and present, between objects and meaning, between the imagined and the real. And in this curated mess of memory and make-believe, Prop Art finds its rhythm and purpose.

By Thina Mona



OVERVIEW OF OUDE MOLEN STABLES

Oude Molen Stables is owned and managed by Kendre Allies, a resident of Garden Village, whose family presence in the area goes back generations.

The first 'recorded' presence of horses on Cape land dates back to the 1600s.

The horses at the stables live as a 'natural' herd. They are rescued and rehabilitated and then integrated into the riding school, supporting and promoting the long-standing heritage of healing and education on this land.

This is their place of safety, a haven that rescued them, where they have built on their history together as a family – healing each other and the humans who interact with them.

The horses here have, and do work with : Valkenberg Hospital, Alexandra Hospital, NICRO, Schools and various therapeutic programmes – providing valuable support and healing to these entities who work with a wide variety of physical, mental and emotional conditions.

We cater to a variety of people from all walks of life, reliant on the horses and the open space to heal and guide them. People on the autism spectrum (more and more being diagnosed daily) cannot manage with the sensory overload that development is imposing. Many of our clients and patients attribute the horses and the environment in which they live, as not just having healed them, but having saved their lives.

Horses as non-humans are part of the cultural heritage in the histories, anthropologies, sociologies and geographies. Horses occupy space in human society and the manner in which animal and human lives intersect, shows how humans have identified their heritage in terms of animals.

THE PEOPLE OF OUDE MOLEN AND GARDEN VILLAGE

There is a living heritage that is remembered and treasured by Garden Village residents going back several generations. The surviving elders and adults of the community wish to preserve and leave a legacy of an untouched natural environment, rich in memories and cultural history, to their children and their children's children.

The owner of Oude Molen Stables, Kendre Allies has built on the heritage of the many generations of his family who came before him. He has worked his way out of a challenging environment, through interaction with Oude Molen Village – first working in the gardens and learning about sustainable growing to support families.

Then being introduced to a cart horse to take fruit and vegetables to Observatory and Woodstock.

He then started to work with the horses who were kept at Oude Molen for lessons and pony rides. This is when the greatest healing of his life began – interacting with the horses and having access to their intangible ability to understand, thereby rescuing and rehabilitating him – as he does for them today.

He now shares his learned expertise as a community leader, with people from challenging backgrounds and with severe mental, emotional and physical issues – providing his horses for equine therapy. His transformational and inspirational journey through life, from broken to healed and healing, have been presented in television documentaries.

Passing on this heritage and legacy to his children and his grandchildren is what drives him to protect what saved and healed him, allowing generations to come, to share the beauty of their heritage in it's original and natural environment.

Their heritage and long-standing relationship with Oude Molen and surrounding land is one of the few things left to the Garden Village community. Not only can they not afford the proposed housing to be developed, but gentrification will directly impact the security and cost of living for current and longstanding residents of the area, who will no longer be able to afford to live where they grew up and where they and their families' heritage lies.



It was Baaqir's mother's wish to send him to Gaia Waldorf School. She felt that the school encapsulated the kind of education and environment that he needed. We can say with confidence that this was 100% the right choice. He has grown so much in each of his subjects, as well as in his confidence as an individual. It is a loving and caring environment that allows him to be himself. The appreciation of diversity and the natural environment is a beautiful part of what the school represents. Highly recommended for parents looking for a school that caters holistically to children.

Gaia Waldorf has so many wonderful Teachers who are committed to enriching each and every child's learning experience. My kids are always happy to go to school and surprisingly always come home with bouts of energy! The Teachers take the time to get to know them well, and what triggers them to excel. This wonderful effort along with the love and respect the kids have for each other, give them an incredible opportunity to be a well rounded happy & confident person. I absolutely love Waldorf!

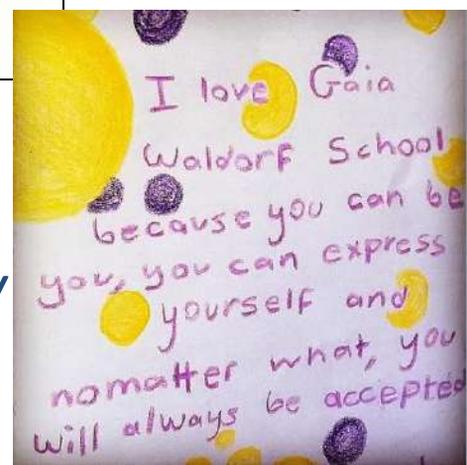
NABEELA HENDRICKS

WHAT PARENTS SAY

We love Gaia because our son gets to experience farm life within the City Bowl, in a diverse and inclusive environment, with the most passionate teachers on the planet!

KERRY RIX

WHAT CHILDREN SAY



Detailed Summary: Oral History Interview – Oude Molen Eco Village (Recording 4)

Subject: Personal narrative of a long-term resident and founder of a backpackers' lodge at Oude Molen Eco Village, Cape Town.

Interviewer: Tarek (implied).

Date of Recording: 12 November 2025.

Key Themes: Personal healing, spiritual heritage, community resistance to development, and the site's intrinsic value as a place of restoration.

1. Personal Background & Arrival at Oude Molen

- The speaker, born Pietrus Jacobus van der Waal (1959), recounts a traumatic childhood: born in Germiston, raised in Rhodesia, orphaned by age 14 (father died 1969, mother died shortly after), and moving to Cape Town by 1975.
- He arrived at Oude Molen ("Odomolin/Otomolon" in transcript) in early 1979 after a recreational dive with a friend, Hudson Moncombe. Feeling an immediate affinity for the place, he moved in despite living in a backpackers' hostel in Observatory.
- His motivation for starting a backpackers' lodge at Oude Molen stemmed from his own experiences and a belief he could improve on existing models.

2. Spiritual Encounters & Site's Energetic Heritage

- The initial years were challenging, marked by spiritual disturbances. An early, violent paranormal event involving two guests forced him to acknowledge the "spiritual side" of the property.
- He describes ongoing phenomena: energy balls, objects moving, and the persistent spirits of five former patients from the site's past as the non-white female section of the Falkenberg Hospital. He has worked to communicate with and bring peace to these spirits, stating they remain due to "unsettled business."
- He identifies a key reason for these energies: Oude Molen is situated at the intersection of two spiritual ley lines, approximately 100 meters from his building.
- His narrative frames his tenure as a 30-year journey of "settling negative energy," transforming the space from a troubled site into a "restorative" and healing place. This process also facilitated his own emotional healing from childhood trauma.

3. Oude Molen as a Place of Healing & Personal Journey

- The speaker directly credits Oude Molen with being the "place of healing" where he finally confronted the unresolved trauma of his parents' deaths in his early 40s.
- He links his personal growth to the AA 12-step principle, emphasizing the necessity of first recognizing a problem. His earlier life was characterized by alcoholism, anti-social behavior, and a belief he would not live past 35, stemming from his trauma.
- He connects a childhood anointing by an Israeli prophetess—who told him he would help many people—to his current role at Oude Molen.
- The backpackers evolved to focus on educational tours for school children and hosting tourism intern students. He uses these interactions to share life lessons about choice, acceptance, and personal truth, emphasizing that "history is history" but must be learned from.

4. Philosophical Stance & Community Role

- The speaker positions himself as a "fighter for the underdog," a trait born from his early independence and solidified during his conscriptive service in the South African Defence Force, which left him disillusioned and anti-establishment.
- He articulates a core philosophy of "I am"—a stance of self-definition and resilience ("I am the storm"), which he shares with visitors to empower them.
- He notes that a Khoi chief approached him within two months of his arrival to perform a ritual ceremony of reclamation or healing, which he sees as an indigenous recognition of the site's sacred, healing nature.

5. Opposition to Development & Heritage Argument

- When asked about large-scale developments in the area (specifically referencing the Amazon build at the former River Club), the speaker objects on two primary grounds:
- Abuse of Power: He condemns the government and developers for "walking all over people" with disregard for communities, drawing a parallel to historical tyrannical rulers.
- Irreplaceable Heritage: His core argument is that the history, spiritual significance, and function of Oude Molen as a "place of healing" are of vital importance. He argues that destroying this for buildings would cause an irreversible loss to "our heritage," "our humanity," and our "spiritual connection."
- He directly connects the government's disregard for such places to broader societal brokenness, suggesting that the destruction of restorative spaces contributes to mental and emotional distress.

6. Conclusion on Living Heritage

- The speaker defines Oude Molen as his "home" in physical, emotional, and spiritual terms—an anchor in his life.
- His entire narrative positions Oude Molen not as a static historical site, but as a living, active centre for healing, learning, and spiritual reconciliation. This function is performed through his personal journey, his stewardship of the land's spirits, his educational work with youth, and his provision of a safe, restorative space for diverse visitors.
- He concludes that healing must start with self-acceptance and self-love ("charity starts at home"), a principle he lives out and facilitates at Oude Molen.

Summary for Heritage Preservation Argument:

This testimony provides powerful evidence for the Living Cultural Heritage status of Oude Molen Eco Village. It demonstrates that the site's heritage value is not solely architectural or historical but is actively enacted through:

- Continuous spiritual practice and stewardship addressing the site's layered past.
- Ongoing social and emotional healing practices for residents and visitors.
- Intergenerational knowledge transfer via educational programs.
- Community resistance and advocacy, framing the site as a crucial counterbalance to oppressive development.
- Personal and collective identity formation, where the site functions as a spiritual anchor and a place where individual narratives (like the speaker's) intersect with broader South African history and consciousness.

The speaker's life and work embody the living, intangible heritage of Oude Molen, arguing that its preservation is essential for maintaining a space of restoration, memory, and alternative community in Cape Town.

Maryna Booysen

OMEV Food Forest: An Agroecological Initiative.

2021 – 2025

This initiative - 500m² of Organic mix- vegetable production - began as a community Peace Garden however was unable to secure finance for necessary infrastructure due to lack of long-term tenure. A fundamental requirement for any agricultural endeavour.

I personally financed fencing, shade netting, irrigation, wages, seeds, compost, etc, and of most value, my own time and hard labour in an attempt to maintain the Garden, while waiting for a finalisation of decisions regarding the status and future of Oude Molen.

What began as intensive organic vegetable production evolved into a food forest as a result of the long commute I have to reach the Garden. Vegetable production requires consistent daily work. A regenerative food forest can go days, weeks and even months in the right conditions, without human intervention.

The Garden is now teeming with wildlife, provides pollen aplenty for the neighbouring apiary and vegetables, when available, for the old-age home next door. It is full of Avocado, Pomegranate, Paw Paw, Mulberry, Tree Tomato, Gooseberry, Strawberries, a variety of medicinal and culinary herbs and self-seeding vegetables. It is 100% regenerative, with this all happening naturally.

I must admit, I keep my Olive trees in pots, as I am keenly aware the Garden may one day be flattened and replaced by a parking lot or apartment block. I do not need to wax lyrical about the all-round benefits to the Environment, Climate and Community that regenerative, zero-waste, agroecological systems provide. Anyone with Google can research that. On a micro or macro scale everything benefits. From soil up. This work is the very foundation of all cultural heritage, and the story of our Earth.

If I were to have a wish for Oude Molen it would be to see the establishment of a fully functional Training Hub, Cultural Centre and Eco-Tourism Site, hosting workshops and providing a curriculum of courses from bee-keeping and agroecology to arts, crafts, theatre and storytelling. For this to happen there would need to be a unified, clear vision forward, financial investment and secure tenure for businesses. Availability of housing would be increased and improved, and should ultimately be made available for rental for those that wish to live or work in the village. Student Accommodation (for example) is in short supply and could be integrated well into the village providing a much-needed dynamic economy for the Precinct.

The future of OMEV has hung in the balance for many years, maintaining instability and retarding progress. If we were to view Cape Town 50 – 100 years into the future, wouldn't it be imperative, right now, to preserve and protect natural areas that provide regenerative eco-system services and centres of creative, cultural exchange? There should be no question about it. One should be able to plant one's Olive trees, without hesitation, simply because they would be there to nourish and provide shade for future generations.

Sincerely

Maryna Booysen



"A MASSIVE thank you to all you ladies for your love, care, support and patience with our mom! You were all absolutely incredible with her! We were blessed to have such a great team looking after her! I am forever indebted to you all for the kindness you shared! You ladies are very special indeed!" - Steph

"I always talk about you ladies as the "angels" who have been looking after Mom since 2019. You have all done an incredible job and we could not have done without you. I know it has not always been easy for you but you all continued to do an outstanding job and were always full of smiles and always gave your best. Your caring was of the highest quality and we cannot thank you enough. You are wonderful. I am also going to miss seeing you all when I come to Cape Town!! Thank you, thank you, thank you." - Michael

"I want to thank you and your team for the wonderful care you gave my mom during her stay with you. The staff are a credit to Robin Trust and the centre where they receive their training. On arrival, everyone we saw introduced themselves and welcomed us to the facility. The staff are friendly, compassionate, and caring, without exception. They are also all so polite and have beautiful manners, which are quite a rare quality these days, but are very much appreciated."

"My family and I would like to thank all the staff who looked after my wife in the short time she was there. Especially Sr Kayla, who was so caring and kind in every way, we will always be eternally grateful to Robin Trust for being there for us. Bless you all." - Dennis

"Renee, you are a rock star. Thank you for your patience and understanding and your super-efficient, can-do approach to life. During a stressful time, it was fantastic to have an expert guiding me and a team dealing with the frustration of medical aids and administrative drama. Please convey our thanks and appreciation to your all staff, and know that we will highly recommend Robin Trust at every opportunity."

"I was recently your patient. During this time, I received excellent care. Your staff were kind, caring and attentive. I made an attempt to get the names of your staff who cared for me but did not try hard enough. I wanted to write a thank-you note to each one personally. Would you kindly inform them of my gratitude?" - Colin

"My sincere thanks and gratitude for the outstanding care Nessa is giving my mother. A very large part of my mother's recovery can be attributed to her care. She is reliable, kind and trustworthy and has become far more than a carer for my mom. She has become a loyal and unassuming companion who goes a long way to filling the void my mother feels with her only daughter being so far away. It gives me great peace of mind that we have someone so caring and trustworthy alongside her" - Jane

"I spent a special time of rehab with Robin Trust. Thank you for the wonderful care. You helped me when I needed it with a smile on your faces and with so much warmth." - Sub-Acute client

"I had the most awesome nursing care at Robin Trust after a hip replacement. The nurses were so caring and friendly. Robin Trust, keep up your good work." - Beverly Ann Jacka

"Robin Trust was the most professional out of all the people we contacted about care. They really helped us." - AIB patient

"Ziyanda from Robin Trust is an exceptional carer, deeply caring, very compassionate and skilled. The bond she formed with my parents was special. She calmed my mother every time she became emotional and soothed her quietly when she was afraid of falling due to motor neuron disease. My mother's trust in Ziyanda was astounding as she would not even allow me to help her. She only felt safe with Ziyanda." - Belinda Metcalf

Robin Trust

Transforming Lives Through Healthcare Education and Services

1. Executive Summary

Robin Trust is a trusted healthcare enterprise with nearly 35 years of experience. We specialise in two core segments: Home-Based Care Services and Training Services. Our innovative business model provides compassionate care and high-quality healthcare education while addressing critical needs in the healthcare industry.

2. Business Description

Robin Trust is a well-established entity that operates without debt, relying on reinvested profits and trade creditors for financial stability. Our long-term vision involves building surpluses to support ongoing operations and fuel future growth.

3. Market Segments

3.1 Home-Based Care Services: We cater to elderly and disabled individuals, offering them compassionate, high-quality care in the comfort of their homes. This approach allows patients to remain in their own environment for as long as possible, which not only enhances their quality of life but also creates opportunities for Home-Based Carers to find employment easier. We have 350 carers in the community and 115 clients that we have. Employment is offered to 350 pre disadvantage women who can financially support their families.

3.2 Training Services: We serve individuals entering the healthcare industry and healthcare facilities seeking to upskill their staff. Our training programs are renowned for their practicality and industry relevance, addressing the considerable nursing shortages globally and the expensive frail care facilities in South Africa. In the last 30 years we have trained more than 3400 learners in our facility at Oude Molen Ego Village. Our college consists of 6 training rooms and we can accommodate 100 students at a time.



4 Viability Evidence

To demonstrate the effectiveness of the Robin Trust business model, several pieces of evidence can be used:

- 4.1 **Longevity and sustainability:** The fact that the business model has been in use for almost 35 years demonstrates its longevity and sustainability.
- 4.2 **Financial stability:** Evidence of financial stability can be provided by looking at the agency's financial statements and history of profitability.
- 4.3 **Customer satisfaction:** Positive feedback from customers is an indicator that the business model is effective in providing quality care services.
- 4.4 **Employment opportunities:** The fact that the agency employs over 350 carers for 2025 lots of others in retirement villages and home suggests significant employment opportunities for carers in this business model.
- 4.5 **Successful training outcomes:** Evidence of successful training outcomes can be provided by tracking the number of students who complete the training course and go on to find employment in the care industry.
- 4.6 **Area:** Oude Molen is close to Train Station and easy to access for the Students who cannot travel long distances for travel.

5 Competitive Advantage

Robin Trust stands out in the market due to its:

- 5.1 Active Agency status with a medical aid practice number.
- 5.2 Comprehensive training programs with practical experience.
- 5.3 Reputation for excellence in care and education.



6 Success Indicators:

- 6.1 The number of students successfully trained and employed in the healthcare industry.
- 6.2 High levels of client and patient satisfaction.
- 6.3 The impact of our palliative care training program, including the employment of graduates.
- 6.4 Financial sustainability, with a focus on revenue, expenses, and profit margins.

7 Training and Employment Progress

- 7.1 In 2018, Robin Trust trained 352 individuals in various caregiving roles.
- 7.2 In 2019, this number increased to 259, indicating a consistent demand for training.
- 7.3 2020 saw 298 individuals trained, reflecting a need for carers even during challenging times.
- 7.4 2021 marked a significant uptick with 430 individuals trained, potentially due to increased awareness of healthcare needs.
- 7.5 In 2022, training continued with 311 individuals, sustaining the supply of qualified carers.
- 7.6 In 2023, 349 individuals were trained, indicating a continued need for caregiving education.

8 Employment by the Agency:

The agency has steadily increased employment opportunities over the years:

- 8.1 In 2018, 105 individuals were employed.
- 8.2 By 2019, this number rose to 155, demonstrating growth.
- 8.3 2020 saw a significant increase with 240 carers employed.
- 8.4 In 2021, employment opportunities continued to expand with 280 carers.
- 8.5 2022 saw further growth, employing 290 carers.
- 8.6 By 2023, the agency employed 425 carers, indicating a substantial increase.
- 8.7 By 2024, the agency employed 500 carers



9 Diverse Career Paths

Notably, Robin Trust offers diverse career paths for its trained individuals:

- 9.1 Approximately 25%-40% of trained carers are appointed by Robin Trust annually.
- 9.2 About 25% pursue private caregiving work.
- 9.3 Another 25% find employment in retirement homes and frail care facilities.
- 9.4 Some individuals use caregiving as a steppingstone to study further in professions like social work or nursing, highlighting the value of the training.

10 International Reach

Additionally, Robin Trust has a global presence, with carers working in the UK, Belgium, Holland, and the USA, although specific percentages are not available.

This comprehensive plan highlights the significant impact of Robin Trust in training and employing carers, offering diverse career opportunities, and supporting staff advancement. It showcases a robust training and employment ecosystem, making a meaningful contribution to the healthcare industry.

Summary of Interview Transcript: Heritage and Development Tensions at Oude Molen Eco Village

This interview with Dan Nesor, a long-term resident and stakeholder, provides a personal and historical account of Oude Molen Eco Village, framed within a urgent contemporary struggle against large-scale corporate development. The narrative weaves together the origins of the village, its core values of artistic freedom and community, and the current threats it faces, positioning it as a vital site of living cultural heritage.

Key Themes and Points:

1. Origins and Founding Philosophy:

- The interviewee traces the village's roots to just before South Africa's first democratic election. A Dr. Gay reportedly negotiated with the developers of the sold-off social estate to create an "artist's college" and a soccer field, establishing an artistic and communal foundation.
- This artistic genesis is emphasized as being fundamentally linked to freedom and liberation, with the village later described as an "epicenter of liberation and resistance." The community is portrayed as being built on a principle of "being a liberated human being."

2. Oude Molen as a Living, Interconnected Village:

- The speaker strongly reframes Oude Molen not as an informal settlement or "quasi-village," but as "a complete village." It is described as having its own dynamics, huge potential, and being a holistic community.
- Crucially, its significance is not isolated. It is presented as physically and spiritually connected to the broader landscape—the mountains, rivers, and the entire "Trap" area (referring to the larger River Club/Observatory precinct). The village is called a "living embodiment" of this interconnected heritage.

3. Mounting Development Threats and "Brazen Violation":

- The core of the interview details severe concerns about surrounding large-scale developments that threaten the village's existence and character:
 - The "River Club" development: Mention of the Amazon Web Services headquarters as the first completed structure, with subsequent promised social/affordable housing lagging.
 - Encroachment: Describes "two massive buildings" and prefabricated structures spilling from a "shunting yard" into public open space and land belonging to the city/province.

- Hartley Vale Stadium: An upgrade billed as a multi-purpose sports facility is noted to include plans for retail and coffee shops, seen as commercialisation in disguise.
- Other Projects: Mentions of a large "Mormon" (later clarified as Jesuit) church development and other apartment blocks.
- The speaker characterizes this as a "blatant... total violation" of decades of community efforts to protect the area. This pattern of development is seen as a "brazen violation" that makes the entire precinct vulnerable, undermining any sense of longevity and safety for the community.

4. Systemic and Historical Patterns:

- The precinct is described as a "microcosm of a much bigger picture," drawing parallels to historical patterns of enclosures, indigenous land dispossession, environmental degradation (like that of the Liesbeek/Black River), and commercial exploitation that degrades the landscape.
- The forces driving this development are implicitly compared to the forces of apartheid—seemingly unstoppable but ultimately vulnerable to resilient, collective resistance.

5. Community Resolve and Heritage Argument:

- Despite internal complexities, the community is united by a "fundamental" willingness to defend the place. This defence is framed as "arguing for the land"—land with a history of being taken.
- The interviewee links this defence directly to "healing." Arguing for and stewarding this land is presented as an act of healing from historical wounds.
- A critical procedural critique is made: The provincial government's current participatory planning process is "prompted by corporate developer interest," not genuine community partnership. The community, which created something "powerful and beautiful," is not being centred in co-design, but is instead facing a top-down approach.

6. Heritage Assessment as a Key Tool:

- The interview highlights a crucial strategic point: Heritage Western Cape's (HWC) rejection of the River Club development's Heritage Impact Assessment (HIA). The speaker argues that the heritage arguments against the new threats are "literally a duplication" of HWC's earlier findings.
- Therefore, approving the new developments would force the heritage authority to contradict its own precedent, as the fundamental heritage objections (likely regarding significance, impact, and interconnected landscape) remain unresolved.

Conclusion for Living Cultural Heritage Preservation:

The testimony positions Oude Molen Eco Village as far more than a residential area. It is:

- A living heritage landscape born from artistic freedom and anti-apartheid social vision.
- A thriving, interconnected community that embodies sustainable and collective living.
- A frontline in a ongoing struggle against corporate encroachment and top-down planning that replicates historical patterns of dispossession.
- A test case for the power of formal heritage assessments to protect living communities when their cultural, historical, and environmental interconnectedness is properly recognized.

The plea is for heritage authorities to see Oude Molen not as a standalone parcel, but as the heart of a broader cultural and ecological landscape. Its preservation is framed as essential for healing, justice, and maintaining a rare example of liberated, community-driven urban living in South Africa.

Summary of Oral History Interview: Juliette Souchon on Oude Molen Eco Village

Interviewee: Juliette Souchon

Context: Personal testimony submitted as part of a living cultural heritage research initiative for Oude Molen Eco Village.

Core Narrative & Personal Connection:

Juliette Souchon narrates a multi-generational, decades-long connection to Oude Molen, beginning when her children were young. Her involvement started through an introduction by Hudson McComb, who was connected to Beth Uriel and street children work. She describes Oude Molen as "very much part of our experience growing up" and integral to her family's life. This is illustrated by her hiring the village's iconic horse and cart for her daughter's wedding. Her parents, children, and now grandchildren have all visited and engaged with the village, establishing a deep familial heritage tied to the place.

Key Heritage Practices & Values Highlighted:

1. Education & Upliftment: A central theme is informal, community-driven education. Souchon:

- Homeschooled her own children in connection with the village.
- Used space provided at Oude Molen to establish "a little school" for two previously illiterate children from the village, enlisting an elderly teacher (Ross) to instruct them.
- This underscores a heritage of self-organized learning, skill-sharing, and collective responsibility for children's welfare.

2. Art & Intergenerational Memory:

She taught art classes, bringing children to Oude Molen to draw the horse and carriages—a longstanding feature of the local landscape she recalls from her 30-year residence in nearby Little Mowbray. This practice ties artistic expression directly to the site's unique physical and cultural character.

3. Community Mutual Aid & Building:

Souchon emphasizes a village ethos of "people... helping to lift each other up." She provides a concrete example: assisting a hardworking village family (Gail, Liam, Skyler) to improve their house for the children's sake. This reflects a living tradition of practical, hands-on support and solidarity among residents.

4. Interfaith & Cultural Bridge-Building:

A significant part of her testimony describes a profound personal transformation. Through a homeschooling group at the village coffee shop, she engaged with the local Muslim community, breaking down her own prejudices. She learned that they were "human beings with very special motives and kind hearts." This experience fostered a unique interfaith space where, at the coffee shop, Christian and Muslim prayers and values could be shared, and communities could "be a blessing to each other." This highlights Oude Molen as a rare and valuable site for organic interfaith dialogue and reconciliation.

Argument for Preservation:

Souchon explicitly frames Oude Molen as a "little green lung" and a "beautiful place," stating it "would be a tragedy if... changed." Her narrative builds a case for preservation based on:

- Continuous multi-generational use: The site holds personal and family memories across ages.
- A living model of community: It is a functioning ecosystem of education, mutual aid, and cultural exchange.
- Social and spiritual value: It serves as a crucial space for breaking down social barriers and fostering understanding.

Conclusion for Heritage Research:

Juliette Souchon's story powerfully encapsulates Oude Molen Eco Village as a living cultural landscape. Its heritage is not merely architectural or historical but is actively constituted by ongoing practices of informal education, artistic engagement rooted in place, community self-help, and interfaith cohesion. Her testimony provides direct evidence that the village's cultural heritage value lies in its sustained role as a platform for social nurturing, personal transformation, and the creation of an inclusive, supportive community identity over generations. This narrative strongly supports its designation and preservation as a site of living cultural heritage.



Tauriq Jenkins <tauriqishere@gmail.com>

Fwd: Letter to the Heritage Council of Cape Town

1 message

Juliette Souchon <joolzcanhelp@gmail.com>

Mon, Dec 15, 2025 at 3:43 PM

To: "tauriqishere@gmail.com" <tauriqishere@gmail.com>, Faiez Evans <evcomarketing@gmail.com>

Please add the above emails to your submission and send me my story.

----- Forwarded message -----

From: **Dara Kell** <dara.kell@gmail.com>

Date: Mon, 15 Dec 2025, 06:54

Subject: Letter to the Heritage Council of Cape Town

To: <joolzcanhelp@gmail.com>

Cc: Ralph Borland <ralph.borland@gmail.com>

To the Heritage Council of Cape Town,

I wish to formally express my deep dismay and disappointment at the news that Oude Molen Eco Village is slated for redevelopment. We submit this letter as part of the collective submission of 17 December 2025, in support of the residents, workers, and small businesses who currently make Oude Molen Eco Village such a rare and vital place in Cape Town.

We regularly visit Oude Molen with our two-and-a-half-year-old son, Ira. It is no exaggeration to say that the Eco Village is a haven for our family. It is a place of calm and restoration—a space that nurtures our mental health, our sense of community, and our connection to the natural world. We feed the horses, visit the chickens, watch the peacocks roam freely, and spend unhurried time outdoors. For our son, this is not entertainment but education: an embodied experience of farm life, animals, and ecological balance.

Crucially, Oude Molen makes this kind of life possible for working families. As a working mother, I value that Oude Molen is just a twelve-minute drive from our home in Observatory. It offers daily access to nature without requiring long travel, significant expense, or exclusivity. This proximity is rare—and irreplaceable.

If Oude Molen is redeveloped, if the horses are removed, and if the small local businesses are displaced, our family—and many others—will suffer a profound loss. We actively support the businesses operating there, including the Deli, which provides much-needed access to affordable organic produce. The Deli is not merely a shop; it is a social and restorative space where families can pause, connect, and feel part of something larger than themselves. Our son meets new friends at The Playshed, a place that offers safe, imaginative play at a cost that remains accessible to ordinary families.

One of the most important qualities of Oude Molen Eco Village is its affordability and inclusivity. Unlike many green or leisure spaces in Cape Town, it is not curated for a narrow demographic. It welcomes a genuinely diverse cross-section of the city—across race, class, age, and background. This diversity is not incidental; it is foundational to the character and value of the space.

At a time when Cape Town faces increasing inequality, densification, and the erosion of accessible green spaces, Oude Molen Eco Village stands as a living example of what is possible when ecological care, small enterprise, heritage, and community are allowed to coexist. Its value cannot be measured solely in terms of land use or financial return. It is a social, environmental, and cultural asset to the city.

We urge the City of Cape Town to reconsider this redevelopment, to meaningfully consult with residents, workers, and users of the space, and to explore alternatives that preserve Oude Molen Eco Village as a living eco-system—human and non-human alike. Once a place like this is lost, it cannot be recreated.

We thank you for considering our submission and hope that the City will choose stewardship, care, and imagination over irreversible loss.

Yours sincerely,

Dara Kell

Observatory, Cape Town

12/15/25: 3:58 PM
09 Objection – Dara Kell

Gmail - Fwd: Letter to the Heritage Council of Cape Town

ANNEX B

Dara Kell

she / her / hers

Director, Producer

dara.kell@gmail.com | M. +27 (66) 047 1915

New releases:

<https://unsettlingforce.com/>

<https://www.artofexile.com/>

Proud member of [New Day Films](#), a filmmaker-run, social-issue film distribution co-op since 1971.



Tauriq Jenkins <tauriqishere@gmail.com>

Fwd: Oude Molen

1 message

Juliette Souchon <joolzcanhelp@gmail.com> Mon, Dec 15, 2025 at 3:38 PM
To: Faiez Evans <evcomarketing@gmail.com>, "tauriqishere@gmail.com" <tauriqishere@gmail.com>

Objections

----- Forwarded message -----

From: **Nathan R** <nathanlucasroberts@gmail.com>
Date: Mon, 15 Dec 2025, 11:28
Subject: Oude Molen
To: <joolzcanhelp@gmail.com>

Dear Cape Heritage Society, I strongly object to the redevelopment plans for Oude Molen eco Village. The horses and chickens and natural space provide a rare beacon natural Life with a rapidly developing metropolis and I feel this is vital for our children growing up with a sense of nature. It is also a place where racial and economic backgrounds are discarded and people come together as one in a peaceful setting.

Please do not commercialise this area for some greedy developers to make a fortune while the rest of the communists suffers.

Thank you
Nathan Roberts
Newlands

Regards,
Nathan Roberts
M. +27817096149



Tauriq Jenkins <tauriqishere@gmail.com>

Fwd: Oude Molen redevelopment concern

1 message

Juliette Souchon <joolzcanhelp@gmail.com>

Mon, Dec 15, 2025 at 3:39 PM

To: "tauriqishere@gmail.com" <tauriqishere@gmail.com>, Faiez Evans <evcomarketing@gmail.com>

Objections again

----- Forwarded message -----

From: **Rebecca Sher** <rebeccasher102@gmail.com>

Date: Mon, 15 Dec 2025, 12:18

Subject: Oude Molen redevelopment concern

To: <joolzcanhelp@gmail.com>

Dear Heritage Western Cape,

I'm a local parent who regularly visits Oude Molen Eco Village. It's a rare, affordable green space where children can safely connect with animals and nature. I strongly object to any redevelopment that removes the horses / displaces existing community spaces and businesses / destroys the character of the Eco Village. Please ensure the site is protected and that community objections are fully considered.

Kind regards,

Rebecca Sher
Observatory



Tauriq Jenkins <tauriqishere@gmail.com>

Fwd: OUDE MOLEN ECO VILLAGE

1 message

Juliette Souchon <joolzcanhelp@gmail.com>

Mon, Dec 15, 2025 at 3:40 PM

To: Faiez Evans <evcomarketing@gmail.com>, "tauriqishere@gmail.com" <tauriqishere@gmail.com>

Objections

----- Forwarded message -----

From: **stephen van der spuy** <vanderspuy38@gmail.com>

Date: Mon, 15 Dec 2025, 11:52

Subject: OUDE MOLEN ECO VILLAGE

To: stephen van der spuy <vanderspuy38@gmail.com>

To whom it may concern ,

Twenty five years ago Oude Molen Eco Village was established. It has been a fantastic place for parents and their children to visit. People from all over Cape Town come there to enjoy the variety of animals and the environment which is one of peace and tranquility. There is no other place like it in Cape Town. There are also horses. The animals are all well-cared for , and everything is well-organised and orderly. It is a place of recreation and education second to none. The animals roam freely and are not confined to horrible cages. It would be a great tragedy if Oude Molen Eco Village was destroyed to make way for other developments. Whatever development takes place , I very kindly request that the animals all remain there to roam freely and it continues to be the wonderful recreational and educational area which it has become over the years. Children need to interact with animals. It is an important part of their upbringing. Many thanks in anticipation .

Yours Sincerely,
Stephen van der Spuy
75 years an Observatory resident.



Tauriq Jenkins <tauriqishere@gmail.com>

Fwd: Objection to Redevelopment of Oude Molen

1 message

Juliette Souchon <joolzcanhelp@gmail.com>

Mon, Dec 15, 2025 at 3:41 PM

To: "tauriqishere@gmail.com" <tauriqishere@gmail.com>, Faiez Evans <evcomarketing@gmail.com>

More

----- Forwarded message -----

From: **Candice Scott** <candicelarascott@gmail.com>

Date: Mon, 15 Dec 2025, 09:54

Subject: Objection to Redevelopment of Oude Molen

To: <joolzcanhelp@gmail.com>

Cc: <dara.kell@gmail.com>

Dear Heritage Western Cape,

I'm a local parent who regularly visits Oude Molen Eco Village. It's a rare, affordable green space where child can safely connect with animals and nature. I strongly object to any redevelopment that removes the horses, displaces existing community spaces and businesses and destroys the character of the Eco Village.

Please ensure the site is protected and that community objections are fully considered.

Kind regards,

Candice Scott, Observatory

--

Kind regards,
Candice



Tauriq Jenkins <tauriqishere@gmail.com>

Fwd: Objection to Oude Molen development

1 message

Juliette Souchon <joolzcanhelp@gmail.com>

Mon, Dec 15, 2025 at 3:37 PM

To: "tauriqishere@gmail.com" <tauriqishere@gmail.com>, Faiez Evans <evcomarketing@gmail.com>

More objections

----- Forwarded message -----

From: **Glenda Nevill** <glenda.nevill@cybersmart.co.za>

Date: Mon, 15 Dec 2025, 11:24

Subject: Objection to Oude Molen development

To: <joolzcanhelp@gmail.com>

Cc: <dara.kell@gmail.com>

Dear Heritage Western Cape,

I'm a long-term Observatory resident who regularly visits Oude Molen Eco Village. We have brought up our daughter in this suburb and were so grateful for the green space and nature Oude Molen offered throughout her childhood. So many houses in the suburb don't have gardens, and Oude Molen was our green escape.

It's a rare to have an affordable green space where adults and children alike can safely connect with animals and nature so close to the city.

I strongly object to any redevelopment that removes the horses, displaces existing community spaces and businesses, and destroys the character of the Eco Village.

Please ensure the site is protected and that community objections are fully considered.

Kind regards,

Glenda Nevill

Observatory resident

News editor: Cape Town Daily on Cape Town TV



Tauriq Jenkins <tauriqishere@gmail.com>

Fwd: Protesting Oude Molen redevelopment

1 message

Juliette Souchon <joolzcanhelp@gmail.com>

Mon, Dec 15, 2025 at 3:42 PM

To: Faiez Evans <evcomarketing@gmail.com>, "tauriqishere@gmail.com" <tauriqishere@gmail.com>

Objections Dev at omev

----- Forwarded message -----

From: **Ingrid Sinclair** <find.ingrid.sinclair@gmail.com>

Date: Mon, 15 Dec 2025, 08:18

Subject: Protesting Oude Molen redevelopment

To: <joolzcanhelp@gmail.com>

To whom it may concern - at The Heritage Council of Western Cape

This letter serves to object to the proposed development at Oude Molen Village in Pinelands.

Our twin girls have just turned three and it has been a haven for us over all of these years. This heritage site is a jewel in the area and without it, we would be lost.

Please do not continue with the proposed development, it would be a tragic loss for the area, the people who love to visit it, and the people (and animals) who call it home. Please, do not do this.

We love the deli, the horses, the chickens, the coffee options, and the playshed. There is nothing like it in Cape Town and if you remove these beautiful, organic, authentic spaces, we will be left with just another bland sterile and exclusionary space. Cape Town does not need more of that - we need more of this.

With thanks

Ingrid Sinclair

25 Firth Road, Pinelands

0820458242

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+27 82 045 8242

@ingridsinclair

LinkedIn

Instagram



Tauriq Jenkins <tauriqishere@gmail.com>

Fwd: Oude molen eco village development

1 message

Juliette Souchon <joolzcanhelp@gmail.com>

Mon, Dec 15, 2025 at 3:40 PM

To: "tauriqishere@gmail.com" <tauriqishere@gmail.com>, Faiez Evans <evcomarketing@gmail.com>

----- Forwarded message -----

From: **Leire Bilbao** <leyreb@gmail.com>

Date: Mon, 15 Dec 2025, 11:17

Subject: Oude molen eco village development

To: <joolzcanhelp@gmail.com>

Good day,

I heard that you are collecting comments on the development of the Oude Molen Eco-village.

This is my comment:

"I am a parent living in Observatory and I bring my kids often to the Oude Molen Eco-village to see the animals and enjoy the facilities there. I am concerned that one of the only natural areas left close to us is turning into another shopping mall and urban area. We don't have natural areas close by. Please develop other areas of the city that need it more. We need this green area to stay natural. Do parks, sports, forests, high school, farms... Not blocks of apartments and shops."

Thank you very much.



Tauriq Jenkins <tauriqishere@gmail.com>

Fwd: Oude Molen

1 message

Juliette Souchon <joolzcanhelp@gmail.com>

Mon, Dec 15, 2025 at 3:36 PM

To: "tauriqishere@gmail.com" <tauriqishere@gmail.com>, Faiez Evans <evcomarketing@gmail.com>

More to follow shortly

----- Forwarded message -----

From: **Arona Dison** <adison@uwc.ac.za>

Date: Mon, 15 Dec 2025, 13:19

Subject: Oude Molen

To: <joolzcanhelp@gmail.com>, <dara.kell@gmail.com>

To Whom it may concern

I'm sorry that I'm a bit late with my response. I hope it can still be considered.

I live in Observatory and I have a child who is 14.

When he was younger we used to love going to Oude Molen, either to the restaurant or the Playshed or for pony rides. He had some birthday parties there and also attended other children's birthday parties.

It is a lovely relaxing place both for children and adults. There are a lot of children in the neighboring areas and it is so valuable for parents to have safe outdoor spaces to take their children. It is a wonderful green space in the middle of the city. Any development project should be aware of its value and endeavor to maintain or improve the space.

Yours sincerely
Arona Dison

Dr Arona Dison

Coordinator of the UWC Writing Centre and T&L Specialist in the Directorate of Learning, Teaching and Student Success

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6. *The HIA tabled, conducted by Dr Stephen Townsend and Mr Tim Hart, dated 2 July 2019, replaces the Phase 1 HIA submitted to HWC on 22 February 2017, prepared by Ms. Bridget O'Donoghue, (including a peer review conducted by Dr Nicolas Baumann), which was tabled at the Impact Assessment Committee meeting of HWC on 8th March 2017.*
7. *The minutes of the meeting of the 8th March 2017 noted amongst other things that:
"The Committee believes that the entire TRUP precinct must be looked at holistically; it is problematic to consider the specifics of this application in isolation from the broader study".*
8. *It was also noted by the IACom that:
"On several occasions HWC has been led to believe that development issues for the entire TRUP area would be addressed prior to the development of individual pockets therein".*
9. *It was understood at the time however, that there was a broader Baseline Study of the Two Rivers Urban Park, (TRUP), commissioned by the DT&PW and conducted by Melanie Attwell and Graham Jacobs, and which included the River Club within its area of study, and that this was to be considered by the IACom at its next meeting of 12th April 2017. On this understanding, the Committee resolved to undertake a site inspection of the site, and wider TRUP, prior to any further consideration of the O'Donoghue Phase 1 HIA.*
10. *The Baseline study for the TRUP, (which included the River Club), and submitted in terms of s38(8), was thereafter tabled at the IACom meeting of 12th April 2017, and, of importance to the comment being provided in respect of the current application, the minutes of that meeting reflected:*
11. *"On balance it is evident that, based on the heritage resources identified in the baseline study and its supporting documentation, the TRUP is of extremely high heritage significance. The Committee agrees that the overall site is of at least Grade II heritage significance, if not higher", and the IACom recommended that,*
12. *"Given the strategic importance and high significance of the site, it is a strong recommendation of the Committee, that the Council of HWC gives consideration to the provisional protection of the TRUP area under s29 of the NHRA".*
13. *The Committee also noted at its meeting of 12th April 2017, that it had concerns that the following issue(s) should also be addressed in the Baseline Study:
"The National Khaisan Legacy Project"; in particular the understanding that this site may form an important aspect thereof. It is further understood that this site has been identified as part of the National Liberation and Resistance Project of Government. These are aspects that cannot be ignored and must be taken into account when framing heritage related informants for the site".*
14. *Notwithstanding certain of the concerns raised in respect of the baseline study, Ms Attwell and Mr Jacobs were commended for an extremely thorough report, (particularly in respect of the identification of significance of the TRUP), and one which is also noted to have been commended by First Nation representatives at the MEC Tribunal Hearings.*
15. *A number of further meetings were held with respect to the TRUP Baseline Study, and the proposed provisional protection throughout the course of 2017. These include discussion of the TRUP at the Inventories, Grading and Interpretation Committee (IGIC) in May 2017.*
16. *After receiving feedback from the IGIC meeting, in the form of its minute of 9th June 2017, IACom recorded the following in its minutes:
The Committee is unanimously of the view that based on the information provided for in the consultant's Baseline Report tabled before this Committee, the TRUP is of potential Grade II or even Grade I significance. The Committee stands by its previous recommendation that the site should be provisionally protected so that the matter is fully investigated. The Committee recommends that a recommendation for the provisional protection of the TRUP is sent to the Council of HWC for its consideration.*
17. *A wider public meeting was held on 29th August 2017 in order to discuss the proposed boundaries of a wider Section 29 provisional protection for the entire TRUP area.*

18. The Attwell and Jacobs Baseline Study, along with a supplementary report, was resubmitted to HWC for consideration at its IACom meeting of 8th November 2017. The minutes of the meeting reflect that neither the Heritage Practitioners, nor Town Planner were at the meeting, and that the IACom were informed that a representative of the DT&PW would answer any heritage related questions.
19. The IACom was however informed, that Interested and Affected parties had not been given sight of the supplementary report. The Committee therefore removed the item from the agenda, and resolved that:
20. The applicant must circulate all supplementary information to I&AP's for comment. Any additional comments from I&AP's and the heritage practitioners' response thereto, must be included with the resubmission of the supplementary report.
21. It is important to note that it was during the course of this meeting that in response to a query by the DT&PW representative, the Committee verbally informed that it could not prevent a separate application being submitted by any individual land owner, but that this would be at the risk of the applicant, should the broader TRUP Baseline Study, which provides informants for the whole TRUP, not be completed, as HWC has been explicit previously in this regard.
22. In, or around February/March 2018, HWC Management was made aware of the intent of the River Club to submit a new HIA. Following this, and noting concerns raised by the IACom, and recommendations made previously, a decision was taken at HWC Council in March 2018 to provisionally protect the site in terms of the provisions of s29 of the NHRA and the provisional protection was formally gazetted in the Provincial Gazette, No 7916, on 20th April 2018. The Notice records the Significance of the site, and the wider TRUP area as follows:

Significance:

23. The River Club forms part of the wider Two Rivers Urban Park (TRUP) and represents a microcosm of Cape history. It reflects the pattern of South Africa's social, architectural and political history spanning across the pre-colonial, colonial, apartheid and more recent history.
24. The Two Rivers Urban Park landscape has high cultural values of historical, social, aesthetic, architectural, scientific and environmental significances. It contributes to an understanding of past attitudes, beliefs, uses, events, persons, periods, techniques and design. It has associated links with past events, persons, uses, community memory, identity and oral history. It possesses a strong sense of place.
25. The Two Rivers Urban Park landscape is a complex composite of natural, cultivated and built landscape elements. It is a cultural landscape, transformed by thousands of years of settlement history. The landscape expresses both artistic and innovative qualities in terms of its natural setting, architecture and planting patterns. It also has narrative qualities, possessing a rich layering of physical evidence brought alive by the oral histories of the people who lived and worked in institutions, amongst other things, the Valkenberg Hospital and the South African Astronomical Observatory.
26. Different historical narratives create a story of pioneering and philanthropy, social reform and identity, self-sufficiency, farming and institutionalization.
27. The Two Rivers Urban Park possesses many distinctive and interrelated precincts which clearly demonstrates or are strongly associated with its various historical roles and uses as a place for indigenous hunter-gatherers, grazing grounds for herders, colonial farms, scientific research, reformatory and hospitals.
28. This decision was appealed to the MEC Tribunal, by a number of parties, namely the owners of the River Club, the DEA&DP, the DT&PW, as well as the City of Cape Town. However, as there was a procedural flaw in the HWC Council's decision to provisionally protect, (not provisionally proclaim the River Club as a PHS, as stated in the current HIA), the Tribunal ordered on 29th January 2019, that this be rectified and must include consultation and negotiation with the appellants and I&APs, that HWC must invite the owners of the River Club to an oral hearing held by its Council within three months, that HWC must submit a report to the Tribunal within two

months of the oral hearing; and that the parties will then be given thirty days in which to make final submissions and the Tribunal will then hold a final hearing and finalise the appeal.

29. *Whilst this process has been completed, the MEC Tribunal has yet to meet and take a final decision in this regard. It is accepted that the s29 provisional protection remains in place.*
30. *However, as noted, and communicated to representatives of the DT&PW, applicant, DEA&DP and the City at the IACom meeting of December 2017, this does not preclude any party making a NEMA / NHRA s38(8) application in the interim. HWC is somewhat confused therefore by the contention on page 23 of the HIA that it was the interim ruling of the MEC Tribunal released on 5th February 2019, which enabled the integrated NEMA and NHRA process to continue. This was never the case.*
31. *What is noted is that a s29 provisional protection does not preclude an applicant from making an application, (indeed s29(10) of the NHRA makes provision for this).*
32. *It is finally noted that there has been no further submission of the TRUP Baseline Study, since the IACom meeting of 8th November 2017.*
33. *Representation was however made to the IACom, by the DT&PW at its meeting of 12th June 2019, (some two years after the initial Baseline Study was submitted), where the Committee was informed by the DT&PW that:*
34. *"The DT&PW had, during the process of the s29 protection of the River Club, become aware of a real need for public engagement. In this regard, DT&PW had resolved to undertake a further public participation process for the wider Two Rivers Urban Park. This is primarily to address the role that the First Nation groups have in commenting on the wider process".*
35. *The above has been set out in order to provide a broad background to the current application, and particularly to inform that HWC have continually informed all parties, and demonstrated via the provisional protection, that it is of the opinion that the site, and the wider TRUP area is of exceedingly high cultural significance, (of Provincial or even National significance), and that until the Basic Assessment Report, which addresses concerns already ventilated by HWC, and in particular meaningful consultation with representatives of the First Nation and Cape Indigene groups in order to better understand the significance of the site to these groups, has been incorporated into the study; any application for development of a property within the TRUP area is in danger of being compromised.*
36. *That the applicant has chosen to proceed with the application, without meaningful reference to any of the previous studies is regarded as unfortunate.*
37. *HWC remains of the opinion that the River Club is an integral part of a highly significant cultural landscape, that is at the very least of Provincial significance, but more realistically and given South Africa's history, is one of National significance. Indeed, the TRUP as a whole could be regarded as one of the single most historically significant sites in the Country.*

Processes since August 2019:

38. *In response to the interim comment dated 13 September 2019, the applicant and their consultants submitted supplementary material to HWC on 4 December 2019. IACom heard representations from parties present at the meeting on 28 January 2020.*
39. *On the basis of the foregoing, the committee formulated the following response:*
40. *In terms of the provisions of Section 38(8) of the National Heritage Resources Act, (NHRA), it is the responsibility of HWC to give consideration as to whether the evaluation of the impact of the development on heritage resources fulfils the requirements of the relevant heritage resources authority in terms of Section 38(3) of the NHRA.*

41. It is the unanimous view of the IACom, being the delegated authority to issue comment on behalf of HWC in terms of Section 38(8), that the HIA and supplementary reports as tabled do not comply with the provisions of Section 38(3).
42. For ease of reference, the comment which follows is structured under the subsections of Section 38(3).
- (a) The identification and mapping of all heritage resources in the area affected.**
43. HWC remains of the view that this requirement has only been partially complied with.
44. It is noted that the HIA has been very well researched, and that the historical background is well articulated. This includes the history of planning and development as it relates to the 20th Century.
45. What is considered unfortunate however, is the disjuncture between the initial acknowledgement of the historic significance of the site and wider environs and the actual identification and mapping of the heritage resources, specifically the intangible heritage significances.
46. The committee remains of the opinion that the identification and mapping of heritage resources is something that should be addressed in the first part of the report, and should form the basis of the report, rather than being relegated to a conclusion. The supplementary reports fail to adequately address this concern.
47. The mapping continues to base significance on ecological rather than cultural values, and reduces the acknowledged and far wider cultural landscape of the valley to just the river(s). Arguing that the "river itself is the only tangible visual element which survives as a resource which warrants protection", negates in its entirety the exceedingly high historic, and symbolic significance of the site identified in all previous studies, and submitted continuously throughout the process by the relevant I&APs.
48. The tangible aspects of the river, confined to their current extent, while certainly important, are not the only heritage resources which should be mapped and identified. They are an integral part of a much wider and highly significant system, as indeed is the River Club property itself.
49. Notwithstanding that HWC has consistently advised against this, the HIA has still not placed the River Club site within the context of the wider TRUP, and has downplayed the open, low-lying, green, riverine character of the site which contributes to the intangible heritage experience. Representations of interested and affected parties underscored this by noting the intertwined roles of people and place in the historic landscape layers.
50. The notion that the 20th Century disturbance has resulted in a degraded site is, from a heritage point of view, rejected.
51. The HIA notes that:
"This wider site is the historically significant place, a 'frontier zone' (if for a short period); but its meaning and persuasiveness as heritage site has been eroded by the 19th century institutional use and development of the spur, by the growing transformation of the floodplain for sporting uses and facilities and for railway-related functions during the second half of the 20th century, by the gradual creep of the suburb and business quarter below the railway line throughout the 20th century, and by the late 20th century growth of the transportation network of arterials and motorways".
52. The supplement to the HIA does not depart from this standpoint.
53. HWC remains of the view that the HIA errs in this contention and the fact that the site has been considerably disturbed in the latter half of the 20th Century does not in any way take away the meaning of the site as a historic frontier or point of containment, conflict and contact, or its significance to the region.

54. As indicated in the interim comment dated 13 September 2019, the identification and mapping of heritage resources is incomplete and thus does not comply with Section 38(3) (a) of the NHRA.
- (b) **Assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7, (of the NHRA).**
55. HWC remains of the view that the assessment of significance is inadequate.
56. The committee remains of the opinion that the disconnect between the various stakeholders' understanding of what comprises the heritage resources of the area, and that of the HIA, is already problematic. It stands to reason therefore, that given the absence of a complete identification and mapping of the heritage resources pertaining to the wider 'valley', that the grading of these resources will also be flawed.
57. Indeed, it is the opinion of the committee that the fundamental grading of significance is wrong and therefore, all that follows, including the conclusions of the HIA, is wrong.
58. Section 3(3) of the NHRA sets out, amongst others, the following criteria, in determining whether or not a site:
- i) is considered to have cultural significance to the community;
 - ii) could yield information about heritage;
 - iii) is important in exhibiting particular aesthetic characteristics valued by a cultural group;
59. The HIA has not taken the above into account in the assessment of significance, and as noted, has merely reduced the identification of heritage resources, and subsequently significance to tangibly based ecological values rather than cultural heritage values.
60. The supplement to the HIA and the First Nations report has not fully unpacked the significance of the site to a broad Community that has a recognized and direct, deep and sacred linkage to the site through lineage and collective memory. The findings of the supplementary reports assess the significance of the site as limited. The committee does not concur with that finding.
61. The concept of significance is broadly underpinned by authenticity. The values attributed to the site by the stakeholders have not been carried through into the report and have therefore not adequately informed the unique significance of the site and appropriate development indicators. This is a methodological problem that the HIA does not address.
62. The HIA undervalues the significance of the heritage resources generally.
63. It is not just the riverine corridor, (unrehabilitated or not), but the entire TRUP valley including the riparian corridor which is noted as highly significant and is expressed in both its tangible and intangible qualities. This has been recognized and assessed in previous reports considered by HWC, a significant number of other stakeholders, and indeed the IACOM, and HWC itself in taking the step to provisionally protect the site in terms of s29 of the NHRA.
64. The lack of recognition of the grounds of the River Club itself is also noted by the DT&PW in its comment on the HIA, and, as previously stated, the River Club building itself, an integral component of the grounds, and one which at the least is of contributory, (and historic), significance, is contrary to previous studies conducted, now deemed of no value.
65. In general, and in spite of HWC having previously advised that whilst individual land owners are entitled to proceed with an HIA for their own development, to ignore the existing studies and the bigger TRUP picture could be "*at their own peril*".
66. In this instance, the assessment of heritage resources continues to ignore both the existing studies, and the wider picture, and as such has attempted to grade significance in the isolation of a much wider system.
67. It would appear that the assessment of significance has been tailored to arrive at mitigation for the development rather than an assessment of significance that would assist in informing an appropriate development. It is as a result of this that the report contends that "*the heritage-*

related criteria-for-decision-making/design indicators are relatively limited in guiding the architectural and urban character of the proposed development itself." In other words the authors contend that there are hardly any heritage indicators for development. The committee does not concur with this view.

68. It is considered short sighted to relegate the significance of the site, which is an integral part of a broader area which has a recognized and acknowledged high cultural significance, to a set of post-rationalized and confined areas of significance, primarily based on ecological rather than cultural values and to isolate the subject site from the broader cultural landscape.
69. As indicated in the interim comment dated 13 September 2019, the assessment of significance and grading in the HIA is flawed and thus does not comply with Section 38(3) (b) of the NHRA
- (c) **Assessment of the impact of the development on such heritage resources.**
70. As noted above, and given that the heritage resources themselves have not been fully identified or mapped, and that the assessment, or grading, of the heritage resources is flawed, then it follows that any assessment of the impact of the development must also be flawed.
71. Amongst other things, HWC notes that:
72. The report wholly downplays the irreversible impacts of transforming a green lung at the heart of the TRUP into a mega project. These irreversible impacts are hardly interrogated at all.
73. The HIA appears not to regard the built form of the proposed development as affecting the significant heritage resources present, neither does it recommend heritage related built form restrictions. Unlike the TRUP Baseline Study and the Phase 1 HIA for the River Club (both of which provide some well-considered, spatialised indicators), this HIA practically gives the development *carte blanche* i.t.o. heights and massing.
74. The HIA does not motivate for, or critically interrogate the proposed heights, or their impacts on the heritage resources identified in the report itself.
75. The statement that the impact on the site's sense of place is "*dependent of the personal aesthetic and values of the observer*" is not supported.
76. Indeed, this dismisses (or avoids) the 'observations' previously stated by HWC, those contained within the Attwell, Bauman, and O'Donoghue reports, as well as that of a considerable number of public and governmental stakeholders, which includes the SAAO, DTPW, and the CoCT EMB. The considered comment and concerns raised by these bodies must surely be regarded as something more than "a difference of opinion"? These concerns remain.
77. Importantly, the HIA fails to assess the impact of the development on the most important heritage resource: The site's open, green qualities as a remnant of landscape that has considerable intangible historic and cultural heritage significance.
78. It is agreed that the current private golf course is not the ideal land use for such a significant site. However, instead of the recovery of both significance and sense of place, the proposal precludes this.
79. The statement that the sense of place has already been transformed iteratively over the past 80 years, does not make it acceptable to destroy what remains.
80. It is finally noted that the Visual Impact Assessment (VIA) is inadequate in its assessment of the cultural landscape and definition of the sense of place. The supplementary VIA merely provides better imagery of the same view points and the photomontages provided remain unhelpful as tools to assess impacts.
81. Furthermore, while the VIA and the supplementary report finds that "*a loss of sense of place is expected*" (p37) and "*new built structures will be visually intrusive*", it simply echoes the HIA, by concluding that the judgement of visual impacts depends on "*receptor perceptions*".

This is neither conclusive nor useful.

82. HWC notes that it is only a commenting body in respect of this application, and that consideration of the VIA is DEA&DP's concern as the consenting body, however it is noted that HWC requires an independent practitioner who HWC recognizes as having the requisite expertise for heritage related work to undertake the VIA. The VIA should establish a sense of place and landscape character and assess the development against these criteria.
83. As indicated in the interim comment dated 13 September 2019, the assessment of impact of the development on significance in the HIA and VIA is flawed and thus does not comply with Section 38(3) (c) of the NHRA.
- (d) Evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development.**
84. Whilst it is acknowledged that there may well be a potential economic benefit to developing the site, it is noted that there has been no attempt to develop an argument or acknowledge the impact of the development balanced against a site which has been recognized previously by HWC as being of Provincial, if not national significance.
85. It is further noted that other than an acknowledgement of process followed thus far, the HIA and supplementary reports have not acknowledged or interrogated the significance that HWC and previous reports have attributed to the wider valley context.
86. As a result, and in attempting to define or limit significance to the riverine corridors only, meaningful discussion of the impact of the development on the significance of the wider TRUP cultural landscape is avoided altogether. This is in direct conflict with the advice HWC has previously given that the River Club cannot be looked at in isolation of the wider system.
87. Noting that the proposed development is in line with the City of Cape Town's new Metropolitan Spatial Development Framework (MSDF), is not an evaluation of the impact of the development on heritage resources. It is noted that the revised MSDF designates the River Club and TRUP area as part of the 'Urban Inner Core', and that urban development within these areas is supported in principle. A high-level spatial planning tool which supports development in principle, does not override heritage considerations, or indeed mean that a mega project is appropriate on this particular site, in comparison with an upgrade to the Voortrekker Road Corridor for example.
88. Notwithstanding the above, it is also noted that the *Table Bay Spatial District Plan (SDP) and Environmental Management Framework (EMF) 2012* is still the most relevant planning and policy framework applicable to the site, and that from a heritage point of view, the following, amongst other things, must be taken into account:
- Preserve the qualities of the various areas of the City, which exhibits a range of diverse character zones;
 - Protect the historical built fabric, scale and texture of the historical areas of the City;
 - Maintain the interface between the City and Table Mountain, retaining view corridors and scenic vistas and avoiding monolithic structures that block views;
 - Ensure that proposed development is in keeping with and appropriate to the historical nature of the City;
 - Ensure the retention and protection of historical areas, sites and features both above and underground;
 - Ensure that construction activities within the district and specifically within heritage and conservation areas do not negatively impact on the historical character of the area or fabric;
89. It is the view of HWC that the HIA has ignored this. The adopted spatial planning policies should take preference over proposed policies which have not as yet been adopted, or are still within the consultation phase.
90. The viability argument is regarded by HWC as unconvincing and inadequate. That there appears to be a cross subsidy of the development to help fund the City's proposed Berkley Road extension should in no way be used as mitigation to argue for sustainable and economic

benefits. The heritage significance of the site should be the primary informant of any development, and not linked to cross subsidisation opportunities.

91. The HIA argues that *"a lesser development would not generate adequate funds for the great public good that we argue for, the restoration of the Liesbeek riverine corridor."*
 92. The report repeatedly extols the benefits of the "restoration" of the Liesbeek riverine corridor (a notion considered by some as inauthentic and contrived), but it is clear that it is also the substantial earthworks required to artificially raise the site some 2 to 3 metres out of the 100-year floodplain and the Berkley Road extension that contribute to the high capital costs that underpin the motivation for the high bulk development scenario.
 93. HWC queries whether the proposed earthworks and infrastructure indeed constituted a greater public good.
 94. In fact, it is problematic that the character of the site is changed from a *"low-lying green riverine character as part of a larger, if fragmented natural system"*, as noted in the O'Donoghue report.
 95. As indicated in the interim comment dated 13 September 2019, the assessment of socio-economic benefits of the development does not take adequate cognisance of the significance of the site, and therefore the HIA does not comply with Section 38(3) (d) of the NHRA.
- (e) Results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources.**
96. It is noted that the applicants have conducted an engagement with First Nations groupings which culminated in the First Nations report submitted to HWC on 4 December 2019.
 97. There are a number of issues with this report, namely:
 - (a) The scope of engagement resulted in a number of groups electing to not participate fully
 - (b) The research process was contested by participants in the engagements.
 - (c) The impartiality of the research questions is not clear to the committee
 - (d) The methodology for the engagement does not appear to follow accepted oral history interviewing protocols (for example, no ethical clearance forms were supplied)
 - (e) The confusion between this report and the DT&PW-commissioned report brings the ethics around the engagement into question.
 98. The issue of confusion with regard to TRUP and First Nation reports was raised by DT&PW at the meeting of 28 January 2020 and in a follow up letter to HWC. DT&PW are concerned at the conflation of what should be two separate reports and processes. The following (quoted from the interim comment dated 13 September 2019), indicates this committee's knowledge of DT&PWs' intended engagements prior to the requirement for a First Nations report:

It is noted that the DT&PW has now identified the lack of meaningful engagement with the First Nation Groups as being problematic in the wider TRUP Baseline Study, and has resolved to correct this, by entering into a new stakeholder process. It is a strong recommendation that in order to correct the inherent flaws in the report in this regard, that the River Club does the same or awaits the outcomes of that stakeholder process.
 99. As previously noted, the DT&PW itself has entered into a stakeholder engagement with First Nation Communities, as it has recognized that the Baseline Study first tabled at the IACom on 12th April 2017 was deficient in this regard, and it now seeks to rectify this. HWC queries as to what would be the point of this exercise, if the development of the most critical undeveloped land parcel is proceeding ahead of this process?
 100. The engagement of interested and affected parties, while undertaken in response to the interim comment dated 13 September 2019, still does not comply with Section 38(3) (e) of the NHRA.

(f) If heritage resources will be adversely affected by the proposed development, the consideration of alternatives.

101. The HIA fails in this regard, as there is no *meaningful* consideration of alternatives whatsoever.
102. The HIA only assesses the preferred 'Riverine Corridor Alternative' and 'Island Concept Alternative' (both 150 000m² of bulk) and simply dismisses the lower bulk alternatives, such as the 'Mixed-Use Affordable Alternative' (110 000m²) and the 'Reduced Floor Space Alternative' (102 000m²), as these have been considered economically unviable by the town planners.
103. A "tread lightly", green-dominated, recreational or educational alternative, without substantial filling in of the floodplain is not even considered, and nor indeed is the no-go option or the adaptive re-use of the site and buildings.
104. A discussion of alternatives should include a meaningful discussion of the no development option. Although the No Go Option is tabled in the HIA as well as the Planning Partners Report, in *The River Club: Overview of Development Alternatives, dated June 2019*, there is no consideration whatsoever, which would weigh this against the potential benefit, or otherwise, of this option to identified heritage resources.
105. The above comments in the interim comment are still applicable, despite the supplementary reports. It is unfortunate that the engagement with First Nations groupings did not materially change the design approach in a manner which is reflective of the intangible heritage significances identified.
106. Therefore, the committee is of the opinion that the reports demonstrate insufficient exploration and interrogation of a range of alternatives; thus the report still does not comply with Section 38(3) (f) of the NHRA.

(g) Plans for mitigation of any adverse effects during and after the completion of the proposed development.

107. The reports submitted do not adequately address mitigation of the impacts of this development. The report fails to identify heritage resources adequately, which results in an inability to adequately assess the potential impact on heritage resources. As a result, it is not possible to assess mitigation measures.
108. Therefore, the committee is of the opinion that the reports demonstrate insufficient exploration and interrogation of a range of impacts and possible mitigation measures, thus the report still does not comply with Section 38(3) (g) of the NHRA.

In conclusion:

109. HWC regards the wider TRUP, of which the River Club site is an integral component, as a highly significant cultural landscape in the City with a significant interplay between natural and man-made landscapes. It is this interplay that defines cultural landscapes. HWC is of the opinion that this area is of at least provincial significance, if not of national significance.
110. It is a site which is recognized as a sacred place. The open, largely undeveloped floodplain is a tangible reminder of intangible heritage.
111. It is recognized through historic record, as well as Cultural Memory, as being a place of conflict for over 150 years. It is recognized as the place where, in 1657, Colonial Settlement of South Africa truly took root with the establishment of the first settler farms along the Liesbeek Valley, and the place where the Cape Indigene were first truly dispossessed of, and excluded from, access to their ancestral land.

112. It is a place where almost all of the stages of South Africa's developmental history and policies are either embedded deep within this cultural landscape, or is viewed from it. It is a place where Cetshwayo and Langalibalele were exiled to. It is a place which speaks to who we are now, and from where we have come, not just as a City, or a Province, but as a Nation.
113. The HIA has unfortunately reduced this significance to a set of ecological values, provided for the most part to post-rationalize a wholly intrusive development model, rather than inform appropriate development.
114. The Committee also noted that a 'memorial' / 'museum' and recreated river courses are inadequate in commemorating the significance of the site and appear to be designed to create meaning rather than attempt to enhance identified heritage significances. It is the opinion of the committee that the site is of sufficient significance within itself and does not need to be imbued with meaning. The bulk and mass of the development proposal does not respond to the site as a living heritage.
115. The discussion above illustrates that the HIA still does not comply with the provisions of Section 38(3) of the NHR Act, and it is noted that until the issues as identified above are addressed, the committee is not in a position to endorse the reports or the development proposal.
116. The committee reiterates the need for DEADP as the consenting authority to engage with HWC as the commenting Heritage authority on this matter before DEADP takes a decision on the Final BAR.

Should you have any further queries, please contact the official above and quote the case number.



Dr. Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape



SOUTH AFRICAN HERITAGE RESOURCES AGENCY

SAHRA

ACKNOWLEDGEMENT OF NOMINATION RECEIVED: TWO RIVERS URBAN PARK

August 2021

 /FACEBOOK  @YOUTUBE  @LINKEDIN

WWW.SAHRA.ORG.ZA

• • SAHRA • •

AN AGENCY OF THE DEPARTMENT OF SPORT, ARTS AND CULTURE



SAHRIS SITE ID: 138385
SAHRIS CASE ID: 16907
Enquiries: H. Weldon/B. Mwasinga

18 August 2021

Mr M. Janse van Rensburg
Chief Executive Officer
Heritage Western Cape
Per Email: ceoheritage@westerncape.gov.za

Copy: Mr Tauriq Jenkins
Supreme High Commissioner
Goringhaicona Khoi Khoin Traditional Indigenous Council
Per Email: tauriqshere@gmail.com

Mr L. London
Chairperson
Observatory Civic Association
Per Email: leslie.london@uct.ac.za

Mr M. Turok
Chairperson
Two Rivers Urban Park Association
Per Email: marcturok@gmail.com

Dear Mr van Rensburg

ACKNOWLEDGEMENT OF RECEIPT OF HERITAGE WESTERN CAPE RECOMMENDATION TO CONSIDER THE NOMINATION TO DECLARE THE TWO RIVERS URBAN PARK, OBSERVATORY, CAPE TOWN, WESTERN CAPE AS A NATIONAL HERITAGE SITE IN TERMS OF SECTION 27 OF THE NATIONAL HERITAGE RESOURCES ACT, NO 25 OF 1999

Your letter dated 30 July 2021 refers. This letter is serves to acknowledges the receipt of your recommendation to consider the nomination to declare the Two Rivers Urban Park in Observatory Cape Town as a national heritage site, in terms of Section 27 (3) of the NHRA.

In terms of its responsibilities as custodians of the national estate, SAHRA must investigate every nomination received to determine whether the place meets the criteria set out in section 3(3) of the NHRA for declaration as a national heritage site. Should any other further information be required during the process of assessment of the site, the relevant officials will be in contact with the nominators, copied here.

Please note that the owners of the properties comprising the site have formally been informed of our receipt of your referral.



19 Acknowledgement of Nomination - TRUP



SOUTH AFRICAN
HERITAGE
RESOURCES
AGENCY

AN AGENCY OF THE DEPARTMENT OF SPORTS, ARTS AND CULTURE



+27 21 462 4502



info@sahra.org.za



111 Harrington Street
Cape Town

Should you have any queries with regards to the above, please contact Ms Heidi Weldon at 012-941-4960 or hweldon@sahra.org.za.

Yours faithfully,

Adv. Lungisa Malgas

CHIEF EXECUTIVE OFFICER



/FACEBOOK



@YOUTUBE

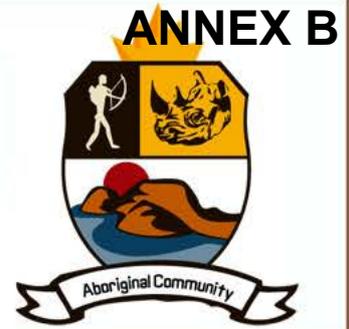


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Archaeology, Palaeontology and Meteorites
Maritime and Underwater Cultural Heritage
Heritage Objects
Burial Grounds and Graves

Built Environment
Heritage Protection
National Inventory
Heritage Properties



Statement of Acceptance

9 September 2020

'The first Khoi-Khoi were members of the Gorachouqua and the Goringhauqua tribes and the new band looked to a man called Kora for leadership. Chief Kora directed them east until they finally settled on a high plateau, (Taaibosch Berg), above the Orange River. There his people was joined by band after band of Khoi-Khoi refugees from the peninsula until the Koraqua, or Korana group grew that such an extent that it presented a real threat to any who crossed its path- and to the many whose paths it crossed deliberately'. -

Robin Binckes

Our past our tribal communities once held the unalterable stance, conditioned into an institutional cultural memory inclined towards an ingrained disposition integrated and built on familial interactions that formed an axes of clan loyalty as alluded to (cited) in my opening 'quote'.

This sense of allegiance drew from wisdom reservoirs acquired from time immemorial whose sole purpose was to advance the well- being of the broader tribal affiliates as a whole.(this served us as well in times of uncertainty)

Examining the foundations of our social interactions is revelatory in the sense that it acted as a central pillar which anchored and sustained a social nexus geared to irrevocably ensured survival of our Tribes, as a bulwark against the disenfranchisement process initiated by the Dutch and other colonising intrusions against our people.



Zaaibosch
Kei Koranna Royal House



This is reminiscent of those captured in timeless narratives of heroism and bravery against a formidable foe evokes an overwhelming flood of nostalgia in contiguous frames of a people's exodus from the Cape Peninsular (1680's) in a desperate effort to escape clutches and grasping tentacles of the behemoth, the VOC company.

Their malevolent intentions constituted more than mere enslavement but were underpinned by the desire to not only subjugate the Indigene but their expungement (genocide) if they 'continued with their seditious behaviour'.

What informed this stance was a postulation born out of an unearned and undeserved state of mind of a superiority in the name of bringing a better life and civilisation to an intractable heathen that was in need of enlightenment as they lacked the basics of European technology and ingenuity.

The emotional stress and mental anguish suffered in the face of this unwanted intrusion must have had a debilitating effect experienced and evidenced to this very day as the hope of returning to our land and pride(freedom) moved further and further out of our grasp.

Can we still afford to languish indefinitely in a state abeyance or be delayed on account of our self-induced intransigence and inability to enact propitiously for our own the good and advancement as a nation?

If not, let us then be imbued by a renewed, and unwavering and indomitable spirit coupled together with an inner desire to correct the wrongs enacted against our people in the past.

The decision to exodus our homeland of many millennial must have tested the resolve of our leaders amongst the appeals against such a move, necessitating constant reminders of past victories and the reinforcing of the need to find new pastures and possibilities outside of the farcical promises of the disingenuous, new masters.(These challenges remain until today)

The combined strengths inherent in our ability to place our trust in collective decision making processes, predicated on trust relationships pivots on a framework with various aspects that were consensually embedded in a rubric of indigenous knowledge and thinking patterns that confound and intrigue academia continually in this modern age.



Taaibosch
Kei Koranna Royal House



We must not under-value nor, under-estimate the cultural signposts left by our Ancestors as a guide for the future. Reflections on the many studies and historical reports generated of late, are replete with remarks of a people capable of taking decisions that are epochal and of a scientifically ground-breaking nature.

An unfaltering call is made therefore for us adhere to the pre-eminence of the more than normative reasoning powers on display today.

We are called to be circumspect and beyond reproach as we seek to forge relationships that are long lost and in need of renewal in a measured, thoughtful process that clarifies the conduct of the aspirant leaders amongst us in their call to serve.

Hence the motivating factors outlined above should bear a semblance of consensus built on an oral Oath or commitment founded on the practical reasons that facilitates and encourages ethical behaviour at all times amongst us and within the greater tribal community.

Our standards of honour, truth and loyalty must warrant respect emanating from a desire to maintain the historical accuracy and integrity that informs and enriches our mega-narrative as one indivisible tribe with a common destiny.

The treatment of proven is to be held sacrosanct for the practicality sake of engendering a 'rationality of reason' that's refreshing and awe-inspiring to the wider nation.

Taking cognizance of the all the above-mentioned and some preconceived caveats, its adjudged that the request of Trans-frontier to recognise the Taaibosch-Korana branch is based on the distinction of the Gorachouqua Tribe, premised on the principle of Primus inter Pares (First amongst Equals), making this proclamation auspicious raises the need to consummate a sacred ceremony inducting and authenticating candidates commended.

As an initial step on the path of restoration, we advise that the ultimate goal of elevating our tribe to its former glory and good standing to augment and widen our tribal social tapestry, mutual respect and trust must infuse our thoughts bringing into sharp relief that justice and restoration still eludes us and what needs to be done to correct this situation.



Taaibosch
Kei Koranna Royal House



It follows then, that all who on their own volition seek to assist us in overcoming the multiple barriers placed before us must do everything in their power in bringing this to fruition by assisting in attaining a level of unity of purpose that's to be emulated nationally.

To avert the various 'cause celebre' incidents unfolding around us i.e. the clamouring for positions and the spurious claims that abound currently in the Khoi and San social political discourse, its proposed that a statement of allegiance be concluded amongst the different clan formations for the purpose of advancing our cause as Korana.

The Taaibosch Family, as the de facto and de jure proven Bloodline Dynasty of King !Kora, humbly accepts the honour bestowed upon us to coronate its august and honourable co-tribal polities represented by Trans-Frontier Korana, in initiation rite of passage ceremony (Gnau!).

The groups to be coronated are the direct descendants of:

!Kai Bia Abraham Gonema

Ancestry of Geraldine January Knoop

Ancestry of Reney January

Ancestry of Traditional Healer:

Zanoxolo Ntozini

Ancestry of Siphumele Cujana

Maternal and Paternal Lineages

Goringhaicona Coronations as listed

Taaibosch Kei Korana Coronations as listed

See Paramount Chief Delrix Aran submission.

Principal Inductee to be coronated at ceremony:

Khoe'Baha Melvin Arendse



Taaibosch
Kei Koranna Royal House



This confirmatory process seeks and undertakes to confer the Trans-frontier Korana, the full rights and equal status as tribal members of one, United Korana Nation.

Yours in Tribal unity,

!Kai 'Bia Glen Taaibosch

Glen Taaibosch.

Taaibosch Kei Korana Royal House



KEI !KORANA TRANSFRONTIER

REG: NPC 2017/031262/08

No 3 SimonsbergCressentTafelsigMithcell's Plain
Cape Town 7785
Cell:0603353506
Email: info@keikoranatransfrontier.co.za

CORONATIONS CEREMONIES OUDEMOULEN

WEDNESDAY 23 SEPTEMBER: PREPERATIONS OF THE SOIL:

13H00 Prayers and petitions of forgiveness of our sins

13h30 Cleansing of soil with boegoe water

14h00 Slaughtering of animal

14h30 Prayers of thanksgiving to the Ancestors

15h00 Fellowship of Executive Leadership

THURSDAY 24 SEPTEMBER:

07h00 Praying and Intercession for Khoebaha.

07h15 Praying and Intercession for Korana National!Kai!Bia Glen Taaibosch.

07h30 Praying and intercession for Senior Chief Mzwanele Mnqanqeni and Koneli Mnqanqeni

07h45 Praying intercession for Chiefs and Princesses and their Families, Hounoring the Queenship of Elizabeth Olifant: Lesta Abrahams. Princess Susan Haupt and Princess Geraldene Hounoring the Kingships of Gonema and Odesoa January Clan. Nocawe Eutricia Tununu.

08h30 Praying and intercession for Paramouncy of Delrix Aran and Goringhaicona House.

08h45 Singing and Cultural Dancing.

09h00 Slaughtering of Bull: Coronation Of Khoebaha Melvin Arendse Olifant Korana.

09h30 Chief Madiba Folowed by Paramouncy of Pandomisa QUBUDA

09h40 Chief Noel Vollenhoven

09h50 Prince Gert Bitterbos

10h00 Chief Toney Meyers

10h10 Chief Lwandile Joka

10h20 Taaibosch Royal House:

(1) Verna Smith

(2) Murial Jansen

(3) Helga Taaibosch

(4) Elizabeth Sandt

Taaibosch Royal Council

(1) Kieth Duarte]

(2) Vernon Mostert

(3) Micheal Koetaan

Kei Korana Members

(1) Stanley Saplan

(2) Roberta Dippenaar

- (3) Chevren Bennit
- (4) Timothy Plaatjies
- (5) Katherin Muick William Klein
- (6) Odette De Vries

11h30 Chief Melton Hoogstander and Glen Hoogstander FOLLOWED BY Andile Gilie and Siyamthanda Dastile

Singing and Cultural Dancing

11h50 Corronation !Kai!Bia Glen Taaibosch as National office of Korana

Singing and Dancing

12h30 Coronation of Paramount Aran

Singing and Dancing

13h00 Lunch

Friday 25 September

Coronations of Chiefs:

- 09h00** Chief JIM Voster
- 09h10** Chief Clement Senjuna
- 09h20** Headman Mawaka
- 09h30** Traditional Healer of the Royal Korana House Zanoxolo Ntozini
- 09h40** Traditional Leader Andile Nompunga
- 09h50** Traditional Leader Khangelayo Bukwayo
- 10h00** Traditional Leader Lunga Nono
- 10h10** Traditional Leader Phuthumile Hendry Mkhiva
- 10h20** Traditional Leader Brother Jaxa
- 10h30** Traditional Leader Funyanwa Momoza
- 10h40** Traditional Leader Sivuyile Zwelidala
- 10h50** Sing and dancing
- 11h00** Goringhaicona Coronations
- 11h10** Supreme High Commissioner Tauriq Jenkins
- 11h20** Local Chief of Grassy Park, Denzil Cecil Dreyer
- 11h30** Jermaine Andrews
- 11h40** Zeekoevlei Local Chief Raiz Saloojee
- 11h50** Zeekoevlei Local Chief Fatima Saaif
- 12h00** Humqua Patricia Aran
- 12h10** Supreme Senior Chief Desmond C Dreyer
- 12h20** Supreme Elder Peter Rudolph
- 12h30** Senior Chief Mark Ewers
- 12h40** Senior Chief Marius Van Stade
- 12h50** Senior Heads Women Esther Ewers
- 13h00** Senior Heads Women Suzanne Goloza
- 13h10** Bishop Victor Gelderbloem
- 13h20** Michelle Gelderbloem
- 13h30** Supreme Senior Chief Des Dreyer
- 13h40** Elder Dinah Kemp
- 13h50** Elder Mienie Petersen
- 14h00** Elder Suzanne Goloza

- 14h10 Elder Marlene
- 14h20 Elder Charles Marumo
- 14h30 Elder Desiree Ludolph
- 14h40 Senior Chief Ian Topp Westcoast
- 14h50 Micheal Koker Hessequa
- 15h00 Senior Chief Brain Michael Sederberg Municipality
- 15h10 Botha Hessequa
- 15h20 Neville Korkee
- 15h30 Lakey Athlone
- 15h40 Oscar Mitchells Plain
- 15h50 Chief Carine Zaayman
- 16h00 Denver Lents Headsman Lotus River
- 16h10 Elder Nicholas Andries



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case No.: 12994 / 2021

In the matter between:

OBSERVATORY CIVIC ASSOCIATION First Applicant

**GORINGHAICONA KHOI KHOIN
INDIGENOUS TRADITIONAL COUNCIL** Second Applicant

and

**TRUSTEES FOR THE TIME BEING OF
LIESBEEK LEISURE PROPERTIES TRUST** First Respondent

HERITAGE WESTERN CAPE Second Respondent

CITY OF CAPE TOWN Third Respondent

**THE DIRECTOR: DEVELOPMENT MANAGEMENT
(REGION 1), LOCAL GOVERNMENT, ENVIRONMENTAL
AFFAIRS & DEVELOPMENT PLANNING, WESTERN
CAPE PROVINCIAL GOVERNMENT** Fourth Respondent

**THE MINISTER FOR LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS & DEVELOPMENT
PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT** Fifth Respondent

**CHAIRPERSON OF THE MUNICIPAL PLANNING
TRIBUNAL OF THE CITY OF CAPE TOWN** Sixth Respondent

EXECUTIVE MAYOR, CITY OF CAPE TOWN Seventh Respondent

WESTERN CAPE FIRST NATIONS COLLECTIVE Eight Respondent

AFFIDAVIT



I, the undersigned

Kai Bi'a Glen Taaibosch

do hereby make oath and say as follows:

1. I am an adult male, also known as Kai Bi'a Glen Taaibosch and am the National Leader of the Kei Korana Nation.
2. I have been elected by the members of the Taaibosch Kei Korana Royal House to hold this position and to speak on behalf of The Kei Korana Nation.
3. The facts contained in this affidavit are within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct.
4. I have read the supporting and replying affidavits of Tauriq Jenkins which he deposed to on 30 July 2021 and 17 September 2021 and confirm the contents thereof in so far as they relate to me, and the position I hold in The Kei Korana Nation and the Taaibosch Kei Korana Royal House.
5. On 23 -25 August 2020, the Korana Houses held a National reunification heritage event hosted by the Goringhaicona at Oude Molen in the Two Rivers Urban Park. Various coronations including traditional sacred ceremonies took place. The Inau and swearing in of the main polities of the Korana which included Khoebaha Melvin Arendse and myself Kai Bi'a Glen Taaibosch, Paramount Chief Aran and the Goringhaicona Council, as well as the re-



unification, reintegration and acknowledgement of related kinship of the Abathembu and Pandomisa into the Korana. I confirm that High Commissioner Tauriq Jenkins of the Goringhaicona underwent a Inau ceremony which was jointly presided by Khoebaha Melvin Arendse, myself Kai Bi'a Glen Taaibosch and Paramount Chief Aran of the Goringhaicona in the presence of Chief Madiba of the Abathembu and Paramount Chief Qubuda of the Pandomisa Kingdom.

6. As I explain more fully below, both the Taaibosch Kei Korana Royal House and I:

6.1. are deeply concerned about the negative impacts that the development of the River Club site by the First Respondent ("the Development") will have on our intangible cultural heritage;

6.2. are opposed to the Development;

6.3. were not consulted by Mr Rudewaann Arendse in connection with the preparation of his reported titled "River Club First Nations Report" dated November 2019 ("the AFMAS Report"); and

6.4. are not members the Western Cape First Nations Collective ("the FNC") which is the Eighth Respondent in this matter, and the FNC is not authorised to speak on our behalf, whether in relation to the Development or any other matters.

Consultations undertaken by Rudewaann Arendse of AFMAS



7. I understand that Mr Rudewaan Arendse was commissioned by the Western Cape Provincial Department of Transport and Public Works to prepare a report on:

7.1. the significance of the Two Rivers Urban Park ("TRUP") to First Nations by identifying intangible cultural heritage ("ICH") specific to the TRUP, through Khoi and San oral history, as articulated by indigenous custodians;

7.2. the collective First Nations aspirations for celebrating First Nation ICH at the TRUP; and

7.3. how the indigenous narrative of the First Nation's ICH can be incorporated into the spatial governance of the TRUP, by developing heritage related design informants (as informed by the indigenous narrative).

8. This report culminated in the TRUP First Nations Report ("the TRUP Report") of 25 September 2019. [Mr Rudewaan Arendse did not consult the Kei Korana Nation or The Kei Korana Royal House during the preparation of that report. .

9. According to his brief in the River Club First Nations Report ("the AFMAS Report"), Mr Rudewaan Arendse was subsequently commissioned by the First Respondent ("the Developer") to:

"...engage the First Nations (the Khoi and San)², interchangeably referred to as Indigenous people, or the Indigene, with regard to their intangible cultural heritage in terms of the River Club project site."



and

- "1. Understand the significance of the River Club site to the First Nations by identifying Indigenous intangible cultural heritage specific to the River Club.*
 - 2. Locate the River Club site within the Indigenous narrative of the broader TRUP cultural landscape.*
 - 3. Identify First Nations aspirations with regard to Indigenous cultural heritage and the River Club site.*
 - 4. Implement the recommendation of the TRUP First Nations report that "acknowledging, embracing, protecting and celebrating the Indigenous narrative be a heritage related design informant that informs" planning and development of the River Club site." (Vol: 3, R: 1079)*
10. I confirm that neither I nor The Kei Korana Nation and the Taaibosch Kei Korana Royal House were notified by Mr Rudewaan Arendse or engaged with regarding our intangible cultural heritage associated with the River Club site or how the development will affect my intangible cultural heritage associated with the TRUP, and consequently neither myself nor my organisation or house were consulted by Mr Arendse in relation to the AFMAS Report.
11. I was not notified by Mr Rudewaan Arendse that he intends engaging First Nations groups regarding their intangible cultural heritage associated with the



River Club site, therefore we did not participate and were not consulted in this process.

12. The Developer and/or Mr Arendse / AFMAS were well aware that both I and wished our view in relation to the Development and its potential negative impacts on the environment and on our cultural heritage, to be taken into consideration by the authorities responsible for deciding whether or not to authorise the Development. My reasons for saying this appear below.

12.1. My group has a website / contact details which are easily traceable. AFMAS and Mr Arendse should have used this information to communicate with us and arranged for us to participate in the consultation which culminated in his AFMAS Report.

13. I confirm that neither I nor the The Kei Korana Nation and the Taaibosch Kei Korana Royal House were consulted by Mr Arendse. Nor do we approve of or support the development by the First Respondent, nor are we represented by the Eight Respondent (the Western Cape First Nations Collective also known as the "FNC").

Cultural and heritage significance of the site and TRUP area

14. The site at which the River Club development will take place and the larger TRUP, is of significant cultural and heritage significance to my The Kei Korana Nation and the Taaibosch Kei Korana Royal House.
15. The site and the TRUP area is sacred to us and a significant part of our intangible cultural heritage is associated with the site and the TRUP, for the



for the same reasons as mentioned in paragraph 12 of Khoebaha Melvin Arendse's affidavit. My House and I share the intangible cultural heritage discussed in paragraph 12 of Khoebaha Melvin Arendse 's affidavit and it is for those same reasons that the site and TRUP area is sacred to us and a significant part of our intangible cultural heritage.

16. We do not regard any of the conditions to the respective authorisations to be sufficient for purposes of safeguarding our intangible heritage associated with the site. In our view, the aspects of the Development which the Developer claims will give expression to, and celebrate, our intangible cultural heritage (i.e. the proposed indigenous gardens, cultural and media centre, amphitheatre, and "heritage eco-trail") do no such thing.

17. Had I or The Kei Korana Nation and the Taaibosch Kei Korana Royal House been meaningfully consulted by Mr Arendse in respect of the River Club development, we would have contributed important information relevant to the decision-making process (including the information in this affidavit) which should have been made available to the decision-makers (whether by inclusion in the AFMAS Report or otherwise).

A handwritten signature in black ink, appearing to be a stylized name, located at the bottom right of the page.

Glen Taaibosch

I hereby certify that the deponent has acknowledged that she:

- (a) knows and understands the contents of this affidavit;
- (b) has no objection to taking the oath;
- (c) considers the oath to be binding on her conscience.

Thus signed and sworn to before me, at BOOSENS on 8 June 2022.

COMMISSIONER OF OATHS

NAME: SPHIXIE JARAH MHLANGA
 CAPACITY:
 ADDRESS: 4-6 BOOSENS ROAD, BOOSENS
 AREA: BOOSENS SAPS

SOUTH AFRICAN POLICE SERVICE
FINANCE
09 JUN 2022
BOOSENS
SUID AFRIKAANSE POLISIEDIENS

TRANSFRONTIER KEI KORANA ROYAL HOUSE The Kei !Korana, earlier pronounced as Kai !Korana, Kai, meaning 'great' or 'many' have their origins in the Western Cape, by the turn of the 15th century in pre-colonial Cape Town, the first !Xora grandson of the Gogosoa Paramountcy that is the bloodline of the three siblings clans of Coghoqua, Goriniqua, Goringhaicona and Korana. The Last of the Gogosoa siblings that ruled during the smallpox outbreak in 1680 !Xora, was the father and first ruler of the Korana in the Cape peninsula. The twin brothers Gonema and Odesoa were the last remnant of Gogosoa besides !Xora and direct descendants of the last ruling Gogosoa Dynasty on the Liesbeek. From this period the clans of Olifant, Taaibos, Links, Bitterbos, Hooglander and Bolanders consolidated cattle and sheep trading from the Liesbeek River in Cape Town to Piketberg and Hoogkraal in Pacaltsdorp in the Southern Cape. The (colonial) devastation prompted the last Khoebaha of Hooglanders to trek North to Prieska to avoid total annihilation of Korana by the smallpox epidemic; clans converged in Prieska Gordonia to mobilise for the ongoing trek Wars with Dutch Settlers.

The ruling clans of Korana, include the Olifant, Links, Bitterbos, Taaibos, Buffel, Bergenaar, Poffader, Slaparms, Towenaars, grand children of Hooglander called Bostander and Hoogstander. The great trek of the Korana inland broke many of the customary law practices of the Liesbeek Kingship of Korana, many bloodline clans were forced to change their customary clan names to Settler names like Katz, Cupido, Visser and Vollenhoven, descendants of brothers Gonema and Odesoa their names were changed to January to avoid persecution after the wars. The situation was different in the North as Korana held onto their clan names, with adjustments on the Gariep and Oranje River in Gordonia changed the Governance of Korana negatively. On the Cape flats the lineage of Gonema was forced to accept the slave name of January to get a land agreement with the Dutch Colonizers to buy the Methodist Mission Station at Klipfontein in 1826 by Abraham January, the last direct descendants of Gonema and Abraham January. The Royal Ancestry lives in Klipfontein. Today some of the generation live in Mitchells Plain area while others still live on their Ancestral land of the Klipfontein Methodist Mission Station. Khoebaha Klaas Lucas united the former Liesbeek descendent Korana kraals during the frontier wars against Dutch and other European settlers today known as the Transfrontier Kei !Korana.



Handwritten signature and initials, possibly 'G. van der...' and '5'.

Advocate Rod Solomons, a former board member of the National Heritage Council, strongly criticizes a recent heritage impact assessment. His main objections are:

1. Key Omission: The consultant failed to acknowledge a major decision by both the National and Provincial Cabinets identifying the site (which includes Oude Molen Eco Village) as one of South Africa's 12 major liberation heritage routes. He believes this status grants it significant heritage importance and questions how the government would view its omission.

2. Missed Opportunity: He argues that the provincial government should be maximizing the value and economic spinoffs of this prestigious national designation, rather than it being overlooked.

3. Questioned Competence: This omission leads him to question the quality and credibility of the heritage consultant's work.

He gives permission for his views to be shared.

HERITAGE IMPACT ASSESSMENT PHASE ONE

HWC Submission 22 February 2017

RIVER CLUB

ERF 151832 OBSERVATORY ROAD OBSERVATORY CAPE TOWN

SUBMITTED TO HERITAGE WESTERN CAPE IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT NO. 25 OF 1999 SECTION 38(8) AND THE CITY OF CAPE TOWN IN TERMS OF THE MUNICIPAL BY LAW 2015

HERITAGE WESTERN CAPE CASE NUMBER: 15112504WD1217E

DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING REFERENCE NUMBER: 16/3/3/6/7/2/A7/17/3104/16

PREPARED FOR



SRK Consulting (South Africa) (Pty) Ltd

The Administrative Building, Albion Spring, 183 Main Road, Rondebosch, 7700

Tel: +27-21-659-3060; Fax: +27-21-685-7105

HERITAGE PRACTITIONER



PostNet 122 Private Box X1005 Claremont Cape Town Tel: 021 761 2355 Mobile: 071 1090 900 E Mail: bodonoghue@telkomsa.net

EXECUTIVE SUMMARY

1. SUMMARY

This report is the Phase One of the two phase Heritage Impact Assessment (HIA) required by Heritage Western Cape (HWC) for the proposed development on the River Club site, situated on Erf 151832 in Observatory Cape Town.

Heritage Western Cape (HWC) response on the Notification for Intent to Develop (NID) application was for a Heritage Impact Assessment (HIA) focussing on the built and archaeological environments. The site is a component of the culturally significant Two Rivers Urban Park (TRUP). The site abuts the South African Astronomical Observatory and is surrounded on the majority of its boundaries by riverine environments. The use is currently for recreational and commercial purposes, in the form of a mashie golf course, restaurants, bars, and conference facilities. Rezoning of the site is required for the proposed development as the site is zoned a public open Space.

The River Club's unique character is a combination of the expanse of open landscapes, river frontages, mature trees and amenity values. This HIA Phase One report benefits from numerous past and current studies, namely:

- Two detailed TRUP studies by the City of Cape Town (CCT)(2002) and Western Cape Government (WCG)(2012);
- South African Astronomical Observatory (SAAO) cultural survey 2011;
- HIA on the Valkenberg Hospital by Nicolas Baumann (2013);
- Western Cape Government (WCG) TRUP study by NM & Associates. The WCG TRUP Cape Town Baseline Heritage Study (October 2016) Draft for Discussion is a specialist study within this project.

2. SITE LOCATION

The site is a component of the identified precinct known as Two Rivers Urban Park (TRUP). TRUP is 297ha in extent and consists of a variety of

erven, owners and uses. The project site is situated within the „inner core“ of TRUP defined by the Liesbeek River and Black River and consisting of institutional, recreational, ecological and commercial land uses.



Figure 1: Site position within Cape Town context, site identified in white outline, TRUP identified in red outline, source Google Earth 2016

3. PROPOSED DEVELOPMENT

The proposed development is a series of multi level buildings for mixed use. As this report is a Phase One HIA, no further detail on the proposed development is supplied.

4. SITE AND CONTEXT HERITAGE RESOURCES

The TRUP cultural landscape is a complex and multi layers precinct that has been assessed for high cultural value due to the historic, social,

aesthetic, architectural, scientific, associational and environmental significances. The overall landscape is a complex composite of natural, cultivated and built landscape elements. It is a cultural landscape that has been transformed by thousands of years of settlement history. The TRUP site adds to our understanding of past attitudes, beliefs, uses, events, persons, periods, techniques and design. It has associated with important past events, people, uses, community memories, identities and oral histories. TRUP possesses a strong sense of place within its urban context. The cultural significance of TRUP is expressed at several scales: the overall landscape, precinct, site and object scales¹.

The site has previously been assessed by the CCT and WCG with low development potential due to its value as an open area within TRUP. However, current TRUP planning studies may potentially offer a new vision, which may include more development within TRUP.

5. HERITAGE DESIGN INDICATORS

The heritage design indicators are developed to retain the site's social, historic, aesthetic, associational and contextual values within a new vision of the site. Relevant sections of the Urban Design report by Urban Concepts are the Visual Impact Assessment Scoping report by SRK Consulting (Pty) Ltd are included into the report, with the full reports contained in the annexures. The heritage design indicators are to guide future development in order to reduce potential negative impacts on the heritage resources of the site and context. As the site is situated within and in the context of significant heritage resources of national, provincial and local grades, the development response is required to consider the site and context high cultural significance.

The heritage design indicators are divided into the following categories:

- Site's landmark qualities;
- Natural environment;
- Vistas;
- Open spaces;
- Public realms;
- Land use;
- Develop site to its cultural potential;

- Spatial ordering of development;
- Response to abutting heritage sites;
- Ground levels;
- Buildings;
- Roads;
- Access and parking;
- Archaeology

6. ANTICIPATED IMPACTS ON HERITAGE RESOURCES ON SITE AND IN CONTEXT

The development on the site will be assessed for potential impacts in the HIA Phase Two.

7. COMMENTS RECEIVED

Comprehensive comments from the City of Cape Town, Observatory Civic Association (OCA) and Vernacular Society of South Africa (VASSA) in addition to interested and affected parties (I&APs) were received in the public participation process in terms of the Environmental Impact Assessment public consultation requirements. The OCA, CCT and VASSA comments have been included into this report. The comments and responses from the Open Day and Workshop are included into Annexure 6.

The commentators have had the Scoping and revised Scoping Reports in addition to all the specialist reports. Within the Scoping report, information in the form of diagrams and block models of the proposed development were provided.

All comments from the OCA, CCT EHRM, CCT Spatial planning and VASSA voice their concerns on the scale of the proposed development, and the subsequent loss of green and open space.

8. HIA PHASE ONE CONCLUSIONS AND RECOMMENDATIONS

The HIA Phase One concludes that the site is within a precinct of high cultural significance. It provides the setting for the Grade 1 site, SAAO and forms a component of the green landscape that is associated with the Two Rivers Urban Park and the valley associated with the Liesbeek and Black Rivers. In order to retain this contextual site significance and to limit

¹ WCG Heritage Baseline Study Draft October 2016

potential negative impacts to TRUP and the TRUP adjacent site neighbours, development has to be carefully considered and moderated. There is no doubt that the site has high potential in terms of providing an improved recreational and public space, and this aspect should be explored, but not at the expense of reducing the cultural landscape significance of TRUP.

The HIA Phase One is submitted to HWC for interim comment.

The report recommends:

The Heritage Design Indicators contained in Section 5 be approved to guide future development on site. The following principles should guide the site's design concepts for future development.

Future development:

- Should improve the site's natural features and identified cultural significances (historic, aesthetic and social);
- Retain open areas within future development for public recreational purposes;
- Retain the island character of the site by the location of future buildings;
- Limit development adjacent to South African Astronomical Observatory (SAAO);
- Consider layout, scale and amount of development on site in order to be contextual to the associated TRUP precincts;
- Explore the possibility of demolition of the existing historic structures in order to maximise the potential of future development;
- Provide site precincts in which biodiversity will be enhanced and protected;
- Optimise on the site's potential for an increased and broader range of recreational facilities;
- Optimise the aesthetics of the natural riverbanks;
- Provide non motorised links from and onto the site; and
- Provide improved access to surrounding TRUP precincts.

9. Authors

- HIA: Bridget O'Donoghue Architect Heritage Specialist Environment (February 2017)
- AIA: Agency for Cultural resource Management, Jonathan Kaplan (March 2016)
- VIA: SRK Consulting (Pty) Ltd (July 2015)

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ANNEX B

ERF 151832 RIVER CLUB OBSERVATORY CAPE TOWN

HERITAGE IMPACT ASSESSMENT PHASE ONE REPORT

HWC SUBMISSION 1

22/02/2017

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- Annexure 2: Heritage Resources in Context to the Site
- Annexure 3: Urban Concepts: River Club Urban Design Indicators Draft 2
- Annexure 4: Peer Review: Nicolas Baumann Urban Conservation and Planning
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 - OCA
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SECTION 1**INTRODUCTION****1.1 INTRODUCTION**

SRK Consulting Pty Ltd commissioned by their client Liesbeek Leisure Properties Trust (LLPT) contracted Bridget O'Donoghue Architect Heritage Specialist Environment for a Heritage Impact Assessment (HIA) for future development on Erf 151832, the site known as „The River Club“. The heritage related work on the site is divided into the following stages:

- Opportunities and Constraints report (Completed September 2015);
- Notification for Intent to Develop application (December 2015);
- Heritage Impact Assessment Phase One report (Draft 5 for PPP July 2016 and HWC Submission January 2016), and
- Heritage Impact Assessment Phase Two report.

An Environmental Impact assessment (EIA) process is in the process for the proposed development on the River Club site, Observatory Cape Town, Western Cape by SRK Consulting Pty Ltd.

A peer review by Nicolas Baumann Urban Conservation and Planning conducted on the Report Draft 3. This review comment is annexed to the report and is responded to in Annexure 5 (refer Annexure 4 and 5).

The Draft 5 HIA submitted for public participation process (PPP) is updated post the receipt of public comments and the issuing of the Western Cape Government's (WCG) TRUP Baseline Heritage Report (draft for Discussion) October 2016. This WCG Baseline Heritage report is intended as an overarching baseline report for future TRUP planning and heritage assessments.

1.2 PROJECT DESCRIPTION

The proposed development on Erf 151832 Observatory Cape Town is for a mixed use buildings and sites that incorporate future retail [shops and vehicular parking areas], commercial [offices], institutional [memorials, museum], infrastructure [roads, bridges], and the rehabilitation of river banks). The LLPT vision for the site is „*create a lasting legacy, create job*

opportunities, commercial enterprise and a space for people of all cultures to live and work and which is open to the community for safe recreational activities through the creation of a financially sustainable development“. The design is and will be informed by detailed specialist report and authorities comments.

Note the proposed project is situated on a section of the site as indicated in Figure 1: The areas outside the project site are the Barclay Road Extension Corridor, PRASA owned land north of the Barclay Road Extension corridor, and the SAAO site east of Liesbeek River tributary².

1.3 LEGAL HERITAGE REQUIREMENTS

An HIA will submitted under National Heritage Resources Act, No 25 of 1999 (NHRA) Section 38 (8) as it is a specialist report within an EIA in terms of the National Environment Management Act (NEMA). Heritage Western Cape (HWC) Impact Assessment Committee (IACOM) will comment on the HIA Phase One and Phase Two reports for the EIA submission to the Department of Environmental Affairs and Development Planning (DEA&DP). The site is situated inside of a City of Cape Town (CCT) proposed Heritage Protection Overlay Zone (HPOZ). A Notification for Intent to Develop (NID) was submitted to HWC, as the proposed development will change the character of the site of over 5000 sq. meters. HWC response to the NID was for a Heritage Impact Assessment (HIA) that included an archaeological study and highlights the urban design framework of the proposed development (refer Annexure 1).

1.4 TERMS OF REFERENCE: OPPORTUNITIES AND CONSTRAINTS REPORT

The HIA Phase One report includes the following methodology and terms of reference:

² Many report figures indicates the „broader“ site, which includes the areas northwards to the confluence of the rivers. Figure 1 reflects the accurate site, which terminates at the proposed Barkley Road extension.

- Review existing documentation of the site and its immediate context;
- Identify and map the cultural significance of the site and immediate context's heritage resources, including archaeological rescues;
- Assign a cultural significance to the identified heritage resources on the site and immediate context;
- Establish heritage design indicators to guide the proposed development;
- Submit draft reports to the client and project team comments;
- Submit the Draft HIA to peer review from an accredited heritage practitioner;
- Submit draft report for the public participation process, conducted by the Environment Assessment Practitioner (EAP), which includes the registered conservation body, Observatory Civic Association,
- Finalise report considering the comments received, and
- Submit to HWC for interim comment.

1.5 ASSUMPTIONS AND LIMITATIONS

1.5.1 Assumptions

It is assumed that the data on the proposed project information provided by the client, project team and the CCT EHRM is accurate and up to date at the time of finalising the draft report.

1.5.2 Limitations

This HIA Phase One has the following limitations:

- The report has not examined in any detail social and economic issues that will be affected by the proposed development, as this is outside the brief of the report.
- The finalised WCG Heritage Baseline study October 2016 has not been submitted to HWC for comment. As this WCG report is to be the overarching baseline study for TRUP, the draft report has been used in this report, and added to the annexures;
- As the proposed building on the SAAO land adjacent to the site is in the tender stage no information on the scale and bulk of the proposed building is known;
- No Social Impact Assessment or Socio Economic report is available for inclusion into the report.

1.6 APPROACH TO THE STUDY

The proposed approach to the study is based on the guidelines for Involving Heritage Specialists in EIA processes: Edition 1 CSIR report no. ENV-S-C 2005 053 RSA, Provincial Government of the Western Cape, Department of Environmental Affairs and Planning, Cape Town (DEA&DP). These guidelines are based on accepted international best practice guidelines.

1.7 PROJECT TEAM

The project team comprises of the following consultants:

- Environmental Practitioner: Matthew Law, SRK Consulting (Pty) Ltd
- Planning: Geoff Underwood, Planning Partnership
- Fresh Water Specialist: Dr Liz Day, Fresh Water Consulting Group
- Urban Designer: Marise Potgieter, Urban Concepts
- Engineers: Carshif Talip, Aurecon Consulting Engineers,
- Traffic Engineers: Bertie Phillips Kantey & Templer Consulting Engineers,
- Architect: Imraam Ho-Yee, Vivid Architects
- Visual Specialist: Scott Masson, SRK Consulting (Pty) Ltd³

Heritage Specialists

Heritage Practitioner Bridget O'Donoghue is responsible for the report with the inclusion of the Archaeological report by Jonathan Kaplan (Agency for Cultural Resource Management). Sections of the EIA specialist Visual Impact Assessment by SRK Consulting is included in the report.

Bridget O'Donoghue has a Bachelor of Architecture degree and a Masters of Philosophy degree (Environmental Science) from the University of Cape Town. She is a registered Architect with the South African Council for the

³ Scott Masson, SRK Consulting is a registered Professional Landscape Architect with the South African Council of the Landscape Architecture Profession, Certified Environmental Practitioner of South Africa. Scott Masson is an Environmental Consultant and has been involved in the environmental and landscape architectural field for the past 6 years. His expertise includes Visual Impact Assessments, Environmental Impact Assessment, Environmental Management Plans and Environmental Control Officer work, Integrated Water and Waste Management Plans, environmental planning and sensitivity studies; and landscape architectural planning and design.

Architectural Profession (SACAP), an accredited member of the Association of Professional Heritage Practitioners (APHP), member of the Vernacular Architectural Society of South Africa (VASSA), South African affiliate of the International Association of Impact Assessors (IAIASa) and DOCOMOMOsa. Bridget is a specialist heritage practitioner with 16 years experience in the field of heritage management. Prior to establishing her own consultancy in 2007, Bridget worked for the City of Cape Town in the Environmental and Heritage Resources Management.

Jonathan Kaplan qualified with an MA in Archaeology in 1989 from the University of Cape Town. He has taken part in more than 750 Archaeological Impact Assessments (AIAs), specialising in Stone Age, rock art and herder studies. He has undertaken baseline studies on large infrastructure projects, as well as coastal and inland surveys, research projects, catchment management studies, monitoring of construction activities, Heritage Management Plans and excavations of rock shelters and coastal shell middens.

1.8 DECLARATION OF INDEPENDENCE

This is to confirm that Bridget O'Donoghue and Jonathan Kaplan are responsible for undertaking the report. Bridget O'Donoghue and Jonathan Kaplan are independent and have no vested or financial interest in the future development on River Club site being either approved or rejected by the relevant authorities.



Figure 2: Project Site, with contours identified, Planning Partners 2016



Figure 3: Site within its immediate context, Google Earth 2015



Figure 4: Site and Context, Google Earth 2015

SECTION 2 STATUTORY FRAMEWORK

2.1 INTRODUCTION

Section 2 provides an overview of the administration context of the site and the applicable statutory frameworks.

2.2 ADMINISTRATIVE CONTEXT AND STATUTORY FRAMEWORK

2.2.1 Introduction

The site is located in Observatory Cape Town between the Liesbeek River and its tributary. For the purposes of this study, the following relevant policy and planning documents were reviewed:

- National Heritage Resources Act No. 25 of 1999 (NHRA);
- Municipal Frameworks, Guidelines and Regulations; and
- Existing heritage surveys and assessments.

2.2.2 National Heritage Resources Act No. 25 of 1999 (NHR Act)

The NHRA serves as the controlling legal framework for heritage management in South Africa. South African heritage legislation is broad ranging and provides theoretical protection to all categories of heritage. The Act lays down general principles for governing heritage resources management throughout the republic and provides for the identification, assessment, and management of the heritage resources of the country. The Act only applied to “those heritage resources of South Africa, which are of cultural significance or other special value for the community and for future generations.” A heritage resource is described as “any place or object of cultural significance” (NHRA Section 26 [xvi]). Heritage resources significant enough to be considered part of the national “estate” in Section 3(2) of the NHRA, and may include *inter alia*:

- Places, buildings, structures and equipment of cultural significance;
- Places to which oral traditions are attached or which are associated with living heritage;
- Historical settlements and townscapes;
- Landscapes and natural features of cultural significance;
- Geological sites of scientific or cultural importance;

- Archaeological sites and objects;
- Graves and burial grounds;
- Sites of significance relating to the history of slavery in South Africa;
- Moveable objects including military objects, fine art, books records, documents, archaeological and paleontological objects, and materials.

Cultural heritage significance means aesthetic, historical, scientific, architectural, spiritual, technological or/and social value / significance. The process of deciding why a place is of heritage significance is called heritage assessment. Assessment helps to work out exactly why a place or area is important and how parts or elements contribute to its significance. Understanding heritage significance is essential to making sound decisions about the future of a place, and is central to developing a conservation plan. It guides management actions, such as planning compatible uses, can inform the development of educational materials, helps to justify the allocation of resources and to explain to people why a place is important. The assessment of the heritage significance of a place or object is the essential departure point for any system of heritage management. The NHRA requires the heritage significance of any site or object be assessed so as to ensure the appropriate level of management of the country’s heritage resources.

Assessment of the heritage value or significance of places and objects and ensuring adequate legal protection follows a clear sequence of actions, as follows:

- Identification of places and objects that have apparent value in heritage terms;
- Identification of significant factors that make the place or object valuable in heritage terms. Assessment of significance using heritage assessment criteria;
- Determination of degree of significance of the place or object (grading);
- Assignment of the appropriate level of formal legal protection and management by the relative heritage authority.

A culturally significant resource or site is considered part of the national estate if it has cultural significance or any other special values due to:

- Its importance in the community, or pattern of South Africa's history;
- Its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural history;
- Its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- Its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- Its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- Its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- Its strong association with a particular community or cultural group for social, cultural or spiritual reasons;
- Its strong and special association with the life or work of a person, group or organisation of importance in the history of South Africa;
- Sites of significance in relation to the history of slavery (Section 3[3] NHRA).

The NHRA provides formal protections for national and provincial heritage sites. Such sites are required to be declared by way of a notice in either the Government Gazette or Provincial Gazette. Provincial heritage authority must compile and maintain a heritage register listing the heritage resources in the province, which it considers conservation worthy. The Act provides for the protection of heritage resources that have not been formally protected.

The relevant sections of the Act for this assessment are:

Section 7: The South African Heritage Resources Authority (SAHRA) has in terms of Section 7 (1) of the NHR Act, published regulations providing for grading systems and heritage resources assessment criteria (Government Gazette No. 24893. Government Notice No. 694 dated 30 May 2003, outlines the criteria for assessment of the significance of heritage resources (Grade 1 (National), Grade 2 (Provincial) and Grade 3 (Municipal) heritage resources.

Section 34: Structures

34. (1) No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

(2) Within three months of the refusal of the provincial heritage resources authority to issue a permit, consideration must be given to the protection of the place concerned in terms of one of the formal designations provided for in Part 1 of this Chapter.

(3) The provincial heritage resources authority may at its discretion, by notice in the Provincial Gazette, make an exemption from the requirements of subsection (1) within a defined geographical area, or for certain defined categories of site within a defined geographical area, provided that it is satisfied that heritage resources falling into the defined area or category have been identified and are adequately provided for in terms of the provisions of Part 1 of this Chapter.

(4) Should the provincial heritage resources authority believe it to be necessary it may, following a three-month notice period published in the Provincial Gazette, withdraw or amend a notice under subsection (3).

Section 38⁴:

(1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as –

(a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length

(b) the construction of a bridge or similar structure exceeding 50 m in length;

(c) any development or other activity which will change the character of a site-

(i) exceeding 5 000 m² in extent; or

(ii) involving three or more existing erven or subdivisions thereof; or

(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or

⁴ Relevant sections to the HIA „triggers“ underlined

- (iv) *the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;*
- (d) *the re-zoning of a site exceeding 10 000 m² in extent; or*
- (e) *any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,*

must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.

- (3) *The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a): Provided that the following must be included:*
 - (a) *The identification and mapping of all heritage resources in the area affected;*
 - (b) *an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;*
 - (c) *an assessment of the impact of the development on such heritage resources;*
 - (d) *an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;*
 - (e) *the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;*
 - (f) *if heritage resources will be adversely affected by the proposed development, the consideration of alternatives;*
and
 - (g) *plans for mitigation of any adverse effects during and after the completion of the proposed development.*
- (8) *The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the*

Environment Conservation Act, 1989 (Act No. 73 of 1989), or the integrated environmental management guidelines issued by the Department of Environment Affairs and Tourism, or the Minerals Act, 1991 (Act No. 50 of 1991), or any other legislation: Provided that the consenting authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the consent.

Heritage Grading

The NHRA Section 7(1) established a system of grading of places and objects which form part of the national estate, and which distinguishes between the following categories:

1. Grade I: Heritage resources with qualities so exceptional that they are of special national significance;
2. Grade II: Heritage resources which, although forming part of the national estate, can be considered to have special qualities which make them significant within the context of a province or a region; and
3. Grade III: Other heritage resources worthy of conservation, and which prescribes heritage resources assessment criteria, consistent with the criteria

Grading is an important step in the process towards the formal protection of a heritage resource, such as a declaration as a National Heritage Site, Provincial Heritage Site, or, in the case of Grade III heritage resources, the placing of a resource on the Heritage Register. It is not an end in itself, but a means of establishing an appropriate level of management for the process of future formal protection.

Heritage resources can be "Graded", "Ungraded" or "Ungradeable" as follows:

- **Graded:** The Heritage Authority has applied its mind in order to determine a grading for the resource or sufficient information is available to determine the grading.
- **Ungraded:** The Heritage Authority has not yet applied its mind in

order to determine a grading for the resource or we do not, yet, have sufficient information to determine the grading.

- **Non Conservation Worthy (NCW):** The resource does not have enough heritage significance to be retained as part of the National Estate.

Grade III sites are further divided into categories according to their significance:

- **Grade IIIA**

This grading is applied to buildings and sites that have sufficient intrinsic significance to be regarded as local heritage resources; and are significant enough to warrant that *any* alteration is regulated. Such buildings and sites may be representative, being excellent examples of their kind, or may be rare. In either case, they should receive maximum protection at local level.

- **Grade IIIB**

This grading is applied to buildings and/or sites of a marginally lesser significance than Grade IIIA and/or of lesser quality. Such buildings and sites may have similar significances to those of a grade IIIA building or site, but to a lesser degree. Like Grade IIIA buildings and sites, such buildings and sites may be representative, being excellent examples of their kind, or may be rare, but less so than Grade IIIA examples. They would receive less stringent protection than Grade IIIA buildings and sites at local level, and in this context, internal alterations should not be regulated.

- **Grade IIIC**

This grading is applied to buildings and/or sites whose significance is, in large part, a significance that contributes to the character or significance of the environs.

The City proposes that Grade III sites are viewed as having equal heritage weight, but representing varying spheres of influence: Grade IIIA will be significant within the Metro; IIIB significant within the region/neighbourhood and IIIC significant within the immediate context/streetscape/block. Essentially this categorisation does translate in varying heritage significance (in the same way as do Grade I and II), but the emphasis is on

context and negates the perception of practitioners/HWC that the Grade IIIC are dispensable as being the lowest of the heritage significance rank. Grade IIIC are crucial in maintaining the scale/character of streets.

2.2.3 The Restitution of Land Rights Act 22 of 1994 and No. 15 of 2014

This legislation is to provide for the redress and restitution of Land rights of those people disposed of their land rights and landed possessions after 1913 due to racially based legislation. This legislation established a Commission of Restitution of Land Rights to effect the requirements of the Acts.

No land Claims for the site and the other TRUP sites have been submitted to the Commission, and consequently no land claims have been adjudicated⁵.

2.2.4 Municipal Policy and Planning Context

In brief description the following CCT planning documents are of relevance to the project.

2.2.4.1 Coast to Coast Greenway (1998)

The coast to coast greenway (between False Bay and Table Bay) remains as a green linear structure within the city. It incorporates river systems and adjacent open spaces in order to create this link between the bays.

2.2.4.2 Integrated Metropolitan Environmental Policy (IMEP) Cultural Heritage Strategy, 2005

The IMEP Cultural Heritage Strategy contains a series of policies of principle and management related policies which guide and commit the City in the conservation and enhancement of historic sites and their appropriate use. The underpinning vision for the Strategy states:

Cape Town is a unique historic city. It derives its character from evidence of a layered and multi-faceted history, its dramatic scenic setting, its historical townscapes and cultural landscapes, its cultural and heritage diversity and the traditions and memories that arise from its past. The role of the City is to co-ordinate the protection and enhancement of this unique character. The protection of heritage sites and the traditions and memories associated with them, are an important part of City management.

⁵ WCG, October 2016: Two Rovers Urban Park Cape Town Baseline Heritage Study p 24

The City's vision is where the heritage of its past and present inhabitants is respected, protected and enhanced through appropriate heritage management practices; adherence to sensitive, socially aware and appropriate heritage concepts and integration with other City responsibilities and policy objectives.

2.2.4.3 CCT Integrated Development Plan (2012 -2017)

The CCT IDP identifies the following five pillars that informs and directs the plan:

- Opportunity city;
- Safe city;
- Caring city;
- Inclusive city, and
- Well run city.

2.2.4.4 CCT Spatial Development Framework (SDF) (2012)

The CCT SDF is a long term plan to manage the required growth and resultant changes in the city. The Framework was approved by the Minister of Local Government, Environmental Affairs and Development Planning, Anton Bredell on 8th May 2012 (Province of Western Cape, Provincial Gazette, 6994, Friday 18th May 2012) in terms of section 4(6) of the Land Use Planning Ordinance (No. 15 of 1985) and by the Council of the City of Cape Town on the 28th May 2012 as a component of the Integrated Development Plan (IDP), in terms of section 34 of the Municipal Systems Act (Act 32 of 2000) (SPC 04/05/12).

The TRUP site is identified in the SDF as a component of the city's natural green network and the Coast to Coast Greenway. In addition, TRUP is identified as a high order destination place or a well know public space which is of value in Cape Town's identity. The SDF supports the consideration of the reconnection of natural areas between the mountain, rivers and coastlines through the TRUP site and opening up opportunities for larger scale city restructuring. This may be done through the release of land, and promoting the higher order public spaces as key opportunities. The public role of natural areas and their boundaries with urban areas can be exploited for land use densification for mixed use and mixed socio economic incomes⁶.

⁶ WCG October 2016 p 30

2.2.4.5 The Municipal Spatial Development Framework (MuniSDF)

The MuniSDF identifies the importance of high quality spaces as a cornerstone of appropriate metropolitan planning and urban management. Key spatial principles are identified in the creation of positive public spaces:

- Central location and high accessibility;
- Definition by buildings and space defining elements;
- Association of public facilities and public spaces;
- Human scale;
- Flexibility and multi purposes use.

2.2.4.6 Table Bay Spatial District Plan (SDP) and Environmental Management Framework (EMF) 2012

This plan is one of eight spatial development medium term plans prepared for each of the planning districts constituting the metropole with more detail than at the Spatial Development Framework level. This is the primary planning and policy framework applicable to the site. Of relevance to the assessment are the following relevant heritage guidelines:

- Preserve the qualities of the various areas of the City, which exhibits a range of diverse character zones;
- Manage land use and form;
- Protect the historical built fabric, scale and texture of the historical areas of the City;
- Maintain the interface between the City and Table Mountain, retaining view corridors and scenic vistas and avoiding monolithic structures that block views;
- Safety and security should be considered in the upgrading, landscaping or development of public open spaces;
- Monitor and manage impacts;
- Ensure that proposed development is in keeping and appropriate to the historical nature of the City;
- Ensure the retention and protection of historical areas, sites and features both above and underground;
- Ensure that construction activities within the district and specifically within heritage and conservation areas do not negatively impact on the historical character of the area or fabric;
- Protect river corridors and mountain-to-sea linkages, which provide habitat protection and recreational opportunities, while ensuring

visual and physical access to the water's edge.

The site is identified as Core 2, Buffer 1 and Open Space Categories.

Environmental Impact Management Heritage: Urban Conservation Areas / Heritage Areas & Special Areas⁷

The following developments, land uses or activities are listed as undesirable:

- Any alterations, additions or new structures unsympathetic to protected buildings or the general character of area;
- Inappropriate signage and advertising;
- Inappropriate landscaping;
- Suitable activities should be congruent and sympathetic to landscape / townscape.

The policy lists issues and criteria to be addressed in the application, such as response at the level of precinct and site, building etc. Motivation of each application at submission stage includes additional submission requirements such as visual representations, urban design approved and framework, transport assessment.

2.2.4.7 Integrated Zoning Scheme Regulations 2013

Heritage Protection Overlay Zone (HPOZ): Since 1 March 2013 areas previously protected as Conservation/Special Areas under the old Zoning Schemes are now protected as Heritage Protection Overlay Zones (HPOZ) under the 2013 Cape Town Zoning Scheme. The protections in terms of the HPOZ read with Exemption 3, which has been applied to old conservation areas, are currently similar to their previous protections. It should be noted that approvals required under the HPOZ for physical alterations are limited to external changes or other changes that could affect the way a place appears or is used. Approval for excavation below ground is also required.

The CCT EHRM may attach conditions to an approval in terms of the HPOZ, which could include:

- Use of materials and finishes
- Heritage management plans

- Recycling or reuse of materials
- Requirements for landscaping
- Method statements
- Guarantees
- Timescales within which work approved must be in place or be completed.

The site is identified as a proposed HPOZ (refer Figure 86).

⁷ Table Bay District Plan Final Draft October 2012 Table 5.4 p 81

2.3 TWO RIVERS URBAN PARK (TRUP)

The River Club site is a component of TRUP that has had two detailed studies by CCT (2002) and WPPG (2012), as follows:

Two Rivers Urban Park Spatial Development Framework (SDF) and Phase One Management Plan (Final Draft, September 2002)

- The SDF is a joint effort of the City of Cape Town, the various landowners and interest groups, and individuals engaged in activities in the area. The SDF makes proposals in terms of planning and urban design for the Park with its role to give consistent direction to the private sector and public decision-makers. The aim of the SDF was to:
 - Provide a framework for the conservation, rehabilitation and management of the ecologically sensitive areas, open spaces and culturally significant sites into perpetuity and that these can be used for a multiplicity of recreational activities and events.
 - Provide authorities, landowners and prospective developers with guidance as to the location, appropriate use, scale and intensity of future development opportunities, as well as guidance as to how, through appropriate planning, design and management, development can be integrated with and contribute to the quality of the park.

A number of fundamental principles provided the basis for the SDF. They include:

- Domination of the conservation, maintenance, and enhancement of the natural and cultural elements in terms of use;
- Reserve the best intrinsic qualities of the landscape as natural areas, and the rest as attractive built environments.
- Balance the needs between the natural and built environment, as well as between the land uses and intensity of activity;
- Design the TRUP conceptual framework to offer a range of experiences with the physical environment determining which other uses are appropriate and sustainable.

- Clearly delineate the edge between built and natural environment;
- Consider the broader environmental factors of TRUP, such as mountain vistas from activities and buildings;
- Retain the site's significant cultural landmarks as focal points;
- Envisage TRUP as a multi-purpose urban park of high amenity values with its primary functions being conservation, recreation, production and attracting high yielding/public uses to the edges;
- Introduce indigenous plant species to appropriate niches;
- Retain the inaccessible nature to the public of the wilderness areas of Raapenberg and Pallotti wetlands to encourage the breeding of birds. Only limited access, on established paths should be allowed for education and maintenance purposes. Design the buffer areas for walking and bird watching. Passive recreation areas can be used for a range of uses, including picnicking, walking, jogging, cycling and horse-riding;
- Explore the possibilities of urban agriculture and the growing of medicinal or indigenous plants in the passive recreation areas;

River Club is identified in the SDF as one of the TRUP development precincts. The River Club main building is identified as an historic structure with patterns of contextual significance. The entry precinct is identified to possess landscape context. The study refers to the River Club, as follows:

- The character and role of the area is vital to the character of the TRUP as a whole. It is an „island“ between two rivers in the centre of the Park whose activities may both impact on and contribute to the quality of the Park.
- The objective is to retain the island-like quality by creating strongly defined edges. A village-like quality is envisaged by creating a system of public, semi-public and private open spaces.
- Existing landmark buildings provide a strong sense of order. Height

of new developments should relate to existing buildings that are predominantly two stories in height.

- Existing mature trees that contribute to the cultural landscape and reinforce the structure should be retained. New trees and landscaping should also attempt to contribute to the cultural landscape and reinforce the spatial order.

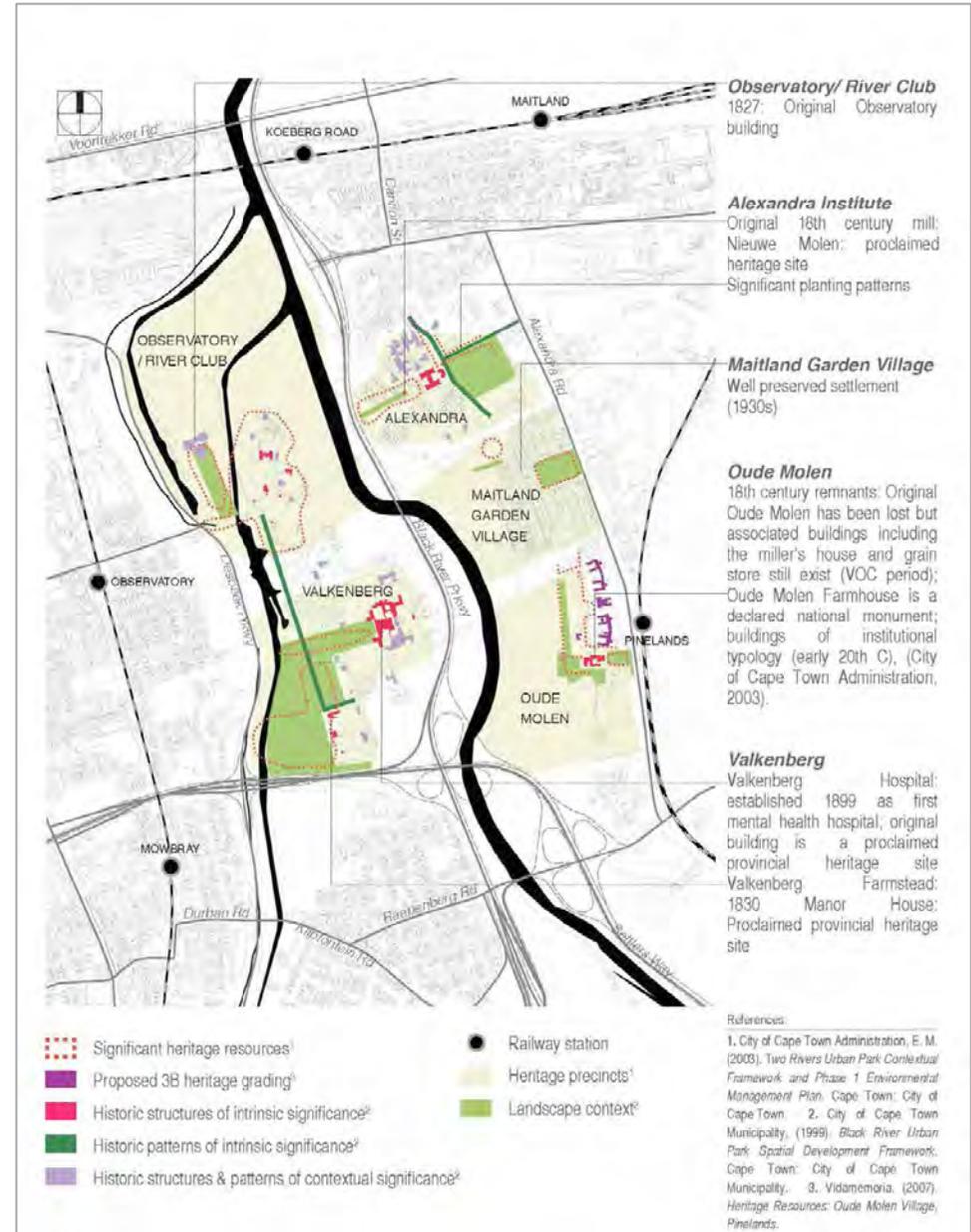


Figure 6: TRUP 2012 heritage resources, CCT 2002

Western Cape Provincial Government (WCG): The Two Rivers Urban Park Local Area Sustainable Neighbourhood High level Development and Urban Design Concept Urban Design Report March 2012

WCG study resulted from TRUP being identified as a Regeneration Project identified for additional study to facilitate future development. TRUP Urban Design Report's baseline heritage study was to inform the urban design guidelines. Components of the study that are relevant to the heritage significance of the River Club site and its context include:

6. TRUP represents a microcosm of Cape history. It reflects the pattern of South Africa's social, architectural and political history spanning the pre-colonial, colonial, apartheid and more recent history.
 - TRUP landscape has high cultural values of historical, social, aesthetic, architectural, scientific and environmental significances. It contributes to an understanding of past attitudes, beliefs, uses, events, persons, periods, techniques and design. It has associated links with past events, persons, uses, community memory, identity and oral history. It possesses a strong sense of place. The cultural significance is expressed at several scales: the overall landscape, precinct, site and object scales.
 - TRUP landscape is a complex composite of natural, cultivated and built landscape elements. It is a cultural landscape, transformed by thousands of years of settlement history. The landscape expresses both artistic and innovative qualities in terms of its natural setting, architecture and patterns of planting. It also has narrative qualities, possessing a rich layering of physical evidence brought alive by the oral histories of the people who lived and worked in institutions such as the hospitals and the Observatory. Different historical narratives create a story of pioneering and philanthropy, social reform and identity, self-sufficiency, farming and institutionalization.
 - TRUP possesses a number of distinctive and interrelated precincts which serve to clearly demonstrate or are strongly associated with its various historical roles and uses as a place for indigenous hunter-gatherers, grazing grounds for herders, colonial farms, scientific research, reformatory and hospitals.

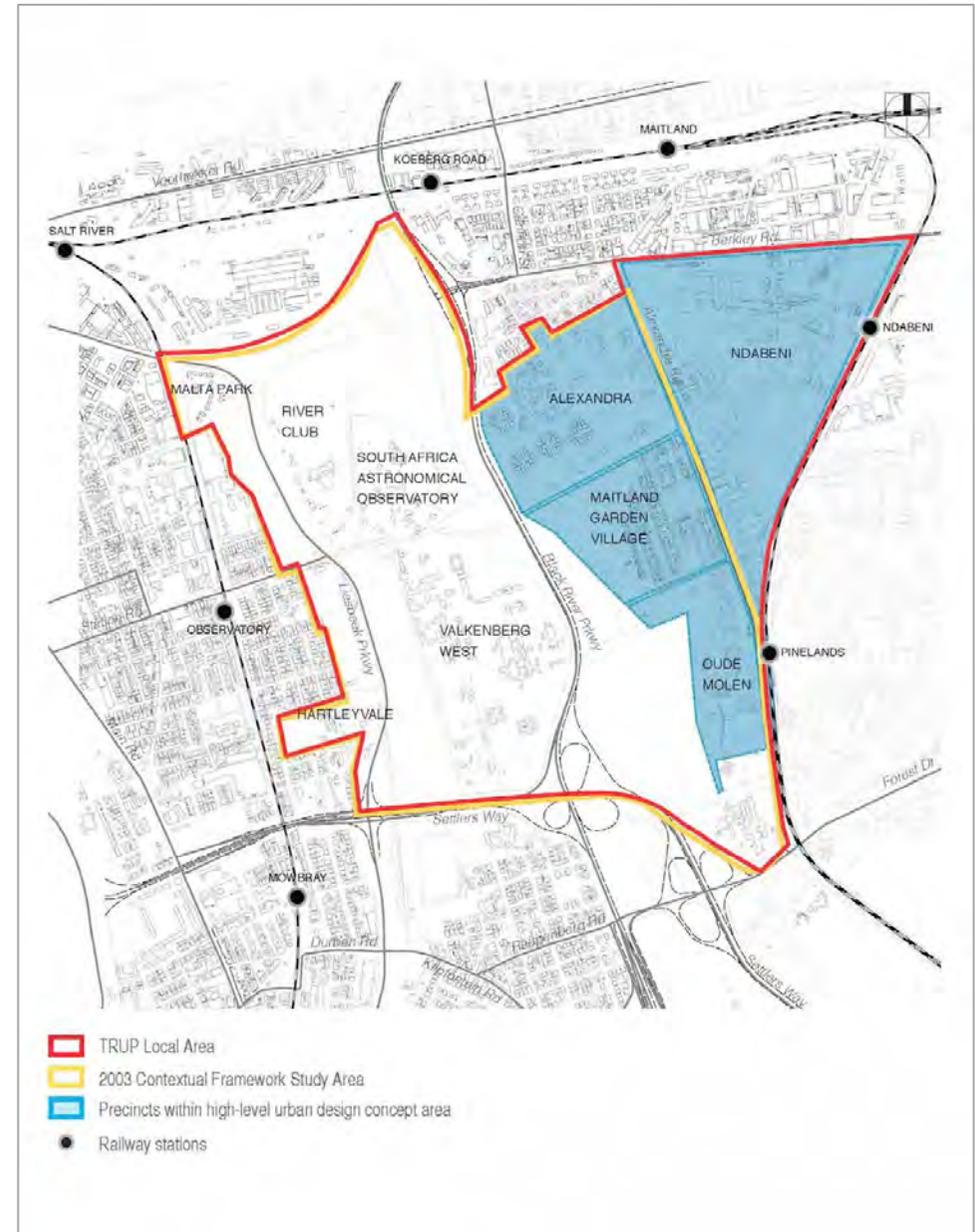


Figure 7: TRUP Boundaries and study areas, source WCG 2012

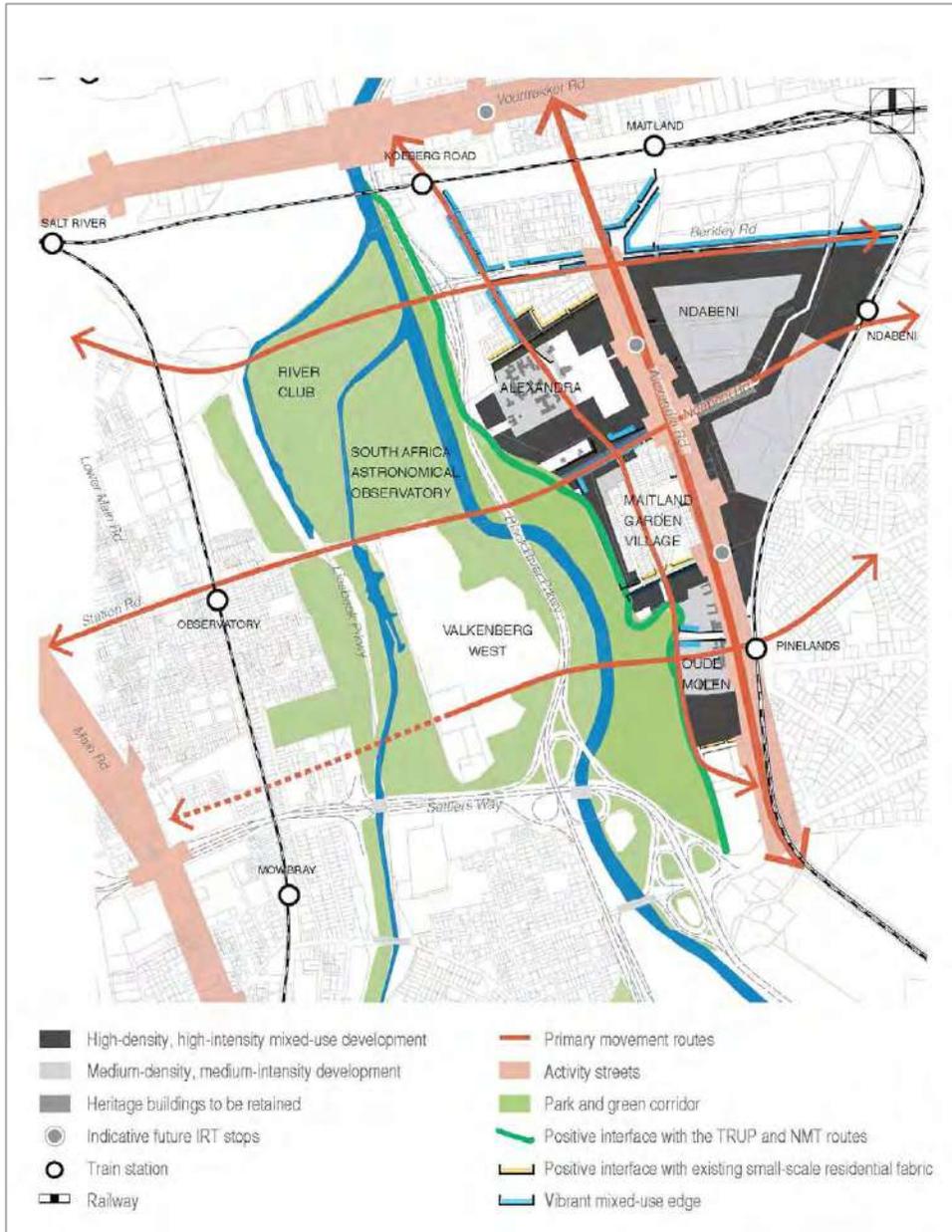


Figure 8: TRUP Land Uses, source WCG 2012



Figure 9: TRUP Areas for potential development, source WCG 2012

- Within each precinct are groupings of buildings, patterns of planting and routes, which have intrinsic social, aesthetic and scientific significance and contextual significance in terms of their contribution to an understanding of the TRUP inherited landscape qualities, its history and associated memory.
- There are a number of settlement areas within the TRUP that are of particular heritage significance. They include the Valkenberg farmstead, the Valkenberg hospital complex, the Observatory Complex, the Alexandra Institution, Maitland Garden Village and the Oude Molen complex. They represent archetypal settlement forms in terms of layout, response to topography and architecture.
- The institutional nature of the TRUP has ensured that this vast area has not been urbanised as has occurred with most of the land along the Black and Liesbeek rivers. Much of the land was agriculturally productive until about the 1950s and still retains this potential.

Of relevance to this report, the study identifies the River Club site as:

- Within a 1:100 year flood plain;
- Within a park and green corridor;
- Owned by the SARCC;
- Site's southern site precinct as an active green space;
- Site's building and its southern precinct as a public space;
- Site's north eastern precinct as a biodiversity area;
- Passive green areas on the site western boundary adjacent to the Liesbeek River;
- Passive green precinct in the area of the golf course, and
- NMT future route bisects the north eastern site precinct.

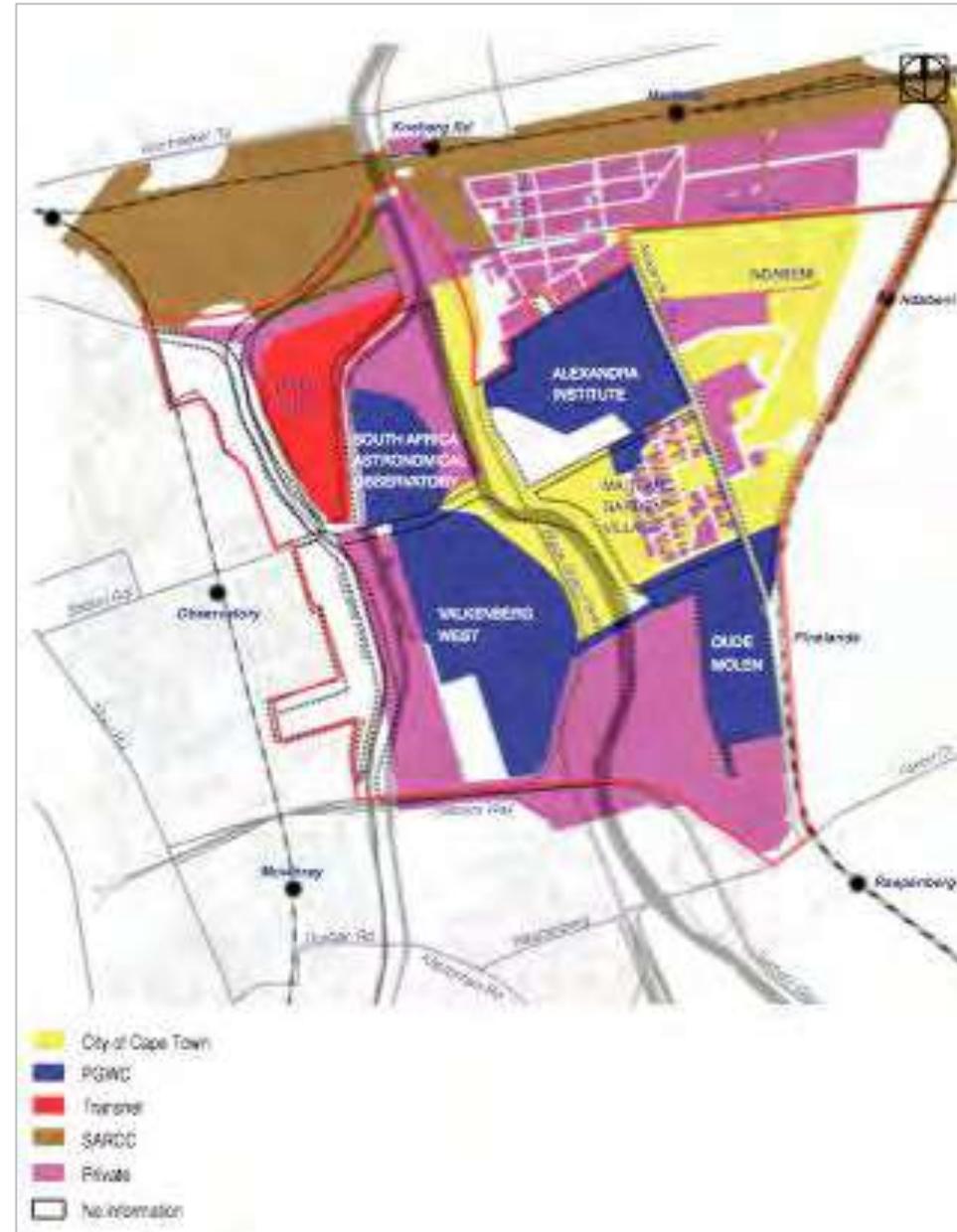


Figure 10: TRUP land ownership, source WPPG 2012



Figure 11: 2012 TRUP Urban Design Guidelines, site identified as public space (yellow), biodiversity (dark green), active green space (bright green). The non-motorised route (NMT) route bisects the northern section of the site as an extension of Barkley road, site identified in red, source WCG 2012

2.4 INTERNATIONAL POLICIES, CONSERVATION CHARTERS & PUBLICATIONS

Xi'an declaration on the conservation of the setting of heritage structures, sites and areas, 21 October 2005

This Charter acknowledges the contribution of setting to the significance of heritage monuments, sites and areas. The setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character. Beyond the physical and visual aspects, the setting includes interaction with the natural environment; past or present social or spiritual practices, customs, traditional knowledge, use or activities and other forms of intangible cultural heritage aspects that created and form the space as well as the current and dynamic cultural, social and economic context. Heritage structures, sites or areas of various scales, including individual buildings or designed spaces, historic cities or urban landscapes, landscapes, seascapes, cultural routes and archaeological sites, derive their significance and distinctive character from their perceived social and spiritual, historic, artistic, aesthetic, natural, scientific, or other cultural values. They also derive their significance and distinctive character from their meaningful relationships with their physical, visual, spiritual and other cultural context and settings. These relationships can be the result of a conscious and planned creative act, spiritual belief, historical events, use or a cumulative and organic process over time through cultural traditions.

Change to the setting of heritage structures, sites and areas should be managed to retain cultural significance and distinctive character. Managing change to the setting of heritage structures, sites and areas need not necessarily prevent or obstruct change

United Nations: Declaration of the Rights of Indigenous Peoples, March 2008

The South African Government is a signatory to the UN Resolution: United Nations declaration 61/295 adopted at the 107th plenary meeting on 13 September 2007 concerning the rights of indigenous peoples. The resolution states the *„Concern that indigenous people have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing*

them from exercising, in particular, their right to development in accordance with their own needs and interests“. The declaration further states the *„Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and form their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources“.*

This declaration has 46 Articles that the Declaration proclaims as a standard of achievement to be pursued in a spirit of partnership and mutual respect.

Article 11 states the right of indigenous peoples „to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature“⁸.

2.5 EXISTING HERITAGE SURVEYS AND REPORTS⁹

The following heritage studies are relevant to the HIA:

CCT Heritage Surveys

The first detailed survey of Observatory by the CCT occurred in late 1980s, one of many surveys of the city's historic precincts this survey of conversation worthy building concentrated on the built fabric. It precipitated a process resulting in the declaration of a series of CCT Conservation Areas (now termed Heritage Protection Overlay Zones [HPOZ] in the CCT Zoning Scheme Regulations 2013). The majority of Observatory is a HPOZ (refer Figure 25). The precincts that are excluded from the HPOZ, are Main road sections, Liesbeek River, Valkenberg, Observatory and River Club. A study to assess the boundaries of the HPOZ was undertaken by the CCT in 2010. The recommendations relevant to this study are the realignment of the Observatory HPOZ boundaries to include the Two Rivers Urban Park, which includes the site and Liesbeek River (refer Figure 62). In 2012, the CCT EHRM resurveyed Observatory HPOZ according to the provisions of the NHRA. In 2016 the CCT surveyed the TRUP for inclusion in their database.

⁸ UN: Declaration of the rights of Indigenous Peoples, March 2008 Article 11

⁹ The Heritage studies within the TRUP reports are discussed under Section 2.3

Western Cape Government's TRUP Baseline Heritage Report (Draft for Discussion) October 2016¹⁰.

The most relevant heritage study is the Baseline Heritage Study for the TRUP by Melanie Attwell and Associates and ARCON Heritage and Design. This report is the heritage component of a planning framework by NM Associates in terms of the HWC requirements of the NHRA Sections 38(3) and 38(8). The report is in draft form and has not been submitted to HWC at the time of finalizing this report. The report recommends the significances of identified heritage resources, provides historical and planning backgrounds, and heritage related design informants. The report notes that future planning for the TRUP site „will assist in overcoming the legacies of apartheid planning“¹¹.

The report notes that the „TRUP site is complex and multi-layers, with many sites of heritage significance, with links to intangible heritage and memory. It is of significance in terms of tangible heritage resources and also to contemporary amenity groups and people with strong historical and cultural associations to the site“¹².

The assessment of the heritage significance of TRUP is as follows:

„The entire TRUP site itself could be regarded as being of outstanding historical, symbolic scenic and amenity value, or a Grade 2 site. It is of sufficient cultural significance in terms of the definition ad criteria contained within the Act“¹³.

Information from this draft Baseline Heritage Report has been included into this HIA Phase One and its heritage design indicators are included into Section 6.

¹⁰ Personal Communication M Atwell: Note that the draft report has been accessed as the finalised report is in process (20 February 2017). The finalization of the report will be and have been made in the light of the extensive public participation.

¹¹ WCG October 2016 Executive Summary

¹² Ditto

¹³ WCG October 2016 p 49

SECTION 3

SITE AND CONTEXT DESCRIPTION

3.1 SITE CONTEXT

The site is situated in between the Liesbeek River and its tributary. Immediately adjacent to the site is The Royal Observatory and Valkenberg Hospital. The site is bounded by the Liesbeek River and its tributary, railway lines, Malta road and Observatory road (south) In immediate context to the site is Raapenberg Bird Sanctuary, Malta Park sport fields, Hartleyvale soccer and hockey stadiums and fields, Observatory suburb, Valkenberg hospital, Black River and the M5 highway (refer Figure 4).

3.2 USE AND DEVELOPMENT OF SITE AND CONTEXT

The wetland that encompassed the Black River, Salt River and Liesbeek estuary was of primary importance as grazing land and is considered to have been utilised by the Khoikhoi groups of the Cape Peninsula and Table Bay, and from the northern areas¹⁴. Hart (November 2016 p 3) notes that *„in the absence to date of physical evidence with respect to the archaeology of the Two River Urban Park Land’s history, the general archaeology of pastoralism, environmental factors and primary sources are used to synthesise an understanding on the role this area played in the early history of the Cape“*. Hart further states that *the wetlands at the congruence of the Black River, Liesbeek estuary and Salt River was of primary importance as grazing land and was able to support thousands of head of cattle for periods of a time. Frequency reference is made to the location as being where the Khoikhoi camped“*.

The area was first subject to development activities in the mid- 17th century when the Dutch East India Company established farmlands in the Liesbeek valley¹⁵. The Black River, a major feature of the area flows across open land east of the site. Development in early 20th century involved the building of a number of significant structures making up the Valkenberg Psychiatric Hospital complex on land both the east and west sides of the

Black River. On adjoining land to the south of the hospital is the original Valkenberg farmstead and associated buildings which now house a hotel and restaurant complex.

When the first settlers arrived at the Cape in 1652 the area stretching from Rondebosch through to Constantia and over Kloofnek was covered by thick indigenous forest. The Liesbeek, a quick flowing stream ran off the slopes of the mountain through this forest and eventually converged with the Black River at Valkenberg. The Liesbeek River is a perennial flow fed by winter rains in the rain shadow of Table Mountain. In the summer it is fed by a series of springs to the extent that it has never known to dry up. The Black River, which drained the Cape Flats, then flowed together with the Salt River into a very large estuarine system with salt marshes and lakes. At times this estuary had a second mouth as far north as Riet Vlei. The estuary of the Black and Salt rivers formed a large tidal estuary, which was navigable for small vessels as far as Vissershok. Historic maps and even early 20th century aerial photographs show that the confluence of the Black and Salt Rivers formed a significant tidal wetland, the functioning of which was destroyed in the 20th century through reclamation of the Culemborg area and development of Paarden Eiland. Remnants of the estuarine system are visible on aerial photos taken in the 1930s.

When the Dutch colonists arrived to set up a replenishment station at the Cape in 1652, they encountered several Khoekhoen groups. Some communities lived on the Cape Peninsula while the larger groups grazed herds of sheep and cattle in the Tygerberg Hills and Cape Flats. First contact between Europeans and indigenous southern African pastoralist groups had occurred much earlier when Portuguese mariners sailing down the coast in the 15th and 16th centuries had bartered supplies of meat from the Khoekhoen that they encountered at various anchorages such as Table Bay, Saldahna Bay and Mossel Bay so that by the time that Van Riebeeck arrived, a history of contact had already been established. The diary of Jan van Riebeeck (Moodie 1834) makes mention of the fact that considerable herds of cattle were to be found close to the Cape Peninsula brought in by the Khoekhoen groups (especially the Cochoqua) during their seasonal

¹⁴ ACO Associates cc November 2015 Executive Summary

¹⁵ The information for this section was sourced from ACO Associates cc Archaeological Assessment of Valkenberg (West), Observatory Cape Town Western Province October 2013

rounds. Smith researched the ecology of prehistoric herding at the Cape with reference to both historic records and modern scientific studies of rainfall and soil productivity. He concluded that herder groups followed a seasonal round moving between the Vredenberg Peninsula and what is now the Cape Town metropolitan area to exploit seasonal rainfall and assure that their herds obtained adequate trace elements in their diets. The Table Mountain based soils of the Peninsula lack essential trace elements for large bovids which means that the animals could not remain on Peninsula soils for long periods of time (Smith 1984). Hence, the lifestyle of indigenous people on the Peninsula was one which was highly mobile to ensure that their herds of animals has adequate access to good quality grazing and water, especially at dry times of the year when the nutritive quality of grasses were worst. The perennial rivers and wetlands of the Liesbeek, Black River and Salt River were in all likelihood essential to maintaining the lifestyle and economy of the indigenous herders of the Cape.

The early colonists established their farms to the west of the Black River in what is today Mowbray, Observatory and Rondebosch – thus the Black River marked the outer boundary of the fledgling colony forming in part a natural boundary separating lands around the Liesbeek claimed by Europeans from the wider “wilderness” of the Cape Flats. Not long after the establishment of the colony, the Khoekhoen began to resist the Dutch who showed no intention of leaving the land. This saw the start of the first Khoekhoen war – a period of skirmishes, murders, purposeful stock theft and low-level combat which lasted almost a year. Under the leadership of Doman, a member of the Goringhaiqua (Peninsula Khoekhoen) indigenous people launched attacks against the European Settlers. Doman had travelled to Batavia and could speak Dutch. His knowledge of European culture and combats methods hampered the Dutch and they holed themselves up in the fort until hostilities abated and an “agreement” was reached. To avoid further situations, Van Riebeeck set out simple defences that involved small redoubts at Coornhoop, Duinhoop and Keerdekoe as well as a network of spiky hedges and pole fences¹⁶.

The River Club site was part of the land that was first farmed by Wouter Cornelis Mostert from 1657 in the shelter of the adjacent hill (now the SAAO). The farm was named „Den Uitwijk“. Mostert failed to grow grain and

after four years of trying, and distracted by war fighting the evicted Khoikhoi, he gave the land up and built a mill known as „Mostert’s Mill“ in Rosebank. Jan Van Riebeeck, took over „Den Uitwijk“ in 1659, and with the use of the garrison was able to chase the Khoikhoi out the area. With the use of slaves, Van Riebeeck managed to farm grain on the site¹⁷.

All of the Dutch farms along the Liesbeek River have been the subjects of a complex sequence of land transfers. The character of this part of the Liesbeek River catchment remained rural until well into the 20th century. Valkenberg was converted into a reformatory in the late 19th century but still functioned as a farm during this time. Shortly after this, Valkenberg Hospital was established. By as late as 1937, there were still extensive cultivated lands on the on the East Side of the Liesbeek River. On the west side, suburban development and sports fields had encroached on previously cultivated land. It is not by accident that the very first VOC farms were located on the best land that the Cape Peninsula had to offer – good grazing and perennial water were as important to the Dutch as the local Khoekhoen. The site and its context are located within the core of this early contested landscape.

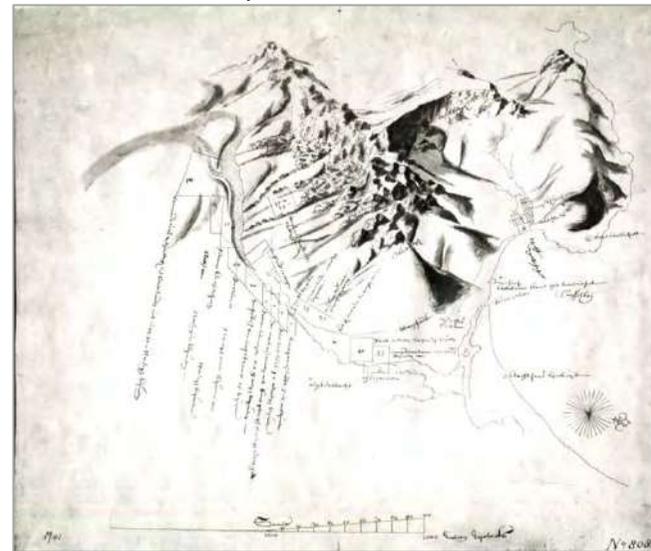


Figure 12: 1660 Map of land allotted at the Cape of Good Hope giving the numbers of the plots and the owners, Ascribed to Pieter Potter (refer Figure 13 for enlarged portion).

¹⁶ ACO Associates cc 2013 and 2015, Warden et al 1998, www.sahistory.org.za.
BRIDGET O'DONOGHUE ARCHITECT HERITAGE SPECIALIST ENVIRONMENT

¹⁷ Hislop J: 2014

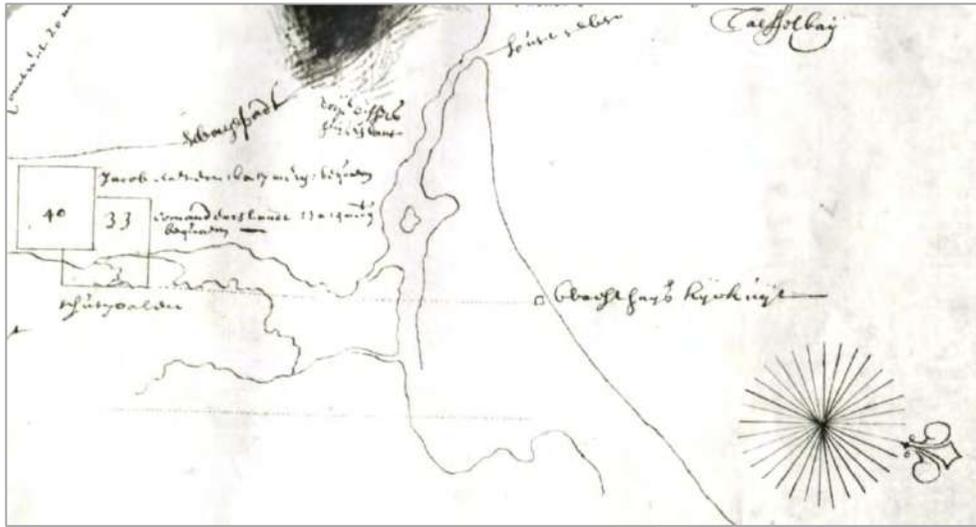


Figure 13: Portion of 1660 survey (refer Figure 12), the text is almost completely indecipherable. The words Kijkuit (redoubt) and Salt River mouth can be read, source Map of land allotted at the Cape of Good Hope giving the numbers of the plots and the owners, Ascribed to Pieter Potter.



Figure 15: Aerial view of the Royal Observatory in 1931 or before with southern precinct of River Club identified on left. The dome of the McClean telescope is a prominent feature in the landscape (Baumann and Winter 2012 from SAOA Archives)

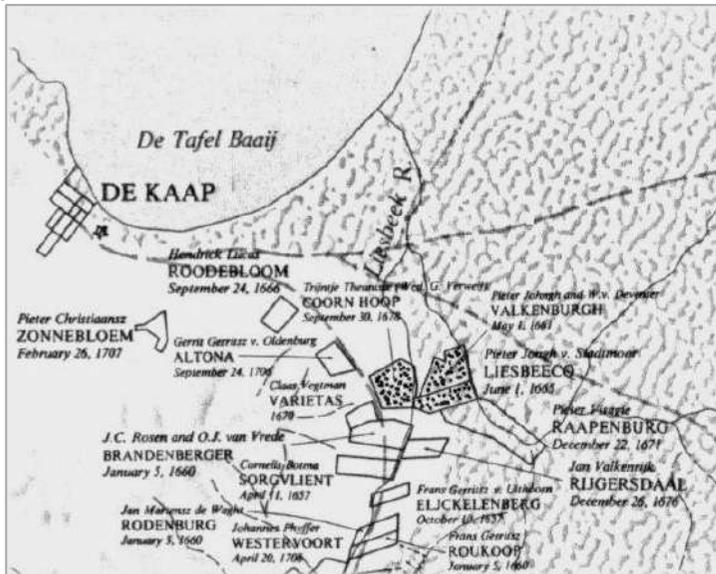


Figure 14: Early land grants in the study area Coornhoop, Valkenberg and Liesbeeck. (After Guelke, L., 1987. South Western Cape Colony 1657-1750: freehold land grants). Ontario: Department of geography, University of Waterloo, source ACO 2012)

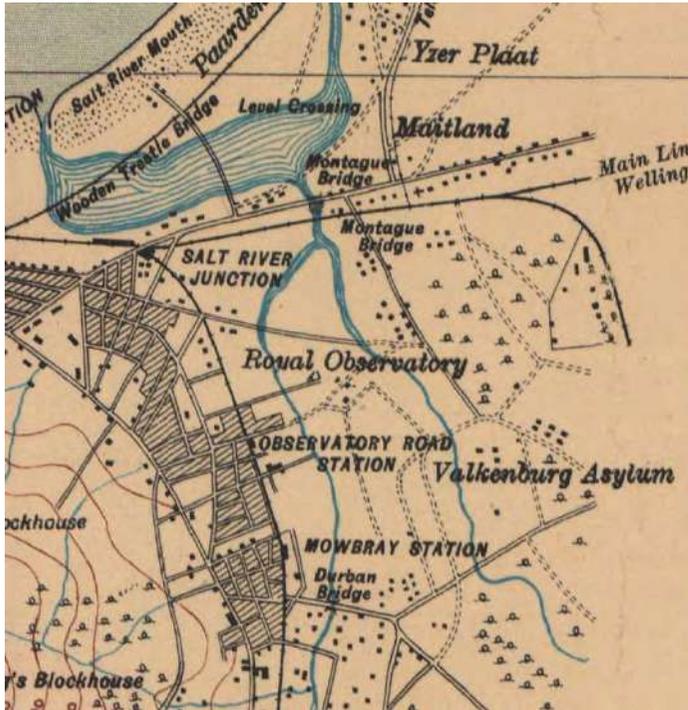


Figure 16¹⁸: Detail of 1909 survey of site context with the natural rivers and lagoon

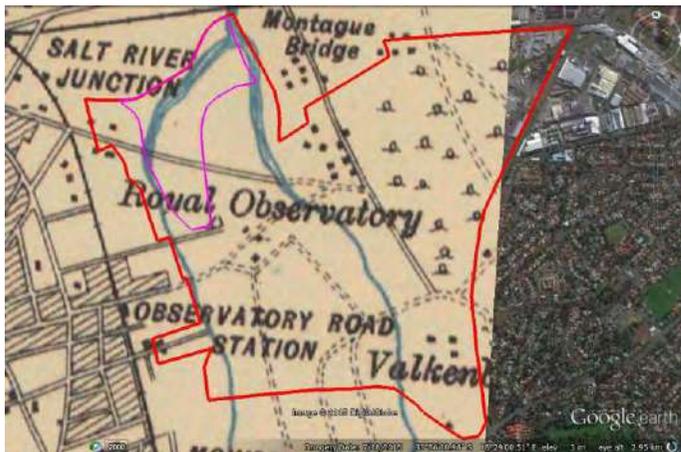


Figure 17: Detail of the 1909 map identifying TRUP (red outline) and the site (pink outline)

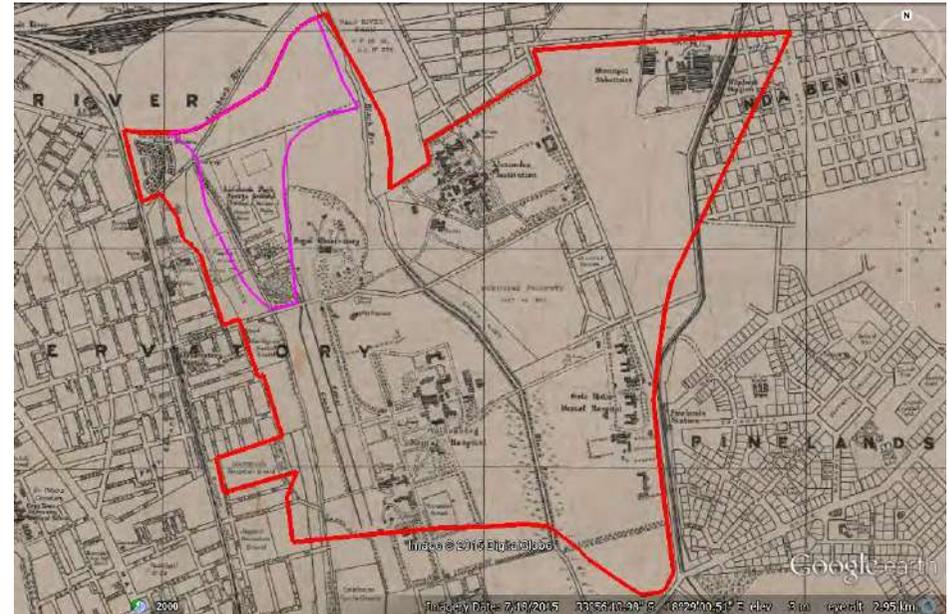


Figure 18: Portion of 1930 map with TRUP and site identified in pink outline

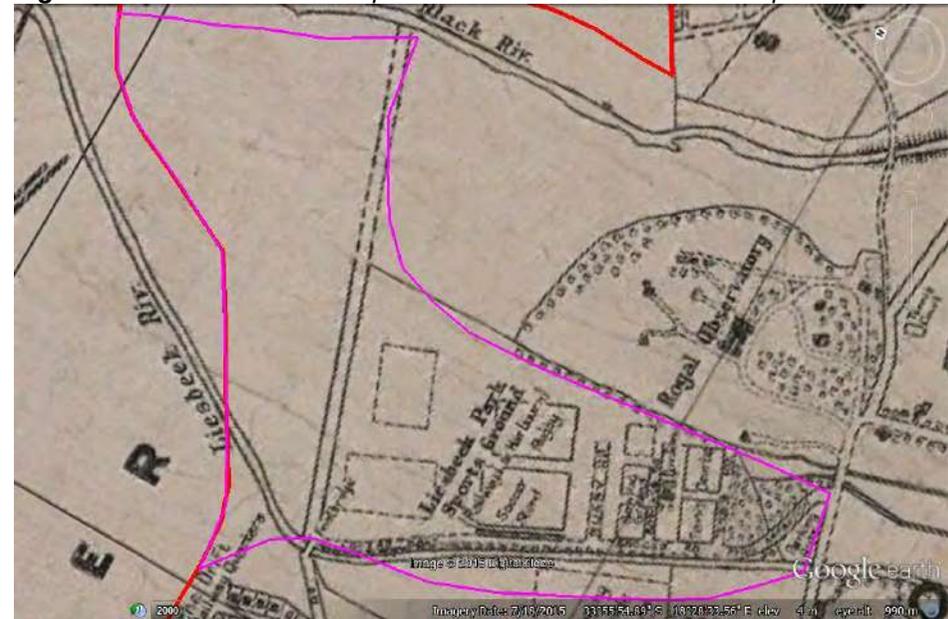


Figure 19: Detail of 1930 map indicating the use of the site: Liesbeek Sports grounds with soccer and rugby fields, access road adjacent to the Liesbeek River

¹⁸ Refer Section 6.3 for all map sources



Figure 20: 1934 aerial photograph of site indicating large area for sport fields and a small building (possibly a clubhouse?)



Figure 22: 1958 aerial photograph indicating extent of recreational area, note the PRASA site developed



Figure 21: 1944 aerial photograph overlaid on 2015 aerial, depicting the present River Club building, access road and turning circle, fields to the north of the building

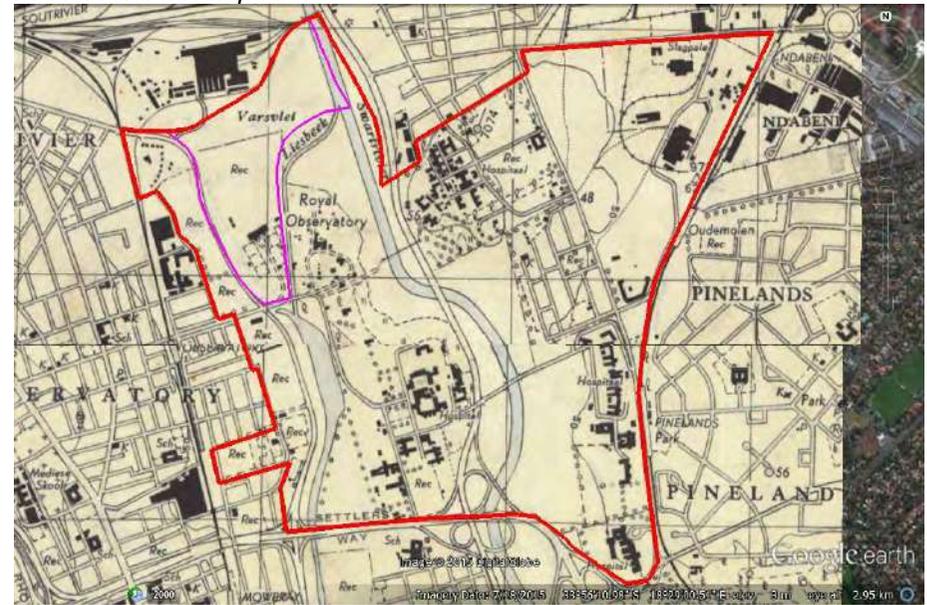


Figure 23: 1959 map of site and context; note Liesbeek River tributary is constructed

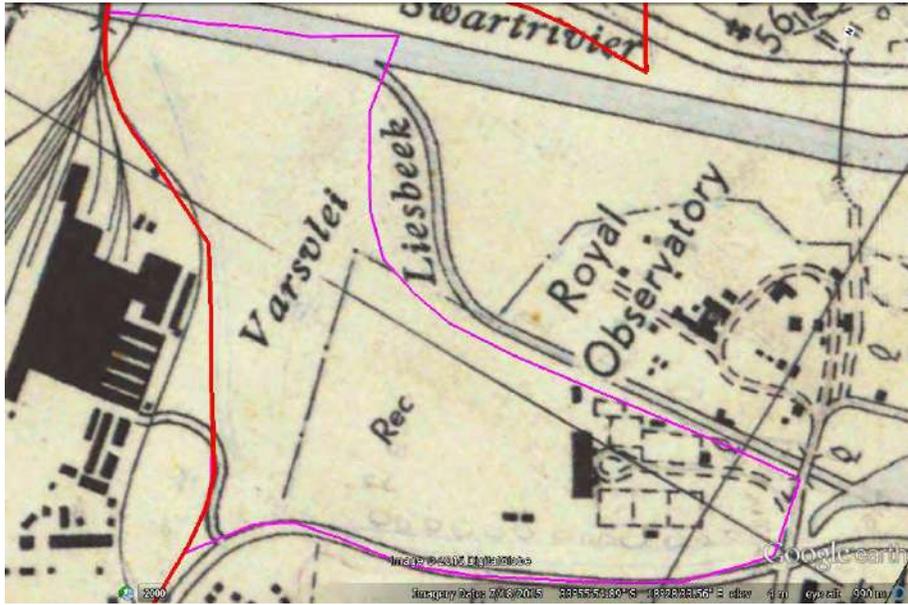


Figure 24: Portion of 1959 map indicating the extent of the site recreational area and the name of the wetland at the confluence of the rivers: Varsvlei

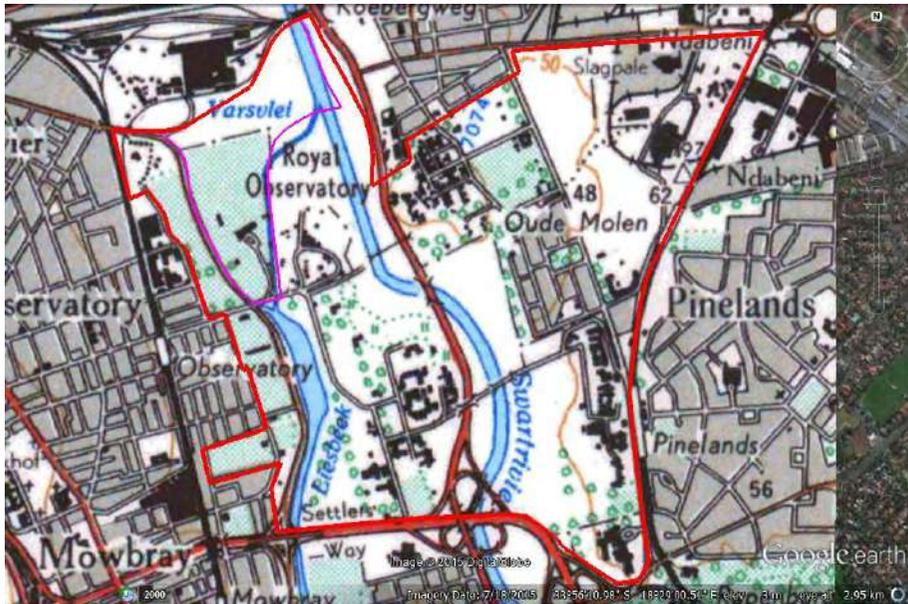


Figure 25: 1961 Topographical map of site and context



Figure 26: 1966 aerial photograph of site indicating as series of sports fields to the south of the Main building and an altered expanse mid site



Figure 27: 1968 aerial image of site

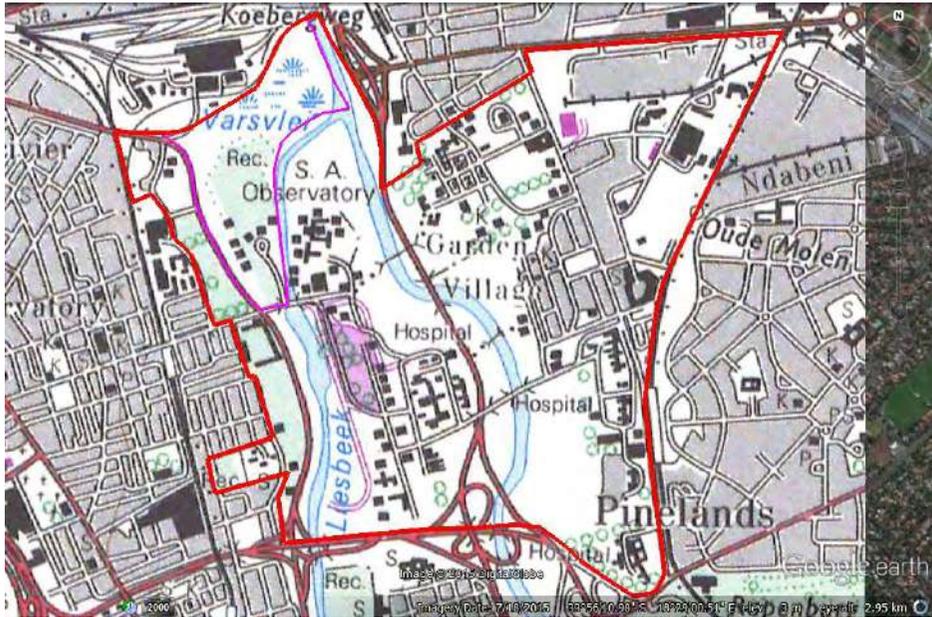


Figure 28: 1988 topographical maps



Figure 30: 2000 aerial photograph of site and TRUP



Figure 29: 1988 topographical map of site indicating series of buildings (incorrect depiction)



Figure 31: 2000 aerial photograph of site indicating the golf course and fields; site precinct in the northeast has been altered with dumping



Figure 32: 2015 image of site and context, TRUP and immediate context



Figure 33: 2015 aerial photographs of site and its current buildings

From the beginning of the 19th century, residential, commercial, and industrial development began to encroach on the agricultural landscape. Land within the vicinity of the study area was largely unaffected by these processes. Road networks grew significantly and so did the 19th century rail network. At the beginning of the 20th century there were two main routes, Main Road to the south and present day Voortrekker Road to the north. Residential subdivision, commercial and industrial development led to the development of a more complex road system but this still left the study area intact. The surrounding landscape of the Observatory between the two rivers remained distinctly agricultural – with the farm of Valkenberg as a distinctive agricultural entity. Although the study area continued to remain an agricultural entity well into the 20th century it began to state on a distinctly institutional role. In 1821 a portion of Valkenberg was sold for the establishment of the Royal Observatory. From 1881, the institutional role of the study area grew in emphasis although the agricultural character was largely retained. Valkenberg was bought by the Cape Colonial government with money from the Porter Bequest Fund for the establishment of the Cape Colony's first reformatory. The Valkenberg manor house and outbuildings were used to house staff and young offenders. The farming activity continued at the reformatory. Porter Reformatory strove to be largely self sufficient with farm work as the main training emphasis of the system.

The suburb of Observatory derives its name from the RO established in 1821. The area became increasingly built up during the last quarter of the 19th century, especially around the railway station. Its development took off at the end of the 19th century accelerated by the arrival of people leaving the Transvaal due to the outbreak of hostilities in 1899. Development occurred largely on three farms. Onderneming (once part of Coornhoop) was subdivided into two major parts. One was developed into fairly high class villa complexes. The other part became the property of JC Wrench that was developed into an area known as „Wrench Town“. The farm Belleviet was subdivided in the 1880s. The lower part of Observatory, closer to the Liesbeek, was badly drained, and thus never urbanized (Fransen 2004).

Observatory represents one of the largest and coherent concentrations of late „Victorian“ architecture and is situated within a declared Heritage Protection Overlay Zone (HPOZ) (refer Figure 86).

3.2.1 Salt River Railways Site

Transnet Rail Engineering (TRE), an operating division of Transnet SOC Ltd (Transnet) operates the Salt River plant situated north of the site. The development of the South African railway industry sets it apart from the Southern African Development Community (SADC) due to date of its inception and the expansive network. This TRE site is situated adjacent to the oldest railway plant in the Cape Town dating from 1862.

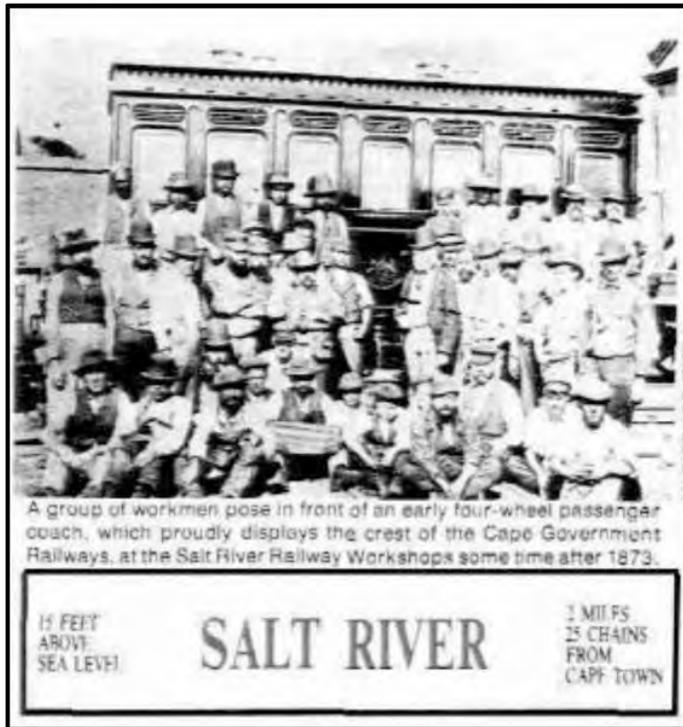


Figure 34: Salt River Railway Site c 1873, source NGE 2016

While the Salt River facility is not the TRE largest site, it provides key maintenance support for locomotives and wagons on the Sishen–Saldanha iron-ore export corridor, which boasts the world's longest train.

An EIA for the proposed expansion development on the PRASA site is currently in process with HWC providing a positive comment on the HIA in November 2016 (refer HWC Case No. 15021305AS0218E).

3.2.2 Valkenberg Hospital

The Valkenberg Hospital site is located on Old Valkenberg Farm site between the Liesbeek and Black Rivers south of the South African Astronomical Observatory (SAAO) and the River Club. The entire site was purchased by the Colonial Government in 1881 initially for the Porter Reformatory and later for the Asylum. The choice of the land was dictated by standard British principles for such institutions, i.e. the spatial character of relative isolation and the presence of barriers (Black and Liesbeek Rivers) but accessible by rail.

In 1891 the reformatory was relocated to Porter Reformatory in Tokai and site became an asylum for mental patients moved from Somerset Hospital. The Valkenberg homestead was a component of the hospital and was used for a reformatory, then asylum and subsequently as a medical residence.

The farm around the homestead became the centre for agricultural activity functioning as a form of therapy and heavily tended gardens. The initial Valkenberg Hospital was designed to be impressive with its facade west east axis orientated towards Devil's Peak. It was developed on a low rise looking west towards the Liesbeek River and over time developed a well-ordered picturesque quality. A hierarchical ordering and legible composition of buildings was achieved in the descending height of buildings from the central grouping of a 3 storey tower and 3 storey Administrative Block to sides and back of the courtyards. The formal approach towards the hill reinforced the central axis of the main building. The central tower dominated the surrounding landscape.

A shortage of accommodation since 1910 has resulted in phases of expansion of the hospital to the present with the Valkenberg Hospital Revitalization Project that involves the upgrading and expansion of the hospital facilities.

Table 1: Valkenberg Specific heritage resources, source Baumann 2013

Site	Heritage Resource	Grade
Valkenberg Hospital	Administrative block	II
	Male Ward, Ward 15 and 16, Cape Neuro clinic	IIIA
	Old Main Block, Community facility hall	IIIA
	Nurses residence, Nurses home	IIIB
	Nurses Dining Hall	IIIB
	Old Laundry Complex	IIIB
	North Lodge	IIIC
	Old Isolation Ward	IIIC
	Physician Superintendent House	IIIC
	Old Stone Entrance gate posts	IIIC



Figure 35: Approved Heritage significance of the individual buildings on Valkenberg Hospital site, source Baumann 2013: 6.

3.2.3 South African Astronomical Observatory¹⁹

Early in 1820 the Commissioners of the Board of Longitude proposed the establishment of an Observatory at the Cape. Its stated purpose was to find accurate star positions and to provide a reliable time service to aid the navigation of ships. Throughout its history, the SAAO has responded to their scientific requirements in the buildings which have been replaced and/or been altered to meet their needs.

The selection of a suitable permanent site for the Royal Observatory (RO) had to fulfil a number of criteria. The site had to be in direct line of sight of Table Bay in order to pass on visual time signals to ships in the bay. It had to be high enough to avoid dust and it also had to be sufficiently east of Table Mountain to have an unobstructed meridian. The original choice had been Tygerberg Hill but this site was dismissed because it was subject to mist. The selected site, known as Slangkop was located between the Liesbeek and Black Rivers. It was a barren rocky mound on a portion of Valkenberg farm.

The new Observatory building was equipped with state of the art astronomical equipment and comprised the observing chambers and also living quarters of the astronomer. Important discoveries were made at the SAAO by the head astronomers: Reverend Fearon Fallows 1821 – 1831, Thomas Henderson 1831 – 1833 and Thomas Maclear 1834 – 1870. In addition, several astronomers were excellent artists and left valuable drawings of Cape landscape in the period 1830-1860.

Many of the buildings presently scattered over the Observatory site date from c 1979. Although a few of these buildings are important in the history of astronomy in South Africa and in the world, many now have little or no functional value. A number of changes to the built landscape occurred in the early and mid 20th century including the erection of a new administration block and entrance lodge (1920s), Record Room (pre 1920s), and specific astronomical use buildings, residence and a range of auxiliary buildings.

The first significant garden on the Observatory site was cultivated around 1836 by Piazzzi Smyth, assistant astronomer of Sir Thomas Maclear. Smyth's success was largely due to the pump he installed to supply water from the Black River to irrigate his garden.

In 1972 the South African Astronomical Observatory was formed by an amalgamation of the Royal Observatory at the Cape with the Republic Observatory in Johannesburg, with its headquarters in the old Royal Observatory buildings in Cape Town. Three modern telescopes from the two observatories were relocated to Sutherland in the Northern Cape, which became the observation station for the SAAO.

The SAAO continues to be revered internationally and occupy a central place in the development of South African science. New instruments and techniques have kept the telescopes at SAAO competitive. In 2005 the Southern African Large Telescope (SALT) was built in order to carry out first class research within the southern hemisphere.

A small museum was established in 1980s in the spectroscopic laboratory of the McClean dome at the SAAO. The instruments on display give a broad overview of the development of astronomical interest over the last 150 years.

Early accounts of domestic life at the Observatory refer to difficulties associated with its treeless, windswept and swampy conditions, the only water supply being a hole dug down to the level of the salty river water, the presence of wild animals and the Admiralty's refusal to pay to fence the property to prevent cattle from grazing over the land.

Until 1820 the site was treeless and covered in low scrub with a variety of seasonal grasses and bulbs. A prominent feature of the site today is the many, large trees that structure the landscape, provide a protective canopy and create a generous, informal park-like setting.

SAHRA has approved the recommendation that the site should be considered for national heritage status²⁰.

¹⁹ Information on this Section is source from the „The South African Astronomical Observatory A Heritage Survey (Final)“ by Baumann and Winter 2011

²⁰ WCG October 2016 Diagram 04

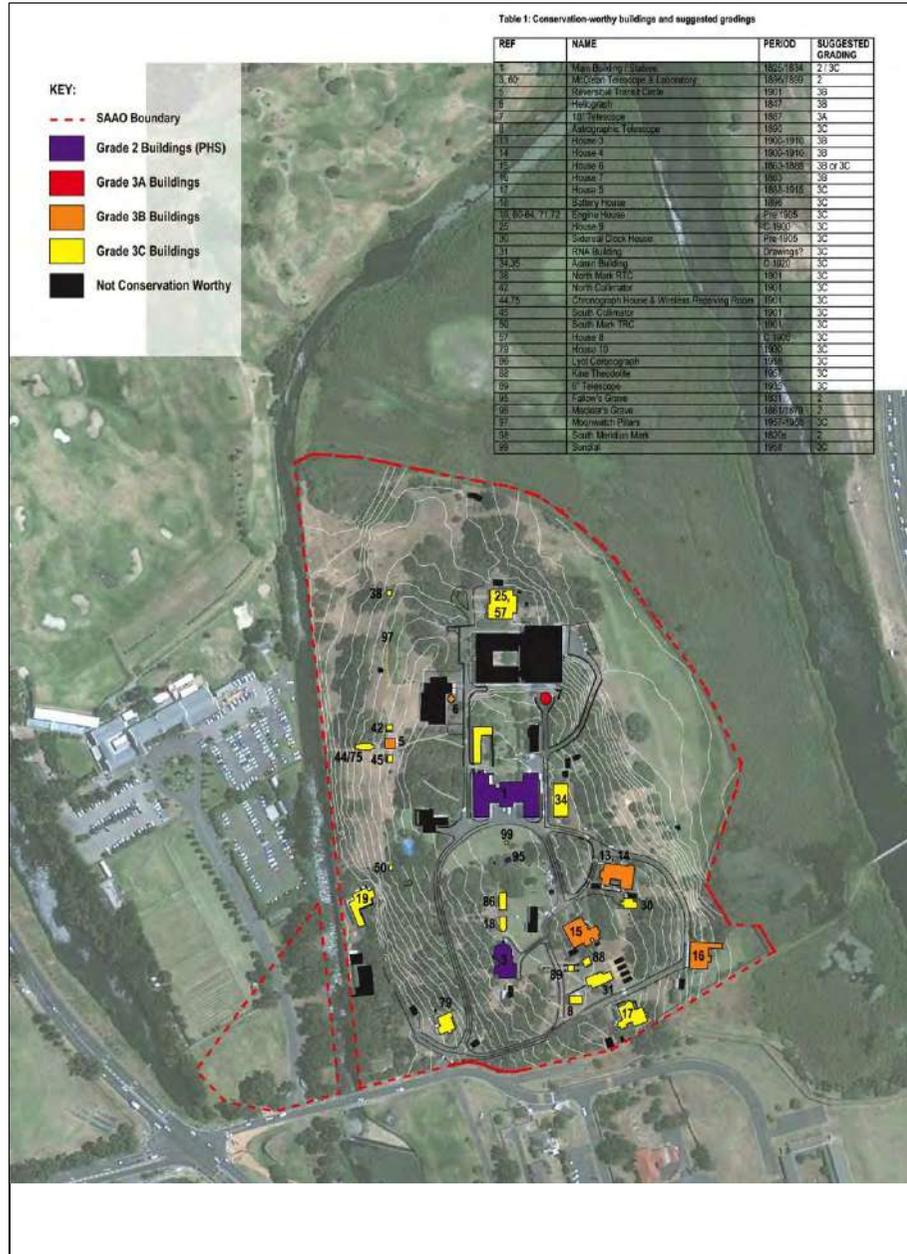


Figure 36: List of SAAO buildings with the recommended grading, Baumann and Winter 2011

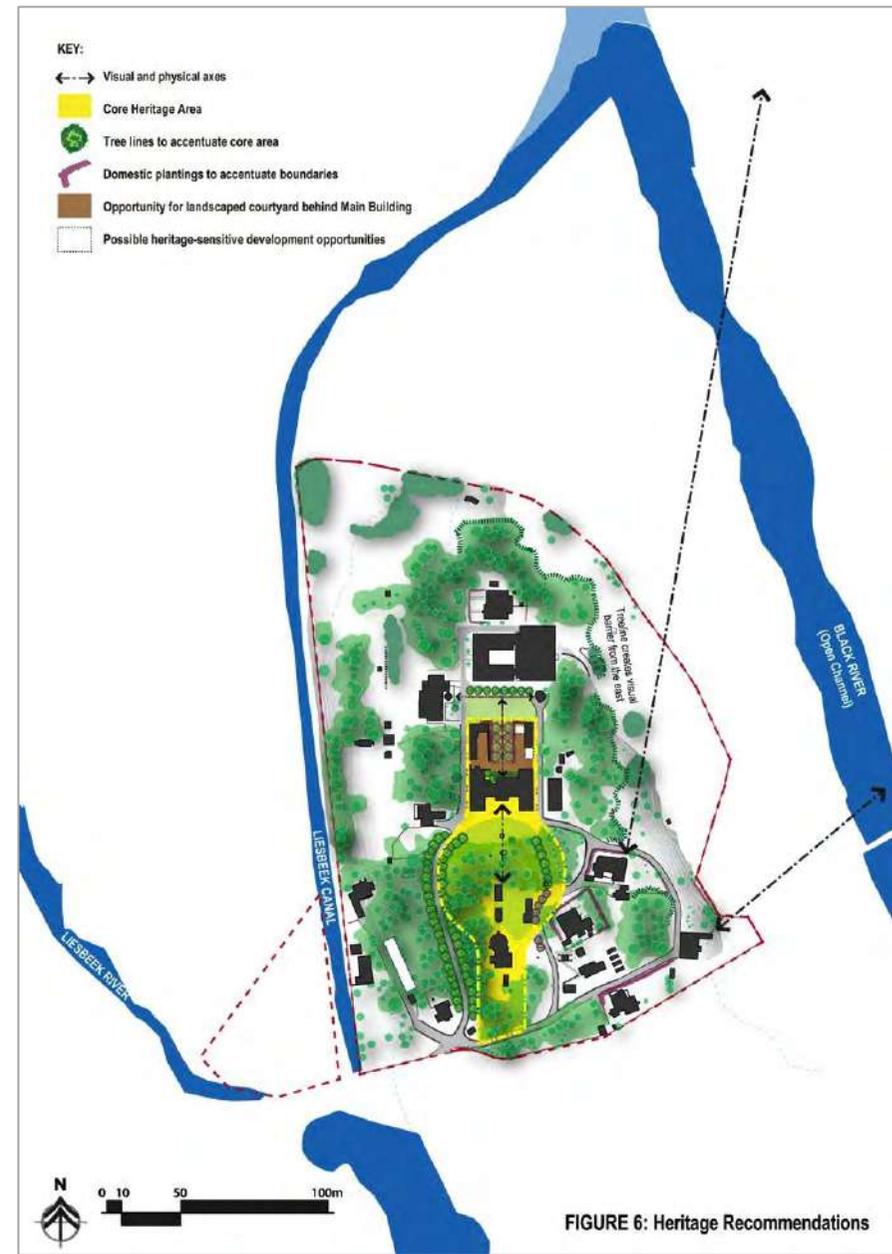


Figure 37: SAAO Heritage Recommendations, Baumann and Winter 2011

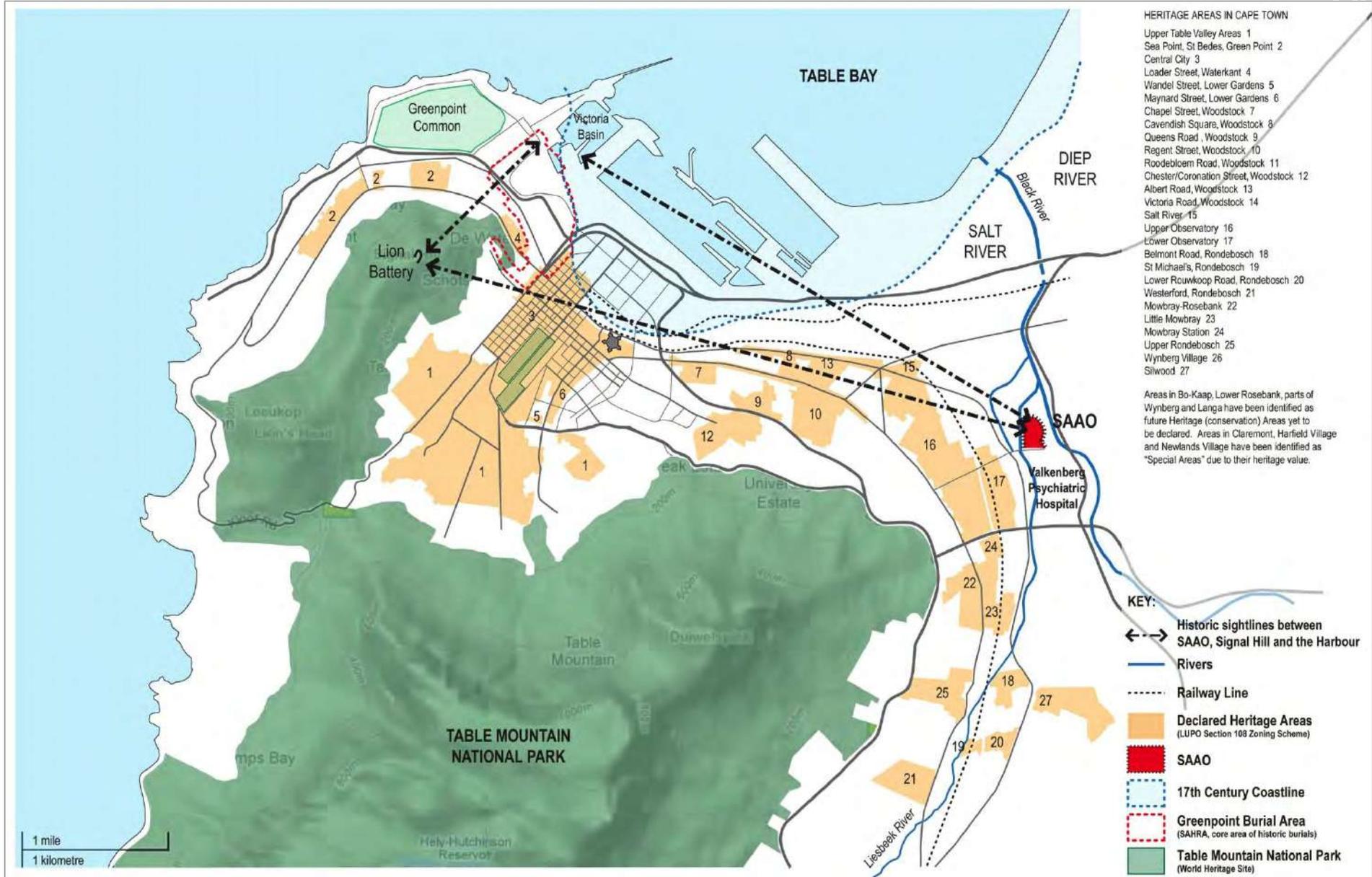


Figure 38: SAAO City Context indicating historic site lines between the SAAO and Lion Battery, Baumann & Winter 2011 Figure 1

3.3 PRESENT SITE CONTEXT

The information contained in this section is sourced from the Urban Design report by Urban Concepts. The description of the site context is included in Section 3.3 and the majority of the Urban Design Indicators incorporated into the Heritage Design Indicators.

3.3.1 SPATIAL SYSTEM

Natural environment

As a result of the significance of the natural environment surrounding the site, the enhancement and preservation of the continuity of the ecological and open space systems is one of the key informants for the development of this site. The adjacent Raapenberg Bird Sanctuary is an important ecological resource for the city and the immediate area.

A freshwater specialist's report has established development setbacks along the rivers (min 35-40m) and canal (min 20m), as well as maximum allowable slopes for the riverbanks (max 1:5, preferably 1:7). The report further recommends that the concrete canal be restored to an open riverbank.

An extensive flood study has been completed, as the site is almost entirely within the floodplain of the two rivers. The study recommended raising the ground level to 6m above mean sea level, a change of between 1-3m across the site. It was found that this would not have an adverse effect on flooding in the surrounding area.



Figure 39: Natural environment surrounding the site, Urban Concepts 2016(2)

3.3.2 VISTAS AND VIEW CORRIDORS From the site

The most significant views and experience of the broader context is the prominence of Table Mountain, Lion's Head, Signal Hill, and most notably Devil's Peak.

A visual connection to the treed environment of the Observatory (note: no direct connection to buildings) is evident. One can also see some of the buildings of the Valkenberg Precinct and the Nieuwe Molen from the edge of the site next to the Bird Sanctuary. The views and vistas to both the Observatory and the Valkenberg Buildings are not one of the key design informants to the site, yet it remains an important contextual informant to the design.

The immediate views from the site to the rivers and ecological systems are compromised by the visual impact and noise from the Liesbeek Parkway, the M5 and other connector routes.

To the site

The site currently provides a great sense of openness in its relatively dense surroundings. Future development should maintain a sense of visual permeability through the site from either side.

The proposed development will change the nature and character of the site. It is therefore vital that the buildings and spaces are designed to be in line with design indicators, ensuring the definition and activation of the significant open space system.

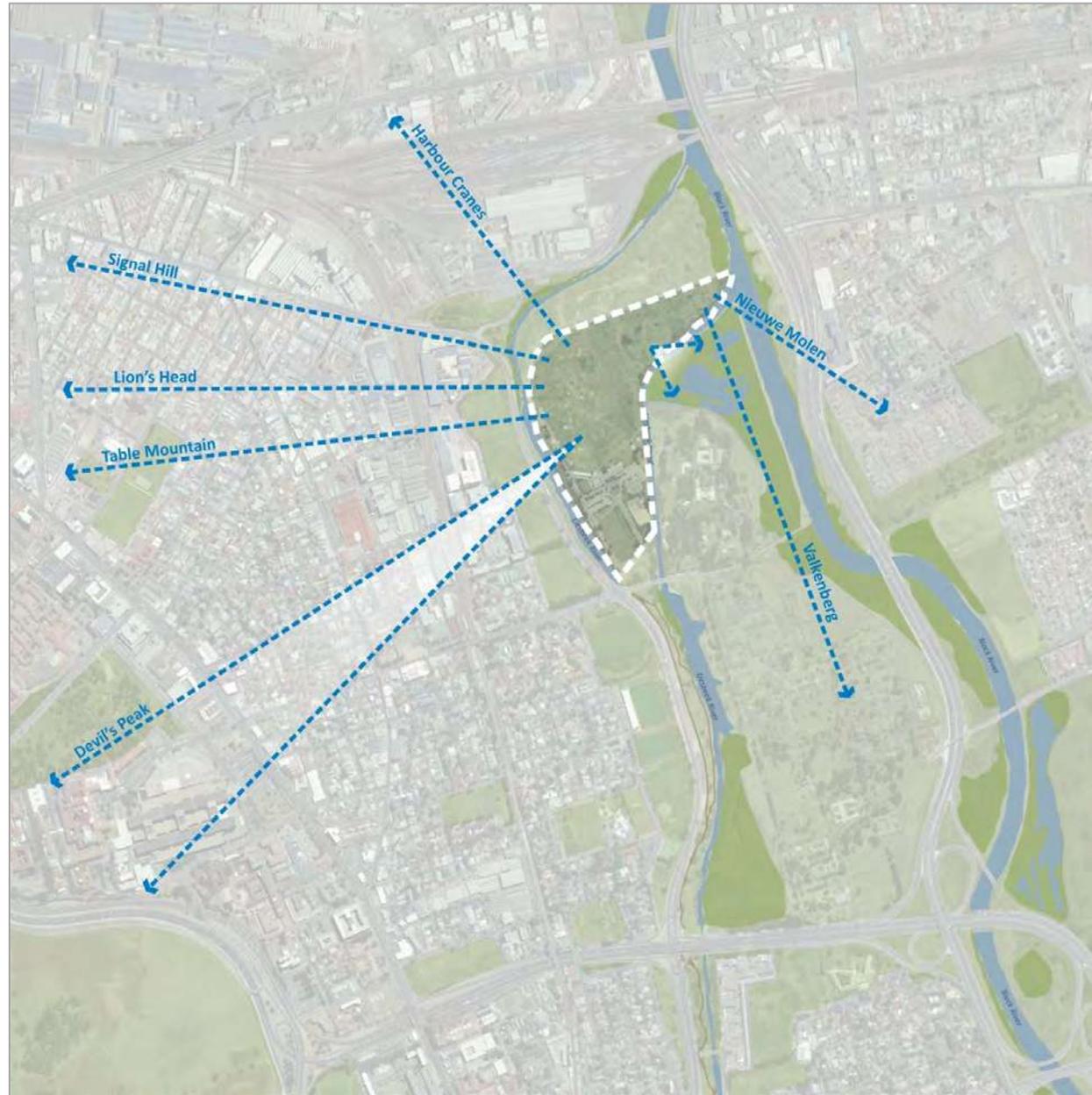


Figure 40: Dominant views from and through the site, Urban Concepts 2016(2)

3.3.3 LAND USE

The land uses of the immediate surrounding areas are diverse, but beyond this site, low rise residential dominate.

An office park (Black River Park) dominates most of the built form edge to the West of the site, and mixed uses (office, residential and light industrial) towards Salt River and Woodstock.

The areas south of the site are dominated by Institutional uses. The Alexandria Psychiatric hospital is located to the East, and with light industrial beyond.

The site is however very separate from the areas to the East, as the M5 creates a huge barrier.

3.3.4 PUBLIC AND PRIVATE REALMS

Although the site is private property, the public is welcomed onto the site for use of the restaurant and golf facilities. Similarly the accessibility to the Valkenberg homestead and the Wild Fig Restaurant are accessible facilities for the public. Different to this use currently not accessible to the general public, as this is a private property. The same is true for much of the land in the immediate vicinity, which has the character of openness but is in fact largely private or institutional land and not physically accessible to the general public.

The public walking route from the south along the Liesbeek River (adjacent to the Valkenberg site) terminates at the Station road intersection

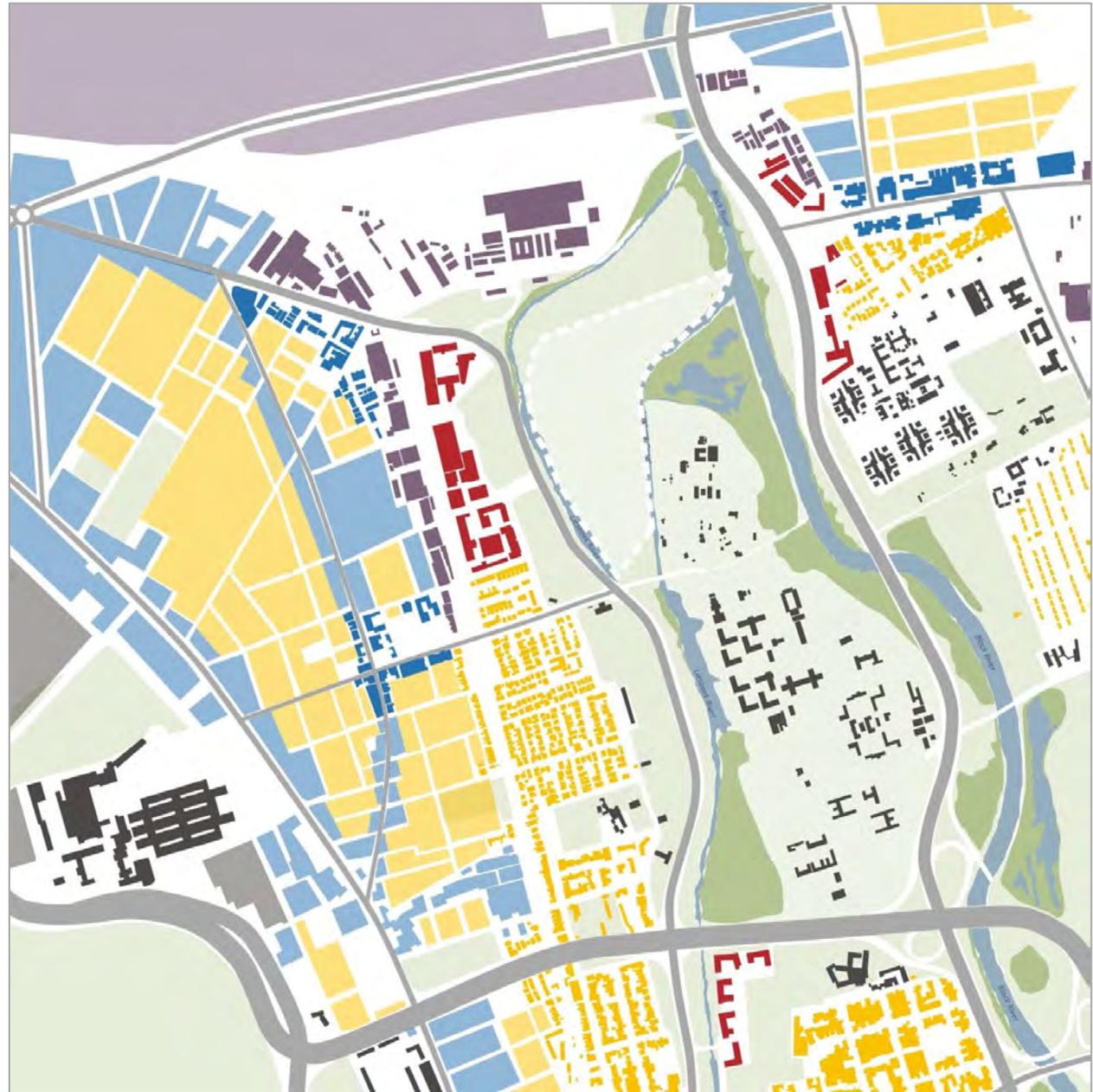


Figure 41: Land use in site context. Urban Concepts 2016(2)

3.3.5 BUILT FORM

Built Form of the Surrounding Areas

The built form of the surrounding areas presents a variety of scale and grain.

Immediate context

The PRASA rail yard is located towards the north of the site. The building widths are approximately 150-300m long. These monolithic buildings have a significant impact on the nature of (and the experience from) the site. The Black River Park to the West of the site has buildings of up to 100m wide. The M5 office park is located adjacent to the M5 to the East of the site, and, in conjunction with the M5 dominates the visual experience from the North Eastern corner of site. The Observatory (and Valkenberg further beyond) is located to the East of the site. These precincts are of a very different nature, with buildings „set within a landscape“. The future plans for the Valkenberg precinct, currently underway, does however change this distinct character, and proposes a denser development.

Context beyond

The Salt River and Observatory areas to the west of the site have buildings which are built to the street edges, and has a fine grain, and limited heights. Other precincts such as the Alexandra Psychiatric Hospital, Maitland garden village and the Oude Molen Village also has a finer grain, with Ndabeni industrial area (further to the East) has larger, monolithic buildings.



Figure 42: Site and context building footprints, Urban Concepts 2016(2)

3.3.6 BUILDING HEIGHTS

The building height in surrounding areas can be described as follows:

Immediate context:

- A PRASA rail yard is located towards the north of the site. Even though the height of these buildings are equal to approx. 4-5 storeys only, these monolithic buildings have a significant impact on the nature of (and the experience from) the site;
- Black River Park to the West of the site has buildings of heights that vary between 8-10 storeys;
- M5 office park is located adjacent to the M5 to the east of the site, and, in conjunction with the M5 dominates the visual experience from the North Eastern corner of site. The buildings are 3 storeys;
- The Observatory (and Valkenberg further beyond) is located to the East of the site. These precincts are of a very different nature, with buildings „set within a landscape“. Buildings are one and two storeys high.

Context beyond:

7. Buildings in Salt River and Observatory has limited heights;
8. Alexandra Psychiatric Hospital, Maitland garden village and the Oude Molen Village has relatively low heights.
9. Ndabeni industrial area (further to the East) has larger, monolithic buildings, but no tall buildings.



Figure 43: Built scale in context to site, Urban Concepts 2016(2)

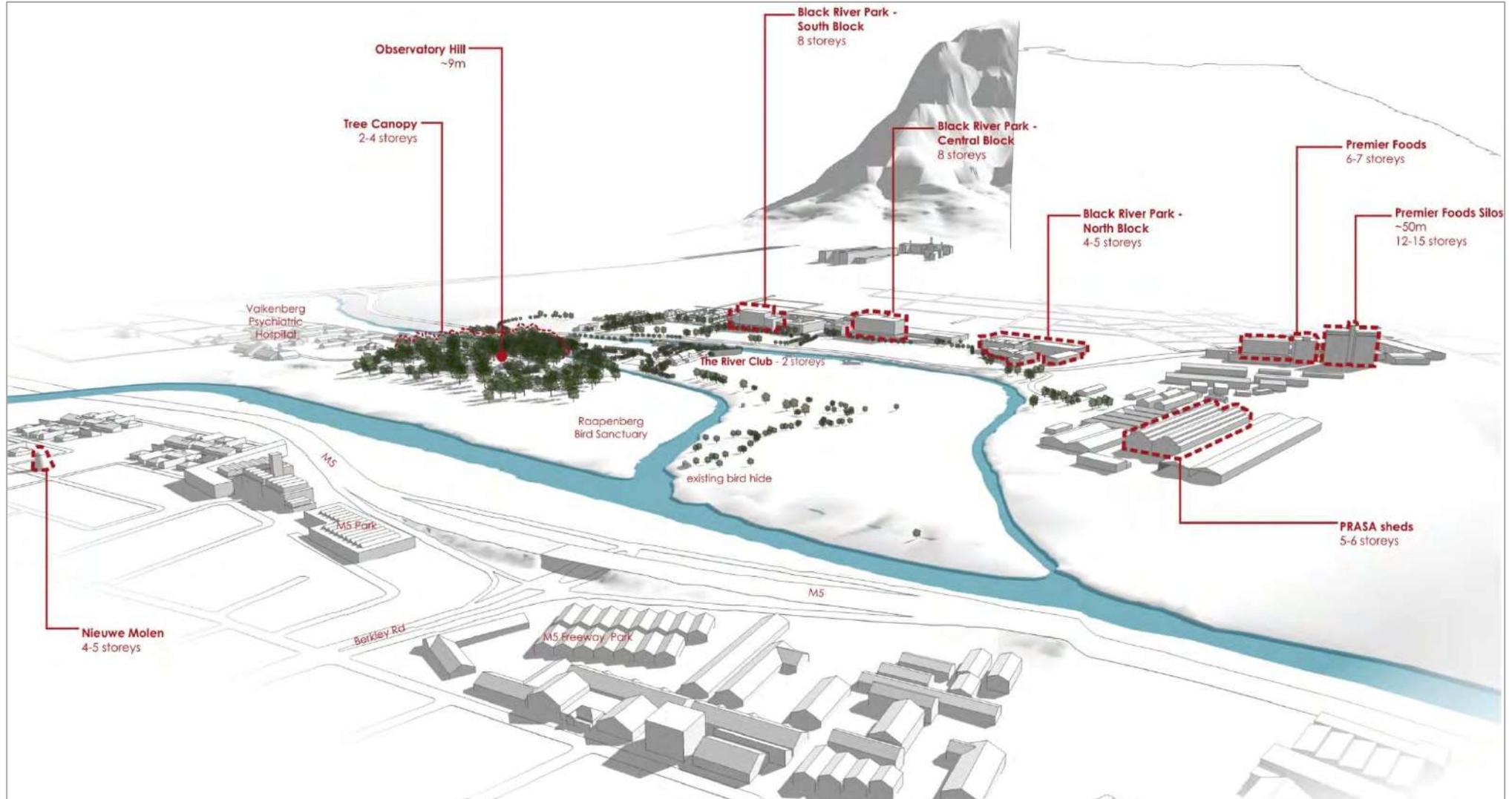


Figure 44: Built scale west of site, Urban Concepts 2016(2)

3.3 BUILT FORM

3.3.2 Building heights

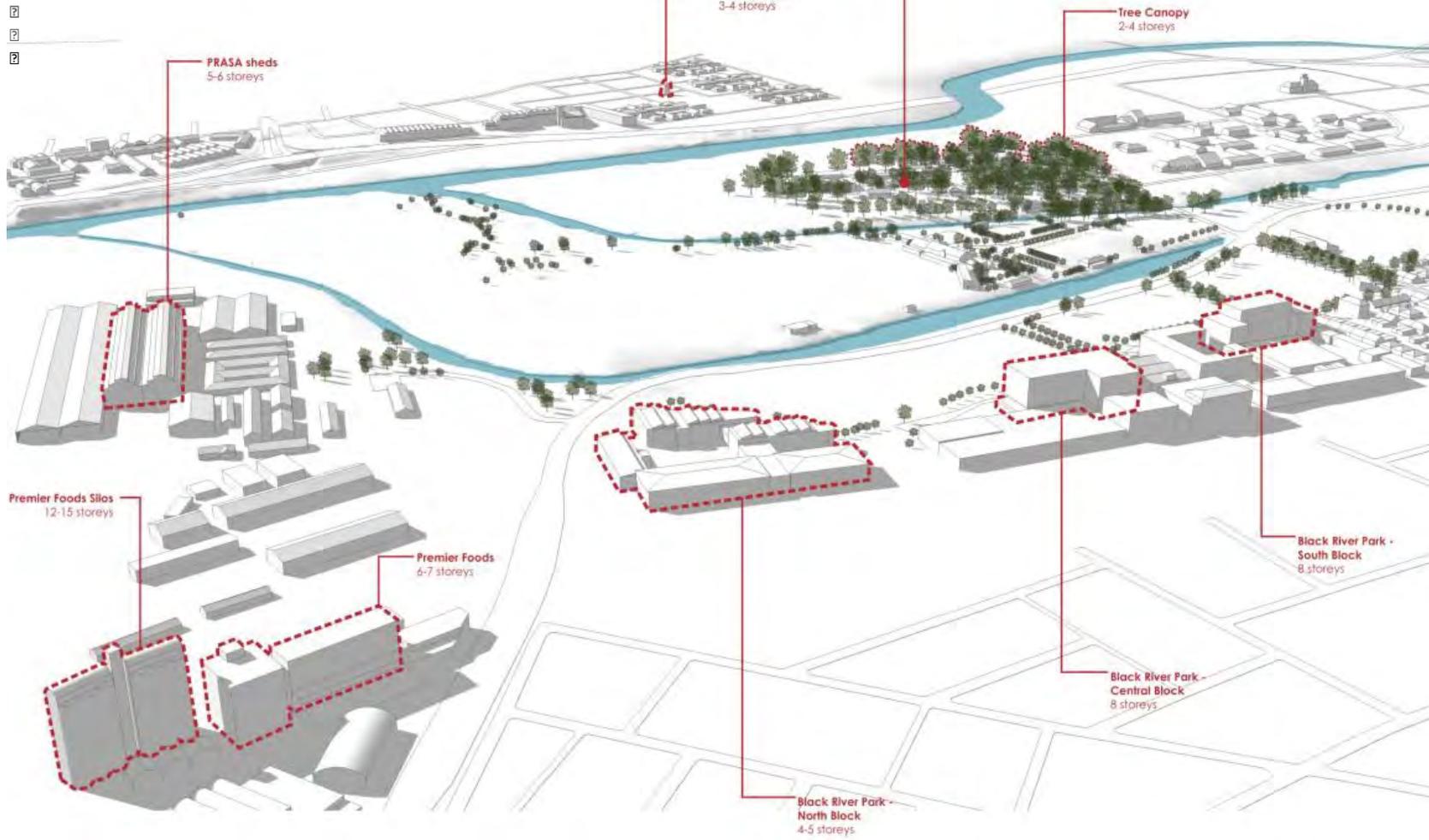


Figure 45: Built scale east of site, Urban Concepts 2016(2)

3.3.7 LANDMARKS AND GATEWAYS

Landmarks

Immediate context:

The SAAO Valkenberg Precinct (and notably the original homestead) along the Liesbeek corridor, amongst others, is viewed as landmark precincts within the immediate surrounds, and form part of the cultural landscape of this area.

The convergence of the two rivers, which has significant cultural and environmental significance, is severely compromised by its immediate surrounds, namely the PRASA Rail Yards, M5 and M5 office park and associated buildings.

Broader context

Many significant landmarks can be viewed from the site, and will have a more substantial visual impact, once the site is developed. As mentioned under the view corridor section, the mountain peaks are of the most significant landmarks experienced from the site. The harbour cranes connect the site to the sea, and the silos to the north-west of the site are clearly visible.

Gateways

The existing entrance (from Station Road) is seen as a gateway to this site. An avenue of trees, which leads to the existing main building, is not part of a very historic landscape pattern, and is not evident on aerial photography dated before 1944.

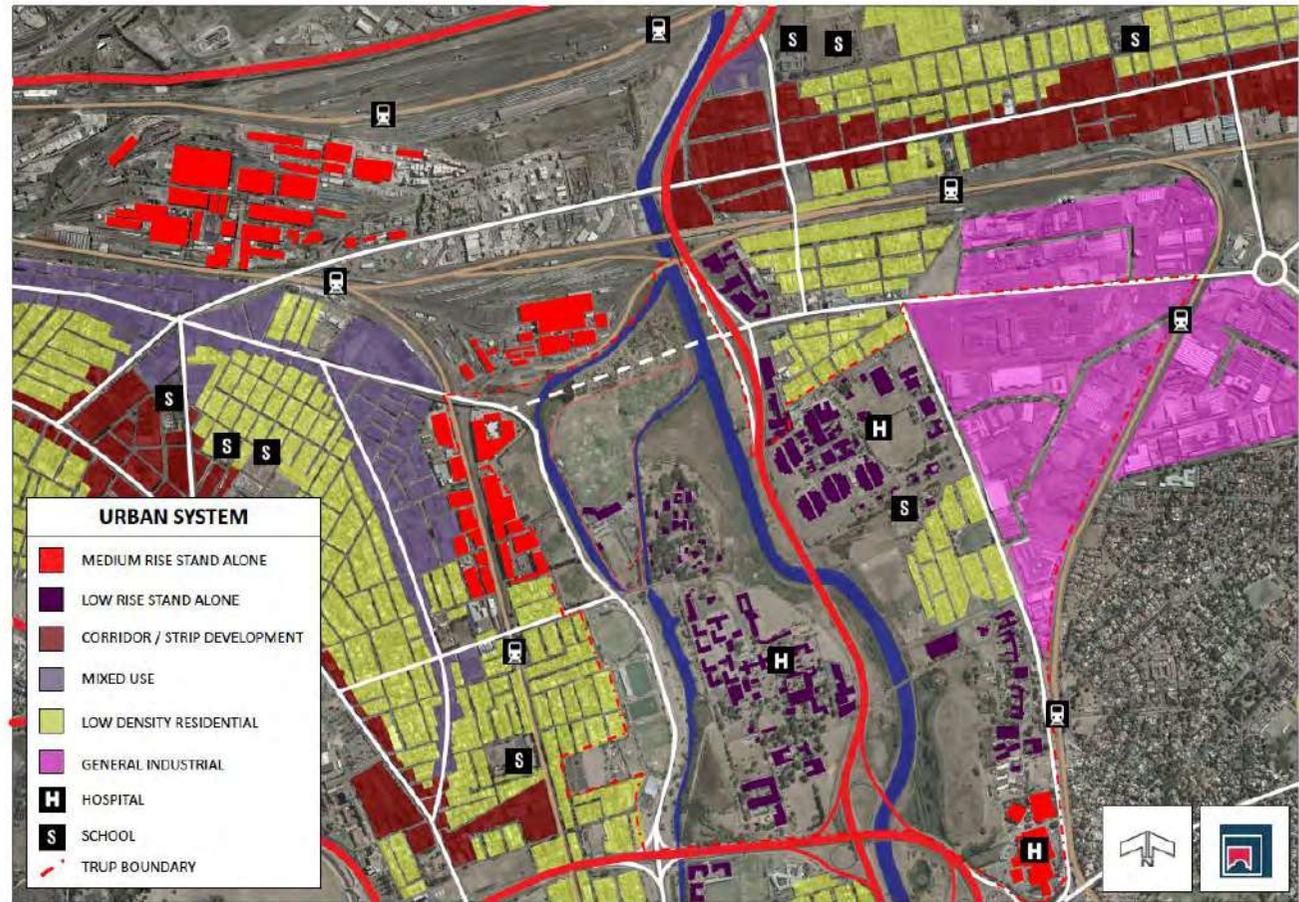


Figure 46: Urban development of site and context, Planning Partners 2015

3.3.8 CONNECTIVITY

Roads and access

The site is strategically located adjacent to the Liesbeek Parkway (M57) and the M5, with easy access to the N2 and areas beyond. These roads do however have a significant impact on the quality of the open space system in this area.

The most notable impact on the design of this precinct from an infrastructural point of view is the Berkley Road extension. The Station road link to the site is also an important integrator route.

The site is also within comfortable walking distance of two train stations – Observatory to the South-West, and Koeberg to the North-East.



Figure 47: Major and minor roadways within site context, Urban Concepts 2016

3.4 SITE

The present River Club site consists of developed and undeveloped precincts, all transformed from the natural state. The unique aspects of the site are the surrounding watercourses, Liesbeek River and the canalised Liesbeek tributary. Dominant site precinct is the central area where most structures are located: 1939 main building, c1940 residence, modern recreational buildings, service building on the river edge and children play structures. Landscaped recreational areas consist of golf driving range and mashie course and grassed areas used for overflow vehicular parking. The site's north eastern precinct is unused due to previous landfill and dumping practices. Concentrations of young and mature trees are located on the site's boundaries adjacent to the river edges. Individual Palms are located north of the main building and on the golf course. Site aerial photographs confirm the formal development of the site from a natural area to contain the Liesbeek recreational grounds established c 1920s. The Main Building dates from 1939. Recreational facilities and buildings have been developed on the site from 1930s until the present (refer Figures 50 - 56). In context to the site are the following use areas:

10. Recreational sites: Hartleyvale soccer and hockey facilities and Malta Sports fields.
 - Institutional sites: Valkenberg Psychiatric Hospital, South African Astronomical Observatory (SAAO)
 - Commercial sites: Office buildings Liesbeek Parkway and Firs Road Observatory;
 - Residential sites: Lower Observatory;
 - Natural sites: Raapenberg Bird Sanctuary, Liesbeek and Black Rivers and associated wetlands.

Archaeology: An archaeological field assessment of the site was undertaken by ACRM on 17th July 2015. The finds are that the subject property has been dramatically altered and transformed. Apart from the northern portion, most of the site has already been developed. The 'undeveloped' northern portion, alongside the railway line is severely degraded. There is likely a long history of disturbance in this area. It comprises mostly fill material, probably from when the railway line was constructed, and also from the Black and Liesbeek River when they were

canalized. Extensive dumping has also probably taken place prior to development of the River Club. No archaeological or historical objects or remains were encountered during the baseline study. Most of the attention was focussed on the northern portion of the site, alongside the Black River and the railway line. The probability of locating significant archaeological heritage during implementation of the project is therefore considered to be very low. No visible graves were noted, and it is highly unlikely that these occur on the property.

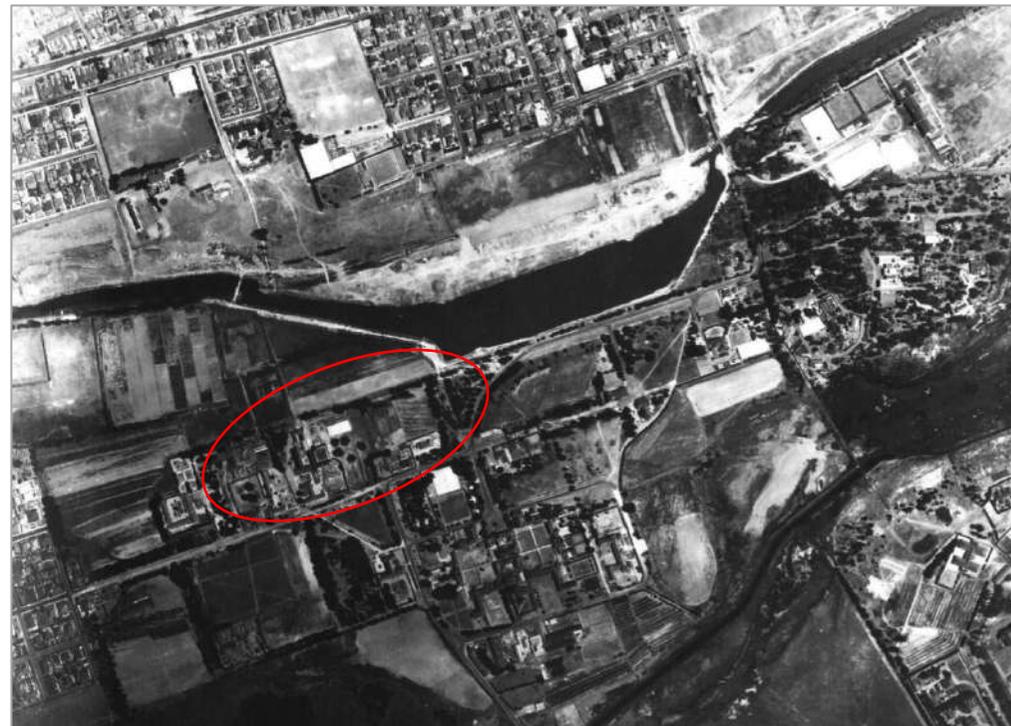


Figure 48: Aerial photograph dated 1945 showing the Cape Royal Observatory in relation to surroundings including the Liesbeek & Black Rivers, which were canalized between 1941-194, River Club indicated in red circle, source Baumann and Winter 2012 from Trig Survey, Mowbray



Figure 49: Cape Northcott Military sketch 1899 which indicates the river Club site with vegetation and wetlands, (indicated with an arrow) CCT 2016



Figure 50: 1912 Map overlaid on 2000 aerial image. Red outlines of current buildings indicated on site without any formal structures



Figure 51: 1930 map depicting the Liesbeek Park Sports Ground with a series of fields for different sports and no buildings (red outline indicated present buildings)



Figure 52: 1934 aerial image depicting the Liesbeek Park Sports Grounds with a series of fields for different sports and no buildings (red outline indicated present buildings)



Figure 53: 1944 aerial photograph depicting the Main building and residence and sports grounds with a series of fields for different sports and no buildings (red outline indicated present buildings)



Figure 54: 1958 map depicting the site structures: main building, residence, probable service/storage buildings, entrance route and turning circle (red outline indicated present buildings)



Figure 55: 1966 aerial photograph depicting the site structures: main building, residence, probable service/storage buildings on river edge, entrance route and turning circle (red outline indicated present buildings)



Figure 56: 2010 aerial photograph depicting the site structures: main building, residence, probable service/storage buildings on river edge, entrance route and turning circle, golf course (red outline indicated present buildings)



Figure 57: 2015 aerial photograph depicting the site structures: main building, residence, probable service/storage buildings on river edge, entrance route and turning circle, golf course (red outline indicated present buildings)



Figure 58: View of site towards Devils peak, mashie golf course in foreground, Urban Concepts 2016 (1)



Figure 59: View of site towards Devils peak, mashie golf course in foreground, Urban Concepts 2016 (1)



Figure 60: View of Raapenberg Bird Sanctuary from the site, Urban Concepts 2016 (1)



Figure 61: View of site towards Devils peak, mashie golf course in foreground, Urban Concepts 2016 (1)



Figure 62: View of site towards Devils peak, mashie golf course in foreground, Urban Concepts 2016 (1)



Figure 63: View of site from Park Road, note landmark status of historic building, recent avenue of trees to entrance and along Liesbeek Rover, Google Earth 2015



Figure 64: Site's southern precinct views towards the SA Observatory within a densely vegetated site, note modern structures on Park Road boundary, Google Earth 2015



Figure 65: View from Malta Road to the site's north western precinct of golf mashie course, Railways shed in rear, Google Earth 2015



Figure 66: River Club buildings partially obscured from Malta Road due to mature trees along Liesbeek River, note site buildings on river bank, Google Earth 2015



Figure 67: Northern façade of historic building which has had various insensitive alterations to accommodate commercial uses



Figure 68: 1931 building's gables north façade with intact upper floor façade and altered ground level



Figure 69: 1931 building's commemorate wall stone positioned adjacent to southern entrance doors



Figure 70: Contemporary building for golf course activities on site's western boundary



Figure 71: Former residence c 1931 currently used for commercial use



Figure 72: View of site's landscaped northern precinct from golf range

3.5 CHARACTERISTICS OF SITE AND CONTEXT

The site characteristics are explained through the elements of the rivers, vistas, buildings and the surrounding cultural landscapes.

3.5.1 Rivers

The site is an island surrounded by natural watercourses and a canal (Liesbeek River and canal and the Black River). Although heavily degraded, interfaces with the Black and Liesbeek Rivers have ecological and aesthetic value. The canal is situated between the site and the SAAO and has less aesthetic and ecological value than these natural watercourses.

3.5.2 Vistas

As there are few low-scaled buildings on site and on its boundaries, and as result the site offers quality vistas. These include:

- Views from the site towards the surrounding urban areas;
- Views from the site towards the adjacent TRUP sites;
- Views from the site towards the mountainscapes;
- Views through the site towards surrounding urban areas;
- Views from and through the site towards the Alexandra Mill;
- Views through the site towards TRUP; and
- Views through the site towards Table Mountainscapes and Tygerberg.

The vistas from the surrounding areas are:

- Vistas through the northern site precinct from the M5 highway towards Observatory and the mountainscapes;
- Uninterrupted vistas from the Liesbeek Parkway, Firs Road office buildings and the Malta Sports fields towards the site and through the site towards the SAAO and the Tygerberg;
- Partial views of the site from the SAAO, Valkenberg Hospital and Valkenberg homestead due to the screen of the SAAO and site mature trees;
- Uninterrupted views from the Salt River PRASA Depot, north of the site;
- Vies from Liesbeek Parkway over the site towards Alexandra Mill, and

- Minor views from selected areas within the Observatory residential suburb.

Certain views are open to the site from the public realms on a permanent basis, such as the M5 highway and Liesbeek Parkway, while other views are less publicly accessible such as from Fir Road Office buildings and Valkenberg Hospital.

3.5.3 Mature Trees

The site is planted with various immature and mature trees in numerous positions. The historic planting is along the Liesbeek tributary between the site and the SAAO. The area between the Black and Liesbeek Rivers near the confluence - Slangkop – is very sandy and historically did not have a tree element. This is most clearly depicted in a Thomas Bowler sketch (no exact date, likely 1840s), which shows the Observatory on Slangkop in a landscape devoid of trees and even shrubs (only low grass/herbaceous element is depicted) (refer Figure 73 and also in Hislop, *Wheatfields and Windmills*, 2014:116). Herschel's panorama (1837) from the Observatory looking towards Devil's Peak indicates a hedge of small trees or large shrubs to the west of the Observatory, but at any rate also a relatively treeless landscape (Hislop: 55).

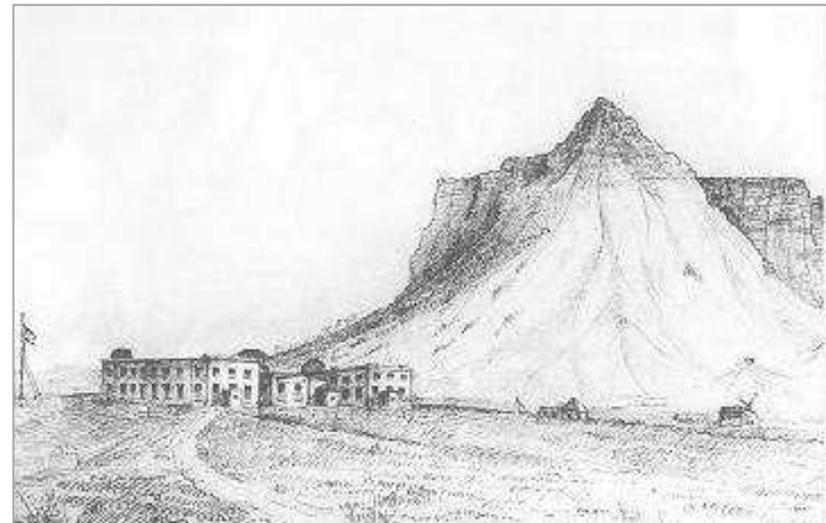


Figure 73: Portion of the sketch of the SAAO by Thomas Bowler c 1834, source <http://www.saa.ac.za/about/history/>

As indicated by 1911 map, a variety of large trees were already established in the SE quadrant of site – likely a few decades prior. The map depicts a variety of spp., with willows (*Salix* spp), araucarias, and pines clearly recognizable, Eucalyptus and Oak trees likely but less clearly depicted. By 1930s pines and gums and are indicated on the SE portion of the River Club precinct (according to legend of 1939 revision of the 1932 survey – Cape Peninsula Series Sheet 1).

Comparative imagery indicates that the pre-developed site was progressively cleared of trees from ca 1934 onwards, culminating around 1966. Replanting started after that. Trees along the Liesbeek have been removed since 2000 and new planting has occurred c 2014 (refer Figure 63).

As comparative images shows, it seems the only tree existing cover that consistently dates back to at least 1926 (i.e. across all imagery) are small groups of trees at the entrance off Station Road. The images and maps confirm the historic tree planting was associated with the SAO and not with the River Club site.

Refer Figure 84 for the site tree survey.

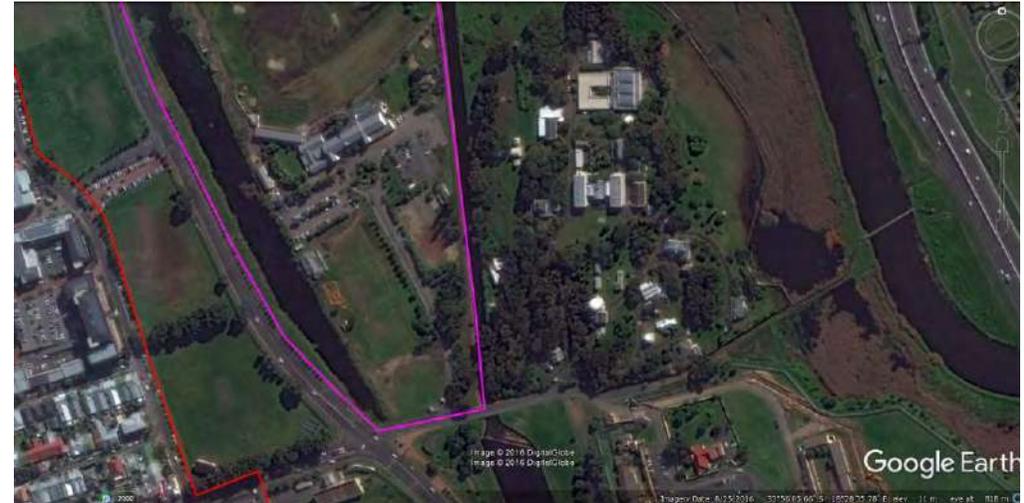


Figure 74: 2016 images of the southern section of the site, Google Earth 2016

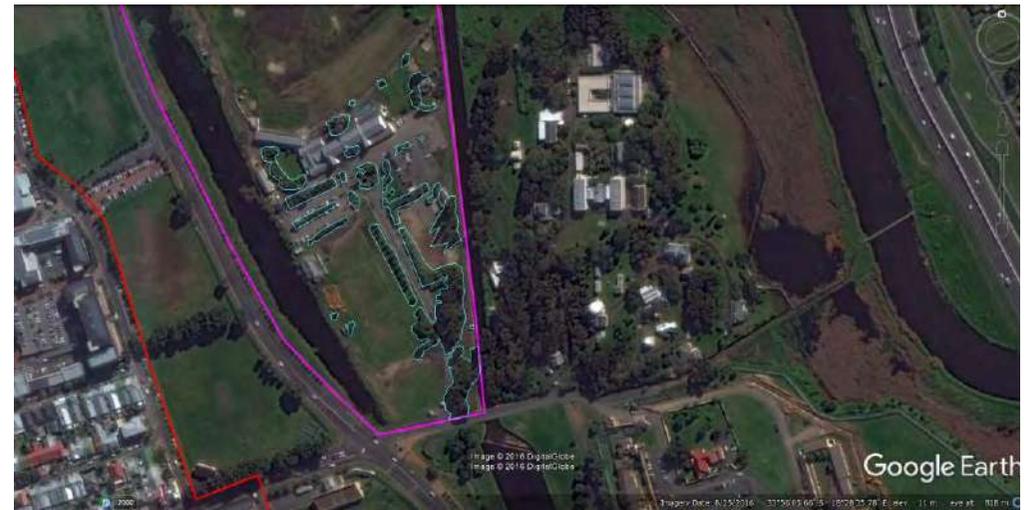


Figure 75: 2016 with the existing trees on the site identified in blue outline, Google Earth 2016



Figure 76: 1911 map (site east portion only) overlaid on 2016 aerial photograph, current trees identified in blue outline, source CoCT Plan L851_26 indicating Admiralty Land to be handed over to City Council. On 1911 base plan Cape of Good Hope Royal Observatory, Cape Town, prepared for the Director of Works Department of the Admiralty by the Ordnance Survey Office, Southampton



Figure 77: 1926 (site east portion only) aerial photograph, overlaid on 2016 aerial photograph, current trees identified in blue outline, source Chief Directorate National Geo-spatial Information. 1926_19_1020.



Figure 78: 1934 aerial photograph, current trees identified in blue outline, source Chief Directorate National Geo-spatial Information. 100_004_09517



Figure 79: 1944 aerial photograph, current trees identified in blue outline, source Chief Directorate National Geo-spatial Information. 61_18_00918



Figure 80: 1958 aerial photograph, current trees identified in blue outline, source Chief Directorate National Geo-spatial Information. 424_002_07025



Figure 81: 1966 aerial photograph, current trees identified in blue outline, source Chief Directorate National Geo-spatial Information. 550_1_005_00103

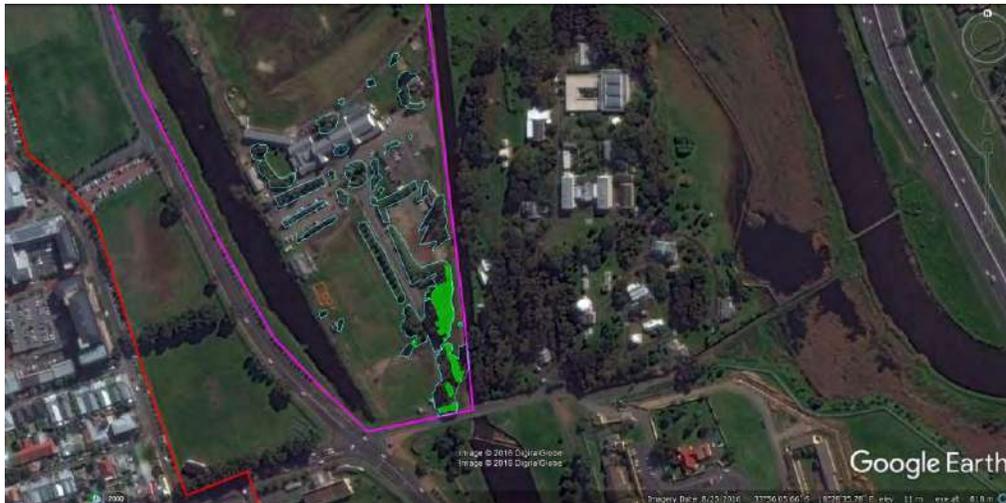


Figure 82: Trees identified (in green) that are consistent from 1926 – 1966 -2016, current trees identified in blue outline, source Google Earth 2016



Figure 83: 2000 aerial image with current trees identified in blue outline, Google Earth 2016

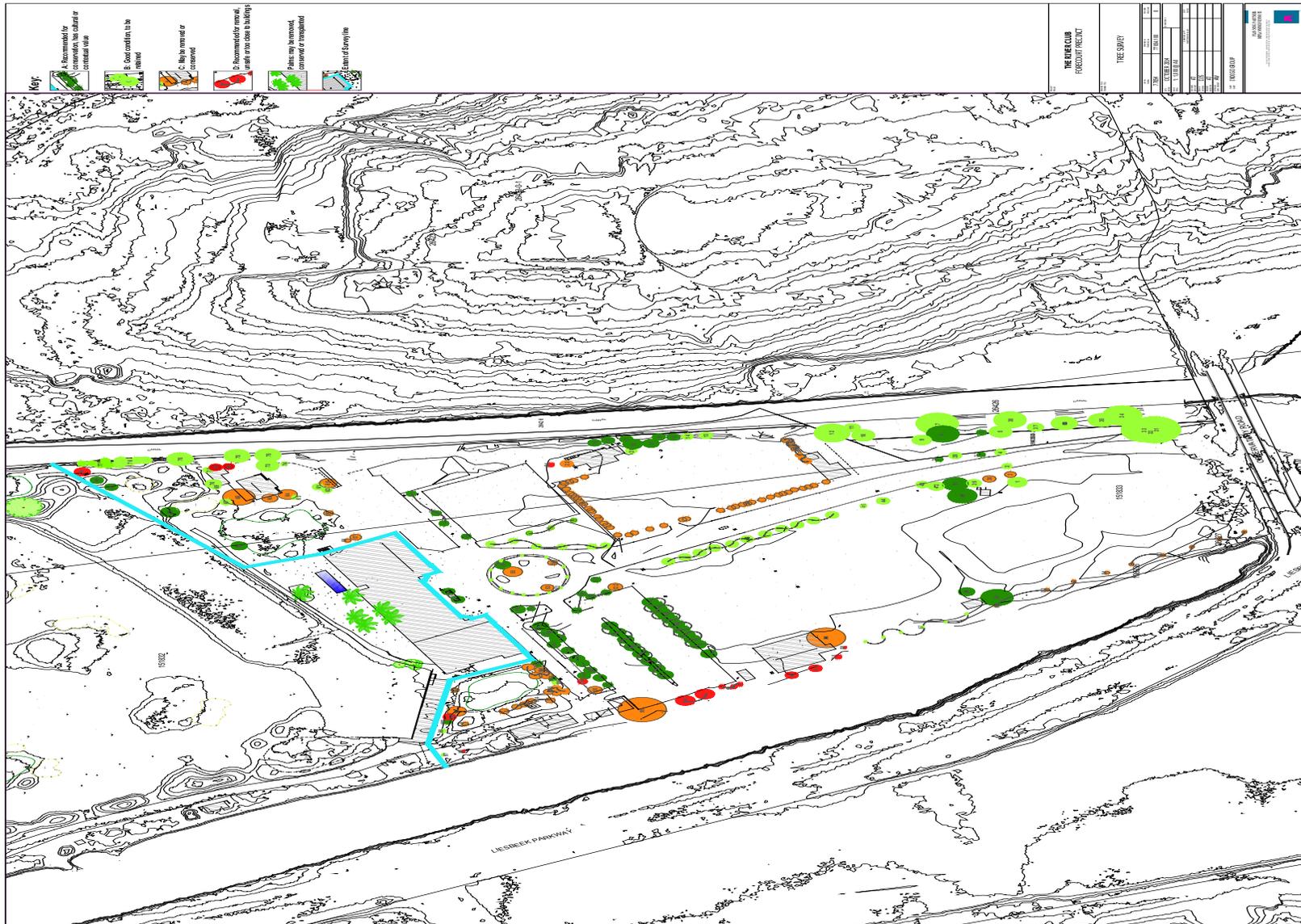


Figure 84: Tree Survey diagram, refer tree list in Annexure 7, Planning Partners 2016

3.5.4 Buildings

Site: The site's buildings are historical low-density development (the dominant two storey building [1934] and a series of single storey buildings) has retained the site as a predominately open landscape.

Context: The site context building typology is varied. On the western (Fir Road Office Park) and northern boundaries (PRASA Salt River Depot) is an urban landscape that forms an „built boundary wall“ edging to the site and the Malta Sport Fields. In contrast, the adjacent built complexes of TRUP to the east and southeast (for example, SAAO, Valkenberg Hospital, Vlakenberg Manor House building complexes) are dispersed pavilions type within an elevated and landscape setting landscape. The Hartleyvale Stadiums and fields located to the southwest of the site are also individual buildings within a landscape setting.

3.5.5 Landscaping

Site: The site's landscaping consists of lawned areas (a golf driving range and a mashie golf course), mature exotic trees (associated with the main building and canal and younger indigenous trees (at vehicular parking areas and along the Liesbeek River).

Context: The site's dominant landscaping element of grassed areas extends into its context of adjacent sites both through the riverine environments and the landscaped areas within the site immediate and medium context of Raapenberg Bird Sanctuary, SAAO garden, Valkenberg Hospital and Manor House landscapes, Malta Sports fields, Hartleyvale sports fields and atro turfs, Rondebosch Common, Rondebosch and Mowbray Golf courses. The site is on the northern edge of this green corridors

3.5.6 TRUP

Spatially TRUP can be considered into various precincts, such as:

- Central precinct between the Liesbeek and Black Rivers (Raapenberg Bird Sanctuary, Valkenberg Hospital, SAAO, River Club, Valkenberg manor House precinct);

- Open areas east and west of the rivers (Oude Moulen, Malta Sports fields, Hartleyvale sports complex)
- Outer urbanised areas (Maitland Garden Village, Ndabeni Industrial; precinct).

The building and site use within the TRUP central precinct are predominately institutional and to a lesser degree commercial (SAAO, Valkenberg Hospital, Valkenberg Conference centre, Wild Fig restaurant, hotel, River Club Conference centre, mashie golf course and golf driving range). All buildings are grouped within precincts responding to site conditions for example, facing the river, positioned on a higher-level terrain. The buildings are individualized set pieces within large landscaped areas, of pavilion type positioning and low in scale.

Planting within the TRUP central area is predominately informal and comprises both indigenous and exotic plant species. Planting along the rivers has historically been for the public accessibility (grassed areas) and aesthetics (willow trees) but recently areas of indigenous vegetation are being established and promoted.

The River Club site is a component of this TRUP precinct through statutory regulations. The TRUP central core is a spatial entity created by the following characteristics:

- Visual connections between the all or certain sites, such as SAAO, Valkenberg Hospital, Valkenberg manor House precinct, Raapenberg Bird Sanctuary and River Club;
- Land use of a predominately open area setting, predominately bordered by Rivers
- Planting patterns predominately associated with the riverine environments;
- Water courses that link the sites in an ecological and spatial manner; and
- Built environment, of low scale built complexes within a landscaped setting.

SECTION 4

VISUAL RESOURCE OF SITE & CONTEXT

4.1 INTRODUCTION

Although HWC NID response did not specify a Visual Impact Assessment (VIA) within the HIA, the heritage practitioner has included the VIA by SRK as it is considered important to the baseline information²¹. The VIA will consider both the magnitude of the visual impact (rated according to visual assessment criteria) and the significance of the visual impact (rated according to standard EIA rating methodology, as prescribed in the Terms of Reference).

4.2 TERMS OF REFERENCE

The primary aims of the VIA are to describe the visual baseline, assess the visual impacts of the Project and identify effective and practicable mitigation measures. More specifically, the Terms of Reference for the VIA are as follows:

1. Baseline Study (this section):
 - Conduct a baseline study, including a site reconnaissance and literature review, to determine baseline conditions on the site and identify sensitive or unique aspects of the site.
2. Impact Assessment (to be included in the HIA Phase 2):
 - Identify and assess potential impacts of the Project and the alternatives, including impacts associated with the construction and operation phases;
 - Indicate the acceptability of alternatives and recommend a preferred alternative (if applicable);
 - Identify and describe potential cumulative impacts of the Project in relation to proposed and existing developments in the surrounding area; and
 - Recommend mitigation measures to avoid and/or minimise impacts and/or optimise benefits associated with the proposed project.

²¹ The full VIA Baseline report is contained in Annexure 8. The alterations to this SRK VIA report is the formatting and numbering of tables to suit the report and the omission of all the images in this Section.

4.3 APPROACH AND METHOD

Visual impacts are a function of the physical transformation of a landscape, as a result of the introduced object, and the experiential perceptions of viewers. The inherent value of the visual landscape to viewers is informed by geology/topography, vegetation and land-use and is expressed as *Visual Character* (overall impression of the landscape), *Visual Quality* (how the landscape is experienced) and *Sense of Place* (uniqueness and identity).

4.3.1 Method

The following method was applied to the Baseline Study for this VIA:

1. Collect and review required data, including data on topography, vegetation cover, and land-use, and other background information.
2. Conduct fieldwork (conducted on 1 July 2015), comprising an extensive reconnaissance of the Project area, particularly the River Club property and surrounding receptors. The objectives of the fieldwork are to:
 - Familiarise the specialist with the Project area and its surroundings;
 - Identify key viewpoints / view corridors; and
 - Determine and groundtruth the existing visual character and quality in order to understand the sensitivity of the landscape.
 - Visual „sampling“ using photography was undertaken from viewpoints within approximately 1 km of the site to illustrate the likely zone of influence and visibility. The location of the viewpoints was recorded with a GPS.
3. Undertake a mapping exercise to identify potential receptors to the proposed Project.
4. Identify a preliminary set of potential visual impacts that need to be considered in the Project design.

4.4 VISUAL CONTEXT (AFFECTED ENVIRONMENT)

The following description of the affected environment focuses on the *visual character* of the area surrounding and including the Project area and discusses the *Visual Quality* and *Sense of Place*¹. A more comprehensive

description of the area will be provided in the BA Report. This baseline information provides the context for the visual analysis. These terms are explained in the relevant sections below.

4.4.1 Landscape Character

Landscape character is the description of the pattern of the landscape, resulting from particular combinations of natural (physical and biological) and cultural (land use) characteristics. It focuses on the inherent nature of the land rather than the response of a viewer (Young, 2000). Each of the key characteristics is discussed below. Refer to Annexure 8: Plate 3-1 to Plate 3-8 for visual representations of the landscape character.

4.4.1.1 Topography

The geology and topography of the area have determined the basic landscape features and visual elements of the study area (refer Annexure 8: Figure 3-1).

The site is located at the confluence of the Black and Liesbeek Rivers to the east of Table Mountain and Devils Peak – steep and rugged sandstone formations of the Table Mountain Group. The Project is located at the foot of Devils Peak on shale of the Malmesbury Group overlaid with quaternary alluvium deposits consisting of loamy and sandy soils.

The site is located between the transformed natural channel of the Liesbeek River (west and north), the canalised channel of the Liesbeek River (east) and the Black River (north-east). The Liesbeek River and Black River merge to become the Sout River which flows into Table Bay approximately 2 km north of the site.

The site is approximately 3 - 8 m above mean sea level (msl) and is relatively flat (0 - 5 degrees) with local topographical variations at the driving range/golf course. A minor ridgeline (Observatory Hill) runs in a north-south direction south-east of the site. The highest point of this ridgeline is approximately 12 m above msl.

The topographical landscape of the area surrounding the site has been significantly modified by the urban environment e.g. canalised rivers, major roads (M5, Liesbeek Parkway), industrial areas, large commercial developments, railway lines, etc.

4.4.1.2 Vegetation

The site is located within the Cape Floristic Kingdom and the Fynbos Biome and in the original extent of the following vegetation types (SANBI, 2010):

- Cape Flats Dune Strandveld in the northern portion of the site and extending north towards the coastline;
- Cape Flats Sand Fynbos along the eastern edge of the site and further east; and
- Peninsula Shale Renosterveld in the southern portion of the site, extending south and east onto the lower slopes of Devils Peak.

However, much of the natural vegetation in the area has been lost due to urban development. Much of the natural vegetation cover on the slopes of Devils Peak has remained intact due to its unsuitability for development and the proclamation of the Table Mountain National Park.

According to the Cape Town Biodiversity Network (Bionet, 2013), the banks of the Liesbeek and Black Rivers are identified as non-proclaimed conservation areas. Raapenberg Bird Sanctuary to the east of the site is a proclaimed nature reserve (Bionet, 2013) and the open land to the north of the River Club (but within the site) is identified as “natural vegetation...in good or restorable condition” (Bionet, 2013) although the Department of Environmental Affairs and Development Planning has confirmed that no natural vegetation remains. A small patch of critically endangered vegetation to the east of the site and within the Raapenberg Bird Sanctuary has been proclaimed as a Core Biodiversity Area.

There are very few trees in the areas surrounding the site, especially to the north and east of the site where the predominant land use is industrial. There are dense tree copses surrounding the Observatory buildings on the ridgeline to the south-east of the site. Riverine vegetation, although much of it exotic, is found along the banks of the rivers. Street trees have been planted along Liesbeek Parkway, and trees planted around the sportsfields to the west of the site provide protection from the wind.

The site itself is mostly grassed (lawn) with scattered trees. Dense reed beds are located on the eastern edge of the site along the Black River.

4.4.1.3 Land Use

The site is located less than 5 km from the Cape Town Central Business District. There is a variety of land uses surrounding the site with

residential, commercial, institutional and industrial activities interspersed with open spaces for passive and recreational activities (see Refer Anenxure 8: 3-2).

The Passenger Rail Agency of South Africa (PRASA) rail yard is located immediately north of the site with related industrial activities further north. Liesbeek Parkway runs immediately adjacent to the site's western boundary with sports fields (Malta Park) and the Black River Park, a commercial development, beyond that. A railway line, light industry and the residential areas of Observatory and Salt River are located further west. The Raapenberg Bird Sanctuary Nature Reserve, along the Black River, borders the site to the immediate east. The M5 runs along the eastern edge of the site beyond the Black/Sout River with - north to south - the industrial areas of Maitland and Ndabeni, a commercial development (M5 Park), the Alexandra Institute and the Maitland Garden Village located east of the M5.

The South African Astronomical Observatory is situated on the ridgeline immediately east of the southern portion of the site. The Observatory complex is centred around the original 1827 observatory building, which commands a dominating position on the observatory Hill (Aikman, 2002). The trees on Observatory Hill do however screen much of the observatory building from surrounding receptors. The layout of the complex is informal and buildings are loosely arranged in a parklike setting (Aikman, 2002). Valkenberg West, part of the Valkenberg Hospital complex, is located further south.

Liesbeek Parkway from the N2 (south), Albert Road (north-west) and Station Road from Main Road (west) provide access to the site. Although the M5 runs almost adjacent to the site, access from the M5 is not possible.

The site itself is predominantly used as a golf driving range with a "mashie" 9-hole golf course in the north-east of the site. Beyond the mashie course, the land belongs to PRASA and has recently been cleared. The River Club, built in 1939, has been converted into a recreational and conference facility. A number of surrounding buildings on the property are rented to business owners. The River Club parking area is to the south of the building with the main access to the River Club from the south off Observatory Road.

The site is located within the City of Cape Town's Two Rivers Urban Park (TRUP) "...a special and unique place in Cape Town... comprising of sensitive ecological systems and habitats, extensive open space areas, significant institutions, historical buildings and cultural landscapes..." (CoCT, 2002). The TRUP Spatial Development Framework (SDF) (2002) aims to develop "a holistic and inclusive concept of an urban park that is both mindful of the needs of the City's people and is respectful of universal environmental concerns." The SDF envisages the River Club as a place that can continue to contribute to the potential of the TRUP as a place of recreation, relaxation and outdoor education (CoCT, 2002).

4.4.2 Visual Character

Visual character is descriptive and non-evaluative, which implies that it is based on defined attributes that are neither positive nor negative. A change in visual character cannot be described as having positive or negative attributes until the viewer's response to that change has been taken into consideration. The probable change caused by the Project is assessed against the existing degree of change caused through development. Typical character attributes, used to describe the visual character of the affected area and to give an indication of potential value to the viewer, are provided in Table 3-1.

The basis for the visual character of the area is provided by the topography, vegetation and land use of the area, giving rise to a predominantly urban environment of mixed land use surrounding a large open space with low intensity activities, influenced by the rivers moving through the space and vehicular and rail routes moving past the space. The historical institutions, such as the Observatory complex, also add to the visual character of the area.

Although most of the area surrounding the site can be described as a substantially developed landscape (*highly transformed landscape*), the site and the immediate surrounds can be defined as a *transition landscape* associated with the interface between highly developed urban areas and modified natural elements.



Figure 85: River Club Topography, SRK VIA

4.4.3 Visual Quality

Aesthetic value is an emotional response derived from our experience and perceptions. As such, it is subjective and difficult to quantify in absolute terms. Studies in perceptual psychology have shown that humans prefer landscapes with higher complexity (Crawford, 1994). Landscape quality can be said to increase when:

- Topographical ruggedness and relative relief increases;
- Water forms are present;
- Diverse patterns of grasslands and trees occur;
- Natural landscape increases and man-made landscape decreases; and
- Where land-use compatibility increases.

The visual quality of the overall area is largely due to the open, modified natural character of the landscape surrounded by a built-up urban environment. The rivers provide interest in the landscape thereby enhancing the visual quality. Views of Devils Peak contribute to the visual quality of the area. The Observatory located on the hill between the rivers adds visual interest in the landscape, although it is mostly screened by the large trees.

The visual quality of the area can be experienced through a number of views. These views include (refer Annexure // Plate 3-9 to Plate 3-13):

- Views west towards Devils Peak;
- Views across the relatively open and green site;
- Views towards the Observatory complex on Observatory Hill;
- Views across Raapenberg Bird Sanctuary and Black River; and
- Views along Liesbeek River.

There are elements that detract from visual quality in the study area, notably the barren and industrial land to the north and the M5 to the east. Nevertheless the visual quality of the study area is considered to be **moderate**.

4.4.4 Sense of Place

Our sense of a place depends not only on spatial form and quality but also on culture, temperament, status, experience and the current purpose of the observer (Lynch, 1992). Central to the idea of „sense of place“ or *Genius Loci* is identity. An area will have a stronger sense of place if it

can easily be identified, that is to say if it is unique and distinct from other places. Lynch defines „sense of place“ as “the extent to which a person can recognise or recall a place as being distinct from other places – as having a vivid or unique, or at least a particular, character of its own” (Lynch, 1992:131).

It is often the case that sense of place is linked directly to visual quality and that areas/spaces with high visual quality have a strong sense of place. However, this is not an inviolate relationship and it is plausible that areas of low visual quality may have a strong sense of place or – more commonly – that areas of high visual quality have a weak sense of place. The defining feature of sense of place is uniqueness, generally real or biophysical (e.g. trees in an otherwise treeless expanse), but sometimes perceived (e.g. visible but unspectacular sacred sites and places which evoke defined responses in receptors). Tourism can sometimes serve as an indicator of sense of place insofar as it is often the uniqueness (and accessibility) of a space/place which attracts tourists.

The area does not necessarily have an immediately recognisable sense of place. The sense of place is influenced by the rivers, and an “island” of open space in a highly developed urban environment. The Observatory complex and the River Club building, cultural/historical features and visual resources, are distinguishable landmarks on the landscape.

The views of Devils Peak and the dominant east-facing ridgeline also add to the sense of place of the area.

4.5 VISUAL RECEPTORS AND VISIBILITY

4.5.1 Visual Receptors

Receptors are important insofar as they inform visual sensitivity. The sensitivity of viewers is determined by the number of viewers and by how likely they are to be impacted upon. Potential viewers include the following:

- **Motorists:** The site is visible to users travelling passed on Liesbeek Parkway and on the M5, although the site is only really visible to motorists on Liesbeek Parkway for approximately 800 m and for approximately 600 m on the M5. Viewers along these roads are transient (and moving at speed) and so are exposed to visual impacts for a relatively short period.

- **Employees and Residents:** Visibility from individual households is likely to be low, since the urban fabric obtrudes views of the site beyond the very immediate foreground. Employees in Black River Park (west) and M5 Park (east) have clear views across the site from elevated viewpoints. The site will also be visible to employees/residents at Alexandra Institute, which is elevated above the site.
- **Visitors:** Visitors to the Observatory complex view the site from a raised vantage point although large trees do provide visual screening. The site is also visible to visitors to Raapenberg Bird Sanctuary east of the site, users of the sports fields west of the site and passive users of the open space and TRUP e.g. dog-walkers, bird-watchers and pedestrians along the Liesbeek River.

The sensitivity of viewers or visual receptors potentially affected by the visual impact of the Project is considered to be **low**.

4.5.2 Viewing Distance and Visibility

The distance of a viewer from an object (in this case the Project) is an important determinant of the magnitude of the visual impact. This is because the visual impact of an object diminishes/attenuates as the distance between the viewer and the object increases. Thus the visual impact at 1 000 m would, nominally, be 25% of the impact as viewed from 500 m. At 2 000 m it would be 10% of the impact at 500 m (Hull and Bishop, 1988 in Young, 2000).

Three basic distance categories can be defined for a Project of this scale (as discussed and represented in Table 2).

Table 2: Distance Categories

Distance FOREGROUND (0 – 1 km)	Categories The zone where the proposed Project will dominate the frame of view. The Project will be <i>highly visible</i> unless obscured.
MIDDLEGROUND (1 – 3 km)	The zone where colour and line are still readily discernible. The Project will be <i>moderately visible</i> but will still be easily recognisable.
BACKGROUND (<3 km)	This zone stretches from 3 km to the point from where the development can no longer be seen. Objects in this zone can be classified as <i>marginally visible to not visible</i> .

Table 3: Visibility Criteria

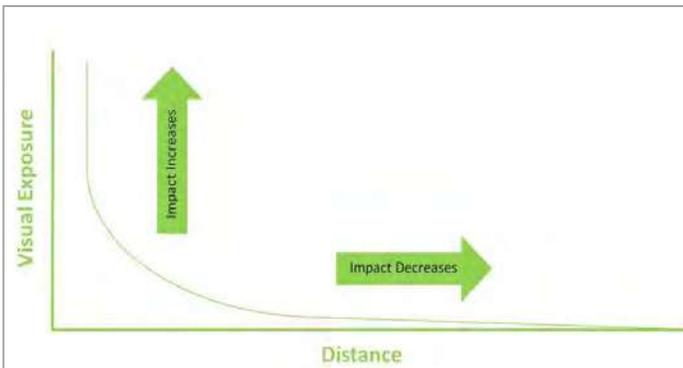


Figure 86: Visual Exposure vs Distance, Source: Adapted from Hull and Bishop, 1998

NOT VISIBLE	Project cannot be seen	
MARGINALLY VISIBLE	Project is only just visible / partially visible (usually in background zone)	
VISIBLE	Project is visible although parts may be partially obscured (usually in middleground zone)	
HIGHLY VISIBLE	Project is clearly visible (usually in foreground or middleground zone)	

A range of (reasonably) accessible viewpoints were selected from the surrounding areas, in order to provide an indication of the likely visibility of the Project. The viewpoints were not randomly selected but were chosen because they are likely to afford optimal views of the project, i.e. the Project is likely to be less visible from other accessible viewpoints.

The selected viewpoints are shown in Figure 87, and views from these viewpoints are shown in the accompanying photographs included as **Appendix A**. The criteria used to determine the visibility of the proposed Project are set out in Table 3 and the visibility from each viewpoint is summarised in Table 4..



Figure 87: River Club VIA Viewpoints, source SRK VIA

Table 4: Visibility from Viewpoints

View Point #	Location	Co-ordinates	Direction of view towards/from the site	Time Photograph Taken	Potential Receptors	Visibility
VP1	M5 north of site	33°55'36.67"S; 18°28'39.36"E	South-west	12:25pm	Motorists along the M5	Highly visible
VP2	Along the Black River at the Berkley Way on-ramp to the M5	33°55'43.82"S; 18°28'43.22"E	West	12:30pm	Motorists on Berkley Way	Highly visible
VP3	M5 Business Park	33°55'51.44"S; 18°28'50.47"E	West	12:35pm	Employees and visitors to M5 Park	Visible - although a portion of the northern extent of the site will be highly visible, much of the rest of the site is screened by Observatory Hill ²
VP4	Observatory Road near the intersection with Liesbeek Parkway	33°56'11.00"S; 18°28'32.11"E	North	12:52pm	Motorists along Observatory Road and Liesbeek Parkway as well as visitors to the Two Rivers Urban Park	Highly visible
VP5	Liesbeek Parkway at the entrance to Black River Park	33°56'2.10"S; 18°28'22.83"E	A: East B: South C: North	12:59pm	Motorists and pedestrians along Liesbeek Parkway	Highly visible
VP6	Black River Park	33°55'59.08"S; 18°28'16.62"E	East	1:11pm	Employees at Black River Park and users of the Malta Park sports fields	Highly visible
VP7	Albert Road/Liesbeek Parkway	33°55'52.49"S; 18°28'19.20"E	A: South-west B: North C: South-east	1:07pm	Motorists from Albert Road onto Liesbeek Parkway	Highly visible
VP8	River Club driving range	33°55'50.47"S; 18°28'27.20"E	A: West B: East C: South D: North	1:30pm	n/a	n/a
VP9	River Club mashie course on the bank of the Liesbeek River	33°55'52.44"S; 18°28'34.34"E	A: East B: West	1:34pm	n/a	n/a

View Point #	Location	Co-ordinates	Direction of view towards/from the site	Time Photograph Taken	Potential Receptors	Visibility
VP10	River Club parking area	33°56'4.70"S; 18°28'29.65"E	South	1:20pm	n/a	n/a
VP11	River Club	33°56'1.01"S; 18°28'25.10"E	West	1:27pm	n/a	n/a

SECTION 5

HERITAGE RESOURCE SIGNIFICANCE OF SITE & CONTEXT

5.1 INTRODUCTION

The identification of the site and immediate context cultural significance is developed according to the requirements of the NHRA S 38 (3)(b), which defines cultural significance as “historical, architectural, aesthetic, environmental, social or technological/scientific significance” (refer Section 2). In undertaking an overall analysis of heritage significance the following documents were used: CCT Heritage Grading Guideline and Heritage Significance Checklist and HWC Guide to Grading (2015).

5.2 CONTEXT HERITAGE RESOURCES²²

The heritage resources within the site context, primarily are situated within the TRUP boundaries, with exception of the PRASA site (north of the River Club) and Observatory Heritage Area. The context heritage resources have the following significances:

Historic

- Pre colonial land Use: Khoi ancestral grazing grounds and site of Khoi ceremonial area at confluence of Black and Liesbeek Rivers
- Landscape which „marks the beginning of the end“ of Khoikhoi culture, in addition to symbolising the process and patterns whereby indigenous inhabitants of Africa, Asia, Australia and New Zealand succumbed to global colonisation²³;
- Colonial settlement history: First land grants of 1657 to free burgers
- Site of fortifications (fortification fence and Forts Koringkoop and Ruitervacht)
- Maitland Garden Village – one of three garden townships, first for Coloured race residents
- Oude Molen: First windmill c 1717
- Valkenberg homestead: first asylum was established with amendments and alterations made to the existing buildings

- Valkenberg Hospital: first purpose built asylum and hospital in the country, and the first psychiatric institution and as a purpose built asylum designed by an architectural firm with knowledge and experience in the design of sanatoria and asylums;
- Valkenberg homestead and associated werf and historic outbuildings
- South African Astronomical Observatory
- Military barracks (Oude Molen)
- SAAO was the first building to be photographed (by Charles Piazza Smyth 1842)
- Valkenberg hospital was the site of the first Porter reformatory for juveniles
- Initial crossing and cattle drift area (possibly in relation to Vaarsche Drift)
- Valkenberg homestead and werf as the first location of the Porter Reformatory for juvenile offenders prior to its relocation to the Porter Reformatory in Tokai It is also closely linked with the philanthropic works of William Porter who donated funding for the establishment of a reformatory

Architectural

- Valkenberg Hospital
- First purpose built asylum designed by an architectural firm with knowledge and experience in the design of sanatoria and asylums. Design based on scientific design principles (Architects: Scottish firm Sydney Mitchell and Wilson)
- Valkenberg Homestead
- South African Astronomical Observatory (1820)

Social

- Khoi ceremonial area at confluence of Black and Liesbeek Rivers
- River Club golf driving range and mashie golf course
- Public recreational areas associated with the rivers
- Sports facilities and fields (Malta Sports fields, Hartleyvale soccer and hockey fields and asto turfs)

²² The CCT map of the site and context will be included in the report when received

²³ ACO Associates cc 2015 p 4

- Maitland Garden Village
- Historic treatment of political prisoners
- Racial segregation in psychiatric care (Valkenberg East)
- Recreational and educational facilities (Oude Molen)
- Raapenberg Bird Sanctuary (bird watching)
- Valkenberg Hospital design for segregated racial patients

Scientific

- Oude Molen (first windmill C 1717 [early industrial history])
- Valkenberg Hospital (medical & scientific [architectural design])
- South African Astronomical Observatory (scientific discoveries)
- Raapenberg Bird Sanctuary

Aesthetic

- Rivers and associated riverine landscapes
- Rural character of former agricultural landscapes
- Institutional complexes within landscape setting
- Raapenberg Bird Sanctuary (nature area)
- Matured tree landscapes
- Valkenberg homestead (one of the few remaining homesteads still set within a semi rural context along the banks of the Liesbeek River where the relationship between the farmstead and the river is evident).

Architectural

- Valkenberg Hospital
- SAAO (1820)
- Valkenberg farmstead (homestead, associated werf and outbuildings)
- Maitland Garden Village (Garden village design)
- Oude Molen (architectural layering from possibly 18th c)

Associational

- Associated with the first conflicts around land use land rights and access to water resources which lay at the heart of the Khoen Khoen struggle for their traditional way of life (struggle history);
- SAAO astronomers: Reverend Fearon Fallows 1821 – 1831, Thomas Henderson 1831 – 1833 and Thomas Maclear 1834 – 1870, Sir John Herschel;

- King Ceteswayo: political prisoner at Oude Molen
- First Dutch „free burgers“ (early farmers in late 17th and early 18th centuries);
- Charles Piazza Smyth (first photographer of building (SAAO) 1842;
- Thomas Bowler (worked at the SAAO)
- Wouter Cornelius Mostert (first free burger farmer on northern portion of TRUP)
- William Porter who donated funding for the establishment of the Porter Reformatory
- Sr W Dodds (Valkenberg Hospital medical superintendent general)
- Architects Sydney Mitchell and Wilson (Design Architects Valkenberg Hospital)
- Architects: HS Greaves and GS Cleland (Supervising Architects Valkenberg Hospital)

Graves

- Reverend Fearon Fallows
- Thomas Maclear
- Lady Maclear
- Burial vaults Vlakenberg Hospital

Slaves

- Valkenberg farm had significant slave ownership
- Worked on the initial land grants
- Used the rivers for washing laundry

Archaeology (potential)

- Vaarsche Drift
- Oude Molen
- Valkenberg homestead
- Valkenberg hospital
- Old fence line
- SAAO
- Valkenberg East

Contextual value

The majority of site within TRUP have a visual spatial contextual value – the exception is the Ndebeni light industrial area

Rarity

The site's location in association with the Liesbeek and Black Rivers is unique in Cape Town. The identified buildings of cultural significance are rare (for example, Valkenberg farmstead, Valkenberg Hospital [initial buildings], SAAO historic buildings, Nieuwe Molen).

5.3 SITE HERITAGE RESOURCES

The site's heritage resource significance can be divided into 3 scales: Metropolitan, site and individual components and sub-precincts.

Metropolitan Scale

The site is a significant component of the cultural landscape of Cape Town in terms of the following:

- Position adjacent to the Liesbeek and Black Rivers and the role of this area as seasonal grazing land for indigenous herders during pre-colonial period;
- Place where barriers were erected to restrict access by the Khoikhoi and gain exclusive use of this land and its resources. The TRUP site thus became a site of conflict between colonial establishment and the indigenous herders during the mid 17th century;
- Continued existence of the valley of the Liesbeek, Black River and confluence and remnants of the Salt River estuary;
- Location along Liesbeek River and the role of this fertile and well watered setting in the establishment of the first private land grants and a pattern of agriculture use and permanent settlement;
- Location on an island between two river systems adjacent to two major historical riverine systems;
- Presence of Institutions of high standing, namely the South African Astronomical Observatory (SAAO) and Valkenberg Hospital;
- Landmark quality of the site and the contribution it makes to the

vegetated setting of the SAAO. The landmark character provides a visual focus from different parts of the city and major routes (N2, Liesbeek Parkway and M5) towards the site and its adjacent TRUP sites;

- The role of the site within the context of Two Rivers Urban Park and as part of a larger green public open network of the city
- Place where the Liesbeek River is permitted to flood.

Site scale

The site scale has the following significances:

- Degree of sense of place and topography survive from pre colonial era, although greatly transformed by the recent layers of development
- Place of recreational use from the early 20th century
- Visual and physical east-west and north-south linkages allows the site to be strongly linked to its surrounding context;
- Distinctive open space qualities of the site created by a minimal and low scale buildings, landscaped grounds, mature trees, riverine edges
- Historic sit access from Observatory road

Site Precinct scale:

The site precinct scale describes the different areas of significance within the site, such as:

- Open landscaped areas north of the buildings, currently where golf is played;
- Tree shaded areas adjacent to the Liesbeek tributary canal and the SAAO boundary;
- Areas adjacent to the river and canal.

TRUP Context Sites Cultural Significances

The recommended cultural grading of the site and TRUP inner core is a requirement of the HIA Phase One and informs the heritage design Indicators.

Table 5: Recommended grading of site and immediate TRUP context

NO	SITE	CULTURAL SIGNIFICANCES	RECOMMENDED GRADING	HPOZ	REFERENCE
1	SAAO	Historic, architectural, scientific, technical, aesthetic, associational Rare	Grade 1: Central section (Observatory Hill) (identified by SAHRA as a Grade I site)[2016] Grade II: Remaining site around NHS	Proposed TRUP HPOZ	Baumann & Winter 2011 WPC October 2016 p 46
2	Valkenberg West Hospital	Historic, architectural, scientific, technical, aesthetic, associational	Declared PHS: Valkenberg Hospital, wards, quadrangles and service buildings; Proposed Grade II: Valkenburg Manor House associated view cone, Individual buildings graded II, IIIA, IIIB and IIIC Site graded as Grade IIIA	Proposed TRUP HPOZ	Bauman 2013 WPC October 2016 p 46
3	Valkenberg Manor House and related structures;	Historic, architectural, scientific, technical, aesthetic, associational	Declared PHS (1986): Valkenberg Manor House and related structures	Proposed TRUP HPOZ	WPC October 2016 p 52
4	Alexandra Mill	Historic, architectural, scientific, technical, aesthetic, associational	Declared PHS	Proposed TRUP HPOZ	WPC October 2016 p 52
5	Nieuwe Molen Mill	Historic, architectural, scientific, technical, aesthetic, associational	Declared PHS (1978)	Proposed TRUP HPOZ	WPC October 2016 p 53
6	Alexandra Institute complex	Historic, architectural, scientific, technical, aesthetic, associational	II	Proposed TRUP HPOZ	WPC October 2016 p 52
7	Oude Molen 18 th century house	Historic, architectural, technical, aesthetic, associational	II	Proposed TRUP HPOZ	WPC October 2016 p 54
8	Raapenberg Bird Sanctuary	Aesthetic, scientific, natural heritage	IIIA	Proposed TRUP HPOZ	Author
9	Liesbeek River	Historic, aesthetic, social, associational, scientific	IIIA	Proposed TRUP HPOZ	Author ACO Associates cc 2015 (discuss a Grade II)

NO	SITE	CULTURAL SIGNIFICANCES	RECOMMENDED GRADING	HPOZ	REFERENCE
10	Black River	Historic, aesthetic, social, associational	IIIB	Proposed TRUP HPOZ	Author
11	Vaarschedrift crossing (pre colonial site)	Historic, associational	IIIA	Proposed TRUP HPOZ	Author WPC October 2016
12	Harleyvale and Malta Park Sports fields and turfs, stadiums	Historic, aesthetic, social	IIIB	Proposed TRUP HPOZ	Author
13	Bowling Greens, School of the Deaf	Social, aesthetic	IIIB	Declared Observatory HPOZ	Author
14	PRASA site (north of River Club)	Historic, Contextual,			
15	Former Vaarsche Drift homestead site (present office use building)	Historic, archaeological	IIIA	Proposed TRUP HPOZ	Author
16	River Club	Social, aesthetic, historic	IIIB	Proposed TRUP HPOZ	Author
17	TRUP	Historical, symbolic, scenic, amenity value	II	Proposed TRUP HPOZ	WPC October 2016 Author

FIGURE 2: LOCAL CONTEXT

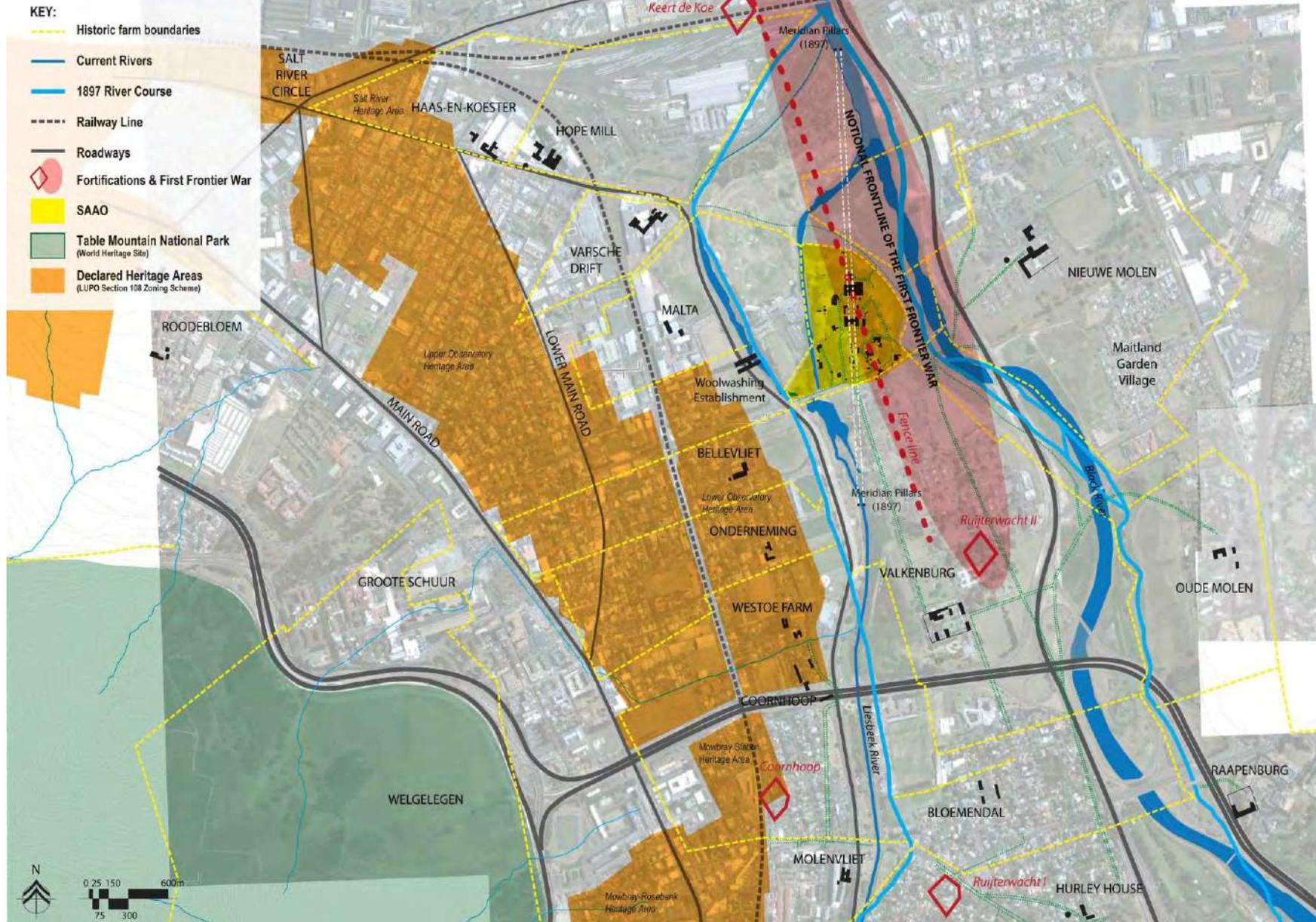


Figure 88: Heritage Resources on and around the site, Baumann & Winter 2011 Figure 2



Figure 89: Declared and Proposed Heritage Protection Overlay Zones, source CCT EHRM 2016

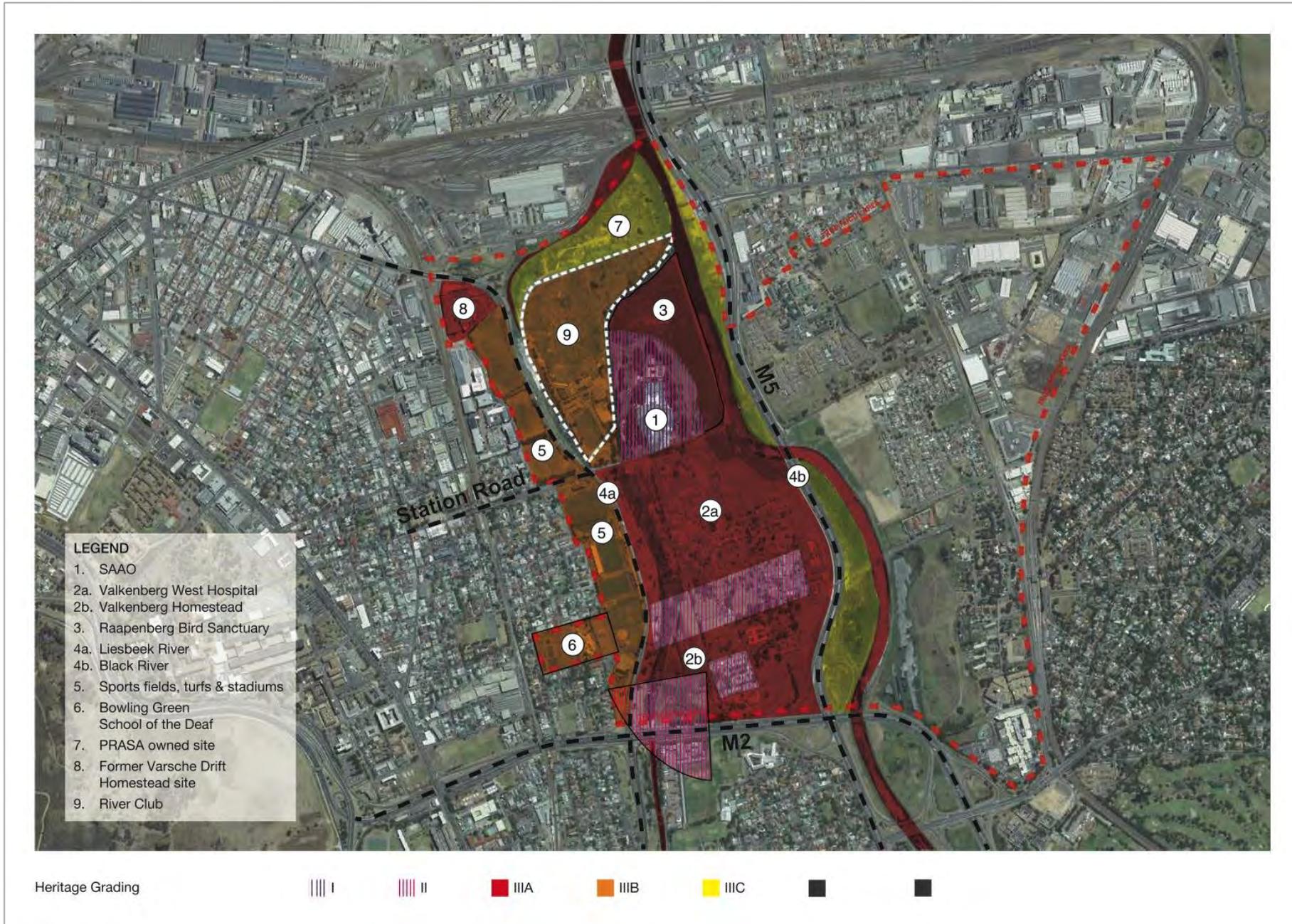


Figure 90: Recommended Cultural significance of site and TRUP inner core
BRIDGET O'DONOGHUE ARCHITECT HERITAGE SPECIALIST ENVIRONMENT

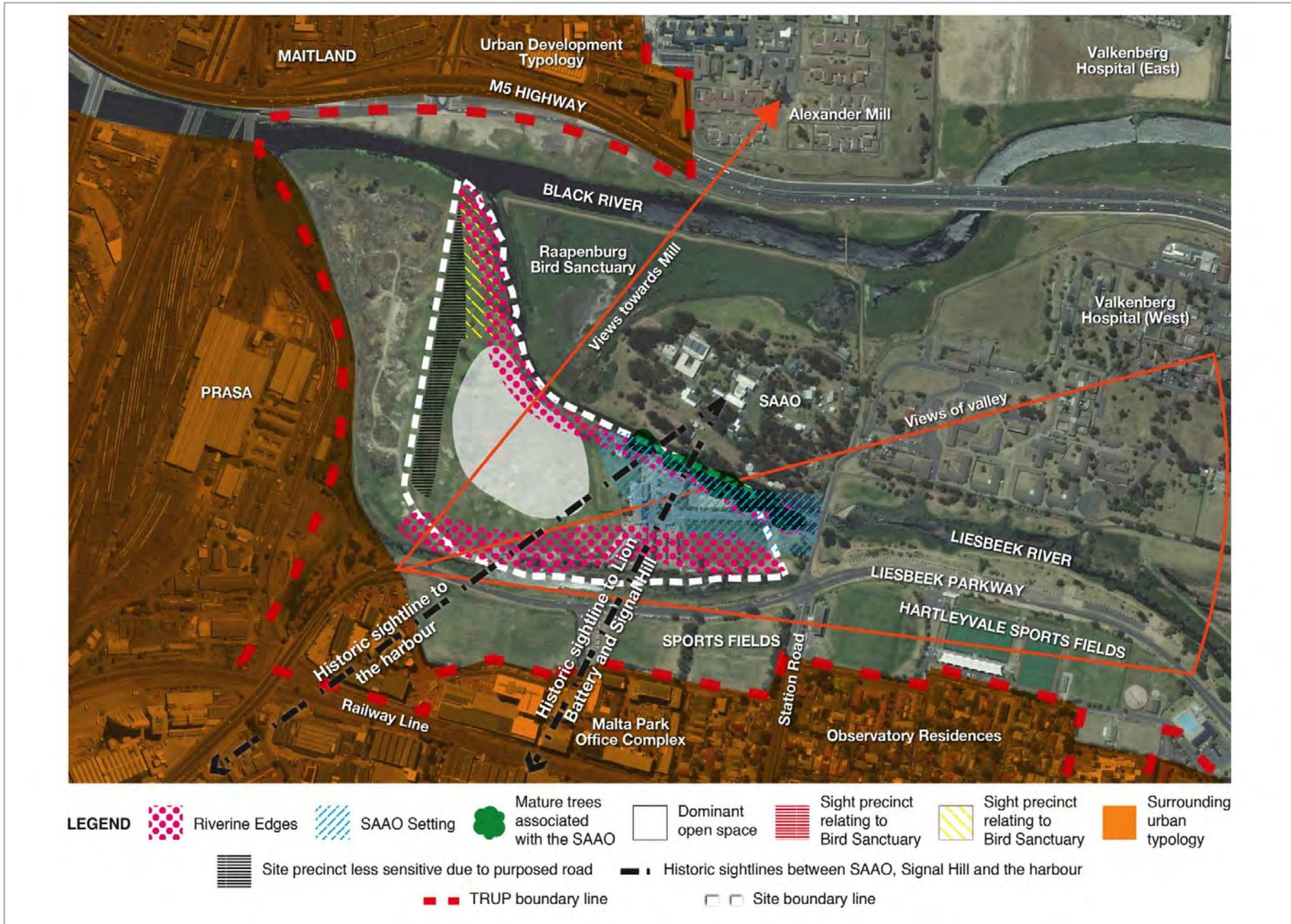


Figure 91: Site and Context characteristics that inform the Heritage Design Indicators

SECTION 6 HERITAGE DESIGN INDICATORS

6.1 INTRODUCTION

The heritage design indicators result from an understanding of the site's identified aesthetic, historic, social, associational, architectural and contextual significances as outlined in Table 2. These indicators are developed for the retention and enhancement of the site's significance at metropolitan, precinct and site scales. The indicators provide the basis for the assessment in the HIA Phase 2 report. The heritage design indicators are outlined in Sections 6.2 – 6.16 and depicted in Figure 92.

As HWC require the HIA to include urban indicators, Urban Concepts were commissioned to study the site and its context and produce urban indicators. The initial urban design concept has been used in this section as a base for the heritage design indicators as it represents the heritage design indicators.

The majority of the urban design analysis and diagrams are included in Section 2. The urban design diagrams omitted differ from the author's assessment of the site. Similarly, the majority of the urban design indicators are integrated into this section's Heritage Design Indicators; those that are omitted are the ones that differ from the heritage design indicators, such as heights of proposed buildings and proposed grain of development. The complete urban design report can be accessed in Annexure 3.

The heritage related design informants within the TRUP Baseline Heritage Study (October 2016, report for discussion) identifies high-level heritage related design informants and precinct specific heritage design informants. For the purposes of this report, the high level informants and the River Club and Vaarschedrift informants are included below (in italics):

WCG Baseline Heritage Study (October 2016) High level design informants²⁴

- Retain where possible the open „rural qualities“ of the TRUP and directing compact development strategically to less heritage

²⁴ WCG October 2016 p 73 & 74

sensitive areas;

- Retain mature tree belts and green corridors where they add to the cultural landscape significance of the site;
- Retain mature tree belts and green corridors where they add to the cultural landscape significance of the site.
- Enhance a sense of place and uniqueness of character by the creative use of heritage sites and their contexts.
- To allow visual and physical integration of each precinct or character area into the greater Two Rivers Urban Park framework.
- To encourage the retention of dominant landmark qualities of heritage site and cultural landscapes within the TRUP.
- To ensure visual linkages, significant view cones and corridors both to and from historic sites and cultural landscapes.
- To acknowledge the history of displacement and segregation within the TRUP and to seek mechanisms for memorialisation and redress.
- To ensure adaptive re-use for historic structures and sites.
- To ensure qualities of scale, presence and form presented by historic structures and their contexts are not adversely affected.
- To ensure development options respond to and are informed by heritage informants.
- To ensure that development responds positively to heritage assets allowing for a sensitive and appropriate transition between the old and the new.
- To ensure that development responds positively to the cultural landscapes and patterns within the landscapes. This may affect scale height density orientation to responses to topography.
- To ensure that community values are reflected in the heritage responses to the site.

The specific heritage design informants to for the River Club site are as follows²⁵:

- The unobstructed view to Signal Hill across the River Club Site should be retained and recognized through appropriate height

²⁵ WCG October 2016 p 82 & 83

restrictions associated with an astronomically-related view cone across the site towards Signal Hill.

- A buffer area on an extent yet to be decided should be negotiated adjacent to the Observatory Hill and related canal to ensure that the Observatory buildings retain the context of a hill site;
- Mechanisms should be introduced to celebrate and commemorate the notion of the transhumant crossing area at Vaarschedrift as well as the presence of the First Nation in the Peninsula;
- Where wetland or biodiversity areas exist in a relatively pristine form, they may be used to commemorate the notion of the pre-colonial landscape i.e. the use of the landscape as artifact;
- Development proposals to allow for the retention of open recreational spaces;
- Removal of canal walls and reinstatement of soft river edges where possible;
- Retention of treed edges to mitigate potential development impact on Observatory Hill;
- Strong emphasis on height and bulk restrictions insofar as they may impact on the Observatory Hill. Height limit of 5 floors above existing (including parking) to be considered as an acceptable height limit;
- View cones to and from the Observatory Hill and peripheral areas are to be considered as a dominant heritage informant;
- Potential for development opportunities to the north of the site along proposed Berkley Road extension provided archaeological conditions are met (s 35 NHRA) and view cone to Alexandra Mill remains unobstructed.

Liesbeek Parkway Corridor²⁶

- Development proposals should consider the scale and grain of the HPOZ of Observatory. Height and bulk of development proposals should consider the historic scale and form of the HPOZ. Scaling mechanisms and buffer areas (landscape) should be considered to minimize impact on the heritage qualities of the suburb;
- Recreational open spaces are to be retained where possible;
- Development proposals should use historic precedent and engage with the river corridor in terms of orientation towards the Liesbeek

River;

- Any proposed development near a potential archaeological site should be subject to prior archaeological investigation;
- Entrance to the site from Station Road should be celebrated within the confines of appropriately scaled and contextually appropriate gateway mechanisms;
- The historic gateway and route to Valkenburg east of the river should be retained. Historic gate piers should be protected and upgraded as part of a system of gateways at the entrance to the site.

6.2 SITE'S LANDMARK QUALITIES

The site has a landmark quality due to:

- An expanse of open, green space;
- Surrounding rivers, and
- Accessible views of the site.

Furthermore, the spatial interconnection of most TRUP sites contributes to the heritage value of the site and TRUP as a whole.

The landmark quality indicators are as follows:

- Retain a large primary open area and subsidiary open areas within future development, and
- Integrate the site spatially and visually with adjoining TRUP sites.

6.3 NATURAL ENVIRONMENT

The site's significant natural features are the mature trees, seasonal floods, and the abutting riverine environments. The site is unique in Cape Town with its position between the original course of the Liesbeek River and Liesbeek River canal. The site is a component of the city's open space network.

The natural environment indicators are as follows:

²⁶ WCG October 2016 p 83

- Respect the required environmental setbacks from the river edges, and embrace these as an opportunity to rehabilitate the watercourses and canal, and introduce public spaces to their edges as achieved along sections of the Liesbeek River;
- Ensure that future changes to the existing ground levels do not impact negatively on the cultural heritage significance of the site and TRUP;
- Ensure that changes to the topography of the site do not impact the Raapenberg Bird Sanctuary and the riverine environments (e.g. through changes to surface flow dynamics);
- Ensure no buildings' high, blank facades face the rivers;
- Celebrate the Raapenberg Bird Sanctuary with setting buildings back from this adjacent site boundary and the development of a site's public space adjacent to the sanctuary;
- Rehabilitate watercourses to promote ecological functioning;
- Balance future recreational uses on the rivers with the river's ecological requirements;
- Do not to create blank facades/edges on the development; and
- Although beyond the site on PRASA land, be cognizant of the convergence of the two rivers (Liesbeek and Black river) as a significant historic place on TRUP;
- Remove canal walls and reinstatement of soft river edges where possible.

6.4 VISTAS

To retain the site's visual accessibility from the surrounding roads and sites, the vista indicators are as follows:

- Retain identified significant vistas to, into and through the site (from adjacent sites and roads) in the design of future development's massing and scale;
 - Maintain and define views linking the site with the significance TRUP features / landmarks (e.g. SAAO, Alexandra Mill, Valkenberg Hospital, Liesbeek and Black Rivers);
11. Celebrate the historic view connection between the SAAO and Signal Hill through design of the buildings in this view cone;

6.5 OPEN SPACES

The site's open spaces have the following characteristics:

- It is the major spatial characteristic that links the site to neighbouring TRUP sites;
- Differentiates the site from the surrounding urban context; and
- Gives the site landmark status.

The following indicators are recommended to retain the open space characteristics of the site:

12. Retain as a site character the green open landscape that spatially connects to the adjacent TRUP sites;
- Design open spaces to provide:
 - A park-like environment with buildings in it (as opposed to a building complex with park spaces around it);
 - An undeveloped setting adjacent to the SAAO;
 - Historic view corridors to, from, and through the site from the SAAO;
 - Publically accessible recreational areas; and
 - Improved ecological areas.
 - Connect open spaces to the surrounding TRUP undeveloped (green) areas, allowing access to rivers and views through the site and towards the mountains;
 - Ensure the continuation of the current walking and cycle routes along Liesbeek Parkway and the Liesbeek River; and
 - Retain and reinforce the physical connection of the site with Liesbeek River and its tributary; and
13. Retain and reinforce the spatial connection of the site with the Raapenberg Bird Sanctuary.

6.6 PUBLIC REALMS

Historically TRUP is a site of historic exclusion, starting with the Dutch erected barriers to restrict Khoikhoi access and thereafter the restrictive access to the institutions, Valkenberg Hospital and the SAAO. The site is privately owned but currently provides commercial publically accessible amenities such as a mashie golf course, restaurants and bars, children play areas in addition to conference facilities. Other core TRUP sites offer

varying degrees of public access, such as restaurants, hotel, riverbanks and grassed areas. Indicators to enhance the site's public accessibility are as follows:

- Promote public access to the site by providing (for example):
 - Paths and walkways;
 - Bird watching facilities;
 - Restaurants;
 - Community facilities;
 - Sport facilities and events;
 - Publically accessible open areas and river banks; and
 - Other recreational activities;
- Include the experience of a future public open space and the Raapenberg Bird Sanctuary as an integral part of a continuous public space system;
- Retain and reinforce the physical connection between the site's natural features, such as rivers and Raapenberg Bird Sanctuary; and
- Promote non-motorized transport (NMT) such as walking, running and cycling to and through the site.

6.7 LAND USE

Heritage Design indicators for the future use of the site are as follows:

- Integrate a mix of land uses on site (private and public) to complement the variety of existing land uses in surrounding areas;
- Incorporate an open landscaped area for public use with recreational uses;
- Promote public access to the site;
- Include residential properties to promote a variety of site use and to ensure permanent occupancy; and
- Include institutional land use if possible, and
- Celebrate and commemorate the First Nation's use of the site.

6.8 DEVELOP SITE TO ITS CULTURAL POTENTIAL

The heritage design indicators for the development of the site to achieve a greater degree aesthetic, social and ecological significance are:

- The development should address its position within TRUP and primarily respond in a positive and marked way to the cultural significance of the site's historic, social, aesthetic, associational and contextual values;
- Capitalize on the unique accessibility of the site within the CCT;
- Develop site areas which lack ecological and aesthetic significance;
- Enhance the site's physical connections with surrounding TRUP precincts and suburbs;
- Promote the site integration with surrounding TRUP precincts and suburbs; and
- Address ecological site conditions such as the high water table and frequent flooding in a manner that does not reduce the site's historic, recreational, associational and aesthetic significances;
- Mechanisms should be introduced to celebrate and commemorate the notion of the transhumant crossing area at Vaarschedrift, for example a pedestrian bridge, landscaping, interpretive signage in this site precinct.

6.9 SPATIAL ORDERING OF DEVELOPMENT

There are a number of conceptual organization models of urban forms and related spaces. The model that best responds to the site and TRUP high cultural significance should be selected²⁷.

²⁷ Examples of organization models are:

- Centralized: central dominant building/space around which a number of secondary buildings are grouped;
- Linear: linear sequence of buildings (generally repetitive);
- Radial: central building/space from which linear buildings are extended in a radial manner;
- Clustered: buildings grouped by proximity or the sharing of a common space or structure; and

The heritage design indicators for the spatial ordering for future development are as follows:

- Cluster zones of buildings rather than linear, block, radial or grid arrangements. This approach is recommended because it encourages an open space design and allows for the conservation of the ecological, visual and heritage attributes and characteristics of the site;
- Distinguish the site from the surrounding built urban context, which is predominately on orthogonally determined erven; Respond to the spatial ordering of the central core TRUP precinct primarily, and in particular in the southern portion of the site (as opposed to the orthogonal spatial ordering of the non-TRUP urban development, such as office buildings on Fir Street) and
- Predominately cluster buildings into precincts to allow the retention of open areas and vistas through, towards and from the site. A limited linear organizational model can be considered adjacent to the proposed Berkley Road extension provided that view corridors between certain of these buildings are retained, and
- Set buildings within the open spaces and riverine landscape.

6.10 RESPONSE TO ABUTTING HERITAGE SITES

The site is part of a larger precinct where skirmishes between the KhoiKhoi and the Dutch colonialists occurred in the late 17th century prior to it being used for agriculture. Situated adjacent to the SAAO, Raapenberg Bird Sanctuary and convergence of the Liesbeek and Black Rivers, and located in close proximity to the Valkenberg Hospital and Valkenberg Manor House, future development has to respond to these significant cultural and natural landscapes.

As well as indicators recommended elsewhere, the following specific measures are recommended to preserve this heritage value:

-
- Grid: buildings organized by a structural grid.

- The development should aim to preserve the heritage value of abutting sites like SAAO, Valkenberg Hospital, Valkenberg Manor, Raapenberg, Bird Sanctuary, the convergence of the Liesbeek Rivers, Vaarschedrift crossing and the cultural significance of the area. This can be achieved by retaining and promoting the „buildings within the park“ character and the landscaped site edges;
- Retain a treed landscape at the interface with the SAAO;
- Celebrate the pre-colonial Vaarschedrift crossing over the Liesbeek River;
- In the southern site precinct, set buildings back from the SAAO boundary in order to retain the SAAO vegetated site setting, and
- Implement appropriate landscaping and retain the existing ground level immediately adjacent to the SAAO common boundary.

6.11 GROUND LEVELS

In order to prevent frequent flooding of the site, the proponent proposes to raise the site's ground level to prevent the seasonal flooding. Careful consideration must be given to this aspect in order to retain the heritage value of the site and surrounding TRUP sites. The following indicators are recommended:

- Changes to the ground level should be an overall subtle visual intervention and should not be overly obvious or visually discordant;
- Restrict the terrace level to the minimum safe height for habitation;
- Respect and follow the current topography of the Liesbeek and Black River valleys when determining terrace heights;
- Manipulate ground levels in a series of different scaled levels / terraces;
- Retain a portion of the site at natural ground level to allow seasonal floods in certain site precincts; and
- Design buildings to relate to their site position and levels (e.g. by promoting active interfaces between buildings and open areas).

6.12 BUILDINGS

The heritage design indicators for new buildings on site are:

- Building style and language should be sensitive to the setting and not visually dominate the character of the TRUP and site's landscape settings;
- Buildings and groups of buildings should reflect the values and significance of the heritage resources in context by being designed sensitively with regard to scale, proportion, positioning, heights, and significant site and context view cones;
- Use techniques for design and construction to differentiate the proposed buildings from buildings in the surrounding non-TRUP urban context (for example, by using different materials, colours, glazing, „soft“ corners and visibility into and through buildings);
- Fragment and restrict the height of buildings in proximity to the SAAO and retain the SAAO setting (it should be noted that the National Research Foundation intend to develop ~8 000 m² of BLA at Erf 151833 at the southern portion of the site which may alter this setting);
- Restrict and stagger the height of buildings north of the existing River Club building;
- The scales of the proposed buildings require modelling within the site and site context in order to assess the potential impacts on the site and TRUP. The height limit should not exceed the adjacent buildings on Fir Road (which is eight storeys)²⁸;
- Stagger building heights from south to north and across the site. Locate the tallest buildings adjacent to the proposed Berkley Road extension;
- Building heights should vary so as not to create a monolithic built complex;
- Avoid high scaled buildings and buildings with large footprints;
- Prevent a building or building cluster from dominating other buildings, the site and surrounding TRUP sites in terms of scale, position and massing;

²⁸ Note the height limit in the WCG Draft Baseline Heritage Study is for a maximum of 5 storeys (including parking)

- Design buildings to be fragmented with various sizes and architectural forms (certain building complexes could be individualized to offer variety and / or signify entry / position etc.);
- Design buildings to define open spaces and routes;
- Allocate continuous buildings that define spaces and create active edges (e.g. perimeter block buildings) in areas where noise, wind and visual mitigation is necessary;
- Consider the scale of buildings with respect to the view cones from adjacent significant site, e.g. from the SAAO towards Devil's Peak and Signal Hill;
- All signage to be sensitive to the TRUP environment;
- Associate buildings (especially recreational use buildings) and publically accessible facilities to the publically accessible open space/s and riverine landscapes (including the PRASA land to the north and in particular the Liesbeek and Black Rivers) by, for example:
 - Connecting buildings with levels, routes, paths and landscaping features; and
 - Providing staggered, interactive building facades.

6.13 ROADS, ACCESS AND PARKING

Currently the site can only be accessed via Observatory Road to the south. Development of the site will require additional site access, including the proposed Berkley Road extension, which will define the northern boundary of the site.

The indicators for future roads, site access points and vehicular parking areas are as follows:

- The Berkley Road extension should not sever the site from the PRASA south of the rivers, but should be designed and articulated in such a way that visual and usage connections are retained;
- Restrict roadways and car dominant spaces within the site. The road network should reflect and be very sensitive to the park-like setting;
- Retain the existing entrance to the site as a key vehicular / pedestrian link into the new development, if possible depending

on the future SAAO development;

- Allow new access points (bridges) from Liesbeek Parkway and Berkley Road extension;
- Design bridges so that the site does not lose its island qualities;
- Encourage linkages to the PRASA owned land north of the site to ensure that this area (including the convergence of the rivers) remains integrated into the site and TRUP;
- Design roadways to avoid general public vehicular thoroughfare through the site;
- Limit the amount of vehicular parking on site in order to retain open areas. Avoid large open parking areas and accommodate parking within buildings and terraces where possible;
- Locate parking garage access points close to the site entrances, if possible;
- Include small, landscaped pockets of ground level parking;
- Accommodate non-motorised movement routes in a practical, safe and visually pleasing manner. Pedestrian routes and movement should be incorporated on all vehicular routes, be unrestrictive and user friendly to promote a people friendly and NMT environment;
- Vehicular parking to be addressed within the constraints of the site's high water table.

6.14 ARCHAEOLOGY

In terms of the finding of the archaeological sensitivity assessment, the site does not possess any material evidence that attributes to the pre-colonial or post-colonial periods. Nevertheless, provincial and local heritage authorities may require an archaeological watching brief during any excavation and landscaping, trenching or digging of footings. In the event of an archaeological find being made, an emergency permit will need to be obtained for an archaeologist to inspect the find and to make the necessary recommendations.

The indicator for archaeology is as follows:

- As the site possesses potential for archaeological evidence, an archaeological watching brief be put in place prior to any earthworks occurring on site.

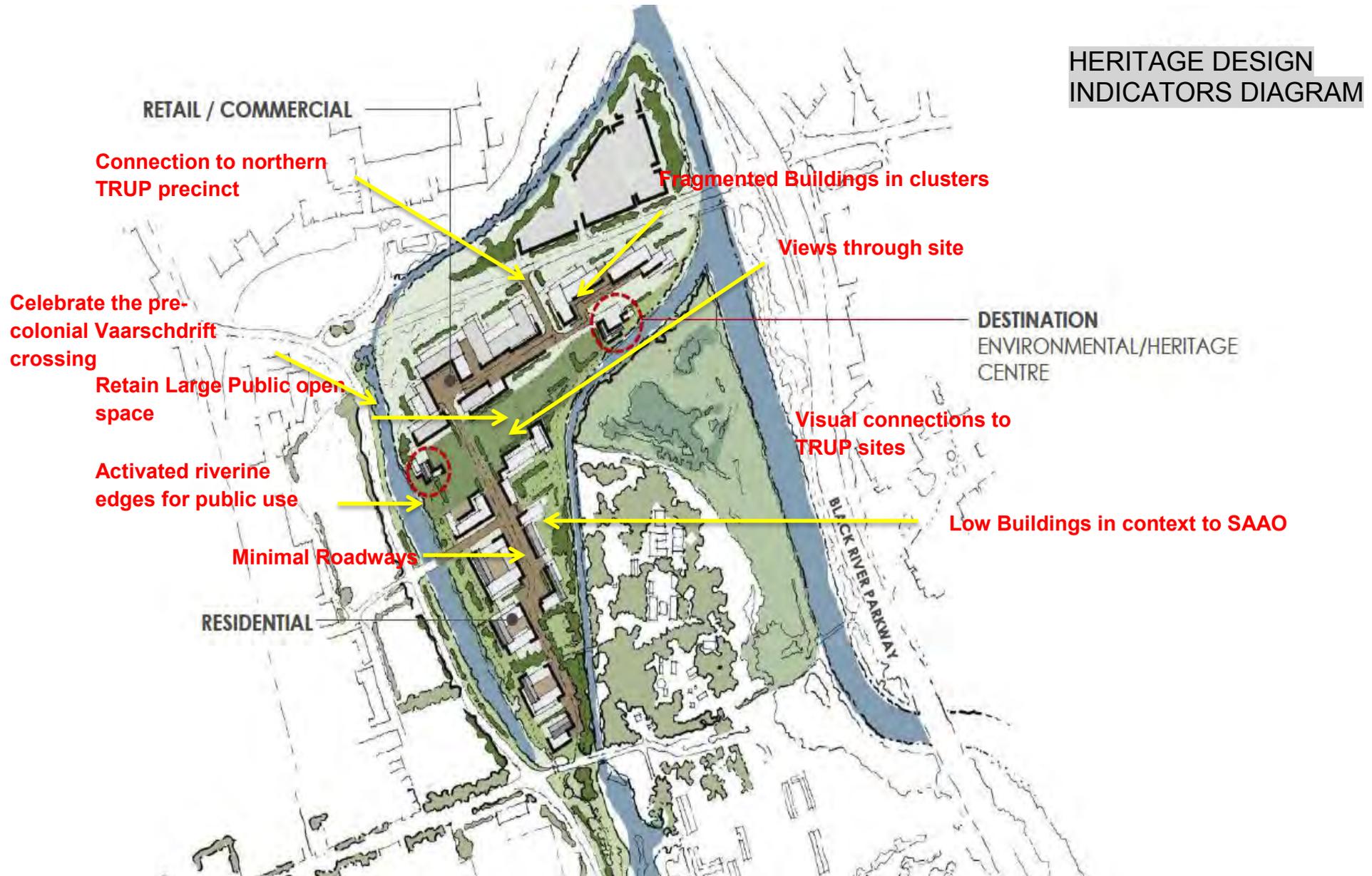


Figure 92: Heritage Design Indicator principles overlaid on Urban Concepts 2016(1) Initial Ideas Presentation

SECTION 7 PUBLIC PARTICIPATION

7.1 INTRODUCTION

HWC requires comment on all submissions within the CCT municipal boundaries from the CCT EHRM. A HWC registered conservation body is required to have the opportunity to comment on all submission to HWC within their spatial comment area. The only registered conservation body identified on the HWC website for conservation bodies is the Observatory Civic Association (OCA)²⁹.

As the HIA is a NHRA Section 38(8) application, the public participation process is conducted through the NEMA process. The HIA Phase One Draft 5 was advertised for comment as one of the EIA specialist studies. The comments included in this report are the CCT EHRM and the OCA.

The full comment and response report by the EAP is being finalised at the date of the HWC submission.

7.2 COMMENTS RECEIVED ON THE INITIAL SCOPING REPORT

Comments on the initial scoping report were received from the local civic organisation, CCT and individuals. Comments from the Observatory Civic Association (Architecture and Heritage), CCT (various departments) and the CCT EHRM are included in Section 7.2.

7.2.1 OBSERVATORY CIVIC ASSOCIATION (ARCHITECTURE AND HERITAGE)

The OCA initial comment on the Scoping report, dated 5 September 2016 states the civic had various community meetings regarding the proposed redevelopment of the site, and their involvement on the TRUP since around 1998. The following comments are made (OCA text identified in italics):

Site:

- *TRUP includes the River Club site;*

²⁹ Practice experience has shown that HWC IACOM may require other registered conservation bodies to comment on the River Club HIA, even though no other civic association is identified for this site.

- *The Liesbeek and Black Rivers flowing into the Salt River are integral parts of "The River Club" and this is an essential part of „THE PARK“. Historically, this is highly charged "frontier territory" with great historical and heritage significance dating back to the early pre-colonial Cape, predating the encounter of early settlers.*
- *This River Club land presents its open space „theatre" with the rivers and natural systems almost intact and the natural wonder of Table Mountain stands as backdrop linking us to that early time.*
- *We acknowledge the place of first people who held these sites dear and who should be encouraged to express their cultural traditions in ancestral sacred spaces and to share their heritage links with others.*
- *This area at the confluence of the two rivers was sacred ceremonial space of the Khoehhoen, besides it being their ancestral grazing and hunting land.*
- *The River Club Land was part of the land that was first granted to Free Burgers, 360 years ago and it was specifically, the famous Wouter Cornelis Mostert who „first" attempted to farm it in 1657 in the shelter of the hill which is now the SAAO. It was called „Den Uitwijk". Mostert failed to grow grain and after 4 years of trying, distracted by war fighting the evicted Khoekhoen, he then gave it up and built a mill that still stands near UCT.*
- *Jan Van Riebeeck, took over this (River Club) „Den Uitwijk" farmland in 1659, according to the fascinating, recently published book "Wheatfields & Windmills". Apparently, he had the use of an available garrison, to chase the Khoekhoen out the area, arresting the leader, referred to as Harry, who was possibly the first prisoner detained on Robin Island. (Is this the same as „Doman"?). With the use of slaves, Van Riebeeck managed to grow the first grain crop, which was a good barley harvest.*
- *This open green field River Club land being at the confluence of these two important rivers as they merge into the Salt, is a unique segment of Metropolitan Open Space System... These environmentally precious natural systems are essential to balance our lives as we tend to live contained within our highly dense urban built environment as is typically required in a modern efficient inner*

City.

- A healthy life, rich in social and cultural wellbeing, requires good quality parks, within close proximity, to function optimally. If we lose the opportunity to make the River Club as part of T R U Park, not only would this be a major loss to the potential of a great metropolitan park, offering quality of life for all communities around the park but we also stand to lose some of the great „game changing“ potential to achieve major densification in the central areas where all new development would be stimulated by the enhanced quality of life that the park provides, similar to what Central Park provides to Manhattan, New York.
- CCT Planning Policy Documents include The River Club land as a vital and unique „green lung“ that these policy documents state needs to be rehabilitated and preserved as part of the park (TRUP);
- There is no justification to change policy to permit an „illegitimate expectation“ project that is not scoring adequately, and should be compared to more desirable, more compliant alternative options for the site.
- The River Club is zoned as “Open Space 3”. The policy guidelines for the area do not permit development of the kind proposed in the Scoping Report. There can be no justification to undermine the green field site and destroy the T R U Park which like Kirstenbosch, should in principle not be built on (other than providing the facilities needed to make the park function at an optimal level). We all recognise that a great metropolitan park needs to attract tourists and cater to local needs. It must be managed with integrity, take care of nature conservation and provide good quality tourist facilities. The upgrade requires variety of appropriate forms of recreation that are compatible with the nature of the park, its historical, heritage and natural features that should all be respected as set out in policy documents that apply to the site and area.

TRUP:

- An upgraded safe central metropolitan park will provide an integrative quality space, promoting environmental education and will stimulate intense and successful development;
- OCA see the immense value of the Two Rivers Urban Park being preserved and upgraded as a vibrant Urban Park providing

available recreation opportunities and a range of community facilities accessible and open to all.

- There is a need to achieve highest standards of environmental protection, sustainability, social interaction and tourism.
- Preservation of the „T R U Park“ is key to facilitating maximum successful development all around the park that promises to provide quality of life to all inner city communities living in greater density, with access to the park.

Purposed development

- Serious concerns regarding the proposed development. It is a mistake to allow the park (TRUP) to be destroyed by building inside it in such a way that it (River Club site) loses its position within TRUP and overlooks the essential importance of adapting everything to the contextual natural, heritage, social and aesthetic factors that will enhance the park.
- The cultural significance needs to be reinforced and its recreational function makes TRUP stimulate good quality development throughout the area;
- It is highly problematic to suggest that new engineering technology makes development in green field floodplains acceptable. We do not support this flawed outlook as it’s „NO-GO for development“, even if it were possible.
- What is its long-term impact on quality of life and the development potential throughout the area? The Scoping report seems flawed in recording so many „facts“ regarding the character of the site, the context, the natural environment, the heritage, the history, the statutory framework, the nature of the proposed development without really interrogating a range of options or scenarios that should compare the scores against guidelines set in established policy. We would like to see the scoping report look at various alternative possible options for this unique site and not be bound by preconceived lines and edges that just happen to be as it is. It should be looking at what is best for our city and test how any development alternatives will impact on our people. What will achieve the best score on a range of issues?
- We do not accept the notion that there is a “new vision, attributed to NM & Associates that includes much higher density development

within TRUP". Our consultation processes and workshops with Stakeholders regarding T R U Park have all supported the idea of minimising of development in the „green field“ open spaces and recommended that the park be preserved as a park while high-density development is restricted to around the open park space not inside it!

- *We want to retain open areas for public recreation and retain the island character of the site and agree that no negative development impact the SAAO. Development should be contextual to associated TRUP precincts.*
- *We think it would be a mistake to demolish the existing historic building because it defines the space and the scale is good. Access on the west side can be improved by removing poor quality buildings that have been added next to river. There is certainly good reason to enhance biodiversity and the first thing would be to clean up the site which should be treated as „sacred space.“ „SARCC or Transnet or Propnet or PRASA“ should be forced to clean up their dumping. The site and rivers should be cleaned up and protected. This confluence of two important rivers is the last open green space before entering the highly saturated grime of the city lacking greening space in Salt River to CBD.*

HIA:

- *Looking at the „Heritage Design Indicator Diagram“ Figure 75 on pg. 68 of DSR, we note emphasises „RETAIL/COMMERCIAL“ AND „RESIDENTIAL“; spread wide over the entire site with a token „Environmental/Heritage CENTRE“ and very little left*
- *over „park“ space so it appears that much of the values about the site being part of the park, above, is lost in translation.*
- *In the Peer Review section, called Annexure 4 by Nicolas Baumann, item 3 (Conclusions), it says: “The issue then becomes how „this bulk (137000m2) is to be distributed across the site“? We do not accept this imposed bulk onto such a site and consider it arbitrarily imposed, without appropriately recognising that the site is zoned open space with community facilities; It has unique site heritage that has always been designated as part of the TRUP Park.*

Recommendations

- *The aim should be to provide a broader range of recreational activities rather than the dominance of golf facilities. For a start it could be made more compact giving space for rehabilitated natural vegetation and bird sanctuary space on the east areas where rivers meet, and connect this to the Raapenberg Bird Sanctuary, making the site more sustainable.*
- *It would be a good idea to improve not only the river banks but everything about the way the rivers functions. This proposed upgrade needs to be seen as something that is achieved across a broad area by many players.*
- *A primary focus of the endorsed “Scenario C” design for the TRUP area is to improve access round and through the different precincts, linking them all up and also linking all the surrounding suburbs so all can access the park.*
- *There is a need to take a new honest look at this project and admit that it is not appropriate and needs a fundamental fresh start to respect its part of TRUP and the constraints building in the flood plain and to preserve open space!*
- *The design should be derived out of the updated revised local and district plan that will arise out of the T R U Park vision process and the broad vision for development in the area as guided by policy.*
- *It seems unreasonable that development guidelines should be formulated by pressure from developers rather than following the guidelines of the policy and considering small adaptations where this may lead to improvements that are in the spirit of the policy, not totally contrary to it.*
- *It seems unthinkable that Densification Policy could be mentioned as a justification for proposing building in green field flood plain land that is zoned as open space and is set aside to be for recreation and part of the Two Rivers Urban Park.*
- *It is unthinkable that the developers are seriously proposing bringing on close to 250000 m3 of fill to raise the flood plain up to 3 meters so they can build an office park and large inappropriate buildings in a unique heritage site at the confluence of these two rivers seems lacking in respect for nature and forcing something that is not appropriate.*
- *The site remains very important as open space developed as an*

Urban Park so the increasing population moving into this central area will enjoy the facilities while it also develops into a special tourist orientated park together with rest of TRUP.

- *Why do we not see comment on the SDF 2002 and TRUP 2012, where The River Club main building is noted as an historic structure and the entry precinct as having contextual significance”?*
- *Remove and withdraw fences to allow more accessibility for the public within TRUP*
- *Position the proposed Barclay road on the northern edge of Liesbeek River.*

Summary:

Reject scale and density of the proposed buildings;

Reject the proposed infilling of the site;

Reject the proposed demolition of the existing River Club building;

Reject the proposed Barclay Road position.

7.2.2 CITY OF CAPE TOWN (Various Departments)

- *The initial CCT comment on the Scoping Report and its specialist studies was from the following Departments: Catchment Management, Health (noise and air quality), Electricity, Spatial Planning and Urban Design, Biodiversity, Development Facilitation, Environmental Compliance and City EIA, Heritage and City Parks (refer Annexure 6).*
- *The pertinent combined Department comments are included into this section in addition to the Heritage Resource Section’s comments, as follows:*

General Comments (CCT 1 September 2016 p 4-6):

- *The site falls within a floodplain and a sensitive cultural landscape. The zoning and current use of the suite is for public open space;*
- *Our overarching premise is that this site can be developed in a way that provides for the work, play, live concept ... and enhance the site’s opportunities that are currently underutilised (e.g. recreation alongside river and canal) and enhance the ecology of the site. Towards this goal we envisage the creation of a park-like*

environment with buildings in it, rather than the creation of a building complex and the provision of park /open spaces around it;

- *Consideration must be given to the site’s role in the larger open space and river systems and the need for quality future open spaces given the expected increase in population into the area.....As such, the need for public open space will be even greater, as this inevitable process unfolds;*
- *Whilst the site is greatly transformed and currently offers little ecological value, the potential to rehabilitate the river corridor’s ecology and create meaningful open spaces and recreational areas as breathing space for this future increase of people in the larger TRUP area and beyond, must not be undervalued....Opportunities for a substantive park in the City are limited and if this area is re-zoned and development allowed across the entire site, a rare opportunity will be lost. The rationale for utilising the full site for urban development must therefore be queried. One should pick up on the*
- *Table Bay District Plan (2012) where the role of this site for open space and buffers is acknowledged and explore the role and value of the site in this context in more detail;*
- *The cumulative loss of POS in the wider context of TRUP must be addressed and quantified. The opportunity loss of POS for the broader population must be addressed;*
- *It is stated that one third of the site is earmarked for POS, but it is important that the POS reads as green / soft open space for recreational and ecological processes. If the site is to be filled to 6m amsl with parking below at existing ground level how will the green landscaping be implemented? Some initial concepts for mitigation and enhancement of the open space areas should be outlined in the Draft Scoping Report (DSR). This should include some ideas for the ecological rehabilitation of buffer areas;*
- *The No-Go option must be explored in full. This includes the option to improve the environment and create a recreational and ecological park that also celebrates the cultural heritage of the site and so doing, augmenting the site’s existing status as public open space.*
- *The conventional approach to culture and history based on “empirical evidence” is not necessarily appropriate in this area where much of the history is embedded in oral tradition. As such, it*

is highly recommended that discussions are undertaken with Khoi-San groups. In addition to the above, it is noted that information – ink sketches - is available that indicates particular reference to crossings at Vaarschdrift. In light of this, it may be worthwhile to widen the information sources to include artworks;

- *Recreation and Leisure Facilities are proposed in the ecological setback areas. It is imperative that space for recreation (passive / active) is defined and separate from space for ecological areas (the latter rehabilitated areas would for example contain swales / reedbeds and must therefore be differentiated as ecological areas / buffers in their own right);*
- *The absence of maps that illustrate the content, makes it very difficult to evaluate the information spatially. Please provide maps to illustrate information in all sections, including but not limited to Site and TRUP Landmark Qualities, Vistas and Open Spaces. Trees are noted but their cultural significance is not provided. Please clarify.*

7.2.3 CCT Heritage Resources Management (HRM)

The CCT HRS comments are as follows:

- *The site and immediate area contain a very high level of cultural significance in terms of Historic, Social, Aesthetic, Associational, Architectural and Contextual value. The noteworthy layers of heritage significance and values combine to create a strong sense of place with a recognisable and identifiable character of open space, greenery, riverine and wetland areas. It is this environment that is considered as part of the wider public domain and one which should form the basis from which any proposed development grows;*
- *EHMB believes that emphasis should be placed on heritage relating to the historic use and value rooted in the area by the pre-colonial Cape Peninsula Khoi population. The importance of the Khoi connection to the site ... merits inclusion in the planning and development of the site.*
- *EHMB's specific response to the conceptual plan, albeit without indications of various heights proposed, elevational treatment or proposed uses, is that the proposal has merit on many levels but*

that revised planning and development design layout should occur in order to incorporate EHMB's input and recommendations;

- *The concept also creates the idea that the proposed Berkley Road extension „severs“ the site in two. The development plan should ensure that the convergence of the rivers and surrounding area is not „cut off“ from the site and green areas beyond by the new road;*
- *The proposed plan falls short in including the existing entrance to the site as a key vehicular/pedestrian link into the new development;*
- *In summary, EHMB are supportive of proposed redevelopment of The River Club subject to the indicators and recommendations above being taken into consideration;*
- *Although not site specific but in context of the immediate area, the Two Rivers Urban Park Spatial Development Framework and Phase 1 Management Plan provides a very appropriate vision that can be considered fitting for consideration of The River Club redevelopment proposal, namely, “To rehabilitate, protect, secure and enhance the intrinsic ecological qualities of the area, to conserve the unique cultural landscape, to encourage environmental education, to maximise opportunities for all people, and to promote sustainable development.”*
- *Please clarify how the Proposed Heritage Indicators relate to the work included in the TRUP Contextual Framework;*
- *Indicate how the spatial and visual integration with other TRUP sites will be achieved by including maps and supporting drawings/photographs;*
- *“Respect and follow the natural topography of the Liesbeek and Black River valleys when determining terrace heights.” Considering that the site has been greatly transformed and impacted and as such, the “natural topography” is not really natural, please clarify if the intention is to rehabilitate the topography to a more natural state*

and to respond thereto;

- *Provide sections that illustrate how the building heights will be arranged across the site. "Avoid monolithic or high buildings, buildings with large footprints and exclusive building facades." Please define "monolithic", "large footprint" and "exclusive façade";*
- *The DRS reads that "The area does not necessarily have an immediately recognisable sense of place." On page 87 it is stated that TRUP "... possesses a strong sense of place". We do think that the RC itself also has a strong sense of place, as a relatively large open space within an urban fabric and in the light of views and visual connections to such views, e.g. Devils Peak. It would appear that the proposed development may well radically impact on the TRUP's sense of place as the proposal will develop the "island of open space". Please clarify the impact on the sense of place and how it will be retained and enhanced.*
- *The HIA identifies significant heritage resources in the broader context as well as those specific to the site, all of which are important, some of which the significance requires more emphasis:*
- *Cultural significance of the site and precinct is very high. EHMB believes that emphasis should be placed on heritage relating to the historic use and value rooted in the area by the pre-colonial Cape Peninsula Khoi population. The importance of the Khoi connection to the site is very high in terms of Historic, Social, Aesthetic, Associational and Contextual value. The HIA recommends a grading of IIIA for the site in terms of its cultural significance.*
- *Further significance can be assigned to the colonial history of the precinct with regards to the first land grants and farming activities, fortifications, the Maitland Garden Village in close proximity, Oude Molen, the first Cape windmill c1717, Valkenberg, the first hospital/asylum and psychiatric institution, the SAAO and more recent interventions relating to public open space and recreation in the form of sporting facilities and open park-like areas. Associational significance is prevalent on several levels, the association of the site with the first conflicts around land use and*

- *access to water resources, SAAO history, King Ceteswayo, a political prisoner at Oude Molen, the first Dutch Free Burgers, William Porter*
- *who established the Porter Reformatory, graves of Thomas and Lady Maclear, slave history and archaeological potential.*
- *Rivers: Although heavily degraded, interfaces with the Black and Liesbeek Rivers have ecological and aesthetic value." The significance and associated value of the immediate area around the convergence of the two rivers is high.*
- *Vistas: Vistas of significance are historic view lines from the precinct to*
- *specific external sites, mountain views, views of other precincts within TRUP, views from outside the site to the River Club highlighting the context and the recognised open space. Vistas play an important role in helping to retain the site's visual accessibility and visual connections which add to the importance of the area.*
- *Site Building: The existing building as a resource has been added onto and changed considerably yet the core significance of the building remains. The building and approach to it play an important part in the overall setting of the site with regard to the sense of place. Suggested grading by the City is a Grade IIIC.*
- *Landscaping of the site and broader contextual landscaping is dominated by open grassed areas set within a riverine, wetland and bird sanctuary environment. The overall landscape is one of a predominant open green area interspersed with low built fabric in a park like environment;*
- *TRUP: Visual connections between the various components are significant in terms of the historic and existing social recognition. Land use is predominantly an open area setting which is bordered by rivers and the built environment is of low scale built complexes of high significance.*

The recommended indicators were considered and where appropriate included in to the revised indicators.

Recommendations

- *The site and immediate area contain a very high level of cultural significance... The noteworthy layers of heritage significance and values combine to create a strong sense of place with a recognisable and identifiable character of open space, greenery, riverine and wetland areas. It is this environment that is considered as part of the wider public domain and one which should form the basis from which any proposed development grows.*
- *Cultural significance of the site and precinct is very high. EHMB believes that emphasis should be placed on heritage relating to the historic use and value rooted in the area by the pre-colonial Cape Peninsula Khoi population. The importance of the Khoi connection to the site ... should merits inclusion in the planning and development of the site.*
- *Conclusions and recommendations from the subsidiary documents are supported by EHMB and can be summarised as described in the peer review by Nicolas Baumann:*
 - *“A balance between the natural environment and the built form. Coverage not to exceed approx. 15% of the site area.*
 - *The retention and enhancement and integration of the green context into the built form (a web of green as a structuring element of the village).*
 - *A positive response to the variations across the site, particularly the edges (no-go, “tread lightly” and areas considered to be appropriate for some form of development).*
 - *Respect for the setting of the site in terms of the views and vistas identified.*
 - *Appropriate setbacks for the built form response to the riverine corridor.*
 - *A network of open spaces creating a continuous system of hard and soft spaces,*
 - *functional continuity and visual legibility.*
 - *A legible public structure with a hierarchy of public and social spaces corresponding to different levels of public access.*
 - *Ground level non-residential activities to activate street edges and to define street spaces.*

- *An urban village, not an office park.*
- *A permeable system of street blocks which enhance access to the riverine corridors.*
- *Higher order public institutions and facilities to reinforce public access to higher order public spaces.*
- *Multi-functional street spaces, not only to accommodate movement, but to facilitate a high degree of pedestrian dominance and social activity.”*

7.3 COMMENTS RECEIVED ON THE REVISED SCOPING REPORT

Similarly to the comments received on the initial Scoping report, the OCA, CCT, civic organisations and individuals commented on the revised Scoping report. IN addition to the advertisement of the revised Scoping report, the NEMA process included an „Open Day” from 3pm – 7pm on 25 January 2017 and a Workshop for the registered Interested and Affected parties (I&APs) on 1 February 2017 from 6pm – 10pm.

7.3.1 OCA

The OCA submitted two comments on the 10 February 2017. The one comment deals with their concerns on how the workshop on the 1 February was conducted, and the other comment on the revised Scoping report. The original sized are letters are contained in the Annexure 6.

The OCA comment on the revised Scoping report deals with their concern that „nothing has been revised sufficiently for us to regard the proposal as being any better than before”³⁰. The letter further states that „The proposed development remains highly problematic on a range of points and we regard the lack of response to our points of criticism as unfortunate. We only have two options left to contribute. We prefer to see the Two Rivers Urban Park attain its broader vision, become a world class people’s park with appropriate development that respects its character and potential. If Liesbeek Leisure (Pty) Ltd has nothing better to contribute to achieving real benefit to the park and to boost the area, then it has misguided intentions that are unfortunately totally misplaced”³¹.

³⁰ OCA 10 February 2017 p.1

³¹ Ditto

The OCA comments concentrate on the following issues:

- *Unique environment and very significant heritage under threat (the OCA „believe that the Revised Scoping Report has failed miserably to locate the proposed development within these principles“).*
- *Unique environment and very significant heritage under threat;*
- *Public Participation Process has been flawed;*
- *Inclusivity is sorely lacking;*
- *An EIA process needs well considered alternatives to validate a supported option;*
- *The Economic Desirability needs to extend into the broad impact over time and on the broad context;*
- *Flooding;*
- *The existing river system frames the site as a flood plain;*
- *The River Club is a part of the Two Rivers Urban Park;*
- *The River Club’s development proposal is totally non-conforming to the values and vision of the TRU Park;*
- *The Consultation process has shown that stakeholders have been solidly involved in this process;*
- *TRUP Stakeholders have shown strong support for an alternative vision of TRUP that includes the River Club.*

The OCA lists the following concerns of the proposal as contained in the Revised Scoping Report:

- *There is only one basic idea being proposed and considered;*
- *The secret purchase of the site that is designated as an essential part of TRUP, a designated and declared an Urban Metropolitan Park with great significance in terms of environmental sensitivities and very significant historical heritage;*
- *This site has been very significant contended territory, after thousands of years of treasured use by Khoisan First People were intruded on by Colonial first settler farmers that became the „First Frontier“;*
- *The Open Space designated for community use in „Zoning“ still stands, regardless of ownership and the vision for the future stands clearly in the Local and District plans;*

- *The purchaser bought the property knowing full well that there is no right to build on this open space without going through substantial planning application processes;*
- *The River Club is part of TRUP and proposals regarding TRUP should follow TRUP Associations, guidelines;*
- *The size, intensity, use and planning of locating and defining scale on River Club land at best, simply do not add to the experience of the park;*
- *We find the Flood studies totally unconvincing in terms of being a claimed game changer to be able to build in the flood plain when there is a lack of evidence to regard this as valid. It is particularly unsatisfactory to propose the huge filling in of the ground levels to be clear of the 100 year flood levels, without showing reliable scientific evidence that looks at the full range of data including intermediate levels to explore the impact on frequency of substantial flooding. We are not prepared to destabilise the TRUP environment with such undesirable risks and negative potential impact;*
- *We are very surprised at the unsatisfactory process underway where the river Club is proceeding with its attempted approval for a development that is totally out of keeping with TRUP Association policy. It is out of „sink“ with prevailing Planning Policy and should not be supported;*
- *It is essential to insist that the proposed application for new development on the River Club property should be in line with TRUP guidelines as a whole and also take cognisance of the Stakeholders Manifesto for TRU-Park plus the strong support for the „Preserved Park“ vision of the park that aims to balance increased development appropriate to the park with appropriate conservation of the natural and heritage of the park so this is preserved, while promoting substantial increased high density development outside of the park, to benefit the city as a whole;*
- *The purchase of the River Club property did not come with any development rights and it would be an illegitimate expectation on the part of the owners that new development rights be granted, particularly when the proposal is not in line with the vision for TRUP in the Planning policy, TRUP Association’s founding documents nor the strong positions expressed by stakeholders.*

7.3.2 CCT (Various Departments)

2



Ronelle Clarke

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DATE	10 February 2017
To	SRK Consulting
ATTENTION	Amy Hill
APP #	SRK Consulting: Report No. 478320/2 for Liesbeek Leisure Properties Trust (LLPT) DEADP Ref. No. 16/3/3/6/7/2/A7/17/3104/16 dated January 2017
Erf #	151832, 26426, 26427, 108936, 151833 Liesbeek Parkway & Observatory Road, River Club, Observatory

COMMENT ON THE REDEVELOPMENT OF THE RIVER CLUB, OBSERVATORY, CAPE TOWN, REVISED DRAFT SCOPING REPORT (DSR)

1 CITY DEPARTMENT COMMENTS ATTACHED -

Department	Name of Contact	Comment received
Specialised Environmental Health, Air Quality	Andre Bester	Attached ANNEXURE 1
Urban Planning & Mechanisms	Peter van Heerden	Attached ANNEXURE 2
Electricity: Generation and Distribution	Shiraaz Swartland	Attached ANNEXURE 3

2 COMMENTS

The scoping phase of the EIA is accepted as not assessing any proposals as it is intended to identify all possible issues for investigation and assessment at a later phase. From our side it appears that all issues have been identified at this stage.

GENERAL: EIA PROCESS

The proposed EIA process is supported. Although stated in the document that City Parks are now included, please add them to the list under section 7.2: Consultation with relevant authorities.

Identified Specialist Studies are supported, including the terms of reference for these studies.

Once all baseline studies and specialist studies have been completed, the identification and detailed assessment of potential environmental impacts of the proposed development can be undertaken. The significance of these impacts can then be determined. We will then be in a position to comment on the suitability of proposals offered for the redevelopment of the site, referring back to the existing zoning rights for the site, current role of the site in existing approved planning documentation and its wider open space context and bearing in mind cumulative impacts.

GENERAL: ZONING AND LAND USE

The zoning of the site is Open Space 3. This allows for certain primary use right, namely open space, private road and environmental conservation use. Council may allow certain consent uses as laid out in the Municipal Bylaw, namely, environmental facilities, tourist facilities, place of instruction, place of assembly, place of entertainment, plant nursery, utility service, cemetery, cultural and social ceremonies et al, as long as the consent use does not compromise the use of the land for its primary purpose of open space.

Given this, it is imperative that if any development is to take place here, that the open space amenity (recreational and ecological) and visual function must remain and must equally not be compromised.

We reiterate our previous comment made on the Draft Scoping Report, that, "this site can be developed in a way that provides for the work, play, live concept and enhance the site's opportunities that are currently underutilised (e.g. recreation alongside river and canal) and enhance the ecology of the site. Towards this goal we envisage the creation of a park-like environment with buildings in it, rather than the creation of a building complex and the provision of park /open spaces around it".

Section 3.5.3 Layout Alternatives Progression states that the layout alternatives are to be refined during the EIA process. This statement is not sufficient. It must be stated upfront that all Heritage baseline studies (which should identify all Heritage Related Design Informants), HIA's and all environmental specialist studies (including traffic and visual) that are to be part of the EIA must first and foremost be the indicators for any prospective allocation and design of building footprints and further planning and design that is to take place on the site. This is put forward with reference to all the preliminary alternative layout proposals that are offered in the revised Draft Scoping Report.

The green corridors (rivers and water bodies and buffers to these), together with the cultural landscapes and landmark or place making elements of heritage significance together must direct the location, form and scale of any subsequent development. Here, especially the Important heritage indicators should guide the design. The high landscape qualities, visual connections with TRUP and adjacent sites, and character defined by surrounding rivers, green landscape and the location in a floodplain should inform the final proposals.

Existing contextual frameworks and Spatial Development Frameworks must guide this planning process, and the role of the site as part of the structuring open space system must not be lost.

DOCUMENT PAGE 17: Planning and Policy Framework, Par 3: Section 2.2.3: Cape Town SDF Key strategy 2.

It is stated that the site forms part of an open space system that is much more localised, extending from the River Club to Mowbray gold course, when in fact the site is part of an entire coast to coast greenway that was identified and mapped by the City in 1992. The site is part of a larger Black River Parkway and "greenway" that extends all the way to Pries Vlei in the south. The coast to coast greenway still features as a linear green structuring element on the natural assets layer (See Figure 4.2, pg 30 of the CTSDf, 2012) of Section 4 "Long-term metropolitan spatial structure" as it incorporates river systems and adjacent open spaces (many recreational areas), and it prescribes how to manage the visual qualities along the M5, which is a route with good scenic qualities distant views of the mountains.

Par 6: It is stated that the site does not hold substantial ecological value. This sends out an incorrect message when in fact there is ecological value on this site, as referred to in section 2.2.4.1.

DOCUMENT PAGE 64, Section 3.6.9 Stormwater Infrastructure

The Stormwater management system for the River Club must be planned and designed in accordance with best practice criteria and guidelines laid down by Council to support Water Sensitive Urban Design principles. Here the following must be taken into account with all planning for the site, namely to Improve quality of stormwater runoff, to control quantity and rate of stormwater runoff and to encourage natural groundwater recharge.

Refer specifically to the City's Stormwater Policies w.r.t sustainable urban drainage systems (CCT Management of Urban Stormwater Impacts). Sustainable urban drainage systems should be combined with other Water sensitive urban design programmes (such as reduction of potable water use through re-use of wastewater effluent, rainwater harvesting, stormwater re-use), and with other broader sustainability initiatives. A separate section in forthcoming documentation should address this.

ISSUES AROUND FLOODING

The impact of this site being developed must be assessed together with the possible scenario that TRUP as a whole may be developed.

All assumptions must be interrogated in the EIA. There is an overland escape route through PRASA for flood waters. What are the impacts on this land and the possibility that the PRASA land be developed? Will PRASA have to create channels on their land to accommodate 1:100 year flooding? What are the impacts of floodwaters into and over and dissipating from this land which has heavy metal soil contamination? The assumption that no flooding will occur is based on the fact that no stormwater pipes will be blocked. How will this be guaranteed in future?

Impacts of all the proposed alternatives for this proposed development and the TRUP total planned development planned w.r.t hard surfacing and runoff impacts must be scoped.

TRUP STUDIES

In the table provided that details the Scoping Phase Response, item 42. It is acknowledged that the current development proposal is not aligned with the existing approved TRUP Contextual Framework (2003). The main differences should be put forward.

With regard to the new TRUP study it is stated that the RC proposal is largely congruent with the current TRUP project Team's plan for the TRUP site. This is misleading, for example, TRUP recommends a max of 5 floors, whereas the RC study says 12 storeys?

FRESHWATER ECOLOGY IMPACT ASSESSMENT

The terms of reference should also include the recommendation of ecological setbacks and corridors for ecological rehabilitation and safe movement of fauna. We note that all issues raised in the Responses Table to Cape Nature and the Amphibian Specialist Group will be taken up in the Assessment phase of the EIA. The impact of people on movement corridors must be assessed. Note that the areas set aside for recreation and ecology must be separate areas, the latter to be a "no go" area.

Chapter 8: CONCLUSIONS AND RECOMMENDATIONS

The statement in Chapter 8 that "key environmental issues associated with the redevelopment have been identified" should continue "and will be further investigated and assessed in the EIA phase".

COMMENT FROM CITY OF CAPE TOWN , CATCHMENT MANAGEMENT: BEN DE WET

CCT comments (dated 1 Sep 2016)

2.1 is not quite correct. The impact of filling the site to the 1:100 y flood level is small in the event of a 1:100 y flood. For the current situation. It is not entirely impossible that the Salt River canal is widened or duplicated, in which case the above statement will no longer be true.

Also the impact is of lower order floods and for separate flooding of the Liesbeek and Black rivers, has not been demonstrated.

7.2 - There is no need to mitigate against flooding in the current site use.

The Revised DSR

Exec Summary – re reinstating the "natural" (western) course of the Liesbeek. The effect of the canalised Liesbeek in sustaining the Raapenberg wetland needs to be investigated and not disrupted.

3.6 – Bridges need to be high enough not to cause further obstruction of flood flows.

What arrangement will be in place for dewatering basements?

3.6.9 – SW infrastructure will comply with City policies, unless shown to have a negative consequence – not only when deemed possible.

Need to investigate whether or not infiltration is at all possible on the site, especially in winter. There is a need to investigate the ground water levels and the possible effect of buildings and basements on the ground water levels

3.8 – Special care will be needed to prevent polluted runoff from reaching the rivers during construction. Construction dewatering?

3.9.2 - Will LLPT own the development in perpetuity? Either LLPT or a Body Corporate will be responsible for maintenance of SUDs

3.9.7 – Attenuation effect of remodelled Liesbeek cross sections is to be demonstrated. Need to determine if it would not perhaps be better not to attenuate large event local runoff on site so as to allow on site flood water to disperse before the larger catchment runoff peak reaches the site.

5

4.1.6.2. – It is not clear which of the 2 branches, if any, can be described as the original course. It is more likely that the Liesbeek has always meandered in the River club area.

4.1.6.3 – The berm on the west bank of the Liesbeek canal was illegally built by the current owners of the River Club. A notice of intent, to which they have not yet responded adequately, was served on the owners in 2014.

4.1.7 – Finalisation of currently ongoing studies required.

Specialist Study – surface water hydrology.

The City has previously commented on their reservations regarding the methodology used by the consultant AED.

We note with amusement that the report criticises previous City authorities for allowing development of the Salt River mouth/Paarden Island area and the goes on to propose that the current authorities allow development of the last green belt in that system.

I was under the impression that the TRUP studies will essentially be the SDF for the area. Anything proposed which deviates from the TRUP ideas will therefore not comply with the SDF?

END

7.3.1 Vernacular Architectural Society Of South Africa (VASSA)

VASSA submitted the following comments dated 10 February 2017 on the revised Scoping Report that was advertised for comments on 11 January 2017.

The primary points that VASSA makes are:

- Inappropriate form of development for the site and context;
- Concern the significantly impact on the very important cultural landscape; The River Club application has moved ahead of the TRUP overarching baseline study and makes assumptions which *„are highly questionable in relations to the heritage significance of the site“*;
- Site cannot be considered separately (to the broader TRUP study) and the proposal ignores aspects of the TRUP study. The current process should be put on hold pending the guidelines emanating from the TRUP study;
- Proposed impact from the development on the green landscape of the river valley and floodplain, reduction of the green space to being river banks;
- Proposed development bulk figure;
- Negative intrusion on the SAAO of raising the ground levels above the flood levels (refer VASSA comment dated 10 February 2017).

7.4 REPRESENTATIVES OF THE FIRST NATION

A member of the client body, Mr Jody Aufrichtig initiated meetings with Ron Martin, Paramount Chief Adams and King Carne as he believes there is an opportunity and responsibility to create a centre that facilitates information and education between Western Cape scholars and representatives of the First Nations in order to educate and teach people about the history of South Africa. These meetings were prior to the HIA requirements and due to the client's wish to establish a cultural, heritage and educational center at the River Club. A specialist proposal has been accepted from the organisation from „SA First Peoples“ Museum Foundation“ to realize the formation of the cultural centre³².

³² Personal Communication Jody Aufrichtig 4 November 2016



VERNACULAR ARCHITECTURE SOCIETY OF SOUTH AFRICA
 UMBUTHO WEZAKHIWO ZEMVELI WASEMZANTSI SI AFRIKA
 VOLKSBOUKUNDIGE VERENIGING VAN SUID-AFRIKA

10 February 2017

**Stakeholder Comment Period: Revised Draft Scoping Report for the Proposed
 Redevelopment of the River Club in Observatory, Cape Town**

Your letter of 11th January requesting comment refers. Thank you for giving VASSA an opportunity to comment on the revised draft scoping report. The site - with its relationship to significant cultural and heritage aspects of the cultural landscape - has significant elements of interest/ concern to the Vernacular Architecture Society.

1. We note that currently the site is zoned as private open space. It forms a significant component of the Liesbeek-Black River riverine landscape. As such it has despite certain land-filling that occurred in the past retained its relationship as open land to the adjacent observatory as well as the setting of Valkenburg. We are therefore concerned that the proposal will significantly impact on this very important cultural landscape. In particular, we are concerned that in the assessment of heritage resources as set out in the TRUP overarching Baseline study, which noted that it placed the several precincts within a conceptually integrated development plan. "It is expected that the layers of significance will be revealed as further studies and consultations are undertaken during detailed studies." (TRUP reportp49) The River Club proposal now has moved ahead of the proposed studies and makes many assumptions which are highly questionable, particularly in relation to the heritage significance of the site.
2. Report states that "The site is located within the City of Cape Town's (CoCT) Two Rivers Urban Park (TRUP) "...a special and unique place in Cape Town... comprising sensitive ecological systems and habitats, extensive open space areas, significant institutions, historical buildings and cultural landscapes..." (CoCT, 2002). A separate study is currently underway to guide development of the TRUP". The site cannot be considered separately and the proposal ignores aspects of the TRUP report.
3. The proposed site is currently zoned open space 3, and forms a substantial part of the green corridor running the length of the Liesbeek River Valley from Kirstenbosch Gardens to the

confluence with the Black River. The present use of the site as a golf course might not be the best use of this significant piece of open land but it would be possible to change this in the future. The current use does not detract from a comprehension of the site as a river valley floodplain and marshland. The proposed development will have a disastrous impact on this potential, and reduce the green space to merely being river banks.

4. We believe that the proposed bulk of 140 000 square metres on the site is excessive and is based on the premise that the site use needs to be maximised in order to cover the cost of the extremely expensive raising of the ground level to above the 100 year flood level. This raising of the site would mean that any proposed development on the site, particularly at the heights and scale proposed, would have a negative intrusive impact on the adjacent historical observatory site which is of world heritage significance.
5. In the light of this the Vernacular Architecture Society considers that what is being proposed is inappropriate for the site and its context and we strongly recommend that either the developer reconsiders the form and scale of development being proposed and, instead investigate the more appropriate usage of the site.
6. We also recommend that this current process be put on hold pending the guidelines emanating from the TRUP report.

Thank you for your team's work on this project and for this opportunity to participate in the planning process. We look forward to further involvement as the process moves forward.

Yours Faithfully,
 Andre van Graan
 Chairperson
 Vernacular Architecture Society of South Africa

SECTION 8 CONCLUSION AND RECOMMENDATIONS

8.1 CONCLUSION

The site's has a unique position within TRUP and Cape Town and is assessed to possess high cultural significance. Its spatial character is a combination of an expanse of open, green landscapes, mature trees clusters, river frontages, and amenity facilities. The site has previously been assessed by the CCT and WCG with low development potential due to its value as an open area within TRUP and the ground levels below 1:100 flood line.

The current owner wishes to pursue development on the site and proposes infrastructure to enable development over the 1:100 flood line, knowing that if the frequent site floods are prevented, development is structurally possible.

The current WCG TRUP studies may potentially offer a new vision to TRUP if certain site precincts are proposed for development.

The reports heritage design indicators are developed to guide future development, without the potential negative impacts on the cultural resources, and to realise a potential for future mixed use, the site could have. Therefore the site is positively assessed for sensitive development providing it addresses its position within the highly significant TRUP cultural landscape. Future development is required to incorporate the site's landscape qualities that contribute to the immediate and broader context setting. Inappropriate development on the site will diminish the cultural significances of the site and TRUP. The site's social, historic and aesthetic values need to be enhanced within a new vision of the site.

The WCG TRUP Baseline Heritage Report is intended as the overarching baseline heritage report from which individual site precinct studies would use. However, as the River Club Phase One is submitted prior to the WCG Heritage Baseline report, due to different project processes and timelines, the draft WCG report, which has not responded to public comments, is annexed to this report.

Comprehensive comments from the City of Cape Town, Observatory Civic Association (OCA) and Vernacular Society of South Africa (VASSA) in addition to interested and affected parties (I&APs) were received in the public participation process in terms of the Environmental Impact Assessment public consultation requirements. The OCA, CCT and VASSA comments have been included into this report.

The commentators have had the Scoping and revised scoping report in addition to all the specialist reports. Within the Scoping report, information in the form of diagrams and block models of the proposed development were provided.

All comments from the OCA, CCT EHRM, CCT Spatial planning and VASSA voice their concerns on the scale of the proposed development, potential high impact on the cultural significance of TRUP and the subsequent loss of green and open space.

8.2 RECOMMENDATIONS

The HIA Phase One is submitted to HWC for interim comment.

The Heritage Design Indicators contained in Section 5 should guide future development on site. The following principles should guide the site's design concepts for future development.

The report recommends that future development:

- Should improve the site's natural features and identified cultural significances (historic, aesthetic and social);
- Retain open areas within future development for public recreational purposes;
- Retain the island character of the site by the location of future buildings;
- Limit development adjacent to South African Astronomical Observatory (SAAO);
- Consider layout, scale and amount of development on site in order to be contextual to the associated TRUP precincts;
- Explore the possibility of demolition of the existing historic structures in order to maximise the potential of future development;
- Provide site precincts in which biodiversity will be enhanced and protected;
- Optimise on the site's potential for an increased and broader range of recreational facilities;
- Optimise the aesthetics of the natural riverbanks;
- Provide non motorised links from and onto the site; and
- Provide improved access to surrounding TRUP precincts.

8.3 SOURCES

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ERF 151832 RIVER CLUB OBSERVATORY CAPE TOWN

HERITAGE IMPACT ASSESSMENT PHASE ONE REPORT

HWC SUBMISSION 1

22/02/2017

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ANNEXURES

- ANNEXURE 1: HWC NID RESPONSE
- ANNEXURE 2: HERITAGE RESOURCES IN CONTEXT TO THE SITE
- ANNEXURE 3: URBAN CONCEPTS
RIVER CLUB URBAN DESIGN INDICATORS DRAFT 2
- ANNEXURE 4: NICOLAS BAUMANN
URBAN CONSERVATION AND PLANNING
- ANNEXURE 5: RESPONSE TO PEER REVIEW
- ANNEXURE 6: COMMENTS:
 - OCA
 - CCT EHRM
 - VASSA
- ANNEXURE 7: TREE SURVEY
- ANNEXURE 8: VIA
- ANNEXURE 9: WCG TRUP HERITAGE BASELINE REPORT DRAFT FOR COMMENT OCTOBER 2016

ANNEXURE 1

HWC NID RESPONSE



Our Ref: HM/ CAPE TOWN METROPOLITAN/ OBSERVATORY/ ERVEN 26423/2;
151833; 26426; 151832; 15326 RE AND 15334 RE
Case No.: 15112504WD1217E
Enquiries: Waseefa Dhansay
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Date: 07 January 2016

Nick
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**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003**

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED DEVELOPMENT ON ERVEN 26423/2; 151833; 26426;
151832; 15326 RE AND 15334 RE, CORNER LIESBEEK PARKWAY AND OBSERVATORY ROAD, OBSERVATORY.
SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

CASE NUMBER: 15112504WD1217E
DEADP Reference: N/A

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 17 December 2015. This matter was discussed at the Heritage Officers meeting held on 07 January 2016.

You are hereby notified that, since there is reason to believe that the proposed development on Erven 26423/2; 151833; 26426; 151832; 15326 RE and 15334 RE, Corner Liesbeek Parkway and Observatory Road, Observatory will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted.

The HIA is required consisting of an archaeological study and highlighting the urban design framework of the proposed development and an integrated set of recommendations.

The comments of relevant registered conservation bodies and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully


Dr. Errol Myburg
(Interim CEO; Heritage Western Cape)

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HERITAGE RESOURCES IN CONTEXT TO THE SITE

The significant heritage resources in the site context are identified in Table 3.

Table 6: Identified heritage resources in site context and on site

THEME	ITEM	HERITAGE RESOURCE	DISCUSSION	CULTURAL SIGNIFICANCE	RECOMMENDED GRADE
CONTEXT	Rivers	Liesbeek Rivers and its tributary	Natural feature	Aesthetic, associational, historic events	IIIA
		Black River	Natural feature	Associational, historic events	IIIA
	Nature areas	Raapenberg Bird Sanctuary	Nature Sanctuary	Aesthetic, scientific	IIIA
	Buildings and associated land	South African Astronomical Observatory and associated grounds ³³	18 th c Homestead	Aesthetic, Architectural, associational, historic, technical, scientific	II Core proposed as a Grade 1 site
		Valkenberg Hospital	Institution complex	Aesthetic, Architectural, associational, historic	II
		Vlakenberg Farmstead	18 th c Homestead	Aesthetic, Architectural, associational, historic, technical	II
	Sports facilities	Hartleyvale Soccer stadium & fields	Metropolitan facility	Associational	IIIB
	Sports facilities	Hartleyvale hockey stadium and turf	Local facility	Associational	IIIB
Heritage areas	Observatory Heritage Protection Overlay Zone (HPOZ)	19th c suburb	Architectural, associational, historic, technical	Erven individually graded	
SITE	Site	Entire site	Component of an area used as seasonal grazing ground by Khoekhoen in pre-colonial period, a highly contested landscape related to the First Frontier	Historic	IIIB due to the historic, aesthetic and social significances. The implications of this recommended grading is the

THEME	ITEM	HERITAGE RESOURCE	DISCUSSION	CULTURAL SIGNIFICANCE	RECOMMENDED GRADE
SITE	Site		War, between Khoekhoen and early colonists, role of agriculture during 19 th c.		potential heritage design indicators to guide future development on site
			Predominately a green landscaped area within riverine environments	Aesthetic	IIIC
			Recreational	Social	IIIB
		Buildings and site	Place of recreational activities, social and civic meetings and entertainment	Social	IIIC
		River Club Building	Developed for the railways Service club in 1939	Architectural, associational	IIIC
		Mature trees	Landscape feature	Aesthetic	IIIC
		Landscaped grounds	Recreational landscape	N/A	Ungraded
Modern structures	Recreational facility	N/A	Ungraded		

25 O Donoghue River Club HIA Ph 1 HWC Submission February 2017

ERF 151832 RIVER CLUB OBSERVATORY CAPE TOWN

HERITAGE IMPACT ASSESSMENT PHASE ONE REPORT

HWC SUBMISSION 1

22/02/2017

ANNEX B

ANNEXURE 3

URBAN CONCEPTS

RIVER CLUB URBAN DESIGN INDICATORS DRAFT 2

(Attached separated in the electronic format)

PEER REVIEW HIA PHASE ONE DRAFT 4

3 JULY 2016

NICOLAS BAUMANN

URBAN CONSERVATION AND PLANNING

(Reformatted for inclusion into the report)

RESPONSE TO PEER REVIEW



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RIVER CLUB: HERITAGE IMPACT PHASE ONE: HERITAGE INDEPENDENT REVIEW.

THE NATURE OF THE BRIEF AND METHODOLOGICAL APPROACH

This submission is in response to the request from the Environmental Consultants, SRK Consultants, to provide an independent review of the Phase One Heritage Impact Assessment Report (hereafter referred to as the Report) compiled by the heritage consultant, Bridget O' Donoghue, dated 14 June 2016.

The terms of reference for the review are contained in an email to me dated 25 January 2016.

They include:

1. To critically review documents produced for the HIA, including:
 - 1.1 Heritage indicators and design parameters.
 - 1.2 Heritage Impact Assessment (including VIA).
2. To consider and respond to comments and queries made by the project team on the heritage assessment.

In terms of a methodological approach a process of iteration has been adopted with a series of meetings with the heritage consultant, representatives of the client, the professional team and the urban design consultant, Marise Potgieter from Urban Concepts.

The intention has been to forge a degree of consensus on the appropriate response to the heritage significance of the site.

The focus of this review is thus on the statement of heritage significance contained in Section 4 of the document and the formulation of heritage indicators, Section 5, compiled by the heritage consultants.

The following issues are excluded from this review:

- Issues related to the pre-colonial, predominantly intangible heritage significance of the site and its broader significance. This intangible significance is regarded as having high heritage significance and has to be factored into the future role of the site. The determination of the values attached to this significance, and the means to ascribe such significance and to give it expression is regarded as falling beyond the scope of this review.

It is understood that it is being addressed in a different forum.

- Issues related to the flood plain and the different degrees of disturbance to the natural river flow.

The designers have acknowledged that the entire site falls below the 100 year flood plain. The assurances provided that the proposed development can be accommodated by lifting the ground level is taken as a given.

The extent to which ecological processes related to river flow and the more landscaped ornamental treatment of green spaces which interface with the riverine system will to a large extent determine the

character of the development and is addressed to some extent below.

As a general comment the Phase One Report is considered to be well balanced and comprehensive in terms of the analysis of the historical evolution of the site and the relevant legal and policy context. No comment is provided in these respects, as it is understood that the focus should be in the draft heritage indicators provided.

The planning, context, and the determination of the future role of the site within the broader planning TRUP context does, however, have to be addressed. The long term planning of the broader area is being undertaken by the PGWC. While the planning approach to the River Club should preferably flow from this process, it is acknowledged that the developers and owners of the River Club site have the right to proceed with an application. It is understood that the preliminary proposals have been workshopped by representatives of the CoCT, PGWC and the professional team and that broad agreement has been reached on the question of development bulk that could be achieved on the site. This has been factored into the review process.

The analysis provided is thus regarded as a good basis for future debate and decision-making. It is emphasized that the comments made below relate primarily to issues of tone and emphasis and hierarchies of significance rather than detailed comment on the analytical component of the Phasing One report. My comments on the nature of heritage significance and the identification of heritage indicators are as follows:

1. THE NATURE OF HERITAGE SIGNIFICANCE

1.1 Section 4 provides an analysis of the heritage resources at the context and site specific scale. Heritage resources are determined in terms of the criteria contained in the National Heritage Resources Act (NHRA).

The identification and categorization of heritage resources at the different scales is supported.

1.2 At issue is the hierarchical nature of heritage significance, and its spatial expression. It is evident that there are variances in significance across the site particularly related to the nature of the interface with the riverine and institutional and urban contexts. These different interfaces present different heritage issues, vulnerabilities and opportunities.

1.3 The extent to which the heritage resources related to TRUP as a whole can be extrapolated across the River Club site is thus queried. It is held that TRUP cannot be regarded as a homogenous entity but is highly fragmented in nature, with a high degree of variation in terms of heritage significance and discontinuities in terms of open space and public access.

1.4 As indicated in the Report, the TRUP is considered to be an amalgamation of a number of nodes, including heritage precincts. The primary heritage precinct in the immediate vicinity of the River Club is the SAAO site which is considered to have national heritage significance. The River Club is not identified as a node or a heritage precinct.

1.5 It is suggested that this variation in heritage should inform the future role of the River Club site. More specifically, it is suggested that the primary heritage role of the River Club site should be regarded as a buffer to the SAAO site, rather than as an entity encapsulating the heritage qualities of TRUP as a whole. Thus the River Club is regarded as having few intrinsic heritage qualities, but that the main significance is the role of the site as a visual spatial buffer zone to the adjacent SAAO site and the related Raapenberg bird sanctuary, and the extent to which the riverine system and the particular nature of the confluence of the two major river systems can be used to enhance the continuity of the public open space system which terminates at present at the juncture of Station Road and the Liesbeek River.

2. HERITAGE DESIGN INDICATORS

Section 5 provides a list of heritage design indicators categorized as follows:

- Site and TRUP landmark qualities.
- Vistas.
- Natural environment.
- Public realms.
- Land use.
- Spatial ordering of development.
- Roads, access and parking.
- Buildings.
- Response to heritage sites abutting the site.
- Ground levels.
- Open space and public realms.
- Rivers.
- Road infrastructure.
- Archaeology.
- Development of site to its cultural potential.

This review is structured accordingly.

2.1 Site and TRUP landmark qualities

The identification of the site as having landmark qualities due to the expanse of open space, the surrounding rivers and the uninterrupted views towards and through the site is queried. As suggested above, the open space quality is fragmented and discontinuous with a very limited degree of public access. The primary quality is regarded as its role in providing a visual setting to the adjacent SAAO, and the opportunities provided by the riverine interfaces and the unique nature of the confluence of the two rivers at the Raapenberg bird sanctuary. The four indicators are supported.

2.2 Vistas

It is agreed that the primary view corridor is the link between the Raapenberg Bird Sanctuary and Devil's Peak. The latter is the dominant mountain element in the context, establishing a strong and distinctive visual link between the mountain peak and the confluence of the Liesbeek and Black rivers. The central tower of Groote Schuur Hospital reinforces this vista and provides a visual catch point within it.

The historic view connection between the SAAO and Signal Hill, while significant, is regarded as tenuous. Existing developments, and the exploitation of future zoning rights, are likely to further compromise this visual link.

With the provisos referred to above the six indicators are supported.

2.3 Natural environment

The environmental setback established by the fresh water specialists (30m) and the maximum/gradients are primary determining factors in terms of the constraints related to the site. They also provide a range of opportunities related to these interfaces as indicated in the Report.

The need for active edges to the public space system is also regarded as an essential design element to ensure an effective public realm. The lifting of natural ground levels, active edges and a cohesive integrated public open space system are regarded as particular design challenges.

The four indicators are supported.

2.4 Public realms

The site is regarded as being predominantly private rather than wholly public. The public amenities are extremely limited, fragmented and are not integrated into the recreational spine located along the Liesbeek River to the south.

The statement that the site is as publically accessible as other tourist destinations such as the V&A Waterfront is not supported.

The extension of the public realm related to the Liesbeek River into the River Club site thus provides a major public benefit that could offset many potential negative heritage impacts.

With the proviso relating to the existing predominantly private/semi-private nature of the site, the four indicators are supported.

2.5 Land use

The promotion of mixed use, integrated land uses is supported. An isolated office park form of development, isolated from its context and with limited public access is not supported.

2.6 Spatial ordering of development

The purpose of identifying a number of conceptual organizational models of forms and related spaces is not clear. The imposition of any form of spatial construct is not regarded as appropriate. Rather the spatial morphology needs to be determined by the particular environmental constraints and opportunities which are particular to the site.

The principle of clustering development onto portions of land which are considered to have a degree of absorptive capacity in order to retain and enhance ecological and heritage attributes is supported.

As previously suggested there is a large degree of variation in terms of heritage significance across the site, and consequently a range of development opportunities related to specific site conditions. It was suggested in previous sections of this review that the extrapolation of TRUP wide environmental and heritage constraints across the site was questionable. Rather the role of particularly the eastern portion of the site, as the visual setting for the adjacent SAAO site was regarded as an alternative conceptual model.

The first indicator that the development should respond primarily to the inner core TRUP precinct, as opposed to the non TRUP urban development on the inner core TRUP boundaries is thus questioned. The nature of these edges, Black River Urban Park to the west and the PRASA development to the north are a reality and it is suggested that the development footprint to be developed for the site should respond accordingly.

Related to the above the third heritage design indicator is queried. It is not evident why future development should be distinguished from the

surrounding built urban context rather than responding and being integrated into it. An integrated form of development is regarded as a preferable alternative to the distinctive, isolated model being proposed.

2.7 Roads, access and parking

The four indicators are supported. Of relevance to access and gateway opportunities and the evolving character of the site and its future role is the location of the SAAO property at the existing point of entry onto the site from the south. A substantial 7000m², 7 storey building to accommodate SKA is proposed on this visually strategic gateway site which will impact strongly on existing sense of place issues and the quality of openness as viewed from the Liesbeek Parkway to the south.

2.8 Buildings

The indicator to design buildings to differ from the surrounding urban context in materials, organization and groupings in order to maintain the differentiated cultural landscapes of the site and the broader TRUP inner core is queried. It is not clear what the differential cultural landscapes of the site refers to. As stated above, the different edges of the site reveal different opportunities and constraints and have different absorptive capacities. The edge facing onto the PRASA development and the edge facing onto the Black River are regarded as having a greater capacity to absorb development than the eastern interface with the SAAO property. It is thus suggested that buildings facing onto the Liesbeek River could be in the height range of buildings along Liesbeek River Park but should not exceed these heights.

The other indicators, relating primarily to the need for fragmentation of building forms and relatively tight building blocks and the retention of vistas are supported.

With regard to the indicators relating to heights in the last bullet point, it is agreed that the highest buildings of up to 5 storeys above finished ground level could be accommodated along the edge facing onto the proposed Barclay Road extension. The same height parameters should apply to the sites opposite the Liesbeek River Park.

Buildings in close proximity to the SAAO should be lower in height in order to retain the SAAO setting. It is thus suggested that a height limit of three storeys above finished ground level be established.

2.9 Response to heritage sites abutting the site

The indicators identified are broadly supported. As indicated above new building interventions adjacent to the SAAO site should be lower and set at a maximum of three storeys above the finished ground level.

2.10 Ground levels

The design indicators are supported.

2.11 Open space

The design indicators are supported, in particular the proposal for a substantial public space within the site that connects to the surrounding TRUP undeveloped green areas. This public space should give access to both rivers and allow views through the site to Devil's Peak to the west and to the Raapenberg bird sanctuary to the east. It should be of a substantial scale, approximately 75m to 100m in width and should preferably accommodate a public site-related land use, such as an Environment and Heritage Centre.

2.12 Rivers

The design indicators are supported.

2.13 Road infrastructure

The design indicators are supported.

2.14 Archaeology

The comments and proposals are supported.

2.15 Development of site to its cultural potential

The design indicators are supported.

3. CONCLUSIONS AND RECOMMENDATIONS

The Conclusion, Section 6, refers to the current TRUP studies by NM and Associates which suggests a possibly new development vision which may include more development on the site and within TRUP. It is understood that a working group comprising City and WCG officials, and the professional team have agreed on a figure of approximately 137000m² for the River Club site. The issue then becomes how this bulk could be distributed across the site.

The statement that the site is positively assessed for potential development which addresses its position within TRUP and addresses the historic, aesthetic and social significances identified is supported.

The recommendations that the heritage design indicators should guide future development on the site is supported, with the provisos mentioned above. These relate largely to the proposal to retain the island character of the site (point 5). An alternative conceptualization would be to integrate the site into the surrounding context where possible, largely by responding to the opportunities and constraints established by existing development on the periphery, most notably PRASA and the Liesbeek River Park development. This would not preclude the need for a strong green edge to the site, and the use of new building forms to improve public access and the amenity value of the river banks and visual access to the Raapenberg bird sanctuary.

In addition to the guiding principles identified in this section, the following broad principles are regarded as being applicable.

- A balance between the natural environment and the built form. Coverage not to exceed approx. 15% of the site area.
- The retention and enhancement and integration of the green context into the built form (a "web" of green as a structuring element of the village).
- A positive response to variations across the site, particularly the edges

(no-go, “tread lightly” and areas considered to be appropriate for some form of development).

- Respect for the setting of the site in terms of the views and vistas identified.
- Appropriate set backs for the built form response to the riverine corridor.
- A network of open spaces creating a continuous system of hard and soft spaces, functional continuity and visual legibility.
- A legible public structure with a hierarchy of public and social spaces corresponding to different levels of public access.
- Ground level non-residential activities to activate street edges and to define street spaces. An urban village, not an office park.
- A permeable system of street blocks which enhance access to the riverine corridors.
- Higher order public institutions and facilities to reinforce public access to higher order public spaces.
- Multi-functional street spaces, not only to accommodate movement, but also to facilitate a high degree of pedestrian dominance and social activity.

4. SUMMARY

The Report is comprehensive and provides a good platform for decision making. Issues identified relate primarily to tone and emphasis and the extent to which the site is regarded as an “island” site as opposed to a different approach which integrates it into the broader context, albeit with strong green edges.

As indicated previously, the pre-colonial and early contact period is considered to be of considerable heritage significance. Appropriate, effective means of identifying the values associated with this primarily intangible heritage will have to be formulated and factored into an integrated vision of the future role of the site. The role of water and the role of the rivers as both boundary and crossing point are likely to be a factor in the spatial expression of this intangible heritage.

Nicolas Baumann 3 July 2016

AUTHOR RESPONSE TO PEER REVIEW**INTRODUCTION**

The author's response to Nicolas Bauman peer review was informed by discussions with Peter Buttgens, Architect and Heritage Practitioner.

RESPONSE TO THE PEER REVIEW (JULY 2016)

The Baumann review was requested to provide an overview of the HIA Phase One for the site. The review focuses mainly on the heritage significances and the heritage indicators identified in the HIA. In its conclusion the review expands on the proposed indicators with more nuance.

The review report was generally supportive of the HIA findings and suggests that differences are mainly in tone and emphasis and seems based on what it describes as hierarchies of heritage significances.

The purpose of this response is to address the main points of the Baumann review and not all items raised.

Heritage Significance of the Site

The Baumann review queries that the HIA overlays the broader TRUP planning context onto the River Club site as TRUP is not homogenous but fragmented with high degrees of variation in terms of heritage significances and discontinuities in terms of open space and public access.

It further argues that the site has variances in significances across it, especially related to the nature of the interface with the riverine edges, institutional (SAAO, Valkenberg) and urban contexts, and that these different interfaces present different heritage issues, vulnerabilities and opportunities.

In response, the HIA has identified the heritage significances of the TRUP area and proposes a range of significances of various sites – these range from sites of national importance (SAAO), provincial heritage importance and sites of local significance. Also, the HIA has at a more detailed level,

graded the areas around the site but not on the site itself. The River Club site is graded IIIB. This grading recognizes that the site has historic, and intrinsic natural and landscape qualities and has been supported.

The HIA does tabulate the different heritage significances of subject site (refer Section 4.3). In response to this review comment, an additional map is included identify the different precincts of the River Club site, i.e. riverine edges, treed edge toward SAAO, golf course area etc.

The site is not graded into various precincts as this is considered an inappropriate response to the site as it's grading is recommended for the whole site although there are varying site considerations and characteristics. Cultural significance grading is a rough tool and not an end in itself – what is required is to establish significances.

The HIA report demonstrates that the site as a whole meets the criteria as being an important heritage site and that the significances are based on its historic and unique landscape qualities at the confluence of the two rivers and that it is part of a broader natural context. The heritage significance is therefore not how the site is perceived but is at a deeper historic, landscape and contextual level.

The Baumann review's suggestion, that the site has no heritage significance and only offers some visual significance as a buffer to SAAO is highly queried as it ignores the intrinsic character of the site.

Heritage Indicators**Spatial Ordering of Development**

The Baumann review regards understanding conceptual organizational development models as inappropriate. It is suggested that these remarks misunderstood the intention of spatial precedent studies in the HIA. There is no proposed imposition of any outside spatial model in the HIA, but rather to understand how island sites have been inhabited. In fact, the Baumann review proposes and has a very strong view on the spatial organization of the site.

Both the HIA and the review supports the HIA assessment that the River Club site has heritage values and that these are based on its historic

association with the farms along these rivers, its unique location close to the confluence of the Black and Liesbeek Rivers and riverine and green character of the site. The site and generally the area located between the N2 highway to PRASA and between Observatory and Maitland has a special and evident riverine quality, which is very different than the urban landscapes to the east and west and that the area is not overtly fragmented and discontinuous as assessed by the Baumann review.

It follows that the heritage design indicators for the site should recognize these contextual significances and differences, that it is an island located between two rivers and a canal and that the spatial ordering of such a unique site should be informed by recognizing these attributes.

Observatory's urbanized eastern boundary edge is clearly defined by the sport/playing/green fields that stretch for much of this section of Liesbeek River. This acknowledges (in very practical terms) the natural seasonal fluctuations of the river and the need for flood plains *and* also creates an obvious edge or limit of the urban typology. The extension of this urban typology across the site would be inappropriate at any level. To the east of the site, the M5 highway and Maitland's urban development is the spatial site edge.

The Baumann review is of the opinion that the city grid and the large-scale recent development toward the west (all of which are setback and have a large green flood plain area between them and the river) should inform the spatial organizing pattern for the River Club.

This is seen as blurring or not understanding the edges of urban townscape nor recognizing the different character of the site to the urban typology to the west and east. By imposing the urban form on a natural riverine context, future development on the site will perpetuate the loss of the natural elements within the city (Paarden Island and the Salt River historic lagoons and vleis are good examples that are situated in close proximity to the site). This approach could undermine the aims of TRUP as well as impact on national and provincial heritage sites in the immediate context. The suggested urbanization of the site using the urban typology across the Liesbeek River is fundamentally flawed, inappropriate and damaging to heritage resources, and that softening the urban grid for visual sensitive sites with some trees is an inadequate response.

Short responses to some aspects of the Baumann review

The Baumann review queries the HIA design indicators that views across and onto the site are not landmark qualities as the site is viewed as being fragmented and discontinuous, but does conclude and supports the design indicators. This opinion is not shared as the visual qualities of the site within this unique riverine context are assessed as being a continuous undulating green low-lying riverine environment and are more significant than just providing a green visual setting for the SAAO. The site has intrinsic qualities consistent with flood-prone environments including marshes, brush and treed edges, etc. which create a very distinct environment and that this quality of view has significance within the broader townscape.

Vistas

The Baumann review states that the historic view connection across the site between the SAAO and Signal Hill is significant "...but tenuous". This is viewed as problematic. The view corridor has been specifically flagged by historians as of high significance and must be retained. The purpose of the HIA is to identify these types of historic links across the site and propose mechanisms to maintain them. These metropolitan links will possibly also be addressed by the TRUP frameworks to ensure they do not become tenuous or lost. The indicators have to acknowledge this.

Public Realm

The review did not support the observation that the site was as accessible as the V&A Waterfront. This statement at first seems overstated – however, the HIA's observation is that the site is surrounded by highways and is very accessible to vehicular and public bus transport as well as being close to two suburban train lines. Its more central, and accessible, location within the metropolitan area is certainly more accessible than the V & A Waterfront located on the extreme western edge of the city and which is primarily served by roads and bus routes.

The heritage significance of the site is greater than the sum of the present landscape. The site at present is much altered with little 'found' heritage resources. The significances are its intrinsic low-lying green riverine character as part of a larger, if fragmented natural system.

ANNEXURE 6

PUBLIC PARTICIPATION:

OBSERVATORY CIVIC ASSOCIATION

CCT EHRM

VASSA

OBSERVATORY CIVIC ASSOCIATION

Letter dated 5 September 2016

Two letters Dated 10 February 2017

(Attached as a separate copies in the electronic format)

CCT

Letters dated 1 September 2016 and 10 February 2017

(Attached as a separate copy in the electronic format)

VASSA

Letter dated 10 February 2017

(Attached as a separate copy in the electronic format)

ANNEXURE 7

TREE SURVEY

PLANNING PARTNERS

(Attached as a separate copy in the electronic format)

ANNEXURE 8

VISUAL IMPACT ASSESSMENT

SRK CONSULTING (PTY) LTD

(Attached as a separate copy in the electronic format)

ANNEXURE 9

WPC HERITAGE BASELINE REPORT

DRAFT FOR COMMENT

OCTOBER 2016

(Attached as a separate copy in the electronic format)

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No.: 12994 / 2021

In the matter between:

OBSERVATORY CIVIC ASSOCIATION

First Applicant

**GORINGHAICONA KHOI KHOIN
INDIGENOUS TRADITIONAL COUNCIL**

Second Applicant

and

**TRUSTEES FOR THE TIME BEING OF
LIESBEEK LEISURE PROPERTIES TRUST**

First Respondent

HERITAGE WESTERN CAPE

Second Respondent

CITY OF CAPE TOWN

Third Respondent

**THE DIRECTOR: DEVELOPMENT MANAGEMENT
(REGION 1), LOCAL GOVERNMENT, ENVIRONMENTAL
AFFAIRS & DEVELOPMENT PLANNING, WESTERN
CAPE PROVINCIAL GOVERNMENT**

Fourth Respondent

**THE MINISTER FOR LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS & DEVELOPMENT
PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT**

Fifth Respondent

**CHAIRPERSON OF THE MUNICIPAL PLANNING
TRIBUNAL OF THE CITY OF CAPE TOWN**

Sixth Respondent

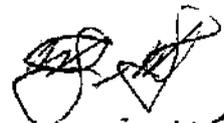
EXECUTIVE MAYOR, CITY OF CAPE TOWN

Seventh Respondent

WESTERN CAPE FIRST NATIONS COLLECTIVE

Eight Respondent

CONFIRMATORY AFFIDAVIT



I, the undersigned, Chief ||Autshumao Francisco MacKenzie

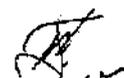
do hereby make oath and say as follows:

1. I am an adult male also known as Chief Mackie and am the designated Chair of the Western Cape Legislative Khoi/San Council.
2. I have been elected by the organisation to hold this position and to speak on behalf of the Western Cape Legislative Khoi/San Council (WCLKSC).
3. The facts contained in this affidavit are within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct.
4. I have read the supporting affidavit of Tauriq Jenkins which he deposed on July 30th 2021 and confirm the contents thereof in so far as they relate to me, and the position I hold in the WCLKSC.
5. As I explain more fully below, both the WCLKSC and I:
 - 5.1. are deeply concerned about the negative impacts that the development of the River Club site by the First Respondent ("the Development") will have on our cultural heritage;
 - 5.2. are opposed to the Development;
 - 5.3. were not consulted by Mr Rudewaan Arendse in connection with the preparation of his report titled "River Club First Nations Report" dated November 2019 ("the AFMAS Report"); and
 - 5.4. are not members the Western Cape First Nations Collective ("the FNC") which is the Eighth Respondent in this matter, and the FNC is not authorised to speak on our behalf, whether in relation to the Development or any other matters.



Consultations undertaken by Rudewaan Arendse of AFMAS

6. I understand that Mr Rudewaan Arendse was commissioned by the Western Cape Provincial Department of Transport and Public Works to prepare a report on:
 - 6.1. the significance of the Two Rivers Urban Park ("TRUP") to First Nations by identifying intangible cultural heritage ("ICH") specific to the TRUP, through Khoi and San oral history, as articulated by indigenous custodians;
 - 6.2. the collective First Nations aspirations for celebrating First Nation ICH at the TRUP; and
 - 6.3. how the indigenous narrative of the First Nation's ICH can be incorporated into the spatial governance of the TRUP, by developing heritage related design informants (as informed by the indigenous narrative).
7. This report culminated in the TRUP First Nations Report ("the TRUP Report") of 25 September 2019. Mr Rudewaan Arendse did not consult the WCLKSC during the preparation of that report. Mr Rudewaan Arendse was subsequently commissioned by the First Respondent ("the Developer") to prepare an assessment of the impacts of the Development on intangible cultural heritage which culminated in the River Club First Nations Report ("the AFMAS Report").
8. I confirm that neither myself nor the WCLKSC were notified by Mr Rudewaan Arendse of his assessment of the impacts on intangible cultural heritage of the development at the River Club site, which assessment culminated in the



AFMAS Report, and consequently neither myself nor the WCLKSC were consulted by Mr Arendse in relation to the AFMAS Report.

9. The Developer and/or Mr Arendse / AFMAS were well aware that both myself and the WCLKSC wished our view in relation to the Development and its potential negative impacts on the environment and on our cultural heritage, to be taken into consideration by the authorities responsible for deciding whether or not to authorise the Development. My reasons for saying this appear below.

9.1. I represented the WCLKSC as an interested and affected party ("I&AP") during the provisional protection appeal proceedings, under case number 1511 2504 WD 1217E in which the Developer as an appellant and Mr Arendse participated. My name appears from the list of I&APs as is evident in the record.

9.2. My group has contact details which are easily traceable. AFMAS and Mr Arendse should have used this information to communicate with us and arranged for us to participate in the consultation which culminated in his AFMAS Report.

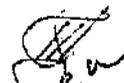
10. I confirm that neither the WCLKSC nor myself approve of or support the development by the First Respondent, nor are we represented by the Eighth Respondent (the Western Cape First Nations Collective also known as the "FNC").

Cultural and heritage significance of the site and TRUP area

11. The site at which the River Club development will take place and the larger TRUP, is of significant cultural and heritage significance to the WCLKSC.

The site and the TRUP area is sacred to us and a significant part of our intangible cultural heritage is associated with the site and the TRUP, for the following reasons:

- 11.1. The Battle of 1510 took place in the TRUP. That battle clearly shows that our ancestors were not in support of land dispossession at all. Land was taken here in 1657 with the establishment of the Freeburgher farms by the Dutch East India Company. It is the site of the First Frontier Wars in 1659. It is where the concept of 'trespassing' came to pass where our people were no longer welcome on their own land, treated as strangers, and were eventually massacred and exiled, and forced into indentured labour. These wars clearly show that our ancestors were not in support of land dispossession at all. It is the site that holds the agony of genocide.
- 11.2. For many years, I would go to conduct sacred spiritual ceremonies on the River Club site. I conducted sacred cleansing water ceremonies, including praying, and chanting and the burning of sacred herbs for the restoration of the land and the rivers, as well as the acknowledgement of our ancestors who fought and died for our freedom and for the land. However, six years ago I was disrespectfully forbidden to enter the site and told that I could not go there. I have also recently been to the entrance of site numerous times and was told that it is private property, and I am not allowed on site.
- 11.3. Rivers signify life and fertility of the land. These rivers, the Black and the Liesbeek are very sacred to us. The confluence signifies the link between water and land. It is the sacred link between us and the ani-



imals because we both share the water for sustenance and life. This confluence is a place that holds the memory of the very traumatic events that took place for the protection of the land which is a sacred site. This place holds hope for restoration and healing to replace the trauma and the agony. We can identify this place as the start of the loss of self of the First People.

- 11.4. It is unambiguously received as the erasure of our memory of what we hold most dear and sacred. It is an intentional, violent and vicious assault on who we are intrinsically. Especially when the developer, the City and Provincial government ignored our supplication not to destroy the river or the floodplain.
- 11.5. How the high buildings and construction affects sense of place and memories / culture associated with the place and TRUP: This is a lewd commercialisation of our sacred heritage. Nature replaced by concrete of this magnitude is a spiritual crime and blasphemy.
12. We do not regard any of the conditions to the respective authorisations to be sufficient for purposes of safeguarding our intangible heritage associated with the site. In our view, the aspects of the Development which the Developer claims will give expression to, and celebrate, our intangible cultural heritage (i.e. the proposed indigenous gardens, cultural and media centre, amphitheatre, and "heritage eco-trail") do no such thing.
13. Had I or the WCLKSC been meaningfully consulted by Mr Arendse in respect of the River Club development, we would have contributed important information relevant to the decision-making process (including the informa-



tion in this affidavit) which should have been made available to the decision-makers (whether by inclusion in the AFMAS Report or otherwise).

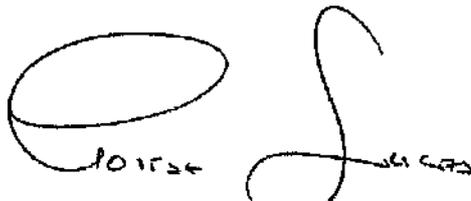

Francisco MacKenzie

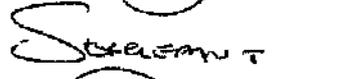
I hereby certify that the deponent has acknowledged that he:

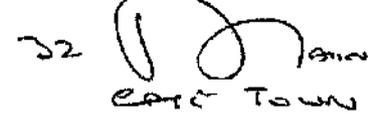
- (a) knows and understands the contents of this affidavit;
- (b) has no objection to taking the oath;
- (c) considers the oath to be binding on his conscience.

Thus signed and sworn to before me, at Mowbray on 18th May 2022.

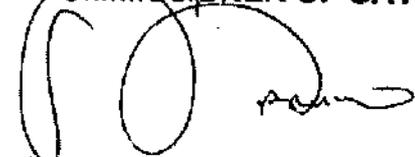

COMMISSIONER OF OATHS

NAME: 

CAPACITY: 

ADDRESS: 

AREA: 




SOUTH AFRICAN POLICE SERVICE
COMMUNITY SERVICE CENTRE
2022 -05- 18
MOWBRAY
SUID-AFRIKAANSE POLISIEDIENS

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN).**

Case No.: 12994 / 2021

In the matter between:

OBSERVATORY CIVIC ASSOCIATION First Applicant

**GORINGHAICONA KHOI KHOIN
INDIGENOUS TRADITIONAL COUNCIL** Second Applicant

and

**TRUSTEES FOR THE TIME BEING OF
LIESBEEK LEISURE PROPERTIES TRUST** First Respondent

HERITAGE WESTERN CAPE Second Respondent

CITY OF CAPE TOWN Third Respondent

**THE DIRECTOR: DEVELOPMENT MANAGEMENT
(REGION 1), LOCAL GOVERNMENT, ENVIRONMENTAL
AFFAIRS & DEVELOPMENT PLANNING, WESTERN
CAPE PROVINCIAL GOVERNMENT** Fourth Respondent

**THE MINISTER FOR LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS & DEVELOPMENT
PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT** Fifth Respondent

**CHAIRPERSON OF THE MUNICIPAL PLANNING
TRIBUNAL OF THE CITY OF CAPE TOWN** Sixth Respondent

EXECUTIVE MAYOR, CITY OF CAPE TOWN Seventh Respondent

WESTERN CAPE FIRST NATIONS COLLECTIVE Eight Respondent

CONFIRMATORY AFFIDAVIT



I, the undersigned, **Chief Bradley Van Sitters** – (Indigenous name: !Aokhoeb Danab !Hui !Gaeb di !Huni!nā !Gûkhoeb)

do hereby make oath and say as follows:

1. I am an adult male, also known as Danab ||Hui !Gaeb di !Huni!nā !Gûkhoeb and am the Gaob (Chief) of the !Khora||xau||aes.
2. I have been appointed by the Senior Bloodline Lineage in ||Hui !Gaeb (Cape Town), the #Oxollaes (Cochoqua Royal House) Crown Prince David Johannes to hold this position and to speak on behalf of !Khora||xau||aes
3. The facts contained in this affidavit are within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct.
4. I have read the supporting affidavit of Tauriq Jenkins which he deposed on 30 July 2021 and confirm the contents thereof in so far as they relate to me, and the position I hold in !Khora||xau||aes.
5. As I explain more fully below, both the !Khora||xau||aes and I:
 - 5.1. are deeply concerned about the negative impacts that the development of the River Club site by the First Respondent ("the Development") will have on our cultural heritage;
 - 5.2. are opposed to the Development;
 - 5.3. were not consulted by Mr Rudewaann Arendse in connection with the preparation of his report titled "River Club First Nations Report" dated November 2019 ("the AFMAS Report"); and

- 5.4. are not members the Western Cape First Nations Collective ("the FNC") which is the Eighth Respondent in this matter, and the FNC is not authorised to speak on our behalf, whether in relation to the Development or any other matters.

Consultations undertaken by Rudewaan Arendse of AFMAS

6. I understand that Mr Rudewaan Arendse was commissioned by the Western Cape Provincial Department of Transport and Public Works to prepare a report on:
- 6.1. the significance of the Two Rivers Urban Park ("TRUP") to First Nations by identifying intangible cultural heritage ("ICH") specific to the TRUP, through Khoi and San oral history, as articulated by indigenous custodians;
- 6.2. the collective First Nations aspirations for celebrating First Nation ICH at the TRUP; and
- 6.3. how the indigenous narrative of the First Nation's ICH can be incorporated into the spatial governance of the TRUP, by developing heritage related design informants (as informed by the indigenous narrative).
7. This report culminated in the TRUP First Nations Report ("the TRUP Report") of 25 September 2019. Mr Rudewaan Arendse consulted me at the University of Cape Town, where I work, having been referred to me as having conducted several traditional cleansing and ritualistic ceremonies on the site in dispute; during our discussion Mr Arendse did not produce any ethical release forms. Neither did he have any visible recording device. It is with



concern that details and historical narratives as expressed by me were used verbatim at length in the AFMAS TRUP First Nations Report. My narratives are found in the latter part of page 21, and the entirety of pages 22 and 23 without any form of acknowledgement. This oral account is of an ancient indigenous knowledge and by removing any reference to its source is, in my view, is an act of epistemological violence. This harvesting of my indigenous knowledge was done in an unethical manner. Mr Arendse did not take notes during our discussion and I can be only be left to consider that a recording device must have been concealed since I was quoted verbatim in both the AFMAS TRUP Report for the Department of Public Works as well as the Riverclub First Nations AFMAS Report which was done for the developer.

8. Mr Rudewaan Arendse was subsequently commissioned by the First Respondent ("the Developer") to prepare an assessment of the impacts of the Development on intangible cultural heritage which culminated in the River Club First Nations Report ("the AFMAS Report"). It was with further concern that I was quoted extensively on page 17,18 and 19 without being interviewed for this report, furthermore my indigenous knowledge contribution was unacknowledged.

9. I confirm that neither myself nor my council were notified by Mr Rudewaan Arendse of his assessment of the impacts on intangible cultural heritage of the development at the River Club site, which assessment culminated in the AFMAS Report, and consequently neither myself nor my Council were consulted by Mr Arendse in relation to the AFMAS Report.



10. The Developer and/or Mr Arendse / AFMAS were well aware that both myself and my council wished our view in relation to the Development and its potential negative impacts on the environment and on our cultural heritage, to be taken into consideration by the authorities responsible for deciding whether or not to authorise the Development. My reasons for saying this appear below.

10.1. I represented the !Khora||xau||aes Council as an interested and affected party ("I&AP") during the provisional protection appeal proceedings, under case number 1511 2504 WD 1217E in which the Developer as an appellant [and Mr Arendse?] participated. My name appears from the list of I&APs as is evident in the record.

10.2. My group has contact details which are easily traceable. AFMAS and Mr Arendse should have used this information to communicate with us and arranged for us to participate in the consultation which culminated in his AFMAS Report.

11. I confirm that neither the !Khora||xau||aes nor myself approve of or support the development by the First Respondent, nor are we represented by the Eight Respondent (the Western Cape First Nations Collective also known as the "FNC").

Cultural and heritage significance of the site and TRUP area

12. The site at which the River Club development will take place and the larger TRUP, is of significant cultural and heritage significance to my council. The site and the TRUP area is sacred to us and a significant part of our intangi-



ble cultural heritage is associated with the site and the TRUP, for the following reasons:

- 12.1. The site where Ossingkhimma, the son of Gogosoa who was the Paramount Chief of the Peninsular Khoi, was stampeded by elephants. The site where Eykamma was wounded during the First Khoi Dutch war in 1659. He later died of his wounds at the Castle of Good Hope. The TRUP is the site of the 1510 Battle against Portuguese Viceroy Francisco D'Almeida. It is a Frontier Zone where Jan Van Riebeeck established a military barracks to drive out the Khoi on the Eastern shore of Liesbeek. It is where land was stole for the first time and the concept of private property began. The site from where the genocide of the Cape San started. It is where the First Khoi Dutch Frontier Wars broke out. It is a site where Jan Van Riebeeck deployed slaves. The confluence of the rivers is the symbolic birthplace of the Korana through !Kora.
- 12.2. The Inau ceremony of affirmation and dedication has taken place on the site especially during the solstice and equinox. There was a unification ceremony held between the !Khowese Nama Traditional Authority and peninsular Khoi in 2008. In 2020, the national Kai Korana held a unification ceremony in the TRUP hosted by the Goringhaicona Khoi Khoi Traditional Indigenous Council. Water ceremonies, considered one of the most sacred ceremonies are performed here.
13. The !Khora||xau||aes traditionally occupied the area between the foot of Table Mountain and Klappmuts. The primary kraal was located along the banks

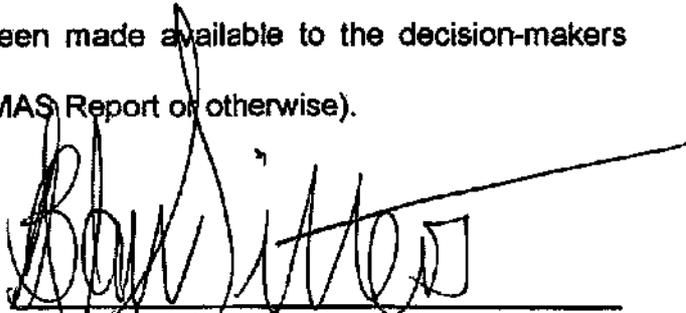


of the Liesbeek where after the Winter migrations returned to the site. We wish to re-establish a presence at the TRUP.

- 13.1. The Black and Liesbeek River confluence is the symbolic birthplace of the Korana through IKora. This confluence is the place of memory and coming together of the peninsular Khoi polities. Only from the confluence of the Black and Liesbeek can one observe that the sun sets on Lions head during the equinox. This place was a vantage point for the San and Khoi in the naming of the stars.
- 13.2. We are inextricably linked to this site as a life source for many generations. The infilling of the Old Liesbeek Channel has resulted in trauma and resurfacing generational trauma, and a reminder of the pain that was inflicted in 1657. We are connected to this River as a giver of life and a sustainer of life. The destruction of this sacred landscape is a violent rupture to our collective spiritual well being.
- 13.3. The high buildings and constructions distort and remove the sacred sense of space. Destroying this open green space will destroy the last remnants of this ancient landscape in an urban setting. It is disturbing that this is happening in post Apartheid South Africa.
14. We do not regard any of the conditions to the respective authorisations to be sufficient for purposes of safeguarding our intangible heritage associated with the site. In our view, the aspects of the Development which the Developer claims will give expression to, and celebrate, our intangible cultural heritage (i.e. the proposed indigenous gardens, cultural and media centre, amphitheatre, and "heritage eco-trail") do no such thing.



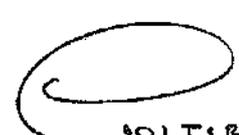
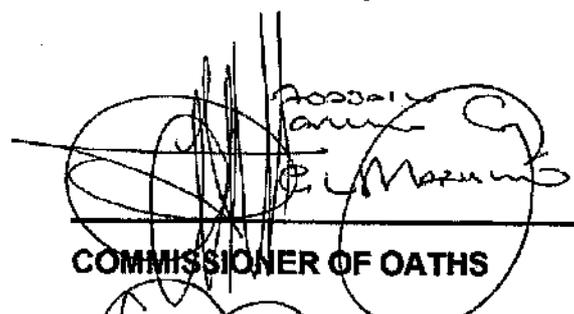
15. Had I or my council been meaningfully consulted by Mr Arendse in respect of the River Club development, we would have contributed important information relevant to the decision-making process (including the information in this affidavit) which should have been made available to the decision-makers (whether by inclusion in the AFMAS Report or otherwise).


Bradley van Sitters

I hereby certify that the deponent has acknowledged that he:

- (a) knows and understands the contents of this affidavit;
- (b) has no objection to taking the oath;
- (c) considers the oath to be binding on his conscience.

Thus signed and sworn to before me, at Mowbray on 18th May 2022.



 NAME: JOITSE JACOBS AND
 CAPACITY: SPESBAND 7
 ADDRESS: 32 Main Road Mowbray Spas
 AREA: WESTERN CAPE CAPE TOWN

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No.: 12994 / 2021

In the matter between:

OBSERVATORY CIVIC ASSOCIATION

First Applicant

GORINGHAICONA KHOI KHOIN
INDIGENOUS TRADITIONAL COUNCIL

Second Applicant

and

TRUSTEES FOR THE TIME BEING OF
LIESBEEK LEISURE PROPERTIES TRUST

First Respondent

HERITAGE WESTERN CAPE

Second Respondent

CITY OF CAPE TOWN

Third Respondent

THE DIRECTOR: DEVELOPMENT MANAGEMENT
(REGION 1), LOCAL GOVERNMENT, ENVIRONMENTAL
AFFAIRS & DEVELOPMENT PLANNING, WESTERN
CAPE PROVINCIAL GOVERNMENT

Fourth Respondent

THE MINISTER FOR LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS & DEVELOPMENT
PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT

Fifth Respondent

CHAIRPERSON OF THE MUNICIPAL PLANNING
TRIBUNAL OF THE CITY OF CAPE TOWN

Sixth Respondent

EXECUTIVE MAYOR, CITY OF CAPE TOWN

Seventh Respondent

WESTERN CAPE FIRST NATIONS COLLECTIVE

Eight Respondent

AFFIDAVIT

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I, the undersigned

Khoebaha Melvin Arendse

do hereby make oath and say as follows:

1. I am an adult male, also known as Khoebaha (King) Arendse and am the Khoebaha (King) of the Kai !Korana Trans Frontier Royal House - the name that descendants of the !Korana peoples, who once lived along the Liesbeek River and in the TRUP area, use to describe themselves.
2. I was appointed by Minister Anroux Marais, Western Cape Provincial Government, Minister of Arts, Culture and Sport as a Commissioner to the Western Cape Cultural Commission.
3. I succeeded my late mother, Queen Lester Arendse "Oliphant" upon her passing and was validated by the three provinces, Northern Cape, Eastern Cape and Western Cape that constitute the Trans Frontier including its districts, regions, leaders, chiefs and principalities as King of the Kai !Korana Trans Frontier Royal House. The facts contained in this affidavit are within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct.
4. I have read the supporting affidavit of Tauriq Jenkins which he deposed on 30 July 2021 and confirm the contents thereof in so far as they relate to me, and the position I hold as Khoebaha of the Kai !Korana Trans Frontier.

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[Signature]

5. As I explain more fully below, both the Kai IKorana Trans Frontier Royal House and I:
- 5.1. are deeply concerned about the negative impacts that the development of the River Club site by the First Respondent ("the Development") will have on our cultural heritage;
 - 5.2. are opposed to the Development;
 - 5.3. were not consulted by Mr Rudewaan Arendse in connection with the preparation of his reported titled "River Club First Nations Report" dated November 2019 ("the AFMAS Report"); and
 - 5.4. are not members the Western Cape First Nations Collective ("the FNC") which is the Eighth Respondent in this matter, and the FNC is not authorised to speak on our behalf, whether in relation to the Development or any other matters.

Consultations undertaken by Rudewaan Arendse of AFMAS

6. I understand that Mr Rudewaan Arendse was commissioned by the Western Cape Provincial Department of Transport and Public Works to prepare a report on:
- 6.1. the significance of the Two Rivers Urban Park ("TRUP") to First Nations by identifying intangible cultural heritage ("ICH") specific to the TRUP, through Khoi and San oral history, as articulated by indigenous custodians;

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- 6.2. the collective First Nations aspirations for celebrating First Nation ICH at the TRUP; and
- 6.3. how the indigenous narrative of the First Nation's ICH can be incorporated into the spatial governance of the TRUP, by developing heritage related design informants (as informed by the indigenous narrative).
7. This report culminated in the TRUP First Nations Report ("the TRUP Report") of 25 September 2019. Mr Rudewaan Arendse did not consult my council during the preparation of that report.
8. Mr Rudewaan Arendse was subsequently commissioned by the First Respondent ("the Developer") to prepare an assessment of the impacts of the Development on intangible cultural heritage which culminated in the River Club First Nations Report ("the AFMAS Report").
9. I confirm that neither myself nor my council were notified by Mr Rudewaan Arendse of his assessment of the impacts on intangible cultural heritage of the development at the River Club site, which assessment culminated in the AFMAS Report, and consequently neither myself nor my council were consulted by Mr Arendse in relation to the AFMAS Report.
10. The Developer and/or Mr Arendse / AFMAS were well aware that both myself and my council wished our view in relation to the Development and its potential negative impacts on the environment and on our cultural heritage, to be taken into consideration by the authorities responsible for deciding

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whether or not to authorise the Development. My reasons for saying this appear below.

- 10.1. I represented the Kai !Korana Trans Frontier Royal House as an interested and affected party ("I&AP") during the provisional protection appeal proceedings, under case number 1511 2504 WD 1217E in which the Developer as an appellant and Mr Arendse participated. My name appears from the list of I&APs as is evident in the record.
- 10.2. My group has contact details which are easily traceable. AFMAS and Mr Arendse should have used this information to communicate with us and arranged for us to participate in the consultation which culminated in his AFMAS Report.
11. I confirm that neither the council nor I approve of or support the development by the First Respondent, nor are we represented by the Eighth Respondent (the Western Cape First Nations Collective also known as the "FNC").

Cultural and heritage significance of the site and TRUP area

12. The site at which the River Club development will take place and the larger TRUP, is of significant cultural and heritage significance to my council and to Kai !Korana people. The site and the TRUP area is sacred to us and a significant part of our intangible cultural heritage is associated with the site and the TRUP, for the following reasons.



- 12.1. The Two Rivers, being the Black and Liesbeek Rivers, is The Black and Liesbeek Rivers and surrounding land, is the birthplace of the !Korana as a self-governing people, and consequently is an area of the greatest significance to us. It is the source of our oral history, collective memory, and customary law associated with marriage, birth, death and trade. It speaks to our very practices of customary law, associated with marriage, birth, death and treaties of trade that are irrevocable as a precinct of the greatest significance.
- 12.2. The Kai !Korana, earlier pronounced as Kei !Korana, Kai, meaning 'great' or 'many' have their origins in the Western Cape at the turn of the 15th century in pre-colonial Cape Town. The Kai !Korana are descended from the first !Xora, grandson of the Gogosoa Paramountcy that is the bloodline of the four siblings' clans of Cochoqua, Gorinhaiqua, Goringhaicona and !Korana."
- 12.3. The Last of the Gogosoa siblings that ruled during the smallpox outbreak in 1680 !Xora, was the father and first ruler of the !Korana in the Cape peninsula. The twin brothers Gonema and Odesoa were the last remnant of Gogosoa besides !Xora and direct descendants of the last ruling Gogosoa Dynasty on the Liesbeek. From this period the clans of Olifant, Taaibos, Links, Bitterbos, Hooglander and Bolanders consolidated cattle and sheep trading from the Liesbeek River in Cape Town to Piketberg in the Swartland and Hoogkraal in Pacaltsdorp in the Southern Cape. The colonial devastation prompted the last Khoebaha of Hooglanders to trek North to Prieska

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to avoid total annihilation of !Korana by the smallpox epidemic. The clans later converged in Prieska, Gordonia to mobilise for the ongoing trek Wars with Dutch Settlers.

- 12.4. The ruling clans of !Korana, include the Olifant, Links, Taaibos, Buffel, Bergenaar, Poffader, Slaparms, Towenaars, who are descendants of the grand children of Hooglander called Bostander and Hoogstander. The great trek of the !Korana inland broke many of the customary law practices of the Liesbeeck Kingship of !Korana. Many bloodline clans were forced to change their customary clan names to Settler names like Katz, Cupido, Visser and Vollenhoven, and descendants of brothers Gonema and Odesoa changed their names to January to avoid persecution after the wars. The situation was different in the North as !Korana held onto their clan names, with adjustments on the Gariep and Oranje River in Gordonia changing the Governance of !Korana negatively. On the Cape flats the lineage of Gonema was forced to accept the slave name of January to get a land agreement with the Dutch Colonizers to buy the Methodist Mission Station at Klipfontein in 1826. This agreement was made by Abraham January, the last direct descendant of Gonema. The Royal Ancestry lives in Klipfontein. Today some of the generation live in Mitchells Plain area while others still live on their Ancestral land of the Klipfontein Methodist Mission Station. Khoebaha Klaas Lucas united the former Liesbeeck descendent !Korana kraals during the Frontier Wars in 1659 against Dutch and

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other European settlers today known as the Trans Frontier Kai !Korana. The impact of the First Frontier Wars in the TRUP resulted in the loss of territorial integrity of the Cape Peninsula for the Khoena. A forced migration towards the interior (the East) occurred where it escalated over the following hundred years with AmaXhosa authorities joining in the wars of resistance. This culminated in Sir Walter Curry proclaiming the Border Control Act of 1868.

- 12.5. Kai !Korana Trans Frontier Royal House formed its Unity structure known as the Kai !Korana Federation of Houses, Leaders, and Principalities in the TRUP in 2020.
- 12.6. The importance of the site in terms of the reading of the stars forms that particular space that signals the season of particular ceremonies such as the !Dorob, that is the right of passage for young people after the age of 12 to be inducted into the heritage estate of their !Korana ancestors by commemorating the generations before them, their customs, and general way of life. It is crucial for !Korana youth to have social cohesion with cultural groups across the spectrum from the perspective of their !Korana cultural origins. Marriage ceremonies, and !nau ceremonies take place here.
- 12.7. The infilling of the River constitutes in !Korana custom an act of rape and genocide, since it has the potential for irreversible damage not only to the eco-system of the River but the migrating birds and other

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creatures that form part of the spiritual diaspora of the !Korana on the Liesbeeck River in the TRUP.

- 12.8. The construction not only disrupts the memory and flow of the River but specifically the natural setting and scenery with structures and buildings carrying activities alien to the limited precinct, that is the remnant of thousands of years of cultural, religious and spiritual practices. The construction obstructs efforts to recover !Korana culture by destroying the TRUP area.
13. We do not regard any of the conditions to the respective authorisations to be sufficient for purposes of safeguarding our intangible heritage associated with the site. In our view, the aspects of the Development which the Developer claims will give expression to, and celebrate, our intangible cultural heritage (i.e. the proposed indigenous gardens, cultural and media centre, amphitheatre, and "heritage eco-trail") do no such thing.
14. Had I or my council been meaningfully consulted by Mr Arendse in respect of the River Club development, we would have contributed important information relevant to the decision-making process (including, but not limited to, the information in this affidavit) which should have been made available to the decision-makers (whether by inclusion in the AFMAS Report or otherwise).

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Melvin Arendse

I hereby certify that the deponent has acknowledged that he:

- (a) knows and understands the contents of this affidavit;
- (b) has no objection to taking the oath;
- (c) considers the oath to be binding on his conscience.

Thus signed and sworn to before me, at **Mowbray** on the **25th** of May 2022.



COMMISSIONER OF OATHS

NAME: *Nobunzo Ndameze*
 CAPACITY: *Sgt*
 ADDRESS: *32 main road S*
 AREA: *Mowbray Saps*



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case No.: 12994 / 2021

In the matter between:

OBSERVATORY CIVIC ASSOCIATION First Applicant

**GORINGHAICONA KHOI KHOIN
INDIGENOUS TRADITIONAL COUNCIL** Second Applicant

and

**TRUSTEES FOR THE TIME BEING OF
LIESBEEK LEISURE PROPERTIES TRUST** First Respondent

HERITAGE WESTERN CAPE Second Respondent

CITY OF CAPE TOWN Third Respondent

**THE DIRECTOR: DEVELOPMENT MANAGEMENT
(REGION 1), LOCAL GOVERNMENT, ENVIRONMENTAL
AFFAIRS & DEVELOPMENT PLANNING, WESTERN
CAPE PROVINCIAL GOVERNMENT** Fourth Respondent

**THE MINISTER FOR LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS & DEVELOPMENT
PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT** Fifth Respondent

**CHAIRPERSON OF THE MUNICIPAL PLANNING
TRIBUNAL OF THE CITY OF CAPE TOWN** Sixth Respondent

EXECUTIVE MAYOR, CITY OF CAPE TOWN Seventh Respondent

WESTERN CAPE FIRST NATIONS COLLECTIVE Eight Respondent

CONFIRMATORY AFFIDAVIT



I, the undersigned

Paramount Chief Shedrick Kleinschmidt (Sedas)

do hereby make oath and say as follows:

1. I am an adult male, also known as Paramount Chief Sedas of the Hawequa IXam and am the National Chair of the National House of IXam Bushmen Nation. There are 11 IXam Bushmen Tribes of the IXam Nation. They are Komani-San, Khwe Bushmen, //Xegwi// IXam, Guriqua, Hawequa, IXau-Sakwa, Sonqua-IXam, Karoo-IXam, Kalahari-IXam, IXun and Ubiqua.
2. I have been elected and appointed by the National House of IXam Bushmen Nation to hold this position and to speak on behalf of the San Bushmen IXam Nations.
3. The facts contained in this affidavit are within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct.
4. I have read the supporting affidavit of Tauriq Jenkins which he deposed to on 30th of July, 2021 and confirm the contents thereof in so far as they relate to me, and the position I hold in the Hawequa and the National House of IXam Bushmen Nation.
5. As I explain more fully below, both the National House of IXam Bushmen Nation and I:
 - 5.1. are deeply concerned about the negative impacts that the development of the River Club site by the First Respondent ("the Developer") will have on our cultural heritage;

- 5.2. are opposed to the Development;
- 5.3. were not consulted by Mr Rudewaan Arendse in connection with the preparation of his reported titled "River Club First Nations Report" dated November 2019 ("the AFMAS Report"); and
- 5.4. are not members the Western Cape First Nations Collective ("the FNC") which is the Eighth Respondent in this matter, and the FNC is not authorised to speak on our behalf, whether in relation to the Development or any other matters.

Consultations undertaken by Rudewaan Arendse of AFMAS

6. I understand that Mr Rudewaan Arendse was commissioned by the Western Cape Provincial Department of Transport and Public Works to prepare a report on:
 - 6.1. the significance of the Two Rivers Urban Park ("TRUP") to First Nations by identifying intangible cultural heritage ("ICH") specific to the TRUP, through Khoi and San oral history, as articulated by indigenous custodians;
 - 6.2. the collective First Nations aspirations for celebrating First Nation ICH at the TRUP; and
 - 6.3. how the indigenous narrative of the First Nation's ICH can be incorporated into the spatial governance of the TRUP, by developing heritage related design informants (as informed by the indigenous narrative).



7. This report culminated in the TRUP First Nations Report ("the TRUP Report") of 25 September 2019. Mr Rudewaan Arendse did not consult my House during the preparation of that report.
8. Mr Rudewaan Arendse was subsequently commissioned by the First Respondent ("the Developer") to prepare an assessment of the impacts of the Development on intangible cultural heritage which culminated in the River Club First Nations Report ("the AFMAS Report").
9. I confirm that neither myself nor my House were notified by Mr Rudewaan Arendse of his assessment of the impacts on intangible cultural heritage of the development at the River Club site, which assessment culminated in the AFMAS Report, and consequently neither myself nor my House were consulted by Mr Arendse in relation to the AFMAS Report.
10. The Developer and/or Mr Arendse / AFMAS were well aware that both myself and my House wished our view in relation to the Development and its potential negative impacts on the environment and on our cultural heritage, to be taken into consideration by the authorities responsible for deciding whether or not to authorise the Development. My reasons for saying this appear below. My Nations' House is very well known nationally, has contact details which are easily traceable. AFMAS and Mr Arendse should have used this information to communicate with us and arranged for us to participate in the consultation which culminated in his AFMAS Report.
11. I confirm that neither the National House of IXam Bushmen Nation nor myself approve of or support the development by the First Respondent, nor are we represented by the Eighth Respondent (the Western Cape First Nations Collective also known as the "FNC").



Cultural and heritage significance of the site and TRUP area

12. The site at which the River Club development will take place and the larger TRUP, is of significant cultural and heritage significance to my House. The site and the TRUP area is sacred to us and a significant part of our intangible cultural heritage is associated with the site and the TRUP, for the following reasons:

12.1 Before and during the early arrival of the colonialists, it was a gathering and living space for the First Peoples and animals. It was a ceremonial place. It was the start and finishing point of spiritual journeys and ceremonies to and from the mountains and the caves of the Cape. The area was filled with herbs and food for people and animals alike. Very important was the available fresh water. The plants were medicinally rich and used by the Bushmen. Some materials growing there were used to build temporary huts from time to time. Inau ceremonies were practiced here. In 1657 land on both sides of the Liesbeek River was taken and given to the Freeburghers by the Dutch East India Company because the area was behind the mountain and was more protected from the wind, had fresh water, and the grazing space was identified to be re-used for farming. This resulted in many clashes between the Dutch and indigenous people. The indigenous people were chased away and Jan Van Riebeeck who 'owned' what is today land that includes the River Club brought in a military component to protect the stolen property to keep out the indigenous people of the area. Jan Van Riebeeck put up from this place the first fence that alienated our people from their place of belonging. Although we won the Battle of 1510 against the Portuguese which was fought in the TRUP, we to this day are still fighting the



war that started on that site in 1659, where we were totally dispossessed.

This is the impact that forced our people to seek refuge in the mountains, that forced our people to be enslaved, the impact that forced our people to run to the Kalahari. Losing ceremonial sites broke our people's spirituality. Every time we lose a sacred site we lose humanity, our values, our family structure. The spirituality of our people is the most important thing in our communities. It keeps our communities together, and our families together, our nation together. Because our people were in disarray, and were fragmented due of loss of spiritual sites, we became more vulnerable to attack and genocide followed.

12.2 It was a historical place of the IXam.

12.3 The confluence of the rivers is a sacred ceremonial place. The water and rivers carry messages of people and animals. Each river carries with it the experience and the wisdom of the places they run through. At the confluence these messages would meet, as would people, and here rites would be practiced, and weddings would take place. It was a real and true meeting point of spirituality and ceremonial communities.

12.4 Because of the filling in of the River, the place for the healing of our people is lost. The opportunity for regaining spirituality, and for communities to rebuild our sense of being, our sense of who we are, is now being destroyed. The cycle of violence and separation which started in 1652 is repeating itself. We are afraid that this destruction limits our opportunity to heal and to be together again.

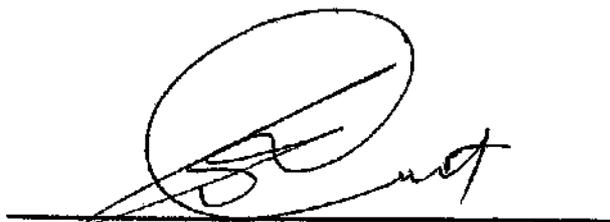


12.5 The mountain, the water, the moon, and the wind must be in harmony with one another for a spiritual site. The high density buildings and the concrete disturb and create a disconnection and kills the spirituality that makes it a sacred site. There will be no seasons in such a landscape.

12.6 We have fixed ceremonial times, according to the weather, however, this development is destructive to the climate. This means that it disturbs the consistency of seasons as we have known them for ages, and breaks the spirituality and connection to the place.

13. We do not regard any of the conditions to the respective authorisations to be sufficient for purposes of safeguarding our intangible heritage associated with the site. In our view, the aspects of the Development which the Developer claims will give expression to, and celebrate, our intangible cultural heritage (i.e. the proposed indigenous gardens, cultural and media centre, amphitheatre, and "heritage eco-trail") do no such thing.
14. Had I or my House been meaningfully consulted by Mr Arendse in respect of the River Club development, we would have contributed important information relevant to the decision-making process (including the information in this affidavit) which should have been made available to the decision-makers (whether by inclusion in the AFMAS Report or otherwise).



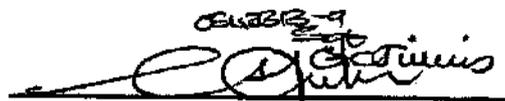


Shedrick Kleinschmidt

I hereby certify that the deponent has acknowledged that he:

- (a) knows and understands the contents of this affidavit;
- (b) has no objection to taking the oath;
- (c) considers the oath to be binding on his conscience.

Thus signed and sworn to before me, at Paarl on 19th May 2022.



COMMISSIONER OF OATHS

NAME: Cde Julius
 CAPACITY: Sergeant.
 ADDRESS: Paarl SAPS, Berginer Blvd.
 AREA: Paarl.

COMMUNITY SERVICE CENTRE
 19 MAY 2022
 PAARL
 SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No.: 12994 / 2021

In the matter between:

OBSERVATORY CIVIC ASSOCIATION	First Applicant
GORINGHAICONA KHOI KHOIN INDIGENOUS TRADITIONAL COUNCIL	Second Applicant
and	
TRUSTEES FOR THE TIME BEING OF LIESBEEK LEISURE PROPERTIES TRUST	First Respondent
HERITAGE WESTERN CAPE	Second Respondent
CITY OF CAPE TOWN	Third Respondent
THE DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1), LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT	Fourth Respondent
THE MINISTER FOR LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT	Fifth Respondent
CHAIRPERSON OF THE MUNICIPAL PLANNING TRIBUNAL OF THE CITY OF CAPE TOWN	Sixth Respondent
EXECUTIVE MAYOR, CITY OF CAPE TOWN	Seventh Respondent
WESTERN CAPE FIRST NATIONS COLLECTIVE	Eight Respondent



AFFIDAVIT

I, the undersigned

Gertrude Magdalene Nethania FESTER

do hereby make oath and say as follows:

I am an adult female and am the coordinator of the /Xarra Restorative Justice Forum Women's Group . I have been nominated by the /Xarra Restorative Justice Forum to hold this position and to speak on behalf of women of this group. I am also an honorary professor at the Centre for African Studies and the Khoi and San Research Unit, University of Cape Town. In this position I actively do research, public lectures and publications and actively work with descendants of Khoi and San communities. We also work with descendants of slaves.

1. The facts contained in this affidavit are within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct.
2. I have read the supporting and replying affidavits of Tauriq Jenkins which he deposed to on 30 July 2021 and 17 September 2021 and confirm the contents



thereof in so far as they relate to me, and the position I hold in /Xarra Restorative Justice Forum Women's Group.

3. As I explain more fully below, both the /Xarra Restorative Justice Forum Women's Group and I:

3.1. are deeply concerned about the negative impacts that the development of the River Club site by the First Respondent ("the Development") will have on our intangible cultural heritage;

3.2. are opposed to the Development;

3.3. were not consulted by Mr Rudewaann Arendse in connection with the preparation of his reported titled "River Club First Nations Report" dated November 2019 ("the AFMAS Report"); and

3.4. are not members the Western Cape First Nations Collective ("the FNC") which is the Eighth Respondent in this matter, and the FNC is not authorised to speak on our behalf, whether in relation to the Development or any other matters.

Consultations undertaken by Rudewaann Arendse of AFMAS

4. I understand that Mr Rudewaann Arendse was commissioned by the Western Cape Provincial Department of Transport and Public Works to prepare a report on:

4.1. the significance of the Two Rivers Urban Park ("TRUP") to First Nations by identifying intangible cultural heritage ("ICH") specific to

the TRUP, through Khoi and San oral history, as articulated by indigenous custodians;

4.2. the collective First Nations aspirations for celebrating First Nation ICH at the TRUP; and

4.3. how the indigenous narrative of the First Nation's ICH can be incorporated into the spatial governance of the TRUP, by developing heritage related design informants (as informed by the indigenous narrative).

5. This report culminated in the TRUP First Nations Report ("the TRUP Report") of 25 September 2019. Mr Rudewaan Arendse did not consult my organisation, /Xarra Restorative Justice Forum Women's Group during the preparation of that report as indicated in that report.

6. According to his brief in the River Club First Nations Report ("the AFMAS Report"), Mr Rudewaan Arendse was subsequently commissioned by the First Respondent ("the Developer") to:

"...engage the First Nations (the Khoi and San)², interchangeably referred to as Indigenous people, or the Indigene, with regard to their intangible cultural heritage in terms of the River Club project site."

and

4

"1. Understand the significance of the River Club site to the First Nations by identifying Indigenous intangible cultural heritage specific to the River Club.

2. Locate the River Club site within the Indigenous narrative of the broader TRUP cultural landscape.

3. Identify First Nations aspirations with regard to Indigenous cultural heritage and the River Club site.

4. Implement the recommendation of the TRUP First Nations report that "acknowledging, embracing, protecting and celebrating the Indigenous narrative be a heritage related design informant that informs" planning and development of the River Club site." (Vol: 3, R: 1079)

7. I confirm that neither I nor my organisation, /Xarra Women's Restorative Justice Forum Women's Group were notified by Mr Rudewaan Arendse or engaged with regarding our intangible cultural heritage associated with the River Club site or how the development will affect my intangible cultural heritage associated with the TRUP, and consequently neither myself nor my /Xarra Women's Restorative Justice Forum Women's Group were consulted by Mr Arendse in relation to the AFMAS Report.

8. The Developer and/or Mr Arendse / AFMAS were well aware that both I and /Xarra Women's Restorative Justice Forum Women's Group wished our view in relation to the Development and its potential negative impacts on the environment and on our cultural heritage, to be taken into consideration by the

authorities responsible for deciding whether or not to authorise the Development. My reasons for saying this appear below.

- 8.1. I represent the /Xarra Women's Restorative Justice Forum Women's Group as an interested and affected party ("I&AP") during the provisional protection appeal proceedings, under case number 1511 2504 WD 1217E in which the Developer as an appellant and Mr Arendse participated. My name appears from the list of I&APs as is evident in the records
- 8.2. My group has a website at www.africanstudies.uct.ac.za/axarra-restrative-justice-forum which are easily traceable. Mr Arendse should have used this information to communicate with us and arranged for us to participate in the consultation which culminated in his AFMAS Report.
9. I confirm that neither I nor the /Xarra Women's Restorative Justice Forum Women's Group were consulted by Mr Arendse. Nor do we approve of or support the development by the First Respondent, nor are we represented by the Eight Respondent (the Western Cape First Nations Collective also known as the "FNC").

Cultural and heritage significance of the site and TRUP area

10. The site at which the River Club development will take place and the larger TRUP, is of significant cultural and heritage significance to the /Xarra Restorative Justice Forum Women's Group. The site and the TRUP area is

sacred to us and a significant part of our intangible cultural heritage is associated with the site and the TRUP, for the following reasons:

10.1 This place is sacred to the descendants of Khoi and San.

It was the centre of the first resistance against colonialism. It is argued to be the place where the Gorinhaiqua fought and killed Portuguese Viceroy Francisco D' Almeida in 1510. Later it also became the first land usurped by colonial powers. Furthermore, a frontier of displacement and four centuries later codified into law through apartheid. To many descendants of Khoi and San it is also a sacred site of remembrance and heralding the ancestors.

10.2 Currently it is regularly used by indigenous groups for the commemoration and celebration of our indigenous heritage.

11 We do not regard any of the conditions to the respective authorisations to be sufficient for purposes of safeguarding our intangible heritage associated with the site. In our view, the aspects of the Development which the Developer claims will give expression to, and celebrate, our intangible cultural heritage (i.e. the proposed indigenous gardens, cultural and media centre, amphitheatre, and "heritage eco-trail") do no such thing.

12 Had my /Xarra Women's Restorative Justice Forum Women's Group or I been meaningfully consulted by Mr Arendse in respect of the River Club development, we would have contributed important information relevant to the decision-making process (including the information in this affidavit) which should have been made

available to the decision-makers (whether by inclusion in the AFMAS Report or otherwise).

[Handwritten signature]
.....

7/06/2022
.....

Gertrude M. N. Fester

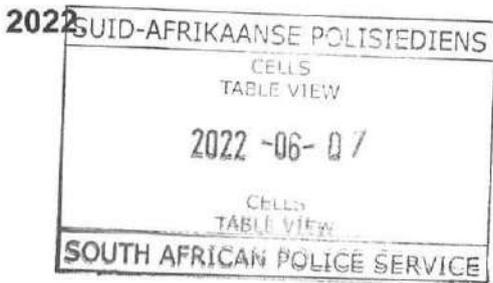
Date

ID number: 5207040022085

I hereby certify that the deponent has acknowledged that she:

- (a) knows and understands the contents of this affidavit;
- (b) has no objection to taking the oath;
- (c) considers the oath to be binding on her conscience.

Thus signed and sworn to before me, at *TABLE VIEW* on *07* a *JUNE*



7177060397
M DYANTYI

COMMISSIONER OF OATHS

NAME: *Sgt DYANTYI*
CAPACITY: *Sgt*
ADDRESS: *18 FOUR Street*
AREA: *TABLE VIEW*
TLCU



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News and Events

Statement on the Virtual Cabinet Meeting held on Wednesday, 10 June 2020

1. Update on Coronavirus (COVID-19)

1.1 At its virtual meeting held on Wednesday, 10 June 2020, Cabinet received an updated report from the National Coronavirus Command Council (NCCC). The NCCC tabled a number of recommendations pertaining to the enhanced risk adjusted Alert Level 3 of the national lockdown.

The recommendations are based on submissions made by various sectors and deliberations by the National Joint Operational and Intelligence Structure.

1.2 However, Cabinet decided to defer approval of the recommendations pending a full health assessment report from the Ministerial Health Advisory Committee on COVID-19. The NCCC is expected to receive the full presentation by early next week.

1.3 Cabinet once again appeal to and urge all South Africans to adhere and voluntarily comply with measures put in place to combat the spread of COVID-19. The measures include regular washing of hands, social distancing and wearing of masks when in public.

2. National Petroleum Company

2.1 Cabinet was briefed on the ongoing work to rationalize all petroleum (oil and gas) subsidiaries of the state owned diversified energy company, Central Energy Fund.

2.2 The rationalization will result in three subsidiaries (PetroSA, Strategic Fuel Fund and iGas) merged into one single National Petroleum Company. This gives effect to the announcement made by President Cyril Ramaphosa in his State of the Nation Address on 13 February 2020, to repurpose and rationalize a number of state-owned enterprises to support growth and development.

2.3 Cabinet approved the proposed appointment of a professional restructuring company that specializes in mergers to investigate the most viable model of this single National Petroleum Company.

3. Gender-Based Violence (GBV) Policy Framework in Post-School Education and Training System

3.1 Cabinet approved the GBV Policy Framework in Post-School Education and Training System. The policy framework seeks to respond to the increased number of GBV-related cases at institutions of higher learning.

3.2 The policy framework provides guidance on structures, mechanisms and processes that institutions of higher learning must put in place to prevent incidents of GBV in their campuses. In addition to providing oversight structures, it also compels such institutions to create awareness on their GBV policies.

4. Feasibility Study Report on the Resistance and Liberation Movement Museum (RLMM)

4.1 Cabinet approved the Feasibility Study Report on the establishment of the RLMM. The museum will contribute towards conserving the history of the resistance and liberation struggle in South Africa.

4.2. The study, which Cabinet approved in 2015, was commissioned within the context of the Resistance and Liberation Heritage Route (RLHR) Project. The RLHR contributes towards the development and transformation of the South African heritage landscape.

4.3 Once completed, the museum will conserve a series of heritage elements (tangible and intangible) and provide common narrative, memory and experiences relating to the liberation struggle in South Africa.

5. National Khoi and San Heritage Route

5.1 Cabinet approved the implementation of the National Khoi and San Heritage Route, which is a national legacy project. The route will identify, highlight, conserve and promote the heritage of the Khoi, Nama, Griekwa, Khorana and San. This project contributes towards the acknowledgement of the previously neglected and marginalized South African history.

5.2 It also gives effect to the Traditional and Khoi-San Leadership Act, 2019 (Act 3 of 2019), which legislates for the recognition of the Khoi and San traditional leaders.

6. Designs of 2021 and 2022 commemorative coins

6.1 Cabinet approved the designs of the 2021 and 2022 commemorative circulation coins which are issued by the South African Reserve Bank (SARB) and the South African Mint Company.

6.2 The R5 commemorative circulation coin and the R5 sterling-silver, gold plated collectors' coin will be issued in 2021, to celebrate the Centenary of the SARB. The fourth Decimal Coin Series of South Africa, which will be issued in 2022 will consist of 10 cent, 20 cent, 50 cent, R1, R2 and R5 coin.

BILLS

1. Financial Sector Laws Amendment Bill of 2020

1.1 Cabinet approved the submission of the Financial Sector Laws Amendment Bill of 2020 to Parliament. The Bill proposes to designate the SARB as the Resolution Authority, and enhances the SARB's regulatory tools for discharging its statutory mandate of ensuring stability of the financial system.

1.2 The Bill proposes a new framework to resolve financial institutions, primarily banks, when they enter a period of financial distress. It also introduces South Africa's first comprehensive deposit insurance scheme that will ensure that depositors are paid their funds when a bank fails.

1.3 Such a scheme will protect the vulnerable depositors and ensure minimal disruptions to the financial system and broader economy when such institutions enter into financial distress.

APPOINTMENT

Ms Sekgothadi Kabela as Non-Executive Director of the Ports Regulator of South Africa Board.

Enquiries: Ms Phumla Williams – Cabinet Spokesperson
Mobile: 083 501 0139

Issued by: Government Communication and Information System (GCIS)

11 June 2020

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