

WOODSTOCK RESIDENTS' ASSOCIATION

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APPEAL AGAINST THE DECISION IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999) BY HERITAGE WESTERN CAPE'S IMPACT ASSESSMENT COMMITTEE TO REFUSE THE PROPOSED DEVELOPMENT ON ERF 26439, ALEXANDRA ROAD, OUDE MOLEN PRECINCT, PINELANDS

Dear Madam/Sir,

The Woodstock Residents' Association (WRA) refers to its submission dated 15 December and responds to the appeal as follows:

1. HIA did not cover all impacted heritage resources

Existing impacted heritage resources in the form of Maitland Garden Village and the adjoining greenbelt and floodplains which form part of the TRUP area were not sufficiently considered in the HIA. The former was insufficiently considered and the latter not at all. This violates NHRA requirements.

a. Disregarding social & economic impact on Maitland Garden Village fail minimum requirements of s 38(3) of the NHRA

Despite stating that the Maitland Garden Village has heritage significance and is considered as an HPOZ, the revised HIA still only deals with the **visual impact** and edge interface of the Oude Molen proposal. Any potential *negative* impact on the MGV community was completely disregarded, which makes the HIA flawed.

b. Not including the wetland & greenbelt in the HIA area fails NHRA requirements

While the HIA dealt with the history of the wetland area, it did not consider how the proposed development would impact on the **“significant riverine open space component”** as a heritage resource, once the over 1000 proposed new houses (**less than half of which are designated to be affordable housing**) and GLA 18K sqm office space and 13K sqm retail space are operational. The HIA needs to include

the wetland and greenbelt, no matter that the two spaces are owned by different government entities. Considering the proposed intense office and retail space use, it is misleading of the appeal to designate the development as 'residential led' (point 4, page 1).

2. Insufficient 'high-level development framework' & dismissal of co-design requests

The Appeal states that "repeated requests by the tenants for a co-design approach have been responded to" (point 26, page 8) and argues that "any such co-design process is unlikely to achieve an equally satisfactory outcome for all. Such a stasis outcome will be to the detriment of the site and heritage resources thereon."

That requests for co-design have been responded to is incorrect. The final HIA report cited 3 letters of conditional support for the planned developments. However, it neglected to respond to, let alone engage with the requests by the Maitland Garden Village Residents' Association (MGVRA) and the KZN COGTA for a co-design approach, which were reiterated at the IACom meeting on the 18th of March 2026. The same happened to the co-design requests made not just by the existing tenants, but by multiple other community organisations, including the Observatory Civic and the Woodstock Residents' Association.

It is respectfully submitted that the appellant and team including and around the heritage practitioner do not sufficient expertise in co-design processes or facilitation to make a prognosis for a "stasis outcome". A co-design process, which could be lead by experienced facilitators like Architects Sans Frontieres and local NPOs, is in any event not meant to an 'equally satisfactory outcome' but one that ensures that s 38(3)(e) of the National Heritage Act is complied with and that the **resulting development proposal** from the co-design process is user-centred (including future users) can be implemented without lawfare.

However, the process leading up to this appeal (rejection of Further Requirements decision) and this appeal proves that the appellant has chosen to rely on legal channels to achieve its desired outcomes. This will certainly be "to the detriment of the site and heritage resources thereon."

The appeal and the HIA before it have been misrepresenting the public comments received, most of which are not insisting on the status quo scenario, but object against the current, flawed development proposal and the incorrect assessment of heritage resources.

Importantly, a co-design process would not hold up any development plans, because the appellant makes clear that approving the HIA at this stage would be premature (point 74, page 26, and request in 79.3): **There is no final Precinct plan for the property**, only a draft. Instead the appellant suggests that the HIA would "ensure that any subsequent Precinct plans are developed in accordance with therewith (sic) [the HIA]." That is putting the cart before the horse. It means that the details necessary to assess heritage impacts have not been put forward and that the HIA cannot be endorsed as is. This includes the appeal request in 79.4 which asks for demolition approval – a process that can not be undone down the line.

The IACom decision should be upheld.

Yours sincerely, Woodstock Residents' Association