



HERITAGE IMPACT ASSESSMENT

In terms of Section 38 of the National Heritage Resources Act

prepared for
URBAN VISION TOWN & REGIONAL PLANNERS

01 June 2009



vidamemoria heritage consultants
3rd Floor · Guarantee House · 37 Burg Street · Greenmarket Square
P O Box 50605 Waterfront · 8002 · Cape Town
t 021 424 vida (8432/1) f 021 424 8435 · quahnita@vidamemoria.co.za
CK 2006/049087/23



ERF 4870, HOUT BAY

TABLE OF CONTENTS

SECTION 1: INTRODUCTION	
A. Introduction	2
B. Structure of the report	2
C. Site description	2
D. Description of the proposals	2
E. Legal framework	2
F. Project Team	2
G. Assumptions and Limitations	2
 SECTION 2: HERITAGE RESOURCES	
A. Identification and mapping of heritage resources	6
B. Assessment of significance of resources	6
C. Policy and document review	7
D. Summary statement on the evolution of the site	11
E. Statement of Significance	15
 SECTION 3: ASSESSMENT OF IMPACTS	
A. Heritage indicators	16
B. Assessment of impact on heritage resources	17
 SECTION 4: RESULTS OF CONSULTATION	
A. Result of consultation with affected parties	19
 SECTION 5: CONCLUSION	
Mitigation measures and recommendations	20

SOURCE MATERIAL

LIST OF FIGURES

Figure 1: Proposed intervention	2
Figure 2: Locality plan, aerial photography and survey diagram	3
Figure 3: Site photographs	4
Figure 4: Surrounding context	5
Figure 5: Heritage resources	6
Figure 6: Extracts Proposed Hout Bay Structure Plan	8
Figure 7: Position of LSA sites	9
Figure 8: Development proposals as seen from (viewpoint 1 in) middle distance area	10
Figure 9: Conservation value and biodiversity corridors	10
Figure 10: Khoekhoe transhumance patterns	11
Figure 11: Survey map dated 1814	14
Figure 12: Survey map dated 1903	14

LIST OF ANNEXES

Annexure A: Description of proposed intervention
Annexure B: Archaeological Impact Assessment
Annexure C: Visual Impact Assessment
Annexure D: Grants and transfer deeds
Annexure E: Assessment Criteria

1. INTRODUCTION

vidamemoria heritage consultants were appointed by Urban Vision Town and Regional Planners to conduct a Heritage Impact Assessment for proposed intervention at Erf 4870, Hout Bay. The purpose of this report is to provide an overview of heritage resources and heritage significance as well as a preliminary assessment of proposed intervention. The terms of reference for the heritage impact assessment have been subject to endorsement by Heritage Western Cape.

B. Structure of the report

The structure of the report has been informed by the requirements of Section 38 (3). The report is thus divided into distinct components as outlined below:

Section 1	INTRODUCTION
	outlines brief, scope and study approach, site description, description of proposals, details of consultant team, overview of legal framework and assumptions and limitations
Section 2	HERITAGE RESOURCES
	Identification and mapping of heritage resources, policy and document review, summary statement on the evolution of the site, assessment of significance of resources and statement of significance
Section 3	ASSESSMENT OF IMPACTS
	provides a set of heritage indicators, assessment of impact on heritage indicators, and evaluation of impact relative to social and economic benefits
Section 4	RESULTS OF CONSULTATION
Section 5	CONCLUSION AND RECOMMENDATIONS
	Details of alternatives, plans for mitigation, conclusion and recommendation

C. Site description

The site is located above Hout Bay Harbour, accessed along Harbour Road. The site is approximately 21,6 ha in extent, with portions located on a fairly steep part of Kapteinspiek above the cliff located on Harbour Road. Site considerations include a single residence, thick vegetation on the upper reaches of the site and the presence of four Later Stone Age Sites (LSA). Of particular heritage significance is the inclusion of the site within the Table Mountain National Park boundary.

D. Description of the proposals

Application is being made for the proposed rezoning and subdivision of a portion of Erf 4870, Karbonkelberg, Hout Bay. The proponents intend subdividing the 21.6061 ha property into three portions, with the upper portion (11.2387 ha) being ceded to South African National Parks. The middle portion (6.1917 ha), which has a single residential dwelling, would maintain the current zoning of 'rural'. The lower portion (4.1757 ha) would be rezoned and subdivided to allow for the proposed development. The proposed zonings on the lower portion would be 'single residential' and 'general residential (conditional use)', the latter accommodating a proposed hotel. The proposal incorporates 12 single residential erven with a maximum height of 5.4m above ground level, a 34 suite boutique hotel and associated facilities including a restaurant, spa, pool, function room, lounge, reception area and administration, roads, parking and 3 large open spaces incorporating significant botanical elements. While a road would serve the houses, only paths suitable for golf carts would link the hotel suites. The hotel facilities would be collected together into a central area just below the access road. The hotel would comprise of a 1 170m² reception

centre located on split levels. Hotel suites would be single bedroom suites of approximately 78m² in extent. The suites would be accommodated in the form of double-storey simplex clusters, with the lower storey being cut into the slope to reduce the overall height. Parking would be concentrated at the entrance to the hotel and access to the hotel suites would be along narrow paths suitable for golf carts. Maximum height of hotel building would be 10.1m. The single residential properties within range of 803 to 1334m² plots (average

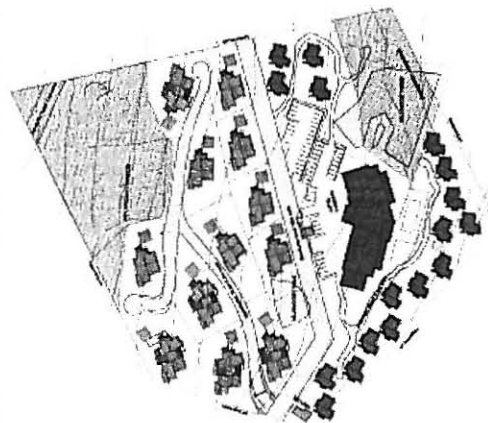


Figure 1: Proposed intervention (Also, Refer Annexure A)

995.8m²) and each erf would accommodate a single storey unit ranging between 221 to 256m² house utilizing localized² underground grey water storage units. The alignment of the current access road would be retained but would be upgraded in order to accommodate the predicted traffic flow. At present a 4 m wide gravel road exists but this would be widened to a 7 m surfaced road. The roads to service the 12 residential houses would be new. The proposed development would provide 102 parking bays, 78 for the hotel and restaurant and 24 for residential precinct. Refer Annexure A

Footprint summary, approx footprint 16 504m²:

Residential units including landscaping:	2 807m ²	Hotel suites:	1 326m ²
Hotel reception:	1 107m ²	Golf cart track/path:	809m ²
Landscaping around hotel precinct:	1 612m ²	Parking area:	2 530m ²
Road area:	6 250m ²		

E. Legal Framework

Section 38 of the National Heritage Resources Act (No 25 of 1999) specifies that a development listed in terms of Section 38 requires at the very earliest stages of initiating a development an *Intent to Develop Form* be submitted to the responsible heritage resources authority. The formal response to the Intent to Develop has served as the brief for further work conducted.

The proposed development falls within the ambit of the following provisions of Section 38(1) of the NHRAct:

(c)(i) exceeding 5000 m² in extent

Section 38 (4) of the NHRA requires that the outcome of HWC review of the limited review include the following considerations, which would form the basis for the recommendations for the future heritage management of the site:

Whether or not the proposed development may proceed; any conditions that should be applied, what general protections may apply, what formal protections should be applied, whether or not compensation is required with respect to damage to heritage resources and whether or not specialists need to be appointed as a condition of approval

The Notification of Intent to Develop was thus submitted to Heritage Western Cape for consideration where the requirements for any further studies have been informed by the legal requirements of Section 38 of the NHRA. As Section 38 of the National Heritage Resources Act (Act 25 of 1999) does not apply whilst an Environmental Impact Assessment is being carried out in terms of EIA Regulations, where such requirements of a Heritage Impact Assessment are covered, comment and recommendations from the relevant commenting body – Heritage Western Cape – on the heritage component of the EIA are to be forwarded to DEA & DP prior to a decision being taken. The heritage component will thus be submitted to Heritage Western Cape for comment as part of the EIA process.

The Archaeological Impact Assessment would consider legislative requirements related to Archaeology (Section 35(4)) and Burial grounds and graves (Section 36 (3)).

F. Project Team

The core project team comprises:

- Urban Vision Town and Regional Planners represented by Tania Lewis
- ACG Architects represented by Hassan Asmal and Bilquees Paleker
- CCA Environmental represented by Johnathon Crowther and Jeremy Blood
- C2C Consulting Engineers represented by Errol van Amsterdam
- vidamemoria heritage* represented by Quahrita Samie. Background historical research compiled by Tracey Randle.
- Archaeology Contracts Office represented by Tim Hart and Jayson Orton

G. Assumptions and Limitations

- The study is to provide an assessment of proposed intervention in relation to heritage significance of the surrounding context based on intrinsic, associational and experiential values as well as broad categories of heritage significance
- The study responds to the terms of reference as set out by Heritage Western Cape within Record of Decision dated 23 July 2007
- The assessment seeks to obtain a clear statement of significance from source material available
- Due to the scale of proposed intervention and scope of work as outlined within the record of decision as obtained from the relevant commenting agency, the assessment focuses the particular heritage context
- The assessment of proposed intervention does not seek to examine a detailed assessment of the architectural design and detail of such proposed development as the designs are in the process of responding to indicators as these arise
- Assessments contained in this document have been informed by available design information as provided by ACG Architects
- Summaries of all relevant specialist input reports are contained within this assessment, however, full studies have been provided for further detail and / or scrutiny if required

Figure 2: Erf 4870, Hout Bay – Locality plan, aerial photograph & survey diagram

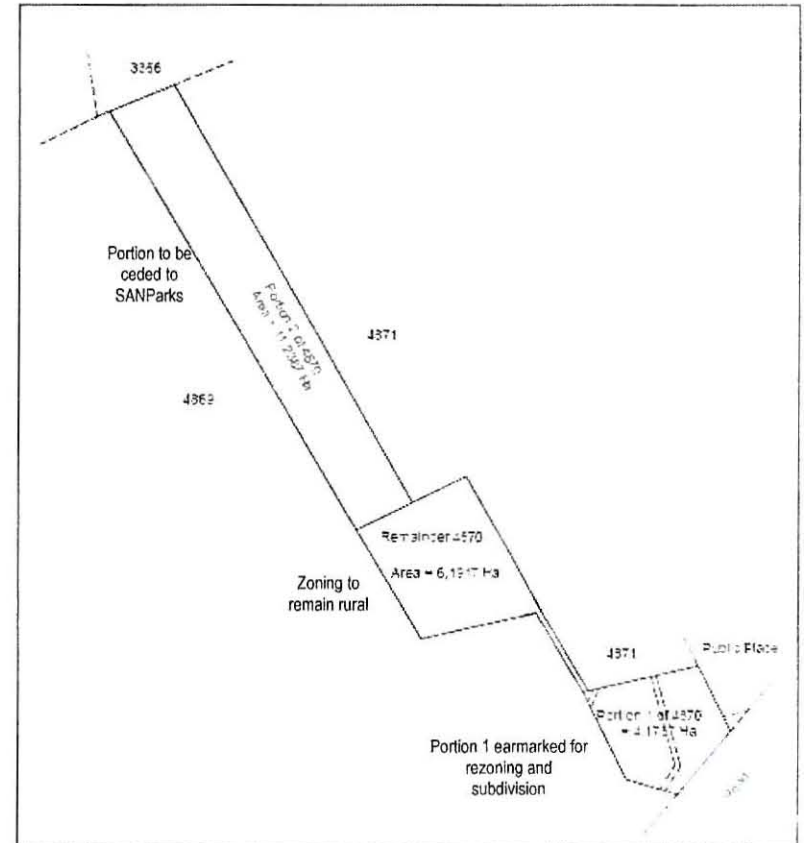


Figure 3: Erf 4870, Hout Bay – Site photographs

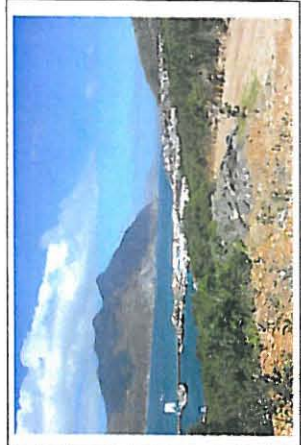
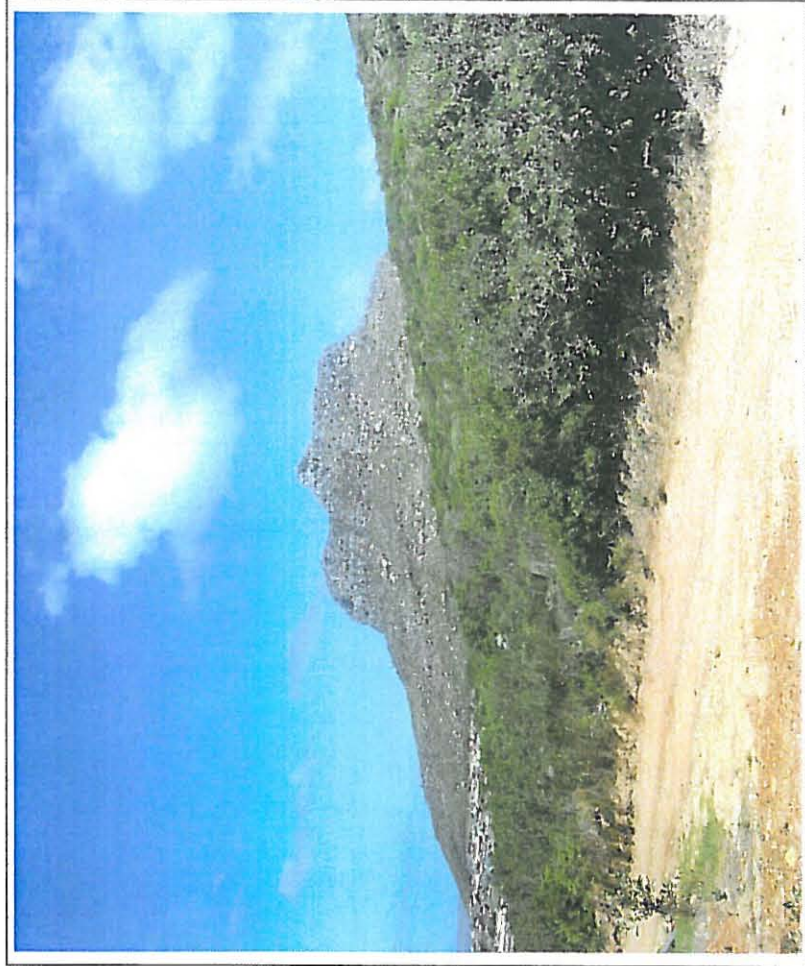
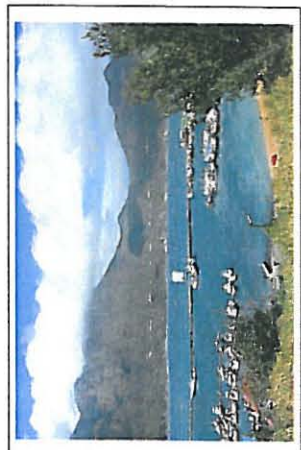
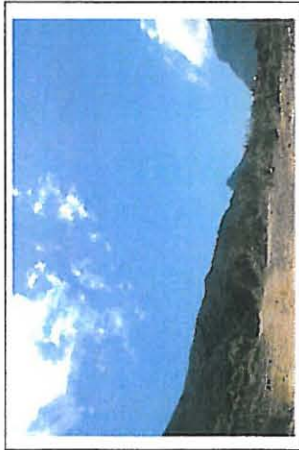


Figure 4: Erf 4870, Hout Bay – Surrounding Context



2. HERITAGE RESOURCES

A. Identification & mapping of heritage resources

The identification of resources for the Hout Bay area considered various source materials. Included are the following:

- Database of provincial heritage sites
- Relevant policy and document review (see sections 2C and 2D of this report)
- Interaction with interested and affected parties
- Hout Bay resource material
- SAHRA Library resource material
- Websites related specifically to Hout Bay (Tourism and local organizations)
- TMNP Conservation Development Framework

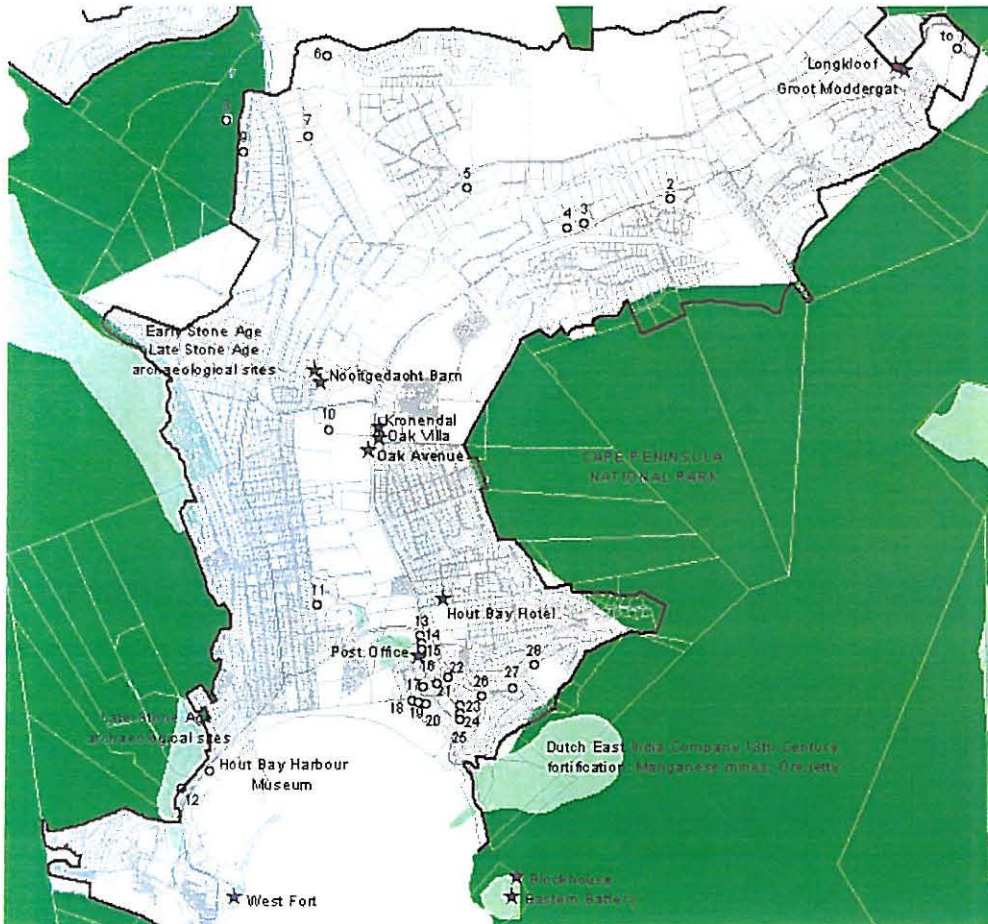


Figure 5: Heritage Resource Management

B. Assessment of significance of heritage resources

Heritage resources within the study area are concentrated within the range of Grade 2 and Grade 3 resources in terms of heritage resources and heritage management requirements as outlined within the NHRAct. While the grading system implies a hierarchical order of significance, it should relate to varying contexts to which significance may apply, namely national, provincial or local context or to appropriate levels of heritage management. In terms of the NHRAct, heritage resources declared National Monuments in terms of the National Monuments Act (1969) are considered as Grade 2 heritage resources or provincial heritage sites. Within the study area, the following Grade 2 and Grade 3 resources have been identified:

Grade	Significance	Resources within local context (Refer to Figure 4: Heritage resources)
2	Heritage resources with special qualities, which make them significant in the context of a province or a region. To be applied to any heritage resource which is significant in terms of one or more of the criteria as set out in Section 3(3) of the NHR Act and / or enriches understanding of the cultural, historical, scientific and social development of the province in which it is situated	<ul style="list-style-type: none"> - Historic Oak Ave - West Fort - Blockhouse - Eastern Battery - Hout Bay Hotel - Kronendal - Nooitgedacht Barn - Southern Cross - Groot Moddergat - Longkloof - Oak Villa - Post Office - TMNP
3	Heritage resources with special qualities, which make them significant within a local context Refer to Figure 5 for graphic representation of Grade 3 resources	<ol style="list-style-type: none"> 1. Fort Site 2. Oakhurst 3. Dormans Cottage 4. Dormans Cottage 5. Sans Pareil 6. Archaeological site 7. Ruytelaars 8. Archaeological site 9. The Homestead 10. Oakburn 11. Cunningham House 12. Archaeological site 13. Fishermans Cottage 14. Dormans House 15. Village Pet Shop 16. Gabled Cottages 17. Parmalene Place 18. Semi detached cottage 19. Klawervlei 20. Packing Shed 21. St Peter the Fisherman 22. Uitkyk 23. Melmin House 24. By the Sea Cottage 25. Chapmans Peak Hotel 26. Hillside 27. Linda Vista 28. Fishermans Cottage - St Anthony's Catholic Church - Masjidul Bahrain Mosque

C. Policy and document review

The policy review seeks to identify key conservation principles within existing policy documents that would inform future heritage assessment. A critical review of conservation planning studies and policies relevant to the development application is herewith provided.

1. Western Cape Provincial Spatial Development Framework (November 2005)

The purpose of the Western Cape Provincial Spatial Development Framework is to provide spatial expression of the Provincial Growth and Development Strategy, to guide municipal integrated development plans, spatial development frameworks and municipal spatial development plans; highlight desired development directions as well as increase predictability in the development environment. The framework aims to redress the spatial legacy of apartheid through measures and guidelines outlined within the framework. The heritage section of the report provides background history of the Western Cape as well as an overview of heritage infrastructure and legislative context within the province. Key issues and spatial summary has been provided, with implications for the proposed development herewith noted:

Implications:

- Necessity of conducting archaeological impact assessments so as to identify and mitigate sensitive deposits
- Identification of cultural landscapes on the basis of their significance, value and representivity
- Effective planning to include heritage information centres / facilities

2. Metropolitan Guide Plan (1988)

The Guide Plan should not be regarded as the end product of the planning process, but rather as a set of guidelines for future development based on changing circumstances and needs, preferences, attitudes and technological advancement. The Provincial Administration is responsible for ensuring that any changes in land use are consistent with the guidelines laid down in the guide plan. The Guide Plan shows the site as outside the area of urban development, thus implying that any urban development proposals outside the urban edge demarcation will be inconsistent with this plan. An amendment to the Guide Plan would be required.

Implications:

- Proposed development should address changing circumstances within any amendment to the guide plan application

3. Metropolitan Spatial Development Framework (April 1996)

The purpose of the Metropolitan Spatial Development Framework is to guide the form and location of physical development in the Cape Metropolitan Region on a metropolitan scale. The framework is based on a defined vision of a well managed, integrated, metropolitan region in which development is intensified, integrated and sprawl-contained. The spatial development framework identifies a series of metropolitan nodes, activity corridors, metropolitan open space system and urban edges. The identification of cultural and historic precincts identified resources within both the built and natural environment; however, mapping thereof was limited to areas of architectural significance. Policies and strategies relating to heritage resources for the area have not been formulated.

Implications:

- Identified for inclusion within a metropolitan open space system (see TMNP boundary)
- Delineation of the urban edge not fixed and should be used as point of departure from which analysis should proceed

4. MSDF Review: Phase 1: Spatial analysis, trends and implications (May 2003)

The MSDF Review contains the results of an analytical phase of work on a new metropolitan spatial plan informed by the central aims of understanding spatial patterns and trends in metropolitan Cape Town as well as spatial implications of problems and issues. The review notes that extensive private sector development has occurred within the Hout Bay area. The review identifies the need for establishing a primary and secondary biodiversity conservation network in the enhancement and protection of biodiversity.

Implications:

- Identification of cultural landscapes within the Cape Metropolitan Area should occur so as to provide evidence of transformation over time as well as reference points and positive instruments for growth and change
- Environmental impact of any development on green spaces should be carefully assessed

5. Cape Town 2030: An argument for the long-term spatial development of Cape Town (Draft June 2006)

The document proposes an argument for the long-term development path and planning logic that should underpin the spatial structure and form of Cape Town. The study area falls within an area earmarked in close proximity to a high activity area with strong linkages. The key concept for the long-term vision incorporates five strategic areas of action, namely protection of natural assets and development of a quality open space system, redefining a new economic backbone, development of an equitable pattern of access, development of an integrated city development path and development of a new pattern of special places. It is noted that the urban edge line should continue to determine the growth boundary over time, where key sites for development should be released for development facilitating urban restructuring opportunities.

Implications:

- The proposed development should contribute towards the role of its surrounding context as ecological space
- The proposed development should encourage a broad range of investment, development and employment opportunities
- The proposed development should contribute towards the creation of new special places, protection and enhancement of heritage area, enhancement of linkages to the coast and creation of multi-functional recreation nodes

6. Peninsula Urban Edge Study (Draft 2001)

The proposed development falls outside the urban edge as prescribed. An important principle is that the demarcation of the urban edge 'will not necessarily limit development, but rather control, redirect and manage sustainable development in terms of applicable and feasible policies and strategies'. The following variables were used to inform the demarcation of the urban edge:

Variables	Development Proposal non/compatibility
Geophysical	The site is geotechnically stable and can be developed and therefore requires no protection in this regard.
Biophysical and Ecological environment	A botanical survey revealed that there are 4 red data species located on site as well as milkwoods. The proposed development in some instances avoids any intrusion or eradication of these protected species as well as using mitigation methods to ensure overall ecological sustainability of the subject area.
Rivers and Wetland systems	The proposed development doesn't compromise the integrity of any of the two wetlands recorded on site.
Infrastructure location, capacity	The proposed development is not located on the outer limits/periphery of the town and services are ready available with spare capacity.
Land Use and related patterns	The proposed land use is compatible with the surrounding land use patterns. The proposed development would be seen as infill development located between existing two townships.
Demographic profile and trends	The proposed development is certainly compatible with the current trends for the need for holiday accommodation to support the tourism industry in the town.
Planning and Land Ownership	Planning frameworks for the Hout Bay area is mostly outdated, but has been used to inform recent planning policies and studies (i.e. Urban edge study). Erven 4868 – 4672 are deemed to be unsuitable for urban development and are thus located outside the urban edge, but this range of erven technically does not include 4870. The absence of empirical study for this particular site and harbour area is evident in the urban edge study as it does not show any significant flora or fauna on site. It is not clear what methods were used to determine the urban edge in this particular area and it could be deemed unsuitable for urban development The land is privately owned and the owner has a reasonable expectation to utilise the land optimally and in a sustainable manner.
Socio-cultural and Historic environment	The site is within the sight of a cultural landscape, the Table Mountain National Park, similar to most of the residential development in the area. However, it is only proposed to develop the lower portion of the site and cede the remainder to the National Parks
Visual prominence	The site is visually prominent from Chapmans Peak Drive but less so as one moves in 5 m radius of the site. The development proposal has taken into account this aspect and all attempts to mitigate the visual impact of the development have been considered.

Implications:

The study further prescribes 'management zones along the urban edge, i.e. an urban transition zone and a non-urban zone. The utz lies inside the urban edge, within which 'all development is to be controlled by a set of policies' whereas the nuz lies beyond the urban edge, within which policies are prescribed for non-urban uses. Land uses inside the urban edge line include all normal urban uses, while land uses outside the urban edge line include all rural, agricultural and conservation land and/or associated activities (eg. information facilities, environmental education centres and tourism facilities). From a legal, planning and land ownership perspective, the study suggests that development rights should not be granted unless it can be demonstrated that the integrity of the Edge is not violated. It is argued that urban developed is primarily defined by density and secondary by use. In other words the only difference between a township development and a main dwelling and associated outbuildings on a farm is the density.

Planning assessment for Erf 4870 thus far indicates that a ratio of approximately 1 dwelling per hectare as proposed cannot be construed as urban development. Equally the tourist facility with strategically dispersed bedroom suites that blends in with the natural environment can also be viewed as a compatible use outside the urban edge. It is submitted that the proposed development doesn't violated the integrity of the urban edge and therefore the applicant's request to deviate instead of amending the urban edge is considered reasonable. It is understood that this request is not an application in terms of Land Use Planning Ordinance but a request for Council to review the proposal to deviate from Council policy

Implications in terms of provincial urban edge guidelines for development outside a high priority edge:

- Intensity of use outside of the urban edge should be low and primarily used for residential use
- Aesthetic and other development control measures should be introduced in low-density edge developments to ensure the least possible impact on the attraction of the edge environment
- Development should allow for open space and biodiversity networks / corridors

7. TMNP Conservation Development Framework

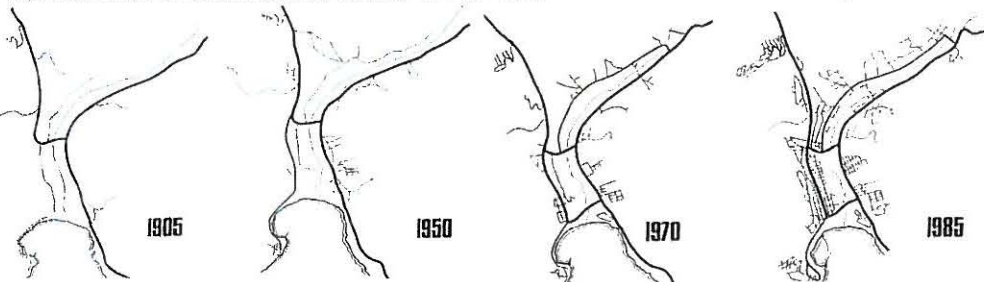
TMNP Heritage Landscape Group have identified various categories of control along the TMNP boundary. However, procedures have yet to be refined in terms of a Heritage Management Resources System, where the analysis of a heritage area and or development intervention needs to be considered in terms of a set of procedures rather than a line / boundary.

Such controls encompass:

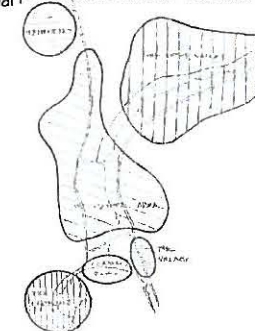
- Project scoping and identification of issues
- Identification and involvement of interested and affected parties
- Formulation of statement of heritage significance

8. Hout Bay Structure Plan (Draft, 1986)

The purpose of the Proposed Structure Plan is to present for consideration and adoption policy guidelines for future development of Hout Bay. The plan aims to provide a context within which existing and future land use rights will be considered. The site has been earmarked as a nature area, implying that limited / no development can occur. The Structure Plan highlights the location of the site within the Table Mountain National Parks Boundary (formally CPPNE). The historic origins of Hout Bay have had a strong bearing on its development, and continue to contribute in terms of character of built fabric and living memories through activities by local organizations, namely, the Hout Bay Heritage Trust. The dominant structure of the Hout Bay is of a linear grid following the sweep of the valley, with major access routes as dominant structuring elements. The overall structure however relates to the natural landscape.



The form of development clearly highlights separates 'nodes', with varying densities of residential development evident. The land environs within which the site lies is characterized by high density public housing, industrial activity and commercial development within the 'harbour zone'. The previously undeveloped 'coastal zone' has recently experienced high levels of private investment. Qualities of the environment are attributed to diversity, choice and variety within the Hout Bay area, enjoying access to both the natural and man-made environments. The site is located along the primary distributor with medium residential density development located in close proximity along Harbour Road. Specific proposals for the Harbour and its environs encompass a more organic built form, upgrading of existing residential area, provision of community facilities, landscaping and more intensive industrial development and a multi-use medium density residential / recreation area to the landward side of Harbour Road. Alongside the cliff face, an active service industrial area was envisioned.



Implications:

- Structure plan was not approved nor updated since 1986
- Proposed intervention should relate to the natural landscape and should not negatively affect environmental quality
- Proposed intervention should not detract from the rustic character of the Valley
- Resources which enhance environmental quality be protected and maintained
- Conserve archaeological and historic heritage

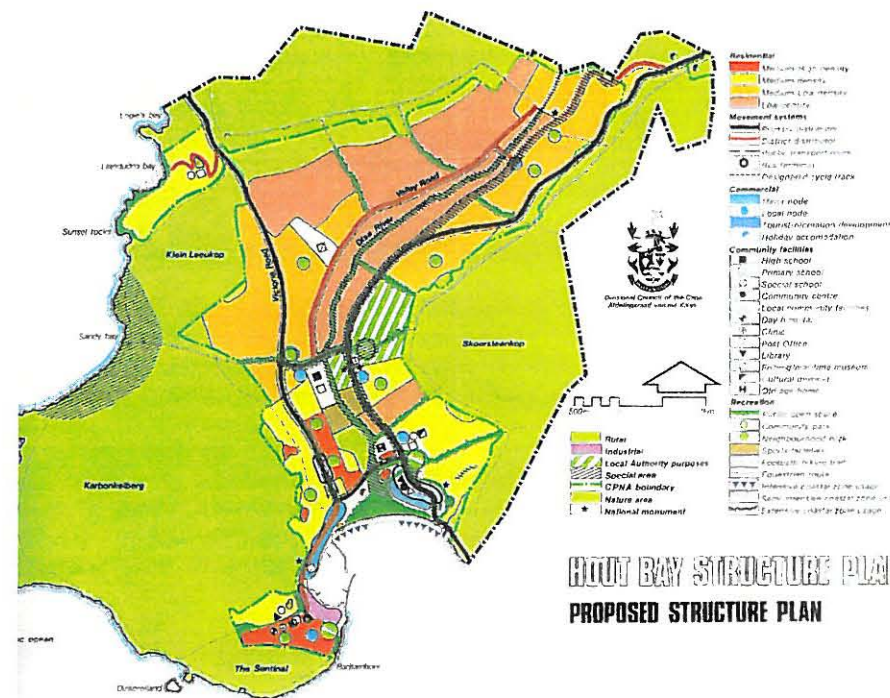


Figure 6: Proposed Hout Bay Structure Plan

9. Archaeological Impact Assessment. Archaeology Contracts Office (July 2008)

The Archaeology Contracts Office was requested by CCA Environmental to undertake a desktop Archaeological Impact Assessment on part of Erf 4870 based on the findings of an earlier baseline report conducted in 2005. The initial report considered three erven (namely Erven 4869, 4870 & 4871), while this report is focussed only on the relevant part of Erf 4870. Rezoning and subdivision of the site has been proposed to allow for the development of a hotel and residential estate. (Refer Annexure B for full report)

Outside of the Cape Point section of the Table Mountain National Park, intact Later Stone Age (LSA) shell middens on the peninsula are rare. A survey of the coastal areas of the Cape Peninsula in the late 1970s yielded a few sites (Olivier, n.d.), many of which are now either severely degraded or completely destroyed through development and other impacts. This review focuses on LSA sites in the Hout Bay valley. Few sites in the area have been excavated or sampled. One, Hout Bay Cave, is located directly below the proposed development site on Erf 4870. This site was badly disturbed by construction activities during enlargement of Harbour Road and a small rescue excavation of the remaining deposits was carried out by Buchanan (1977). He found limited material indicating LSA occupation within the last 2000 years. Radiocarbon dates obtained from Layers 5 and 2 respectively were about 240 AD (PtA-2037) and 640 AD (PtA-2035). The cultural finds included flaked stone artefacts a bored stone, ostrich eggshell and bone beads, a bone point, a single potsherd and two *Donax* scrapers (shell scrapers made on the edge of the shell of the white mussel, *Donax serra*). A LSA shell midden was recorded at the start of the access road to Erf 4870 where it meets Harbour Road (Halkett & Hart 1997). This site consisted primarily of a dense lens of shell, ash and charcoal. Given the realignment of the entrance to the access road and construction of the large retaining wall there, it is likely that this site has either been destroyed or severely compromised.

This site lies on the steep slope above the Hout Bay harbour. The substrate is mainly white aeolian sand, which is thickly vegetated with a combination of indigenous and exotic vegetation. Visibility was poor over much of the area and, despite a few open spaces and the road cutting, the vegetation and aeolian sand cover was a limitation that made it difficult to assess the site. The baseline survey revealed the presence of four Later Stone Age (LSA) sites on Erf 4870 and a further one bordering the access road further to the south. One of these sites (HB2) may not be impacted by development and that along the access road to the south (HB5) would only receive minor impact depending on the extent of cutting into the embankment during the road upgrade. The other three sites would require sampling which should be tailored to suit the type and quantity of finds recovered during the initial excavation work. These sites are generally of low to medium significance but HB1, with the burial, is of very high significance. Mitigation of these sites would result in impacts of LOW to VERY LOW significance.

In terms of the archaeology present on site, satisfactory mitigation could be easily implemented. As such the project should be allowed to proceed from an archaeological point of view, but is still subject to the findings of the Heritage Impact Assessment. The following recommendations pertaining to the archaeology on Erf 4870 are made:

- Further detailed survey of the lower slopes should be conducted in case of any omissions during the initial survey. Limited shovel testing should accompany this. Any new sites found will need to be incorporated into the mitigation program.
- Mitigation of the sites that would be impacted on Erf 4870 should be carried out as described above.
- An archaeological permit would need to be obtained from Heritage Western Cape to allow the excavations and exhumation to take place.
- Monitoring of all earth moving on the lower half of the site would need to take place after completion of archaeological excavations. This would enable any further archaeological occurrences to be identified at the earliest possible stage and sampled as necessary. The possibility of uncovering further prehistoric burials is also of concern here. Monitoring is deemed necessary due to the high likelihood of finding buried material.
- It should be noted that if any further burials are found during the course of development at a time when the monitoring archaeologist is not on site, work in the immediate vicinity of the bones should be halted and the skeleton reported to the archaeologist or SAHRA

Initial response to submission of AIA to HWC, correspondence from the Archaeology, Paleontology and Meteorites Committee dated 15.02.2008 noted the application and stated:

The development of 4.17 of 21.6ha will be developed with 17 residential units, a boutique hotel and associated facilities

- A total of 5 Later Stone Age (LSA) sites were identified
- Three sites of low to medium significance require sampling
- A LSA burial of high significance associated with a shell midden must be excavated
- The site is not paleontologically sensitive

To advise that Heritage Western Cape has agreed:

- To accept the recommendations of the report
- To insist on mitigation of four sites, including the LSA burial
- To appoint an archaeologist to monitor bulk earthworks
- To refer the development application to BelCom



Figure 7: Position of 4 LSA sites. Additional site indicated that may be impacted by road upgrade

10. Visual Impact Assessment. EPLA Consulting CC (Hendrik van der Hoven, March 2009)

The visual assessment for the proposed development of Erf 4870, Hout Bay is based on the probable visibility of the proposed development within the foreground and the middle distance areas. It is within these zones that the proposed development potentially may have a negative visual impact on the receiving environment. The study is based on the area of visibility, 'sense of place' as well as the visual absorption capacity of the site and viewer exposure within the foreground and the middle distance areas. Where visual impacts are likely to occur, mitigation opportunities are assessed that will allow for the reduction of these impacts within the receiving environment. (Refer Annexure B for full report)

The visual environment of Erf 4870 would change permanently with the development of the lower portion of the property. Even if the existing development rights are exercised the visual environment will not remain as it is at present. These rights have been used as a benchmark for assessing the impact that the proposed development option could have on the receiving environment. The positions/areas from where the greatest potential visual impact is likely to be experienced have been used in this assessment. All other affected areas would experience a similar or mostly a lesser visual impact. In the analysis of the potential negative visual impact that the proposed development may have on the receiving environment, it has been found that the visual impact to the middle distance area

would be the greatest. The potential visual impact would be the greatest specifically on the scenic route (Chapmans Peak Drive). During the construction phase only, the visual impact would be marginally greater than what the completed development would have (the only detail that would be noticeable will be different colours and textures than the final proposed development). A visual impact would result even when the existing development rights are exercised (the No-Go option). The proposed development (preferred option) would result in similar visual impacts but on a scale that is not significantly greater. With any development the visual impact would be in the long term for both the existing rights and the preferred development option. The significance of a visual impact is an average impact from all positions both in the foreground and the middle distance area. Although the potential visual impact for the preferred option would be no greater than MEDIUM at any specific point (worst case), with mitigation as recommended it would further reduce any potential visual impact to MEDIUM-LOW (in the short term) and to LOW (in the long term). It would thereby reduce the potential visual impact to a level where it does not have a significant negative impact on the receiving visual environment.

Mitigation outlined

Specific attention be given to have some roof colours similar to colours existing in the surrounding area. The proposed grey roofs would tend to blend in reasonably well with the existing site and with the urban area. In the preferred development option (after modifications) all the roofs are shades of grey. However, should the roof colours be too similar the visibility would increase. More varied roof colours should however blend in better with the surrounding urban development and with the natural environment

Architectural guidelines should include specific roof materials and finishes (that will include colour and textures) to the exterior of the buildings to blend in as far as possible and practicable with the existing environment

Planting with shrubs local to the area to soften the lower portions of the proposed buildings. Long term planting should be such that it blends in with the textures and colours of the existing vegetation; and

Lighting levels should be kept low and all external lighting should where possible and practical be low level lighting.

The elements in the proposed development that would potentially contribute the most in creating a visual impact are the colours of the buildings, the roofs and the smaller free standing double storey hotel suites (simplex units) that would be in contrast with the existing visual environment as well as in an increase in area of lighting (only at night). The existing environment (within the visual catchment of the site) is being characterised by medium to high density urban development as well as some commercial development (the harbour area) resulting in a generally well-kept urban landscape. The natural area (the mountain) forms a backdrop to the urban development. Should the site be developed, the only practical mitigation is that of blending the proposed development in with similar colours and form that already exist in the surrounding areas. Opportunities for blending in are good. Only partial screening of the proposed buildings will be possible. Vegetation (in the short term) would be able to provide colours and textures that are similar to what exists but would only be able to provide limited screening in the long term (more than 15 years) due to the windy conditions that are to be found on the site. Only the lower portions of the buildings could potentially be screened with faster growing shrubs that are local to the area. The preferred development option (as presented here) has responded to identified environmental impacts where possible.

It is recommended that should the application be successful, the mitigation be included as a condition for approval to ensure that the visual impact that may result is reduced to a level that is practical and achievable.



Figure 8: Development proposals as seen from (viewpoint 1 in) middle distance area

Endangered vegetation type), which replaces this vegetation type on neutral to alkaline sands on the Cape Flats and Cape Peninsula, with outliers in the Atlantis area. Peninsula Sandstone Fynbos (Least Threatened and well conserved) is found on the upper half of Erf 4870. At least three Red Data Book listed plant species are known from the proposed development area (*Leucadendron coniferum*, *Satyrium carneum* and *Telraria brachyphylla*), but only the former has a regionally significant population on site, and is thus the primary species of conservation concern. Although Erf 4870 and the development site are partly disturbed by roads and existing houses (upper section only) the vegetation in the proposed development area is in good condition and is species rich.

Alternative 1 encompassing 16 residential units, boutique hotel and milk wood patches, whereas Alternative 2 comprises 12 residential units, boutique hotel, milkwood patches and two conservation areas. Direct botanical impacts (loss of vegetation in development footprint) are most severe for Alternative 1 (assessed as High negative prior to mitigation and Medium negative after mitigation), and less for Alternative 2 (Medium negative with and without mitigation). Indirect negative botanical impacts, although difficult to accurately predict or measure, are likely to be significant for both Alternative 1 (Medium to High negative before mitigation and Medium after mitigation), and Alternative 2 (Medium negative before mitigation and Low-Medium after mitigation). Botanical impacts associated with Alternative 2 are thus somewhat less than for Alternative 1, and Alternative 2 is thus the preferred development alternative.

Extensive essential mitigation has been proposed for both alternatives, and some recommended mitigation has been suggested. The Medium negative residual impacts (after all other mitigation) of both alternatives suggests that a biodiversity offset might be a suitable means of further reducing residual negative environmental impacts. An adequate biodiversity offset could reduce overall direct botanical impacts of this development to a Neutral level, and no other form of mitigation could have such a positive regional effect, but is unlikely to be financially feasible due to the extensive additional conservation areas required. Essential mitigation is mitigation that is taken into account in preparing an assessment of impact after mitigation, and it is thus assumed that it will be written into any Environmental Authorisation and implemented.



- Search and Rescue (S&R) of translocatable species of conservation concern must be undertaken
- All open space areas indicated in the layouts must be rezoned Open Space 2 or 3 and managed as conservation areas
- Milkwoods and buffer areas and any ecological corridors must be fenced off prior to construction with minimum double strand wire and danger tape, and contractors must be informed that these are No Go areas
- An Environmental Management Plan (EMP) must be prepared for the construction and operational phase
- An Environmental Control Officer (ECO) must oversee the construction period and ensure compliance with the Construction EMP
- Bulk services should not cross the designated conservation areas, except where these are crossed by roads, and then the bulk services must be within the roads
- Two significant ecological corridors at least 30m wide should run across the site as indicated and should incorporate the bulk of the eastern milkwood patch and the bulk of the on-site *Leucadendron coniferum* distribution.

The No Go scenario is currently the preferred scenario from a botanical perspective, although if the owner exercises his existing rights to develop on the site there will certainly be both direct and indirect negative botanical impacts. The overall significance of these impacts may range from Low negative to Low to Medium negative, depending on exactly what is constructed, where it is constructed, and how the site is managed. However, should the development go ahead, Alternative 2 is the preferred development alternative and the proponent should cede the upper portion of Erf 4870 (minimum of 11ha) to the Table Mountain National Park, as proposed.

11. Botanical Basic Assessment, Nick Helme Botanical Surveys (March 2008)

Erf 4870 and the proposed development area are both located entirely within the Cape Peninsula Protected Natural Environment (CPPNE) and the Nature Area, as determined by the Guide Plan for the City of Cape Town (City of Cape Town GIS information 2004), and outside the Urban Edge. In terms of the City of Cape Town's Biodiversity Network the proposed development area falls within this Network, i.e. it has been identified as an important site for biodiversity. The Cape Peninsula is also an acknowledged international "hotspot" of plant diversity and endemism. Although the dominant vegetation type on site is mapped as Hangklip Sand Fynbos (Mucina & Rutherford 2006), in reality the species composition and structure is more typical of Cape Flats Dune Strandveld (regarded as an

D. Summary statement on the evolution of the site

Through the presence of archaeological artefacts and remains, human habitation in the Hout Bay region can be dated back to the Later Stone Age. Additionally, colonial travel and exploration accounts indicate the usage of the region by the indigenous Khoekhoen as part of their seasonal transhumance patterns in and around the Cape Peninsula. In the 17th century, in the context of the establishment of a refreshment station at the Cape, 'Hout Baaij' became an important source of timber due to its large, dense forests with wood suitable for use in the building of fortifications and repairing of ships. Due to ever increasing demand and shortage, woodcutter outposts were established in the region, but soon the forests of Hout Bay were almost depleted and agricultural activities become more important.

Due to the shortage of grain in the Colony in the 1670s, freeburghers were settled in the region and granted as much land as they could work with part of their harvest going to the VOC as payment for hiring the land. Settlers lived on a more or less self sufficient basis, growing wheat, vegetables and vine stocks and using any skills they had to support themselves economically. Erf 4870 consists of part of what was the first farm granted in the region named 'Kroenendal'. This property was passed from one owner to the next by sale or inheritance much in the same formation as its original grant well into the early 19th century. The majority of owners of land in Hout Bay owned several properties which depending on the quality and terrain of the soil was used for the growing of wheat and vine and the grazing of cattle and of course those properties close to the sea were utilized for fishing.

During the late 19th century, properties were purchased by buyers who were perhaps still interested in the land for agricultural purposes, but also more and more for simple profit through property transactions (as in the case with James Wakelin). As the 20th century dawned, emphasis of land usage fell on the development of the fishing industry (as with the Dorman line of ownership).

No written record or indication on map or plan shows a building having historically existed on the property. It is most likely that due to the nature of Erf 4870 being on a fairly steep part of the surrounding mountain range, the use of the land through time probably fell to grazing ground for cattle, and with the advantageous position of the property near the sea the focus would have additionally been on fishing activities. Much of the parts that make up the property were allocated in the form of Cape quitrents which were often granted for this specific purpose of additional grazing or agricultural ground rather than as a site to establish a homestead.

HISTORICAL BACKGROUND (REGION)

The Cape Peninsula has been populated for millennia: evidence of skeletons and tools of hunter gatherers as far back as the middle and later stone age at sites on the Foreshore, Maitland, Peers Cave at Fish Hoek and across the southern part of the Peninsula and Cape Flats (Worden et al 1998: 16).

± 2000 BP Pre-Colonial Settlement: Hout Bay region as part of indigenous transhumance pattern

By this time pastoralists (known as the 'Khoekhoen' or 'Khoikhoi') had migrated down through Africa towards the Southern tip to the winter rainfall area of the Western Cape. During this period of migration to dependable water sources they had come into contact with African farmers of the Eastern Cape, and further into the winter rainfall regions of the southern part of Africa with the existing hunter-gatherer San communities. The result of this pastoral encroachment onto prime grazing land was that the San hunter-gatherers retreated to remoter mountainous and arid regions (Smith 1984; 1991 and 1992; Parkington 1986). Arable farming had not emerged in the south-western Cape by the 17th century despite the Khoekhoe contact with agricultural communities of the eastern Cape and interior. Due to the region being a winter rainfall zone not suited to the growing of indigenous summer rainfall crops of millet and sorghum (Worden et al 1998: 17). The infertile soils and winter rainfall of the Western Cape provided poor grazing forcing the pastoralists to adopt a semi-nomadic life (Boonzaier et al 1996). They therefore moved seasonally around the region. The Cape Peninsula provided good summer pasturage and "at least two groups of Khoi, the Gorachouqa and the Goringhaiqua, used the shores of Table Bay as part of an annual transhumance pattern.

They usually arrived in the Peninsula in November, grazing their cattle at Table Bay and often also in the region of modern Sea Point and Hout Bay, moving across the Cape Flats in January (Worden et al: 16)



Figure 10: Khoekhoe transhumance patterns in and around the Cape Peninsula Worden et al p. 136

17th Century: Hout Bay's inclusion into colony & establishment of a woodcutter's outpost

By the 17th century there seem to have been no San communities left in the Cape Peninsula, the cattleless indigenous groups encountered by Europeans on the shore of Table Bay rather being Khoekhoe pastoralists who had lost their stock. Since the 15th century the Khoekhoe pastoralists had come into contact with Portuguese and English seafarers had periodically been stopping off at the Cape.

- 1652 VOC (Vereenigde Oostindische Compagnie or Dutch East India Company) establish refreshment station at the Cape. Van Riebeeck recognizes a large wood forest in the Valley behind Table Mountain, known as 'Hout Baaij' Explorers had reported that there was a large amount of timber suitable for shipbuilding and repairs in this forest: the trees were tall, thick and grew straight (Sleigh 1993: 266). Throughout the early period of building and settlement, wood was scarce, and the Valley of 'Hout Baaij' promised a rich resource of timber if only it was easily accessible. Chopped wood could not be floated down the river, but
- 1658 VOC releases some of its men from its service to work as 'Freeburghers' who were allowed to farm plots of land along the Company's gardens. Later those freeburghers were given the first deeds of grant to land along the Liesbeek River and in Table Valley. The establishment of farms along the Liesbeek came in the context of growing tensions and disputes with the Khoekhoen over access to grazing land. The Khoekhoen continued to graze their cattle as before, breaking down hedges that were built to exclude them. 1659-60 open conflict broke out (Worden et al:23)
- 1660 Liesbeek and Table Valley areas were felt to be insufficient to the needs of the Company herds and farms. Proposal to confine the Goringhaiqua to the southern part of the Peninsula in the Hout Bay and Berg River Valleys (Ibid: 24)
- 1672 In context of war with France, the VOC declared itself to be the lawful possessors of the Cape District: a region that included Table, Hout and Saldanha bays (Ibid: 36). Wood was urgently needed to complete the building of the Castle and a large number of trees were cut down in Hout Bay- all the free burghers' wagons and trek oxen were confiscated in order to transport the wood from Hout Bay to the Castle.
- 1697 By this time there were 10 woodcutters and a head woodcutter working in Hout Bay (Sleigh: 266)
- 1680 Simon van der Stel inspected Hout Bay with intention of establishing a saw mill in order to make carting of wood from Hout Bay simpler. The mill was not established due to the vast majority of wood situated in Hout Bay having been already forested out (Ibid: 267)
- 1683 Hendrik Dircz van Embden and Henrick Coster were given the right to cut down trees in the company's forest in Hout Bay and to sell to the public (in view of the VOC's refusal to send anymore wood to the Cape from the Netherlands) (Ibid)
- 1691 Brother's Joost and Berchard Pietersz were awarded a 5 year permit to cut and sell wood in Hout Bay. They had to maintain the forest by planting 3 000 young oak trees every year (the beginning of alien vegetation being planted in the Valley) (Ibid).
- 1710 By this stage there were no company woodcutters in Hout Bay as the forests were almost depleted and farming was expanding in the Valley (Ibid).

Late 17th Century to 19th Century: Hout Bay as an established agricultural farming region

- 1670 Agricultural activities had started in the Valley on a small scale as early as 1670 in order to supply food to the many woodcutters who were engaged in the Company forests. A company dwelling was established and in the ground surrounding it sweet potatoes were planted and all the Company's pigs were placed there (Ibid: 268)
- 1672 Large amount of sheep and cattle placed in Hout Bay to supply woodcutters with work oxen as well as food. A permanent garrison of cattle herders were established at the company dwelling and kraals for the animals were built. Lions were a constant problem to the herds. The disappearance of the cattle stations in Hout Bay are in line with the establishment of stations in the Tygerberg, Klipmuts and Hottentots-Holland region
- 1677 Due to the shortage of grain in the context of war with France, the VOC sought to settle freeburghers in the Valley. Pieter van der Westhuizen and Willem Schalk were granted as much land as they could work in the Valley on a 12 year loan system. They had to plant grain and a tenth of the harvest would go to the company as payment for hiring the land. Each lessee had to keep 30 oxen with the manure being used to fertilize the grain fields.
- 1681 Land was officially granted to Willem van Dieden and Pieter van der Westhuizen for 73 morgen of farm land. This was to set the pattern for the next hundred years- land that had been granted to individual burghers was passed on in more or less the same form by sale or inheritance. Farmers were utilizing land in Hout Bay to grow a variety of produce. Rocky and sandy areas less suited to the growing of wine or wheat were utilized as grazing ground as cattle. Farmers certainly additionally participated in the catching and selling of fish.

18th Century: Military Outpost in Hout Bay

- 1781 Military structures and fortifications were established in Hout Bay when war broke out between the Netherlands and England (Fransen 2004: 166). See Hans Fransen (2004) and Sleigh (1993) for detailed discussion of establishment and running of military outposts in Hout Bay (1781-1783) and (1793-1795)
- Fishing Industry at Hout Bay
- It was only during "the 19th century that a small settlement gradually sprung up at Hout Bay, mainly associated with the fishing industry" (Fransen 2004:166). The San and Khoekhoen had most likely utilized the shores of Hout Bay for fishing for many hundreds of years. Similarly the first colonial farmers were fishermen as well as agriculturalists.
- In the early 19th century the Cape exported salted snoek to Mauritius in exchange for sugar.
- 1890 Crisp Arnold built the first fish processing sheds on the beach to prepare snoek for this trade. "The local farmers were becoming more involved in fishing and built their sheds alongside- they were the Trautmans, the Dormans and the Swenkes. The fish was resalted and stacked in long lines in the sheds. One month later the fish, which was now dry, was packed in 100lb bundles, covered in sacking and exported to Mauritius".
- 1903 The Hout Bay Canning Company was formed and set up in the hulk of an old sailing ship, the R Morrow. The managing director had been involved in importing canned Cape crawfish (the term for Cape Crayfish until 1953). Continued as a canning factory until 1947 (for detailed comment on the development of fishing industry in Hout Bay see *Ibid* accessed September 2007 (author unknown))
- 1937 Development of Hout Bay harbour began with the building of the first breakwater, but despite increased fishing activities of this period, development was slow. It was only after World War II that development increased dramatically (*Ibid*).
- 1944 Establishment of Fisheries Development Corporation to assist the fishing industry with housing, harbours and boat anchorage. At Hout Bay smaller companies amalgamated and the harbour was extended; houses were built for fisheries staff, new slipways, harbour offices, extension of the breakwater, better packing facilities and a fish liver oil factory was established as well as a cold storage chamber, smoke houses and processing factory.
- 1952 2 ½ acres of land was reclaimed from the sea to expand wharf facilities. Currently two large companies operate from Hout Bay Harbour S.A.P.S (South African Ports and Shipping) and Chapman's Peak Fisheries which belong to the Dorman family "the only Hout bay pioneer family to have retained a controlling interest in the industry" (*Ibid*).

OWNERSHIP PATTERNS of ERF 4870

12 January 1713 - OCF 2:236 Grant of 73 Morgen 588 Roods to Willem Basson

It wasn't long after Basson was granted this property that he died. In the inventory of the possessions of his deceased estate (MOOC 8/2 No. 76) Willem owned a house with garden in Table Valley and two farms in Hout Bay with one homestead that lay jointly between them ("twee plaetsen gleeegen in de Houtbaj, een postal meede aldaer geleeegen"). The inventory gives clues to the agricultural and economic activities of the household. There was a wine cellar with equipment for making wine on a small scale, but the largest amount of items was to be found in the carpenter's shop. There was a ready made coffin and a joiner's or carpenter's bench as well as trestle tables, some woodwork, axes and an adze and other carpenter's tools. This was a household of diversified economic income as aside from wine making materials and a carpenter's shop there was also a great deal of agricultural and fishing equipment. Basson was listed as owning 100 oxen and 614 sheep as well as 8 horses (which was quite a substantial amount at the time- most likely due to the nature of transporting wood as Basson had two wagons on this property). One of the rooms had agricultural equipment: 9 axes, 2 iron shovels, a trek saw, manure forks, 4 spades, 4 picks, 1 hook, plough shears and amongst other furniture a seine or drag net used in fishing. Just in front of one of the doors of the homestead stood further equipment: 7 fish vats (most likely for the pickling of fish), a tub and grindstone, iron hoops or hooks (perhaps for the drying of fish), sacks made of sailcloth and a fishing boat. Many of the first farmers who would have settled in Hout Bay would have been involved in fishing activities alongside their agricultural activities as Basson was. He did not work this property on his own, additionally listed as living on the property were 5 slave men named Paris, Thomas, David, Marcus and Pieter.

It would seem from the luxury and expense of goods and clothing at his house in Table Valley, that his main seat of residence was in Cape Town itself. He also had a slave woman and her two children living at his 'townhouse' who probably worked as a housemaid. His two farms situated in Hout Bay was the mainstay of his income. Basson's Hout Bay property was transferred to M Bergstedt on 7 December 1713 (TD 944) (See Below). This property became part of Erf 1455 which then part of was further incorporated into Erf 652 (1901)

8 January 1715 - OCF 2:278 Grant of 22 Morgen 434 Roods to Matthys Bergstedt

This land named 'Kroenendal' had originally been granted on 29 December 1681 to Willem van Dieden and Pieter van der Westhuizen which is why Hans Fransen argues that this was the first farm house in Hout Bay valley and for a long time it was the only one, (although the 'Kroenendal' manor house was only erected in c1780 (Fransen 2004: 166-67). While an inventory of the estate of Bergstedt on his death could not be found, he like Willem Basson owned two properties in Hout Bay and possible others in the Cape Colony. He most likely continued farming in the same agricultural patterns as van Dieden and van der Westhuizen. On 22 October 1734 Bergstedt gave the property of 'Croonendaal' as a gift to his step son in law Olof de Wet (TD 2202). At some stage the property came into the hands of de Wel's brother, Johannes Carolus de Wet who sold Kronendal on 21 January 1739 to Johannes Leij (TD 2429). Leij sold the property to Wilhelmina Adriana Ten Damme on 25 February 1744 (TD 2581) who on 22 April 1747 sold Kronendal to Company employee Frans Le Sueur (TD 2728). The widow of Le Sueur (or Sueur) sold the property in 1761 to Jacob Frederik Beck (TD 3584) who in 1763 sold the property to Johannes de Jonge (TD 3859 and TD 3870). In 1777 Kronendal now in the hands of Jan Marten Vogel sold the estate to Jacobus Laurens Bierman (TD 4999). Bierman's son, Jan Frederik acquired the property through inheritance of his deceased fathers estate in 1784 (TD 5700) and in 1793 it was sold to J G van Helsdingen (TD 6727) who also was granted the Cape Quitrent of 2211 Morgen and 152 square feet in Hout Bay (see below). In all of these above transfers the property stayed in the same proportions. A portion of this erf later became part of Erf 652 (1901)

22 September 1824 - Cape Quitrent 3:55 Grant of 2 211 Morgen 152 Sq. Roods to Johan Michel van Helsdingen

This land was formerly occupied on loan, but Van Helsdingen purchased the property for 250 Rixdollars. The ownership of this quitrent should be viewed in terms of van Helsdingen's wider property ownership in the Valley. Johan Michel van Helsdingen had purchased the property 'Kroenendal' from his brother Johannes Guiliam van Helsdingen (whose wife Machteld Judith du Plessis was the former widow of Johannes Frederik Bierman who had inherited the property in 1784 from his father Jan Marten Bierman who had originally purchased in 1777). 'Kroenendal' can be traced all the way back to Matthys Bergstedt. In 1814 J M van Helsdingen had additionally petitioned the government to be granted his loan farm 'Kleijn Bay' which had first been granted in 1792 to Johannes Frederik Bierman (WCA CO 64). Aside from owning 'Kroenendal', van Helsdingen was also listed as owning 'Visitor's Kloof' and 'Old Arable' in Hout Bay. These properties were all reported to have been granted originally in 1713 and 1714 to different owners but were all Bierman's properties before the loan place 'Kleijn Bay' was granted to him. The petition gives a summary of the nature of the land: (CO 64/1814) diagram included

1. The whole of the low land: was fertile, can be easily drained and planted to grain or vineyard
2. Ground immediately rising from the flat area: also capable of being tilled for different purposes; advantage that river could irrigate this whole region
3. Land towards the mountains: many parts very rocky but throughout capable of feeding considerable cattle; much of the same land could be planted to wood of various kinds
4. Land towards the sea: chiefly dead sand covered with 'brushwood' not convertible to any other purpose except the supply of fuel and the grazing of cattle on the shoots

The quitrent land that was allocated to Van Helsdingen in 1824 later became part of Erf 652 (1901)

13 April 1886 Erf 1169

Cape Quitrent 3:55 Grant of 20 Sq. Roods and 73 Sq. feet piece of Government land situate on the beach at Hout Bay being Lot 30 sold to William Godbehere Dolman

The 1917 inventory of the property owned by the deceased of William Godbehere Dolman (MOOC 6/9/935 No. 2314) indicate that Dolman owned land in Hout Bay being Lot 31 on plan measuring 31 Sq. Roods 67 Sq. feet, Title deed 31/4/1886. Godbehere had most likely purchased Lot 30 and 31 at the same time (they border each other). At some stage the property was sold to Pieter Vontlin van Breda a contractor on the 1st November 1892. On the 5th June 1913 van Breda's widow Johanna Wilhelmina Carolina van Breda sold the property to Francis Ferdinand Versveld. On the 24th September 1918 Versveld sold it to Barney Louis Dorman (TD 9585 of 1918). B L Dorman's three children inherited this property as part of his deceased estate (TD 2060/1968) along with the remaining extent of Erf 1487 that their father had purchased from Muriel Wakelin in 1917. Erf 1169 was either inherited or sold into the hands of Stanley Brian Dorman acting on behalf of Hout Bay Marine and Industrial (Pty) Ltd. S B Dorman acting on behalf of this company sold Erf 1169 to K W Evans, J M E Evans, P K Hellman, E L Bisschop and C Fritz (TD 3641/1984).

Erf 1169 became consolidated with Erf 3476 in 1985 into Erf 4867 (part of which became Erf 4870).

18 September 1901 Erf 652 - Transfer 7000/1901 of 422 Morgen, 418 Sq. Roods, 10 Sq. feet from Deceased Estate of Johannes Albertus Louw to James Wakelin and Andrew Cunningham

In the deceased estate of Johannes Albertus Louw, property in Hout Bay was inherited by Elizabeth Alletha Louw (widow of J A Louw), Johanna Elizabeth Matilda Louw, James Wakelin and Andrew Cunningham as joint owners of land in joint ownership. They agreed to partition the property so as to give each party a defined portion as his separate exclusive property. Wakelin and Cunningham received a portion of the land that consisted of the land that had been granted to Willem van Dieden on 29 Dec 1681 part of which had been granted to Matthys Bergsted in 1715. At some stage this portion of land had passed into the hands of J A Louw in its original form, but now in 1901 it had been amalgamated with the remaining extent of Freehold Land granted to Willem Basson on the 12th January 1713 and part of the quitrent land granted to J M van Helsingen on 22 September 1824 comprising Erf 652 under the ownership of James Wakelin and Andrew Cunningham (T7000/1901).

On the same day as Erf 652 was awarded to Wakelin and Cunningham they transferred a piece of perpetual quitrent land being Erf 1487 to Wakelin's minor daughter Muriel Wakelin

18 September 1901 Erf 1487 - Transfer 7002/1901 of 214 Morgen, 534 Sq. roods and 33 Sq. feet from James Wakelin to Muriel Daphne Wakelin (minor)

The inventory of the deceased estate of James Wakelin (WCA MOOC 6/9/855 No.400) indicated he owned 14 properties in the regions of Woodstock, Kalabas Kraal and Hout Bay. 7 properties of these were situated in Hout Bay being parts of the farm 'Kronendal', the majority of which had been taken by the mortgagee in the liquidation of the bond. On his death notice, James Wakelin is listed as having been born in Manchester, England and whose occupation is listed as 'House Agent and Landed Proprietor'. It is most likely due to his profession that he had accumulated such vast tracts of land in Hout Bay, and was well disposed and knowledgeable to work the law in his favour. Part of his accumulation of property was born out through the transfer of land into the ownership of his minor children.

On the death of James Wakelin, his spouse Sophie Catherine Wakelin (born Louw), petitioned for the transfer of property from Muriel Daphne Wakelin to Barney Lewis (or Louis) Dorman. According to S C Wakelin's affidavit after the property had been donated to the minor Muriel Daphne Wakelin (1901) he subsequently sold it on the 29th November 1916 with her consent to B L Dorman for £ 500 (The transfer was officially sold on the 7th August 1917 TD 6056 of 1917). Further evidence of this can be found in the death notice of his son that was registered at his father's death. James Joseph Albert Victor Glencoe Wakelin, son of James and Sophie Catherine Wakelin, was listed as owning land situated in Hout Bay being Lot G portion of Lot B of the farm 'Kronendal' measuring 332 sq. roods 12 sq. feet valued at £ 50 (TD 11609 of the 28th Dec 1906) at the time of his death when he was 14 years old (having drowned in Hout Bay on 1 February 1914).

In 1903 James Wakelin applied for land on behalf of his daughter who owned Erf 1487. Wakelin contended that the government had sold property between the sea coast and that owned by his daughter which ran along Hout Bay beach arguing that she now did not have access to her property. He thereby petitioned for ownership of a large tract of crown land called 'Carbonkelberg' adjoining her property. The application was not awarded as the Surveyor-General did not feel the government land so circumstanced her access (and seeing that the allotments along the coast were surveyed and disposed of long before M D Wakelin obtained transfer of her portion of the farm Kronendal (WCA SG 1/1/4/47) [See map under Appendix 2: Maps & Plans]

6 December 1976 Erf 3476 - Transfer 38217/1976 of 108, 4578 ha application for issue of registered title for Ester Dorman, Lileen Kramer (born Dorman), Phoebe Beatrice Robinson (born Dorman)

Barney Louis Dorman owned huge tracts of land in Hout Bay alongside Erf 3476. Included in his application for the issue of a certificate of uniform title (in terms of section 42 of Act no.47 of 1937) for Erf 2054, he was listed as additionally owning either in whole or remainders of:

Erf 1446, Erf 1447, Erf 1450, Erf 1451, Erf 1453, Erf 1456, Erf 2052 and Erf 2053, all situated in Hout Bay (the majority of the land having previously been Cape Quitrent land that had been awarded to Johan Michiel van Helsingen in 1814 and 1824). (WCA ACLT 683 Ref. 20/30/818).

According to a website on the history of Hout Bay, the Dormans were a family that was involved a great deal in the beginning of the fishing industry in Hout Bay. In the early 19th century the Cape exported salted *snoek* to Mauritius in exchange for sugar and in 1890 Crisp Arnold built the first fish processing sheds on the beach to prepare *snoek* for this trade. "The local farmers were becoming more

involved in fishing and built their sheds alongside- they were the Trautmans, the Dormans and the Swenkes. The fish was resalted¹³ and stacked in long lines in the sheds. One month later the fish, which was now dry, was packed in 100lb bundles . covered in sacking and exported to Mauritius".

Dorman was involved in numerous legal contestations and disputes over the use of his land in Hout Bay [ie. WCA CSC 2/1/1/913 No.279 (1921); CSC 5/1/1/71 No. 98 (1924) CSC 2/2/1/376 No. 76 (1925); CSC 2/1/1/1041 No. 2 (1925) and CSC 5/1/1/73 No. 103 (1925)]. In 1968 Ester Dorman (born Heneck) widow, Lileen Kramer (born Dorman) and Phoebe Beatrice Robinson (born Dorman) inherited huge tracts of Hout Bay property from their father Barney Louis Dorman's deceased estate (TD 2060/1968). His 3 children Harold Dorman (married to Ester Heneck), Lileen Kramer and Phoebe Beatrice Robinson inherited in equal shares the residues of his estate which included a piece of the abolished quitrent land Erf.1169 that had first been granted to W G Dolman in 1886 as well as the remaining extent of Erf 1487. Their father had purchased the remaining extent of Erf 1487 from the minor and spinster M D Wakelin on the 18th September 1901 (TD 7002/1901). In 1976 the Dorman heirs applied for issue of certificate of registered title in 1976 for Erf 3476 which consisted of a portion of Erf 1487 (No. 38217 of 6 December 1976).

On 1st August 1980 Ester Dorman, Lileen Kramer and Phoebe B Robinson sold Erf 3476 to Stanley Dorman (son of Harold Dorman and Ester Heneck) who was acting as a trustee of the company 'Karbonkelberg Estates (Pty) Ltd. Stanley Brian Dorman was the founder of Mariner's Wharf (1984) as well as of Hout Bay Trade and Tourism Association and the founder Fisherman's World Fisheries in the 1980s. Dorman was an executive on the Advisory Council of South Africa as well as on the Fisheries Museum of South Africa, the Lobster Marketing Boards, Industry & Technical Committees, on the Hout Bay Harbour Development Board. In 1984 Erf 3476 was transferred from Stanley Brian Dorman acting on behalf of Karbonkelberg Estates to K W Evans, J M E Evans, P K Evans, E L Bisschop and C Fritz who in 1985 consolidated this property with Erf 1169 (which was sold by Stanley Brian Dorman on behalf of Hout Bay Marine & Industrial (Pty) Ltd to the same owners) to make Erf 4867.

18 March 1985 Erf 4867 - Transfer 9695/85 of 108, 4578 ha Consolidation of Erf 1169 and Erf 3476 to Kenneth Warren Evans, Julia Mary Elizabeth Evans, Peter Kurt Hellman, Edgar Leopold Bisschop and Christine Kritz

- The consolidation of Erf 3476 and Erf 1169 was a formality involved in subdividing the whole into Erf portions amongst which Erf 4870 was created. This subdivision also created the surrounding erven:
- Erf 4869 (held by Kenneth Warren Evans T 9697/85),
- Erf 4868 (held by Julia Mary Elizabeth Evans T9696/85),
- Erf 4871 (held by Peter Kurt Hellman T 9698/85) and
- Erf 4872 (held by Christine Fritz T9700/85)

18 March 1985 Erf 4870 - Transfer 9699/1985 of 21,6002 ha, part of Erf 4867 from Kenneth Warren Evans, Julia Mary Elizabeth Evans, Peter Kurt Hellman, Edgar Leopold Bisschop and Christine Kritz to Edgar Leopold Bisschop
The transfer of Erf 4870 to Edgar Leopold Bisschop was part of a subdivision of Erf 4867.

GRANTS AND TRANSFER DEEDS

See Annexure D for detailed summary of grants and transfer deeds

- Erf 4870 T 96699/1985 E L Bisschop 18-03-1985
- Erf 4867 T 9695/85 K W Evans, J M E Evans, P K Hellman, E L Bisschop, C Kritz 18-03-1985
- Erf 3476 T 38217/1976 E Dorman, L Kramer, P B Robinson 06-12-1976
- Erf 1487 T7002/1901 M D Wakelin 18-09-1901
- Erf 652 T7000/1901 ??? 18-09-1901
- Erf 1169 CQ 22:18 W G Dolman 13-04-1886
- CQ 3:55 J M van Helsingen 22-09-1824
- OCF 2:278 M Bergstedt 08-01-1715
- OCF 2:236 W Basson 12-01-1713

MAPS & PLANS

Western Cape Archives (WCA)

ESTATE PAPERS

MOOC 6/9/935 No. 2314 Estate Papers of William Godbehere Dolman 1917

MOOC 6/9/855 No. 400 Estate Papers of James Wakelin 1917

HOUSEHOLD INVENTORIES

MOOC 8/2 No. 76 Deceased Estate of Willem Basson 28 June 1713

MAPS

CO 4368 Survey Map of piece of ground in Hout Bay between the lands of J M van Helsdingen and W S van Helsdingen

M2/466 Map of the Road from Alphen to Hout Bay showing the properties of owners on route. 1881

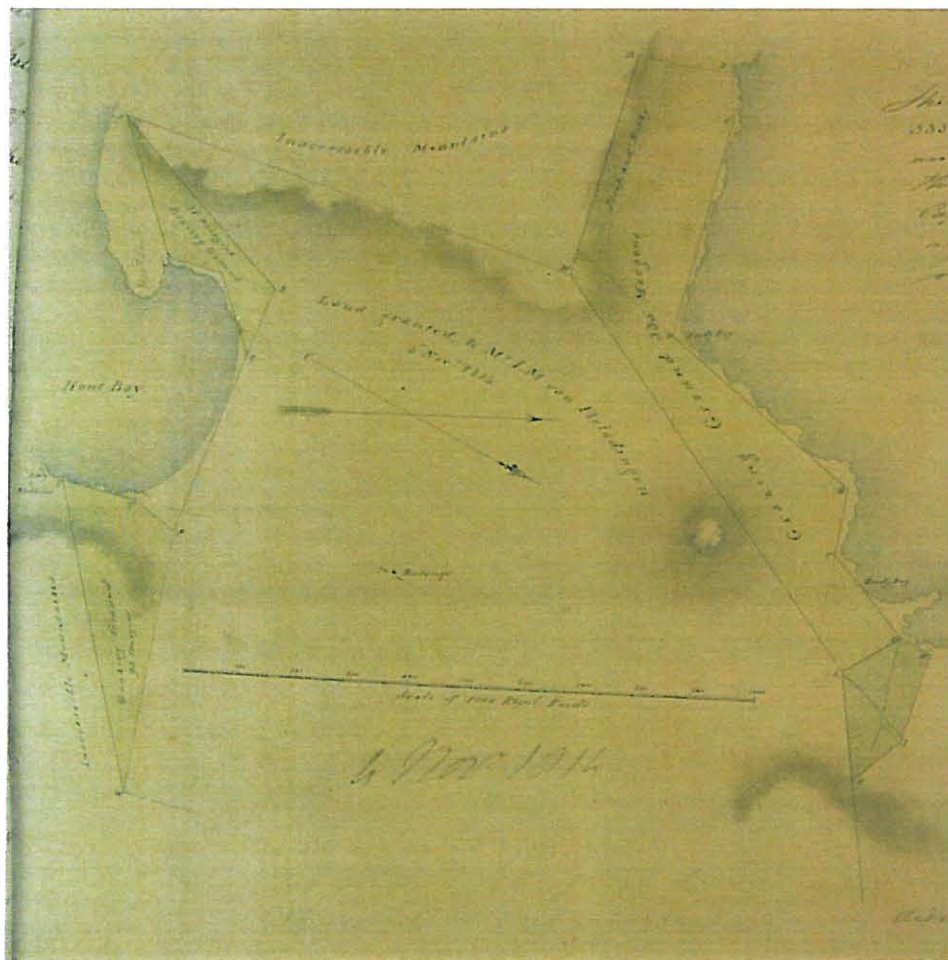


Figure 11: CO 64
Survey Map showing three pieces of land situated in the Cape District (including land belonging to J M van Helsdingen)
Enclosed to Letter No. 4 dated 4/6/1814

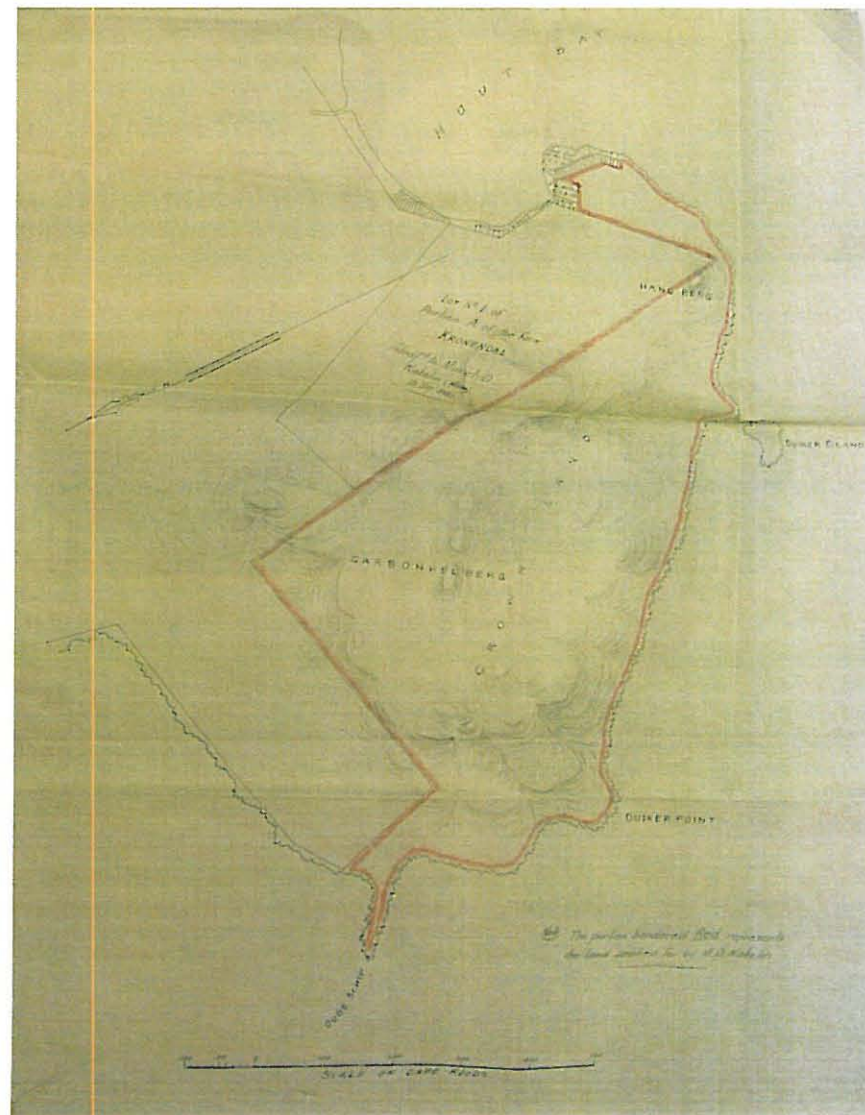


Figure 12: SG 1/1/4/47
Survey map showing Lot No. 1 of the farm Kroenendal situated at Hout Bay belonging to Miss Muriel Daphne Wakelin.
Enclosed in letter dated 31/7/1903

E. Statement of heritage significance

The significance of Erf 4870 site has been considered within the context of Hout Bay. The evaluation of the historical, social, and contextual significance considers contextual value as well as the intrinsic value of the site. The statement of significance acts as a basis for the determination of heritage indicators and is considered within the assessment of proposed intervention. Assessing the heritage significance is concerned with the articulation and ordering of values identified during research of the study area and its heritage resources. Of particular consideration are the following:

- Provincial heritage sites within the valley as identified within Section 2 of this report
- Site in the context of, and included within, the Table Mountain National Park boundary
- Proximity to Hout Bay cave and implications of previous construction activities on archaeological material
- Hout Bay military history
- Protection of trade routes to East Indies
- 1781 Dutch political Council decision to build East Fort
- Battle of Hout Bay in 1795
- Sense of place of the Hout Bay Harbour contributing to both perception and spirit of place
- Sense of place as a component of the cultural identity of Hout Bay
- Consideration in terms role of site for biodiversity

Significance in terms of categories established within the National Heritage Resources Act

The following is informed by the criteria outlined in Section 3(3) of the NHRAct and background historical specialist study.

Category of significance	Consideration
<i>Historical</i>	<ul style="list-style-type: none"> · ± 2000 BP Pre-Colonial Settlement: Hout Bay region as part of indigenous transhumance pattern · 17th Century: Hout Bay's inclusion into colony & establishment of a woodcutter's outpost · Late 17th to 19th Century: Hout Bay as an established agricultural farming region · Late 18th Century: Military Outpost in Hout Bay · 20th Century: Fishing Industry at Hout Bay
<i>Social</i>	<ul style="list-style-type: none"> · Enduring and continuing relationship between community and land · Relationships evolving over time · Landscape of memory associated with rich military history
<i>Architectural / Design</i>	<ul style="list-style-type: none"> · Character in terms of scale and massing reinforcing nature of development within the context · Context reflects different attitudes to siting of buildings
<i>Visual / Spatial</i>	<ul style="list-style-type: none"> · Relationship with Chapmans Peak scenic route network · Complexity of views ranging from dramatic views · Embedded nature of built form within the landscape · Prominent location at cliff face and Harbour precinct · Degree of visual permeability of the landscape in terms of soft edge treatment
<i>Archaeological</i>	<ul style="list-style-type: none"> · Landscape of archaeological sensitivity and research potential · Presence of LSA burial associated with a shell midden (for sampling with associated impacts of low to very low significance) · Areas of archaeological sensitivity are presence of LSA sites scattered within the TMNP boundary
<i>Scientific</i>	<ul style="list-style-type: none"> · Biodiversity value of the site in terms of dominant vegetation type as well as Red Book Data species

The proposed site can thus be considered as an integral part of the overall landscape. However, intrinsic value of the site relates specifically to biodiversity value as well as visual contribution to its context.

3. ASSESSMENT OF IMPACTS

A. Heritage Indicators

Heritage indicators have been identified to guide the assessment process. Indicators were identified throughout the document review and public participation processes pertaining to various aspects of the proposed hotel development and are incorporated within the set of indicators as outlined. Conservation aims inherent in the Icomos Burra Charter (*Extract pg.15*) relevant to the current proposal:

- To care for the culturally significant fabric and other significant attributes
- To care for the place's setting
- To understand the place and its cultural significance before making decisions about its future and changes to its fabric
- To make records of the fabric and of decisions and actions
- To interpret the place in a manner appropriate for its cultural significance

Indicators have been formulated for the site as a whole and address the following:

- Cultural landscape context
- Structuring elements
- Visual Spatial character
- Archaeological sensitivity of the site
- Massing, form and architectural treatment
- Implication within policy frameworks and documents

Cultural landscape context

- Maximise a positive response to adjacent heritage resources eg West Fort and public realm associated with the Hout Bay Harbour
- Maximise a positive response to historical land uses and roles over time within associated context of defense and surveillance and related public affiliation to the site context
- Positive response to overall green framework in terms of the location of the site between mountain and sea and role as part of the Hout Bay Harbour
- Positive response to patterns of planting which have endured over time
- Maximise integration of site into broader cultural landscape by minimizing the severance impact and erosion of the historical landscape
- Positive response to unique scenic and socio-historical qualities
- Intervention should not visually overshadow resources
- Positive response to historical role at the harbours edge

Structuring elements

- Positive response to visual-spatial linkages and axial relationships
- Positive response to the green structure which serves to re-inforce spatial visual qualities
- Enhance structure of site in terms of the open space network
- Positive respond to sweep of the landscape across the National Park to Hout Bay Harbour
- Positive response to topographical qualities of the valley
- Promote continuous corridors of green space
- Siting of buildings to have a logic in terms of environmental and visual parameters
- Positive response to principles underlying patterns of development
- Positive response and use of landscape topography

Visual-spatial character

- Green foreground to the Table Mountain National Park and gradation of green spaces. A balance needs to be ensured in terms of the relationship between these components
- Qualitative role in providing a setting for context of historical significance particularly in terms of views across the harbour
- Provision of a visual green frame and sense of contrast to and escape from a high activity harbour zone

Archaeological sensitivity of the site

The following recommendations pertaining to the archaeology on Erf 4870 have been made:

- Further detailed survey must be carried out focusing on the lower slopes and including limited shovel testing as deemed appropriate
- Mitigation of known sites and any others found should be conducted
- An excavation permit must be obtained from Heritage Western Cape to allow the excavations and exhumation
- After archaeological mitigation is complete, monitoring of earth moving should be conducted
- It should be noted that further unmarked burials could still be located and that these should be protected and reported to the archaeologist and/or the South African Heritage Resources Agency immediately upon discovery. They would need to be removed by an archaeologist.

Massing, form and architectural treatment

A key element in achieving the balance between environment and development is the control of the design of the houses and to ensure that the scale of buildings is appropriate to the site, that the design of the buildings is sensitive to the character and history of the area, and that the buildings fit in with the environmental ethos of the development. The design of units will be controlled by the implementation of a set of architectural guidelines which will be prepared by the project architects and will be submitted to the Municipality for approval. Once the guidelines have been approved by the Municipality they will be implemented and managed. Such guidelines will deal with at least the following issues:

- Definition of building footprint. This will be specifically designed for each site
- Management of building site during the construction
- Preservation of vegetation on the individual building site and on the development as a whole
- Permissible materials. There will be a strong emphasis on the use of natural materials
- Styles
- Colour
- Heights
- Roof pitches
- Permitted external light fittings
- Treatment of entrances
- Permeable fences / edge treatment

Of particular importance in the context of this development is the treatment of boundaries between the private and public spaces. The architectural guidelines will, therefore, include indications of the way in which the boundaries between properties and open spaces should be managed.

Indicators

- Similarity in building massing as viewed from Harbour Road so as to obtain a positive silhouette

Implications highlighted within policy frameworks and documents

Western Cape Provincial Spatial Development Framework (November 2005)

Implications:

- Necessity of conducting archaeological impact assessments so as to identify and mitigate sensitive deposits
- Identification of cultural landscapes on the basis of their significance, value and representivity
- Effective planning to include heritage information centres / facilities

Metropolitan Guide Plan (1988)

- Proposed development should address changing circumstances within any amendment to the guide plan application

Metropolitan Spatial Development Framework (April 1996)

Implications:

- Identified for inclusion within a metropolitan open space system (see TMNP boundary)

Delineation of the urban edge not fixed and should be used as point of departure from which analysis should proceed

B. Assessment of heritage impacts

Heritage impacts associated with the proposed development relates to socio-economics benefits, visual spatial character and impacts on heritage significance. In conjunction with the assessment criteria used namely *extent, duration, intensity, status, significance, confidence and probability* the following factors have been taken into account:

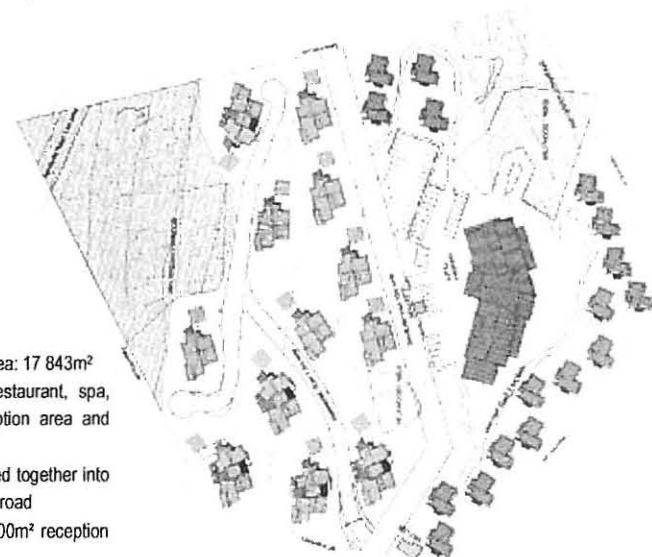
- Nature and degree of significance of a heritage resource in terms of rarity, representivity, integrity, authenticity, legibility and associational values
- Public values associated with heritage resources and the dynamic nature of a heritage value system
- The extent or intensity of an impact does not necessarily have a direct relationship to significance thereof
- Need to establish thresholds which are anchored within a specific context
- Reversibility versus irreversibility of an impact and the renewability versus non-renewability of a heritage resource
- Degraded or threatened nature of the resource and its restoration / rehabilitation/ retention potential
- Degree of resilience of a heritage resource ie its ability to accommodate change

Refer Annexure E for description of assessment criteria

Potential retention or loss of heritage resources are to be balanced against sustainable social and economic benefits to be derived from a development. In terms of the general principles for heritage resources management as outlined within the NHRA, *the identification, assessment and management of the heritage resources of South Africa must contribute to social and economic development.* 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 is to be established. A proposed private residential development would yield only economic benefits in such regard. However, a lack of such benefits would not necessarily result in a loss or negative impact on heritage resources.

Proposed intervention

1. Subdividing the 21.6061 ha property into three portions
 - Upper portion (11.2387 ha) being ceded to South African National Parks
 - Middle portion (6.1917 ha), which has a single residential dwelling, would maintain the current zoning of 'rural'
 - Lower portion (4.1757 ha) would be rezoned and subdivided to allow for the proposed development. The proposed zonings on the lower portion would be 'single residential' and 'general residential (conditional use)', the latter accommodating hotel
2. 12 single residential erven. Total site area: 4, 1757 Ha
 - Erf 1: 1005m²
 - Erf 2: 828m²
 - Erf 3: 809m²
 - Erf 4: 816m²
 - Erf 5: 803m²
 - Erf 6: 991m²
 - Erf 7: 1107m²
 - Erf 8: 1193m²
 - Erf 9: 1142m²
 - Erf 10: 1154m²
 - Erf 11: 1334m²
 - Erf 12: 946m²
3. 35 - 40 suite boutique hotel. Total site area: 17 843m²
 - associated facilities including a restaurant, spa, pool, function room, lounge, reception area and administration, roads, parking
 - The hotel facilities would be collected together into a central area just below the access road
 - The hotel would comprise of a 1 500m² reception centre located on split levels



MSDF Review: Phase 1: Spatial analysis, trends and implications (May 2003)

Implications:

- Identification of cultural landscapes within the Cape Metropolitan Area should occur so as to provide evidence of transformation over time as well as reference points and positive instruments for growth and change
- Environmental impact of any development on green spaces should be carefully assessed

Cape Town 2030: An argument for the long-term spatial development of Cape Town (Draft June 2006)

Implications:

- The proposed development should contribute towards the role of its surrounding context as ecological space
- The proposed development should encourage a broad range of investment, development and employment opportunities
- The proposed development should contribute towards the creation of new special places, protection and enhancement of heritage area, enhancement of linkages to the coast and creation of multi-functional recreation nodes

Peninsula Urban Edge Study (Draft, 2001)

Implications:

Land uses inside the urban edge line include all normal urban uses, while land uses outside the urban edge line include all rural, agricultural and conservation land and/or associated activities

- Nature of development in terms of density to be examined

Implications in terms of provincial urban edge guidelines for development outside a high priority edge:

- Intensity of use outside of the urban edge should be low and primarily used for residential use
- Aesthetic and other development control measures should be introduced in low-density edge developments to ensure the least possible impact on the attraction of the edge environment
- Development should allow for open space and biodiversity networks / corridors

TMNP Conservation Development Framework

Such controls encompass:

- Project scoping and identification of issues
- Identification and involvement of interested and affected parties
- Formulation of statement of heritage significance

Hout Bay Structure Plan (Draft, 1986)

Implications:

- Proposed intervention should relate to the natural landscape and should not negatively affect environmental quality
- Proposed intervention should not detract from the rustic character of the Valley
- Resources which enhance environmental quality be protected and maintained
- Conserve archaeological and historic heritage

- Hotel suites would be single bedroom suites of approximately 65m² in extent
The suites would be accommodated in the form of double-storey simplex clusters, with the lower storey being cut into the slope to reduce the overall height
- open spaces incorporating significant botanical elements: 6 022m² & 466m²
- Road access and parking. Total street area: 6 205m²
The alignment of the current access road would be retained but would be upgraded in order to accommodate the predicted traffic flow
Parking for guests would be concentrated at the entrance to the hotel and access to the hotel suites would be along narrow paths suitable for golf carts
At present a 4 m wide gravel road exists but this would be widened to a 7 m surfaced road. The roads to service the 12 residential houses would be new

Refer Annexure A: Description of proposed intervention

Proposed subdivision

Response to indicators:

- Positive response to green framework and location in terms of mountain and sea
- Positive response to maximizing the site into the broader cultural landscape
- Attempt to address changing circumstances outside of the urban edge through subdivision and proposed open spaces
- Provision of visual green frame and sense of contrast from the harbour area
- Green foreground to TMNP and relationship and gradation of green spaces as a backdrop
- Positive response to green structure serving to re-inforce spatial visual qualities
- Maximise integration of site into broader cultural landscape by minimizing severance impact and erosion of historical landscape
- Positive response to overall green framework in terms of location between mountain and harbour

Positive impacts:

- Upper portion: 11.2 ha ceded to South African National Parks
- Middle portion: maintain 'rural' zoning

Identification of measures for mitigation or enhancement of impacts:

- Retention of significant botanical elements and features within the lower portion
- Enhancement of structure of site in terms of open space network

	Extent	Duration	Intensity	Status	Probability
Without mitigation	Medium	High	Low -	Positive	High
With mitigation	Medium	High	Low +	Positive	High

Proposed residential development

Response to indicators:

- Intensity of use outside of the edge is low and primarily for residential and boutique hotel use
- High levels of aesthetic control and development controls have been incorporated within design of a low-density edge development
- Positive response to architectural design indicators in terms of achieving a positive balance between the environment, context and proposed intervention as well as sensitivity to character and history of the area. Detailed treatment resolutions to be specified

Positive impacts:

- Proposed to develop the lower portion of the site and cede the remainder to the National Parks
- Incorporation of open space and biodiversity corridors
- Positive response to siting of buildings in terms of environmental and visual parameters

	Extent	Duration	Intensity	Status	Probability
Without mitigation	Medium	High	Medium -	Negative	High
With mitigation	Medium	High	Low -	Positive	High

Proposed hotel development

Response to indicators:

- Proposed development contributes towards the creation of a new special place and enhancement of linkages to the harbour
- Structures 'cut' into the slope to reduce overall height
- Intensity of use outside of the edge is low and primarily for residential and boutique hotel use
- High levels of aesthetic control and development controls have been incorporated within design of a low-density edge development
- Positive response to architectural design indicators in terms of achieving a positive balance between the environment, context and proposed intervention as well as sensitivity to character and history of the area. Detailed treatment resolutions to be specified

	Extent	Duration	Intensity	Status	Probability
Without mitigation	Medium	High	Medium -	Negative	High
With mitigation	Medium	High	Low -	Positive	High

Open spaces (green)

Response to indicators:

- Attempts made through subdivision as well as designation of ecological corridors to include majority of overall Erf 4870 into the metropolitan open space system
- Significant portions earmarked for ecological corridors
- The proposed open space contributes towards the role of context as an ecological space
- Positive response to enhancement of natural heritage resources
- Positive response to corridors of green spaces

Positive impacts:

- Consideration given to required ecological corridors within proposed development so as to incorporate Milkwood patches as well as *Leucadendron coniferum* distribution
- Neither bulk services nor roads will cross such ecological corridors

	Extent	Duration	Intensity	Status	Probability
Without mitigation	Medium	High	Low +	Positive	High
With mitigation	Medium	High	Medium +	Positive	High

Access and parking

- Positive response to limited intervention in terms of infrastructure. Low density nature of residential development and proposed use of carts at the hotel reduces potential negative impact
- Positive response to botanical indicators

Positive impacts:

- Neither bulk services nor roads will cross ecological corridors
- Existing alignment to be retained within proposed development
- Resources enhancing environmental quality are maintained and protected

	Extent	Duration	Intensity	Status	Probability
Without mitigation	Medium	High	Low -	Positive	High
With mitigation	Medium	High	Low +	Positive	High

Negative impacts identified requiring mitigation

- Site falls outside of the draft urban edge and should show consideration to nature and intensity of land outside of an urban edge
- Need to maximize positive response to heritage resources located within the bay
- Proposed intervention detracts from perceived rustic character of valley

Statement of Impacts

The relationship between different heritage contexts, heritage resources likely to occur within these contexts and likely sources of heritage impacts / issues in terms of the Guidelines for involving heritage specialists in EIA processes (Baumann & Winter, 2005) relevant to the proposed development and context; are considered relative to the proposed re-development alternatives and depicted within the accompanying table. The intensity of likely sources of impacts are based on the assessment of impacts in relation to heritage indicators identified, specific interventions and the nature of proposed interventions as described within the heritage impact assessment.

<i>Intensity of likely sources of impacts within specific heritage contexts</i>						
<i>Heritage context</i>	<i>Heritage resources</i>	<i>Sources of heritage impacts / issues</i>	<i>Impacts in terms of proposed development</i>			
			<i>Extent</i>	<i>Duration</i>	<i>Intensity</i>	<i>Probability</i>
<i>Historical built urban landscape context</i>	<i>Historical structures Formal public spaces</i>	Loss of historical fabric or layering related to demolition or alteration work Loss of urban morphology related to change in patterns of subdivision and incompatibility of scale, massing and form of new development Loss of historical patterns of public access and use related to privatisation of public spaces Loss of historical architectural character related to incompatibility or architectural treatment and use of materials	M (Local)	H	L-	H
<i>Associated landscape context</i>	<i>Sites associated with public memory</i>	Loss of historical fabric or context Potentially conflicting and / or incompatible new uses resulting from inadequate understanding of social values, Lack of public access due to privatisation of public spaces	M (Local)	H	M-	M
<i>Scenic / Visual Landscape Context</i>	<i>View sheds View points Views to from Gateway conditions</i>	Visual intrusion into view corridors Inappropriate development adjacent (within view of) scenic routes, Inappropriate changes in use in contrast to regional character Disruptions of scenic network related to severance of linkage routes	M (Local)	H	M-	M

4. RESULTS OF CONSULTATION

The essence of conservation is the creation of an environment in which people feel they belong, from which they draw a sense of identity. For the needs and values of the community to be recognized and acknowledged in conservation practice, community participation in the identification of culturally important sites is deemed as essential. Thus, the public participation process relating to heritage aspects have been run in accordance with the public participation processes as outlined within the National Heritage Resources Act. Engagement with the environmental public participation process has included media notices, distribution of information sheets, door to door pamphlet drops and a public meeting held on Tuesday 23 October 2007 at the Hout Bay Library, Melkhout Crescent.

This assessment report takes cognisance of the comments and seeks to address issues and concerns where relevant. In terms of the public participation process undertaken, the following has occurred:

Public Meeting held 23.10.2009

The comments received covered a number of categories, namely architecture / visual, services / infrastructure, vegetation, heritage, socio-economic, groundwater, noise, geotechnical, odour, basic assessment process and planning.

Issues highlighted specifically related to heritage were:

1. Keith Mackie (Hout Bay and Llandudno Environment Conservation Group)
Mr. Mackie stated that harbour related development should respond to core tourist activity area
2. Richard Timms (Hout Bay and Llandudno Environment Conservation Group)
Mr. Timms stated that the Heritage Trust is trying to drive forward a concept that provides a vision for Hout Bay and the harbour area. He indicated that the Heritage Trust wanted a policy for the coordinated planning of the area, which would include a new structure plan. Hout Bay depended on tourism.
3. Len Swimmer (Residents Association of Hout Bay)
Mr. Swimmer states that the heritage value of this site is related to its biodiversity value, coupled with the relative rarity of the veld type, as well as the visual impact of the proposed development. Mr Swimmer states that there is little doubt that the World Heritage value of the Cape Peninsula is built from gems such as the current site and to destroy it by allowing hard development would not be welcomed.

The following were received within the EIA process:

- 3 letters of support for the development
- 3 objections to the development proposal
- 2 objections to specific elements of the development

Residents Association of Hout Bay (Correspondence received 05.11.2009 from Len Swimmer)

Heritage questionnaires were distributed at the public meeting held on Tuesday 23 October 2007 at the Hout Bay Library in Melkhout Crescent. One response was received from Residents' Association Of Hout Bay (c/o Mr Len Swimmer).

Herewith responses, specifically related to heritage:

1. *Are there any sites / places that are special to you within the study area? Can you identify these on the maps provided?*
The whole site is special, considering:
 - Outside Urban Edge, the whole erf is outside the Peninsula Urban Edge and is of considerable concern.
 - Flora, the area is not and never was intended for such use and needs to be protected
 - Visual impact, the large expanses of glass and walling will exacerbate this
 Invasive Alien Vegetation, left unchecked it can destroy large sections of our natural heritage described above

2. *What role do these places play to you? Why are they significant to you?*

It forms part of one of the few uninterrupted 'peak to coast' vistas available in the Northern part of the Peninsula. This is significant because visually it is very spectacular and it allows for the flow of plants and animals along the whole slope of the mountain virtually to the sea. The composition of the plant communities is also special as mentioned in the previous question.

3. *To what extent are these resources used, promoted and protected?*

It is used by being natural and providing the basic block on which our economy largely depends, viz tourism and especially eco-tourism which is becoming increasingly important as tourists become more fastidious about the areas they visit.

4. *Do you think that these heritage resources should be protected?*

Yes, they should be protected.

5. *Please indicate how you think these heritage resources should be celebrated / protected?*

Protected by preventing hard development and invasive alien vegetation. Celebrated by ensuring their integrity, enjoying the beauty on a continuous basis, occasionally walking amongst the fynbos and hacking out the invasive vegetation.

6. *List any current issues / concerns / problems regarding such heritage resources?*

- The acceptance and approval of this proposal would violate not only the Urban Edge Policy but a host of other relevant policies and regularities and this indicates that it is not appropriate for the area.
- The flora of this area forms part of an integral part of the fynbos biome and this particular area is representative of an unusual subset that should be conserved.
- This hard development will have a major visual impact on the valley and the Beach
- Invasive alien vegetation should be cleared irrespective of development and should not be used as a reason for development.
- Disturbances are likely to result in uncontrollable sand movement caused by gravity, water and wind. The site is often exposed to very strong wind and rain both winter and summer. The land is best served as 'rural for nature purposes'
- The quality of the road accessing this site is not good and extending it will impact even further onto the vegetation.
- There is no urgent need for more hotels or luxury housing developments in Hout Bay certainly not outside of the urban edge.
- We welcome environmentally-sensible architecture and landscaping, but this should not be used as a reason to support a development.

7. *Are there any heritage resources in the study area that you are aware of? If yes, please provide a brief description:*

Yes, peace and quite of the mountain, the changing seasons as different plants and animals show themselves and the excitement of climbing the mountain and the joy of watching it from a distance.

8. *Please feel free to add additional comments:*

The importance of protecting the natural mountain environment has been recognized for many years and by all communities. Much effort has gone into establishing legislation, policies and regulations to do so. This must be respected and the policies that have come out of this process must be applied properly and not just pushed aside when they don't suit a developer.

The above-mentioned concerns and comments have been considered within the heritage indicators and assessment of this report. A summary of public comments is provided within conclusion of this report.

5: Conclusion

The conclusion to this report includes a number of recommendations regarding proposed intervention stemming from specialist studies, heritage indicators, evaluation of sensitivity and an assessment of heritage impacts. Emphasis is placed on key elements namely, archaeological, botanical and visual-spatial impacts. In addition, a series of planning, urban design and architectural designs were considered within the design process. Given considerations as highlighted within specialist studies, the revised layout; responding to indicators highlighted, was presented for consideration. The layout as assessed within this assessment is thus considered as the preferred design.

Nature of impacts is considered in terms of potential positive and/or negative impacts relating to heritage resources. Erf 4870, and specifically portion earmarked for proposed intervention is highlighted as possessing medium – low sensitivity in terms of heritage significance. Thus, given the nature of sensitivity as well as contextual considerations, the site is deemed as having the ability to accommodate a certain level of intervention and ability to accommodate and absorb change. The surrounding context is characterized by medium to high-density urban development as well as commercial development resulting in a semi-urban landscape. In addition, the nature of surrounding context is indicative of a changing landscape, with extensive residential development located along Harbour Road, with the mountain forming a green backdrop to such urban development. Extensive recent residential development along Harbour Road is indicative of the ability of the immediate context to accommodate change and development trend for the area.

key findings

Key findings of archaeological specialist report reveal archaeological material to be of such significance that is unlikely to prevent development of the site. Recommendations in terms of mitigation have been presented. Key botanical finding related to ecological corridors have been incorporated within revised design. The site is located within the designated Cape Peninsula protected Natural Environment and within the identified Biodiversity network for the City of Cape Town. Of the three Red Data Book species identified, one displays a regionally significant population on site and formed the basis of conservation concern. The preferred development alternative encompasses fewer number of units and thus accommodates ecological corridors as prescribed. Extensive essential mitigation proposed would reduce negative impact of preferred alternative from medium to low-medium impact. As proposed, the upper portion of Erf 4870 (minimum 11 ha) should be ceded to Table Mountain national Park. Visual impact assessment concludes that recommended mitigation would reduce potential visual impact from Medium-Low to Low, thus reducing potential visual impact to a level where it does not have a significant negative impact on the receiving visual environment. Practical mitigation relates specifically to opportunities for blending of colours and textures. Potential visual impact has been derived from the positions/areas where the greatest potential visual impact is likely to be experienced, where all other areas would experience similar or mostly lesser visual impact. Analysis shows that a significant impact would be on views along Chapmans Peak Drive. However it should be noted that with mitigation, the average impact from positions in both the foreground and middle distance would be significantly lower over time.

The outcome of the public consultation process is thus that the development poses negative impacts in terms of visual and botanical aspects and issues related to the cultural landscape in such regard. Tourism as a key element and the harbour as a tourism development area had been noted within the process. The need for a revised Structure Plan for the Hout Bay area was highlighted, so as to establish a vision for the area and coordinated planning. Specific issues highlighted in opposing the development are the location of the site outside of the urban edge, heritage value of the site in terms of its biodiversity and visual impact, sense of place and nature of access road.

The key findings of the heritage assessment are that the extent of intervention is expected to be at the Local scale over a long term period. Probability of the occurrence is high, with minor to moderate deterioration to be experienced, notably with regard to the landscape context. The relationship between the significance of the heritage context, the intensity of development and the significance of heritage impacts to be expected can be summarized as a *Medium intrinsic, associational and contextual heritage value within local context* with low to moderate intensity levels of intervention. Heritage impact thus to be expected is concentrated within Low-moderate intensity. However, there are a number of low to medium negative impacts and a number of low positive heritage impacts are to be derived from the development proposals. As such, it is felt that the overall development will not have a significant negative effect on the surrounding environment. Key aspects for consideration however are the mitigation of archaeological sites and detailed architectural treatment so as to mitigate potential negative visual impacts within the immediate and short term.

mitigation measures

Archaeological Impact Assessment

In terms of the archaeology present on site, satisfactory mitigation could be easily implemented. As such the project should be allowed to proceed from an archaeological point of view, but is still subject to the findings of the Heritage Impact Assessment. The following recommendations pertaining to the archaeology on Erf 4870 are made:

- Further detailed survey must be carried out focusing on the lower slopes and including limited shovel testing as deemed appropriate
- Mitigation of known sites and any others found should be conducted
- An excavation permit must be obtained from Heritage Western Cape to allow the excavations and exhumation
- After archaeological mitigation is complete, monitoring of earth moving should be conducted
- It should be noted that further unmarked burials could still be located and that these should be protected and reported to the archaeologist and/or the South African Heritage Resources Agency immediately upon discovery. They would need to be removed by an archaeologist.

Response from HWC APM in terms of the AIA has noted the following:

- Acceptance of the recommendations of the AIA
- Mitigation of four LSA must be conducted
- An archaeologies should be appointed to monitor bulk earthworks
- The application should be referred to HWC BelCom

Visual Impact Assessment. Mitigation outlined

- Specific attention be given to have some roof colours similar to colours existing in the surrounding area. The proposed grey roofs would tend to blend in reasonably well with the existing site and with the urban area. In the preferred development option (after modifications) all the roofs are shades of grey. However, should the roof colours be too similar the visibility would increase. More varied roof colours should however blend in better with the surrounding urban development and with the natural environment
- Architectural guidelines should include specific roof materials and finishes (that will include colour and textures) to the exterior of the buildings to blend in as far as possible and practicable with the existing environment
- Planting with shrubs local to the area to soften the lower portions of the proposed buildings. Long term planting should be such that it blends in with the textures and colours of the existing vegetation; and
- Lighting levels should be kept low and all external lighting should where possible and practical be low level lighting

Botanical Assessment: Recommendations

- Search and Rescue (S&R) of translocatable species of conservation concern must be undertaken
- All open space areas indicated in the layouts must be rezoned Open Space 2 or 3 and managed as conservation areas
- Milkwoods and buffer areas and any ecological corridors must be fenced off prior to construction with minimum double strand wire and danger tape, and contractors must be informed that these are No Go areas
- An Environmental Management Plan (EMP) must be prepared for the construction and operational phase
- An Environmental Control Officer (ECO) must oversee the construction period and ensure compliance with the Construction EMP
- Bulk services should not cross the designated conservation areas, except where these are crossed by roads, and then the bulk services must be within the roads
- Two significant ecological corridors at least 30m wide should run across the site as indicated and should incorporate the bulk of the eastern milkwood patch and the bulk of the on-site *Leucadendron coniferum* distribution

recommendations

It is therefore recommended that:

1. This heritage impact report be endorsed as meeting the requirements of Section 38 of the NHRAct (Act 25 of 1999)
2. A decision be taken that the development may proceed in terms of Section 38(4)(a) of the NHRAct (Act 25 of 1999)
3. Mitigation measures as outlined above be considered as conditions of approval

Source material

- ACO (November 2007) *AIA conducted as part of an EIA for Erf 4870, Harbour Road, Hout Bay*
- ACO (2005) *An Archaeological Feasibility Study of Three Erven (4869, 4870 and 4871) Harbour Road, Hout Bay*
- Baumann & Winter Heritage Consultants (May 2005) *Guidelines for involving specialists in EIA processes for DEA&DP Review: Provincial Government of the Western Cape: Department of Environmental Affairs and Development Planning*
- Cape Metropolitan Area Guide Plan (1988)
- City of Cape Town (Draft June 2006): *Cape Town 2030: An argument for the long-term spatial development of Cape Town*
- City of Cape Town (1996) *Metropolitan Spatial Development Framework*
- City of Cape Town (2002) *Peninsula Urban Edge Proposed Management Zones and Guidelines*
- CMC (May 2003): *MSDF Review: Phase 1: Spatial analysis, trends and implications*
- CMC (April 1996): *Metropolitan Spatial Development Framework*
- TMNP Heritage Landscape Group (2000) *Provisional Heritage Resources Synthesis Map Report and Discussion Document*
- Cowley D (2006) *News Vol 1 no 3 pg 4: Our Living Heritage Hout Bays Link to the past and future SAHRA Newsletter*
- Department Environmental Affairs and Development Planning 2005): *Provincial Urban Edge Guideline*
- Divisional Council of the Western Cape (The) (1986) *Proposed Structure Plan /Clark J A*
- Franssen H (2004) *The Old Buildings of the Cape* JB Publishers (CT)
- Hartengen P (1988) *Out building heritage: An illustrated history* Rylls Publishing Company
- Helme N (2008) *Botanical Basic Assessment of Proposed Development on Portion of Erf 4870, Hout Bay*
- Honert E (vd) *Hout Bay Main Road: Constantia Nek to Chpmans Peak Drive: Draft EIA Scoping reports*
- Hout Bay Heritage Trust (2005) *Our undiscovered heritage: Discussions on the functions of the Hout Bay Heritage Trust*
- Marquis-Kyle P and Walker M (1992): *The Illustrated Burra Charter – Making good decisions about the care of important places as commissioned by Australia ICOMOS*
- ICOMOS *The Illustrated Burra Charter*
- Mountain A (2004) *An unsung heritage: Perspectives on Slavery* David Phillip Publishers
- Randle T (March 2008): *Background historical study: Erf 4870*
- The Cape Odyssey (2007) *The Best of the Cape Odyssey: A journey into the colourful and fascinating history of the Cape: Vol 1 (Athiros, G (ed) and Athiros L (ed))* Cape Town Historical Media
- The Cape Odyssey, Cape Town Historical Media
 - Vol 4 No 5 May/June 2004 pgs 1,3 & 5 *A world in a Valley: It's history*
 - Vol 4 No 5 May/June 2004 pg 2 *Hout Bay and Llandudno Heritage Trust: Helping to build community pride*
 - Vol 4 No 5 May/June 2004 pgs 4-5 *The splendid Hout Bay Manor Hotel*
 - Vol 4 No 5 May/June 2004 pg 9 *Discovering Hout Bay's military past*
 - Vol 4 No 5 May/June 2004 pg 10 *Hout Bay Museum*
- National Heritage Resources Act (Act 25 of 1999)
- Urbanvision Town & Regional Planners (2007) *Preliminary Assessment & Information Document: Hout Bay Erf 4870, Harbour Rd*
- Urbanvision Town & Regional Planners (2006) *Preliminary Assessment and Development Potential: Erven 4869, 4870 & 4871*
- Westby-Nunn T (2005) *Hout Bay: An illustrated historical profile* Westby-Nunn Publishers CC
- Wordon et al (1999): *Cape Town in the twentieth century* David Philip Publishers, South Africa
- Wordon et al (1998): *Cape Town: The Making of a City* David Philip Publishers, South Africa

Internet sources

- houtbayonline.com
- www.print-digital.info
- www.houtbay.org
- <http://www.zsd.co.za/~houtbay/>

· <http://www.thepropertymag.co.za/pages/452774491/articles/2007/July/Articles/PWP-Kronendal.asp>

Historical Background Study references

Published Books, Chapters and Journal Articles

- Boonzaier, et al *The Cape Herders: History of the Khoikhoi of Southern Africa*. Cape Town. 1996.
- De Villiers, C C *Geslagregisters van Ou Kaapse Families (Genealogies of Old South African Families) Completely revised, augmented and rewritten by C Pama 1st (1966) and 2nd (1981) edition*. Cape Town: A.A Balkema
- Franssen, H *The Old Buildings of the Cape*. Johannesburg: Jonathon Ball. 2004.
- Heese, J.A & R.T.J Lombard *Suid Afrikaanse geslagregisters/ South African Genealogies (12 vols)* Pretoria & Stellenbosch 1986-2007
- Parkington et al 'Social impact of pastoralism in the south-western Cape' in *Journal of Anthropological Archaeology* 5 (1986) 313-29
- Sleight, D *Die Buiteposte: VOC Buiteposte onder Kaapse Bestuur, 1652-1795*. 1993.
- Smith, A *Pastoralism in Africa*. Johannesburg. 1992. Pg. 193-213
- Smith, A 'Adaptation strategies of prehistoric pastoralism in the south-western Cape' in M Hall et al (eds) *Frontiers: South African Archaeology Today*. Oxford 1984. Pg 131-42
- Smith, A et al 'Excavations in the south-western Cape and the archaeological identity of prehistoric hunter-gatherers within the last 2000 years' in *South African Archaeological Bulletin* 46 (1991) 71-91
- Worden, N; van Heyningen, E & Bickford-Smith, V *Cape Town: The Making of a City*. Cape Town: David Phillip. 1998.

Unpublished Theses and Dissertations

- Clift, Harriet E *The Assimilation of the Khoikhoi into the Rural Labour Force of Paarl, Drakenstein District* B.A. Honours Thesis: University of Cape Town. 1995

Websites

- <http://www.houtbaynews.co.za> accessed September 2007 (History of Hout Bay contributed by the Hout Bay Museum)
- <http://home.intekom.com/capevacations/history.htm> accessed September 2007
- <http://www.whoswhosa.co.za/Pages/profilefull.aspx?IndID=3787> accessed September 2007

Abbreviations used in document:

BP	Before Present
CQ	Cape Quitrent Grant
ibid	In the same book or passage (as above)
OCF	Old Cape Freehold Grant
TD	Transfer Deed
VOC	Vereenigde Oostindische Compagnie or Dutch East India Company
WCA	Western Cape Archives

Terms used:

- 1 Morgen = 2.117 acres = 0.8565 hectares (ha)
- 1 square rood = 114 sq feet = 0.0014 ha
- 1 square foot = 114 square inches = 0.0000 ha