

**DRAFT HERITAGE/ARCHAEOLOGICAL IMPACT
ASSESSMENT:
THE PROPOSED UPGRADING OF THE PAARL
MOUNTAIN AND YSTERBRUG PUMPING MAIN, PAARL,
WESTERN CAPE**

Prepared for

Holland and Associates Environmental Consultants

On behalf of

Aurecon (Pty) Ltd

December 2012



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DECLARATION

by the independent person who compiled a specialist report or undertook a specialist process

I ...David John Halkett....., as the appointed independent specialist hereby declare that I:

- act/ed as the independent specialist in this application;
- regard the information contained in this report as it relates to my specialist input/study to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the NEMA, the Environmental Impact Assessment Regulations, 2010 and any specific environmental management Act;
- have and will not have no vested interest in the proposed activity proceeding;
- have disclosed, to the applicant, EAP and competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the Environmental Impact Assessment Regulations, 2010 and any specific environmental management Act;
- am fully aware of and meet the responsibilities in terms of NEMA, the Environmental Impact Assessment Regulations, 2010 (specifically in terms of regulation 17 of GN No. R. 543) and any specific environmental management Act, and that failure to comply with these requirements may constitute and result in disqualification;
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not; and
- am aware that a false declaration is an offence in terms of regulation 71 of GN No. R. 543.

Note: The terms of reference must be attached.



Signature of the specialist:

ACO Associates cc

Name of company:

6th December 2012

Date:

EXECUTIVE SUMMARY

Upgrades of a number of sections of pipeline has been proposed. The upgrade will consist of replacement of existing, old pipes with newer materials. The footprint of the original pipelines will be used to restrict damage to the natural environment within the declared Paarl Mountain Nature Reserve.

Only minimal Stone Age heritage resources were observed along pipeline routes and no impact is expected to this type of material.

A number of features relating to the water infrastructure post date 1890 -1911 when the two dams on top of the mountain were built and to which the water infrastructure is related. These consist mainly of the actual pipes, and to a number of manholes constructed along the pipelines. One granite building, thought to be a pump station, is not affected by the upgrade.

Inspection of the water infrastructure features has shown them to be of a utilitarian nature, and while of heritage interest, at best, some would be graded IIIc, and in the opinion of the author, do not warrant *in situ* conservation. Representative components could be recorded, photographed, collected and displayed at an appropriate venue on the Paarl Mountain. Re-using existing pipeline footprints may in any event preclude *in situ* conservation.

Despite the fact that technically Paarl Mountain became a Grade II Provincial Heritage Site in terms of the NHRA of 1999, the by-laws attached to the declaration of Paarl Mountain (clause 3) specifically mention that a permit will not be required for “any measures considered necessary by the Town Council for Paarl for the development, control, utilisation, operation or maintenance of its water catchment areas and the water works on Paarl Mountain”. No amendments have ever been made to the by-laws.

In terms of this by-law, the proposed upgrade of water infrastructure on Paarl Mountain is considered to be exempt from a permit of approval from HWC.

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1. LIST OF DEFINITIONS AND ACRONYMS

Archaeology: *Remains resulting from human activity which is in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures.*

Early Stone Age: *The archaeology of the Stone Age between 300 000 and 2 500 000 years ago.*

Heritage: *That which is inherited and forms part of the National Estate (Historical places, objects, fossils as defined by the National Heritage Resources Act 25 of 1999).*

Holocene: *The most recent geological time period, and the more recent part of the Quaternary Period which commenced 11.7 ka years ago.*

Late Stone Age: *The archaeology of the last 20 000 years associated with fully modern people.*

Palaeontology: *Any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.*

Pleistocene: *The earlier of the two epochs of the Quaternary Period, from about 2 million to 10,000 years ago*

Acronyms

AIA	Archaeological Impact Assessment
ESA	Early Stone Age (older than approximately 300 ka)
GPS	Global Positioning System
HIA	Heritage Impact Assessment (integrating specialist heritage components)
HWC	Heritage Western Cape
LSA	Late Stone Age (approximately the last 20 ka)
MSA	Middle Stone Age (approximately 300 - 30 ka)
NHRA	National Heritage Resources Act, No 25 of 1999
NID	Notice of intent to develop application
PIA	Palaeontological Impact Assessment
PHRA	Provincial Heritage Resources Authority (HWC)

2. INTRODUCTION

Holland and Associates Environmental Consultants have been appointed by Aurecon (Pty) Ltd to undertake a Basic Assessment Process as per the National Environmental Management Act (NEMA) (No. 107 of 1998, as amended) and Environmental Impact Assessment (EIA) Regulations of 2010.

ACO Associates cc has been tasked with undertaking an Archaeological Impact Assessment and a Heritage Impact Assessment (HIA) for the project as part of the overall EIA. A Notice of Intent to Develop (NID) submission has been made to Heritage Western Cape (HWC) and a response has been received (Appendix 1). Although the NID suggested an HIA should be undertaken, HWC have not concurred and no further work was required. This decision was presumably based on the exemptions of waterworks from further studies in the 1963 proclamation document. Erf 1, Paarl was proclaimed a monument in 1963 in terms of the Historical Monuments, Relics and Antiquities Act (Act 4 of 1934). Despite it not being a requirement, Aurecon, together with Holland and Associates have requested that an HIA be undertaken to inform decision making, given that impacts on the National Estate are to be assessed as part of the Basic Assessment process.

Erf 1 is now largely the area known as the Paarl Mountain Nature Reserve and can be seen in Figure 1.



Figure 1: Location of the Paarl Mountain Nature Reserve (green shaded area west of Paarl town) in local context

3. PROJECT DESCRIPTION

The project entails the proposed upgrading of the Paarl Mountain Water Pipeline and the Ysterbrug Pumping Main. The project falls predominantly within the Paarl Mountain Nature Reserve (PMNR) and entails the upgrading of six sections of existing pipeline/channels as described below (where the letters refer to features indicated on Figure 2):

A - B) Pipeline from Ysterbrug Pump Station to Enslin Street and Jan Phillips Drive (approx. 2000m), where the existing 270mm diameter steel pipe will be replaced with a 350mm diameter ductile iron pipe, to be laid on the exact horizontal alignment of the existing pipe;

B - C) Pipeline from Jan Phillips Drive to Victoria Pump Station (approx. 600m), where the existing 450mm diameter concrete pipe will be replaced with a 525/600mm diameter concrete pipe laid on the exact alignment of the existing pipe;

F - D) Nantes Dam gravity pipeline to Nantes Dam inlet (approx. length 1500m), where the existing 450mm diameter cast iron and concrete pipelines as well as the open channel will be replaced with a 525/600mm diameter concrete pipeline laid on the exact horizontal alignment of the existing 450mm diameter concrete pipe and channel;

F - H) Pipeline from Nantes Dam to Bethel Dam (approx. length 900m), where the existing open channel will be replaced with a 525/600mm diameter concrete pipeline laid on the exact alignment of the existing channel;

H1 - I) Pipeline from Bethel Dam to Klipdam Reservoir (approx. length 1000m), where the existing 250mm diameter cast iron pipe will be replaced with a 355mm diameter HDPE pipe laid on the exact horizontal alignment of the existing pipe;

J - K) Pipeline from the Spring to Meulwater Water Treatment Works (WTW) (approx. length 500m), where the existing 200mm diameter concrete pipe will be replaced with a 110mm diameter HDPE pipe.

The existing pipeline routes are maintained by brush-cutting. The width of cleared vegetation along the routes varies between 3 – 4 m and would require additional clearing of 3 – 7 m in width in order to accommodate a 'working space' for the construction phase.

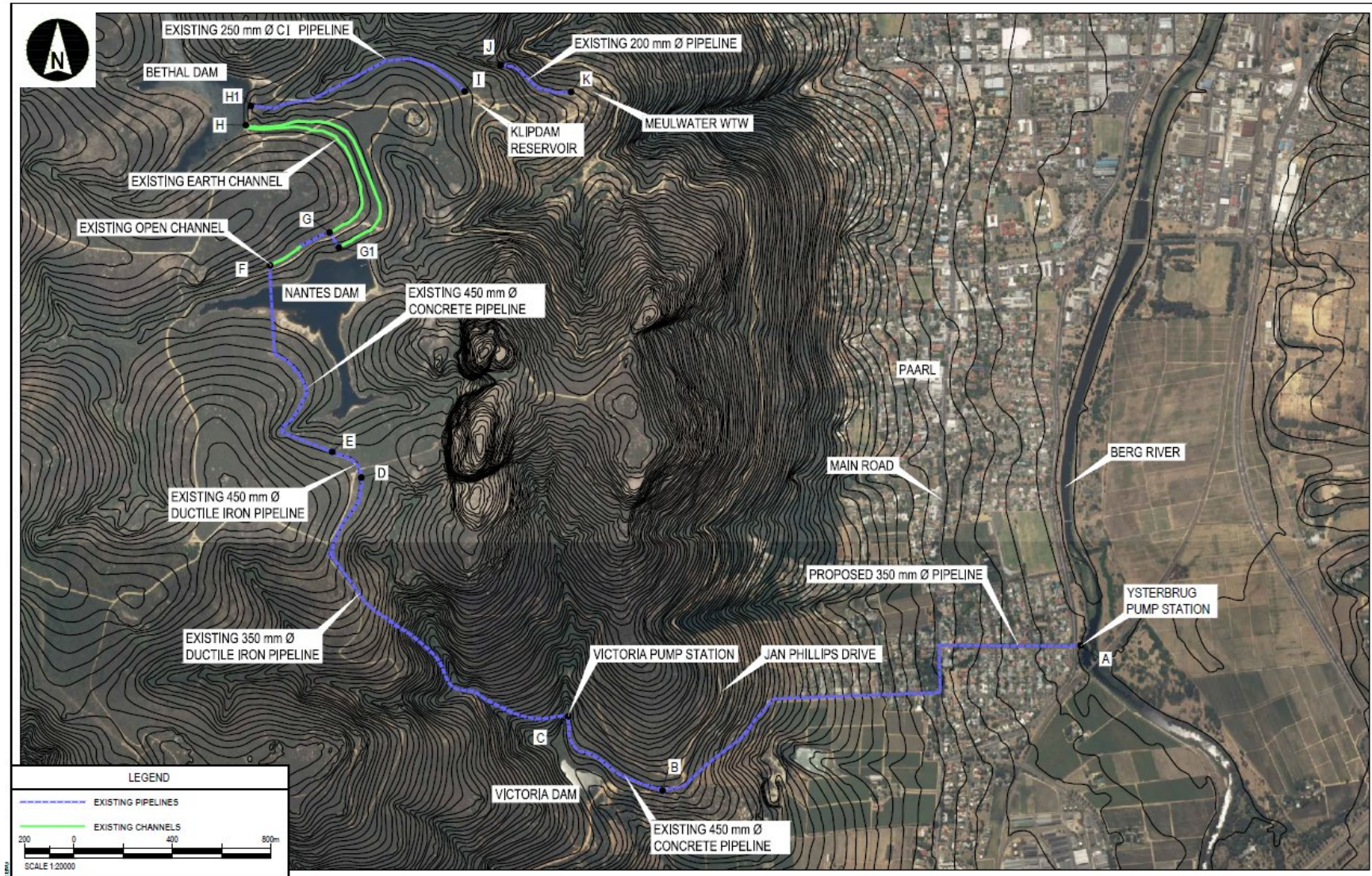
Due to annual funding constraints, the project will need to be completed over various phases as follows:

- Ysterbrug to top of Enslin Street (A - A1);
- Top of Enslin Street to Victoria Pump Station (A1 - B);
- Bethel Dam to Klipdam and Spring to Meulwater WTW (H1 - I), and (J - K);
- The concrete gravity pipes (E - H).

These four phases combined, could take up to three years to complete depending on budget approvals by the Municipality.

3.1 Pipeline Routes

Technical information and layouts are shown in Figures 2 and 3. Figure 3 particularly shows the sections of pipeline that will be upgraded.



LEGEND

EXISTING PIPELINES

EXISTING CHANNELS

SCALE 1:20000

0 200 400 800m

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MUNICIPALITEIT • MUNICIPALITY • UMASHALE WASE

REV	DATE	REVISION DETAILS	APPROVED
B	22-08-12	NODES ADDED	S VD MERWE
A	28-08-12	FOR INFORMATION PURPOSES ONLY	S VD MERWE

DRAWN	DESIGNED	PROJECT
C RUNGAH	I GASANT	YSTERBRUG / PAARL MOUNTAIN
CHECKED		
C WRIGLEY		
APPROVED	DATE	
	PH ENG 30/2/24	

TITLE
SITE LAYOUT EXISTING SCHEME

PRELIMINARY NOT FOR CONSTRUCTION	
PROJECT No.	106258
SCALE	1:20 000
DRAWING No.	REV 34
FIGURE 1	B

Figure 2: Features and technical specifications of water infrastructure on and around Paarl Mountain

4. LEGISLATION

Of particular importance is the Proclamation document (No 1616, 25 October 1963, see below) and the Paarl Mountain Act (No 83 of 1970) and Paarl Mountain Amendment Act (No 125 of 1984) (Appendix 2).

DEPARTMENT OF EDUCATION, ARTS AND SCIENCE.

No. 1616, 25 October 1963.

PROCLAMATION OF A MONUMENT

I. By virtue of the powers vested in me by sub-section (1) of section eight of the Natural and Historical Monuments, Relics and Antiques Act, 1934 (Act No.4 of 1934), as amended, I hereby proclaim the Mountain Commonage, Paarl, to be a monument.

DESCRIPTION.

The Mountain Commonage; Paarl, being Erf No. 1, Paarl, as shown in Diagram No. 397/1837, attached to Grant Stel. Fr.3-7.

AESTHETIC INTEREST.

The area is proclaimed in order to ensure the preservation of its outstanding natural beauty.

II. By virtue of the powers vested in me by sub-section (1) of section thirteen of the said Act; the following by-laws in respect of the declared area are approved hereby:-

No major schemes of afforestation or removal of trees, shrubs or other vegetation and no construction of buildings, roads or paths on Paarl Mountain shall be undertaken without the written consent of the Commission: Provided that this prohibition shall not apply to-

- (1) any measures considered necessary by the Town Council of Paarl for the prevention or control of fires;*
- (2) the routine planting, thinning and felling of trees and the clearance of dead or noxious trees, shrubs, weeds and other vegetation and the undertaking of minor improvements by the Town Council of Paarl;*
- (3) any measure considered necessary by the Town Council of Paarl for the development. Control, utilisation, operation, maintenance of its water catchment areas and the water works on Paarl Mountain;*
- (4) any measures considered necessary by the Town Council of Paarl for the development, control, utilisation, operation, maintenance or extension of the Wild Flower Reserve and of the proposed nature reserve;*
- (5) such procedure as the Town Council of Paarl may take by by-laws or otherwise, not inconsistent with these by-laws for the care and preservation of Paarl Mountain;*

M. VILJOEN, Deputy-Minister of Education, Arts and Science.

As far as can be established, the terms of the Proclamation have never been amended and it is not entirely clear how future developments on Erf 1 should be dealt with in terms of the NHRA (Act 25 of 1999). In terms of the Act, all National Monuments became Provincial Heritage sites with the exception of those where the significance warrants classification as National Heritage sites. In terms of the NHRA, Erf 1 is a Grade II, Provincial Heritage site. Baumann & Winter (2004) indicated that Section 38 of the NHRA applied when the Meulwater Water Treatment Works was built, for which an HIA was requested by HWC.

This Heritage Impact Assessment therefore serves to inform the decision-making process relating to the provisions of Section 38 of the NHRA, which provides for heritage assessments to be undertaken for certain categories of development and is being carried out as the heritage component of an EIA process. In this regard, the authorising agency for the EIA process, i.e. DEAD&P is technically required to consult with HWC and obtain their comment before granting approval.

The scope of work for this assessment is informed by the minimum requirements of Section 38 (3) of the NHR Act, and involves:

- The identification and mapping of all heritage resources in the area affected by the proposed development;
- An assessment of the significance of such heritage resources;
- An assessment of the negative and positive impacts of the development on such resources relative to the sustainable social and economic benefits to be derived from the development;
- The results of consultation with Interested and Affected Parties (I&APS) regarding the impact of the development on heritage resources;

- If heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- Plans for mitigation of any adverse effects during and after the completion of the proposed development.

Notwithstanding the exemptions in the Proclamation, the status of Erf 1 as a Nature Reserve places severe restrictions on the activities of the Municipality on Paarl Mountain.

5. BACKGROUND TO WATER WORKS ON THE MOUNTAIN

In 1838, 3380 morgen (2 895 ha) (Erf 1) was granted to Daniel van Ryneveld, and his successors, as the principal magistrate of the District of Paarl as commonage to be used for the benefit of the inhabitants of Paarl. Although Paarl Municipality was founded in 1840, it was only from 1882 that it took over control of the Mountain.

Since the late 1840's the link between Paarl Mountain and the supply of water to the village was established. A small reservoir (unknown) was built, which by 1869 was deemed insufficient. In 1881 the construction of the Victoria Dam was started and after 10 years, the capacity of the dam had to be increased to meet the increasing demand for water. Between 1890 and 1912, the Nantes and Bethel dams were built. In 1947 Nantes Dam was enlarged and the Bethel Dam was upgraded in the 1990's. (Clift 2004).

For at least the last 60 years, water has been pumped from the Berg River via the Ysterbrug Pumping Station to augment water supplies into the various dams on the mountain. The construction of the Meulwater Water Treatment Works at Pienaarskamp formed the basis of a Heritage Impact Assessment which highlighted a number of objections to the scheme in a Provincial Heritage site.

6. PREVIOUS ARCHAEOLOGICAL/HERITAGE WORK ON AND AROUND PAARL MOUNTAIN

No known archaeological work has been conducted on Paarl Mountain, although I believe that some years ago, Mr Royden Yates reported informally the presence of Middle Stone Age artefacts under granite boulders at an unknown location/s on the southern edge of the Mountain. Halkett and Hart (1994) reported that a number of MSA bifacial points were on display at the Landskroon farmstead, although the precise origin of those artefacts was also not indicated. Early Stone Age artefactual material is common in agricultural land around the base of the Mountain however, and notable observations by the author are at Van Wyks River and Rhebokskloof Estate to the south and north of the mountain respectively. A comprehensive survey of Paarl Mountain Reserve would surely indicate the presence of Stone Age people on the mountain.

More recently, the construction of the Meulwater Water Treatment Works required the preparation of a Heritage Impact Assessment to consider the Heritage indicators and suitability of the facility within the Nature Reserve and proclaimed Heritage Site (Baumann and Winter 2004). Included in the HIA was a short background history of the area compiled by Harriet Clift. This background places the various dams and water infrastructure in broad context and has been useful in preparing this impact assessment. It has not been possible to establish accurately the precise ages of the existing pipes and "manholes".

Webley (2008) undertook a Heritage Impact Assessment for the development of new offices at the Afrikaans Language Monument. As this was largely an assessment to address visual concerns within the transformed site, no additional archaeological observations were forthcoming from that study.

7. FINDINGS

7.1 Methodology

Pipe layouts and technical specifications were supplied by Holland and Associates. Fieldwork was undertaken on the 30th November 2012 when each of the proposed routes was inspected on foot.

Cognisance was taken of the fact that in most instances, the upgrade of pipes will be within existing footprints.

7.2 Restrictions

As the pipeline routes have been regularly brushcut over the years, access to all the routes was relatively easy. In places, such as around the spring (J), thick bush prevented close observation of the stream channel. Parts of the route B - A1 was also difficult to access due to vegetation where the pipeline is elevated above the ground surface. These restrictions do not however affect our overall conclusions.

7.3 Pre-colonial archaeological sites

Despite walking most of the routes in their entirety (except for sections where the pipe lies below tar roads such as Enslin, Perold and Treurnicht Streets), virtually no stone age artefactual material was observed. Stone Age observations were limited to a single "Levallois" type core on the path alongside the B - A1 route (Plate 17), and a single MSA type convergent flake on a pathway off one of the pipeline routes.

7.4 Sites and features related to water infrastructure

In most instances, features along the upgrade routes consisted of the pipes themselves (often partially exposed at the surface), and manholes of various types, usually constructed from brick/stone and mortar. In some cases, manhole covers were missing, while others had cast iron covers in place. Some were covered by concrete slabs. These manholes appear to have variously functioned as inspection points, covers for valves and places where changes from one type of pipe to another could be facilitated, or changes in angle could be achieved. In places, iron "props" were used to elevate the pipes above the ground in order to cross obstacles such as granite outcrops and/or streams. In places, simple open earth furrows are used to channel water, and may indicate some of the earliest features used for directing water from the dams.

A small structure made from dressed granite blocks (approx 3.5 x 3.5 m) is found some 80 meters west of the Meulwater Water Treatment building (Plates 1,2). As it was mostly filled with old tin cans, it was not possible to observe the floor in order to determine if it may have functioned as a pumping station or to house control valves. It is not dissimilar in style to the structure at the Klipdam Reservoir (Plate 3). Both structures lie on a section of pipeline that is not part of this upgrade.

There was clear evidence of ongoing maintenance and replacement of sections of the pipes over the years. Old fragments of broken pipe were abandoned alongside the routes in several places. Many of the existing exposed concrete pipes are damaged. Many are cracked, and in some places sections are missing entirely, or severely damaged, leaving no doubt as to why the upgrade is required. Pipes are primarily of cement, and some sections are of "ductile iron" where pressures require much stronger material. Asbestos cement (?) piping was noted in one area (Plate 5).

Clive Wrigley from Aurecon responded that the existing pipes have been there for approximately 100 years, but we have not been able to verify this fact independently from documentary sources. Nantes and Bethel Dams were built between 1890 and 1912 and so if the infrastructure were original, it would be about that age. Mr Knaggs from the Drakenstein Municipality has indicated that much of the infrastructure was installed around 1936, but many records have been lost over the years and the precise details can no longer be determined. He also indicated that upgrades and maintenance have occurred over the years.

The positions of the "manholes" were recorded with GPS and each photographed (except where the style was repeated). These are listed and described in Table 1 below.

No heritage sites were located or recognised along sections of pipeline within the urban context of the site to the east of the mountain.

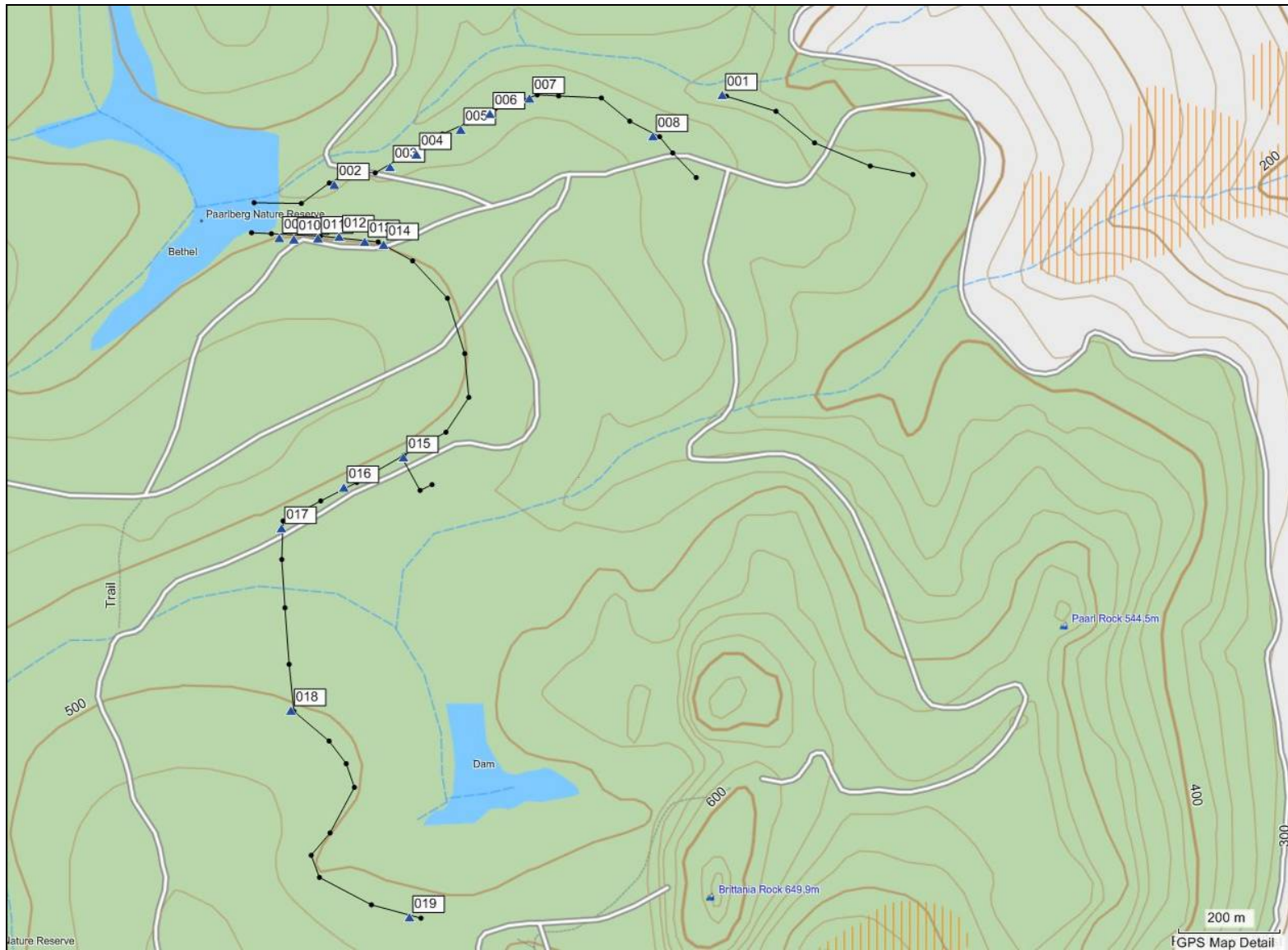


Figure 4: Manholes located on the northern pipeline upgrade sections (waypoint numbers refer to manhole positions)

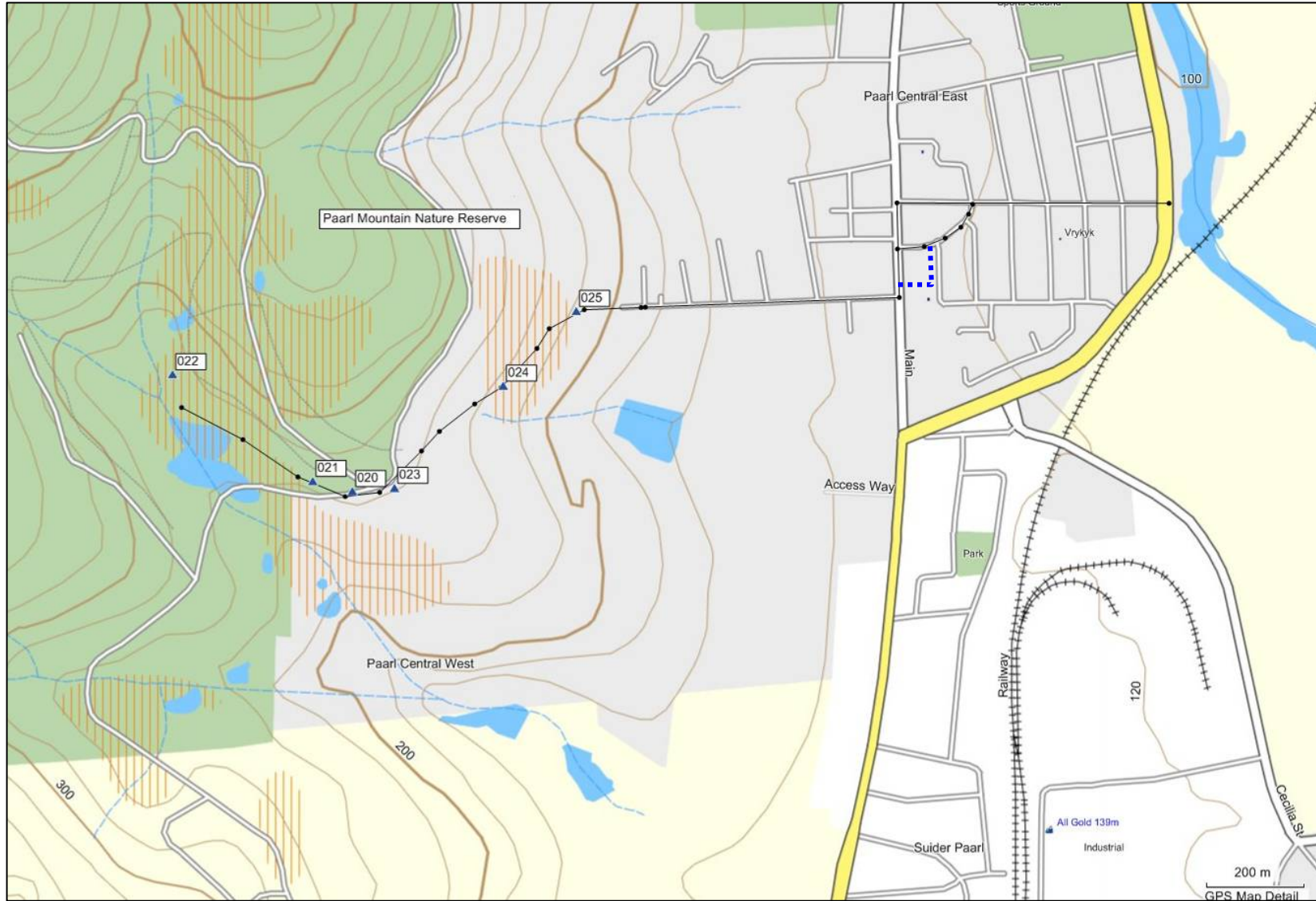











Figure 5: Manholes located on the southern pipeline upgrade sections (waypoint numbers refer to manhole positions). Blue dotted line to the east of the Main Rd indicates and alternative route for the pipeline.

Table 1: positions, types, and locations of manholes and other heritage features along existing pipeline routes

Waypoint	Lat Dec Deg S	Lon Dec Deg E	Photo	Type	Comment
002	33.73255700	18.93388400	3870		Manhole with modern valve - cover missing.
003	33.73224600	18.93507900	3873		Manhole with small cast iron cover (stopcock?)
004	33.73202600	18.93564400	3874		Manhole with modern valve - cover missing
005	33.73159300	18.93659400	3875		Manhole with small cast iron cover (stopcock?)

Waypoint	Lat Dec Deg	Lon Dec Deg	Photo	Type	Comment
006	33.73131500	18.93722100	3877		Manhole with modern valve - cover missing
008	33.73170900	18.94071600	3880		Manhole with cast iron cover
009 010 011 012 013 014	33.73348900 33.73351300 33.73349300 33.73346800 33.73355400 33.73360700	18.93270600 18.93301900 18.93353600 18.93399000 18.93453600 18.93494200	3885		Manhole with concrete cover with wire loop lifting points
015	33.73733000	18.93536700	3891		Open pit with sluices to take feed to Nantes Dam and other flow towards Victoria-Nantes pipeline
017	33.73857100	18.93275300	3894		Manhole with cast iron cover

Waypoint	Lat Dec Deg	Lon Dec Deg	Photo	Type	Comment
018	33.74176100	18.93295600	3897		Manhole with cast iron cover
019	33.74538100	18.93549700	3899		Brick pit with multi concrete slab cover - to convert from concrete to ductile iron pipe
020	33.75769600	18.94986400	3902		Manhole with cast iron cover
021	33.75751200	18.94897900	3903		Manhole with cast iron cover

Waypoint	Lat Dec Deg	Lon Dec Deg	Photo	Type	Comment
022	33.75556800	18.94584900	3904		Manhole with cast iron cover
023	33.75763800	18.95080400	3909		Manhole with round cast iron cover
025	33.75441500	18.95486300	3914		Manhole with cast iron cover
007	33.73104600	18.93806900	3878		Piece of cast iron pipe next to existing pipeline
001	33.73098700	18.94220100		Bush too thick to photograph	Spring

8. IMPACT ASSESSMENT

The assessment considers the nature of the upgrade and the effects of construction and ongoing maintenance during the implementation on heritage aspects of the landscape, in this case limited primarily to the structures relating to water infrastructure, as the Stone Age archaeological remains have been determined to be almost non-existent along the pipeline route. The nature of the impact will therefore be the removal/demolition of existing “historical” water infrastructure and re-use of the existing pipeline footprint. Impact is based on the heritage significance of the existing structures. The impacts are summarised in Table 2.

8.1 No go option

The “no go” option will maintain the status quo and significant impact will be avoided. The no go option may result in ongoing natural degradation of the infrastructure and increasingly unsightly structural remains littering the mountain. Erosion may increase as a result of damaged pipes.

8.2 Direct impacts

Removal/demolition of existing “historical” water infrastructure and re-use of the existing pipeline footprint during the construction phase. All impact is expected to occur at the construction phase and the operational phase will maintain and keep visible the historical pipeline route.

8.3 Indirect impacts

If heritage objects are removed during the construction phase and are displayed within the Paarl Mountain Nature Reserve, it should be at one of the existing structures, so as not to add to existing clutter. No other indirect impacts can be foreseen.

8.4 Cumulative impacts

Ongoing maintenance of the infrastructure over the years has probably resulted in an impact to the existing resources. The upgrade will result in a significant impact after which no further impact will be likely.

8.5 Mitigation

The proclamation of Erf 1 as a monument specifically excludes “any measure considered necessary by the Town Council of Paarl for the development, control, utilisation, operation, maintenance of its water catchment areas and the water works on Paarl Mountain”.

Although the historical water infrastructure demonstrates the manner in which water on the mountain was utilised for public benefit, the features that make up the system do not demonstrate any particularly unique characteristics, and *in situ* conservation is not suggested. In my opinion, insistence on such conservation would lead to increased disturbance of, and clutter on the mountain, and impede the efficient upgrade of the pipeline in the existing pipeline footprint.

The historic pipeline route will however continue to be used and commemorated, albeit in a modified way. Manholes and remaining cast iron manhole covers could be re-used (if feasible) on the new pipeline, or collected and displayed alongside examples of the different types of pipes that have been used to channel water over the years. A photographic record should be made of the items *in situ* prior to removal.

The Meulwater WTW has been suggested as an appropriate venue, in line with the display of water infrastructure related artefacts on Table Mountain. Diagrams indicating context of heritage objects would assist public interpretation. An explanation of the origin and use of water from the mountain over the years would be a useful background.

The granite building (pump station/valve room) to the west of the Meulwater WTW, although not strictly part of this upgrade, must be retained, and the area around it, cleaned and rehabilitated. Tin cans should be removed from the interior and recycled. Some indication of its use would be useful for the public.

The Drakenstein Municipality should nominate an appropriate representative to oversee the collection of heritage objects.

8.6 Permits

In terms of the proclamation it would seem permits are not required to undertake the work. This was also the finding of the heritage specialists who compiled the HIA for the Meulwater WTW (Baumann and Winter 2004). HWC have been notified of the project via the NID submission and have not requested additional studies or requirements.

This report, and indication of the intention to display the removed heritage objects could be submitted to HWC for the record.

9. CONCLUSIONS

9.1 Archaeology

No significant pre-colonial archaeological material was observed along any of the upgrade routes and no impact on such material is anticipated.

9.2 Built Environment

It has been suggested that water-related features on the mountain such as “manholes” and the pipes themselves have heritage value. As it is difficult to precisely determine the age of the features, it is difficult to determine what should, or should not be preserved. As the Nantes and Bethel Dams are known to have been built between 1890 and 1912, it is presumed that at least some of the infrastructure dates from that time, or later. Mr Knaggs from Drakenstein Municipality has indicated that much of the construction was undertaken around 1936 and has been subject to ongoing maintenance since.

While some of the features are likely to be older than others and having looked at the structures on the ground, it cannot, in my opinion be argued that these features are unique or of such significance that they warrant conservation *in situ*. This will in any event be difficult particularly if the exact pipe footprints are to be re-used when the upgrade occurs. The historic pipeline route will continue to be used albeit in a modified way.

Cast iron manhole covers that still remain could be re-used if feasible, or removed and displayed alongside examples of the different types of pipes that have been used to channel water over the years. It has been suggested that the Meulwater WTW as an appropriate venue for such a display, in line with the display of water infrastructure related artefacts on Table Mountain.

If it were possible to preserve some of the manholes, so be it, but this may contribute to additional “clutter” on the mountain. The granite building (pump station) to the west of the Meulwater Treatment plant must however be retained, and the area around it, cleaned and rehabilitated. Tin cans should be removed from the interior and recycled.

9.3 Consultation

Heritage bodies are aware of the project but have not submitted comments to Holland and Associates in terms of the Basic Assessment process as yet (Nicole Holland, pers com).

Mr Guus Molenaar, wrote and commented that cast iron pipes should be retained where serviceable and had no objection to the proposed upgrade.

Table 2: Impacts on heritage resources during the construction phase

Resource	Nature of impact	Extent of impact	Duration of impact	Intensity	Probability of occurrence	Status of the impact	Degree of confidence	Significance (before mitigation)	Significance (after mitigation)	Reversibility
No Go - existing resources	Ongoing slow degradation of historic water infrastructure due to natural and man-made processes	local	long term	low	probable	negative	medium	low	n/a	n/a
Stone Age Archaeological resources	Additional disturbance to stone age resources resulting from pipeline upgrade	local	short term	very low	improbable	neutral	high	very low	n/a	n/a
Built environment - historic water infrastructure	Removal of most historic water infrastructure due to re-use of existing pipeline footprint	local	permanent	high	highly probable	negative	high	high	low	irreversible
<p>Impacts of the upgrade will only be experienced at the construction phase on the historical infrastructure, after which the heritage resources will have been replaced by modern equivalents, albeit in the historic pipeline footprint which will remain in use. The actual physical pipeline and associated infrastructure can be mitigated by identifying, photographing and collecting of representative examples of different pipeline types and manhole covers, and display at one of the existing water treatment facilities on the mountain. The existing physical water infrastructure objects are considered to be of low heritage significance (Grade IIIC) at best. These are not unique objects. Therefore, despite a negative status and high significance (before mitigation), in heritage terms, the impact is considered to be low if the suggested mitigation is implemented.</p>										

Mr James Knaggs of the Drakenstein Municipality suggested that there should be a pre-emptive plan for what to do with heritage relics. He has been consulted with respect to the age and significance of the various historic water infrastructure features.

10. RECOMMENDATIONS

Despite the fact that technically Paarl Mountain became a Grade II Provincial Heritage Site in terms of the NHRA of 1999, the by-laws attached to the declaration of Paarl Mountain specifically mention (clause 3) that a permit will not be required for “any measures considered necessary by the Town Council for Paarl for the development, control, utilisation, operation or maintenance of its water catchment areas and the water works on Paarl Mountain.

In terms of this by-law, this proposed upgrade of water infrastructure on Paarl Mountain is considered to be exempt from a permit of approval from HWC (see also Baumann and Winter 2004).

In the spirit of preserving the heritage of the mountain, there can be no reason why certain features relating to water provision cannot be preserved as suggested in this report, where feasible, either *in situ* or by collection and display at an appropriate venue on the mountain, should this be the wish of the Municipality.

11. REFERENCES

Baumann, N. & Winter, S. 2004. Paarl Mountain Water Treatment Works, Phase 1 Heritage Assessment. Unpublished report prepared by Baumann & Winter Heritage Consultants.

Clift, H. Historical overview of Paarl Mountain. (in Baumann, N. & Winter, S. 2004)

Halkett, D. & Hart, T. 1994. Archaeological survey of four dam sites in the Paarl/Wellington area. Unpublished report prepared for Ninham Shand. Archaeology Contracts Office, UCT

Halkett, D. 2012. Archaeological impact assessment proposed development of Rhebokskloof (Farm 1276, 1277, 1450 and 382/5), Paarl, western Cape Province. Unpublished report prepared for Nicholas Bauman on behalf of Rhebokskloof Properties (Pty) Ltd. ACO Associates cc

Kaplan, J.M. 2005. Phase 1 Archaeological Impact Assessment Proposed Housing Development on the Farm Diamant Paarl. An unpublished report by the Agency for Cultural Resources Management.

Macdonald, D. & Emms, P. 2012. Botanical Assessment and Rehabilitation Plan for the proposed upgrading of the Paarl Mountain Water Pipeline and Ysterbrug Pumping Main, Drakenstein Municipality. Unpublished report prepared for Aurecon (Pty) Ltd. Bergwind Botanical Surveys & Tours CC.

Webley, L.E. 2008. Phase One Heritage Impact Assessment: Office Development at Afrikaans Language Monument, Paarl, Drakenstein Municipality, Western Cape. An unpublished report by the Archaeology Contracts Office, UCT.

Minutes of meeting: proposed upgrading of the Paarl Mountain and Ysterbrug Pumping Mains, Paarl, western Cape: 1st key stakeholder meeting for the basic assessment process (pre-application phase). 3 October 2012 Drakenstein Municipality (Paarl).



Plate 1: View towards the Meulwater WTW with a small structure built of granite in the foreground. The small building may have served as a pump station/valve house and still lies over an in use pipeline (though not affected by the current upgrade). **Plate 2:** The north face of the granite building. **Plate 3:** A structure of similar dimension and style encapsulated within the Klipdam Reservoir precinct.



Plate 4: Partially exposed gravity feed concrete pipe sections between the Nantes and Bethel Dams. **Plate 5:** Exposed asbestos cement (?) pipe en route to the spring. **Plate 6:** A section of abandoned iron pipe at waypoint 007. **Plate 7:** Sections of iron pipe are elevated above granite outcrops en route to the Ysterbrug pump station.



Plate 8: The wall of the Bethal Dam. **Plate 9:** The Nantes Dam. **Plate 10:** A pipeline crosses beneath the water of the Nantes Dam



Plate 11: The Victoria Pump station. **Plate 12:** The Ysterbrug Pump station **Plate 13:** The view down Enslin Street.



Plate 14: The view down Perold Street. **Plate 15:** An alternative pipeline route will be placed across Erf 9399 adjacent to the buildings in the background of the photograph. **Plate 16:** Looking up Treurnicht Street from Ysterbrug Pump station



Plate 17: A large “Levallois” type core found on a pathway en route to the Ysterbrug Pump station (wpt 024 - S33.75577500 E18.95323100)

APPENDIX 1

Enquiries Jenna Lavin
Tel: 0214839685
Email: jenna.lavin@pgwc.gov.za

Date: 24 October 2012
Case No: 121011JL13E
Auto IDs: 2044 - 2176



RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP
In terms of section 38(8) of the National Heritage Resources Act (Act 25 of 1999)
and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

Attention: Ms Nicole Holland
Holland and Associates
PO Box 31108
Tokai
7966

CASE NUMBER: 121011JL13E

NID: PROPOSED UPGRADING OF THE PAARL MOUNTAIN AND YSTERBRUG PUMPING MAINS ON ERF 1, PAARL

The matter above has reference.

Your NID received on 12 October 2012 was tabled and the following was discussed;

1. The application is for the proposed upgrade of two pumping mains to increase the pumping capacity of the Berg river
2. Erf 1 is a declared PHS (1963) for its exceptional natural beauty
3. An HIA (2004) was completed by Bauman and Winter for Paarl Mountain (Erf 1)
4. A permit is not required for any measures considered necessary for the maintenance of its water catchment areas according to the relevant by-law.
5. Some localised visual impact is anticipated
6. Localised impact to stone age archaeological material is anticipated
7. The site is not palaeontologically sensitive

Decision

You are hereby notified that, since there is no reason to believe that the proposed development will impact on significant heritage resources, further processes under Section 38 of the National Heritage Resources Act (Act 25 of 1999) do not apply.

Terms and Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for the proposed work.
2. If any heritage resources, including archaeological material, palaeontological material, graves or human remains, are encountered work must cease and they must be reported to Heritage Western Cape immediately.
3. Heritage Western Cape reserves the right to request additional information as required.

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

Yours faithfully

Andrew B Hall
Chief Executive Officer
Heritage Western Cape

APPENDIX 2

**PAARL MOUNTAIN ACT
NO. 83 OF 1970**

[ASSENTED TO 30 SEPTEMBER, 1970]
[DATE OF COMMENCEMENT: 13 OCTOBER, 1970]

(Afrikaans text signed by the State President)

as amended by

[Paarl Mountain Amendment Act, No. 125 of 1984](#)
Constitution of the Republic of South Africa, No. 200 of 1993
[with effect from 31 October, 1994—see Proclamation No. R.165 of 1994.]

ACT

To provide for the transfer of the ownership in certain land to the Paarl Municipality for certain purposes and the expropriation of certain rights in such land, to empower the said Municipality to donate a portion or portions of the said land to the State for the purposes of a language monument, and to provide for other incidental matters.

Preamble.—WHEREAS a certain piece of land known as the Paarl Mountain (at present Erf No. 1, Paarl), in extent 3,380 morgen, was by Deed of Grant (Stellenbosch Freehold 3-7) dated the 2nd December, 1838, granted in freehold to Daniel van Ryneveld and his successors in office as principal magistrates of the district in which the Paarl then was or may thereafter be placed, as a commonage for the use and benefit of the inhabitants of that village and of the field cornetcy of "Behind the Paarl", subject to conditions reading as follows:

"That no person, who has a right to send his cattle to the Mountain shall be permitted to send any other cattle than are *bona fide* his own to graze there under a penalty of three pounds sterling for each transgression — the land now granted is bounded on all sides by private property, as will further appear by the chart framed by the Surveyor, and with full power and authority henceforth to possess the same in perpetuity, subject however to all such duties and regulations as are either already or shall in future be established with regard to such lands, also that the proprietor of the 'Paarl Mill' shall as heretofore retain his claim to the 'Mill Water' rising on this Land.":

AND WHEREAS the Paarl Municipality has exercised control over the said commonage since 1882 under the powers conferred upon it by law:

AND WHEREAS the said Municipality has for a considerable time striven to develop the said commonage as a nature reserve and pleasure resort, not only for the inhabitants of the Paarl but also for all other inhabitants of the Republic:

AND WHEREAS the said Municipality will be able to develop the said commonage properly as a nature reserve only if the ownership therein is vested in it and certain rights therein are expropriated:

AND WHEREAS at present only a few persons exercise rights in respect of the said commonage, and it is desirable to protect certain rights:

AND WHEREAS it is expedient to provide for the transfer of the ownership in the said commonage to the said Municipality and for the expropriation of certain rights therein:

AND WHEREAS a portion or portions of the said commonage are required for the purposes of a language monument:

AND WHEREAS it is expedient to provide that, with certain exceptions, the said commonage shall be used only as a nature reserve, and not alienated:

AND WHEREAS it is expedient to provide for other incidental matters:

1. Definitions.—In this Act, unless the context otherwise indicates—

"**commonage**" means a certain piece of land known as Paarl Mountain (Erf No. 1, Paarl), in extent 3,380 morgen, as more fully described in Deed of Grant (Stellenbosch Freehold 3-7) dated the 2nd December, 1838;

"**Minister of Community Development**" means the competent authority within the government of the Province of Western Cape to whom the administration of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), been assigned.

[Definition of "Minister of Community Development" inserted by Proclamation No. R.165 of 1994.]

"**municipality**" means the Paarl Municipality.

2. Transfer of rights to municipality.— (1) The ownership in the commonage and all other rights therein, except any right possessed by any person other than the municipality on the 30th November, 1966, to water or water works on the commonage or to maintain such water works, are hereby transferred to the municipality: Provided that this subsection shall not be so construed as to deprive any person, who on the said date used water on the commonage or derived from the commonage, of such use.

(2) The Registrar of Deeds at Cape Town shall give effect to the transfer referred to in subsection (1) in such manner as he may deem most practicable and convenient.

(3) Subject to the provisions of subsections (1) and (4) and section 2A, the municipality shall not alienate the land transferred to it in terms of this section, and may use it only as a nature reserve.

[Sub-s. (3) substituted by s. 1 (a) of Act No. 125 of 1984.]

(4) The municipality shall, by way of donation, transfer to the State for the purposes of a language monument a portion or portions of the said land designated by the Minister of Community Development from time to time.

[Sub-s. (4) amended by s. 1 (b) of Act No. 125 of 1984.]

(5) On transfer of such portion or portions to the State all rights retained by any person in respect of such portion or portions by virtue of the provisions of subsection (1) shall lapse.

(6) Notwithstanding the provisions of this section the municipality shall not enlarge existing water works or construct new water works on the commonage without the prior consent in writing of the said Minister.

(7)

[Sub-s. (7) deleted by s. 1 (c) of Act No. 125 of 1984.]

2A. Letting and hiring of certain portions of commonage.— (1) In this section— "fixed date", in relation to the owner of adjoining land referred to in subsection (2), means—

a. if he is a party to a dispute of which notice has been given to the municipality in terms of subsection (4), the date 180 days after the date on which the arbitration tribunal's final award in the dispute is delivered according to law;

b. if he is not a party to such a dispute, the date 180 days after the date on which the Paarl Mountain Amendment Act, 1984, comes into operation;

"remnant of land" means any portion of the commonage which, on the date on which the Paarl Mountain Amendment Act, 1984, comes into operation—

a. does not fall within the boundaries of the Paarl Mountain Nature Reserve as described in *Provincial Notice* P.N. 1/1977 in *Official Gazette* No. 3924 of 7 January 1977 of the Province of the Cape of Good Hope; and

b. has not been transferred to the State in terms of section 2 (4);

"the agreement" means the agreement of which a translation is set out in the Schedule.

(2) The owner of the land which has a common boundary with any remnant of land and which does not belong to the State or the municipality (hereinafter referred to as adjoining land) is, subject to the provisions of subsections (3) and (5), entitled to hire—

a. if his land is the only adjoining land in relation to the remnant of land in question, that remnant of land; or

b. if his land is not the only adjoining land in relation to that remnant of land, the portion of that remnant of land determined and allotted to him *mutatis mutandis* in accordance with clause 4 of the agreement, from the municipality—

i. for a period expiring 32 years after the fixed date;

ii. at a rental of 25 cents per annum, and, in the case of arable land, at a rental of R100 per hectare per annum: Provided that the latter rental shall be adjusted every three years to the extent of 50 per cent of the average percentage change over the preceding three years in the consumer price index published by the Central Statistical Services of the Republic; and

iii. *mutatis mutandis* in accordance with the other terms and conditions contained in clauses 4, 5, 6, 7, 8 and 9 of the agreement.

(3) If the owner of adjoining land wishes to exercise the right conferred upon him by subsection (2), he shall, before or on the fixed date, serve on the municipality by sending by registered post to or otherwise lodging with the Town Clerk of Paarl—

a. a notice, signed by or on behalf of the owner, that he wishes to hire in terms of that subsection the remnant of land or the portion of a remnant of land, as the case may be, in respect of which the right is conferred;

b. a diagram, approved by the surveyor-general, of the remnant of land or portion of a remnant of land in question;

c. a draft of the lease proposed by him for the hiring.

(4) An owner of adjoining land who is a party to a dispute which has been referred to arbitration in terms of clause 4 of the agreement as applied by this section, shall before or on the date 180 days after the date on which the Paarl Mountain Amendment Act, 1984, comes into operation, give notice in writing to the municipality, by sending such notice by registered post to or otherwise lodging it with the Town Clerk of Paarl, that he is a party to such dispute.

(5) The right conferred on the owner of adjoining land by subsection (2) shall lapse if he fails to comply with the provisions of subsection (3) or (4), and no owner of land adjoining the commonage shall by virtue of the agreement have any right to hire any portion of the commonage save as provided in this section.

[S. 2A inserted by s. 2 of Act No. 125 of 1984.]

3. No compensation payable.—No compensation shall be payable to any person by virtue of the transfer contemplated in section 2.

4. Short title.—This Act shall be called the Paarl Mountain Act, 1970.

Schedule

[Schedule added by s. 3 of Act No. 125 of 1984.]

Memorandum

Of an agreement entered into between

the Municipality of Paarl, herein represented by ALFRED ROBERT KING and WILLEM JACOBUS WAGENAAR in their respective capacities as Mayor and Town Clerk duly authorized thereto in terms of a resolution by the Town Council dated 25 February 1969 (hereinafter referred to as the Town Council)

And

the owners of the land bordering on the outer boundary of Erf No. 1, Paarl, known as Paarl Mountain, as defined in Crown Grant (Stellenbosch, Freehold 3-7) dated 2 December 1838, herein represented by the Petitioners to Parliament, namely JAN MARTINUS KIRSTEN, owner of the farm Irene, JACOBUS JOHANNES CHRISTOFFEL JANSEN VAN VUUREN, Director of Leeuwenjacht (Pty) Limited, and SYBRAND STRAUSS VAN WYK, attorney of Paarl, duly authorized thereto as set out in the Petition to Parliament (hereinafter referred to as the Owners).

WHEREAS the Town Council and the Owners regard it as expedient that the disposal of Paarl Mountain be determined by legislation;

AND WHEREAS the Town Council and the Owners are unanimous that Paarl Mountain be transferred in ownership to the Municipality of Paarl subject to the protection of certain rights and interests of the Owners;

AND WHEREAS the Town Council and the Owners desire that the conditions in respect whereof unanimity has been reached be embodied in a written agreement, which document shall be accepted as a supplement to the proposed legislation.

BE IT WITNESSED AS FOLLOWS:

1. That the Honourable the Minister of Agricultural Credit and Land Tenure be courteously advised that the Paarl Mountain Disposal Bill, as amended by the Select Committee, is accepted by the two parties provided the following further amendments thereto be effected, namely—

a. that the word "grazing" in paragraph 2 (1) be deleted; and
b. that the prohibition in respect of the alienation of the land and the exclusive use thereof as a nature reserve may, for the purposes of paragraph 3 hereof, be lifted subject to the approval of the Administrator.

2. That the Town Council shall, as soon as the Act comes into force, determine the boundaries of that portion of Paarl Mountain which will be proclaimed a nature reserve in terms of the Nature Conservation Ordinance, No. 26 of 1965, and that the demarcation shall be submitted to the Administrator for approval.

3. That the portion of Paarl Mountain that does not fall within the boundaries of the nature reserve shall, subject to the approval of the Administrator, be let to the owners of adjoining farms for a period of 50 years at a rental of 25c (twenty-five cents) per annum.

4. That the Owners shall mutually and at their own cost arrange and obtain the division of the land that may be hired from the Town Council, the survey thereof and the registration of the leases. For the division amongst the adjoining owners the following provisions shall apply:

- a. The appropriate boundary lines of the original grants of the adjoining properties shall be extended in a straight line until they meet the said nature reserve.
- b. Should there be two or more adjoining owners in the particular area, they shall mutually determine which portion each may hire.
- c. In the absence of such an agreement, the dispute shall be subject to arbitration in terms of the law and the following principles shall apply:

- i. The appropriate boundary lines of the properties concerned shall be extended in a straight line up to the nature reserve and each owner shall be entitled to that portion bordering on his property.
- ii. Should the arbitrators be of the opinion that an unfair division has been brought about, taking into account the extent (of the property of the adjoining owner), the access roads to Erf 1 and the location of the existing water works of each owner, the portions shall be determined at the discretion of the arbitrators and their decision shall be final.

5. That the land thus let to the Owners shall be used for *bona fide* agricultural purposes only, provided that no buildings or structures shall be erected thereon without the permission of the Town Council and that the Owners shall eradicate all vegetation declared noxious on the leased land. The Owners shall also within a period of 3 years from the date of signature of the lease remove all foreign vegetation which in the opinion of the Town Council may have a detrimental or defacing effect on the nature reserve.

6. That the Town Council shall make the necessary application for the approval of the Administrator in respect of the exemption of the leased land from municipal rates.

7. That if an owner or his successors terminate the lease of the land or if the use thereof for agricultural purposes together with the adjoining land by the same owner is no longer possible, the leased land shall revert to the Town Council in full ownership, provided that the Town Council may allow the land to be sublet.

8. That the Town Council may not recover any contribution to the cost of fencing the nature reserve from the adjoining owners.

9. That the Town Council shall, in so far as the use of the Paarl Mountain as a nature reserve allows, provide the Owners with access to the leased land from the public roads that serve the nature reserve, if there is no convenient access from the lessee's property.

THUS DONE AND SIGNED at Paarl, this 27th day of March 1969.

WITNESSES:

1. H. D. LIEBENBERG

A. R. KING

MAYOR

2. E. I. PULLEN

W. J. WAGENAAR

TOWN CLERK

on behalf of the Town Council

WITNESSES:

1. E. W. NIEUWOUDT

J. M. KIRSTEN

2. E. I. PULLEN

J.J.C.J. VAN VUURENS

S. VAN WYK

on behalf of the Owners

**PAARL MOUNTAIN AMENDMENT ACT
NO. 125 OF 1984**

[ASSENTED TO 12 JULY, 1984]
[DATE OF COMMENCEMENT: 29 AUGUST, 1984]

(Afrikaans text signed by the State President)

ACT

To amend the Paarl Mountain Act, 1970, in order to further regulate the letting and hiring of certain land; and to provide for incidental matters.

Preamble.—WHEREAS a hybrid Bill was introduced in the House of Assembly during 1968 to transfer the land known as Paarlberg (hereinafter referred to as the commonage) to the Paarl Municipality for the purposes of a nature reserve:

AND WHEREAS owners of land adjoining the commonage, by way of a petition to the House of Assembly, dated 14 March 1968, objected to the proposed change of the ownership in the commonage and the expropriation of their commonage rights without compensation:

AND WHEREAS the select committee on the Bill recommended certain amendments thereof which in substance contemplated the preservation of grazing rights on the commonage:

AND WHEREAS the recommendation was not acceptable to the said Municipality for the reason that its intention to use the commonage as a nature reserve would have been frustrated by the preservation of the grazing rights:

AND WHEREAS the said Municipality and owners concluded an agreement on 27 March 1969 in connection with the use of the commonage as a nature reserve and the letting to such owners of such portion of the commonage as would not fall within the boundaries of the nature reserve:

AND WHEREAS the Paarl Mountain Act, 1970, was thereupon passed by Parliament, in terms of which the ownership in the commonage and all other rights therein, with certain exceptions relating to water and water works, were transferred to the said Municipality on 13 October 1970 and the Municipality established a nature reserve on a portion of the commonage and transferred another portion to the State for the purposes of a language monument:

AND WHEREAS that Act authorizes the said Municipality to let for agricultural purposes any portion of the commonage not required by it for a nature reserve or for transferring to the State, to any owner of land adjoining the commonage, as contemplated in the aforesaid agreement:

AND WHEREAS there are portions of the commonage that are not required as aforesaid by the said Municipality:

AND WHEREAS a dispute over the letting of the last-mentioned portions of the commonage and the implementation of the aforesaid agreement has arisen between the said Municipality and owners of land adjoining the commonage:

AND WHEREAS it is therefore expedient to amend the said Paarl Mountain Act, 1970, so as to make further provision for the letting and hiring of the relevant portions of the commonage and to provide for other incidental matters:

1. *Amends section 2 of the Paarl Mountain Act, No. 83 of 1970, as follows:—
paragraph (a) substitutes subsection (3); paragraph (b) substitutes in subsection (4) the words "Community Development" for the word "Agriculture"; and paragraph (c) deletes subsection (7).*
2. *Inserts section 2A in the Paarl Mountain Act, No. 83 of 1970.*

3. *Adds the Schedule to the Paarl Mountain Act, No. 83 of 1970*

4. **Short title.**—This Act shall be called the Paarl Mountain Amendment Act, 1984.