
PARTRIDGE POINT: FARM 1024
(PORTION 2) SMITSWINKEL BAY, CAPE
PENINSULA
UPDATED HERITAGE IMPACT
ASSESSMENT SECTION 38(8) NHRA



Submitted to Heritage Western Cape IARCom by Melanie Attwell, on behalf of Chand
Environmental Consultants; and Partridge Point CC.

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DECLARATION

The heritage assessment reported here was conducted by Mrs M Attwell BA (hons) HED, (Dipl ICCROM). Mrs Attwell is a member of the Association of Heritage Assessment Practitioners (AHP) and has been working as a heritage official and consultant for 30 years.

The views expressed in the accompanying report are the objective, independent views and assessments of Ms Attwell. Neither Ms Attwell nor *Melanie Attwell and Associates* have any business, personal, financial or other interest in the proposed development apart from remuneration for the work submitted.

TABLE OF CONTENTS

Executive summary

1. Introduction
2. Statutory Framework
3. Scope of Work and Methodology
4. Study Limitations

Baseline Study Phase 1

5. The Site
 - 5.1. Location
 - 5.2. Site Description
 - 5.3. Site History
 - 5.4. Structures on the site (dating and grading)
 - 5.5. Other heritage resources
6. Policy and Planning Review
7. Review of relevant reports (Partridge Point)
 - 7.1 Archaeological Baseline Study ACO 2009
 - 7.2. Visual Impact Assessment: Baseline Study and Visual Impact Assessment B Oberholzer, 2009, 2012.
 - 7.3. Botanical Baseline Study: *Bergwind* Botanical Survey and Tours, 2009
8. Statement of Cultural Significance
9. Heritage-related design informants

Heritage Impact Assessment: Phase 2

10. The Proposal
11. The Measurement of the Impact of the Proposals against the significance of the site
12. Public Consultation
13. Impact Assessment
14. Conclusions
- 15 Recommendations
- 16 Annexures
- 17 References and Acknowledgements

EXECUTIVE SUMMARY

This is a Heritage Impact Assessment for Partridge Point, a 28 ha site situated on the south eastern shores of the Cape Peninsula - False Bay coast. It is submitted in terms of Section 38(8) and is a specialist study forming part of an Environmental Impact Assessment. It is submitted to HWC for comment.

The proposals submitted have been part of an iterative process of refinement since 2005 with the express intention of maximising environmental conservation opportunities and working within the visual and scenic constraints presented by the site in order to minimise any remaining visual impact. This is particularly so because the site falls outside the urban edge and is situated on a Scenic Drive.

The Heritage Impact Assessment was undertaken in July 2012 and updated in February 2013 once the results of the public consultation process was known and assessed. In addition negotiations between the City of Cape Town and representatives of Chittenden Nicks De Villiers (CNDeV) were yet to be finalised.

This report finds that while the entire site can be considered to be visually sensitive, the steep topography means that the northern developed portion below the M4 and which protected by a low ridgeline to the south, is less so and provides a site for development of 4 low impact housing units. No development is proposed on the visually sensitive upper portion (above the M4), on any ridgelines or promontories or any site visible from the Scenic Drive. Development is proposed along the existing flat disturbed area near the existing jeep track; and on the site of the existing house which will be reconfigured.

The site contains no heritage structures or any buildings over 60 years. It contains a number of archaeological sites in the form of shell middens situated mostly within the coastal reserve. This area is not affected by the proposal. The landscape and surrounds are of considerable scenic significance as part of the Southern Peninsula “mountain to sea” landscape.

During the process of iteration the proposals have responded to informants presented by the VIA, AIA and other specialist studies. This has resulted in a very modest development proposal with a strong environmental focus and an emphasis on sustainability, landscape rehabilitation and appropriate responses to topography.

There are three options outlined in the report:

The first is the No go option. The status quo remains and there will be no further impact on archaeological sites. The land will remain in private ownership and the donation to the Table Mountain National Park will not occur. Current environmental problems will remain a financial and management burden on the owners.

The second is the “build of right option” where rights associated with the existing rural zoning will be developed. These include one large house on the site of the existing, with a manager’s cottage, two staff residences and a gatehouse/storeroom at the entrance. This option has marginally greater impact on the archaeological site close to the existing house which will be enlarged. A small cluster of buildings linked by walkways is also likely to have a greater visual impact.

The third is the preferred options, which is for 4 small cottages in their own erven, the fourth being on the existing house, reconfigured to reduce visual impact. Such buildings have been designed with the topography in mind. They respond positively to the archaeological, visual and botanical constraints of the site and indeed have been informed by them. There is a

5th erf which will comprise some 99% of the site and will be ceded to the South African National Parks Board (Table Mountain National Park) for conservation management purposes. This is a fitting and public spirited donation.

This report finds that the third or preferred option has low visual impact, adds to the value of the South Peninsula Coastal area and will ensure adequate conservation management of a scenically valuable area. The report finds that the heritage related design informants have been complied with; as have the archaeological constraints identified and the visual impact informants.

Consequently this report recommends that SAHRA and HWC provide supportive comment to the proposal (Option 3 the preferred alternative) and inform DEADP accordingly.

1. INTRODUCTION

This is a Heritage Impact Assessment for Partridge Point, a 28 ha site situated on the south eastern shores of the Cape Peninsula - False Bay coast. It is submitted in terms of Section 38(8) and is a specialist study forming part of an Environmental Impact Assessment.

The site is a unique one comprising rocky coastline rising to a mountain peak and is bisected by the Main Road or M4, a designated scenic drive. Beyond the site along the M4 lies Smitswinkel Bay, and still further south, is Cape Point. It is adjacent to the west and the north to the Table Mountain Park. Table Mountain Park is part of the designated World Heritage Site forming part of a serial listing for the Cape Floral Kingdom. The eastern boundary of the site is the Indian Ocean, half the extent of which falls within a Marine Protected Area, managed by the TMNP. The property falls within the boundaries of the Divisional Council of the Cape Zoning Scheme and is zoned rural.

Discussions and studies have been underway since 2005 regarding the future of the site, its use, conservation and possibilities for some development. There have also been discussions since 2005-2007 between the current owners and the Table Mountain National Park into the incorporation of most (99%) of the landholdings into the National Park for conservation management purposes. This amounts to a land investment of over R20m transferred from private ownership for public purposes.

In order to cross subsidise the conservation management of the remaining site, which has been adversely affected by rapid alien vegetation growth; and provide value to the land investment, it is proposed to build 4 eco-friendly housing units on the disturbed level portion near the northern boundary. One of the units will be on the footprint of the existing house which will partially be rebuilt. This comprises the remaining 1 ha of the 28 ha site. This proposal will require subdivision, rezoning and departure applications. The application has been submitted to the City of Cape Town after intensive discussions regarding the best mechanisms to achieve a sustainable development and conservation option.

The application, prepared by CNdV Africa,¹ is for an amendment to the urban structure plan, rezoning to sub-divisional area, subdivision and departures. Details regarding the proposal are contained in Section 10 of this report.

Three options are assessed in this report:

- The no-go option in which the status will remain the same and the conservation problems will remain
- The development of one large double story unit permitted by the rural zoning
- The building of 4 small cottages on subdivided erven remaining within the rural zone, and the rezoning of a 5th erf -a large portion comprising 99% of the property to Reserved Use Open Space – to be ceded to a conservation authority – the Table Mountain National Park. This is the owner's preferred option.

A number of shell middens have been identified on or near the site by the Archaeology Contracts Office (2005). Their report builds on and confirms earlier archaeological investigations undertaken by Professor John Parkington in 1990.

The report identifies and maps heritage resources at a broad level. This is because no structural heritage resources exist on the site; and the major heritage impact relates to the impact

¹ CNdV Africa: Partridge Point Application, Dec 2011, Rev Jan 2012.

of the proposal on the Table Mountain National Park. Table Mountain National Park is a World Heritage Site. Its grade one (National Heritage status) currently has lapsed.²

The HIA forms part of a series of specialist studies attached to and informing the Environmental Impact Assessment Basic Assessment Report (BAR) submitted by Chand Environmental Consultants to DEADP. The proposed development requires environmental authorisation from the relevant authority in terms of Section 24 (5) read with section 44 of the National Environmental Management Act 1998 (Act No. 107 of 1998). The relevant authority in this case is the Provincial Department of Environmental Affairs and Development Planning (DEA&DP). It is submitted to Heritage Western Cape for *comment*.

2. STATUTORY FRAMEWORK

2.1. National Heritage Resources Act (Act 25 of 1999) NHRA

2.1.1. Section 38(1) NHRA:

A Notification of Intent to develop was submitted to Heritage Western Cape's Impact Assessment Review Committee in October 2009.

The Comment and Recommendation from HWC was the following:

“That a Heritage Impact Assessment is required “which must assess (the) compatibility of the proposal with the existing town planning scheme”. See Annexure 1.

Subsequent to the comment, extensive discussions have occurred between the planners for the site - CNdV Africa, the City of Cape Town and the Provincial Planning Department of the Western Cape, in order to ensure that development options are as minimal as possible and that as much of the site as possible is reserved and transferred to the Table Mountain Park for public conservation purposes. This has resulted in substantial changes to the earlier proposals.

2.1.2. HIA Section 38(8) Report Requirements:

In terms of Section 38(8) the following work descriptions apply: Section 38(1) subsections:

- (c) any development or other activity which will change the character of a site-
 - (i) exceeding 5 000 sqm in extent
- (d) rezoning of a site exceeding 10 000 sqm in extent.

In terms of NHRA Section 38 (3), the report must address:

- (a) The identification and mapping of all heritage resources in the area affected;
- (b) An assessment of the significance of such resources as set out in the NHRA;
- (c) An assessment of the impact of the development on such heritage resources;
- (d) An evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- (e) The results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- (f) If heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- (g) Plans for mitigation of any adverse effects during and after completion of the proposed development.

² Mr Mike Slayen, Table Mountain National Park 5th June 2012 pers comm.

While the cadastral extent of the site is currently at 28, 8574 ha, only a percentage (less than 1%) will be utilised for the proposal with the remaining ha being ceded to the Park under a separate agreement. This extent will be subject to the conservation management of the TMNP and conditions attached to the memorandum of understanding and the subsequent transfer will permit no further development.

2.1.3. *Archaeological and Palaeontology (Section 35 NHR A)*

Sections 35 (1) and (4) of the National Heritage Resources Act has application. An archaeological study was undertaken by the Archaeology Contracts Office in 2005³, the findings of which are summarised in Section 7.1 of this report. A further amended study was undertaken by ACO Associates in October 2013 (but dated 2009)⁴ in response to the fact that the proposal had undergone a substantial reduction since the writing of the first report and a number of concerns that were raised by the ACO at the time had been substantially mitigated. This amended report is also summarised in Section 7.1. The conclusions and recommendations contained in this report have been slightly amended as a result.

1.2. *World Heritage Convention Act (Act 49 of 1999): World Heritage Site*

Partridge Point is *outside* the core boundaries of the Table Mountain World Heritage Site but within the buffer zone⁵. It is privately owned land and currently has development rights associated with a rural zoning. A rezoning has been applied for in terms of LUPO.

The eight World Heritage sites (See 2.2.1.), including Table Mountain National Park; are surrounded by buffer zones which are intended “to facilitate functional connectivity and mitigate the effects of global climate change and other anthropogenic influences”. This means that conservation management of the buffer zones is important in order to prevent spillage of invasive plant species or human involvement into the core protected area. The ceding of the major part of Partridge Point will support these aims in large measure, by allowing environmental management consistent with the Table Mountain National Park.

The identification of Portion 2 as a buffer area does not affect its zoning and development rights. The WHC Operational Guidelines (2005 and 2011)⁶ are effectively to ensure that mechanisms are put in place to ensure that no migration of plant species adversely affecting the bio-diversity; and thus the natural significance of the site is encouraged and advised. The proposal to develop eco-friendly housing units situated upon already disturbed sites and the hand-over to the Park of over 99% of the 28 hectares for conservation purposes more than fulfils the requirements of the Operational Guidelines if the HWC (See 2.2.1). The Park has indicated their willingness to accept the donation once the necessary planning mechanisms are put in place.

2.2.1. *The Cape Floral Kingdom World Heritage Site*

Land adjacent to Partridge Point i.e. Table Mountain National Park, is a World Heritage Site. The designation is a serial one - comprising some eight areas inclusive of 553 00 ha, consisting of unique floral diversity stretching from the Table Mountain National Park to the Eastern Cape. The sites were designated in 2004 as a *natural* world heritage site and not *cultural*. Universal significance is ascribed in terms of natural rather than cultural or cultural landscape qualities. Scenic qualities are *excluded* in terms of this designation.

³ A previous study was undertaken in 1990. The 2005 study confirms the previous findings

⁴ ACO Associates, An Archaeological Assessment of Portion 2 of the Farm 1024 prepared for Chand Environmental Consultants October 2009: reviewed and resubmitted October 2013.

⁵ Government Gazette Vol 523 No 31832. 30th Jan 2009. Discussion Mr Guy Palmer WH.

⁶ World Heritage Operational Guidelines 2005, 2011.

The eight sites are identified as exhibiting “Outstanding ecological and biological processes associated with the Fynbos vegetation which is unique to the Cape Floral Kingdom”. “The outstanding diversity, density and endemism of the flora are among the highest worldwide. Unique plant reproductive strategies, adaptive to fire, patterns of seed dispersal by insects, as well as patterns of endemism and adaptive radiation found in the flora, are of outstanding value to science.”⁷

The sites were inscribed in terms of

Criterion (ix) as representing outstanding universal value in terms of “ongoing ecological and biological processes associated with the evolution of the unique Fynbos biome”;

Criterion (x).Rarity The Cape Floral Region is identified as one of the world’s 18 biodiversity hot-spots.

There is a requirement for natural heritage sites to possess an outstanding degree of integrity which is protected by dedicated management plans. In the case of the Table Mountain National Park has the Table Mountain Management Plan, which serves as a guide to current and future management of the Park. The buffer zones are excluded from the management plan. Many as in the case of Partridge Point are privately owned and subject to different regulations and rights affecting property ownership.

The Table Mountain National Park, together with the other parts of the serial nomination is protected and managed by the South Africa National Park assisted by the Western Cape Nature Conservation Board which, with the national Department of Environmental Affairs and Tourism, makes up the “Cape Floral Region Protected Areas World Heritage Property Joint Management Committee”.

2.2. 2. Operational Guidelines attached to the management of Natural World Heritage Sites.⁸

Management of the site as a world heritage site is also guided by the Operational Guidelines of the World Heritage Convention. These guidelines refer inter alia to the importance of the management of buffer zones in retaining the integrity of the WHS. In the case of Partridge Point the integrity of the WHS is enhance by the donation and conservation management of 90% of the site to the Park for Conservation management purposes.

2.3. National Environmental Management Act (NEMA) No 106 of 1998 and the EIA Regulations promulgated in terms of the Act: (Basic Assessment Report)

The proposed project triggers the NEMA EIA Regulations, namely listed activity No. 1(s), No. 1(u), No. 2, No. 5, No. 6, No. 13, No. 15 and No. 18 as identified in Government Notice No. R386 of 21 April 2006 and, as such, a **Basic Assessment** will therefore be required. The relevant listed activities are detailed below:

No. 1(s) The construction of facilities or infrastructure, including associated structures or infrastructure, for the treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.

No. 2 Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, in respect of buildings; or infrastructure

No. 6 The excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea.⁹

⁷ <http://whc.unesco.org/en/list/1007>

⁸ Operational Guidelines for the Implementation of the World Heritage Convention. Feb 2005.

A specialist heritage study is required to be undertaken as part of an Environmental Impact Assessment, which is required by the Department Affairs and Development Planning.

Heritage Western Cape is the commenting agency in terms of Section 38(8) of the NHRA and this comment must be obtained from HWC before the Record of Decision for the EIA can be issued by DEADP. Assessment of heritage resources where and in what scale they exist is undertaken in terms of the DEADP requirements (Baumann and Winter).

2.3. The involvement of SAHRA

The South African Heritage Resources Agency provisionally identified the Table Mountain National Park as a national or grade one heritage site. In terms of the draft agreement between SAHRA and HWC the report will be submitted to SAHRA for noting only¹⁰ as the proposal is adjacent (but not part of a heritage site), HWC (IARCom) in terms of 38(8) and finally to DEADP as part of the collection of specialist heritage studies.

3. SCOPE OF WORK AND METHODOLOGY

3.1. Methodologies and Scope of Work

The study is divided into two parts

Part 1 describes the site, its context, and its statutory and policy context where applicable; and identifies heritage significance within the affected area. It integrates, (where relevant), material and issues identified in the Archaeological Impact and Visual Impact Assessments, (both undertaken by specialist consultants). The Part 1 or Baseline report includes historical research regarding the site where such information could be found. A number of site visits to describe and assess the scenic landscape qualities of the site and review the proposals in terms of the visual and conservation constraints presented by the site.

Part 2 explains the proposal, assesses the impact of the development on the site, identifies the nature, character scope and duration of the impacts and suggests areas of mitigation where necessary. It reviews the 3 options and identifies the preferred option as having the most positive outcome for natural heritage resources. A site visit was conducted to identify the placement of the footprints of the proposed buildings particularly in relation to potential visual impacts from the road and from Smitswinkel Bay.

4. STUDY LIMITATIONS

4.1. Documentation

The work is based on the documentation available at the time of the compiling of the final HIA report. (October 2013).

It should be noted that apart from a series of middens and a rock shelter, no other heritage resources exist on the site. Apart from impact on archaeological resources, the heritage report has been confined to exploring the issue of heritage of a scenic landscape at a broad level. This is because of the site's position within a deeply valued scenic landscape and its proximity to the

⁹ Source Chand Environmental, Background Information Document (BID) 20th October 2009

¹⁰ Mr Greg Ontong SAHRA, June 7th 2012.

Table Mountain National Park, originally a grade 1 site and/or site of national significance.¹¹ To this end much of the original data and assessment has been derived from other specialist studies in particular the VIA study by B Oberholzer and Q Lawson (2012).

The Comments and Recommendations arising out of the submission of the Notification of Intent to Develop (See Annexure 1), require that the HIA must assess compatibility of the proposal with the existing town planning scheme. Because this is a very broad framework of analysis, some of which has little to do with cultural heritage, the full planning application by CNDV Africa to the City of Cape Town has been attached as Annexure 2. This application assesses in full the proposal against the relevant planning and policy requirements.

The definition of cultural significance makes reference to “aesthetic” significance and “scientific” significance. Because issues affecting the scenic and biodiversity landscape may be interpreted to include such significance, the HIA has summarised those planning and policy items which may have a bearing on landscape character as a heritage resource; notably assessment of compatibility with the Scenic Drive Network, the Urban Edge requirements and elements of the South Peninsula Policy Plan.

In addition, the HIA has focussed on those aspects of the landscape and site analysis which may have a bearing on bio-diversity value particularly in relation to Table Mountain Park which is a proposed grade one (national) heritage resource. See Section 7.2. and 7.3. It should be noted however that the site has no heritage structures on it, nor are there any in the Table Mountain Park in the general vicinity of it. If development can be steered away from the vicinity of the archaeological sites, the heritage resources of the site are appropriately mitigated.

The crucial issues of visual impact and impact in botany have been addressed in separate studies which are summarised and their impact on the Park as a heritage resource is highlighted in Section 7.2 and 7.3.

Very little published historic source material has been found affecting the history of the site. The available history is compiled from deeds; and historic map research.

The results of public consultation undertaken by Chand Environmental Consultants is included in Section 12 of this report. No issues specially relating to tangible heritage were raised. It should be noted that the site has always been in private ownership and because of the general steepness of the terrain has been little used by people even in pre colonial times.

The visual impact of the security structure and storehouse at the entrance to the site has not been currently assessed as details in terms of height; roofscape and footprint in relation the the Scenic Drive, are not yet available.

PART ONE

5. THE SITE

Partridge Point is privately owned by Partridge Point CC. The surrounding properties are either privately owned, Council owned (erf 1023); or owned by the South African National Parks (Erf 1028). Partridge Point is currently zoned “rural”. It contains a single house reached by a steep winding track. Its steepness, inaccessibility and soil conditions; mitigate against any agricultural rural use.

5.1. Location

¹¹ This grading was not formally declared and has now lapsed. SAHRA remains an interst in the TMNP however.

Partridge Point is situated between Simon's Town and Smitswinkel Bay, some 10kms from Simon's Bay on the South Eastern shores of the False Bay Coast. It comprises 28, 8574 ha of land fronting a rocky coastline. The gradient is steep with most of the site being greater than 1:5 particularly above the Millers Point (Main) Road or the M4. There is a flat platform of disturbed land, currently containing the existing house, a narrow winding access road or track; and jeep track. The site is unused and vacant except for a single house which is reached by a precipitous access road.

The Table Mountain National Park is on its northern and western boundaries and the coastal edge of the site on its eastern boundary lies partially within a marine protected area managed by the Park. Smitswinkel Bay lies to the north of the site. The site itself stretches from the mountain to the coastline.

Partridge Point is privately owned. The owners purchased the property in the early 2005 with the intention of protecting and maintaining the majority of the site as a conservation area and creating a small scale eco-development on the disturbed portion the site using the existing permissible bulk. Previous owners had investigation and conservation and development options in 1990. Because of the conservation significance of the landscape Partridge Point CC, have been involved with discussions with the Table Mountain National Park since 2007, as well as the City of Cape Town and SAN Parks, with a view to transferring the remaining 27 ha of unutilised land to the Park for conservation purposes. The Park management have indicated they will accept this responsibility in terms of their mandate once the EIA and other processes have run their course and the rezoning and subdivision application is granted.

The proposed units will be built on the disturbed northern edge of the site which is the least environmentally and visually sensitive and the portion that contains the existing house.



Fig 1. Local Context of Partridge Point: Source CNdV

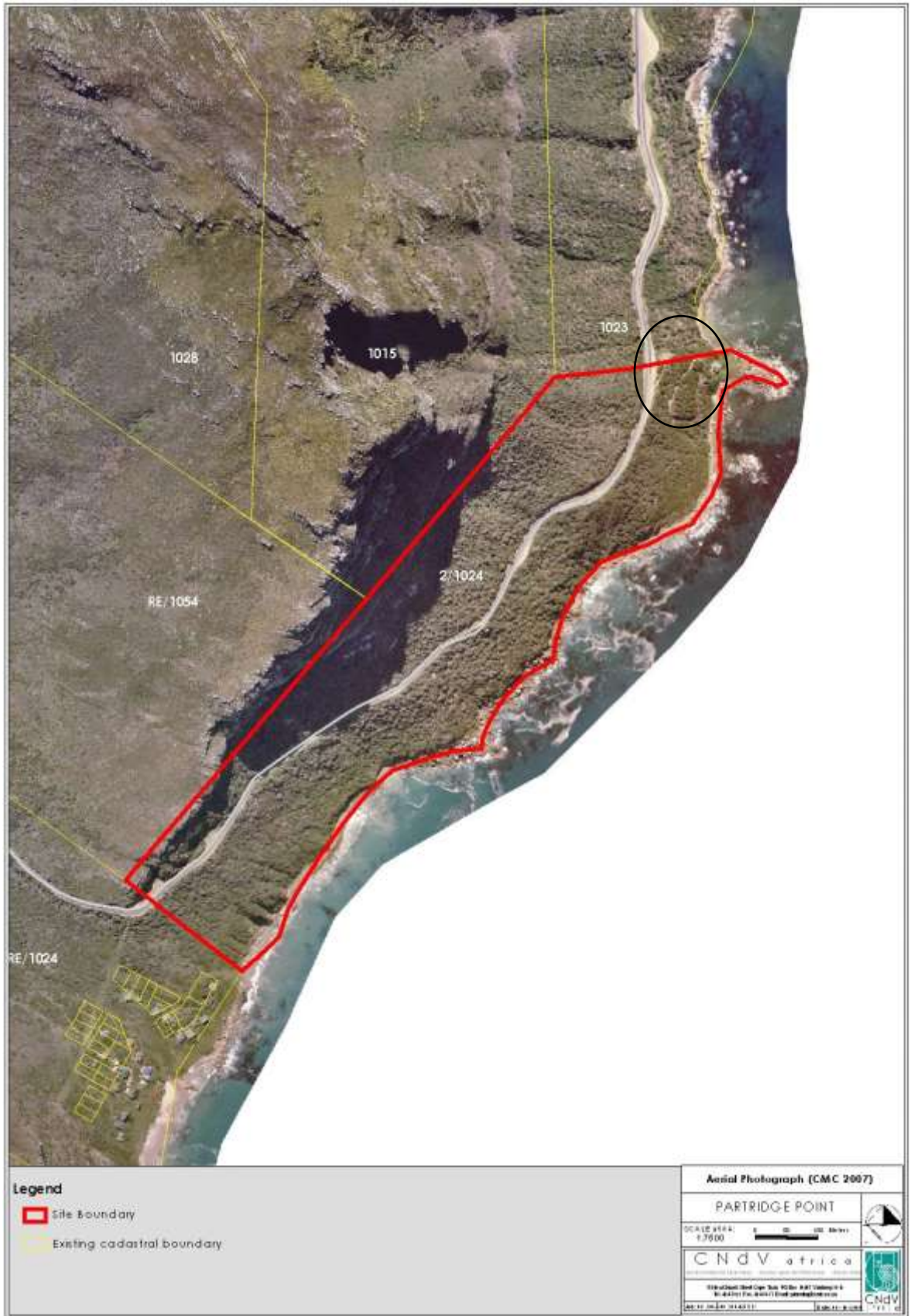


Fig 2. Cadastral boundaries of Portion 2: Partridge Point: Source CNdV

5.2. Site Description

5.2.1. Site images



Fig 3. View from M4 looking north and showing the steepness of the terrain above the road.



Fig 4. View from the access road looking east towards the existing house and the rocky promontory.



Fig 5. View towards Smitswinkel Bay and Cape Point along the jeep track which terminates in the site of the proposed housing units. Note the intensive alien clearing, 2011.



Fig 6. View looking northwards from the existing house.



Fig 7. View of the rock promontory from the house showing the rocky promontory and the alien grass infestation.



Fig 8. The steep winding road leading to the site.

The site is situated on steeply sloping land extending from the ridge line down to the sea. Most slopes in the area are above 1:4 with some slopes 1:5 or 1:6. The flatter areas are generally created or disturbed platforms on the hillside. The northern section of the site is largely hidden by a spur in the landscape. There are two small ravines caused by mountains streams.



Fig 9. Topography of Partridge Point showing the steep slopes, the existing house on the promontory and a relatively level existing jeep track (c1:4) area along which the 3 cottages will be positioned. Not to scale: Source CNdV Africa.

Partridge Point is dramatically situated between a rocky coastline and steep mountain slopes. It is bisected by the M4 (Main Road) between Simon's Town and Cape Point, which is a scenic drive. The landscape consists of a rocky coastline with a narrow ledge of disturbed vegetation to the north rising steeply to the road to Cape Town. West of the road the land rises even more precipitously to a high plateau. Most of the site consists of slopes of about 1:5. The most visually exposed part of the site is west of or above the M4. Because of the steep slope

from the road and extending to the sea, little of the narrow plateau containing the existing building and the proposed new building sites is visible.

The existing house is accessed by a steep narrow road winding down the slopes. There are also a number of tracks and paths on the site. Over the years there has been substantial alien infestation and currently hakea, rooikrans and grasses are characteristic vegetation in the disturbed areas. Oberholzer (2012) notes relatively few endemic plant communities which would be “expected in this environment”. He identified the endemic vegetation type as “Peninsula Granite Fynbos” on the lower slopes and “Peninsula Sandstone Fynbos on the upper (west) slopes). Granite fynbos is identified as “endangered.” (See Bergwind Assessment Section 7.3).

5.2.2. *Geology and soil conditions*¹²

These are referred to as they affect the landscape character of the environs. The site comprises cape granite close to the coast with large rocks and boulders creating the distinctive coastal landscape. Soils are coarse grained, caused by weathering and liable to erode affecting stability. Above the Main Road the site is largely sandstone over a granite base with mixed levels of sand, gravel and rock.

It is considered a vital action to clear much of the alien vegetation and restore the conservation significance of the site.

5.2.3. *Nature Conservation Status of the site*

- The site is part of the *Cape Peninsula Protected Natural Environment* (CPPNE) and falls within a *City of Cape Town* (CoCT) and classified as a *Critical Biodiversity Area*.
- The property borders on but is not part of; the *Table Mountain National Park* (TMNP) and on a proclaimed Marine Reserve, forming a valuable mountain to coast ecological and visual interface.

5.3. *History of the site*

A series of maps and attached descriptions more fully outline the history of the site in Annexure 4. The following is a summary.

Archaeological evidence (shell middens) suggests some use by gatherers but not much habitation or shelter. This was possibly a result of the steepness and hostile nature of the environment. For further information see (ACO Report Annexure 1). Because of the steepness of the slope and the rockiness of the landscape the area was unsuitable for settlement. Its history can best be viewed in light of the history of the area as a whole and the history of the routes that traversed the mountain.

Partridge Point formed a portion, (Portion 2); of Smitswinkel Bay, was first leased as a Cape Quitrent Farm in 1817¹³. Portion two was subdivided from the remainder in 1984. The steepness of the slopes militated against any form of cultivation and intensive use; and the site was not built on or settled until after 1984. There was no road or track to Smitswinkel Farm until the mid nineteenth century. In the eighteenth century the road to Simons Town only extended as far as Rocklands Point. The early route to Smitswinkel Farm was not along the coastal slopes but inland – west from the mountains along the valley floor of the Smitswinkel River. The fishing huts along the coastal shores of the Smitswinkel Beach (Klein Smitswinkel Bay) eventually became to be most strongly associated with the original Smitswinkel Farm. There was a route in 1865 that was no more than a track. The route traversed Partridge Point and turned west into the Smitwinkel Valley. No early maps viewed indicate a homestead on the

¹² VIA 2012 Phase 2

¹³ Diagram 247/1813 CQ vol 6-29

Smitswinkel site and it is possible that Smitswinkel Bay was acquired as quitrent for grazing or hunting purposes rather than agriculture. It was only in 1919 that a road to Cape Point was built following the current route through the middle of the Partridge Point site, skirting the Smitswinkel Valley and steep coastal slopes towards the lighthouse.



Fig 10. The new road built in 1915 to Cape Point bisecting Partridge Point. Source: City of Cape Town

The SG map of 1933 (see Annexure 4) shows a winding track leading down to Partridge Point. This appears to be the only indication of human intervention until the mid 1980s. It is also worth noting that the track does not appear on the aerial photographs of 1947 and 1955.

5.4. Structures on the site (dating and grading)

There is an existing rustic building on the northern edge of the site built in the mid 1980s. It has a pitched corrugated iron roof which can be seen in part from the road. It is partially constructed of stone with a large timber deck. It is not older than 60 years has no architectural merit, and is not a heritage resource. This is the only structure on the site. The house is not visible from the road because of the nature of the slope profile. Access to the house is along a steep track from the R45.



Fig 11. Existing house at Partridge Point situated on a flat portion of the site, with the slope to the west and the R45 in the background. The building has no heritage significance

5.5. Other heritage resources on the site.

Section 38(3) requires the identification and mapping of heritage resources on the site. There are no above ground heritage structures which can be mapped or graded.

The site contains a number of archaeological sites although the Archaeology Contracts Office stated (2005) that the steepness of the terrain possibly militated against greater use by hunter gatherers. The ACO (2005) identified five archaeological sites. One site - PP4, is located on the flat grassy portion in front of the existing bungalow close to a small headland and a rock shelter (PP5) identified on the rocky headland.. This PP4 site contains a shell midden, possibly stratified, in a disturbed area.¹⁴ Other sites are not close to the proposal and are not likely to be affected other than through site clearance of alien vegetation. For a summary of the findings of the Archaeological Report (2005, as amended 2009) see Section 7.1.

There is a military site outside the cadastral boundaries of Partridge Point that is older than 60 years and thus may be considered a heritage site. It is an observation post called the Blue Gums Observation Point Fire Command built in 1942 during the Second World War.¹⁵, situated in the mountains between Miller's Point and Smitswinkel Bay. It was probably one of six such installations. By 1953 coastal artillery had become obsolete and the Blue Gums site was returned to its original owner. It was not inspected for the purposes of this report.

6. REVIEW OF EXISTING POLICY AND PLANNING DOCUMENTS IN RELATION TO THE SITE

The recommendation arising out of the Notification of Intent to Develop required the outlining of the planning "regime" or context.

The following policy documents have relevance.¹⁶

6.1. The Provincial Context¹⁷

6.1.1. *The Provincial Spatial Development Framework (PSDF)*

The Framework contains a number of guidelines or policies generally at a broad level. Some relate to guidelines as to what may or may not happen inside and outside the Urban Edge.

Objective 8 of the Framework refers to the protection of biodiversity:

This development complies with the policy regarding the protection of biodiversity. The protection of biodiversity will be enhanced by the ceding of 99% of the property to the Table Mountain National Park for conservation purposes. This action will promote bio-diversity conservation at the highest level.

6.1.2. Rural Land Use Management Guidelines: Holiday Accommodation (See Draft Manual on Rural Land Use Planning and Management); and Guidelines for Resort Development.

¹⁴ ACO 2005, Parkington 1990.

¹⁵ See Cdr M Bisset Blue Gums Fortress Observation Post Simon's Bay Fire Command.

¹⁶ For a full outline of planning parameters and related policies see Annexure 2: CNdV: Partridge Point: Application for an Amendment to the Urban Structure Plan, Rezoning to Sub0divisional area, subdivision and departures for Farm 1024 Portion 2 Smitswinkel Bay , Dec 2011 Rev Jan 2012. (Annexure 2). The summaries which follow are drawn from that report.

¹⁷ See CNdV 2012 pp16- 20.

The development proposals have responded in detail to the development constraints imposed by visual and archaeological conditions. The proposals have been careful to ensure that the strong scenic qualities presented by the area are not affecting in any way. The developers preferred alternative shows that there will be four units on small erven from 387 to 460 sqm, in the disturbed area to the north. The area floor area has been further reduced to ensure that the existing total floor in terms of the existing rights is not exceeded.

6.1.3. Provincial Urban Edge Guidelines (2005)

The site is outside the urban edge. The application is generally within the constraints imposed by the Urban Edge Guidelines except for the density definition of 1 dwelling unit per 10 ha in a rural zone outside the urban edge. A departure for this guideline is being sought and is considered reasonable as 99% of the site is being ceded to Table Mountain National Park for bio-diversity and conservation purposes.

6.1.4. Guidelines for the Management of Development on Mountains Hills and Ridges Western Cape 2002.

The proposed dwelling units are positioned on a platform area where slopes are the least visible and the flattest. There will be no development of slopes less than 1:4. Development has been positioned so as not to break view cones and ridge lines; or interfere in any way with the dramatic scenic qualities of the environment. The units have been designed in such a way as to touch the ground lightly with building footprints minimised. Erf sizes of the subdivided area have been reduced to allow greater landholdings to be transferred to the Park. The idea of a small number of dwelling units based in nature and with minimal interruption of the natural scenic qualities is considered appropriate.

6.2. The Metropolitan Context

6.2.1. The Metropolitan Spatial Development Framework. (MSDF), 1996.

The MSDF is intended to contain urban sprawl and promote environmental sustainability. While it is acknowledged that the sites falls outside the urban edge the environmental quality of the wider environment will one balance be considerably improved by the ceding of 99% of the landholdings to the Park for conservation purposes. A quality environment and appropriate management will allow bio-diversity to flourish and thus contribute to a better open space environment.

This is in line with the Metropolitan Open Space System (MOSS) which is for the promotion of an open space system for ecological and amenity functions, and to promote nature conservation, all of which is in line with the decision to donate land to the Park.

6.3. Sub-Metropolitan Level

6.3.1. The Southern District Plan Draft 2011 is intended to *inter alia* manage pressure on urbanisation and find a balance between urban development and environmental protection. It may be argued that this proposal equally meets the challenges of both developmental requirements and environmental protection. It does this by developing a small portion of the land in a careful and visually unobtrusive way and meets the challenges of environmental protection by making a substantial donation of land – about 99% of the total area, to the Park for conservation purposes. The land to be ceded at the current zoning is valued in the area of R20m.

The site has been identified in an area known as Core Area 1, which states that activities should focus on conservation and may include activities such as low impact tourism. The SDF also neither states that development of sites along scenic routes should be carefully considered

so as not obscure views from the route nor affect the scenic character of the area. This current proposal ensures that the buildings are not visible from the scenic route as they are tucked beneath a steep slope and the architecture is designed to fit in with the landscape and the slope.

The SDF notes that development beyond the urban edges is not desirable. However, it also notes that some development may be necessary in order to offset a balance between development and conservation.

The proposal is a clear case of a striving for balance between a limited development and substantial conservation advantage.

6.3.2. South Peninsula Spatial Development Framework (Aug 2011) facilitates land use and development management “within the context of sustainability”. In this instance the site (Farm 1024 portion 2) is identified as a primary nature area or an area that is worthy of formal conservation status. It should be noted that conservation status in this instance refers to nature conservation not heritage conservation.

In the Framework (2011) a strong emphasis is placed on nature conservation and the conservation and enhancement of the biophysical environment.

Other relevant requirements are the following:

- No buildings on slopes steeper than 1:6 (The MSDF refers to 1:4)
- Management of primary nature conservation areas to be in line with core conservation areas
- Development limited to eco-tourism conservation uses
- Tourism and related recreational facilities should be relative to site’s carrying capacity
- Bio-physical rehabilitation of invaded areas is supported
- Properties with a rural zoning and associated permitted land uses are to be in keeping with the purposes of a core conservation designation.

From the above requirements it is clear than as long as the proposal adheres to the core conservation principles and actions proposed i.e. a very limited development footprint well within the carrying capacity of the site and the ceding of 99.4% of the land for conservation purposes the proposal is well within the requirements of the SDF.

6.3.3. The Southern South Peninsula Local Structure Plan (1998)

This plan also seeks to achieve optimal development management goals within the context of sustainability. The site falls within a Conservation Area. The requirements for the conservation area include the following policies:

- Zoning schemes should be amended to include a new zone for Conservation Purposes (within the context of the acknowledgement of the rights associated with a rural zoning)
- Departures from the “no further subdivision” clause can be granted if they are in the interest of conservation and will not allow further property development.

The decision to cede land to the Park for conservation purposes is clearly in line with the Local Structure Plan Policy. The proposed zoning for this ceded land i.e. Reserved Use for Open Spaces Purposes has no development rights attached. The proposed 4 cottages have a bulk lower than the dwelling rights currently permitted under the rural zoning.

The SSPSP (Section 2.4.4.) makes reference to Partridge Point by listing some of its issues including accessibility of the coastline, poaching, uncontrolled access, limited development potential; and the rapid spread of alien vegetation (1998). It also states (Section 4.4.2.3.) in relation to the Southern Peninsula:

"Although the land is zoned for Rural purposes, its best usage (in a metropolitan and global sense) is for conservation purposes". Section 4.4.4.4. refers to limited expansion of existing development although it only refers in this instance to Smitswinkel Bay stating that it could "give favourable consideration to additional rights allowing for limited small-scale and appropriate development arrived at through IEM principles and subject to the remainder of the land being ceded to SANParks".

6.3.4. The Scenic Drive Network Management Plan.

The aims of the Scenic Drive Network Management Plan are

- To preserve and enhance then scenic resources
- Establish a balance between development and conservation

The Scenic Drive Network and related management plan is highly significant because it acknowledges the scenic significance of the South Cape Peninsula in a way that many of the natural conservation and bio-diversity driven frameworks do not. The scenic value of the site can be considered at the heart of its cultural significance and as a result mechanisms to mitigate impact on the scenic qualities are significant from a cultural heritage perspective. Constraints imposed by the Scenic Drive Network Management plan in terms of height materials placement and form have been carefully chosen to ensure scenic qualities are not impacted. The sense of remoteness which is identified in this area and visual links to the sea are of significance.

7. REVIEW OF RELEVANT REPORTS: PARTRIDGE POINT

In terms of the statement of significance for the site i.e. the following specialist reports and there findings have relevance. These findings are also used as a yardstick against which to measure the impact of the proposal on the cultural significance of the site.

7.1. Archaeology: The Archaeology Report of Portion 2 of the Farm Smitswinkel Bay (Partridge Point) Prepared for Chand Environmental Consultants October 2009 and revised October 2013. See Annexure 2 as amended.

This report was the result of a site visit conducted in October 2009 and subsequently in June 2013. The archaeologists found the site infested with alien vegetation although on the later visit they noted that much clearing of alien vegetation had been done which made the site easier to view in parts. Large portions of the site were inaccessible because of steep terrain and dense bush. No concrete proposals had been developed at the time of the archaeological investigation. However the current proposals have been careful to ensure that no archaeological sites as found by the ACO are adversely affected.

The ACO also had the advantage of a previous study undertaken in 1990 by Professor John Parkinson. The report re-enforced some of his findings which were found still relevant.

The site was re-walked on foot and archaeological sites were identified. They noted that the steep slopes that characterise most of the site would not have provided optimal habitation for pre-colonial foragers who are more likely to have identified the rocky outcrops, boulders and shelters along the shoreline as foci for shellfish processing and/or occupation.

The investigation found a number of disturbed sites and "platforms" on relatively level ground with a track cut into the hillside. Three areas within or close to the proposed footprint

contain archaeological remains in the form of shell middens or scatters. No sign of archaeological material was found on the level ground. This is where the current 3 units are proposed to be built (the 4th is on the site of the existing house).

The main area of past human use appears to have been the rocky outcrop and spit of land at Partridge Point where a low shelter below large granite boulder must have offered some respite from the elements.

The following were the findings:

- Steep slopes and inhospitable terrain would not have provided “optimal habitation” for pre colonial gatherers. They may have identified rocky outcrops and shelters as places from where to process shellfish however or even for occupation.
- There were three areas close to the northern edge of the site which contained archaeological remains in the form of shell middens or scatters. The main area of pre-colonial human use appeared to have been the rocky promontory at Partridge Point.
- The current house was constructed off of the main midden deposit after the 1990 findings.
- There are a number of embayments between the granite boulders which may have formed shellfish foraging locations.
- Traces of middens were noted opposite rocky outcrops south of Partridge Point.

The locations where middens were mapped. The conclusions were consistent with the Parkington Report and stated that pre-colonial archaeological sites are confined within the proposed development footprint to the immediate shoreline and to Partridge Point.

The amended report reviewed the archaeological findings in relation to the preferred option 3. It noted that the development proposal as expressed in preferred alternative 3 will not have an impact on archaeological material. All the recorded sites are situated just back from the shoreline out harm’s way.

Related findings¹⁸ of the archaeological report were as follows

- Alternative 3 is supported
- No development seaward from this point would be archaeologically acceptable.
- Measures should be put in place to protect the remaining deposits on PP4 and PP5 once development proceeds. It should be written into an environmental management plan that people involved in construction should keep away from the granite outcrop of the point – cordoning off the rocky point area should be considered.
- **Bush clearing may reveal additional sites and the development footprint should be inspected once this is completed;**
- The coastal path does intersect with some midden sites. Removal of vegetation will increase the possibility of erosion and measures for the protection of the middens should be evaluated once the bush clearing is complete.
- It is not necessary to conduct rescue excavations. However the conducting of a site visit (with project ECO) should be considered, to make sure that existing sites are not impacted and that the project foreman and/or ECO is aware of which areas are sensitive.

Comment on ACO recommendations.

¹⁸ It was noted that full investigation was constrained by dense bush.

The identified archaeological sites (see fig 12) are beyond the coastal setback zone, with the exception of site PP near the existing house. This would therefore appear to be the site where greatest care needs to be taken particularly during the construction phase. It is recommended that an archaeological watching brief be included in the EMP for the construction phase and in the longer term (See Recommendations).



Fig 12. Map of archaeological sites (middens) in red. ACO: 2005. Shell middens are not affected by the proposed development. Source: CNdV 2005.

7.2. Visual Impact Assessment: Baseline study and Visual Impact Assessment:¹⁹ See Annexure 3.

¹⁹ Proposed Residential Development Portion 2 of the Farm 1024 Partridge Point Cape Peninsula Visual Impact Assessment (Draft June 2012). Prepared for Chand Environmental Consultants by B

The VIA study undertaken by Oberholzer and Lawson (2012) follows on a Baseline study undertaken in 2009 which informed planning and design considerations and “provided input into the locations of the proposed cottages together with a number of mitigation measures which have been incorporated into the proposal”²⁰.

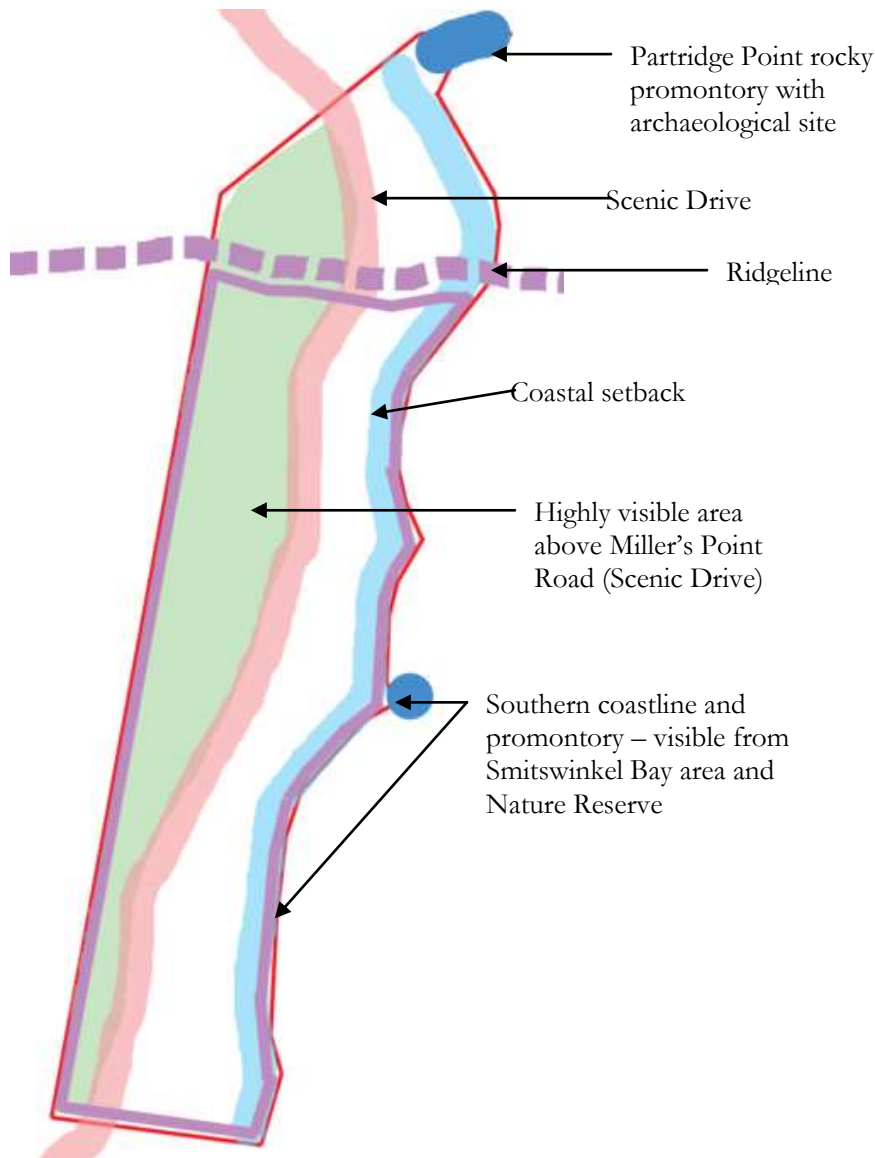


Fig 13. Diagram showing scenic/visual constraints. Source Oberholzer (2009).

This report identified visual and other indicators to which the current proposal has responded. These included the following.

- The visibility of the coastal promontories, the Partridge Point (northern) promontory also containing an archaeological site. No development should be considered on the promontories

Oberholzer Landscape Architect in association with Q Lawson MLB Architects and Urban Designers, 2009, 2012.

²⁰ Oberholzer and Lawson 2012 page 5.

- The coastline is highly visible because of exposure to views from the land as well as the sea. As a result development should be set back from the coast for visual reasons
- Ridgelines are not very pronounced but do separate north area from the south. Building on the ridgeline may create silhouettes which would be visually sensitive
- The site above the road steep and high
- The Miller's Point Road is a Scenic Route and is well used.
- Parking (except for day parking) should not be visible from the road.
- Areas below the Road are not visible because of the steepness of the slope
- The area above the Road is highly visible. The steepness makes it unsuitable for building. The altitude and the more pristine vegetation as well as the drama of the setting make it important in terms of landscape quality.
- The southern portion of the property while less visually exposed is more visible from Smitswinkel Bay.

The report (2009) found that while most of the site is visually significant in some ways some portions could be considered no-go options, i.e. the area above the road. The report concluded that from a visual perspective the area most suited for (limited) development is the northern portion of the Main Road provided effective mitigation measures are put in place with regard to placement and design.

In viewing the visual impact of the proposal on the site, Oberholzer and Lawson paid careful attention to the character of the landscape, the determination of a "sense of place", scenic qualities and visually sensitive areas. In terms of the impact assessment, both qualitative and quantitative assessment criteria were used to measure scale and impact on visually sensitive resources. It was noted that the site and context were significant; it bordered on the Table Mountain National Park and formed part of the Cape Peninsula Protected Natural Environment or CPPNE. The road from Simon's Town to Cape Town was significant visually as it was a scenic drive and the natural scenic and wilderness qualities had high value.

The proposals were developed around parameters set by the Baseline VIA and subsequently assessed according to visibility, visual exposure, visual sensitivity, landscape integrity, cultural landscape, visual absorption capacity and cumulative visual impact. The proposal was viewed from a number of viewpoints throughout the landscape.

What is significant from a heritage perspective is that landscape integrity and cultural landscape qualities have been regarded as central to the visual assessment. The high scenic qualities present in the landscape character have been responded to and protected. Mitigation measures have been put in place for both during the construction phase and later to reduce visual impact to a point where the critical landscape and visual qualities are minimally impacted. Mitigation measures include:

- Site layout: should be concentrated on the northern portion of the site
- Buildings set back from Scenic Route and coastal setback zone
- Buildings strung along the existing jeep track to contain visual impact
- Footprints of buildings to be as small as possible and narrow to fit the topography
- Cut and fill to be avoided
- Structures to sit slightly on the slopes
- Roofs angled to run with the slope of the land
- Windows and doors recessed
- Existing house should be at least partially demolished as it is visible as an intrusion from the Road in places
- Building aesthetics to be controlled and structures should be developed according to a common architectural language

- Access road as narrow as possible, parking in small clusters
- Screening mechanisms for any further intrusive elements, activities
- Only limited outdoor lighting and no outdoor signage visible from nature reserve to be permitted.

The VIA (Draft Assessment Phase 2) concluded:

- That while most of the property is visually sensitive the southern portion below the road and the upper portion above the road are the most visually sensitive. They are not considered for development options and will in fact be transferred to the TMNP.
- A number of development options have been considered and put to a visual test. Options 1 and 2 result in the existing house remaining visually obtrusive. Option 3 allows partial demolition and rebuilding of the current house to reduce visual impact and tuck the additional 3 cottages under to lower slope adjacent to the jeep track. For other mechanisms which also reduce visual impact (See Oberholzer Annexure 3).
- Neither option 2 or 3 are seen as containing fatal flaws from a VIA perspective but recommended mitigation measures as outlined in the VIA report (see above) should be put into place.
- The development would facilitate the alien clearing of the site and improve the wilderness landscape character by allowing indigenous vegetation to flourish.

7.3. Baseline Botanical Assessment October 2009: Bergwind Botanical Surveys and Tours

The Botanical Assessment is important because of the botanical and bio-diversity significance of the site and the surrounding Park. It is the key factor in the significance of the “buffer zone”. It also contributes to the cultural (scientific) significance of the site in terms of the standard definition of cultural significance including “scientific significance. The criteria for the designation of the Table Mountain National Park as a WHS, also related strongly to its bio-diversity and botanical conservation significance. *Bergwind* (2009) found that alien growth had all but overwhelmed Partridge Point since a fire some 17 years ago.

Currently, invasive alien growth is being cleared – a process that began after the study in 2009. In the vicinity of the house there is strong growth of non-indigenous Kikuyu grass as a lawn, which has spread amongst the boulders on Partridge Point and there are patches along the coast further south.

The *Bergwind* report found two indigenous vegetation types on site – the first associated with the Peninsula Granite Fynbos and the second the Peninsula Sandstone Fynbos. Closer to the shore the vegetation appeared most influenced by maritime environmental conditions to form a vegetation type called Strandveld. Peninsula Sandstone Fynbos vegetation is widely spread and is the least threatened in terms of the National Bio-diversity Assessment. However Peninsula Granite is very rare and classified as endangered in the NSBA rating.

Bergwind identified two areas of botanical sensitivity - including an area near the shore and the whole of the upper slopes above the M4 – the Millers Point Road. Neither of these areas is proposed for building purposes or development nor will be disturbed in any way. The whole upper slopes will in fact be ceded to the Table Mountain National Park according to current agreements. The following findings were noted:

- The area above the M4 is significant because it is relatively free of alien growth while the area below is strongly impacted by alien vegetation including acacia and hakea which reduce its biodiversity significance.
- The intensive alien clearance which is currently ongoing is a vital component of restoring the cultural significance in bio-diversity terms of the full site.
- There were no red data (threatened) species found in the survey area

Bergwind found that in view of this i.e. the alien clearance to restore the site, the proposal to develop a small portion of the site with a view to actively conserving the rest should be seriously considered as it would allow the meeting of conservation targets for the endangered Peninsula Granite Fynbos in the long term.

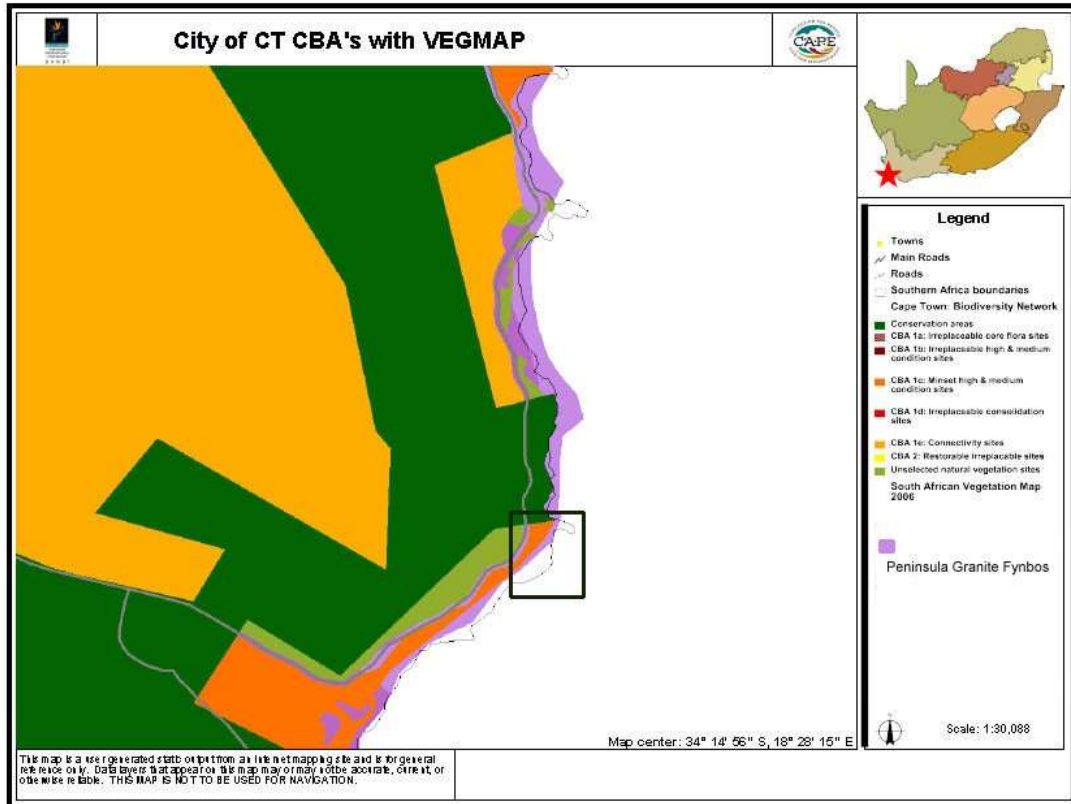


Fig 14. Partridge Point identified with City of Cape Town Biodiversity Network Map superimposed over the vegetation map of southern Africa. This shows the area of botanical survey at Partridge Point (rectangle). The area is classified as Peninsula Granite Fynbos in the vegetation map classification and as CBA 1c in the Biodiversity Network. Source: Bergwind 2009.

8. ASSESSMENT OF CULTURAL SIGNIFICANCE

Cultural significance is defined by the NHRA as “aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance”. Aesthetic significance includes spatial significance.

While the site has little cultural significance in terms of structures, and has some archaeological significance and may also be considered as possessing significant scenic value. The partial absence of the human presence - the sense of wilderness and the dramatic scenery comprising the wild slopes the long sea vistas and the rocky shores are its greatest societal value. The Peninsula mountain chain and its crest to coast links to the shoreline are deeply valued in terms of the identity of the Cape Peninsula, in terms of the drama and uniqueness of the environment and in terms of the uniqueness of the indigenous vegetation. As a result the scenic value of the Cape Peninsula and the Table Mountain National Park may be considered part of the national estate for the following reasons as contained in Section 3(3) of the National Heritage Resources Act:

- (a) “its importance in the community...

- (b) its possession of uncommon rare or endangered aspects of South Africa’s cultural or natural history
- (c) its potential to yield information that will contribute to an understanding of South Africa’s cultural or natural history”.... and
- (e) “its importance in exhibiting particular aesthetic characteristics valued by a particular cultural group

At the heart of its position as part of the national estate are scenic qualities and visual relationships between mountain and sea, the steepness of the slopes and continuing presence of rare indigenous vegetation of great scientific and the long views across False Bay south to Cape Point and the more immediate views of rocky shores and inlets.

In terms of pre-colonial history, the presence of pre-colonial shell middens illustrates the use of the site by the harvesters of the sea and shellfish life; and the presence of a likely rock shelter below a large granite boulder illustrates the use of the shoreline by pre-colonial peoples.

Statement of cultural significance

The site is of outstanding natural scenic significance illustrating a wilderness landscape where steep vegetated slopes descend to rocky shorelines. The pristine qualities of the landscape are partially affected by alien growth which however is in the process of being remedied. The site is bisected by the M4 or Miller’s Point Road which is part of the Scenic Drive Network. There are significant views down towards the sea and long views across the Bay which adds to the outstanding landscape qualities of the site.

The site is of outstanding “scientific significance” being part of the Cape Floral Kingdom. The adjoining Table Mountain National Park forms part of the designated World Heritage Site for the Cape Floral Kingdom which is considered of world significance.

The site is of some “historical significance” because sites of pre-colonial use (shell middens) have been identified. The qualities of the site which give it its dramatic scenic significance i.e. the steepness of the slope and the rocky shore have militated against any human settlement and use. The site is significant in that it is transversed by an old Peninsula road route dating to the early 20th century – a link between Simon’s Town Smitswinkel Bay and Cape Point.

9. HERITAGE RELATED DESIGN INFORMANTS: SEE DIAGRAM ONE

The site is dominated by nature and the natural setting. There are no historical precedents for architectural responses. In general architectural proposals should aim at simplicity of form rooflines and materials and work with the topography. Cut and excavations into the slope should be avoided.

However from the conservation, scenic drive and landscape requirements contained in the policy requirements for the site, the following should form potential guidelines informing future development. It should be noted that such informants rely on the broadest possible interpretation of scenic landscape as heritage.

- Buildings should “touch the ground lightly be based in nature” i.e. minimal environmental impact
- Building units to be reduced to a feasible minimum for minimal visual impact
- Existing building to be reconfigured to reduce visual impact
- Buildings to be positioned along the contours on the flatter terrain to minimise visual impact and environmental damage

- Sites to be chosen with a view to minimising visual impact through size of footprint, landscape placement of buildings within the landscape, simple roof shapes following the slope contours, and (where possible) natural materials.
- No building on ridges, substantial slopes
- Retention of natural setting, no garden walls or fences or additional horizontal elements
- Extent of building footprint to be controlled
- Protection of or mitigation to downward views from the Miller's Point Road (Scenic Drive) towards the sea
- Building situated beyond coastal setback line
- Lighting to be controlled to reduce visual impact
- Avoidance of building close to archaeological sites. Mitigation measures proposed (ACO 2009) to be adhered to.
- Parking to be minimal and kept out of line of site at 2 bays per house or 8 bays
- Use of existing access route

PART TWO: IMPACT ASSESSMENT

10. THE PROPOSAL

10.1. Background to the proposal

The intention is to cede 99% of the land i.e. the portion rezoned Reserve Use for Open Space to the conservation authority in terms of an agreement reached between the owners of the site and the South African National Parks Board (Table Mountain National). This agreement is dependent on the planning application being granted. Negotiations by the planners representing the property owners, with officials from local and provincial government have been ongoing since 2010. Several alternatives have been proposed. The current proposal which forms the basis of the planning application has been agreed²¹ by local officials as providing the most control and most protection for the conservation worthy landscape. In this proposal the development footprints would be smaller and building would not be able to extend beyond current building lines.

10.2. Process behind the proposal

In September 2005 Bernard Oberholzer, assisted by Mr Dave Jack submitted a memorandum outlining the range of options presented by the site. This arose out of discussions held between the South African National Parks, the City of Cape Town, and the owners of the site and was concerned with the question of incorporating part of the property into the Table Mountain Park for conservation purposes and well as a limited development on part of the site. These ideas have been refined through consultation since 2005 with the City of Cape Town, the SA National Parks and the specialist advisors. The current proposal is therefore the result of a 7 years consultation and refinement process.

By 1990 there had been a proposal to apply for a specialist residential from a rural rezoning based on a need to generate income for the site which was rapidly degrading. This proposal was never pursued and the property subsequently changed ownership. The current owners have a strong conservation ethic in mind for the site and the proposals have been radically reduced with over 99% of the land to be ceded (in terms of the current proposal) to the Table Mountain National Park with conditions and for conservation purposes.

²¹ The original proposal was for the units to be placed under a joint title on a single subdivision of approximately 3 ha. The remaining 25 ha would be ceded to the conservation authority upon the approval of the proposal.

The 2005 memorandum outlined the conditions and context of the property, what could be achieved within the context of the site; and the conditions presented - including the issue of visibility environmental capacity. It also considered the strong need for a sound environmentally-based and visually sensitive approach. The report noted that although there was a single building on the rocky promontory, given the scenic aspects of the site, it may be better to ensure that this structure and any others were less visually exposed.

- The memorandum concluded that the northern portion of the site below the road could accommodate a small number of structures without serious environmental damage if design constraints are imposed based on issues around visibility and the retention of the “wild” landscape character. It noted the northern portion had already been disturbed. The memorandum stated that, provided conservation requirements of the site were met, and there was little to no effect on the scenic integrity of the area, it was possible to consider the development of a small number of cottages at the northern less visually exposed part of the site. Oberholzer and Jack concluded (2005) that the carrying capacity of the site was between 5 – 7 units. In the end Partridge Point CC opted for less than that - with 4 units proposed.
- Oberholzer proposed a number of mitigation measures which have been carried through into the proposals. (See Annexure 3). Finally, the memorandum noted the intention of the proposal to include much of the site into the Table Mountain Park. This carries substantial public benefit and allowed conservation imperatives and policy requirements to be met in full.

10.3. The Proposal

The proposals attached to this report have been the result of a period of study of the site by specialists and the development site and design specific constraints. It was built on the Oberholzer analysis and mitigation measures. The proposals have also been the result of wide ranging negotiations with authorities at a local provincial and national level. Local, provincial and national policies have informed the design and planning of the application. In addition the international guidelines imposed by the World Heritage Convention have also informed the way the development options have been played out.

A planning application has been submitted by CNdV Africa on behalf of Partridge Point CC for the following:

- The subdivision of the property into 5 portions 4 to remain within the rural Zone and the 5th to be zoned Reserved Use for Public Open Space and ceded to the TMNP/
- The amendment of the Urban Structure Plan for the four small cottages on separate erven (average erf size 430sq)
- The rezoning of the large portion of the property to Reserve Use for Open Space. This land is intended to be ceded to a conservation authority once the application is approved.
- Departures from the Zoning Scheme.

10.3.1. Number of units, erf sizes

The proposal is for 3 additional units set on their own small erven with the 4th unit comprising of an altered and redesigned existing house. Structures are set beyond the coastal setback line. There will be a servitude extending the length of the access path and existing services. Erf sizes are as follows:

Portion 1 418 sqm

Portion 2 460 sqm

Portion 3 457 sqm

Portion 4 (existing house) 387 sqm

There will be a caretaker's store and gatehouse at the northern edge of the site.

The existing picnic area under the tree at the flat area near the coastline is to remain as such.

10.3.2. Proposed services

Services including access storm-water management, sewerage have been designed to impose as little on the landscape as possible. Each cottage will be serviced by a septic tank with a main pump station close to the site of the existing house. Rain-water is to be harvested and contained in storage tanks for use. Storage tanks will be placed under the cottages. It is considered that this arrangement will be sufficient of the use purposes of the cottages.

There is an existing miniature substation on site that has the capacity to supply the electricity demands of the site.

Access will be from the existing route which zigzags down the steep slopes. Some adjustments at the points will be necessary for drainage and to make this a safer option. (See site development plan CNdV Africa: Partridge Point.

10.4. Alternative Proposals.

The EIA process requires that 3 alternative proposals be presented for scrutiny. The alternatives will be submitted to DEADP as part of the EIA process for a decision.

There are 3 alternative Proposals

10.4.1. The "do nothing" alternative. Alternative 1

In this the current situation will remain. The 99% of the land will not be ceded to the Park for conservation purposes and the full site will remain in private ownership. It should be noted that the WHS Buffer Zone requirements i.e. for the creation of conducive bio-diversity management will not be met.

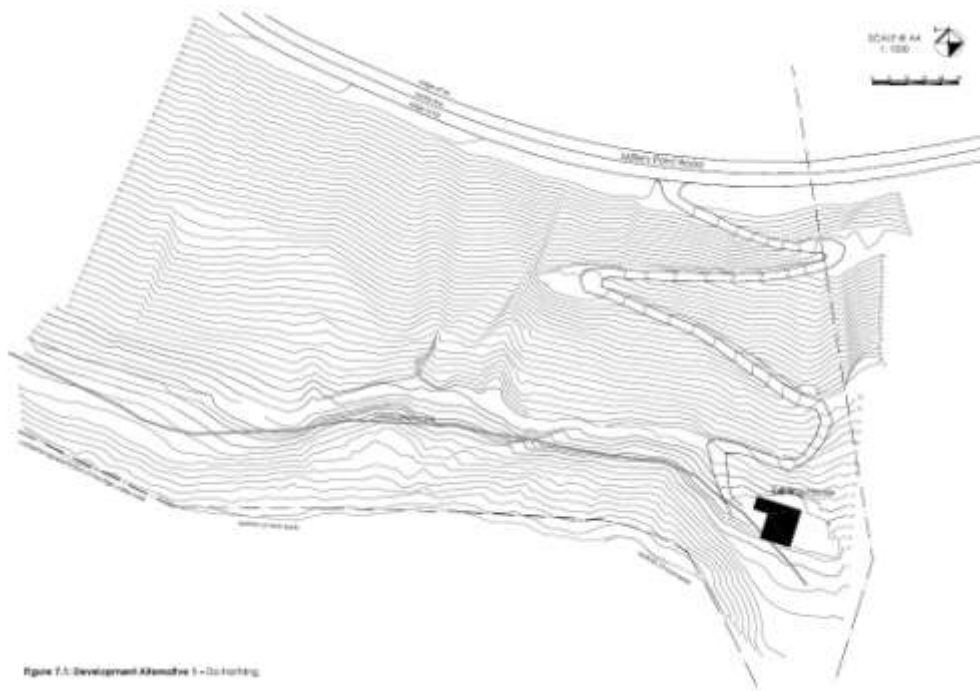


Figure 7.5: Development Alternative 1 - Do Nothing

Fig 14. The “do nothing” alternative in which the existing house remains and the property remains fully in private ownership.

10.4.2. Application of existing zoning rights. Alternative 2.

The full application of the right conferred in terms of the rural zoning. This includes one large house one the site of the existing, with a manager’s cottage, two staff residences and a gatehouse/storeroom.

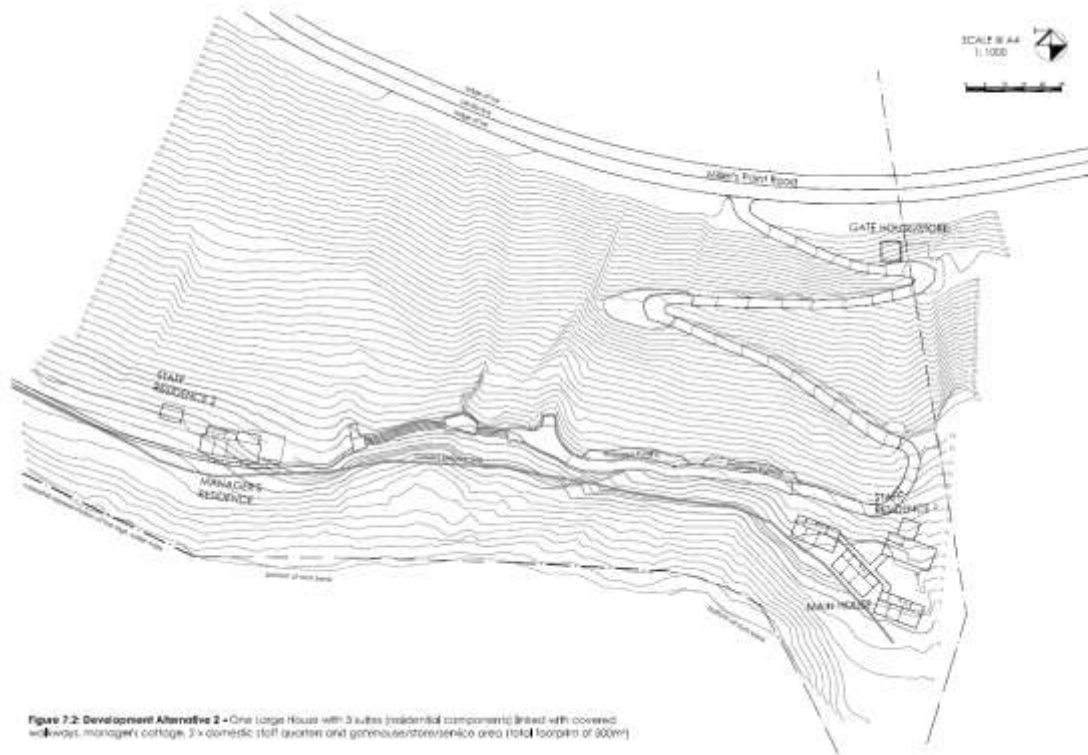


Fig 15. The “application of existing rights” which comprises extended main house including two staff residences and a manager’s residence. Because of the heightened visibility of the enlarged house this comprises the largest impact on visibility and site character.

10.4.3. The development Alternative 3. This is the preferred alternative.

This includes the building of three small cottages and the renovation of the fourth (existing house) each on their own small erf with a gate-house/storeroom. There is a 5th erf comprising 99% of the site to be rezoned “Reserved Use for Open Space Purposes” which should the proposal be authorised, be ceded to the South African National Parks (Table Mountain Park) for conservation purposes. The planning mechanisms necessary in order to achieve this option are outlined in the Planning Application attached as Annexure 2 to this report. (See CNdV Africa 2012)

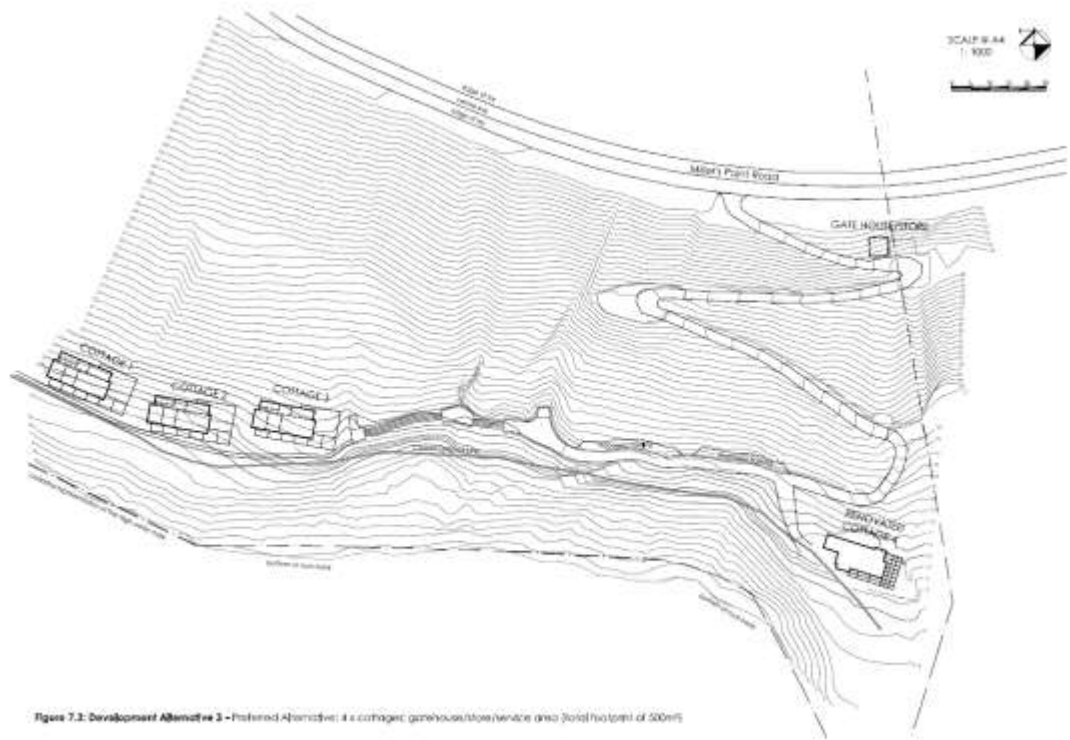


Fig 16. *Alternative 3 (preferred alternative) in which the property is subdivided into 5 portions with the largest ceded to the Table Mountain Park.*

The 4 small erven are large enough to contain the footprint of a small house. Access is achieved through a servitude along an existing path/road with some adjustments for parking and lay-bys.

10.5. *Architectural proposals*

The site development and the architectural evolution of the concept by Cook Le Febvre Architects assisted by Claire Donovan; has been an iterative process since 2010. The final concept is intended to respond to the sense of wilderness and the dramatic landscape with a lightness of touch and a desire to keep visual and environmental impacts to a minimum.

The architectural proposals have been closely developed with the VIA constraints in mind. As a result mitigation measures referred to in the VIA have been fully complied with in the architectural designs. These relate to the placement of structures in relation to the slope, sightlines from a variety of points footprints and materials in order to minimise visual impact to the point where the proposal is within the visual absorption capacity.

For the architectural sketch proposals see Annexure 6

10.6. *The allocation and placement of services*

10.6.1. *Access and parking.*

The existing road off the M4 will be used to provide access. Rehabilitation would be necessary to upgrade the road including the following

- Portion of tarred surface or interlocking paving at the first turning head
- Reinforced cross beams to support paving at its steepest
- New security gate at access point from M4

- Insertion of underground surfaces and subsequent repair of existing road
- Turning shunt at 3rd turn to allow passing of vehicles
- Improvement of existing jeep track
- Drift developed in water course and lined to prevent erosion
- Concrete ramp over to reduce steep gradient
- Turning head in small valley allowing vehicles to pass
- Widening of jeep track for embayment's for 8 vehicles

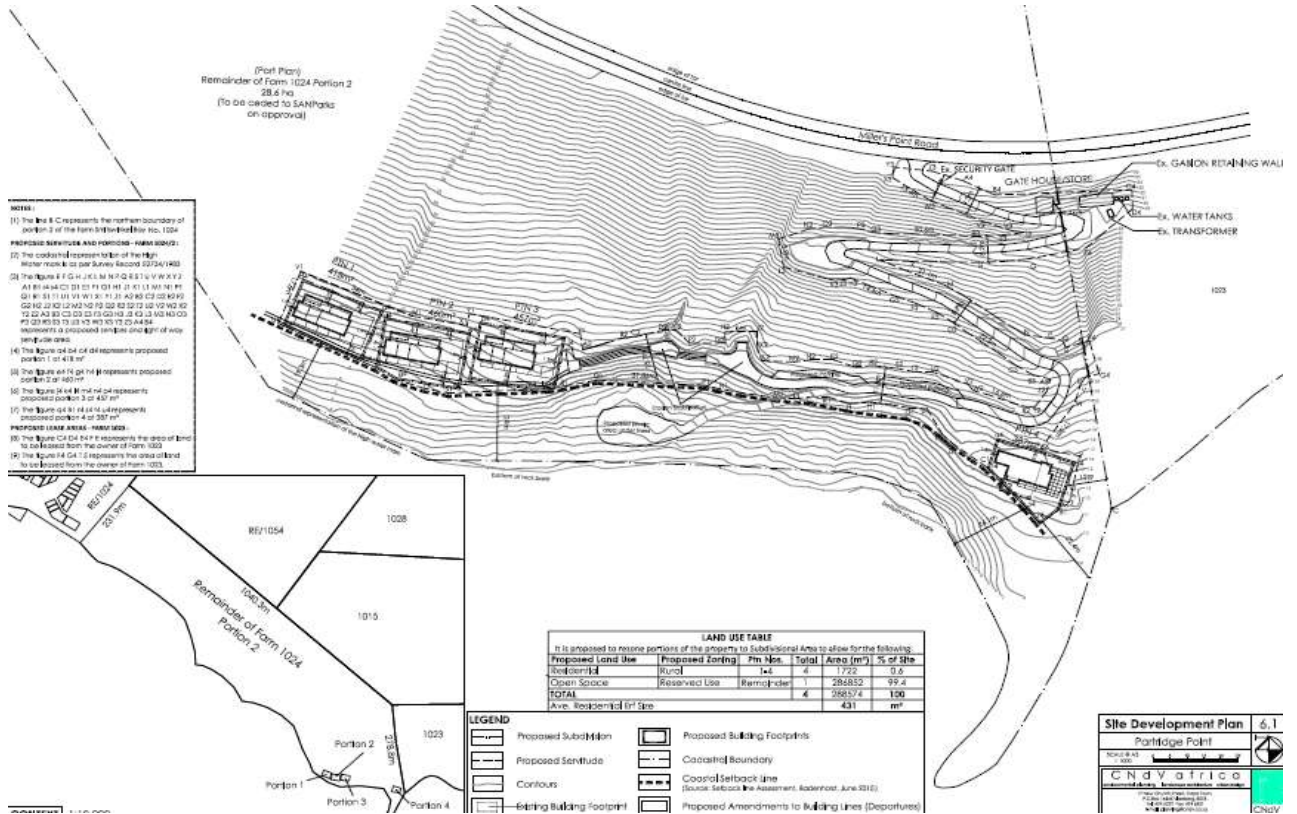


Fig 17. Site plan showing position of buildings on the site, picnic area and access route. Source CNDv

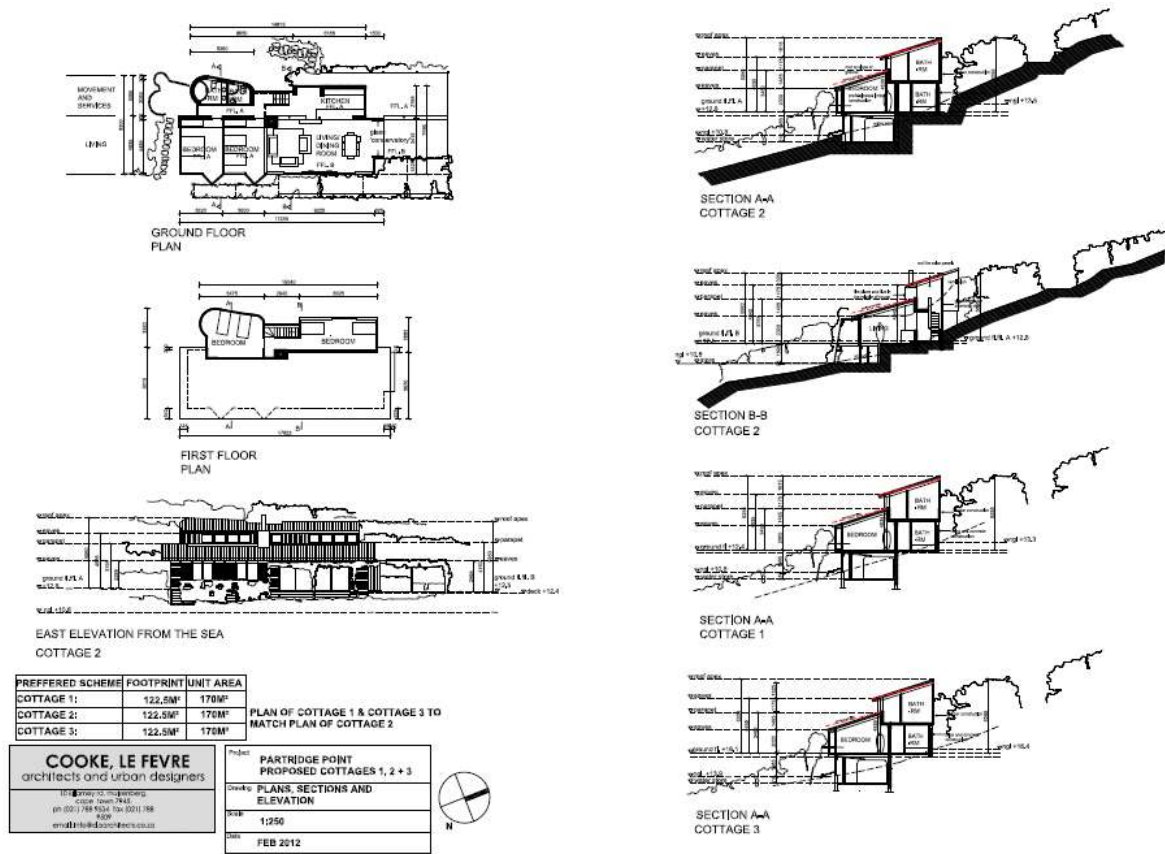


Fig 18. Cottage Design (cottage 2 as a prototype) with roof forms as a response to topography and placement within and response to the slope.

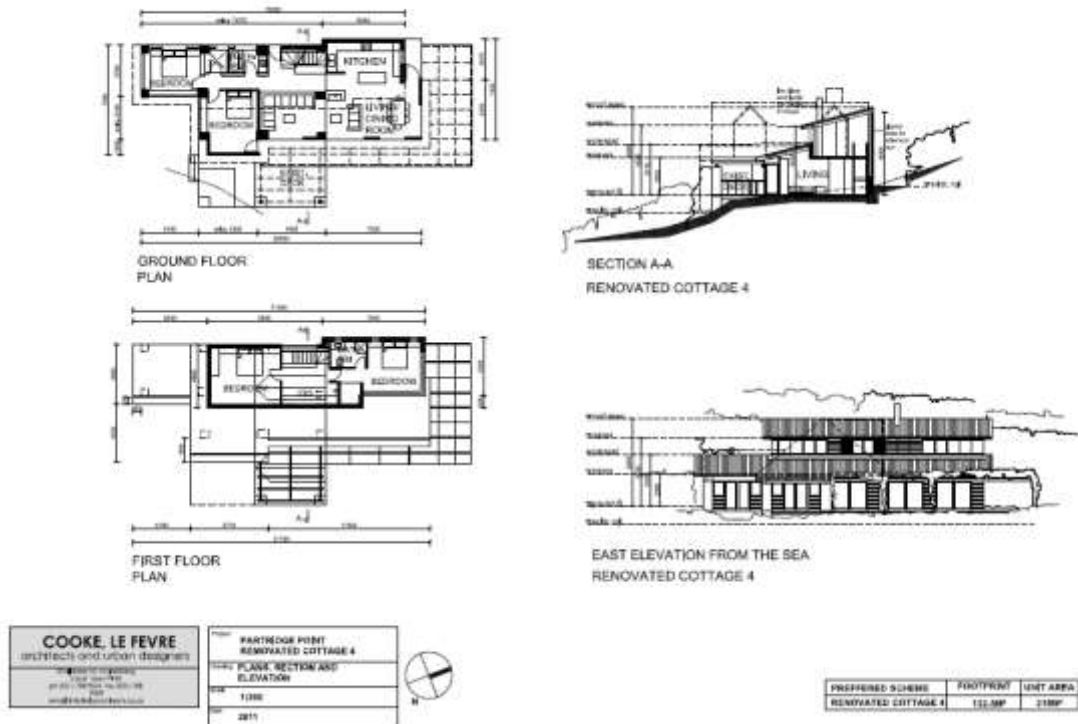


Fig 19. The reconstruction of the existing cottage with roofline mitigation to reduce visual impact.

11. MEASUREMENT OF THE PROPOSALS AGAINST THE HERITAGE SIGNIFICANCE OF THE SITE

There were no heritage structures of significance on the site, nor were there strong architectural design informants which could be drawn from architectural precedent. The primary heritage significance was in the site itself, its setting and the environmental and visual constraints which have been fully outlined in the Visual Impact Assessment and the heritage related design informants. The scenic and landscape qualities were found to be of outstanding significance, although it should be noted that it was their wilderness rather than cultural qualities which were identified as significant. Consequently visual informants based on reducing impact significance were the primary landscape informant. These included the dramatic scenic context, the scenic value of steep vegetated slopes the long views to rocky coastlines. Such views to and from the site were considered to be significant.

There is a strong area of overlap with the Visual Impact Assessment. Impact on the visual qualities of landscape and impact on the landscape character as identified in the HIA are virtually the same. Design and development informants in relation to the scenic qualities of the landscape, its scientific and environmental imperatives and measures to reduce visual impact have already informed in substantial part what is proposed and how the process will ensure landscape protection.

11.1 The following may be identified as potential risks to heritage

- Risk to potential archaeological resources during site clearance
- Visual impact of proposed structures in the landscape and from the scenic drive (from a variety of viewpoints)
- Potential visual impact from proposed grade 1 site (TMNP)
- Potential loss of significance vegetation during site clearance and construction
- Potential loss of significant vegetation through lack of environmental management in a HWS Buffer Zone

11.2. The following may be identified as potential opportunities

- Opportunity to contribute a “missing piece” of the TMNP to the public domain
- Opportunity to establish a “win win” situation with appropriate environmental control to a sensitive and scenically significant environment and at the same time permit limited returns through a small scale development
- Establish an appropriately designed, architecturally coherent development for a scenic environment.

12. PUBLIC CONSULTATION

The public participation process commenced following the submission of an application form to DEADP, an agreement to undertake a Basic Assessment Report and the issuing of a case number. The public participation contained the following steps:

- Adverts were placed in the False Bay Echo and Cape Times on 27 September 2012. The advert made the public aware of the basic assessment process that is under way and called for the public to register as interested and or affected parties should they be interested in the project.
- The registration period extended for 30 days from the date of publication of the advertisement. This meant that the initial registration period closed on 29 October 2012. A sign board was erected on the site to notify public of the process.

- Notification letters were emailed to all potential organs of state or potential I&APs as identified.
- Written notification was given to all of the neighbours surrounding the site. All of the comments and queries were tabled into a comments and responses report (as attached) which will be included into the Draft Basic Assessment Report. Input from the project team will be required in order to complete the responses section and the report by October 2013.
- The comment period for the Draft Basic Assessment Report is 40 days.
- The NEMA process including the Section 38(8) application, is not directly linked to the LUPO process *per se*. Planners CNdeV have indicated that the LUPO application is to follow a separate but parallel process.

A final Table of Comments and Responses was completed in September 2013 and is attached as Annexure 15.8.

The following should be noted:

- There were no specific objection relating to archaeology and heritage
- Many I&AP asked to be registered as such and to be kept informed of further developments
- Cape Nature Conservation noted that comments related only to bio-diversity management
- One respondent (J Newton) required assurance that neighbours to still be allowed traditional use of the coastal paths
- J Thornycroft on behalf of Broadmark Investments (Pty) Ltd objected to the proposal as being currently outside the urban edge. He objects to the rezoning of the 4 small erven as he considers it unnecessary.

The Act (Section 38[3]) specifically requires that consultation with I&AP 's for heritage purposes be on the basis of the "impact of the development on heritage resources". No heritage resources have emerged as a point of contention or concern for the affected communities.

13. HERITAGE IMPACT ASSESSMENT

13.1. *The extent of the impact*

This may be viewed in terms of:

- Regional/townscape scale
- Local scale
- Farm/site scale
- Individual element scale

Impact on heritage resources is considered regional. Certainly the significant of the site and the degree to which it is valued is regional in scale. However the extent of the impact is local in scale in terms of scenic impact but regional in terms of bio-diversity.

This report considers the extent of the impact as mostly local rather than regional in scale.

13.2. *The intensity of the impact on heritage resources*

This affects the degree to which the heritage resources will be altered.

The heritage resources may be regarded as the archaeological sites as identified by the ACO, in particular the two sites closest to the reconstructed house on the rocky promontory at Partridge Point. Neither site is affected by the proposal, which is on the footprint on the existing house. It is possible that further middens may be found during site clearance. This item will be accommodated within the EMP during the construction phase

The scenic landscape is considered at the broadest level in this report as of cultural significance and as constituting part of the national estate. It is affected in beneficial terms by the site clearance of alien vegetation which will increase its biodiversity value and the wilderness qualities. It is

13.3. The significance of the impact on heritage resources

This measures the magnitude of impact against the significance of the resource. The significance of the impact may affect the site in:

- Physical and material aspects
- Visual spatial qualities
- Associational impacts

13.3.1. Physical and Material:

The environmental conservation imperative:

The impact may also be construed to be physical and material in that it affects the future environment of the site. Environmental Conservation imperatives are therefore a criteria against which impact of the proposals should be measured.

Option 1 and Option 2: The “do nothing” and the existing rights option will have implications for conservation management. The site will remain in private ownership and the opportunity for the inclusion of a significant “missing piece” of the scenic landscape into the TMNP will be lost.

Option 3 or the preferred option will impact positively on botanical and environmental conservation imperative. The site forms part of the Buffer Zone of the WHS; and inclusion into the Park will allow conservation management that will support and enhance the site as forming a generic part of the Table Mountain National Park and its unique floral kingdom. The site itself presents a unique opportunity of adding land to the Park which stretches from crest to coastline and will link with the protected marine reserve.

Impact in terms of environmental imperative of option 3 (the preferred option) is considered positive.

Archaeological constraints

The “do nothing option” has in theory the least impact on the archaeological conditions on site. However ongoing site clearance may reveal further archaeological sites. The footprints of the proposed buildings and allocation of services are proposed in areas which are already disturbed. No development is situated along the coastal areas where middens are found as all development is situated behind the coastal setback. No development is proposed near the known archaeological sites which apart from one (near the existing house) are situated largely in the coastal setback zone. Mitigation should include care of the midden site closest the homestead particularly during the construction and rebuilding phase.

Impact on archaeological sites for options 1 and 3: low

Impact on archaeological sites for option 2: low, with mitigation.

Visual Spatial:

This report finds that the nature or significance of the impact is visual/ spatial.

Option 1 - the do nothing option has a material impact on the site through lack of the conservation management opportunities which will follow integration with the TMNP. The options 2 and 3 have physical aspects in that they will involve the extension of the development footprint and thereby affect visual spatial aspects. Of these proposals the application of the existing rights (Option 2) is likely to have the greater visual spatial impact by virtue of the positioning of the proposed buildings. Option 3 therefore provides the greatest visual “fit” when measured together with environmental significance of the site as part of the Cape Peninsula Mountain Chain.

12.4. Status of the Impact

12.4.1. Visual/scenic landscape

The status of the preferred option on the visual scenic landscape is considered low. This is further reduced by mitigation measures as outlined in the proposal.

The existing house has some visibility which will be reduced by the redesign and rebuilding of the house to reduce the impact of the pitched roof.

Option 2 has potential a greater visual impact in relation to the proposed structures due the arrangement of the proposed structures in the relatively visible space. Visual Impact of the preferred option is considered low.

12.4.2. Cost benefit

The NHRA requires that impacts on heritage resources also be assessed in the light of the proposal to provide social and economic benefit to the community and the economy.

The proposal (option 3 – the preferred option) will be a positive impact in environmental terms. Benefit to the community will be in terms of the extension of the TMNP and this cannot be measured in terms of costs but environmental benefits to the city as a whole.. Benefit to the public good is considered high.

12.5. Duration of the Impact

The duration of impact during construction is likely to be temporary. Construction is dependent on the planning application being granted. Building is likely to be long term to permanent.

The construction period is unknown at this point. The duration of proposal once implemented will be permanent.

12. 6. Probability

It is likely that there will be a development on the site, as the current situation has proved problematic for the environment and a substantial financial and conservation management burden. Despite substantial investment in alien clearing a anti- erosion measures, the spread of alien vegetation erosion, and shellfish poaching remain areas of concern.

The proposals have changed considerably since 2005 and further changes may occur subsequent during negotiations with the public and with authorities. However the current

application which has been the result of intensive and protracted negotiations with the authorities is considered a best case scenario and one which balances public and environmental benefit with some development options without major visual impact on the scenic environment.

12.7. Confidence

The confidence in the assessments contained in this report is high. The proposals are the result of intensive negotiations and study, which have taken environmental conservation and scenic constraint factors strongly into account; and worked within such constraints over the long period of time to achieve the best possible result.

(For measurements of impacts see attached table).

13. CONCLUSIONS

The following are the conclusions.

- There are no heritage structures or buildings over 60 years on the site or nearby. Therefore there is no grading. The entire site may be considered significant for conservation scenic and bio-diversity reasons.
- The heritage resources on the site are archaeological, consisting of shell middens; and a rock shelter on the rocky promontory at the Point. These are not affected by the proposal. For mitigation measures affecting the archaeological sites, see Section 14 Recommendations.
- The significance of the site is based on its scenic and environmental qualities. While this can be described as of cultural significance on a broad landscape scale, it refers to qualities rather than objects. The heritage status of the site is linked to its proximity to the Table Mountain National Park which was identified by SAHRA as a Grade 1 site. In addition, its position as a buffer zone to a (natural) World Heritage Site suggests that environmental management and conservation is of paramount importance. This report concludes that the ceding of 99% of the site to SANP for conservation purposes, which will follow the approval of the planning application, is the optimal solution to conserving the scenic landscape, botanical and environmental significance of the site.
- The heritage related design informants (Section 9 and diagram 1) have been complied with.
- The project has been designed and planned over a seven-year period with the mitigation of visual impact being a major informant. The VIA consultants have worked with the owners of the site and the project architects and engineers to ensure the least possible impact of the proposal on the site and views from the scenic drive. Numbers of housing units have been reduced and sustainability principles have been built into the design. The HIA endorses the mitigation measures proposed in the VIA (See Section 7.3) and is confident that these issues have been fully addressed.
- This report concludes that despite the proposal being outside the urban edge, sufficient mitigations have been put in place to ensure minimal impact on the environment; and the ceding 99% of the land to SANP for conservation purposes is an acceptable and generous arrangement.
- Impacts of the proposal on heritage resources where they occur are low. Impacts with design mitigation on the housing units are low
- Impacts on the environment are low and with appropriate management of the conservation area will be positive in the long term.

- While the whole site is visually and scenically sensitive the report concludes that Option 3 best meets the environmental, scenic, visual, archaeological and botanical constraints presented by the site

14. RECOMMENDATIONS

It is recommended that HWC endorse Option 3 of the proposal (the preferred option) as it as its meets the scenic environmental visual and heritage constraints imposed by the site and has low impact on the qualities of the site. It is fully in line with the heritage related design informants identified in Diagram 1 of this report.

It recommended the following mitigation measures to be included into the Environmental Management Plan for the site, particularly during the construction phase.

Archaeology:

- An archaeological watching brief during site clearance and building is recommended. This should focus on the development footprint in the vicinity of the rocky promontory of Partridge Point which is of high archaeological significance. Building in this area should be restricted.
- Measures put in place as part of EMP to protect remaining deposits PP4 and PP5 (rocky promontory containing the shell midden and rock shelter.
- Review of archaeological sites once bush clearing is complete.²²

Landscape: Visual and environmental impact

- The constraints contained in the design informants (Section 9) and Diagram 1 be endorsed by HWC.

15 ANNEXURES

- 15.1. Annexure 1: RoD Notification of Intent to Develop Heritage Western Cape
- 15.2. Annexure 2: Archaeological Report 2009 as amended ACO
- 15.3. Annexure 3: VIA Baseline Study 2009 Bernard Oberholzer Landscape Architect
- 15.4. Annexure 4 Partridge Point Planning Application CNdV Africa 2012.
- 15.5. Annexure 5: Map analysis Historical Background to the site.
- 15.6 Annexure 6. The Proposal and related documentation
- 15.7 Annexure 7. Assessment Tables HIA
- 15.8. Annexure 8. Table of Comments and Responses September 2013

16. REFERENCES

Reports

Archaeology Contracts Office, University of Cape Town: *An Archaeological Assessment of Portion 2 of the Farm 1024 Smitswinkel Bay (Partridge Point)* Oct 2009 as amended.

CNdV Africa, *Partridge Point: Application for an Amendment to the Urban Structure Plan, Rezoning to Sub0divisional area, subdivision and departures for Farm 1024 Portion 2 Smitswinkel Bay* , Dec 2011, Rev Jan 2012.

²² ACO 2009 Partridge Point Recommendations

Oberholzer, B., *Proposed Residential Development Portion 2 Farm Smitswinkel Bay No 1024 Partridge Point: Phase 1 Visual Baseline Line Study* 2009.

Oberholzer B., in assoc Lawson Q, *Draft Visual Impact Assessment* June 2012

Mac Donald D, Bergwind Botanical Surveys and Tours, *Baseline Botanical Assessment for the Proposed Development at Partridge Point Portion 2 of Farm Smitswinkel Bay 1024 Cape Peninsula*, October 2009.

- Deeds Office, Cape Town
- Surveyor General's Office, Cape Town
- Trigonometrical Survey Office, Mowbray
- Historical maps, Surveys and Land Information, City of Cape Town

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