

Our Ref: HM/ EDEN/ GARDEN ROUTE/ BITOU/ KEURBOOMSTRAND/
ARCH ROCK/ PORTION 5 FARM 296
Case No.: 21102706AM1027E
Enquiries: Ayanda Mdludlu
E-mail: ayanda.mdludlu@westerncape.gov.za
Tel 021 483 5959



Mr Stefan de Kock
perceptionplanning@gmail.com

**APPEAL IN TERMS OF SECTION 49: APPLICATION FOR A PERMIT FOR A DEMOLITION AND REDEVELOPMENT
SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999): PTN
5 FARM 29,6 ARCH ROCK, KEURBOOMSTRAND**

CASE NUMBER: 21102706AM1027E

The matter above has reference.

This matter was discussed at the Appeals meeting held on 12 January 2022.

RECORD OF DECISION:

The Appeal is upheld. No further studies are required.

Proposed Action: Notification of Intent to Develop
Site: Ptn 5 Farm 296 Arch Rock, Keurbomstrand

NOTE:

- This decision is subject to an **appeal period of 30 days** in terms of S49(2) of the NHRA.
- Such appeals are to the Minister of Cultural Affairs and Sport and are to be submitted to michael.petersen@westerncape.gov.za

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

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Penelope Meyer
Deputy Director: Legal Advisor



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Date: 17 December 2021



NOTICE OF RECEIPT OF APPEAL: NOTIFICATION OF INTENT TO DEVELOP WITH THE DEMOLITION OF EXISTING ACCOMODATION & REDEVELOPMENT OF PTN 5 FARM 296 ARCH ROCK, KEURBOOMSTRAND.

It is confirmed that an appeal was received on **17 Dec 2021** in terms of Section 49 of the National Heritage Resources Act, 1999, Act 25 of 1999 (the NHRA) read with Regulation 12 of the Regulations published under GN 5937 on 25 October 2002 in respect of the above application which was heard by the Heritage Officers' Meeting (HOMs) held on 15 November 2021. Whereby the following decision was taken:

RECORD OF DECISION

The Committee resolved to request a Heritage Impact Assessment that satisfies the provisions of Section 38(3) of the NHRA that must additionally include an archaeological impact assessment, desktop palaeontological impact assessment and townscape study as the proposed demolition of existing accommodation and redevelopment is believed will be impactful on heritage resources.

Any party wishing to oppose the appeal is to provide a written response to this notice to:

Appellant: Keurbooms Rock (Pty) LTD: clarice@summersinc.co.za
Applicant: Stefan de Kock: perceptionplanning@gmail.com

Interested and affected parties:

Plettenberg Bay Conservation Body: Simon Van Der Stel Foundation Southern Cape
natiedes@telkomsa.net

Case Officer: Ayanda Mdludlu ayanda.mdludlu@westerncape.gov.za

Such information must be submitted to Heritage Western Cape by the end of business on **Monday 3 January 2022**, confirming that the appeal will be opposed and setting out their response to the grounds of appeal. Failure to respond within this time will be taken as confirmation that the appeal is not being opposed. Proof that the above parties have been provided with the responding papers must be provided to the case officer at the contact details above. No further written submissions will be entertained.

The appeal is set down for: 12 January 2022

Copies of the Appeals committee Agenda will be available on the website <https://www.hwc.org.za> one week prior to the meeting or can be requested from the case officer at that time.

KINDLY NOTE

- As there may be more than one appeal on that date, the matter may not be heard at 09:00. Cases will be heard in the order that they appear on the agenda, and no commitments can be made as to the time they will take.
- Only one person representing each party present may address the committee and representations are to be limited to 20 minutes per speaker.
- All submissions are to be directed to the chairperson.
- Cross examination is not permitted.
- The hearing will proceed on the date and time as set out above, whether or not the parties are in attendance.

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ILifa leMveli leNtshona Koloni

Erfenis Wes-Kaap

Heritage Western Cape

MEETING OF HERITAGE WESTERN CAPE'S APPEALS MEETING AGENDA

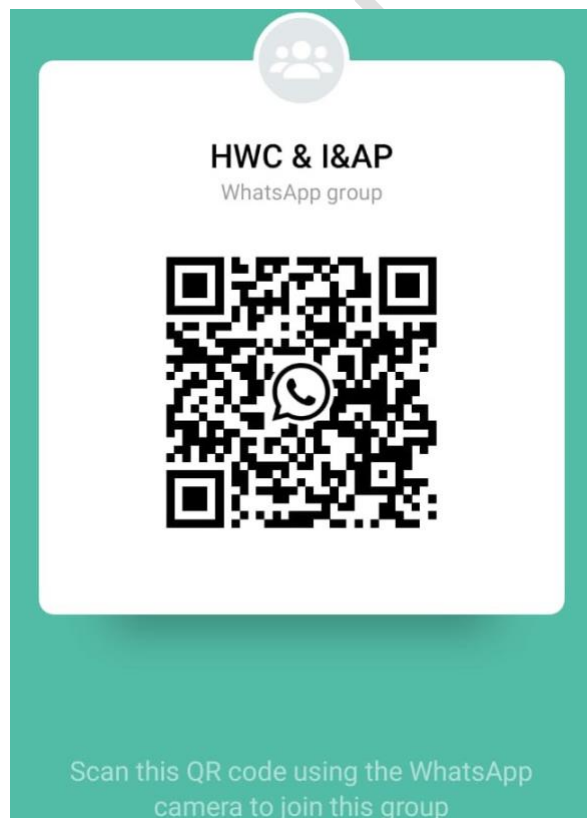
DATE: WEDNESDAY, 12 JANUARY 2022

TIME: 08H30

The meeting will be held online via *Microsoft Teams* (<https://teams.microsoft.com/downloads>)

To be a participant in the meeting, kindly email the agenda item number and the contact details (email address and cellphone number) of the attendee to ceoheritage@westerncape.gov.za no later than 24hrs ahead of the scheduled meeting.

In order to be updated with agenda proceedings, please use the following QR code or link to access the HWC *WhatsApp* group on the day:



Follow this link to join the WhatsApp group:
<https://chat.whatsapp.com/IJzuikP4jtt4fmPW7fA5X6>

It is your responsibility to join the respective group to be kept up to date on the meeting proceedings – HWC officials will not be contacting individuals in order to advise them when to join.

1. Opening and Welcome

2. Attendance
3. Apologies
4. Approval of Agenda
 - 4.1 Dated 12 January 2022
5. Approval of Minutes of the Previous Meeting
 - 5.1 Dated 7 December 2021
6. Disclosure of conflict of interest / Recusals
7. Confidential matters
8. Administrative Matters
 - 8.1 Outcome of Ministerial Tribunals
 - 8.2 Report back on HWC Council Meetings
 - 8.3 Site Inspections Undertaken
 - 8.4 Discussion of the agenda
 - 8.5 Potential Site Inspections

MATTERS TO BE DISCUSSED

11. MATTERS ARISING

- 11.1 **MEC Tribunal Directive: Proposed Partial Demolition, Alterations and Additions, Erven 2544 and 2456, Corner Joubert Street and Merriman Avenue, Stellenbosch – S34, A&A**
Case No.: 18080605HB0807E
Waseefa Dhansay
- 11.2 **Appeal against decision of BELCom: Proposed Additions and Alterations on Erf 12563, 26 Coronation Road, Walmer Estate, Revised Proposal to be tabled – S34, A&A**
Case No.: 21081111MS0816E
Muneerah Solomon

12. NEW MATTERS

- 12.1 **Appeal against decision of HOMS: Proposed mixed-use development on Erven 1378 and 1379, Paarl, S38(4)-NID**
Case No.: 201110503SB1118E
Stephanie-Anne Barnardt
- 12.2 **Appeal against decision of HOMS: Proposed Construction of a Commercial Facility and Parking on Erven 1376 and 1377, Paarl, S38(4) -NID**
Case No.: 21120233SB1202E
Stephanie-Anne Barnardt
- 12.3 **Appeal against decision of HOMS: Proposed Demolition of an existing accommodation facility and redevelopment of the site, Portion 5 of Farm 296, Arch Rock, Keurbbomstrand- S38(4)-NID**
Case No.: 211706AM1027E
Ayanda Mdludlu

13. MATTERS FOR NOTING

- 13.1 **Appeal against the decision of BELCom: Proposed Total Demolition of Erven 977 and 978, 11 and 13 Virginia Avenue, Vredehoek, S34-TD – Matter to be heard at the meeting of 9 February 2022**
Case No.: 21061711KB0728E
Khanyisile Bonile
14. **OTHER MATTERS**
15. **ADOPTION OF RESOLUTIONS AND DECISIONS**
16. **CLOSURE**
17. **DATE OF NEXT MEETING: 09 February 2022**

FINAL

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

NOTIFICATION OF INTENT TO DEVELOP: DEMOLITION OF EXISTING ACCOMMODATION & REDEVELOPMENT ON PTN 5 FARM 296 ARCH ROCK, KEURBOOMSTRAND, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21102706AM1027E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Heritage Officers' Meeting held on 15 November 2021.

You are hereby notified that, since there is reason to believe that the proposed demolition of existing accommodation and redevelopment on ptn 5 farm 296 Arch Rock, Keurboomstrand will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides

- (3) *The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a): **Provided that the following must be included:***
- (a) *The identification and mapping of all heritage resources in the area affected;*
 - (b) *an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;*
 - (c) *an assessment of the impact of the development on such heritage resources;*
 - (d) *an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;*
 - (e) *the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;*
 - (f) *if heritage resources will be adversely affected by the proposed development, The consideration of alternatives; and*
 - (g) *plans for mitigation of any adverse effects during and after the completion of the proposed development.*

(Our emphasis)

This HIA must in addition have specific reference to the following:

- Archaeological impact assessment,
- Desktop Palaeontological Impact Assessment & ,
- Townscape Study.

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The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case-by-case basis.

If applicable, applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

Kindly take note of the HWC meeting dates and associated agenda closure date in order to ensure that comments are provided within as Reasonable time and that these times are factored into the project timeframes.

HWC reserves the right to request additional information as required.
Should you have any further queries, please contact the official above and quote the case number.

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Colette Scheermeyer
Deputy Director



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