



212 BUITENGRACHT STREET, BO-KAAP, CAPE TOWN, 8001
PO BOX 2771, CAPE TOWN, 8000
TEL (021) 424 5026 - FAX (021) 424 5027

File ref: 9/2/084/141 and 9/2/069/41

Queries: Beverley Crouts-Knipe at bcrouts@sahra.org.za

Date: 16 March 2006

Boschendal Limited and Anglo American Farms
c/o Nicolas Bauman & Sarah Winter Heritage Consultants
PO Box 281
MUIZENBERG 7950

ATTENTION: Sarah & Nicolas

Fax 788-2871 & 423-5713

**APPLICATION FOR THE SUBDIVISION OF ERVEN 1674/2, 1674/5 1674/8
and 1674/9, BOSCHENDAL (IN TERMS OF SECTION 29 OF THE
NATIONAL HERITAGE RESOURCES ACT, 25 OF 1999) OF FOUNDERS
ESTATES, BOSCHENDAL, DWARS RIVIER VALLEY: STELLENBOSCH
MAGISTERIAL DISTRICT**

Thank you for submitting the Heritage Scoping Study for the entire Boshendal Farmlands and the Heritage Impact Assessment for the Founders Estates, Dwarsrivier Valley requested by SAHRA to inform the decision making of the application for the **subdivision** of the above-mentioned erven, which comprise a portion of the Dwarsrivier Valley landscape situated within the Cape Winelands Cultural Landscape.

I.CONTEXT OF DECISION

A meeting, where the above-mentioned application was reviewed, by the **ad hoc SAHRA Permit Committee** (*hereinafter referred to as the permit committee*), which included a '*specialists panel*', was held on 17 February 2006, at the Sherry Cellar, Rhone Farm, Boschendal Estate.

The permit committee, on review of the HIA documentation, presentations and stakeholder input (both written and verbal) raised the following pertinent issue:

SAHRA, as the national heritage resources authority, is mandated to protect and manage nationally protected heritage sites in terms of the NHRA. However, it is incumbent on the organisation, in the management of world heritage sites or protected areas or cultural landscapes, to take cognisance of all other relevant world heritage legislation, recommendations, charters and conventions. The Cape Winelands Cultural Landscape has been placed on the world heritage Tentative List as it meets some of the criteria used to assess '*outstanding universal value*', which includes those of authenticity and integrity.

II. PERMIT COMMITTEE CONCERNS

It is believed that the integrity of the landscape will be affected by the proposed development even with the current proposed mitigation measures. By nature of an intervention that differs with the historical settlement pattern that has been prevalent for over 300 years; the likelihood exists that this landscape and potentially the Dwars River Valley would be excluded from eventual WHS listing.

In this regard, serious consideration has been given as to the impact of the proposal on the potential world heritage listing of the site. The permit committee is of the opinion that the sub-division applied for has implications for the property as a whole and therefore, also the natural and cultural heritage values of the property as there is an untested implication of the proposed sub-division and the subsequent rights that would accrue to the existing or new owners. The primary implication is that the owners of sub-divisions would be able to develop structures on the properties. In the opinion of the permit committee, this would have a **potentially significant negative impact** on the natural and cultural heritage that currently exists on the property.

The proposed sub-division further fundamentally changes the responsibility for the maintenance of the cultural and natural environment to more than one owner. The current owners have correctly assumed that this would have impacts on the viability of the property for agriculture and have therefore anticipated arrangements that will result in the agricultural production of the combined properties being undertaken by one management entity. Similar considerations are needed for the natural and cultural heritage components, which need to be managed consistently as part of the "whole" landscape. It is the committee's view that there would need to be some kind of co-operative arrangement that would ensure that uniform and consistent management of the natural and cultural heritage takes place.

The individual owners of the sub-divisions would have to accord with very closely defined guidance regarding these heritage values.

However, SAHRA is mindful of the fact that **in the case of Dwarsriver Valley**, that these conservation imperatives should be considered in the context of the socio-economic challenges of the Valley. In this regard, due consideration has been given to a certain community group plea in favour of the promised economic benefits that the local community is to derive from the proposed development. Notwithstanding the fact that other organisations in the Dwars River Valley opposes this view. This has been noted by the permit committee and needs further investigation. In this regard, it is requested that the heritage consultants provide SAHRA with more clarity on the opposing views as well as how and if these can be addressed. The findings of such an investigation will have to be assessed by SAHRA with the assistance of the *'specialists' panel'* to determine its impact on and relevance to the Founders Estates development. SAHRA reserves the right to institute any additional condition as a result of the findings of the investigation referred to above. A meeting can be arranged with SAHRA where the matter can be further deliberated, should it be considered necessary.

Despite the above-mentioned concerns raised we believe that it may be possible still to conserve the significance of the landscape if rigorous control and management is applied to the proposed development.

After much consideration, the permit committee decided on **an approval in-principle for the subdivision** of the above-mentioned erven that would lead to a Founders Estate development and to approve the permit application subject to the certain conditions being met.

The in-principle approval shall become final approval once the investigation referred to above has been assessed and further conditions and final approval has been considered.

III. REASONS FOR IN-PRINCIPLE APPROVAL

As per the developers motivation during verbal and certain written presentations and as indicated in the HIA documentation it is believed that the proposed development, if correctly applied and mitigated, presents the following benefits:

1. There will be control of impacts and of future development.
2. A holistic approach to development will be applied.

3. A Community Benefit Trusts will be established with the community as primary beneficiary.
4. There will be a single co-operative management structure, enhancing viability of the final development.
5. The control of change in the initial development will arrest uncontrolled development in the future.
6. There will be a control on the construction of new agricultural buildings.
7. Short term economic development imperatives can be met, while a more sustainable development pathway can be established.
8. Rehabilitation of the environment will be secured and integrated into the ongoing effective management of both cultural and natural heritage, with community participation.

IV.RECOMMENDATION

1. It is believed that the applicant should present DEA&DP with the final HIA, which presents the latest information, in order for them to review the applicability of their initial comments. The '*specialists panel*' is of the opinion that authorization in terms of section 22 of the Environment Conservation Act 73 of 1989 should be required due to the fact that;
 - a. the land use of all or some of the '*verfs*' is being changed from agriculture to another use, and
 - b. although it is noted that no new roads will be constructed by Boschendal Ltd as there is an existing road network on the properties comprising the Founders Estates, it is further noted that it is anticipated by the developer that new roads and/or driveways may be constructed at some time in the future by the owners of the individual properties comprising Founders Estates. Therefore, it is agreed that it will be necessary for such persons to apply to DEA&DP for authorisation in terms of the Environment Conservation Act as well as to SAHRA in terms of section 29 of the NHRA.

In this regard, it is noted that DEA&DP in a letter dated 2 June 2005, confirmed '*that the proposed development does not appear to constitute an activity listed in terms of Section 21 of the Environment Conservation Act 1989, (Act 73 of 1989)..... Written authorization in terms of section 22 of the ECA is therefore not required prior to the undertaking of the proposed development.*' However, SAHRA believes that in the light of the fact that the final HIA provided more detailed information it is strongly recommended that DEA&DP be given an opportunity to comment on the final HIA of the Founders Estates.

V.CONDITIONS OF IN-PRINCIPLE APPROVAL

Subdivision may not occur until the conditions stipulated below have been met to SAHRA's approval. Certain conditions, as indicated, are to be met prior to subdivision registration and sale of individual farm units. Other conditions are to be met post subdivision as part of the site development plan and building plan approval process and as part of an ongoing management process, as stipulated.

A Legal and Planning Issues

1. A binding 99 year lease being entered into in respect of each unit as proposed. The 99-year lease must contain all of the protections mentioned in the legal opinion furnished by the developer, and these may not be terminated or altered without SAHRA's written consent. Any change of the 99-year leasehold is subject to SAHRA approval. A copy of the final agreement must be forwarded to SAHRA for approval before signature by the landlord.
2. No further subdivision of any of the proposed sub-divisions of the Founders Estates is permitted.
3. Any cadastral expression, barring existing natural features, of the internal boundaries of the Founders Estate is prohibited.
4. A comprehensive Conservation/ Heritage Management Plan(CMP) must be drawn up for the whole of the property, setting objectives, actions, targets and indicators for the restoration and maintenance of the ecological integrity, and for the sustained effective management of the cultural landscape and biodiversity of the whole of the Founders' Estate. The plan must be endorsed in writing by Cape Nature and responsibility for establishing the plan and for achieving its objectives should be a **condition of transfer of every sub-division** of the property, and should be formalised through a **notarial deed of servitude on every title deed**. Monitoring of the effectiveness of management should be undertaken by Cape Nature, or a Cape Nature accredited service provider at the cost of the future Property Owners' Association (to be established).

The CMP can be dealt with in two phases with the phase 1 comprising a baseline CMP dealing with all the elements and components of the landscape. The phase 2 CMP will be an extension of the phase 1 CMP dealing with the intricate details of the individual sites. In this regard, the obligation of the initial CMP will rest on Boschendal Ltd., and the

future owners through the Property Owners Association will be entirely responsible for the phase 2 CMP.

The preparation of the conservation management plan must be prepared at the same stage as the design guidelines, i.e. as a condition of subdivision approval.

5. Individual **site development plans**, including landscaping plans, must be prepared for each developable portion and these must be approved by SAHRA and must receive a separate approval by the proposed **Design Review Committee** comprising representatives of the **Property Owners Association**, and the **Stellenbosch Municipality**. A “package of plans” approach should be adopted whereby SAHRA would be responsible for the approval of the design guidelines and for site development plan approval i.e. not detailed building plan approval, accept for certain items as identified in this document.
6. Provision shall be made for SAHRA’s representation on the **Heritage Trust**, with the right to approve/ disapprove projects and spending of heritage funds.

B Visual Impact

1. Layout and visual impact of the roads has been noted to be a major factor, as well as visual impact from the mountain tops and slopes where people walk. No development on the top or mid slopes should be allowed in the event where road scarring cannot be adequately mitigated.
2. Site development plans, footprints and types of materials, including all other construction (roads, infrastructure etc.) must be submitted to SAHRA for approval. SAHRA reserves the right to request a VIA in respect of specific site developments and any of the other activities mentioned above, to be determined at a later stage once detailed development plans have been submitted, when and if considered necessary.
3. Sites 15a and 8 are not approved, as they are found to be highly visually intrusive. The current proposed mitigation measures do not satisfy a sufficient visual reduction. No more than 19 subdivisions are approved, but the number may be fewer than 19 if the subdivisional areas are revised, for example to incorporate lots 15a and 8 into other lots.

C Development and Design Imperatives

1. Design guidelines are to be prepared for the Founders Estates for both the built and landscape environment. These guidelines are to be approved by SAHRA and the Stellenbosch Municipality before building. Landscape plans are submitted to Stellenbosch Municipality for approval.
2. The following development parameters are to inform the preparation of design guidelines referred to under point 1 above.
 - (a) For **new development of 'werf' homesteads** on the lower slopes (approximately below the contour line on which the Goede Hoop farmstead is located, i.e. 265m), the application and adaptation of traditional built form elements that can clearly be identified as contemporary and include the following:
 - (i) Orthogonal forms (usually letter of alphabet forms, i.e. U, H, L and T), with a width not exceeding 6m.
 - (ii) Generally symmetrical facades.
 - (iii) Fragmented building forms with a hierarchical structure (main house, outbuildings, stables, etc).
 - (iv) Axial spatial relationships.
 - (v) Tree lined avenues.
 - (vi) Development footprint is not to exceed 30%, i.e. 2400m². (Note: the development footprint includes structures, pergolas, and verandas, etc, and hard landscaping interventions such as swimming pools, etc.
 - (vii) Doubled-storey structures should only be permitted for a portion of the building footprint, but this should be established at site development planning stage.
 - (viii) Prohibit foreign stylistic architectural expressions and the adoption of a "critical regionalist" approach that is to be approved by SAHRA.
 - (ix) Appropriate agricultural landscaping in association with working farmsteads and the use of a restricted palette of plant materials related to the Dwars River Valley.
 - (b) New development on the upper slopes (above the 265m contour line).
 - (i) Buildings to be aligned along the contour.
 - (ii) Buildings to be fragmented with limits to be established on monolithic massing.
 - (iii) Building forms to be terraced on sloping sites.

- (iv) No building to occur on steeper slopes (preferably not steeper than 1:6).
 - (v) No building to occur on ridgelines.
 - (vi) No building to occur within 30m of the centre of a natural river course.
 - (vii) Buildings are to be wrapped and embedded in nature and agriculture i.e. there should be no spatial definition of the outer limits of the 0,8ha developable portion that would detract from the quality of the landscape.
 - (viii) Development footprint is to be strictly curtailed and adapted to specific site conditions. In no instances should coverage exceed 20%, i.e. 1 600m².
 - (ix) Buildings are to be single-storied. (Particular reference is made to any buildings above the 300m contour and Site 12.)
 - (x) Excessive cut and fill excavations are to be avoided when creating platforms for buildings. Structures are to be stepped to accommodate the slope.
 - (xi) No retaining walls to be higher than 1,2m, however, the height of a retaining wall should be approved by SAHRA. This condition also applies to constructed embankments without planting.
- (c) The development footprint for sites above the 300m contour and for Site 12 be limited to 15% of the development site area, i.e. 1200m².

It is required that the **architectural character** of the structures on the **upper slopes do not follow a traditional architectural approach** as is evident on the lower slopes, but receive a more **contemporary treatment**. The architectural approach should address the natural environment in which it is enveloped and should generally contribute and be sensitive to the character or essence of the cultural landscape and be visually recessive.

3. *Siting of Buildings:*

- (a) Homesteads are preferably to be sited within or adjacent to existing tree clumps, orchards or olive groves, and generally where dwellings, labourers' cottages and barns already exist.
- (b) No tennis courts or other facilities requiring large platforms are permitted on visually exposed or steep slopes above the 300m contour, or on Site 12, or on the lower slopes without SAHRA's authorisation. In the case of the lower slopes, each application should be assessed individually and be accompanied by a VIA.

- (c) Steep ravines requiring cut and fill for house platforms and access roads must be avoided.
- (d) Natural platforms in the landscape should be used where possible for the siting of buildings.

4. *Building Form:*

- (a) Traditional white plastered walls may be used, except for homesteads above the 300m contour which are to have muted earth colours, including natural stone and timber.
- (b) Roof pitches are to resemble traditional roof forms (35 - 45°), although flat roofs may also be used. Except where thatch is used, roof colours should be in tones of dark grey to reduce the visual prominence of buildings.
- (c) Overhangs, stoeps, deep window reveals and screens or shutters should be used to create shadow effects and help reduce the scale of the building facades, particularly on upper slopes.
- (d) No reflective or mirrored glass is permitted in order to minimize sun reflection.

5. *Roads and Infrastructure:*

- (a) No tarmac surfacing is permitted. Concrete roads or concrete strips, with an exposed sandstone aggregate or any other natural finish that blends well with the landscape could be used for steep sections, with SAHRA's prior approval. The use of a myriad of other road surfaces should be avoided for aesthetic reasons.
- (b) Access roads to homesteads must be kept as narrow as possible, and should generally not exceed 3m.
- (c) No pre-cast concrete channels or barrier kerbs, which have an urban connotation, are permitted on the Founders Estate. Grassed swales or dry-packed stone channels should be used to control runoff. Where pre-cast or 'in situ' concrete cannot be avoided, these should have a sandstone exposed aggregate finish. Where kerbing cannot be avoided, a low-profile mountable-type kerb should be used. All these type of construction is subject to SAHRA's prior approval.
- (d) External signage, particularly signs or poles which have a silhouette effect, must be avoided. Low signs (max. 1,2m height), which are less obtrusive in the landscape, should be used. No illuminated signs are permitted.

- (e) Outdoor lighting, where required, must be as unobtrusive as possible, and fitted with reflectors to avoid light spillage. No floodlighting, street lighting or perimeter lighting for each of the homestead sites, or for the Founders Estate as a whole, is permitted. Low-level bollard and bulkhead-type lighting could be used for entrances, paths and steps.
 - (f) All utility lines must be located underground.
 - (g) Satellite dishes and aerials must not protrude above the ridgeline of building roofs.
 - (h) No tall masts or antennae, such as those used for cellular phones, should be permitted on the Founders Estate without a separate VIA, to be approved by SAHRA.
6. *Landscaping:*
- (a) Landscape Design Guidelines and Plant Lists for the three different identified plant zones are to be prepared.
 - (b) A strategic tree planting programme for the overall Founders Estates is to be formulated.
 - (c) No pre-cast concrete type walls, such as 'Vibracrete' are permitted within or around the developable areas of the homesteads, or on the Estate generally.
 - (d) No pre-cast concrete retaining units, such as 'Terra Force' or 'Loffelstein' are permitted within the developable areas, or on the Estate. Retaining structures should ideally be built of plastered masonry, dry-packed stone, or gabions using local stone. These should be planted with creepers where possible.
7. The guidelines referred to under paragraph 1 above include provisions that suitable mechanisms of interpretation and recording be established to ensure that the sense of history across the landscape is retained. Such measures should relate to both the physical fabric and intangible issues such as the social history of farm labour.
8. *With regard to the Goede Hoop complex, that:*
- (a) A Heritage Management Plan for the entire werf must be prepared, subject to SAHRA approval.
 - (b) Approval from SAHRA is required for any change in use or physical intervention within and around the 'werf' including new access roads, internal and external changes to the structures, re-

- plastering, the removal or demolition of any feature, landscaping, ground levelling or excavation, laying service pipes etc.
- (c) The proposed southern cadastral boundary between Estate 16 and 17 may not find physical expression in any way.
9. *With regard to the Nieuwedorp complex that:*
- (a) Approval from SAHRA is required for any change in use or physical intervention within and around the 'werf' including new access roads, internal and external changes to the structures, re-plastering, the removal or demolition of any feature, landscaping, ground levelling or excavation, laying service pipes etc.
- (b) Any changes to the Nieuwedorp barn are to be preceded by trial excavations and fabric analysis as per the recommendations of the archaeological report.
- (c) The proposed cadastral frame may not find physical expression in any way.
- (d) A special heritage review, to be approved by SAHRA, of the site development plan and building plan proposals must be undertaken to ensure that new development does not interfere with the view axis on the approach towards Rhodes Cottage.
10. All identified areas of archaeological sensitivity are to be subject to pre-disturbance archaeological investigations as per the recommendations of the archaeological report. Please refer to Annexure A (Letter from SAHRA archaeology department) for additional archaeology requirements.
11. *With regard to the Silvermine landscape, the following are to be imposed as a condition of approval for Estate 13:*
- (a) A Heritage Management Plan must be prepared for the entire Silvermine landscape, including the mill site. This should be subject to SAHRA approval. This plan must address the need for a further phase of research to establish the historical significance of the mill site. Such research would necessitate selectively clearing vegetation from the site, excavating its interior as well as conducting archival research.
- Once the age, function and purpose of the mill site are understood, a policy to safeguard its fabric and historical significance must be developed and implemented.

- (b) The mill site is to be accessible via a permit system acceptable to SAHRA.
 - (c) Any boundary treatment along the interface of the Founders Estate and the Nature Reserve should be visually minimally disruptive and set well back from any planned access routes through this landscape. This boundary treatment should be subject to a detailed VIA and esubject to SAHRA approval.
 - (d) The unapproved site 15a should be relocated to a less prominent position in relation to the upper ruins.
12. Mid-nineteenth century labourers' cottages below Goede Hoop are to be retained and conserved. Any identified Grade 3A and 3B landscape features should preferably be retained. Any demolition of identified Grade 3C heritage resources (by the current or new owners) is subject to a separate demolition permit from SAHRA. Approval must be obtained for demolition of any other structures or features identified even those identified as not conservation-worthy in terms of the Built Environment and Vegetation surveys. ***It is noted for the record that since the said survey did not take cognisance of the intangible values or associated significance, that recommendations made in the survey are not accepted by SAHRA as conclusive. Further assessment in this regard is required in the event of an application being made for the demolition of the said structures. This implies that in the event of an individual owner wanting to undertake demolition work of any Grade 3 structures or landscape elements it is required that a discrete Built Environment and Vegetation Survey be undertaken by the individual landowners of Founders Estates in the context of an application under sections 34 and 27 of the NHRA, whichever is applicable at the time of the application being made.***
13. Edge treatments and security arrangements between the Founders Estates, the village of Pniel, the proposed portion of land to the south, which is to be donated to the community and along the R301 form part of the overall landscape plan.
14. A landscape management plan is to be formulated for the whole of the Founders Estates with particular attention to be paid to the maintenance and enhancement of landscaping elements identified as being heritage worthy and to include guidelines on road surfacing and edge treatment, appropriate planting within the developable portions and lighting and

signage. The landscape management plan should be subject to SAHRA approval.

The following is suggested as a guide to the various phases in the approval process and the appropriate authorizing agent. It should be noted that since the site/ landscape in its entirety is an approved Grade 1 site, formally protected by SAHRA that all activities are subject to the approval of SAHRA. This arrangement might change with the implementation of approved heritage management agreements set up in terms of section 42 of the NHRA:

Stages in planning & design development process for Founders Estate	Authorizing Heritage and Planning Agency
Application for subdivision approval	SAHRA and Stellenbosch Municipality
Formulation of design guidelines & landscape management plan	SAHRA and Stellenbosch Municipality
Site Development Plans for developable portions	SAHRA and Stellenbosch Municipality
Building Plans for developable portions	SAHRA <i>only where indicated</i> , Stellenbosch Municipality & Boschendal Design Review Committee
Any alteration to suggested Grade 1 & Grade 2 heritage resources, i.e. Goede Hoop farm werf & the silvermine landscape, as well as, the entire landscape	SAHRA
Alterations to & demolition of suggested Grade 3A, 3B & 3C structures & features	SAHRA and Stellenbosch Municipality
Alterations to & demolition of other structures & features identified as not conservation worthy (refer Built Environment Survey)	SAHRA (<i>due to reasons mentioned under paragraph 12</i>) Stellenbosch Municipality
Heritage Management Plans for Goede Hoop & the silvermine complex	SAHRA and Stellenbosch Municipality
Pre-disturbance archaeological investigations within archaeologically sensitive areas, including Nieuwedorp Barn, Rhodes Annex & immediate surrounds of Rhodes Cottage	SAHRA

It should be noted that:

- This in-principle approval, leading to the development of the Founders Estates shall not in any way be construed as providing tacit approval for the Residual Lands, which will be subject to a full EIA, including an HIA that is subject to a separate approval from SAHRA. Any programmes (affecting the Residual Lands) which would be triggered by the establishment of the BTT should not be implemented prior to the finalization of the EIA and HIA.
- All grading related to heritage resources should be regarded as provisional and are subject to review as part of the EIA process for the Residual Lands which will include an augmented HIA, however, the site in its entirety is an approved Grade 1 cultural landscape and this grading enjoys precedence to any other proposed grading, which will only serve as a recommended grading.
- Furthermore, this in-principle approval of a Founders Estates should not in any way be construed as a tacit approval for alterations related to the intended reuse of Rhodes Cottage to facilitate its use as a clubhouse facility for Founders Estate. Any alterations or additions to Rhodes Cottage will need to be subject to a detailed heritage assessment with the input of a conservation architect, and are subject to SAHRA's prior approval.
- This in-principle approval does not remove the applicant's duty to obtain all other permits, approvals or authorizations, including that highlighted under paragraph IV.1 above.

15. *Formal Protections in terms of the NHRA*

The site is a Grade 1 site provisionally protected by SAHRA in terms of section 29. As a condition of the in-principle approval granted herein, the owners of the estate shall grant their prior approval in writing for the declaration of the whole site as a national heritage site in terms of Section 27 of the NHRA, and furthermore shall undertake to meet the requirements of the Act for the conservation of the site should it be granted this status. These undertakings shall be binding on all future owners and contained in a notarized deed of servitude over the title deeds and the title deeds of all sub-divisions.

The conservation management plan will address and provide mechanisms to overcome all practical implications for a farming

operation. SAHRA in consultation with the farmer will agree on how farming operations will continue to be run in a practical and efficient manner without having to refer back to SAHRA for every farming activity.

16. *Natural Heritage Resources*

The position of buildings is also likely to impact on the manner in which the natural environment is undertaken in the future. As fynbos is a fire-driven ecosystem, and is affected by the presence of alien plant species; all remnant patches of fynbos shall be restored and managed appropriately as part of an overall management plan for the site. All ridge-tops, valleys and streams that contain remnant natural vegetation, should be retained to maintain the biodiversity on the site, and it should be restored in that alien plants should be removed and appropriate fire management regime instituted. New buildings need to be placed in such a way that they do not compromise either the existence of these natural remnants, nor that they interfere in their effective restoration and management. All plans and proposed management actions shall be sanctioned in writing by CapeNature, who shall be compensated for provision of advice and/or regular inspections of the sites and reviews of management plans. Please note that the concerns mentioned in this paragraph should be addressed under the conservation management plan referred to under paragraph V (A.4) above.

17. *Access to Cultural and Natural Heritage Resources*

Access to **current or future identified heritage resources that have a special association with the former inhabitants of Founder Estates** should be given to the former inhabitants (labourers) of all farms that now fall under the Founders Estates. Adequate access arrangements are to be discussed and agreed to between the affected community members (primarily those removed from the farms), Boschendal Ltd. and SAHRA.

18. *Built Environment Survey*

The above-mentioned survey should be expanded to include the identification of existing structures which holds special significance and value to the slave descendent communities located in the historical

settlements of the Dwars River Valley. This can be undertaken as part of the Phase 2 HIA.

19. *Heritage Consultants*

The principle heritage consultants must form part of the project team throughout the planning and implementation of the proposed development.

VI. WAY FORWARD

1. It is requested that the applicant provide SAHRA with a written response to the in-principle approval indicating the manner in which the conditions will be satisfied.
2. In the event of an appeal being made against the SAHRA in-principle approval the provisions of section 49 and regulation 7, Chapter VI of the SAHRA regulations will apply. Please see below the appeal process that is to be followed as set out in the above mentioned regulation:

Appeal process

7. (1) Persons and bodies with a bona fide interest in, or who are affected by, a decision of a committee or other delegated representative of the South African Heritage Resources Agency may appeal to SAHRA Council against such decision.
- (2) Such appeal must be made in writing within 14 days of the issuing of the minutes recording the decision and must include a motivation.
- (3) The Council must consider an appeal within 21 days.
- (4) On receipt of an appeal against a decision to grant an application for a permit, SAHRA shall notify the applicant, whereupon such permit shall be suspended and no action may be taken under authority of such permit until the appeal has been considered and a decision has been made to confirm or withdraw the permit.
- (5) The Council may appoint a committee of experts, which must include at least three of its members who were not present when the original decision was made, to consider the appeal. The decision of such committee is final.
- (6) In considering an appeal, the Council must have due regard to
 - (a) the cultural significance of the heritage resource in question;
 - (b) the principles set out in section 5 and prescribed under section 6 (1.1) of the Act;
 - (c) any other relevant factor which is brought to its attention by the appellant, any other person directly affected by the decision, or the delegated representative of SAHRA.

VII. CONCLUSION

The permit committee believes that it is necessary to impose strict conditions in granting an in-principle approval for sub-division that will lead to a Founders Estates development, to protect the world heritage and national values of the entire cultural landscape.

If the developer complies with the conditions imposed by SAHRA's in-principle approval; it is hoped that the World Heritage Committee will approve the listing of this historically significant landscape as a component of the larger Cape Winelands Cultural Landscape proposed World Heritage Site.

This would enhance both the status and potential attractiveness and value of the site to current and future land-owners and surrounding communities. The permit committee concluded that an appropriately controlled development would set the standard for maintaining the authenticity and integrity of the overall site, and recommended that a close working relationship be established between SAHRA and the current and future owners of the property.

The fear is that if such or any future development of this nature are allowed to diminish the authenticity of the site, then either this portion of the site would have to be excluded, or the whole submission could be at risk.

We trust that the applicants and other stakeholders will identify the conditions imposed on the proposed subdivision and change in land use as adequately addressing most of their major concerns.

Should you have any additional comments or concerns relating to the above; you are welcome to contact our offices at bcrouts@sahra.org.za .

Yours Sincerely

Beverley Crouts-Knipe (Provincial Manager, SAHRA Western Cape)
for

SAHRA *ad hoc* PERMIT COMMITTEE

cc ICOMOS SA
SA World Heritage Convention Committee
DEAT
DAC
Heritage SA
Cape Institute of Architecture
Cape Heritage Trust



DEA &DP
Department of Agriculture
Heritage Western Cape
Land Claims Commission
Stellenbosch Municipality
Pniel Municipality
Franschhoek Conservation Trusts
Drakenstein Heritage Foundation
Pniel Rate Payers Association
Kylemore Rate Payers Association
Boschendal Community Development Forum
Lanquedoc Housing Association
Drakenstein Landowners Association
Paarl 300
Stellenbosch Interest Group
Stellenbosch Museum
Vernacular Society of South Africa
Heritage SA
Stellenbosch Heritage Committee
Franschhoek Aesthetics Committee
etc.