



**SOUTH AFRICAN HERITAGE  
RESOURCES AGENCY**

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**SAHRA AD HOC PERMIT COMMITTEE**  
held from 10:00am to 13:00pm at the SAHRA Western Cape  
Office, 212 Buitengracht Street, Bo-Kaap, Cape Town, on 15  
September 2006

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**MINUTES**

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**PRESENT**

**SAHRA COUNCIL MEMBERS**

Mr Phill Mashabane Architect (Chairperson)

**SAHRA HEAD OFFICE**

Mrs Beverley Crouts-Knipe Provincial Manager  
Mr David Hart Manager: National Inventory  
Mrs Colette Scheermeyer Assistant Archaeologist

**SECRETARIAT**

Mr Shaun October Heritage Administrator (Secretary)  
Miss Mandisa Tantsi Senior Admin Assistant (Secretary)

**SPECIALIST PANEL**

Mr Peter Kantor Kantor Legal Services  
Ms Chantelle de Kock Heritage Official Drakenstein  
Municipality

**APOLOGIES**

Mr Gandhi Maseko Architect  
Mrs Mary Leslie SAHRA Archaeologist  
Mr Cecil Madell MCA Urban Consultant  
Mr Trevor Sandwith C.A.P.E. and Chairperson of the  
World Heritage Protected Areas  
Forum

**ABSENT**

Mrs Lesley Townsend  
Mr Solayman Ebrahim

Architect  
PRO

**ABBREVIATIONS:**

For ease of reference the following abbreviations will be used throughout the minute.

CIA- CAPE INSTITUTE OF ARCHITECTS

FCT- FRANSCHHOEK CONSERVATION TRUST

BIF- BOSCHENDAL INTERIM FORUM

DHF- DRAKENSTEIN HERITAGE FOUNDATION

DDF- DWARSRIVER VALLEY DEVELOPMENT FORUM

PPP- PUBLIC PARTICIPATION PROCESS

I&AP- INTERESTED AND AFFECTED PARTIES

WHS- WORLD HERITAGE SITE

WHL- WORLD HERITAGE LISTING

PM- PHILL MASHABANE

BC-K- BEVERLEY CROUTS-KNIPE

RS- RICHARD SUMMERS

S- SUSAN PARKER-JOHNSTON

FT- FABIO TODESCHINI

RB- RUDY BOTHA

NB- NICOLAS BAUMANN

SW- SARAH WINTER

DC- DAWIE CORROLISSON

CV- CLIVE VENNING

## **A. INTRODUCTION & WELCOME**

The chairperson, Phil Mashabane, welcomed everyone present and introduced the rest of the panel

It was explained that the permit committee meeting should not be seen as a hearing. In this regard the permit committee meeting is being held as a result of the recent appeal decision for the committee to continue and conclude their work on the Boschendal Founders Estate application for subdivision. It was further reiterated that SAHRA is the final authorizing authority on this matter. The chair requested the provincial manager to elaborate further on the permit committee process and to provide feedback on the Appeal Committee decision.

### **A.1 FEEDBACK FROM APPEAL COMMITTEE ON BOSCHENDAL APPEAL.**

The provincial manager, Beverley Crouts-Knipe, addressed the meeting in explaining the reason for the permit committee meeting by highlighting the following:

1. Boschendal Founders Estate application for subdivision is a 'matter arising' and not a new matter.
2. .The meeting's sole purpose is to reach a final decision on the said application.
3. The decision will be informed by whether the applicant has adequately addressed the conditions, recommendations and concerns raised in the SAHRA letter dated 15 March 2006.
4. The applicant has been requested to make presentations which directly addresses the three major concerns raised, namely:
  - a. Legal matters and process followed;
  - b. heritage concerns relating to the applicability of the proposal in the light of the heritage status of the site and potential future WHS status;

- c. PPP followed and how previous concerns in relation to broader community involvement have been and will be addressed.

BCK further explained the decision of the appeal committee to be as follows:

1. That the decision taken by the permit committee as reflected in the letter dated 15 March 2006 was not a final decision. In this regard the appeal committee could not assess the appeal since the final decision is still outstanding.
2. The appeal committee simply reviewed issues relating to processes followed and in this regard did not assess or comment on the merits of the permit committee decision.
3. It has been instructed that the permit committee conclude its decision-making.

BCK informed the meeting that in response to the appeal committee meeting decision; the *ad hoc* permit committee will continue the process of review started with the previous permit committee meeting held on 17 February 2006. Once again due to the wide interest the application has evoked, the meeting has been opened to a public gallery which will be able to observe the proceedings and direct questions and concerns to the panel - and the applicant's representatives after presentations have been made.

The structure of the agenda has been explained and it has been indicated that extra copies of the letter containing the previous decision taken by the *ad hoc* permit committee, dated 15 March 2006, together with the appeal committee decision has been made available to all present for ease of reference.

Prior to the meeting, Interested and Affected parties have been requested to make written submissions should they have any additional concerns or comments to make to the meeting. The response received from the CIA, FCT and DHF was read to the meeting with brief responses as follows:

1. In response to the CIA concern and request for review of the application prior to the meeting and 10 days to respond, it was indicated that the request is not standard procedure in the case of the permit committee meetings. All I&AP are given an opportunity to participate in the meeting should they so desire. In this regard I&AP that informed SAHRA of their interest in the matter has been invited to submit written comments and to participate in the actual permit committee meeting where information are presented to all.
2. The FCT comments and concerns were noted and it was indicated that matters relating to PPP will be further deliberated during the course of the proceedings.
3. DHF's e-mail was noted

**B. APPLICANTS RESPONSE TO THE APPEAL AND CONDITIONS, RECOMMENDATIONS AND CONCERNS INDICATED IN THE SAHRA *ad hoc* PERMIT COMMITTEE DECISION LETTER DATED 15 MARCH 2006 LETTER, IN ADDITION TO CONCERNS RAISED BY I&AP**

**B.1 LEGAL RESPONSE TO SAHRA 15 MARCH 2006 LETTER**

*Presented by Richard Summers*

1. There is a need to contextualise the application: the present application is for the subdivision of the Founders' Estates (obliged by virtue of the provisional protection of the Cape Winelands Cultural Landscape and by section 29(10) of the National Heritage Resources Act, 25 of 1999 (the "Act")).
2. The draft permit letter issued by SAHRA' *ad hoc* permit committee on 15 March 2006 is indicative of the permit committee's intention to approve the subdivision application provided that Boschendal indicates the manner in which it proposes to comply with the range of conditions set out in the draft permit letter.

3. Apart from two minor exceptions (discussed below), Boschendal does not object to the conditions that SAHRA seeks to impose in order to ensure the integrity of the cultural landscape and the measures intended to regulate and control heritage resources.
4. Boschendal's concern with the draft permit letter is of a more practical nature:
5. Firstly, the proposed application is in respect of the cadastral delineation of the properties only, yet the draft permit letter purports to regulate too much by intruding into the subsequent stages of physical intervention that may occur at a later stage (and which will require separate permit applications to SAHRA).
6. Secondly, the result of SAHRA's attempt to regulate the physical development of the Founders' Estates in the context of a subdivision application has resulted in a host of conditions being imposed that are either inappropriate at this juncture or are incapable of fulfilment by Boschendal at this stage (the apparent inability by Boschendal to satisfy all the conditions purported to be imposed as part of the draft permit letter will render it difficult for the subdivisional diagrams to be endorsed by the local authority and the Surveyor-General's office – thereby potentially rendering the registration of subdivision incapable of achievement).
7. In order to achieve the dual purpose of allowing SAHRA to retain a strict measure of control in respect of the proposed Founders' Estates and, secondly, achieving certainty regarding the fulfilment of conditions of approval for subdivision purposes, Boschendal suggests that the subdivision of Founders' Estates be approved subject to two conditions only:
8. the entering into by Boschendal of a 99-year Farm Management Lease Agreement;

9. the entering into a Heritage Management Agreement between Boschendal and SAHRA in terms of section 42 of the Act.
10. The purpose of the Farm Management Lease Agreement will be to render a measure of security regarding the concept of the Founders' Estates as the terms of the Farm Management Lease Agreement will be required to be registered against the title deeds. Further, the Farm Management Lease Agreement must be approved by both SAHRA and the Stellenbosch Municipality prior to the entering into thereof by Boschendal. In addition, any cancellation or variation of the Farm Management Lease Agreement will require the consent of SAHRA and the Stellenbosch Municipality.
11. The purpose of the Heritage Management Agreement is to collapse all of SAHRA's requirements/conditions set out in the draft permit letter into a more user-friendly format. Boschendal submits that the heritage management agreement is an appropriate vehicle for a cooperative arrangement between Boschendal and SAHRA in terms of which SAHRA will be able to regulate and control any physical interventions in the cultural landscape.
12. The key components of the draft heritage management agreement include the following:
13. The prior consent by Boschendal and Boschendal's successors-in-title to the Founders' Estates being declared a national heritage site in terms of section 27 of the Act.
14. SAHRA's approval of any design guidelines prepared by Boschendal.
15. SAHRA's approval of the proposed conservation heritage management plan to be prepared by Boschendal.
16. SAHRA's approval of the proposed landscape management plan.
17. SAHRA's approval of any site development plans.

18. It is believed that the manner and form of SAHRA's role envisaged in the proposed heritage management agreement regarding any future physical intervention will not jeopardise the application for world heritage site status and will enable SAHRA to fulfil its mandate to manage the national estate.
19. Having said that, Boschendal is opposed to two relatively minor aspects of the conditions purported to be imposed in the draft permit letter. These are the following:
  20. The condition set out in paragraph C 2(b)(ix) - on page 8 of the draft permit letter - which purports to impose a blanket ban on double-storey structures. Boschendal submits that this would be more appropriately dealt with not in the context of a subdivision application but in the subsequent development of design guidelines and the assessment of a specific site development plan (which will entail an assessment of all relevant factors including mitigation measures in relation to a specific proposed development).
  21. At paragraph A6 on page 6 of the draft permit letter - Boschendal is not opposed to SAHRA playing a role and having representative capacity on the relevant subsidiary trust of the Boschendal Treasury Trust. Boschendal is, however, opposed to SAHRA exercising a right to veto the manner in which the funds allocated to that subsidiary trust are spent. I defer to the submissions to be made

## **BIF LEGAL RESPONSE**

*Presented by Glyn Williams*

A key issue with respect to the donation of land on the Simonsberg side was raised. The BIF requests that the cost of the removal of alien vegetation on this land be covered by Boschendal. It also requests that this land as well as the adjacent Nature Reserve be managed as a single entity and that this also address the issue of access.

*Please refer to the document presented by Glyn Willaims provided to all participants at the meeting- ANNEXURE A*

## **B.2 HERITAGE (40 MINUTES)**

The *heritage specialist, Nicolas Baumann*, presented the heritage compliance with letter dated 15 March 2006 as follows:

1. Mechanism to ensure compliance with conditions
2. Community consensus / dissent
3. Heritage input into the evolution of the development proposal

1. Mechanism to ensure compliance with conditions

SAHRA concerns raised:

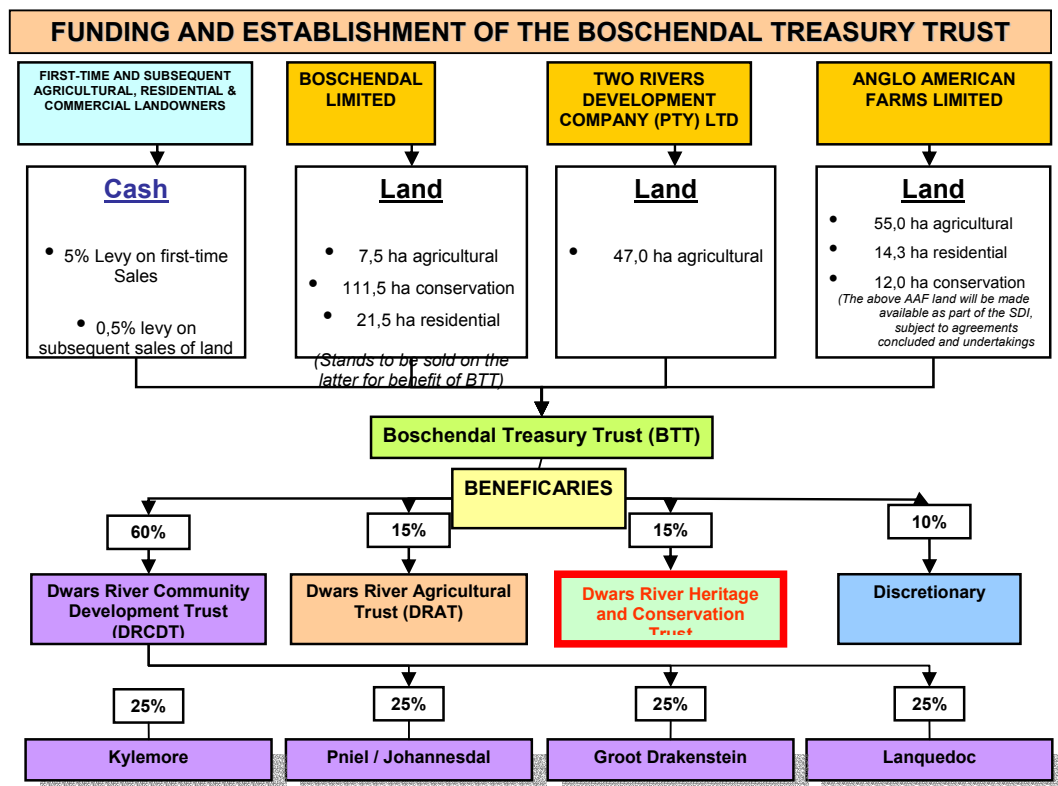
- Potential exclusion of Dwars River Valley from World Heritage Site (WHS) listing. (Section II, para. 2)
- Potentially significant negative impact on the natural and cultural heritage. (Section II, para. 2)
- Need to for natural and cultural heritage components to be managed consistently as part of the “whole” landscape.(Section II, para. 3)
- Need for some form of co-operative arrangement that would ensure that uniform and consistent management of the natural and cultural heritage takes place.(Section II, para. 3)
- Need for very closely defined guidance regarding heritage values. (Section II, para. 4)

RESPONSE:

- Section 42 of the NHR Act makes provision for Heritage Agreements. SAHRA may thus negotiate with an organization/community for the

“execution of a heritage agreement to provide for the conservation of a clearly defined heritage resource.” Such a heritage agreement must be in the form of a binding contract.

- A draft Heritage Management Agreement has been drawn up between SAHRA and Boschendal. The draft makes provision for the conservation of the cultural and natural landscape and will include all the conditions specified in the in-principal approval letter of SAHRA dated 15th March 2006 (Section IV).
- There are 2 exceptions, which are the subject of an appeal by Boschendal:
  - That the **single storey** stipulation for all structures between the 265m and 300m contour be waived as this is regarded as being too prescriptive and restrictive.
  - That SAHRA’s requirement for a **veto right** on the Dwars River Valley Heritage & Conservation Trust be waived.



## 2. COMMUNITY CONSENSUS/DISSENT

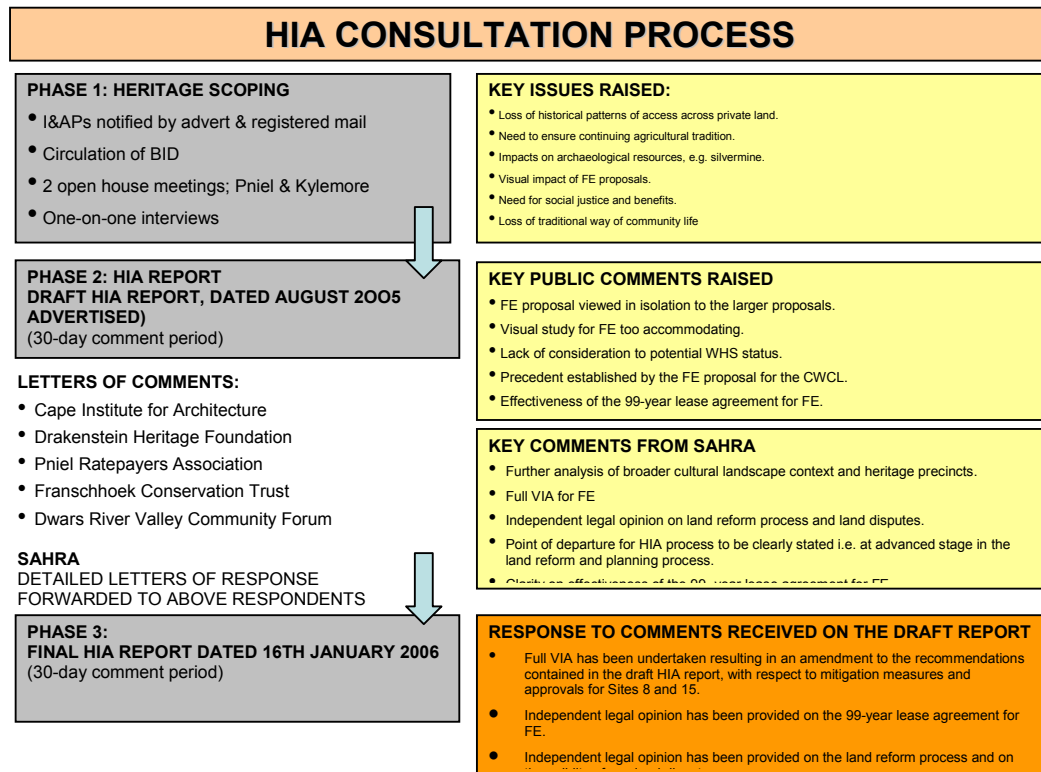
### SAHRA CONCERNS:

- That there are opposing community views to the promised economic benefits that will derive to the community as previously presented to SAHRA. (Section II, para. 5)
- Request for more clarity on the opposing views as well as how and if these can be addressed. (Section II, para. 5)

### RESPONSE:

To respond to SAHRAs concerns the following processes and submissions are indicated:

- Issues arising from the public participation process.
- The Franschoek Conservation Trust's (FCT) contention regarding lack of participation and dissenting attitudes.
- The role of the BIF in articulating public opinion.



## COMMUNITY BASED RESPONSE TO HIA

- Dissenting opinions (Dwars River Community Development Forum & Pniel Ratepayers and Tenants Association):
  - The need for an overarching framework plan indicating local community development objectives and spatial planning
  - No clear proposals in the HIA regarding urban growth, access to land and community development.
  - The HIA is based only on “conservation, beautification and heritage and propagandises the development of the Founders Estates”.
- Response:
  - Issues raised relate largely to LUPO process and do not specifically address heritage issues.
  - Nature and scope of the HIA is determined by provisions of the NHR Act which makes provision for the assessment of the impact on heritage resources of a specific project, in this instance the Founders Estates.

- The HIA process should not be regarded as a substitute for spatial development planning process.

**The Franschhoek Conservation Trust's (FCT) contention regarding lack of public participation and dissenting attitudes**

- The nature of the public participation process has been addressed above. It is suggested that every reasonable attempt has been made to assess public opinion regarding heritage issues and impacts.
- It has been difficult to obtain clarity on the nature of dissenting opinion as such opinion has not been articulated. The FCT has stated that there is public dissension but cannot provide any indication of the nature and extent of such dissension.

**COMMENT ON COMMUNITY DISSENT**

- Despite numerous efforts to gain clarity on the nature and extent of dissent, through attempted contact with the Dwars River Community Development Forum and the Pniel Ratepayers Association and via the FCT, the sources and nature of the dissent could not be established.
- The heritage consultants are thus unable to respond to SAHRA's request for "...further clarity on opposing views and how and if they can be addressed."

**3. HERITAGE INPUT INTO THE EVOLUTION OF THE DEVELOPMENT PROPOSAL**

The need for positive interventions to limit the impact of a range of processes which are eroding the landscape, mostly in the form of suburban creep resulting in:

- Erosion of the urban edge.
- Inappropriate setting of development.

- Inappropriate nature of development (massing, scale, height, architectural treatment)
- Socio-Economic issues (poverty and unemployment)

Resulting from:

- Shifts in the global economy and impact on the wine trade.
- Inappropriate zonings in the winelands.
- Lack of clear definition of the urban edge.

#### ROLE OF THE HIA

- The identification of places and routes of heritage significance to be retained, enhanced and rehabilitated.
- The relocation of development sites to minimise visual impact and respond to historical settlement pattern.
- The formulation of a range of conditions to inform appropriate new development at site development and building plan stages.

#### CONCLUSION

- The SAHRA permit committee concluded that it was necessary to impose strict conditions in granting an in-principle approval for subdivision in order to protect the potential world and national heritage values of the entire cultural landscape (Section VII, para. 1).
- The commitment to compliance with the conditions imposed by SAHRA's in-principle approval in the form of a Heritage Management Agreement establishes the legal mechanism for implementing such conditions.

- The heritage consultants concur with SAHRA's conclusion (Section VII, para. 3) that an appropriately controlled development would set a standard for maintaining the authenticity and integrity of the overall site.

### **B.3 PUBLIC CONSULTATION PROCESSES**

#### **B3.1**

The issue of further consultation with the affected communities was addressed by *Dawie Carolissen – Chairperson of the Boschendal Interim Forum*:

Dawie Carolissen gave an overview of the Boschendal Sustainable Development Initiative (BSDI), from the perspective of the Boschendal Interim Forum (BIF). He responded to the need for a chronology of the public participation process embarked upon by the BIF, in doing so, he reflected on the work of the forum since its inception further provides an understanding of the key issues faced by the forum. It was indicated that a social process of this magnitude, calibre and depth cannot be understood in isolation from its social context.

The Dwarsriver-valley consists of five diverse communities that provide a very dynamic context for this initiative. It is therefore appropriate that a document which focuses on all communities in some detail should be submitted.

*Please refer to attached paper, Final Chronology of work in the Boschendal Forum- ANNEXURE B*

The heritage specialists Nicolas Baumann and Sarah Winter conducted a Public Participation Process.

#### **B3.2**

*Please find attached, ANNEXURE C ie.*

*1) An excel file listing all the meetings including those held in terms of the LUPO process*

2) *A detailed chronology relating specifically to the HIA consultation process.*

## **C. PUBLIC GALLERY (Interested and Affected Parties)**

### **C.1 QUESTIONS AND ANSWERS**

#### **CIA RESPONSES**

*Presented by Professor Fabio Todeschini - speaking on behalf of the responded as follows:*

1. CIA is not against development in the Valley. Its concern is with inappropriate development such as the Lanquedoc Housing Project undertaken by Anglo American and which has resulted in a poor living environment as well as the removal of farm-workers off the land.
  2. Appropriate development needs to be informed by an overall spatial development framework for the valley as a whole. Such a framework plan has not yet been established.
  3. CIA support for SAHRA's provisional declaration of the Dwars River Valley and its potential listing as a World Heritage Site. The Dwars River Valley represents a core heritage area and it is important that it is managed as a whole. In this regard, the Founders Estates application cannot be assessed separately from the larger area. In the absence of a credible development framework, the Founders Estates cannot be properly assessed.
  4. DEA&DP must comment on the proposals.
  5. CIA argues that the Founders Estates application be withdrawn until such a framework plan is in place.
  6. CIA is committed to assisting the process.
- Q The panel requested the Boschendal Heritage Consultants to respond to the CIA's concern dealing with the lost of historic settlement fabric and the displacement of farm workers.

A Heritage Consultants response:

The point with regards to the alleged displacement resulting in inappropriate settlement pattern is closely tied to the land reform matter. The consultants further explained that The Lanquedoc Housing Project commenced long before the Boschendal HIA process, prior to the sale of land by Anglo American Farms. It was a land reform project undertaken by the Department of Land Affairs. The department is still involved. Anglo American Farms donated the land for the project. It is also a project which the then National Monuments Council was involved in.

**FRANSCHHOEK CONSERVATION TRUST CONCERNS**

*Presented by, Susan-Parker Johnston*

The Trust's representative stated that,

1. its overarching concern was that the protection of a potential National and World Heritage Status as well as the Living Heritage of the community will not be compromised by the Application
2. that its objections regarding the PPP which the consultants of Boschendal Limited (thereafter 'Applicant') referred to during their presentations under Agenda Item B. ("Appeal Conditions and Concerns Raised Will be Addressed by Applicant"), was only one aspect of its objections. The Trust referred the *ad hoc* permit committee to its presentation made at the Appeal Hearing on 30 June 2007 in this regard and requested that this document be fully considered
3. that at the *ad hoc* permit committee Meeting of 17 February 2006 regarding the Trust's objections on the lack of reliable and transparent data in the HIA . The Chairman stated that a meeting would be arranged between the Trust and the Heritage Consultants. This meeting has never occurred
4. that with regard to this specific Application, the PPP had a two fold role, fulfilling the legal requirements and critically, ensuring that the Living Heritage of the community has been appropriately represented

5. that the statements made about the Trust and its position on PPP, by the Applicant's consultant during their presentations (Agenda Item B) were incorrect. The Trust quoted the statement made by the Applicant's legal representative that the Trust had failed to produce evidence to support its allegation of community dissent. The Trust asserted that its concern has been, and is, the lack of reliable data to substantiate the statements made about the PPP. The Trust stated that the Heritage Impact Assessment (HIA) does not provide any such data and highlighted the Chairman's emphasis for facts at the *ad hoc* Committee Meeting of 17 February 2006 in this regard
6. when questioned by the provincial manager, the Trust confirmed that there were two members of the community present at the meeting, whom had a dissenting view
7. there was confusion regarding the Application - the Applicant's legal advisor stated that this was an application for sub-division only and that this is all that should be considered. The Trust then did not understand why benefits to the community and the Boschendal Treasury Trust were a consideration as approval of the sub-division provided no benefits to the local community. On this basis the Trust was also confused as to the relevance of the aspects of the presentation by Glen Williams, (legal advisor for the Boschendal Interim Forum, thereafter BIF) that pertained to the beneficiaries (*as approval of the sub-division does not make provision for beneficiaries*)
8. that this was the first time that any data had been provided (Dawie Carollisen, Chairman BIF). However 300 letters for *a/n (adult)* population of around 11,600 was questionable. The Trust noted that the population data being used was in fact data that the Trust had provided
9. that the premise that 3 objections out of a population of 11,600, meant that the community was in favour, may not necessarily be the case. It was possible that the community were in fact, unaware.

10. as with a single sub-division in Franschoek where every affected household is written to, the Trust was not aware as to whether or not all the affected parties pertaining to the Application had been written to.
11. that the Trust was unclear as to the balance between SAHRA's mandate to protect and manage the national heritage resources and the need for socio-economic development. This was also one of the issues of the Trust to be found in the aforementioned Appeal Hearing presentation documentation. It had seemed on occasions that socio-economic considerations were primary to SAHRA's mandate. The Trust therefore requested clarity, particularly of, Section 5, Section 5.5, Section 5.7, Section 6, Section 13c and Section 38(3)d of the National Heritage Resources Act. As all of these make some reference to socio-economic matters. The Trust asked, at what point are these considered by SAHRA? At this stage of the application? Or at what other stage?
12. that regarding the Integrated Development Framework, at a meeting between the Two Rivers developers and the Trust, it was confirmed that the 'integration' between Boschendal Ltd and Two Rivers was the community benefit component of both developments. Other than that the developers worked independent to each other
13. concern that the public participation process has over-emphasised the legal requirements at the expense of the living heritage component. It potential listing as a World Heritage Site highlights the relevance of this living heritage component
14. concern regarding the inadequacy of the HIA in terms of certain omissions and incompleteness. Also that no meeting has been held between the heritage consultants and the FCT to discuss such concerns and as was recommended at the SAHRA Permit Committee on the 17th February 2006
15. there has been no allegation by the FCT that there has not been a public participation process. Its concern is that the HIA has not provided any data to substantiate the nature and extent of the public participation process

## **DWARS RIVER RURAL COMMUNITY DEVELOPMENT FORUM**

*Presented by two dissenting members of the community (Elroy Cyster and Jeronimia)*

The forum is not against the development. However, it feels that the process has not been thorough. People on the street do not know enough about the development. The BIF members have been hand-picked by Boschendal and are not representative of the community.

1. The process should involve the "trickling up" not "trickling down" effect.
2. The beneficiaries should be part of the Trust.

The representative of the affected group will furnish SAHRA with a motivation for questioning the election and representation of BIF.

### **D. DISCUSSION BY PANEL**

#### **It was noted that:**

1. The previous PCM decision was not a final decision, because SAHRA had requested additional information; and had regarded it as a 'provisional decision'.
2. The HIA has been reviewed and considered by SAHRA and decisions as reflected below have been taken after a lengthy consultation process and the applicant's re-assurance in complying with the conditions and recommendations indicated by SAHRA. Additional limitations and conditions are also indicated below and in the letter dated 15 March 2006.
3. In the absence of a planning framework which does not adequately deal with heritage layering, SAHRA must exercise its discretion, guided by the relevant empowering provisions and principles in the National Heritage Resources Act;

4. The proposed subdivision and ensuing development would provide for development to take place in an informed and regulated manner;
5. Long term incremental damage to the landscape would be minimized by approving limited development upfront, and effectively “freezing” future development of the landscape.
6. The intangible heritage relating to the slave descendant community landscape which will be a significant consideration in the application for World Heritage Site Status would not be significantly affected by the development.
7. The concerns raised regarding inappropriateness of the development proposals due to their impact on the integrity of the rural landscape (and implications for possible world heritage status) and the lack of an accepted overall development framework are not without merit. However, on balance, considering all the relevant factors, including heritage the socio-economic factors, and the pre-existing rights of landowners to erect farm buildings if the application is rejected, the proposal was considered acceptable subject to conditions imposed.
8. Best practice should be observed in the drafting of the Conservation Management Plan and Heritage Agreement in order to ensure protection of the landscape while taking into account factors such as ownership, sustainability and socio economic development;
9. It is believed that a responsible management approach of the landscape would be in allowing a limited amount of development to take place as proposed by the subdivision approach instead of allowing current development rights to be executed, which in the opinion of the committee would have a severe impact on the cultural landscape, in so far as the increased scope presented by the current development rights is concerned.

**It was decided:**

It was decided to **approve the proposed subdivision subject to the following conditions:**

1. A Heritage Agreement acceptable to SAHRA must be concluded between Boschendal and SAHRA in terms of section 42 of the Act before any subdivision takes place.
2. a 99-year Farm Management Lease Agreement, to the satisfaction of SAHRA, must be entered into by Boschendal;
3. Development and Design Imperatives or Requirements must be drafted as an addendum to the Heritage Agreement. These must reflect the recommendations of the HIA as indicated in the letter of 15 March 2006 as well as the additional requirements indicated in the same letter.
4. A basic site development plan must be drawn up and approved by SAHRA before the sale of a sub-divisional unit takes place. Such a basic site development plan must address issues of position, coverage, height, form and materials. In some cases a visual impact assessment may be required by SAHRA. Such plans are subject to amendment and to being superseded by detailed site development plans prepared at a later stage in the approval process.
5. Full site development plans and architectural plans must be submitted for approval by SAHRA before development takes place. In some cases SAHRA may require a Visual Impact Assessment.
6. The deed of sale of the subdivided land must indicate to the new owners the heritage implications and restrictions placed on development.
7. No further subdivision may take place.

8. Boschendal must have the relevant conservation studies and other necessary documents prepared at its cost for National Heritage Site Status for the entire Founder's Estate.
  
9. The conditions of ARC (January 2006), as attached with the letter dated 15 March 2006, of the SAHRA APM Unit be adhered to.

**Additional decisions of the permit committee (not being conditions of approval):**

(i) SAHRA must address the issue of a spatial development framework with the Stellenbosch Municipality.

(ii) The Franschhoek Conservation Trust should be encouraged to meet with BIF to work out any differences.

(iii) The retention of historical farm labourer's cottages to reflect the development of the landscape must be encouraged.

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Date: 27 September 2006  
Compiled by: Beverley Crouts-Knipe, Provincial Manager, Western Cape  
Edited: David Hart, Manager of the National Inventory