

Page 1 of 7

Our Ref: HM/ WEST COAST / SWARTLAND / RIEBEECK KASTEEL / ERF 878
Case No.: 20030413SB0603E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel 021 829 3315



Consultant: Bridget O'Donoghue
bridget@heritagearch.co.za;

FINAL COMMENT
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

**PROPOSED DEVELOPMENT ON ERF 878, FONTEIN STREET, RIEBEEK-KASTEEL, SWARTLAND
SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

HWC Case Number: 20030413SB0603E
DEADP Reference Number: 16/3/3/6/7/1/F5/20/2011/24

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above. This matter was first discussed at the Impact Assessment Committee (IACom) meeting held on 14 May 2025, and detailed comment was provided at the meeting. It was then tabled again at the IACom meeting of 9 July 2025, where the applicant advised that no alterations would be made to the proposal and that no updated HIA would be submitted. The applicant requested that a Final Comment be issued by HWC.

The Committee resolved to comment as follows:

Heritage Western Cape is in receipt of a Heritage Impact Assessment (HIA), submitted on March 2025, under the provisions of s38(8) of the National Heritage Resources Act (NHRA) and contained within a Basic Assessment process conducted under the National Environmental Management Act (NEMA).

Prior to discussion of the HIA, the following is set out in order to provide a background summary of the application tabled before the Committee, as well as highlight various issues that HWC has already placed on record.

1. Background summary of the application and the process

The proposed development is located on Erf 878, Riebeeck Kasteel, Western Cape. The Notification of Intent to develop (NID) application submitted in terms of Section 38(8) was considered by HWC's Impact Assessment Committee (IACom) on 19 May 2021. IACom determined that a Heritage Impact Assessment (HIA), in accordance with Section 38(3) of the National Heritage Resources Act (NHRA), must be undertaken, with specific reference to:

- Townscape Analysis
- Visual Impact Assessment
- Heritage Design Indicators
- Archaeological Impact Assessment

The HIA was assessed at the Heritage Officer Committee (HOMs) meeting on 4 March 2025, where the committee referred the matter to IACom as the committee was the original decision maker on the NID application in 2021. The HIA including the following considerations:

The site, zoned Agriculture 1, will require subdivision and rezoning for the proposed mixed-use development. There are no structures on the property except for a historic well ("the Fountain"). The land was previously used for agriculture and is currently used for grazing Springbok.

www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 1665, Cape Town, 8000
• **Tel:** +27 (0)21 483 5959 • **E-mail:** ceoheritage@westerncape.gov.za

Straatadres: Protea Assuransie-gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Posbus 1665, Kaapstad, 8000
• **Tel:** +27 (0)21 483 5959 • **E-pos:** ceoheritage@westerncape.gov.za

Idilesi yendawo: kumgangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, eKapa, 8000 • **Idilesi yeposi:** Inombolo yebhokisi yeposi 1665, eKapa, 8000 • **Iinombolo zomnxeba:** +27 (0)21 483 5959 • **Idilesi ye-imeyile:** ceoheritage@westerncape.gov.za

Page 2 of 7

Our Ref: HM/ WEST COAST / SWARTLAND / RIEBEECK KASTEEL / ERF 878
Case No.: 20030413SB0603E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel 021 829 3315

The property is assessed as having Grade III C significance due to its aesthetic and contextual value. It lies on the edge of the historic town, abutting Church Street (R311), with medium heritage value in the surrounding context, including the Dutch Reformed Church, Riebeeck Kasteel Hotel, and other historic buildings.

Heritage Design Indicators were provided, covering location, spatial connections to the town, land uses, layout, architectural design parameters, building positions, architectural language, scale, roofscapes, streetscape interface, lighting, routes, and landscaping.

The proposed development includes:

- Secure retirement residential extension (NE section)
- Apartments (up to two storeys)
- Open market townhouses in central, lower-lying areas
- Lower-density freestanding residences on steeper slopes
- A small to medium-scale supermarket with retail along Church Street
- A public park and a secondary park/green belt to reinforce the gateway and view corridor toward the historic church steeple

2. Summary of the Committee's comments on the HIA report and Proposal

The role of Erf 878 in contributing to the heritage value of Riebeeck Kasteel and its broader townscape cultural landscape context are overarching considerations in the Committee's comments set out below.

Riebeeck Kasteel has high historical, aesthetic and architectural value being highly representative of a 19th century 'kerk dorp' situated in the Swartland region. It is worthy of formal protection as a Grade IIIA heritage resource in terms of its distinctive intact townscape qualities, landscape setting and conservation-worthy built form. The historic core of the town including Erf 878 is located within a proposed Heritage Area.

The town is located on the foot slopes of the Kasteelberg overlooking the broad expanse of the Berg River Valley with a strong sense of place in relation to topography, the Krom River and historical patterns of movement between outer lying settlements. Contributing to the town's heritage significance are its unique historical spatial linkages with Riebeeck West with both settlements contributing to the Kasteelberg Cultural Landscape which has heritage value that is worthy of formal protection as a Grade IIIA heritage resource.

Cradled between two spurs, the town's distinctive rectangular grid and varied orthogonal street block pattern is laid out in response to topographical conditions, being positioned at right angles and below the R311 with its Main Road providing the only access point off the R311 and serving as the primary structuring route or high street. Mid-way along this route is the church with an elevated position contributing to its visual prominence and landmark qualities.

An overarching townscape quality of Riebeeck Kasteel is its remnant agrarian qualities with agriculture and green spaces interspersed with urban fabric creating a green frame, and the surrounding hill slopes creating a sense of topographical containment. Furthermore, the town has a strong 'dorp' identity due to the very clear distinction between its historical core and the surrounding well cultivated agricultural landscape.

The R311 has historical scenic route qualities linking the towns of Riebeeck West and Riebeeck Kasteel, Traversing the footslopes of the Kasteelberg the R311 offers varied visual conditions including broad expansive views across the valley and framed townscape views. Also contributing to the varied experiential qualities of the R311 is the juxtaposition of agriculture, green open space and built fabric along its edges. Erf 878 contributes to these scenic route qualities.

Page 3 of 7

Our Ref: HM/ WEST COAST / SWARTLAND / RIEBEECK KASTEEL / ERF 878
Case No.: 20030413SB0603E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel 021 829 3315

Given the high heritage value of the townscape and cultural landscape context, any expansion of Riebeeck Kasteel requires a cautious heritage management approach. The role of Erf 878 in contributing to this heritage value and its ability to accommodate new development requires a rigorous and convincing heritage assessment across scales.

The HIA report has failed to address key considerations in the assessment of heritage value of the site and the heritage management implications thereof. While the HIA report includes a townscape study, the heritage management implications of this study are inadequate.

Key heritage management considerations include the following:

- The strategic location of Erf 878 within a Grade IIIA heritage context, adjacent to a scenic route and close to the historic entry point to the town.
- The topographical conditions of the site contributing to townscape and landscape qualities, a sense of topographical containment, shown in a clearly defined cross-section.
- The nature of the green interface with the R311 contributing to its scenic qualities with views across the site towards the town and its landmark church.
- The character of the historic core of the town with its open grid system, street block pattern, street character and a clearly defined public structure centred along a high street and around a fine-grained commercial core and village square.
- The significance of the green 'koppie' positioned inside the town
- The nature of the composition of the historical town in relation to high order civic functions, the church, public amenities, and commercial activities.

The HIA report identifies Erf 878 as having Grade IIIC heritage value. While the report acknowledges its location within a proposed Heritage Area, the nature of this IIIC grading is not adequately unpacked with the clear spatialisation of heritage indicators. For instance:

- The presence of a prominent hill contributing to a topographical green frame to the town.
- The HIA report does not address the need for the identification of a 'no-go' development area on visually exposed slopes, ridgelines and the crest of the hill.
- The role of the site in creating a green interface with the R311 scenic route and offering a prominent view across a green space towards the town and the landmark qualities of the church.
- The HIA does not address the need for the identification of a shaft of green open space to protect this view and a clearly defined setback from the R311 to protect its green edges.
- The HIA makes no attempt to enhance the 'kerk dorp' qualities of the town, and in doing so makes flawed comments and recommendations when supporting the proposed development.
- The HIA lacks a credible urban design study to inform how the land should be utilized. There are clear indications that the submitted urban design exercise was undertaken to mitigate the development rather than inform it.

There is major disjuncture between the HIA heritage indicators and the proposed development for the following reasons:

- The heritage indicators require that the development of Erf 878 should read as an extension to the town including its visual and spatial integration with the historic street pattern and the avoidance of gated neighbourhoods.
- However, the proposed development is at variance with the historic street pattern with the creation of a series of introverted gated residential neighbourhoods which are detached from the historic core with limited points of connectivity. Furthermore, the proposed business/retail centre is at variance with the fine-grained nature of the town and detracts from the existing high street and commercial centre with its role as the centre of gravity of the town. It is clearly not the correct position to introduce large scaled commercial activity to the Town. Furthermore, it is noted that the is better positioned zoned land outside the historical core to accommodate a use of this order.

Page 4 of 7

Our Ref: HM/ WEST COAST / SWARTLAND / RIEBEECK KASTEEL / ERF 878
Case No.: 20030413SB0603E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel 021 829 3315

- The heritage indicators require that the development of Erf 878 responds positively to the topographical conditions of the site, including the hill'.
- However, the proposed development intrudes across the prominent hill including the crest of the hill interrupting its contribution to a sense of topographical containment and green frame to the town. There is an over reliance on tree planting to mitigate this negative visual impact.
- The heritage indicators require that the proposed development responds positively to the scenic route qualities of the R311.
- However, the proposed development will have a negative impact on the scenic qualities of the R311 in terms of the following:
 - o The proposed development intrudes into the shaft of green space associated with the view cone from the R311 towards the town and its landmark church.
 - o The scale and nature of retail development immediately adjacent to the R311 will impact the experiential qualities of this portion of the route which is characterised by the juxtaposition of agriculture, green open space and fine-grained built fabric along its edges.
 - o The proposed development turns its back on the R311 with the rear boundaries of the residential properties backing onto the R311.
 - o The provision of new access routes off the R311 will impact its rural road geometry and the historic route structure of the town and the primary role of the high street.
 - o The proposed development makes very little, if any, to attempt link or 'stitch' itself to the historical town. On the contrary, it presents itself as three distinct separate residential enclaves taking access off the R311. This will result in the physical erosion of the containment of the town.

Summary Statement:

For the reasons outlined above:

- The HIA does not meet the requirements of Section 38 (3) in that the heritage significance of Erf 878 and heritage impacts of the proposed development have not been adequately addressed.
- The Committee does not support the proposed development in its current form as it will have a major negative impact on the townscape and landscape qualities of Riebeeck Kasteel and proposed heritage area.

3. Compliance of HIA with the provisions of section 38(3) of the NHRA

HWC is obliged, in terms of the provisions of s38(8) of the National Heritage Resources Act, (NHRA), to give consideration as to whether the evaluation of the impact of the development on heritage resources fulfils the requirements of the relevant heritage resources authority in terms of s38(3) of the NHRA.

It is the view of the IACom, being the delegated Committee to issue comment on behalf of HWC in terms of s38(8), that the HIA as tabled does not comply with the provisions of s38(3) of the NHRA.

For ease of reference, the comment which follows is structured under the subsections of s38(3) of the NHRA.

(a) Identification and mapping of all heritage resources in the area affected

The Committee endorses the identification of heritage resources.

Page 5 of 7

Our Ref: HM/ WEST COAST / SWARTLAND / RIEBEECK KASTEEL / ERF 878
Case No.: 20030413SB0603E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel 021 829 3315

(b) Assessment of the significance of such resources

In the HIA, the townscape as identified in the proposed heritage area (including the subject site) is recommended as a Grade IIIA heritage resource. The site is however assessed with Grade IIIC significance. This discrepancy is not explained in the HIA.

Even if the site only had Grade IIIC significance, which is disputed, the proposal does not respond to the contextual significance and townscape considerations. The enduring townscape / urban morphology of the town as a whole is the foremost heritage resource, which gives it its character.

The significance of the heritage resources is underplayed in the HIA and are not endorsed by this Committee.

(c) Assessment of the Impact of the development on such heritage resources.

The assessment of the impacts of the development is inadequate and the irreversible impacts on the greater townscape are downplayed. Numerous heritage indicators are not complied with, e.g.

- *"The development should be an extension of the town that is connected through roads, pattern of buildings development, scale and architectural language";*
- *"Spatial connection between the existing town and the proposed neighbourhood."*
- *"The proposed neighbourhood should physically and visually connect to the town i.e. the town's streets should continue into the proposed neighbourhood;"*
- *"The proposed neighbourhood should not be an exclusive use / gated development, but instead an extension of the town."*
- *"The town's historic grid pattern provides a clear ordering device for the layout of the new neighbourhood."*

Instead, the proposal is entirely foreign to the townscape of the historical town and the applicant's argument that this is merely a response to the topography, is not convincing.

The VIA finds that *"the development will have a moderate-high visual impact, causing a noticeable change to the visual environment"*. However, it then continues to focus on mitigation by a continuation of the densely planted landscape / tree canopies, and states that the proposed development will only have a high visual impact to the local environment". Due to the visual prominence of the site, this statement is disputed.

The Urban Design Study concludes that the development should be *"an extension of the town, that fits within its context and contributes positively to the character of Riebeeck Kasteel."* Also, that *"the town's grid pattern, which runs east-west with intersecting streets, is a primary ordering device. This grid informs the layout of new developments, despite topographic challenges."* The proposed layout does not do that. It is not an extension of the town, but an introverted system of suburban "neighbourhoods".

The proposal does not comply with many of the most important heritage indicators and the assessment of the impact of the development does not satisfy the requirements of this subsection.

Page 6 of 7

Our Ref: HM/ WEST COAST / SWARTLAND / RIEBEECK KASTEEL / ERF 878
Case No.: 20030413SB0603E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel 021 829 3315

(d) Evaluation of the Impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development. .

Whilst it is acknowledged that there may be a potential economic benefit to developing the site, the social and economic benefits are outweighed by the detrimental heritage impacts to the town.

The proposal is not aligned for the greater public good - it is inward looking. This is particularly the case with the "Hill Village", which is a security complex that wraps over the hill. The visual impact is exacerbated by closely spaced houses along the crescent and the sameness that a security complex brings.

Instead of being a seamless extension of the town ('onderdorp' and 'bo-dorp'), the proposal is a group of introverted "villages", detached from the existing historic town, with very few entrances.

(e) Results of consultation with communities affected by the proposed development and other Interested parties regarding the Impact of the development on heritage resources.

This requirement has not been complied with.

In fact, it is possibly the greatest flaw in the HIA process. Not only has there been no meaningful further engagement with the I&APs or the comments put forward. There has also not been any formal response to the detailed comments made by HWC at the IACom meeting of 14 May 2025.

There have been no revisions to the proposals, in response to comments. Neither has there been an update of the HIA report of February 2025. The HIA report is therefore not an up-to-date or integrated report and the HIA process is incomplete.

(f) If heritage resources will be adversely affected by the proposed development, the consideration of alternatives.

This requirement has not been complied with, as there has been no meaningful consideration of alternatives, in response to heritage impacts.

A number of alternatives were initially considered prior to the HIA process, and four of these are included in the HIA report, but they were essentially the same in nature - a group of introverted "villages", detached from the existing historic town. Minor changes in land use distribution were explored, but no changes to the overall development typology or urban design.

(g) Plans for mitigation of any adverse effects during and after the completion of the proposed development.

There is an emphasis on mitigation in the HIA, e.g. landscaping, as opposed to fixing the underlying flaws. One of the most obvious flaws is that in a historic town, development should be *against* the hill, not on *top* of the hill. There should be a cut-off line for development. The 170m contour line would be reasonable to avoid breaking the ridgeline of 180m MSL.

The contextually alien layout and visually intrusive development on top of the hill are however not aspects that can be mitigated or landscaped away. It wholly ignores the broader issues pertaining to the cultural landscape of the historic town, specifically its townscape.

This requirement has therefore not been complied with.

Page 7 of 7

Our Ref: HM/ WEST COAST / SWARTLAND / RIEBEECK KASTEEL / ERF 878
Case No.: 20030413SB0603E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel 021 829 3315

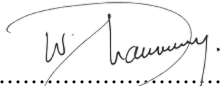
Conclusion

Section 38(8) provides for the approval of a development by DEADP as the consenting authority, as part of a NEMA process, "provided that the consenting authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the consent."

The HIA only complies with 1 of the 7 provisions of Section 38(3) of the NHRA, and it is noted that until the issues as identified above are addressed, the HIA is incomplete and fatally flawed, and the Committee is not in a position to endorse it.

The Committee request that DEADP, as the consenting authority, engage with HWC, as the commenting heritage resources authority, on this matter before taking a decision on the Final BAR, as required i.t.o. the Standard Operating Procedure (SOP) between DEADP and HWC.

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



.....
Waseefa Dhansay
Assistant Director, Heritage Western Cape



Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

19 August 2025

