

7 March 2017

Heritage Western Cape  
 For attention: Zwelibanzi Shiceka  
[Zwelibanzi.Shiceka@westerncape.gov.za](mailto:Zwelibanzi.Shiceka@westerncape.gov.za)

Dear Mr Shiceka

**CONFIRMATION OF ADDITIONAL REQUIREMENTS IN TERMS OF THE NHRA:  
 FARM 1387/5 NOORDHOEK**

On 10 May 2007, Heritage Western Cape (HWC) issued a Final Comment (then termed a Record of Decision) in respect of a NID submitted by Mr Chris Snelling for Portion 5 of farm 1387 Noordhoek, indicating that “no further assessments are required as the nature of the proposed development and contextual analysis reveals that the development does not warrant such action.” This decision is appended for ease of reference as **Annexure A**.

The proposed development was approved by DEA&DP in a decision dated 7 February 2011 (Reference E12/2/3/2-A5/455-0163/07). This decision is appended for ease of reference as **Annexure B**. Unusually in accordance with current practice, the HWC RoD included a condition which DEA&DP included as follows: “all mature trees (alien or indigenous) at the entrance of the property must be kept to minimise any visual impact, and any proposal to remove these trees must be applied for to Heritage Western Cape separately.”

The development has preceded and the subdivision effected with a portion of the property now under separate ownership. One of the owners now wishes to make minor amendments to the approved SDP. However, these amendments are considered substantive in that they will trigger a requirement for an amendment to the RoD (tied to the SDP) and the requirement for applications in terms of the Cape Town Zoning By-law.

The approved SDP is illustrated in Figure 1 below.

The proposed revisions involve the south-eastern corner of the property, previously proposed to include a residential property; a restaurant; a winery and wine tasting facility; and a function venue to 300, together with offices.

Changing market conditions have demanded changes in the following respects:

- *Restaurant*: now proposed to also include a micro-brewery and distillery within the building;
- *Residential and small ornamental vineyard*: now proposed for offices in three, two-storey buildings of 3 064m<sup>2</sup> in total
- *Offices and function venue*: Function venue is no longer required and is to be replaced with offices uses within the existing building envelope.

The proposed changes are illustrated in Figure 2 below and a full plan appended as **Annexure C**.



Figure 1: Chapman's Peak Estate approved SDP, the area across which changes are proposed is highlighted in yellow

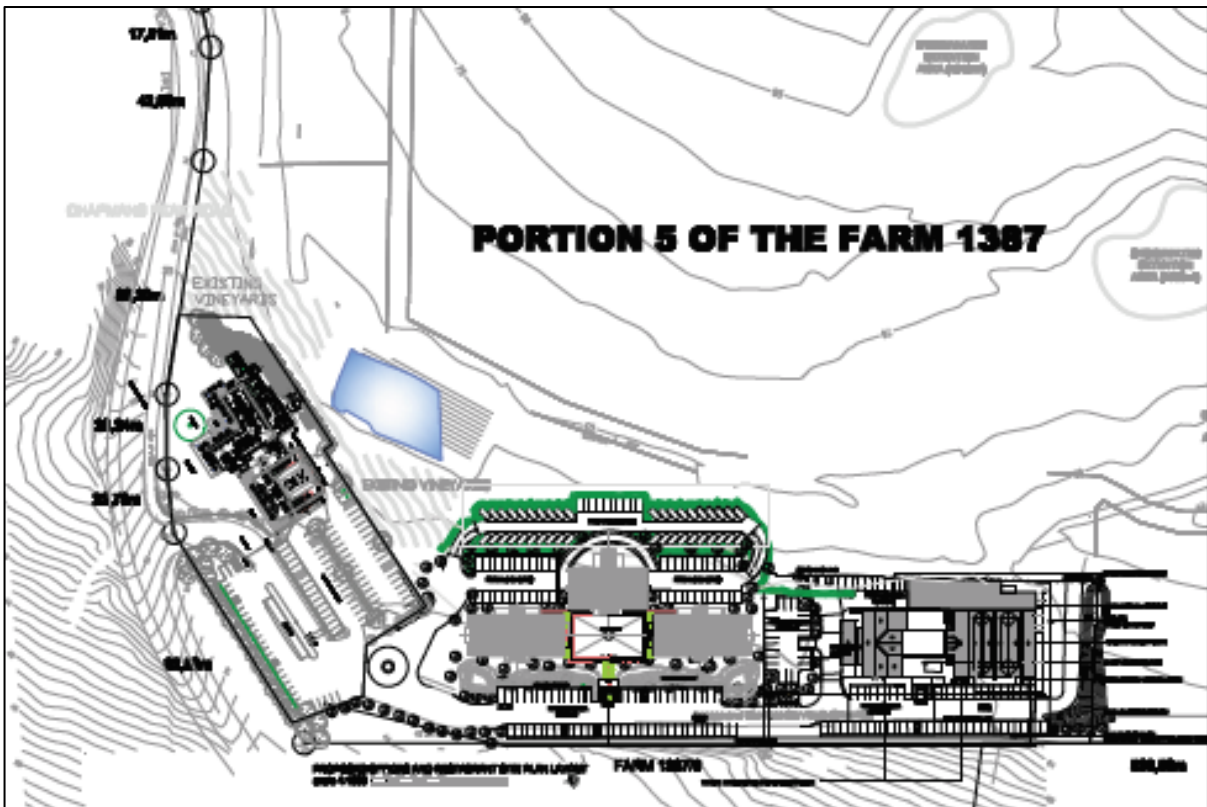


Figure 2: Chapman's Peak Estate proposed changes

It is noted that the NID and supplementary Heritage Statement submitted by Mr Snelling in respect of this proposed development noted as follows:

“The property does not fall within any proposed or declared heritage area either in terms of the NHRA or any Municipal regulations. In this regard, any contextual considerations in terms of heritage resources are considered limited.

There are no structures older than 60 years on the property.

The site is felt to be of no value in terms of any scientific, social, spiritual or historic significance.

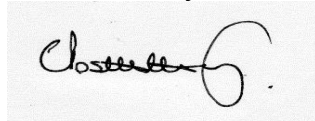
The heritage significance of the property in question is considered to be very low as per the NHRA. I can find no historic, contextual, intrinsic or associational ground for recommending that any heritage assessment be carried out in terms of section 38 of the National Heritage Resources Act.”

HWC’s RoD concurred with this conclusion.

It is my opinion that, since HWC has already determined that there are no heritage resources present (and therefore no heritage resources *can* be impacted), there were no heritage considerations which would have determined the shape of the development proposal as approved by DEA&DP. I would argue that would be the same for the amended proposal. It is therefore my view that the decision of HWC in this regard dated 10 May 2007 still stands and is applicable to the amended proposal.

DEA&DP require written confirmation from HWC that no further requirements are applicable in terms of the NHRA, for the reasons outlined above. I hereby request a formal response from HWC confirming your position in this regard.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cindy Postlethwayt', is enclosed in a light grey rectangular box.

Cindy Postlethwayt

## ANNEXURE A: HWC RoD

Enquiries: C. van Wijk  
 e-mail: [cvanwijk@pgwc.gov.za](mailto:cvanwijk@pgwc.gov.za)  
 10-05-2007

**Heritage Western Cape hereby notifies:**

Mr. Chris Snelling  
 41 Bell Road,  
 Harfield Village,  
 7708

---

**RECORD OF DECISION**


---

**of its decisions, comments and recommendations in terms of  
 Section 38(2) of the National Heritage Resources Act, 1999 (Act 25 of 1999)**

**For:** Notification of the Intent to Develop.

**At:** Farm 1387/5, Noordhoek

**DECISIONS, COMMENTS AND RECOMMENDATIONS:**

I can hereby confirm that your application submitted terms of Section 38 of the National Heritage Resources Act 25 of 1999 is hereby endorsed, as follows:

- That no further assessments are required as the nature of the proposed development and contextual analysis reveals that the development does not warrant such action.
- All mature trees (foreign or indigenous) to the entrance of the property must be kept to minimize visual impact and any proposal to remove trees must be applied for separately.
- This application can and should be dealt with in terms of the relevant local municipal regulations and LUPO only.

Please note that this approval relates to heritage related aspects of the proposal only and does not exonerate the applicant from obtaining approval from any other authority.

Please feel free to contact this office for any other information.

Yours

Bewin September  
 for **Chief Executive Officer: Heritage Resource Management Service**  
 Copy to HRS, South Peninsula Administration, Private Bag X5, Plumstead, 7800

[www.capegateway.gov.za/culture\\_sport](http://www.capegateway.gov.za/culture_sport)

**Street Address:** Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** Private Bag X9067, Cape Town  
 • **Tel:** +27 (0)86 142 142 • **Fax:** +27 (0)21 483 9842 • **E-mail:** [hwc@pgwc.gov.za](mailto:hwc@pgwc.gov.za)

**Straatadres:** Protea Assuransie-gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Privaatsak X9067, Kaapstad, 8001

**ANNEXURE B: DEA&DP RoD**

**ANNEXURE C: REVISED SDP OVER PORTION OF PROPERTY**