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Two Rivers Urban Park
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14 February 2017

For Attention: Sabina Favaro, SUN Development

Re: Two Rivers Urban Park Cape Town Baseline Heritage Study including erven Oude Molen Erf 26439 RE
Alexandra Erf 24290 RE Valkenburg Erf 26439 RE, erven 118877,160695 The Observatory erf 26423-0-1
River Club erf 151832 Ndabeni Erf 103659-0-2 RE

Dear Mammon & Associates, Provincial and City Regeneration Team, and Melanie Attwell

Please accept our comments in response to the Baseline Heritage Study as detailed in the header above (October 2016).

It is encouraging that the City and Province have undertaken this baseline heritage study, which aims to provide guidance for the consideration of heritage factors associated with future development of land within the TRUP and Ndabeni areas.

It is discouraging however, that whilst the City policy “requires that the character of places based on their context and scale, (rather than individual sites and objects) is protected, wherever appropriate” (Section 6.2.1 of this report), the City and Province are never-the-less fast-tracking development (“priority release areas”) on isolated land parcels within the TRUP.

The City has a mandate to “ensure that different readings and perceptions of heritage are acknowledged”, and “allowing for cultural diversity and contestation, while seeking to be representative of the broad range of places and practices that are meaningful to cultural groups”.

It is of great concern that this report does not reveal activities which the City has undertaken to ensure that relevant stakeholders (such as the First Nation groups, African peoples, Maitland Garden Village residents and others) are able to understand and contribute in heritage discussions linked to development proposals for the TRUP. It is doubtful, for example, that any representatives from the groups listed above have reviewed this Report, submitted written comments, and informed their constituencies as to the findings of this Report. For meaningful consideration of the TRUP heritage value, not to mention address apartheid legacies, this needs to be undertaken.

It is deeply disturbing, given the notions of redress and acknowledgement of past injustices which are explicit and implicit in the National Heritage Resources Act (NHRA), that this Report has not presented guidelines more useful in guiding practical application/implementation of the principles underpinning the NHRA, and so desperately needed within South African society.

In summary our suggestions are as follows on the page proceeding:

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Comments from the Two Rivers Urban Park Association on the Heritage Baseline Study compiled by Melanie Attwell, October 2016:

1. The Heart of the National Heritage Resources Act

- The Executive Summary be written in a language style that is accessible for public consideration, and workshopped in an appropriate manner with the relevant stakeholders.

2. Errors and Clarity of Reporting

- The heritage report must refer to the geographic area corrected: the TRUP plus Ndabeni Triangle.
- The Report cannot conclude that it will assist in the planning process. This sentence should be revised, to more accurately reflect the truth, perhaps that “it is hoped that this report will assist the planning process.” Similarly, “it is hoped that the TRUP development will assist in overcoming legacies”
- Revised description of public participation linked to development in the TRUP, reflecting that Provincial and City authorities have not undertaken to engage in an open and transparent manner.
- Report revised to disclose that stakeholders connected to the historical legacies linked to the TRUP have not yet meaningfully engaged in the heritage-related discussions.
- The Summary of TRUP heritage engagement process must indicate that neither the Khoisan representative, nor the representative from the Nguni Council, were informed as to the intentions of the City and Province at the time of delivering their presentations.
- The inference that the SDF supports the release of land parcels within the TRUP, as per section 6.1.2 should be rectified.
- The Executive Summary should be revised, in order to present the key findings from the report.
- The assumptions and constraints for this study need to be summarised in the Executive Summary.
- The “incomplete list” (see footer of Section 6.1.3) must be stated upfront in the body of the text.
- Clarity concerning the “Notification of intent to Develop” should be provided.
- The reference to Annexure 3 should be corrected. It is Annexure Four.
- Correct sentence construction error, Section 10.1.1. (top of page 66).
- The description of Workshop 6, Annexure 4, should be completed.

3. Omissions

- Cultural identity should be more inclusive with reference to indigenous groups (Khoi and **African**), and importance of the site for original cross-cultural generations born from the early settlers, slaves, and local inhabitants.
- This report should examine the mechanisms and opportunities for redress and cultural acknowledgement in the TRUP in terms of the United Nations Declaration concerning the Rights of Indigenous Peoples.
- Identification and capacity building to empower the stakeholders connected to historical legacies are required, to ensure that genuine “heritage design-informants” are produced. “Heritage design-informants” produced without inclusion of such parties only serves to perpetuate the legacy of past injustices.

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Given that a significant number of stakeholders would be willing to support one of the key findings from this report, notably as per Section 8.2 (page 49), that **“the entire TRUP site itself could be regarded as being of outstanding historical, symbolic scenic and amenity value, or a Grade 2 site”** (page 49), it is disturbing that stakeholders are not being provided with an opportunity to present their case. (Note that this case was articulated in the first few SUN facilitated public meetings, and again in the River Club Scoping Process, but appears to being ignored by the authorities, as they move ahead with “their” vision for the TRUP).

This Heritage Baseline Study has provided an abundance of evidence to support the proposal that the TRUP be developed as a landscape that facilitates healing, learning and restoration for all South Africans.

A museum embedded amongst more than twenty multi-story commercial, residential and retail buildings as per the River Club re-development proposal for example, cannot, based on this Report, be seen to uphold the unique and rich South African heritage, well documented in this baseline study.

We sincerely thank Mammon & Associates for extending the review and commenting deadline for this baseline study, and look forward to continuing to engage with all parties committed to the vision of the Western Cape “Better Together”.

Sincerely



Hudson McComb
(TRUP Association Chair)

Committee Members:

Hudson McComb; Edward Tilanus; Louise Badenhorst; Kyran Wright; Jean Ramsay; Pauline McConney; Rose Rau; John Holmes; Marc Turok.

NPO Reg. no. 28-226 NPO

A. The heart of the National Heritage Resources Act

The National Heritage Resources Act has, as its heart, the recognition that heritage has the potential to:

- Affirm diverse cultures
- Facilitate healing and material and symbolic restitution
- Promotes research into oral traditions and customs
- Help us define our cultural identity.

As such, there is concern that conclusions reached in this report, and the absence of practical outworking of the findings of this report, undermine the heart of what Heritage resource conservation is all about.

To reach the conclusion for example, that “future planning for the TRUP site will assist in overcoming the legacies of apartheid planning barriers...” in the Executive Summary (paragraph five) is misleading, and might suggest that the author is not independent (as per her “Statement of Independence” preceding the List of Figures in the Report), but biased in favour of some “future view” that she is aware of.

It might be argued for example, that development presently proposed for the River Club and Vaarschedrift, and supported by the City Planning department, entrenches apartheid planning, with expensive development techniques in order to mitigate against poor bearing capacity and elevation of the floodplain above the 1:100 year flood line.

The “independence” of the author might be questioned, as biased towards a “future view” that the author is personally aware of.

1. Production of an Executive Summary which is accessible for the public

The heart of the NHRA might arguably call for the Executive Summary to be written in a language style that is accessible for public consideration, and workshopped in an appropriate manner with the relevant stakeholders.

Describing “The purpose of the study is to place the heritage component within the planning framework and to fulfil the requirements of HWC in terms of S 389*) and S 38(3)” does not provide the average reader with any understanding as to the purpose of the study.

An alternative more readable version might be written as “The purpose of the study is to provide a broad overarching baseline study that provides a framework for future heritage studies”. As such, it:

- Provides the site in its social, heritage, physical and planning contexts;
- Identifies, maps and assesses sites of cultural significance at a “broad brush” level, with the assumption that, as smaller pieces of land are developed, more detailed Heritage Impact Assessments are undertaken¹;
- Provides heritage related design informants at a broad level; and

¹ Page 28

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3. Misleading and presumptuous to suggest that this report will “assist in the planning process”

The report “concludes that the requirements of the Study to assist in the planning process by the identification and assessment of heritage resources and the provision of heritage-related Design informants have been met.”

Whilst information has been carefully researched and documented, without its contents (most notably the “heritage-related Design informants”) being adopted, and informing the decision-making of the planning team, the Study is reduced to simply an excellent piece of research.

As such, it is not possible to conclude that “the requirements of the study to assist in the planning process have been met”.

The Report cannot conclude that it will assist in the planning process. This sentence should be revised, to more accurately reflect the truth, perhaps that “it is hoped that this report will assist the planning process.”

4. Impossible to predict that “future planning for the TRUP site will assist in overcoming the legacies of apartheid planning barriers...”

It is impossible for this report to predict the future, concluding in the Executive Summary (paragraph five) that “future planning for the TRUP site will assist in overcoming the legacies of apartheid planning barriers and separation and link previously separated parts of the City”. Given that the future planning still lies “in the future”, it is impossible to reach this conclusion.

The suggestion that “the future outcome of the TRUP development will assist in overcoming the legacies of apartheid planning” should be revised to more accurately reflect the unknown regarding the future of the TRUP.

5. Incorrect description of relationships between the public and government authorities

The report suggests that there has been an ongoing supportive relationship between the Provincial and City authorities and stakeholders (including the TRUP Association), since the inception of the TRUP. This is not correct. Whilst there was initial support for the TRUP by the City, there was an increasing withdrawal of support from the City, concerning implementation of the vision and plans captured in the Two Rivers Urban Park Conceptual Framework (2003), in the years that followed.

The authenticity of the current public participation process undertaken on behalf of the Province and City, by SUN Development, may be questioned, as there is concern that SUN Development have been forced into the role of a “go-between” between stakeholders and the Client (Province and City). Requests for representation of the TRUP Association on a Provincial- City TRUP body/steering committee (letter to Tamsin Faragher, 29 February 2016), was denied, despite apparent willingness as was stated at Workshop 1, held 25 February 2016.

The disconnect between stakeholders and officials raises questions concerning good governance and accountability, when it excludes stakeholders from information sessions such as described in this report, of the workshop for provincial and city officials alone, “CoCT-WCG Workshop 2” (Annexure 4, page 2), planned to take place in the future.

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The description of public participation linked to development in the TRUP since 2015 should be revised to indicate that the Provincial and City authorities have not undertaken to engage in an open and transparent manner with neither the TRUP Association, nor other stakeholder groups.

6. Inputs from “TRUP heritage engagement”

The discussion of “TRUP heritage engagement” (Section 9.4.3) failed to disclose that neither the Khoisan representative, nor the representative from the Nguni Council, were informed as to the nature and intent of the Province and City, (mixed use high density development within the TRUP), at the time when they delivered their presentations. The discussion referring to their “feedback” (section 9.4.3), is therefore questionable.

The Summary of TRUP heritage engagement process must indicate that neither the Khoisan representative, nor the representative from the Nguni Council, were informed as to the intentions of the City and Province, for mixed use, high density development within the TRUP, at the time of their presentations.

7. Inference from the Spatial Development Framework City (SDF) of Cape Town (2012).

Whilst the role of the SDF has been identified in Section 6.1.2 (page 29) as requiring “protection of its natural assets”, and for the TRUP, recognising it as a “high order destination place or a well-known public space which is of value in the unique identity of Cape Town”, it cannot be concluded that “This may be done through the release of land parcels... as key opportunities in growing cities”.

Infact, given the *high order destination*(as noted in the SDF), *the unique nature of the TRUP* (Annexure Two of this Report), and its “*high heritage significance*” (concluding point in the Executive Summary) with the “*unique identity*” (as noted in the SDF) of not only Cape Town, but all South Africans, the conclusion that the area comprising the TRUP should be protected from rapid “priority release” of land parcels, as presently being supported and fast-tracked by the City of Cape Town and Provincial Government, might more easily be concluded!

Further, given that City of Cape Town policy to “ensure that the *cultural landscape* is protected and managed as an integral part of development and environmental planning” (Section 6.2.1), it would be thought essential that the entire TRUP *landscape* be understood, contested and resolved, in terms of its heritage value, ahead of fast-tracked “priority release” of isolated parcels of land.

This report cannot conclude that the SDF supports the release of land parcels within the TRUP as key opportunities in growing cities. The inference towards such a conclusion, as per section 6.1.2 should be rectified.

8. Placing key findings and conclusions in the Executive Summary

The Executive Summary should highlight the key findings and conclusions. A large amount of information currently presented in the Executive Summary, is not a summary of the report’s findings. As such, the Executive Summary fails to summarise the report, and should be revised accordingly.

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The only findings presented in the Executive Summary are as follows:

- ...the TRUP site is complex and multi-layered, with many sites of heritage significance, with links to intangible heritage and memory. It is of significance in terms of tangible heritage resources and also to contemporary amenity groups and people with strong historical and cultural associations with the site.
- That the heritage sites and sites of memory exist at a variety of scales of objects of significance to entire landscapes of intangible value.
- The site is important in the pre-colonial and early colonial history of the Cape and has high heritage significance.

The Executive Summary fails to summarise the report. The Executive Summary should be revised, in order to present the key findings from the report.

9. Limitations for the study

The assumptions and constraints for this study need to be summarised in the Executive Summary, as they are key to understanding the validity, reliability and integrity of the findings.

The assumptions and constraints for this study need to be summarised in the Executive Summary.

10. Incomplete list

To have a footnote that advises the reader that “this is an incomplete list”, is irresponsible writing. For the reader to be aware that the list is “incomplete”, is of critical importance!

The sentence to which this refers (Section 6.1.3) is as follows “Three Provincial Heritage Sites are identified within the TRUP site – Valkenburg Hospital, the Nieuwe Molen at the Alexandra Institute and the Valkenburg Manor House”. This fact that this list is incomplete must be stated upfront in the body of the text.

The “incomplete list” referred to via the footer of Section 6.1.3 must be stated upfront in the body of the text.

11. Notification of Intent to Develop

The Report is unclear in terms of describing whome is responsible for the “Notification of Intent to Develop”, what the nature of these intentions are, and to whome it was “submitted on 18th July”, as per paragraph three of the Introduction. This should be more clearly articulated, to ensure transparency and good governance.

Clarity concerning *who* submitted the “Notification of intent to Develop”, *what* exactly these intentions are, and *to whome* this notice was submitted should be more clearly articulated, to ensure transparency and good governance.

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12. Incorrect reference to Annexure 3

“A diagram of ownership is attached as **Annexure Four**” (second paragraph, page 2), is incorrect. It is a Table, and referred to as Annexure Three. A map identifying erf numbers would have made this a more informative Annexure, and be a welcome addition to this report.

The reference to Annexure 3 should be corrected. It is Annexure Four.

13. Sentence construction error

The sentence in Section 10.1.1 (top of page 66), should be corrected. It presently reads as follows: “Where wind was necessary for energy, early milling facilities were placed and the crests of the.”

Correct sentence construction error, Section 10.1.1.

14. Annexure Four: incomplete sentence

The description of Workshop 6, should be completed. Presently it reads: “Workshop 6 - 28 May 2016: Walkabout on the TRUP site, along the Liesbeek and at the SA Astronomic Observatory and the surrounding wetland, accompanied by”

The description of Workshop 6, Annexure 4, should be completed.

C. Omissions

15. More inclusive reference to Cultural Identity

Section 2.16 (page 18) refers to the important connection between the TRUP and the cultural identity of the “First Nation”. This should extend to include other African groups also contesting for the land.

Given that this land was also the location for the first cross-cultural generations between not only indigenous inhabitants (African and Khoi), but also slaves and European settlers, it might be reasonable to link this landscape to the broader group of humanity who eventually all became “South African”. To narrow the importance of the landscape to the First Nation group alone is limiting, and incorrect.

More inclusive reference to indigenous groups (Khoi and African), and consideration of original cross-cultural generations born from the early settlers, slaves, and local inhabitants.

16. The United Nations Resolution: United Nations Declaration 61/295 concerning the Rights of Indigenous Peoples.

The report notes that “the United Nations Resolution should be examined to explore mechanisms and opportunities for redress and cultural acknowledgement in the TRUP” (Section 6.3.1). The report is unclear however, why this has not been undertaken as part of this study.

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This report should examine the mechanisms and opportunities for redress and cultural acknowledgement in the TRUP in terms of the United Nations Declaration concerning the Rights of Indigenous Peoples, given that it was intended to provide broad brush principles to guide future heritage assessments within the TRUP.

17. Incomplete public participation linked to the spirit and intent of the National Heritage Resources Act (NHRA)

The NHRA calls for stakeholder engagement for the process of considering heritage determinants. Heritage-related stakeholder engagement for the TRUP is reflected in this report as being part of the broader public engagement process.

The National Heritage Resources Act intends to seek, in principle, to redress and acknowledge past injustices. The findings of this report unequivocally show the significant historical legacy of barriers, dispossession, racial and spatial developments associated with the TRUP.

For the study to report that “The heritage component of the TRUP is playing an important role in discussion during public engagement” might arguably suggest that the spirit and intent of the NHRA is being upheld. The “second level layer directly affected parties including Associations and Forums including TRUP Association, The Oude Molen Forum, Western Cape Diverse Traditional Leaders Forum, and the First Nation groups” described in Section 9.3 (page 60) suggests that stakeholder engagement with those most affected by past injustices has formed part of this study. However if their “participation” is simply the workshops listed in Annexure 4, then this cannot reasonably be considered meaningful participation.

Meaningful stakeholder engagement with those stakeholders most affected by past injustices cannot be accepted as two presentations from these stakeholders (who had no background in what was being proposed by the City/Province at the time of their presentations). Stakeholder engagement with integrity requires substantive investment in stakeholder identification, and subsequent building of capacity in order to ensure participation in discussion in developing heritage design-informants. Without inclusion of these stakeholders, heritage design-informants for the TRUP cannot be established.

This report should be revised to report that stakeholders connected to the historical legacies linked to the TRUP have not yet meaningfully engaged in the heritage-related discussions. Presentations by a representative from each of two fora cannot be considered “meaningful stakeholder engagement”.

Further identification and capacity building is required to empower the relevant groups, and ensure that genuine “heritage design-informants” are produced. “Heritage design-informants” produced without inclusion of such parties only serves to perpetuate the legacy of past injustices.