



NOTIFICATION OF INTENT TO DEVELOP

Completion of this form is required by Heritage Western Cape for the initiation of all impact assessment processes under Section 38(1) & (8) of the National Heritage Resources Act (NHRA).

Whilst it is not a requirement, it may expedite processes and in particular avoid calls for additional information if certain of the information required in this form is provided by a heritage specialist/s with the necessary qualifications, skills and experience.

A. APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA)

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| HWC Case Number: 19081213 | DEADP Reference Number: 14/1/1/E2/4/2/3/0057/14 |
| NOTE: A DEADP (W Cape Dept. Environment Affairs & Development Planning) reference number must be included in all NHRA Section 38(8) processes where DEADP is the decision making authority under NEMA. The effect of this requirement is that the NEMA process must be initiated with DEADP prior to the NHRA process with HWC. | |
| If a DEADP reference number is not entered above please check one of the following boxes: | |
| <input checked="" type="checkbox"/> | This application is made in terms of Section 38(8) of the NHRA and an application under NEMA has been made to the following authority: Department of Environmental Affairs and Development Planning |
| <input type="checkbox"/> | This development will not require a NEMA application. |
| NOTE: Making an incorrect statement or providing incorrect information in this part of the form may result in all or part of the application having to be reconsidered by HWC in the future, or submission of a new application. | |

B. BASIC DETAILS

PROPERTY DETAILS:

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| Name of property: Farm No. 1314, Stellenbosch Registration Division (RD), Western Cape Province | |
| Street address or location (eg: off R44): Farm No. 1314, Stellenbosch RD is situated approximately 1km south-east of Paradyskloof / La Pastoral, Stellenbosch. See Figure 1 in the Supporting Documentation for a locality map. Directions to the site: Take the Paradyskloof Road turn-off from the R44 at Paradyskloof just south of Stellenbosch. After about 1.7km, pass through the security gate. Continue straight. You will reach the Dylan Lewis Sculpture Garden after about 600m. | |
| Erf or farm number/s: Farm No. 1314 | Coordinates: 33°58'17.93" S 18°52'24.64"E (A logical centre point. Format based on WGS84.) |
| Town or District: Stellenbosch | Responsible Municipality: Stellenbosch Municipality |
| Extent of property: 5.7661ha | Current use: Sculpture Garden |
| Predominant land use/s of surrounding properties: Agriculture, conservation, plantations and lifestyle smallholdings. | |

REGISTERED OWNER OF PROPERTY:

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| Name Dylan Property Trust | | |
| Address PO Box 1412, Stellenbosch, 7599 | | |
| Telephone 021 880 0054 | Cell 071 352 3264 | E-mail wayne@dylanart.co.za |
| <p>By the submission of this form and all material submitted in support of this notification (ie: 'the material'), all applicant parties acknowledge that they are aware that the material and/or parts thereof will be put to the following uses and consent to such use being made: filing as a public record; presentations to committees, etc; inclusion in databases; inclusion on and downloading from websites; distribution to committee members and other stakeholders and any other use required in terms of powers, functions, duties and responsibilities allocated to Heritage Western Cape under the terms of the National Heritage Resources Act. Should restrictions on such use apply or if it is not possible to copy or lift information from any part of the digital version of the material, the material will be returned unprocessed.</p> | | |
| <p>I confirm that I enclose with this form four hardcopies of all material submitted together with a CD ROM containing digital versions of all of the same.</p> | | |

Signature of owner or authorised agent
(Agents must attach copy of power of attorney to this form.)

Date / 08 / 2019

DEVELOPMENT DETAILS:

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| Please indicate below which of the following Sections of the National Heritage Resources Act, or other legislation has triggered the need for notification of intent to develop. | |
| <input type="checkbox"/> S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length. | S38(1)(c) Any development or activity that will change the character of a site - <input type="checkbox"/> (i) exceeding 5 000m ² in extent; <input type="checkbox"/> (ii) involving three or more existing erven or subdivisions thereof; <input type="checkbox"/> (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years. |
| <input type="checkbox"/> S38(1)(b) Construction of a bridge or similar structure exceeding 50m in length. | |
| <input type="checkbox"/> S38(1)(d) Rezoning of a site exceeding 10 000m ² in extent. | |
| <input checked="" type="checkbox"/> Other triggers, eg: in terms of other legislation, (ie: National Environment Management Act, etc.) Please set out details: A Section 24G application for retrospective environmental authorisation will be lodged with the DEA&DP for the development of a weir, berms, a walkway, and diversion of a watercourse. | If you have checked any of the three boxes above, describe how the proposed development will change the character of the site: The site was cultivated in the past but has been rehabilitated and revegetated with indigenous vegetation to create the Dylan Lewis Sculpture Garden. The activities applied for, i.e. development of a weir, berms, a walkway, and diversion of the watercourse is about ~6000m ² in extent. Note that the area was rehabilitated, and |

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| | not transformed, and the character of the site was improved. |
| <p>If an impact assessment process has also been / will be initiated in terms of other legislation please provide the following information:</p> <p>Authority / government department (ie: consenting authority) to which information has been /will be submitted for final decision: DEA&DP</p> <p>Present phase at which the process with that authority stands: The public participation process for the Draft Section 24G Impact Assessment Report will commence after receipt of HWC's response on this NID.</p> | |
| <p>Provide a <u>full</u> description of the nature and extent of the proposed development or activity including its potential impacts (eg: changes in land use, envisaged timeframes, provision of additional bulk services, excavations, landscaping, total floor area, height of development, etc. etc.): The Dylan Lewis Trust acquired Farm 1314, Stellenbosch Registration Division (RD) during 2008. Up to 2008, the property was used for agricultural purposes.</p> <p>The Dylan Lewis Sculpture Garden was created gradually over time, mostly between 2009 and 2017. According to the Dylan Lewis Sculpture Garden website, over 60 sculptures constituting a comprehensive record of Lewis's full artistic development thus far have been carefully placed in harmony with the landscape. Along four kilometres of footpaths, one is led on a journey through different 'rooms'. The garden focuses on indigenous species, particularly fynbos. A large selection of ericas, particularly unusual varieties such as Erica verticillata, extinct in the wild, was sourced from Kirstenbosch National Botanical Garden.</p> <p>The DEA&DP, Directorate: Environmental Law Enforcement, has issued the Dylan Lewis Trust with a Compliance Notice and a Pre-directive for works undertaken adjacent to the Paradyskloof Tributary. A Section 24G application for retrospective Environmental Authorisation will be lodged with the DEA&DP for the development of a weir, berms, a walkway, and diversion of a watercourse on the relevant property. The estimated total surface area of the activities is ~0.6ha.</p> <p>From Google Earth, it is evident that two buildings were removed/demolished on the southern and eastern boundaries of Farm No. 1314 between 2011 and 2014 (see Figure 2 in the Supporting Document). The applicant has confirmed that the building on the eastern boundary was a labourer's cottage erected by the previous owners in approximately 1980, at the time of the earthworks on the garden it was unoccupied and derelict. The labourer's structure had major structural issues and needed to be demolished for safety reasons. The building on the eastern boundary was a horse stables erected by the previous owners in approximately 1985. At the time of the earthworks on the garden it was derelict and used for storage.</p> <p>The only building that may be old enough to be considered of heritage value is a cottage next to the gate, which remains unaltered from its original format. The applicant has also confirmed that nothing of heritage or archaeological significance was disturbed or found on the site during establishment of the garden.</p> <p>Three alleged unlawful activities were assessed by BlueScience, as part of the Section 24G process, in terms of their potential freshwater impacts and were categorised as follows: 1) construction of a walkway and sculpture display within a watercourse with the associated infilling (i.e. berms); 2) diversion of the watercourse into a small dam and artificial pond; and 3) construction of a weir within a watercourse. The relevant impacts are summarised below. See Figure 4 in the Supporting Document for a site plan of the activities applied for as part of the Section 24G process.</p> | |

1) Construction of a walkway and sculpture display within a watercourse with the associated infilling (i.e. berms):

Potential impacts of the activities undertaken are some aquatic habitat modification; and a localised impedance of flow within the watercourses at the crossings. Given that considerable effort has been undertaken to enhance and improve the aquatic habitats within the garden, the impact of the created walkway has been limited and in general has resulted in the improvement of the ecological integrity of the aquatic features that had been modified by past agricultural activities.

The only activity within or adjacent to the aquatic features that requires some rehabilitation is the infilled area adjacent to the Paradyskloof Stream. While it is not deemed necessary to remove the infilled material, it is recommended that the invasive kikuyu *Pennisetum clandestinum* grass cover on the embankment be removed and that the embankment be revegetated with indigenous vegetation. In particular, the banks of the stream where there is a bend in the watercourse should be vegetated and if necessary stabilised with larger boulders to prevent undercutting of the embankment by the stream.

2) Diversion of the watercourse into a small dam and artificial pond:

Only one flow diversion appears to have been undertaken as part of the garden establishment, that is the diversion of some flow from the large dam within the site to maintain the created pond near the western boundary of the site. The series of ponds created along the southern boundary of the site is along one of the channels of the Paradyskloof River. The aquatic impact of this activity on the aquatic habitat and diversity is thus positive and has been adequately rehabilitated that no additional rehabilitation measures are deemed to be required.

In terms of the potential impact of the diversion of the watercourse into the constructed dam and its impact on the downstream volume of water in the watercourse and the associated impact on the ecological function of the watercourse and the aquatic biota in the stream, there would be a slight impact associated with an increase in the low flow volume impounded by the dam. This impact would have also occurred for the previous existing dam but would have increased as a result of the larger dam. Given the degraded condition of the watercourse downstream of the site, and the fact that the stream along its length appears to have a baseflow contribution from groundwater that sustains the aquatic ecosystem during the dry summer period, the impact of the enlarged dam on the downstream flow and aquatic ecosystem is considered to be of a low significance.

3) Construction of a weir within a watercourse:

The only formalised crossing along the pathway is at the existing weir where a concrete walkway has been strengthened with a concrete structure of approximately 1.5 m wide and 2 m high. The structure acts also as an erosion mitigation as the watercourse drops downstream of the property and is likely to erode back into the site and the wetland area immediately upstream.

The impact associated with this activity was found to be insignificant with the potential for a positive impact. There was an existing structure at the site of the weir that was degraded and becoming undercut but the eroding river channel downstream. The construction of the weir has addressed erosion taking place within the stream. The structure does not appear to significantly impede flow in the watercourse, except to facilitate the creation of the depression wetland habitat upstream. The created pond has been shaped and vegetated such that new wetland habitat has been created with an associated positive impact. No rehabilitation measures are deemed necessary for this activity.

Risk assessment outcome:

The risk assessment undertaken by BlueScience determined that most of the proposed activities pose a moderate to low risk of impacting aquatic habitat and water flow. The reshaping and revegetation of disturbed areas with suitable local indigenous plants was undertaken following the works. It is likely that there has been an improvement of the ecological condition of the aquatic features that were on the site from a C category or lower before the works to the current B/C category.

The activities on site has therefore resulted in an overall improvement of the site condition, through

revegetation with indigenous vegetation.

C. HERITAGE RESOURCES AND IMPACTS THEREUPON

Section 3 of the National Heritage Resources Act sets out the following categories of heritage resource as forming part of the national estate. Please indicate the known presence of any of these by checking the box alongside and then providing a description of each occurrence, including nature, location, size, type

Failure to provide sufficient detail or to anticipate the likely presence of heritage resources on the site may lead to a request for more detailed specialist information.

(The assistance of relevant heritage professionals is particularly relevant in completing this section.)

Provide a short history of the site and its environs (Include sources where available): The surrounding area has been subject to anthropogenic modification for a long time. The town of Stellenbosch was founded in 1679, and agricultural activity has taken place along the Eerste River since the 17th century. As a result, most of the rivers in this system have been modified for some time already. Past aerial photographs taken in 1938 (see Figure 2 in the Supporting Document) show that at that time, the site was already significantly disturbed although the watercourses appeared to still be relatively undisturbed within their natural watercourses and the large dam had not yet been constructed.

From the image it can be seen that there was a large seep wetland area (darker area in the image) at the start of the stream where the dam has been constructed that likely feeds the smaller tributary of the stream. There was also patches of valley bottom wetlands along the stream that natural appeared to flow along the southern border of the site. It would appear that at some stage the larger Paradyskloof River flowed in a north-westerly direction to join the smaller tributary in the north, although the main channel appears to have been quite braided at that time.

The Dylan Lewis Sculpture Garden was created gradually over time, mostly between 2009 and 2017.

Please indicate which heritage resources exist on the site and in its environs, describe them and indicate the nature of any impact upon them:

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| <input checked="" type="checkbox"/> | <p>Places, buildings, structures and equipment of cultural significance</p> <p>Description of resource: The historic Vriesenhof farm homestead is situated about 500m west of Farm 1314, Stellenbosch RD.</p> <p>Description of impact on heritage resource: The Dylan Lewis Sculpture Garden did not have a negative impact on the historic Vriesenhof homestead. In the contrary, the rehabilitation of the site has most likely benefited the surrounding area, since a unique tourism attraction was created which fits in well with Stellenbosch's existing wine and tourism destinations. The revegetation of the site with indigenous vegetation has also resulted in an improvement of the site from an environmental perspective.</p> |
| <input type="checkbox"/> | <p>Places to which oral traditions are attached or which are associated with living heritage</p> <p>Description of resource: None</p> <p>Description of impact on heritage resource: Not applicable</p> |
| <input checked="" type="checkbox"/> | <p>Historical settlements and townscapes</p> <p>Description of resource: The nearby town of Stellenbosch is a historic settlement/townscape.</p> <p>Description of impact on heritage resource: Rehabilitation of the site has most likely benefited the surrounding area, since a unique tourism attraction was created which fits in well with</p> |

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| | Stellenbosch's existing wine and tourism destinations. The revegetation of the site with indigenous vegetation has also resulted in an improvement of the site from an environmental perspective. |
| <input checked="" type="checkbox"/> | <p>Landscapes and natural features of cultural significance</p> <p>Description of resource: The Hottentots Holland Mountain Catchment Area and the Jonkershoek Nature Reserve are respectively situated about 600m and 1000m east of Erf 1314, Stellenbosch RD.</p> <p>Description of impact on heritage resource: Positive. Rehabilitation of the site is in line with the surrounding area, and compliments the surrounding natural landscape. See the photos in the Supporting Document.</p> |
| <input type="checkbox"/> | <p>Geological resources of scientific or cultural importance</p> <p>Description of resource: The geology in the area comprises of greywacke, phyllite and quartzitic sandstone of the Malmesbury Group and granite of the Kuils River-Helderberg Pluton, Cape Granite Suite. Alluvium deposits occur within the river channels. Deep weathered soils (clay and coarse-grained sand) from Cape Granites of the Stellenbosch-Kuilsrivier and Helderberg Plutons underlie the alluvial and colluvial deposit topsoils. The soils are in general red-yellow well drained soils that lack a strong texture contrast, are relatively low in clay content and of moderate erodibility.</p> <p>It is unlikely that materials of heritage significance would have occurred at the site. No items of heritage significance was identified or reported to date.</p> <p>Description of impact on heritage resource: Insignificant</p> |
| <input type="checkbox"/> | <p>Archaeological resources (Including archaeological sites and material, rock art, battlefields & wrecks):</p> <p>Description of resource: According to the Department of Environmental Affairs (DEA) screening tool, the site is located within an area of high archaeological or general heritage significance, since it is situated within 1km from a protected area. See Figure 5 in the Supporting Document.</p> <p>Description of impact on heritage resource: Insignificant</p> |
| <input type="checkbox"/> | <p>Palaeontological resources (ie: fossils):</p> <p>Description of resource: According to the DEA's screening tool, the site is not located in an area of palaeontological sensitivity.</p> <p>Description of impact on heritage resource: Insignificant</p> |
| <input type="checkbox"/> | <p>Graves and burial grounds (eg: ancestral graves, graves of victims of conflict, historical graves & cemeteries):</p> <p>Description of Resource: No graves or burial grounds were found during establishment of the garden.</p> <p>Description of Impact on Heritage Resource: Not applicable</p> |
| <input type="checkbox"/> | <p>Other human remains:</p> <p>Description of resource: No graves or burial grounds were found during establishment of the garden.</p> <p>Description of impact on heritage resource: Not applicable</p> |
| <input type="checkbox"/> | <p>Sites of significance relating to the history of slavery in South Africa:</p> <p>Description of resource: No sites of significance related to slavery in South Africa are present at or near the development site.</p> <p>Description of impact on heritage resource: Not applicable</p> |

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| <input type="checkbox"/> | Other heritage resources: Description of resource: None Description of impact on heritage resource: Not applicable |
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| Describe elements in the environs of the site that could be deemed to be heritage resources: The site is situated within 1000m from protected areas, i.e. the Hottentots Holland Mountain Catchment Area and the Jonkershoek Nature Reserve. Description of impacts on heritage resources in the environs of the site: Positive. Rehabilitation of the site is in line with the surrounding area, and compliments the surrounding natural landscape. See the photos in the Supporting Document. |
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| Summary of anticipated impacts on heritage resources: The activities on site has resulted in an overall improvement of the site, through revegetation with indigenous vegetation, and are in keeping with the natural setting of the property. |
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ILLUSTRATIVE MATERIAL (This form will not be processed unless the following are included):

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| Attach to this form a minimum A4 sized locality plan showing the boundaries of the area affected by the proposed development, its environs, property boundaries and a scale. The plan must be of a scale and size that is appropriate to creating a clear understanding of the development. |
| Attach also other relevant graphic material such as maps, site plans, satellite photographs and photographs of the site and the heritage resources on it and in its environs. These are essential to the processing of this notification. |
| Please provide all graphic material on paper of appropriate size and on CD ROM in JPEG format. It is essential that graphic material be annotated via titles on the photographs, map names and numbers, names of files and/or provision of a numbered list describing what is visible in each image. |

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| D. RECOMMENDATION |
| In your opinion do you believe that a heritage impact assessment is required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Recommendation made by: Name Mari de Villiers, Cornerstone Environmental Consultants. Capacity Environmental Assessment Practitioner |
| PLEASE NOTE: No Heritage Impact Assessment should be submitted with this form or conducted until Heritage Western Cape has expressed its opinion on the need for such and the nature thereof. |

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| E. INFORMATION TO BE PROVIDED AND STUDIES TO BE CONDUCTED AS PART OF THE HERITAGE IMPACT ASSESSMENT (HIA) |
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| If it is recommended that an HIA is required please complete this section of the form. |
| DETAILS OF HERITAGE PRACTITIONERS AND SPECIALISTS INTENDING TO CONDUCT THE HIA: |

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| 1. | Name of individual: Name of Practice: Area of specialisation: Qualifications: Experience: Standing in heritage resource management: E-mail Address: Telephone: Cell: |
| 2. | Name of individual: Name of Practice: Area of specialisation: Qualifications: Experience: Standing in heritage resource management: E-mail Address: Telephone: Cell: |
| 3. | Name of individual: Name of Practice: Area of specialisation: Qualifications: Experience: Standing in heritage resource management: E-mail Address: Telephone: Cell: |
| 4. | Name of individual: Name of Practice: Area of specialisation: Qualifications: Experience: Standing in heritage resource management: E-mail Address: Telephone: Cell: |
| 5. | Name of individual: Name of Practice: Area of specialisation: Qualifications: Experience: Standing in heritage resource management: E-mail Address: Telephone: Cell: |
| If this submission is made in terms of Section 38(8) of the National Heritage Resources Act indicate below the particulars of the principle environmental consultant on the project. | |
| Name of individual: Mari de Villiers Name of Practice: Cornerstone Environmental Consultants Area of specialisation: Environmental Assessment Practitioner E-mail Address: mari@cornerstoneenviro.co.za Telephone: 021 887 9099 Cell: 083 235 8733 Postal Address: PO Box 12606, Die Boord, Stellenbosch, 7613 | |

DETAILS OF STUDIES TO BE CONDUCTED IN THE INTENDED HIA

In addition to the requirements set out in Section 38(3) of the NHRA, indicate envisaged studies:

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| <input type="checkbox"/> | Heritage resource-related guidelines and policies. |
| <input type="checkbox"/> | Local authority planning and other laws and policies. |
| <input type="checkbox"/> | Details of parties, communities, etc. to be consulted. |
| <input type="checkbox"/> | Specialist studies, eg: archaeology, palaeontology, architecture, townscape, visual impact, etc. Provide details: |
| <input type="checkbox"/> | Other. Provide details: |

PLEASE NOTE: Any further studies which Heritage Western Cape may resolve should be submitted must be in the form of a single, consolidated report with a single set of recommendations. Specialist studies must be incorporated in full, either as chapters of the report, or as annexures thereto.

**SECTION 24G RETROSPECTIVE ENVIRONMENTAL AUTHORISATION APPLICATION FOR
THE DEVELOPMENT OF A WEIR, BERMS, A WALKWAY, AND DIVERSION OF A
WATERCOURSE INTO A DAM ON MULBERRY FARM (FARM NO. 1314), STELLENBOSCH
RD, WESTERN CAPE PROVINCE**

**Supporting document to the Notification of Intent to Develop submitted to
Heritage Western Cape**



Figure 1. Google Earth Locality Map (Source: Cape Farm Mapper, 2019).

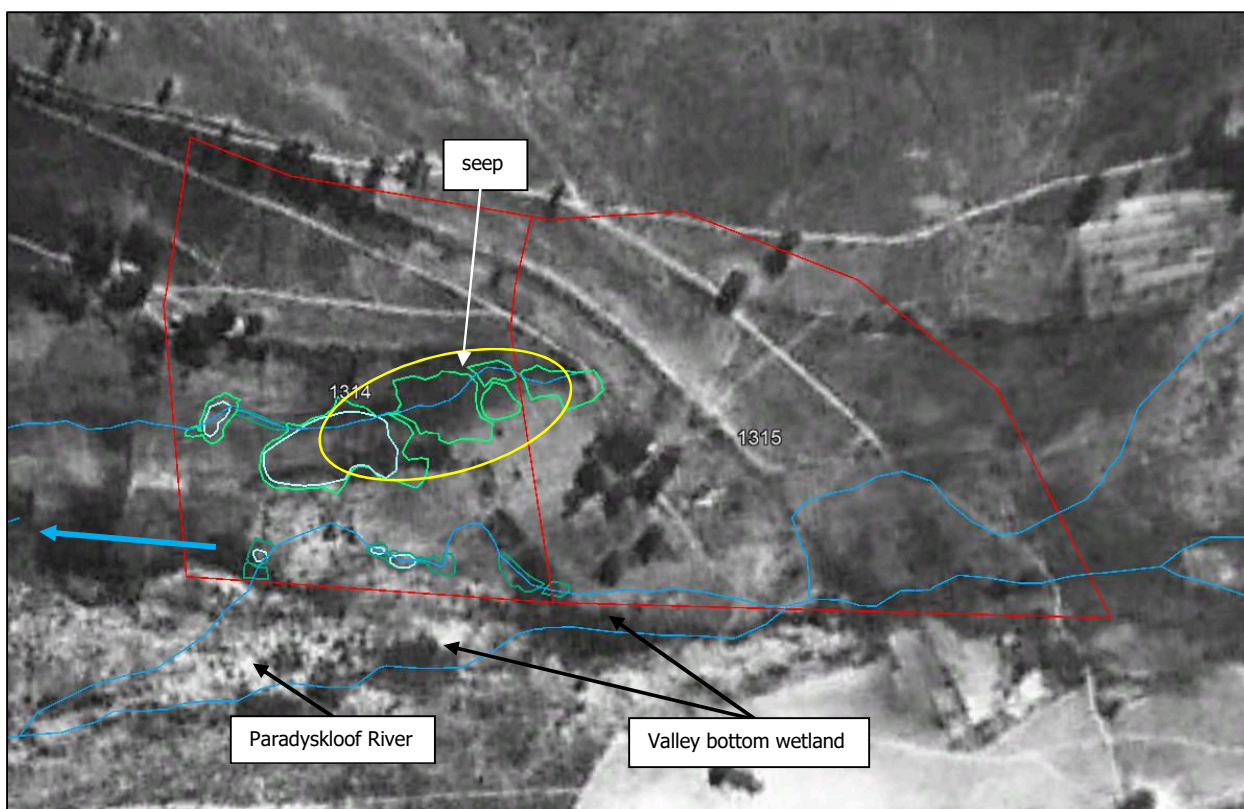


Figure 2. Aerial photograph taken in 1938 overlain in Google Earth with the delineated site boundaries indicated (Source: BlueScience, 2019)

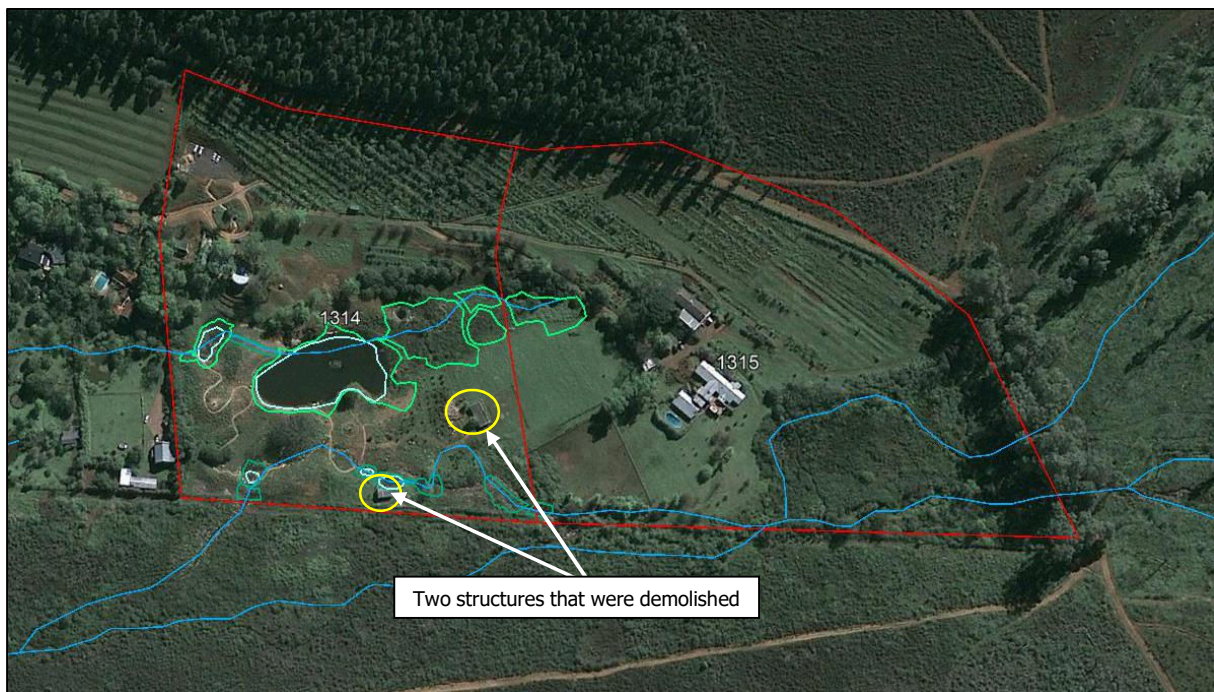


Figure 3. Google Earth image dated September 2009 (Source: BlueScience, 2019)



Figure 4. Activities applied for through the NEMA Section 24G application process, overlain on a recent Google Earth image. Yellow ovals: where the walkway has been constructed within the delineated aquatic features (Source: Adapted from BlueScience, 2019)

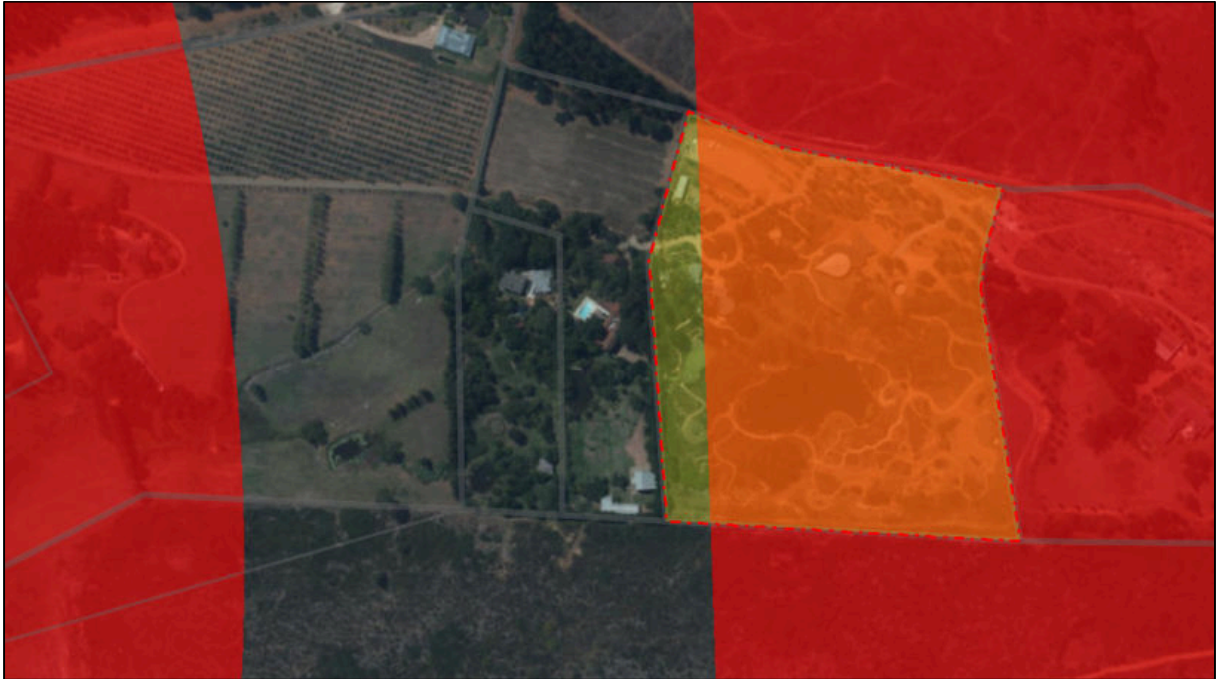


Figure 5. General cultural heritage and archaeological sensitivity map with high sensitivity indicated in red, and the site indicated in red dotted lines. Note: The relevant feature for the mapped “High sensitivity” areas is “Within 1km from a protected area” (Source: DEA Screening Tool, 2019)

PHOTOS



Photo 1: The rehabilitated Paradyskloof River on the site (Image source: BlueScience, 2019)



Photo 2: View of the typical watercourse crossings at the site (Image source: BlueScience, 2019).

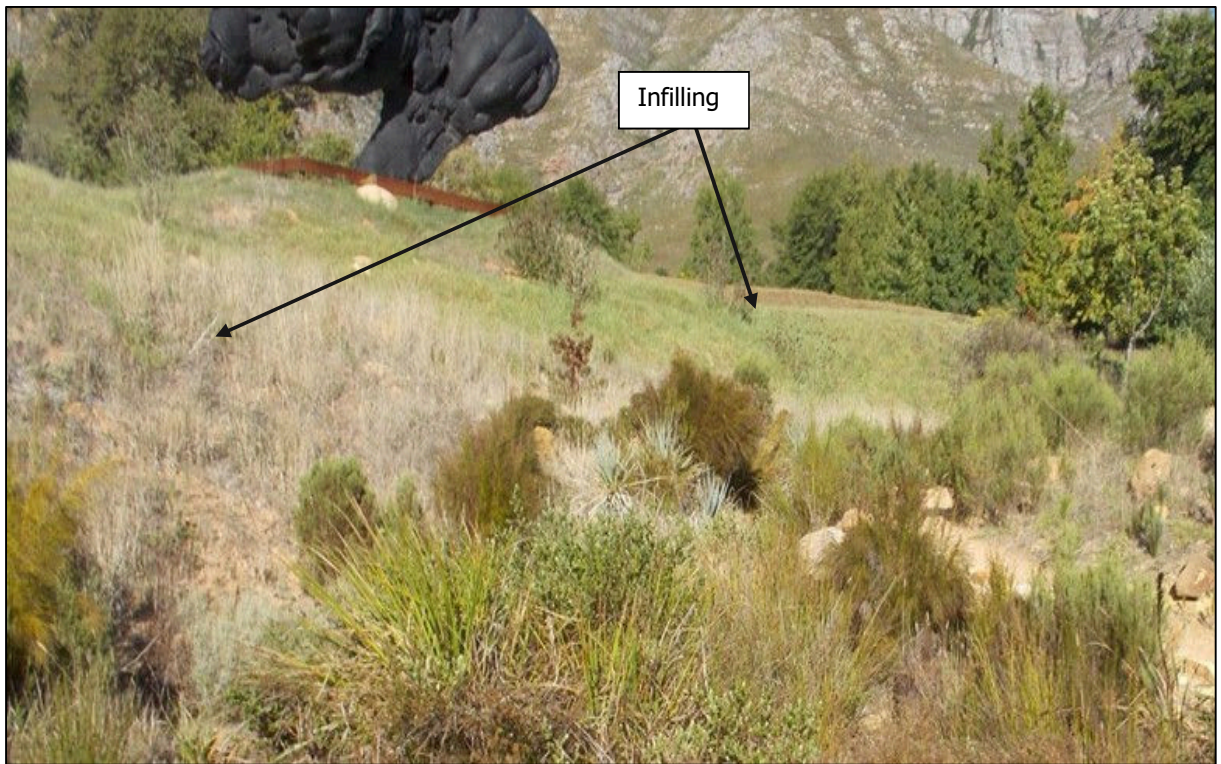


Photo 3: View of the infilling along the north-eastern bank of the watercourse within the site (Image source: BlueScience, 2019)



Photo 3: View of the constructed weir on the western boundary of the site (Image source: BlueScience, 2019)