

**Our Ref:** HM/ EDEN / MOSSEL BAY/ HARTENBOS/ PTN 11 VALLE VALLEY 219  
**Case No:** 22082601AM0826E  
**Enquiries:** Ayanda Mdludlu  
**E-mail:** ayanda.mdludlu@westerncape.gov.za  
**Tel:** 021 483 5959



**Andre le Roux**  
**Andre@dalmar.co.za**

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL**  
**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**

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED AMENDMENT OF INTERNAL ROADS AND HOUSING DENSITY TO AN ALREADY APPROVED RESIDENTIAL DEVELOPMENT ON PTN 11 VALLE VALLEY 219, HARTENBOS, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 22082601AM0826E**

The matter above has reference.

Heritage Western Cape is in receipt of additional information for the above matter received. This matter was discussed at the Heritage Officers' Meeting held on 19 September 2022.

You are hereby notified that, since there is no reason to believe that the proposed amendment of internal roads and housing density to an already approved residential development on ptn 11 Valle Valley 219, Hartenbos will impact on heritage resource, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

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

.....  
**Colette Scheermeyer**  
**Deputy Director**



[www.westerncape.gov.za/cas](http://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

## APPLICATION FORM NOTIFICATION OF INTENT TO DEVELOP (NID) SECTION 38 (1) AND SECTION 38 (8)

**Heritage Western Cape Reference No:**

*To be completed by the applicant*

**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)**

**As per Section 38 (1) (e) of the NHRA, submission of the NID must be initiated at the earliest stage of development. Should the development trigger any other legislation, practitioners may submit the NID without formal submission to other statutory bodies in order to comply with the NHRA.**

*This form is to be read in conjunction with the HWC Notification of Intent to Develop, Heritage Impact Assessment, (Pre-Application) Basic Assessment Reports, Scoping Reports and Environmental Impact Assessments, Guidelines for Submission to HWC*

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. All sections of the form must be completed in order to deem the application to be complete.

Making an incorrect statement or providing incorrect information may result in all or part of the application having to be reconsidered by HWC in the future, or submission of a new application.

The following information is to be included upon submission to HWC:

1. Proof of payment with correct reference number
2. Completed and signed application form – the application form must be completed in full in order to be considered
3. Power of Attorney
4. Locality Map
5. Images of the site and its context
6. Additional information pertaining to the heritage of the site

**Application and associated documentation to be emailed to [ceoheritage@westerncape.gov.za](mailto:ceoheritage@westerncape.gov.za)**

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

Department of Environmental Affairs Development Planning (Western Cape); Department of Mineral Resources (National); Department of Environmental Affairs (National);  
Reference Number (if applicable):

**Please tick the applicable section:**

☒ 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 Environment Affairs and Development Planning (DEADP)**

☐ This development will not require a NEMA application.

**B. BASIC DETAILS****PROPERTY DETAILS:**

Name of property: <b>PROPOSED AMENDMENT OF ENVIRONMENTAL AUTHORISATION FOR THE EA DATED 18 AUGUST 2009 FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON A PORTION OF THE FARM VAALE VALLEY 219, MOSSEL BAY (HARTENBOS LANDGOED PHASE 2)</b>	
Street address or location (eg: off R44): <b>Off the N2 south, in Hartenbos, near Mossel Bay (Figures 1-3)</b>	
Erf or farm number/s: <b>Farm Vaale Valley 219</b>	Coordinates: <b>S 34° 5'50.13"</b> <b>E 22° 7'30.42"</b> (A logical centre point. Format based on WGS84.)
Town or District: <b>Mossel Bay</b>	Municipality: <b>Mossel Bay Local Municipality</b>
Extent of property: <b>About 415ha</b>	Current use: <b>Already approved residential development</b>
Predominant land use/s of surrounding properties: <b>Residential, Roads (N2), Commercial hard rock and aggregate quarries, some agriculture (grazing) and gated private residential north of the N2</b>	

**REGISTERED OWNER OF PROPERTY:**

Name and Surname: <b>Hartland Lifestyle Estate (Pty) Ltd</b>		
Address <b>Unit 1, K109 Business Park 1 Tinus de Jong Street Van Eck Park Brakpan, 1541</b>		
Telephone <b>011 915 0891</b>	Cell	E-mail
APPLICANT/ AUTHORISED AGENT:		
Name and Surname: <b>Att Andre le Roux</b>		
Address: <b>Unit 1, K109 Business Park 1 Tinus de Jong Street Van Eck Park Brakpan, 1541</b>		
Telephone <b>011 915 0891</b>	Cell <b>082 4992777</b>	E-mail <a href="mailto:andre@dalmar.co.za">andre@dalmar.co.za</a>
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. All sections of the form have been completed.		

Signature of Owner:

Date:

Should the owner not be able to sign, the applicants/ agents must attach copy of power of attorney to this form.

Signature of Applicant/ Authorised Agent:

Date:

Applicants/ agents must attach copy of power of attorney to this form.

**C. DEVELOPMENT DETAILS:**

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 <sup>2</sup> in extent; <input checked="" 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 <sup>2</sup> in extent.	
Other triggers, eg: in terms of other legislation, (ie: National Environment Management Act, etc.) Please set out details:  <b>NEMA</b>  <input checked="" type="checkbox"/> <b>Amendment of an Environmental Authorisation in terms of Part 2 of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 (i.e., Regulation 31).</b>		If you have checked any of the three boxes above, describe how the proposed development will change the character of the site:  <b>Proposed amendments to the already approved development, will not change the character of the site</b>

If an impact assessment process has also been / will be initiated in terms of other legislation please provide the following information:

Authority / government department (ie: consenting authority) to which information has been /will be submitted for final decision: **Department of Environment Affairs and Development Planning (DEADP)**

Present phase at which the process with that authority stands: **Application submitted to DEADP for**

**Environmental Authorisation (EA) of proposed amendment to the already approved EA**

Provide a full description of the nature and extent of the proposed development or activity including its potential impacts:

**Environmental Authorisation was granted in 2009 for the development of a residential area consisting of:**

- 1265 residential erven (zoned Residential I),
- Five townhouse erven (zoned Residential III that includes 150 social housing units, a multipurpose community centre and a  $\pm 300$  m<sup>2</sup> split zoned Business II site located on Ptn. 1302),
- an open space network and recreation area (zoned Open Space II) and a  $\pm 3\,500$  m<sup>2</sup> split zoned Business II site located on Ptn. 1306,
- a road network and associated infrastructure services
- The remainder of the property will be managed as a nature reserve.

The applicant proposes to amend the current layout (refer to Figure 4 in supporting documents), proposed layout refer to Figure 5). The proposed amendments will not increase the total footprint of the development, only re-align internal roads and the density of the houses.

Additionally, as part of the initial authorization the municipality negotiated with the developer to accommodate 150 social housing units, community hall and split zoned business. It is however understood that the residents of Power Town (the beneficiaries for the social housing do not wish to relocate and as such the social housing aspect has become redundant). A new agreement with the Mossel Bay Municipality has been reached and is being implemented in line with the municipal densification policy. This area will now be used for a sports field and school.

As indicated above, the proposed amendments will be kept within the existing footprint, apart from the re-alignment of the Open Spaces (refer to Figures 6 & 7).

A new southwestern road is proposed which has also resulted in the re-alignment of roads in the southwestern section of the site, this realignment forms part of a BAR compiled by another environmental company.

**NB:** A HIA for the Vaale Valley development has already been conducted by Heritage Practitioner Dr Peter Nilssen in 2005 (HIA attached).

**HWC Comment (dated 2009) also attached**

Estimated value cost of the project in South African Rands:

R\_\_\_\_\_

## D. ANTICIPATED IMPACTS ON HERITAGE RESOURCES

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.

Provide a short history of the site and its environs (Include sources where available):

**Environmental Authorisation for this development was granted in 2009**

**A substantial portion of the study area, some 150 hectares, was formerly ploughed and cultivated (Nilssen 2005). Some historical quarrying and excavations has also taken place**

**Refer to Figures 8-18**

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

<input type="checkbox"/>	<p><b>Places, buildings, structures and equipment of cultural significance</b></p> <p>Description of resource: <b>Labourer's cottages, and calcrete ruins</b> <b>Parts of an old ox wagon (Nilssen 2005)</b></p> <p>Description of impact on heritage resource: <b>Construction earthworks on the Vaale Valley development are currently being monitored by Dr Peter Nilssen (pers. comm. August 2022)</b></p>
<input type="checkbox"/>	<p><b>Places to which oral traditions are attached or which are associated with living heritage</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource: <b>n/a</b></p>
<input type="checkbox"/>	<p><b>Historical settlements and townscapes</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource: <b>n/a</b></p>
<input type="checkbox"/>	<p><b>Landscapes and natural features of cultural significance</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource: <b>n/a</b></p>

<input type="checkbox"/>	<p><b>Geological resources of scientific or cultural importance</b></p> <p>Description of resource: <b>Dune/aeolianite/raised beach (Nilssen 2005)</b></p> <p>Description of impact on heritage resource: <b>n/a</b></p>
<input type="checkbox"/>	<p><b>Archaeological resources</b> (including archaeological sites and material, rock art, battlefields &amp; wrecks):</p> <p>Description of resource: <b>Early, Middle and Later Stone Age resources</b></p> <p>Description of impact on heritage resource: <b>2005 HIA conducted by Dr Peter Nilssen attached.</b></p> <p><b>Construction earthworks on the Vaale Valley development are currently being monitored by Dr Peter Nilssen (pers. comm. August 2022)</b></p>
<input type="checkbox"/>	<p><b>Palaeontological resources</b> (ie: fossils):</p> <p>Description of resource:</p> <p>Description of impact on heritage resource: <b>n/a</b></p>
<input type="checkbox"/>	<p><b>Graves and burial grounds</b> (eg: ancestral graves, graves of victims of conflict, historical graves &amp; cemeteries):</p> <p>Description of Resource: <b>Graves were recorded on the property (refer to attached HIA report)</b></p> <p>Description of Impact on Heritage Resource: <b>Construction earthworks on the Vaale Valley development are currently being monitored by Dr Peter Nilssen (pers. comm. August 2022)</b></p>
<input type="checkbox"/>	<p><b>Other human remains:</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource: <b>n/a</b></p>
<input type="checkbox"/>	<p><b>Sites of significance relating to the history of slavery in South Africa:</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource: <b>n/a</b></p>
<input type="checkbox"/>	<p><b>Other heritage resources:</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource: <b>n/a</b></p>

Describe elements in the environs of the site that could be deemed to be heritage resources:

**Stone Age Archaeological resources**

**Graves & ruins**

Description of impacts on heritage resources in the environs of the site:

**Refer to attached HIA report and recommendations**

**Construction earthworks on the Vaale Valley development are currently being monitored by Dr Peter Nilssen (pers. comm. August 2022)**

Summary of anticipated impacts on heritage resources:

**Refer to Attached HIA report**

**E. ILLUSTRATIVE MATERIAL:**

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/ USB 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.

**F. RECOMMENDATION**

In your opinion do you believe that a heritage impact assessment is required? ☐ Yes ☒ No

Recommendation made by:

Name **Jonathan Kaplan (Agency for Cultural Resource Management)**  
**ASAPA CRM Membership No. 64 (in Good Standing)**

Capacity **Heritage practitioner (archaeologist)**

**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.

**G. INFORMATION TO BE PROVIDED AND STUDIES TO BE CONDUCTED AS PART OF THE HERITAGE IMPACT ASSESSMENT (HIA)**

If it is recommended that an HIA is required, please complete this section of the form.

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:	
<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:
<p><b>PLEASE NOTE:</b> Any further studies which Heritage Western Cape requires 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.</p> <p>Please refer to the <i>Guidelines for Heritage Impact Assessments required in terms of Section 38 of the National Heritage Resources Act (Act 25 of 1999)</i></p>	