

Our Ref: HM / EDEN/ BITOU / PLETTENBERG BAY / VARIOUS FARMS
Case No: 22040506SB0609E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 483 5959



Jayson Orton
jayson@asha-consulting.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 BULKWATER PIPELINE ON MANY ERVEN AND FARM PORTIONS OFF THE N2, PLETTENBERG BAY, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

Heritage Western Cape is in receipt of the above matter received. This matter was discussed at the Heritage Officers meeting held on 23 June 2022.


You are hereby notified that, since there is no reason to believe that the proposed bulkwater pipeline on many erven and farm portions off the N2, Plettenberg Bay will impact on heritage resources, 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.


.....
Nuraan Vallie
Acting Deputy Director



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 • **Linombolo 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

22040506

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

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 Environmental Affairs Development Planning (Western Cape) – not yet made but will be soon

☐ This development will not require a NEMA application.

B. BASIC DETAILS**PROPERTY DETAILS:**

Name of property: Approximately 6m's within the 60m building line of the properties listed in the supporting document.	
Street address or location (eg: off R44): Off N2	
Erf or farm number/s: Please see attached list.	Coordinates: S 33° 57' 54" E 23° 27' 55" (A logical centre point. Format based on WGS84.)
Town or District: Plettenberg Bay	Municipality: Bitou
Extent of property:	Current use: residential, agriculture, road reserve
Predominant land use/s of surrounding properties: residential, agriculture, road reserve	

REGISTERED OWNER OF PROPERTY:

Name and Surname: Note that as this is a linear activity no landowner permission is required under NEMA and the individual owner signatures have thus not been obtained.		
Address:		
Telephone:	Cell:	E-mail:
APPLICANT/ AUTHORISED AGENT:		
Name and Surname:		
Address:		
Telephone:	Cell:	E-mail:
<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. All sections of the form have been completed.</p>		

Signature of Owner:

Date:

n/a

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 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. If you have checked any of the three boxes above, describe how the proposed development will change the character of the site:
<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 type="checkbox"/>	Other triggers, eg: in terms of other legislation, (ie: National Environment Management Act, etc.) Please set out details: Under NEMA it is required that the project undergo a Basic Assessment Process.	

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: Western Cape Department of Environmental Affairs Development Planning

Present phase at which the process with that authority stands: pre-application phase

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

The proposed development will allow for the increase in capacity and improvement on bulk services, that will not only benefit the current Kurland population, but will accommodate future development opportunities, such as the proposed Kurland Housing Development, which will take significant steps toward addressing the housing backlog within the municipality. The proposed upgrades will entail:

- Construction of a new 35 l/s water pump station at the existing Matjiesfontein Reservoir, within the existing servitude.
- Construction of a new 200 mm UPvC bulk water pipeline, outside of the N2 road reserve, 6m within the 60m building line, from Matjiesfontein Reservoir.
 - Approximate length from existing Matjiesfontein Reservoir is 3.1 km, to tie into the new proposed Upper Matjiesfontein pump station.
 - Approximate length from the new proposed Upper Matjiesfontein pump station is 8.8 km, to tie into the new proposed Upper Matjiesfontein pump station.
- Construction of a new 18.5 l/s water pump station and a 0.6 ML Reservoir, to be known as the Upper Matjiesfontein Reservoir.
- Construction of a new 315 mm UpvC bulk water pipeline, within the existing water servitude, from the Kurland Water Treatment Works to the N2, intended for the Proposed Kurland Housing Development, approximately 2 km in length.

- Construction of a new 200 mm UpvC bulk water pipeline, within the existing water servitude, from N2 (315 mm reduced to 200 mm) to the Proposed Kurland Housing Development, approximately 1.7 km in length.
- Upgrade at the existing Kurland Water Treatment Works, including the construction of a 2 ML Reservoir, within the existing servitude (not a listed activity).
- Establishment of new boreholes, adjacent to the Water Treatment Works site.
- All pipeline trenches estimated to be between 1.0 m and 2.0 m deep depending on local conditions, but the desired depth is 1.2 m to allow for a covering of 1.0 m above the pipelines.

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):

The proposed pipeline lies largely adjacent to the N2 freeway which has become well-known as "The Garden Route" because of its forests and generally green countryside. The local area is largely divided into small holdings and farms that raise dairy cattle and horses and act as residential properties.

Bartholomew Dias visited Plettenberg Bay in 1487, followed by Manuel da Perestrelo 90 years later. He named it Bahia Formosa (Beautiful Bay). Plettenberg Bay was named after Governor Joachim von Plettenberg, who placed the bay under the administrative sovereignty of the Dutch-East India Company (VoC) in 1778. The bay was used as a port for exporting wood. Later, a whaling station was established; it remained active until about 1916. It was on Beacon Island.

An important aspect of local history was that 100 men were stranded there for 9 months after the sinking of the São Gonçalo in 1630. The first white settlement, however, was only in 1763. Three years later a VoC barracks was built. This structure still stands, having been incorporated into a local hotel.

Historical aerial photography shows that the Kurlands Village is quite new. A number of structures used to be present to the west of the site but are no longer there today. The only building in that area now is the historical church (predates 1936) and its modern annex. There is a graveyard associated with the church. All other structures in the immediate vicinity are recent. Around Kurland Village are several animal parks which serve as tourist attractions.

The N2 was proposed under the 1936 National Roads Act and the relevant section here was present as a tar road by 1946 and was upgraded to (then) national road standard by 1971. In that year the Transport Amendment Act came into force and the status of roads changed. Under the new act, the section through the study area was still a proposed national road by 1982 (Floor 1984).

Please indicate which heritage resources exist on the site and in its environs, describe them and indicate the nature of any impact upon them:	
X	<p>Places, buildings, structures and equipment of cultural significance</p> <p>Description of resource: The only historical structure seen close to the proposed pipeline in the stone church in Kurlands Village.</p> <p>Description of impact on heritage resource: No impacts expected.</p>
<input type="checkbox"/>	<p>Places to which oral traditions are attached or which are associated with living heritage</p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>
<input type="checkbox"/>	<p>Historical settlements and townscapes</p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>
X	<p>Landscapes and natural features of cultural significance</p> <p>Description of resource: The wider area is very scenic owing to the greenery and forests. For this reason, the southern Cape section of the N2 is known as "The Garden Route".</p> <p>Description of impact on heritage resource: Although some vegetation will be removed during excavation of the trenches, these areas will revegetate in time and no long-term impacts to the scenic qualities are expected from the pipeline. The new reservoir and other upgrade work will not be in full public view and are not expected to result in any visual impacts to the landscape.</p>
<input type="checkbox"/>	<p>Geological resources of scientific or cultural importance</p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>
X	<p>Archaeological resources (Including archaeological sites and material, rock art, battlefields & wrecks):</p> <p>Description of resource: It must be noted that the survey was severely restricted by limited access and dense vegetation cover. It is possible that isolated stone artefacts or historical artefacts might be present, although none were seen. Importantly, glimpses of the substrate could be obtained in various places along the length of the route (on gravel tracks, in road cuttings, etc). A survey for a temporary relocation area (NID submitted in 2021) and a housing development nearby (NID still to be submitted) revealed just one Stone Age flake. The substrate did not contain the type of gravel clasts in which significant Stone Age materials are typically found and in all the places where the substrate could be seen it was always unconsolidated soil or clay. Important archaeological heritage is thus not expected anywhere in the study area.</p> <p>Description of impact on heritage resource: No significant impacts expected.</p>

X	<p>Palaeontological resources (ie: fossils):</p> <p>Description of resource: The pipeline route passes through some areas of high and very high palaeontological sensitivity (see attached palaeosensitivity map). However, the rocks of the southern coastal plain are well-known for the high degree of weathering and alteration, and this was seen along the route during the survey. For this reason, a professional palaeontological opinion was requested from Prof. Marion Bamford. This is attached to this NID and summarised here. Bamford notes that three sections of the pipeline would cross sensitive geology. These areas have the Gydo and Enon Formations in them (southwest and centre) and Peninsula Formation quartzites (northeast). She notes that the Enon would contain a few poorly preserved fossils but that their academic usefulness is very limited. She also notes that weathering and reworking of deposits would remove its fossil content. The Gydo Formation could also theoretically contain fossils, but not in areas where the deposits are weathered and altered due to root action which releases humic acids. The Peninsula Formation is theoretically sensitive but important fossils have only been recorded in the far westernmost part of the range of this formation, west of the Cederberg Mountains. As such and with the route being generally densely vegetated, the upper deposits in which the pipeline would be laid are unlikely to produce well-preserved and scientifically useful fossils.</p> <p>Description of impact on heritage resource: No significant impacts expected.</p>
X	<p>Graves and burial grounds (eg: ancestral graves, graves of victims of conflict, historical graves & cemeteries):</p> <p>Description of Resource: Two graveyards are present adjacent to the pipeline at the south-western corner of Kurlands Village. One is located on Portion 16 of Farm 302 and is immediately west of the study area. The other is located just west of this one on Portion 17 of Farm 302 and is owned by the Anglican Church which stands on the same farm portion. Both graveyards are openly accessible. The Portion 17 graveyard is a heritage resource as it is not municipal and does contain graves more than 60 years old.</p> <p>Description of Impact on Heritage Resource: No impacts expected.</p>
X	<p>Other human remains:</p> <p>Description of resource: There is always a small chance that unmarked human remains could be present, but the chances are very small. They cannot be predicted or assessed any further but, if discovered, they would have to be dealt with at the time.</p> <p>Description of impact on heritage resource: No impacts expected.</p>
<input type="checkbox"/>	<p>Sites of significance relating to the history of slavery in South Africa:</p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>
<input type="checkbox"/>	<p>Other heritage resources:</p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>

**Describe elements in the environs of the site that could be deemed to be heritage resources:
Description of impacts on heritage resources in the environs of the site:**

As above.

Summary of anticipated impacts on heritage resources:

Given that the proposed work is mostly subsurface with the above ground components generally not in public view, there are no visual/landscape concerns. Significant archaeological impacts are highly unlikely. The only remaining concern is palaeontology but Bamford's review of the geology suggests that identifiable and scientifically useful fossils are unlikely to be revealed in the upper weathered and altered geological deposits of the study area and the soils covering them. Fresh rock exposures are not anticipated to be encountered in the trenches.

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: Dr Jayson Orton

Capacity: Archaeologist and heritage consultant

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:

☐

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>PLEASE NOTE: 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. 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>	

From: Stephanie Barnardt <Stephanie.Barnardt@westerncape.gov.za>
Sent: Tuesday, 01 November 2022 10:06
To: jayson@asha-consulting.co.za
Cc: Ameesha Sanker
Subject: RE: 22040506SB0609E change of project description

Good day Jayson

As the new pipeline is highly disturbed along a existing road, previous comment still stand as still within the same scope of work.

Kind regards,

Stephanie-Anne Barnardt-Delport
Heritage Officer (Archaeologist)
Heritage Western Cape

Heritage Resource Management Services
Protea Assurance Building Greenmarket Square, Cape Town
(Currently working remotely)

Website: www.hwc.org.za / www.westerncape.gov.za



From: jayson@asha-consulting.co.za <jayson@asha-consulting.co.za>
Sent: Tuesday, November 1, 2022 9:57 AM
To: Stephanie Barnardt <Stephanie.Barnardt@westerncape.gov.za>
Cc: Ameesha Sanker <ameesha@sesc.net>
Subject: 22040506SB0609E change of project description

Dear Stephanie

Kurlands water pipeline: Case 22040506SB0609E

I submitted a NID a few months back for a water pipeline in Plettenberg Bay area. This was approved and final comment was issued by HWC (attached). As the detailed design has proceeded it has become necessary to add a short section of pipeline along the northern edge of the existing Kurlands Township (see red line on attached map). This area is highly disturbed and I am certain that this new section of pipeline makes no difference to the assessment contained in the original

NID. Some pipeline specifications have also changed in other areas, but the red line is the only NEW AREA that was not previously assessed.

A such, please could you confirm that the existing HWC comment remains applicable to this slightly expanded scope of work?

many thanks
Jayson

Dr Jayson Orton
www.asha-consulting.co.za
40 Brassie Street, Lakeside, 7945
021 788 1025 | 083 272 3225

"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise.
If you are not the intended recipient you may not copy or deliver this message to anyone."