

Our Ref: HM / EDEN/ MOSSEL BAY/ PORTION OF REMAINDER FARM ZANDHOOGTE
139-RE AND 998
Case No.: HWC23062803CH0730
Enquiries: Chané Herman
E-mail: chane.herman@westerncape.gov.za
Tel: 021 483 5959



Jonathan Kaplan / Kosie Pozyn
jonathan@acrm.co.za / kpozyn@gmail.com

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
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 MIXED USE DEVELOPMENT ON PORTION OF THE REMAINDER FARM ZANDHOOGTE RE139, AND ERF 998, TERGNIET, NEAR MOSSEL 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 your application for the above matter received. This matter was discussed at the Heritage Officers Meeting held on 10 July 2023.

You are hereby notified that, since there is reason to believe that the Proposed mixed-use development on the proposed consolidated Erf - a Portion of the Remainder Farm Zandhoogte RE139, and Erf 998, Tergniet, near Mossel Bay, will impact on Heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides

- (3) *The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a): **Provided that the following must be included:***
- (a) *The identification and mapping of all heritage resources in the area affected;*
 - (b) *an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;*
 - (c) *an assessment of the impact of the development on such heritage resources;*
 - (d) *an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;*
 - (e) *the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;*
 - (f) *if heritage resources will be adversely affected by the proposed development, The consideration of alternatives; and*
 - (g) *plans for mitigation of any adverse effects during and after the completion of the proposed development.*

This HIA must in addition have specific reference to the following:

- Archeological Impact Assessment
- Paleontological Impact Assessment
- Visual Statement

The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

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



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Erfenis Wes-Kaap
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If applicable, applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

Kindly take note of the HWC meeting dates and associated agenda closure date in order to ensure that comments are provided within as Reasonable time and that these times are factored into the project timeframes.

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.

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Waseefa Dhansay

Assistant Director: Professional Services



Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

13 July 2023

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APPLICATION FORM

NOTIFICATION FOR INTENT TO DEVELOP (NID)

Section 38(1) and Section 38(8)

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.

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.

HERITAGE WESTERN CAPE REFERENCE NO., AS PROVIDED DURING SCRUTINY:

SECTION A

APPLICATION MADE IN TERMS OF:

- Section 38(1) of the NHRA (This development will not require a NEMA application)
- Section 38(8) of the NHRA (This development requires an application with another authority)
- Amendment of approved Site Development Plan (SDP) for endorsement. Endorsements are only reviewed upon submission of an assessment by the heritage practitioner confirming heritage design indicators as approved are not compromised by the revision
- Advice in terms of Section 38(1)

APPLICABILITY OF OTHER LEGISLATION:

Specify the authorised department that makes the final decision in terms of NEMA (National Environmental Act.), i.e. Department of Mineral Resources, Department of Environmental Affairs and Development Planning Western Cape, Department of Forestry, Fisheries and Environment etc.: **Department of Environmental Affairs and Development Planning**

Reference number of authority / government department: **DEAP Ref. 16/3/3/6/7/1/D6/35/0113/21**

Present phase at which the process with that authority stands: **Pre-application, but a Basic Assessment (BA) process will be followed in this application.**

PREVIOUS HWC APPLICATIONS APPLICABLE TO THE SITE AND OR DEVELOPMENT

Provide details of any previous applications submitted to HWC on the site.

HWC Reference No.	NHRA Section	Summary of Proposal	Application Status (Approved, Not Approved, Pending)	Permit / Record of Decision Date
21062910	38(1) (c)	Proposed Liquor store, nursery, hardware store, shops, chapel, pharmacy, parking on Erf 998.	Approved	30 July 2021

SECTION B

DETAILS OF SITE, PROPERTY OR PLACE

Physical address or Location (e.g., of the R44): **Off the N2 (Figures 1-4).**

Erf or Farm Name and No. (including the name of the site): **Erf 998 Tergniet, & Portion 5 of Zandhoogte No. 139, Tergniet**

Coordinates for logical center point (WGS84): **34° 3'48.90"S 22°11'22.87"E**

Town: **Tergniet, near Mossel Bay**

District / Municipality: **Mossel Bay Municipality**

Property Extent: **Erf 999 = ± 1.87ha**

Farm 139/5 = ± 8.48ha

Current land Use: **Erf 998: Nursery, small restaurant**

Current zoning: **Both properties are currently zoned Agricultural Zone 1.**

Predominant land uses of surrounding properties: **Roads (N2, R102), small holdings, residential, retirement village, visitor/tourist accommodation, small business, undeveloped vacant land.**

SECTION C

APPLICANT / AUTHORISED AGENT – Details of person to receive Record of Decision

Name: **Mr Kosie Pozyn**

Company: **3MP Sales and Educational Services**

Address and postal code: **1 Pioneer Street, Caledon, 7230**

Cellular phone number: **082 450 8181**

E-mail: kpozyn@gmail.com

Signature: _____ Date: _____

REGISTERED OWNER OF PROPERTY

Name: **Mr Kosie Pozyn**

Identity number of applicant: **6012315117084**

Address and postal code: **1 Pioneer Street, Caledon, 7230**

Cellular phone number: **082 450 8181**

E-mail: kpozyn@gmail.com

Declaration: I, **Kosie Pozyn** am fully aware of this application and accept its contents and declare that I intend to undertake the actions as proposed in this application.

Signature: _____ Date: _____

SECTION D

DETAIL OF PROPOSED DEVELOPMENT

Provide a full description of the nature and extent of the proposed development.

The application entails the proposed construction of a mixed-use development on the proposed consolidated Erf - a Portion of the Remainder Farm Zandhoogte RE/139, and Erf 998, Tergniet, near Mossel Bay in the southern Cape.

The affected properties will need to be rezoned (from Agriculture) in order to allow the development to proceed.

Proposed development components include the following:

1. **Business**
2. **Community**
3. **Mixed Use**
4. **General Residential**
5. **Open Space areas, and**
6. **Transport**

Engineering services (water, sewerage, powerlines) including internal streets will also be provided.

A proposed Site Development Plan is indicated in Figure 5.

DEVELOPMENT DETAILS – Indicate which sections of the NHRA, or other legislation which requires a NID.

PLEASE TICK THE APPROPRIATE BOX	
	Section 38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length.
	Section 38(1)(b) Construction of a bridge or similar structure exceeding 50m in length.
	Section 38(1)(c) Any development or activity that <u>will change</u> the character of a site:

√	(i) exceeding 5 000m ² in extent.
	(ii) involving three or more existing erven or subdivisions thereof.
	(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years. *If (i), (ii) and/or (iii) are marked above, describe how the development will change the character of the site The proposed development will change the character of the site but will complement the surrounding land uses which are becoming increasingly residential in character and form, with downstream services including Business (retail, commercial & transport).
√	Section 38(1)(d) Rezoning of a site exceeding 10 000m ² in extent.
	Other triggers e.g., in terms of other legislation (NEMA, etc.) – Describe the details: NEMA

ESTIMATED CONSTRUCTION COST AND/ OR VALUE OF DEVELOPMENT UPON COMPLETION: ± R50m.

SECTION E

PROVIDE A SHORT HISTORY OF THE SITE, PROPERTY OR PLACE – Include sources where applicable.

Erf 998 has operated as a nursery and small restaurant for at least 10 years (Figures 6-11)

Farm 139/5 is a vacant undeveloped plot (Figures 12-16)

ANTICIPATED IMPACTS ON HERITAGE RESOURCES

Section 3 of the NHRA 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.

IDENTIFICATION OF ALL HERITAGE RESOURCES ON THE SITE, PROPERTY OR PLACE AND ITS ENVIRONMENTS

Please indicate where applicable:

	<p>Places, buildings, structures, and equipment of cultural significance:</p> <p>Description of Heritage Resource: Buildings, ruins, structures, features (on Farm 139/5)</p> <p>Descriptions of Heritage Impact: There are no building on the subject property.</p>
	<p>Places to which oral traditions are attached or which are associated with living heritage:</p> <p>Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>

	<p>Places to which oral traditions are attached or which are associated with living heritage:</p> <p>Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Historical settlements and townscapes:</p> <p>Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Landscapes and natural features of cultural significance:</p> <p>Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Geological resources of scientific or cultural significance:</p> <p>Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Archaeological resources – Incl. archaeological sites and material, rock art, battlefields, and wrecks etc.:</p> <p>Description of Heritage Resource: Stone tools (on Farm Zandhoogte 139/5)</p> <p>Descriptions of Heritage Impact: Medium-High</p> <p>Note: Early, Middle and Later Stone Age tools were recorded by Nilssen (2005) during a HIA conducted at the nearby Hartenbos Lifestyle Estate, about 1.4kms south of the study site.</p> <p>MSA and LSA tools have also been recorded in the Hartenbos area by this heritage practitioner.</p> <p>Source:</p> <p>Nilssen, P. 2005. Archaeological Heritage Impact Assessment proposed rezoning and subdivision of a Portion of Vaale Valley 219, Mossel Bay, Western Cape. Report prepared for Sharples Environmental Services. Mossel Bay Archaeology Project, Mossel Bay</p>
	<p>Palaeontological resources – i.e., fossils, geological formations etc.:</p> <p>Description of Heritage Resource: Fossils</p> <p>Descriptions of Heritage Impact: Potentially Very High (on the SAHRIS palaeo-sensitivity), according to Pether (email correspondence dated 28 March 2023)</p> <p>The study area is underlain by Early Cretaceous continental sediments of the Uitenhage Group. These include (a) potentially fossiliferous fluvial siltstones, sandstones and pebble beds of the Kirkwood Formation (famous for its dinosaur and plant remains); (b) generally unfossiliferous pebbly conglomerates of the Buffelskloof Formation (the main source of aggregate mined here), and (c) fine grained siltstones and clay-rich sandstones of the Hartenbos Formation that yield an abundance of silicified fossil wood.</p>
	<p>Graves and burial grounds – e.g.: ancestral graves, graves of victims of conflict, historical graves, cemeteries etc.:</p> <p>Description of Heritage Resource: Graves (on Farm 139/5)</p> <p>Descriptions of Heritage Impact: Unknown but will be established during recommended field study.</p>

	Several graves were recorded during the Nilssen (2005) study.
	Sites of significance relating to the history of slavery in South Africa: Description of Heritage Resource: Descriptions of Heritage Impact: n/a
	Other heritage resources: Description of Heritage Resource: Descriptions of Heritage Impact: n/a

PROVIDE A SUMMARY OF THE ANTICIPATED IMPACTS ON HERITAGE RESOURCES

Anticipated impact on Stone Age tools: Medium – High (Farm 139/5).

Anticipated impact on Fossil Heritage: Potentially High (according to consulting palaeontologist J Pether)

SECTION F

RECOMMENDATION

In your opinion, do you believe that a Heritage Impact Assessment (HIA) is required?

Yes **No**

Specialist studies to be provided as part of the HIA:

	Architectural (i.e., fabric analysis, historical analysis, material analysis etc.)
√	Archaeological Impact Assessment: Field study
√	Paleontological Impact Assessment: Desktop Study as recommended by J Pether
	Townscape Assessment
	Cultural Assessment
	Social Historical Study
	Visual Impact Assessment
	Other:

Recommendations made by: **Jonathan Kaplan (Agency for Cultural Resource Management)**

ASAPA CRM Membership No. 64 in Good Standing

Capacity: **Heritage practitioner (archaeologist)**

PLEASE NOTE

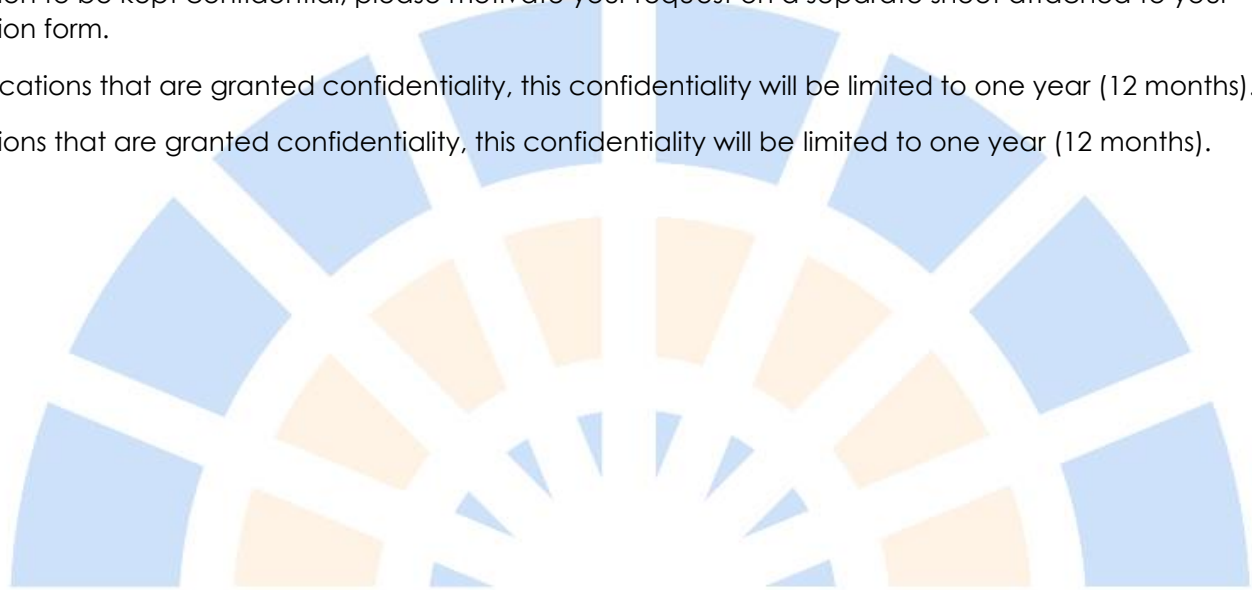
Any further studies which HWC requires should be submitted in the form of a single, consolidated report with a single set of recommendations. Specialist studies must be incorporated in full, either as chapters of the report, or as annexures thereto.

Please refer to the Guidelines for Heritage Impact Assessments required in terms of Section 38 of the National Heritage Resources Act (25 of 1999).

Applications are considered to be public documents and are open to public scrutiny. Should you wish for your application to be kept confidential, please motivate your request on a separate sheet attached to your application form.

For applications that are granted confidentiality, this confidentiality will be limited to one year (12 months).

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