

**Our Ref:** HM / EDEN/ GEORGE/ PACALTSDORP/ FARM 20/250  
**Case No.:** HWC24072518CSI0814  
**Enquiries:** Chiara Singh  
**E-mail:** [Chiara.Singh@westerncape.gov.za](mailto:Chiara.Singh@westerncape.gov.za)  
**Tel:** 021 829 3325



**Prakash Jivan | LB & T Property Holding**  
[prakash@kirschstein.co.za](mailto:prakash@kirschstein.co.za) | 072 404 3424

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: COMMENT**  
**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 DEVELOPMENT FOR A GATED ESTATE CONSISTING OF 51 HOUSING UNITS, SHOPPING CENTRE, AND ASSOCIATED INFRASTRUCTURE ON FARM 20/250, PACALTSDORP, HANSMOESKRAAL, GEORGE, SUBMITTED IN TERMS OF SECTION 38(8) 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 26 August 2024.

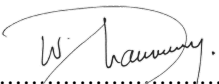
You are hereby notified that, since there is no reason to believe that the proposed development for a gated estate consisting of 51 housing units, shopping centre, and associated infrastructure on Farm 20/250, Hansmoeskraal, Pacaltsdorp, George, will impact on heritage resources, no further action under 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.

  
Waseefa Dhansay  
**Assistant Director: Professional Services**



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

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**THE JIVAN FAMILY TRUST**  
**IT 8345/98**  
**(THE "TRUST")**

**WRITTEN RESOLUTION PASSED ON 13 AUGUST 2024 IN LIEU OF HOLDING A MEETING OF TRUSTEES**

We, the undersigned being the trustees of the Trust, hereby certify that the following written resolutions have been entered in the minute book in lieu of holding a meeting of trustees.


**1. SIGNATURES RELATED TO PROPOSED DEVELOPMENT OF PROPERTY**


It is hereby **RESOLVED** that:


- (i) All/any documents and/or agreements that need to be signed for the effective mandate of the proposed development of Hansmoeskraal No 202/50 be signed accordingly by Mr Prakash Narotam JIVAN on behalf of the Trust;
- (ii) Mr Prakash Narotam JIVAN be appointed as Authorised Signatory and is authorised to sign, endorse, make, draw or accept as the case may be, all documents and/or agreements and indemnities on behalf of the Trust for the abovementioned purpose;

Dated the 13 August 2024

**Read and Approved**

  
\_\_\_\_\_  
Mr Prakash Narotam Jivan  
Trustee

  
\_\_\_\_\_  
Mr Mario Van der Westhuizen  
Trustee

  
\_\_\_\_\_  
Mrs Nirmala Jivan  
Trustee



## 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:

24072518

#### 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 Western Cape**

Reference number of authority / government department: \_\_\_\_\_

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

**Sharples Environmental cc is the appointed environmental assessment practitioner, responsible for facilitating environmental authorization for this project.**



## 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

## SECTION B

### DETAILS OF SITE, PROPERTY OR PLACE

Physical address or Location (e.g., of the R44): **In Pacaltsdorp, south of the N2, near George (Figures 1-4)**

Erf or Farm Name and No. (including the name of the site): **Hansmoeskraal No. 202/50**

Coordinates for logical center point (WGS84): **S 34° 1'43.84" E 22°27'5.16"**

Town: **Pacaltsdorp**  
District Municipality

District / Municipality: **George Local Municipality, Garden Route**

Property Extent: **± 3.2ha** Current land Use: **Vacant, undeveloped, infested with invasive alien vegetation and some natural vegetation. A small dam is located on the property (Figures 6-14)**

Current zoning: **Sub Divisional Area**

Predominant land uses of surrounding properties: **Increasingly high density residential, small holdings, agricultural land (mostly grazing/dairy)**

## SECTION C

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

Name: **Prakash Jivan**

Company: **L B & T Property Holding**

Address and postal code: **53 Troye street, Johannesburg, 2001**

Cellular phone number: **0724043424**

E-mail: [prakash@kirschstein.co.za](mailto:prakash@kirschstein.co.za)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# **REGISTERED OWNER OF PROPERTY**

Name: **Jivan Family Trust**

Identity number of applicant:

Address and postal code: **53 Troye street, Johannesburg, 2001**

Cellular phone number: **0724043424**

E-mail: prakash@kirschstein.co.za

Declaration: I, **Prakash Jivan**, 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: \_\_\_\_\_

*12/8/2024*

## **SECTION D**

### **DETAIL OF PROPOSED DEVELOPMENT**

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

The proposed development comprises the following development opportunities:

- Construction of a new filling station
- Construction of a gated estate with 51 Group housing units
- Private streets
- Private Open Space
- A gate house and refuse area
- A small neighbourhood shopping centre
- Engineering and infrastructure services (such as electricity, sewerage, water) will also be provided

A proposed site layout plan is illustrated in Figure 5.5

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

#### **PLEASE TICK THE APPROPRIATE BOX**

<input type="checkbox"/>	<b>Section 38(1)(a)</b> Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length.
<input type="checkbox"/>	<b>Section 38(1)(b)</b> Construction of a bridge or similar structure exceeding 50m in length.
<input type="checkbox"/>	<b>Section 38(1)(c)</b> Any development or activity that <u>will change the character of a site</u> :
<input checked="" type="checkbox"/>	<b>(i)</b> exceeding 5 000m <sup>2</sup> in extent.
<input type="checkbox"/>	<b>(ii)</b> involving three or more existing erven or subdivisions thereof.



	<p>(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years.</p> <p>*If (i), (ii) and/or (iii) are marked above, describe how the development will change the character of the site</p> <p><b>The proposed development will change the character of the site (currently vacant), but will complement the surrounding land use, which is increasingly residential</b></p>
√	<b>Section 38(1)(d)</b> Rezoning of a site exceeding 10 000m <sup>2</sup> in extent.
	<p><b>Other triggers e.g., in terms of other legislation (NEMA, etc.)</b> – Describe the details:</p> <p><b>NEMA</b></p>

ESTIMATED CONSTRUCTION COST AND/ OR VALUE OF DEVELOPMENT UPON COMPLETION: R \_\_\_\_\_

<b>SECTION E</b>
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**PROVIDE A SHORT HISTORY OF THE SITE, PROPERTY OR PLACE** – Include sources where applicable

The site, which is infested with invasive alien vegetation, has lain vacant and undeveloped for many years

**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><b>Places, buildings, structures, and equipment of cultural significance:</b></p> <p>Description of Heritage Resource: <b>There are no buildings, structures or features that will be impacted by the proposed development</b></p> <p>Descriptions of Heritage Impact: <b>n/a</b></p>
	<p><b>Places to which oral traditions are attached or which are associated with living heritage:</b></p> <p>Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: <b>n/a</b></p>
	<p><b>Places to which oral traditions are attached or which are associated with living heritage:</b></p> <p>Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: <b>n/a</b></p>
	<p><b>Historical settlements and townscapes:</b></p> <p>Description of Heritage Resource:</p>



	Descriptions of Heritage Impact: <b>n/a</b>
	<p><b>Landscapes and natural features of cultural significance:</b> Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: <b>n/a</b></p>
	<p><b>Geological resources of scientific or cultural significance:</b> Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: <b>n/a</b></p>
	<p><b>Archaeological resources</b> – Incl. archaeological sites and material, rock art, battlefields, and wrecks etc.: Description of Heritage Resource: <b>Stone tools</b></p> <p>Descriptions of Heritage Impact: <b>Very Low (refer to HWC Case 23062722)</b></p> <p>It is noted that isolated scatters of Middle Stone Age and Early Stone Age tools have been recorded in farmland south of the N2, mostly in agricultural (i. e. grazing) lands) and in disturbed areas such as farm roads, culverts &amp; excavations below the topsoils (Kaplan 2023, 2008, 2005, 2003, 2002).</p> <p>Source:</p> <p>Kaplan, J. 2023. Notice of Intent to Develop, Proposed new Business Premises on Portion 49 of the Farm Hans Moes Kraal No. 202, near George. HWC Case 2306272</p> <p>Kaplan, J. 2008. Phase 1 Archaeological Impact Assessment, proposed Destiny Africa mixed use development, near George. Report prepared for Hilland Associates. ACRM, Riebeeck West</p> <p>Kaplan, J. 2005. Phase 1 Archaeological Impact Assessment, proposed development, Lagoon Bay Lifestyle Estate near George. Report prepared for Dennis Moss Partnership. ACRM, Riebeeck West.</p> <p>Kaplan, J. 2003 Phase 1 Archaeological Impact Assessment, 'The Brink'. Report prepared for Torbell Holdings. ACRM, Riebeeck West</p> <p>Kaplan, J. 2002. Phase 1 Archaeological Impact Assessment, Oubaai Golf Estate, George, Southern Cape. Report prepared for Hilland Associates. ACRM, Riebeeck West</p>
	<p><b>Palaeontological resources</b> – i.e., fossils, geological formations etc.: Description of Heritage Resource: <b>Fossils</b></p> <p>Descriptions of Heritage Impact: <b>The site is located directly alongside Portion 49 of the Farm Hansmoeskraal No. 202, which, according to consulting palaeontologist, John Pether (pers. Comm. October 2023) 'the (Study Area) is on the Maalgaten Granite – part of the George Pluton, Cape Granite Suite (and are) entirely unfossiliferous. Grey on SAHRIS palaeo-sensitivity map – therefore no PIA (is) required' (refer to HWC Case 23062722)</b></p>
	<p><b>Graves and burial grounds</b> – e.g.: ancestral graves, graves of victims of conflict, historical graves, cemeteries etc.: Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: <b>n/a</b></p>

	<b>Sites of significance relating to the history of slavery in South Africa:</b> Description of Heritage Resource:  Descriptions of Heritage Impact: <b>n/a</b>
	<b>Other heritage resources:</b> Description of Heritage Resource:  Descriptions of Heritage Impact: <b>n/a</b>

## **PROVIDE A SUMMARY OF THE ANTICIPATED IMPACTS ON HERITAGE RESOURCES**

**Anticipated impact on Heritage Resources: Very Low**

### **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
	Paleontological Impact Assessment
	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**

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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iLifa leMveli leNtshona Koloni  
Erfenis Wes-Kaap  
Heritage Western Cape