

Our Ref: HM/EDEN/ HESSEQUA / PORTION 19 OF FARM 257
Case No.: 20072309SB0729E
Enquiries: Stephanie-Anne Barnardt
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Peter Nilssen
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FINAL 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

HERITAGE IMPACT ASSESSMENT: PROPOSED CONSTRUCTION OF A SINGLE DWELLING & ACCESS ROAD ON PORTIONS OF THE FARM MISGUNST AAN DE GOURITZ RIVIER 257/19 (FRANSMANSHOEK PENINSULA), HESSEQUA, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20072309SB0729E

This matter was discussed at the Archaeology, Palaeontology and Meteorites Committee (APM) on 2 March 2022.

FINAL COMMENT

The committee endorsed the revised HIA from Dr Nilssen dated February 2022 and the recommendations on page 43 of the HIA:

- There are no fatal flaws or objections to the full authorisation of the proposed development on grounds of this heritage study.
- No further heritage or archaeological work is needed for this project.
- In case of the unexpected uncovering of sub-fossil bones in the dune sands, it is recommended that a protocol for finds of potential sub-fossil material (and buried artefacts), the Fossil Finds Procedure (FFP), is included in the Environmental Management Plan (EMP) for the Construction Phase of the project (see details in Appendix C).
- If any human remains or archaeological materials are exposed during development activities, then the find should be protected from further disturbance and work in the immediate area should be halted and Heritage Western Cape must be notified immediately. These heritage resources are protected by Section 36(3)(a) and Section 35(4) of the NHRA (Act 25 of 1999) respectively and may not be damaged or disturbed in any way without a workplan from the heritage authorities. Any work in mitigation, if deemed appropriate, should be commissioned and completed before construction continues in the affected area and will be at the expense of the developer.
- While the MUCH unit considers it highly unlikely that shipwreck material will be disturbed during the proposed development, there is always the potential for historical material to be uncovered during the works. Should any maritime and underwater cultural heritage 44 resources be exposed during the proposed project, work must cease immediately and the MUCH unit at SAHRA must be informed of its discovery without delay. In this event, work may not commence until feedback has been received from SAHRA.
- The above recommendations must be implemented by the applicant and/or must be included in an Environmental Management Program (EMPr) if an EMPr is developed for the project.

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

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Case No.: 20072309SB0729E
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FURTHER REQUIREMENTS:
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

HERITAGE IMPACT ASSESSMENT: PROPOSED DEVELOPMENT OF PRIMARY DWELLING ON PTN 19 OF FARM 257 MISGUNT AAN DE GOURITZ RIVER, HESSEQUA, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20072309SB0729E

The matter above has reference.

This matter was discussed at the Archaeology, Palaeontology and Meteorites Committee (APM) meeting held on 3 November 2021.

FURTHER REQUIREMENTS

The HIA does not comply with the requirements of Section 38(8) as it does not adequately address the potential significance of palaeontology and archaeology and potential impacts.

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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Our Ref: HM/EDEN/ MOSSEL BAY/ PORTIONS OF THE FARM MISGUNST
AAN DE GOURITZ RIVIER 257/19 (FRANSMANSHOEK PENINSULA)
Case No.: 20072309SB0729E
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Date: 12 August 2020



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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 CONSTRUCTION OF TWO DWELLINGS & ACCESS ROAD ON PORTIONS OF THE FARM MISGUNST AAN DE GOURITZ RIVIER 257/19 (FRANSMANSHOEK PENINSULA), MOSSEL BAY, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20072309SB0729E

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 6 August 2020.

You are hereby notified that, since there is reason to believe that the proposed construction of two dwellings & access road on portions of the Farm Misgunst Aan De Gouritz Rivier 257/19 (Fransmanshoek Peninsula), 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. This HIA must have specific reference to the following:

- Archaeological foot survey, comments from I&AP's including the SAHRA MUCH unit.

The required HIA must have an integrated set of recommendations.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case by case Basis.

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.

HWC reserves the right to request additional information as required.

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>

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


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Dr. Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

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BACKGROUND INFORMATION DOCUMENT TO NOTICE OF INTENT TO DEVELOP (NID) IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999)

CONSTRUCTION OF TWO DWELLINGS & ACCESS ROAD ON PORTIONS OF THE FARM MISGUNST AAN DE GOURITZ RIVIER 257/19 (FRANSMANSHOEK PENINSULA), MOSSEL BAY DISTRICT AND MUNICIPALITY



ON BEHALF OF: Aquifer Resource Management (Pty) Ltd

JULY 2020

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PERCEPTION Planning

URBAN & REGIONAL PLANNING- ENVIRONMENTAL PLANNING- HERITAGE IMPACT ASSESSMENT- URBAN DESIGN

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REFERENCES and ACKNOWLEDGEMENTS

1. Cape Town Archives
2. National Geo-Spatial Information, Department of Rural Development and Land Reform, Mowbray
3. Surveyor General Office
4. Historic background report, Farm Keerom 264, Rem Farm Vleeschbaai (Vlees Bay) 251 & Portion 2 Farm, Misgunst aan de Gouritz 257, Schulz, K., 2010
5. Specialist Coastal Environmental Engineering Report, Portion 19 of 257, Fransmanshoek, Vleesbaai, Municipality of Mossel Bay: Specialist input to the site analysis and design parameters of the proposed residential buildings and services, Barwell, L., 2020
6. Engineering services report, Proposed Residential House on Portion 19 (a Portion of Lot B) of the Farm Misgunst aan de Gouritz Rivier, Mosselbaai, Western Cape, Louw, C., 2020

ABBREVIATIONS

1. DEA – National Department of Environmental Affairs
2. HWC – Heritage Western Cape
3. NHRA - National Heritage Resources Act, 1999 (Act 25 of 1999)
4. HIA – Heritage Impact Assessment
5. HWC – Heritage Western Cape
6. PHS – Provincial Heritage Site
7. NGSI – National Geo-Spatial Information, Department of Rural Development and Land Reform, Mowbray

COVER: Collage of contextual panoramic images of the study area and its direct environs (Author)

1. INTRODUCTION

PERCEPTION Planning was appointed by Gerhard Steenekamp on behalf of Aquifer Resource Management (Pty) Ltd (being the registered owner), to submit to Heritage Western Cape (HWC) a Notice of Intent to Develop (NID) in terms of Section 38(8) of the National Heritage Resources Act, 1999 (Act 25 of 1999) with relation to construction of two dwellings and an access road on the subject property. The Power of Attorney as well as copies of the relevant Title Deed and S.G Diagram are attached as part of **Annexure 1**.

The full description of cadastral land unit subject to this application is as follows:

- Portion 19 of the farm Misgunst aan de Gouritz Rivier 257, measuring 8,6201 ha, registered to Aquifer Resource Management (Pty) Ltd, held under Title Deed 16036/2019 and situated within the jurisdiction of the Mossel Bay District and Municipality, Western Cape.

2. BRIEF DESCRIPTION OF STUDY AREA

The subject property is situated within a smallholding complex straddling the Fransmanshoek peninsula situated ± 34 km southwest of the Mossel Bay town centre, $\pm 6,6$ km northeast of the Gouritz River mouth/ village and $\pm 1,9$ km southeast from the coastal village of Vlees Bay (**Figure 1**). The study area forms part of a partly-transformed coastal landscape underlain by sandy soils and interspersed predominantly by holiday homes set within indigenous coastal vegetation.



Figure 1: Study area location within sub-regional context (Google Earth, 2020, as edited)

Vehicular access to the property is from the main gravel road extending across the peninsula between Vlees Bay and Vleespunt and via a series of narrow, sandy jeep tracks traversing an adjoining property (**Figure 2**). Several similar tracks were noted. All smallholdings within the complex are zoned "Agricultural Zone I", a primary right of which includes the construction of a primary dwelling (no restriction in terms of siting or size of built footprint)¹. None of the smallholdings within the direct proximity are used for agricultural purposes.

During field work undertaken on 13th July 2020 the property was found to be vacant and criss-crossed by a series of narrow jeep tracks, some of which appears to have been made recently (refer to Section 5). The northern portion of the property is densely overgrown by predominantly indigenous coastal shrubs whilst the southern portion consists of partly exposed dunes overgrown by coastal grass species. Survey pegs indicating the position of possible building footprints for the primary dwelling were noted.

¹ Mossel Bay Municipality GIS Viewer, accessed 21st July 2020



Figure 2: Study area within context of direct environs (CFM, 2018, as edited)



Figure 3: Possible development footprints of dwelling, cottage on 257/19 (CFM, April 2018, as edited)

Photographs of the study area and its direct environs are attached to this report as **Annexure 2**.

3. DEVELOPMENT DESCRIPTION

According to the conceptual site development plan made available (Charles van Wyk Architecture, Dwg. No. T576-SDP1 dated 20/07/2020) (**Annexure 3**) the proposal is for the establishment of a primary dwelling (< 500m²), additional dwelling (80m²) together with an access road and associated engineering services and infrastructure:

- Water supply is proposed to be sourced via a borehole and harvesting/ storage of rain water;
- Electricity supply is proposed to be sources solar and wind energy technology with battery storage;
- Sewage is proposed to be dealt with via a bio-gas digester whilst grey water from waste water would be treated in an artificial wetland (±100m²) and used for irrigation purposes.

According to the civil engineering report (**Annexure 4**), 10% of internal roads presently restricted to 4x4 vehicles would have to be formalised through one of four possible construction methods whilst areas, "currently accessible with a normal 4 x 2 vehicle could be covered with wood chips harvested from the removal of alien vegetation. This is a non-official way of increasing the driving ability of roads in heavy sandy areas." (Louw, 2020: 7,8). According to a specialist coastal engineering report (**Annexure 5**), the "access roads are to be structurally designed and the road verges stabilised. This will prevent further deterioration through slumping and uncontrolled stormwater management and wind erosion. Maintenance will be limited to pro-active management to prevent deterioration. The unused tracks within the relic dune field will be rehabilitated using indigenous vegetation." (Barwell, 2020:22).

Note that establishment of a primary dwelling on the currently-vacant property is consistent with land use rights inferred through the present zoning of the property, being "Agricultural Zone I". **The property is situated within the Fransmanshoek Conservancy and the proposed development would therefore be undertaken and managed in terms of the principles prescribed by the conservancy.**

4. BASIC HISTORIC BACKGROUND

Colonial agriculturists settled in the Gouritz region from as early as the 1730's. Un-surveyed loan farms in this region were granted to colonists by the Dutch East India Company (DEIC) for the purpose of providing meat, butter and wheat to Cape Town. In 1743 the DEIC established a magisterial seat in Swellendam in order govern and control the activities of the frontier settlers. Quitrent rentals were paid annually to the Government over a period of twenty years, after which the property was deemed paid for. The quitrent system of 'loaning to own' replaced the previous DEIC loan farm agreements, which were renewed every five years (Schulz, 2010).

From a colonial perspective the subject property forms part of the early farm Misgunst aan de Gouritz Rivier first surveyed in 1814² by surveyor Sgt. Petersen (Petersen also compiled early layout for the town of George). A note on the 1814 diagram describes land use at the time as "weyland" (grazing purposes). A later (1863) redrawn diagram shows the farm divided into 9 lots, the subject property forming part of land then known "Lot B" (**Figure 4**). Later 1880-1890 SG mapping for the area shows the extent of the farm together with access routes and important structures (**Figure 5**). "Lot B" of the farm was subdivided in 1952³ to create the smallholding complex as it exists in present day.

The Janse van Rensburg first immigrant settler (stam vader) arrived in the Cape before 1708, the recorded year that he married Alletta van der Merwe, widow of Marthinus van Staden. Members of the Janse van Rensburg family acquired ownership of the following farms when the system of purchase by means of Quitrent was made available by the British Governors of the Cape of Good Hope from 1813 onwards:

- Brakkefontein, situated directly north of the farm Fleesch Baai, granted in 1814 to Hendrik Christoffel Janse van Rensburg⁴.
- Misgunst aan de Gouritz granted in 1818 to Hendrik Christoffel Janse van Rensburg⁵.
- Vleesch Baai granted in 1⁶816 to Nicolaas Janse van Rensburg.

Several (DEIC) household inventories for early inhabitants of the area confirm that the farm Misgunst aan de Gouritz Rivier was used for cultivation and keeping livestock. For example, a household inventory dated 3rd July 1786⁷ for Maria Magdalena Botha (wife of "Johannes Jansz van Rensburg") records, inter alia, 151 cattle, 33 "trek ossen", 120 sheep and 7 horses. Significantly, the inventory also records 3 slaves:

- 1 young male named "Leij van Ceylon";
- 1 young male named "November van Mosambique";
- 1 young woman named "Sylvia van Mosambique" with a two month old child named "Padra van de Caab".

² SG Diagram 335/1814

³ SG Diagram 4681/1952

⁴ Cape Town Deeds Office: George Quitrents 2.33.

⁵ Cape Town Deeds Office: George Quitrents 2.32

⁶ Cape Town Deeds Office: George Quitrents 1.27

⁷ MOOC8/50.13a

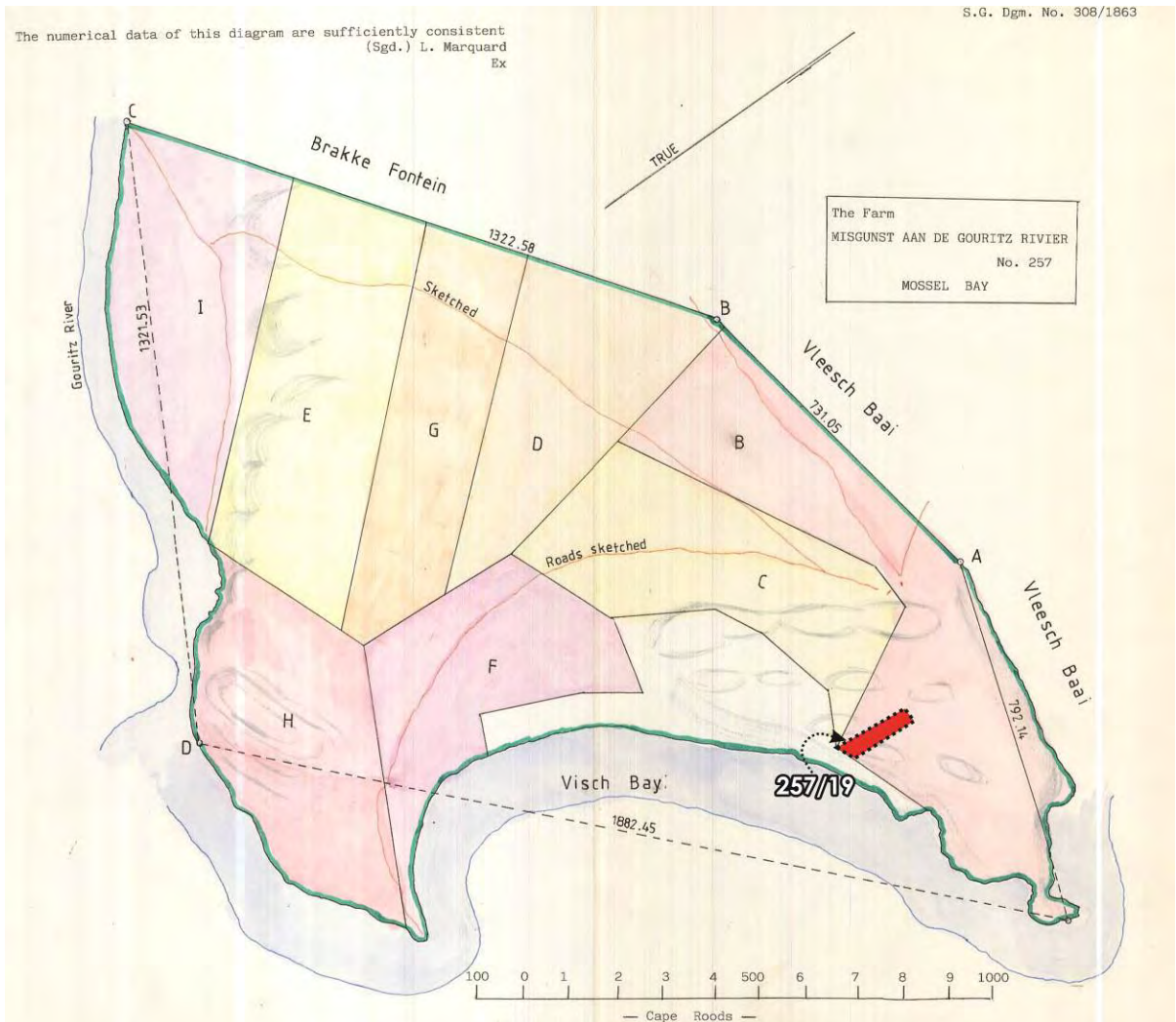


Figure 4: Location of the subject property in relation to "Lot B" as recorded in a redrawn version of the 1863 diagram for the farm Misgunst aan de Gouritz Rivier (SG Diagram 308/1863)



Figure 5: Location of property in relation to early farm Misgunst aan de Gouritz Rivier as transposed onto (±1880) SG mapping of the area (NGSI)

Historically, three shipwrecks are known to have taken place in Fleesch Bay. The exact position of the wrecks has not been established. The ship names are listed below:

- Le Fortune 1763
- D' Elefant 1750
- Thomas Nickenson 1871

While a comprehensive deed search could not be undertaken as part of this study, the following more recent ownership timeline for the property could be obtained via the Deeds Office digital archive:

| Transfer Date/ No. | Transferred From: | Transferred To: |
|--------------------|--|--|
| T11279/1960 | Unknown | Harry Goss |
| T3373/1993 | Harry Goss | Contibree International Enterprises CC |
| T13857/2005 | Contibree International Enterprises CC | Dianne Frik Family Trust |
| T95013/2007 | Dianne Frik Family Trust | Hiline Dunes CC |
| T16036/2019 | Hiline Dunes CC | Aquifer Resource Management (Pty) Ltd |

Basic historical background research did not identify significant heritage-related aspects or themes that would/ have been impacted by the proposed development.

5. HERITAGE RESOURCES AND ISSUES

Analysis of early aerial imagery contributes to building an understanding of evolution of the landscape through identification of traditional (i.e. Pre-Modern) landscape patterns as read within the context of present landscape character and land use. Landscape patterns evident from the earlier aerial photography of the study area may be described as follows:

- Earliest available (1942) aerial imagery shows the Fransmanshoek peninsula undeveloped (save for a few cottages close to the easternmost point) whilst the hinterland, further west, had been transformed through agriculture/ cultivation. The pattern of indigenous vegetation/ dune field legible within the context of the cadastral boundaries of the subject property appears very similar to that in present day. No structures are visible on the property or its direct environs (**Figure 6**);
- Comparison of earlier GoogleEarth® imagery dated 9th February 2019 and 15th February 2020 shows the outline of access roads on and within the direct proximity of the property (**Figure 7**). The impact of existing and proposed access roads on potential archaeological resources is not known.

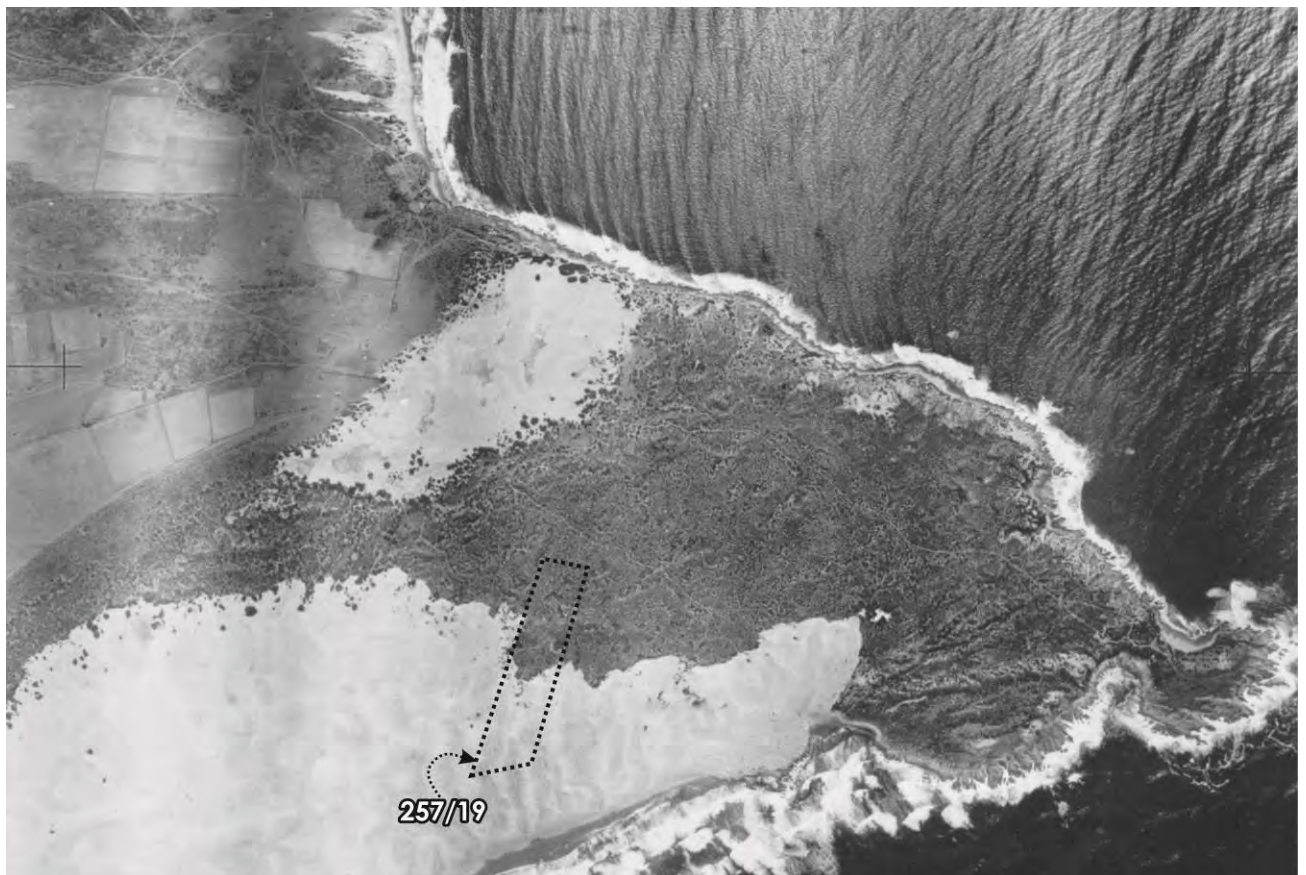


Figure 6: Location of property within context of 1944 aerial imagery for the area. (Aerial survey 171, Flight Strip 14, Image 6035, NGSi)

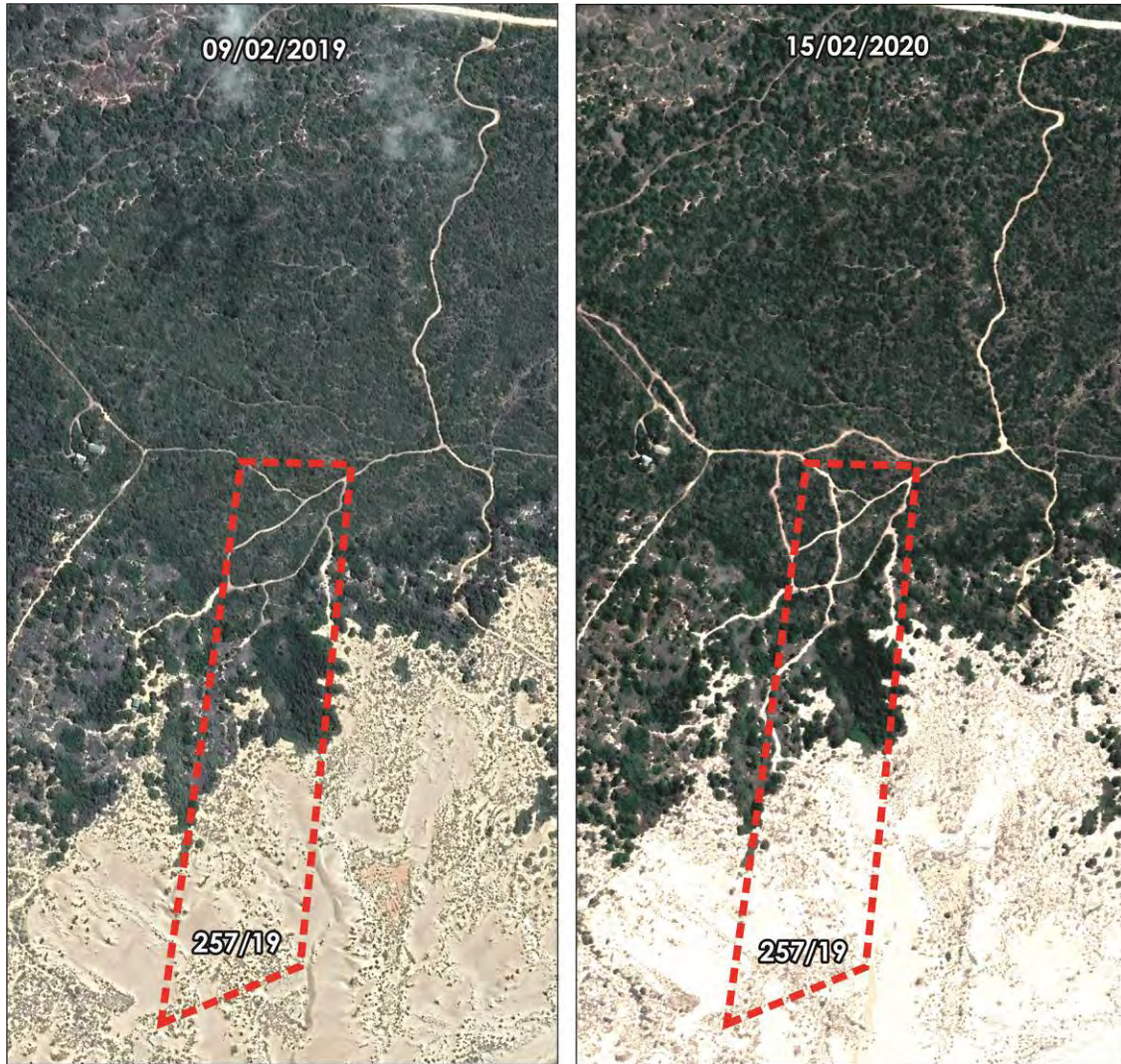


Figure 7: Subject property shown within the context of recent aerial imagery. (GoogleEarth, 2019 & 2020, as edited)

The proposal to construct a primary dwelling is consistent with existing land use rights inferred in terms of the relevant zoning scheme, which places no constraint in terms of its maximum size or location should relevant building lines be adhered to. While many smallholdings within the complex remain vacant, several have been developed – presumably mostly for holiday accommodation (**Images 1,2**).



Images 1, 2: Examples of existing cottages situated on smallholdings along the Fransmanshoek peninsula (Author, 2020)

During field work it was found that the three alternative building footprints are located on dunes and therefore underlain by sandy soils – no archaeological occurrences were noted. Possible impacts of recently-completed and proposed tracks as well as engineering infrastructure (such as the proposed artificial wetland) on potential archaeological resources are however unknown.

According to SAHRIS Paleo-sensitivity mapping the property is situated within an area earmarked as being of "No Significance" palaeontological sensitivity where, "no palaeontological studies are required"⁸.

While of high local socio-historic cultural significance the historic themes outlined in Section 4 of this report relates to the early farm Misgunst aan de Gouritz Rivier and not directly to the subject property.

6. RECOMMENDATION

Having regard to the findings following from above preliminary assessment, it is our view that, with the exception of the potential impact of engineering infrastructure on possible archaeological resources the proposal would not impact on any heritage resource of cultural significance.

PERCEPTION Planning

23rd July 2020



STEFAN DE KOCK

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⁸ <https://sahris.sahra.org.za/map/palaeo>, accessed 21st July 2020