

OMP

From: Zaahira Mahomed <zaahira.mahomed@gmail.com>
Sent: Monday, 08 December 2025 05:38
To: OMP
Subject: Objection to Revised HIA and Demand to Protect Oude Molen's Heritage and Wetlands

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Dear Sir/Madam,

I am writing to formally object to the revised Heritage Impact Assessment (HIA) for the proposed development at the Oude Molen Precinct (OMP). The process, methodology, scope, and communication around this HIA raise serious procedural and substantive concerns, particularly regarding the treatment of both tangible and intangible heritage. These shortcomings render the current assessment incomplete, insufficient, and inconsistent with national legislation and internationally recognised heritage safeguarding standards.

1. The HIA Has Been Conducted in Isolation From the Broader Provincial and National Heritage Context

The current assessment treats OMP as a standalone parcel of land, without any acknowledgement of the larger cumulative loss of heritage-rich land across the Western Cape. This approach is fundamentally flawed. Given the scale of ongoing development in the province—often for commercial gain—the remaining parcels of land with historical, cultural, environmental, and social value must be afforded greater, not lesser, significance.

OMP is a rare remaining example of layered heritage in the region. Evaluating it in isolation disregards the broader pattern of loss and undermines the purpose of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), which exists to safeguard precisely such places of diminishing heritage stock.

2. The Land Carries National Heritage Significance, Not Merely Local or Provincial

The heritage value of OMP extends beyond the Western Cape. Its historic ties—such as associations with national figures like King Cetshwayo—demonstrate that this site forms part of South Africa's national cultural landscape.

Therefore, Interested and Affected Parties (I&APs) should not be limited to Western Cape residents. The lack of national outreach alone represents a procedural defect in the public participation process.

3. The HIA Fails to Adequately Address Intangible Heritage, Despite Introducing the Term

The revised report introduces the concept of “intangible heritage,” yet fails to apply or assess it meaningfully.

Under the UNESCO 2003 Convention, intangible heritage includes oral traditions, social practices, community knowledge, ecological practices, and skills passed between generations. At Oude Molen, these exist abundantly and have been sustained for more than 25 years, including:

- Equestrian knowledge, horse handling, and stable practices
- Multi-generational, community-based learning
- Artisan workshops and craft-making
- Urban farming and permaculture
- Ecological stewardship
- Youth development programmes
- Deep-rooted social cohesion

Crucially, intangible heritage cannot be relocated, compensated for, or “accommodated elsewhere.” It is inseparable from the relationships, environmental conditions, and community networks that sustain it. The proposed development would sever these ties, disrupt established knowledge systems, and dismantle the living cultural practices that define the Eco Village.

UNESCO states clearly that decisions about intangible heritage must centre the community itself. The absence of meaningful community participation, mapping, or acknowledgement of these living practices is a major deficiency. Without proper identification, evaluation, and mitigation of intangible heritage impacts, the HIA is procedurally incomplete.

4. Relevant Sections of the NHRA Have Not Been Observed

The following requirements under the National Heritage Resources Act have not been fully met:

- Section 3(2): Recognises places of cultural significance, including those linked to oral traditions, indigenous knowledge, and history.
- Section 27(18): Once a place has heritage value, no person may damage, alter, or develop it without the necessary permits.

Given the cultural, ecological, and national significance of OMP, strict compliance with these provisions is required. The current assessment does not demonstrate this.

5. Lack of Transparency and Questionable Public Notification Process

Public notification has been insufficient.

Only one sign was briefly placed at the entrance to Oude Molen (now removed), and only initial I&APs appear to have been notified. This falls short of acceptable public process, especially considering the scale of the proposed development and its national implications.

I request a full explanation of:

- where the revised HIA was advertised;
- the extent of outreach beyond the initial I&AP list;
- how the broader public—particularly communities tied to the intangible heritage being evaluated—were notified.

6. Misrepresentation of HIA Status at the 2025 Investment Summit

Material presented at the 2025 Western Cape Investment Summit stated that the HIA was concluded in July. This is factually incorrect and constitutes at minimum misleading communication. It undermines confidence in the integrity of the heritage approval process and calls for immediate clarification.

7. Additional Concerns

- Comparisons with other protected heritage sites such as Rondebosch Common and Kirstenbosch Gardens highlight the inconsistency in protection offered to heritage-rich land across the region.
- Questions remain about zoning history and documentation, particularly given that the Access to Information Unit has stated that the referenced ERF “does not exist.” This must be transparently addressed.
- Research regarding “rights of the land” and environmental stewardship appears absent from the HIA.

Request for Immediate Actions

Given the substantial heritage, environmental, and community impacts associated with the proposed development—and the clear procedural and substantive deficiencies in the current HIA—I formally request the following immediate actions:

1. That all approvals for the proposed development at Oude Molen Precinct be stopped outright, as the site’s cultural, environmental, and community value makes it fundamentally unsuitable for the type of development proposed.
2. That the natural wetland at Oude Molen be permanently protected and recognised as a sensitive ecological system, essential to local biodiversity, the equestrian and farming practices on the land, and the broader Black River catchment. This wetland must be excluded from any future development considerations.
3. That the long-standing Oude Molen community be formally recognised as a living cultural landscape whose equestrian knowledge, farming practices, youth development programmes, and ecological stewardship are inseparable from the land itself. Development would destroy these relationships and dismantle an active intangible heritage system that cannot be relocated or reconstructed.
4. That the current HIA be set aside in its entirety due to its incomplete scope, inadequate treatment of intangible heritage, lack of environmental integration, and failure to assess cumulative heritage loss across the Western Cape.
5. That a new, independent heritage and environmental study be commissioned only if the land’s future is reconsidered, ensuring:
 - Complete wetland delineation and ecological mapping
 - A full intangible heritage assessment consistent with UNESCO’s 2003 Convention
 - Cumulative impact evaluation
 - Direct, documented engagement with the Oude Molen community
6. That development of this land be rejected on heritage and environmental grounds, in alignment with the National Heritage Resources Act and international safeguarding principles.
7. That a transparent, national-level public engagement process be undertaken to reflect the true scale of OMP’s cultural, historical, and environmental significance beyond the Western Cap

The Oude Molen Precinct is a rare living cultural landscape whose heritage—both tangible and intangible—cannot be replaced. The current assessment does not meet the threshold necessary to justify irreversible development of a site of this significance.

I request written confirmation of receipt of this objection and information on next procedural steps.

Yours faithfully,

Zaahira Mahomed

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