

Heritage Western Cape

Notification of Intent to Develop

Section 38 of the National Heritage Resources Act (Act No. 25, 1999)

Section 38 of the National Heritage Resources Act requires that any person who intends to undertake certain categories of development in the Western Cape (see Part 1) must notify Heritage Western Cape at the very earliest stage of initiating such a development and must furnish details of the location, nature and extent of the proposed development.

This form is designed to assist the developer to provide the necessary information to enable Heritage Western Cape to decide whether a Heritage Impact Assessment will be required.

Note: This form is to be completed when the proposed development does not fulfil the criteria for EIA as set out in the EIA regulations. It may be completed as part of the EIA process to assist in establishing the requirements of Heritage Western Cape with respect to the EIA.

1. It is recommended that the form be completed by a professional familiar with heritage conservation issues.
2. The completion of Section 7 by heritage specialists is not mandatory, but is recommended in order to expedite decision-making at notification stage.
3. Section 7.1 must be completed by a professional archaeologist or palaeontologist.
4. Section 7.2 must be completed by a professional heritage practitioner with skills and experience appropriate to the nature of the property and the development proposals.
5. Should Section 7 be completed, each page of the form must be signed by the archaeologist/palaeontologist and heritage practitioner
6. Additional information may be provided on separate sheets.
7. This form is available in electronic format so that it can be completed on computer.

FOR OFFICIAL USE

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PART 1: BASE INFORMATION

1.1 PROPERTY	
Name of property	
Street address or location (e.g. off R44)	
Erf or farm number/s	
Town or District	
Responsible Local Authority	
Magisterial District	
Current use	
Current zoning	
Predominant land use of surrounding properties	
Extent of the property	

1.2 CATEGORY OF DEVELOPMENT (S. 38 (1))	X	<i>Brief description of the nature and extent of the proposed development or activity (See also Part 3.1)</i>
1. Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length		
2. Construction of a bridge or similar structure exceeding 50 m in length		
3. Any development or activity that will change the character of a site–		
a) exceeding 5 000 m ² in extent		
b) involving three or more existing erven or subdivisions thereof		
c) involving three or more erven or divisions thereof which have been consolidated within the past five years		
4. Rezoning of a site exceeding 10 000 m ²		
5. Other (state)		

1.3 INITIATION STAGE OF PROPOSED DEVELOPMENT	
Exploratory (e.g. viability study)	<i>Notes:</i>
Conceptual	
Outline proposals	
Draft / Sketch plans	
Other (state)	

PART 2: HERITAGE ISSUES

2.1 CONTEXT		
X	<i>(check box of all relevant categories)</i>	<i>Brief description/explanation</i>
	Urban environmental context	
	Rural environmental context	
	Natural environmental context	
Formal protection (NHRA)		
	Is the property part of a protected area (S. 28)?	
	Is the property part of a heritage area (S. 31)?	
Other		
	Is the property near to or visible from any protected heritage sites?	
	Is the property part of a conservation area or special area in terms of the Zoning Scheme?	
	Does the site form part of a historical settlement or townscape?	
	Does the site form part of a rural cultural landscape?	
	Does the site form part of a natural landscape of cultural significance?	
	Is the site within or adjacent to a scenic route?	
	Is the property within or adjacent to any other area which has special environmental or heritage protection?	
	Does the general context or any adjoining properties have cultural significance ¹ ?	

2.2 PROPERTY FEATURES AND CHARACTERISTICS		
X	<i>(check box if YES)</i>	<i>Brief description</i>
	Has the site been previously cultivated or developed?	
	Are there any significant landscape features on the property?	
	Are there any sites or features of geological significance on the property?	
	Does the property have any rocky outcrops on it?	
	Does the property have any fresh water sources (springs, streams, rivers) on or alongside it?	
	Does the property have any sea frontage?	
	Does the property form part of a coastal dune system?	
	Are there any marine shell heaps or scatters on the property?	
	Is the property or part thereof on land reclaimed from the sea?	

2.3 HERITAGE RESOURCES² ON THE PROPERTY		
X	<i>(check box if present on the property)</i>	<i>Name / List / Brief description</i>
Formal protections (NHRA)		
	National heritage site (S. 27)	
	Provincial heritage site (S. 27)	
	Provisional protection (s.29)	
	Place listed in heritage register (S. 30)	
General protections (NHRA)		
	structures older than 60 years (S. 34)	
	archaeological ³ site or material (S. 35)	
	palaeontological ⁴ site or material (S. 35)	
	graves or burial grounds (S. 36)	
	public monuments or memorials ⁵ (S. 37)	
Other		
	Any heritage resource identified in a heritage survey (state author and date of survey and survey grading/s)	
	Any other heritage resources (describe)	

2.4 PROPERTY HISTORY AND ASSOCIATIONS		
X	<i>(check box if YES)</i>	<i>Brief description/explanation</i>
	Provide a brief history of the property (e.g. when granted, previous owners and uses).	
	Is the property associated with any important persons or groups?	
	Is the property associated with any important events, activities or public memory?	
	Does the property have any direct association with the history of slavery?	
	Is the property associated with or used for living heritage ⁶ ?	
	Are there any oral traditions attached to the property?	

2.6 SUMMARY OF CULTURAL SIGNIFICANCE OF THE PROPERTY (OR ANY PART OF THE PROPERTY) (S. 3(3))		
X	<i>(check box of all relevant categories)</i>	<i>Brief description/explanation</i>
	Important in the community or pattern of South Africa's (or Western Cape's) history.	
	Associated with the life or work of a person, group or organisation of importance in history.	
	Associated with the history of slavery.	
	Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons	
	Exhibits particular aesthetic characteristics valued by a community or cultural group	
	Demonstrates a high degree of creative or technical achievement at a particular period	
	Has potential to yield information that will contribute to an understanding of natural or cultural heritage	
	Typical: Demonstrates the principal characteristics of a particular class of natural or cultural places	
	Rare: Possesses uncommon, rare or endangered aspects of natural or cultural heritage	
Please provide a brief statement of significance		

PART 3: POTENTIAL IMPACT OF DEVELOPMENT

3.1 PROPOSED DEVELOPMENT	
Brief description of proposed development.	
Monetary value.	
Anticipated starting date.	
Anticipated duration of work.	
Does it involve change in land use?	
Extent of land coverage of the proposed development.	
Does it require the provision of additional services? (e.g. roads, sewerage, water, electricity)	
Does it involve excavation or earth moving?	
Does it involve landscaping?	
Does it involve construction work?	
What is the total floor area?	
How many storeys including parking?	
What is the maximum height above natural ground level?	

3.2 POTENTIAL IMPACT	
What impact will the proposed development have on the heritage values of the context of the property? (e.g. visibility, change in character)	
Are any heritage resources listed in Part 2 affected by the proposed development? If so, how?	
Please summarise any public/social benefits of the proposed development.	

PART 4: POLICY, PLANNING AND LEGAL CONTEXT

X	<i>(check box if YES)</i>	<i>Details/explanation</i>
	Does the proposed development conform with regional and local planning policies? (e.g. SDF, Sectoral Plans)	
	Does the development require any departures or consent use in terms of the Zoning Scheme?	
	Has an application been submitted to the planning authority?	
	Has their comment or approval been obtained? (attach copy)	
	Is planning permission required for any subdivision or consolidation?	
	Has an application been submitted to the planning authority?	
	Has their comment or approval been obtained? (attach copy)	
	Are there title deed restrictions linked to the property?	
	Does the property have any special conservation status?	
	Are there any other restrictions on the property?	
	Is the proposed development subject to the EIA regulations of the Environment Conservation Act (Act 73 of 1989)?	
	Has an application (or environmental checklist) been submitted to DECAS? What are the requirements of DECAS?	
	At what stage in the IEM process is the application (scoping phase, EIA etc.)	
	Has any assessment of the heritage impact of the proposed development been undertaken in terms of the EIA or planning process?	
	Are any such studies currently being undertaken?	

	Is approval from any other authority required?	
	Has permission for similar development on this site been refused by any authority in the past?	
	Have interested and affected bodies have been consulted? Please list them and attach any responses.	

PART 5: APPLICANT DETAILS

REGISTERED PROPERTY OWNER			
Name			
Address			
Telephone			
Fax			
E-mail			
Signature		Date	

DEVELOPER			
Name			
Address			
Telephone			
Fax			
E-mail			
Signature		Date	

PERSON RESPONSIBLE FOR COMPLETING THE FORM			
Name			
Address			
Telephone			
Fax			
E-mail			
Field of expertise & qualifications			
Signature		Date	

PART 6: ATTACHMENTS

	Plan, aerial photo and/or orthophoto clearly showing location and context of property.
	Site plan or aerial photograph clearly indicating the position of all heritage resources and features.
	Photographs of the site, showing its characteristics and heritage resources.
	Relevant sketch proposals, development plans, architectural and engineering drawings and landscaping plans.
	Responses from other authorities.
	Responses from any interested and affected parties.
	Any archaeological reports or other reports that may have been carried out on the property or properties within the immediate area.
	Any other pertinent information to assist with decision-making.

PART 7. RECOMMENDATIONS BY HERITAGE SPECIALISTS

It is recommended that this section be completed in order to expedite the approval process.

7.1 RECOMMENDATIONS OF ARCHAEOLOGIST/PALAEONTOLOGIST		
<i>Further investigation required</i>	<i>Yes/No</i>	<i>Describe issues and concerns</i>
Palaeontology		
Pre-colonial archaeology		
Historical archaeology		
Industrial archaeology		
No further archaeological or palaeontological investigation		
Other recommendations (use additional pages if necessary)		
<p>I have reviewed the property and the proposed development and this completed form and make the recommendations above.</p> <p>Name of Archaeologist/Palaeontologist</p> <p>Qualifications, field of expertise</p> <p>Signature.....Date.....</p>		

7.2 RECOMMENDATIONS OF GENERALIST HERITAGE PRACTITIONER

<i>Further investigation required</i>	<i>Yes/No</i>	<i>Describe issues and concerns</i>
Existing Conservation and Planning Documentation		
Planning		
Urban Design		
Built Environment		
Architecture		
Cultural Landscape		
Visual Impact		
History		
Archival		
Title Deeds Survey		
Published Information		
Oral History		
Social History		
Other specialist study (specify)		
Public Consultation		
Specialist Groups		
Neighbours		
Open House		
Public Meeting		
Public Advertisement		
Other		
No further specialist conservation studies required		
Heritage Impact Assessment required, to be co-ordinated by a generalist heritage practitioner		
Other recommendations (use additional pages if necessary)		

I have reviewed the property and the proposed development and this completed form and make the recommendations above.

Name of Heritage Practitioner

Qualifications, field of expertise

Signature.....Date.....

Notes:

- ¹ Cultural significance means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance.
- ² Heritage resource means any place or object of cultural significance.
"Place" includes –
 - (a) a site, area or region;
 - (b) a building or other structure which may include equipment, furniture, fittings and other articles associated with or connected with such building or other structure;
 - (c) a group of buildings or other structures [and associated equipment, fittings, etc];
 - (d) an open space, including a public square, street or park; and
 - (e) in relation to the management of a place, includes the immediate surroundings.
- ³ Archaeological means –
 - (a) material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;
 - (b) rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10m of such representation;
 - (c) wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa or in the maritime zone of the Republic, any cargo, debris or artefacts found or associated therewith, which is older than 60 years or which Heritage Western Cape considers to be worthy of conservation; and
 - (d) features, structures and artefacts associated with military history which are older than 75 years and the site on which they are found.
- ⁴ Palaeontological means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.
- ⁵ Public monuments and memorials means all monuments and memorials –
 - (a) erected on land belonging to any branch of ... government or on land belonging to any organisation funded by or established in terms of the legislation of such a branch of government; or
 - (b) which were paid for by public subscription, government funds, or a public-spirited or military organisation, and are on land belonging to any private individual.
- ⁶ Living heritage means the intangible aspects of inherited culture, and may include cultural tradition, oral history, performance, ritual, popular memory, skills and techniques, indigenous knowledge systems and the holistic approach to nature, society and social relationships.