

**Appendix E1:**

**Heritage Western Cape Notice of  
Intent to Develop as submitted and  
Record of Decision**



**NOTIFICATION  
OF  
INTENT  
TO  
DEVELOP**

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).

Whilst it is not a requirement, it may expedite processes and in particular avoid calls for additional information if certain of the information required in this form is provided by a heritage specialist/s with the necessary qualifications, skills and experience.

**A. APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA)**

HWC Case Number:	DEADP Reference Number: Not yet received Project Title - Mixed-Use Development on Remaining Extent of Erf 513, Napier
<b>NOTE 1:</b> An HWC case number must be obtained and application fee paid in advance of submission of this form.	
<b>NOTE 2:</b> A DEADP (W Cape Dept. Environment Affairs & Development Planning) reference number must be included in all NHRA Section 38(8) processes where DEADP is the decision making authority under NEMA. The effect of this requirement is that the NEMA process must be initiated with DEADP prior to the NHRA process with HWC.	
If a DEADP reference number is not entered above please check one of the following boxes:	
<input checked="" type="checkbox"/>	This application is made in terms of Section 38(8) of the NHRA and an application under NEMA has been made to the following authority: Department of Environmental Affairs and Development Planning
<input type="checkbox"/>	This development will not require a NEMA application.
<b>NOTE 3:</b> Making an incorrect statement or providing incorrect information in this part of the form may result in all or part of the application having to be reconsidered by HWC in the future, or submission of a new application.	

**B. BASIC DETAILS**

PROPERTY DETAILS:

Name of property: Remaining Extent of Erf 513	
Street address or location (eg: off R44): The proposed 7.8ha development site is located east of the existing Nuwerus low-cost housing residential area and adjacent to Short Street in Napier	
Erf or farm number/s: Remaining Extent of Erf 513	Coordinates: 34 28' 31.79"S 19 53' 36.28"E (A logical centre point. Format based on WGS84.)
Town or District: Napier	Responsible Municipality: Cape Agulhas Municipality
Extent of property: 14055233.9m <sup>2</sup>	Current use: Un-used vacant municipal land
Predominant land use/s of surrounding properties: The site is bordered by high to medium density residential development to the north, east and west; and cultivated agricultural land to the south.	

REGISTERED OWNER OF PROPERTY:

Name Cape Agulhas Municipality
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Address PO Box 51 Bredasdorp 7280		
Telephone 028 425 5500	Cell -	E-mail bertush@capeagulhas.gov.za
By the submission of this form and all material submitted in support of this notification (ie: 'the material'), all applicant parties acknowledge that they are aware that the material and/or parts thereof will be put to the following uses and consent to such use being made: filing as a public record; presentations to committees, etc; inclusion in databases; inclusion on and downloading from websites; distribution to committee members and other stakeholders and any other use required in terms of powers, functions, duties and responsibilities allocated to Heritage Western Cape under the terms of the National Heritage Resources Act. Should restrictions on such use apply or if it is not possible to copy or lift information from any part of the digital version of the material, the material will be returned unprocessed.		
I confirm that I enclose with this form four hardcopies of all material submitted together with a CD ROM containing digital versions of all of the same.		

Signature of owner or authorised agent  
(Agents must attach copy of power of attorney to this form.)

Date / / 20

DEVELOPMENT DETAILS:

Please indicate below which of the following Sections of the National Heritage Resources Act, or other legislation has triggered the need for notification of intent to develop.	
<input type="checkbox"/> S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length.	S38(1)(c) Any development or activity that will change the character of a site -
<input type="checkbox"/> S38(1)(b) Construction of a bridge or similar structure exceeding 50m in length.	
<input checked="" type="checkbox"/> S38(1)(d) Rezoning of a site exceeding 10 000m <sup>2</sup> in extent.	
<input checked="" type="checkbox"/> Other triggers, eg: in terms of other legislation, (ie: National Environment Management Act, etc.) Please set out details: Environmental Authorisation in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998)	<input checked="" type="checkbox"/> (i) exceeding 5 000m <sup>2</sup> in extent; <input type="checkbox"/> (ii) involving three or more existing erven or subdivisions thereof; <input type="checkbox"/> (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years.
If you have checked any of the three boxes above, describe how the proposed development will change the character of the site: 7.8Ha of Vacant transformed previously cultivated land to be developed into a mixed-use low income housing project	
If an impact assessment process has also been / will be initiated in terms of other legislation please provide the following information:  Authority / government department (ie: consenting authority) to which information has been /will be submitted for final decision: Department of Environmental Affairs AND Breede Gouritz Catchment Management Agency	

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Present phase at which the process with that authority stands: Application for EIA Environmental Authorisation AND Water Use Authorisation to be submitted.

Provide a full description of the nature and extent of the proposed development or activity including its potential impacts (eg: changes in land use, envisaged timeframes, provision of additional bulk services, excavations, landscaping, total floor area, height of development, etc. etc.):

A mixed use development is proposed on a total area of ±7.8ha. This will entail:

- 349 IRDP Row Houses - approximate unit size 40-45m<sup>2</sup> (Each unit is double storey and has a private internal staircase accessing the upper floor. Each unit is located on a private erf. Units are positioned in groups of 4 and are positioned around shared parking courts.)
- 28 GAP Houses – approximate unit size 45-50m<sup>2</sup> (Single storey semi-detached units.)
- A church and community hall – building area 980m<sup>2</sup>
- Creche and library – building area 615m<sup>2</sup>
- Open spaces, roads and services infrastructure – total area 37 600m<sup>2</sup>

In terms of potential significant environmental impacts identified the proposed development will occur within 32m from a transformed secondary drainage line. Due to the degraded and already developed state of the site and surrounds it is however not expected that the proposed development will have a significant detrimental impact on the watercourse if managed according to an environmental management programme which will be compiled as part of the environmental impact assessment and to be implemented should environmental authorisation be obtained.

### C. HERITAGE RESOURCES AND IMPACTS THEREUPON

Section 3 of the National Heritage Resources Act 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.

(The assistance of relevant heritage professionals is particularly relevant in completing this section.)

Provide a short history of the site and its environs (Include sources where available): The study site is gradually undulating with the highest point being approximately in the middle of the site and then sloping down to the north and south. The whole site has been completely transformed mainly due to previous cultivation and thereafter due to ongoing urban development and ongoing human impact. Numerous formal and informal gravel footpaths and vehicle roads exist throughout the site and waste (especially garden waste) is dumped on site. Transformed non-perennial drainage lines are present along the northern and southern borders of the site. The site is bordered by high to medium density residential development to the north, east and west; and cultivated agricultural land to the south.

The indigenous vegetation type originally occurring on the site and surrounds is Critically Endangered Elim Ferricrete Fynbos. According to the 2017 Western Cape Biodiversity Spatial Plan no remaining terrestrial or aquatic Critical Biodiversity Areas (CBAs) are mapped on the site. Minimal (less than 0.5ha in total) remaining non-viable indigenous vegetation species populations were recorded on site and no species of conservation concern were recorded nor are expected to occur on the site.

The vegetation on the site is completely dominated by grass species, weeds and weedy herbs

associated with cultivated lands. A row of planted *Pinus pinaster* trees is located along the south-eastern edge of the site. Scattered *Acacia saligna* trees are present throughout the site although the only dense stand is located within the northern part of the site. Scattered *Eucalyptus* trees are also present along the completely transformed and channelled non-perennial drainage line located within the northern part of the site.

The non-perennial drainage line within the cultivated agricultural land along the southern border of the site falls outside the study site and has been classified as a natural NFEPA Wetland, but an associated “Ecological Support Area 2: Restore buffer area” has been mapped for the drainage line and a section thereof falls within the southern part of the site. It is recommended that no development occurs within this drainage line nor its associated ESA2:Restore buffer area.

The completely transformed and channelled non-perennial drainage line within the northern part of the site has been transformed to such an extent that it is not possible to determine the original extent or the flow path location. At certain sections within this drainage line it has been completely filled to create a vehicle or footpath crossing and the average width of the channel within the study area is approximately 1m wide. It is recommended that this drainage line be formalised to prevent potential future flooding of surrounding developments and to ensure ongoing free flow within the drainage line when it is flowing. The 1:100 year flow must be calculated and then used to determine the most suitable storm water structures that must be established within this drainage line to accommodate this flow. If financially possible, it is recommended that “landscape friendly” engineering structures are incorporated into the formalisation of this drainage line so that this drainage line can become an important and attractive aesthetic feature as part of the proposed development.

The botanical sensitivity allocated to the site is low, as well as the overall conservation value of the site except for the non-perennial drainage line and its associated ESA2 buffer area south of the site which has been allocated a high conservation value and not recommended for development. If the recommendations as provided in this report are incorporated into the proposed development layout and implemented during the associated construction-, operational-, and decommissioning phases it will have an overall low negative ecological impact.

It was concluded that, from an ecological impact point of view, the proposed development should not have an unacceptably significant negative impact on environmental features of the site and surrounds if specialist recommendations are taken into consideration and effectively implemented.

Please indicate which heritage resources exist on the site and in its environs, describe them and indicate the nature of any impact upon them:

<input type="checkbox"/>	<p><b>Places, buildings, structures and equipment of cultural significance</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource:</p>
<input type="checkbox"/>	<p><b>Places to which oral traditions are attached or which are associated with living heritage</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource:</p>
<input type="checkbox"/>	<p><b>Historical settlements and townscapes</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource:</p>
<input checked="" type="checkbox"/>	<p><b>Landscapes and natural features of cultural significance</b></p> <p>Description of resource: In terms of potential environmental impacts identified the proposed development will occur within 32m from a transformed secondary drainage line</p> <p>Description of impact on heritage resource: Due to the degraded and already developed state of the site and surrounds it is however not expected that the proposed development will have a</p>

	significant detrimental impact on the watercourse if managed according to a environmental management programme which will be compiled as part of the environmental impact assessment and to be implemented should environmental authorisation be obtained.
<input type="checkbox"/>	<b>Geological resources of scientific or cultural importance</b> Description of resource: Description of impact on heritage resource:
<input type="checkbox"/>	<b>Archaeological resources</b> (Including archaeological sites and material, rock art, battlefields & wrecks): Description of resource: Description of impact on heritage resource:
<input type="checkbox"/>	<b>Palaeontological resources</b> (ie: fossils): Description of resource: Description of impact on heritage resource:
<input type="checkbox"/>	<b>Graves and burial grounds</b> (eg: ancestral graves, graves of victims of conflict, historical graves & cemeteries) : Description of Resource: Description of Impact on Heritage Resource:
<input type="checkbox"/>	<b>Other human remains:</b> Description of resource: Description of impact on heritage resource:
<input type="checkbox"/>	<b>Sites of significance relating to the history of slavery in South Africa:</b> Description of resource: Description of impact on heritage resource:
<input type="checkbox"/>	<b>Other heritage resources:</b> Description of resource: Description of impact on heritage resource:

Describe elements in the environs of the site that could be deemed to be heritage resources: Listed above Description of impacts on heritage resources in the environs of the site: Impacts on possible heritage resource as listed above.
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Summary of anticipated impacts on heritage resources: Listed above.
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ILLUSTRATIVE MATERIAL (This form will not be processed unless the following are included):

Attach to this form a minimum A4 sized locality plan showing the boundaries of the area affected by the proposed development, its environs, property boundaries and a scale. The plan must be of a scale and size that is appropriate to creating a clear understanding of the development.
Attach also other relevant graphic material such as maps, site plans, satellite photographs and photographs of the site and the heritage resources on it and in its environs. These are essential to the processing of this notification.
Please provide all graphic material on paper of appropriate size and on CD ROM in JPEG format. It is essential that graphic material be annotated via titles on the photographs, map names and numbers, names of files and/or provision of a numbered list describing what is visible in each image.

<b>D. RECOMMENDATION</b>
In your opinion do you believe that a heritage impact assessment is required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Recommendation made by: Name Johmandie Pienaar Capacity Environmental Assessment Practitioner
<b>PLEASE NOTE:</b> No Heritage Impact Assessment should be submitted with this form or conducted until Heritage Western Cape has expressed its opinion on the need for such and the nature thereof.

<b>E. INFORMATION TO BE PROVIDED AND STUDIES TO BE CONDUCTED AS PART OF THE HERITAGE IMPACT ASSESSMENT (HIA)</b>
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If it is recommended that an HIA is required please complete this section of the form.
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<b>DETAILS OF HERITAGE PRACTITIONERS AND SPECIALISTS INTENDING TO CONDUCT THE HIA:</b>		
1.	Name of individual: Qualifications: Experience: Standing in heritage resource management: E-mail Address:	Name of Practice: Area of specialisation: Telephone: Cell:
2.	Name of individual: Qualifications: Experience: Standing in heritage resource management: E-mail Address:	Name of Practice: Area of specialisation: Telephone: Cell:
3.	Name of individual: Qualifications: Experience: Standing in heritage resource management: E-mail Address:	Name of Practice: Area of specialisation: Telephone: Cell:

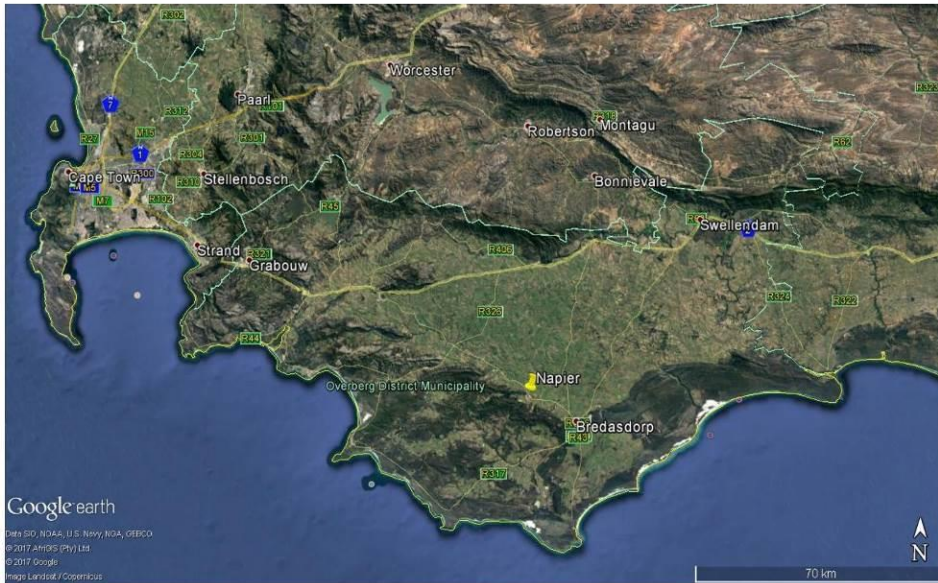
4.	Name of individual:	Name of Practice:	Area of specialisation:
	Qualifications:		
	Experience:		
	Standing in heritage resource management:		
	E-mail Address:	Telephone:	Cell:
5.	Name of individual:	Name of Practice:	Area of specialisation:
	Qualifications:		
	Experience:		
	Standing in heritage resource management:		
	E-mail Address:	Telephone:	Cell:
If this submission is made in terms of Section 38(8) of the National Heritage Resources Act indicate below the particulars of the principle environmental consultant on the project.			
Name of individual: Johmandie Pienaar Name of Practice: Eco Impact Legal Consulting Area of specialisation: Environmental Assessment Practitioner and Biodiversity Specialist			
E-mail Address: johmandie@ecoimpact.co.za & admin@ecoimpact.co.za Telephone: 021 671 1660 Fax: .021 671 9976 Cell: 072 240 3092			
Postal Address: PO Box 45070 Claremont South Africa 7735			

DETAILS OF STUDIES TO BE CONDUCTED IN THE INTENDED HIA

In addition to the requirements set out in Section 38(3) of the NHRA, indicate envisaged studies:	
<input type="checkbox"/>	Heritage resource-related guidelines and policies.
<input type="checkbox"/>	Local authority planning and other laws and policies.
<input type="checkbox"/>	Details of parties, communities, etc. to be consulted.
<input type="checkbox"/>	Specialist studies, eg: archaeology, palaeontology, architecture, townscape, visual impact, etc. Provide details:
<input type="checkbox"/>	Other. Provide details:
PLEASE NOTE: Any further studies which Heritage Western Cape may resolve should be submitted must be 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.	



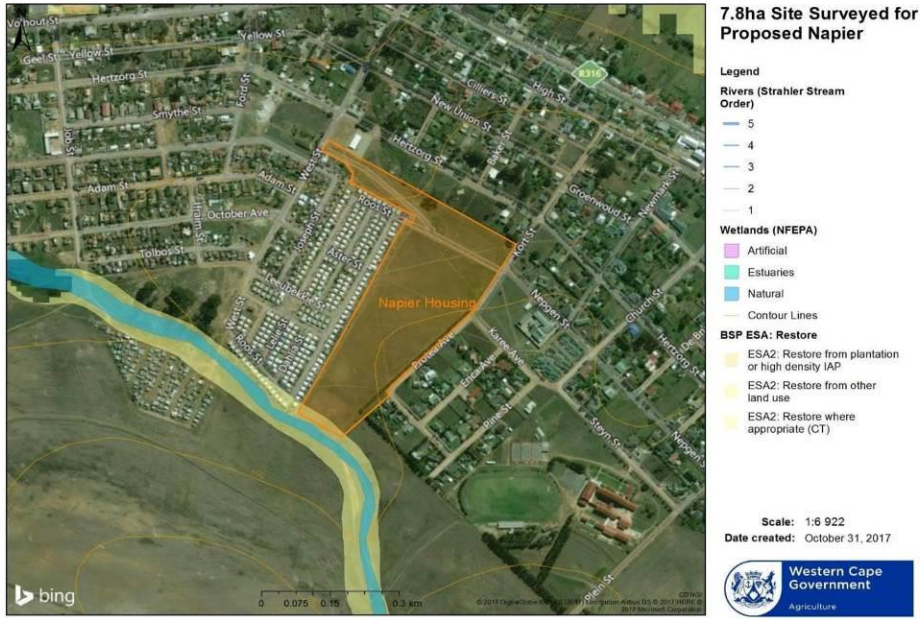
**MAPS**



**Map 1:** Napier locality in the Western Cape.



**Map 2:** Indicating locality of the 7.8ha surveyed site at Napier



Map 3: Critical Biodiversity Areas, Ecological Support Areas and NFEPA Wetlands according to the WCBSP (2017) mapping



Map 4: Proposed Mixed-Use Development Layout



**SITE PHOTOS**

Site photos of proposed informal settlement area to be formalised and expanded as taken 27 June 2017



**Photo 1:** Proposed development area



**Photo 2:** Proposed development area.



**Photo 3:** Cultivated land and ESA2 Buffer area along the drainage line south of the study site.



**Photo 4:** Proposed development area, with planted row of pine trees.





**Photo 5:** Proposed development area



**Photo 6:** Proposed development area.



**Photo 7:** Proposed development area.



**Photo 8:** Proposed development area





**Photo 9:** Proposed development area.



**Photo 10:** Proposed development area, start of transformed northern drainage line.



**Photo 11:** Proposed development area, transformed northern drainage line.

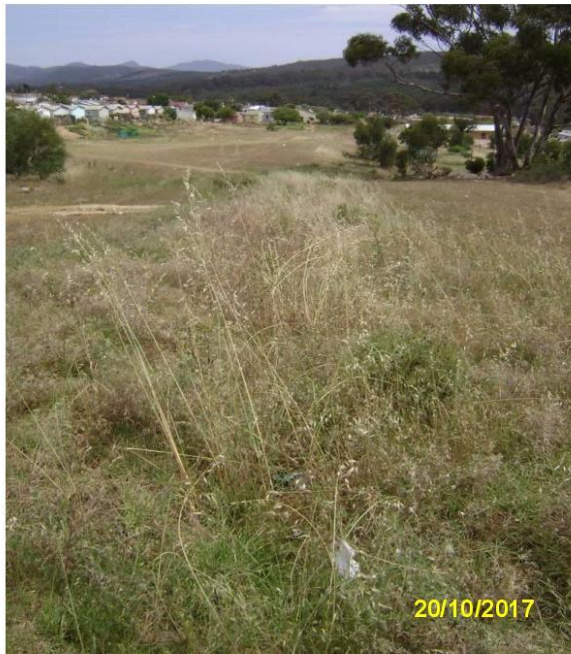


**Photo 12:** Proposed development area, transformed northern drainage line.





**Photo 13:** Proposed development area, transformed northern drainage line.



**Photo 14:** Proposed development area, transformed northern drainage line.



**Photo 15:** Proposed development area, *Acacia saligna* stand.



**Photo 16:** Proposed development area, transformed northern drainage line.





**Photo 17:** Proposed development area, transformed northern drainage line.



**Photo 18:** Proposed development area, end of transformed northern drainage line on study site.

**REGISTERED POST**

**Our Ref:** HM/CAPE AGULHAS MUNICIPALITY/NAPIER/REMAINDER OF ERF 513  
**Case No.:** 17111512ZK1117E  
**Enquiries:** Zethembe Khuluse  
**E-mail:** [zethembe.khuluse@westerncape.gov.za](mailto:zethembe.khuluse@westerncape.gov.za)  
**Tel:** 021 483 9685  
**Date:** 4 December 2017



Cape Agulhas Municipality  
P.O Box 51  
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[bertush@capeagulhas.gov.za](mailto:bertush@capeagulhas.gov.za) / [Johamandie@ecoimpact.co.za](mailto:Johamandie@ecoimpact.co.za) / [admin@ecoimpact.co.za](mailto:admin@ecoimpact.co.za)

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL**  
**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 AN AREA OF APPROXIMATELY 7.8HA THAT WILL CONSIST OF 349 LOW-COST HOUSING, 28 GAP HOUSES, A CHURCH, CRECHE & LIBRARY, OPEN SPACES, ROADS & SERVICES INFRASTRUCTURE, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 17111512ZK1117E**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 17 November 2017.

You are hereby notified that, since there is no reason to believe that the proposed mixed use development on an area of approximately 7.8ha that will consist of 349 Low-cost housing, 28 Gap Houses, A Church, Creche & Library, Open Spaces, Roads & Services Infrastructure **will not 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.

Yours faithfully

  
.....  
Mxolisi Dlamuka  
Chief Executive Officer, Heritage Western Cape

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

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