

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:

25022424

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**

Reference number of authority / government department: _____

Present phase at which the process with that authority stands: **Section 24G Application for the unlawful commencement of listed activities.**

Infinity Environmental is the independent Environmental Assessment Practitioner, responsible for facilitating environmental authorisation for the 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): **Misty Cliffs, between Scarborough & Kommetjie in the South Peninsula (Figures 1-4)**

Erf or Farm Name and No. (including the name of the site): **Erf 974/1**

Coordinates for logical center point (WGS84): **S 34°10'53.92" E 18°21'37.13"**

Town: **Scarborough**

District / Municipality: **City of Cape Town**

Property Extent: **15.2861ha taken place (Figures 5-11).**

Current land Use: **Vacant, some clearing of natural vegetation has**

Current zoning: **Agriculture**

Predominant land uses of surrounding properties: **Wilderness, Atlantic Ocean, Misty Cliffs village**

SECTION C

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

Name: **Aaron Samuels and Rachael Joseph**

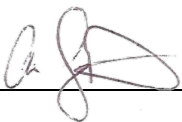
Company:

Address and postal code: **262 Delphinus Street, Waterkloof, Pretoria, 0181**

Cellular phone number: **082 524 4433**

E-mail: amspvd@gmail.com

Signature: _____



Date: **March 3, 2025**

REGISTERED OWNER OF PROPERTY

Name: **Aaron Samuels and Rachael Joseph**

Identity number of applicant:

Address and postal code: **262 Delphinus Street, Waterkloof, Pretoria, 0181**

Cellular phone number: **082 524 4433**

E-mail: amspvd@gmail.com

Declaration: I 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: March 3, 2025

SECTION D

DETAIL OF PROPOSED DEVELOPMENT

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

The development entails construction of a residential home on Portion 1 of Farm 974 Farufern, Misty Cliffs, in the South Peninsula. The total area of the proposed development is approximately 800 m² (~500 m² house infrastructure and ~300 m² driveway). ± 50% of the energy needs for the house will be supplied via solar energy panels, with the remainder connected to the national grid. Rain water will be harvested in a 6000l eco-conservancy tank (built into the ground where possible). Access to the site will be off Main Road (Scarborough/Kommetjie road).

Refer to attached pdf for a layout plan.

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

PLEASE TICK THE APPROPRIATE BOX	
	Section 38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length.
	Section 38(1)(b) Construction of a bridge or similar structure exceeding 50m in length.
	Section 38(1)(c) Any development or activity that <u>will change the character of a site</u> :
x	(i) exceeding 5 000m ² in extent.
	(ii) involving three or more existing erven or subdivisions thereof.
	(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years.

	<p>*If (i), (ii) and/or (iii) are marked above, describe how the development will change the character of the site</p> <p>The development will change the character of the site, but will complement the surrounding land use, which is residential/Misty Cliffs.</p>
	<p>Section 38(1)(d) Rezoning of a site exceeding 10 000m² in extent.</p>
x	<p>Other triggers e.g., in terms of other legislation (NEMA, etc.) – Describe the details:</p> <p>NEMA: S24G Application for the unauthorized clearance of Critically Endangered vegetation exceeding 300 m².</p>

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

SECTION E

PROVIDE A SHORT HISTORY OF THE SITE, PROPERTY OR PLACE – Include sources where applicable

Vacant, undeveloped land on the slopes of the mountain/Langkloof overlooking Misty Cliffs and the Atlantic Ocean

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>Places, buildings, structures, and equipment of cultural significance: Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Places to which oral traditions are attached, or which are associated with living heritage: Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Places to which oral traditions are attached, or which are associated with living heritage: Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Historical settlements and townscapes: Description of Heritage Resource:</p>

	<p>Descriptions of Heritage Impact: n/a</p>
	<p>Landscapes and natural features of cultural significance: Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Geological resources of scientific or cultural significance: Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Archaeological resources – Incl. archaeological sites and material, rock art, battlefields, and wrecks etc.: Description of Heritage Resource: shell middens</p> <p>Descriptions of Heritage Impact: A few fragments of Black Mussel (<i>Choromytilus meridionalis</i>) were recorded on the rocky and sandy slopes, where the vegetation has been cleared, during a site visit conducted on 25 February 2025 (Figure 12).</p> <p>Shell middens have been recorded 'almost along the entire coastal strip from Llandudno to the top of Cape Point' (Kaplan 1993; Poggenpoel & Halkett 1990).</p> <p>Shell middens were recorded during the site visited conducted on 25 February below the main road, but these are located outside the footprint of Erf 974/1 (Figures 13 & 14).</p> <p>Source</p> <p>Kaplan, J. 1993. The State of Archaeological Information in the Coastal Zone from the mouth of the Orange River to Ponto do Ouro. Report prepared for the Department of Environmental Affairs & Tourism. ACRM, Riebeek West</p> <p>Poggenpoel, C. & Halkett, D. 1990. An archaeological survey of the coast and near coastal areas of the Cape Point Nature Reserve. Prepared for OVP Associates. Archaeology Contracts Office, University of Cape Town</p>
	<p>Palaeontological resources – i.e., fossils, geological formations etc.: Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Graves and burial grounds – e.g.: ancestral graves, graves of victims of conflict, historical graves, cemeteries etc.: Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Sites of significance relating to the history of slavery in South Africa: Description of Heritage Resource:</p> <p>Descriptions of Heritage Impact: n/a</p>
	<p>Other heritage resources: Description of Heritage Resource:</p>

	Descriptions of Heritage Impact: n/a
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PROVIDE A SUMMARY OF THE ANTICIPATED IMPACTS ON HERITAGE RESOURCES

Anticipated impact on heritage resources : 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 Number 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

Our Ref: HM / CAPE TOWN METROPOLITAN / MISTY CLIFFS / FARM 974 PORTION 1
Case No.: HWC25022424EJV0304
Enquiries: Emily-Jane Vowles
E-mail: emily.vowles@westerncape.gov.za
Tel: 021 829 3324



Aaron Samuels / Rachael Joseph
amspsvd@gmail.com / jonathan@acrm.co.za

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: 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

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED DWELLING ON FARM 974 PORTION 1, MAIN ROAD, MISTY CLIFFS, SUBMITTED IN TERMS OF SECTION 38(1) 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 17 March 2025

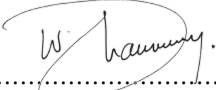
You are hereby notified that, since there is no reason to believe that the proposed dwelling on Farm 974 Portion 1, Main Road, Misty Cliffs, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

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.


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Waseefa Dhansay
Assistant Director: Professional Services



www.westerncape.gov.za/cas

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Kelly Gilmour

From: Jonathan Kaplan <jonathan@acrm.co.za>
Sent: Thursday, 06 March 2025 09:23
To: Jonathan Kaplan
Subject: FW: Palaeo Erf 974 Misty Cliffs

From: John Pether <jpether@iafrica.com>
Sent: Wednesday, 05 March 2025 22:15
To: Jonathan Kaplan <jonathan@acrm.co.za>
Subject: Palaeo Erf 974 Misty Cliffs

Hi Jonathan,

The site of the proposed dwelling overlooking Perdebank is on the talus apron fringing the steep slopes of the TMG Peninsula Formation, as evident in the NID images.

The 250k Geological Map 3318 Cape Town mistakenly maps the mountain footslope talus apron as the Holocene aeolian Strandveld Fm. dunes.

Hence the SAHRIS PalaeoMap classifies that polygon as MEDIUM/YELLOW.

The more detailed 50k geomap (3418AB & AD Cape Peninsula) corrects this error, as reproduced below.

The talus/colluvial apron is not an environment favourable to fossil bone preservation due to overall slow overall burial rates, excluding infrequent slumping in places.

It is possible that animal lairs with bones, such as those of brown hyaenas and porcupines, may occur in spaces between chinked boulders.

However, due to the typically slightly acidic groundwater draining off the Peninsula Fm. mountains, the long term preservation of any fossil bones at depth in the porous talus is unlikely.

Accordingly, the talus has VERY LOW palaeontological sensitivity.

An alert for archaeological material and the "just in case" HWC FFP applies.

The Peninsula Fm is rated HIGH/RED due to trace fossils such as worm burrows and trilobite tracks.

However, these are sparse and mostly in thin mudrock intervals which weather easily.

The occurrence of ex-situ boulders possibly with trace fossils in the talus is not expected to impact the palaeontological resources of the Peninsula Formation.

Regards,
John

