



## APPLICATION FORM NOTIFICATION OF INTENT TO SECTION 38 (1) AND SECTION 38 (8)

**Heritage Western Cape Reference No:**

*To be completed by  
applicant*

|  |
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|  |
|--|

**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)**

|                                     |  |
|-------------------------------------|--|
| DEADP/ DMR Reference Number:        |  |
| <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:   |
| <input type="checkbox"/>            | This development will not require a NEMA application.  |
| <b>NOTE:</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: <b>Azalea</b>   |
| Street address or location (eg: off R44): <b>On two erven located between Victoria Road and Kloof Road, Clifton</b> |

|  |  |
|--|--|
| Erf or farm number/s: <b>Erf 46 and 47, Clifton</b>                  | Coordinates: <b>33°55'59.04"S, 18°22'41.76"E</b><br>(A logical centre point. Format based on WGS84.) |
| Town or District: <b>Cape Town</b>                                   | Municipality: <b>Cape Town</b>   |
| Extent of property: <b>1471 m<sup>2</sup></b>                        | Current use: <b>Residential</b>  |
| Predominant land use/s of surrounding properties: <b>Residential</b> |  |

**REGISTERED OWNER OF PROPERTY:**

|                   |      |        |
|-------------------|------|--------|
| Name and Surname: |      |        |
| Address           |      |        |
| Telephone         | Cell | E-mail |

APPLICANT/ AUTHORISED AGENT:

|   |                             |  |
|---|-----------------------------|--|
| Name and Surname: <b>Jenna Lavin</b>        |                             |  |
| Address: <b>16 Edison Way, Century City</b> |                             |  |
| Telephone<br><b>083 619 0854</b>            | Cell<br><b>083 619 0854</b> | E-mail<br><b>jenna.lavin@ctsheritage.com</b> |

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 two hardcopies of all material submitted together with a CD/ USB containing digital versions of all of the same.

Date:

Signature of Owner: \_\_\_\_\_

Date:

Signature of Applicant/ Authorised Agent: \_\_\_\_\_  
(Applicants/ agents must attach copy of power of attorney to this form.)

**C. 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 type="checkbox"/>   | (i) exceeding 5 000m <sup>2</sup> in extent;  |
| <input type="checkbox"/>            | S38(1)(d) Rezoning of a site exceeding 10 000m <sup>2</sup> in extent.   | <input type="checkbox"/>   | (ii) involving three or more existing erven or subdivisions thereof;  |
| <input checked="" type="checkbox"/> | Other triggers, eg: in terms of other legislation, (ie: National Environment Management Act, etc.) Please set out details:                     | <input type="checkbox"/>   | (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years. |
| X                                   |  | If you have checked any of the three boxes above, describe how the proposed development will change the character of the site: |   |

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: **DEADP**

Present phase at which the process with that authority stands:

Provide a full description of the nature and extent of the proposed development or activity including its potential impacts:

**The current application is to demolish the existing residence and develop a block of flats in its place, through consolidation and rezoning of erven. The existing structure is not older than 60 years and as such, the only heritage trigger is section 38(8) as DEADP requires a BAR process to be followed due to the proximity of the proposed development to the high water mark.**

#### **D. ANTICIPATED IMPACTS ON HERITAGE RESOURCES**

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): **See attached Heritage Screening Assessment**

Please indicate which heritage resources exist on the site and in its environs, describe them and indicate the nature of any impact upon them: **See attached Heritage Screening Assessment**

|                          |   |
|--------------------------|---|
| <input type="checkbox"/> | <b>Places, buildings, structures and equipment of cultural significance</b><br>Description of resource:<br><br>Description of impact on heritage resource:                              |
| <input type="checkbox"/> | <b>Places to which oral traditions are attached or which are associated with living heritage</b><br>Description of resource:<br><br>Description of impact on heritage resource:         |
| <input type="checkbox"/> | <b>Historical settlements and townscapes</b><br>Description of resource: <b>see attached screening assessment</b><br><br>Description of impact on heritage resource:                    |
| <input type="checkbox"/> | <b>Landscapes and natural features of cultural significance</b><br>Description of resource: <b>see attached screening assessment</b><br><br>Description of impact on heritage resource: |

|                          |  |
|--------------------------|--|
| <input type="checkbox"/> | <p><b>Geological resources of scientific or cultural importance</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource:</p>   |
| <input type="checkbox"/> | <p><b>Archaeological resources</b> (Including archaeological sites and material, rock art, battlefields &amp; wrecks):</p> <p>Description of resource: <b>see attached screening assessment</b></p> <p>Description of impact on heritage resource:</p> |
| <input type="checkbox"/> | <p><b>Palaeontological resources</b> (ie: fossils):</p> <p>Description of resource: <b>see attached screening assessment</b></p> <p>Description of impact on heritage resource:</p>  |
| <input type="checkbox"/> | <p><b>Graves and burial grounds</b> (eg: ancestral graves, graves of victims of conflict, historical graves &amp; cemeteries):</p> <p>Description of Resource:</p> <p>Description of Impact on Heritage Resource:</p>                                  |
| <input type="checkbox"/> | <p><b>Other human remains:</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource:</p>  |
| <input type="checkbox"/> | <p><b>Sites of significance relating to the history of slavery in South Africa:</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource:</p>   |
| <input type="checkbox"/> | <p><b>Other heritage resources:</b></p> <p>Description of resource:</p> <p>Description of impact on heritage resource:</p>   |

Describe elements in the environs of the site that could be deemed to be heritage resources:

The application is for the proposed redevelopment of a house within 100m of the high water mark in Clifton, Cape Town to an apartment block of five units and a big basement. DEADP has indicated that a Basic Assessment process must be undertaken for the proposed development. Clifton was originally called Skoenmakers Gat (Cobbler's Cave) after a ship deserter who lived in a cave above second beach. In 1794 the slave ship, *São José Paquete Africa*, a Portuguese slaver carrying 400 slaves from Mozambique to Brazil ran aground. Two hundred lost their lives in the wreck and the surviving 200 were sold the following day in the town. Erf 148 was identified in 1922 (Figure 6a) and the remainder of erf 148 was subdivided from erf 148 in 1995 (Figure 6b). According to the SG Diagram from 1922, no structures are marked in the location of the erf under assessment in this application. Additionally, erf proposed for development is minimally visible from Kloof Road and Victoria Road due to the steep incline of the mountain slopes. Furthermore, the proposed development fits in with the existing context of Clifton.

In the 1922 SG Diagram, a neighbouring property is marked as "Botany Bay". According to an assessment completed by the ACO in 2001 (SAHRIS ID 3978), "Secondary sources indicate that Botany Bay house had a significant history in terms of its association with FL Liesching M.D. Liesching arrived in the Cape in 1787 as surgeon-major to a German mercenary regiment (Wurtemberg Regiment) in the employ of the Dutch East India Company.<sup>1</sup> He found that medical health in the Cape was in a deplorable state being run by quacks and barbers who had no formal training. Liesching achieved prominence as a doctor serving on health commissions for both the Batavian and British governments. He also opened an apothecary at 60 Loop Street where he sold medicines and herbs to the populace at reasonable prices. Liesching's two sons eventually followed in their father's footsteps achieving eminence in the fields of medicine in the Cape. Liesching, together with J.J. de Zeigler applied for a grant of land on the road to Camps Bay in 1807. It was here that he established a botanical garden where it is thought that he experimented with cultivation of medicinal herbs with which to supply his shop in Loop Street. Although he resided at several properties he owned in the Cape, Liesching traded from his Botany Bay house under the name of Dr Liesching and Company. In 1840 he leased the property.<sup>2</sup> The known historical records indicates that Botany Bay came under ownership circa 1807, however, the detailed history of the house on the property is not clear. It is quite possible that it predates 1807 possibly serving as some sort post holder's house or VOC government structure before it was granted to Liesching." However, the area proposed for development is located sufficiently far enough away from Botany Bay that it is unlikely that any heritage resources associated with this history will be negatively impacted by the proposed development. Furthermore, due to the shallow soils and steep incline of the property, it is very unlikely that the proposed development will impact on significant archaeological heritage.

According to the SAHRIS Palaeosensitivity Map (Figure 4), the area proposed for development is underlain by sediments that have zero palaeontological sensitivity. The erf proposed for development is underlain by geology consisting of granites from the Cape Peninsula Pluton which has no sensitivity for impacts to palaeontology. As such, it is very unlikely that the proposed development will impact on significant palaeontological heritage.

Description of impacts on heritage resources in the environs of the site:

**It is very unlikely that the proposed development will impact on significant heritage resources and as such, it is recommended that no further heritage studies are required.**

Summary of anticipated impacts on heritage resources:

**It is very unlikely that the proposed development will impact on significant heritage resources and as such, it is recommended that no further heritage studies are required.**

**E. 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/ USB 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.

**F. RECOMMENDATION**

In your opinion do you believe that a heritage impact assessment is required?

Yes  No

Recommendation made by: **Jenna Lavin**

Name **Jenna Lavin**

Capacity **Heritage Practitioner**

**PLEASE NOTE:** 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.

**G. INFORMATION TO BE PROVIDED AND STUDIES TO BE CONDUCTED AS PART OF THE HERITAGE IMPACT ASSESSMENT (HIA)**

If it is recommended that an HIA is required, please complete this section of the form.

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:

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.<br>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. |  |

**Our Ref:** HM/CAPE TOWN METROPOLITAN/CLIFTON/ERVEN 46 AND 47  
**Case No.:** 20032003SB0331E  
**Enquiries:** Stephanie-Anne Barnardt  
**E-mail:** stephanie.barnardt@westerncape.gov.za  
**Tel:** 021 483 9736  
**Cell:** 076 481 8392 (during the lock-down period)  
**Date:** 14 April 2020

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**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 DEMOLISH THE EXISTING RESIDENCE AND DEVELOP A BLOCK OF FLATS IN ITS PLACE, THROUGH CONSOLIDATION AND REZONING OF ERVEN, BETWEEN VICTORIA ROAD AND KLOOF ROAD, ERVEN 46 AND 47, CLIFTON, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 20032003SB0331E**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 4 April 2020. This matter was discussed at the Heritage Officers meeting held on 8 April 2020

You are hereby notified that, since there is no reason to believe that the proposed demolish the existing residence and develop a block of flats in its place, through consolidation and rezoning of erven, 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.

Yours faithfully

.....  
Dr. Mxolisi Dlamuka  
**Chief Executive Officer**

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

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