

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

**Heritage Western Cape Reference No:**

To be completed by  
applicant

19020401

**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:

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 (DEA&DP)

This development will not require a NEMA application.

**NOTE:** 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:

Street address or location (eg: off R44): Corner of Prince George Drive (M5) and St George's Street, Capricorn, Muizenberg.

Erf or farm number/s: erf 164232

Coordinates:  
S 34° 05' 56"  
E 18° 28' 51"  
(A logical centre point. Format based on WGS84.)

Town or District: Muizenberg

Municipality: City of Cape Town

Extent of property: 4466.1 sq m

Current use: vacant

Predominant land use/s of surrounding properties: residential

**REGISTERED OWNER OF PROPERTY:**

Name and Surname:		
Address:		
Telephone:	Cell:	E-mail:
APPLICANT/ AUTHORISED AGENT:		
Name and Surname: Morné Fortuin		
Address: 5 Century Boulevard, Century City, 7441		
Telephone: 0215083838	Cell: 0614923797	E-mail: mgta@astronenergy.co.za
<p>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.</p>		
<p>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.</p>		

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

Signature of Applicant/  
Authorised Agent:  \_\_\_\_\_ Date: 28/05/2019

(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.
<input type="checkbox"/>	S38(1)(b) Construction of a bridge or similar structure exceeding 50m in length.
<input 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:
S38(1)(c) Any development or activity that will change the character of a site -	
<input 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:	
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 Development Planning (DEA&DP)	
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:	
Please see the spatial development plans attached. Three alternative layouts are being considered in the Basic Assessment. These are attached to this application	
It is proposed to construct a new filling station with associated convenience store, car wash and parking facilities. There will be four canopy-covered pump islands and five underground storage tanks (tanks will require excavation of a hole of up to about 8m by 20m by 5 m deep in order to accommodate tanks measuring 7.105 m by 15.190 m). A second retail store may be added in the north-eastern corner of the site in the future. Access to the site will be taken from both Eastbourne Street and St Georges Street.	

**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):

The Capricorn area has been extensively developed within the last two decades but the Marine Estate area to the west of Prince George Drive is far older with many houses being more than 60 years old. The 1945 aerial photography (attached) shows that a house once located at the western edge of what is now erf 164232 was removed for the widening of Prince George Drive. Some other minor infrastructure (perhaps animal pens or similar) was present to the east of the house and within the area of the present site. However, no trace exists of this today. A historical site (lime kiln) was present in the dunes some distance to the northwest and its runs have been preserved within a green belt in a residential complex.

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

X	<p><b>Places, buildings, structures and equipment of cultural significance</b></p> <p>Description of resource: A number of buildings of greater than 60 years age do occur in the area but all are situated in Marine Estate to the west of Prince George drive. Because the area is so heavily developed, contextual impacts are of no concern.</p> <p>Description of impact on heritage resource: No impacts expected.</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: n/a</p> <p>Description of impact on heritage resource: n/a</p>
<input type="checkbox"/>	<p><b>Historical settlements and townscapes</b></p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>
<input type="checkbox"/>	<p><b>Landscapes and natural features of cultural significance</b></p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>
<input type="checkbox"/>	<p><b>Geological resources of scientific or cultural importance</b></p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>
X	<p><b>Archaeological resources</b> (Including archaeological sites and material, rock art, battlefields &amp; wrecks):</p> <p>Description of resource: A ground survey was conducted (see attached survey tracks) but no archaeology was seen. Many modern shells (black and white mussels) were noted along with much litter. One fragment of oxidised clear glass is clearly older than the rest of the litter and may date to the mid-20th century.</p> <p>Description of impact on heritage resource: No impacts expected.</p>

X	<p><b>Palaeontological resources</b> (ie: fossils):</p> <p>Description of resource: Palaeontologist John Pether was consulted for information regarding potential palaeontological impacts. There are no known palaeontological observations for the immediate area. The excavations for the fuel storage tanks could expose strata such as the shelly beds of the last interglacial shoreline. Such deposits may inform on past environments. It is not known whether there was an expanded lagoonal system or an open-coast beach. Fossiliferous marsh/vlei deposits could also be present. Observations from the deep fuel tank excavation would thus be scientifically useful. It has been agreed that the Environmental Management Plan for the site must include a requirement that a palaeontologist be contacted to examine the pits. Should any sampling be required then a permit would need to be obtained. Otherwise a record of the strata would be made.</p> <p>It is noted that geotechnical test holes excavated on the site (Kantey and Templar Consulting Engineers 2006) reached 2.7 m depth and found rare shell fragments towards the base of the two holes. The excavations for the fuel tanks will go slightly deeper (c. 4 m).</p> <p>Description of impact on heritage resource: It is possible that scientifically useful geological strata may be intersected by the excavations for the fuel tanks. This should be mitigated through the requirement to have the excavation examined by a palaeontologist who would apply for a permit to sample materials if necessary.</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: n/a</p> <p>Description of Impact on Heritage Resource: n/a</p>
X	<p><b>Other human remains:</b></p> <p>Description of resource: There is always a small chance of intersecting unmarked human remains but these cannot be predicted and must be dealt with on a case by case basis if discovered. The chances of impacts occurring, however, are very low, especially considering that the area has been subjected to some disturbance during the 20th century.</p> <p>Description of impact on heritage resource: No impacts expected.</p>
<input type="checkbox"/>	<p><b>Sites of significance relating to the history of slavery in South Africa:</b></p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>
<input type="checkbox"/>	<p><b>Other heritage resources:</b></p> <p>Description of resource: n/a</p> <p>Description of impact on heritage resource: n/a</p>

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

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

Summary of anticipated impacts on heritage resources:

The only potential impact identified is to palaeontological resources which may be intersected during excavation for the fuel storage tanks. It is planned to include a requirement in the EMP to contract a palaeontologist to examine the excavation and record/sample material as required.

No difference in impacts is expected between the three alternative layout options (which are attached) and all are supported.

**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:

Name Dr Jayson Orton

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:

<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 requires 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.	