

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

Heritage Western Cape Reference No:

To be completed by
applicant

20041701

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:

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: Muizenberg beachfront

Street address or location (eg: off R44): Beach Road, Muizenberg

Erf or farm number/s: 87374-RE, 87131 – 87135,
87137 – 87143, 87114-RE

Coordinates:
S 18° 28' 13.7"
E -34° 6' 29.69"
(A logical centre point. Format based on WGS84.)

Town or District: Muizenberg

Municipality: Cape Town

Extent of property: 7,5 ha

Current use: Recreation, parking, road

Predominant land use/s of surrounding properties: Mixed use – residential and business

REGISTERED OWNER OF PROPERTY:

Name and Surname: Andre Human obo City of Cape Town		
Address 13 th Floor, Civic Centre, Hertzog Blvd., Cape Town		
Telephone 021 400 2366	Cell 084 208 3524	E-mail Andre.human@capetown.gov.za
APPLICANT/ AUTHORISED AGENT:		
Name and Surname: Philip Smith		
Address: Plumstead Municipal Building, 3 Victoria Road, Plumstead		
Telephone 021 444 1444	Cell	E-mail Philip.Smith@capetown.gov.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: 21/04/2020

Signature of Applicant/ Authorised Agent:  _____ Date: 20 April 2020

(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 checked="" 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 ² in extent;
<input type="checkbox"/> S38(1)(d) Rezoning of a site exceeding 10 000m ² in extent.	<input type="checkbox"/> (ii) involving three or more existing erven or subdivisions thereof;
<input 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.
	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: **N/A**

Present phase at which the process with that authority stands: **N/A**

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

Muizenberg Beach has become rundown over the years and is in dire need of an upgrade. Without a coherent plan and vision, the precinct is likely to suffer from ad-hoc approaches to physical intervention, maintenance and management for some time to come. The City of Cape Town's Coastal Management Branch has started compiling an integrated action plan for upgrading the Muizenberg Beachfront, drawing on the following existing studies:

- Universal access studies and drawings done by the Universal Access and Non-motorized Transport Department
- A traffic and parking assessment commissioned by Urban Design
- A topographic survey commissioned by Urban Design

KEY ISSUES

1. Sea level rise

Sea level rise is pushing the high water mark further inland. To mitigate this, the line of infrastructure needs to be held in place or to retreat landward. The proposal is to retreat where the old stairs in front of the station sticks into the sea, separating rocky beach from the rest of Muizenberg beach; as well as on the south eastern side of the Pavilion building. The current design proposes a series of concrete steps to replacement the slanted concrete and timber pole edges to facilitate frequent access to the beach. There is currently a ramp to the sand and a second position for a ramp will be investigated.

2. Universal Access

Muizenberg Beachfront is the universal access beach of Cape Town, yet it is not possible to move with a push chair from the canal, across the raised pedestrian promenade to the train station. There are numerous stairs, pinch points, lost manhole covers and broken paving. The proposal is to raise all pedestrian crossings in the precinct, replace steps with ramps in all instances that provides primary access and widen all primary pedestrian paths to at least 2.5m. Where possible widen the walkway along the beach to 3m along its length.

3. Traffic Congestion

The traffic congestion must be addressed to the extent that it is possible. In peak hour traffic the Vlei Road – Beach Road intersection fails. The Atlantic Road – Beach Road – Alexander Road intersection is also problematic and engineering designs show that it can be improved through a combination of re-alignment and signalization. The last intersection that could improve congestion through Muizenberg and improve the safety of pedestrian movement to the beach is the Henley Road – Vlei Road – Albertyn Road intersection. Muizenberg's historic fabric with narrow sidewalks does not allow much else in terms of congestion management. Congestion through the Muizenberg Beachfront parking areas could be improved by changing parking bays to angled bays. This will result in a slight decrease in parking, however the parking lot to the south west of the Pavilion could be rationalized to increase the amount of parking bays.

4. Underutilised Space

Most of the energy of Muizenberg Beachfront is contained at the Surfer's Corner end. The energy can be spread to the east of the beachfront by stringing commercial opportunities along the bottom of the raised pedestrian promenade. This proposal does rely on a major upgrade and partial reconstruction of the raised promenade that is partly structurally unsound. Reconstruction will require a major capital layout, but if the raised promenade is removed, the recreational space behind it will also be lost to windblown sand. This space currently suffers from poorly used space, like many other portions on the western end of the beachfront. Specific uses need to be assigned to each part of it. These uses include a skatepark, modernized putt-putt course, quality children's' playgrounds, planters with locally indigenous coastal vegetation and manicured lawns that allow spill over space for people to use during high tide.

PROPOSED DEVELOPMENT

The project entails the following components (to be read with Landscape Plan)

1. The Station Forecourt

The forecourt forms a simple setting for the historically significant station while it is a generous space for pedestrians to move through or wait in. New hard and soft landscaping – steps and ramps to be constructed.

2. The Steps

The existing collapsing promontory will be demolished, allowing the primary beach to be linked with the rocky beach on the western end. Instead of a wall and staircase, the steps will be used as a coastal defence structure. The steps incorporate a ramp to make the route universally accessible. The steps double up as a leisure space.

3. Parking and vehicular movement

The design places strong emphasis on improving congestion and maximizing underutilised space, also for parking. 3.a Formalise the western parking area. Change parking pays to 3.b angular bays to improve circulation and 3.c construct additional parking bays where space allows. A signalised intersection 3.d and traffic circle 3.e is introduced to improve traffic flow.

4. Non-motorised transport and universal access

In light of the fact that Muizenberg is Cape Town's universal access beach and offers adaptive surfing, the promenade is made more universally accessible, generous and clutter is removed. Examples of this include 4.a Set back the protruding columns of the building to the building edge; 4.b replace narrow stairs with wide ramp; 4.c Include a ramp network in the staircase to link the promenade with the station forecourt and 4.d ensure raised areas are universally accessible. Additional raised pedestrian crossings 4.e. as required.

5. Sea defence

The existing timber retaining edge has reached the end of its lifetime. It is recommended that it be replaced with steps similar to the steps on the eastern side of the promenade.

6. Lawns

The lawns can absorb some of the leisure demand from the beach during high tide and as sea level rise starts to consume dry beach.

7. Planters with seating walls

The existing planter boxes are retained but altered to allow for 7.a additional paths to cut through and a more contemporary aesthetic. The planters are planted 7.b with locally indigenous coastal/dune plants. Some areas with locally indigenous vegetation are level 7.c and not raised.

8. Playground

These bathing boxes are replaced with new versions made to the original design but altered and incorporated into a 8.a wooden play structure. The play structure morphs into an 8.b abstracted coral reef ecosystem which may include undulated rubber coral polyps, wooden benthic algae, rideable sea horses and coral nets. The undulated smooth concrete surface is suitable for kids trikes and scooters. The sheltered playground 8.c mimics a dune and may move into the swimming areas.

9. Sculpture

Replace the central showers with a sculpture that people can interact with.

10. Raised pedestrian promenade

Partial reconstruction of the raised promenade is required if the recreation component on its leeward side is to be retained. It is recommended that the space underneath is restructured to attract commercial uses.

11. Undetermined active use

The recreation pools 11.a are retained. The remainder space will be used for a new permanent activity such as expansion of existing swimming facility, or this could be an alternative location for a skatepark or the waterslides.

12. Putt-Putt and water slides

Both of these amenities are popular with locals and visitors. Given more space, the putt-putt 12.a could be nestled in between locally indigenous display gardens. Investigate the feasibility of constructing 12.b slides east of the river to end the activity strip.

13. Skate park

Existing underutilised space converted to skate park for people of various ages and will also be suitable for use by scooters and bikes.

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 Muizenberg beachfront is intrinsically linked with the history and development of the suburb, from its use by early nomadic Khoisan people, to its part in the battle between the Dutch and English, to its fame as a resort beach and the various beach pavilions and recreational facilities that have developed over time.

c1000 Khoi hunter-herder-gatherers move into general region. Seasonal visits November to about March each year. Used rocky shoreline to south and probably combed beach.

1500 Ships from Europe begin to pass the Cape.

1652 Agriculturalists from Europe move into area.

1670 Company outpost *Buffelskraal* established on nearby Zandvlei.

1673 *Het Posthuys* built as part of defence needs.

1743 Muysenburg (Fort Muys) official military post.

1795 Battle of Muizenberg. The Dutch made a camp on the dunes adjacent to the beach as far as the mouth of Zandvlei. Cannon balls fired, a skirmish, retreat.

1877 First bathing boxes appear, shanty appearance. They were very close to the shore allowing demure bathers to step straight into the water. But photographs of the period till 1909 emphasise that almost all people kept their ties and jackets on.

LAISSEZ-FAIRE PERIOD 1882 – 1909

1882 Railway opened, houses and holiday homes built, but primitive – no roads, water from streams.

1895 June, Municipality of Kalk Bay and Muizenberg. 1897 empowered to "develop area as tourist and residential suburb"

1895 189 houses (Population: 801 white, 655 coloured)

1895 In a seasonal month (eg Dec, Jan) 11500 train tickets sold to 3 stations Muizenberg, St James, Kalk Bay

1899 Sept: Herbert Baker buys land, built Sandhills. Virtually in the sand dunes at this time.

1899 Anglo Boer South African war starts, thousands of British troops in Cape Town (and refugees from the Ran), Muizenberg fame as a resort spread.

1899 – 1902 British army uses Muizenberg as convalescent centre. More fame as health resort.

1ST PAVILION PERIOD 1909 – 1929

1909 Ramshackle bathing huts replaced by neat rows .

1910 Board surfing introduced.

1910 1st pavilion built by Municipality and consisted of a tearoom with toilets and change rooms. Raised on stilts from beach to allow high tide waters to carry up the beach. Major extensions in 1911, enlarged building and new bandstand. Beach use during this period was very informal with picnics and donkey rides. The 1st pavilion had a very close relationship with the beach.

1913 June: Edwardian Muizenberg Station Building constructed.

1916 WH Grant won competition to design a new pavilion but the project was adjourned.

1923 Comprehensive scheme for the layout of the entire foreshore, WH Grant involved.

2ND PAVILION PERIOD 1929 – 1965

By the middle 1920s the motor car began to appear at Muizenberg. The area north of the 1st pavilion started to be used as a parking lot. There was a conflict between the needs of beach users and parking. The beach users lost. The layout of the 2nd pavilion incorporated the beach area north of the 1st pavilion into a parking lot, the only remaining legacy of the 2nd pavilion. The 2nd pavilion was moved towards the east together with the promenade and the rows of bathing boxes created a formal beachfront reflecting the changed pattern of beach use. The building was far more elaborate than the 1st pavilion and included a theatre, a milk bar and sun bathing areas on the roof. This was a very expensive building for its time and reflected Muizenberg's peaking popularity before the 2nd World War.

1928 July CCC plans Muizenberg Beach Pavilion, architect WH Grant. Completed Nov 1929. Theatre seats 1500 with gallery and boxes.

1929 2nd pavilion opened. 1st pavilion co-exists for short time. Massive theatre and tearooms plus facilities. Huge scale, style recalling Caledon Square law and police buildings. Vast formal planting designed by City Engineer's Department.

1950s – 70s Until the early 1950s most families on the Reef and Kimberley used the train to go on holiday. After the Second World War the greater availability of the motor car drew people away from the older resorts which relied on the railway line. The reservation of Muizenberg for the exclusive use of the white race group cut Muizenberg off from the groups of people still using the railway to get to the beach. With the British Navy leaving Simon's Town, Muizenberg was no longer used for the rest and recuperation of its sailors and an important source of out of season revenue for the hotels. The association of Muizenberg with the anti-social "ducktail" gangs which operated there gave the resort a bad name and accelerated its decline.

1970 2nd pavilion demolished when, after continual deterioration of the concrete due to the proximity of the sea, it also 'into dust descended'.

1970s To the east of the 2nd pavilion, the promenade was moved away from the sea into its present alignment. The area between the promenade and Beach Rd began to develop into an amusement area with trains, boats and a 'putt putt' course being established. The pavilion was beginning to fall into disrepair, facilities in it were closed off and it was eventually pulled down. Similarly, during this period some of the buildings along the beachfront began to visibly fall into disrepair.

Beach use patterns were characterised by the appearance of surfers. In addition, a clear pattern of beach culture was developing along with the commercialisation of beach use. Special beach umbrellas, cooler bags and the ritual of sun tanning are evident and formalised in a manner not found before.

1978 Buildings along shore between the Railway Station and York Rd expropriated to be demolished by City Council for amenity area. Not carried out until 1992.

3RD PAVILION PERIOD c1983 – PRESENT

The new pavilion was built in a similar location to the 2nd but moved further back from the sea and placed

on the alignment of the new promenade. In contrast to the 2nd pavilion it did not include a redevelopment of the beachfront itself, except for the establishment of some lawns on the sea side. It did not induce any significant redevelopment of the corner area. Although it accommodated a restaurant and an ice-cream parlour the present pavilion's main function is that of a hall. The confused role of the present pavilion and its negative relationship to the beach front has not made a positive contribution to the area.

1981 3rd Pavilion opened.

1983 Storm destroyed bathing boxes, blew quantities of sand across parking area.

1990 Urban Design Services study, "Muizenberg Corner Development Strategy and Proposals" commissioned by CCC City Planner's Dept. Biggest public participation exercise till that time. Resulted in redevelopment strategy, including advance upgrade of public infrastructure, and proposal call for development of Council-owned sites.

1991 Existing beach toilet block and infrastructure upgraded, surface redesign of Beach/York Road.

Sources: Pistorius & Theron. *Beachfront Block, Muizenberg – Conservation and Urban Design Baseline Study and Guidelines*, Feb 2001.

Walker, M. *Coastal memories, Muizenberg – St James – Kalk Bay 1870 – 1920*, 1999.

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 checked="" type="checkbox"/>	<p>Places, buildings, structures and equipment of cultural significance</p> <p>Description of resource:</p> <ul style="list-style-type: none"> In the broader environs are many buildings of high significance within the HPOZ – the Muizenberg Station building (PHS), the old Empire building on Muizenberg beach front, the old Balmoral Hotel, as well as several Baker buildings on Beach Road. None of these buildings are within the project site and none will be impacted by the proposal. The ablution building within the subject site is older than 60 years (mid-20th C) though has been altered with the various upgrades to the site. Not graded by the City nor within the HPOZ. The building has limited significance but will be retained and upgraded as part of the precinct upgrade. Beach huts/bathing boxes. The existing structures are not older than 60 years (c1980s) but the tradition and history of bathing boxes at Muizenberg is much older and the existing structures do contribute to the iconic character of Muizenberg beach. The bathing boxes will be retained in the proposal – the two lines on the eastern side of the beach left in place, and the few boxes closer to surfers corner retained, with some possibly incorporated into a new playground area. <p>Description of impact on heritage resource: Improvements to ablution building. No other impacts to surroundings significant buildings or structures.</p>
<input type="checkbox"/>	<p>Places to which oral traditions are attached or which are associated with living heritage</p> <p>Description of resource:</p> <p>Description of impact on heritage resource:</p>
<input type="checkbox"/>	<p>Historical settlements and townscapes</p> <p>Description of resource:</p>

	Description of impact on heritage resource:
<input checked="" type="checkbox"/>	<p>Landscapes and natural features of cultural significance Description of resource: The Muizenberg beachfront.</p> <p>Description of impact on heritage resource: No negative impact. The character of the site will not be changed – the area remains an important public recreational space. The project is expected to have positive impacts from upgrades and revitalisation of the public space.</p>
<input type="checkbox"/>	<p>Geological resources of scientific or cultural importance Description of resource:</p> <p>Description of impact on heritage resource:</p>
<input type="checkbox"/>	<p>Archaeological resources (Including archaeological sites and material, rock art, battlefields & wrecks): Description of resource:</p> <p>Description of impact on heritage resource:</p>
<input type="checkbox"/>	<p>Palaeontological resources (ie: fossils): Description of resource:</p> <p>Description of impact on heritage resource:</p>
<input type="checkbox"/>	<p>Graves and burial grounds (eg: ancestral graves, graves of victims of conflict, historical graves & cemeteries): Description of Resource:</p> <p>Description of Impact on Heritage Resource:</p>
<input type="checkbox"/>	<p>Other human remains: Description of resource:</p> <p>Description of impact on heritage resource:</p>
<input type="checkbox"/>	<p>Sites of significance relating to the history of slavery in South Africa: Description of resource:</p> <p>Description of impact on heritage resource:</p>
<input type="checkbox"/>	<p>Other heritage resources: 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:
As described above. Several highly significant buildings in the surrounding environs, within the HPOZ and outside the subject site. The beachfront as a highly significant social recreational space linked with the history of the development of Muizenberg is a heritage resource.

Description of impacts on heritage resources in the environs of the site:
Positive impact from the upgrade and revitalisation of the beachfront public spaces and recreational facilities.

Summary of anticipated impacts on heritage resources:

No negative impacts. Positive impacts from upgrades of existing recreational facilities.

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 Philip Smith

Capacity Heritage Professional

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.

APPENDIX I

Our Ref: HM/ CAPE TOWN METROPOLITAN/ MUIZENBERG/
87374-RE, 87131, 87132, 87133, 87134, 87135, 87137 – 87143, 87114-RE
Case No.: 20041701WD0420E
Enquiries: Waseefa Dhansay
E-mail: waseefa_dhansay@westerncape.gov.za
Tel 021 483 9533
Date: 24 April 2020



ANDRE HUMAN
CITY OF CAPE TOWN
13TH FLOOR
CIVIC CENTRE
HERTZOG BOULEVARD
CAPE TOWN
8000

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL COMMENT
In terms of Section 38(2) 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: THE PROPOSED UPGRADE OF THE MUIZENBERG BEACHFRONT, 87374-RE, 87131, 87132, 87133, 87134, 87135, 87137 – 87143, 87114-R, MUIZENBERG, CAPE TOWN: SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20041701WD0420E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter. This matter was discussed at the Heritage Officers meeting held on 24 April 2020.

You are hereby notified that, since there is no reason to believe that the proposed upgrade of the Muizenberg Beachfront, 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.

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

www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** Private Bag X9067, Cape Town, 8001
• **Tel:** +27 (0)21 483 5959 • **E-mail:** ceoheritage@westerncape.gov.za

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• **Tel:** +27 (0)21 483 5959 • **E-pos:** ceoheritage@westerncape.gov.za

Our Ref: HM / CAPE TOWN METROPOLITAN / MUIZENBERG /
ERF 87374-RE, 87131 – 87135, 87137 – 87143, 87114-RE
Case No.: HWC23021326SJ0214
Enquiries: Sneha Jhupsee
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Rameez Fataar
Rameez.fataar@capetown.gov.za
Bridget O'Donoghue
bodonoghue@telkomsa.net

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
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 REDEVELOPMENT OF MUIZENBERG BEACHFRONT, 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 20 February 2023.

You are hereby notified that, since there is reason to believe that the proposed redevelopment located in Muizenberg will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides

(3) *The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a):* **Provided that the following must be included:**

- (a) *The identification and mapping of all heritage resources in the area affected;*
- (b) *an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;*
- (c) *an assessment of the impact of the development on such heritage resources;*
- (d) *an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;*
- (e) *the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;*
- (f) *if heritage resources will be adversely affected by the proposed development,*
The consideration of alternatives; and
- (g) *plans for mitigation of any adverse effects during and after the completion of the proposed development.*

(Our emphasis)

This HIA must in addition have specific reference to the following:

1. Townscape assessment
2. Urban landscape assessment
3. Contextual architectural assessment
4. Cultural assessment
5. Socio historical study

The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

www.westerncape.gov.za/cas

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Idilesi yendawo: kumgangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, eKapa, 8000 • **Idilesi yeposi:** Inombolo yebhokisi yeposi 1665, eKapa, 8000 • **Iinombolo zomnxeba:** +27 (0)21 483 5959 • **Idilesi ye-imeyile:** ceoheritage@westerncape.gov.za

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Our Ref: HM / CAPE TOWN METROPOLITAN / MUIZENBERG /
ERF 87374-RE, 87131 – 87135, 87137 – 87143, 87114-RE
Case No.: HWC23021326SJ0214
Enquiries: Sneha Jhupsee
E-mail: Sneha.jhupsee@westerncape.gov.za
Tel: 021 483 5959



If applicable, applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

Kindly take note of the HWC meeting dates and associated agenda closure date in order to ensure that comments are provided within as Reasonable time and that these times are factored into the project timeframes.

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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Our Ref: HM / CAPE TOWN METROPOLITAN / MUIZENBERG /
ERF 87374-RE, 87131 – 87135, 87137 – 87143, 87114-RE
Case No.: HWC23021326SJ0214
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PROPOSED REDEVELOPMENT OF MUIZENBERG BEACHFRONT SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

Heritage Western Cape (HWC) has received a formal application in terms of Section 38(1) for the redevelopment of the Muizenberg Beachfront Precinct.

The application was tabled at the Heritage Officers Meeting of 20 February 2023 whereby the committee requested a Heritage Impact Assessment (HIA) with additional studies. The request for an HIA was issued to the applicant on 21 February 2023.

On 22 February 2023, it was brought to the issuing officer's attention that HWC has previously reviewed a NID for the upgrade of the Muizenberg Beachfront with a response to a previously submitted NID. A response thereon provided in 24 April 2020 by HWC.

The 2023 application is substantially in accordance with that of the 2020 with the addition of the removal of ad-hoc structures deemed to be not conservation worthy. These structures will require the submission of a Section 34 application as they are older than 60 years.

Considering the information provided, HWC advises that the applicant withdraw the 2023 NID application by formal letter to HWC, rendering the 2023 request for an HIA void and the 2020 comment still valid and actionable.

Should you have any further queries, please contact the official above and quote the case number.

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