

Heritage Western Cape (HWC) and Environmental Assessment Practitioners (EAP) Engagement

Heritage, Developing the Future

Why Heritage Matters in Environmental Assessment

24 October 2025

Programme

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Waseefa Dhansay

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Chiara Singh

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Stephanie Barnardt

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Ruan Brand

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Sofia Briel

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Purpose of Engagement (Heritage & Environment)

To strengthen understanding of the National Heritage Resources Act (NHRA) and its integration with environmental legislation.

HWC Role: Identify, protect and manage heritage resources for the public |

Environmental authorities Role: Protection of the natural environment and inclusion of heritage in environmental planning and approvals |

Why Heritage Matters within sustainable environmental management.



Cultural Identity



Sustainable Development



Economic Value



Social Cohesion



Compliance & Risk Management

Compliance



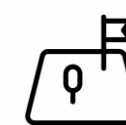
To ensure compliance through early identification of heritage triggers in development planning.

Collaboration



To promote collaboration between EAPs, heritage specialists, and Heritage Western Cape.

Planning



To improve planning efficiency and avoid potential project delays



Benefits for environmental authorities

- Streamlined decision-making through integrated HIA and EIA processes ● Reduced duplication of assessments.
- Enhanced credibility and defensibility of authorisations ● Better community relations through transparent consultation.

Who We Are: Heritage Western Cape

Role: Provincial Heritage Resources Authority (PHRA) for Western Cape Province, South Africa.



Identify

Heritage resources across the Western Cape.

Manage

Heritage protection processes and applications.





Register

Significant heritage sites for formal protection.

Protect & Conserve

Heritage resources for future generations.



Criteria of Significance & Assessment: historical, architectural, aesthetic, cultural, contextual, social, scientific, spiritual, linguistic, natural, technological, or landmark value.



Legal Framework

Constitution of The Republic of South Africa: Recognises heritage as a fundamental right and establishes the principle of protecting cultural and natural resources.

Western Cape Provincial Constitution: Assigns the province responsibility for heritage and establishes Heritage Western Cape (HWC) as the authority with defined powers.

National Heritage Resources Act, NHRA (Act 25 of 1999): Provides the national framework for heritage protection, creating SAHRA and detailing HWC's functions and powers.

Section	Function	Description
24 & 25	General Functions	General functions, powers, and duties of the Provincial Heritage Resources Authority (PHRA)
27	Provincial Heritage Sites	Formal protection, nomination and conservation management
28	Protected Areas	Safeguarding specific sites with heritage value
29	Provisional Protection	Temporary protection measures for threatened heritage resources
30	Heritage Registers	Listing and formal protection of identified heritage resources
31	Heritage Areas	Designation of larger areas of cultural or environmental significance
34	Built Environment	General protection of structures older than 60 years
35	Archaeology, Palaeontology & Meteorites	Management and protection of archaeological sites, fossils, meteorites
36	Burial Grounds & Graves	Protection of graves and associated structures older than 60 years
37	Memorials & Monuments	Preservation of monuments with heritage value
38	Heritage Resources Management	Heritage Resources Management into development processes (built environment and cultural landscapes)

Key NHRA Sections & Application Requirements

Section 27: Provincial Heritage Sites

Projects must consider impacts, and various conditions may be implemented (monitoring, CMPs, etc.).

Required for all HWC applications

- Application form
- Proof of Payment/Fee Waiver & HWC Reference
- Title Deed & SG Diagram
- Company/Trust Resolution, CIPC document
- Power of Attorney (if applicant not owner)
- Locality Map

Section 34: Built Environment

Structures > 60 years = general protection;
Heritage register = formal protection;
Permits/exemptions required for alterations or demolition.

Required for S27 / 31 / 34

- Colour architectural plans (incl. demolition where relevant)
- Annotated photographs (internal, external, streetscape – no Google Street View images)
- Consultation comments (municipality, conservation bodies, responses to objections)
- Motivation on heritage grounds

Section 38: Notification of Intent to Develop (NID)

Required where developments may impact heritage.

Required for S38 NIDs

- Clear S38(1) trigger
- Screening tools (e.g. PalaeoMap)
- Site Development Plan set
- Annotated photographs (site + context — no Google Street View images)
- Additional supporting documents on heritage significance/impact



Key Insight

Early engagement with HWC on these sections can streamline project timelines, reduce regulatory delays, and ensure compliance.



HWC Committees & Application Pathway

1

HOMs: Heritage Officers' Meetings

Assessing all applications submitted for decisions, recommendations and referrals.

2

BELCom: Built Environment & Landscapes

Committee: Built environment & landscape permits/consents; Section 27/31/34.

3

IACom: Impact Assessment Committee

Section 38 HIAs; Section 27.

4

IGIC: Inventories, Gradings & Interpretations

Heritage surveys, registers, exemptions; declaration recommendations; conservation body approvals.

5

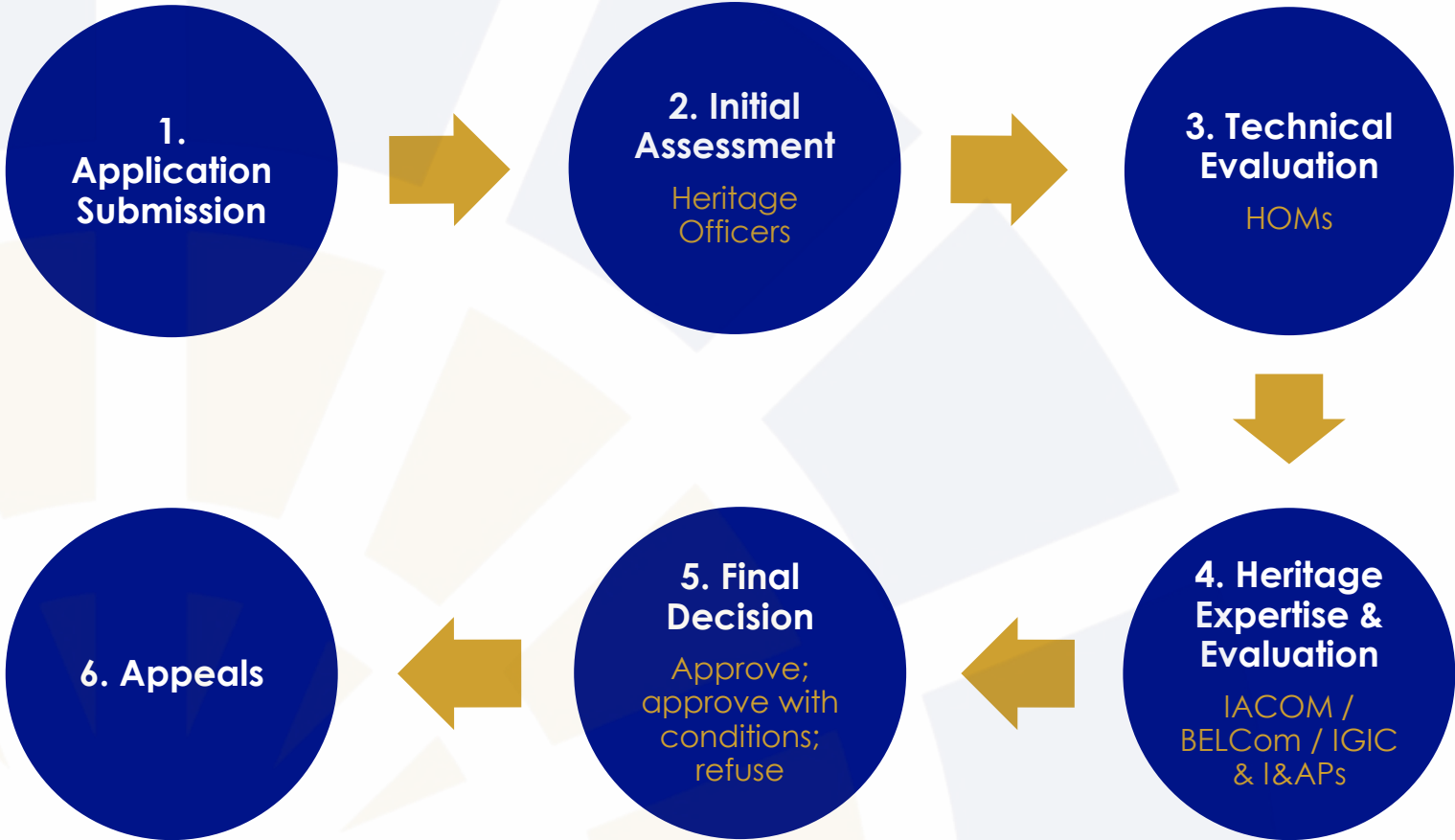
Appeals: Section 49

Appeals against committee decisions; referral pathway to independent MEC Tribunal.

6

HWC Council

Manages functions and operations of Heritage of Western Cape.



Planning Note

Budget for HIA/CMP early in project capital expenditure.

Simple application processing time: 2-3 weeks.

Complex application processing times vary on scope of work and impact to resources.

Conditions = enable development while protecting significance.

Section 2: Heritage Resource Management

Chiara Singh

24 October 2025

Castle of Good Hope



Definition: Outstanding quality with symbolic value and of National significance in SA.

Authority: SAHRA manages Grade I resources in SA.

Protection: Formal protection with gazette notice.



THE UNION HOUSES OF PARLIAMENT.

Houses of Parliament

Artwork by Lyn Smuts



Grading: Grade II (Provincial Heritage Site)

Section 27

Definition: Rare or representative and of provincial significance; includes previously declared National Monuments which have not been re-evaluated.

Authority: HWC manages Grade II resources in the WC.

Protection: Formal protection with gazette notice. Manages protection via Conservation Management Plans.



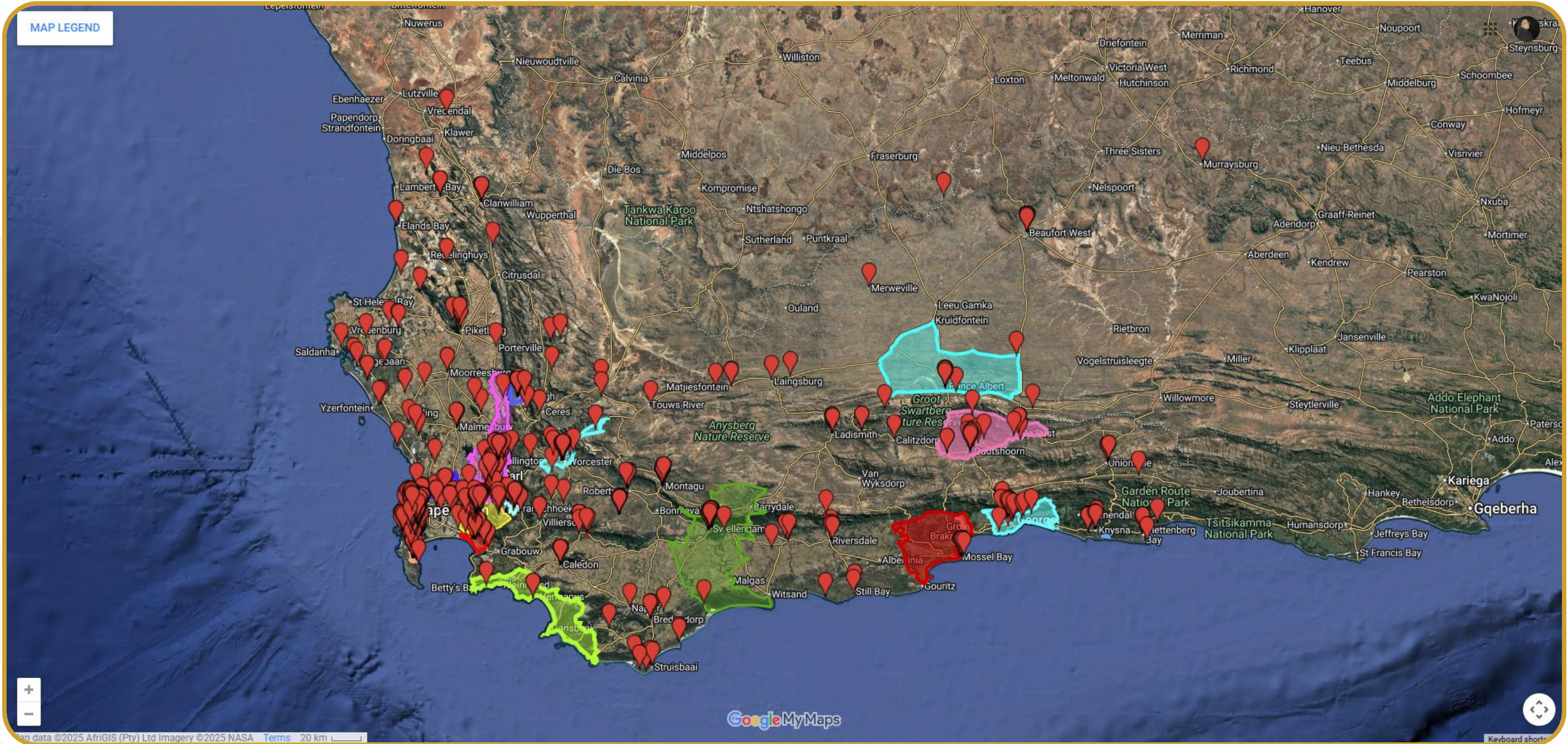
Lime Kilns, Yzerfontein (1940s)



City Hall & Grand Parade



Company's Garden



Definition: Local significant resources at the scale of a townscape, neighbourhood, settlement, or community.

Protection: May be placed on the Heritage Register for formal protection.

Authority: HWC manages Section 34s in the Western Cape.

Note: The A, B, C grading system of IIIs are a management tool and not defined in the NHRA.



Grade IIIA: Rare & Intact

Excellent example; rare, highly intact, and holds multiple significance values (social, technological, cultural, etc.)

Example: Tamboerskloof



Grade IIIB: Grouping

Altered but still significant and intact, or part of a larger heritage grouping or cluster, possibly with additional significance values.

Example: Muizenberg

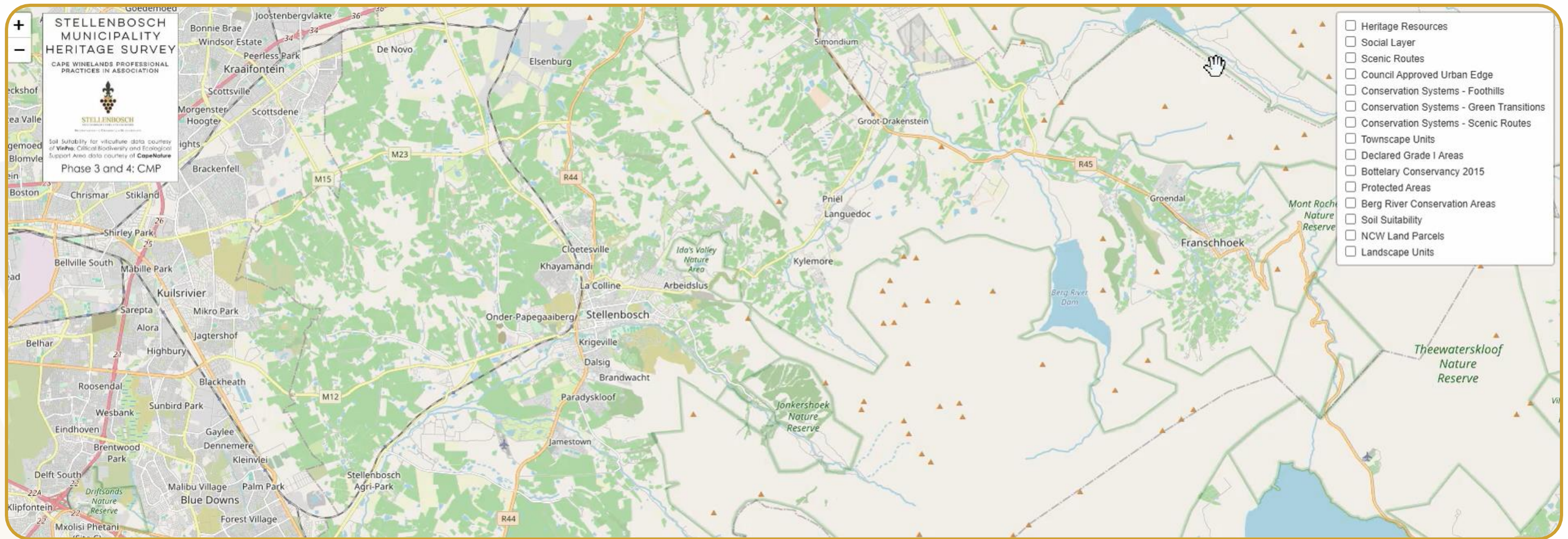


Grade IIIC: Streetscape

Contributes to the overall streetscape pattern forming cohesive architectural language; lower degree of intactness.

Example: Bo-Kaap

Determining Grading: Tools



Determining Significance

Section 30 & 31

HERITAGE WESTERN CAPE HERITAGE REGISTER IN TERMS OF SECTION 30 OF THE NATIONAL HERITAGE RESOURCE								
Resource Name (Alternate)	Erf Number	Resource Type	Street Address/Name	GPS Co-ordinates/Where applicable	Resource Grade	Name of Municipality or Planning Authority	Zoning	S.G Diagram No
Immaculate Conception Catholic Church	RIE-10601	Structure	45 Voortrekker Road, Richmond	-33.307305, 18.575041	II	City of Cape Town	Community	
NG Kerk - Parow	7578	Structure	13 Sarel Cilliers Street, Glenilly	-33.905476, 18.580495	II	City of Cape Town	Community	
Parow Synagogue	7654	Structure	5 Hopkins Street, Glenilly	-33.905005, 18.587264	II	City of Cape Town	Community	
St Margaret Anglican Church	6337	Structure	85 Hopkins Street, Glenilly	-33.900761, 18.586288	II	City of Cape Town	Community	
St Joseph's Catholic Church	3092	Structure	28 Anderson Street, Townsend Estate	-33.918494, 18.546382	II	City of Cape Town	Residential	
St Alban's Church	7072	Structure	16 Alice Street, Goodwood Estate	-33.918693, 18.545955	II	City of Cape Town	Residential	
N/A	2489	Structure	86 Caledon Street, Townsend Estate	-33.908617, 18.542093	II	City of Cape Town	Residential	
N/A	2495	Structure	98 Caledon Street, Townsend Estate	-33.907803, 18.541905	II	City of Cape Town	Residential	
Qulobul Moemienesen Masjid	40059	Structure	127 Goodwood Street, Goodwood	-33.903868, 18.546580	II	City of Cape Town	Residential	
Masjid Submani	36642	Structure	89 Anderson Street, Townsend Estate	-33.907072, 18.545721	II	City of Cape Town	Community	
N/A	5593	Structure	72 Murray Street, Vasco Estate	-33.905270, 18.556272	II	City of Cape Town	Residential	
N/A	RIE-5616	Structure	77 Nelson Street, Vasco Estate	-33.904644, 18.559444	II	City of Cape Town	Residential	
KPN&JA Portuguezs Do Cobo	RIE-7609	Structure	22 Frankfort Street, Glenilly	-33.905614, 18.578104	II	City of Cape Town	Community	
N/A	6379	Structure	42 Veimar Road, Glenilly	-33.904186, 18.578566	II	City of Cape Town	Residential	
N/A	20348	Structure	59, 1st Avenue, Glenilly	-33.904776, 18.579869	II	City of Cape Town	Residential	
N/A	RIE-6480	Structure	42 Talent Road, Glenilly	-33.902517, 18.580605	II	City of Cape Town	Residential	
N/A	7077	Structure	69, 1st Avenue, Glenilly	-33.904280, 18.582685	II	City of Cape Town	Residential	
Parow Inclusive School	7076, 7071, 7072, RIE-7079	Structure	116, 2nd Avenue, Glenilly	-33.902592, 18.582502	II	City of Cape Town	Community	
N/A	7097	Structure	42 Andries Pretorius Street, Glenilly	-33.903278, 18.583143	II	City of Cape Town	Residential	
N/A	7075	Structure	40 Andries Pretorius Street, Glenilly	-33.903380, 18.583380	II	City of Cape Town	Residential	
Seventh-day Adventist Church Parow	7020	Structure	51 Gardner Road, Glenilly	-33.900056, 18.581392	II	City of Cape Town	Residential	
N/A	7104	Structure	46 Vrensh Road, Glenilly	-33.902893, 18.583789	II	City of Cape Town	Residential	
N/A	6020	Structure	88 Van Eyssen Road, Churchil Estate	-33.900030, 18.589522	II	City of Cape Town	Residential	
N/A	8584	Structure	52 Bedford Road, Glenilly	-33.902170, 18.585253	II	City of Cape Town	Residential	
N/A	7175	Structure	49 Hopkins Street, Glenilly	-33.902042, 18.586731	II	City of Cape Town	Residential	
Nederduits Gereformeerde Kerk	4354	Structure	24 Kitchener Road, Fairfield Estate	-33.902890, 18.596773	II	City of Cape Town	Community	

Extract from Heritage Register



Surveys & Inventories (S30)

“At the time of compiling or revising a town, regional or Spatial Development Framework (SDF), a local authority shall compile an inventory of heritage resources which falls within its authority and submit such inventory to the relevant Provincial Heritage Resources Authority (PHRA), to identify and assess heritage resources within their jurisdiction.”

Site Name	Erf number	Location	Suggested grading	Heritage significance	Photo
Hermanus High School - Previously Primary School	720, 721, 722	Hermanus Dirkie Uys Str	3A	Architectural: good, substantially intact surviving example of its period. Historical: Of local significance as one of the earliest school buildings in Hermanus.	
Hermanus Information Centre - Formerly Railway Bus and Road Transport Station	774	Hermanus Extension Royal Str	3A	Architectural: a fine local surviving example of its period displaying quality craftsmanship. Constructed with quality materials. Landmark: re: its historically prominent position on the development fringe adjacent to Hoys Kopje.	
Old Harbour House	4842, 10543	Hermanus 20-22 Harbour Road	3A	Architectural: a fine local surviving example of its period. One of a dwindling number of grand holiday villas retaining its thatch roof (as opposed to many now with slate/asbestos slate roofs resulting from the many Hermanus fires). Sandstone garden wall	
Eastcliff House	7008	Hermanus 29 Kwaaiwater Str	3A	Architectural: Fine architectural example. Significant re-interpretation of local Hermanus typology (including umbrella/ roof/box plan form picture window-enclosed front verandah & landmark chimney flue). Recognized as a seminal work (Architecture SA).	
St Peter's Anglican Church	611, 613	Hermanus Main Road 34 25' 13.62" 19 14' 27.04"	3A	Architectural/ aesthetic: intact fine local period piece displaying high quality craftsmanship. Of high local historical/spiritual significance. Former parish/mission church of the local fishing community prior to forced removals to Mount Pleasant. Site	

Example of heritage inventory
Overstrand, 2009 (N. Baumann)



Heritage Registers (S30)

Formal protection of significant sites.



Heritage Areas (S31)

Enables designation of larger areas of cultural or environmental value.

e.g., Stanford, Wupperthal, Clifton Bungalow Area



Exemptions

Clarifies which sites or areas do not require permits.



Exemptions

Purpose: When heritage surveys and registers identify Not Conservation Worthy (NCW) resources, these may be exempted from permit requirements.

Scope: Exemptions apply to alterations, additions, or demolitions of NCW resources. Local authorities found competent can handle these applications directly.

Current Status: Since 2021, HWC has exempted 8 areas in the Cape Metro and a 9th area within the Cape Winelands is underway. HWC has also issued an exemption for NCW graded structures in the Cape Metro.

Exempted Areas in the Cape Metro: Parow Station Precinct; Airport Industria; Portion of Atlantis; Portion of Flamingo; Portion of Kuils River; Portion of Mitchell's Plain; Portion of Ottery; Portion of Voortrekker Road



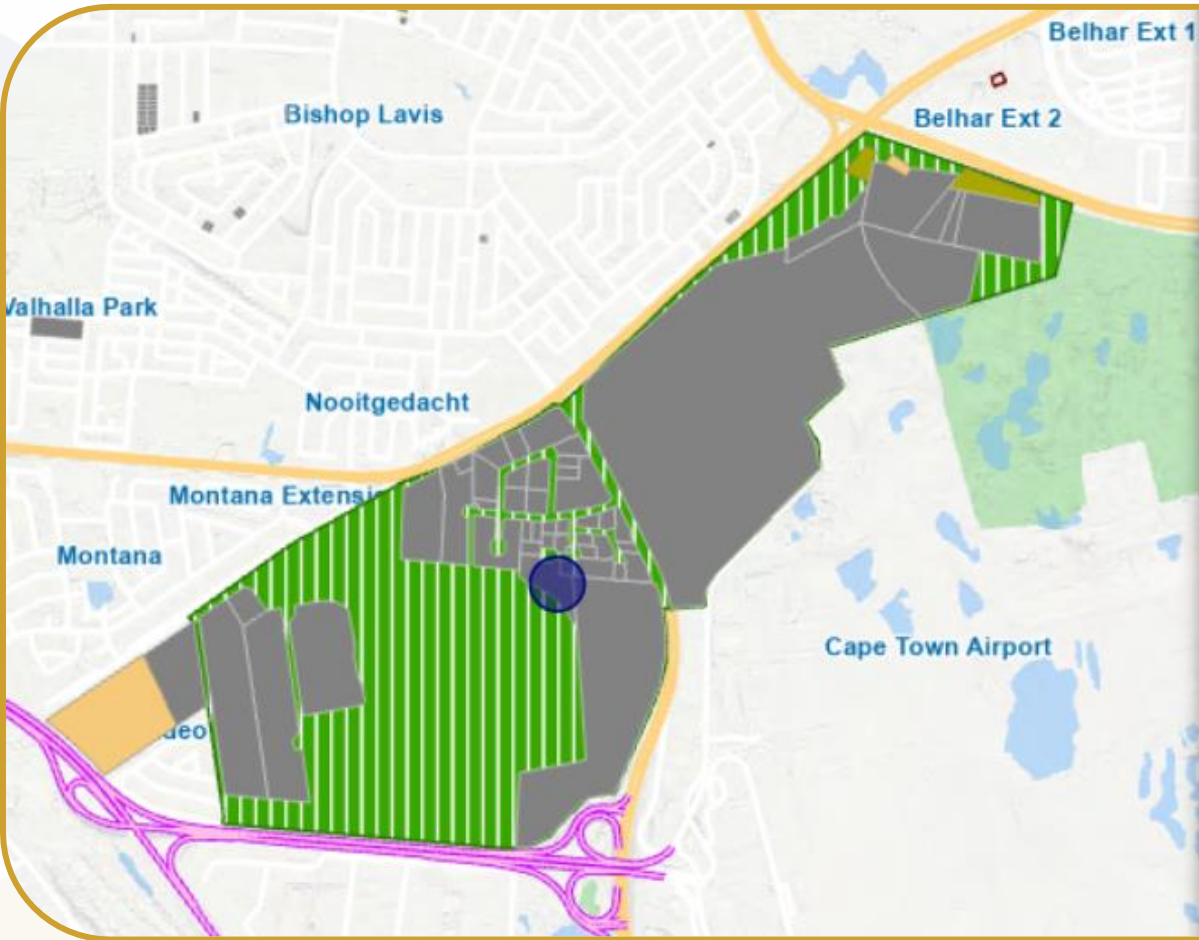
Key Insight

Exemptions are a key tool in balancing development needs with heritage protection requirements, providing certainty for developers while maintaining heritage objectives.



Benefits

- Reduced timeline:** Less paperwork, requirements and processing time.
- Balance Development:** Market assurance for development nodes.
- Streamlined Delivery:** Certainty for local authorities in spatial planning.



Exemption (NHRA)

Zoom

Report

OBJECTID	299
Audit Area Name	Airport Industria Exemption Area
Audit Area Subtype	Not for Conservation
Heritage Conservation Status	NHRA Exemption S34 & S38
Audit Area Status	Declared
Statement of Significance	Area largely not older than 60 years. Reduction of red tape to stimulate appropriate development in an area where there is little or no potential negative impact on heritage resources.
Specific Provisions	No permit required from HWC for S34 & S38. Heritage Register sites are managed by HPOZ
SHAPE	Polygon
SHAPE.STArea()	2356190,189491
SHAPE.STLength()	7911,323567

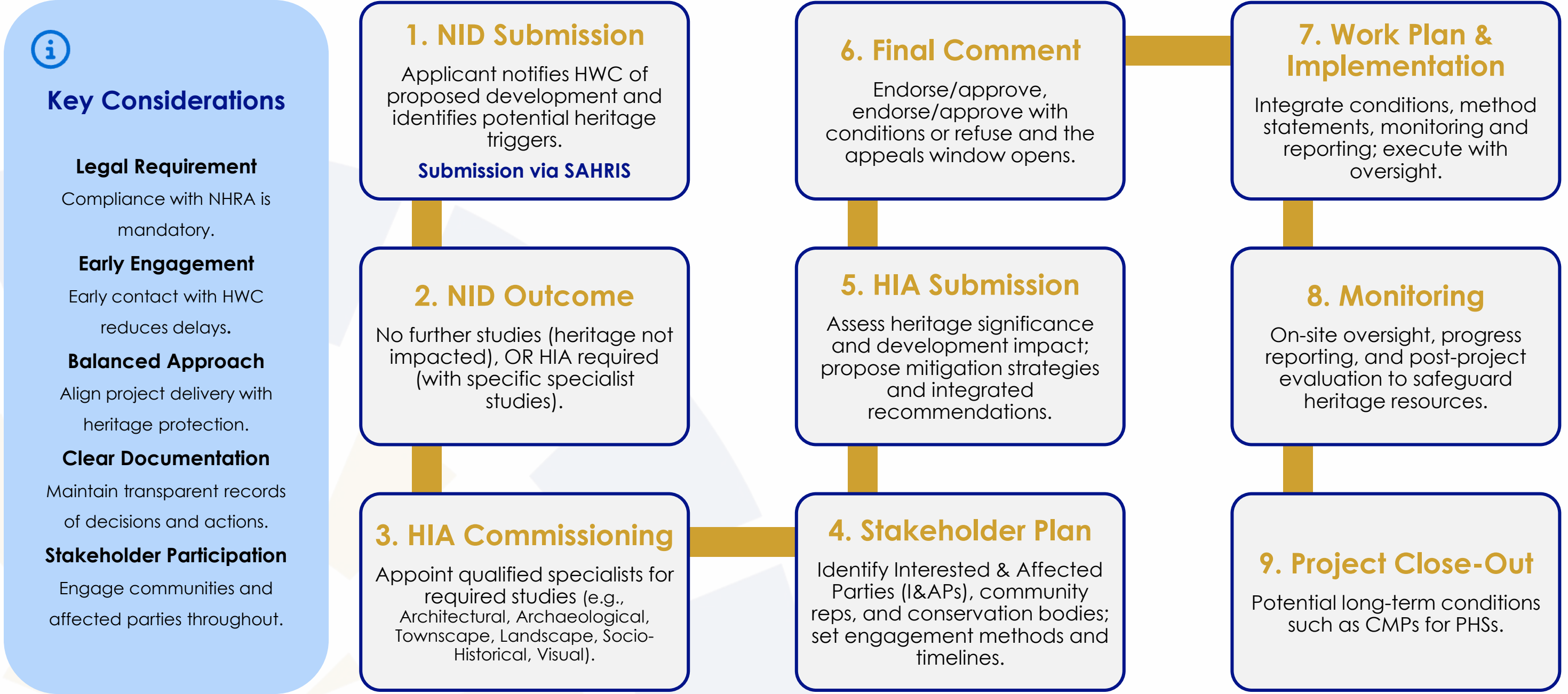
Section 3: NHRA Section 38 processes

Stephanie Barnardt

24 October 2025

Section 38 Application Process

Section 38 regulates developments that may affect heritage resources, ensuring heritage protection during project delivery.



A development triggers heritage assessment when it involves:

- a) Linear infrastructure such as roads, walls, powerlines, pipelines, or canals exceeding 300 metres in length.
- b) Bridges or similar structures exceeding 50 metres in length.
- c) Any development or activity that will change the character of a site, where the project: exceeds 5 000 m² in extent, or involves three or more erven or subdivisions, or involves three or more erven consolidated within the past five years,
- d) Rezoning of land exceeding 10 000 m².

OR

Other triggers e.g., in terms of other legislation (NEMA, etc.)

There must be a Section 38(1) trigger with activity that triggers NEMA in order for Section 38(8) to be triggered.

There are only two potential outcome:

**Heritage Impact Assessment
or No Further Studies**

Heritage resources management

38. (1) Subject to the provisions of subsections (7), (8) and (9), intends to undertake a development categorised as—

- (a) the construction of a road, wall, powerline, pipeline, canal form of linear development or barrier exceeding 300m in length
- (b) the construction of a bridge or similar structure exceeding 50 metres in length
- (c) any development or other activity which will change the character of a site:
 - (i) exceeding 5 000 m² in extent; or
 - (ii) involving three or more existing erven or subdivisions thereof
 - (iii) involving three or more erven or divisions thereof



Key Consideration

1. Early engagement with HWC to establish if there are NHRA triggers is encouraged.
2. NID application is required at the earliest stages of development.
3. Information submitted in the NID application must be accurate to inform the Heritage authority on potential impacts to heritage resources.
4. Heritage compliance must be secured before starting works.

DEADP & HWC SOP/MoU: Timeline Breakdown

- 1

Week 1 to 3 - EAP to submit the NEMA Notice of Intent to Apply to DEA&DP

Establishment of any NHRA trigger.
- 2

Week 3 to 4 – NID to be submitted to HWC

Referral to HOMS / IACom where external input is required. Heritage statements, further consultation, or additional information may be requested where necessary before matters are resolved.
- 3

Week 5 – HWC to provide a comment

If there is a NHRA trigger is terms of Section 38(1). HWC has 14 days to provide a comment on the NID application.
- 4

Week 6 to 7 – Opportunity for pre-consultation meetings with DEA&DP and HWC

These meetings are for guidance and procedural requirements .

DEA&DP & HWC Operational Agreement/SOP (December 2015): Project Schedule for Basic Assessment with a Pre-Application BAR released for comment prior to submission of the																														
Tasks to be performed	Responsibility	Number of days	Month 1				Month 2				Month 3				Month 4				Month 5				Month 6				Month 7			
			Week				Week				Week				Week				Week				Week							
			1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
officer & citing the DEA&DP EIA Reference e applicant & practitioner, indicating: i)(c) of the NHRA is not triggered as there will be character of the site; or i) is triggered, but that an HIA will not be i) is triggered, that an HIA will be required & must ne of the specialist studies of the EIA, & the ns of the HIA (including which registered heritage s to be consulted with).	HWC	14																												
i) above, HWC should provide their final of the development/activity or indicate whether her consulted with during the EIA process. le an initial indication (interim comment) of the ill be provided by HWC in response to the al requirements must be indicated when HWC to DEA&DP on the Pre-Application Basic (BAR). While HWC will also be provided with an nent on the Draft BAR &, if applicable, the y HWC's final comments will be submitted on the omments are to be submitted by HWC based on C must provide such an indication to DEA&DP he comments to DEA&DP, & copied to the adline for the respective report.																														



Key Insight

HWC is key stakeholder at the beginning of the submission to ensure heritage is identified and protected.

DEADP & HWC SOP – TIMELINE BREAKDOWN

- 5

Week 8 - Draft Heritage Impact Assessment

Prior to public engagement
- 6

Week 9-12 – EAP to notify potential I&APs

During the pre-application BAR phase, all stakeholders — including HWC — are given 30 days to comment, ensuring early coordination between environmental and heritage authorities.

HWC reference number must be included in all correspondence.
- 7

Week 13 - 14 – Draft BAR

EAP to submit the application for Environmental Authorisation to DEA&DP
- 8

Week 15 to 18 – Circulation of Draft BAR for comment

HWC must also be provided with copy of the Draft BAR & be provided with the same 30-day period to comment. At this stage all heritage comments to be incorporated.
- 9

Week 19 to 25 – EAP to consider all comment, prepare the final BAR to submission to DEA&DP and HWC

HIA PPP
start HERE
before the
Draft BAR



			A					B					C					D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC
DEA&DP & HWC Operational Agreement/SOP (December 2015):																																											
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			1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4													
Officer & citing the DEA&DP EIA Reference & applicant & practitioner, indicating: (i) if the NHRA is not triggered as there will be no impact on the site; or (ii) if triggered, but that an HIA will not be required; or (iii) if triggered, that an HIA will be required & must be included in the specialist studies of the EIA, & the name of the HIA (including which registered heritage sites to be consulted with).	HwC	14																																									
As above, HwC should provide their final decision on the development/activity or indicate whether they have consulted with during the EIA process. Provide an initial indication (interim comment) of the HIA will be provided by HwC in response to the HIA requirements must be indicated when HwC responds to DEA&DP on the Pre-Application Basic Assessment (BAR). While HwC will also be provided with an assessment on the Draft BAR &, if applicable, the HwC's final comments will be submitted on the HIA comments are to be submitted by HwC based on the HIA. HwC must provide such an indication to DEA&DP on the HIA comments to DEA&DP, & copied to the HIA deadline for the respective report.																																											

Key Insight

HWC's public participation process runs parallel to the environmental public engagement but must remain separate to ensure that heritage-specific comments are independently captured and incorporated into the Environmental Authorisation process.



Archaeology

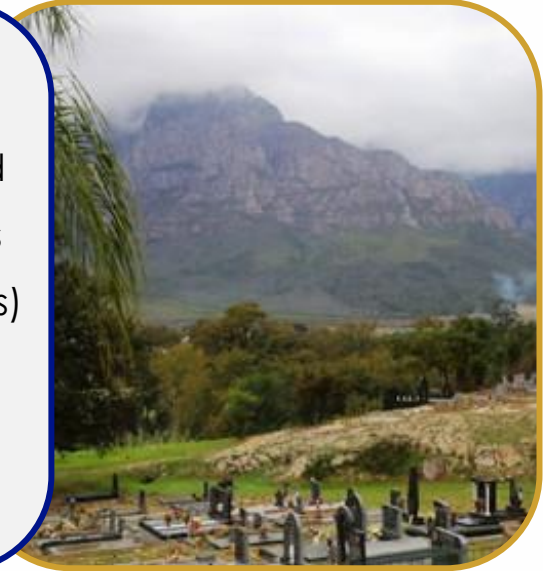


Material remains from human activity > 100 years (artefacts, human/hominid remains, features, structures); Rock art > 100 years; Vessel/aircraft wrecks > 60 years (including cargo/debris); features of Military history > 75 years and their sites.



Burial Grounds & Graves

Includes graves, headstones, tombs, and related structures. Protection: Unmarked/marked graves older than 60 years (outside municipal cemeteries) → General NHRA protection; Formal municipal cemeteries → Protected under Burial Grounds & Graves Act (Act 9 of 1986) + municipal by-laws.



Meteorites



Any naturally occurring object of extraterrestrial origin.



Palaeontology

Fossilised remains or traces of ancient plants and animals; SAHRIS Palaeosensitivity Map for reference.



Key Protection Rules

NHRA provides general protection - No person may damage, destroy, excavate, alter, deface, remove, or collect without an HWC permit in terms of Section 35 or 36. Chance finds must be reported immediately to HWC and SAPS (for human remains) and works must stop until HWC approval is given.



Structures

Identify all structures older than 60 years or formally declared Provincial Heritage Sites.

Townscales

Show the historical development and character of a town. Reflect architectural styles, planning patterns, and community history. Help protect the visual harmony between historical settlements and new development.



Landscape

Show the relationship between people and their environment. Include natural features (mountains, rivers, vegetation) and human-made elements (farms, paths, settlements). Reflect the history, culture, and identity of a community or region.

Intangible heritage

Living heritage: Customs, practices, and cultural expressions used or valued by communities today.
Oral traditions: Stories, songs, memories, and histories passed down verbally that link people to places.
Cultural associations: Strong community connections to areas, events, or historical figures.



Key Protection Rules

Any building older than 60 years is automatically protected under Section 34 of the NHRA, and no alteration or demolition may occur without a heritage permit.
Provincial Heritage Sites formally declared under Section 27 are legally protected – no work is permitted without prior approval from HWC.

Section 38 HIA – Specialist studies

Section 38 regulates developments that may affect heritage resources, ensuring heritage protection during infrastructure delivery.

Examples of Specialist Studies

Archaeological Impact Assessment (AIA)

Assesses impact to archaeological heritage resources.

Palaeontological Impact Assessment (PIA)

Assesses impact to palaeontological heritage resources.

Visual Impact Assessment (VIA)

Assesses impacts to scenic routes, visual receptors, view corridors, and landscapes.

Cultural Landscape Assessment (CLA)

Assesses impacts to cultural landscapes.

Townscape Assessment

Assesses impacts to the built environment and character of a town.

Architectural Assessment

Assesses the significance of and impacts to the built fabric of a structure.

Social Historical Study (SHS)

Assesses the impacts to the social historical value of a site.



Key Insight

Cultural Landscapes are the result of human contact with and impact on the landscape and the reciprocal impact of the landscape on the culture. Humans are participants in landscape, and landscapes can be understood not only in terms of geography but also in terms of history as they present material evidence of the complex relationships that result from the nature/culture dialogue. Nature and culture are therefore seen to form and inform one another.

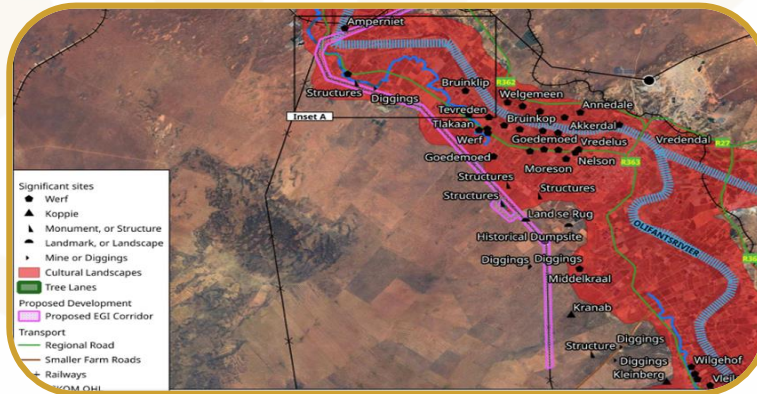


For more information on **cultural landscapes** – click here:
[World Heritage Centre - Cultural Landscapes](#)



HIA Must include:

1. Identification and mapping of heritage resources.
2. Assessment of their cultural significance.
2. Evaluation of the development's impact.
4. Assessment of alternatives.
5. Consideration of social & economic benefits.
6. Results of public and stakeholder consultation.
7. Mitigation and management proposals.
8. Conclusions and recommendations:
 - Conservation Management Plans (Section 47: CMPs)
 - Heritage Agreements (Section 42)
 - Mitigation Agreements- workplan application
 - Exemptions
 - Implementation & Oversight



Key Consideration

Heritage and environmental processes can run concurrently. HWC determines whether the provisions of section 38(3) have been met.

The HIA and HWC final comment must be incorporated into the final NEMA submission.

“Work Plan” for how heritage mitigation will be carried out when significant sites are affected.



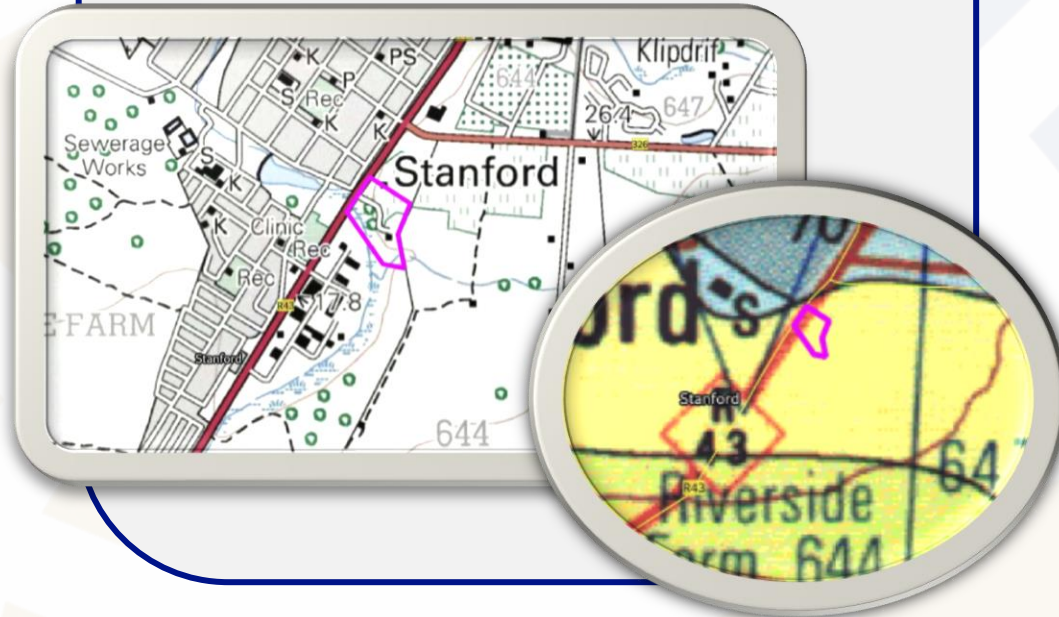
Complying with Section 38(3) of the NHRA



The identification and mapping of all heritage resources in the area affected;

Include topographic and site maps showing all heritage resources within and around the development footprint.

(e.g. topographic/site maps).



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:

Briefly describe the historical, architectural, social, or scientific value of each identified resource.

Determine heritage value using NHRA criteria (historical, social, scientific, etc.).



Assessment of the impact of the development on such heritage resources;

Outline potential direct and indirect effects of the proposed development on these resources.

Describe how the proposed development will affect identified heritage resources.

Complying with Section 38(3) of the NHRA



Evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;

Balance heritage impacts against social and economic benefits.

Economic advantages versus potential heritage loss.



The results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;

Summaries engagement with affected communities and interested parties.

Record of engagement and response to objections on heritage grounds



If heritage resources will be adversely affected by the proposed development, the consideration of alternatives;

Present alternative options if heritage resources are negatively impacted.

Compare layout or design to reduce impact – find best alternative



Plans for mitigation of any adverse effects during and after the completion of the proposed development.

Outline actions to mitigate against any impacts to heritage resources by the proposed development.

Provide practical measures to mitigate negative heritage impacts.

Stakeholder Engagement during HIA

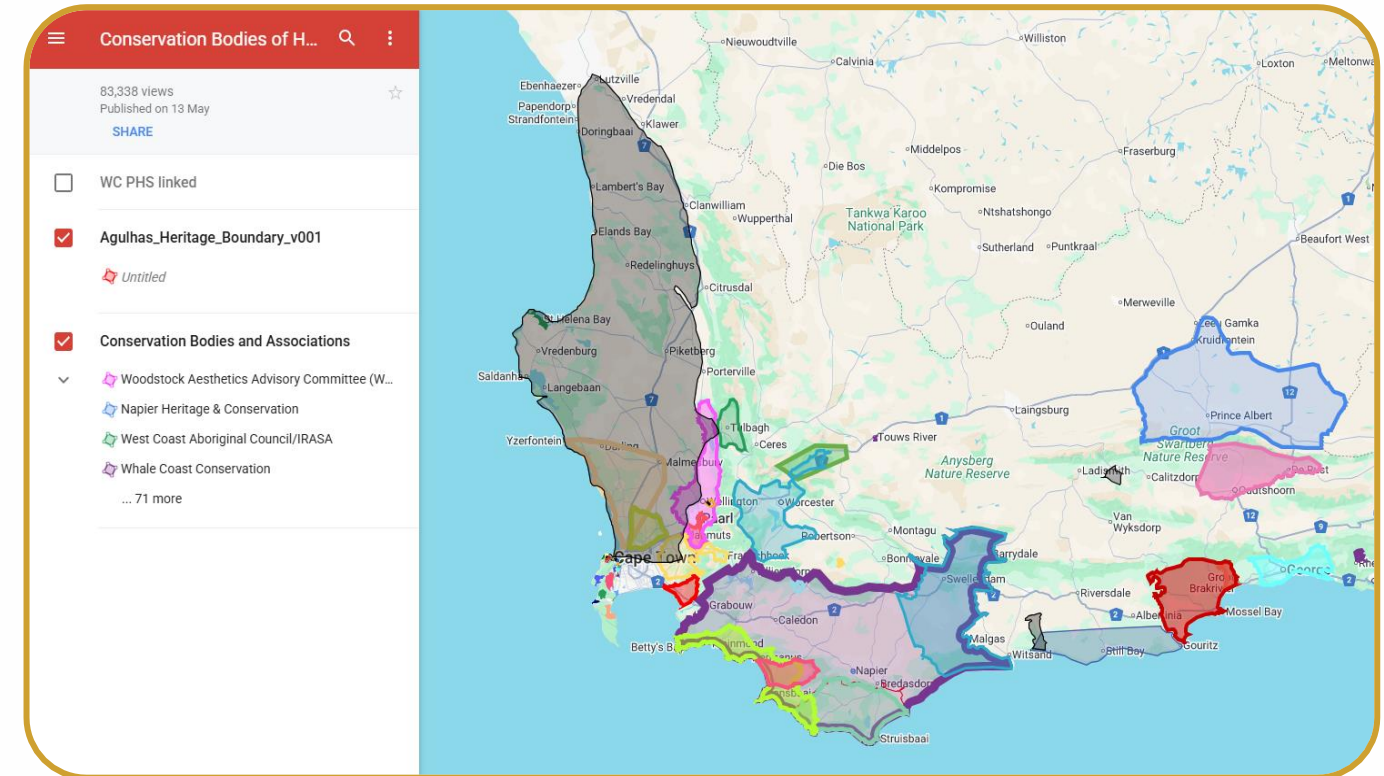
Public Consultation Requirements (Section 38(3))

Public consultation is a mandatory component of all HIAs submitted to HWC * The minimum requirement includes notifying the local municipality and any registered conservation bodies listed on HWC's Conservation Body Map.

A 30-day consultation period must be observed.

Minimum steps: on-site notice (30 days). * Make copies available at local libraries or municipal offices. * Engage with registered conservation bodies and local authorities. * Proof of consultation must accompany the HIA submission.

All comments and objections must be addressed and integrated into the final report.



To access to the HWC **Conservation Body Map** click here: [HWC Conservation Body Map](#)

So, you've discovered graves, human remains, archaeological or palaeontological material during development work, what do you do?

1

CRITICAL!
Stop Work Immediately!

2

Treat as a Crime Scene
Secure the area and prevent any further disturbance.

3

Notify Authorities
Report to HWC without delay, and if human remains are found, also contact SAPS and wait for a Pathologist/Forensic Officer to arrive.

4

Apply for Permit
Required for any removal, excavation, or disturbance in terms of Sections 27, 35, 36 of the NHRA.

Palaeontology: what is a fossil?

Fossils are the traces of ancient life (animal, plant or microbial) preserved within rocks and come in two forms:

- Body fossils preserve parts, casts or impressions of the original tissues of an organism (e.g. bones, teeth, wood, pollen grains); and
- Trace fossils such as trackways and burrows record ancient animal behaviour.

Types of palaeontological finding - What does a fossil look like?

Fossils vary in size, from fossilised tree trunks and dinosaur bones down to very small animals or plants. Finds can be **individual fossils** (one isolated wood log or bone) or **clusters and beds** (several bones, teeth, animal or plant remains, trace fossils in close proximity or bones resembling part of a skeleton). A bed of fossils is a layer with many fossil remains.

Below there is a list of few examples of fossils which may be identified during excavations in the Western Cape.

Image	Description	Image	Description
	Leaves		Snail shells and other shells
	Fossil wood		Bones of larger animals
	The remains of fish and marine life (e.g. teeth, scales, starfish)		Large burrows made by moles and other animals
	Stromatolites		Traces made by burrowing insects (ants, wasps, dung-beetles etc.).
	Animal footprints		

How to report chance fossil finds:
What should I do if I find a fossil during construction/mining?

If you think you have identified a fossil:
Immediately inform the ECO or Site Agent. He/she will then contact HWC and write a report and if necessary operations will stop in that specific area until the fossil is recovered.

Heritage Western Cape
ceoheritage@westerncape.gov.za
021 483 5959
www.hwc.org.za

Images provided by Dr John Almond
Text by HWC's Archaeology, Palaeontology & Mineralogy Committee (June 2016)

HWC Fossil Finds Poster:

[Fossil Finds Poster](#)

HWC Chance Finds Procedure:

[Chance Finds Procedure](#)

HWC Accidental Finds Protocol:

[Accidental Found or Uncovered Human Remains Protocol](#)

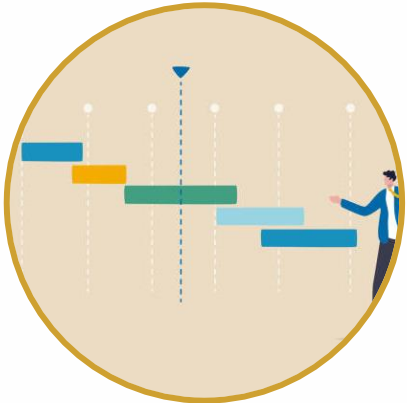


Risks of Non-Compliance

Delays

Stop-works, legal interdictions, and missed committee cycles can stall project approvals.

Impact: Costly schedule overruns.



Unauthorised work

Under Section 24G NEMA refers to any listed or specified activity commenced without the required Environmental Authorisation — which may also trigger heritage obligations under the NHRA

Loss of Built Environment

Irreversible damage or loss of protected heritage resources and critical infrastructure assets (roads, bridges, services).

Impact: Permanent loss of significance, service disruptions and safety risks.



Reputational Damage

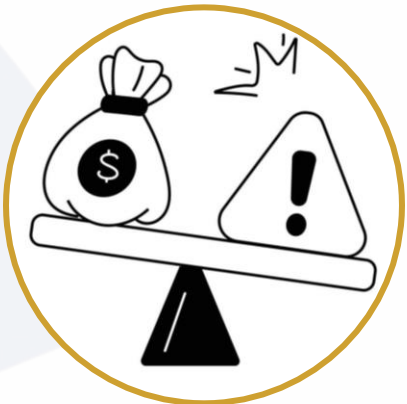
Negative media, community backlash, and reduced donor or funder confidence can undermine trust and accountability.

Impact: Long-term reputation damage.

Costs

Duplicate contractor mobilization, redesign fees, litigation, and possible equipment seizure increase expenses

Impact: Significant financial losses.



Loss Heritage & Landscapes

irreversible loss of heritage resources and degradation of the cultural landscape, undermining the integrity and sense of place of the area.

Impact: Permanent loss and transformation of landscape



Avoidance Strategies

Early project scoping, correct application pathways, budgeting for conditions, and compliance monitoring preventing risks.

Impact: Smoother project delivery with reduced risk.

NEMA AND NHRA – Appeal process

(S38(4/1)-When HWC is the decision-making authority – appeal will follow the process on the left.

HWC Appeals Procedure: [HWC Appeals Procedure](#)

OR

(S38(8)-When HWC is a commenting authority - appeal will follow the process on the right

Heritage Western Cape (HWC)

NID/HIA

(HWC considers the NID/HIA).



Decision

(HWC issues Response to NID/HIA).



Appeal to HWC

(HWC Appeals Committee considers appeal and will uphold, dismiss or set aside decision with reasons.)



TMEC Tribunal

APPEALS

Decision making authority -NEMA

NID/HIA

(HWC considers the NID/HIA)



Comment

(HWC issues a response to NID and Comment on the HIA)



Appeal through decision making authority

(A comment cannot be appeal through HWC process, only decision can be appeal)

All decisions made by Heritage Western Cape are **appealable within 14 working days** of the decision being issued.

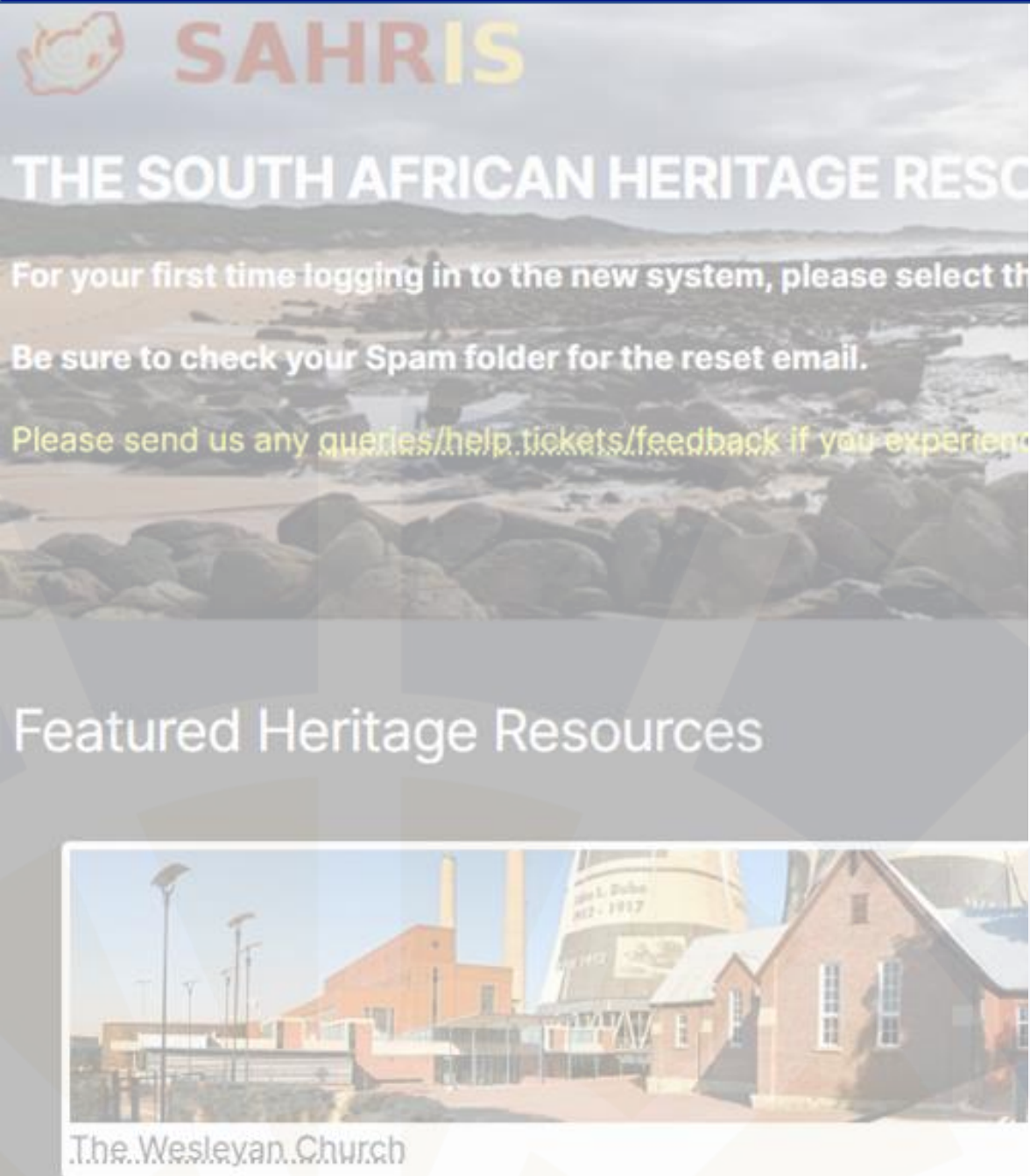
This includes Records of Decision issued for NIDs, Section 38(2), HIAs, Section 38(4), and Permits issued for Sections 27, 31, and 34.

Section 4: SAHRIS Migration: Function, application process

Ruan Brand

24 October 2025

HWC's Move to SAHRIS



<https://sahris.org.za/>

What is SAHRIS?

The South African Heritage Resources Information System is a national platform for heritage resource management that provides a unified approach to heritage protection.

Why the Transition?

The move to SAHRIS enables standardised processes across all heritage authorities, integrates national systems and databases, and improves efficiency in application processing.

Implications for EAPs

For EAPs, SAHRIS allows enhanced real-time tracking of heritage resources and improves transparency through public access to information due to the digital online submissions.

Benefits for EAPs

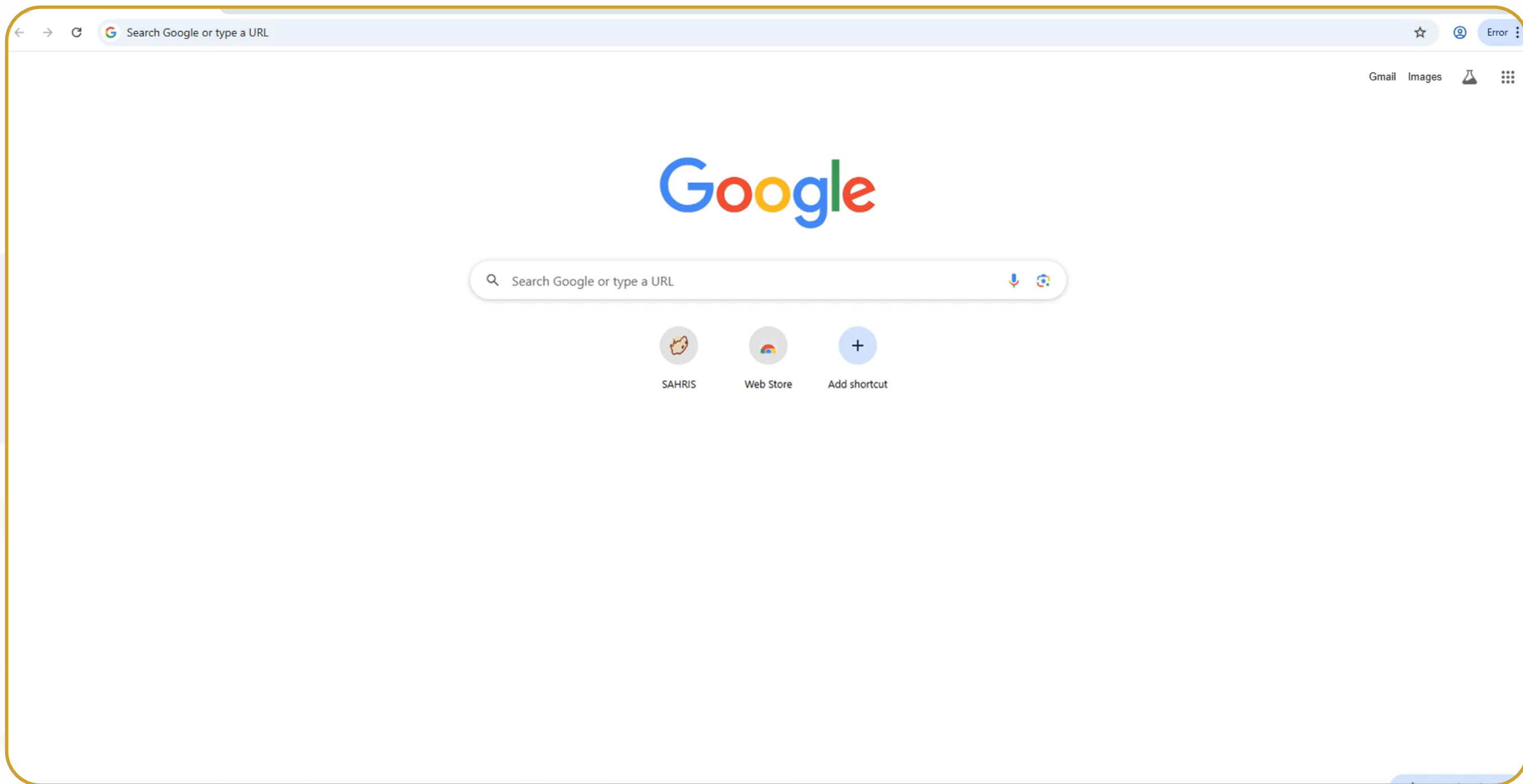
SAHRIS streamlines application processes, balances development with heritage protection, and provides greater planning certainty and reliable timelines.



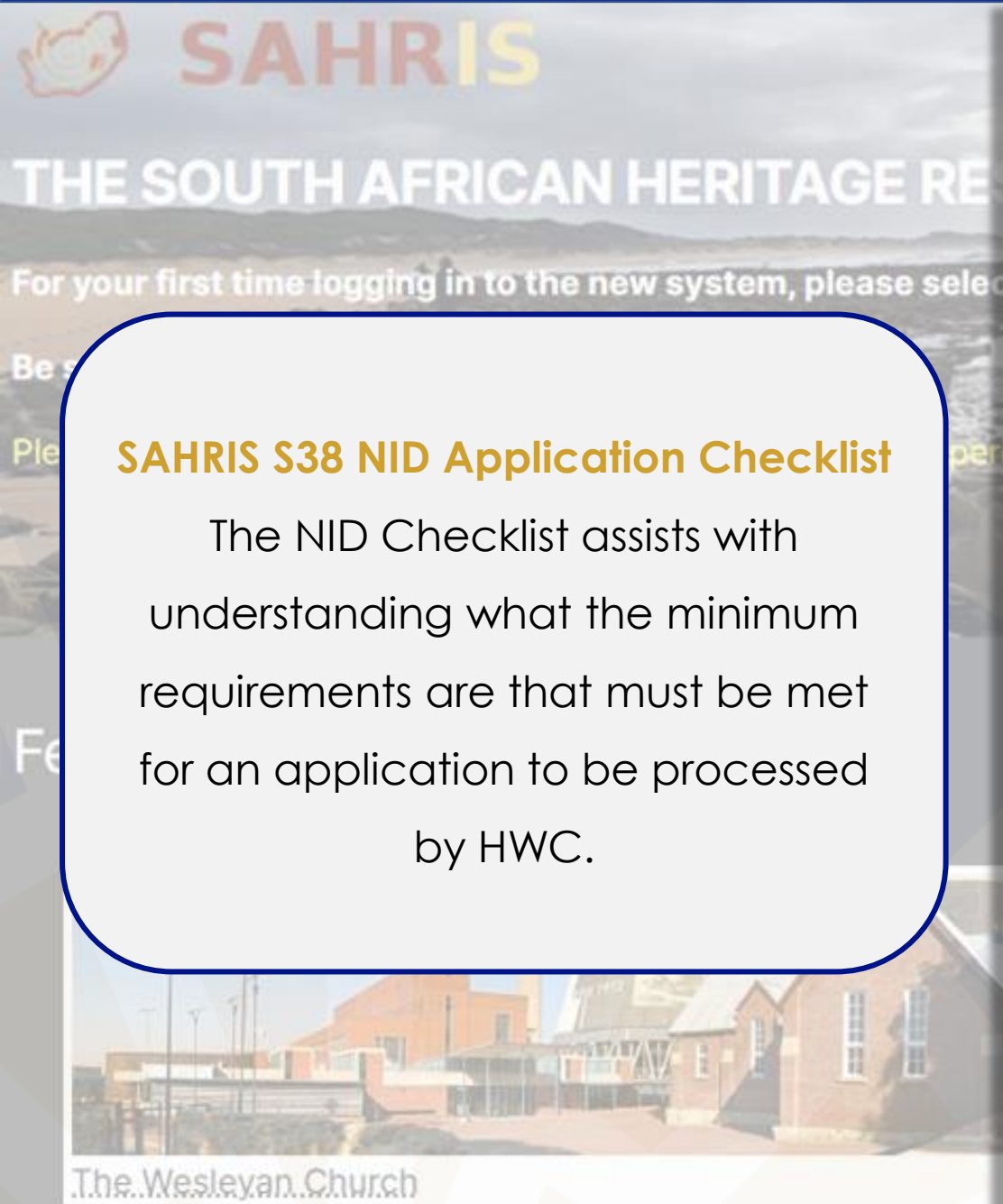
Key Takeaway

SAHRIS brings transparency, efficiency, and alignment for both heritage protection and Environmental Authorisation.

SAHRIS Example



SAHRIS Application Required Documentation



SAHRIS S38 NID Application Checklist

The NID Checklist assists with understanding what the minimum requirements are that must be met for an application to be processed by HWC.

<https://sahris.org.za/>

THE MINIMUM REQUIRED DOCUMENTATION AND/OR INFORMATION FOR SUBMISSION OF A SECTION 38 APPLICATION ON SAHRIS IS AS FOLLOWS:

If you are applying in terms of S38(1), i.e., HWC is the authorising authority for the development and as such, all the following listed documentation/information must be submitted as a minimum requirement.

If you are applying in terms of S38(8), i.e., A Basic Assessment or Environmental Impact Assessment process is being initiated/undertaken, then the documentation marked with an asterisk() does not constitute a minimum requirement. However, there will be an option to submit it if it is relevant towards assessing potential heritage impacts.*

- ☐ Proof of Payment with the correct payment amount and correct reference number (site details and municipal jurisdiction, e.g., Erf 12345 Stellenbosch, Farm 12345 George, etc.) in line with the HWC Fee Schedule available here: <https://www.sahris.org.za/node/358450>.
- ☐ *If you are **not** the registered landowner (i.e., you are applying as a consultant, developer, representative, etc.) the following documentation must be supplied to support your authorisation to apply:
 - Landowner Consent;
 - Power of Attorney; and
 - If the registered landowner is a company or a trust, a Company/Trust Resolution.
- ☐ Detailed description of the Proposed Development.
- ☐ Estimated Construction Cost of the Development in South African Rands (ZAR).
- ☐ A .kml file depicting the site of the proposal.
- ☐ Approximate development footprint (in square meters or hectares).
- ☐ Current Zoning and Land Use of the property/ies and predominant Land Use of the Surrounding Properties.
- ☐ A Historical Overview of the Site and its Context. This overview is to be supplied as text and/or demonstrated in a heritage screener where appropriate.
- ☐ A Summary of the Anticipated Impacts on Heritage Resource. This summary is to be supplied as text.
- ☐ *A Title Deed or Deed Search.
- ☐ *An SG Diagram or Compilation Document.
- ☐ Annotated Photographs of the wider context of the site, the site itself, and any structures or features on the site.
- ☐ A Site Development Plan (SDP) if available.

CHECKLIST FOR SUBMITTING A HWC SECTION 38 NOTIFICATION OF INTENT TO DEVELOP APPLICATION VIA SAHRIS – AUG 2025

Section 5: Experience Sharing: Previous Cases

Sofia Briel

24 October 2025

Road Maintenance – Determining Triggers

Section 38(1) Maintenance for road repair

Interpretation of Section 38(1) of the *National Heritage Resources Act (1999)*

When determining a trigger regarding **road works**, careful interpretation of the section is required to **distinguish maintenance from development**, especially where upgrades or realignments may impact heritage resources.

Before submission to HWC, ensure the activity does not:

- **Change the location, nature, or extent of the existing road;**
- **Introduce new materials or designs altering the visual or cultural character.**
- **Disturb any archaeological, historical, or palaeontological sites along the route.**
- **Impact to scenic routes OR graded cultural landscape or have a route that passes a provincial heritage resource – there is a potential trigger in terms of Section 27 of the NHRA.**

If in doubt, please contact HWC who will assist you in determining whether the proposed road works / maintenance qualifies as a trigger under S38(1), before submission.



Key lesson

S38(1) (a) “the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 metres in length.”

Routine maintenance = Not a trigger.

Any change in footprint or character = Trigger under S38(1).

Change in Character – Determining Triggers

Interpretation of Section 38(1)(c) of the *National Heritage Resources Act (1999)*

✔ YES

- Re-development
 - E.g. Developing beyond the existing footprint, with a scale, form and use in contrast to the surrounding area.
- Alterations
 - E.g. Extensive alterations such as alterations to multiple façades of a highly graded structure, within a sensitive context.
- Additions
 - E.g. Construction of a new structure on a vacant portion of a site, on the opposite side of the site to the existing structure.
- Subdivision
 - E.g. Subdivide of an erf into multiple smaller portions for group housing, in a context with large erf sizes.
- Change in use
 - E.g. A change of use from agricultural to residential within a largely agricultural context.
- Re-zoning
 - E.g. Re-zone from an agricultural zone to an industrial one within a rural landscape.
- Development (vacant)
 - E.g. Greenfield development on a historically vacant erf.

✗ NO

- E.g. Developing within an existing footprint, in-line with scale, form and uses in the surrounding context.
- E.g. Internal alterations to a non-heritage structure.
- E.g. Construction of a new structure, amongst other existing structures that are of similar form, scale and use.
- E.g. Subdivide an erf into two portions, with no new building work proposed, and in a context with similar erf sizes.
- E.g. Cultivation of land that has been fallow for multiple years.
- E.g. Re-zone from community zone to subdivisinal area within a residential context.
- There are very few cases where developing a vacant erf is not considered a change in character. Please consult HWC.*

If in doubt, please contact HWC who will assist you in determining whether the proposal is considered a change in character and qualifies as a triggers under S38(1), before submission.

Key lesson

When determining a potential **trigger in terms of change in character** it is important to look at the **scale, intensity** or **visual change** as a result of the activity or development.

Context is important when determining change of character. All proposal are assessed on a **case-by-case basis**.

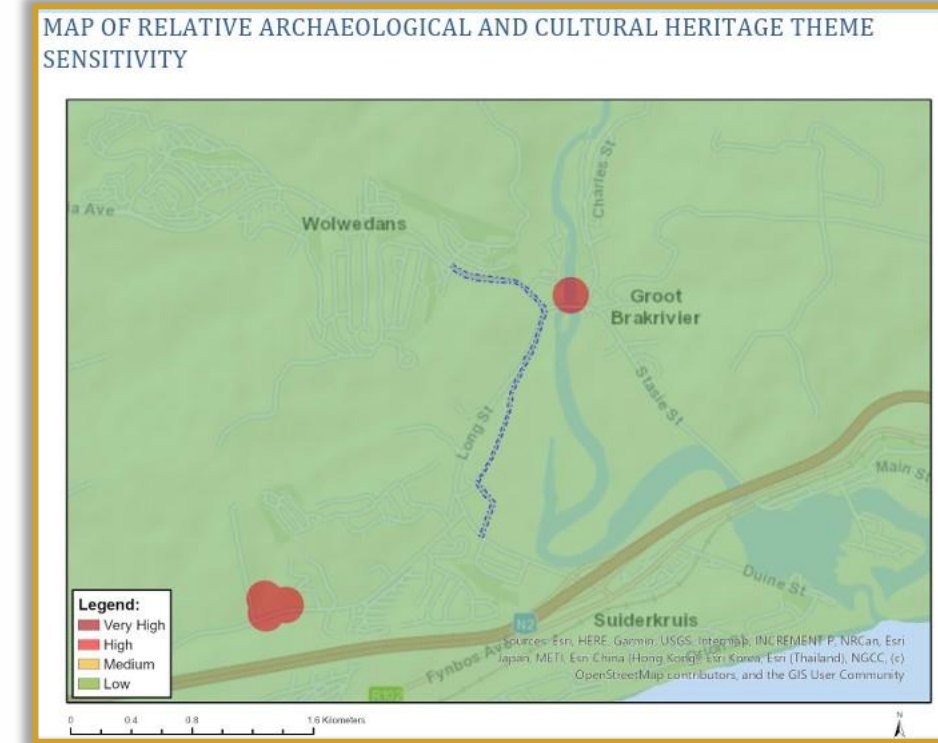
Section 38(1) and (8) of the *National Heritage Resources Act (1999)*

Early-Stage Importance

- The NID is the **first step** in the heritage review process – it precedes formal development applications.
- At this stage, developers often have limited information, but this is precisely when **screening is most valuable**.
- Early identification of heritage sensitivities avoids future **non-compliance, stop orders, or appeals** once construction is underway.

Use of Screening Tools

- **Local municipality surveys and zoning maps** can reveal whether the site falls within a **heritage overlay zone, historically sensitive area and cultural landscapes**.
- The **DEA&DP Screening Tool** helps identify **environmental triggers**, including heritage components linked to environmental authorisations.
- **SAHRIS** provides national sensitivity mapping for **archaeological** and **palaeontological sensitivity** and **visual map of other graded resource**.
- However, these tools provide **generalized data**, and the results must be **interpreted in context**.
- Engaging **qualified heritage consultant** ensures the information is understood and correctly applied.



Key lesson

Screening tools are a vital component of NID applications.

<https://sahris.org.za/map/palaeo>

Thank You & Questions

We welcome your questions, comments, and feedback on any aspect of heritage protection work



Useful Links

Use these tools early in the concept phase to flag heritage constraints, identify data gaps, and export maps for submissions.

GIS Viewers

[CoCT GIS Viewer](#)

[Overstrand GIS](#)

[Theewaterskloof GIS](#)

[Cape Farm Mapper](#)

SAHRIS & Environmental

[SAHRIS PalaeoMap](#)

[Environmental Screening Tool \(DFE\)](#)

Site Information

[Chief Surveyor General](#)

[Title Deed Search](#)

[MyDeedSearch](#)

[Conservation Body Map](#)



HWC Resources

[HWC Website](#) ● [WCG Website](#) ● [Staff Contact Details](#)

[HWC Policies & Guidelines](#) ● [Application Info + Requirements](#) ● [SAHRIS \(S38 Applications\)](#)