



NATIONAL HERITAGE RESOURCES ACT, ACT NO. 25 of 1999 (NHRA 1999)

NOTICE OF INTENT TO DEVELOP (NID) – DEVELOPMENT APPLICATION PROCESS IN THE EASTERN CAPE PROVINCE

The South African Heritage Resources Agency (SAHRA) is mandated with the management of all South Africa's heritage resources, as described in and protected by the National Heritage Resources Act, Act No. 25 of 1999 (NHRA 1999). The Eastern Cape Provincial Heritage Resources Authority (ECPHRA) is established in terms of the NHRA 1999, Section 23 and is responsible for the management of the heritage resources of the Eastern Cape Province. The ECPHRA Archaeology, Palaeontology and Meteorites (APM) Unit manages the NHRA 1999, Section 38 heritage management process for planned developments located in (or aspects of developments located in) the province, either as consenting authority (where no environmental process is required), or as commenting agent to the consenting authority (where an environmental process is required).

The Notice of Intent to Develop (NID) is the developer's first step in the NHRA 1999, Section 38 heritage management process with the objective of ECPHRA consent/comment in terms of the NHRA 1999, Section 38(4)/(8) for a development application.

NID submission guidelines:

- The R500.00 NID fee must be paid to:
 - Bank name: First National Bank (FNB);
 - Account name: Eastern Cape Provincial Heritage Resources Authority;
 - Account type: Public sector business account;
 - Account number: 62705406248; Branch code: 211021;
 - Reference: NID–development/project name/SAHRIS Case ID.
- Proof of payment of the R500.00 NID fee must be emailed to accounts@ecphra.org.za (subject: NID–development/project name/SAHRIS Case ID).
- The NID and NID proof of payment must be uploaded on SAHRIS or emailed to lungiswam@ecphra.org.za (subject: NID–development/project name/SAHRIS case ID), together with the following attachments:
 - A .kml / .kmz (Google Earth) file of the study site/general development co-ordinate.
 - A map, layout, sketch plans, or plans to motivate and further describe the NID application.
 - Photographs of the study site (if a site visit has been conducted).
 - Optional: an extended site or development/project description to motivate the NID application or to argue a development/project component specific response in the ECPHRA *NID Comment*.

1) NOTICE OF INTENT TO DEVELOP (NID)

NOTICE OF INTENT TO DEVELOP (NID)	
1.1) DEVELOPMENT / PROJECT INFORMATION	
NID submission date: [DD Month CCYY format]	
Development / project name:	
Development / project description: [Optional: attach an extended description of the proposed development / project]	
General development co-ordinate: [Attach a .kml / .kmz (Google Earth) file of the study site / general development co-ordinate]	
Development / project location: [Erf number and street name / farm name and number; rural region; (nearest) city / town / large village]	
(Nearest) city, town, or village:	
Municipal district: [Metropolitan municipality / District municipality / Local municipality]	
2.2) NID NOTIFIER INFORMATION	
Contact person:	
Company name / Government Department:	
Tel / Mobile:	
Email:	
Address:	

2.3) DEVELOPMENT / PROJECT HERITAGE INFORMATION	
2.3.1) NHRA 1999, SECTION 38 – HERITAGE RESOURCES MANAGEMENT	
NHRA 1999, SECTION 38(1)	
Subject to the provisions of subsection (7), (8) and (9), any person who intends to undertake a development categorized as -	[Mark the relevant box with an "X"]
(a) The construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;	
(b) The construction of a bridge or similar structure exceeding 50m in length;	
(c) Any development or other activity which will change the character of a site –	
(i) Exceeding 5,000m² in extent; or	
(ii) Involving three or more existing erven or subdivisions thereof; or	
(iii) Involving three or more erven or divisions thereof which have been consolidated within the past five years; or	
(iv) The costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;	
(d) The re-zoning of a site exceeding 10,000m² in extent; or	
(e) Any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,	
must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.	
SECTION 38(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:	
<ul style="list-style-type: none"> (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 heritage resources relative to the sustainable social and economic benefits to be derived from the development; (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. 	
SECTION 38(4)	
The report must be considered timeously by the responsible heritage resources authority which must, after consultation with the person proposing the development, decide—	
<ul style="list-style-type: none"> (a) Whether or not the development may proceed; (b) Any limitations or conditions to be applied to the development; (c) What general protections in terms of this Act apply, and what formal protections may be applied, to such heritage resources; (d) Whether compensatory action is required in respect of any heritage resources damaged or destroyed as a result of the development; and (e) Whether the appointment of specialists is required as a condition of approval of the proposal. 	
SECTION 38(8)	
The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989), or the integrated environmental management guidelines issued by the Department of Environment Affairs and Tourism, or the Minerals Act, 1991 (Act No. 50 of 1991), or any other legislation: Provided that the consenting authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority with regard to such a development have been taken into account prior to the granting of consent.	

2.3.1) NHRA 1999, SECTION 7 – HERITAGE SUMMARY

NHRA 1999, SECTION 7 – HERITAGE ASSESSMENT CRITERIA AND GRADING

- (1) SAHRA, in consultation with the Minister and the MEC of every province, must by regulation establish a system of grading of places and objects which form part of the national estate, and which distinguishes between at least the categories*—
- (a) Grade I: Heritage resources with qualities so exceptional that they are of special national significance;
 - (b) Grade II: Heritage resources which, although forming part of the national estate, can be considered to have special qualities which make them significant within the context of a province or a region; and
 - (c) Grade III: Other heritage resources worthy of conservation,
- and which prescribes heritage resources assessment criteria, consistent with the criteria set out in section 3(3), which must be used by a heritage resources authority or a local authority to assess the intrinsic, comparative and contextual significance of a heritage resource and the relative benefits and cost of its protection, so that the appropriate level of grading of the resource and the consequent responsibility for its management may be allocated in terms of section 8.
- (2) A heritage resources authority may prescribe detailed heritage assessment criteria, consistent with the criteria set out in section 3(3), for the assessment of Grade II and Grade III heritage resources in a province.

[*See SAHRA (2007) for Grade IV resource(s) / site(s)]

	[Mark the relevant box with an "X"]		
	Yes	No	Unknown
(1) Does the study site comprise (in whole or in part) a declared heritage resource / site in terms of the NHRA 1999, Section 7?			
If yes (1), is the resource / site declared as a:			
• Grade I – National heritage resource / site (NHS)			
• Grade II – Provincial heritage resource / site (PHS)			
• Grade III – Local heritage resource / site (LHS)			
Name of the declared heritage resource / site:			

NHRA 1999, SECTION 38 – HERITAGE RESOURCES MANAGEMENT

(2) Has an HIA ever been conducted on the (whole or part of the) study site?			
If yes (2), has the HIA been conducted within the past 5 years?			
If yes (2), supply the SAHRIS CaseID number(s) or HIA report reference(s):			
• SAHRIS CaseID number(s):			
• HIA report reference(s): [Use the format: 1) author surname and initial; 2) date; 3) report title, and attach a copy/copies of the HIA report(s)]			
(3) Are any HIA recorded Grade IV resource(s) / site(s) situated on the study site?			
If yes (3), list the HIA recorded Grade IV resource(s) / site(s): [Use the format: 1) site number; 2) period classification / site name]			
If yes (3), has a heritage permit been issued on any of the HIA recorded Grade IV resource(s) / site(s)?			
• List the SAHRA / ECPHRA permit numbers:			

NHRA 1999, SECTION 37 – PUBLIC MONUMENTS AND MEMORIALS

Public monuments and memorials must, without the need to publish a notice to this effect, be protected in the same manner as places which are entered in a heritage register referred to in section 30.

	[Mark the relevant box with an "X"]		
	Yes	No	Unknown
(4) Are any public monuments or memorials situated on (or near) the study site?			
If yes (4), supply the name(s) of the public monument(s) / memorial(s):			

NHRA 1999, SECTION 60 – REPEAL

The National Monuments Act, 1969 (Act No. 28 of 1969), and section 41(2) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), are hereby repealed.

(5) Are any national monuments, declared under the previous National Monuments Act, Act No. 28 of 1969 (NMA 1969) situated on (or near) the study site?			
If yes (5), supply the name(s) of the previously declared national monument(s):			

KNOWN HISTORICAL AND HERITAGE SIGNIFICANCE

(6) Is the study site associated with any known historical event(s) or heritage resource(s) / site(s)?			
If yes (6), provide a brief description of the known historical event(s) or resource(s) / site(s):			
If yes (6), has a heritage research permit been issued on the known historical event(s) or resource(s) / site(s)?			
<ul style="list-style-type: none"> List the SAHRA / ECPHRA permit number(s): 			
(7) Are any known formally protected heritage resource(s) / site(s) situated on or associated with the study site?			
<small>[Formally protected heritage resource(s) / site(s) include, for example, structures older than 60 years (NHRA 1999, Section 36), archaeological, palaeontological, and meteorites sites (Section 35), burial grounds and graves (Section 36), and living heritage (Section 2-xxi)]</small>			
If yes (7), provide a brief description of the known formally protected heritage resource(s) / site(s):			

[END OF DOCUMENT].