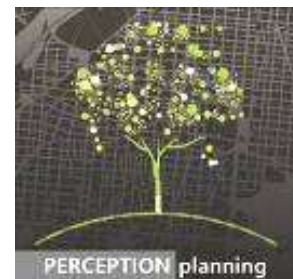


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CC Reg. No. 2003/102950/23

Our ref: MB/7284 Dana Bay/NHRA/2022

Your ref:

VIA E-MAIL
4th April 2022

C/o Cape Environmental Assessment Practitioners (Pty) Ltd
PO Box 2070
GEORGE
6530

Attention: Siân Holder,

**APPLICABILITY OF SECTIONS 34(1) AND 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999):
UPGRADING OF EXISTING A. FEROX STORMWATER DRAINAGE SITUATED ON A PORTION OF ERF 7284 (DANA BAY), MOSSEL BAY
DISTRICT AND MUNICIPALITY**

1. Our previous communications in relation to the above proposed engineering upgrading works refer.
2. Based on the background information provided as part of the A. Ferox Dana Bay Stormwater Upgrade Report by V3 Consulting Engineers dated 22nd November 2021 (Ref. 10082001), it is evident that the proposed works do not trigger any of the development activities listed in terms of Sections 34(1) and 38(1) of the National Heritage Resources Act, 1999 (Act 25 of 1999) ("NHRA"):

Sec. of NHRA	Development Trigger	Yes/ No
34(1)	"No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority"	No
38(1)(a)	"Construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length"	No
38(1)(b)	"Construction of a bridge or similar structure exceeding 50m in length"	No
38(1)(c)	"Any development or other activity which will change the character of a site: Exceeding 5,000m ² in extent; Involving three or more existing erven or subdivisions thereof; Involving three or more erven or divisions thereof, which have been consolidated within the past five years; Costs of which will exceed a sum set in terms of regulations by SAHRA or a PHRA."	No No No No
38(1)(d)	"The rezoning of a site exceeding 10,000m ² in extent"	No
38(1)(e)	"Any other category of development provided for in the regulations by SAHRA or a PHRA."	No

3. The proposed works as outlined therefore does not trigger any "Permit" application (Section 34 of the NHRA) or a "Notice of Intent to Develop" application (Section 38 of the NHRA) to the competent authority (being Heritage Western Cape) in this case.
4. It is noted that the urban catchment area drained through this particular stormwater drainage comprise primarily of hardened surfaces, which invariably concentrates the volume and velocity of surface water run-off. By implication therefore said run-off has resulted in erosion, which drastically reduces the probability for encountering archaeological and/or palaeontological occurrences within the study area that may remain within an undisturbed (in situ) context.
5. It is trusted that you find the above in order, however, please do not hesitate to contact the writer, should any additional information be required.

Yours faithfully,
PERCEPTION Planning

STEFAN DE KOCK
Hons: TRP(SA) EIA Mgmt(IRL) Pr. Pln PHP