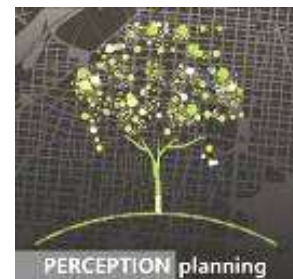**Southern Cape Office:**
7 Imelda Court, 103 Meade Street/
PO Box 9995 George, 6530

Fax: 086 510 8357
Cell: 082 568 4719
E-mail: perceptionplanning@gmail.com
www.behance.net/perceptionplanningSA
CC Reg. No. 2003/102950/23

Our ref: GBR/4735/NHRA/2023
Your ref:

VIA E-MAIL
5th December 2023

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

Attention: Mariska Byleveld,

APPLICABILITY OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999): UNAUTHORISED WORKS UNDERTAKEN ON ERF 4735 (GREAT BRAK RIVER), MOSSEL BAY DISTRICT AND MUNICIPALITY

1.   Our previous communications in relation to the above refer.

2.   Based on the background information provided it would appear that the unauthorised works undertaken do not trigger any of the development activities listed in terms of Section 38(1) of the National Heritage Resources Act, 1999 (Act 25 of 1999) ("NHRA"):

Sec. of NHRA	Development Trigger	Yes/ 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 5,000m² in extent;	**No**
	Involving three or more existing erven <u>or subdivisions</u> thereof;	**No**
	Involving three or more erven <u>or divisions</u> thereof, which have been consolidated within the past five years;	**No**
	Costs of which will exceed a sum set in terms of regulations by SAHRA or a PHRA."	**No**
38(1)(d)	"The rezoning of a site exceeding 10,000m² in extent"	**No**
38(1)(e)	"Any other category of development provided for in the regulations by SAHRA or a PHRA."	**No**

3.   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