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CC Reg. No. 2003/102950/23

**Our ref:** KEU/Rem 141,390/Sec 34/2021
**DEADP Ref:** 16/3/3/6/7/1/D1/6/0110/21

**VIA E-MAIL**
29th November 2021

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

Attention: Melissa Mackay,

**APPLICABILITY OF SECTION 38 OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999): PROPOSED CONSOLIDATION, REZONING AND DEPARTURE (RELAXATION OF BUILDING LINES): REMAINDER OF ERF 141 AND ERF 390 (61 MAIN STREET, KEURBOOMSTRAND), KNYSNA DISTRICT AND BITOU MUNICIPALITY**

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

2. In terms of the provisions of Section 38(1) of the National Heritage Resources Act, 1999 (Act 25 of 1999)(NHRA), any person in intending to undertake any development which may trigger one or more of the development activities listed in **Table 1** below 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*". In the Western Cape Province this requirement would normally necessitate submission of a "Notice of Intent to Develop" (NID) to the competent authority, being "Heritage Western Cape" (HWC).

3. The proposed development does not trigger any development activity(ies) listed in terms of Section 38 of the NHRA, as outlined in **Table 1** below and therefore no application (Notice of Intent to Develop) is required:

| Sec. 38 | Development activity | Applicable (Yes/No) |
|---|---|---|
| (1)(a) | Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length. | **No** |
| (1)(b) | Construction of a bridge or similar structure exceeding 50 m in length. | **No** |
| (1)(c) | Any development or other activity which will change the character of a site: | **No** |
| | (i) exceeding 5,000m² in extent; | **No** |
| | (ii) involving three or more existing erven or subdivisions thereof; | **No** |
| | (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; | **No** |
| | (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority. | **No** |
| (1)(d) | Rezoning of a site exceeding 10,000m² in extent. | **No** |
| (1)(e) | Any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority. | **No** |

**Table 1:** Section 38 of NHRA development activity(ies) triggered through the proposal for redevelopment of the Remainder of Erf 141 and Erf 390, Keurboomstrand.

4. The development proposal does however trigger Section 34(1) of the NHRA stating that, "*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.*". A permit application in terms of Section 34 of the NHRA was submitted to HWC during August 2021 and the outcome awaited.

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*