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CC Reg. No. 2003/102950/23

Our ref: HB/139, 318, 326/NHRA/2024

Your ref:

VIA E-MAIL
9th February 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): PROPOSED ENGINEERING WORKS ACROSS PORTIONS OF ERVEN 139, 318 & 326 (HEROLD'S BAY), GEORGE DISTRICT AND MUNICIPALITY

1. Our previous communications in relation to the above refer.
2. Based on the background information provided it appears that the proposed engineering works, as outlined in your report "Notice of Intent to submit an application for Environmental Authorisation for Herold's Bay Stormwater Infrastructure on Erven 139, 318 and 326 Herold's Bay, George in terms of the National Environmental Management Act (Act No. 107 of 1998, as amended) & 2014 Environmental Impact Regulations (December 2023)", 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 5,000m ² in extent;	No
	Involving three or more existing erven or subdivisions thereof;	No
	Involving three or more erven or divisions 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 10,000m ² in extent"	No
38(1)(e)	"Any other category of development provided for in the regulations by SAHRA or a PHRA."	No

3. 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