

**Unauthorized Additions and Alterations on Erf 2002, 38 St Andrews Drive, Durban North**

**Final Decision**

**IN TERMS OF SECTION OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)  
AND SECTION 37 OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (ACT 05  
OF 2018)**

Attention: Ilse Erwee

**The proposal is to bring to comply with the requirements of the KwaZulu-Natal Provincial Heritage Resources Authority Act following the additions of 2 awnings without obtaining a permit. Other additions and alterations were done before the property reached the 60-year mark and therefore do not trigger the Act.**

We acknowledge receipt of your application for the condonation of the unauthorized work done on the above property. The KwaZulu-Natal Amafa and Research Institute (the Institute) reviewed the application on 14 September 2022.

Please be advised as follows: -

- (1) The Institute was unable to consider the merits of the application as the work had already commenced.
- (2) As a result, a permit cannot now be issued.
- (3) We would like to draw your attention to the fact that your failure to obtain a permit prior to the commencement of the work, is in contravention of the provisions of the KwaZulu-Natal Amafa and Research Institute Act (5 of 2018), and as such is a criminal offence for which you may be prosecuted.
- (4) However, the Institute has decided to condone your failure to obtain a permit, as required, on condition that the work was conducted strictly in accordance with **M. Van Breemen-Architectural Plans (1880/10/86/6), dated: April 2022, received by the Institute on 07 September 2022**, and that all the work shown on the application is completed within a calendar year of the date of this letter.
- (5) Prior written approval from the Institute is required for any deviation from the approved plans.
- (6) No legal action will be instituted against you in this instance.

**Failure to comply with the requirements of the National Heritage Resources Act and the KwaZulu-Natal Amafa and Research Institute Act could lead to legal action being constituted against the applicant.**

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully



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John Pakwe  
Heritage Officer  
KwaZulu-Natal Amafa and Research Institute

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**ADMIN:**

Direct URL to case: <https://sahris.sahra.org.za/node/604909>

**Terms & Conditions:**

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to the Institute immediately.
3. The Institute reserves the right to request additional information as required.