

**Our Ref:**



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto:info@sahra.org.za)  
South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
[www.sahra.org.za](http://www.sahra.org.za)

Enquiries: Lesa la Grange  
Tel: 021 202 8658  
Email: [llagrange@sahra.org.za](mailto:llagrange@sahra.org.za)  
CaseID: 11439

Date: Tuesday September 05, 2017  
Page No: 1

## Letter

### In terms of Section of the National Heritage Resources Act (Act 25 of 1999)

Attention: Vuyo Ngonyama  
National Department of Public Works  
Private bag X9027, Cape Town 8000

### **Proposed Repair and Upgrades to the Primary Breakwater, Secondary Breakwater and the Main Quay at Gordon's Bay Fishing Harbour, Western Cape**

SAHRA thanks the applicant for the opportunity to comment on the Draft Maintenance Management Plan (DMMP) for the proposed works.

Kindly take note of the following comments on specific sections of the DMMP:

Appendix A P. 7 - The quoted text "No person may..." is taken from Section 27 of the NHRA, and not Section 34.

Appendix A P. 7 - A paragraph which reads "In terms of Section 34 of the NHRA "No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit" must be included. Although this section of the Act goes on to say that the permit must be issued by the relevant provincial authority, this is not applicable as HWC don't have jurisdiction or official competence to issue permits for heritage below the high water mark, on or under reclaimed land, or heritage resources associated with maritime and underwater cultural heritage (including maritime infrastructure).

Appendix A P. 7 - A paragraph which reads "In terms of Section 35 of the NHRA "No person may, without a permit issued by the responsible Heritage Resources Authority, destroy, damage, excavate, alter... or otherwise disturb any archaeological or palaeontological site". Furthermore, "No person may... destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object... or bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assists in the detection or recovery of metals or archaeological and palaeontological material or objects."

Appendix A P. 8 - After "resources (including wrecks)" it must be stated that, in addition to notifying SAHRA and carrying out any requested assessments, permit applications shall be required for any activities triggering section 34 or 35 of the NHRA. In cases involving works to structures proven or suspected to be older than 60 years which are not associated with maritime and underwater cultural heritage, the Section 34 permit

# Infrastructure Upgrades and Repairs at Gordon's Bay Fishing Harbour, Western Cape

Our Ref:



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto:info@sahra.org.za)  
South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
[www.sahra.org.za](http://www.sahra.org.za)

Enquiries: Lesa la Grange  
Tel: 021 202 8658  
Email: [llagrange@sahra.org.za](mailto:llagrange@sahra.org.za)

Date: Tuesday September 05, 2017

Page No: 2

CaseID: 11439

application must be made to the relevant competent Provincial Heritage Resources Authority.

Appendix A P. 19, Table 4.2 Point 7 - This point must read as follows: "Submit permit applications to SAHRA via SAHRIS for any proposed works to structures proven or suspected to be older than 60 years in terms of Section 34 of the NHRA, and for any disturbance of maritime or underwater cultural heritage resources in terms of Section 35 of the NHRA" or similar.

Appendix A P. 30 Table 4.3 Point 28 - It is suggested that the Monitoring methods and Performance Indicators should be switched on this point.

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

Yours faithfully

---

Lesla la Grange  
Acting Manager: Maritime and Underwater Cultural Heritage  
South African Heritage Resources Agency

---

## ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/406407>

## 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 SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.