

Our Ref:



an agency of the
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town
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Enquiries: Briege Williams
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CaseID: 12978

Date: Friday October 12, 2018
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Final Decision

In terms of Section 38 of the National Heritage Resources Act (Act 25 of 1999)

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

On 17 February 2018, SRK submitted a Notification of Intent to Develop (NID) to the South African Heritage Resources Agency (SAHRA), requesting clarification as to whether an application in terms of Section 38 (2) of the National Heritage Resources Act 25 of 1999 (NHRA) would be required for the above-mentioned works. On 22 February 2018, SRK received a letter from SAHRA confirming that a Section 38 (2) application will be required as the proposed dredging and placement of dredge material in scour holes in the harbour basin will affect an area exceeding 5000 m² in size.

The South African Heritage Resources Agency would like to thank you for submitting the final draft of the "Proposed Upgrade of Island View Seawalls in the Port of Durban Construction Environmental Management Programme".

A previous case application by SRK in February 2018 (SAHRIS Case ID 12227) provided a Notification of Intent to Develop and the screening report for the Upgrading of the Island View Seawalls at the Port of Durban. The applicant requested advice from SAHRA on whether a permit was needed for the upgrading of the seawall berths and whether a Section 38 application was required.

SAHRA advised that as some of the berths were over 60 years of age that a permit would be required prior to any upgrading work be undertaken. This was duly applied for by SRK and SAHRA supported the application and drafted the permit. However, as the upgrading work is only scheduled to commence at the end of 2019 the issuing of the permit was postponed at the request of the applicant. Once a contractor has been appointed for the project SAHRA will be notified by the applicant and the permit will be issued. It must be noted that payment for the permit has already been made in advance of the permit being issued.

SAHRA also advised that as the proposed dredging and dredge disposal will affect an area exceeding 5000m²

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it was deemed that, in line with the legislation set out in the NHRA, a separate Section 38 application was needed and should be applied for via SAHRIS. This current application refers to the planned dredging and dredge disposal operations.

SAHRA has reviewed the documentation provided and has noted that the locations for proposed dredging fall within areas that have been highly disturbed by previous activity, be it the construction of the current berths or routine maintenance. The areas to be dredged fall within the maintenance dredging tolerances depths and will not exceed the previous depth of the basin. The dredged material is to be placed within existing scour holes.

As the proposed dredging is being carried out in areas that have previously been disturbed, the likelihood that any *in situ* heritage material will be uncovered during the proposed works is very low. SAHRA therefore has no objections to the work going ahead providing that the mitigation measures set out in the CMPr are adhered to and followed. Should any heritage material be uncovered, work must cease immediately and SAHRA be contacted to provide advice on the way forward.

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

Yours faithfully

Briege Williams
Heritage Officer
South African Heritage Resources Agency

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

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/513045>

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.