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Date: 18 December 2013

### SAHRA REFERENCE NUMBER:

9/2/055/0002

NC/KGA/BEST 1/12/2008 (Record of Decision): dated 13 November 2008 (EA No: 89/2008)

South African Heritage Resources Agency ("SAHRA")  
**Archaeology, Palaeontology and Meteorite ("APM") Unit**  
Attention: Ms. Jenna Lavin / Phillip Hine  
PO Box 4637  
Cape Town  
8000

Online submission to SAHRA and by email: [jlavin@sahra.org.za](mailto:jlavin@sahra.org.za) and [phine@sahra.org.za](mailto:phine@sahra.org.za)

Dear Ms. Lavin and Mr. Hine

### MOTIVATION LETTER REGARDING THE POTENTIAL CEASE WORKS ORDER AND RECTIFICATION IN TERMS OF THE NHRA FOR THE RESIDENTIAL TOWNSHIP ON THE FARM BESTWOOD RD 459 IN KATHU, GAMAGARA MUNICIPALITY, NORTHERN CAPE PROVINCE

Based on recent discussions and concomitant correspondence with your Unit<sup>1</sup> regarding the above mentioned project, and the correspondence<sup>2</sup> relating specifically to the possibility of issuing a cease works order for the development<sup>3</sup>; the purpose of this letter is to provide a motivation<sup>4</sup> for your Unit's consideration relating specifically to the 'rectification' of activities which have been undertaken on site without meeting SAHRA's requirements *viz.* receiving an updated archaeological report as well as a paleontologist undertaking an assessment of the project area prior to construction commencing. Condition 11 of the Environmental Authorisation issued by the Department of Tourism, Environment and Conservation on 13 November 2008 states that "the activity may not commence without the necessary permits / licenses / approvals and / or service agreements, where it is relevant, from or with the relevant regulatory authorities". Jeffares & Green (Pty) Ltd ("J&G") have been appointed to project manage the regularisation / rectification process / es for the Bestwood development.

#### 1. Project description and need for the project

The Bestwood residential development is located on *Remainder, and Portion 3 of Farm Bestwood 459*<sup>5</sup> near the town of Kathu, Northern Cape. The development is divided into Phase 1 and Phase 2 and "consists of a mixed use human settlement comprising of affordable housing, general residential, institutional and commercial opportunities, fulfilling the needs of the various mining expansion programmes for the region"<sup>6</sup>. The

<sup>1</sup> Telephone discussions and emails (5, 9, 10, 11 and 13 December 2013)

<sup>2</sup> Email from P. Hine dated 9 December 2013

<sup>3</sup> If there is evidence that there is archeological material on site which is being disturbed without approval from SAHRA

<sup>4</sup> As per the approach detailed in the 10 and 11 December 2013 email correspondence

<sup>5</sup> As detailed in the Record of Decision dated 13 November 2008

<sup>6</sup> Bestwood Estate, Kathu, Northern Cape: *General Sales Project Information: October 2011*

**Jeffares & Green (Pty) Ltd • Reg. No. 1977/000524/07**

**Directors:** CJ Robinson (Managing), Ms MV Makhetha, SN Makhetha, Ms VG Mkaza, Ms JC Norris, PA Olivier, G Poswell.  
**Member Firm:** Consulting Engineers South Africa (CESA).  
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development, together with new extensions within / around the town of Kathu will create a new regional node for the Northern Cape with towns such as Olifantshoek, Postmasburg, Kuruman and Hotazel benefiting from this initiative. The phased development at Bestwood will be undertaken on a 200 ha portion of the farm Bestwood No. 459 RD which is situated adjacent to the N14 National road and opposite the entrance to Kathu from the N14<sup>7</sup>.

The Housing Impact Fund of South Africa (“HIFSA”) is a subsidiary of Old Mutual Investments which is involved in financing the development of approximately 3 300 residential units within the Bestwood development, all of which will be constructed on *Erven 8440, 8439, and 8438* as part of Phase 1. Refer to the annotated site layout plan attached as **Appendix A**. The remaining 2 200 houses and industrial / commercial developments form part of Phase 2 of the construction phase. A temporary management / construction camp has also been built on erf 8434 (north of the site). Construction of the Waste Water Treatment Works (“WWTW”) to service the development has begun, but construction has ceased as the required approval has not been obtained from the competent authority. Discussions are being held in this regard with the relevant competent authorities to regularise / rectify a number of issues on site, which includes the WWTW and construction camp. Refer to **Appendix B** for meeting notes with the Department of Environmental Affairs (“DEA”), the provincial Department of Water Affairs (“DWA”), and the provincial environmental Department of Environment and Nature Conservation (“DENC”).

## 2. Construction progress and developments on site

Approximately 280 residential units have already been built on *Erf 8440*<sup>8</sup> as part of Phase 1 of the Bestwood development and are currently occupied (refer to the annotated site layout plan (green arrows) attached as **Appendix A**). A further 50 residential units are awaiting transfer, and it is predicted that a total of 300 houses will be constructed by the end of February 2014. Earthworks and concomitant services have been laid in both Phase 1 and Phase 2, with more development (top structures) having been built in Phase 1. Refer to **Appendix C** which provides various layouts which indicate the status of construction of services which has already been undertaken / completed on the site since 12 December 2013. This includes:

- roads,
- internal sewers,
- internal water reticulation,
- internal gas reticulation, and
- external works (borehole and rising main to the Municipal reservoir and water tower, water supply line from the Municipal reservoir and water tower to the Bestwood development, sewer pump station and rising main to the oxidation pond and Bestwood WWTW).

## 3. Motivation in terms of rectification in terms of the National Heritage Resources Act, 25 of 1999 (the “NHRA”)

As discussed telephonically, the builder’s holiday within the construction industry has begun, so no further construction will take place on the site until about 8 January 2014, with full operation beginning on 13 January 2014<sup>9</sup>. Furthermore, much of the construction and concomitant disturbance on site has been undertaken on Phase 1 where top structures have been built particularly on erf 8440. As most of the disturbance has been undertaken on Phase 1 of the development, it is strongly motivated that construction continue within this phase until such time as the requisite specialist studies and your comment / approval is obtained for the rest of the site (Phase 2). Although services and bulk earthworks have been undertaken on the entire site, there are pockets of undisturbed areas particularly on Phase 2 which could possess items / material of paleontological and / or archaeological significance.

As the necessary archaeological and / or paleontological investigations / assessments were not undertaken as part of the 2008 EIA process, these will be undertaken and completed for the entire development (Phase 1 and 2) for submission to your Unit by the end of January 2014. In this regard, Dr. John Almond<sup>10</sup> will undertake a

<sup>7</sup> Bestwood Estate, Kathu, Northern Cape: *General Sales Project Information: October 2011*

<sup>8</sup> Refer to the green arrows on **Appendix A** (in the southern portion of the site).

<sup>9</sup> Pers. comm. Mr. Marius Vivier (Managing Director: Share Africa Housing): 18 December 2013

<sup>10</sup> as recommended by B de Klerk from Rhodes University: Paleontological Society

full desktop assessment from a paleontological perspective, and Dr. David Morris<sup>11</sup> will undertake a field assessment and concomitant reporting from an archaeological perspective. Based on the findings of the two specialist studies, should there be evidence that there is archeological and / or paleontological material on site which is being disturbed without approval from SAHRA, it is motivated that a cease works order be issued for the development; particularly for Phase 2 where less disturbance (i.e. more potential for material to be recovered) has been undertaken on site.

The Gamagara Municipality, DENC, Heritage Resources Services, as well as the DEA and DWA have been copied in for information purposes.

For completeness and as requested by P. Hine, the following documentation has been uploaded onto the SAHRA website as part of this case file:

- Final Scoping Report dated April 2008,
- First Phase Archaeological and Cultural Heritage Assessment Report dated August 2008,
- Heritage Impact Assessment Report dated September 2008,
- Final EIA Report dated September 2008,
- ROD issued by the Department of Tourism, Environment and Conservation on 13 November 2008,
- SAHRA correspondence dated November 2008,
- SAHRA correspondence dated December 2008, and
- Environmental Management Plan dated 2010.

The progress in terms of construction already undertaken as at 16 December 2013 has also been uploaded onto the SAHRA case file.

Based on the above motivation and proposed way forward in terms of rectification from a heritage (archaeological / paleontological perspective), we request that your Unit consider the above approach and look forward to your timeous response in this regard.

Yours faithfully



Tamara Drake (Ms.)

On behalf of Jeffares & Green as the Independent Environmental Consultants

Copied to:

**Gamagara Municipality:** Mr. K. Ositang and Mr. L. Botha

**Heritage Resources Services** (Northern Cape): Mr. A. Timothy

**Northern Cape Department of Environment and Nature Conservation (DENC):** Mr. T. Molefe

**Department of Environmental Affairs:** Mr. W. Eiselen and Mr. B. Dlamini

**Department of Water Affairs:** Mr. A. Abrahams

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<sup>11</sup> As recommended by yourselves

APPENDIX A: Annotated site layout plan  
and  
Conceptual layout of proposed pumping main

**Refer to the supporting documentation folder in the case file where these layout plans have been uploaded separately due to size constraints.**

**APPENDIX B: Notes taken from meetings held with competent authorities**

APPENDIX C: Indication of construction progress for the site as at 12 December 2013

*Refer to the supporting documentation folder in the case file where these layout plans have been uploaded separately due to size constraints.*