

**For Attention:**

**Natasha Higgitt**



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16 May, 2023

**RESPONSE TO**

**FINAL COMMENT**

**In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)  
(CASE ID: 21035)**

Firstly, we wish to acknowledge and thank the Department for providing comments on the Draft BAR for the project entitled:

*“the upgrading & development of an access road from the N10/‘Burgerville’ District Road (2448) turn-off into the farm Riet Fountain No. 39C and to the Switching station and main transmission substation on Sun Central Cluster 1 (300 MW) Solar PV facility between De Aar & Hanover, Emthanjeni Local Municipality, Pixley Ka Seme District Municipality, Northern Cape Province, South Africa”.*

The “**Final Comment**” dated 15<sup>th</sup> May 2023 and received via email on the same day has reference:

The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:

1. 38(4)a – The SAHRA has no objections to the proposed development;

Noted.

2. 38(4)b – The recommendations of the specialists are supported and must be adhered to. Further additional specific conditions are provided for the development:

The specialist recommendations have been included in the draft EMPr.

3. Un-developed and un-disturbed sections of the proposed access road must be subjected to a walkdown by a qualified archaeologist to ensure that no heritage resources of high heritage will be impacted. A walkdown report must be submitted to SAHRA for comment. No construction in these sections may occur without comment from SAHRA;

A Heritage specialist will ground truth the access road alignment prior to the commencement of construction. Additionally, the following mitigation has been added to the draft EMPr for implementation during the pre-construction phase:

*“Un-developed and un-disturbed sections of the proposed access road must be subjected to a walkdown by a qualified archaeologist to ensure that no heritage resources of high heritage will be impacted. A walkdown report must be submitted to SAHRA for comment. No construction in these sections may occur without comment from SAHRA.”*

4. SAHRA reserves the right to impose additional conditions on the development based on the results of the walkdown report;

These conditions can be enforced through the Cultural Heritage Management Plan for Sun Central Cluster 1 and associated infrastructure. The following mitigation has been added to the draft EMPr to facilitate enforcement:

*“SAHRA reserves the right to impose additional conditions on the development based on the results of the walkdown report. Such conditions must be added to the Cultural Heritage Management Plan for Sun Central Cluster 1 and associated infrastructure, and adhered to accordingly.”*

5. 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA (Natasha Higgitt 021 202 8660/ [nhiggitt@sahra.org.za](mailto:nhiggitt@sahra.org.za)) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule;

The following mitigation has been added to the draft EMPr to facilitate protocol:

*“If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA (Natasha Higgitt 021 202 8660/ [nhiggitt@sahra.org.za](mailto:nhiggitt@sahra.org.za)) must be alerted as per section 35(3) of the NHRA. Non-compliance with (this) section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule.”*

6. 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Ngqabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;

The following mitigation has been added to the draft EMPr to facilitate protocol:

*“If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Ngqabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with (this) section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule”*

7. 38(4)d – See section 51 of the NHRA regarding offences;

Noted.

8. 38(4)e – The following conditions apply with regards to the appointment of specialists:

9. With reference to the mitigation work noted above, a qualified archaeologist must be appointed to undertake the work in terms of the permit applied for as noted above;

The following mitigation has been added to the draft EMPr to facilitate protocol:

*“A qualified archaeologist must be appointed to undertake the work in terms of any permit(s) applied for.”*

10. If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;

This condition is already included in the draft EMPr.

11. The Final BAR and EMPr must be submitted to SAHRA for record purposes;

The Final BAR and EMPr shall be uploaded onto the SAHRIS (CaseID 21035).

12. The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

The decision regarding the EA Application will be communicated to Ms Natasha Higgitt of SAHRA and it will be uploaded onto the SAHRIS (CaseID 21035).



Yours sincerely,

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