

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
P.O. Box 4637 | Cape Town | 8001
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Enquiries: Natasha Higgitt
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CaseID: 15323

Date: Friday August 28, 2020
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Final Comment

In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Dikgatong Municipality

Private Bag X5, Barkly West, 8375
1 Campbell St, Barkly West, 8375

A Section 24G process for rectification and continuation of an illegal undertaken at Erf 711 in Barkly West, whereby transformation of a vacant and undeveloped place, zoned as a Public Open Space was undertaken resulting in the change in land use.

NSVT Consultants has been appointed by Dikgatong Local Municipality to conduct a Section 24G Rectification process for the Section 24G rectification and continuation process of a the establishment of an informal settlement on Erf 711, Barkly West, Northern Cape Province.

A Draft S24G Assessment report has been submitted in terms of the National Environmental Management Act, 107 of 1998 (NEMA) and NEMA Environmental Impact Assessment (EIA) Regulations. Activities that had commenced illegally include the clearing of 2.6 ha of indigenous vegetation within 32 m of a stream. Further proposed activities include the construction of a dam, extension of the pump station, 50 ha of vineyard (inclusive of the current illegal 2.6 ha) and internal irrigation pipelines.

A previous SAHRIS Case has reference (SAHRIS Case ID 13315 - <https://sahris.sahra.org.za/cases/agricultural-development-triple-d-farms-plot-1178-kakamas-south-settlement-now-plot-2435>).

Banzai Environmental and APelser Archaeological Consulting has been appointed to provide heritage specialist input as part of the EA process as per section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) as required by section 24(4)b(iii) of NEMA.

Butler, E. 2020. Palaeontological Desktop Assessment for the proposed S24G Zone 7, Barkly West Township Establishment.

The proposed development is underlain by the Allanridge Formation and Late Caenozoic superficial deposits. Stromatolites and possible organic walled microfossils are known to be located within the Allanridge



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Formation. Quaternary fossils may be present within the Late Caenozoic superficial deposits. A Chance Finds Protocol is recommended to be followed.

Pelser, A. 2020. Phase 1 HIA Report for Proposed Township Establishment & the Formalization of an Informal Settlement on Erf 711, Barkly-West, Northern Cape Province.

No heritage resources were identified within the settlement area. A cemetery is located on the western edge of the settlement, however these graves are younger than 60 years.

Recommendations provided in the report include the following:

- A buffer of 30 m should be maintained around the identified cemetery;
- A Chance Finds Procedure should be implemented during construction.

Final Comment

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 24G report and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the rectification application;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. Further additional specific conditions are provided for the development as follows;
- While the 30 m buffer around the cemetery should be implemented, the cemetery is younger than 60 years and therefore are not under the protection of the NHRA and SAHRA cannot provide conditions thereof. The Sol Plaatje Cemetery by-laws and the Human Tissue Act, Act 65 of 1983 would be relevant in this case;
- 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 APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) 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;

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- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 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;
- 38(4)d – See section 51(1) of the NHRA;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
 - i) 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;
 - The Final 24G assessment and EMPr must be submitted to SAHRA for record purposes;
 - The decision regarding the 24G Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

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

Yours faithfully

Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

Phillip Hine

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Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/538443>
(DENC, Ref: S24G/02/04/2020)

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.