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CaseID: 16230

Date: Tuesday May 04, 2021  
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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: Mosplaas Sitrus (Pty) Ltd

**The property (Mosplaas Farm) on which the construction of the agricultural development (orchards/vineyards) and associated infrastructure took place, is situated on the Kakamas South Settlement (KSS) No. 2255, 2149, 1710 and 2152. The farm is situated approximately 10 km south-east of Kakamas along the R359, in the Northern Cape. The agricultural development triggered a section 24G process due to the unlawful clearing within 32m of a stream without prior authorisation. During the period from 1997 to 2016 various developments have taken place on the farm, of which most are the agricultural developments of vineyards and orchards.**

Groenberg Enviro (Pty) Ltd has been appointed by Mosplaas Sitrus (Pty) Ltd to conduct a Section 24G rectification application for the unauthorised construction of an agricultural development and associated infrastructure on Kakamas South Settlement (KSS) No. 2255, 2149, 1710 and 2152, near Kakamas, Northern Cape Province (S24G05/01/2020)

A draft Section 24G Assessment report has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 EIA Regulations. The unauthorised activities that commenced include the construction of agricultural areas and the construction of a dam that took place between 1997 and 2016.

ACRM was appointed to provide heritage specialist input as part of the EA process in terms of section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

*Kaplan, J. 2020. Archaeological Impact Assessment. S24G Application, illegal agricultural development on Mosplaas (Erf 2255, 2149, 1740 & 2125 Kakamas South Settlement), Kai! Garib Municipality Northern Cape.*

No heritage resources were identified within the development footprint. It is likely that the activities did not impact archaeological resources. No further mitigation was recommended.

In an Interim Comment issued on the 31/03/2021, SAHRA requested that a desktop Palaeontological Impact Assessment be conducted as the development footprint is located within an area of moderate sensitivity. Since

**Mosplaas Farm - Rectification of the clearing of land and the construction of orchards/vineyards and associated infrastructure on Erf 2255, 2149, 1740, 2125 Kakamas South Settlement, Northern Cape Province**

Our Ref:



an agency of the  
Department of Arts and Culture

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the issuing of the Interim Comment, a desktop PIA has been submitted (01/04/2021).

*Almond, J. E. 2020. Recommended Exemption from Further Palaeontological Studies & Mitigation: Rectification of agricultural developments on Farm Mosplaas (Erf 2255, 2149, 1740 & 2125 Kakamas South Settlement), Kai! Garib Municipality, Northern Cape.*

The proposed development area is underlain at depth by Precambrian basement rocks of the Namaqua-Natal Province that do not contain fossils. These basement rocks are overlain by superficial sandy soils, surface gravels and calcretes of Late Caenozoic Age that do not preserve fossils well. A Chance Fossil Finds Procedure is recommended to be implemented and is provided in the report.

### **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 S24G and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed rectification application;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;
- 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;
- 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

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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 S24G report and EMPr must be submitted to SAHRA for record purposes;
- The decision regarding the EA Rectification 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

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Natasha Higgitt  
Heritage Officer  
South African Heritage Resources Agency

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

**ADMIN:**

Direct URL to case: <https://sahrissahra.org.za/node/564570>  
(DENC, Ref: S24G05/01/2020)

Terms & Conditions:

**Mosplaas Farm - Rectification of the clearing of land and the construction of orchards/vineyards and associated infrastructure on Erf 2255, 2149, 1740, 2125 Kakamas South Settlement, Northern Cape Province**

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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.