



an agency of the  
Department of Arts and Culture

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CaseID: 16209

Date: Wednesday March 24, 2021

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## Final Comment

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

Attention: Kgetleng River Local Municipality

#### **Environmental Impact Assessment for the proposed clearance of 6ha of indigenous vegetation, of which 5ha is located within a critical biodiversity area for the proposed establishment of a mixed use township development with associated services on a Portion Of The Remaining Extent Of Portion 25 Of The Farm Rietfontein 372JQ; Kgetlengrivier Local Municipality; Derby, Northwest Province**

AB Enviro Consult CC been appointed by Kgetlengrivier Local Municipality to conduct an Environmental Authorisation (EA) Application for the proposed clearance of 6ha of indigenous vegetation, oh which 5ha is located within a critical biodiversity are for the proposed establishment of a mixed use township development with associated services on a Portion of the remaining extent of Portion 25 of the Farm Rietfontein 372JQ Derby, Kgetlengrivier Local Municipality, North West Province.

A Draft Basic Assessment Report has been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA) and the NEMA Environmental Impact Assessment (EIA) Regulations. The scope of work include clearing of 6ha of indigenous vegetation and the establishment of a township with associated services.

AB Enviro Consult CC and APAC have been appointed to provide heritage specialist input as part of the EIA process as required by section 24(4)b(iii) of NEMA and section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA)

*Pelser, A. 2021. Report on a Phase 1 HIA for the proposed Derby Extension 4 Township development on a Portion of the remaining extent of Portion 25 of the Farm Rietfontein 372JQ in the Kgetlengrivier Municipality, Derby, North West Province.*

A number of known cultural heritage sites (archaeological and/or historical) exist in the larger geographical area within which the study area falls. A desktop and foot survey of the study area show no sites, features or material of cultural heritage (archaeological and/or historical) origin or significance were identified in the study area. it is stated in the report that the area has been nearly completely transformed from its original landscape in recent years through both informal and more formal settlement activities. Earlier agricultural actives as well



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as evident quarrying have have also impacted on the area.

If any cultural heritage sites did occur here in the past it would have been extensively disturbed or destroyed as a result of the activities mentioned above. A Chance Finds Procedure is recommended. It is further stated that from a cultural heritage point of view the proposed Extension 4 Township development should therefore be allowed to continue taking cognizance of the above recommendations.

The proposed development foot print falls in an area of zero/insignificant palaeontological sensitivity. Therefore, no further heritage action is required from this perspective. An exemption is granted in terms of section 38(2)b of the National Heritage Resources Act (NHRA) (25 of 1999).

## Final Comment

The SAHRA's APM Unit has received the Draft BAR as part of the Environmental Authorisation process, attached to the BAR is a heritage specialist study. SAHRA supports the recommendations made in the report by the specialist and has no objections to the project.

SAHRA inserts the following comments 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:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development;
- 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 (Elijah Katsetse/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;

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- 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 BAR and EMPr must be submitted to SAHRA for record purposes;
  - The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case.

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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Elijah Dumisani Katsetse  
Heritage Officer  
South African Heritage Resources Agency

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

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**ADMIN:**

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Direct URL to case: <https://sahris.sahra.org.za/node/562292>  
(DEDECT, Ref: NWP/EIA/77/2020)

#### 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.