

**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  
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CaseID: 20638

Date: Friday March 17, 2023  
Page No: 1

## **Final Comment**

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

Attention: North West Development Corporation

### **PROPOSED DEVELOPMENT OF THE BOJANALA SPECIAL ECONOMIC ZONE (SEZ) AND ASSOCIATED INFRASTRUCTURES IN NORTH WEST PROVINCE**

Envirolution Consulting (Pty) Ltd was appointed by the North West Development Corporation to undertake the Environmental Authorisation (EA) Application for the proposed development of the Bojanala Special Economic Zone (SEZ) and associated infrastructures in Remainder of Portion 2 and Portion 7 of the farm Olivenboom 62-JQ and the Remainder of Portion 1 and Portion 6 of the farm Klipfontein 60- JQ, North West Province (Ref No.: 14/12/16/3/3/2/2178).

The Draft Environmental Impact Assessment (DEIA) report was submitted in terms of the National Environmental Management Act (NEMA, Act 107, 1998) and the NEMA Environmental Impact Assessment (EIA) Regulations. The development includes 132/22 kV substations, 132 kV overhead powerlines, proposed water pipe, new elevated storage pumps, expansion of the water works treatment plant (adjacent to an existing WWTP) and attenuation dams along with upgrading of existing bulk water line.

J A van Schalkwyk was appointed to provide heritage specialist input as part of the EA application 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).

*van Schalkwyk, J. 2022. Cultural Heritage Impact Assessment: The Development Of The Proposed Bojanala SEZ And Associated Power Line And Water Pipeline In The Bojanala District Municipality Of North West Province*

A grave site consisting of two graves was identified with the development area. If the burial site will be retained then it should be fenced off permanently by means of a wire fence or brick wall, with a buffer zone of at least 20m.

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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 EIA and EMPr:

- 38(4)a – The SAHRA Development Application Unit (DAU) and the Burial Grounds and Graves (BGG) Units have no objections to the authorised development;
- 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:
- 38(4)c - A buffer-zone of atleast-30m must be established and maintained around the identified burial ground. A conservation management plan must be developed for long-term preservation of the site. This must include a schedule for regular maintenance of the site. The proposed fence must be erected with access gate to allow access by families and also to be utilized during maintenance activities. If at any stage, it becomes impossible to implement in-situ preservation, a grave relocation process which includes a 60 days consultation must be initiated to obtain family consent for the exhumation and relocation of the graves as per the NHRA Regulations.
- 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 (Sityhilelo Ngcatsha/Natasha Higgitt 021 202 8660 ) 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/Ngqalabutho 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;
- 38(4)d – See section 51(1) of the NHRA with regards to offences;
- 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 EIA and EMPr along with the decision on the Environmental Authorisation (EA) must be

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submitted to SAHRA for recorded purposes.

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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Sityhilelo Ngcatsha  
Archaeology, Palaeontology, Meteorite Assistant  
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://sahris.sahra.org.za/node/612636>  
(DFFE, Ref: 14/12/16/3/3/2/2178)

**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.