

**Our Ref:** HM / OVERBERG / THEEWATERSKLOOF / BOTRIVER / PORTION 3 OF FARM 781  
**Case No.:** HWC23061209CN0613  
**Enquiries:** Come Nortje  
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**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL**  
**In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape**  
**Provincial Gazette 6061, Notice 298 of 2003**

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED ENLARGEMENT OF TWO DAMS ON PORTION 3 OF FARM 781, KARWYDESKRAAL ROAD, BOTRIVIER, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Heritage Officers Meeting held on 24 July 2023.

You are hereby notified that, since there is no reason to believe that the proposed enlargement of two dams on Portion 3 of Farm 781, Karwyderskraal Road, Botrivier, will impact on heritage resources. No further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Waseefa Dhansay  
**Assistant Director: Professional Services**



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**Procedure for Accidentally Found or Uncovered Human Remains**

All human remains or burials/graves older than 60 years (located outside of a formal cemetery administered by a local authority) are protected under Sections 35 (4) and 36(3) of the National Heritage Resources Act (No. 25 of 1999) and cannot be removed without a permit or permission from Heritage Western Cape (HWC).

This procedure must be applied by the South African Police Services (SAPS), HWC and Forensic Pathology Units under the jurisdiction of the Department of Health (Western Cape Government) in all instances of the accidental discovery of human remains in the Western Cape Province that may be older than 60 100 years.

The procedure aims to ensure that proper reporting, assessment, investigation and safeguarding of discoveries of human remains takes place, whether by the SAPS for recent remains, or by archaeologists for historical or ancient remains.

This is to ensure that preliminary identification can happen without forensic or archaeological information being compromised or destroyed.

University of Cape Town Department of Human Biology will be the temporary accessioning facility for human remains of an archaeological or historical nature uncovered under events which make this procedure applicable.

**CONTACT SA POLICE SERVICE (SAPS)**

- 1
- On discovery of human remains, stop work, leave everything in place, contact SAPS:
- SAPS guards identified human remains until Pathologist or Forensic Officer (FO) arrives on site. Nothing must be removed until the Pathologist or FO arrives on site.
  - All scenes must be documented by Local Criminal Record Centre (LCRC) / Victim Identification Centre (VIC), determined by Divisional Forensic Services (DFS) procedure.
  - VIC and LCRC attend all scenes and bones found by the public first to determine if heritage or forensic in nature, part of DFS (SAPS) mandate.
  - VIC will inform SAPS on the way forward, whether heritage or forensic in nature. If in doubt VIC will contact Heritage Western Cape for a combined assessment.
  - VIC must be contacted, to perform preliminary analysis of all bones for identification or human skeletal remains found.
  - If VIC is involved in case, VIC Section will contact Heritage Western Cape to inform about case.

**SITE ANALYSIS**

- 2
- If, based on the attached age assessment guidelines, the human remains are suspected to be archaeological or historical:
- The Pathologist or Forensic Officer (FO) contacts HOs at HWC and sends photographs (taken according to the attached photographic guidelines).
  - It may be necessary to conduct an emergency joint site inspection by the pathologist, FO and/or HO to assess the age and significance of the human remains.
- Non-destructive analysis of remains and site analysis must be conducted by an appropriately qualified archaeologist or forensic anthropologist / pathologist or by the trained FOs and HOs.

3.1	<p style="text-align: center;"><b>RECENT REMAINS</b></p> <p>If, following the joint site inspection/ review of information, the remains are deemed NOT to be archaeological or historical by the pathologist, FO and HO:</p> <ul style="list-style-type: none"> <li>The remains can be removed if necessary, by the SAPS.</li> <li>The relevant FOs &amp; Pathologists to send confirmation via email or a registered letter to the relevant HWC Officials regarding the recent remains</li> </ul>
3.2	<p style="text-align: center;"><b>ARCHAEOLOGICAL OR HISTORICAL REMAINS</b></p> <p>If, following the joint site inspection/ review of information, the remains are deemed to be archaeological or historical by the pathologist, FO and HO:</p> <p style="text-align: center;">The site analysis must aim to answer the following questions:</p> <p style="text-align: center;">(1) Are there human remains that are still in situ; and (2) Can they be protected in situ?</p> <p>If the answer to (1) is 'no' then the disturbed remains must be recorded and removed professionally. If the answer to (1) is 'yes', then proceed to question (2):</p> <ul style="list-style-type: none"> <li>If they can be protected, then record in situ professionally, see Stage 4.1.</li> <li>If not, then record and remove professionally, see Stage 4.2.</li> </ul>
4.1	<p style="text-align: center;"><b>RECORD &amp; PROTECT IN SITU</b></p> <p>If the archaeological and historical remains have been uncovered during development, and can be left in place and avoided in future, the remains and site must be recorded by an appropriately qualified or experienced archaeologist, with minimal further disturbance, then covered over / reburied, and the site clearly marked and avoided in future.</p> <p style="text-align: center;">The archaeologist must be hired at landowner or developer's expense. An HWC permit is required for this work.</p>
4.2	<p style="text-align: center;"><b>RECORD AND REMOVE TO SAFETY</b></p> <p>The archaeological or historical human remains can only be removed by the VIC FO/Pathologist if the human remains have been disturbed from their context, and are under considerable threat, in order to prevent further damage. If this is the case, the VIC FO/Pathologist must notify HWC prior to proceeding with the removal.</p> <p style="text-align: center;">Considerable threat is deemed to be in a place of insecure public access and threatened with unauthorised removal.</p> <p>In the event of emergency removal, the VIC, FO or Pathologist must record the context and location (including GPS coordinates), describe any finds, and provide a summary of events to HWC. Once this is done, no further excavations must be undertaken. HWC must be notified immediately once this is complete. The human remains must be handed over to the appropriate HWC Officials.</p> <p>If impacts on the historical or archaeological human remains cannot be prevented, an appropriately qualified or experienced archaeologist or other suitable specialist must record the site, excavate and recover the remains and remove them to a temporary repository.</p> <p style="text-align: center;">The appointed specialist must be hired at landowner or developer's expense. An HWC permit is required for this work.</p>

**Please note the following:**

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	<p>If there is any doubt about whether the remains are archaeological or recent, a precautionary approach must be adopted and the remains must be treated as both forensic and archaeological until proven otherwise.</p>
	<p>If the grave, burial place or burial site contains multiple individuals, a professional archaeologist must be hired, either at landowner or developer's expense, to conduct further work. An HWC permit is required for this work.</p> <p>If classified as a archaeological grave or historical burial site, the SAPS do not have any further responsibility to protect the site and it becomes the responsibility of Heritage Western Cape. Area will be marked but not guarded by SAPS.</p>
	<p>In cases classified as historical or archaeological in nature, all relevant reports must be sent to Heritage Western Cape for recording and reporting purposes. For forensic cases, requests for reports must be made via the investigating officer assigned to case.</p>
	<p>If a SAPS officer or member of the public is unsure of the process, they are advised to contact Heritage Western Cape immediately at 021 483 9533/9543/9598 for further assistance or email <a href="mailto:ceoheritage@westerncape.gov.za">ceoheritage@westerncape.gov.za</a>.</p> <p>SAPS must consult VIC Section, Specialised Identification Services, for guidance. W/O Le Roux, 082 377 0684. All human remains found must be reported to the SAPS and further reported to VIC/LCRC.</p>
	<p style="text-align: center;"><u>HWC and SAPS &amp; DOH FPS contacts are as follows:</u></p> <ul style="list-style-type: none"> <li>• Stephanie-Ann Barnardt (HWC): 021 483 9379. <a href="mailto:Stephanie.barnardt@westerncape.gov.za">Stephanie.barnardt@westerncape.gov.za</a></li> <li>• Waseefa Dhansay (HWC): 021 483 9692 or <a href="mailto:waseefa.dhansay@westerncape.gov.za">waseefa.dhansay@westerncape.gov.za</a></li> <li>• Warrant Officer Stephne Le Roux (SAPS): 082 377 0684</li> <li>• Prof. Lorna Martin (DOH FPS): 021 406 6412</li> </ul>
	<p>This procedure is only applicable in the Western Cape Province. For procedures regarding human remains found on a National Heritage Site or outside of the Western Cape, please contact Mimi Seetelo at the South African Heritage Resources Agency at <a href="mailto:mseetelo@sahra.org.za">mseetelo@sahra.org.za</a> or 012 320 8490.</p>

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