

Our Ref:



an agency of the  
Department of Arts and Culture

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CaseID: 13327

Date: Monday December 02, 2019  
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## Interim Comment

**In terms of Section 38(8), 38(3) of the National Heritage Resources Act (Act 25 of 1999)**

Attention: MAXWILL 146 CC

**This is the application for the Environmental Impact Assessment (EIA) for the proposed mining of alluvial diamonds on the remainder and portion 2 of the farm Spaar Hoek 90 as well as the remainder and portion 2 of the farm Blaauwbosch Fontein 91 and the remaining portion of farm Zulani 167 located within the Herbert Magisterial District in the Northern Cape Province.**

NDI Geological Consulting Services (Pty) Ltd has been appointed by Maxwill 146 CC as the Environmental Assessment Practitioner (EAP) to conduct an Environmental Authorisation (EA) Application and Mining Right Application (MRA) for the proposed Maxwill Opencast Alluvial Diamond Mine and associated infrastructure, near Douglas, Northern Cape Province (NC 30/5/1/2/2/10148MR).

A final Scoping Report has been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA), NEMA Environmental Impact Assessment (EIA) Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 28 of 2002 (MPRDA)(As amended). The proposed activities will include an opencast diamond mine, access roads, storage, waste dump, and topsoil storage.

An interim comment dated 23/01/2019 was issued requested the HIA inclusive of an AIA and desktop PIA and the draft EIA and its appendices to be submitted.

The Heritage Impact Assessment Report has been subsequently submitted.

Integrated Specialist Services (Pty) Ltd was appointed to provide the specialist Report as per the National Heritage Resources Act, Act 25 of 1999, Section 38 (3).

*Miilo, T. & Kumbani, J. 2019. Phase 1 Archaeological Impact Assessment report for mining right of Maxwill Opencast Alluvial Diamond Mine and associated infrastructure, Northern Cape Province under the jurisdiction of Pixely Ka Seme District Municipality in the Northern Cape Province*

The field survey identified scatters of Middle Stone Age (MSA) and Later Stone Age (LSA) stone/lithic artefacts, scatters of glass, porcelain, metal knife, metal hook, terracing platforms of secondary deposition and



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house platforms along with farmhouses which will not be affected by development. The proposed mining right application site has some sections which were previously cleared for agricultural purposes.

### Recommendations

- The historical site must be marked and protected to avoid any accidental damage from auxiliary mining activities.
- The scattered stone tools can be collected as surface finds and they can be used for teaching purposes.
- The proposed mining right application may be approved to proceed as planned under observation that mining work does not extend beyond the surveyed site.
- No stone robbing, or removal of any terrace platforms is allowed. Any disturbance or alteration of these platforms of the historical site would be illegal and punishable by law, under section 36 (3) of the National Heritage Resources Act NHRA of 1999 (Act 25 of 1999).
- It is the responsibility of the applicant to protect the historical site from destruction.
- Noteworthy that any measures to cover up the suspected archaeological material or to collect any resources is illegal and punishable by law. In the same manner, no person may exhume or collect such remains, whether of recent origin or not, without the endorsement by SAHRA.
- The applicant is reminded that unavailability of archaeological materials (e.g., pottery, stone tools, remnants of stone-walling, graves) and fossils does not mean they do not occur, archaeological material might be hidden underground, and as such the client is reminded to take precautions during mining (see Chance Find Procedure).
- The footprint impact of the proposed mining activities should be kept too minimal to limit the possibility of encountering chance finds within the proposed mining right application site.
- Detailed heritage monitoring procedures are to be included in the project EMP for the mining phase, include chance archaeological finds mitigation procedure in the project EMP (See Appendix 1 of the report).

*Durand, J. F. 2019. Palaeontological Desktop Study: Proposed Mining Right for Maxwill 146 CC Alluvial Diamond Mining, Northern Cape Province, Siyancuma Local Municipality under Pixley Ka Seme District Municipality*

The study area is covered mostly by the Quaternary aeolian sands (Gordonia Formation, Kalahari Group) of

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moderate palaeontological sensitivity with very little exposures of the Ecca Group of very high palaeontological sensitivity. The mid-section has exposures of the unfossiliferous dolerite intrusions. Amygdaloidal andesite of the unfossiliferous Allanridge Formation of the Ventersdorp Supergroup outcrops on the western side of the study site south of the Riet River. A Chance Fossil Finds Procedure is recommended and provided in the report.

#### Interim Comment

The SAHRA APM unit notes that the study has been disturbed during previous agricultural activities and that the discovered heritage sites will not be affected by the proposed mining. However, the Archaeological Impact Assessment does not provide a tracklog for the field survey, nor has an impact assessment been conducted on the identified heritage resources.

The HIA must be amended to include the tracklog and impact assessment. This report must be submitted before further comments can be made.

The SAHRA advises the EAP to make an application to the competent authority in terms of section 21(1)b of the NEMA EIA Regulations to extend the EA process to comply with the comment.

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

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**ADMIN:**

Direct URL to case: <http://www.sahra.org.za/node/519557>  
(DMR - NC, Ref: NC30/5/1/2/2/10148 MR)

**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.