



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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Tel: 021 462 4502
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CaseID: 14087

Date: Thursday December 12, 2019
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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: Frikkie van Zyl

Van Zyl Farms intends to apply for a prospecting right and related infrastructural activities on the farm Wortel 42, Portion 1 and the Remainder Extent, Khai Ma Local Municipality, Namakwa District Municipality, Namaqualand Magisterial District, Northern Cape Province

Greenmined Environmental has been appointed by Van Zyl Mining (Pty) Ltd to conduct an Environmental Authorisation (EA) and Prospecting Right (PR) Application on the farm Wortel 42, Portion 1 and the Remainder Extent, Khai Ma Local Municipality, Namakwa District Municipality, Namaqualand Magisterial District, Northern Cape Province (NC 30/5/1/1/2/12408PR).

A draft Basic Assessment Report (dBAR) has been submitted in terms of the National Environmental Management Act, 107 of 1998 (NEMA), NEMA Environmental Impact Assessment (EIA) Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, No 28 of 2002 (MPRDA) (As amended). The proposed prospecting activities will include an unknown number of boreholes (40m² each) with three dump sites.

A Heritage Impact Assessment (HIA) conducted on the same property for a previous prospecting rights application has been submitted as the assessment of the impact to heritage resources as per section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) as required by section 24(4)b(iii) of NEMA.

Rossouw, L. No date. Phase 1 Heritage Impact Assessment for proposed drilling on Portion 2 of Rozybosch No.41 and Remaining Extent and portion 1 of Wortel No 42, Namaqualand District, NC Province.

No heritage resources were identified within the proposed prospecting footprint areas. No recommendations were provided.

In an Interim Comment issued on the 06/09/2019, SAHRA stated that the assessment to the impact of heritage resources submitted as part of the dBAR could not be accepted, as the HIA did not assess the current application areas and prospecting right footprint areas. SAHRA requested that an application specific HIA be



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conducted as part of the BAR and EA process.

Since the issuing of the Interim Comment, a Final BAR has been submitted to the SAHRIS Case. The FBAR notes that a HIA was completed in October 2019, and that the results of the HIA had been incorporated into the FBAR. The HIA noted in the FBAR was authored by HCAC, and noted that no heritage resources were identified. Additionally, the Interim Comment issued on the 06/09/2019 has not been incorporated into the FBAR.

In a Final Comment issued on the 02/12/2019, SAHRA stated that the application could not be endorsed as section 38(3) and 38(8) of the NHRA has not been complied with. The HIA submitted to SAHRA and the HIA noted in the FBAR were not the same. SAHRA advised the Department of Environmental Affairs (DEA) and the Department of Mineral Resources (DMR) to reject the application to prospect on Portion 1 and Remaining Extent of farm Wortel 42, Khai Ma Local Municipality, Namakwa District Municipality, Namaqualand Magisterial District, Northern Cape Province (NC 30/5/1/1/2/12408PR).

In a letter submitted on the 03/12/2019, the applicant had noted that the correct HIA and PIA had been uploaded to the case.

Van der Walt, J. 2019. Heritage Impact Assessment for the proposed Van Zyl's Prospecting Application, Aggeneys area, Namaqualand Magisterial District, Northern Cape Province.

No heritage resources were identified within the application area. A Chance Finds Procedure is recommended and provided in the report.

Pether, J. 2019. Letter of Recommendation for Exemption from Palaeontological Studies: Basic Palaeontological Assessment for Proposed Prospecting of Sillimanite on the farm Wortel 42.

The proposed prospecting area will mostly impact the Aggeneys Subgroup which does not contain fossils. The establishment of the drill sites will impact the surface superficial deposits however, these deposits are of a low palaeontological significance. A Fossil Finds Procedure is recommended and 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



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Final EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development;
- 38(4)b – The recommendations provided by the heritage specialist are supported and must be adhered to and must be included in the Final EMPr. No 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 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;
- As the Final BAR has been finalised and submitted to the competent authority, this comment must be sent directly to the competent authority for their consideration as per section 38(8) of the NHRA during their decision-making process. Proof of the delivery and receipt thereof must be submitted to SAHRA;

The decision regarding the EA 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

Our Ref:



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Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

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

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/526359>

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.