

Our Ref:



an agency of the  
Department of Arts and Culture

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CaseID: 15947

Date: Monday February 08, 2021  
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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: Kimberley Rehabilitation and Development

**KRD is proposing to develop various infrastructure and industrial developments to change the face of Kimberley City located in Sol Plaatje Local Municipality, Northern Cape Province. The proposed project will entail the removal of mining debris from three sites (BMW, St. Augustine, and Colville) to the Roodepan Quarry, which is vacant and has been unattended for the last ± 80 years. The debris will be reworked to extract the clay content, which will be used for the manufacturing of clay bricks at the Roodepan Quarry.**

NDI Geological Consulting Services (Pty) Ltd has been appointed by ERVOLEX (Pty) Ltd (KRD – Kimberley rehabilitation development) (Pty) Ltd to conduct an Environmental Authorisation Application in support of a Mining Permit (MP) Application for proposed clay mining activities on portion of remainder erf 5337 in the Sol Plaatje Local Municipality, Northern Cape Province (DMRE Ref: NC 10765 MP).

A draft Basic Assessment Report (DBAR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The proposed mining activities will include open cast mining with associated infrastructure and activities such as loading, hauling and turning areas for trucks, guard room and temporary mobile toilet, and rehabilitation of the site. The application area covers 5 ha.

Dr Heidi Fourie and Exigo Sustainability were appointed to provide heritage specialist input as part of the EA process in terms of section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

*Fourie, H. 2020. Palaeontological Impact Assessment: Desktop Study. Farm: Portion of the Remaining Extent Erf 5337 Kimberley, Remaining Extent Erf 5025 Kimberley, Remaining Extent Erf 6822 Kimberley, Portion of Remaining Extent of Portion 1 Vooruitzicht 81-RD, Portion 32, 33 Roodepan 70-RD.*

*\*Only the results for the BMW application will be discussed below.*



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The proposed mining area is underlain by shales of the Prince Albert Formation as well as Quaternary aeolian dune sand and Quaternary calcretes, calcified pandune and surface limestone deposits. The latter may contain mammalian bones and teeth, tortoise remains, ostrich eggshells, non-marine molluscs, trace fossils, freshwater stromatolites and plant material. The impact to these deposits is noted to be high.

Recommendations provide in the report include the following:

- All the land involved in the development was assessed and none of the property is unsuitable for development (see Recommendation B).
- If any palaeontological material is exposed during digging, excavating, drilling or blasting, SAHRA must be notified. All development activities must be stopped and a palaeontologist should be called in to determine proper mitigation measures, especially for shallow caves.

*Kruger, N. 2020. Archaeological Impact Assessment (AIA) for the Proposed BMW, Colville & St Augustine sites development in Kimberley in the Frances Baard District Municipality, Northern Cape Province.*

*\*Only the results for the BMW application will be discussed below.*

Surface scatters of historical material and historical middens (refuse dumps) associated with the historical St Augustine Mine were recorded within the BMW development area, rated as heritage resources of medium significance, noting that the sites had been heavily degraded and excavated. The proposed development is also located within the historical Kimberley Mine Complex which is of medium significance.

Recommendations provided in the report include the following:

- Cognisant of the regional significance of the Historical Dumps at the ..... BMW Sites, it is suggested that a representative sample of the middens be excavated in order to assess their significance before any further decision pertaining to heritage mitigation (for example potential Phase 2 archaeological specialist assessments) are taken. This measure should be undertaken subject to the relevant archaeological excavation permitting requirements from the competent heritage authority (SAHRA). In addition, destruction permits should be obtained from the relevant heritage authorities (SAHRA) prior to any impact on these sites;
- It is recommended that all planned activities should be carefully monitored by an archaeologist familiar with the archaeology and history of Kimberley on a regular basis (bi-monthly during initial site clearing



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and ground moving) in order to detect impact on any previously undetected heritage remains at the earliest opportunity. In addition, an informed ECO should inspect the construction sites on regular basis in order to monitor possible impact on heritage resources;

- Considering the localised nature of heritage remains, the general monitoring of the development progress by an ECO or by the heritage specialist is recommended for all stages of the project. Should any subsurface palaeontological, archaeological or historical material, or burials be exposed during construction activities, all activities should be suspended and the archaeological specialist should be notified immediately;
- Since the intrinsic heritage and social value of graves and cemeteries are highly significant, these resources require special management measures. Should human remains be discovered at any stage, these should be reported to the Heritage Specialist and relevant authorities (SAHRA) and development activities should be suspended until the site has been inspected by the Specialist. The Specialist will advise on further management actions and possible relocation of human remains in accordance with the Human Tissue Act (Act 65 of 1983 as amended), the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the National Heritage Resources Act (Act no. 25 of 1999) and any local and regional provisions, laws and by-laws pertaining to human remains. A full social consultation process should occur in conjunction with the mitigation of cemeteries and burials.

## 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 Final BAR and EMP:

- 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. Further additional specific conditions are provided for the development as follows:
- Monitoring reports detailing the results of the recommended archaeological monitoring must be submitted once the construction phase has been completed;
- Permits in terms of section 35 of the NHRA must be applied for in order to complete the recommended sampling of the historical middens. This must be applied for and conducted prior to the construction phase;
- 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures,

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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;
  - 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 application.

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: <https://sahris.sahra.org.za/node/552215>  
(DMR - NC, Ref: NC10765MP)

**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.