

Our Ref:



an agency of the  
Department of Arts and Culture

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CaseID: 16245

Date: Friday April 30, 2021  
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## Interim Comment

**In terms of Section 38(3), 38(8), 35(5) of the National Heritage Resources Act (Act 25 of 1999)**

Attention: Abenicia Henderson  
Albany Museum - Archaeology

### **Heritage Impact Assessment of Proposed mining on a portion of Erf 1, Windsorton, Northern Cape. (NC30/5/1/2/10635MP)**

The McGregor Museum has been appointed by Moya Uthule General Trading (Pty) Ltd to conduct a Heritage Impact Assessment for mining activities on Erf 1, Windsorton, Northern Cape Province.

*Morris, D and Henderson, A. 2021. Heritage Impact Assessment (Archaeology and Cultural Heritage) of proposed mining on a Portion of Erf 1, Windsorton, Northern Cape. (NC30/5/1/2/10635MP)*

The footprint of the mining permit has been disturbed by previous mining operations that have resulted in the exposure of archaeological artefacts from the subsurface of the area. The identified archaeological artefacts were deemed to be of low significance.

Recommendations provided in the report include the following:

- Provision for on-going heritage monitoring in an environmental management plan which also provides guidelines on what to do in the event of any major heritage feature being encountered during any phase of mining;
- Should unexpected finds be made (e.g. precolonial burials; ostrich eggshell container cache; or localised Stone Age sites with higher densities of stone tools, pottery), the relevant Heritage Authority should be contacted;
- Given the low archaeological integrity of the material that was identified during this impact assessment, no mitigation measures are considered necessary ahead of mining at a site already disturbed to some extent.

It must be noted that Moya Uthule General Trading (Pty) Ltd has already been granted a Mining Permit (NC 30/5/1/3/2/10635 MP) to conducting mining activities on Erf 1 Windsorton. The Mining Permit was granted on the 16/02/2021. SAHRA must note that no application in terms of section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) was received during the Environmental Authorisation (EA) Application

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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 assessment of the impact to the national estate is a requirement of all EA applications in terms of section 24(4)b(iii) of NEMA. The granting of the EA and Mining Permit without this assessment being conducted as part of the EA application is serious gap in the EA process. SAHRA has missed the opportunity to appeal the granting of the EA, however, will enforce the spirit of section 35(5) of the NHRA.

While the submitted HIA has shown that no significant archaeological heritage resources are located in the Mining Permit area, the footprint is located in an area of moderate to high sensitivity for palaeontological resources as shown in the SAHRIS PalaeoSensitivity map.

#### Interim Comment

The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit requests that a desktop Palaeontological Impact Assessment be conducted by a qualified palaeontologist prior to any construction activities commencing. The report must comply with the 2012 SAHRA Minimum Standards: Palaeontological Components of Heritage Impact Assessments.

Further comments will be issued upon receipt of the above requested report.

Should the applicant fail to comply with the above, a Cease Works Order will be issued in terms of section 35(5) of the NHRA and no construction activities may be allowed to continue until SAHRA is satisfied that the impact to heritage resources has been completely assessed.

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

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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/564753>  
(, Ref: )