

**Our Ref:**



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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CaseID: 16854

Date: Monday February 06, 2023  
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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: Aletta Maritz

### **Prospecting Right application Alet Maritz Mynbou with bulk sampling for Kieselgurh on Gamahuli, Malley and La Rochelle, Kuruman, Northern Cape**

Wadala Mining and Consulting (Pty) Ltd have been appointed by Alet Maritz Mynbou (Pty) Ltd to conduct an Environmental Authorisation (EA) Application for proposed prospecting activities on farm Gamahuli No. 495 and the Remaining Extent of the Farm Malley No. 498 and the Farm LaRochelle No. 359, near Kathu, Northern Cape Province (NC30/5/1/1/2/12782PR).

A draft Scoping Report (DSR) 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 prospecting activities will include 300 pits (2 m x 3 m x 0.5 – 5 m) and 50 trenches (100 m x 50 m x 0.5 – 5 m). Other associated activities and infrastructure will include water distribution pipelines, clean and dirty water system, access roads, diesel storage, residue deposits, office complex, workshop facilities, stockpiles and storage facilities.

The DSR states that a heritage and palaeontological impact assessment will be conducted as part of the EIA phase of the application process.

In an Interim Comment issued on the 06/08/2021, SAHRA noted the pending assessment of the impact to heritage resources and requests that the assessment comply with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) and relevant Minimum Standards. Since the issuing of the Interim Comment, an HIA and PIA with the EIA have been uploaded to the case (26/05/2022).

*Bamford, M. 2021. Desktop Study: Palaeontological Impact Assessment for the Prospecting Rights Application on Farms Malley Gamahuli 04 July 2021 Prof Marion Bamford and La Rochelle, near Olifantshoek North ern Cape Province.*

The proposed development area is underlain by non-fossiliferous strata of Oilfantshoek Supergroup and are overlain by Quaternary aeolian sands that are potentially fossiliferous and may contain fossils and Early Stone



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Age lithics trapped in palaeo-springs and palaeo-pan sites, however, no such features are located within the development area. A Fossil Chance Finds Procedure is recommended to be followed

*Matenga, E. 2022. Phase I Heritage Impact Assessment & Palaeontological Desk Assessment for a Mine Prospecting Application on the Farm Gamahuli, Malley & La Rochelle near Olifantshoek, under the Gamagara Local Municipality, Northern Cape Province.*

A total of 14 heritage resources were identified within the proposed development footprint. These include three sites of low heritage significance, eight sites of Medium B heritage significance such as Stone Age lithics scatters, two historical farm werfs of Medium A heritage significance and one burial ground of high heritage significance. It is noted that the farm werfs will not be impacted by the proposed prospecting.

Recommendations provided in the report include the following:

- A 100 m buffer must be maintained around the identified burial ground;
- A Chance Finds Procedure is recommended to be implemented.

In an Interim Comment issued on the 15/06/2022, SAHRA requested that the HIA be revised to include a track log of the conducted survey. A revised HIA with track log was submitted on the 26/01/2023.

### 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 EIA and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit and Burial Grounds and Graves (BGG) 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:
- The farmsteads with a heritage significance rating of Medium A must be avoided with a 30 m buffer;
- 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

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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/Ngqabutho Madida 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 with regards to offences;
- 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 EIA 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  
Manager: Development Applications Unit  
South African Heritage Resources Agency

# Prospecting Right Application for Alet Maritz Mynbou Gamahuli, Malley, La Rochelle

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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/578801>

## 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.