

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: 16959

Date: Tuesday May 10, 2022  
Page No: 1

## Final Comment

**In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)**

Attention: Chrismar Delwerye (Pty) Ltd

**The proposed prospecting right application for the prospecting of Diamonds Alluvial (DA) and Diamonds General (D) near Warrenton on Portion 7 (De Valera), Portion 16, the Remaining Extent of Portion 5 (Geluk), Portion 17 and the Remaining Extent of the farm Slypklip North 32, Registration Division: Kimberley, Northern Cape Province**

Milnex 189 CC has been appointed by Chrismar Delwerye (Pty) Ltd to conduct an Environmental Authorisation (EA) Application for proposed prospecting activities on Portion 7 (De Valera), Portion 16, the Remaining Extent of Portion 5 (Geluk), Portion 17 and the Remaining Extent of the farm Slypklip North 32, Registration Division: Kimberley, Northern Cape Province (NC30/5/1/1/2/12199PR).

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 100 pits (2 m x 3 m x 5 m) and 30 trenches (30 m x 20 m x 5 m), a washing pan and residue stockpiles.

The DSR (page 65) states that special attention will be given to the identification of possible cultural or heritage resources and that ruins have already been identified.

In an Interim Comment issued on the 10/09/2021, SAHRA noted the pending heritage assessments and requested they comply with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Since the issuing of the Interim Comment, a Palaeontological Impact Assessment and Heritage Assessment have been submitted to the application (06/04/2022).

*Butler, E. 2021. Palaeontological Desktop Assessment of the Proposed Prospecting Right Application for the Prospecting of Diamonds Alluvial (Da) and Diamonds General (D) near Warrenton on Portion 7 (De Valera), Portion 16, the Remaining extent of Portion 5 (Geluk), Portion 17 and the Remaining Extent of the Farm Slypklip North 32, Registration Division: Kimberley, Northern Cape Province.*

The proposed development area is underlain by the un-fossiliferous Allanridge Formation, Quaternary alluvial

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gravels and overlying Gordonia Formation sands that are known to contain recent fossils and trace fossils. A Chance Fossils Finds Protocol is recommended and provided in the report.

*Van Schalkwyk, J. 2021. Cultural Heritage Scoping Assessment: The Proposed Prospecting Right Application for the Prospecting Of Diamonds Alluvial (Da) and Diamonds General (D) near Warrenton on Portion 17 and the Remining Extent of the Farm Slypklip North 32, Registration Division: Kimberley, Northern Cape Province.*

It is noted that the heritage specialist was not granted access to the properties by the land owner and thus a desktop study has been submitted. Based on the desktop study, expected heritage resources within the proposed development area include Middle and Stone Age lithics scatters, rock engravings, stone walls, sites, features and objects from the historic period, burials, farmsteads, labourer homesteads and mining related features.

Recommendations provided in the report include that a full heritage impact assessment be completed before the proposed development can continue.

### 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 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:
  - A field-based HIA must be undertaken prior to the invasive drilling phase of the prospecting work programme. The HIA must be submitted to SAHRA prior to the construction phase for comment. No construction may commence without comments from SAHRA in this regard;
  - SAHRA reserves the right to object to the proposed development depending on the findings of the field-based HIA and any impacts to heritage resources that may be identified within the proposed development area;
- 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

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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/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 regarding 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  
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/580052>  
(DMR - NC, Ref: NC30/5/1/1/2/12199PR)

**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.