



an agency of the  
Department of Arts and Culture

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CaseID: 20726

Date: Tuesday August 08, 2023  
Page No: 1

## Final Comment

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

Attention: Xhariep Plant and Mining (Pty) Ltd

#### **Prospecting Right application over Remaining Extent, Portion 1, Portion 2 and Portion 3 of the Farm Gayelong 191, Kuruman District, Northern Cape Province**

M and S Consulting (Pty) Ltd have been appointed by Xhariep Plant and Mining (Pty) Ltd to undertake an Environmental Authorisation Application for proposed prospecting activities on Remaining Extent, Portion 1, Portion 2 and Portion 3 of the Farm Gayelong 191, Kuruman District, Northern Cape Province (NC) 30/5/1/1/2/12455 PR).

A Draft Basic Assessment Report (DBAR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The proposed prospecting activities include 150 drilled boreholes and access tracks over an application area of 2 629.0589 ha.

In an Interim Comment issued on the 30/05/2023, SAHRA noted the pending heritage reports and requested that they comply with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) as required by section 38(8) of the NHRA. The HIA must include field-based archaeological and palaeontological components. Since the issuing of the Interim Comment, the HIA and PIA have been submitted for review (05/06/2023).

*Chikumbirike, J and Jirah, S. 2023. Palaeontological Impact Assessment of Application for Prospecting Right for Iron and Manganese Ore on the Remaining Extent of the Farm Gayelong 191, Portion 1 of the Farm Gayelong 191, Portion 2 of the Farm Gayelong 191 and Portion 3 of the Farm Gayelong 191, Kuruman District, Northern Cape Province*

The proposed development area is underlain by the Ghaap Group, Campbell Rand subgroup and Late Caenozoic superficial sediments. Stromatolites may be present within the rocks of the Campbell Rand Subgroup and fossils of a more recent age and trace fossils may be present in the superficial sediments. A Chance Fossil Finds Procedure is recommended to be implemented.



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*Chikumbirike, J. 2023. Heritage Impact Assessment of Application for a Prospecting Right for Iron and Manganese Ore on the Remaining Extent of the Farm Gayelong 191, Portion 1 of the Farm Gaeylong 191, Portion 2 of the Farm Gayelong 191 and Portion 3 of the Farm Gayelong 191, Kuruman District, Northern Cape Province*

A total of five heritage resources were identified within the proposed development area. These include Stone Age lithic scatters of low heritage significance and historical structures and features of medium heritage significance. A Chance Finds Protocol is recommended. It must be noted that the field assessment as show in Figure 4 of the HIA was limited, and only a small portion of the area to be impacted was surveyed.

In an Interim Comment issued on the 10/07/2023, SAHRA stated that the coverage of the field assessment conducted in the HIA was not satisfactory. SAHRA requests that a more comprehensive field survey be conducted and a revised HIA be submitted as part of the EA application. In a response to the Interim Comment, it was stated that access could not be granted, and that the applicant undertakes to conduct a field assessment HIA prior to invasive activities commencing.

### Final Comment

The following comments are made as a requirement in terms of 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 EMPr:

- 38(4)a – The SAHRA Development Applications Unit (DAU) 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:
  - Once the location of the drill sites are established, an archaeologist must survey each drill location and compile an HIA to be submitted to SAHRA for review and comment prior to construction. No construction activities may occur without comment from SAHRA;
  - SAHRA reserves the right to impose additional conditions on the development based on the results of the above HIA. SAHRA reserves the right to object to the development based on the results of the above HIA;
- 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 DAU (Natasha Higgitt 021 202 8660/ [nhiggitt@sahra.org.za](mailto:nhiggitt@sahra.org.za)) must be alerted as

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per section 35(3) of the NHRA. Non-compliance with this 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 DAU (Natasha Higgitt 021 202 8660/ [nhiggitt@sahra.org.za](mailto:nhiggitt@sahra.org.za)) must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with this 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 BAR must be submitted to the SAHRIS application for record purposes;
  - The decision regarding the EA application and PR application must be submitted to the SAHRIS application for record purposes.

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

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**ADMIN:**

Direct URL to case: <https://sahris.sahra.org.za/node/613266>  
(DMR - NC, Ref: NC 12455 PR)

**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.