



an agency of the
Department of Arts and Culture

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CaseID: 21595

Date: Friday October 20, 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: Cipla Projects (Pty) Ltd

Section 102 Application, to include bulk sampling into existing Prospecting Right, over Remaining Extent, Portion 1, Portion 2 and Portion 3 of the Farm Vlakfontein 433, Hay District

M and S Consulting have been appointed by Cipla Projects (Pty) Ltd to undertake an Environmental Authorisation (EA) Application in support of a Section 102 Amendment process for the extension of prospecting activities as part of an approved Prospecting Right and EA (NC 30/5/1/1/2/12276 PR) on Remaining Extent, Portion 1, Portion 2 and Portion 3 of the Farm Vlakfontein 433, near Beeshoek, Northern Cape Province.

A Draft Scoping Report (DSR) 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 activities include drilling of 60 boreholes, 12 trenches (70 m x 20 m), blasting, storage of diesel, mobile offices and ablution facilities, processing plant, roads, salvage yard, wash bay, waste rock dumps, weighbridge and control room, and workshop within an application area of 3 661.5088 ha.

It is noted that the DSR states that a Heritage Impact Assessment and Palaeontological Impact Assessment will be conducted as part of the EIA.

In an Interim Comment issued on the 12/07/2023, SAHRA requested that the pending assessments of the impact to heritage resources to be undertaken as part of the EA process that complies with section 38(3) of the NHRA as required by section 38(8) of the NHRA and must include an archaeological and palaeontological component. Since the issuing of the Interim Comment, an HIA and PIA have been submitted for review (27/09/2023).

Chikumbirike, J and Jirah, S. 2023. Desktop Palaeontological Impact Assessment for Section 102 Application, to include bulk sampling into existing Prospecting Right, over Remaining Extent, Portion 1, Portion 2 and Portion 3 of the Farm Vlakfontein 433, Hay District, Northern Cape Province, South Africa



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The proposed development area is underlain by the Koegas Subgroup that may contain stromatolites, Makganyene Formation and Kalahari Group sands and calcretes. A Chance Fossils Finds Procedure is recommended to be followed.

Chikumbirike, J. 2023. Desktop & Field Heritage Impact Assessment for Section 102 Application, to include bulk sampling into existing Prospecting Right, over Remaining Extent, Portion 1, Portion 2 and Portion 3 of the Farm Vlakfontein 433, Hay District, Northern Cape Province

A total of 16 heritage resources were identified that include Stone Age lithics and built environment of low heritage significance, and graves and burial grounds of high heritage significance.

Recommendations in the report include the following:

- Avoid the burial grounds and graves;
- A Chance Finds Procedure is implemented.

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:
- No-go buffers of 50 m must be maintained around the burial grounds, farmhouse and associated historical structures;
- 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) must be alerted as 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) must be alerted immediately as per section 36(6) of the NHRA.

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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

Natasha Higgitt
Manager: Development Applications Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/618854>
(DMR - NC, Ref: NC 12276 PR // NC-00143-PR/102)

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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.