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Sir

LETTER OF RECOMMENDATION FOR EXEMPTION: MINING PERMIT APPLICATION FOR THE REMOVAL OF DIAMONDS ALLUVIAL AND DIAMONDS KIMBERLITE ON A CERTAIN PORTION OF THE FARM VAN ZOELLEN'S LAAGTE 158, FRANCES BAARD LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.

It is proposed to mine for diamonds alluvial and diamonds Kimberlite on a certain portion of 5 hectares on Portion 5 (a portion of portion 1) on the farm Van Zoelen's Laagte 158 near Windsorton in the Francis Baard local municipality of the Northern Cape Province (Fig. 1).

I have reviewed the available information on the larger region and well as the farm specifically. This included published articles, unpublished reports, mostly AIA's done in the region, maps and aerial photographs (all image are appended below).

Aerial photographs dating to 1929 (Fig. 2) indicates that no structures or features existed in the vicinity of the study area at that point in time. However, by the early 1960s most of the study area have been mined, as is indicated on the 1968 version of the 1:50 000 topographic map (Fig. 3). By 2004 the site was still dormant (Fig. 4) but shows activity by 2018 (Fig. 5).

A survey done in 2005 (Van Ryneveld 2005a) of an area inclusive of the study area, revealed no sites, features or objects of cultural significance. However, a later study (Van Ryneveld 2005b) revealed low density surface scatters of mainly MSA stone tools in the vicinity of the Vaal River. Also, in areas where diamond mining took place in the past, the remains of the foundations of some structures, probably temporary housing or tool sheds, were revealed. However, all of these were identified outside the current study area. The above lack of heritage resources in the region are confirmed by the findings of Morris (2008), who surveyed a section of land to the north-west of the study area. Other databases also indicate few heritage sites in the region (Fig. 6). However, this might also be the result of the fact that very little systematic research has been done in the larger region.

Photographic evidence provided by *Milnex cc*, see below, shows a totally transformed environment that have been impacted on by earlier diamond mining activities (Fig. 7 – 10).

From the above I have made the following deductions:

- Information regarding heritage sites and features in the larger surrounding region is very limited.
- The topography of the terrain under consideration is very flat, so that the chances of rock shelters and outcrops occurring in the study area is very small.
- Aerial photographs going back as far as 1929 indicate that no built structures are located outside or close to the mining area (Fig. 2 - 5).

From the above review of the available information as well as the environment in which the developments is to take place, it is possible to say with a very high degree of certainty that the development of the mining activities would not have an impact on any sites, features or objects of cultural heritage. I therefore recommend that the mining can continue without the requirement of conducting a full heritage impact assessment, on condition of SAHRA's acceptance of this view.

PROPERTY DETAILS

Province	Northern Cape					
Magisterial district	Erkley West					
Local municipality	Francis Baardt					
Topo-cadastral map	2824BC					
Farm name	Van Zoelen's Laagte 158					
Closest town	Windsorton					
Coordinates	Centre point					
	No	Latitude	Longitude	No	Latitude	Longitude
	1	-28.35967	24.67354			

REFERENCES

Data bases

Chief Surveyor General
Environmental Potential Atlas, Department of Environmental Affairs and Tourism.
Heritage Atlas Database, Pretoria
National Archives of South Africa
SAHRA Archaeology and Palaeontology Report Mapping Project (2009)
SAHRIS Database

Literature


Morris, D. 2008. *Archaeological Impact Assessment on Windsorton Erf 1, Northern Cape*. Kimberley: Unpublished report.

Van Ryneveld, K. 2005a. *Cultural Resources Management Impact Assessment: (Portion of) Van Zoelen's Laagte 158, Windsorton District, Northern Cape, South Africa*. Kimberley: Unpublished report.

Van Ryneveld, K. 2005b. *Cultural Resources Management Impact Assessment: A 400ha portion of Van Zoelen's Laagte 158, Windsorton District, Northern Cape, South Africa*. Kimberley: Unpublished report.

Maps and aerial photographs

Aerial photographs - Chief Directorate: Surveys and Mapping
1: 50 000 Topographic maps
Google Earth



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ILLUSTRATIONS

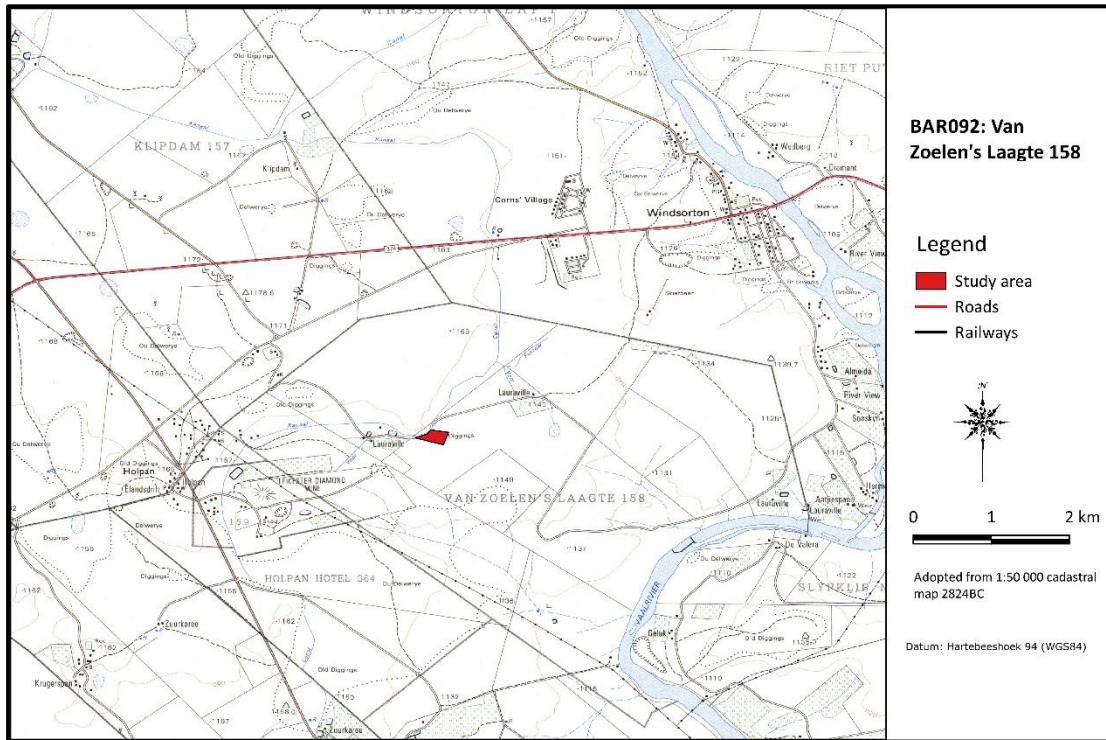


Fig. 1. Location of the study area in regional context

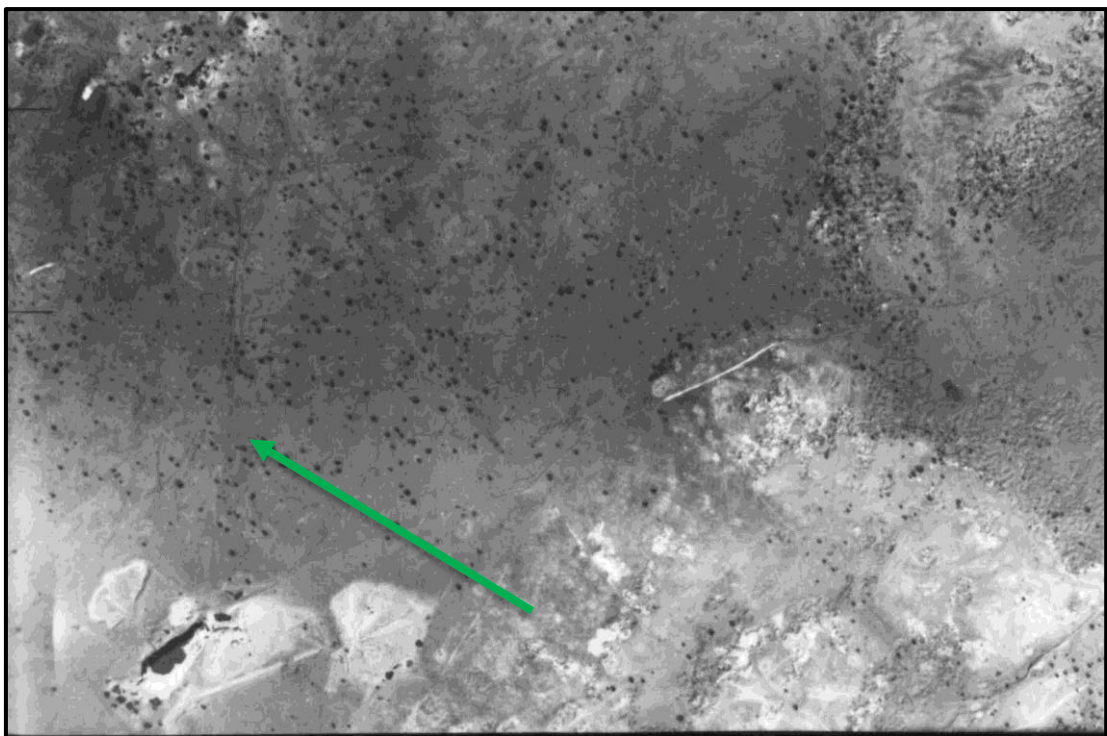


Figure 2. The study area on the 1929 version of the aerial photograph (Photo: 198_22_687)

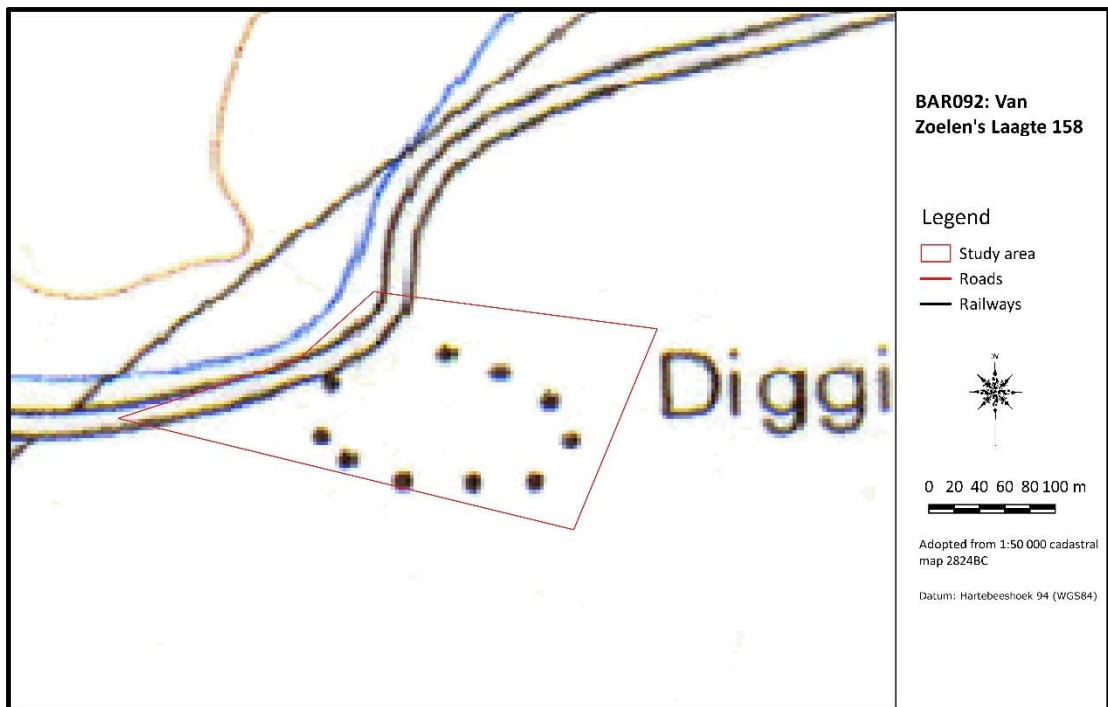


Fig. 3. The study area on the 1968 version of the topographic map



Figure 4. Aerial photograph dating to 2004
(Image: Google Earth)



Figure 5. Aerial photograph dating to 2018
(Image: Google Earth)

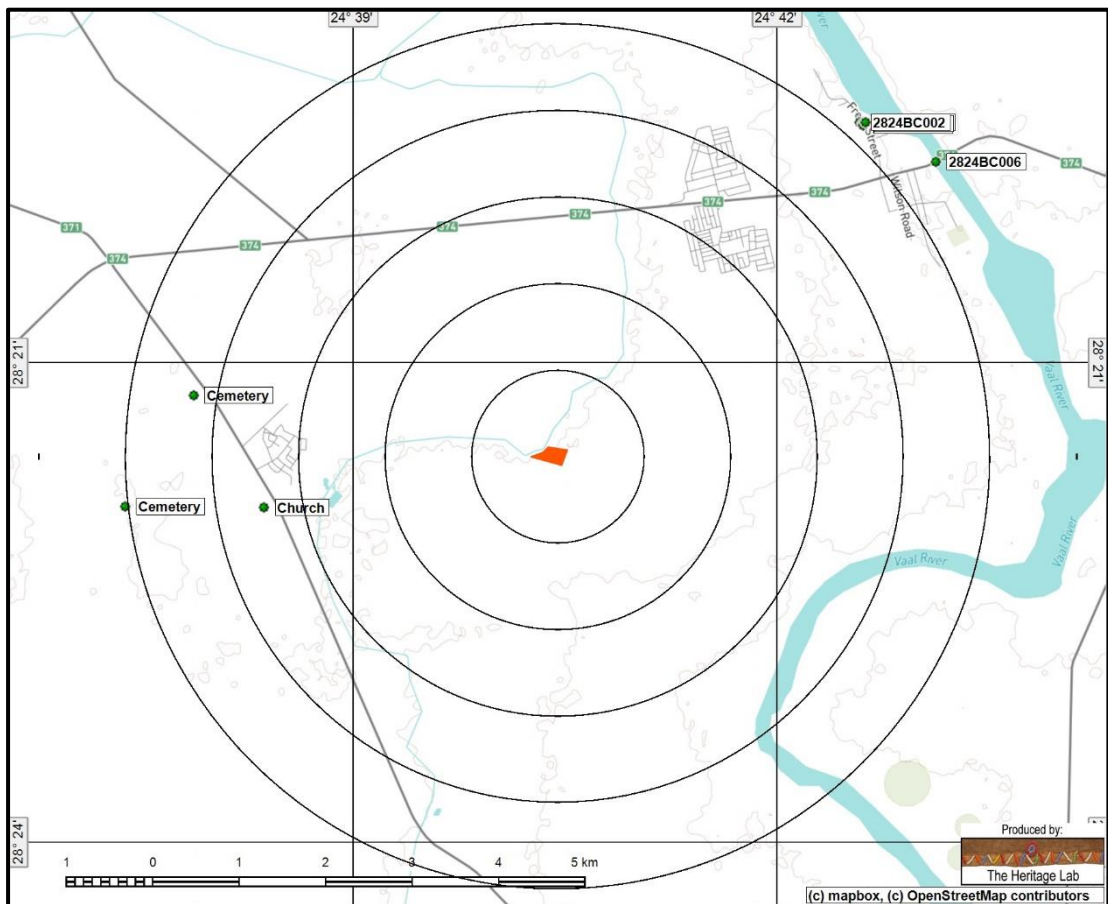


Figure 6. Location of known heritage sites and features in relation to the study area
(Circles spaced at a distance of 1km: heritage sites = coded green dots)





INDEMNITY AND USE OF THIS REPORT

The findings, results, conclusions and recommendations given in this report are based on the author's best scientific and professional knowledge as well as available information. The report is based on survey and assessment techniques which are limited by time and budgetary constraints relevant to the type and level of investigation undertaken and the author reserve the right to modify aspects of the report including the recommendations if and when new information may become available from ongoing research or further work in this field or pertaining to this investigation.

Although all possible care is taken to identify all sites of cultural importance during the investigation of study areas, it is always possible that hidden or sub-surface sites could be overlooked during the study. The author of this report will not be held liable for such oversights or for costs incurred as a result of such oversights.

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RELEVANT LEGISLATION

All archaeological and palaeontological sites, and meteorites are protected by the National Heritage Resources Act (Act no 25 of 1999) as stated in Section 35:

(1) Subject to the provisions of section 8, the protection of archaeological and palaeontological sites and material and meteorites is the responsibility of a provincial heritage resources authority: Provided that the protection of any wreck in the territorial waters and the maritime cultural zone shall be the responsibility of SAHRA.

(2) Subject to the provisions of subsection (8)(a), all archaeological objects, palaeontological material and meteorites are the property of the State. The responsible heritage authority must, on behalf of the State, at its discretion ensure that such objects are lodged with a museum or other public institution that has a collection policy acceptable to the heritage resources authority and may in so doing establish such terms and conditions as it sees fit for the conservation of such objects.

(3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority offices or museum, which must immediately notify such heritage resources authority.

- (4) No person may, without a permit issued by the responsible heritage resources authority-
- (a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
 - (b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
 - (c) trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or
 - (d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.

In terms of cemeteries and graves the following (Section 36):

(1) Where it is not the responsibility of any other authority, SAHRA must conserve and generally care for burial grounds and graves protected in terms of this section, and it may make such arrangements for their conservation as it sees fit.

(2) SAHRA must identify and record the graves of victims of conflict and any other graves which it deems to be of cultural significance and may erect memorials associated with the grave referred to in subsection (1), and must maintain such memorials.

- (3) No person may, without a permit issued by SAHRA or a provincial heritage resources authority-
- (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
 - (b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
 - (c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

(4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3)(a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.

The National Heritage Resources Act (Act no 25 of 1999) stipulates the assessment criteria and grading of archaeological sites. The following categories are distinguished in Section 7 of the Act:

- **Grade I:** Heritage resources with qualities so exceptional that they are of special national significance;
- **Grade II:** Heritage resources which, although forming part of the national estate, can be considered to have special qualities which make them significant within the context of a province or a region; and
- **Grade III:** Other heritage resources worthy of conservation, and which prescribes heritage resources assessment criteria, consistent with the criteria set out in section 3(3), which must be used by a heritage resources authority or a local authority to assess the intrinsic, comparative and contextual significance of a heritage resource and the relative benefits and costs of its protection, so that the appropriate level of grading of the resource and the consequent responsibility for its management may be allocated in terms of section 8.

Presenting archaeological sites as part of tourism attraction requires, in terms 44 of the Act, a Conservation Management Plan as well as a permit from SAHRA.

(1) Heritage resources authorities and local authorities must, wherever appropriate, co-ordinate and promote the presentation and use of places of cultural significance and heritage resources which form part of the national estate and for which they are responsible in terms of section 5 for public enjoyment, education, research and tourism, including-

- (a) the erection of explanatory plaques and interpretive facilities, including interpretive centres and visitor facilities;
- (b) the training and provision of guides;
- (c) the mounting of exhibitions;
- (d) the erection of memorials; and
- (e) any other means necessary for the effective presentation of the national estate.

(2) Where a heritage resource which is formally protected in terms of Part I of this Chapter is to be presented, the person wishing to undertake such presentation must, at least 60 days prior to the institution of interpretive measures or manufacture of associated material, consult with the heritage resources authority which is responsible for the protection of such heritage resource regarding the contents of interpretive material or programmes.

(3) A person may only erect a plaque or other permanent display or structure associated with such presentation in the vicinity of a place protected in terms of this Act in consultation with the heritage resources authority responsible for the protection of the place.