

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
P.O. Box 4637 | Cape Town | 8001
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Enquiries: Natasha Higgitt
Tel: 021 462 4502
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CaseID: 11880

Date: Tuesday November 07, 2017
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Interim Comment

In terms of Section 38(3), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Mr Stanley Calvin Mkhandane Masinga

107 Toulon
72 WaterStreet
Pretoria
0001

The proposed mining farm is located over a portion of the Vogelstruisnek 173 JP Farm which is located within the Mankwe Magisterial District in the North West Province. The farm is approximately 55 km north-west of Rusternburg. The site can be reached via the R565 road from Rusternburg towards DwaalBoom. The Area of Application is 4.55 Ha.

Thank you for notifying SAHRA of the proposed mining activities on a portion of the Vogelstruisnek 173 JP, Mankwe Magisterial District in the North West Province.

In terms of the National Heritage Resources Act, No 25 of 1999 (NHRA), heritage resources, including archaeological or palaeontological sites over 100 years old, graves older than 60 years, structures older than 60 years are protected. They may not be disturbed without a permit from the relevant heritage resources authority. This means that before such sites are disturbed by development it is incumbent on the developer to ensure that a **Heritage Impact Assessment (HIA)** is done as per section 38(3) and 38(8) of the NHRA. This must include the archaeological component (Phase 1) and any other applicable heritage components. The HIA must be conducted **as part of the** of the Environmental Authorisation Application in terms of the National Environmental Management Act, No 107 of 1998 (NEMA) and the 2014 or 2017 NEMA EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, No 28 of 2002 (MPRDA)(As amended).

The quickest process to follow for the archaeological component would be to contract a specialist (see www.asapa.org.za / www.aphp.org.za) to provide a Phase 1 Archaeological Impact Assessment Report. The Phase 1 Impact Assessment Report will identify the archaeological sites and assess their significance. It should also make recommendations (as indicated in section 38) about the process to be followed. For example, there may need to be a mitigation phase (Phase 2) where the specialist will collect or excavate material and date the site. At the end of the process the heritage authority may give permission for destruction of the sites. If the property is very small or disturbed and there is no significant site the specialist may choose

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to send a letter to the heritage authority to indicate that there is no necessity for any further assessment.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, a Palaeontological Desk Top study must be undertaken to assess whether or not the development will impact upon palaeontological resources - or at least a letter of exemption from a Palaeontologist is needed to indicate that this is unnecessary. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see www.palaeontologicalsociety.co.za for qualified palaeontologists).

Any other heritage resources that may be impacted such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewsapes must also be assessed.

All environmental reports and appendices produced as part of the EA application process must be submitted to the SAHRIS Case file in order for an informed comment to be issued. Additionally, the proposed development must be mapped on the GIS Layer of the SAHRIS application.

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
Heritage Officer
South African Heritage Resources Agency

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Phillip Hine
Acting Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/409620>
(, Ref:)