



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto:info@sahra.org.za)  
South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
[www.sahra.org.za](http://www.sahra.org.za)

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: [nkhumalo@sahra.org.za](mailto:nkhumalo@sahra.org.za)

CaseID: 14541

Date: Wednesday November 20, 2019

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## Interim Comment

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

Attention: Mr Molefe Kekana

4357 Lesedi St  
Willow Minor Ext  
Pretoria  
0184

**The site is within the jurisdiction of Steve Tshwete local municipality which is overall administered by the Nkangala District Municipality. Mpumalanga**

Aarnoort Mining (Pty) Ltd are proposing to establish a borrow pit to mine sand and aggregate on a Portion of portion 01 of the Farm Elandslaagte 368 JS, in the Steve Tshwete Local Municipality of the Mpumalanga Province. The extent of the proposed borrow pit will be 5 ha and the stockpile area will be on the boundaries of the pit, along with the waste rock dump.

They have appointed Singo Consulting (Pty) Ltd to undertake a Basic Assessment (BAR) application process in support of an Environmental Authorisation application in terms of the National Environmental Management Act, 1998 (NEMA), as amended and a Mining Permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (As amended), for listed activities in the NEMA EIA Regulations 2014, as amended.

A draft Basic Assessment (BAR) has been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting.

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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 generally protected. They may not be disturbed without a permit from the relevant heritage resources authority. In contexts of development applications, the developer must ensure that no heritage resources will be impacted by the proposed development, by lodging an application to SAHRA and submitting detailed development specifications as a notification of intent to develop. If the application is made in terms of s. 38 (8) of the NHRA then it is incumbent on the developer to ensure that a Heritage Impact Assessment (HIA) is undertaken, as s. 38(2)a does not apply. Such a study should follow the SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports and section 38(3) of the NHRA.

The HIA must be undertaken by a suitably qualified archaeologist and it must comply with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Once the report is submitted to the case for commenting, SAHRA will provide further comments on this proposed development.

In addition to the HIA report, SAHRA also requires an assessment of palaeontological resources by a suitably qualified palaeontologist. The HIA and the Palaeontology Impact Assessment (PIA) must be provided to SAHRA prior to the submission of the final BAR to the competent authority. All these documents will be assessed by SAHRA and the issued comment must be included in the final BAR, SAHRA advises the applicant to apply for an extension in terms of 19(1) b of the NEMA Regulations.

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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Nokukhanya Khumalo  
Heritage Officer  
South African Heritage Resources Agency

portion of portion 01 of the Farm Elandslaagte 368 JS situated on the north  
eastern side of Middelburg

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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: <http://www.sahra.org.za/node/530839>  
(DMR-MP, Ref: )