



an agency of the
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town
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CaseID: 18869

Date: Thursday July 28, 2022
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Interim Comment

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

Attention: Thato

LM3 Brothers have lodged a mining permit application for iron and vanadium ore that will be conducted on a 5 Ha area on the remaining extent of 11111111 KS. The proposed is accessed 32km along the mohlala route connecting to the lekentle street and queen gadifele route from Jane Furse to Ga-Mahlanya within the jurisdiction of Makhuduthamaga Local Municipality, Sekhukhune District in Limpopo Province

LM3 Brothers (Pty) Ltd have appointed TPR Mining Resources (Pty) Ltd to undertake an environmental assessment in support of an Environmental Authorisation (EA) in terms of the National Environment Management Act, Act 107 of 1998 (NEMA) for activities that trigger the NEMA EIA 2014 Regulations. As well as the requirements of the Minerals and Petroleum Resources Development Act, No 28 of 2002 (MPRDA)(As amended).

A Draft Basic Assessment report was submitted to the South African Heritage Resources Agency (SAHRA) for commenting in terms of section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). It is noted that the BAR mentions the following:

"An application for a permit to demolish old structures that are more than 60 years old or presence of graves has not been lodged, if there is presence of archaeological remains within the proposed prospecting area, such will be done in accordance with prescribed legislation."

This statement does not indicate that an impact assessment will be undertaken as part of the EA application as required in term of section 38(8) and section 38(3) of the NHRA. The SAHRA still requires an assessment of impacts to archaeological heritage by a suitably qualified archaeologist.

Also a .kml file has not been submitted to this case and as such an assessment to determine the palaeo-sensitivity of the proposed prospecting area.

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As the proposed development is undergoing an EA Application process in terms of the National Environmental Management Act, 107 of 1998 (NEMA), NEMA Environmental Impact Assessment (EIA) Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, No 28 of 2002 (MPRDA)(As amended), 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 National Heritage Resources Act, Act 25 of 1999 (NHRA). This must include an archaeological component, palaeontological component and any other applicable heritage components. The HIA must be conducted as part of the EA Application in terms of NEMA and the NEMA EIA Regulations.

The archaeological component of the HIA should follow the SAHRA 2007 Minimum Standards: Archaeological Component of Impact Assessment Report. The quickest process to follow for the archaeological component would be to contract a qualified archaeologist (see www.asapa.co.za or www.aphp.org.za). The Minimum Standards refers to a Letter of Recommendation for Exemption from further studies, that may be submitted should the archaeologist deem it appropriate.

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 comment issued must be included in the final BAR.

Any other heritage resources as defined in section 3 of the NHRA 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.

The applicant is advised to extend the BAR process in terms of section 19(1)b of the NEMA EIA regulations in order to comply with this comment.

Further comments will be issued upon receipt of the requested.

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

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

ADMIN:

Direct URL to case: <https://sahr.is.sahra.org.za/node/599658>