

Our Ref:



an agency of the  
Department of Arts and Culture

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CaseID: 18928

Date: Tuesday July 19, 2022  
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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: Hlubi Properties (Pty) Ltd

#### **Prospecting Right for Coal on portion of Portion 35 of the Farm Modderfontein 236 IR, located in Victor Khanye Local Municipality under Magisterial District of Delmas, Mpumalanga Province**

Thank you for notifying SAHRA of the proposed Prospecting Right Application and Environmental Authorisation (EA) Application for prospecting activities on portion of portion 35 of the farm Modderfontein 236 IR, near Delmas, Mpumalanga Province (MP 30/5/1/1/2/17275 PR).

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 as amended, it is incumbent on the developer to ensure that an application specific **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) as required by section 24(4)b(iii) of NEMA. 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.

SAHRA requests that an assessment of the impacts to heritage resources that complies with section 38(3) of the NHRA as required by section 38(8) of the NHRA and section 24(4)b(iii) of NEMA be conducted as part of the EA process.

The assessment must include an assessment of the impact to archaeological and palaeontological resources. The assessment of archaeological resources must be conducted by a qualified archaeologist and the report comply with the SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports (see [www.asapa.co.za](http://www.asapa.co.za) or [www.aphp.org.za](http://www.aphp.org.za) for a list of qualified archaeologists). The standards also refer to a Letter of Recommendation for Exemption for further assessment should the specialist deem it appropriate.

The proposed development is located within an area of very high Palaeontological Sensitivity as per the SAHRIS PalaeoSensitivity map. As such, a field-based Palaeontological Impact Assessment (PIA) must be undertaken by a qualified palaeontologist. (See <https://www.palaeosa.org/heritage-practitioners.html> for a list

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of qualified palaeontologists). The report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments. The standards also refer to a Letter of Recommendation for Exemption for further assessment should the specialist deem it appropriate.

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.

Further comments will be issued upon receipt of the draft BAR documents inclusive of appendices.

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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Natasha Higgitt  
Heritage Officer  
South African Heritage Resources Agency

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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: <https://sahris.sahra.org.za/node/600159>  
(DMR-MP, Ref: MP 30/5/1/1/2/17275 PR)