

Our Ref:



an agency of the  
Department of Arts and Culture

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CaseID: 19046

Date: Tuesday November 22, 2022  
Page No: 1

## Interim Comment

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

Attention: Kgothatso Transport (Pty) Ltd

### **Mining Permit on Portion of portion 10 of the farm Modderfontein 236 IR**

Singo Consulting (Pty) Ltd has been appointed by Kgothatso Transport (Pty) Ltd to undertake an Environmental Authorisation Application for proposed mining activities on Portion of portion 10 of the farm Modderfontein 236 IR, Delmas, Mpumalanga Province (MP 30 /5/1/3/2/ 13242 MP).

A Draft Basic Assessment Report (DBAR) has been submitted (27/10/2022) in terms of the National Environmental Management Act, 1998 (NEMA) and the EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The proposed mining will include open cast mining, site clearance, stockpiling, access route, blasting, loading zone, crushing and screening, haul roads, ablution facilities and waste storage within an application area of 5 ha.

It is noted that the DBAR states a full heritage study is to be conducted (pg 71), however, no study has been submitted.

### **Interim Comment**

The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit requests that an assessment of the impact to heritage resources be undertaken as part of the EA process that complies with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) as required by section 38(8) of the NHRA. The HIA must include an archaeological and palaeontological component.

The archaeological component of the HIA must be conducted by a qualified archaeologist and must 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 Minimum Standards refer to a Letter of Recommendation for Exemption for further studies should the specialist deem it appropriate. SAHRA reserves the right to insist on a field-based assessment should the Letter of Recommendation not provide ample information to make an informed comment.

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The proposed development is located within an area of very high Palaeontological Sensitivity as per the SAHRIS PalaeoSensitivity map. As such, field-based Palaeontological Impact Assessment (PIA) is requested to be undertaken by a qualified palaeontologist. (See <https://www.palaeosa.org/heritage-practitioners.html> for a list of qualified palaeontologists). The report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments. The Minimum Standards refer to a Letter of Recommendation for Exemption for further studies should the specialist deem it appropriate. SAHRA reserves the right to insist on a field-based assessment should the Letter of Recommendation not provide ample information to make an informed comment.

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 EA 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 above requested reports and revised DBAR that incorporates the results of the heritage specialist reports.

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/601091>  
(DMR-MP, Ref: MP 30 /5/1/3/2/ 13242 MP)