

Our Ref: 19078



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: 19078

Date: Friday August 05, 2022

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## Interim Comment

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

Attention: Mr Khathutshelo Sam Ntshauba

**Sams Paradise (Pty) Ltd has applied for an Environmental Authorisation for proposed Mining activities in respect of Sand Silica (General) on a 2.1ha of land of the farm Dry Lands 718MS, in the Magisterial District of Vhembe, Limpopo Province, South Africa. The area was previously used by locals for grazing both cattle and goats and also for maize farming. A walk through as part of Basic assessment Report (BAR) was undertaken and no grave or any object of heritage value was identified. Local community was also engaged and they indicated that the area was never used for graves. The equipment that will be used for this project will be a TLB for loading sand into a tipper truck. The project will take place in Limpopo Province.**

Thank you for informing SAHRA that Sams Paradise (Pty) Ltd.

They have appointed Tshinamufa Holdings (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 Prospecting Right in terms of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (As amended), for listed activities in the NEMA EIA Regulations 2014, as amended.

A Background Information Document (BID) and BAR has been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting. The BAR on page 13 states that a stand alone HIA is not required if an EIA is undertaken. This statement is incorrect.

The South African Heritage Resources Agency (SAHRA) requires an assessment of impacts as stated in section 38(3) of the NHRA. This Heritage Impact Assessment report, inclusive of a Palaeontological Impact Assessment must form part of the specialist studies undertaken for the EA application.

### Interim Comment

In terms of the National Heritage Resources Act, no 25 of 1999 (NHRA), heritage resources, including

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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 comment issued must be included in the final BAR.

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

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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/601327>  
(, Ref: LP 30/5/1/3/2/11763 MP )