



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: 19092

Date: Wednesday August 31, 2022
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Interim Comment

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

Attention: Crysbol (Pty) Ltd

PostNet Suite# 157,
Private Bag X121,
Halfway House,
1685

Prospecting Right Application for Limestone

Valley Sides Resources (Pty) Ltd are proposing to prospect for limestone on the Remaining Extent of Portion 4, Portion 12 and 13 of Brakfontein 152 KS Farm, Modimolle-Mookgopong Local Municipality of the Limpopo Province. The prospecting work programme will include invasive activities including 10 boreholes across 552ha.

They have appointed Crysbol (Pty) Ltd to undertake a Basic Assessment Report (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 application 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 Basic Assessment Report was been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting. The BAR states that although the study area is known for significant heritage, the final walkthrough will be undertaken to demarcate heritage like graves so they avoided and a buffer zone of 50m demarcated in their maps. However, a relevant heritage assessment has not been undertaken to determine the actual farms under application have been assessed by the relevant heritage specialist.

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.

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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 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

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

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/601454>
(, Ref: LP30/5/1/1/2/14433PR)