

Our Ref: 19493



an agency of the  
Department of Arts and Culture

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[www.sahra.org.za](http://www.sahra.org.za)

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Date: Thursday October 06, 2022

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## Interim Comment

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

Attention: Azcware (Pty) Ltd

**Azcware (Pty) Ltd (hereinafter referred to as Azcware) is applying for a new Mining Permit (MP) adjacent to the existing Highveld Collieries opencast mining operations. Azcware has applied for a MP in terms of the Mineral Petroleum Resources Development Act (MPRDA) (Act 28 of 2002). A Basic Assessment process is required in terms of the NEMA 2014 amended regulations for the application of a MP.**

Azcware (Pty) Ltd has appointed Eco Elementum (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 Mine Permit 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 BAR has been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting.

### Interim Comment

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.

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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

**ADMIN:**

Direct URL to case: <https://sahris.sahra.org.za/node/604737>  
(DMR-MP, Ref: MP 30/5/1/1/3/13325 MP)

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