

Proposed Prospecting Right for Manganese Ore on portion 2 of the Farm EAST 270, situated approximately 11.73 Km Southwest of Tsineng.

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Natasha Higgitt
Tel: 021 202 8660
Email: nhiggitt@sahra.org.za
CaseID: 19756

Date: Friday August 18, 2023
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Final Comment

In terms of Section 38(3), 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Legacy Box Holdings (Pty) Ltd

Proposed Prospecting Right for Manganese Ore on portion 2 of the Farm EAST 270, situated approximately 11.73 Km Southwest of Tsineng, under Magisterial District of John Taolo Gaetsewe (Kuruman) in Northern Cape Province.

Singo Consulting have been appointed by Legacy Box Holdings (Pty) Ltd to undertake an Environmental Authorisation Application for proposed prospecting activities on portion 2 of the Farm East 270, near Santoy, Northern Cape Province (NC 30/5/1/1/2/12659 PR).

A Draft Basic Assessment Report (DBAR) has been submitted 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 prospecting activities include 13 drilled boreholes, vegetation clearance, mobile office and toilet, vehicle parking, access roads, guard room, clean and dirty sump within an application area of 861.549 ha.

No assessment of the impact to heritage resources as been conducted as per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) that complies with section 38(3) of the NHRA.

In an Interim Comment issued on the 09/01/2023, SAHRA requested 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 NHRA as required by section 38(8) of the NHRA. The HIA must include an archaeological and palaeontological component. Since the issuing of the comment, a letter of Motivation has been submitted by the EAP requested Exemption from undertaken further heritage studies noting that no heritage components were observed on site.

Final Comment

The SAHRA Development Applications Unit (DAU) does not accept the motivation for no assessment of the impact to heritage resources provided by the Environmental Practitioner as they do not possess the

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qualifications or expertise to assess the impact to heritage resources. Only qualified heritage practitioners may provide an assessment of the impact to heritage resources as per section 38(2) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

Additionally, the impact to the national estate must be assessed as per section 24(4)b(iii) of NEMA, and the competent authority must consider the recommendations and conditions of the relevant heritage authority as per section 38(8) of the NHRA as part of their decision-making process.

The SAHRA cannot endorse this proposed development and advises the Department of Mineral Resources and Energy (DMRE) to reject the application for prospecting activities on the Remaining Extent of the Farm Lucknow 652, near Olifantshoek, Northern Cape Province (NC 30/5/1/1/2/13203 PR) as the impact to heritage resources as required by section 24(4)b(iii) of NEMA and section 38(3) and 38(8) of the NHRA has not been fully assessed. This comment must be forwarded directly to the competent authorities and proof of the submission and receipt thereof must be provided to SAHRA.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Natasha Higgitt
Manager: Development Applications Unit
South African Heritage Resources Agency

ADMIN:

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Direct URL to case: <https://sahris.sahra.org.za/node/606426>
(DMR - NC, Ref: DMRE REF: NC 30/5/1/1/2/12659 PR)