

Our Ref: 9/2/285/0002

Enquiries: Phillip Hine  
Tel: 021 462 4502  
Email: phine@sahra.org.za  
CaseID: 777

Date: Thursday November 08, 2012

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## Letter

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

Attention: Ingrid Snyman  
Batho Earth Social and Environmental Consultants  
PO Box 35130  
Menlo Park  
0102

### PROSPECTING RIGHT APPLICATION ON THE FARMS FRISCHGEWAAGT 294 IS AND KLEINFONTEIN 296 IS IN THE MPUMALANGA PROVINCE

Thank you for your indication that development is to take place in this area.

In terms of the National Heritage Resources Act (NHRA), no 25 of 1999, heritage resources, including archaeological or palaeontological sites over 100 years old, graves older than 60 years, structures older than 60 years are protected. They may not be disturbed without a permit from the relevant heritage resources authority. This means that before such sites are disturbed by development it is incumbent on the developer (or mine) to ensure that a Heritage Impact Assessment is done. This must include the archaeological component (Phase 1) and any other applicable heritage components. Appropriate (Phase 2) mitigation, which involves recording, sampling and dating sites that are to be destroyed, must be done as required.

The application submitted to SAHRA does not provide an indication that a heritage assessment was conducted or if such a study will be undertaken.

Categories of possible heritage resources, such as archaeological and palaeontological sites needs to be assessed by a specialist. Please also note that clearing of vegetation and building for access roads may also destroy or damage archaeological and/or palaeontological sites. Consequently, the quickest process to follow for the archaeological component would be to contract a specialist to provide a Phase 1 Archaeological Impact Assessment Report. This must be done before any prospecting drilling, trenching or mining takes place. The Phase 1 Impact Assessment Report will identify the archaeological sites and assess their significance. It should also make recommendations (as indicated in section 38 of the NHRA) about the process to be followed. For example, there may need to be a mitigation phase (Phase 2) where the specialist will collect or excavate material and date the site. At the end of the process the heritage authority may give permission for destruction of the sites.

The developer must ensure that a Palaeontological study is undertaken to assess whether or not the development will impact upon palaeontological resources - or at least a letter from a Palaeontologist motivating for an exemption is needed to indicate that this is unnecessary. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required.



The South African Heritage Resources Agency

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Any other heritage resources 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.

see [www.asapa.org.za](http://www.asapa.org.za) for a list of CRM Archaeologists and [www.palaeontologicalsociety.co.za](http://www.palaeontologicalsociety.co.za) for a list of professional Palaeontologists.

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

Yours faithfully

Phillip Hine  
Heritage Officer

Colette Scheermeyer  
SAHRA Head Archaeologist  
South African Heritage Resources Agency

**ADMIN:**  
(DMR, Ref: MP 30/5/1/1/2/10260 PR)



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