

Our Ref:



an agency of the  
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
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CaseID: 19523

Date: Tuesday October 04, 2022

Page No: 1

## Interim Comment

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

Attention: Lourens Rasmus Olivier

**Environmental Impact Assessment for the Proposed Mining Permit for the mining of Diamonds Alluvial (DA), Diamonds General (D), Diamonds in Kimberlite (DK) & Diamonds (DIA) including associated infrastructure, structure and earthworks on a certain 4.8068 ha area on the Remaining Extent of Portion 47 of the farm Nooitgedacht 381, Registration Division: JP, North West Province.**

Milnex CC has been appointed by Lourens Rasmus Olivier to conduct an Environmental Authorisation (EA) Application for a mining permit for the mining of Diamonds Alluvial (DA), Diamonds General (DG), Diamonds in Kimberlite (DK) and Diamonds (DIA) including associated infrastructure, structure, and earthworks on a certain Portion of 4. 8068 Ha on the Remaining Extent of Portion 47 of the Farm Nooitgedacht 381, Registration Division: HO, Kgetlengrivier Local Municipality, Bojanala Platinum District Municipality, North West Province (NW30/5/1/3/2/11047MP).

A Basic Assessment Report (DBAR) has been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA) and the NEMA Environmental Impact Assessment (EIA) Regulations, 2014 for activities that trigger the Minerals Petroleum Resources Development Act, 2002 (as amended). The scope of work entails mining with associated infrastructure which includes access roads, ablution facilities, water pipelines, vegetation clearance, stockpiling etc...

It is stated in page 46 of the BAR that "if cultural heritage resources are found during the mining or development activities, they shall not be disturbed without a permit from the relevant heritage resources authority which means that before such sites are disturbed by development it is incumbent on the developer to ensure that a heritage impact assessment is done and the Provincial Heritage Resources Authority and SAHRA must be contacted immediately and work must stop"

### Interim Comment

The SAHRA APM Unit acknowledges receipt of the BAR application and request that the following is undertaken in terms of section 38(3) of the National Heritage Resources Act (25 of 1999) as part of the EA application process.

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Page No: 2

The proposed development has the potential to impact negatively on heritage and/or cultural resources, therefore a heritage impact assessment must be conducted. A field-based assessment of the impact to archaeological resources must be conducted by a qualified archaeologist. The report must comply with section 38(3) of the NHRA and the SAHRA 2006 Minimum Standards: Archaeological and Palaeontological Component of Impact Assessments, and the 2012 Minimum Standards: Archaeological Component of Heritage Impact Assessments. The Minimum Standards provides allowance for a Letter of Recommendation for Exemption that can be submitted by a qualified archaeologist should they deem it appropriate.

The proposed development is located in an area of moderate palaeontological sensitivity, a desktop assessment of the impact to palaeontological resources must be undertaken. The assessment must be conducted by a qualified palaeontologist. The report must comply with section 38(3) of the NHRA and the SAHRA 2006 Minimum Standards: Archaeological and Palaeontological Component of Impact Assessments, and the 2012 Minimum Standards: Palaeontological Component of Heritage Impact Assessments. The Minimum Standards provides allowance for a Letter of Recommendation for Exemption that can be submitted by a qualified palaeontologist should they deem it appropriate.

The assessment should include any other heritage resources that may be impacted such as built structures over 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.

Further comments will be issued upon receipt of the above. The applicant is advised to extend the EA process in terms of section 19(1)b of the NEMA EIA regulations in order to comply with this comment.

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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Elijah Dumisani Katsetse

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Page No: 3

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/605051>  
(, Ref: NW30/5/1/3/2/11047MP)