



## Letter

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

Attention: Mr Bradley Thorpe  
EScience Associates (Pty) Ltd  
PO Box 2950  
Saxonwold  
2132

### Assmang Ltd's proposed establishment of housing units over approximately 15ha of Portion 3 of the farm Nchwaning 267

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

In terms of the National Heritage Resources Act, 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.

#### Case Decision:

In your application received by SAHRA there was no indication of such an assessment of the palaeontological/archaeological resources. The quickest way forward is to contact suitably qualified specialists to provide a Phase 1 Palaeontological/Archaeological Impact Assessment Report (see [www.asapa.org.za](http://www.asapa.org.za)).

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) 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.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, a Palaeontological study must be undertaken to assess whether or not the development will impact upon palaeontological resources - or at least a letter of exemption from a Palaeontologist is needed to indicate that this is unnecessary. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see [www.palaeontologicalsociety.co.za](http://www.palaeontologicalsociety.co.za)).

If the property is very small or disturbed and there is no significant site the specialist may choose to send a letter to the heritage authority to indicate that there is no necessity for any further assessment.





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.

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

Yours faithfully

Kathryn Smuts  
Heritage Officer: Archaeology  
South African Heritage Resources Agency

Colette Scheermeyer  
SAHRA Head Archaeologist  
South African Heritage Resources Agency

**ADMIN:**  
(DENC, Ref: NC/BA/JTG/JOE/GLO/HOT01/2013)

