



an agency of the  
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
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Email: [nngobeni@sahra.org.za](mailto:nngobeni@sahra.org.za)  
Case ID: 24357

Date: Friday, 25 July, 2025

## Final Comment

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

Zizo Siwendu  
Shango Solutions  
HHK House South  
22 Ethel Avenue  
Northcliff  
2195

Dithabeng Mining Mphahlele (Pty) Ltd have appointed Shango Solutions as the Environmental Assessment Practitioner (EAP) to manage the required environmental process for the Mining Right Application. The project area is located 60 km south-east of Mokopane and 50 km south of Polokwane, in the Limpopo Province on the Farm Locatie van M'phatlele 457 KS. It covers 11 725 hectares (ha), of which only 3 000 ha will be allocated for mining and associated infrastructure.

A Final Environmental Impact Assessment Report (FEIAR) has been submitted in term 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 applicant has applied for a Mining Right over the above-mentioned Prospecting Right in order to extend the existing opencast operations, establish underground mining and a wash plant as well as associated facilities, where the residue material from the wash plant will be dried, stockpiled, and used as backfill for the opencast void, eliminating the need for a tailings dam.

*Mlilo, T. 2024. The Phase 1 Archaeological Impact Assessment for the Mining Right Application on the Farm Locatie Van M'phatlele 457 KS, Lipelle Nkumpi Local Municipality of Capricorn District, Limpopo Province.*

The author undertook a field survey and did not record any confirmable archaeological remains within the Mining Right Application site. However, in terms of Section 36 the survey identified 6 burial sites (i.e., BS01, BS02, BS03, BS04, BS05 and BS06) on the edges of the proposed mining site. The burial sites are fenced and well taken care of the custodians. The ages of the graves could not be conclusively established during the survey but is most likely that there are graves which are older than 60 years. The identified graves are therefore protected in terms of Section 36 of the NHRA and the Nation Health Act 61 of 2003. As such the



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identified graves must be clearly demarcated and a 100m buffer zone must be provided from each identified burial site.

1 historical site has also been identified covering approximately 10ha along the foothill on the northern boundary of the site located approximately 2km from the current mining site. The structures are typical of historical structures in the Limpopo Province. The site belongs to the Pedi who now moved to other areas. The study team observed that some people conduct rituals at the historical site. The study team identified coins and evidence of fire for ritual purposes (see Plate 27,28,29). It is evident that the descendants of these past communities can be traced and linked to the site. Given the size of the site, we recommend that it be preserved in situ.

## Recommendations

- A 100m buffer zone must be provided for each identified burial site in line with SAHRA Regulations of 2020.
- From a heritage perspective supported by the findings of this study, the Mining Right Application is supported. However, the mining should be approved under the observation that mining activities do not extend beyond the area considered in this report/affect the identified heritage sites.
- Should chance archaeological materials or human remains be exposed during clearing/mining work on any section within the proposed mining site, work should cease on the affected area and the discovery must be reported to the heritage authorities immediately so that an investigation and evaluation of the finds can be made. The overriding objective, where remedial action is warranted, is to minimize disruption in construction scheduling while recovering archaeological and any affected cultural heritage data as stipulated by the NHRA regulations.

*Bamford, M. 2020. Palaeontological Impact Assessment for the proposed Mphahlele MR application, Limpopo Province*

The mining area lies mostly on the non-fossiliferous mafic intrusion of the Rustenburg Layered Suite (Bushveld Complex). Only the northern-most margin is on or close to the shales of the Magaliesberg Formation (Pretoria Group, Transvaal Supergroup) that are about 2250 million years old. There is a very small chance that trace fossils such as stromatolites or microbially induced sedimentary structures occur in this formation although none has been recorded from this area. Therefore, a Fossil Chance Find Protocol should be added to the EMP. Based on this information it is recommended that no palaeontological site visit is required unless fossils



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are found when the mining activities commence.

### Final Comment

The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:

- 38(4)a – The SAHRA Development Application Unit (DAU) has no objections to the proposed development.
- 38(4)b – The recommendations provided by the heritage specialists are supported and must be adhered to.
- 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA DAU (Nokusho Ngobeni/Natasha Higgitt 021 202 8660) must be alerted as per section 35(3) of the NHRA. Non-compliance with this section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA DAU (Nokusho Ngobeni/Natasha Higgitt 021 202 8660), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with this section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)d – See section 51(1) of the NHRA;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
  - i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;
- As the Final BAR has been finalised without the inclusion of SAHRA comments, this comment must be forwarded directly to the competent authority for their review as part of the decision making process in terms of section 38(8) of the NHRA. Proof of the delivery and receipt thereof must be provided to SAHRA;
- The decision regarding the EA Application must be communicated to SAHRA and uploaded to the case file.



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- The Final BAR and EMPr must be submitted to SAHRA for record purposes;

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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Nokusho Ngobeni

South African Heritage Resources Agency

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

**Terms & Conditions:**

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.



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**ADMIN:**

Direct URL to case: <https://sahris.org.za/node/358783>