



an agency of the
Department of Arts and Culture

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CaseID: 13177

Date: Monday November 26, 2018
Page No: 1

Interim Comment

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

Attention: Sitatunga Resources

Prospecting Right Application

Thiko Resources (Pty) Ltd is proposing to prospect for coal over an area of 93.57 ha, using non-invasive and invasive methods. They propose ten (10) prospecting boreholes and a site camp located about 300m away from the Olifants Rivier and the Boesmankransspruit rivier. The prospecting will be located on Portion 38 of the farm Speekfontein 336 in the eMalahleni Local Municipality, in Mpumalanga Province. There will be a 100m buffer zone around the watercourses, there will be no additional roads constructed, and the drilling pads will be 10m² in extent.

Sitatunga Resources (Pty) Ltd have submitted a Basic Assessment (BAR) process on behalf of the applicant, Thiko Resources (Pty) Ltd, in respect of listed activities in the EIA Regulations 2017, that require an application for Environmental Authorisation in terms of the National Environmental Management Act, 1998 (NEMA) as amended, and a mine right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (As amended). A Public Participation Notice and Scoping Report has been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting.

In terms of the National Heritage Resources Act, no 25 of 1999 (NHRA), heritage resources, including archaeological or palaeontological sites over 100 years old, graves older than 60 years, structures older than 60 years are generally protected. They may not be disturbed without a permit from the relevant heritage resources authority. In contexts of development applications, the developer must ensure that no heritage resources will be impacted by the proposed development, by lodging an application to SAHRA and submitting detailed development specifications as a notification of intent to develop. If the application is made in terms of s. 38 (8) of the NHRA then it is incumbent on the developer to ensure that a Heritage Impact Assessment (HIA) is undertaken, as s. 38(2)a does not apply. Such a study should follow the SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports and section 38(3) of the NHRA.

Page 27 pg of the DBAR mentions a desktop heritage study that was undertaken as part of the bar, such a

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Page No: 2

study must be submitted to SAHRA for commenting before the submission of the FBAR to the competent authority, so as SAHRA may issue comments. Furthermore the DBAR mentions that the proposed prospecting right area is underlain by mainly the Loskop Formation of the Transvaal Supergroup and the Madzaringwe Formation of the Karoo Supergroup. Both these formations are considered to contain moderate and Very Highly sensitive fossiliferous rock strata, for each respective formation, that may be impacted during prospecting. Any earth moving activities pose a threat to palaeontological and heritage resources, particularly in relatively undisturbed areas. Koppies, Mountains and River valleys as well as coal mining areas are sensitive to these types of heritage resources, which should be assessed for potential impacts as part of the HIA in terms of section 38(3) of the NHRA.

Interim Comment

The South African Heritage Resources Agency (SAHRA) Archaeology, Palaeontology and Meteorites (APM) Unit cannot comment on this application further because the Desktop HIA conducted for the DBAR as mentioned above has not been submitted with the DBAR. Also, a Palaeontological Impact Assessment must be undertaken by a suitably qualified palaeontologist before submission of the FBAR to the competent authority.

SAHRA APM unit will process the case further once the above requested reports are submitted to the case.

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

Yours faithfully

Nokukhanya Khumalo
Heritage Officer
South African Heritage Resources Agency

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Page No: 3

Phillip Hine
Acting Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:
Direct URL to case: <http://www.sahra.org.za/node/514502>