



an agency of the
Department of Arts and Culture

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CaseID: 13628

Date: Wednesday April 17, 2019

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Interim Comment

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

Attention: Thikho Resources (K2017367227 (Pty) Ltd)

Prospecting activities will comprise of both non-invasive and invasive methods and may include: desktop and literature studies, geophysical surveys, field surveys and drilling. The Prospecting Right process is expected to be undertaken over a period of 3 years with the potential for renewal depending on results and studies undertaken.

Thiko Resources (Pty) Ltd is proposing to prospect for coal over an area of 371.33 ha, using non-invasive and invasive methods. They propose twenty (20) prospecting boreholes and a site camp (0.5 ha) located on remaining extent of the farm Nooitgedacht 37 IS in the eMalahleni Local Municipality, in Mpumalanga Province. There will be no additional roads constructed, will be a 100m buffer zone around watercourses, 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 DBAR 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

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Standards: Archaeological and Palaeontological Components of Impact Assessment Reports and section 38(3) of the NHRA.

The DBAR mentions that the proposed prospecting right area is underlain by the Vryheid Formation of the Karoo Supergroup. This formation is considered to contain Very Highly sensitive fossiliferous rock strata 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 an HIA and Palaeontological Impact Assessment (PIA) was not conducted for the DBAR. Both the HIA and PIA must be undertaken by a suitably qualified archaeologist and palaeontologist respectively, 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

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Nokukhanya Khumalo
Heritage Officer
South African Heritage Resources Agency

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/522116>
(DMR-MP, Ref: MP30/5/1/1/2/15228PR)