

Our Ref: 14893



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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Date: Friday February 28, 2020

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Interim Comment

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

Attention: Mr Mohlodi Charline Masipa

The project area is located in Delmas at approximately 7.28KM from Delmas town. The farm boundary covers the farm houses, R555 road, river, industries and pans/ wetlands inclusive within the boundaries. The farm area can be accessed through a tar road from N12 and R555 roads from Emalahleni town and Springs using the same road. The site can also be accessed through N17 connecting to R42 Heading North to Delmas and off-ramping to R555 to the proposed project(Goedgedacht 228 IR).

Gadebe Investments (Pty) Ltd is proposing to undertake coal and aggregate prospecting on a Portion of the remaining extent, Portions 3, 4, 5, 6, 7, 8, 11, 13, 17, 19, 20, 21 and 22 of the farm Goedgedacht 228 IR, in the Victor Khanye Local Municipality of the Mpumalanga Province. The extent of the farm proposed for prospecting is 1247.577 ha, and they are proposing to drill 15 boreholes that will have total impact area of 0.9 ha over the entire farm.

Singo Consulting (Pty) Ltd have been appointed to undertake Basic Assessment (BAR) application process in support of an Environmental Authorisation application, made on behalf of the applicant, Gadebe Investments (Pty) Ltd. The application process is in respect of listed activities in the EIA Regulations 2014, as amended, that require an application for Environmental Authorisation in terms of the National Environmental Management Act, 1998 (NEMA) and a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (As amended). A draft BAR have 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.

It is noted within page 50 of the BAR, that a HIA was undertaken for the BA application and that no heritage resources were identified on the farm. However, the HIA report was not submitted along with the BAR. As a heritage authority, SAHRA must provide comment on the heritage and ensure that section 38(3) was complied with, therefore, SAHRA requires the Heritage Desktop Study to be submitted to the case. The BAR makes no mention of a palaeontological assessment despite it being located in a highly sensitive palaeontological zone.

Interim Comment

The South African Heritage Resources Agency (SAHRA) Archaeology, Palaeontology and Meteorites (APM) Unit cannot comment on this application further until the HIA report mentioned in the BAR must be submitted to the case for commenting. The report must be submitted to SAHRA for comments prior to the submission of the Final BAR to the competent authority.

The South African Heritage Resources Agency (SAHRA) Archaeology, Palaeontology and Meteorites (APM) Unit cannot comment on this application further until the Heritage report mentioned in the BAR is submitted to the case for commenting. The report must be submitted to SAHRA for comments prior to the submission of the Final BAR to the competent authority.

In addition, a suitably qualified palaeontologist must be appointed to undertake a palaeontological assessment.

SAHRA APM unit will process the case further once the above requested reports are submitted to the case. The applicant is advised to extend the EA process in terms of section 19(1)b of NEMA in order to comply with the 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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Nokukhanya Khumalo
Heritage Officer
South African Heritage Resources Agency

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

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/534646>
(DMR-MP, Ref:)