

BACKGROUND INFORMATION DOCUMENT FOR: VOLHARDING 265 IS ON PORTION: REMAINING EXTENT (RE).

Our Ref: Case 15052



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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CaseID: 15052

Date: Tuesday April 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: Miss Sibingile Namhla Mgjijima Nzeku

1686 Magaliesberg Country Estate, Longmore Street, Pretoria North 1803

The Environmental Authorisation Application is for prospecting activities for the following mineral: Ball Clay which is located approximately at 30.2km North of Davel Community in Ermelo, close to a Klein Olifants non-perennial river on the eastern side and farmhouses are seen closer to the farm boundary on the western side. The proposed prospecting activities will be covered under application reference: MP 30/5/1/1/2/15707R will be undertaken on Re of the farm; Volharding 265 IS, situated in the Magisterial District of Ermelo, Mpumalanga Province.

Siphiwe Intsikelelo Enterprises (Pty) Ltd is proposing to prospect for ball clay on the remainder of the remainder farm Volharding 265 IS, Msukaligwa Local Municipality, Mpumalanga Province. The prospecting work programme includes invasive activities ie drilling in the Vryheid Formation.

They have appointed Singo Consulting (Pty) Ltd to undertake a Basic Assessment (BAr) application process in support of an Environmental Authorisation application in terms of the National Environmental Management Act, 1998 (NEMA), as amended and a Mining Right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (As amended), for listed activities in the NEMA EIA Regulations 2014, as amended.

A Background Information Document was been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting.

It is noted that the BID states that the EA application process will also assess Heritage. The South African Heritage Resources Agency (SAHRA) requires an assessment of impacts as stated in section 38(3) of the NHRA. This Heritage Impact Assessment report, inclusive of a Palaeontological Impact Assessment must form part of the specialist studies undertaken for the EA application.

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Interim Comment

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.

The HIA must be undertaken by a suitably qualified archaeologist and it must comply with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Once the report is submitted to the case for commenting, SAHRA will provide further comments on this proposed development.

In addition to the HIA report, SAHRA also requires an assessment of palaeontological resources by a suitably qualified palaeontologist. The HIA and the Palaeontology Impact Assessment (PIA) must be provided to SAHRA prior to the submission of the final BAR to the competent authority. All these documents will be assessed by SAHRA and the comment issued must be included in the final BAR.

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

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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/536047>

(, Ref:)