



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: 15583

Date: Tuesday October 27, 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 Richard Hleza

The proposed project area of application is located about 10.19 km south west of Kendal, 20.70km north East of Ogies, and about 17.97 km southwest of Delmas.

RDH Holdings (Pty) Ltd is proposing to prospect for coal reserves over a period of 5 years, using non-invasive methods on all Portions excluding Portion 07 of Farm Welgelegen 221 IR, Delmas Local Municipality, Mpumalanga Province. The prospecting area will be 3 538 ha in extent.

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 Prospecting Right in terms of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (As amended), for listed activities in the NEMA EIA Regulations 2014, as amended.

A draft BAR 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 in the BAR that 8 boreholes will be drilled into the Vryheid Formation. 5 of the proposed boreholes will be drilled within the first phase of the Prospecting Work Programme and the other 3 will be drilled in phase two. Each drilling pad will be 0.6 ha in extent. The South African Heritage Resources Agency (SAHRA) requires an assessment of impacts as stated in section 38(3) of the NHRA. This assessment of impacts will be in Heritage Impact Assessment (HIA) report, inclusive of a Palaeontological Impact Assessment which must form part of the specialist studies undertaken for the EA application. If the specialists deem the potential impacts to be low, then a letters of recommendations for exemptions may be compiled by the specialists and submitted to SAHRA.

Interim Comment

In terms of the National Heritage Resources Act, no 25 of 1999 (NHRA), heritage resources, including

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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
South African Heritage Resources Agency

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Phillip Hine

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

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/541385>
(DMR-MP, Ref:)