



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: nkhumalo@sahra.org.za

CaseID: 18114

Date: Monday April 04, 2022

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Interim Comment

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

Attention: Ms Yvette Mmanasoe

GEOVICON ENVIRONMENTAL (PTY) LTD

42 AG Visser

Gholfsig

Middelburg

1050

Kriel Coal Company (Pty) Ltd (Reg. No.:2021/ 617413/ 07) applied for a prospecting right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA) and is also applying for authorisation of listed activities in terms of sections 24 and 24D of the National Environmental Management Act, 1998 (Act no. 107 of 1998) (NEMA), read together with Regulations 19 & 20 of the amended Environmental Impact Assessment Regulations, 2014 (Government Notice No. 982). The above-mentioned applications involve the prospecting for coal and pseudocoal by means of geophysical surveys and drilling of geological core boreholes.

Kriel Coal Company (Pty) Ltd have appointed Geovicon Environmental (Pty) Ltd to undertake a Basic Assessment application process in support for an Environmental Authorisation (EA) in terms of the National Environmental Management Act, Act no 107 of 1998 (NEMA) as amended, and a Prospecting Right in terms of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (As amended).

Kriel Coal Company's Legdaar Prospecting project is proposing to prospect for coal and pseudocoal on Portion 11 of the farm Legdaar 78 IS and in the eMalahleni Local Municipality of the Mpumalanga Province. The proposed Prospecting Right Area is 217 ha and the prospecting work programme will include drilling, in extent with 15 proposed boreholes that will each have a 0.9ha impact area. Existing roads will be used as much as possible.

The BA report has been submitted to SAHRA for commenting in terms of section 38 of the National Heritage Resources Act, no. 25 of 1999 (NHRA). The report states under the Culture and Heritage section, that a 100m buffer zone around sites or cemeteries will be maintained.

Please note that three (3) prospecting cases for the same application area have been created by the same

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applicant with the same DMR reference number. These cases are (Case ID 18106, Case ID 17987, and this case which is Case ID 18114), the SAHRA only requires one case for one DMR reference number. The cases with no response on them (Case 18106 and 17987) will be deleted.

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 a detailed palaeontological fossil finds procedure to be written for the specific region because the proposed prospecting is targeting areas with high sensitive fossiliferous rocks.

This procedure must be written by a suitably qualified palaeontologist for inclusion into the EMPr. The HIA and the fossil chance finds procedure must be provided to SAHRA for comments.

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

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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: <https://sahris.sahra.org.za/node/593713>
(DMR-MP, Ref: MP 30/5/1/1/2/16953 PR)