

Section 24G application for sand mining operation, Cliffdale

Final Comment

**IN TERMS OF SECTION 38 OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)
AND SECTION 41 OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (ACT 05
OF 2018)**

Attention: Afzelia Environmental Consultants Pty Ltd

76 Valley View Road, Morningside, Durban 4001

The Applicant, Umsunguli Group (Pty) Ltd, had an approved mining permit that was issued on 19 February 2015 to legally mine silica sand from the Umsunguli borrow pit. The original permit was valid for a period of 2 years. The Applicant renewed the permit the allotted 3 times (up to one year each time) in terms of the Mineral and Petroleum Resources Development Act (Act No. 28 of 2002). The approved mining permit expired in February 2020 and the Applicant continued to mine silica sand from the borrow pit. On 10 December 2020, the Department of Mineral Resources conducted an inspection of the site. The findings of the inspection revealed that the Applicant had contravened Section 24F(1)(a) of NEMA (as amended), in that they commenced with an activity listed or specified in terms of section 24 (2) (a) without environmental authorisation or/and a mining permit. To ensure that the operations are brought up to a compliant level and maintained, the Applicant has decided to lodge a S24G application with DMR to rectify the contravention.

The application for comment/decision in terms of heritage legislation was considered by the Provincial Heritage Authority, the KwaZulu Natal Amafa and Research Institute at the Heritage Officers' Committee Meeting held on 20 September 2021. An HIA was done and no heritage sites were identified, also the paleo sensitivity map identified no high sensitivity fossil area in and around the proposed project area. However, Fossil Chance Find Protocol should be utilised if fossils are seen on the surface when excavations commence.

The KwaZulu Natal Amafa and Research Institute therefore has no objection to the proposed development within limits of the stipulated conditions and mitigation measures.

You are also required to adhere to the below-mentioned standard conditions:

Conditions:

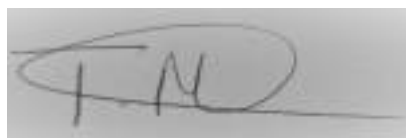
1. The KwaZulu Natal Amafa and Research Institute should be contacted if any heritage objects are identified during earth-moving activities and all development should cease until further notice.

2. No structures older than sixty years or parts thereof are allowed to be demolished altered or extended without a permit from the KwaZulu Natal and Amafa Research Institute.
3. Under no circumstances may any heritage material be destroyed or removed from site unless under direction of the KwaZulu Natal and Amafa Research Institute and a heritage specialist.
4. Should any remains be found on site that is potentially human remains, the South African Police Service (SAPS) should also be contacted. No SAPS official may disturb or exhume such remains, without the necessary permission from the KwaZulu Natal and Amafa Research Institute.
5. No activities are allowed within 50m of a site, which contains rock art.
6. Sources of all natural materials (including topsoil, sands, natural gravels, crushed stone, asphalt, etc.) must be obtained in a sustainable manner and in compliance with the heritage legislation.

Failure to comply with the requirements of the National Heritage Resources Act and the KwaZulu Natal Amafa and Research Institute Act could lead to legal action being instituted against the applicant.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully



Thembeke Ngubane
Administrative Officer
KwaZulu-Natal Amafa and Research Institute



Mxolisi Dlamuka
Head of Secretariat and Administration
KwaZulu-Natal Amafa and Research Institute

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/579055>

Terms & Conditions:

HERITAGE IDENTIFICATION, MANAGEMENT & PROTECTION

Enquiries: Thembeka Ngubane

Email: thembeka.ngubane@amafainstitute.org.za

Tel: 0333946543

Date: Tuesday September 21, 2021

CaseID: 16872

Our Ref: SAH21/16872

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to the Institute immediately.
3. The Institute reserves the right to request additional information as required.