



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: 12653

Date: Tuesday August 14, 2018

Page No: 1

Interim Comment

In terms of Section 38(8), 38(3) of the National Heritage Resources Act (Act 25 of 1999)

Attention: South African Coal Mine Holdings Limited

The project is the application for a Water Use License for UMLABU COAL MINE. The location of the mine is Farm MOOIFONTEIN 109 IT, VOORSLAG 274 IS, STERK FONTEIN 242 IS and VLAK FONTEIN 108 IS within the boundaries of the Msukaligwa Local Municipality and the Gert Sibande District Municipality, Mpumalanga Province National Water Act, 1998 (Act 36 of 1998): An application for a water use licence is lodged in terms of Section 21 of the National Water Act, 1998 (Act 36 of 1998) to undertake the following activities: (a) taking water from a water resource; (c) impeding or diverting the flow of water in a watercourse; (g) disposing of waste in a manner which may detrimentally impact on a water resource; (i) altering the bed, banks, course or characteristics of a watercourse; and (j) removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people.

Umlabu Colliery (Pty) Ltd are proposing to divert water from a watercourse, disposing of waste water, and altering river bed and bank within their existing coal mine area near Ermelo, in the Msukaligwa Local Municipality of the Mpumalanga Province.

Environmental Assurance (Pty) Ltd is undertaking a Environmental Impact Assessment (EIA) process on behalf of the local municipality, in respect of listed activities in the Environmental Impact Assessment (EIA) Regulations 2017, that require an application for Environmental Authorisation in terms of the National Environmental Management Act, 1998 (NEMA), a Water Use License in terms of the Water Use Licence Regulations, March 2017 in terms of the National Water Act, 36 of 1998. A BID document has 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 impact*

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Page No: 2

assessment guidelines and section 38(3).

Any earth moving activities pose a threat to palaeontological and heritage resources, particularly in relatively undisturbed areas and in areas of *Very High* Palaeontological Sensitivity such as coal mines. Although the proposed development is located within an urban area the development may still impact on heritage resources, particularly as it is located close to stream which may have exposed fossiliferous rocks which must be assessed by a suitably qualified palaeontologist. Therefore, SAHRA requires a Palaeontological Impact Assessment undertaken by a suitably qualified palaeontologist, along with a HIA because the area is underlain by moderately sensitive palaeontological rocks.

SAHRA APM unit will process the case further once the above requested reports are submitted to the case.

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

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

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Page No: 3

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/508312>