



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: 14305

Date: Monday September 16, 2019

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Interim Comment

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

Attention: Mr Ndinannyi Kenneth

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1 Impala Street
Tasbet Park Ext 11
1040

The proposed 5ha mining project for granite in mbuzini village, magisterial district of Nkomazi, Mpumalanga province. The project is located in small mountain between the two settlement of Mbuzini and Thambokhulu

Elispec Mining (Pty) Ltd is proposing to establish a granite aggregate quarry on a portion of Mbuzini village, in the Nkomati Local Municipality of the Mpumalanga Province. The proposed quarry will be no more than 5 ha in extent, consisting of a box cut, overburden dump, haul road, mobile crushing and screening plant, waste rock dump, and administration area.

Singo Consulting (Pty) Ltd have been appointed to undertake Basic Assessment (BAR) application process in support of an Environmental Authorisation application, made on behalf of the applicant, Elispec Mining (Pty) Ltd. The application process is in respect of listed activities in the EIA Regulations 2014, as amended, that require an application for Environmental Authorisation in terms of the National Environmental Management Act, 1998 (NEMA) and a mine right in terms of section 22 of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (As amended). A Background Information Document and a draft BAR have 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



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(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.

It is noted within the images submitted to the case, and contained in page 73 of the BAR, that the proposed quarry may impact on highly sensitive heritage resources. The BAR states that there is no requirement for heritage assessment despite identifying an unknown stone packed grave less than 300m from the project site. Furthermore, the images of the mining area indicate a stone walled settlement that may be impacted. This must be assessed by a suitably qualified archaeologist and mitigation measures must be supplied by an archaeologist. These measures must form part of the sensitivity assessment of the BAR and EMPr.

Interim Comment

The South African Heritage Resources Agency (SAHRA) Archaeology, Palaeontology and Meteorites (APM) Unit cannot comment on this application further until a field based HIA is conducted by a suitably qualified archaeologist and submitted to SAHRA for comments prior to the submission of the Final BAR to the competent authority.

In addition, the mine area is not mapped correctly on SAHRIS, the proposed development area must be mapped correctly using a polygon instead of a point, or a .kml file of the proposed mine area must be uploaded to the relevant section of the case.

Due to the development not being mapped correctly, SAHRA is unable to determine whether an assessment of palaeontological resources must be undertaken or not. Once the proposed mine area is mapped correctly, the sensitivity zone must be checked. If an assessment is required according to a palaeo-sensitivity criteria, then a suitably qualified palaeontologist must be appointed to undertake said assessment.

SAHRA APM unit will process the case further once the above requested reports are submitted to the case. The SAHRA the applicant is advised to extend the EA process in terms of section 19(1)b of NEMA in order to comply with the comment.

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: <http://www.sahra.org.za/node/528189>
(MTPA, Ref:)