



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto: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](http://www.sahra.org.za)

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: [nkhumalo@sahra.org.za](mailto:nkhumalo@sahra.org.za)

CaseID: 15558

Date: Tuesday October 27, 2020

Page No: 1

## **Interim Comment**

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

Attention: Mr Tshembilambi Chitenge

#### **Mining Permit Application is situated approximately 111 km North of Ermelo, 64,5 km North-East of eMalahleni and roughly 33,5 km North-East of Middelburg, Mpumalanga**

Bhubhezi Material Handling (Pty) Ltd is proposing to mine coal over a period of two years, using opencast mining methods on the farm 1231 JS, Msukaligwa Local Municipality, Mpumalanga Province. The mine will be 5 ha in extent, consisting of haul road, opencast pit, waste rock dump, topsoil stockpile and stockpile.

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 Mining Permit 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 Background Information Document 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 that the BID states that the draft BAR will be circulated for public review from 6 October to 4 November 2020 and yet the case was created 28 September 2020 and only the BID was submitted to the case. 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.

#### **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

# Mining Permit Application on Portion of the Farm 1231 JS by Bhubezi Material Handling (Pty) Ltd

Our Ref: 15558



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto: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](http://www.sahra.org.za)

Enquiries: Nokukhanya Khumalo  
Tel: 021 462 4502  
Email: [nkhumalo@sahra.org.za](mailto:nkhumalo@sahra.org.za)

Date: Tuesday October 27, 2020  
Page No: 2

CaseID: 15558

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

# Mining Permit Application on Portion of the Farm 1231 JS by Bhubezi Material Handling (Pty) Ltd

Our Ref: 15558



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto: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](http://www.sahra.org.za)

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: [nkhumalo@sahra.org.za](mailto:nkhumalo@sahra.org.za)

CaseID: 15558

Date: Tuesday October 27, 2020

Page No: 3

Phillip Hine

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

---

## ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/541023>  
(DMR-MP, Ref: )