



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: 15664

Date: Thursday October 29, 2020

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## Interim Comment

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

Attention: Mr Richard Hleza

**Mining Permit Application has been submitted for the extracting of Coal, Pseudo coal, Clay and shale on the property mentioned above. This Mining Area is situated Approximately 17.24 km South East of Ogies. The nearest town from the proposed project is Witbank.**

RDH Holdings (Pty) Ltd is proposing to mine for coal reserves over a period of 2 years, using opencast mining method on Portion of land 24 km away from the town of Ogies, in the Delmas Local Municipality, Mpumalanga Province. The proposed mine permit area will be 5ha in extent.

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 Mine 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 draft BAR was been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting. However, the BAR has been password protected as such inaccessible.

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. If the specialists deem the potential impacts to be low, then a letters of recommendations for exemptions may be compiled by the specialists and submitted to SAHRA.

### 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

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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 an assessment of palaeontological resources by a suitably qualified palaeontologist.

The current .kml file does not map out the shape and extent of the proposed mining permit area using a polygon and not a point. An amended .kml file of the proposed mining area must be uploaded to the palaeo-sensitivity map section of the case.

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

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Nokukhanya Khumalo  
Heritage Officer

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South African Heritage Resources Agency

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Phillip Hine

Manager: Archaeology, Palaeontology and Meteorites Unit

South African Heritage Resources Agency

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**ADMIN:**

Direct URL to case: <http://www.sahra.org.za/node/542616>

(DMR-MP, Ref: )