



an agency of the
Department of Arts and Culture

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CaseID: 15767

Date: Tuesday September 14, 2021

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Final Comment

In terms of Section 38(8), 38(4) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Universal Coal (Pty) Ltd

Universal Coal Development III (Pty) Ltd (Universal Coal) secured a Mining Right and approved Environmental Management Plan (EMP) for the Brakfontein Colliery in 2017. A change in name application was approved in 2019 to amend the name to the Ubuntu Colliery. Subsequent to this, Universal Coal intends to amend infrastructure already approved and include additional infrastructure, including a diversion to the D2546 District Road. Some of the proposed infrastructure triggers Listed Activities requiring an Environmental Impact Assessment (EIA) process in support of the Environmental Authorisation (EA) necessary for the Project to proceed.

Universal Coal SA III (Pty) Ltd's Ubuntu Colliery is proposing to construct additional infrastructure for their coal mining activities and to divert the road D2546 that bisects the colliery. The proposed infrastructure will include a water and sewerage treatment plants, storage area, water silo and storm water diversion berm, admin area, fencing and security gate, crushing and screening facility and product stockpile area etc. The proposed infrastructure is located on Portion 10 and the remainder of the farm Brakfontein 264 IR, Victor Kanye Local Municipality of the Mpumalanga Province.

Digby Wells Environmental (Pty) Ltd has been appointed to undertake an environmental assessment as part of the Scoping and Environmental Impact Reporting process in support of an Environmental Authorisation (EA) in terms of the National Environment Management Act, Act 107 of 1998 (NEMA) for activities that trigger the NEMA EIA 2014 Regulations.

Digby Wells Environmental (Pty) Ltd's in house Heritage Specialist has submitted a NID to SAHRA for commenting.

Hardwick, S. and Du Piesanie, J. November 2020. Notification of Intent to Develop -Environmental Authorisation for the Proposed New Infrastructure at the Universal Coal Development III (Pty) Ltd Ubuntu Colliery near Delmas, Mpumalanga Province.

The author undertook a desktop study and from the findings the authors note the potential of identifying heritage resources in the area. They recommend a Heritage Impact Assessment (HIA) and a Palaeontological



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Impact Assessment (PIA) to be undertaken and submitted to SAHRA for comment in the EIA phase of the EA application process.

SAHRA issued an Interim Comment dated 26/11/2020 accepting the recommendations in the NID. The HIA report by Digby Wells and the PIA report by Prof M Bamford were submitted 10/06/2021.

Hardwick, S. April 2021. Environmental Authorisation for Proposed Additional Infrastructure at the Universal Coal Development III (Pty) Ltd Ubuntu Colliery, Mpumalanga Province. Heritage Impact Assessment.

The author undertook a field assessment of the proposed mining area and identified a cemetery (Site H013) that will be directly impacted by the proposed mining activities. The author recommends the following:

Redesign of the proposed Project design to avoid the impacts to H013 and implement a 100 m no-go buffer zone around the resource;

A Heritage Site Management Plan (HSMP) to conserve H013 in situ, where Universal Coal has not done so to date. Where Universal Coal has an existing HSMP or Conservation Management Plan (CMP), this document must be updated to include

H013; and

To mitigate against potential direct impacts against previously unidentified heritage resources and where Universal Coal have not done so already, Universal Coal must develop and implement a CFP prior to the commencement of Project activities. This

CFP must be approved by the HRAs prior to implementation.

Bamford, M. November 2020. Palaeontological Impact Assessment for the proposed Universal Coal Ubuntu Colliery road diversion, South east of Delmas, Mpumalanga Province. UCD6097 Site Visit (Phase 2) Report.

The area is underlain by Permian aged sandstone and shales of the Vryheid Formation, Ecca Group, Karoo Supergroup and overlain by Quaternary alluvium along the stream. The alluvium is of moderate significance and the Vryheid Formation is of very high significance. The author assesses that there is a low probability of fossils occurring in the Quaternary alluvium until the depth of 1m. The author recommends a fossil chance finds procedure for any excavations deeper than 1m.

Final Comment

The SAHRA Archaeology, Palaeontology and Meteorites (APM) accepts the HIA and PIA reports and the



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recommendations contained therein. The SAHRA has no objection to the development going ahead on the following conditions:

If fossil remains or trace fossils are discovered during any phase of construction, either on the surface or exposed by excavations the Environmental Officer (EO) in charge of these developments must be informed. These discoveries ought to be protected and the ECO must report to SAHRA.

A Chance Finds Fossil Procedures must be developed by a palaeontologist and it must be included in the EMPr.

The ECO, mine manager and mine workers must obtain training in identifying fossils that may occur in the region.

In the event that fossils are uncovered during construction then construction must cease within the immediate vicinity, a buffer of 30 m must be established, and a palaeontologist called in to inspect the finds. The palaeontologist must obtain a section 35(4) permit in terms of NHRA and Chapter IV NHRA Regulations, before any fossils are collected.

If there are any new heritages resources are discovered during construction and operation phases of the proposed development, then a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the findings at the expense of the developer.

If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required at the expense of the developer. Mitigation will only be carried out after the archaeologist or palaeontologist obtains a permit in terms of section 35 of the NHRA (Act 25 of 1999). You may contact SAHRA APM Unit for further details: (Nokukhanya Khumalo/Phillip Hine 021 202 8654).

The Burial Grounds and Graves (BGG) Unit accepts the recommendations provided in the HIA report. A social consultation process in terms of Chapter XI of the NHRA Regulations, must be carried out to identify the descendants of the burials and to obtain permission to fence in the cemetery identified (HO13). The cemetery must be included into an existing HMP if there is one in place, if there is none then an HMP must be compiled to aide in the long term conservation of the site.

If the mine is unable to retain the grave in situ the permission must be obtained from the families of the deceased, if they agree to the relocation of their graves then a section 36 of the NHRA permit application must

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be logged on SAHRIS.

If any unmarked human burials are uncovered and the archaeologist called in to inspect the finds and/or the police find them to be heritage graves, then mitigation may be necessary and the SAHRA Burial Grounds and Graves (BGG) Unit must be contacted for processes to follow (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490).

The Final EIA and its appendices must be submitted to the case and once a Record of Decision from the competent authority is issued, it must also be 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
Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/545334>

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(DMR, Ref:)

Terms & Conditions:

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 SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.