



an agency of the  
Department of Arts and Culture

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CaseID: 15878

Date: Friday November 19, 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: Ndlenhle Mining and Consultants

**the proposed projects is for a 5Ha mining permit.**

Ndlelehle Mining and Consultants (Pty) Ltd was appointed by the Greater Emalahleni Community Forum to undertake an environmental assessment for the proposed coal mine on the farm Kleinzuikerboschplaat 5 IS, in the eMalahleni Local Municipality of Mpumangal Province. The mine will be 5 hectares extent including the access/haul road, mobile office, ablution facilities as well as a mobile washing and screening plant.

An EMPr report has been submitted as well as a letter to SAHRA requesting comments due to discovering graves located on a portion of the proposed mining right area. In addition to the letter and EMPr, a Heritage Impact Assessment (HIA) has been submitted to the case.

The HIA report submitted to the case is for a development application in the Northern Cape, and not the proposed coal mine in Mpumalanga Province.

SAHRA issued an Interim Comment dated 22/01/2021, requesting an HIA report for the specific project under application, and the corresponding environmental documents.

*Pelser, A. May 2018. A Report on a Phase 1 Heritage Impact Assessment for a Mining Right Application on Portion 1 of the Farm Kleinzuikerboschplaat 5IS Near Ogies, Situated in the Emalahleni Magisterial District in the Mpumalanga Province.*

The author undertook a field assessment of proposed mining area and assessed the potential impacts to the previously identified burial grounds named OC4; OG4A & OG4B. A portion of the burial grounds is located within the proposed mining activities. The author recommends that the proposed mining area is amended to exclude the cemetery. If the mine cannot do this then the graves in the mining area must be relocated. Prior to relocation, an archaeologist must be present during vegetation clearance so all individual graves can be identified.



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A heritage management plan for the long term management of the graves *in situ* has been submitted to the case.

*Miilo, T. August 2020. Heritage Management Plan For Graves Located On The Edge Of The Mining Right Application Site Located On Portion Of Portion 1 Of The Farm Kleinzuckerboschplaat 5 Is In The Magisterial District Of Witbank, Mpumalanga Province.*

The author was appointed to reassess the identified graveyard and compile a management plan because the applicant intends to conserve the graveyard *in situ*. The mining area has been reduced from 5 ha to 3.5 ha to retain the cemetery. The total area of the cemetery is 3.5 ha and the mine intends to undertake the following in order to preserve the site:

A social consultation period must be undertaken to identify the descendants of the people buried in the cemetery. They will be the custodians of the individual graves and permission from them must be obtained to fence the site.

The site must be fenced with an access gate that will be locked. Access procedures from the families must be developed.

A maintenance plan must be developed and appended to this management plan.

The SAHRA issued an Interim Comment dated 30/03/2021, requesting an assessment of palaeontological studies, a PIA report was submitted to the case on 26/10/2021.

*Bamford, M. October 2021. Palaeontological Impact Assessment for the proposed coalmine on Ogies South Portion 1/5, Mpumalanga Province. Site Visit Report (Phase 2).*

The study area is completely underlain by Permian Aged shale and sandstone rocks of the Vryheid Formation and uncomfortably overlain by Quaternary Aged alluvium and soils. The field visit did not identify rock outcrops of the Vryheid Formation or any fossils, the overall impact to fossiliferous rocks will be during mining activities. If fossils are found once drilling and mining or excavations for foundations and infrastructure have commenced then they should be rescued and a palaeontologist called to assess and collect a representative sample. The author recommends the implementation of Fossil Chance Finds Procedures that are appended to the report.

### Final Comment

The South African Heritage Resources Agency (SAHRA) Archaeology, Palaeontology and Meteorites (APM)



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Unit accepts the HIA, PIA and the Heritage Management Plan reports submitted to the case for commenting, and 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 EMP.

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 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 and the Heritage Management Plan (HMP). Site OG4; OG4A & OG4B will be retained *in situ* and conserved as per the guidelines in the HMP. A social consultation process must be in line with Chapter XI of the NHRA Regulations. If the families of the deceased agree to a grave relocation then a section 36 of the NHRA permit application must be logged on SAHRIS.

If any unmarked human burials are uncovered and the archaeologist called in to inspect the finds and/or the



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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 Tshivase/Mimi Seetelo 072 802 1251).

The Final BAR 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

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Nokukhanya Khumalo  
Heritage Officer  
South African Heritage Resources Agency

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

**ADMIN:**

Direct URL to case: <https://sahris.sahra.org.za/node/547940>  
(DMR, Ref: mining permit)