

Our Ref:



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: 19252

Date: Friday December 09, 2022
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Final Decision

In terms of Section 38(3), 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Xolandani Siphwudumo (Pty) Ltd

Mining Permit to mine Coal on portion of Portion 32 of the farm Blesboklaagte 296 JS, Magisterial District of Nkangala, Mpumalanga Province.

Singo Consulting (Pty) Ltd has been appointed by Xolandani Siphwudumo (Pty) Ltd to undertake an Environmental Authorisation Application for proposed mining activities on Portion 32 of the farm Blesboklaagte 296 JS, near Ackerville, Mpumalanga Province (MP 30/5/1/1/3/13283 MP).

In an Interim Comment issued on the 06/09/2022, SAHRA requested that an assessment of the impact to heritage resources be undertaken as per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) that complies with section 38(3) of the NHRA.

A draft Basic Assessment Report (DBAR) was submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). No assessment of the impact to heritage resources had been conducted as per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) that complies with section 38(3) of the NHRA.

In a Final Comment issued on the 24/10/2022, it was stated that SAHRA could not endorse this proposed development as the impact to heritage resources as required by section 24(4)b(iii) of NEMA and section 38(3) and 38(8) of the NHRA has not been conducted as part of the EA process. SAHRA advised the Department of Mineral Resources and Energy (DMRE) to reject the application for Mining Permit activities on Portion 32 of the farm Blesboklaagte 296 JS, near Ackerville, Mpumalanga Province (MP 30/5/1/1/3/13283 MP).

Since the issuing of the Final Comment, a letter of motivation has been submitted, where the EAP is requesting not to conduct a Heritage Impact Assessment as the area is highly disturbed and that there were no signs of any heritage components.

Final Comment

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The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit does not accept the motivation for no assessment of the impact to heritage resources provided by the Environmental Practitioner as they do not possess the qualifications or expertise to assess the impact to heritage resources. Only qualified heritage practitioners may provide an assessment of the impact to heritage resources as per section 38(2) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). As noted in the Interim Comment issued on the 06/09/2022, a Letter of Recommendation for Exemption written by a qualified specialist could have been submitted should they deem a full HIA is not necessary.

Additionally, the impact to the national estate must be assessed as per section 24(4)b(iii) of NEMA, and the competent authority must consider the recommendations and conditions of the relevant heritage authority as per section 38(8) of the NHRA as part of their decision-making process.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

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

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ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/602792>
(DMR-MP, Ref: MP 30/5/1/1/3/13283 MP)