

Our Ref: 15585



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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Interim Comment

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

Attention: Algatorque

The applicant proposes to mine for coal on the abovementioned 5ha portion of the farm. The mining permit activity triggers a Basic Assessment (BA) in terms of the NEMA regulations, which will be undertaken as part of the Environmental Authorisation Application Process.

Algatorque (Pty) Ltd appointed Eco Elementum (Pty) Ltd to undertake the Environmental Authorisation Application for the mining of Bituminous coal on a 4.65 ha portion of portion 46 of the farm Elandsfontein 309 JS in the eMalahleni Magisterial District, Mpumalanga Province.

A draft Basic Assessment Report (dBAR) was submitted in terms of the National Environmental Management Act (NEMA), 1998 and the National Environmental Management Waste Act (NEMWA), 2008 in respect of listed activities that have been triggered by applications in terms of the Mineral And Petroleum Resources Development Act, 2002 (MPRDA) (as amended).

Activities associated with the proposed mining development include site preparation with topsoil removal, box cut opencast mining with a roll over rehabilitation sequence, hauling, access road, haul road, and road diversion of the road, clean and dirty water separation system, trenching, fencing, drilling and blasting as well as topsoil, subsoil and overburden discard and ROM stockpiles, waste management and mine closure and rehabilitation.

Previous research shows that the general region where development area is located is significant from a perspective of heritage. Page 116-117 of the dBAR indicates that the development will have low impact on heritage and should the need to expand beyond surveyed areas, a qualified archaeologist must conduct a full Phase 1 Archaeological Impact Assessment (AIA) on the sections beyond the demarcated areas that will be affected by the expansion, in order to determine the occurrence and extent of any archaeological sites and the impact development might have on these sites.

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As the proposed development is undergoing an EA Application process in terms of the National Environmental Management Act, 107 of 1998 (NEMA), NEMA Environmental Impact Assessment (EIA) Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, No 28 of 2002 (MPRDA)(As amended), it is incumbent on the developer to ensure that a Heritage Impact Assessment (HIA) is done as per section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). This must include an archaeological component, palaeontological component and any other applicable heritage components. The HIA must be conducted as part of the EA Application in terms of NEMA and the NEMA EIA Regulations.

The archaeological component of the HIA should follow the SAHRA 2007 Minimum Standards: Archaeological Component of Impact Assessment Report. The quickest process to follow for the archaeological component would be to contract a qualified archaeologist (see www.asapa.co.za or www.aphp.org.za).

A .kml file that outlines the development area must be uploaded onto the case. A Palaeontological Impact Assessment (PIA) must be undertaken by a qualified palaeontologist (See <https://www.palaeosa.org/heritage-practitioners.html> for a list of qualified palaeontologists). The report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments.

Any other heritage resources as defined in section 3 of the NHRA that may be impacted, such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewsapes must also be assessed.

The SAHRA will issue further comments upon the receipt of the requested.

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

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South African Heritage Resources Agency

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

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/541414>

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.