



Attention Bernadet Pawandiwa

Dear Ms Pawandiwa

In March 2015 eThembeni submitted the following report:

**Application for Exemption from a Phase 1 Heritage Impact Assessment in terms of Section 38 of the National Heritage Resources Act (NHRA, Act 25 of 1999):
Proposed Tinley Manor South Bank Spatial Development Plan, KwaDukuza Municipality, KwaZulu-Natal.**

A Final Comment was issued by Amafa in November 2015 that concluded: "Based on our reassessment of the application and the reasons put forward by eThembeni in the Exemption Motivation, Amafa Heritage therefore has no objection, within limits of the recommendations and mitigation measures outlined in the motivation report, for the project to proceed" (**Case ID 7309**).

In February 2017 the developer, Tongaat Hulett Developments, and their appointed EAP, RHDHV Environmental and Planning, submitted revised layout plans illustrating changes to the engineering services layout for the Tinley Manor South Bank (TMSB) Spatial Development Plan. See revised layouts loaded to SAHRIS Case ID 7309)

The changes in the Engineering services entail:¹

1. Reservoir

It is proposed that the existing Tafeni Reservoir service the TMSB development. This involves the construction of additional 4 x 4.5ML cells (the original plan for Tafeni was an additional 2x2.5ML cells). The new ultimate capacity of the Tafeni Reservoir will be 20.5ML. **The Tafeni Reservoir does not form part of this application and is subject to a separate authorisation process..**

2. Bulk Water Line

The 600mm diameter steel bulk water main will follow the alignment of the P228 and be constructed within the road reserve. **The bulk water main does not form part of this application however.**

¹ Information provided by SMEC via RHDHV.

3. Sewer

The number of Sewer pump stations required were reduced from 4 pump stations in the previous submission to 3 pump stations in this submission. With the reduction in pump stations, the sewer network layout changed slightly as well.

4. Irrigation

The irrigation network and dam is added to the application.

5. Stormwater Management Facilities

The stormwater management facilities layout changed completely. Alternative solutions had to be found in order to minimize wetland losses. A number of swales have been included in the SWMP.

6. Road Layout

Slight tweaks to the road layout were done. This included

- a. Possible Cross connections into Seaton Delaval
- b. Road reserve for possible extension of Colwyn drive to allow another access point
- c. Realignment of the beach road (this provides the 3rd possible access to Seaton Delaval)
- d. Widening of road reserves to align with TIA
- e. Provision of wide enough road reserve for the KDM planned future North South Link Road

Our considered opinion is that none of the proposed revisions to the engineering services, as described, in anyway alter the original Final Decision issued by Amafa.

We have reiterated the location of the identified burial sites relative to the proposed development activities. These two burial sites have been buffered by conservation area in the one instance, and a farm boundary offset in the other. (See kml. loaded to SAHRIS). Over and above NHRA Sect.36 stipulations, grave sites are further subject to internal THD protocols and policy.²

These have previously been assessed by eThembeni and are located within non-development zones of the current proposal due to steepness of slope and the underlying lithology.

1. Approx. 100m x 50m in size. The number of graves is not known. Old residents in the area know of people being buried there as long as they can remember; over 70 years. Known grave of Mfana Leonard Sibisi died 1946

29° 27.334'S 31° 15.061'E.

2. Site pointed out by Hlungwane Mpange. This is a line of graves on the boundary line of S&P Farm between two co-ordinates. No visible evidence of graves and no dates, numbers or names known

29° 27.430' S 31° 14.850' E to 29° 27.544 S 31° 15.013 E

Se Figure 1.

² Graves and Burial Grounds Policy for Tongaat Hulett Properties, KwaZulu-Natal, South Africa. eThembeni Cultural Heritage.

Amafa's timeous response via SAHRIS will be highly appreciated.

Yours sincerely



Len van Schalkwyk
Principal Investigator.

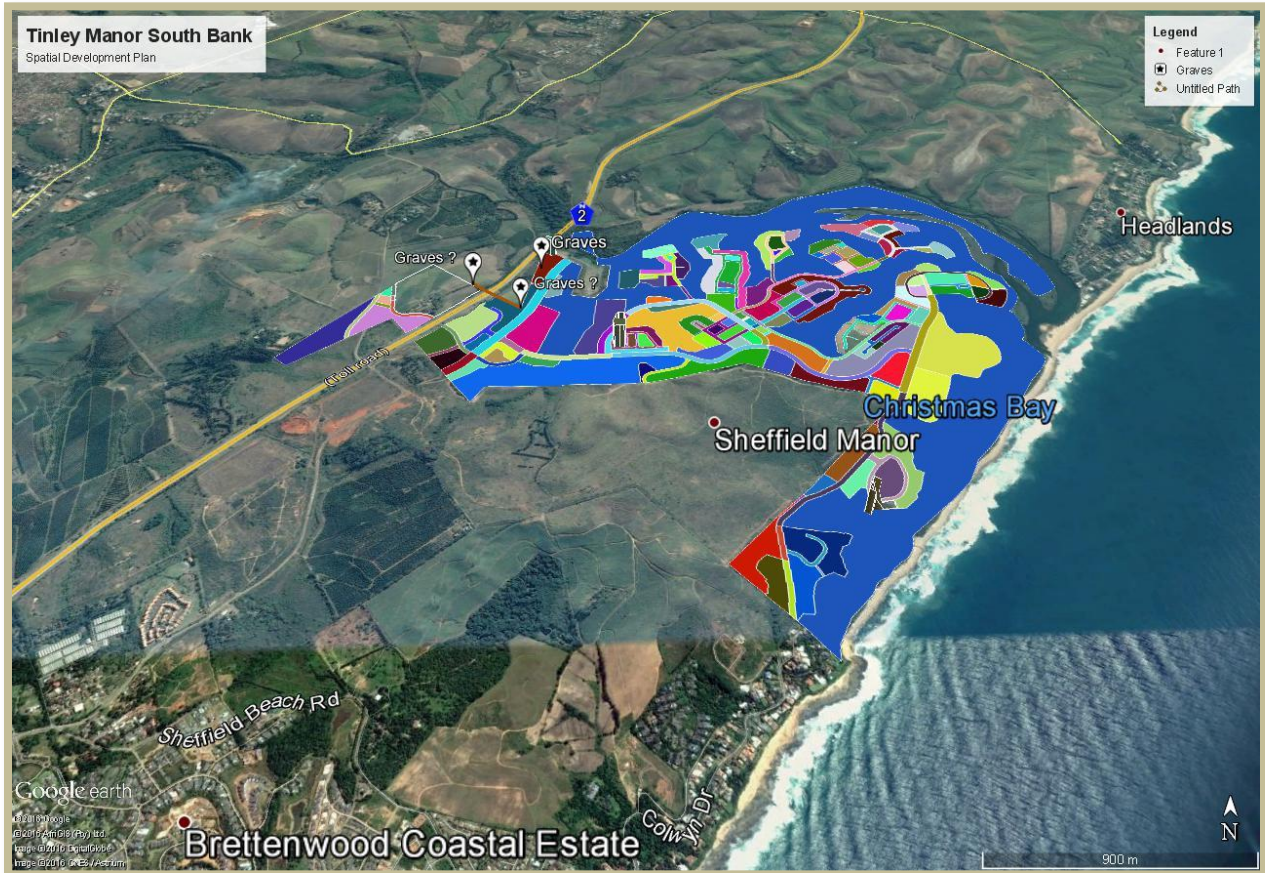


FIGURE 1 PROPOSED TINLEY MANOR SOUTH BANK DEVELOPMENT AREA

Recommendations

All graves are accorded the highest level of protection and may not be disturbed without both family consent and a permit from Amafa. Should any impact on these grave locations be anticipated these would be the subject of the graves' protocol below:

It is thus recommended that the following protocol be made binding in the **Record of Decision** (R.o.D.):

“ The identified grave sites should ideally be left with a twenty metre (20m) buffer from construction activities and be fenced pending engagement with the relevant Authorities and any identified family members having an association or interest in the grave. In the event of unintentional exposure of any other grave, or a request from a family for exhumation and re-interment, the appointed project CLO/ECO shall immediately contact Amafa/KZN Heritage to obtain the necessary protocols and procedures for the management of such human remains”.

Further, any Phase 2 intercessions would be subject to any sub-surface archaeological material being exposed during development activities. The appointed Environmental Control Officer should be made aware of the following protocol:

Protocol for the Identification, Protection and Recovery of Heritage Resources during Construction and Operation

It is possible that sub-surface heritage resources could be encountered during the construction phase of this project. The Environmental Control Officer and all other persons responsible for site management and excavation should be aware that indicators of sub-surface sites could include:

- Ash deposits (unnaturally grey appearance of soil compared to the surrounding substrate);
- Bone concentrations, either animal or human;
- Ceramic fragments, including potsherds;
- Stone concentrations that appear to be formally arranged (may indicate the presence of an underlying burial, or represent building/structural remains); and
- Fossilised remains of fauna and flora, including trees.

In the event that such indicator(s) of heritage resources are identified, the following actions should be taken immediately:

- All construction within a radius of at least 20m of the indicator should cease. This distance should be increased at the discretion of supervisory staff if heavy machinery or explosives could cause further disturbance to the suspected heritage resource.
- This area must be marked using clearly visible means, such as barrier tape, and all personnel should be informed that it is a no-go area.
- A guard should be appointed to enforce this no-go area if there is any possibility that it could be violated, whether intentionally or inadvertently, by construction staff or members of the public.
- No measures should be taken to cover up the suspected heritage resource with soil, or to collect any remains such as bone or stone.
- If a heritage practitioner has been appointed to monitor the project, s/he should be contacted and a site inspection arranged as soon as possible.

- If no heritage practitioner has been appointed to monitor the project, the head of archaeology at Amafa's Pietermaritzburg office should be contacted; telephone 033 3946 543).
- The South African Police Services should be notified by an Amafa staff member or an independent heritage practitioner if human remains are identified. No SAPS official may disturb or exhume such remains, whether of recent origin or not.
- All parties concerned should respect the potentially sensitive and confidential nature of the heritage resources, particularly human remains, and refrain from making public statements until a mutually agreed time.
- Any extension of the project beyond its current footprint involving vegetation and/or earth clearance should be subject to prior assessment by a qualified heritage practitioner, taking into account all information gathered during this initial HIA.