

# THE PROPOSED DEVELOPMENT OF A RESIDENTIAL AREA NEW-LINK IN LOTHAIR

Our Ref: 14287



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za  
South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
www.sahra.org.za

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: nkhumalo@sahra.org.za

CaseID: 14287

Date: Tuesday February 11, 2020

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## Final Comment

### In terms of Section of the National Heritage Resources Act (Act 25 of 1999)

Attention: Mr Brian Murison

Transnet Foundation - Heritage and Preservation

**Transnet SOC Ltd proposes to develop a residential area which encompasses 6 household with approximately 65 dwellers in Lothair, Mpumalanga Province. The development footprint for the proposed residential development is of 2.7 ha extent. This scope of work focuses specifically on the Lothair to Nerston section that requires the construction of the new railway line. The study area is within Msukalingwa Local Municipality in Mpumalanga Province.**

Transnet (SOC) Ltd are proposing to construct a new residential area in Lothair, Portion 9 of the farm Bloekrans 121 IT, Msulaligwa Local Municipality of the Mpumalanga Province. The residential area will consist of 6 households with 65 dwellings to house resettled populations that will be negatively affected by the Lothair Swaziland Railway project being undertaken by Transnet.

Sazi Environmental Consulting (Pty) Ltd been appointed to undertake the Basic Assessment (BAR) application process in support of an Environmental Authorisation (EA) application, made on behalf of the applicant, Transnet (SOC) Ltd. The proposed project triggers listed activities in the EIA Regulations 2014, as amended, that require an application for Environmental Authorisation in terms of the National Environmental Management Act, 1998 (NEMA) and a Water Use License in terms of the Water Use Licence Regulations, March 2017 in terms of the National Water Act, 36 of 1998. A Mining Right in terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA) (As amended).

A Background Information Document and the Heritage Impact Assessment (HIA) have been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting. SAHRA issued comments dated 5/11/2019 where the HIA was summarised as follows:

*Mngomezulu, M. July 2019. Phase 1 Heritage Impact Assessment for The Proposed Development of a Residential Area New-Link in Lothair, within Msukalingwa Local Municipality, Mpumalanga Province.*

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The author undertook a field assessment of the proposed development area and identified 3 graves located 100m away from the proposed development footprint area. There will be no impact to the graves and the author recommends the following:

The construction workers must receive a heritage induction.

The construction manager must ensure that no construction activities occur outside the development area.

The graves identified outside the proposed development area must be fenced with danger tape during construction.

Caution must be taken during ground clearance and excavation as there may be graves that could be uncovered.

SAHRA then requested the submission of a Palaeontological Impact Assessment by a suitably qualified palaeontologist because the proposed development is located in a very high significance palaeontological zone.

*Durand, J.F. December 2019. Palaeontological Assessment: Relocation of SRL Houses at Lothair, Mpumalanga.*

The author undertook a geological assessment of the available literature for the study area and then undertook a field survey. The study found that the proposed township development is underlain by sedimentary rocks of the Vryheid Formation (Ecca Group, Karoo Supergroup), which is known to have a very high likelihood to contain fossilised leaf and stem imprints of the *Glossopteris* and other flora as well as invertebrate fossils and fish scales. The field survey did not identify any fossils as the rocks of the Vryheid Formation are covered by sandy soil but there is a high likelihood of fossiliferous sandstone being uncovered during ground clearance. The author recommends the standard Chance Palaeontological Finds be followed in the event that a fossil rich layer is uncovered.

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South African Heritage Resources Agency (SAHRA) Archaeology, Palaeontology and Meteorites (APM) Unit and the Burial Grounds and Graves (BGG) Unit accepts the HIA and the PIA reports submitted to the case for commenting and has no objection to the development going ahead.

The Chance Finds Fossil Procedure as detailed in the PIA must be included in the EMPr along with the conditions in the HIA report.

In the event that any 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, including graves or human remains 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 may 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 for the burial grounds identified in the HIA report. Due to the nature of the temporary fence installation, no further requirements for the identified graves in the burial ground.

If any unmarked human burials are uncovered, works must cease and an archaeologist called in to inspect the finds and the South Africa Police Service (SAPS). Then mitigation may be necessary and the SAHRA Burial Grounds and Graves (BGG) Unit must be contacted for processes to follow and further details: (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. This comment must be forwarded to the competent authority and proof of submission must be uploaded to the case.

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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: <http://www.sahra.org.za/node/528077>  
(DEA, 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.