



an agency of the
Department of Arts and Culture

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CaseID: 16462

Date: Tuesday November 29, 2022
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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: Govan Mbeki Local Municipality

The proposed township establishment of Emzinoni extension 13 & 14 on the remainder of portion 6 of the farm Blesbokspruit 150-IS in Mpumalanga province.

The Govan Mbeki Municipality has appointed Mang Geo-Enviro Services (Pty) Ltd to undertake a Section 24G application process in support for an Environmental Authorisation (EA) in terms of the National Environmental Management Act, Act no 107 of 1998 (NEMA) as amended, for activities that trigger the NEMA Environmental Impact Assessment (EIA) 2014 Regulations, as amended.

The municipality is proposing to establish a new township to be constructed in two phases with 2970 stands covering an area of 245 ha in phase 1 and phase 2 consisting of 2761 stands on 337 ha, in the Emzinoni Village. The total new township layout will consist of 637 low density residential units, 1554 low-medium density residential units, 3489 medium density residential units, 3 high density units, 3 mixed-use units, 29 public open space, 15 institutional units, the streets and other bulk services. The new residential area will be located on a portion of the remainder of Portion 6 of the farm Blesbokspruit 150 IS in the Govan Mbeki Local Municipality of Mpumalanga Province.

A Heritage Impact Assessment (HIA) report by Vhufa Hashu Heritage Consultants (Pty) Ltd has been submitted to SAHRA for commenting in terms of section 38 of the National Heritage Resources Act, no. 25 of 1999 (NHRA). A Palaeontological Letter of exemption by an independent specialist is included in the HIA on page 41 of the report.

Muroyi, R.R. November 2020. Phase 1 Heritage Impact Assessment Report for the proposed township establishment of 3000 sites on portion of the remainder of portion 6 of the farm Blesbokspruit 150 IS within Govan Mbeki Local Municipality, Gert Sibande District of Mpumalanga Province.

The author undertook a field assessment of the proposed new township area and identified 17 graves demarcated by stone cairns within the proposed project area. The author recommends that the project goes ahead on the following conditions:



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All identified graves are fenced for long term conservation or that they are exhumed and reburied in a municipal cemetery.

If any heritage resources/artefacts are uncovered during, work must stop, and the relevant heritage authority is informed.

The SAHRA issued an Interim Comment 25/06/2021 requesting the submission of a Palaeontological Impact Assessment (PIA), the report by Alan Smith Consulting was submitted on 18/10/2022.

Smith, A. August 2021. EMZINONI TOWNSHIP DEVELOPMENT: DESK-TOP PALAEOLOGY REPORT.

The study area is underlain largely by Jurassic aged Karoo Dolerite rocks which has negligible palaeontological sensitivity. A small portion is underlain by alluvium in a drainage line sourced from surrounding dolerite which is unlikely to contain any fossils. The likely impact to fossiliferous rocks is very low and the author recommends no further mitigation measures.

It should be noted that Dr Smith is not a palaeontologist and the report that he submitted would not be considered. However, the application area is already disturbed and that is why the SAHRA is granting this application an exemption from undertaking further palaeontological studies as per the SAHRA 2012 Palaeontology Minimum Standards Guideline document.

Final Comment

The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the final documents submitted to the competent authority:

38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit and the SAHRA Burial Grounds and Graves (BGG) Unit have no objections to the proposed development;

38(4)b – The recommendations of the specialists are supported and must be adhered to. Further additional specific conditions for the development include:

The proposed fence must include an access gate. A buffer-zone of at least 30m must be established and maintained around the grave site. Where grave exhumation and relocation is deemed necessary, the consultation process as outlined in Chapter XI of the NHRA regulations must be observed to identify the next-of-kin(s) who must then give consent for exhumation and re-internment of the remains. Proof of consultation must form part of the permit application submitted to SAHRA.



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38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Nokukhanya Khumalo/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule;

38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Ngqabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule;

38(4)d – See section 51 of the NHRA for offences;

38(4)e – The following conditions apply with regards to the appointment of specialists:

With reference to the mitigation work noted above, a qualified archaeologist must be appointed to undertake the work in terms of the permit applied for as noted above;

If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;

The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

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
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/574031>
(DARDLEA, 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.