



an agency of the  
Department of Arts and Culture

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CaseID: 16486

Date: Tuesday December 07, 2021

Page No: 1

## Final Comment

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

Attention: Thembisile Hani Local Municipality

#### **The proposed township establishment to be situated on Portions 4, 5,13, 22 and the Remainder of Portion 12 of the farm Gemsbokspruit 229 JR, Thembisile Hani Local Municipality, Mpumalanga Province.**

Thembisile Hani Municipality has appointed Leago Environmental Services (Pty) Ltd to undertake a Consultation Scoping and Environmental Impact Assessment 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 941 stands covering an area of 116 ha. The total new township layout will consist of 914 low density residential units, 9 business units, 1 light industrial unit, 2 municipal office, 4 educational units, 5 places of worship, 6 public open space, the streets and other bulk services. The new residential area will be located on Portions 4, 5 13 and remainder of Portion 22 of the farm Gemsbokspruit 229 JR in the Thembisile Hani Local Municipality of Mpumalanga Province.

A Heritage Impact Assessment (HIA) report by Umlando: Archaeological Surveys and Heritage Management (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.

*Anderson, G. April 2021. Heritage Survey of the Gemsbokspruit Housing Development for Nkanivo Development Consultants Date: 22 April 2021.*

The author undertook a field assessment of the proposed new township area and identified 3 stone walled settlements that were constructed after 1939 as they do not appear in the 1939 topographical map. These stonewalled settlements consists of some house floors and stone walled cattle enclosures. The 3 stone walled settlements are located over 100m from the edge of the proposed township establishment and will not be



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Page No: 2

directly impacted. The author recommends management measures in the EMP to ensure no impact from later constructions like access roads. The author also recommends that the site are clearly demarcated to ensure no damage during construction.

The SAHRA issued an Interim Comment dated 01/07/2021 and a Letter dated 26/07/2021, requesting the submission of the draft EIA. The report was submitted on 13/09/2021.

### Final Comment

The SAHRA Archaeology, Palaeontology and Meteorites (APM) accepts the HIA report and the recommendations contained within the report. SAHRA notes that the development is located in a grey palaeontological zone and according to the SAHRIS palaeomap policy, no palaeontological studies are required. The SAHRA has no objection to the development going ahead on the following conditions:

The 3 stone walled settlements must be clearly demarcated before construction commences to prevent any damage to the sites.

The sites must be included in the EMP to prevent any damage from other construction activities like access roads and bulk supply services.

In the unlikely event that 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 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 will 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).

If any unmarked human burials are uncovered and the archaeologist called in to inspect the finds and/or the police find them to be heritage graves, then mitigation may be necessary and the SAHRA Burial Grounds and



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CaseID: 16486

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Page No: 3

Graves (BGG) Unit must be contacted for processes to follow (Thingahangwi Tshivase/Mimi Seetelo 072 802 1251).

The Final EIA 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.

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: <https://sahris.sahra.org.za/node/574176>  
(DARDLEA, Ref: 1/3/1/16/1N-279)

[Terms & Conditions:](#)



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Page No: 4

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.