

KwaPharafini / Ngcengeni Water Supply Scheme

Final Decision

IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999) AND SECTION 41(4) OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (ACT 05 OF 2018)

Attention: UMZINYATHI DISTRICT MUNICIPALITY

REM OF TUGELA LOCATION No. 4674

The uMzinyathi District Municipality propose the construction of the KwaPharafini / Ngcengeni Water Supply Scheme (WSS) within Wards 2, 3 and 17 of the Msinga Local Municipality, uMzinyathi District Municipality, KwaZulu-Natal.

The Heritage Officers Committee meeting considered your application on 01 February 2023. The committee evaluated and discussed the findings of the Heritage Impact Assessment report by Roy Muroyi of Tsimba Archaeological Footprint (Pty)Ltd. The public participation in support of the proposed development is inadequate because community members were not directly consulted.

Public participation must include a direct interaction with members of the community as third parties may not provide clear and adequate information, from a heritage perspective and background to community members. In which case existing heritage resources could remain unidentified and/ not reported. These non-renewable heritage resources could potentially be destroyed by the development or activities associated with the construction thereof.

However, the committee took note of the following as indicated in page 44 of the HIA report:

“No graves were identified or reported along the proposed pipeline route within the 10-metre radius surveyed as expected since this is a rural community where families bury their loved ones within their homesteads. Since the construction of the proposed project will be limited to the proposed pipeline route, the risk of graves within homestead yards outside the 10- metre radius surveyed being disturbed is therefore very low and essentially unlikely.”

After careful consideration of the HIA report and the methodologies employed, the Heritage Officers Committee resolved not to object to the proposed Water Supply Scheme development subject to the following recommendations:

1. The construction teams must be inducted on the possibility of encountering graves or burials.

2. Strict and clear reporting procedures for chance finds must be followed by the client and contractors throughout the construction period.
3. If any heritage resources listed in Appendix E are found by the contractor, environmental officer, or other responsible person once excavations have commenced, they should be reported to Amafa Research and institute.
4. Chance Finds Protocol must be put in place for possible fossils as small parts of the proposed pipeline servitude lie in high palaeosensitive areas according to the SAHRIS Palaeosensitivity Map.

The Developer must also adhere to the following standard conditions.

Conditions:

1. The KwaZulu-Natal Amafa and Research Institute should be contacted if any heritage objects are identified during earth-moving activities and all development should cease until further notice.
2. No structures older than sixty years or parts thereof are allowed to be demolished, altered, or extended without a permit from the KwaZulu-Natal Amafa and Research Institute.
3. Under no circumstances may any heritage material be destroyed, inundated, collected, or removed from the site unless under the direction of the KwaZulu-Natal and Amafa Research Institute and a heritage specialist.
4. Should any remains, that could potentially be human remains be found on-site, the South African Police Service (SAPS) should be contacted, and the KwaZulu-Natal Amafa and Research Institute must be notified immediately.
5. No SAPS official may disturb or exhume such remains, without the necessary permission from the KwaZulu-Natal Amafa and Research Institute.
6. No activities are allowed within 50m of a site that contains rock art.
7. Sources of all-natural materials (including topsoil, sands, natural gravels, crushed stone, asphalt, etc.) must be obtained in a sustainable manner and in compliance with the heritage and environmental (NEMA) legislation.

Failure to comply with the requirements of the National Heritage Resources Act and the KwaZulu-Natal Amafa and Research Institute Act could lead to legal action being constituted against the applicant.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully



KWAZULU-NATAL
AMAFA
& RESEARCH INSTITUTE

HERITAGE IDENTIFICATION, MANAGEMENT & PROTECTION

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Date: Wednesday February 01, 2023

CaseID: 19747

Our Ref: SAH22/19747

John Pakwe
Heritage Officer
KwaZulu-Natal Amafa and Research Institute

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/606363>
(EDTEA, Ref: DC24/0001/2022)

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 the Institute immediately.
3. The Institute reserves the right to request additional information as required.

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