



## Interim Comment

### In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the KwaZulu-Natal Heritage Act (Act 4 of 2008)

Attention: Mr THUTHUKANI KHUMALO  
IMPENDULO CONSULTING  
P O Box 1485 HILLCREST 3650

### MINING PROJECT FOR ABAKHETHINKOSI CO-OPERATIVE LTD SITUATED ON PORTION 2201 OF THE FARM UMLAZI LOCATION NO. 4676 NEAR UMBUMBULU, KWAZULU NATAL.

Thank you for the opportunity to comment on this application. The Heritage Impact Assessment by Frans Prins has been considered and Amafa requires you to conduct a Phase two Heritage Impact Assessment covering a thorough public participation process as the survey points to the possibility of graves around the site. Frans Prins states that "there is one abandoned homestead situated within 16 m from the southern boundary of the development plot. It is possible that graves may be associated with this homestead although the ground survey did not find any tangible remains on the surface .....Given the local community sensitivities regarding these potential graves it is proposed that the developers maintain a buffer zone of at least 40m around this old and abandoned homestead.'

The map provided in support of the applications also suggests presents of homesteads in the central and southern sections of the development footprint. The fossil sensitivity map however indicates that the area does not require a paleontological assessment. In addition the general area is known for Stone Age and Iron Age Sites.

Amafa therefore requires the developer to engage the services of a heritage practitioner to conduct a thorough survey of the development footprint and its immediate surroundings in order to assist Amafa with mitigation measures backed by findings from a public consultation process. The Phase 2 HIA should cover important aspects regarding the history of occupation of the area and mapping out/recording of all sensitive zones in terms of heritage legislation including abandoned homesteads and graves in the vicinity with a view to delineation of the sites. The heritage practitioner should produce a Cultural Heritage Management Plan for the proposed project. The Cultural Heritage Management Plan should be submitted to Amafa for approval

The developer 's attention is drawn to the fact that heritage resources in the province are generally and specially protected in terms of Sections 33, 34, 35, 36, 38, 39,40, 41, & 43 of the KZN Heritage ACT, 2008.

The developer contravened the heritage legislation by commencing work on a development site without notifying Amafa as required in terms of Section 38(1) and (8) of the National Heritage Resources Act (No 25, 1999) without approval/ a permit/ mitigation procedures from Amafa Heritage KwaZulu-Natal, as required by both the National Heritage Resources Act (No 25, 1999) and KwaZulu Natal Heritage Act (No 4, 2008). For this reason the developer is required to complete Form J" *Application In Terms of the KwaZulu-Natal Heritage Act (4 of 2008) for the condonation/approval/rectification of the unlawful commencement or continuation of work on, or damage of, protected heritage resources*" for rectification of unlawful



**MINING PROJECT FOR ABAKHETHINKOSI PRIMARY AGRICULTURAL  
CO-OPERATIVE LIMITED**

Our Ref: SAH17/11346



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CaseID: 11346

Date: Tuesday August 01, 2017

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commencement of activity" and submit it to Amafa through the SAHRIS facility.  
No development work is permitted around the sensitive areas identified in the Phase 1 Heritage impact Assessment until suitable mitigation measures have been provided through the Cultural Heritage Management Plan.

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

Yours faithfully

Bernadet Pawandiwa  
Senior Heritage Officer  
Amafa/Heritage KwaZulu Natal

Annie van de Venter Radford  
Deputy Director: Research, Professional Services and Compliance  
Amafa/Heritage KwaZulu Natal

**ADMIN:**

Direct URL to case: <http://www.sahra.org.za/node/405572>  
(, 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 Amafa immediately.
3. Amafa reserves the right to request additional information as required.



Amafa AkwaZulu-Natal  
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Erfenis KwaZulu-Natal

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