



## **Mpolweni and Thokozani Water Supply Scheme**

**Our Ref: SAH20/15383**

Enquiries: Bernadet Pawandiwa  
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CaseID: 15383

Date: Wednesday September 02, 2020  
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### **Final Comment**

**IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999) AND SECTION 41 OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (ACT 05 OF 2018)**

Attention: uMgungundlovu District Municipality

**The uMgungundlovu District Municipality proposes to upgrade and construct the Mpolweni and Thokozani Water Supply Scheme (WSS) within Wards 1, 9 and 10 of the uMshwathi Local Municipality. Although there is an existing bulk pipeline in place, the reticulation network does not service all the communities in each of these areas due to ongoing expansion of settlements. uMshwathi Local Municipality, KwaZulu-Natal.**

Thank you for the opportunity to comment on this application. The survey conducted by Frans Prins and the Palaeontological survey concluded that there are no archaeological sites or historical period sites in the development area although there is a well demarcated cemetery, centrally situated within Mpolweni. The cemetery is not threatened by the proposed pipeline trajectories and associated developments for this project as it is more than 100m from the proposed waterworks developments.

As far as graves protection is concerned, the heritage legislation stipulates that an application is required: IN TERMS OF SECTION 39 (1) OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (5/2018) FOR A PERMIT TO DAMAGE, ALTER, EXHUME, INUNDATE, REMOVE FROM ITS ORIGINAL POSITION OR OTHERWISE DISTURB A GRAVE/S OLDER THAN 60 YEARS, LOCATED IN AN INFORMAL/PRIVATE BURIAL GROUND (ARCHAEOLOGICAL GRAVES)

And /Or

IN TERMS OF SECTION 38 OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (5/2018) FOR A PERMIT TO DAMAGE, ALTER, EXHUME OR REMOVE FROM ITS ORIGINAL POSITION A GRAVE/S OR CEMETERY OR PART THEREOF OF A VICTIM/S OF CONFLICT.

The identified cemetery is defined as a formal cemetery and therefore it falls under the Health Department and not heritage legislation. The palaeontologist concluded that "no palaeontological site visit is required unless the geologist or engineer on site, once excavations for pipes have commenced, find putative fossils, and photographs sent to a palaeontologist confirm that the fossils need to be collected."

The KwaZulu Natal Amafa and Research Institute therefore has no objection to the proposed development



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within limits of the stipulated conditions and mitigation measures.

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You are also required to adhere to the below-mentioned standard 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 and Amafa Research Institute.
3. Under no circumstances may any heritage material be destroyed or removed from site unless under direction of the KwaZulu Natal and Amafa Research Institute and a heritage specialist.
4. Should any remains be found on site that is potentially human remains, the South African Police Service (SAPS) should also be contacted. No SAPS official may disturb or exhume such remains, without the necessary permission from the KwaZulu Natal and Amafa Research Institute.
5. No activities are allowed within 50m of a site, which contains rock art.
6. 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 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 instituted 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

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Bernadet Pawandiwa  
Senior Heritage Officer  
KwaZulu-Natal Amafa and Research Institute

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### **ADMIN:**

Direct URL to case: <https://sahris.sahra.org.za/node/539053>  
(KZNEDTEA, Ref: DC22/0009/2020 )

### 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.