



September 2021

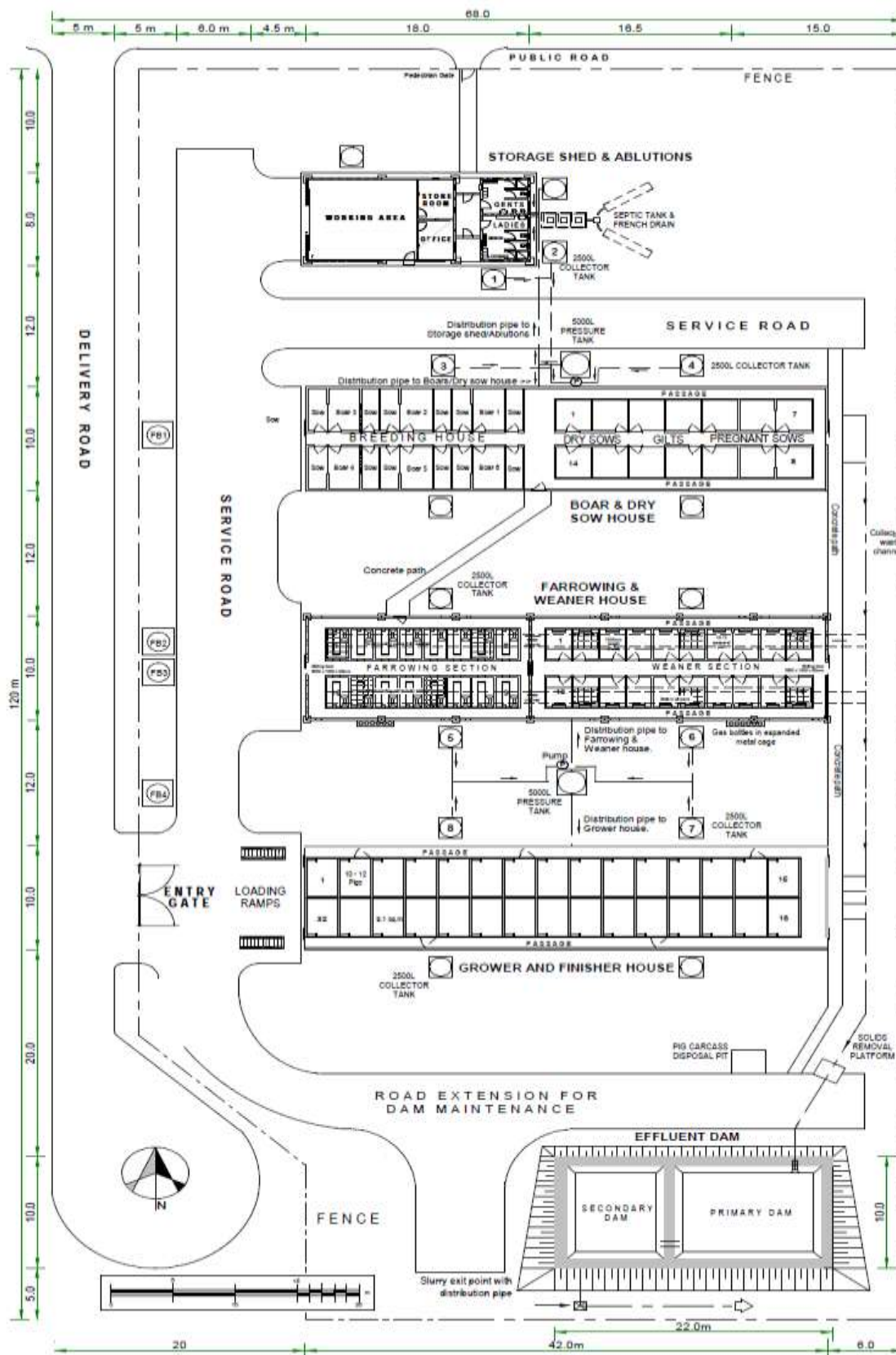
KwaZulu-Natal Amafa and Research Institute
Archaeology Unit
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Kwa-Zulu Natal

LETTER OF EXEMPTION OF HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED ZENZERO PIGGERY FOR 50 SOWS, ON NAVALHILL FARM 1, COLENZO, INKOSI LANGALIBALELE LOCAL MUNICIPALITY, UTHUKELA DISTRICT

Tsimba Archaeological Footprints (Pty) Ltd was requested by Environmental Agency to evaluate the need for a Heritage Impact Assessment (HIA) as envisaged in the National Heritage Resources Act (NHRA) of 1999 and the KwaZulu-Natal Amafa and Research Institute Act, 2018 (Act No 5 of 2018). This application follows an Environmental Application made by Environmental Agency in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998)(NEMA) and regulation 6 (1) and 16 (1) of the Environmental Impact Assessment (EIA) Regulations, 2014 (Government Notice No. R 982, 04 December 2014). The Pig houses consists of breeding houses, boar and dry sow houses, farrowing and weaner house, grower and finisher house, effluente dam, storage shed and ablution, and fencing and gates. The total footprint to be affected is 8,160 sqm.

1. PROJECT BACKGROUND

Pinquer Multi Trading Pty Ltd proposes to construct 50 piggery sows with total of 1,500 standing pigs and associated infrastructure, on Navalhill Farm 1 Colenso, Inkosi Langalibalele Local Municipality, Uthukela District Municipality, KZN. Given below is the proposed development site layout.



SITE LAYOUT 50 SOW PIGGERY

SCALE
A3 print: 1 : 325
A1 print 1 : 160

Design: R. de Neef
Drawn by: R. de Neef
Date: 12/08/11
Amended: 26/08/11
Amended: 28/11/11

NOTES

THIS LAY OUT MUST BE READ IN CONJUNCTION WITH THE PLANS FOR EACH BUILDING AND THE TECHNICAL SPECIFICATIONS AS INCLUDED IN THE AUGUST 2011 BID DOCUMENT.

KZN DEPARTMENT OF AGRICULTURE ENVIRONMENTAL AFFAIRS & RURAL DEVELOPMENT

ENGINEERING SUPPORT SERVICES

4 PINOAK AVENUE
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Figure 1: The proposed development layout (Environmental Agency)

2. ENVIRONMENTAL AUTHORISATION PROCESS

Prior to the commencement of the proposed project, the independent Environmental Assessment Practitioner (EAP) to undertake the process required to apply for Environmental Authorisation from the Kwa-Zulu Natal Department of Agriculture, Rural Development, Land and Environmental Affairs (KZN DARDLEA). This report focuses on the survey results from a cultural heritage survey as requested by Environmental Agency (Pty) Ltd. The survey forms part of an Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for Environmental Authorisation for the proposed project. The appointment of Tsimba Archaeological Footprints (Pty) Ltd is in terms of the National Heritage Resources Act (NHRA), No. 25 of 1999. The proposed development is classified as an Agriculture forestry fisheries animal production project.

3. HERITAGE LEGISLATION

This HIA study is informed and conducted to fulfil the requirements of the National Heritage Resources Act (No 25 of 1999) and the KwaZulu-Natal Amafa and Research Institute Act, 2018 (Act No 5 of 2018). The development also triggered the regulations applicable under the National Environmental Management Act 107 of 1998. As such, the EIA study includes a Heritage Impact Assessment specialist study; recommendations from the AIA/HIA report require the KwaZulu-Natal Amafa and Research Institute review and comments to be incorporated into the final EIA Record of Decision. This particular Development triggered the following Sections of the Heritage Legislation;

Section 38 (1) of the National Heritage Resources Act requires that where relevant, an Impact Assessment is undertaken in case where a listed activity is triggered. Such activities include:

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (b) the construction of a bridge or similar structure exceeding 50 m in length; and
- (c) any development or other activity which will change the character of an area of land, or water -
 - (i) exceeding 5 000 m² in extent;
 - (ii) involving three or more existing erven or subdivisions thereof; or
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
 - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a Provincial Heritage Resources Authority;
- (d) the re-zoning of a site exceeding 10 000 m² in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a Provincial Heritage Resources Authority, must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development. Excluding those that are public records as defined in section 1 of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)

Regarding this project, the HIA for the project should be undertaken as a component of the Environmental Impact Assessment for the project. However a provision is made for an exemption in terms of Section 38(8) of the NHRA, which states that: "The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), or the integrated environmental management guidelines issued by the Department of Environment Affairs and Tourism, or the Minerals Act, 1991 (Act No. 50 of 1991), or any other legislation: Provided that the consenting authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the consent".

4. PROJECT LOCATION

The proposed project is located on Portion 32 (of 16) of Farm Walkers Hoek No. 1224 Ladysmith, Alfred Duma Local Municipality.

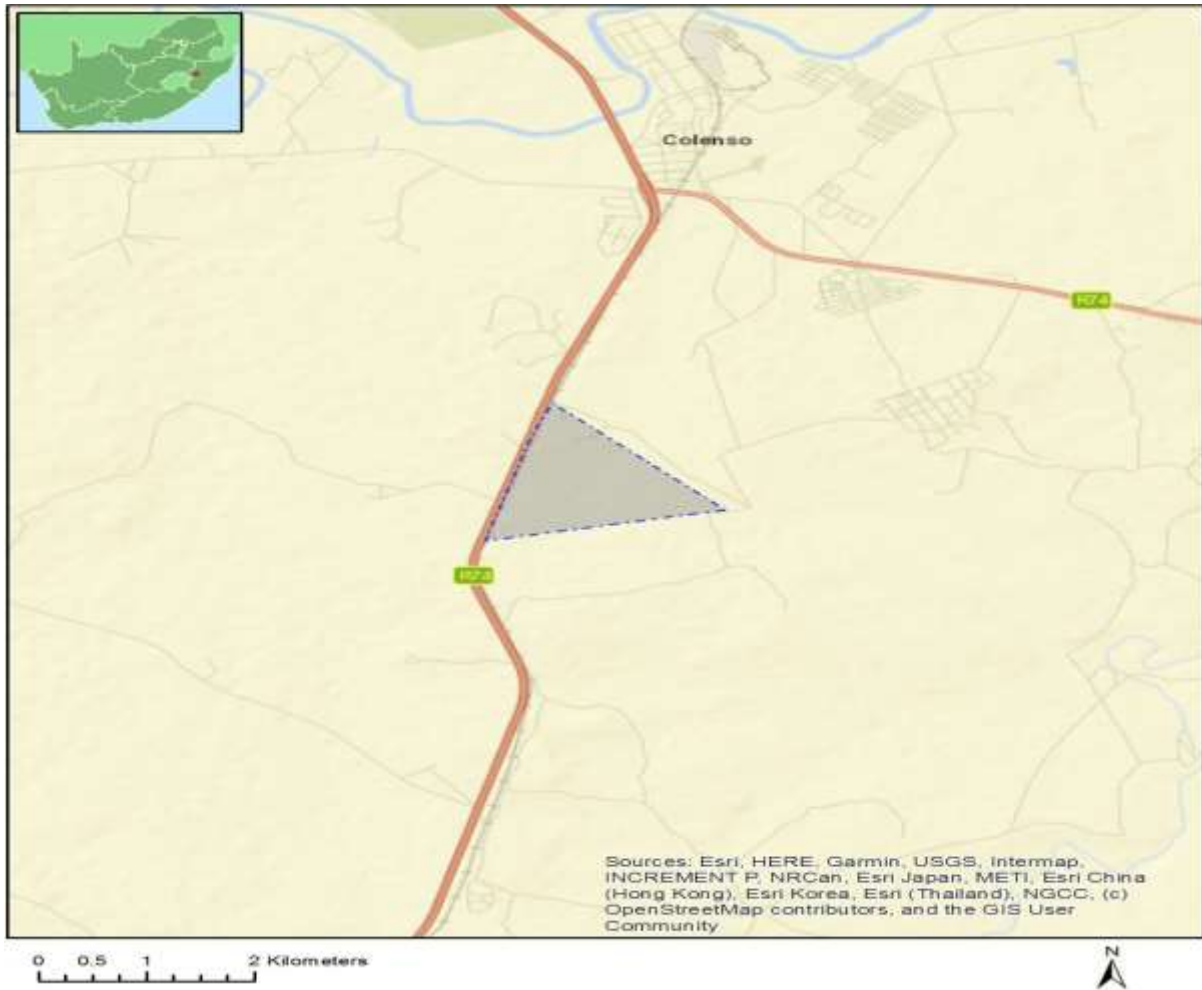


Figure 2: Locality Map of the proposed development site (Environmental Agency).

5. EVALUATION OF THE PROPOSED PROJECT

Tsimba Archaeological Footprints evaluated the proposed project and its surroundings, and the following findings pertain:

- ❖ The project footprint is situated within a developed farm and as such is located in an already disturbed area.

A range of historical sites exist around the proposed development site, these are mainly Anglo-Boer War 1899-1902 sites. Our literature review also indicated that there are a range of archaeological and historical resources known in the larger geographical area as well. More archaeological surveys south of the study area identified and recorded a large number of sites, features and objects of varying significance not far from the study area. These sites date to the Stone Age, Iron Age and Historical time periods. The known historical heritage resources closest to the proposed development site include:

- The site of the Battle of Bloukrans (1838) 6.5km to the south of the study area, to sites in and straddling the study area with their associated monuments, graves and cemeteries:
- Battle of Colenso (16 December 1899),
- Battle of Thukela Heights that comprised of the battles and skirmishes at:
- Hlangwane Hill – 19 February 1900
- Monte Cristo – 18 February 1900
- Cingolo Hill – 17 February 1900
- Horshoe Hill – 21 February 1900
- Wynne's Hill – 21 February 1900 8 Hart's Hill – 23 February 1900
- Pieters Hill – 27 February 1900



Figure 3: Some of the heritage cases submitted to SAHRA around the proposed development site

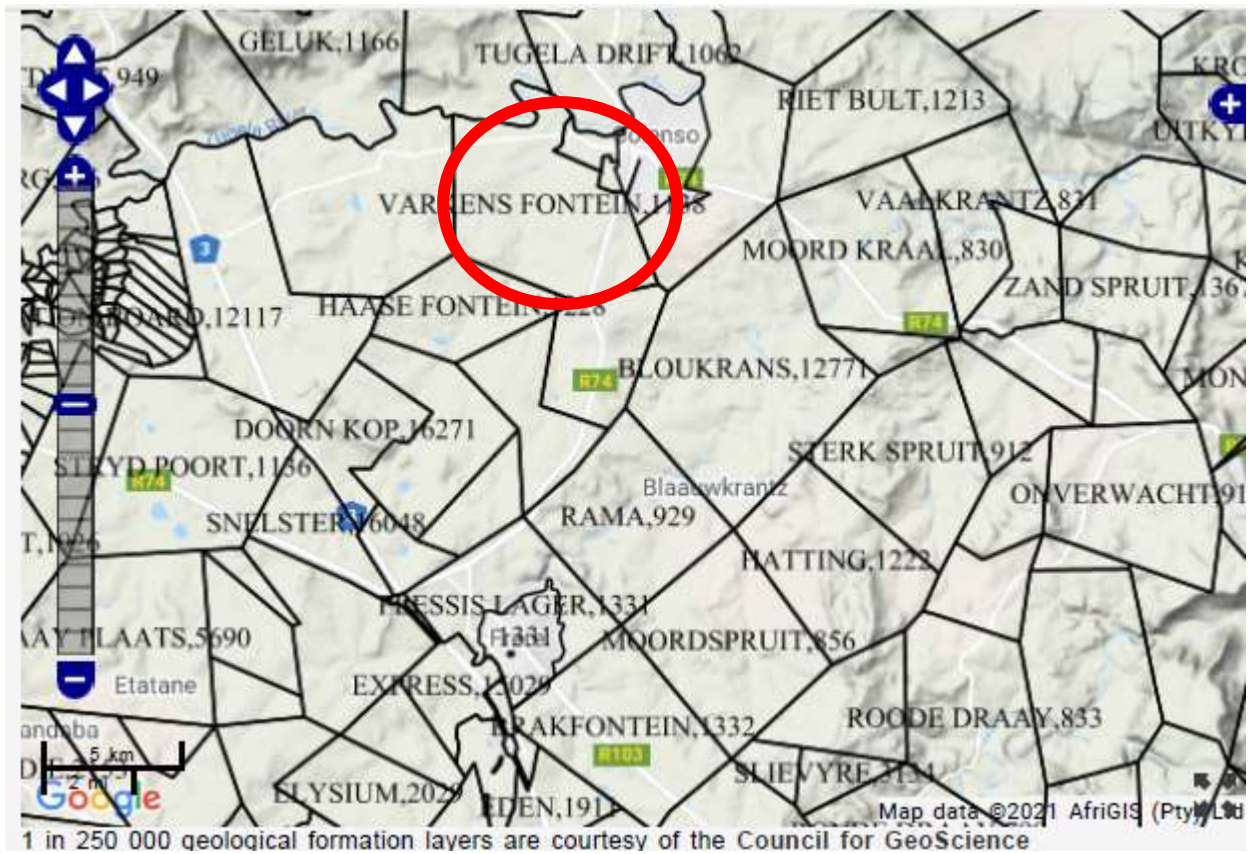


Figure 4: A Cadastral map showing the proposed development site



Figure 5: View of the proposed development area with cattle grazing



Figure 6: View of the proposed development area showing the close-by developments



Figure 7: View of the scattered vegetation around the development sites

6. OBSERVATIONS

Tsimba Archaeological footprints can note the following observations about the proposed development site:

a. Built Environment

Section 34(1) of National Heritage Resources Act of 1999 protects these structures against any altering.

- ➡ No standing structures older than 60 years occur in the study area.

b. Archaeological Resources

Section 35 (4) No person may, without a permit issued by the responsible heritage resources authority

- ➡ It is highly unlikely that heritage resources will be present in the project footprint.

c. Palaeontological Resources

Section 3((i) (i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens

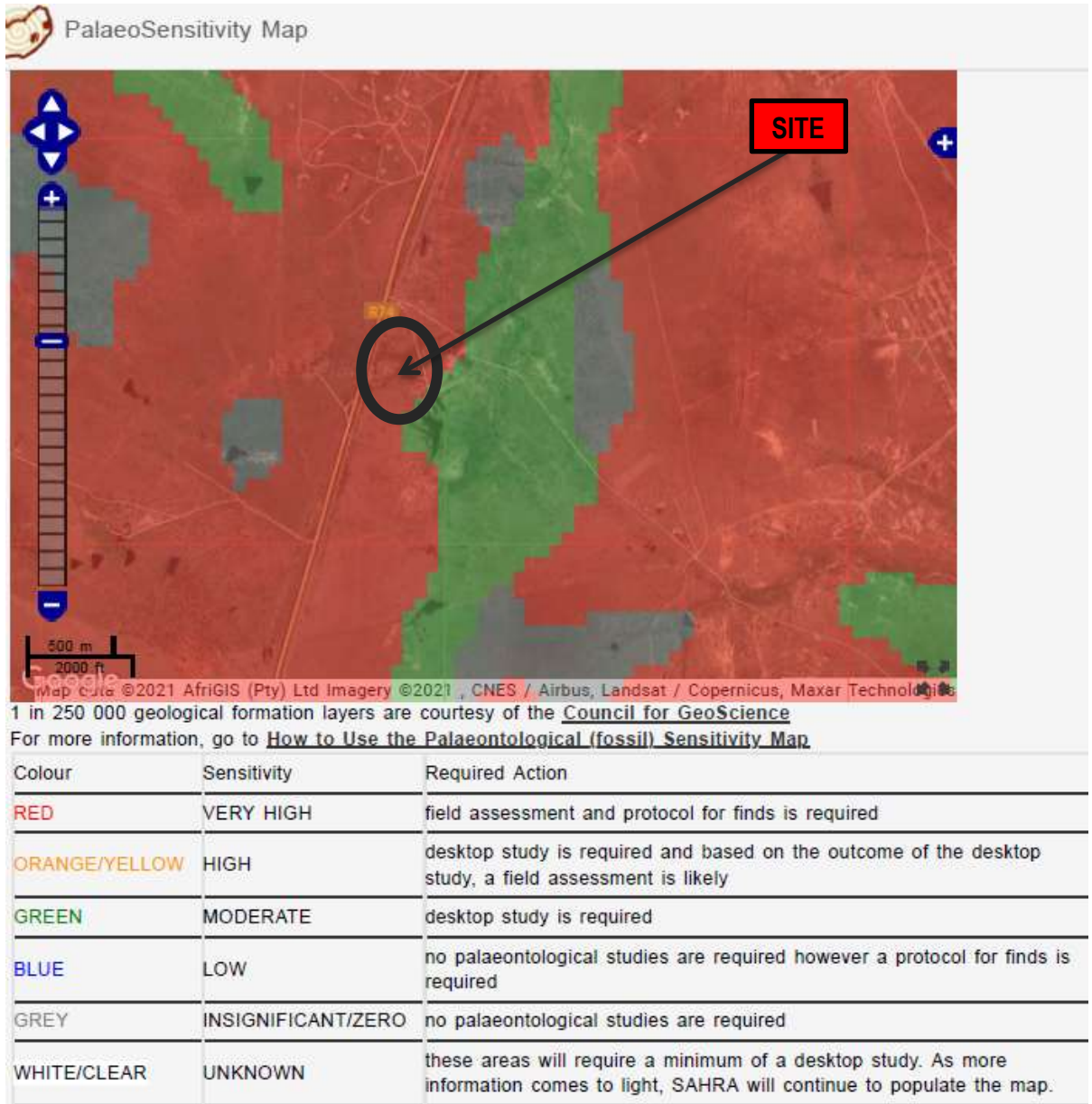


Figure 8: Paleontological sensitivity map is given in accordance with the South African Heritage Resources Authority's (SAHRA) field rating of 2005.

- ➔ The above map shows that the proposed development area is marked as a **VERY HIGH** paleontological sensitivity area therefore a Field Paleontological impact assessment may be required.

d. Cultural Landscapes, Intangible and Living Heritage.

[Section 3 \(3\) of the National Heritage Resources Act, No. 25 of 1999 makes provisions of such places of spiritual significance to individuals](#)

- ➡ Long term impact on the cultural landscape is considered to be negligible as the surrounding area consists of farms and cultivated lands. Visual impacts to scenic routes and sense of place are also considered to be low due to the previous developments in the area and the lack of significant sites, only power lines may be affected by this development.

e. Burial Grounds and Graves

Section 36(3) No person may, without a permit issued by SAHRA or a provincial heritage resources authority

- ➡ No graves or burial grounds are known within the proposed development area.

f. Public monuments and memorials

Public monuments and memorials must, without the need to publish a notice to this effect be protected in the same manner as places which are entered in a heritage register referred to in section 30.

- ➡ There are no public monuments and memorials known in the study area.

g. Potential Impacts during Pre-Construction phase

Some of the areas within the development area the already been disturbed. The preconstruction phase which usually involves the removal of topsoil and vegetation as well as the establishment of infrastructure needed for the construction phase will less likely yield any archaeological artefacts.

➡ Potential Impacts during Construction Phase

There is a possibility of direct impacts during the construction phase. The impacts would however be of very low significance. During this phase, the graves, and other heritage resources may be discovered. These activities can have a negative and irreversible impact on heritage sites. Impacts include destruction or partial destruction of non-renewable heritage resources.

6. CONCLUSION

The study area is degraded in terms of heritage, and there is a low possibility that any significant sites will be harmed by the proposed project. As a result, it is proposed that the project be exempted from an HIA, but that the EMP include a chance find method and a paleontological protocol for findings.

The developer's permanent employees, subsidiaries, contractors and subcontractors, and service providers are all subject to this procedure. This procedure's goal is to develop monitoring and reporting processes to ensure that this policy and its associated procedures are followed. Construction crews must be properly inducted to ensure that they are fully aware of the procedures for dealing with chance finds, which are discussed further down.

- If any person employed by the developer, one of its subsidiaries, contractors and subcontractors, or service provider finds any artefact of cultural significance or fossil material during the pre-construction, construction, operations, or closure phases of this project, that person must stop work at the site of the find and report the find to their immediate supervisor, as well as through the project's website.
- The senior on-site manager is responsible for making an initial evaluation of the scope of the discovery and confirming the scope of the work halt in that area.
- The ECO will be informed of the chance discovery and its immediate impact on operations by the senior on-site manager. The ECO will then contact a professional archaeologist or palaeontologist to analyze the finds, after which the SAHRA will be notified.

We support the submission of Environmental Agency in accordance with Section 38 (2) of the NHRA the need for an HIA for the project is exempted and so be considered.



Roy Muroyi (Heritage Specialist :- Tsimba Archaeological Footprints [Pty] Ltd)

Professionally Accredited Heritage Specialist by (ASAPA), (APHP) and Kwa-Zulu Natal Amafa Research and Institute