



**E'THEMBENI
CULTURAL
HERITAGE**

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19 June 2012

Attention Gisela Fechter

Dear Gisela

**Quote for a Phase 1 Heritage Impact Assessment of
Rock Phosphate Storage Facility on Portions 55 and 56 of Erf 5333,
Richards Bay, KwaZulu-Natal, South Africa**

Thank you for your invitation to quote on this project. eThembeni conducts Heritage Impact Assessments (HIAs) as required by the National Environmental Management Act 107 of 1998 as amended (NEMA), in compliance with Section 38 of the National Heritage Resources Act 25 of 1999 (NHRA). Section 38(1) of the NHRA may require such an assessment in case of:

- the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- the construction of a bridge or similar structure exceeding 50m in length;
- any development or other activity which will change the character of a site –
 - (i) exceeding 5 000m² in extent; or
 - (ii) involving three or more existing erven or subdivisions thereof; or
 - (iii) involving three or more erven or subdivisions thereof which have been consolidated within the past five years; or
- the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority (PHRA);
- the re-zoning of a site exceeding 10 000m² in extent; or
- any other category of development provided for in regulations by SAHRA or a PHRA.

The NHRA defines a heritage resource as any place or object of cultural significance i.e. of aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. This includes, but is not limited to, the following wide range of places and objects:

- ecofacts (non-artefactual organic or environmental remains that may reveal aspects of past human activity);
- places, buildings, structures and equipment;
- places to which oral traditions are attached or which are associated with living heritage;
- historical settlements and townscapes;
- landscapes and natural features;
- geological sites of scientific or cultural importance;
- archaeological and palaeontological sites;
- graves and burial grounds;
- public monuments and memorials;
- sites of significance relating to the history of slavery in South Africa; and
- battlefields.

Reports in fulfilment of Section 38(3) of the NHRA must include the following information:

- the identification and mapping of all heritage resources in the area affected;
- an assessment of the significance of such resources in terms of the heritage assessment criteria set out in regulations;
- an assessment of the impact of the development on such heritage resources;
- an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- plans for mitigation of any adverse effects during and after completion of the proposed development.

Please note that we do not undertake specialist palaeontological or visual impact assessments. We recommend that the developer approach Amafa aKwaZulu-Natali (the PHRA) and the relevant environmental authority to ascertain whether such assessments will be required for this project. If Amafa does specifically request a palaeontological assessment we recommend that the Environmental Practitioner request a detailed motivation for such a study in terms of both the nature of the development and the nature of the environment. In this regard we draw your attention to Section 38(2) of the NHRA which states specifically that 'The responsible heritage resources authority must ... if there is reason to believe that heritage resources will be affected by such development, notify the person who intends to undertake the development to submit an impact assessment report'. In other words, Amafa must be able to justify a request for an Archaeological, Palaeontological or Heritage Impact Assessment. The Environmental Practitioner may also submit information to Amafa in substantiation of exemption from a specific assessment due to existing environmental disturbance, for example.

Given the nature of the disturbance to the proposed development site, including major earthworks caused by the construction of the John Ross Highway and the West Central Arterial, as well as the fact that the area comprises former swampland, we believe that there is no need for an HIA for this project. Accordingly, we propose to submit an application for exemption from an HIA for the project to Amafa.

Please contact us if you have any queries. We look forward to working with you.

Yours sincerely



Len van Schalkwyk and Elizabeth Wahl