

## TERMS OF REFERENCE – HERITAGE ASSESSMENT

### CULTURAL HERITAGE STUDY FOR THE NEW FOSKOR ROCK PHOSPHATE STORAGE FACILITY

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 000m<sup>2</sup> 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 000m<sup>2</sup> 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.

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. We would do the application for exemption immediately. Depending on when Amafa reviews it we should receive a reply from them within two weeks. Only if Amafa rejects the application would we proceed to do the full HIA.