

Date: 10-06-2013
Your Ref: 9/2/259/0020
Our Ref: S0654 – Chloorkop MSWtE Project

Attention: **Andrew Salomon**
South African Heritage Resources
Agency
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cc. Collette Scheermeyer



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Dear Mr Salomon and Ms Scheermeyer

Chloorkop Municipal Solid Waste to Energy Project

Response to SAHRA comment in terms of Section 38 of the

National Heritage Resources Act (Act 25 of 1999)

(SAHRA ref: 9/2/259/0020)

1. INTRODUCTION

The National Heritage Resources Act (No. 25 of 1999) requires that the responsible heritage authority must be informed of *“any development or other activity which will change the character of a site – (i) exceeding 5000 m²”*. EnviroServ Waste Management is proposing to undertake the Chloorkop Municipal Solid Waste to Energy project which has an extent greater than this trigger.

Synergistics Environmental Services (Pty) Ltd (Synergistics) submitted a heritage case to the South African Heritage Resources Agency (SAHRA) and the Provincial Heritage Resources Authority Gauteng (PHRAG) on the 14th of May 2013 via the SAHRIS website. A letter responding to the heritage case was sent to Synergistics by SAHRA on the 31st of May 2013 and given reference 9/2/259/0020 (refer to Appendix 1 for a copy of the letter).

The letter indicated that a Phase 1 Archaeological Impact Assessment Report *“must be done before any large development takes place”*. The letter further states that *“if the property is very small or disturbed and there is no significant site the heritage specialist may choose to send a letter to the heritage authority to indicate there is no necessity for any further assessment.”*



Directors: KC Fairley & B Stobart
Synergistics Environmental Services (Pty) Ltd
Registered No. 2003/030216/07



Synergistics is an SLR Group company

Given the history of use and current status of the development site, Synergistics is of the opinion that a Phase 1 Archaeological Impact Assessment Report for the proposed development **is unnecessary**. Telephonic discussions were held with Andrew Salomon and Collete Scheermeyer from SAHRA on 31 May 2013. Following these discussions, Synergistics is of the opinion that SAHRA had insufficient information on which to base their decision. SAHRA indicated that additional information regarding the project could be submitted to them and that it would be considered.

This letter therefore provides additional information regarding the site of the Chloorkop Municipal Solid Waste to Energy (MSWtE) project and possible heritage resources in the area.

2. LOCALITY AND LAND USE

In the information which was submitted to SAHRA on 14 May 2013, the locality of the Chloorkop MSWtE plant was provided. The Chloorkop MSWtE project will be constructed over sections of portion 63 of the farm Klipfontein 12 IR and sections of the neighbouring property, portion 23 of the farm Klipfontein. The kml file of the site boundary was submitted to SAHRA.

Portion 63 is currently in use as the Chloorkop Landfill Site for waste disposal by EnviroServ (Permit 16/2/7/A230/D47/Z1/P280). The Chloorkop Landfill Site has been in use for waste disposal since the 1980s and the site was used to mine sand prior to that.

Portion 23 is currently under development as the Lord's View Industrial Park. The entire area is being levelled into platforms for industrial sites. The area proposed for the Chloorkop MSWtE Plant is currently used for the stockpiling of soil and topsoil derived during development of the Lord's View Industrial Park.

Using Google Earth images, the following information can be seen regarding the site and land uses (refer to Figures 1 to 6 below):

- The land uses on the site and surrounding the Chloorkop MSWtE Plant are primarily industrial and mining with distant residential (refer to Figure 1 and 2 below).
- The area of the Chloorkop MSWtE Plant on portion 63 will be located on top of the waste body of an existing landfill (refer to Figure 3 below). The disposed waste has been covered with soil and the area partly rehabilitated. Figure 4 below provides evidence of the historical waste disposal operations in that area.
- The part of the Chloorkop MSWtE Plant on portion 23 will be located on an area that is currently used for soil stockpiling during the construction of the Lord's View Industrial Park (refer to Figure 5). The entire area has been covered in many metres of soil material. Once this site is developed as the Lord's View Industrial Park it will be levelled into platforms for the construction of industrial buildings (or the Chloorkop MSWtE Plant).

- This area of portion 23 was previously used for sand mining (refer to Figure 6) and the great majority of the site has had many metres of sand stripped off.

The information provided in these photographs provides evidence that entire footprint of the site proposed for the Chlookop MSWtE Plant has been disturbed on more than one occasion and the site is therefore highly unlikely to hold any heritage resources.



Figure 2. Updated Aerial photograph showing the construction underway at the Lord's View Industrial Park, adjacent to the Chloorkop Landfill site. The Chloorkop MSWtE site is outlined with a green line.

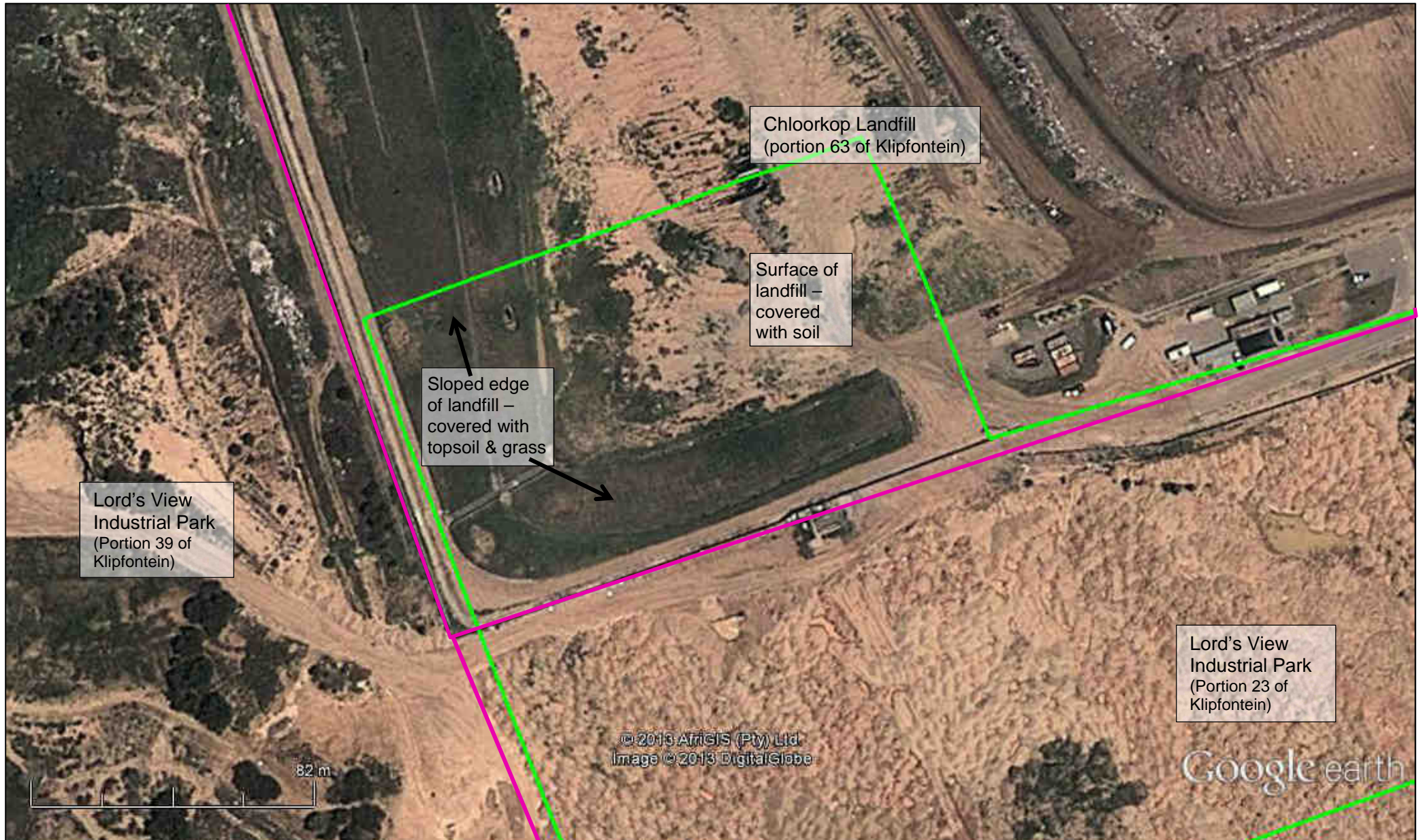


Figure 3. Aerial photograph of the Chloorkop MSWtE Plant area (outlined in green), showing the surface of the Chloorkop Landfill site on portion 63 of Klipfontein. The pink lines indicate the cadastral boundaries of the properties.

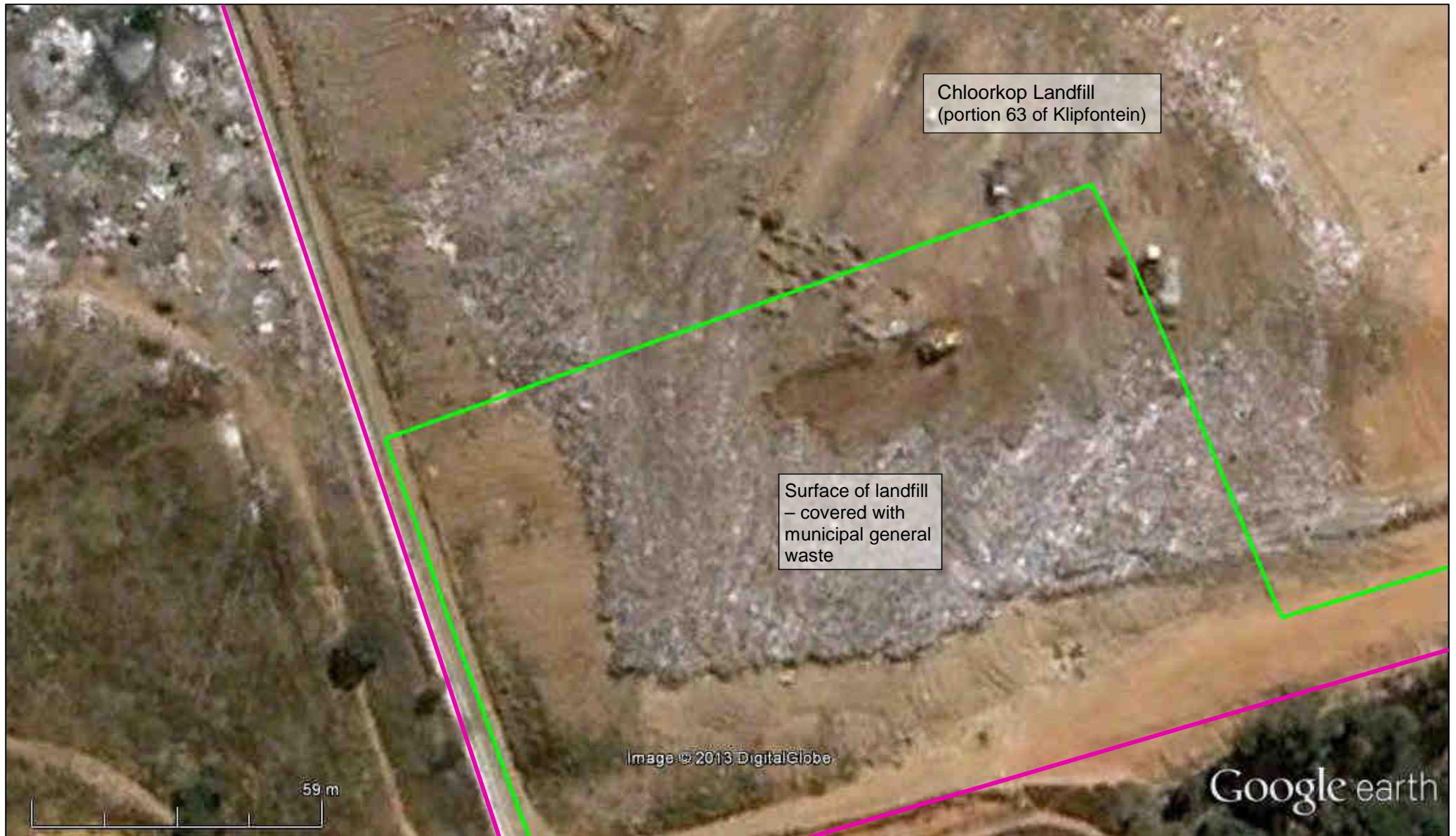


Figure 4. Aerial photograph of the Chloorkop MSWtE Plant area (outlined in green), showing the historic surface of the Chloorkop Landfill site on portion 63 of Klipfontein. This figure shows that this portion of the site was previously an active part of the Chloorkop landfill prior to rehabilitation (date of this image is 18 September 2007). The pink lines indicate the cadastral boundaries of the properties.

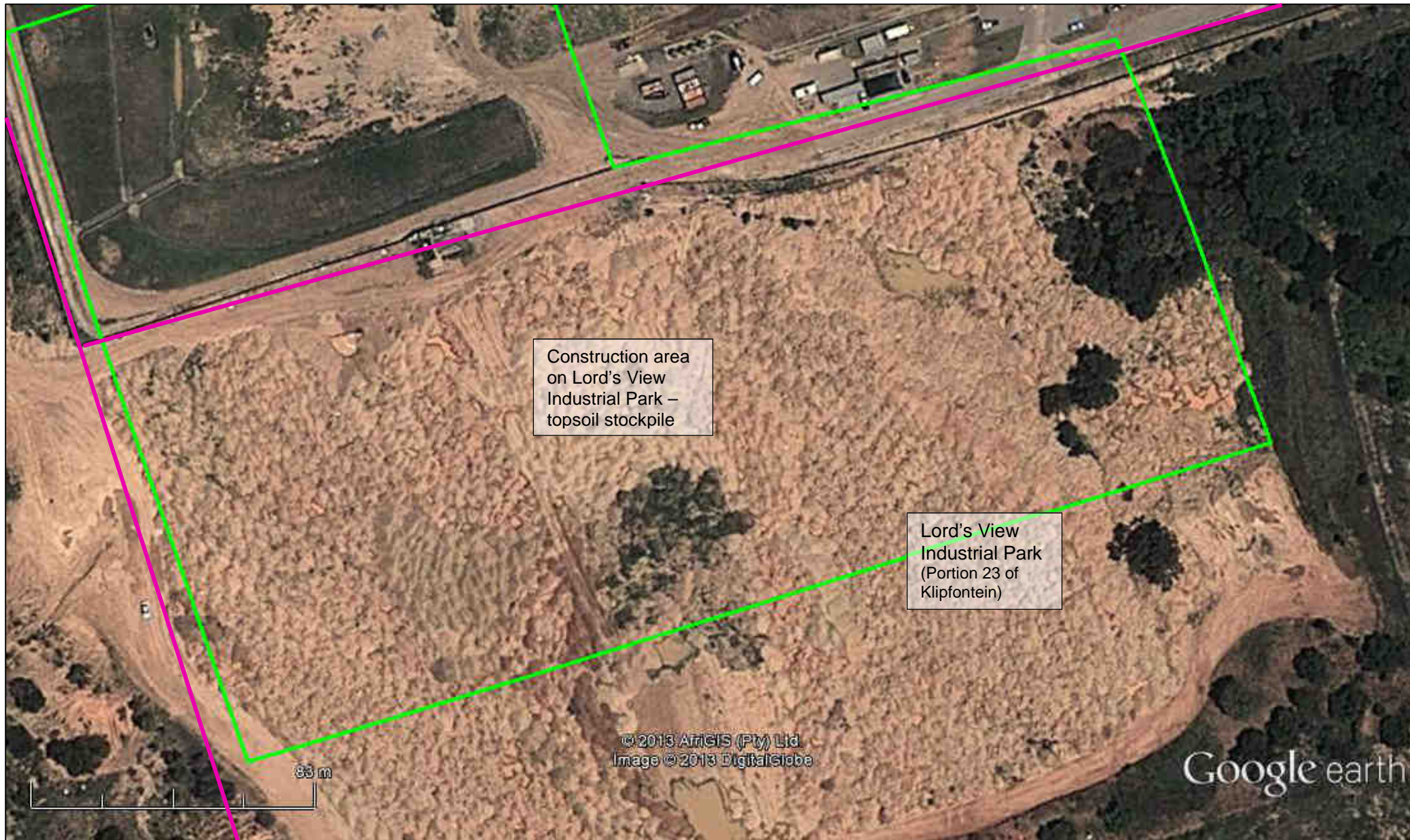


Figure 5. Aerial photograph of the Chloorkop MSWtE Plant area (outlined in green), showing the surface of part of the Lord's View Industrial Park on portion 23 of Klipfontein. This figure shows that this portion of the site is currently used as a topsoil stockpile area (date of this image is 28 November 2012). The pink lines indicate the cadastral boundaries of the properties.



Figure 6. Historical aerial photograph of the Chloorkop MSWtE Plant area (outlined in green), showing the historic land use on the surface of part of the Lord's View Industrial Park on portion 23 of Klipfontein. This figure shows that this portion of the site was previously used as sand mine (date of this image is 13 October 2011). The pink lines indicate the cadastral boundaries of the properties.

3. PREVIOUS HERITAGE IMPACT ASSESSMENT CONDUCTED ON THE SITE

The proposed development of the Lord's View Industrial Park was subject to an Environmental Impact Assessment (EIA) in support of an Environmental Authorisation (Gaut 002/07-08/N1124). As part of the EIA conducted for the Lord's View Industrial Park, a Phase 1 Heritage Scoping Study was done in 2008 (refer to Appendix 2). This study included portion 23 of the farm Klipfontein 12 IR where the majority of the infrastructure for the Chloorkop MSWtE Plant will be constructed. A copy of this heritage study has been attached as Appendix 2.

The results of the study stated that no sites of archaeological significance were found on the site. The heritage scoping study was submitted to SAHRA for comment. SAHRA concluded that they had no objection to the development on portion 23 of Klipfontein 12 IR as there was *"no evidence of any significant archaeological material in this area"* (refer to Appendix 3 for a copy of SAHRA's review comments). SAHRA has therefore already approved an industrial development on portion 23 of the farm Klipfontein 12 IR.

Synergistics considers that it is unnecessary for SAHRA require the completion of a further Phase 1 Archaeological Impact Assessment Report on a site:

- That has previously been assessed for heritage resources;
- Where SAHRA previously concluded that they had no objection to development; and
- Where development is currently in progress.

Portion 63 of the farm Klipfontein 12 IR has not been subject to a heritage assessment. However, the site has been subject to multiple, significant disturbances of the surface over the past 3 decades. The area in question was historically a sand mine and is currently a landfill site. Several environmental impact assessments have been undertaken for the Chloorkop Landfill site in the past for various projects including expansions of the landfill, increasing the height of the landfill and the extraction of landfill gas. During the course of these environmental studies, no concerns regarding the heritage resources on the landfill site have been raised by either the public, authorities or the environmental assessment practitioners. It is therefore considered unnecessary for SAHRA to require the completion of a Phase 1 Archaeological Impact Assessment Report this site which has been a sand mine and a landfill site since the 1980s.

4. CONCLUSION

On the southern portion of the Chloorkop MSWtE Plant site (portion 23 of the farm Klipfontein), the land has been historically disturbed due to sand mining, and is disturbed at present due to material stockpiling as part of the construction of the Lord's View Industrial Park. SAHRA previously raised no objection to development of the Lord's View Industrial Park which is now under development on the site. If there were previously any archaeological artefacts or aspects of cultural or historical significance on the site, these would have been destroyed during historical sand mining.

On the northern portion of the Chlookop MSWtE Plant site (portion 63 of the farm Klipfontein), the land was historically disturbed due to sand mining and has been used as a landfill site since the 1980s. Since the landfill was first established it has been expanded and the height has been increased, thus the area has been subject to continual disturbance for the past 30 years. If there were previously any archaeological artefacts or aspects of cultural or historical significance on the site, these would have been destroyed during historical excavation of the landfill or completely buried under the waste.

From the above information it can be concluded that the likelihood of any archaeological resources being present on the site of the Chlookop MSWtE Plant is remote in the extreme. The entire project area falls within a brownfields site which has already been completely transformed by previous mining, industrial and waste management activities.

No impacts on heritage resources are anticipated as potential heritage resources would have been damaged due to the historical and current activities on the site (both portions 23 and 63 of the farm Klipfontein 12 IR).

For the reasons discussed above, Synergistics would like to request that SAHRA re-evaluates the need for conducting a Phase 1 Archaeological Impact Assessment Report or obtaining a letter from a heritage specialist for the Chlookop MSWtE project.

Please contact the undersigned should you have any queries.

Yours sincerely



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Appendix 1

Letter to Synergistics from SAHRA dated 31 May 2013



Letter

In terms of Section 38 of the National Heritage Resources Act (Act 25 of 1999)

Attention: EnviroServ

EnviroServ Waste Management (Pty) Ltd (EnviroServ) has proposed the development of a Municipal solid Waste to Energy (MSWtE) Project on, and immediately adjacent to, the Chloorkop GLB+ Landfill Site in Ekurhuleni, Gauteng. The site is operated for the disposal of general waste in terms of a section 20 permit (with amendments) issued in terms of the Environment Conservation Act (1989). The Chloorkop MSWtE Project is intended to ensure adequate waste disposal capacity in the region when the current disposal capacity at the landfill site has been fully utilised in the next 2-4 years. The Chloorkop MSWtE facility will process up to 2000 tons per day of suitable general wastes and produce a up to 35 MW of electricity for local use. The Chloorkop MSWtE project will be located on portion 63 of the farm Klipfontein 12 IR. The neighbouring property that may also be used for the project is portion 23 of the farm Klipfontein 12 IR.

Thank you for your notification regarding this development.

In terms of the National Heritage Resources Act, no 25 of 1999, heritage resources, including archaeological or palaeontological sites over 100 years old, graves older than 60 years, structures older than 60 years are protected. They may not be disturbed without a permit from the relevant heritage resources authority. This means that prior to development it is incumbent on the developer to ensure that a **Heritage Impact Assessment** is done. This must include the archaeological component (Phase 1) and any other applicable heritage components. Appropriate (Phase 2) mitigation, which involves recording, sampling and dating sites that are to be destroyed, must be done as required.

The quickest process to follow for the archaeological component is to contract an accredited specialist (see the web site of the Association of Southern African Professional Archaeologists www.asapa.org.za) to provide a Phase 1 Archaeological Impact Assessment Report. This must be done before any large development takes place.

The Phase 1 Impact Assessment Report will identify the archaeological sites and assess their significance. It should also make recommendations (as indicated in section 38) about the process to be followed. For example, there may need to be a mitigation phase (Phase 2) where the specialist will collect or excavate material and date the site. At the end of the process the heritage authority may give permission for destruction of the sites.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, a Palaeontological Desk Top study must be undertaken to assess



Chloorkop Municipal Solid Waste to Energy Project

Our Ref: 9/2/259/0020

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CaseID: 2312

Date: Friday May 31, 2013

Page No: 2



whether or not the development will impact upon palaeontological resources - or at least a letter of exemption from a Palaeontologist is needed to indicate that this is unnecessary. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary.

If the property is very small or disturbed and there is no significant site the heritage specialist may choose to send a letter to the heritage authority to indicate that there is no necessity for any further assessment.

Any other heritage resources that may be impacted such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewscapes must also be assessed.

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

Yours faithfully

Andrew Salomon
Heritage Officer: Archaeology
South African Heritage Resources Agency

Colette Scheermeyer
SAHRA Head Archaeologist
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/119426>
(DEA, Ref: DEA ref. 14/12/16/3/3/3/69, NEAS ref. DEA/EIA/0001640/2013)



The South African Heritage Resources Agency

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Appendix 2

Phase 1 Heritage Scoping Study for the Lord's View Industrial Park (incl. portion 23 of Klipfontein)



wits enterprise

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(Pty) Limited**

(Registration No: 2002/008461/07)
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**ECO
ASSESSMENTS**

Heritage Scoping

**Proposed
development on Part
of Portion 23,
Portion 69 and the
remainder of
Portions 22 and 36 of
the Farm Klipfontein
12IR., Ekurhuleni,
Gauteng Province**

Version 1.0

21 February 2008

Service provider



MATAKOMA - ARM
HERITAGE CONTRACTS UNIT

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LORDS VIEW - HERITAGE SCOPING REPORT

ACKNOWLEDGEMENT OF RECEIPT

CLIENT: Eco Assessments cc

CONTACT PERSON: Ms Niqui Viljoen, Eco-Assessments, PO Box 441037, LINDEN, 2104, Telephone: 011 782 3428, Facsimile: 011 888 9588

SIGNATURE: _____

LEADING CONSULTANT: MATAKOMA-ARM Heritage Contracts Unit

CONTACT PERSON: Jaco van der Walt

SIGNATURE: _____

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The Client, on acceptance of any submission by MATAKOMA-ARM and on condition that the Client pays to Wits Commercial Enterprise (Pty) Ltd the full price for the work as agreed, shall be entitled to use for its own benefit and for the specified project only:

- The results of the project;
- The technology described in any report
- Recommendations delivered to the Client.

EXECUTIVE SUMMARY

As we know from legislation the surveying, capturing and management of heritage resources is an integral part of the greater management plan laid down for any major development or historic existing operation. With the proclamation of the National Heritage Resources Act 1999 (Act 25 of 1999) this process has been laid down clearly. This legislation aims to underpin the existing legislation, which only addresses this issue at a glance, and gives guidance to developers and existing industries to the management of their Heritage Resources.

The importance of working with and following the guidelines laid down by the South African Heritage Resources Agency cannot be overemphasised. This document forms part of the Basic Environmental Assessment for the proposed logistics park on Part of Portion 23, Portion 69 and the remainder of Portions 22 and 36 of the Farm Klipfontein 12IR. IR, Ekurhuleni, Gauteng Province.

No sites of heritage significance were found during the survey.

There is from a Heritage point of view no reason why the development can not commence.

General

If during construction any possible finds are made, the operations must be stopped and a qualified archaeologist be contacted for an assessment of the find.

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1. INTRODUCTION

MATAKOMA-ARM Heritage Contracts Unit was contracted by Eco Assessments to conduct a Heritage Scoping Assessment for the Basic Environmental Assessment of the proposed logistics park on Part of Portion 23, Portion 69 and the remainder of Portions 22 and 36 of the Farm Klipfontein 121R, IR, Ekurhuleni, Gauteng Province.

The aim of the study is to identify all heritage sites, document, and assess their importance within Local, Provincial and national context. From this we aim to assist the developer in managing the discovered heritage resources in a responsible manner, in order to protect, preserve, and develop them within the framework provided by the National Heritage Resources Act of 1999 (Act 25 of 1999).

The report outlines the approach and methodology utilised before and during the survey, which includes in Phase 1: Information collection from various sources and public consultations; Phase 2: Physical surveying of the area on foot and by vehicle; and Phase 3: Reporting the outcome of the study.

During the survey, no cultural heritage sites were identified.

General site conditions and features on site were recorded by means of photos, GPS location, and description. Possible impacts were identified and mitigation measures are proposed in the following report.

This report must also be submitted to SAHRA provincial office for scrutiny.

2. APPROACH AND METHODOLOGY

The aim of the study is to extensively cover all data available to compile a background history of the study area; this was accomplished by means of the following phases.

2.1 PHYSICAL SURVEYING

Due to the nature of cultural remains, the majority that occur below surface, a physical walk through of the study area was conducted. MATAKOMA-ARM was appointed to conduct a survey of the proposed development area. The total area of impact comprised an area of approximately 90ha in total. The study area was surveyed over two days, by means of vehicle and extensive surveys on foot by MATAKOMA-ARM.

Aerial photographs and 1:50 000 maps of the area were consulted and literature of the area were studied before undertaking the survey. The purpose of this was to identify topographical areas of possible historic and pre-historic activity. All sites discovered both inside and bordering the proposed development area was plotted on 1:50 000 maps and their GPS co-ordinates noted. 35mm photographs on digital film were taken at all the sites.

3. WORKING WITH LEGISLATION

It is very important that cultural resources be evaluated according to the National Heritage Recourse Act. In accordance with the Act, we have found the following:

These sites are classified as important based on evaluation of the National Heritage Recourses Act 1999 (Act No 25 of 1999) section 3 (3).

A place or object is to be considered part of the national estate if it has cultural significance or other special value because of-

- (a) its importance in the community, or pattern of South Africa's history;
- (b) its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- (c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- (d) its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;

- (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- (h) its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and
- (i) sites of significance relating to the history of slavery in South Africa.

(Refer to Section 9 of this document for **assessment**)

These sites should be managed through using the National Heritage Recourses Act 1999 (Act No 25 of 1999) sections 4,5 and 6 and sections 39-47.

Please refer to Section 9 for Management Guidelines.

4. ASSESSMENT CRITERIA

This chapter describes the evaluation criteria used for the sites listed below.

The significance of archaeological sites was based on four main criteria:

- **site integrity** (i.e. primary vs. secondary context),
- **amount of deposit, range of features** (e.g., stonewalling, stone tools and enclosures),
- **uniqueness** and
- **potential** to answer present research questions.

Management actions and recommended mitigation, which will result in a reduction in the impact on the sites, will be expressed as follows:

A - No further action necessary;

B - Mapping of the site and controlled sampling required;

C - Preserve site, or extensive data collection and mapping of the site; and

D - Preserve site

Impacts on these sites by the development will be evaluated as follows

4.1 IMPACT

The potential environmental impacts that may result from the proposed development activities.

4.1.1 Nature and existing mitigation

Natural conditions and conditions inherent in the project design that alleviate (control, moderate, curb) impacts. All management actions, which are presently implemented, are considered part of the project design and therefore mitigate against impacts.

4.2 EVALUATION

4.2.1 Site Significance

Site significance classification standards prescribed by the South African Heritage Resources Agency (2006) and approved by the Association for Southern African Professional Archaeologists (ASAPA) for the Southern African Development Community (SADC) region, were used for the purpose of this report.

FIELD RATING	GRADE	SIGNIFICANCE	RECOMMENDED MITIGATION
National Significance (NS)	Grade 1	-	Conservation; National Site nomination
Provincial Significance (PS)	Grade 2	-	Conservation; Provincial Site nomination
Local Significance (LS)	Grade 3A	High Significance	Conservation; Mitigation not advised
Local Significance	Grade	High Significance	Mitigation (Part of site)

(LS)	3B		should be retained)
Generally Protected A (GP.A)	-	High / Medium Significance	Mitigation before destruction
Generally Protected B (GP.B)	-	Medium Significance	Recording before destruction
Generally Protected C (GP.C)	-	Low Significance	Destruction

4.2.2 Impact Rating

VERY HIGH

These impacts would be considered by society as constituting a major and usually permanent change to the (natural and/or social) environment, and usually result in **severe** or **very severe** effects, or **beneficial** or **very beneficial** effects.

Example: The loss of a species would be viewed by informed society as being of VERY HIGH significance.

Example: The establishment of a large amount of infrastructure in a rural area, which previously had very few services, would be regarded by the affected parties as resulting in benefits with a VERY HIGH significance.

HIGH

These impacts will usually result in long term effects on the social and/or natural environment. Impacts rated as HIGH will need to be considered by society as constituting an important and usually long term change to the (natural and/or social) environment. Society would probably view these impacts in a serious light.

Example: The loss of a diverse vegetation type, which is fairly common elsewhere, would have a significance rating of HIGH over the long term, as the area could be rehabilitated.

Example: The change to soil conditions will impact the natural system, and the impact on affected parties (in this case people growing crops on the soil) would be HIGH.

MODERATE

These impacts will usually result in medium- to long-term effects on the social and/or natural environment. Impacts rated as MODERATE will need to be considered by society as constituting a fairly important and usually medium term

change to the (natural and/or social) environment. These impacts are real but not substantial.

Example: The loss of a sparse, open vegetation type of low diversity may be regarded as MODERATELY significant.

Example: The provision of a clinic in a rural area would result in a benefit of MODERATE significance.

LOW

These impacts will usually result in medium to short term effects on the social and/or natural environment. Impacts rated as LOW will need to be considered by the public and/or the specialist as constituting a fairly unimportant and usually short term change to the (natural and/or social) environment. These impacts are not substantial and are likely to have little real effect.

Example: The temporary change in the water table of a wetland habitat, as these systems are adapted to fluctuating water levels.

Example: The increased earning potential of people employed as a result of a development would only result in benefits of LOW significance to people who live some distance away.

NO SIGNIFICANCE

There are no primary or secondary effects at all that are important to scientists or the public.

Example: A change to the geology of a particular formation may be regarded as severe from a geological perspective, but is of NO significance in the overall context.

4.2.3 Certainty

DEFINITE: More than 90% sure of a particular fact. Substantial supportive data exist to verify the assessment.

PROBABLE: Over 70% sure of a particular fact, or of the likelihood of impact occurring.

POSSIBLE: Only over 40% sure of a particular fact or of the likelihood of an impact occurring.

UNSURE: Less than 40% sure of a particular fact or likelihood of an impact occurring.

4.2.4 Duration

SHORT TERM: 0 to 5 years

MEDIUM: 6 to 20 years

LONG TERM: more than 20 years

DEMOLISHED: site will be demolished or is already demolished

Example

Evaluation

Impact	Impact Significance	Heritage Significance	Certainty	Duration	Mitigation
Negative	Moderate	Grade GP.B	Possible	Short term	B

5. HISTORICAL BACKGROUND OF AREA

As heritage surveys deal with the locating of heritage resources in a prescribed cartographic landscape, the study of archival and historical data, and especially cartographic material, can represent a very valuable supporting tool in finding and identifying such heritage resources.

The historical background and timeframe can be divided into the Stone Age, Iron Age and Historical timeframe. These can be divided as follows:

Stone Age

The Stone Age is divided in Early; Middle and Late Stone Age and refers to the earliest people of South Africa who mainly relied on stone for their tools.

Earlier Stone Age: The period from \pm 2.5 million yrs - \pm 250 000 yrs ago. Acheulean stone tools are dominant.

Middle Stone Age: Various lithic industries in SA dating from \pm 250 000 yrs - 22 000 yrs before present.

Later Stone Age: The period from \pm 22 000-yrs before present to the period of contact with either Iron Age farmers or European colonists.

Iron Age

The Iron Age as a whole represents the spread of Bantu speaking people and includes both the Pre-Historic and Historic periods. Similar to the Stone Age it can be divided into three periods:

The Early Iron Age: Most of the first millennium AD.

The Middle Iron Age: 10th to 13th centuries AD

The Late Iron Age: 14th century to colonial period.

Historic Timeframe

The historic timeframe intermingles with the later parts of the Stone and Iron Age, and can loosely be regarded as times when written and oral recounts of incidents became available.

6. SITES OF SIGNIFICANCE

The study area, located on topographical sheet 2628AA, was previously utilised as a sand mine. Most of the site is derelict and currently utilised as dumping ground and informal farming. The southern section of the property is currently utilised as a quad bike recreational facility.



Figure 1: General view of site



Figure 2: Quad bike area



Figure 3: Informal maize fields

7. ASSUMPTIONS AND LIMITATIONS

Due to the nature of cultural remains that occur, in most cases, below surface, the possibility remains that some cultural remains may not have been discovered during the survey. Although MATAKOMA-ARM surveyed the area as thorough as possible, it is incumbent upon the developer to inform the relevant heritage agency should further cultural remains be unearthed or laid open during the process of development.

8. LEGAL AND POLICY REQUIREMENTS

In areas where there has not yet been a systematic survey to identify conservation worthy places, a permit is required to alter or demolish any structure older than 60 years. This will apply until a survey has been done and identified heritage resources are formally protected.

Archaeological and palaeontological sites, materials, and meteorites are the source of our understanding of the evolution of the earth, life on earth and the history of people. In the new legislation, permits are required to damage, destroy, alter, or disturb them. People who already possess material are required to register it.

The management of heritage resources are integrated with environmental resources and this means that before development takes place heritage resources are assessed and, if necessary, rescued.

In addition to the formal protection of culturally significant graves, all graves, which are older than 60 years and are not in a cemetery (such as ancestral graves in rural areas), are protected. The legislation protects the interests of communities that have interest in the graves: they may be consulted before any disturbance takes place.

The graves of victims of conflict and those associated with the liberation struggle will be identified, cared for, protected and memorials erected in their honour.

Anyone who intends to undertake a development must notify the heritage resource authority and if there is reason to believe that heritage resources will be affected, an impact

assessment report must be compiled at the developer's cost. Thus developers will be able to proceed without uncertainty about whether work will have to be stopped if a heritage resource is discovered.

According to the National Heritage Act (Act 25 of 1999 section 32) it is stated that:

An object or collection of objects, or a type of object or a list of objects, whether specific or generic, that is part of the national estate and the export of which SAHRA deems it necessary to control, may be declared a heritage object, including –

- objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects, meteorites and rare geological specimens;
- visual art objects;
- military objects;
- numismatic objects;
- objects of cultural and historical significance;
- objects to which oral traditions are attached and which are associated with living heritage;
- objects of scientific or technological interest;
- books, records, documents, photographic positives and negatives, graphic material, film or video or sound recordings, excluding those that are public records as defined in section 1 (xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996), or in a provincial law pertaining to records or archives; and
- any other prescribed category.

Under the National Heritage Resources Act (Act No. 25 of 1999), provisions are made that deal with, and offer protection, to all historic and pre-historic cultural remains, including graves and human remains.

- Graves younger than 60 years fall under Section 2(1) of the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925) as well as the Human Tissues Act (Act 65 of 1983) and are the jurisdiction of the National Department of Health and the relevant Provincial Department of Health and must be submitted for final approval to the Office of the relevant Provincial Premier. This function is usually delegated to the

Provincial MEC for Local Government and Planning, or in some cases the MEC for Housing and Welfare. Authorisation for exhumation and reinterment must also be obtained from the relevant local or regional council where the grave is situated, as well as the relevant local or regional council to where the grave is being relocated. All local and regional provisions, laws and by-laws must also be adhered to. In order to handle and transport human remains the institution conducting the relocation should be authorised under Section 24 of Act 65 of 1983 (Human Tissues Act).

- Graves older than 60 years, but younger than 100 years fall under Section 36 of Act 25 of 1999 (National Heritage Resources Act) as well as the Human Tissues Act (Act 65 of 1983) and are the jurisdiction of the South African Heritage Resource Agency (SAHRA). The procedure for Consultation Regarding Burial Grounds and Graves (Section 36(5) of Act 25 of 1999) is applicable to graves older than 60 years that are situated outside a formal cemetery administrated by a local authority. Graves in the category located inside a formal cemetery administrated by a local authority will also require the same authorisation as set out for graves younger than 60 years over and above SAHRA authorisation. If the grave is not situated inside a formal cemetery but is to be relocated to one, permission from the local authority is required and all regulations, laws and by-laws set by the cemetery authority must be adhered to.

9. ASSESSMENT AND RECOMMENDATIONS

*A locality map is provided in **Annexure A***

Not sites of heritage significance were found on site.

There is from a Heritage point of view no reason why the development can not commence.

General

If during construction any possible finds are made, the operations must be stopped and a qualified archaeologist be contacted for an assessment of the find.

10. LIST OF PREPARES

Jaco van der Walt, BA (Hon) Archaeology (Wits)

11. REFERENCES

11.1 ARCHAEOLOGICAL PAPERS

Willemse, J. 2002. Bewaar gister vir die nageslag. Rapport, 16 June 2002. S.A.

11.2 CULTURAL HERITAGE PAPERS

Australia ICOMOS. The Burra Charter (The Australian ICOMOS charter for places of cultural significance). 2002.

Standard and Guidance for Archaeological Desk-Based Assessment. 1994.

International Council of Monuments & Site Documents. Conventions, Charters and Guidelines. 2002.

Documents on Cultural Heritage Protection. 2002.

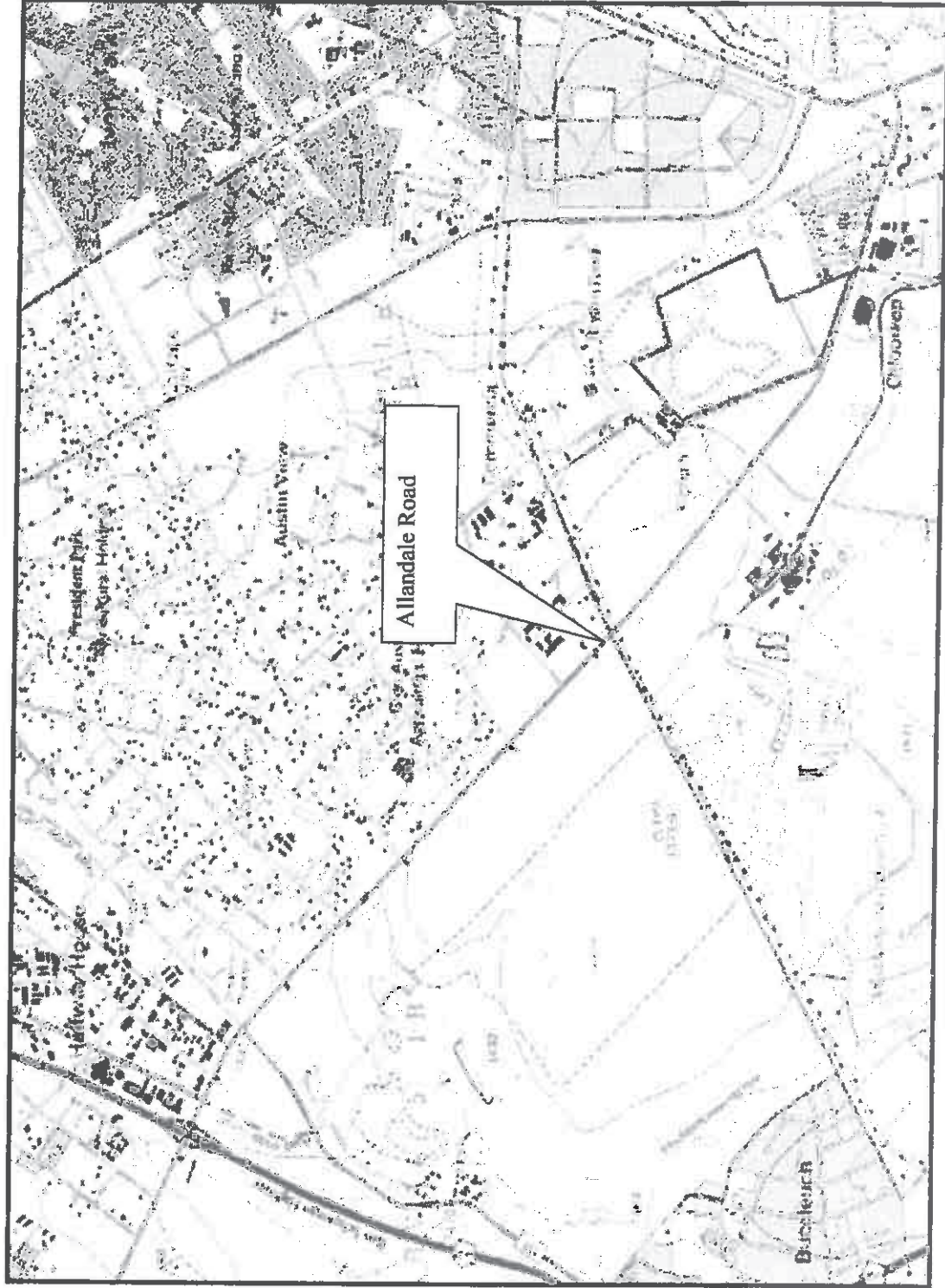
International Council of Monuments & Site Documents. Guidelines to the Burra Charter: Conservation Policy. 1985.

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Australian Historic Themes. A Framework for use in Heritage Assessment and Management. Australian Heritage Commission. 2001.

ANNEXURE A: Locality Map

LORDS VIEW - HERITAGE SCOPING REPORT



Appendix 3

**Comment received from SAHRA regarding the Phase 1
Heritage Scoping Study for the Lord's View Industrial
Park**



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
111 HARRINGTON STREET, CAPE TOWN, 8001
PO BOX 4637, CAPE TOWN, 8000
TEL: 021 462 4502 FAX: 021 462 4509

FOR ATTENTION: SAHRA: Gauteng OR PHRA: Gauteng

FOR OFFICIAL USE ONLY:

SAHRA File No: 9/2/258/0005

Date Received: 23 March 2008

Date of Comment: 26 August 2008

Sent to Peer Review:

Date to Peer Review:

SAHRA Contact Person: Mr Andrew Salomon

DME Ref No:

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/ PALAEOLOGY UNIT OF THE HERITAGE RESOURCES AGENCY

South Africa has a unique and non-renewable archaeological and palaeontological heritage. Archaeological and palaeontological sites are protected in terms of the National Heritage Resources Act (Act No 25 of 1999) and may not be disturbed without a permit. Archaeological Impact Assessments (AIAs) and Palaeontological Impact Assessments (PIAs) identify and assess the significance of the sites, assess the potential impact of developments upon such sites, and make recommendations concerning mitigation and management of these sites. On the basis of satisfactory specialist reports SAHRA or the relevant heritage resources agency can assess whether or not it has objection to a development and indicate the conditions upon which such development might proceed and assess whether or not to issue permission to destroy such sites.

AIAs and PIAs often form part of the heritage component of an Environmental Impact Assessment or Environmental Management Plan. They may also form part of a Heritage Impact Assessment called for in terms of section 38 of the National Heritage Resources Act, Act No. 25, 1999. They may have other origins. In any event they should comply with basic minimum standards of reporting as indicated in SAHRA Regulations and Guidelines.

This form provides review comment from the Archaeologist of the relevant heritage resources authority for use by Heritage Managers, for example, when informing authorities that have applied to SAHRA for comment and for inclusion in documentation sent to environmental authorities. It may be used in conjunction with Form B, which provides relevant peer review comment.

- A. PROVINCIAL HERITAGE RESOURCES AUTHORITY: **SAHRA GAUTENG**.....
- B. SAHRA PROVINCIAL MANAGER : **GAUTENG: Mr Neo January**.....
- C. AUTHOR(S) OF REPORT: **J van der Walt**
- D. ARCHAEOLOGY CONTRACT GROUP: **MATAKOMA-ARM Heritage Contracts Unit**
- E. CONTACT DETAILS: **WITS School of Geography, Archaeology and Environmental Studies, Private Bag 3, PO WITS 2050, Tel: 082 8513575, Fax: 011 7176578, E-mail: info@matakoma.co.za**.....
- F. DATE OF REPORT: **February 2008**
- G. TITLE OF REPORT: **Heritage Scoping: Proposed development on part of Portion 23, Portion 69 and the remainder of Portion 22 and 36 of the Farm Klipfontein 12IR, Ekurhuleni, Gauteng Province**.....
- H. Please circle as relevant: Archaeological component of EIA / EMP / HIA / CMP Other (Specify)
- I. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Eco Assessments, Niqui Viljoen,**
- J. CONTACT DETAILS: **Eco Assessments, PO Box 441037, Linden, 2104, Tel: 011 7823428, Fax: 011 8889588, E-mail: info@ecoassessments.co.za**
- K. COMMENTS:

Please see comment on next page.....

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

J van der Walt, February 2008, Received 23 March 2008

Heritage Scoping: Proposed development on part of Portion 23, Portion 69 and the remainder of Portion 22 and 36 of the Farm Klipfontein 12IR, Ekurhuleni, Gauteng Province

The proposed development entails a proposed logistics park. Most of the site is derelict, the southern section serves as a quad bike recreational facility.

No sites of heritage significance were found.

As there is apparently no evidence of any significant archaeological material in this area, the SAHRA Archaeology, Palaeontology and Meteorite Unit has no objection to the development (in terms of the archaeological component of the heritage resources) on condition that, if any new evidence of archaeological sites or artefacts, palaeontological fossils, graves or other heritage resources are found during development, construction or mining, SAHRA or an archaeologist must be alerted immediately.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, the developer must ensure that a professional Palaeontological Desk Top study is undertaken to assess whether or not the development will impact upon palaeontological resources. If this is deemed unnecessary, a letter of recommendation for exemption from a professional Palaeontologist is needed. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see attached list of accredited Palaeontologists).

Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes must be made by the Gauteng SAHRA Provincial Heritage office (*Mr Neo January: njanuary@jhb.sahra.org.za, Portia Ramalamula: pramalamula@jhb.sahra.org.za*, to whom we will send the Impact Assessment Report and this Comment before it is sent to you. (We understand that the SAHRA Provincial Heritage office is managing the Built Environment and Cultural Landscape Issues for the PHRA).

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: 

EMAIL: *asalomon@sahra.org.za*

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST:

EMAIL: *mleslie@sahra.org.za*

NAME OF HERITAGE RESOURCES AGENCY: SAHRA 

PLEASE NOTE THAT THE COMMENT (ABOVE OR APPENDED) CONSTITUTES THE COMMENT OF THE HERITAGE RESOURCES AGENCY ARCHAEOLOGIST AND THAT ANY DEVELOPMENT THAT INVOLVES DESTRUCTION OF ANY ARCHAEOLOGICAL/PALAEONTOLOGICAL SITE IS STILL SUBJECT TO A PERMIT/PERMISSION FOR DESTRUCTION OF SUCH SITE GIVEN TO THE DEVELOPER BY THE RELEVANT HERITAGE RESOURCES AGENCY ARCHAEOLOGICAL AND PALAEONTOLOGICAL PERMIT COMMITTEE (THIS WILL BE SUBJECT TO APPROVAL OF THE PHASE 2 OR ARCHAEOLOGICAL/PALAEONTOLOGICAL MITIGATION AS NECESSARY). THIS REPORT MAY BE TAKEN ONLY AS APPROVAL, IN PRINCIPLE, IN TERMS OF SECTION 35 OF THE NATIONAL HERITAGE RESOURCES ACT. THE PROVINCIAL MANAGER OF THE HERITAGE RESOURCES AUTHORITY MUST ADVISE AS TO APPROVAL IN TERMS OF HERITAGE ISSUES ENCOMPASSED BY OTHER ASPECTS OF THE LEGISLATION, SUCH AS ISSUES OF THE BUILT ENVIRONMENT (STRUCTURES (E.G. FARM HOUSES), OVER 60 YEARS), INDIGENOUS KNOWLEDGE SYSTEMS OR OF CULTURAL LANDSCAPES AS THIS IS NOT WITHIN THE SCOPE OF THE ARCHAEOLOGIST.

PLEASE NOTE THAT SAHRA IS NOW RESPONSIBLE FOR GRADE I HERITAGE RESOURCES (AND EKSPORT) AND THE PROVINCIAL HERITAGE RESOURCES ARE RESPONSIBLE FOR GRADE II AND GRADE III HERITAGE RESOURCES, EXCEPT WHERE THERE IS AN AGENCY ARRANGEMENT WITH THE PROVINCIAL HERITAGE RESOURCES AUTHORITY.