



an agency of the
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town
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CaseID: 12874

Date: Thursday September 20, 2018

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Interim Comment

In terms of Section 38(8), 38(4) of the National Heritage Resources Act (Act 25 of 1999)

Attention: National Department of Public Works

Clearing of land for the future township expansion and the upgrades and rehabilitation at the Oshoek border post on the South Africa side of the border with Swaziland.

The Department of Public Works is proposing to clear land (19.5) for the future expansion of the township in the Oshoek Border Post on the farm Oshoek 212 IT, in Albert Luthuli Local Municipality of Mpumalanga Province. The department is proposing to also refurbish existing old buildings on site and demolish buildings that are not protected by the National Heritage Resources Act, 25 of 1999.

Delta Built Environment Consultants cc is undertaking an Basic Assessment (BAR) process on behalf of Bushbuckridge Local Municipality, in respect of listed activities in the Environmental Impact Assessment (EIA) Regulations 2017, that require an application for Environmental Authorisation in terms of the National Environmental Management Act, 1998 (NEMA). A Public Participation Notice has been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting.

In terms of the National Heritage Resources Act, no 25 of 1999 (NHRA), heritage resources, including archaeological or palaeontological sites over 100 years old, graves older than 60 years, structures older than 60 years are generally protected. They may not be disturbed without a permit from the relevant heritage resources authority. In contexts of development applications, the developer must ensure that no heritage resources will be impacted by the proposed development, by lodging an application to SAHRA and submitting detailed development specifications as a notification of intent to develop. If the application is made in terms of s. 38 (8) of the NHRA then it is incumbent on the developer to ensure that a Heritage Impact Assessment (HIA) is undertaken, as s. 38(2)a does not apply. Such a study should follow the SAHRA 2007 impact assessment guidelines and section 38(3).

It is noted that a Heritage Impact Assessment will be undertaken and such an assessment must be undertaken by a suitably qualified heritage specialist or specialists, whereby one of them has an archaeology qualification. Any earth moving activities pose a threat to palaeontological resources, particularly in relatively undisturbed areas since the development was not mapped on the SAHRIS palaeomap, SAHRA is unable to determine the sensitivity of the underlying geology for fossiliferous lithostratigraphic rock units. Therefore,

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SAHRA requires that a palaeontological assessment is undertaken by a suitably qualified palaeontologist, and a .kml file of the development area must be uploaded to the case.

SAHRA APM unit will process the case further once the above requested reports are submitted to the case.

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

Yours faithfully

Nokukhanya Khumalo
Heritage Officer
South African Heritage Resources Agency

Phillip Hine
Acting Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/511679>