

Our Ref:



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: 19438

Date: Thursday December 15, 2022
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Final Comment

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

Attention: Vungandze Projects

Eskom Holdings SOC Limited is proposing an installation of a Low-Pressure System (LPS) pipeline and an 11KV powerline within the Kendal Power Station continuous ash disposal facility in Mpumalanga Province.

Sazi Environmental Consulting CC has been appointed by Eskom Holdings SOC Limited to conduct an Environmental Authorisation (EA) Application for the proposed construction of a Low-Pressure System (LPS) pipeline and 11kV powerline at the Kendal Power Station, near Kendal, Mpumalanga Province (DFFE Ref: 14/12/16/3/3/1/2553).

A draft Basic Assessment Report (DBAR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 NEMA Environmental Impact Assessment (EIA) Regulations. The proposed development will include the construction of a LPS pipeline and 11kV powerline.

Vungandze Project (Pty) Ltd were appointed to provide heritage specialist input into the EA process as required by section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

Mngomezulu, M. 2022. Phase 1 Heritage Impact Assessment for the Proposed Kendal Power Station Continuous Ash Disposal Facility and Associated Infrastructure (Low-Pressure System (LPS) Pipeline; 11kV Powerline) in Mpumalanga Province.

One possible grave was identified within the proposed development area. A Chance Finds Procedure is recommended to be followed.

In an Interim Comment issued on the 03/11/2022, SAHRA requested that the HIA be revised to address some gaps and that a field-based PIA was required to be conducted as part of the EA process. Since the issuing of the Interim Comment, a PIA and revised HIA have been submitted for review (29/11/2022 and

Groenewald, G. 2022. Desktop Palaeontological Assessment Application letter for exemption from Phase 1

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site visit. Proposed Development of a Low-pressure System (LPS) pipeline and 11kV Powerline in association with an existing authorised (EA Dated 28 July 2015) Ash Disposal Facility (ADF) at the Kendal Power Station, Emalahleni and Delmas Local Municipalities, Nkangala District Municipality, Mpumalanga Province.

The proposed development area is underlain by the highly sensitive Vryheid Formation, however, the impact of the proposed development activities will be low. A Chance Finds Procedure is recommended to be followed.

A letter of appointment has been included for an archaeologist and palaeontologist to be on-call to conduct inspections if heritage resources are identified during the construction phase.

Mngomezulu, M. 2022. Phase 1 Heritage Impact Assessment for the Proposed Kendal Power Station Continuous Ash Disposal Facility and Associated Infrastructure (Low-Pressure System (LPS) Pipeline; 11kV Powerline) in Mpumalanga Province.

The tracklog has been updated, showing additional areas that have been surveyed. The identified possible grave is located 160 m from the proposed development area, and therefore will not be impacted. A photograph of the possible grave has been provided. Recommendations provided in the report include the following:

- During the construction phase, the contractor should keep within the proposed parameters of the proposed site;
- The contractor should induct all employees on the importance of heritage sites and resources that they should not be impacted in any way. This is to ensure that even if any heritage resources are found during the construction phase or exposed due to construction activities, should by no means be impacted or destroyed;
- A professional archaeologist should be appointed to be on standby should any heritage remains be found on site during construction;
- The site needs be cleared to allow visibility on the ground. A test excavation should then be conducted to confirm if the possible grave is indeed a grave. If the testing shows positive results, either the grave must be managed in-situ or a grave relocation process must be followed;
- A Chance Finds Procedure must be implemented.

Final Comment

The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and

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section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;
- 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/ Ngqabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)d – See section 51 of the NHRA regarding offences;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
 - With reference to the mitigation work noted above, a qualified archaeologist must be appointed to undertake the work in terms of the permit applied for as noted above;
 - If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;
 - The Final BAR and EMPr must be submitted to SAHRA for record purposes;
 - The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

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

Yours faithfully

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Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

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

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/604410>
(DFFE, Ref: 14/12/16/3/3/1/2553)

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.