

Our Ref: 16/5/1 Benicon Park X1 Industrial Development

Enquiries: Jenna Lavin
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CaseID: 4021

Date: Wednesday April 02, 2014

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Letter

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

Attention: Clean Stream Environmental Services
P.O. Box 647
Witbank
1035

The applicant intends to develop a filling station and industrial erven on a portion of the Remaining Extent of Portion 26 of the farm Naauwpoort 335 JS, eMalahleni, Mpumalanga. The property is 64 ha in extent, of which approximately 19 ha will be utilized for the development. The filling station will comprise of 6 x 23 000 liter underground fuel tanks. The development will be known as Benicon Park X1.

Thank you for submitting the Background Information Document (BID) and Final Basic Assessment Report (FBAR) for the proposed development of a light industrial area, filling station and residential area on the Remaining Extent of Portion 26 of the farm Naauwpoort 335 JS, eMalahleni, Mpumalanga. The property is 64.17ha in extent of which 19ha will be used for the proposed development.

In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999), any proposed development that requires an application in terms of NEMA must have an assessment of impacts to heritage resources completed as part of the application process. The relevant heritage authority must determine whether the assessment done in terms of impacts to heritage resources satisfies our requirements and must provide comments or recommendations to the decision-making authority.

In SAHRA's letter dated 11 November 2013, SAHRA requested the following:

"SAHRA requires that a heritage impact assessment be completed that assesses the impact of the proposed development on all heritage resources including, but not limited to, archaeological heritage, rock art, palaeontological heritage, any significant structures and intangible heritage. This assessment must not only assess impacts in terms of the development footprint, but must also assess broader, indirect impacts to heritage that may result from the proposed development."

This report was requested as SAHRA is aware that it is **likely that significant archaeological and palaeontological heritage resources will be impacted by the proposed development.**

As yet, no such assessment has been provided and as such, Section 38(8) of the NHRA has not been complied with.

In terms of Section 38(8) as described above, this report must inform the decision made by the permitting authority regarding this development. Should the requested heritage assessment identify significant resources, mitigation measures must be put in place and these must be included in the EMP for the project.

As such, SAHRA is concerned that these studies as required in terms of Section 38(8) of the NHRA have not



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an agency of the
Department of Arts and Culture

been completed and submitted to SAHRA PRIOR to the finalisation of the Basic Assessment Report.

SAHRA requires that the requested information is submitted as soon as possible.

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

Yours faithfully

Jenna Lavin
Heritage Officer
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/138186>
Edit view (MDEDET, Ref: 17/2/3 N-280)



The South African Heritage Resources Agency

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