

## **GUIDELINES FOR ENVIRONMENTAL IMPACT ASSESSMENTS.**

### **NORTHERN PROVINCE**

*[Compiled by Manager: Northern Province, Manager: Western Cape, SAHRA Archaeologist. These guidelines are subject to changes and amendments. Please contact your local SAHRA office for further information ]*

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Section 38 of the National Heritage Resources Act [NHRA], 25 of 1999 makes provision for an impact assessment to be done when heritage resources may be affected by any development.

There are two basic components to the impact assessment process:

#### **1. The heritage component of the Environmental Impact Assessment [EIA].**

The EIA is normally called for in terms of the Environmental Conservation Act [ECA], 73 of 1989, the Minerals Act, 50 of 1991 and the Development Facilitation Act [DFA], 67 of 1995. The departments responsible for administering these 3 acts are referred to as consenting authorities. The NHRA now makes it compulsory for SAHRA to have insight, comment and make recommendations on the Heritage component of the EIA. The consenting authority cannot give consent for the development until SAHRA is satisfied that its requirements have been met.

Please note that Cultural Resources Management [CRM] has always been part of the ECA. All developments after 1989 were subject to a CRM. Any developments not consented to by any of the above consenting authorities by April 2000 must still be evaluated by SAHRA.

The developer [or if he so chooses by means of the consultant] must inform SAHRA at the earliest opportunity and in writing of the developer's intention to develop. SAHRA will then liaise with the consenting authority, the developer and the consultant regarding the heritage component of the EIA.

An on site meeting with the SAHRA representative is advisable.

#### **2. The Heritage Impact Assessment [HIA].**

If an EIA is not called for in terms of the above 3 pieces of legislation then an HIA must be conducted in the following circumstances:

1. Any linear development exceeding 300 meters [a pipeline, power line, etc]
2. Any construction of a bridge or structure longer than 50 meters.
3. Any development exceeding 5000 square meters.
4. Any rezoning, change of land use or township establishment in terms of local by-laws or the DFA.
5. When SAHRA requires that an EIA or HIA should be conducted.

**N.B. What this means is that the concept of the EIA is brought into the urban environment.**

If an EIA or HIA is not required or called for in the urban environment [structures] then you need a permit for any alteration or demolition of any structure older than 60 years [section 34 of the NHRA].

The developer [ or by means of the consultant] must inform SAHRA in writing and at the earliest opportunity of the intention to develop. SAHRA will then let the developer and or consultant know whether an HIA is required or not.

An on site meeting with the SAHRA representative is advisable.

### 3. The extent and scope of the heritage component of the EIA and the HIA.

The NHRA now provides a broad and more inclusive concept of heritage that must be considered when doing the EIA or HIA.

#### The following should be noted:

*heritage resource* means any place or object of cultural significance

*cultural significance* means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance

This means that a multi-disciplinary group of consultants must be used, depending on the requirements of each site or place and to the satisfaction of SAHRA, for the EIA or HIA – including historians/ social anthropologists, architects, archaeologists or if necessary experts with linguistic, technical or scientific knowledge.

*living heritage* means the intangible aspects of inherited culture, and may include-

- [a] cultural tradition
- [b] oral history
- [c] performance
- [d] ritual
- [e] popular memory
- [f] skills and techniques
- [g] indigenous knowledge systems
- [h] the holistic approach to nature, society and social relationships

Indigenous architecture is an example of living heritage, as would a sacred tree or hill/rock/mountain, etc

*development* means any physical intervention, excavation, or action, other than those caused by nature, which may in the **opinion of SAHRA** in any way result in a change to the nature, appearance or physical nature of a *place* or influence its stability and future well being, including:

- Construction, alteration, demolition, removal or change of use of a place or a structure at a place.
- Carrying on any works on or over or under a place.
- Subdivision of land comprising a place, including the structures or airspace of a place.

- Constructing or putting up for display signs or boardings.
- Any change to the natural or existing condition or topography of land.
- Any removal or destruction of trees or removal of vegetation or topsoil.

*Place* includes -

- A site, area or region
- A building or other structure [or group of buildings or structures] which may include equipment, furniture, fittings and articles associated or connected with such building or structure
- An open space, including a public square, street or park
- In relation to the management of a place includes the immediate surroundings of a place

*alter* means any action affecting the structure, appearance or physical properties of a place or object, whether by way of structural or other works, **by painting, by plastering** or other decoration or any other means.

*Archaeological* means -

- Material remains of human activity older than 100 years including artefacts, human and hominid remains and artificial features and structures.
- Rock art executed by humans older than 100 years and any area within 10 meters of such representation.
- Wrecks [ships, aircraft or any other vessel] older than 60 years or which SAHRA considers to be conservation worthy.
- Features, structures and artefacts associated with military history older than 75 years and the sites on which they are found.

*Graves*, inclusive of victims of conflict and the liberation struggle, are an integral part of the process and must be identified, assessed and managed as a heritage resource.

#### **Information needed by SAHRA for both the EIA and HIA:**

An executive summary.

The executive summary must include:

DEA or DFA reference number

name and site location

Magisterial or municipal district in which the site is located

name and contact details of developer

name and contact details of consultant

name and contact details of owner if not the same as developer

Date when the development was first mooted

Date of the report

Proposed date of commencement of development

name and contact details of specialist used to compile any specialist reports

Very briefly the findings and recommendations regarding heritage resources

## **The report:**

Must contain

wide angled photo of site

close ups of site or any heritage resources that may occur

1:50 000 map clearly showing the position of the site and the map grid reference [e.g. 2229 AB]

GPS or compass co-ordinates

- the identification and mapping of all heritage resources in the area affected an assessment of the significance of such resources in terms of section 6[2] and 7 of the National Heritage Resources Act, 25 of 1999.
- 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
- plans for mitigation of any adverse effects during and after the completion of the proposed development

### **On site meeting**

To identify, assess and manage the process.

To provide developer and consultant with an immediate response as to what surveys and expertise SAHRA will require on a particular site.

If an on site meeting could not be arranged then the following must be provided:

Archaeological assessment

Architectural assessment

Social Anthropology assessment

Historical assessment - written and oral

Each of the above assessment components has its own work method and guidelines.

Please contact SAHRA for further details.

Expert opinion may certify in the EIA report that one component or no heritage resources are to be found at the site of the proposed development subject to confirmation by SAHRA.