



HILLAND ENVIRONMENTAL

A CONSERVATION MANAGEMENT PLAN FOR HERITAGE
SITE(S) IDENTIFIED ON THE BUFFER OF THE AREA
PROPOSED FOR A MALL ON PORTION OF REMAINDER
ERF 506 VRYBURG TOWNSHIP WITHIN NALEDI LOCAL
MUNICIPALITY OF DR RUTH SEGOMOTSE MOMPATI
DISTRICT IN NORTH WEST PROVINCE

March, 2022

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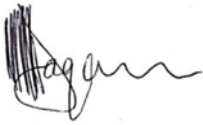
DECLARATION

ABILITY TO CONDUCT THE PROJECT

Munyadziwa Magoma is a professional archaeologist, having obtained his BA degree in Archaeology and Anthropology at University of South Africa (UNISA), an Honours degree at the University of Venda (UNIVEN), and a Master's degree at the University of Pretoria (UP). He is an accredited Cultural Resource Management (CRM) member of the Association for Southern African Professional Archaeologists (ASAPA) and Amafa aKwaZulu-Natali. Munyadziwa is further affiliated to the South African Archaeological Society (SAAS), the Society of Africanist Archaeologists (SAfA), Historical Association of South Africa (HESA); Anthropology Southern Africa (ASnA); International Association for Impact Assessment (IAIAsa); International Council on Monuments and Sites (ICOMOS) and the International Council of Archaeozoology (ICAZ). He has more than fifteen years' experience in heritage management, having worked for different CRM organisations and government heritage authorities. As a CRM specialist, Munyadziwa has completed well over 1000 hundred Archaeological Impact Assessments (AIA) for developmental projects situated in several provinces of the Republic of South Africa. The AIAs projects he has been involved with are diverse, and include the establishment of major substation, upgrade and establishment of roads, establishment and extension of mines. In addition, he has also conducted Heritage Impact Assessments (HIAs) for the alteration to heritage buildings and the relocation of graves. His detailed CV is available on request.

I declare that this report has been prepared independently of any influence as may be specified by all relevant departments, institutions and organisations. I act as the independent specialists in this application, and will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant. I declare that there are no circumstances that may compromise our objectivity in performing such work. I vow to comply with all relevant Acts, Regulations and applicable legislation.

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Executive Summary

This report articulates a Construction Conservation Management and Monitoring Plan for heritage sites that are located on the buffer of the area proposed for the mall on a portion of the remainder Erf 506 Vryburg township. The methodology and terminology used in regards to management plans are explained and the legal frameworks clarified. International conventions regarding the protection of material culture are also discussed. These include the Burra Charter, the Venice Charter and the Conservation Plan of Kerr. Guidelines and principles for the management of sites are given throughout the document. In preparation of the Heritage Management Plan, a desktop study which highlighted the significance of the surrounding landscape was undertaken and more importantly, the special position that these sites occupy in the history of the region are indicated. The main purpose of this document is the protection and general management of the identified resources. This management plan also serves as the prevention and management of any primary and secondary impacts that may be exposed during construction. The development of a heritage management plan is a legal requirement in terms of section 47 of the National Heritage Resources Act (Act No. 25 of 1999), and the Cultural Heritage Survey Guidelines and Assessment Tool for Protected Areas, 2017. It is also important to note that the heritage management plan is an open document, meaning it should be adopted and re-assessed from time to time. The recommendations presented herein are done within the parameters of the National Heritage Resources Act (Act 25 of 1999), and are in line with the recommendations of the Phase I report.



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Acronyms and Abbreviations

AIA	Archaeological Impact Assessment
EMP	Environmental Management Plan
ECO	Environmental Control Officer
EO	Environmental Officer
HIA	Heritage Impact Assessment
HMP	Heritage Management Plan
NHRA	National Heritage Resources Act
SAHRA	South African Heritage Resources Agency

Glossary of Terms

The following terms used in this Archaeology are defined in the National Heritage Resources Act [NHRA], Act Nr. 25 of 1999, South African Heritage Resources Agency [SAHRA] Policies as well as the Australia ICOMOS Charter (*Burra Charter*):

Archaeological Material: remains resulting from human activities, which are in a state of disuse and are in, or on, land and which are older than 100 years, including artifacts, human and hominid remains, and artificial features and structures.

Artefact: Any movable object that has been used modified or manufactured by humans.

Conservation: All the processes of looking after a site/heritage place or landscape including maintenance, preservation, restoration, reconstruction and adaptation.

Cultural Heritage Resources: refers to physical cultural properties such as archaeological sites, palaeontological sites, historic and prehistorical places, buildings, structures and material remains, cultural sites such as places of rituals, burial sites or graves and their associated materials, geological or natural features of cultural importance or scientific significance. This includes intangible resources such religion practices, ritual ceremonies, oral histories, memories indigenous knowledge.

Cultural landscape: “the combined works of nature and man” and demonstrate “the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both internal and external”.

Cultural Resources Management (CRM): the conservation of cultural heritage resources, management, and sustainable utilization and present for present and for the future generations

Cultural Significance: is the aesthetic, historical, scientific and social value for past, present and future generations.



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Chance Finds: means Archaeological artefacts, features, structures or historical cultural remains such as human burials that are found accidentally in context previously not identified during cultural heritage scoping, screening and assessment studies. Such finds are usually found during earth moving activities such as water pipeline trench excavations.

Compatible use: means a use, which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

Conservation means all the processes of looking after a place so as to retain its cultural significance.

Expansion: means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased.

Grave: A place of interment (variably referred to as burial), including the contents, headstone or other marker of such a place, and any other structure on or associated with such place.

Heritage impact assessment (HIA): Refers to the process of identifying, predicting and assessing the potential positive and negative cultural, social, economic and biophysical impacts of any proposed project, plan, programme or policy which requires authorisation of permission by law and which may significantly affect the cultural and natural heritage resources. The HIA includes recommendations for appropriate mitigation measures for minimising or avoiding negative impacts, measures enhancing the positive aspects of the proposal and heritage management and monitoring measures.

Historic Material: remains resulting from human activities, which are younger than 100 years, but no longer in use, including artifacts, human remains and artificial features and structures.

Impact: the positive or negative effects on human well-being and / or on the environment.

In situ material: means material culture and surrounding deposits in their original location and context, for instance archaeological remains that have not been disturbed.



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Interested and affected parties Individuals: communities or groups, other than the proponent or the authorities, whose interests may be positively or negatively affected by the proposal or activity and/ or who are concerned with a proposal or activity and its consequences.

Interpretation: means all the ways of presenting the cultural significance of a place.

Late Iron Age: this period is associated with the development of complex societies and state systems in southern Africa.

Material culture means buildings, structure, features, tools and other artefacts that constitute the remains from past societies.

Mitigate: The implementation of practical measures to reduce adverse impacts or enhance beneficial impacts of an action.

Place: means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Protected area: means those protected areas contemplated in section 9 of the NEMPAA and the core area of a biosphere reserve and shall include their buffers.

Public participation process: A process of involving the public in order to identify issues and concerns, and obtain feedback on options and impacts associated with a proposed project, programme or development. Public Participation Process in terms of NEMA refers to: a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific matters.

Setting: means the area around a place, which may include the visual catchment.

Significance: can be differentiated into impact magnitude and impact significance. Impact magnitude is the measurable change (i.e., intensity, duration and likelihood). Impact significance is the value placed on the change by different affected parties (i.e., level of significance and acceptability). It is an anthropocentric concept, which makes use of value judgments and science-based criteria (i.e., biophysical, physical cultural, social and economic).



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Site: a spatial cluster of artefacts, structures, and organic and environmental remains, as residues of past human activity.



1. Introduction

Vhubvo Consultancy Cc has been requested by Hilland Environmental to compile a Construction Conservation Management Plan for the landscape that constitute heritage resources, and is located nearby the area proposed for Vryburg mall which according to the demarcation board is within Naledi Local Municipality, North West Province. During a survey conducted on a portion of remainder Erf 506 Vryburg township by Magoma (2022), a heritage landscape was identified. This landscape constitutes an area of the Bio-Museum and a historic Brahman Monument (See Figure 3 and 4 respectively). The need to conserve these sites and to ensure that the project goes ahead is what has prompted the compilation of this Conservation Management Plan. According to Site Management Plan Guideline: SAHRA, site management is the control of the elements that make up the physical and social environment of a site, as well as its physical condition, land use, human visitors, and interpretation. Management of the site is aimed at preservation or minimizing damage or destruction of the site. It is designed to retain the site's significance, and ensures that the preservation, enhancement, presentation and maintenance of the place/site is deliberately and thoughtfully designed to protect the heritage values of the landscape.

Pajouh et al (2013) stated that cultural landscape is a physical illustration of how people have related to, and transformed their environment. According to David and Thomas (2016), when archaeologists employ the word landscape, they are referring to places that are meaningful to people. Landscape in heritage therefore entails ways in which people manipulated and influenced change in the historical past, as well as the impact people have had on the environment, and how past people contemplate with their environment over time (Boehler et al, 2002; David and Thomas, 2016). The environment here is not only viewed as a physical entity, but is looked at holistically and refers to everything that gives meaning to life including water, trees, burials, animals, mountains and atmosphere. As Binford (1989) puts it, landscape archaeology is a landscape of place and entails experiential, social, ontological, epistemological and emotional.

2. Sites Location and Description

The proposed development is located on a private land whose topography is characterised by even plain and can be identified as Erf 11883 (See Figure 1). The topography of the area is basically fairly steep and open, there are fairly sparse rocky ridges and outcrops present. The landscape of the nearby area proposed for development is semi-urban and is characterised by recreational and industrial landscape, and possesses amongst others infrastructure elements such as major roads and residential complexes. The heritage resources and the proposed development are separated by



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the N14 national road. The heritage landscape is located on the north and north-eastern section of the proposed area, and is approximately 22m from the proposed area (See Figure 1). This area, which is an open field, constitutes the stone structure that offers an entrance to the area demarcated for a Bio-Museum (See Figure 3), and a historical Brahman Monument (See Figure 4). The locality map provided in Figure 1 indicates the study area.



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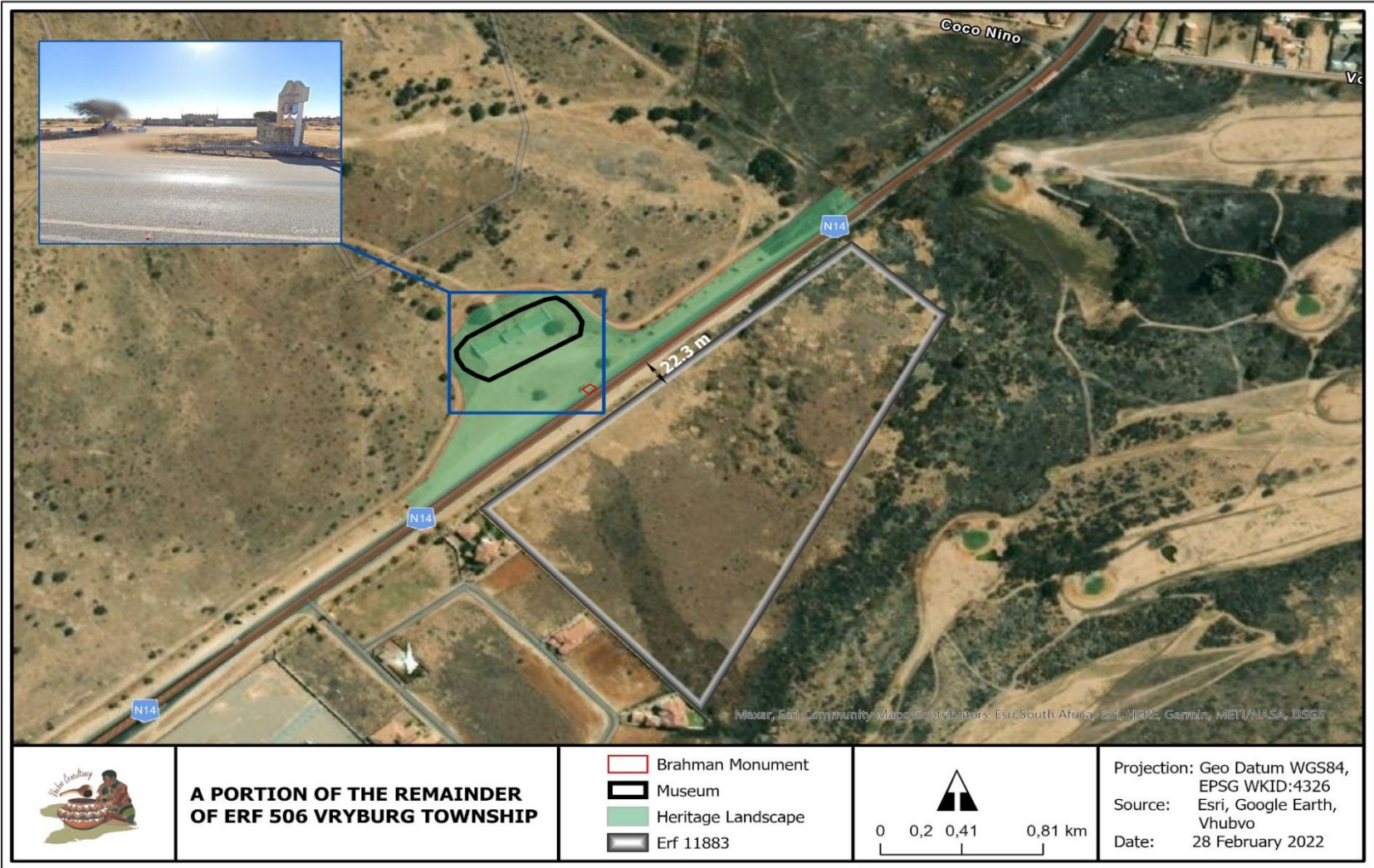


Figure 1: Aerial map depicting the area of study.



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Figure 2: An over view of the heritage sites (Brahman Monument and Museum Structure).



Figure 3: View of the Museum structure.



Figure 4: An overview of the Brahman Monument.

3. Nature and Need of the Proposed Project

The proposed development intends to build a new Mall in Vryburg (See Figure 5). Malls are needed as they offer convenience, choice and safety for individuals. Furthermore, the construction of the mall will lead to job creation, micro-economic investments and developments. The residents within the municipality will have access to standard of retails that were previously unavailable locally. Building a mall near residential areas is cost effective as to most residents it will cost nothing to cheaper transport fee to access the mall. The malls also serve as social hubs that provide community gathering places.

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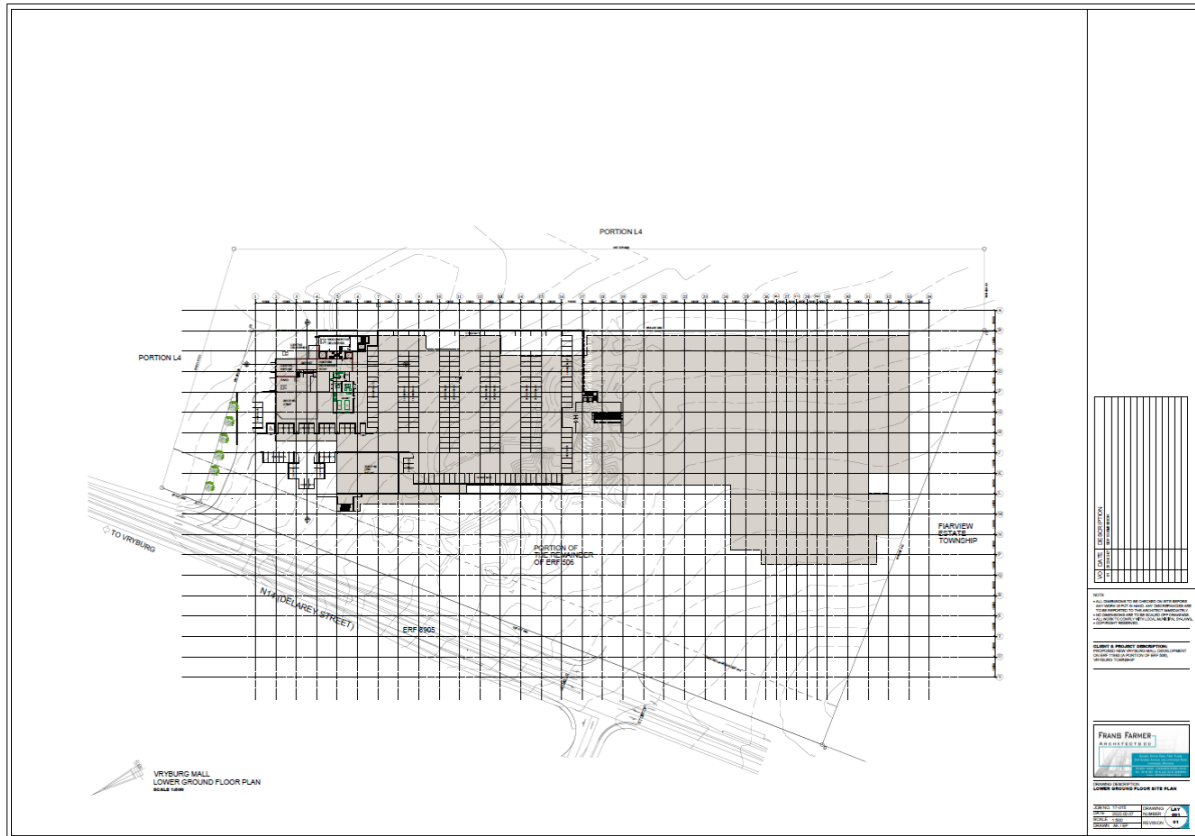


Figure 5: View of the layout plan of the proposed area.

4. Purpose of the Cultural Heritage Study

The main aim of this report is to provide a management plan for a site identified in the study area. As part of the report, a detailed documentation of the sites is presented and these will inform decisions on the conservation worthiness of the site. The development of an HMP is a legal requirement in terms of section 47 of the National Heritage Act (No. 25 of 1999). The document provides guidance to the responsible organisation in terms of possible conservation methods that can be utilised for the sensitive heritage resources. Conservation guidelines take cue from the Burra (ICOMOS Australia) Charter on Places of Cultural Significance. One of its principal tenets is to “change as much as necessary and as little as possible”. The following are the objectives of this management plan:

- Direct what needs to be done, how the resources must be protected and managed;
- Define who is responsible for what in the process;
- Define the goals to be achieved and the type of activities;
- Determine the monitoring method;
- Assist with stakeholder identification and engagement of the affected parties;



- Explain permit procedures; and
- Minimise loss or adverse effects of the heritage resources.

5. Methodology and Approach

The methodological approach is informed by the Burra Charter, the Venice Charter, the conservation plan of Kerr and the Getty Conservation Institute in conjunction with 2012 SAHRA Policy Guidelines for impact assessment. The following methods are utilised in this study:

- Field survey

The information obtained during the field survey in February, 2022 was utilized, and it was deemed sufficient for the task.

- Literature survey

A survey of literature was undertaken in order to obtain background information regarding the area. Sources consulted in this regard are indicated in the reference list.

- Oral histories

People from local communities are interviewed in order to obtain information relating to the heritage resources. It needs to be stated that this is not applicable under all circumstances, and it was not initiated for this assignment. However, communication is underway with Museum officials in regard as to the impact that construction activities may have on the Museum nearby.

- Management principles

The management principles used in this management plan is in accordance with the National Heritage Resources Act.

- Evaluation of Heritage sites

The evaluation of heritage sites is done by giving a field rating of each using the following criteria:

- ✚ The unique nature of a site;
- ✚ The integrity of the archaeological deposit;
- ✚ The wider historic, archaeological and geographic context of the site;
- ✚ The location of the site in relation to other similar sites or features;
- ✚ The preservation condition of the site;
- ✚ Uniqueness of the site; and
- ✚ Potential to answer present research questions.



6. Principles of Heritage Resources Management

Extracts relevant to this report from the National Heritage Resources Act No. 25 of 1999, (Sections 5, 36 and 47):

General principles for heritage resources management

(1) All authorities, bodies and persons performing functions and exercising powers in terms of this Act for the management of heritage resources must recognise the following principles:

(a) Heritage resources have lasting value in their own right and provide evidence of the origins of South African society and as they are valuable, finite, non-renewable and irreplaceable they must be carefully managed to ensure their survival;

(b) every generation has a moral responsibility to act as trustee of the national heritage for succeeding generations and the State has an obligation to manage heritage resources in the interests of all South Africans;

(c) heritage resources have the capacity to promote reconciliation, understanding and respect, and contribute to the development of a unifying South African identity; and

(d) heritage resources management must guard against the use of heritage for sectarian purposes or political gain.

(2) To ensure that heritage resources are effectively managed—

(a) the skills and capacities of persons and communities involved in heritage resources management must be developed; and

(b) provision must be made for the ongoing education and training of existing and new heritage resources management workers.

(3) Laws, procedures and administrative practices must—

(a) be clear and generally available to those affected thereby;

(b) in addition to serving as regulatory measures, also provide guidance and information to those affected thereby; and

(c) give further content to the fundamental rights set out in the Constitution.

(4) Heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management.

(5) Heritage resources contribute significantly to research, education and tourism and they must be developed and presented for these purposes in a way that ensures dignity and respect for cultural values.



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- (6) Policy, administrative practice and legislation must promote the integration of heritage resources conservation in urban and rural planning and social and economic development.
- (7) The identification, assessment and management of the heritage resources of South Africa must—
- (a) take account of all relevant cultural values and indigenous knowledge systems;
 - (b) take account of material or cultural heritage value and involve the least possible alteration or loss of it;
 - (c) promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs;
 - (d) contribute to social and economic development;
 - (e) safeguard the options of present and future generations; and
 - (f) be fully researched, documented and recorded.

7. Applicable Heritage Legislation

Several legislations provide the legal basis for the protection and preservation of both cultural and natural resources. These include the National Environment Management Act (No. 107 of 1998); Mineral Amendment Act (No 103 of 1993); Tourism Act (No. 72 of 1993); Cultural Institution Act (No. 119 of 1998), and the National Heritage Resources Act (Act 25 of 1999). Matters concerning the conservation of cultural resources are dealt with mainly in two Acts. These are the National Heritage Resources Act (Act 25 of 1999) and the National Environmental Management Act (Act 107 of 1998):

o **The National Heritage Resources Act**

According to the above-mentioned law, the following is protected as cultural heritage resources:

- Archaeological artifacts;
- Ethnographic art objects (e.g., prehistoric rock art) and ethnography;
- Objects of decorative and visual arts;
- Military objects;
- Structures and sites older than 60 years;
- Historical objects;
- Proclaimed heritage sites;
- Graveyards and graves older than 60 years;
- Meteorites and fossils; and
- Objects, structures and sites of scientific or technological value.



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○ Other International Guidelines

The Venice charters

The Venice charter sees historical sites as the most important living witness of the past. The heritage is accordingly seen as the responsibility of today's generation and that it should be conserved in an authentic state (ICOMOS 1964: 1). The articles of the Venice charter are more or less in agreement with those of the Burra charter. It means that the application of last mentioned supports the first and will contribute to the upkeep of international standards in the conservation, preservation and the restoration of historical places.

The Conservation plan of Kerr

The conservation plan of Kerr is closely associated with the Burra charter. It gives an explanation of the use of the charter and the steps to be followed in the implementation of the conservation of heritage sites. The process consists of two phases. The first phase deals with establishing cultural significance. It includes the collection of information (documents and physical), the analysis of the importance thereof, the assessment of this importance and the stating of the said importance (Kerr 1985: 2). Assessment consists of the establishing of criteria for the determination of cultural significance, whilst the stating of the cultural importance is only an explanation thereof (Kerr 1985: 8, 12).

The second phase consists of the conservation plan. Firstly, information should be collected. This includes four sectors namely:

- the needs of the client;
- external needs; and
- requirements for the maintenance of the cultural significance and the physical condition of the place.

Hereafter a conservation management plan is developed, a conservation policy is stated and a strategy for the implementation of the conservation plan is rolled out (Kerr 1985: 2).



8. Determination of Significance

The following guidelines for determining site significance were developed by SAHRA in 2003. It must be kept in mind that the various aspects are not mutually exclusive, and that the evaluation of any site is done with reference to any number of these. The significance or value of a site is what it holds for the community, or for sections of the community.

Social Value

Social value embraces the qualities for which a place has become a focus of spiritual, political, national, or other cultural sentiments to a majority or minority group. Many traditional sites have such a value and these may be on a local, provincial or national level. This may be because the site is accessible and well known, particularly well preserved or scientifically important. These values are very important and are probably the 'strongest' in terms of the conservation of a site.

Historic Value

This value recognizes the contribution a place makes to the achievements of, and to our knowledge of the past. A place can be a typical or a well-preserved example of a cultural group, period of time, or type of human activity, or it can be associated with a particular individual. Often, a place has a long sequence of historic overlays and this long period of human history gives such places high historic value.

Scientific Value

These are features of a place that provide, or have a realistic potential to yield knowledge that is not obtainable elsewhere. The scientific or research value of a place will depend upon the importance of the data involved or its rarity, quality or representativeness and on the degree to which the place may contribute to further substantial information.

Aesthetics Value

Aesthetic value may be described as the beauty of design, association or mood that the place possesses or it may be the demonstration in a place, of a particular design, style, and artistic development of high level or craftsmanship. This is recognition that a place represents a high point of the creative achievement in its design, its style, artistic development and craftsmanship. Aesthetic value may sometimes be difficult to measure or quantify. Aesthetic value is therefore subjective, especially when it arises from cultural backgrounds and individual taste.

Rarity

Does it possess uncommon, rare or endangered aspects of natural or cultural heritage?



Representative

Is it important in demonstrating the principal characteristics of a particular class of natural or cultural places or objects? What is the importance in demonstrating the principal characteristics of a range of landscapes or environments, the attributes of which identify it as being characteristic of its class? Is it important in demonstrating the principal characteristics of human activities (including way of life, philosophy, custom, process, land-use, function, design or technique) in the environment of the nation, province, region or locality?

9. Statement of Significance

The Landscape

Over the past twenty years a territorial approach to heritage has shifted emphasis from sites to the recognition of broad territorial attributes of heritage. Within the international discourse which has ensued, a genre, a heritage landscapes have emerged. Article 47 of the Operational Guidelines for the Implementation of the World Heritage Convention (2005) defines Landscapes as properties that represent the combined works of nature and of man designated in Article 1 of the World Heritage Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal. The landscape of the area of study has received a *medium significance* and a field rating of *Local Grade III B*. It needs to be stated however, that the most important element, being the Museum structure, was the reason for this high rating. Below is the discussion of guidelines related to site significance as developed by SAHRA, 2003:

- **Social value**

The most important principle in the conservation management plan for a site is that they have strong or special association with a specific community or cultural group for social, cultural or religious reasons, in this case the community members.

- **Historic value**

The Museum building has historical significance due its function which is an indication of a certain way of farm life during the early to mid-20th century. As far as it goes, the site has historic value.

- **Scientific value**

None.



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○ **Aesthetic value**

Nothing in particular. Although it does include architectural features such as the stone walling, this is very common for this area and period in time.

○ **Rarity**

None.

○ **Representative**

It therefore is clear that the site indeed has a high representative significance and a field rating of Local Grade III B. This means that it is of high importance, but on a regional level.

10. Management and Maintenance Guidelines

According to Walton (2003) monitoring is the act of observing/ measuring something and keeping record of it. It includes the repetition of information over time and examining the outcomes to detect changes that may occur. The recording of the information facilitates identification of the recurrent problems. Then, the problem areas, once they are identified, can be monitored closely and appropriate management action can be taken. It must be noted that this plan serves as a policy that focuses at conserving the site from any form of damage that may happen during construction, either by accident or ill-informed activities. The plan is undertaken as per the relevant legislation and best highest standards. This plan should be consulted periodically to advise on the conservation of the heritage landscape. In line with the recommendations of Phase 1 report, it is recommended here that the preservation and or conservation of the sites be carried out *in situ*. The following must be taken into account:

- Any activities that will be initiated on the area zoned as heritage landscape must be reported to the museum officials. These include, parking of cars, as well as loading and off-loading of construction machinery.

Considering the nature of the site(s), an ECO/ EO monitoring construction activities must be responsible for ensuring compliance with the NHRA, this includes reporting to the Museum official if any activities such as loading and off-loading of construction machinery is to happen. The CEO/ and or EO must ensure that there is a regular visual check of the state of the area (Landscape) before a construction machinery is off-loaded/ and or loaded. A standard recording technique such as taking photographs and notes of the ground must be applied. The ECO/EO will carry monitoring forms to identify, define and measure the extent of the impact on the ground, if any. Thereafter, providing evidence of whether such activity has a negative impact towards the area. The following principles should be observed throughout the construction stage. In trying to establish the correct



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procedure, the principle of working from the known to the unknown should be followed. Note must be taken that the Heritage Management Plan report is not a rigid document. The appropriate sections of it should be re-written if there are any changes in the project. The recommendations must be strictly adhered to and this document should be consulted continuously in order to preserve these sites.

11. Grievance Redress Mechanism

Effective environmental and social grievance redress mechanism gives an opportunity to the organization to implement a set of specific measures. This is to ensure good governance, accountability and transparency in managing and mitigation of heritage, environmental and social issues of a particular project (SECI, 2018). This consists of defining the process for recording/receiving complaints and redressing heritage, environmental and social matters (SECI, 2018). The Grievance Management System entails the following:

- Process of registering and addressing grievances regarding the heritage sites identified;
- Addressing the concerns raised by stakeholders in a transparent, constructive, timely, confidential (if desired), culturally appropriate and accessible manner;
- Process in which local people can appeal property and resource use valuations they consider unfair or inadequate in relation to the heritage sites; and
- Mechanism for legal recourse.

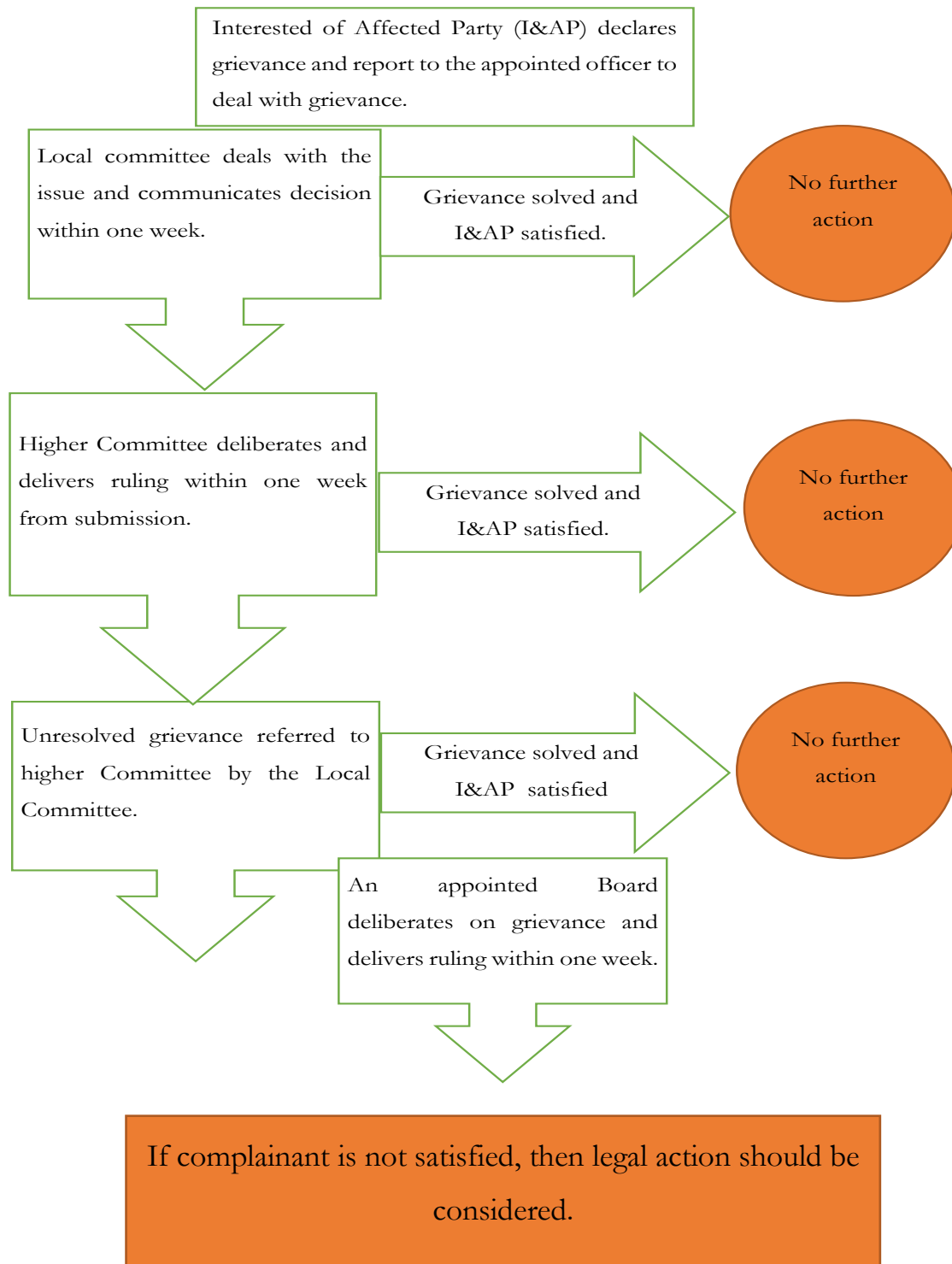
Potential grievances that can arise and will need to be dealt with include the following:

- Disputes where community members feel a developer/ constructor is not having their best interest in regard to the heritage sites, i.e., they believe that the action of the developer can erode the significance of the heritage site.



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Figure 6: Flow chart indicating the process for addressing grievance.



12. Recommendations and Conclusion

Recommendations were made throughout this document. Additional recommendations are as follows:

- The management plan (or the appropriate sections thereof) should be rewritten if there are changes in the mall development plan, that may affect these sites (Heritage sites);
- It is the responsibility of the developer to notify the labor-intensive workers about the landscape and its significance. During construction, a cautious approach should be applied. Conservation is based on a respect for the existing site, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible. Construction employees should thus be inducted in this regard so that they can serve as custodians for the protection of these sites;
- Educating constructors about this landscape could create an atmosphere of pride if labour-intensive workers are informed about the existence and value of the heritage resources. This can form part of the induction process.

The landscape itself should always be seen as providing the most accurate and authentic answer as to its history.

- The area as highlighted in Figure 1, and described as ‘heritage landscape’ should be kept clean from any construction materials;
- Aspects related to dumping of construction material within this buffer zone and stone robbing or removal of any material should be addressed; and
- The ECO/ EO must also initiate visual monthly inspections in order to determine that the condition of the site does not deteriorate.



References

GASCO. 2007. Abr Sinal Onshore Gas Pipeline. Environmental Monitoring Plan. Environmental Assessment. Egyptian Natural Gas Co. (GASCO).

National HeritageResources Act of 1999 no 25.

National Environmental Management Act of 1998 no 107.

Walton, T. 2003. Methods for monitoring the condition of historical places. Department of conservation technical series, 27:1-47.

<https://www.south-africa-info.co.za/country/town/690/vryburg>

<https://showme.co.za/brits/tourism/history-of-brits/A>



**PROPOSED MALL ON PORTION OF REMAINDER
ERF 506 VRYBURG TOWNSHIP WITHIN NALEDI
LOCAL MUNICIPALITY OF DR RUTH SEGOMOTSE
MOMPATI DISTRICT IN NORTH WEST PROVINCE**

**CHANCE FIND PROCEDURE
HERITAGE**



1. Introduction

The purpose of this document is to provide Hilland Environmental and their contractors with the appropriate response guidelines (extracted and adapted from the National Heritage Resources Act (Act No. 25 of 1999) Regulations Reg No. 6820, GN: 548, taking into consideration international best practice based on World Bank, Equator Principles and the International Finance Corporation Performance Standards, 1972 UNESCO Convention on the Protection of World Cultural and Natural Heritage (World Heritage Convention), that should be implemented in the event of chance discovery of heritage resources. These guidelines or chance find procedures (CFPs) can be incorporated into Hilland Environmental's policies that may have relevance during construction and operational phases. The CFPs aim to avoid and/or reduce project risks that may result due to chance finds, whilst considering international best practice.

2. Purpose of Archaeological Chance Finds Procedure

The aims of this Archaeological Chance Finds Procedure (ACFP) are to protect previously unexposed heritage resources that are yet unknown although might be encountered during the project operation or construction phase. This document serves to provide best practices to manage accidental exposed heritage resource during the development. The procedures are given to the client/applicant/contracts in order to prevent and minimize negative impact on heritage resources encountered by accident. Thus, the heritage specialist(s) compiled this chance find document with a purpose to give instructions based on relevant and appropriate actions in line with the NHRA and best guidelines to protect the chance finds on the proposed site. In significant, the ACFP stand in place to promote the preservation of heritage resources and present mitigation measure to avoid disturbance on heritage resources.

3. ACFP for Heritage Resources

The following procedures must be followed when heritage resources are encountered during the operational or construction phase:

All construction/clearance activities in the vicinity of the heritage resources found by accident on site must cease immediately to avoid further damage to the chance finds

Immediately report the chance finds to the supervisor/site manager or if they are unavailable, report to the project Environmental Control Officer (ECO) who will provide further instructions.



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Record (note taking, photograph with a scale, GPS coordinates) of all the chance find exposed during the activity.

All remains are to be stabilised in situ.

Secure (e.g., barricade) the area to prevent further disturbance on heritage resources.

The ECO must contact the qualified archaeologist registered with the association for Association for Southern African Professional Archaeologist (ASAPA) or South African Heritage Resources Agency (SAHRA).

The project archaeologist will conduct the inspection and assess the significance of the chance finds under SAHRA guidelines, give recommendation and mitigation measures.

4. Managing Site in Development Contexts

1. DISCOVERY AND NOTIFICATION

If human burial remains are accidentally discovered during development at the construction site the following guidelines apply:

The finder will immediately cease any further activity at the site and report the site to the Project ECO. The ECO will notify the heritage expert (Archaeologist), heritage authorities and the police.

2. SITE PROTECTION AND IDENTIFICATION

The ECO and the Archaeologist and the permitting authority shall take reasonable measures to protect the site from environmental factors and any form of unauthorized interference or disturbance.

Based on the evidence reported at the scene, the Archaeologist will investigate the site and make a preliminary determination as to the nature of the remains.

Existing site inventories, land use records, and community, and authorities, should be consulted as soon as possible about possible identification of the remains. Some examination of the site/remains may be required to determine its cultural affiliation and age, and whether or not the site is modern or historic.

The Archaeologist shall apply and acquire the relevant exhumation and rescue Permit from SAHRA Graves and Burial Unit.

3. INVESTIGATION AND REPORTING



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- a) The ECO will direct the Archaeologist to carry out an investigation under any required permits, in consultation with the affected custodians (if available) and other affected parties, to make an initial report citing, if possible, the cultural affiliation of the human remains.
- b) Within a reasonable time to be specified by the EO, and the affected parties, the Archaeologist shall deliver a written report and any notification not yet made, to:
the ECO, and the affected custodians if appropriate;
the SAHRA;
the permitting authority of SAHRA Graves and Burials Unit
any other representative of the interred, if known.
- c) The written report shall attempt to identify:
the representative group of the interred;
the geographic boundaries of the site;
the grave offerings or other heritage resources that may be associated with the remains or the site.
- d) The Archaeologist may, with the agreement of the proper authority and the representative of the interred, if known, remove all or part of the human remains for temporary custody where the remains may otherwise be at risk prior to their re-burial at a safe site.

3.1 REPORTING

- a) If the site is determined to be a contemporary burial site, the appropriate representative will be contacted in writing to provide further direction on the disposition of the remains.
- b) Project contractors carrying out authorized activity where a historic or archaeological burial site is discovered can continue that activity with the consent of the EO, where appropriate. The activity must stay 150 meters away from the grave while further arrangements are made by the Archaeologist to rescue and relocate the remains to a safe cemetery.
- d) The Archaeologist may publish notice of the discovery in a newspaper or other public notice seeking information on the remains and alerting members of the public about the impending relocation of the remains to a predetermined formal cemetery or burial ground.

4. SITE DISPOSITION AGREEMENT (MANAGEMENT PLAN)

4.1 When the site or remains are identified

- a) The site shall not be disturbed and the EO, if on direct path of Project development work, shall initiate discussions towards entering into a site disposition agreement with the representative of the interred where applicable.
- b) If the site is a historic or archaeological burial site, there must be joint approval of the site management plan on reburial as stated in the scope of services in terms of the contract.



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c) Decisions regarding reburial, relocation or other disposition should be determined on a case-by-case basis in consultation with those concerned and in a timely manner.

Site disposition agreements shall determine such things as:

1. the interim care of the human remains;
2. the scope and extent of analysis to be performed on the human remains, if any;
3. the exact location of the place where the human remains are to remain or to be interred;
4. the style and manner of disinterment, if applicable;
5. the style and manner of reinterment, if applicable;
6. the time period in which disinterment and reinterment is to take place;
7. the procedures relating to, and the final disposition of any grave offerings discovered with the human remains and any additional analysis of them;
8. the provision for future maintenance of the cemetery or site where the human remains are to be located;
9. access to the site and ways to prevent disturbance;
10. any other issue agreed upon.

4.2 When no representative is identified or no disposition is specified:

If disposition is not specified by a representative, or the remains are not claimed or no affiliation is established within a reasonable time, the Archaeologist shall with the necessary SAHRA permits and approvals provide for the following disposition:

- a) cover and leave the remains where they were found and have the site recorded as a burial site/heritage site, if on land suitable for a burial site; or
- b) have the remains disinterred and reinterred in the nearest appropriate cemetery; or
- c) remove the remains from the site for analysis and may have them reinterred in a recognized cemetery or;

may act as the temporary repository of the remains until they are re-located for reburial at designated cemetery.

5. ARBITRATION

- a) If no disposition or reburial agreement or management plan is reached within a reasonable time the matter may be referred to arbitration for settlement.

6. RECORDS

- a) A record of the site and a report of the discovery and disposition plan shall be kept by the Archaeologist, for future reference to protect the site or identify the re-burial site.



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Access to information about discovered sites will be addressed in any site management plan developed under these guidelines, and will be protected under the Access to Information and Protection of Privacy legislations, and the NHRA.

7. BURIAL RELOCATION & REBURIAL

Burial Relocation involves the identification of each grave and the manual excavation of the interred remains. Human remains, coffin features, and grave goods are exposed, their positions in the grave are carefully recorded, and maps and photographs of each grave are made following standard archaeological recovery techniques.

Once excavation and examination are completed, the interred along with their grave goods are inventoried and carefully wrapped in acid-free tissue. Human remains are arranged anatomically and all materials are placed in specially designed containers, specified by the laws and regulations governed by the state where the re-interment location has been determined. The goal of re-interment is to restore as much of the original mortuary meaning as possible.

Burial relocation is extremely culturally sensitive and Project and contractors/service provider staff understands that the utmost respect must be shown to the interred, as well as the descendant communities. We advocate respectful involvement of descendent communities in the relocation process, whenever possible, and have an excellent reputation for communicating with descendant groups.

Vhubvo has extensive experience conducting cemetery relocations for government agencies, other cultural resource firms, developers and private citizens in South Africa. We assure our clients as well as the descendent communities that the greatest amount of respect and care is taken when excavating and relocating these cemeteries.

8. RISKS

1. Legal Risks

Project is exposed to a myriad of legal requirements on the local and national level when having to relocate burials. Burial relocation can infringe a number of human rights enshrined in the Constitution and legislations such the NHRA. If not carried out properly, grave relocation can impact the right to burial and dignity. Community opposition may result in protests and delays on development.

Mitigation

When human remains are identified during the development, all measures must be taken to ensure the law and applicable regulations are enforced including mandatory public notifications.



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2. Reputational risk

Relocation of human burials in particular also brings with it high risks for the Project's reputation which is exacerbated by the instantaneous spread of news across the world via the internet. Lack of proper planning and management may lead to negative consequences, which in turn may affect the Project's reputation.

Mitigation

Human remains identified in development contexts should be handled with utter most care to ensure the exhumation and relocation takes place in accordance with the law.

3. Operational risks

Legal action arising from the inadequate planning and implementation of burial relocation may result in Project's permission to construct being revoked via preliminary injunctions.

Operational risks may also arise from community protests directly. Cases of community opposition and protests, has previously disrupted work for days and weeks, involving, for example, the blockage of construction sites and vital roads and infrastructure. Construction may be delayed or disrupted. Protests may be violent and impact on the health and safety of Project staff perpetuating work delays in construction and operations. Project facilities, machinery, housing and other assets may be damaged and rendered unusable.

Mitigation

The developer should ensure adequate security. All burial related matters should be held by the professional heritage team and reburial specialists. Human remains discovered during development should be reported to the ECO urgently and the Archaeologist notified in time to avoid any delays with the remains exposed on site. All exhumations and reburial exercises should be handled or schedule in a manner that does not require the remains to be held elsewhere temporarily.

4. Financial risks

Legal, reputational and operational risks may also lead other financial costs to the project. Moreover, costs may arise from legal action or disruptions in operations and work delays. Additional costs may be incurred when public protests require work to stop on site as a result of human remains discovery on site.

5. Human Remains Handling Risks

Exhumation, handling, transportation and reburial of human remains also pose a threat to public health if not handled to strict protocols. This risk is particularly highest in contemporary burials.



General Precautions

The following precautionary measures can help employers and employees remain safe and healthy whilst handling human remains. The transportation, handling and storage of human remains must also be carried out in a manner that preserves public safety and maintains the dignity of the deceased person.

PERSONAL PROTECTIVE EQUIPMENT

Hand Protection:

When handling potentially infectious materials, use appropriate barrier protection including latex and nitrile gloves (powder-free latex gloves with reduced latex protein content can help avoid reaction to latex allergies). These gloves can be worn under heavy-duty gloves which will, in turn, protect the wearer from cuts, puncture wounds, or other injuries that break the skin (caused by sharp environmental debris or bone fragments). A combination of a cut-proof inner layer glove and a latex or similar outer layer is preferable.

Foot Protection:

Footwear should similarly protect against sharp debris.

Hygiene:

Wash your hands with soap and water or with an alcohol-based hand cleaner immediately after you remove your gloves.

Give prompt care to any wounds sustained during work with human remains, including immediate cleansing with soap and clean water. Workers should also be vaccinated against hepatitis B, and get a tetanus booster if indicated.

Ensure disinfection of vehicles and equipment.

SUMMARY

In general, personnel involved in the recovery and handling of human remains from a burial site can limit risk from potential exposure by following the guidelines below.

Vinyl or Latex gloves should be worn.

Masks and protective eyewear or face shields should be worn during procedures that are likely to generate fluids to prevent exposure of mucous membranes of the mouth, nose, and eyes.

Gowns or aprons should be worn during procedures that are likely to generate splashes of blood or other body fluids.

Hands and other skin surfaces should be washed immediately and thoroughly if contaminated with blood or other body fluids. Hands should be washed immediately after gloves are removed.



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Ensure universal precautions for blood and body fluids.

Ensure use of body bags.

Ensure disinfection of vehicles and equipment.

Bodies do not need to be disinfected before disposal (except in case of cholera).

Vaccinate workers against hepatitis B



7. Applicable Regulations

- 1). A “Cemetery” is defined as any land, whether public or private, containing one or more graves.
- 2). A “grave” includes “(a) any place, whether wholly or partly above or below the level of ground and whether public or private, in which a body is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and (b) any monument, tombstone, cross, inscription, rail, fence, chain, erection or other structure of whatsoever nature forming part of or appurtenant to a grave.
- 3). No person shall desecrate, destroy or damage any grave in a cemetery, or any coffin or urn without written approval of the Administrator.
- 4). No person shall exhume, disturb, remove or re-inter anybody in a cemetery, or any coffin or urn without written approval of the Administrator.
- 5). Application must be made for such approval in writing, together with:
 - a). A statement of where the body is to be re-interred.
 - b). Why it is to be exhumed.
 - c). The methods proposed for exhumation.
 - d). Written permission from local authorities, nearest available relatives and their religious body owning or managing the cemetery, and where all such permission cannot be obtained, the application must give reasons why not.
- 6). The Administrator has the power to vary any conditions and to impose additional conditions.

7). Anyone found guilty and convicted is liable for a maximum fine of R200 and maximum prison sentence of six months.

5. Human remains from the graves of victims of conflict, or any burial ground or part thereof which contains such graves and any other graves that are deemed to be of cultural significance may not be destroyed, damaged, altered, exhumed or removed from their original positions without a permit from the National Heritage Resources Agency. They are administered by the Graves of Conflict Division at the SAHRA offices in Johannesburg.

“Victims of Conflict” are:

a). Those who died in this country as a result of any war or conflict but excluding those covered by the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992).

b). Members of the forces of Great Britain and the former British Empire who died in active service before 4 August 1914.

c). Those who, during the Anglo Boer War (1899-1902) were removed from South Africa as prisoners and died outside South Africa, and,

d). Those people, as defined in the regulations, who died in the “liberation struggle” both within and outside South Africa.

6. Any burial that is older than 60 years, which is outside a formal cemetery administered by a local authority, is protected in terms of Section 36(3b) of the National Heritage Resources Act. No person shall destroy damage, alter, exhume or remove from its original position, remove from its original site or export from the Republic any such grave without a permit from the SAHRA.



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There are some important new considerations applicable to B & C (above).

SAHRA may, for various reasons, issue a permit to disturb a burial that is known to be a grave of conflict or older than 65 years, or to use, at a burial ground, equipment for excavation or the detection or the recovery of metals.

(Permit applications must be made on the official form Application for Permit: Burial Grounds and Graves available from SAHRA or provincial heritage resources authorities.) Before doing so, however, SAHRA must be satisfied that the applicant:

- a). Has made satisfactory arrangements for the exhumation and re- interment of the contents of such a grave at the cost of the applicant.
- b). Has made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such a grave and,
- c). Has reached an agreement with these communities and individuals regarding the future of such a grave or burial ground.

PROCEDURE FOR CONSULTATION

The regulations in the schedule describe the procedure of consultation regarding the burial grounds and graves. These apply to anyone who intends to apply for a permit to destroy damage, alter, remove from its original position or otherwise disturb any grave or burial ground older than 60 years that is situated outside a formal cemetery administered by a local authority. The applicant must make a concerted effort to identify the descendants and family members of the persons buried in and/or any other person or

community by tradition concerned with such grave or burial ground by:

- 1). Archival and documentary research regarding the origin of the grave or burial ground;
- 2). Direct consultation with local community organizations and/or members;
- 3). The erection for at least 60 days of a notice at the grave or burial ground, displaying in all the official languages of the province concerned, information about the proposals affecting the site, the telephone number and address at which the applicant can be contacted by any interested person and the date by which contact must be made, which must be at least 7 days after the end of the period of erection of the notice; and
- 4). Advertising in the local press.

The applicant must keep records of the actions undertaken, including the names and contact details of all persons and organizations contacted and their response, and a copy of such records must be submitted to the provincial heritage resources authority with the application.

Unless otherwise agreed by the interested parties, the applicant is responsible for the cost of any remedial action required.

If the consultation fails to reach an agreement, the applicant must submit records of the consultation and the comments of all interested parties as part of the application to the provincial heritage resources authority.

In the case of a burial discovered by accident, the regulations state that when a grave is discovered accidentally in the course of development or other activity:



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- a). SAHRA or the provincial heritage resources authority (or delegated representative) must, in co-operation with the Police, inspect the grave and decide whether it is likely to be older than 60 years or otherwise protected in terms of the Act; and whether any further graves exist in the vicinity.
- b). If the grave is likely to be so protected, no activity may be resumed in the immediate vicinity of the grave, without due investigation approved by SAHRA or the provincial heritage resources authority; and
- c). SAHRA or the provincial heritage resources authority may at its discretion modify these provisions in order to expedite the satisfactory resolution of the matter.
- d). Archaeological material, which includes human and hominid remains that are older than 100 years (see definition in section 2 of the Act), is protected by the National Heritage Resources Act (Section 35(4)), which states that no person may, without a permit issued by the responsible heritage resources authority - destroy, damage, excavate, alter or remove from its original site any archaeological or palaeontological material.

The implications are that anyone who has removed human remains of this description from the original site must have a permit to do so. If they do not have a permit, and if they are convicted of an offence in terms of the National Heritage Resources Act as a result, they must be liable to a maximum fine of R100 000- or five-years imprisonment, or both.

TREAT HUMAN REMAINS WITH RESPECT

- a). Every attempt should be made to conserve graves in situ. Graves should not be moved unless this is the only means of ensuring their conservation.
- b). The removal of any grave or graveyard or the exhumation of any remains should be preceded by an historical and archaeological report and a complete recording of original location, layout, appearance and inscriptions by means of measured drawings and photographs. The report and recording should be placed in a permanent archive.
- c). Where the site is to be re-used, it is essential that all human and other remains be properly exhumed and the site left completely clear.
- d). Exhumations should be done under the supervision of an archaeologist, who would assist with the identification, classification, recording and preservation of the remains.
- e). No buried artifacts should be removed from any protected grave or graveyard without the prior approval of SAHRA. All artifacts should be re-buried with the remains with which they are associated. If this is not possible, proper arrangements should be made for the storage of such relics with the approval of SAHRA.
- f). The remains from each grave should be placed in individual caskets or other suitable containers, permanently marked for identification.
- g). The site, layout and design of the area for re-interment should take into account the history and culture associated with, and the design of, the original grave or graveyard.
- h). Re-burials in mass graves and the use of common vaults are not recommended.



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- i). Remains from each grave should be re-buried individually and marked with the original grave markers and surrounds.
- j). Grouping of graves, e.g., in families, should be retained in the new layout.
- k). Material from the original grave or graveyard such as chains, kerbstones, railing and should be re-used at the new site wherever possible.
- l). A plaque recording the origin of the graves should be erected at the site of re-burial.
- m). Individuals or groups related to the deceased who claim the return of human remains in museums and other institutions should be assisted to obtain documentary proof of their ancestry.



