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A REPORT ON A PHASE 2 HIA ON THE REMAINDER OF PORTION 31 OF THE FARM ELANDSPRUIT 291JS TO BE IMPACTED ON BY THE EXTENSION OF THE GRASPAN COLLIERY, SITUATED NEAR MIDDELBURG, MPUMALANGA

For:

Izimbiwa Coal (Pty) Ltd Division – Graspan Colliery P.O.Box 272 MIDDELBURG 1050

REPORT: APAC016/45

by:

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August 2016

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SUMMARY

APELSER ARCHAEOLOGICAL CONSULTING cc was originally appointed by Shanduka Coal's Graspan Division to undertake the assessment of an old farmstead earmarked for demolition, as well as the investigation, exhumation and relocation of a number of graves from two sites on Portion 31 of the farm Elandspruit 291JS. This land parcel was to be utilized for the expansion of the Graspan Collieries' opencast coal mining operations and these sites were to be directly impacted as a result. An earlier Cultural Heritage Impact Assessment conducted by Archaetnos in October 2013 identified these sites and provided recommendations on the mitigatory measures required (Van Vollenhoven 2013: AE01363V).

A report was submitted on the result of Pelser's field assessment conducted during December 2014, with the aims of determining the exact number of graves involved, as well as the final recording of the farmstead and determining the way forward in terms of the processes to be followed (See APAC014/57). The Phase 2 assessment of the homestead was subsequently undertaken by another consultant, while the graves have been exhumed and relocated by APAC in conjunction with A2Z Funerals in July and August 2016 (APAC016/39 & APAC016/47).

This document is the result of the Phase 2 HIA undertaken by APAC in August 2016 on appointment by Izimbiwa Coal on the remaining portion of Portion 31 of Elandspruit 291JS. A number of known and other possible grave sites were identified in this area by the mine's surveyors, and these sites had to be confirmed and assessed by APAC as part of the process of also exhuming and relocating these graves.

Finally, from a Cultural Heritage point of view, the development should be allowed to continue in this area taking into consideration the mitigation measures needed. A number of recommendations are put forward at the end of this report in terms of the way forward, including the required exhumation and relocation of the impacted grave sites.

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1. INTRODUCTION

APELSER ARCHAEOLOGICAL CONSULTING cc was originally appointed by Shanduka Coal's Graspan Division to undertake the assessment of an old farmstead earmarked for demolition, as well as the investigation, exhumation and relocation of a number of graves from two sites on Portion 31 of the farm Elandspruit 291JS. This land parcel was to be utilized for the expansion of the Graspan Collieries' opencast coal mining operations and these sites were to be directly impacted as a result. An earlier Cultural Heritage Impact Assessment conducted by Archaetnos in October 2013 identified these sites and provided recommendations on the mitigatory measures required (Van Vollenhoven 2013: AE01363V).

A report was submitted on the result of Pelser's field assessment conducted during December 2014, with the aims of determining the exact number of graves involved, as well as the final recording of the farmstead and determining the way forward in terms of the processes to be followed (See APAC014/57). The Phase 2 assessment of the homestead was subsequently undertaken by another consultant, while the graves have been exhumed and relocated by APAC in conjunction with A2Z Funerals in July and August 2016 (APAC016/39 & APAC016/47).

Fieldwork was conducted on the 26th of August 2016. The client indicated the boundaries of the study area, as well as the GPS locations of the identified grave sites on the land parcel under discussion, and the assessment focused on this portion of land and sites.

2. TERMS OF REFERENCE

The Terms of Reference for the study was to:

1. Identify all objects, sites, occurrences and structures of an archaeological or historical nature (cultural heritage sites) located on the portion of land that will be impacted upon by the proposed development;

2. Assess the significance of the cultural resources in terms of their archaeological, historical, scientific, social, religious, aesthetic and tourism value;

3. Describe the possible impact of the proposed development on these cultural remains, according to a standard set of conventions;

4. Propose suitable mitigation measures to minimize possible negative impacts on the cultural resources;

5. Review applicable legislative requirements;

A number of known and possible graves and grave sites were identified by the Mine's surveyors and these sites also had to be assessed as they will be impacted by the expanding mining operations. The sites are located on a portion of Elandspruit 291JS that had not been included in earlier heritage assessments.

3. LEGISLATIVE REQUIREMENTS

Aspects 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).

3.1 The National Heritage Resources Act

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

- a. Archaeological artifacts, structures and sites older than 100 years
- b. Ethnographic art objects (e.g. prehistoric rock art) and ethnography
- c. Objects of decorative and visual arts
- d. Military objects, structures and sites older than 75 years
- e. Historical objects, structures and sites older than 60 years
- f. Proclaimed heritage sites
- g. Grave yards and graves older than 60 years
- h. Meteorites and fossils
- i. Objects, structures and sites of scientific or technological value.

The National Estate includes the following:

- a. Places, buildings, structures and equipment of cultural significance
- b. Places to which oral traditions are attached or which are associated with living heritage
- c. Historical settlements and townscapes
- d. Landscapes and features of cultural significance
- e. Geological sites of scientific or cultural importance
- f. Sites of Archaeological and palaeontological importance
- g. Graves and burial grounds
- h. Sites of significance relating to the history of slavery
- i. Movable objects (e.g. archaeological, palaeontological, meteorites, geological specimens, military, ethnographic, books etc.)

A Heritage Impact Assessment (HIA) is the process to be followed in order to determine whether any heritage resources are located within the area to be developed as well as the possible impact of the proposed development thereon. An Archaeological Impact Assessment (AIA) only looks at archaeological resources. An HIA must be done under the following circumstances:

- a. The construction of a linear development (road, wall, power line, canal etc.) exceeding 300m in length
- b. The construction of a bridge or similar structure exceeding 50m in length
- c. Any development or other activity that will change the character of a site and exceed 5 $000m^2$ or involve three or more existing erven or subdivisions thereof
- d. Re-zoning of a site exceeding $10\ 000\ \text{m}^2$
- e. Any other category provided for in the regulations of SAHRA or a provincial heritage authority

<u>Structures</u>

Section 34 (1) of the mentioned act states that no person may demolish any structure or part thereof which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

A structure means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith.

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, plastering or the decoration or any other means.

Archaeology, palaeontology and meteorites

Section 35(4) of this act deals with archaeology, palaeontology and meteorites. The act states that no person may, without a permit issued by the responsible heritage resources authority (national or provincial)

- a. destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
- b. destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
- c. trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or
- d. bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment that assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- e. alter or demolish any structure or part of a structure which is older than 60 years as protected.

The above mentioned may only be disturbed or moved by an archaeologist, after receiving a permit from the South African Heritage Resources Agency (SAHRA). In order to demolish such a site or structure, a destruction permit from SAHRA will also be needed.

<u>Human remains</u>

Graves and burial grounds are divided into the following:

- a. ancestral graves
- b. royal graves and graves of traditional leaders

- c. graves of victims of conflict
- d. graves designated by the Minister
- e. historical graves and cemeteries
- f. human remains

In terms of Section 36(3) of the National Heritage Resources Act, no person may, without a permit issued by the relevant heritage resources authority:

- a. destroy, damage, alter, exhume or remove from its original position of otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
- b. destroy, damage, alter, exhume or remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
- c. bring onto or use at a burial ground or grave referred to in paragraph(a) or (b) any excavation, or any equipment which assists in the detection or recovery of metals.

Human remains that are less than 60 years old are subject to provisions of the Human Tissue Act (Act 65 of 1983) and to local regulations. Exhumation of graves must conform to the standards set out in the **Ordinance on Excavations** (**Ordinance no. 12 of 1980**) (replacing the old Transvaal Ordinance no. 7 of 1925).

Permission must also be gained from the descendants (where known), the National Department of Health, Provincial Department of Health, Premier of the Province and local police. Furthermore, permission must also be gained from the various landowners (i.e. where the graves are located and where they are to be relocated to) before exhumation can take place.

Human remains can only be handled by a registered undertaker or an institution declared under the **Human Tissues Act** (Act 65 of 1983 as amended).

3.2 The National Environmental Management Act

This act states that a survey and evaluation of cultural resources must be done in areas where development projects, that will change the face of the environment, will be undertaken. The impact of the development on these resources should be determined and proposals for the mitigation thereof are made.

Environmental management should also take the cultural and social needs of people into account. Any disturbance of landscapes and sites that constitute the nation's cultural heritage should be avoided as far as possible and where this is not possible the disturbance should be minimized and remedied.

4. METHODOLOGY

4.1 *Survey of literature*

Previous Phase 1 HIA and assessment reports (done by both Archaetnos cc & APAC) on other portions of the same farm (Elandspruit 291JS) were used for background information purposes.

4.2 *Field survey*

The field assessment section of the study was conducted according to generally accepted HIA practices and aimed at locating all possible objects, sites and features of heritage significance in the area of the proposed development. The location/position of all sites, features and objects is determined by means of a Global Positioning System (GPS) where possible, while detail photographs are also taken where needed.

4.3 Oral histories

People from local communities are sometimes interviewed in order to obtain information relating to the surveyed area. It needs to be stated that this is not applicable under all circumstances. When applicable, the information is included in the text and referred to in the bibliography. Full social consultation will be undertaken as part of the grave relocation process in order to identify descendants and to obtain consent for the exhumation & relocation.

4.4 Documentation

All sites, objects, features and structures identified are documented according to the general minimum standards accepted by the archaeological profession. Co-ordinates of individual localities are determined by means of the Global Positioning System (GPS). The information is added to the description in order to facilitate the identification of each locality.

5. DESCRIPTION OF THE AREA

The study area is located on a remainder of Portion 31 of the farm Elandspruit 291 JS, near Middelburg in Mpumalanga. The area has been disturbed extensively in the recent past through agricultural activities and more recently mining and quarrying, and if any significant sites or features of cultural (archaeological and/or historical) origin did exist here it would have been severely disturbed or destroyed as a result. During previous surveys on the farm some graves (which have subsequently been exhumed and relocated) and an old farmstead (also mitigated recently) were recorded.

The topography of the area is fairly flat, although there are some very low rocky outcrops here and there. During the August 2016 assessment large parts of the area had recently been burned and although there were small patches with grass cover and clumps of trees visibility was fairly good.

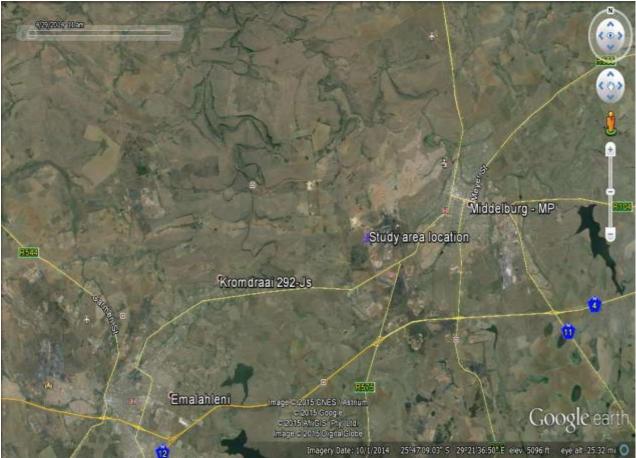


Figure 1: General location of study area (Google Earth 2015).

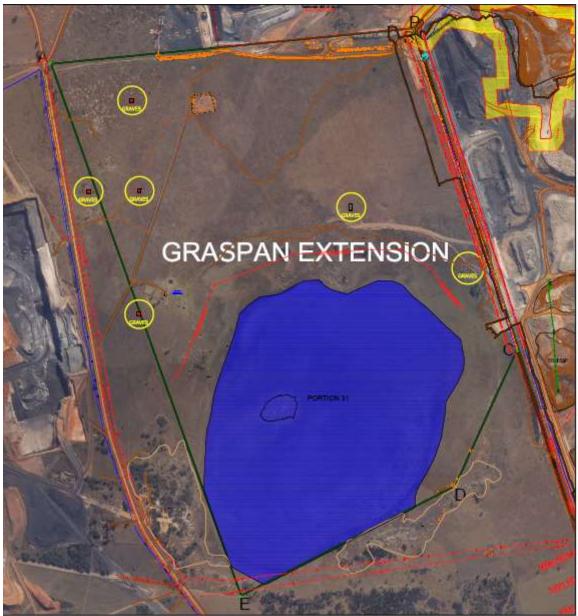


Figure 2: Study area location map (provided by Izimbiwa Coal). The 4 grave sites in red was identified by the Mines' surveyors recently, while the 2 other indicated grave sites are the ones recently exhumed and relocated.



Figure 4: General view over a section of study area. Note the open and flat nature of it.



Figure 5: Another view showing grass cover on a low rocky ridge.



Figure 6: Another view of one section showing grass cover.



Figure 7: Small patches of tree cover are present in sections.

6. DISCUSSION

Results of previous studies on Elandspruit 291JS

The results of the previous studies will be provided here as background.

The background information is taken from Van Vollenhoven's 2013 Report which contains information on sites identified by himself during an October 2013 field assessment. Details on this report are indicated in the Reference Section of the current document.

Site 1 – Grave Site

This small graveyard contained 2 individual graves, both of which were exhumed and relocated recently after consultation with and consent provided by the descendants.

GPS: 25°47.665'S 29°23.629'E

Site 2 – Historical farmstead

According to van Vollenhoven (p.20) this was a historical farmyard consisting of a number of structures, including an old farm house, silo, cement dam and a number of other outbuildings. Only the silo is in a reasonable condition. The house was in a bad state of repair and some of the inner walls had collapsed. According to him the kraal seemed to have been a fairly recent addition to the site. Also, the outbuildings were mainly identifiable through a number of foundations and piles of rubble (bricks etc.) lying around.

Van Vollenhoven gave a rating of low significance to the site based on the preservation, but did indicate that it is likely older than 60 years of age. He also recommended that the site be included in the Heritage Register, but that his report can be viewed as ample mitigation and that the site can be demolished once a permit has been obtained from SAHRA.

GPS: S25 47.713 E29 22.930

The 2014 assessment of the site concurred with Van Vollenhoven's findings on the significance of the site, although no evidence was really recovered indicating that the site and related structures are older than 60 years of age. The oldest map for the farm that could be obtained from the Chief Surveyor General's database (www.csg.dla.gov.za) dates to 1906, and shows that originally the whole farm was granted to one C.P.Cronje in July 1861 and that it was formally surveyed in June 1872 (Document 10FPZ901). No structures or sites are indicated on this map. A 1929 map (Document10FQ1N01) of the specific farm portion does show the pan, a spring and water furrow, as well as some possible huts (homesteads), but it is highly unlikely that these refer to a formal European-style farmstead. A 1955 map (Document 10FPRW01) again shows the pan, furrow and spring and the same huts. Still no formal farmstead and related features are shown. Based on this I believe that the current homestead and structures on the site post-date 1955 and is therefore not older than 60 years of age.

It was therefore recommended that the homestead and related structures on the site can be demolished if the site is going to be directly and negatively impacted on by the expanding mining operations. A detailed Phase 2 assessment of the site was subsequently undertaken by another consultant and the sites' demolition was approved as a result.

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Figure 8: 1906 map of the farm (<u>www.csg.dla.gov.za</u>).

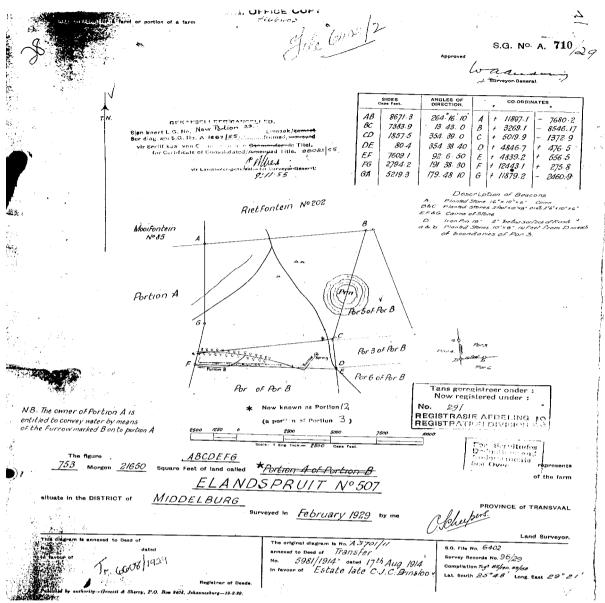


Figure 9: 1929 map of the farm showing the pan, furrow, spring and some huts (www.csg.dla.gov.za).

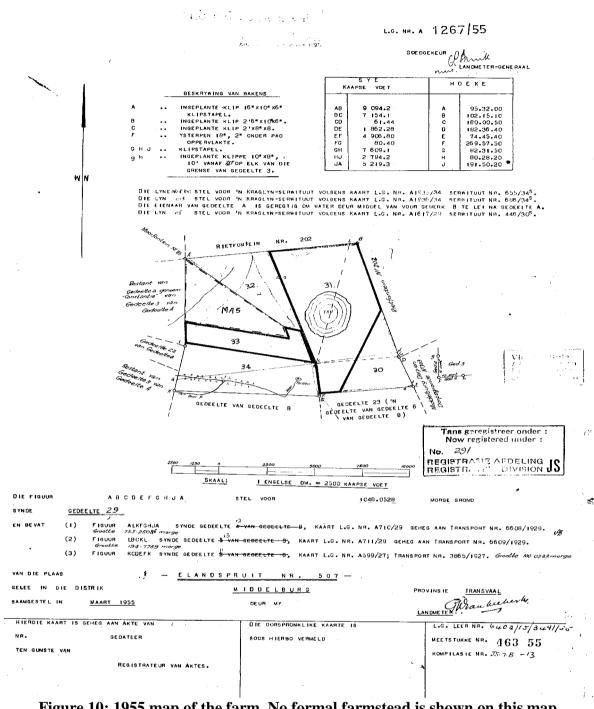


Figure 10: 1955 map of the farm. No formal farmstead is shown on this map (www.csg.dla.gov.za).

Site 3 - Graveyard

According the Van Vollenhoven (p.20-21) this site contained at least 25 graves, all stonepacked without any formal headstones or inscriptions. He also indicated that these graves were associated with the ruins of old homesteads some distance to the south of the site. It is possible that these ruins could be the huts/homesteads indicated on the old maps obtained by Pelser during the 2014 assessment from the Chief Surveyor General's database. This could however not be determined. The 2014 assessment also recorded 25 graves on the site. The graves on this site has been exhumed and relocated subsequently recently (see Reference List for details on Report)

GPS: S25 47.530 E29 23.342

Results of August 2016 Assessment of the remainder of Portion 31

Beside the remains of the old homestead already discussed and the four possible grave sites identified by the surveyors of the mine, not other heritage sites of any significance were identified during the August 2016 assessment. The foundations of an old rondavel of fairly recent age was found situated close to Grave Site 1, but will not be impacted. It is possibly younger than 60 years of age as well.

Grave Site 1 - S25 47 30.0 E29 22 43.0

This site contains 1 or possibly 2 stone packed graves but is situated outside of the area of impact. The remains of an old structure (rondavel) were also identified in close proximity to the site. No mitigation measures are required as the site is not located in the mining area.



Figure 11: One of the possible graves on Site 1.



Figure 12: Foundations of rondavel near Site 1.

Grave Site 2 – S25 47 45.83 E29 22 50.09

This possible grave site is located close to the old homestead identified and assessed during earlier surveys in the area. The site consists of two heaps of bricks, but are definitely not graves but rubble from other structures associated with the homestead. No further mitigation is needed therefore.



Figure 13: Possible Grave Site 2.



Figure 14: Close-up of one of the brick heaps on Site 2.

Grave Site 3 – S25 47 29.9 E29 22 50.3

This is a grave site that contains 1 stone-packed grave without any headstone or other markers. As the site is located within the mining area and will be impacted the grave will have to be investigated, exhumed and relocated. At this stage the grave is unknown in terms of its age and the identity of the deceased individual, but it could be older than 60 years of age. A permit will be required from SAHRA and other authorities to undertake the required work once social consultation has been completed in order to identify any possible descendants to obtain their consent for the relocation.



Figure 15: The stone-packed grave on Grave Site 3.

Grave Site 4 – S25 47 18.2 E29 22 49.2

This grave site contains at least 12 graves, of which 11 are stone packed and 1 with a brick border and cement headstone. The inscription on last mentioned identifies the deceased as one Jacob Duba who died on the 25th of October 1952. This grave is therefore older than 60 years of age, and it is possible that the others are also in the same age range. A permit from SAHRA will therefore also be needed before the investigation, exhumation and relocation is undertaken. As the grave site is situated within the area of mining operations and will be impacted as a result the relocation will have to be done prior to mining operations commencing.



Figure 16: View of Grave Site 4.



Figure 16: Another view of the site showing some of the graves.



Figure 17: More graves on the site.



Figure 18: Jacob Duba's grave.



Figure 19: Close-up of Jacob Duba's headstone.



Figure 20: Aerial view showing location of Grave Sites (Google Earth 2016).

7. CONCLUSIONS AND RECOMMENDATIONS

In conclusion it is possible to say that the 2016 assessment of the remaining portion of Portion 31 of the farm Elandspruit 291JS, situated near Middelburg in Mpumalanga was completed successfully. Four possible grave sites identified by the surveyors of the mine also had to be assessed as part of this study. No other cultural heritage sites were identified during

the survey. Earlier 2013 and 2014 assessments on the farm had identified a number of grave sites, as well as an old farmstead in the larger area, with both these grave sites having been relocated subsequently by APAC and the homestead assessed and earmarked for demolition by another consultant recently.

The assessment of the 4 possible grave sites in August 2016 confirmed that 3 of these are indeed grave sites. Grave Site 1 (1 or 2 possible graves) fall outside the area of impact and no mitigation is required. Grave Site 2 turned out to not contain any graves (2 x heaps of brick and rubble), while Site 3 and 4 (1 and 12 graves respectively) falls within proposed mining operations and will be impacted. The graves on these two sites will therefore have to be exhumed and relocated prior to mining operations commencing in these areas.

In terms of the exhumation and relocation of the graves from the two sites the way forward is as follows:

1. Social consultation: Needs to conducted to try and locate any possible descendants and family members of the deceased in order to obtain consent for the removals

2. Once social consultation has been concluded permit applications needs to be completed. This will include the obtaining of a permit from SAHRA, as these graves are highly likely to be all older than 60 years of age.

It should also be noted that although all efforts are made to locate, identify and record all possible cultural heritage sites and features (including archaeological remains) there is always a possibility that some might have been missed as a result of grass cover and other factors. The subterranean nature of these resources (including low stone-packed or unmarked graves) should also be taken into consideration. Should any previously unknown or invisible sites, features or material be uncovered during any development actions then an expert should be contacted to investigate and provide recommendations on the way forward.

8. REFERENCES

Aerial views of the study area and sites distribution: Google Earth 2015.

Knudson, S.J. 1978. Culture in retrospect. Chicago: Rand McNally College Publishing Company.

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Chief Surveyor General Database: <u>www.csg.dla.gov.za</u>. Documents 10FPZ901; 10FQ1N01 & 10FPRW01

APPENDIX A

DEFINITIONS:

- **Site**: Means a large place with extensive structures and related cultural objects. It can also be a large assemblage of cultural artifacts, found on a single location.
- **Structure**: Means a permanent building found in isolation or which forms a site in conjunction with other structures.
- Feature: Means a coincidental find of movable cultural objects.
- **Object**: Means an Artifact (cultural object).

(Also see Knudson 1978: 20).

APPENDIX B

DEFINITIONS/STATEMENTS OF HERITAGE SIGNIFICANCE:

- **Historic value**: Important in the community or pattern of history or has an association with the life or work of a person, group or organization of importance in history.
- Aesthetic value: Important in exhibiting particular aesthetic characteristics valued by a community or cultural group.
- **Scientific value**: Potential to yield information that will contribute to an understanding of natural or cultural history or is important in demonstrating a high degree of creative or technical achievement of a particular period
- **Social value:** Have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.
- **Rarity**: Does it possess uncommon, rare or endangered aspects of natural or cultural heritage.
- **Representivity:** Important in demonstrating the principal characteristics of a particular class of natural or cultural places or object or a range of landscapes or environments characteristic of its class or 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.

APPENDIX C

SIGNIFICANCE AND FIELD RATING:

1. Cultural significance:

- Low: A cultural object being found out of context, not being part of a site or without any related feature/structure in its surroundings.
- Medium: Any site, structure or feature being regarded less important due to a number of factors, such as date and frequency. Also any important object found out of context.
- High: Any site, structure or feature regarded as important because of its age or uniqueness. Graves are always categorized as of a high importance. Also any important object found within a specific context.

2. Heritage significance:

- Grade I: Heritage resources with exceptional qualities to the extent that they are of national significance.
- Grade II: Heritage resources with qualities giving it provincial or regional importance although it may form part of the national estate.
- Grade III: Other heritage resources of local importance and therefore worthy of conservation.

3. Field ratings:

- National Grade I significance:
- Provincial Grade II significance:
- Local Grade IIIA:
- Local Grade IIIB:
- General protection A (IV A):
- General protection B (IV B):
- General protection C (IV C):

Should be managed as part of the national estate.

Should be managed as part of the provincial estate.

Should be included in the heritage register and not be mitigated (high significance).

Should be included in the heritage register and may be mitigated (high/ medium significance).

Site should be mitigated before destruction (high/ medium significance).

Site should be recorded before destruction (medium significance).

Phase 1 is seen as a sufficient recording of the existing structure and it may therefore be demolished of (low significance).

APPENDIX D

PROTECTION OF HERITAGE RESOURCES:

1. Formal protection:

Formal protection is applicable to the following:

- National heritage sites and Provincial heritage sites grades I and II
- Protected areas which is described as an area surrounding a heritage site
- Provisional protection described as protection for a maximum period of two years
- Heritage registers listings of grades II and III
- Heritage areas areas which include more than one heritage site
- Heritage objects heritage objects include inter alia archaeological, paleontological, meteorites, geological specimens, visual art, military, numismatic and books.

2. General protection:

General protection is applicable to:

- Objects protected by the laws of foreign states
- Structures older than 60 years
- Archaeology, paleontology and meteorites
- Burial grounds and graves
- Public monuments and memorials

APPENDIX E

HERITAGE IMPACT ASSESSMENT PHASES

- Phase 1: Pre-assessment or scoping phase the establishment of the scope of the project and the terms of reference.
- Phase 2: Baseline assessment the establishment of a broad framework of the potential heritage of an area.
- Phase 3: Assessment of potential impacts the identification of sites, assessment of their significance, commenting on the potential impact of the proposed development and recommending mitigation measures or the conservation thereof.
- Phase 4: Letter of recommendation for exemption –submitted in the event that no likelihood exists that any sites will be impacted upon.
- Phase 5: Mitigation or rescue planning the protection of significant sites or sampling through excavation or collection (after receiving a permit) of sites that may be lost.
- Phase 6: Compilation of and implementation of a management plan in rare cases where sites are regarded as of high importance such that development cannot be permitted unconditionally.