

PROGRESS REPORT 05: April 18 – May 08, 2012

Towers 198 - 32

PROPOSED 400KV TABOR-WITKOP TRANSMISSION LINE, LIMPOPO PROVINCE

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INTRODUCTION

On April 18 and May 02, 2012 the archaeologist was accompanied by the Environmental Officer, Mr P Reitz. They reconnoitred and assessed the heritage sites at or in the vicinity of Towers 59 – 198, and on May 08, Mr D Scarrott filled in for the EO at Towers 32 – 58, as identified during the HIA in 2010. On May 03 the archaeologist inspected a site at Tower 192, which was reported by the debushing team as a probable grave. Archaeological sites which had not been identified by the HIA in 2010 had been noted and will be described in this report, while sites described in previous reports are not repeated in this report, e.g the “Historic Claim Marker” at Tower 206.

Table of sites identified during the heritage survey in 2010

Twr No Present	Twr Nr 2010	No.	Class	Name	Lat	Long	Significance
80	77	1	Historic Cemetery		23°39'39"	29°42'20"	High, local level
99	-	2	Historic Farmstead		23°43'39"	29°40'06"	Low, regional level
115	112	3	Historic Cemetery		23°46'56"	29°37'57"	High, local level
141	137	4	Historic Multi-component site		23°52'53"	29°37'02"	Medium, regional level
141	-	5	Iron Age Stone walled site		23°54'07"	29°37'01"	High, regional level
	-	6	Iron Age Stone walled site		23°54'21"	29°36'50"	High, regional level
	-	7	Iron Age Stone walled site		23°54'27"	29°36'45"	High, regional level
154	-	8	Historic Cemetery		23°55'53"	29°36'28"	High, local level
154A	-	9	Historic Labourer homestead		23°55'56"	29°36'25"	Low, regional level
155	-	10	Historic Labourer homestead		23°56'06"	29°36'22"	Low, regional level
155	-	11	Historic Labourer homestead		23°56'09"	29°36'23"	Low, regional level
164	-	12	Historic Stone walled site		23°57'26"	29°34'24"	Medium, regional level
167	-	13	Iron Age Stone walled site		23°57'35"	29°33'48"	High, regional level
167	164	14	Historic Graves		23°57'34"	29°33'41"	High, local level
167	-	15	Iron Age Stone walled site		23°57'31"	29°33'41"	High, local level
168	165	16	Historic Labourer homestead		23°57'38"	29°33'27"	Medium, regional level
168	199	17	Historic Gold fields		24°00'19"	29°26'10"	Low, regional level
206	204	18	Historic Claim marker		24°00'45"	29°24'58"	Low, regional level

Some more sites are still to be assessed, e.g Towers 23-22, 18-17 and 14-13, while some of the previous sites will have to be revisited (Towers 42-40) since it became

clear from the map that the wrong road was followed, while the archaeologist wants to verify the conclusions reached at others, e.g Towers 141, 93, 65, 23-22, and 18-17. Tower 207 up to Witkop substation has not yet been inspected.

Not all archaeological sites are to be directly impacted by the placement of a tower but the transmission line will cross others. Archaeological sites not impacted during construction but in the vicinity had also been marked, since it will enable a more complete picture of human habitation in the past.

Each of the identified sites will be described and illustrated by means of photographs and maps. Recommendations regarding each site will accompany its description.

It is important to note that not all signs of earlier habitation or cultural activities are visible on the surface. Also, often vegetation covering can mask features. Consequently not all archaeological sites may be identified prior to debushing or clearing of the area, by which time the HIA has been completed. Should any archaeological features, including human skeletal remains, be exposed during construction work, work should cease and an archaeologist should be notified immediately.

TOWER 198

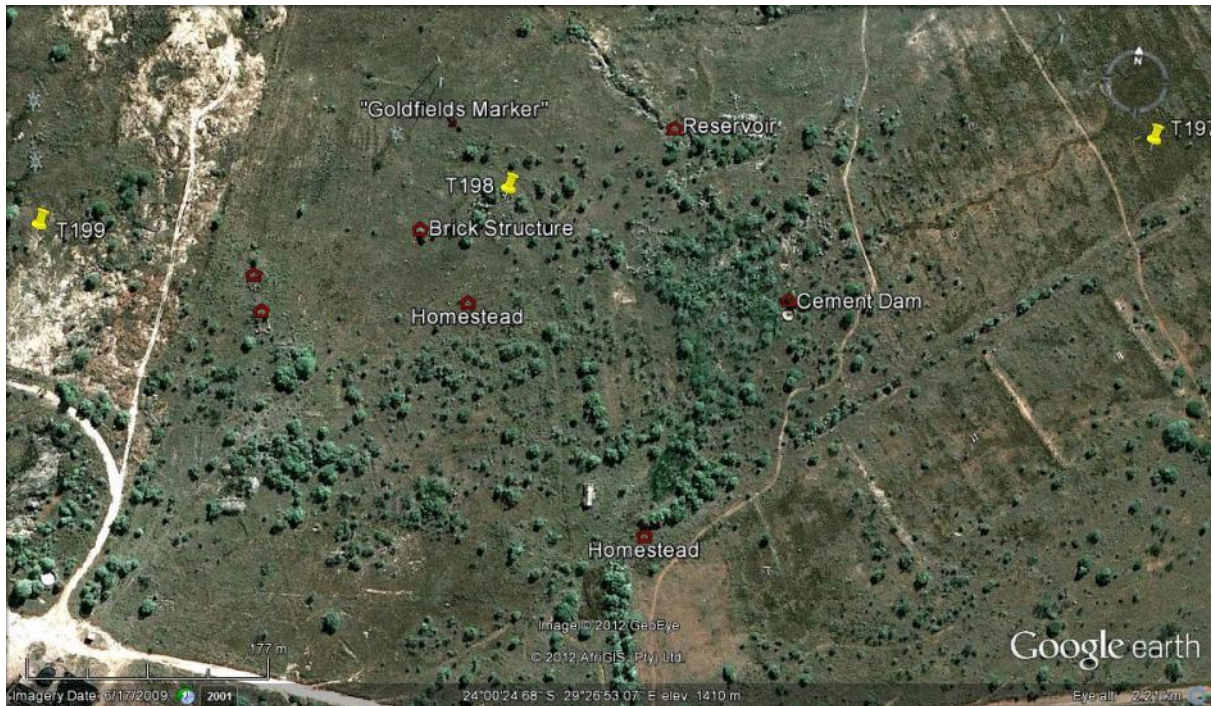


Figure 1. A Google map of archaeological sites clustered around Tower 198.



Figure 2. S24°00'21.4" E29°26'47.8". The clay brick foundations of a small rectangular structure ($\pm 1,5 \times 2,5$ m). The past use of this structure is unknown, but it could have housed a generator or have functioned as a tank stand.

Recommendations: Demarcate during construction and protect from future traffic.



Figure 3. S24°00'21.4" E29°26'49.2". These aloes are standing on a little mound and are located close to Tower 198. It is known that aloes prefer to grow in ashy soil since the soil temperature is conducive to their seed germination. These are usually signs of a midden or cattle byre.



Figure 4. Position of Tower 198. The foundation exhibits some stratigraphy; the topsoil (\pm 10 cm) exhibits a light grey colouring. This could be signs of either a midden or a cattle byre. Both have a light grey colour, and human burials often occur in either.

Recommendations for features in Figs 3 & 4: Should any archaeological finds be detected while work on the foundations are conducted, the archaeologist should be notified immediately. It is possible that human remains could be present.



Figure 5. The second foundation of Tower 198. The soil colouring and texture differs markedly from the foundation (Fig 4) and is more clayey.

Recommendations: No recommendations are necessary.



Figure 6. S24°00'23.8" E29°43'6". This homestead consists of a combination of square and circular stone walls. The square structures are built of clay bricks while the circular structures consist of stone and dagma walls plastered with clay. This was probably a farm labourer's homestead. The difference in building material could be due to later additions.



Figure 7. Part of a circular structure, built from stone and clay dagha.



Figure 8. A rectangular structure built with raw clay bricks and plastered with clay. It is possible that this was the first of the rectangular buildings, the later additions built with fired brick.



Figure 9. Some of the structures are more recent than the others. This is clearly visible in the stacked clay brick walls, while the walls of the structure in the background have been built with raw bricks and plastered with clay (see Fig 8).



Figure 10. Another rectangular structure built with fired clay bricks. This could probably be younger than the raw brick and stone and dagha structures.

Recommendations for structures in Figs 6-10: These structures will not be affected by the towers or transmission line but was reconnoitred for it has historical relevance and is close to the activities. Avoid all traffic. If necessary, demarcate.



Figure 11. The “Goldfields marker”.

Recommendations: This marker is not in the way of construction traffic. Should the route change, demarcate and avoid.



Figure 12. A clay pot and several pottery sherds were located on the surface. The pot, however, is of recent origin and was probably utilised by farm workers who recently left the farm. The decoration on the pot is interesting since it is similar to the Letaba style pottery and was of late still used by the Ndebele.



Figure 13. The hill in the background had been dug in several places. It is possible that clay, rather than gold, was mined here, since the excavations did not penetrate the stone bed below and only the soil was removed.



Figure 14. The sunken concrete reservoir.



Figure 15. A concrete water trough next to the reservoir.



Figure 16. Three deep depressions in the vicinity of the reservoir and water trough. The purpose of these is unknown.



Figure 17. A small circular paved area in the vicinity of the reservoir.

Recommendations for structures represented in Figs 14 - 17: The reservoir and accompanying structures are close to the transmission line and could be endangered by the activities and traffic related to the transmission line. Avoid and demarcate a clear access route. Demarcate the three depressions for they are a great risk.

TOWER 193



Figure 18. On clearing the area around Tower 193 the debushing team reported seeing graves. On inspection the archaeologist identified it as a recent trench (S24°00'08.3" E29°28'04.5"), here marked "A". It is close to the one foundation of the tower, approximately 30,54 m long and in some places at least 1,5 m deep, becoming shallower towards the western side, with embankments on either side. Another, previously unidentified stone walled site, marked "B", was also identified.



Figures 19. Visible in this image is one of the cairns which led the debushing team to thinking it to be a grave. This image was taken while standing in the trench. The scale used is 50 cm.



Figures 20. The stone cairns which looked like graves, and the trench itself.

Recommendations: No action is necessary.



Figures 21. In the vicinity of Tower 193 and right next to the access route this small stone walled structure, previously unnoticed, was identified (S24°00'03.8" E29°28'09.0"). The presence of the large aloes indicates past human presence, and more structures like this one would probably be present. An ideal site for human habitation, this sloping area was doubtless inhabited not only in Late Iron Age times, but also during the historical period.



Figures 22. A view of the same site seen from the access route. Its diameter is approximately 7 m, suggesting it to be a goat or calf byre.

Recommendations: No action is necessary. The site will not be impacted upon, but care should be taken not to damage it. If necessary, demarcate.

TOWER 192

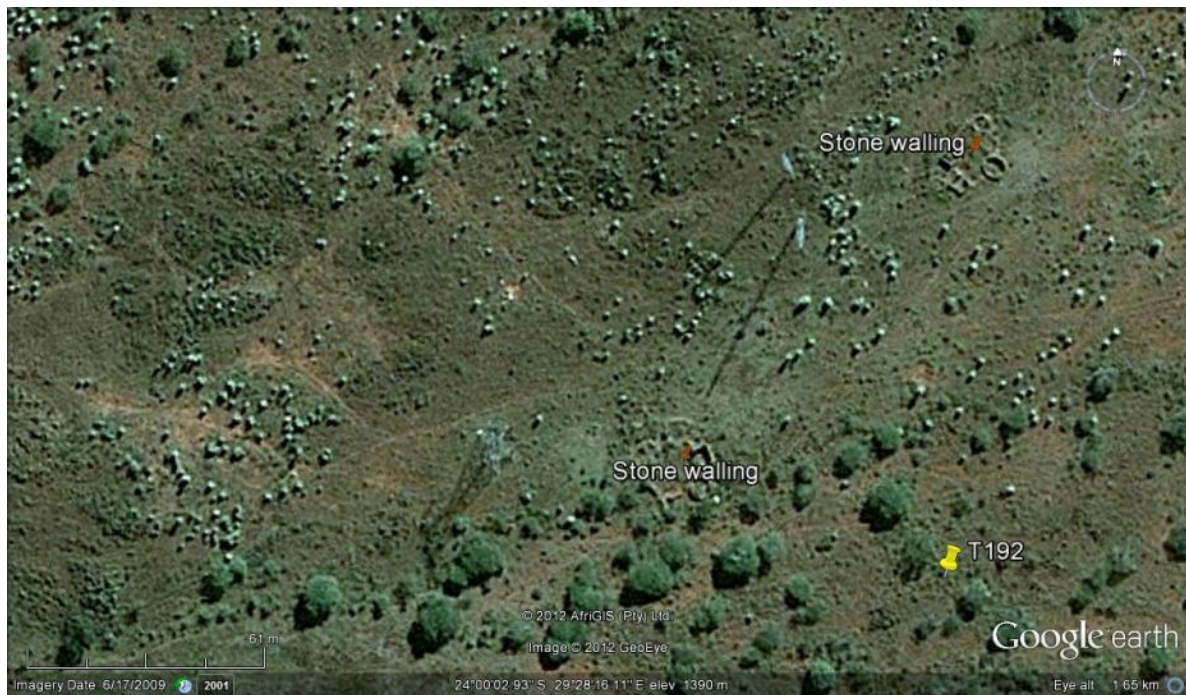


Figure 23. Google map of stone walled structures at Tower 192, respectively at coordinates S24°00'03.8" E29°28'19.35" and S24°00'1.2" E29°28'19.35".



Figure 24. The one homestead is located underneath the previously erected power line (the tower is visible in the background) and will not be in danger of being harmed.



Figures 25 & 26. The homestead that might be affected by the construction activities and traffic. In the image below the greyish soil is an indication of a cattle byre. This is a sensitive area since it might contain burials. The head of the household and his male relatives were usually buried in the cattle byre.

Recommendations: Neither of these structures will be directly affected by the construction of the transmission line. However, the structure closest to the tower might be impacted on by the access road and spanning of the line. An archaeologist should indicate the position of the access route. Demarcate.

TOWER 168



Figure 27. The stone walled structures are in the vicinity of Tower 168, respectively at co-ordinates S23°57'39.0" E29°33'28.2" and S23°57'37.9" E29°33'27.8". It is clear that one of the structures will be impacted on during construction of the line.

The two units, most likely built by farm workers during the historical period, are separated by a rocky outcrop and probably accommodated an extended family. Although not visible on the map, other activity areas will be in close proximity to the homestead, such as a midden and a cattle byre. These could contain human burials (usually those of the male relatives) while the women and children could be buried within the walled areas of the residential area. Until quite recently indigenous people retained this tradition.



Figure 28. The few remains of the one residence. The rectangular shape is indicative of an historical date for its construction.



Figure 29. The second unit.

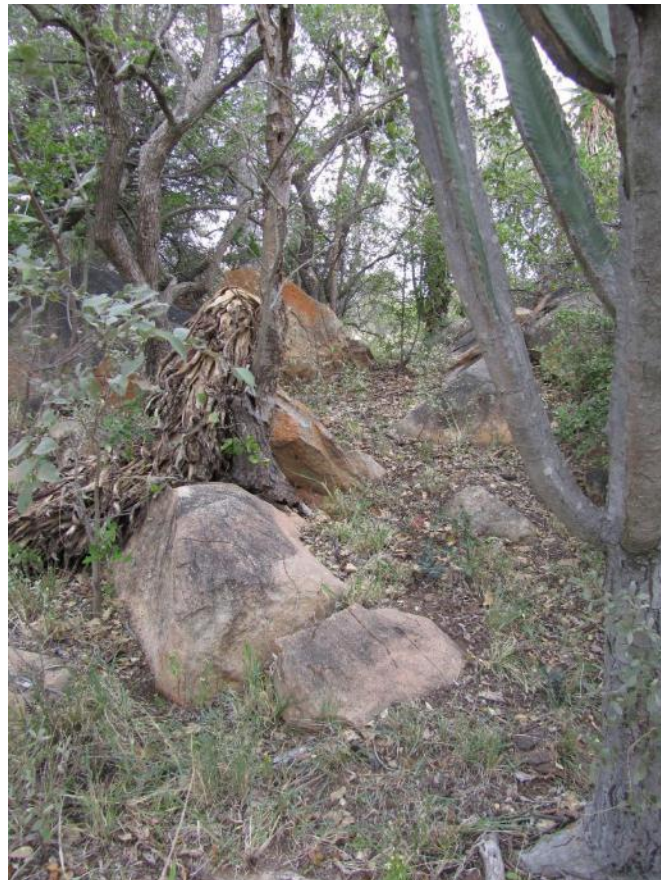


Figure 30. The rocky outcrop between the two units, with a footpath which was probably also used during occupation.



Figure 31. The stone wall (with only the foundation remaining) not only connects the two units but also include the rocky outcrop. A stone cairn within these confines could be a grave.

Recommendations: The tower will not impact upon the site, but the line will cross the one structure. An archaeologist should be present during the *initial* excavation of the foundations for Tower 168, since the area could contain cultural material and again when the line is spanned.

TOWER 167



Figure 32. S23°57'35.9 E29°33'46.9". The entire plateau between the two hills is a Late Iron Age archaeological site, roughly indicated in the image with a brown circle. The historical graves and Iron Age stone walled site (indicated by the red dots in the left of the image) will not be affected by the transmission line.

One tower of a previous line intrudes on the archaeological remains and had caused damage. The present access road also cuts through the site. Tower 167 will be placed among the stone wall remains. The full extent of the entire site was not established during the reconnaissance. This site should be avoided since it is protected by the National Heritage Resources Act, 1999 (Act No 25). *Please refer to **Appendix A** for applicable quotations from the act.*



Figure 33. Some of the robbed stone wall foundations are visible in the foreground, while the position of another, smaller circle is indicated by the aloes. The intrusive 86/88 KV tower is visible at left.



Figure 34. The foundation walls of the smaller, inner circle are clearly visible.



Figure 35. The stone cairn indicated by the arrow could be more foundations or a possible grave.

Recommendations: The position of Tower 167 as well as the access road should be relocated or a Phase 2 should be implemented. A SAHRA permit and excavation should be conducted prior to construction. If the tower is relocated, an archaeologist should be in attendance during excavation and construction.

TOWER 164



Figure 36. Neither of the historic stone walled sites at the foot of the hill will be affected by the transmission line or its construction.



Figure 37. The site (S23°57'22.33" E29°34'26.84") marked as "*Stone walling*" on the Google Earth map. Rectangular structures suggest that it is an historical structure and were probably built by farm labourers.

Recommendations: No action needs to be taken.

TOWER 155



Figure 39. Neither of these historical labourer homesteads will be impacted upon by the development.

Recommendations: No action is required.

TOWERS 154A & 154



Figure 38. Neither the “Historic Labourer Homestead” nor the cemetery will be impacted on by the transmission line.

Recommendations: No action is required.

TOWER 141



Figure 40. An extensive area contains various stone walling units which form a cluster, here roughly indicated by the brown coloured areas. The stone walling is only vaguely visible since the stone had been robbed, the foundations remaining only in some places.



Figure 41. In this image it is clear that the historic multi-component site identified by Van Schalkwyk in 2010 is much larger than what was indicated. The specific site (“Historic Multi-component”) on the slope of the hill will not be impacted by the transmission line; however, the other large Late Iron Age site will be affected, especially at the position of Tower 141 and the access route.



Figure 42. The historic multi-component site on the hill. It is quite possible that some of the stone was robbed from the older, Late Iron Age site in the vicinity of Tower 141. This site will not be affected by the development.



Figure 43. S23°53'08.4" E29°37'03.1". Some better preserved stone walling on the LIA site. It could also signify that the site was again/still occupied during historical times.



Figure 44. The large open area which is surrounded by stone wall foundations. This was probably a large cattle byre since the soil has a grey colouring as opposed to the surrounding red soil of the area. A modern grave stone was erected in a smaller stone walled area.



Figure 45. The grave of *Ramathope Kgwahla Mothiba*. The fact that a modern headstone was erected here shows that the place still has some relevance and that Mothiba is probably revered as an important ancestor since he is still remembered since his death in 1920. His burial here could indicate that he was buried on this LIA site either because he still had links to it or that the site was reoccupied at a later date during historical times.

Recommendations: The historic multi-component site needs no mitigation, but the extensive site at Tower 141 needs protection since the tower foundations and access road will impact upon it. Human burials will not necessarily be visible on the surface and could be located practically anywhere on the site, especially in the cattle byres, of which there are several. None of the hut floors had been located. These clay floors would only have been preserved if the place had burned down. Women and children were often buried under the hut floor or next to the hut.

It is recommended that an archaeologist be present during the excavation of the tower foundations and when the line is brought in.

TOWER 115



Figure 46. Van Schalkwyk identified a historic cemetery. This will not at all be impacted by the transmission line. This site was not inspected by the current archaeologist since it is far removed from the proposed transmission line.

TOWER 99



Figure 47. S23°43'33.3" E29°40'07.3". The dam wall is clearly visible in the above image. Within visible distance are two historic farmsteads as well as an old windmill.



Figure 48. This was a farm dam built with stone.



Figure 49. The one foundation of Tower 99 is among the rocks.

Recommendations: Although this structure is historic, its significance on the regional level is low (HIA Report, Van Schalkwyk, 2010) and it is not necessary to relocate the tower foundation. However, care should be taken not to cause any further damage.

TOWER 80



Figure 50. Close to the historic cemetery is a residence, a modern cement dam and a windmill.



Figure 51. The cemetery of the Van der Westhuizen family. The oldest of the graves date from 1931.

Recommendations: None of these structures will be affected by the transmission line. Nevertheless, care should be taken to avoid these and if necessary should be demarcated.

TOWERS 65-64



Figure 52. S23°36'19.0" E29°44'45.7". A historic multi-component site. Indicative of human habitation and activity is the distinctive light grey colour of the soil, suggesting a cattle byre or midden. Its location is delineated with a brown circle to show the extent of it. The arrow points to Site A, a clump of sisal (see figure below). While on site, the archaeologist could find no signs of habitation, but an aerial view clearly show distinctive circular structures at the points marked "B" and "C" (the pink tinted areas). Point "D" is rectangular in shape.



Figure 53. A clump of *Agave sisalana* (American agave or sisal). These plants have become naturalised in South Africa. It forms an impenetrable barrier and is still used for that purpose around cattle byres.



Figure 54. The area indicated with a “B” on the map. It is covered in grass and surrounded by trees in a circular shape. The slight rise in the foreground could be due to dung or midden accumulation.



Figure 55. A flat stone with several indentations on its upper surface. Its function is unknown, but it shows human skill and activity.



Figure 56. Some fragments of rectangular bricks were also recovered not far from the indented stone (*Fig 55*) which indicates recent historical presence.

Recommendations: The tower is not located on these sites, however, the transmission line will cross it and the access road will pass through it. Care should be taken not to damage the structures when the line is being spanned. Access routes should preferably avoid these areas and its location should be mitigated with the archaeologist.

TOWERS 58-57



Figure 57. The scalloped pattern that can still be vaguely distinguished, and attests to the site being utilised during the Late Iron Age. The brown circles (“A”) are cattle byres, characterised by the grey colouring. The circular and oval shapes are residential units which clearly forms the scalloped pattern. Not all the units are clearly seen on the map and therefore they have not all been indicated. At least two rectangular units are also distinguishable: these were probably utilised during historical times after contact with the Europeans and/or could have been used by the farm labourers.



Figure 58. Part of a foundation which is still visible.



Figure 59. The raised feature to the right of Mr Scarrott could be a grave. Different from later burials, it consists mainly of small stones. The grey colouring of the soil is obvious, indicating either a cattle byre or a midden, the preferable burial places for the male members of a community.



Figure 60. A broken grinding stone was recovered from the site at co-ordinates S23°34'44.5" E29°45'10.5". This would relate to female activities.



Figure 61. Pottery sherds are scattered across the site.



Figure 62. A few clusters of *Sansevieria hyacinthoides* (piles root) has been located on the site. It is a popular remedy for ear infection, ear- and toothache. Traditionally it is used to treat haemorrhoids, ulcers and intestinal worms as well as stomach disorders and diarrhoea. *S hyacinthoides* occurs naturally in the eastern and northern parts of South Africa. It replants easily. Its presence on the site could be due to its many medicinal uses.

Recommendations: It is recommended that the archaeologist should be present when the foundations of Tower 58 are excavated, since human skeletal material could be retrieved. Great care should also be taken not to damage cultural remains when the transmission line is spanned. Since the previous access route has already damaged the site, it is advised that this route should also be utilised for the Tabor-Witkop transmission line and that the shortest possible access route or a route which will cause the least disturbance should be demarcated from the original access.

TOWERS 56-55



Figure 63. A large midden or cattle byre is roughly delineated here. The site extends beyond the dirt road at left as well as the access route of the previous Eskom line.



Figure 64. The grey ashy composition and colouring of the soil is clear in the image.



Figure 65. A cluster of pottery sherds were located on the surface at co-ordinates S23°34'14.8" E29°45'18.6". The rest of the site would undoubtedly relinquish more and similar samples.



Figure 66. A grinder or polishing stone was recovered from co-ordinates S23°34'13.7" E29°45'18.4" together with more pottery sherds.

Recommendations: The same as for Tower 58: The archaeologist should be present when the foundations for Tower 56 are excavated, since human skeletal material could be retrieved. Great care should also be taken not to damage cultural remains when the transmission line is spanned. Since the previous access route has already damaged the site, it is advised that this route should also be utilised for the Tabor-Witkop transmission line and that the shortest possible access route or a route which will cause the least disturbance should be demarcated from the original access.

TOWER 50



Figure 67. Another archaeological site not previously identified. Again vegetation delineating circular “open areas”. Interestingly most of these circles seem to be more-or-less the same size and definitely form a pattern. Some pottery sherds were located in various places on the site, but where the soil was disturbed by the soil nomination, many sherds were seen.



Figure 68. The appearance of the site in general: roughly circular, open, grass areas surrounded by trees.



Figures 69 & 70. At both soil nominations (S23°32'51.3" E29°45'31.4" and S23°32'50.7" E29°45'32.2") the presence of pottery was noted.



Figure 71. Some decorated pottery and lipped sherds were also revealed by the soil nominations. The pattern on the sherd above the scale is typical of the Letaba style which were used by the Ndebele.



Figure 72. Pottery sherds were also found among the crevices and in the soil depressions on this rock outcrop (S23°32'51.2" E29°45'33.7").



Figure 73. One of the diagnostic pottery lips was found on the stone outcrop.



Figure 74. A few *Cotyledon orbiculata* (pig's ear) has been located at this site. It is widely distributed over practically the whole of southern Africa and is widely used for medicinal purposes. It is used to treat corns and warts, and as a vermifuge. It also cures ear- and toothache, treats boils and inflammation. Apparently it is also used to treat epilepsy. *C orbiculata*'s multiple medicinal uses could explain its presence on the archaeological sites.

Recommendations: The same as for Towers 58 and 56: The archaeologist should be present when the foundations for Tower 56 are excavated, since human skeletal material could be retrieved. Great care should also be taken not to damage cultural remains when the transmission line is spanned. Since the previous access route has already damaged the site, it is advised that this route should also be utilised for the Tabor-Witkop transmission line and that the shortest possible access route or a route which will cause the least disturbance should be demarcated from the original access.

SUMMARY – CULTURE RESOURCE MANAGEMENT ACTION

Nearest Tower	2010 Nr	Lat & Long	Description	Recommendations
198	-	S24°00'21.4" E29°26'47.8"	Fired brick foundations of a small rectangular structure	Demarcate during construction and protect from future traffic.
198	-	S24°00'21.4" E29°26'49.2"	A mound close to Tower 198 – grey coloured soil.	Should any archaeological finds be detected while work on the foundations are conducted, the archaeologist should be notified immediately.
198	-	Tower 198	The stratigraphy in the foundation walls exhibit light grey colouring. This could be signs of either a midden or a cattle byre.	
198	-	S24°00'23.8" E29°43'6"	Farm labourer's homestead	Avoid all traffic. If necessary, demarcate
198	-	S24°00'19.5" E29°26'48.5"	"Goldfields marker"	The marker is not in the way of construction traffic. Should the route change, demarcate and avoid.
198	-	S24°00'19.1" E29°26'54.4"	Concrete reservoir	Avoid and demarcate a clear access route.
198	-	-	Concrete water trough	Avoid and demarcate a clear access route.
198	-	-	Three deep depressions in the vicinity of the reservoir and water trough.	Demarcate the three depressions for they are a great occupational risk.
198	-	-	A small circular paved area	Avoid and demarcate a clear access route.
193	-	S24°00'08.3" E29°28'04.5"	A trench, no historical connection.	No action is necessary
193	-	S24°00'03.8" E29°28'09.0"	Stone walled structure	The site will not be impacted upon, but care should be taken not to damage it. If necessary, demarcate.
192	-	S24°00'03.8" E29°28'19.35"	Stone walled structure	No action is necessary
192	-	S24°00'1.2" E29°28'19.35"	Stone walled structure	The structure closest to the tower might be impacted on by the access route and spanning of the line. An archaeologist should indicate the position of the access route. Demarcate.

Nearest Tower	2010 Nr	Lat & Long	Description	Recommendations
168	16 (T165)	S23°57'37.9" E29°33'27.8"	Stone walled structure	No action is necessary
168		S23°57'39.0" E29°33'28.2"	Stone walled structure	An archaeologist should be present during the <i>initial</i> excavation of the foundations.
167	15	S23°57'35.9" E29°33'46.9"	Late Iron Age site	The position of the tower as well as the access road should be relocated or a Phase 2 should be implemented. An archaeologist should be in attendance during excavation and construction.
167	14 (T164)	S23°57'35" E29°33'48"	Historical graves	No action is necessary
167	13	S23°57'31" E29°33'41"	Iron Age stone walled site	No action is necessary
164	12	S23°57'22.33" E29°34'26.84"	Stone walling farm labourers	No action is necessary
155	11	S23°56'09" E29°36'23"	Historic labourer homestead	No action is necessary
155	10	S23°56'06" E29°36'22"	Historic labourer homestead	No action is necessary
154A	9	S23°55'56" E29°36'25"	Historic labourer Homestead	No action is necessary
154	8	S23°55'53" E29°36'28"	Historic cemetery	No action is necessary
141	4 (T137)	S23°53'08.4" E29°37'03.1"	Late Iron Age site	An archaeologist must be present during the excavation of the tower foundations and when the line is spanned.
141	(T137)	S23°52'53" E29°37'02"	Historic multi-component site	No action is necessary
115	3 (T112)	S23°46'56" E29°37'57"	Historic cemetery	No action is necessary
99	2	S23°43'33.3" E29°40'07.3"	Historic dam wall	This is not a structure of major importance. No action is required.
80	1 (T77)	S23°39'39" E29°42'20"	Historic cemetery	Avoid this and if necessary demarcate.
65-64	-	S23°36'19.0" E29°44'45.7"	Multi-component stone walled site	Access routes should preferably avoid these areas. Its location should be mitigated with the archaeologist.

Nearest Tower	2010 Nr	Lat & Long	Description	Recommendations
58-57	-	*S23°34'44.5" E29°45'10.5"	Multi-component stone walled site	An archaeologist must be present when the foundations of Tower 58 are excavated. The shortest possible access route or a route which will cause the least disturbance should be demarcated from the original access route.
56-55	-	* S23°34'14.8" E29°45'18.6"	LIA site	
50		* S23°32'51.3" E29°45'31.4"	LIA site	
		*S23°32'50.7" E29°45'32.2"		
		* S23°32'51.2" E29°45'33.7"		

** This is merely a relative position. The site is extensive. Refer to the description and map.*

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Hester Roodt

BA Hons Archaeology - UP; BA Hons Anatomy – UP

The National Heritage Resources Act 25 of 1999 stipulates the following (emboldened text has relevance):

34. Structures

- (1) No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.
- (2) Within three months of the refusal of the provincial heritage resources authority to issue a permit, consideration must be given to the protection of the place concerned in terms of one of the formal designations provided for in Part 1 of this Chapter.
- (3) The provincial heritage resources authority may at its discretion, by notice in the Provincial Gazette, make an exemption from the requirements of subsection (1) within a defined geographical area, or for certain defined categories of site within a defined geographical area, provided that it is satisfied that heritage resources falling into the defined area or category have been identified and are adequately provided for in terms of the provisions of Part 1 of this Chapter.
- (4) Should the provincial heritage resources authority believe it to be necessary it may, following a three-month notice period published in the Provincial Gazette, withdraw or amend a notice under subsection (3).

35. Archaeology¹, palaeontology and meteorites

- (4) No person may, without a permit issued by the responsible heritage resources authority –
- (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 which assist in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.

36 Burial grounds and graves

- (3) (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority-
- (a) **destroy, damage, alter, exhume or remove** from its original position or otherwise disturb the grave of a victim of conflict, or **any burial ground** or part thereof which contains such graves;

¹ NHR Act (No 25, 1999) defines “archaeological” as material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures.

(b) destroy, damage, alter, exhume, 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 equipment**, or any equipment which assists in the detection or recovery of metals.

(4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3) (a) unless it is satisfied that the applicant has made **satisfactory arrangements for the exhumation and re-interment of the contents of such graves**, at the **cost of the applicant** and in accordance with any regulations made by the responsible heritage resources authority.

(6) Subject to the provision of any other law, any person who **in the course of development** or any other activity **discovers the location of a grave**, the existence of which was **previously unknown**, must **immediately cease such activity** and report the discovery to the **responsible heritage resources authority** which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority-

(a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and

(b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, **make any such arrangements as it deems fit**.

45. Compulsory repair order

(1) When the heritage resources authority responsible for the protection of a heritage site considers that such site –

(a) has been allowed to fall into disrepair for the purpose of –

(i) effecting or enabling its destruction or demolition;

(ii) enabling the development of the designated land; or

(iii) enabling the development of any land adjoining the designated land; or

(b) is neglected to such an extent that it will lose its potential for conservation, the heritage resources authority may serve on the owner an order to repair or maintain such site, to the satisfaction of the heritage resources authority, within a reasonable period of time as specified in the order: Provided that the heritage resources authority must specify only such work as, in its opinion, is necessary to prevent any further deterioration in the condition of the place.

(2) Subject to subsection (3), upon failure of the owner to comply with the terms of an order under subsection (1) within the specified time, the authority which served the order may itself take such steps as may be necessary for the repair or maintenance thereof and recover the costs from the owner.

(3) If the owner can show good cause, he or she may, within 21 days of the service of a repair order under subsection (1) –

(a) apply to the heritage resources authority which served the repair order for the extension of the time specified in the order; or

(b) appeal to the Minister, in the manner prescribed under section 49.