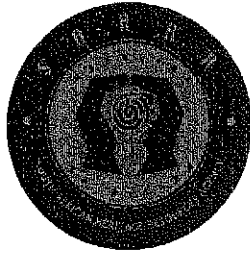


FOR ATTENTION: SAHRA Mpumalanga OR PHRA: Mpumalanga



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
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SAHRA File No: 9/2/236/0002

Date Received: 25 July 2007

Date of Comment: 23 October 2007

Sent to Peer Review:

Date to Peer Review:

SAHRA Contact Person: Mrs Portia Ramalamula

DME Ref No:

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/ PALAEOLOGY UNIT OF THE HERITAGE RESOURCES AGENCY

South Africa has a unique and non-renewable archaeological and palaeontological heritage. Archaeological and palaeontological sites are protected in terms of the National Heritage Resources Act (Act No 25 of 1999) and may not be disturbed without a permit. Archaeological Impact Assessments (AIAs) and Palaeontological Impact Assessments (PIAs) identify and assess the significance of the sites, assess the potential impact of developments upon such sites, and make recommendations concerning mitigation and management of these sites. On the basis of satisfactory specialist reports SAHRA or the relevant heritage resources agency can assess whether or not it has objection to a development and indicate the conditions upon which such development might proceed and assess whether or not to issue permission to destroy such sites.

AIAs and PIAs often form part of the heritage component of an Environmental Impact Assessment or Environmental Management Plan. They may also form part of a Heritage Impact Assessment called for in terms of section 38 of the National Heritage Resources Act, Act No. 25, 1999. They may have other origins. In any event they should comply with basic minimum standards of reporting as indicated in SAHRA Regulations and Guidelines.

This form provides review comment from the Archaeologist of the relevant heritage resources authority for use by Heritage Managers, for example, when informing authorities that have applied to SAHRA for comment and for inclusion in documentation sent to environmental authorities. It may be used in conjunction with Form B, which provides relevant peer review comment.

- A. PROVINCIAL HERITAGE RESOURCES AUTHORITY: **MPUMALANGA PROVINCE/Mr Benjamin Moduka**
- B. SAHRA PROVINCIAL MANAGER : **MPUMALANGA PROVINCE : Mrs. Nkosazana Machete**
- C. AUTHOR(S) OF REPORT: **Mr P D Birkholtz**
- D. ARCHAEOLOGY CONTRACT GROUP: **Archaeology Africa CC**
- E. CONTACT DETAILS: **P.O. Box 14706, Hatfield, 0028, Tel: 012 333 7142, Fax: 012 333 7213, e-mail: polke@lantic.net**.....
- F. DATE OF REPORT: **May 2006**
- G. TITLE OF REPORT: **Phase 1 Heritage Impact Assessment for the Morning Tide development complex, Morning Tide Power Line and Abrina Residential Development, Mpumalanga (Farm Sterkspruit 33 JT and Rooidraai)**.....
- H. Please circle as relevant: Archaeological component of **EIA / EMP / HIA / CMP Other (Specify)**.....
- I. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Nicoletta Pera, WSP Environmental (Pty) Ltd**
- J. CONTACT DETAILS: **WSP Environmental (Pty) Ltd, WSP House, Bryanston Place, 199 Bryanston Drive, Bryanston, 2021, Tel: 011 361 1380, Fax: 011 361 1381**
- K. COMMENTS:

Please see comment on next page.....

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

P D Birkholtz

May 2006, Received 27 July 2007

Phase 1 Heritage Impact Assessment for the Morning Tide Development Complex, Morning Tide Power Line and Abrina Residential Development

INTRODUCTION

Three proposed developments, Morning Tide Development Complex, Morning Tide Power Line and Abrina Residential Development, were surveyed for possible heritage resources. The developments are located in and surrounding the town of Lydenburg. The Lydenburg area is well known for the Lydenburg heads and related Iron Age sites. Twenty three sites were discovered within the proposed development areas. The development areas were not easily accessible due to dense vegetation.

THE MORNING TIDE DEVELOPMENT COMPLEX

This complex comprises the remainder of portion 7 of the farm Rooidraai 34-JT. Small sections of the property show evidence for the past quarrying and/or prospecting activities. Ten Late Iron Age stonewalling, two Iron Age engraving sites and one old wagon road were found. The general lack of archaeological material can most likely be attributed to the dense vegetation cover.

Site RDR 1 is of high significance. It extends over a very large area and comprises of reasonably well preserved stone wall enclosures, terrace walling and cattle tracts with at least eleven individual enclosure units (numbered A to K). Site RDR 2 consists of four enclosure units (numbered A-D) and is of moderate to high significance. RDR 3, of very high significance, is a single engraved boulder that portrays a stone walled settlement associated with the Late Iron Age. RDR 4 is a Late Iron Age enclosure of moderate significance. Sites RDR 5, RDR 6, RDR 7, RDR 9, RDR 11, RDR 12 consists of Late Iron Age stone walling and are of moderate to low significance. RDR 8 is an engraving depicting a settlement layout plan and is of very high significance. RDR 10 is an historical structure possibly relating to the Anglo Boer War and is of moderate significance. Site RDR 13 may be an old wagon road.

These sites will probably be entirely destroyed by the proposed development of the residential, light industrial and commercial land use.

SAHRA RECOMMENDATIONS

SAHRA supports the recommendations of the author and requires that:

Sites RDR 1, RDR 2, RDR 4, RDR 7, RDR 9 be surveyed and drawn and that a layout plan must be compiled showing enclosure units, terracing, cattle tracts as well as artefacts and features. Areas best suited for archaeological test excavations must be identified and phase 2 excavations must be undertaken for which a permit must be obtained from SAHRA.

The two rock engravings, RDR 3 and RDR 8, must be preserved *in situ* and a surrounding buffer zone must be demarcated as green open space in which no activities and direct impacts from the development may be allowed. A management plan which includes monitoring during construction and operation phases and sustainable conservation must be compiled.

Sites RDR 5, RDR 10, RDR 11, RDR 12 must be documented and a layout plan be compiled. A permit must be obtained from SAHRA before the sites may be destroyed.

Further research should determine whether RDR 13 represents the old wagon road. If so, the layout of the road must be included in the overall design of the development and its historic significance must be commemorated by means of an information board.

MORNING TIDE POWER LINE

A 22 kV Overhead Line of 4 kilometre will be developed. Five sites that require mitigation were identified in this area:

MTPL 1, a cemetery of high significance, that is still used by Marambane residents; MTPL 3, a Late Iron Age enclosure unit of medium significance; MTPL 4, an extensive Late Iron Age settlement of high significance that consists of at least four enclosure units as well as terracing and possible cattle tracks; MTPL 5, a Late Iron Age settlement of moderate significance and MTPL 6, a rectangular historic structure of low significance.

SAHRA RECOMMENDATIONS

SAHRA supports the recommendations of the author and requires that:

The cemetery, site MTPL1 be avoided. However, the power line will still cross over a portion of the cemetery and therefore a public participation process will have to be undertaken with the affected families. Please see Appendix 1 for regulations with regard to graves.

The power line support system should be designed to avoid MTPL 3, MTPL 4, MTPL 5 and MTPL 6. Should this not be possible, a re-assessment of each impact footprint must be undertaken which would allow more detailed mitigation recommendations to be made.

ABRINA RESIDENTIAL DEVELOPMENT

This development comprises portion 121 of the farm Sterkspruit 33-JT, an area of approximately 35 hectares.

Four sites of moderate significance were identified: ARD 1, a Late Iron Age stone walled occurrence; ARD 2, overgrown stone walling; ARD 3 that spread over a reasonably large area and has a number of features and artefacts associated with the Late Iron Age and ARD 4 with poorly preserved Late Iron Age stone walling.

SAHRA RECOMMENDATIONS

SAHRA supports the recommendations of the author and requires that:

The four sites be surveyed and drawn during or after the winter, or after vegetation clearing and the results be reported. This report must be submitted to SAHRA with an application for a permit to destroy the sites should it be necessary. For sites ARD 1, ARD 2 and ARD 3 an assessment must also be made for the need for archaeological excavation to obtain a representative artefact assemblage and possible material for dating.

Where the development involves disturbance of an archaeological or palaeontological site of some significance and Phase 2 mitigation has been asked for, SAHRA will require that, in terms of s.38(4)(b&c) of the National Heritage Resources Act, the provisions of ss 35 & 36 apply, as appropriate. The specialist will require a mitigation permit from the relevant Heritage Resources Authority. On receipt of a satisfactory mitigation (Phase 2) permit report from the archaeologist, the heritage authority will make further recommendations in terms of the report. Very often permission is given for the destruction of the remainder of the

archaeological or palaeontological sites. Very rarely, if a site has high heritage significance the authority may request that it be conserved, that mini-site management plans, interpretive material and possibly protective infrastructure be established.

CONCLUSION

If the recommendations made in the specialist report and in this comment are adhered to, the SAHRA Archaeology, Palaeontology and Meteorite Unit has no objection to the development (in terms of the archaeological component of the heritage resources). If any new evidence of archaeological sites or artefacts, palaeontological fossils, graves or other heritage resources are found during development, construction or mining, SAHRA or an archaeologist must be alerted immediately.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, the developer must ensure that a professional Palaeontological Desk Top study is undertaken to assess whether or not the development will impact upon palaeontological resources. If this is deemed unnecessary, at least a letter of exemption from a Palaeontologist is needed. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see attached list of accredited Palaeontologists).

Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes must be made by the SAHRA Mpumalanga Provincial Office (Mrs. Nkosazana Machete: nmachete@mp.sahra.org.za) / and the Mpumalanga Provincial Heritage Authority (Mr Benjamin Moduka bmoduka@nel.mpu.gov.za , ph: 013 766 5196) to whom this Archaeological Review Comment will be copied.

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: 

EMAIL: pramalamula@sahra.org.za

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST:

EMAIL: mleslie@sahra.org.za

NAME OF HERITAGE RESOURCES AGENCY: SAHRA 

PLEASE NOTE THAT THE COMMENT (ABOVE OR APPENDED) CONSTITUTES THE COMMENT OF THE HERITAGE RESOURCES AGENCY ARCHAEOLOGIST AND THAT ANY DEVELOPMENT THAT INVOLVES DESTRUCTION OF ANY ARCHAEOLOGICAL/PALAEONTOLOGICAL SITE IS STILL SUBJECT TO A PERMIT/PERMISSION FOR DESTRUCTION OF SUCH SITE GIVEN TO THE DEVELOPER BY THE RELEVANT HERITAGE RESOURCES AGENCY ARCHAEOLOGICAL AND PALAEONTOLOGICAL PERMIT COMMITTEE (THIS WILL BE SUBJECT TO APPROVAL OF THE PHASE 2 OR ARCHAEOLOGICAL/PALAEONTOLOGICAL MITIGATION AS NECESSARY). THIS REPORT MAY BE TAKEN ONLY AS APPROVAL, IN PRINCIPLE, IN TERMS OF SECTION 35 OF THE NATIONAL HERITAGE RESOURCES ACT. THE PROVINCIAL MANAGER OF THE HERITAGE RESOURCES AUTHORITY MUST ADVISE AS TO APPROVAL IN TERMS OF HERITAGE ISSUES ENCOMPASSED BY OTHER ASPECTS OF THE LEGISLATION, SUCH AS ISSUES OF THE BUILT ENVIRONMENT (STRUCTURES (E.G. FARM HOUSES), OVER 60 YEARS), INDIGENOUS KNOWLEDGE SYSTEMS OR OF CULTURAL LANDSCAPES AS THIS IS NOT WITHIN THE SCOPE OF THE ARCHAEOLOGIST.

PLEASE NOTE THAT SAHRA IS NOW RESPONSIBLE FOR GRADE I HERITAGE RESOURCES (AND EXPORT) AND THE PROVINCIAL HERITAGE RESOURCES ARE RESPONSIBLE FOR GRADE II AND GRADE III HERITAGE RESOURCES, EXCEPT WHERE THERE IS AN AGENCY ARRANGEMENT WITH THE PROVINCIAL HERITAGE RESOURCES AUTHORITY.

APPENDIX 1

Protection of Graves

In terms of the National Heritage Resources Act (No. 25 of 1999) graves older than 60 years (not in a municipal graveyard) are protected. Human remains younger than 60 years should be handled only by a registered undertaker or an institution declared under the Human Tissues Act.

Anyone who wishes to develop an area where there are graves older than 60 years is required to follow the

process described in the legislation (section 36 and associated regulations). The specialist will require a permit from the heritage resources authority:

1. If the preferred decision is to move the development so that the graves may remain undisturbed, the developer must satisfy SAHRA that adequate arrangements have been made to protect the graves on site from the impact of the development. This usually involves fencing the grave(yard) and setting up a small site management plan indicating who will be responsible for maintaining the graves and how this is legally tied into the development. It is recommended that a distance of 10-20 m is left undisturbed between the grave and the fence around the graves.
2. If the developer wishes to relocate or disturb the graves:
 - a. A 60-day public participation (social consultation) process as required by section 36 (and regulations - see attachment), must be undertaken to identify any direct descendants of those buried on the property. This allows for a period of consultation with any family members or community to ascertain what their wishes are for the burials. It involves notices to the public on site and through representative media. This may be done by the archaeologist, who can explain the process, but for large or sensitive sites a social consultant should be employed. Archaeologists often work with undertakers, who rebury the human remains.
 - b. If as a result of the public participation, the family (where descendants are identified) or the community agree to the relocation process then the graves may be relocated.
 - c. The archaeologist must submit a permit application to SAHRA for the disinterment of the burials. This must include written approval of the descendants or, if there has not been success in identifying direct descendants, written documentation of the social consultation process, which must indicate to SAHRA's satisfaction, the efforts that have been made to locate them. It must also include details of the exhumation process and the place to which the burials are to be relocated. (There are regulations regarding creating new cemeteries and so this usually means that relocation must be to an established communal rural or formal municipal cemetery.)
 - d. Permission must be obtained before exhumation takes place from the landowner where the graves are located, and from the owners/managers of the graveyard to which the remains will be relocated.
 - e. Other relevant legislation must be complied with, including the Human Tissues Act (National Department of Health) and any ordinances of the Provincial Department of Health). The archaeologist can usually advise about this.