



SOUTH AFRICAN HERITAGE RESOURCES AGENCY  
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FOR ATTENTION: Eastern Cape PHRA \*

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SAHRA Contact Person: Antonieta Jerardino  
DME RefNo: N/A

## REVIEW COMMENT ON HERITAGE 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: SAHRA Regional Offices – Eastern Cape ..
- B. SAHRA PROVINCIAL MANAGER EASTERN CAPE PROVINCE: *Mr. Thanduxolo Lungile* .....
- C. AUTHOR(S) OF REPORT: *Mr. Len van Schalkwyk*
- D. ARCHAEOLOGY CONTRACT GROUP: *eThembeni Cultural Heritage*
- E. CONTACT DETAILS: *Box 20057, Ashburton 3213, Pietermaritzburg, Tel: 033-326 1136, Fax: 086 672 8557, cell: 082 655 9077/ 072 725 1763, email: thembeni@iafrica.com* .....
- F. DATE OF REPORT: *08 April 2008*
- G. TITLE OF REPORT: *Heritage Impact Assessment of the proposed N2 Wild Coast Toll Highway* .....  
Please circle as relevant: Archaeological component of **EIA** / EMP / HIA / CMP Other (Specify) .....
- H. REPORT COMMISSIONED BY DEVELOPER (MINING APPLICANT): *CCA Environemntal (Pty) Ltd, contact person: Mr. Fuad Fredericks, on behalf of The South African National Roads Agency Ltd*
- I. CONTACT DETAILS: *CCA Environemntal (Pty) Ltd, Unit 35 Roeland Square, 30 Drury Lane, Cape Town, 8001, Tel: Tel: (021) 461 1118, Fax: (021) 461 1120, e-mail: fuad@ccaenvironmental.co.za*
- J. COMMENTS: .....

*Please see comment on next page* .....

**REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT*****Heritage Impact Assessment of the proposed N2 Wild Coast Toll Highway****eThembeni Cultural Heritage (Mr. Len van Schalkwyk)**08 April 2008, received 04 August 2009***A. INTRODUCTION**

The proposed development involves the construction of the approximately 560 km N2 Wild Coast Toll Highway between the N2 Gonubie Interchange near East London and the N2 Isipingo Interchange south of Durban. The following undertakings form part of the proposed project: i) upgrade and widening (from a 30 m to an 80 m wide servitude) of existing road sections of the N2 and R61; ii) construction of approximately 90 km long new road across two greenfield sections; iii) construction of eight new major bridges; iv) upgrade and/or construction of new road interchanges and intersections; and v) construction of associated facilities (e.g., toll plazas, pedestrian over-passes and animal under-passes).

Dr. Johan Binneman prepared a heritage sensitivity report in 2002 exclusively for new road sections, namely those running through the greenfields. Such a report involved a foot survey through parts where ground visibility allowed such exercise. In terms of archaeological sites, this report was substantially relied upon by Mr. Van Schalkwyk when compiling the Heritage Impact Assessment (HIA). Also, a palaeontological desktop study was conducted by Dr. Billy de Klerk in 2002, although no reference to it was made in Mr. Van Schalkwyk's report. Nevertheless, this study determined that the area where this project is to take place is not palaeontologically sensitive (but see recommendations).

**B. DISCUSSION**

Final alignment along several stretches of the proposed N2 Wild Coast Toll Highway has yet to be finalized. Also, vegetation cover hampered much of both Dr. Binneman and Mr. Van Schalkwyk effort in locating possible archaeological heritage resources while conducting field inspections (the latter also noted by Prof. H. J. Deacon, peer reviewer of Mr. Van Schalkwyk's HIA report). Moreover, particular locations where bridges and toll plazas are to be built still need to be assessed in the field in terms of potential archaeological and possibly also palaeontological heritage resources. Hence, the magnitude of potential impacts on archaeological heritage resources resulting from this proposed project is still not fully understood at this stage.

**C. SAHRA RECOMMENDATIONS**

According to Mr. Van Schalkwyk's HIA and Dr. Binneman's sensitivity survey report, the proposed development could result in medium negative impacts, and at times high impacts, to archaeological heritage resources without mitigation. SAHRA Archaeology, Palaeontology & Meteorites (APM) Unit requires the following:

1. As soon as final road alignments are finalized and vegetation cover is removed for the commencement of building operations, a professional archaeologist familiar with the Archaeology of the Eastern Cape (Stone Age and Iron Age cultural sequences) must inspect each and every new location where bridges, toll plazas and a nearly 90 km long road through the greenfields will be built. Given the nature of this project and its urgency, a team of several such professional might be needed to work at the same time in order to avoid delays. Until such time as this Phase 1 Archaeological Impact Assessment (AIA) report resulting from this field survey is received by the Archaeology, Palaeontology & Meteorite (APM) Unit, and its contents assessed and commented on in the form of another ARC, SAHRA is not in a position to approve or reject this proposed project. Among other measures, Phase 2 mitigation in the form of systematic excavations

and sampling may be required before construction activities and a monitoring brief may be required during such activities.

2. If any evidence of archaeological sites or artefacts (e.g., concentrations of indigenous ceramics, bones, stone tools, ancient stone wall structures...etc), unmarked human burials, fossilized bones or other heritage resources are found during construction and related activities in the absence of a professional archaeologist, SAHRA APM Unit (*Mary Leslie/ Antonieta Jerardino, tel: 021-4624502*) must be alerted immediately, and an accredited professional archaeologist must be contacted as soon as possible to inspect the findings. If the newly discovered heritage resources prove to be of archaeological significance a Phase 2 rescue operation might be necessary at the cost of the developer (see below for permit conditions).
3. In case of new archaeological/ palaeontological discoveries are made or the need for excavation and sampling arises, the specialist will require a mitigation permit from SAHRA APM Unit in terms of section 35 of the National Heritage Resources Act (NHRA, No. 25 of 1999). On receipt of a satisfactory mitigation (Phase 2) permit report from the archaeologist and/or palaeontologist, SAHRA APM Unit will make further recommendations in terms of the report.
4. For any possible decisions in terms of section 34 of the NHRA on the Built Environment, the Provincial Heritage Resources Authority of the Eastern Cape ([info@ecphra.org.za](mailto:info@ecphra.org.za)) must be consulted. Decisions in terms of other heritage related matters (e.g., living/ intangible heritage) must be made by SAHRA Provincial Heritage office (*Mr. Thanduxolo Lungile: [tlungile@ec.sahra.org.za](mailto:tlungile@ec.sahra.org.za), Ms Nolutha Ngcai: [nngcai@ec.sahra.org.za](mailto:nngcai@ec.sahra.org.za)*) in consultation with the Provincial Heritage Resources Authority of the Eastern Cape.
5. In terms of section 36 of the National Heritage Resources Act (NHRA) (No. 25 of 1999), graves older than 60 years (not in a municipal graveyard) are protected and may not be disturbed without a permit from SAHRA). Decisions in terms of section 36 of the NHRA in the Eastern Cape is the responsibility of SAHRA's Burial Grounds and Graves (BGG) Unit, and decision-making regarding these must be sought from this unit (*Mr. T. Phili, email: [tphili@sat.sahra.org.za](mailto:tphili@sat.sahra.org.za), and Ms Jennifer Kitto, email: [jkitto@sat.sahra.org.za](mailto:jkitto@sat.sahra.org.za)*) (see also Appendix 1).

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: 

EMAIL:

[ajerardino@sahra.org.za](mailto:ajerardino@sahra.org.za) .....

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST:

EMAIL:

[mleslie@sahra.org.za](mailto: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. Determine/ confirm the presence of the graves on the property. Normally the quickest way to proceed is to obtain the service of a professional archaeologist accredited to undertake burial relocations (see attached list). The archaeologist will provide an estimate of the age of the graves. There may be a need for archival research and possibly test excavations (permit required).
2. The preferred decision is to move the development so that the graves may remain undisturbed. If this is done, 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.
3. 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.