

**Heritage impact assessment for the
PROPOSED EXPANSION OF THE FAIRVIEW MINE DUMP, BARBERTON
REGION, MPUMALANGA PROVINCE**

HERITAGE IMPACT ASSESMENT FOR THE PROPOSED EXPANSION OF THE FAIRVIEW MINE DUMP, BARBERTON REGION, MPUMALANGA PROVINCE

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Declaration:

I, J.A. van Schalkwyk, declare that I do not have any financial or personal interest in the proposed development, nor its developers or any of their subsidiaries, apart from the provision of heritage assessment and management services.



J A van Schalkwyk (D Litt et Phil)
Heritage Consultant
November 2011

EXECUTIVE SUMMARY

HERITAGE IMPACT ASSESMENT FOR THE PROPOSED EXPANSION OF THE FAIRVIEW MINE DUMP, BARBERTON REGION, MPUMALANGA PROVINCE

Barberton Mines need to expand the existing tailings dam of their Fairview Gold Mine north of Barberton, Mpumalanga Province. For this purpose a section of land has been identified for possible use.

In accordance with Section 38 of the NHRA, an independent heritage consultant was appointed by **Synergistics Environmental Services** to conduct a Heritage Impact Assessment (HIA) to determine if any sites, features or objects of cultural heritage significance occur within the boundaries of the area where it is planned to develop the project.

The cultural landscape qualities of the region essentially consist of one component. This is a rural area in which the human occupation is made up of a pre-colonial element (Stone Age and Iron Age) as well as a much later colonial (farmer and industrial) component.

A settlement site consisting of stone walling, possible graves, agricultural terracing and field clearing cairns was identified. It is difficult to date this site as no artefacts were identified that could be used to this purpose. It might date to pre-colonial times, i.e. the Iron Age. A second alternative is that the site originated as early workers at the mine.

- Although a lot is known about the region and the mining history, very little is known about early black labourer life and conditions on the mines. Even less is known about the Iron Age in the region. This raises the importance of the site significantly. As mitigation, it is recommended that the area is avoided if possible, but, if that is not possible a Phase II investigation should be done. This would involve the archaeological excavation and documentation of the site.

Therefore, from a heritage point of view we recommend that the proposed development can continue on acceptance of the proposed mitigation. Furthermore, we also request that if archaeological sites or graves are exposed during construction work, it should immediately be reported to a heritage practitioner so that an investigation and evaluation of the finds can be made.



J A van Schalkwyk
Heritage Consultant
November 2011

TECHNICAL SUMMARY

Property details	
Province	Mpumalanga
Magisterial district	Barberton
Topo-cadastral map	2531CA
Closest town	Barberton
Farm name	Bramber 313JU, Bramber Central 348JU
Portions/Holdings	

Development criteria in terms of Section 38(1) of the NHR Act	Yes/No
Construction of road, wall, power line, pipeline, canal or other linear form of development or barrier exceeding 300m in length	No
Construction of bridge or similar structure exceeding 50m in length	No
Development exceeding 5000 sq m	Yes
Development involving three or more existing erven or subdivisions	No
Development involving three or more erven or divisions that have been consolidated within past five years	No
Rezoning of site exceeding 10 000 sq m	Yes
Any other development category, public open space, squares, parks, recreation grounds	No

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GLOSSARY OF TERMS AND ABBREVIATIONS

TERMS

Study area: Refers to the entire study area as indicated by the client in the accompanying Fig. 1 & 2.

Stone Age: The first and longest part of human history is the Stone Age, which began with the appearance of early humans between 3-2 million years ago. Stone Age people were hunters, gatherers and scavengers who did not live in permanently settled communities. Their stone tools preserve well and are found in most places in South Africa and elsewhere.

Early Stone Age	2 000 000 - 150 000 Before Present
Middle Stone Age	150 000 - 30 000 BP
Late Stone Age	30 000 - until c. AD 200

Iron Age: Period covering the last 1800 years, when new people brought a new way of life to southern Africa. They established settled villages, cultivated domestic crops such as sorghum, millet and beans, and they herded cattle as well as sheep and goats. These people, according to archaeological evidence, spoke early variations of the Bantu Language. Because they produced their own iron tools, archaeologists call this the Iron Age.

Early Iron Age	AD 200 - AD 900
Middle Iron Age	AD 900 - AD 1300
Late Iron Age	AD 1300 - AD 1830

Historical Period: Since the arrival of the white settlers - c. AD 1840 - in this part of the country

ABBREVIATIONS

ADRC	Archaeological Data Recording Centre
ASAPA	Association of Southern African Professional Archaeologists
BP	Before Present
CS-G	Chief Surveyor-General
EIA	Early Iron Age
ESA	Early Stone Age
LIA	Late Iron Age
LSA	Later Stone Age
HIA	Heritage Impact Assessment
MSA	Middle Stone Age
NASA	National Archives of South Africa
NHRA	National Heritage Resources Act
PHRA	Provincial Heritage Resources Agency
SAHRA	South African Heritage Resources Agency

HERITAGE IMPACT ASSESMENT FOR THE PROPOSED EXPANSION OF THE FAIRVIEW MINE DUMP, BARBERTON REGION, MPUMALANGA PROVINCE

1. INTRODUCTION

Barberton Mines need to expand the existing tailings dam of their Fairview Gold Mine north of Barberton, Mpumalanga Province. For this purpose a section of land has been identified for possible use.

South Africa's heritage resources, also described as the 'national estate', comprise a wide range of sites, features, objects and beliefs. However, according to Section 27(18) of the National Heritage Resources Act (NHRA), Act 25 of 1999, no person may destroy, damage, deface, excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the heritage resources authority responsible for the protection of such site.

In accordance with Section 38 of the NHRA, an independent heritage consultant was appointed by **Synergistics Environmental Services** to conduct a Heritage Impact Assessment (HIA) to determine if any sites, features or objects of cultural heritage significance occur within the boundaries of the area where it is planned to develop the project.

This HIA report forms part of the Environmental Impact Assessment (EIA) as required by the EIA Regulations in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and is intended for submission to the South African Heritage Resources Agency (SAHRA).

2. TERMS OF REFERENCE

2.1 Scope of work

The scope of work for this study consisted of:

- Conducting of a desk-top investigation of the area, in which all available literature, reports, databases and maps were studied.
- A visit to the proposed development area.

The objectives were to

- Identify possible archaeological, cultural and historic sites within the proposed development area;
- Evaluate the potential impacts of construction, operation and maintenance of the proposed development on archaeological, cultural and historical resources;
- Recommend mitigation measures to ameliorate any negative impacts on areas of archaeological, cultural or historical importance.

2.2 Limitations

- Due to dense vegetation growth on some sections of the site, archaeological visibility was severely limited.

- Although a lot of information is available about Barberton region, it mostly revolves around the mining activities and white settlement in the region.

Table 1: Applicable category of heritage impact assessment study and report.

Type of study	Aim	SAHRA involved	SAHRA response
Heritage Impact Assessment	<p>The aim of a full HIA investigation is to provide an informed heritage-related opinion about the proposed development by an appropriate heritage specialist. The objectives are to identify heritage resources (involving site inspections, existing heritage data and additional heritage specialists if necessary); assess their significances; assess alternatives in order to promote heritage conservation issues; and to assess the acceptability of the proposed development from a heritage perspective.</p> <p>The result of this investigation is a heritage impact assessment report indicating the presence/ absence of heritage resources and how to manage them in the context of the proposed development.</p> <p>Depending on SAHRA's acceptance of this report, the developer will receive permission to proceed with the proposed development, on condition of successful implementation of proposed mitigation measures.</p>	Provincial Heritage Resources Authority	Comments on built environment and decision to approve or not
		SAHRA Archaeology, Palaeontology and Meteorites Unit	Comments and decision to approve or not

3. HERITAGE RESOURCES

3.1 The National Estate

The NHRA (No. 25 of 1999) defines the heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations that must be considered part of the national estate to include:

- places, buildings, structures and equipment of cultural significance;
- places to which oral traditions are attached or which are associated with living heritage;
- historical settlements and townscapes;
- landscapes and natural features of cultural significance;
- geological sites of scientific or cultural importance;
- archaeological and palaeontological sites;
- graves and burial grounds, including-
 - ancestral graves;
 - royal graves and graves of traditional leaders;
 - graves of victims of conflict;
 - graves of individuals designated by the Minister by notice in the Gazette;
 - historical graves and cemeteries; and
 - other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- sites of significance relating to the history of slavery in South Africa;

- movable objects, including-
 - objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - objects to which oral traditions are attached or which are associated with living heritage;
 - ethnographic art and objects;
 - military objects;
 - objects of decorative or fine art;
 - objects of scientific or technological interest; and
 - books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).

3.2 Cultural significance

In the NHRA, Section 2 (vi), it is stated that “cultural significance” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. This is determined in relation to a site or feature’s uniqueness, condition of preservation and research potential.

According to Section 3(3) of the NHRA, a place or object is to be considered part of the national estate if it has cultural significance or other special value because of

- its importance in the community, or pattern of South Africa's history;
- its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and
- sites of significance relating to the history of slavery in South Africa.

A matrix was developed whereby the above criteria were applied for the determination of the significance of each identified site (see Appendix 1). This allowed some form of control over the application of similar values for similar sites.

4. STUDY APPROACH AND METHODOLOGY

4.1 Extent of the Study

This survey and impact assessment covers the area as presented in Section 5 and as illustrated in Figures 1 - 2.

4.2 Methodology

4.2.1 Preliminary investigation

4.2.1.1 Survey of the literature

A survey of the relevant literature was conducted with the aim of reviewing the previous research done and determining the potential of the area. In this regard, various anthropological, archaeological, historical sources and heritage impact assessment reports were consulted – e.g. Praagh (1906), Barnard (1975), Coetzee (1976), Van Schalkwyk 2006, 2009, whereas Myburg (1949) deals with early occupation of the region.

- Information on events, sites and features in the larger region were obtained from these sources.

4.2.1.2 Data bases

The *Heritage Atlas Database*, the *Environmental Potential Atlas*, the *Chief Surveyor General (CS-G)* and the *National Archives of South Africa (NASA)* were consulted.

- Database surveys produced a number of sites located in the region of the proposed development.
- No relevant information on the property could be found in the records of either the Chief Surveyor-General or the National Archives of South Africa.

4.2.1.3 Other sources

Aerial photographs and topocadastral and other maps were also studied - see the list of references below.

- Information of a very general nature was obtained from these sources.

4.2.2 Field survey

The area that had to be investigated was identified by **Synergistics Environmental Consulting** by means of maps. The site was surveyed by walking a number of transects across it. Special attention was given to a number of low outcrops that occur on the study area.

5. DESCRIPTION OF THE AFFECTED ENVIRONMENT

5.1 Site location and description

The site is an irregular piece of land located west of the Fairview Mine, which is located a few kilometres northeast of the town of Barberton. It includes sections of two farms, Bramber 313JU, Bramber Central 348JU (Fig. 1). For more information, please see the Technical Summary presented above.

The geology is made up of granite and the original vegetation is classified as Sour Lowveld Bushveld, but has been changed due to mining activities on the site.



Fig. 1. Location of the study area in regional context.
(Map 2530: Chief Surveyor-General)



Fig. 2. Views over the study area, showing the dense vegetation.

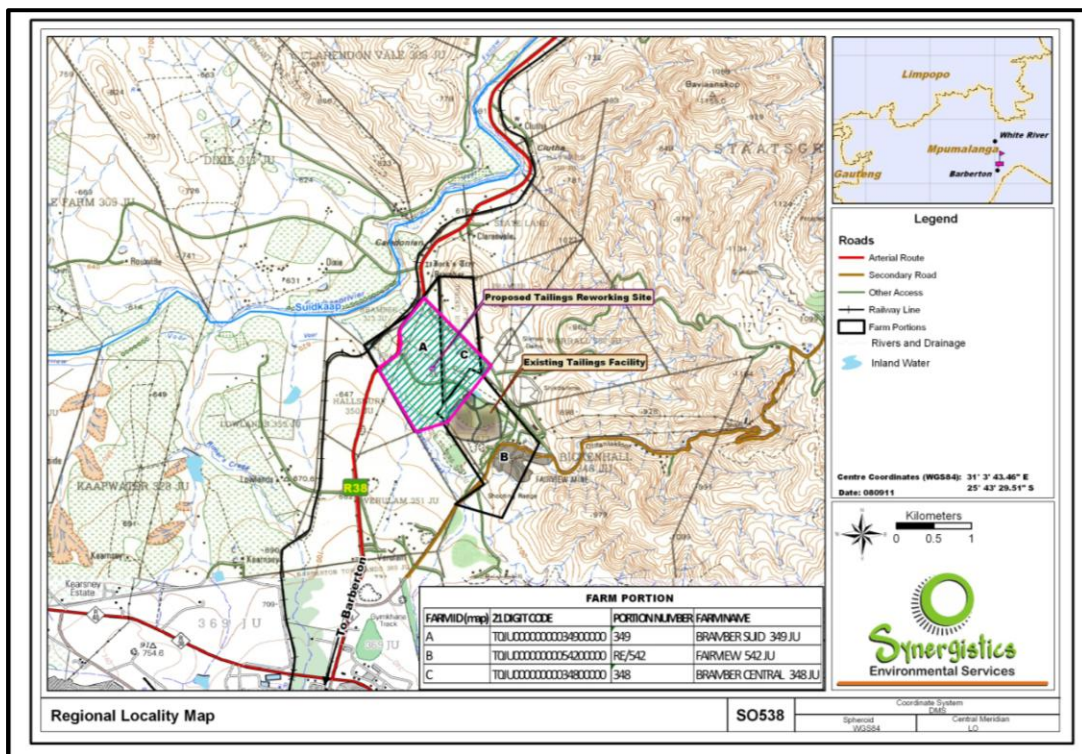


Fig. 3. Layout of the proposed development.

5.2 Regional overview

The cultural landscape qualities of the region essentially consist of one component. This is a rural area in which the human occupation is made up of a pre-colonial element (Stone Age and Iron Age) as well as a much later colonial (farmer and industrial) component.

Stone Age

Tools dating to the Early Stone Age period have been found in the larger region, mostly in the vicinity of larger watercourses. During Middle Stone Age (MSA) times (c. 150 000 – 30 000 BP), people became more mobile, occupying areas formerly avoided. The MSA is a technological stage characterized by flakes and flake-blades with faceted platforms, produced from prepared cores, as distinct from the core tool-based ESA technology. Open sites were still preferred near watercourses. No Later Stone Age (LSA) sites are known to occur in the larger region.

Iron Age

Iron Age people started to settle in southern Africa c. AD 300, with one of the oldest known sites at Broederstroom south of Hartebeespoort Dam dating to AD 470. Having only had cereals (sorghum, millet) that need summer rainfall, Early Iron Age (EIA) people did not move outside this rainfall zone, and neither did they occupy the central interior highveld area. Because of their specific technology and economy, Iron Age people preferred to settle on the alluvial soils near rivers for agricultural purposes, but also for firewood and water.

The occupation of the larger geographical area (including the study area) did not start much before the 1500s. By the 16th century things changed, with the climate becoming warmer and

wetter, creating condition that allowed Late Iron Age (LIA) farmers to occupy areas previously unsuitable, for example the treeless plains of the Free State and the Mpumalanga highveld.

Archaeological sites identified in the region date to the Late Iron Age and it seems as if they can be divided into two distinct categories. The older of these are sites with quite high walls and are conventionally linked with the Koni-group of people that have been settled in the region since the 1600s. The second groups of sites also have stone walling but this is in most cases much less developed, in many cases making them difficult to detect. This latter group of sites probably date to a later period and can also be linked to settlement during early historic times of Ndebele- and Swazi-speakers in the region.

- Archaeological sites

NHRA Category	Archaeological and palaeontological sites
Protection status	
General Protection - Section 35: Archaeology, palaeontology and meteorites	



Fig. 4. Typical Late Iron Age stone walled sites in the region.

Historic period

In 1725 Jan van de Capelle, in charge of the Dutch fortification and trading post *Fort Lijdzzaamheid* at Delagoa Bay (Maputo), sent an expedition to explore an inland route to the fabled land of Monomotapa. It was a military expedition of 31 men, commanded by Francois de Kuiper. On 5 July 1725 Sergeant Johannes Monna and 6 men reconnoitred a route through the Komatipoort to reach Iron Age communities to the west. They were the first Europeans to enter the present-day Mpumalanga Province.

The tropical climate, as well as malaria, bilharzia, nagana, sleeping-sickness and other human and animal diseases, prevented widespread colonial occupation. The rinderpest outbreak of the 1890s (which decimated large numbers of wild animals and cut down the distribution of tsetse flies), the advent of the railways, planned land settlement of white farmers, the development of agriculture and the establishment of nature conservation areas changed this situation and resulted in increasing numbers of colonists settling in the lowveld region.

During the 1840s until the 1880s, the area was visited sporadically by prospectors, scientists, hunters and other explorers, most notably St Vincent Whitshed Erskine (1868 and 1871) and Karl Mauch (1870). Gold was discovered in the Barberton region in 1884 and was quickly followed by other discoveries (Praagh 1906, Barnard 1975).

The Fairview Mine was founded in 1887 as the Kidson Reef Gold Mining Company. Over time it grew larger by incorporating smaller mines such as Drummond Reef, so-named to commemorate the sinking of the Drummond Castle.

- Farmsteads

Not many farmsteads occur in the region as most of the original farms were very large, requiring few of these to be developed.

Farmsteads are complex features in the landscape, being made up of different yet interconnected elements. Typically these consist of a main house, gardens, outbuildings, sheds and barns, with some distance from that labourer housing and various cemeteries. In addition roads and tracks, stock pens and wind mills complete the setup. An impact on one element therefore impacts on the whole.

NHRA Category	Buildings, structures, places and equipment of cultural significance
Protection status	
General Protection - Section 34: Structures older than 60 years	



Fig. 5. Farmstead in the region.

- Cemeteries

Most of these cemeteries, irrespective of the fact that they are for land owner or farm labourers (with a few exceptions where they were integrated), are family orientated. They therefore serve as important 'documents' linking people directly by name to the land.

NHRA Category	Graves, cemeteries and burial grounds
Protection status	
General Protection - Section 36: Graves or burial grounds	



Fig. 6. Family cemetery near Barberton.

- Infrastructure and industrial heritage

In many cases this aspect of heritage is left out of surveys, largely due to the fact that it is taken for granted. However, the land and its resources could not be accessed and exploited without the development of features such as roads, bridges, railway lines, electricity lines and telephone lines.

NHRA Category	Buildings, structures, places and equipment of cultural significance
Protection status	
General Protection - Section 34: Structures older than 60 years	

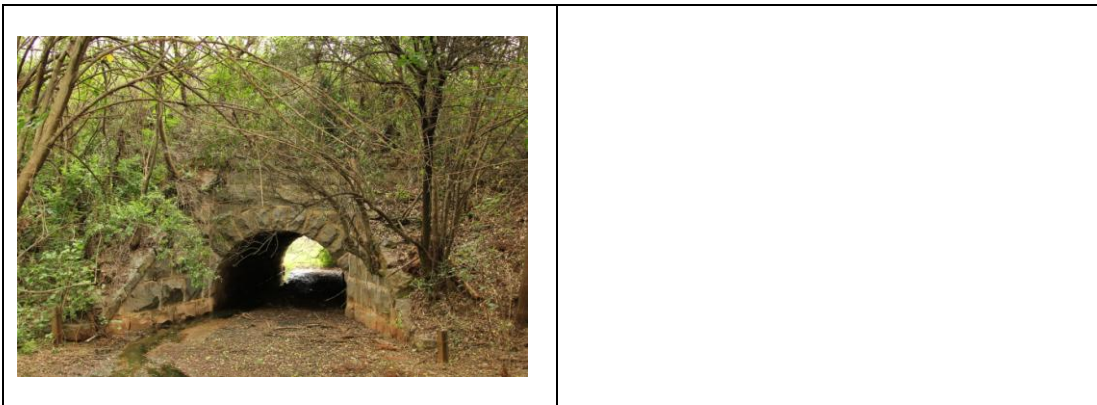


Fig. 7. Old culvert dating to the NZASM railway line.

5.3 Identified heritage sites

Based on the above sources and the field visit, the following heritage sites, features and objects were identified in the proposed development area:

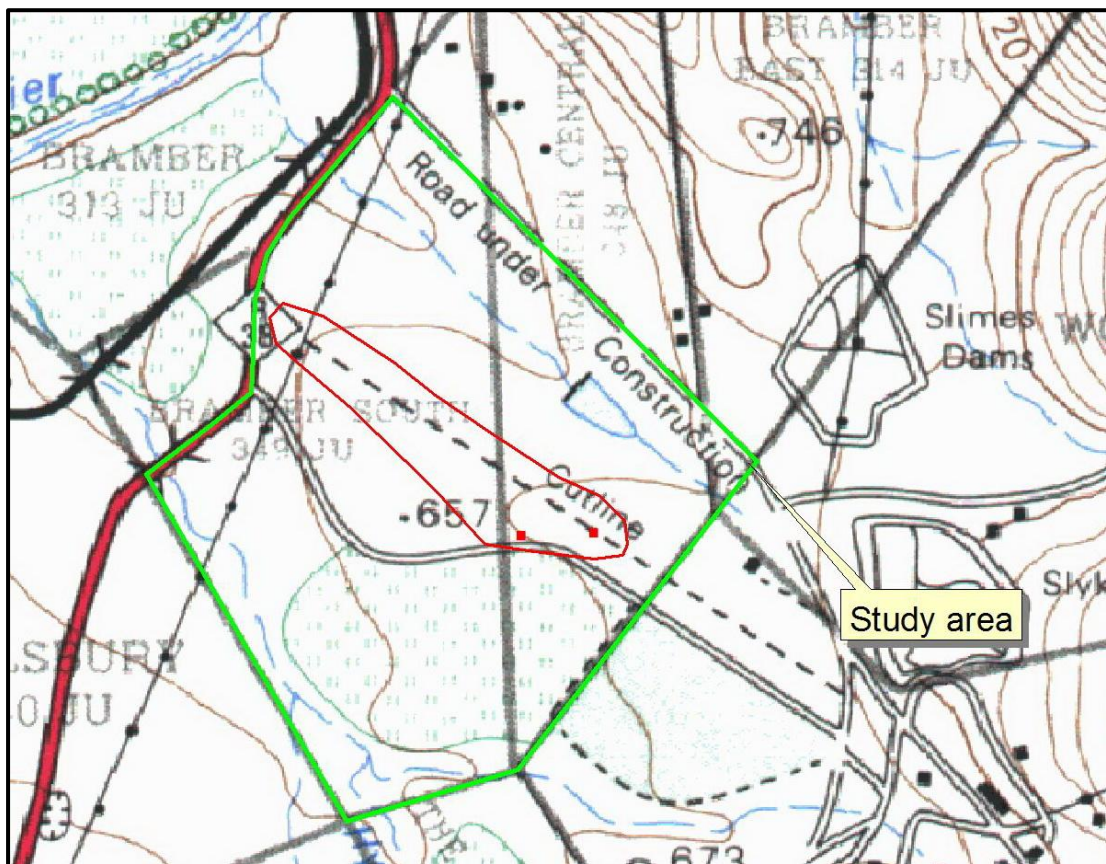


Fig. 8. Layout of the study area showing the identified sites.

5.3.1 Stone Age

- No sites, features or objects of cultural significance dating to the Stone Age were identified in the study area.

5.3.2 Iron Age

- No sites, features or objects of cultural significance dating to the Iron Age were identified in the study area.

5.3.3 Historic period

A settlement site consisting of stone walling, possible graves, agricultural terracing and field clearing cairns was identified (see Fig. 7 & 8). It is difficult to date this site as no artefacts were identified that could be used to this purpose. There are two possibilities:

- It might date to pre-colonial times, i.e. the Iron Age. This option is rule out due to the presence of marked graves (a practice that originated only with the arrival of missionaries), as well as the inhospitable environment (malaria and tsetse flies) that was usually avoided by early agro-pastoralists. The second alternative is that the site originated as early workers at the mine.



Fig. 9. Location of the various components of the site.

6. SITE SIGNIFICANCE AND ASSESSMENT

6.1 Heritage assessment criteria and grading

The NHRA stipulates the assessment criteria and grading of archaeological sites. The following categories are distinguished in Section 7 of the Act:

- **Grade I:** Heritage resources with qualities so exceptional that they are of special national significance;
- **Grade II:** Heritage resources which, although forming part of the national estate, can be considered to have special qualities which make them significant within the context of a province or a region; and
- **Grade III:** Other heritage resources worthy of conservation on a local authority level.

The occurrence of sites with a Grade I significance will demand that the development activities be drastically altered in order to retain these sites in their original state. For Grade II and Grade III sites, the applicable of mitigation measures would allow the development activities to continue.

6.2 Statement of significance

Based on current information regarding sites in the surrounding area, all sites known to occur in the study region are judged to have Grade III significance.

6.3 Impact assessment

Impact analysis of cultural heritage resources under threat of the proposed development, are based on the present understanding of the development.

- Although a lot is known about the region and the mining history, very little is known about early black labourer life and conditions on the mines. Even less is known about the Iron Age in the region. This raises the importance of the site significantly. As mitigation, it is recommended that the area is avoided if possible, but, if that is not possible a Phase II investigation should be done. This would involve the archaeological excavation and documentation of the site.

7. CONCLUSIONS

The aim of the survey was to locate, identify, evaluate and document sites, objects and structures of cultural significance found within the area in which it is proposed to develop the mine tailings dam.

The cultural landscape qualities of the region essentially consist of one component. This is a rural area in which the human occupation is made up of a pre-colonial element (Stone Age and Iron Age) as well as a much later colonial (farmer and industrial) component.

A settlement site consisting of stone walling, possible graves, agricultural terracing and field clearing cairns was identified. It is difficult to date this site as no artefacts were identified that could be used to this purpose. It might date to pre-colonial times, i.e. the Iron Age. A second alternative is that the site originated as early workers at the mine.

- Although a lot is known about the region and the mining history, very little is known about early black labourer life and conditions on the mines. Even less is known about the Iron Age in the region. This raises the importance of the site significantly. As mitigation, it is recommended that the area is avoided if possible, but, if that is not possible a Phase II investigation should be done. This would involve the archaeological excavation and documentation of the site.

Therefore, from a heritage point of view we recommend that the proposed development can continue on acceptance of the proposed mitigation. Furthermore, we also request that if archaeological sites or graves are exposed during construction work, it should immediately be reported to a heritage practitioner so that an investigation and evaluation of the finds can be made.

8. REFERENCES

8.1 Data bases

Chief Surveyor General
Environmental Potential Atlas, Department of Environmental Affairs and Tourism.
Heritage Atlas Database, Pretoria.
National Archives of South Africa
SAHRA Archaeology and Palaeontology Report Mapping Project (2009)

8.2 Literature

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Viljoen, M.J. & Reimold, W.U. 1999. *An introduction to South Africa's Geological and Mining Heritage*. Randburg: Mintek.

8.3 Maps and aerial photographs

1: 50 000 Topocadastral maps: 2530CA
Google Earth

APPENDIX 1: CONVENTIONS USED TO ASSESS THE SIGNIFICANCE OF HERITAGE RESOURCES

Significance

According to the NHRA, Section 2(vi) the **significance** of heritage sites and artefacts is determined by its aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technical value in relation to the uniqueness, condition of preservation and research potential. It must be kept in mind that the various aspects are not mutually exclusive, and that the evaluation of any site is done with reference to any number of these.

Matrix used for assessing the significance of each identified site/feature

1. Historic value				
Is it important in the community, or pattern of history				
Does it have strong or special association with the life or work of a person, group or organisation of importance in history				
Does it have significance relating to the history of slavery				
2. Aesthetic value				
It is important in exhibiting particular aesthetic characteristics valued by a community or cultural group				
3. Scientific value				
Does it have potential to yield information that will contribute to an understanding of natural or cultural heritage				
Is it important in demonstrating a high degree of creative or technical achievement at a particular period				
4. Social value				
Does it have strong or special association with a particular community or cultural group for social, cultural or spiritual reasons				
5. Rarity				
Does it possess uncommon, rare or endangered aspects of natural or cultural heritage				
6. Representivity				
Is it important in demonstrating the principal characteristics of a particular class of natural or cultural places or objects				
Importance in demonstrating the principal characteristics of a range of landscapes or environments, the attributes of which identify it as being characteristic of its class				
Importance in demonstrating the principal characteristics of human activities (including way of life, philosophy, custom, process, land-use, function, design or technique) in the environment of the nation, province, region or locality.				
7. Sphere of Significance		High	Medium	Low
International				
National				
Provincial				
Regional				
Local				
Specific community				
8. Significance rating of feature				
1.	Low			
2.	Medium			
3.	High			

APPENDIX 2. RELEVANT LEGISLATION

All archaeological and palaeontological sites, and meteorites are protected by the National Heritage Resources Act (Act no 25 of 1999) as stated in Section 35:

(1) Subject to the provisions of section 8, the protection of archaeological and palaeontological sites and material and meteorites is the responsibility of a provincial heritage resources authority: Provided that the protection of any wreck in the territorial waters and the maritime cultural zone shall be the responsibility of SAHRA.

(2) Subject to the provisions of subsection (8)(a), all archaeological objects, palaeontological material and meteorites are the property of the State. The responsible heritage authority must, on behalf of the State, at its discretion ensure that such objects are lodged with a museum or other public institution that has a collection policy acceptable to the heritage resources authority and may in so doing establish such terms and conditions as it sees fit for the conservation of such objects.

(3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority offices or museum, which must immediately notify such heritage resources authority.

(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.

In terms of cemeteries and graves the following (Section 36):

(1) Where it is not the responsibility of any other authority, SAHRA must conserve and generally care for burial grounds and graves protected in terms of this section, and it may make such arrangements for their conservation as it sees fit.

(2) SAHRA must identify and record the graves of victims of conflict and any other graves which it deems to be of cultural significance and may erect memorials associated with the grave referred to in subsection (1), and must maintain such memorials.

(3) 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;
- (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.