
PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

*REZONING & SUBDIVISION FOR PURPOSES OF MIXED USE DEVELOPMENT,
FARM RE/961, COVE ROCK, EAST LONDON,
EASTERN CAPE, SOUTH AFRICA*

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1) TERMS OF REFERENCE

Biotechnology & Environmental Specialist Consultancy (BESC) has been appointed as independent environmental consultant by the developer, Southern Palace Investment 414 (Pty) Ltd, to prepare the Environmental Impact Assessment (EIA) for the proposed rezoning and subdivision for purposes of *Mixed Use Development* on the approximate 46ha property Farm RE/961, Cove Rock, East London, Eastern Cape, South Africa (BESC 2008). ArchaeoMaps Archaeological Consultancy has been appointed by BESC to conduct the Phase 1 Archaeological Impact Assessment (AIA) as specialist sub-section to the EIA.

1.1) DEVELOPMENT LOCATION AND IMPACT

The proposed development area, Farm RE/961, comprising approximately 46ha in extent, is located in the Cove Rock area of East London [1:50,000 map reference - 3327BB]. The site is situated more or less 20km south west (SW) of East London's Central Business District (CBD) and 3.5km south (S) of the East London Airport (Willow Park). The study site falls within the jurisdiction of the Buffalo City Municipality and within the '*urban edge*' of East London, as defined by the Buffalo City Municipality's Spatial Development Framework (SDF) where the '*urban edge*' comprises the '...line where the transition from the urban area is proposed to change to peri-urban and rural development, involving differing land use characteristics and density of development.' The site has been proposed as an area for *Mixed Landuse Development* by both the Buffalo City Municipality's West Bank Local SDF and the Municipality's Integrated Development Plan (BESC 2008).

Farm RE/961 is bordered by the Zamnyama River and adjoining Farms RE/960 and 939 to the east (E). To the north (N) of the study site lies Farm 937, to the west (W) is Marine Drive and Farm 1325 and Farm 1/961 is located to the south (S) (BESC 2008).

Farm RE/961 is currently zoned as *Agriculture 1* and used for dairy farming. The property is predominantly surrounded by agricultural land, the Cove Rock Conservancy and a number of residential properties. It is proposed that the development area be rezoned from *Agriculture 1* to various *Mixed Use Development* zonings including areas zoned for commercial/service industry, residential, mixed use/residential, a hospital, offices, business and agriculture. Bulk services shall include storm water management, water supply, sanitation, roads and electricity (BESC 2008).

In accordance with the current conceptual development proposal development impact on Farm RE/961 is expected to be total; resulting in the loss of all surface and sub-surface heritage sites / features that may be present in the areas of impact. The current conceptual development proposal may be subject to change, however within the confines of the Farm RE/961 geographic area. The Phase 1 AIA covered the total of the proposed Farm RE/961 study site.



Figure 1: East London, Eastern Cape, South Africa



Figure 2: Locality of the proposed development area, Farm RE/961, in relation to East London



Figure 3: Close-up of the proposed Farm RE/961 development area, Cove Rock, East London

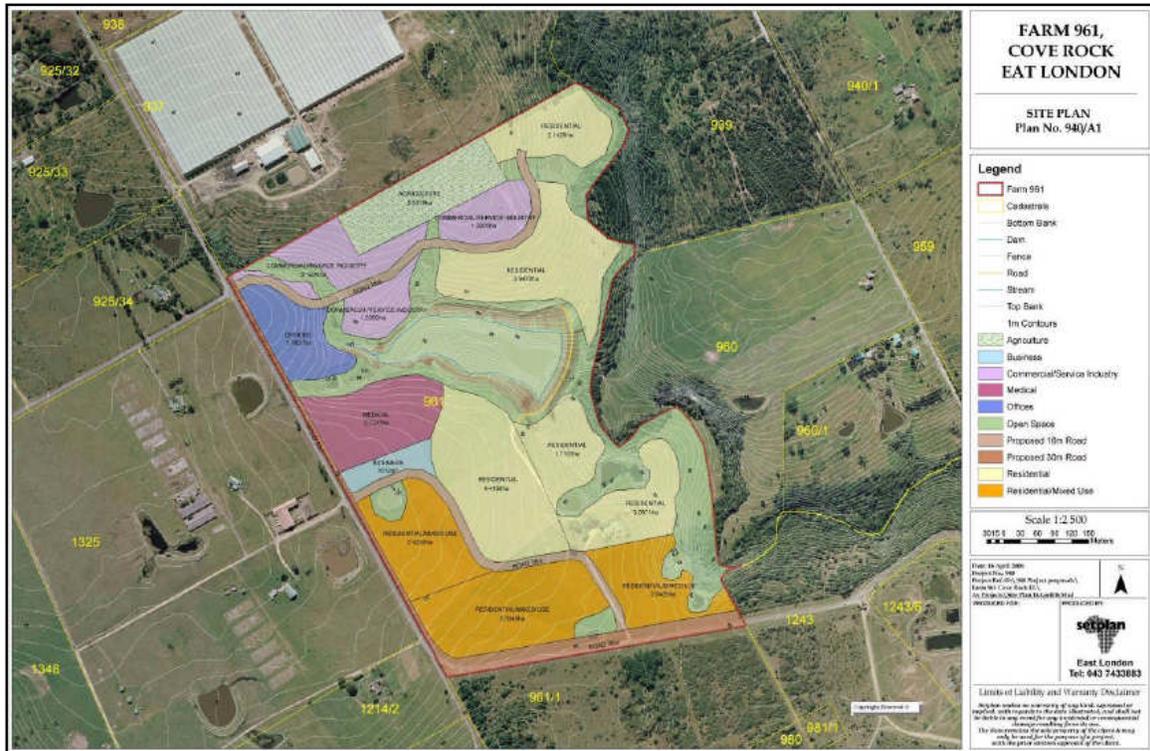


Figure 4: Preliminary conceptual development proposal for Farm RE/961

1.2) THE NATURAL ENVIRONMENT

VEGETATION: Farm RE/961 has been classified by the STEP as ‘forming part of the STEP corridor, which forms a system of natural pathways for plants and animals, which if safeguarded, will ensure not only their current existence but their future survival’. It is recommended that STEP corridor land only withstand minimal loss of natural area through disturbance or development. Within these constraints STEP corridor land may be suitable for eco-friendly activities including sustainable game farming and responsible ecotourism. Farm RE/961 has however, besides portions adjoining the Zamnyama River, been cleared and is already disturbed due to its present agricultural use (BESC 2008).

The study site is located in the Thicket Biome which includes a range of thicket vegetation that can vary from an impenetrable tangle of shrubs and low trees to a continuous or *solid* form, or as a mixture or *mosaic* with other vegetation types on coastal dunes, clayey soils, rock outcrops and termitaria throughout subtropical and tropical Africa. The vegetation type occurring on Farm RE/961 is more specifically known as Hamburg Dune Thicket (Transfish Dune mosaic with Savanna) and classified by STEP as currently not vulnerable (BESC 2008).

Hamburg Dune Thicket is not restricted to any specific geological formation and occurs on loamy to sandy soils derived from mudstone, sandstone and shale of the Adelaide Subgroup. The matrix vegetation is Savanna in which *Acacia Karoo* is often abundant. Some rare and uncommon herbs occur within the Savanna vegetation. Highly fragmented Thicket clumps may be present on rocky outcrops; with some very rare and highly localized endemic succulents restricted to these clumps. Thicket clumps are inferred to

have been coastal forests in recent times. Most of the Hamburg Grassland Thicket is restricted to the fore dune system and water drainage lines that seem to act as fire protected sites. A recent increase in fire frequency may have enabled *Acacia Karoo* to have established in the matrix Grassland (now a Savanna) and Thicket elements to have established in the semi-fire protected sites (old forest patches) in the riverine areas. The original delineation between Thicket, Grassland and Forest has been severely marred by recent burning and grazing practices (BESC 2008).

GEOLOGY: The general area is underlain by the Cape and Karoo Supergroups, the Suurberg, Uitenhage and Algoa Groups and the Igoda, Gahamstown and Martindale Formations. The Cape Supergroup is represented in the area by the Bokkeveld and Witteberg Groups. Younger unconsolidated sediments are present in places and include river terrace gravels, alluvium and windblown sands. The Beaufort Group strata have been intruded by dolomite of Jurassic age, while both the Cape and Karoo rocks have been fairly strongly folded (BESC 2008).

The geology present on site is that of the Beaufort Group Strata consisting of the Adelaide Subgroup which comprises the Koonap, Middleton and Balfour Formations. The formation present on site is that of the Middleton Formation. The formations all consist of alternating grey, moderately to well sorted, fine to very fine-grained, ultralithofeldspathic sandstones and bluish-grey, greenish-grey or grayish red mudstones (BESC 2008).

2) THE PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

2.1) ARCHAEOLOGICAL LEGISLATIVE COMPLIANCE

The Phase 1 Archaeological Impact Assessment (AIA) was requested by the South African Heritage Resources Agency (SAHRA) mandatory responsible for the National Heritage Resources Act, Act No 25 of 1999 (NHRA 1999).

The Phase 1 AIA was requested as specialist sub-section to the Environmental Impact Assessment (EIA) in compliance with requirements of the National Environmental Management Act, No 107 of 1998 (NEMA 1998) and associated regulations (2006), and the NHRA 1999 and associated regulations (2000).

The Phase 1 AIA aimed to locate, identify and assess the significance of cultural heritage resources, inclusive of archaeological deposits / sites, built structures older than 60 years, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict and cultural landscapes or viewsapes as defined and protected by the NHRA 1999, that may be affected by the proposed development. Palaeontological deposits / sites as defined and protected by the NHRA 1999 are not included as subject to this report.

2.2) COVERAGE AND GAP ANALYSIS

The Phase 1 AIA covered the total of the proposed approximate 46ha Farm RE/961 development area. Visibility ranged from good to fair, a direct result of vegetation cover and existing development with the majority of the area having been transformed to grazing providing good visibility albeit in already disturbed areas. Visibility along the banks of the Zamnyama River was more restricted.

Access to the development area is via an existing road network.

2.3) METHODOLOGY

The Phase 1 AIA was conducted over a 1 day period (2008-08-28) by one archaeologist. The assessment was done by foot and limited to a Phase 1 surface survey; no excavation or sub-surface testing was done. GPS co-ordinates were taken with a Garmin GPSmap 60CSx GPS (Datum: WGS84). Photographic documentation was done with a Pentax K10D camera. A combination of Garmap and Google Earth software was used in the display of spatial information.

Archaeological and cultural heritage site significance assessment and associated mitigation recommendations were done according to the system prescribed by SAHRA (2007).

SAHRA ARCHAEOLOGICAL & CULTURAL HERITAGE SITE SIGNIFICANCE ASSESSMENT			
SITE SIGNIFICANCE	FIELD RATING	GRADE	RECOMMENDED MITIGATION
High Significance	National Significance	Grade 1	Site conservation / Site development
High Significance	Provincial Significance	Grade 2	Site conservation / Site development
High Significance	Local Significance	Grade 3A / 3B	Site conservation or extensive mitigation prior to development / destruction
High / Medium Significance	Generally Protected A	-	Site conservation or mitigation prior to development / destruction
Medium Significance	Generally Protected B	-	Site conservation or mitigation / test excavation / systematic sampling / monitoring prior to or during development / destruction
Low Significance	Generally Protected C	-	On-site sampling, monitoring or no archaeological mitigation required prior to or during development / destruction

Table 1: Cultural heritage site significance assessment and mitigation recommendations

2.4) PHASE 1 AIA ASSESSMENT FINDINGS

No archaeological or cultural heritage resources, as defined and protected by the NHRA 1999, were identified during the Phase 1 AIA of the approximate 46ha Farm RE/961 development area. Two contemporary cultural heritage resources are located on the property and is briefly be reported on.



Figure 5: Phase 1 AIA assessment findings

Both contemporary cultural heritage resources (S1 & S2) comprise of structures post-dating 60 years of age, they are by implication not protected under the NHRA 1999. Destruction thereof or alteration thereto *in lieu* of the development is not subject to SAHRA application / approval. The structures can be described as:

1. S1 - Residence (S33°03'44.3"; E27°49'13.0"): The contemporary residence, currently in use, post-dates 60 years of age and is not formally protected under the NHRA 1999.
2. S2 - Former residence (S33°03'44.5"; E27°49'10.4"): The site comprises only of the outer brick and cement structure shell; the roof, window frames, door etc have in the interim been removed. The structure post-dates 60 years of age and is not formally protected under the NHRA 1999.



Figure 6: General view - The contemporary S1 residence



Figure 7: The contemporary S2 brick and cement structure

The general development area is characterized by surface disturbance: Large scale clearance for agricultural purposes (grazing) impacted on the total of the development areas' surface excluding the Zamnyama river valley and would have by implication impacted on or destroyed any archaeological and cultural heritage resources that may have been present in the area. Shallow exposed sub-surface sections across the altered landscape however proved to be anthropically sterile; indicative of an original anthropically sterile surface. It can reasonably be inferred that no resources were affected by the current agricultural development.

A number of smaller dams and one large dam are present on the study site. Section inspections supported sterile sub-surface observations across the development area. Sections furthermore indicated the geological basal layer at approximately 50cm below the present day surface. In addition assessment of the Zamnyama river valley indicated culturally sterile riverbed sections, more than often dominated by geological formations with little surface soil or potential for cultural deposits / stratigraphic layers.



Figure 8: General view of the proposed Farm RE/961 development area



Figure 11: A number of smaller dams are located on the property; dam sections proved anthropically sterile



Figure 9: Shallow exposed sections across the development area proved culturally sterile



Figure 12: General view - the large dam located centrally in the development area



Figure 10: View of the Zamnyama river valley forming the eastern (E) boundary of the development area



Figure 13: Exposed sections at the dam yielded little topsoil above the dominating geological stratigraphy



Figure 14: Close-up of the approximate 50cm topsoil overlying the geological basal layer



Figure 16: General view of the Zamnyama River towards the north of the development area



Figure 15: Shallow culturally sterile sections of the Zamnyama river valley



Figure 17: General view of the Zamnyama River towards the south of the development area

2.5) CONCLUSION

Surface assessment of the approximate 46ha Farm RE/961 development area, Cove Rock, East London, yielded no cultural heritage resources inclusive of archaeological deposits / sites, built structures older than 60 years, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict and cultural landscapes or views as defined and protected by the NHRA 1999.

Two contemporary heritage resources are located on the property. Both comprise of structures post-dating 60 years of age. The structures are thus not formally protected under the NHRA 1999; destruction thereof *in lieu* of the proposed development is not subject to SAHRA application / approval.

Inspection of shallow exposed sections varying from 30-50cm across the largely altered surface of the development area proved continuously culturally sterile. Large exposed sections of up to 2m at the centrally located dam indicated a 50cm topsoil level underlain by geological basal layers, implying that should archaeological or cultural resources have been present it would have been restricted to the 50cm level immediately below the present day surface. Assessment of the Zamnyama riverbed echoed surface and sub-surface anthropic sterility described above.

MAP CODE	SITE	TYPE	DESCRIPTION	CO-ORDINATES	RECOMMENDATIONS
MIXED USE DEVELOPMENT, FARM RE/961, COVE ROCK, EAST LONDON					
DEVELOPMENT AREA					
1	-	-	-	S33°03'30.0"; E27°48'46.9"	N/A
2	-	-	-	S33°03'18.4"; E27°49'11.5"	N/A
3	-	-	-	S33°03'21.0"; E27°49'13.7"	N/A
4	-	-	-	S33°03'22.6"; E27°49'13.5"	N/A
5	-	-	-	S33°03'25.1"; E27°49'10.9"	N/A
6	-	-	-	S33°03'27.3"; E27°49'12.3"	N/A
7	-	-	-	S33°03'27.9"; E27°49'14.4"	N/A
8	-	-	-	S33°03'28.8"; E27°49'14.4"	N/A
9	-	-	-	S33°03'29.4"; E27°49'13.8"	N/A
10	-	-	-	S33°03'30.1"; E27°49'13.3"	N/A
11	-	-	-	S33°03'35.1"; E27°49'11.9"	N/A
12	-	-	-	S33°03'37.4"; E27°49'12.1"	N/A
13	-	-	-	S33°03'39.6"; E27°49'13.7"	N/A
14	-	-	-	S33°03'37.1"; E27°49'17.1"	N/A
15	-	-	-	S33°03'39.3"; E27°49'20.1"	N/A
16	-	-	-	S33°03'46.2"; E27°49'20.2"	N/A
17	-	-	-	S33°03'46.2"; E27°49'22.1"	N/A
18	-	-	-	S33°03'46.9"; E27°49'20.6"	N/A
19	-	-	-	S33°03'49.7"; E27°49'22.2"	N/A
20	-	-	-	S33°03'52.8"; E27°49'02.2"	N/A
CONTEMPORARY HERITAGE RESOURCES					
S1	Site 1	Contemporary	Structure	S33°03'44.3"; E27°49'13.0"	N/A
S2	Site 2	Contemporary	Structure	S33°03'44.5"; E27°49'10.4"	N/A
<i>*No archaeological or cultural heritage resources as defined and protected by the NHRA1999 were identified within the proposed development area</i>					

Table 2: Co-ordinates of the proposed Farm RE/961 development area, Cove Rock, East London and identified cultural heritage resources

3) RECOMMENDATIONS

The proposed rezoning and subdivision for purposes of a *Mixed Use Development*, Farm RE/961, Cove Rock, East London, will not impact on any identified cultural heritage resources as defined and protected by the NHRA 1999.

Two contemporary cultural heritage resources are located on the property, both post-date 60 years of age and are not formally protected under the NHRA 1999. Alteration / destruction of the resources *in lieu* of the development are not subject to SAHRA application or approval.

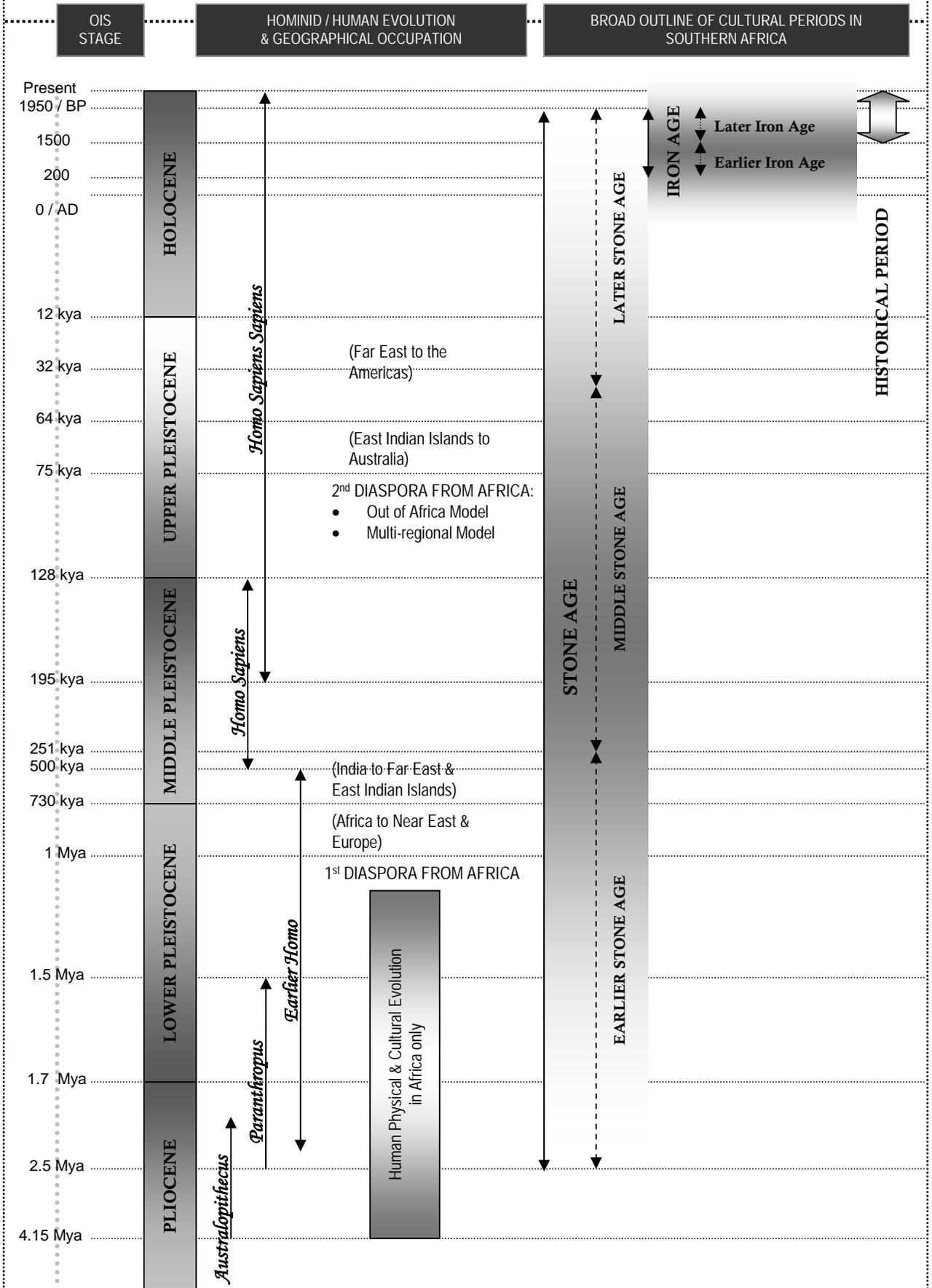
- **Recommendations:** It is recommended that, with reference to cultural heritage compliance as per the requirements of the NHRA 1999, the proposed rezoning and subdivision for purposes of a *Mixed Use Development* to be located on the approximate 46ha property Farm RE961, Cove Rock, East London, Eastern Cape, proceeds as applied for without the developer having to comply with further archaeological and cultural heritage legislative requirements.

NOTE: Should any archaeological or cultural heritage resources as defined and protected by the NHRA 1999 be identified during the course of development the developer should immediately cease operation in the vicinity of the find and report the site to SAHRA.

4) REFERENCES CITED

1. South African Government. (No. 107) of 1998. *National Environmental Management Act*.
2. South African Government. (No. 25) of 1999. *National Heritage Resources Act*.
3. South African Heritage Resources Agency. 2005. *Minimum standards for the archaeological and heritage components of impact assessments*. Unpublished guidelines.
4. BESC. 2008. *Rezoning and subdivision of Farm RE/961, Cove Rock, for the purposes of a mixed use development*. Unpublished report.

Schematic Outline of the Pre-historic and Historic Periods (Southern Africa)



EXTRACTS FROM THE

NATIONAL HERITAGE RESOURCES ACT (No 25 OF 1999)

DEFINITIONS

Section 2

In this Act, unless the context requires otherwise:

- ii. *"Archaeological"* means –
 - a) 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) rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10 m of such representation;
 - c) wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the Republic, ... and any cargo, debris, or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation.
- viii. *"Development"* means any physical intervention, excavation or action, other than those caused by natural forces, which may in the opinion of a heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including –
 - a) construction, alteration, demolition, removal or change of use of a place or structure at a place;
 - b) carrying out any works on or over or under a place;
 - c) subdivision or consolidation of land comprising, a place, including the structures or airspace of a place;
 - d) constructing or putting up for display signs or hoardings;
 - e) any change to the natural or existing condition or topography of land; and
 - f) any removal or destruction of trees, or removal of vegetation or topsoil;
- xiii. *"Grave"* means a place of interment and includes the contents, headstone or other marker of such a place, and any other structure on or associated with such place;
- xxi. *"Living heritage"* means the intangible aspects of inherited culture, and may include –
 - a) cultural tradition;
 - b) oral history;
 - c) performance;
 - d) ritual;
 - e) popular memory;
 - f) skills and techniques;
 - g) indigenous knowledge systems; and
 - h) the holistic approach to nature, society and social relationships.
- xxxi. *"Palaeontological"* means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace;
- xli. *"Site"* means any area of land, including land covered by water, and including any structures or objects thereon;
- xliv. *"Structure"* means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith;

NATIONAL ESTATE

Section 3

- 1) For the purposes of this Act, those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities.
- 2) Without limiting the generality of subsection 1), the national estate may include –
 - a) places, buildings, structures and equipment of cultural significance;
 - b) places to which oral traditions are attached or which are associated with living heritage;
 - c) historical settlements and townscapes;
 - d) landscapes and natural features of cultural significance;
 - e) geological sites of scientific or cultural importance
 - f) archaeological and palaeontological sites;
 - g) graves and burial grounds, including –
 - i. ancestral graves;
 - ii. royal graves and graves of traditional leaders;
 - iii. graves of victims of conflict
 - iv. graves of individuals designated by the Minister by notice in the Gazette;
 - v. historical graves and cemeteries; and
 - vi. other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No 65 of 1983)
 - h) sites of significance relating to the history of slavery in South Africa;
 - i) movable objects, including –
 - i. objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - ii. objects to which oral traditions are attached or which are associated with living heritage;
 - iii. ethnographic art and objects;
 - iv. military objects;
 - v. objects of decorative or fine art;
 - vi. objects of scientific or technological interest; and

- vii. 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).

STRUCTURES

Section 34

- 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.

ARCHAEOLOGY, PALAEOLOGY AND METEORITES

Section 35

- 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 assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- 5) When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and no heritage resources management procedure in terms of section 38 has been followed, it may –
 - a) serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order;
 - b) carry out an investigation for the purpose of obtaining information on whether or not an archaeological or palaeontological site exists and whether mitigation is necessary;
 - c) if mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph a) to apply for a permit as required in subsection 4); and
 - d) recover the costs of such investigation from the owner or occupier of the land on which it is believed an archaeological or palaeontological site is located or from the person proposing to undertake the development if no application for a permit is received within two weeks of the order being served.
- 6) The responsible heritage resources authority may, after consultation with the owner of the land on which an archaeological or palaeontological site or meteorite is situated, serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.

BURIAL GROUNDS AND GRAVES

Section 36

- 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 of any burial ground or grave referred to in subsection 3a) 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.
- 5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection 3b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority –
 - a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and
 - b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.
- 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.

HERITAGE RESOURCES MANAGEMENT

Section 38

- 1) Subject to the provisions of subsections 7), 8) and 9), any person who intends to undertake a development categorised as –
 - a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
 - b) the construction of a bridge or similar structure exceeding 50 m in length;
 - c) any development or other activity which will change the character of a site –
 - i. exceeding 5 000 m² in extent; or
 - ii. involving three or more existing erven or subdivisions thereof; or
 - iii. involving three or more erven or subdivisions thereof which have been consolidated within the past five years; or
 - iv. the costs which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
 - d) the rezoning of a site exceeding 10 000 m² in extent; or
 - e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.
- 2) The responsible heritage resources authority must, within 14 days of receipt of a notification in terms of subsection 1) –
 - a) if there is reason to believe that heritage resources will be affected by such development, notify the person who intends to undertake the development to submit an impact assessment report. Such report must be compiled at the cost of the person proposing the development, by a person or persons approved by the responsible heritage resources authority with relevant qualifications and experience and professional standing in heritage resources management; or
 - b) notify the person concerned that this section does not apply.
- 3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection 2a)
...
- 4) The report must be considered timeously by the responsible heritage resources authority which must, after consultation with the person proposing the development decide –
 - a) whether or not the development may proceed;
 - b) any limitations or conditions to be applied to the development;
 - c) what general protections in terms of this Act apply, and what formal protections may be applied, to such heritage resources;
 - d) whether compensatory action is required in respect of any heritage resources damaged or destroyed as a result of the development; and
 - e) whether the appointment of specialists is required as a condition of approval of the proposal.

APPOINTMENT AND POWERS OF HERITAGE INSPECTORS

Section 50

- 7) Subject to the provision of any other law, a heritage inspector or any other person authorised by a heritage resources authority in writing, may at all reasonable times enter upon any land or premises for the purpose of inspecting any heritage resource protected in terms of the provisions of this Act, or any other property in respect of which the heritage resources authority is exercising its functions and powers in terms of this Act, and may take photographs, make measurements and sketches and use any other means of recording information necessary for the purposes of this Act.
- 8) A heritage inspector may at any time inspect work being done under a permit issued in terms of this Act and may for that purpose at all reasonable times enter any place protected in terms of this Act.
- 9) Where a heritage inspector has reasonable grounds to suspect that an offence in terms of this Act has been, is being, or is about to be committed, the heritage inspector may with such assistance as he or she thinks necessary –
 - a) enter and search any place, premises, vehicle, vessel or craft, and for that purpose stop and detain any vehicle, vessel or craft, in or on which the heritage inspector believes, on reasonable grounds, there is evidence related to that offence;
 - b) confiscate and detain any heritage resource or evidence concerned with the commission of the offence pending any further order from the responsible heritage resources authority; and
 - c) take such action as is reasonably necessary to prevent the commission of an offence in terms of this Act.
- 10) A heritage inspector may, if there is reason to believe that any work is being done or any action is being taken in contravention of this Act or the conditions of a permit issued in terms of this Act, order the immediate cessation of such work or action pending any further order from the responsible heritage resources authority.