

Phase 1 Archaeological Impact Assessment -
**PORTION OF THE FARM PLATFONTEIN 68,
KIMBERLEY DISTRICT, NORTHERN CAPE, SOUTH AFRICA**

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1) PROJECT BRIEF

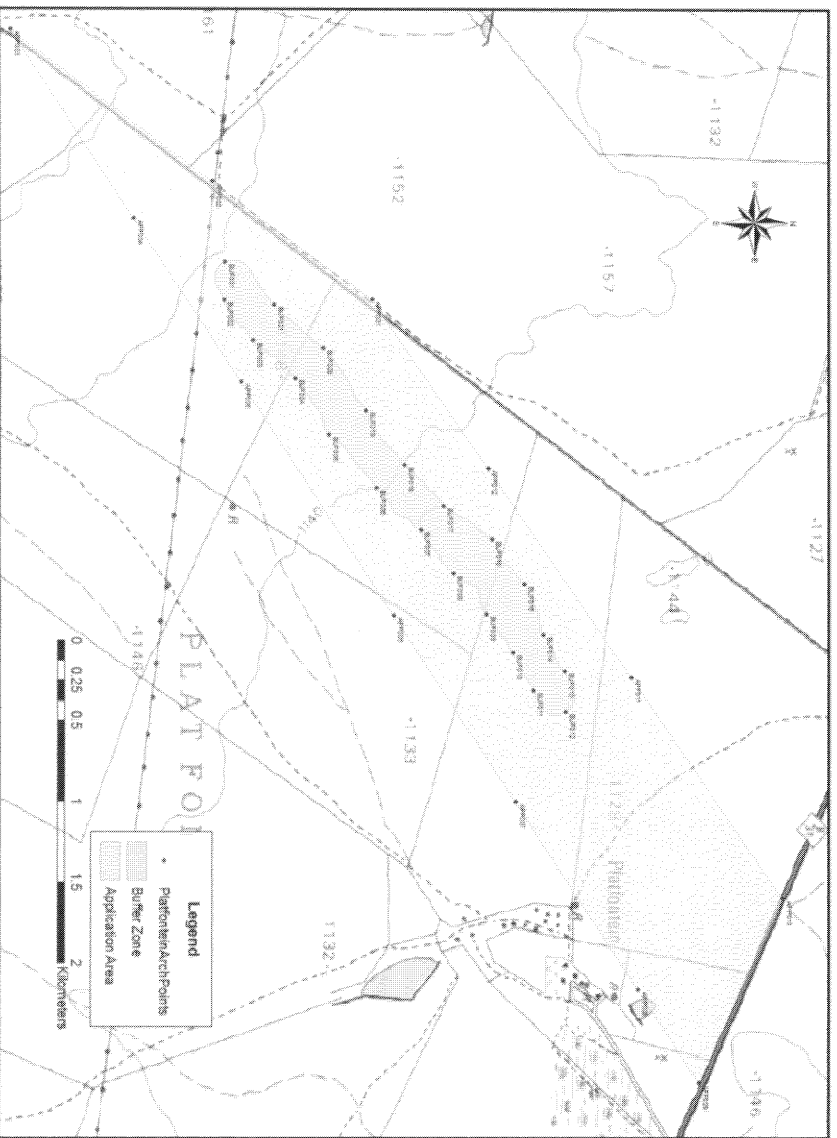
The National Museum Bloemfontein, Archaeology Contracts Office, was contracted by the developer, De Beers Consolidated Mines, RSA Exploration, to conduct a Phase 1 Archaeological Impact Assessment. The assessment was requested in compliance with prospecting and mining right environmental requirements as set out in the Mineral and Petroleum Resources Development Act, No 28 of 2002, represented by the Department of Minerals and Energy (DME), the particulars of which are described in the National Environmental Management Act, No 107 of 1998, represented by the Department of Environmental Affairs & Tourism (DEAT) and the National Heritage Resources Act, No 25 of 1999, represented by the South African Heritage Resources Agency (SAHRA).

The Phase 1 Archaeological Impact Assessment was requested prior to a formal assessment request by SAHRA, no SAHRA reference number has thus been assigned to the project as yet.

This document reports on the findings of the Phase 1 Archaeological Impact Assessment.

2) PROPERTY DESCRIPTION

The proposed development is situated south of the R31, approximately 15km north west of Kimberley, on a portion of the farm Platfontein 68, Kimberley District, Northern Cape (1:50,000 map reference: 2824DA).



MAP 1: General location of the proposed development situated on a portion of the farm Platfontein 68, Kimberley District, Northern Cape (courtesy De Beers Consolidated Mines).

3) DEVELOPMENT PROCESS AND IMPACT

The proposed diamond mining development is twofold in nature; firstly involving prospecting with the intention to mine in the indicated 'Buffer Zone', comprising an approximate 75ha area. Pending mining results within the 'Buffer Zone', mining may be expanded to the 'Application Area', an area comprising approximately 530ha inclusive of the 'Buffer Zone' area.

3.1) PROSPECTING AND MINING WITHIN THE 'BUFFER ZONE'

Initial development application to DME will be limited to a prospecting permit / right for the 'Buffer Zone', with the 'Buffer Zone' demarcating the known extend of a kimberlite dyke. The proposed prospecting programme will be done in sequential phases, inclusive of:

- i. Geophysical surveying – no significant surface impact.
- ii. Small diameter drilling (165mm diameter percussion and core methods) at sites along the length of the dyke. The drilling process will cause limited surface and sub-surface disturbance.
- iii. Initial prospecting trenches and pits of approximately 20m (length) x 2m (width) x 3m (depth). Initial prospecting will cause noticeable surface and subsurface disturbance.
- iv. Pending results of small diameter drilling and initial trench and pit prospecting, the process will be complemented by large diameter drilling (450mm and above percussion and core methods), resulting in limited surface and sub-surface disturbance, and trenching and pitting in probable excess of 20m (length) x 20m (width) with ramps for sub-surface access. Trenching and pitting will cause significant surface and sub-surface disturbance.
- v. Access during phases i, ii, and iii will be via existing tracks and cross-country. Access during phase iv will necessitate an upgrade of existing access roads and tracks to accommodate development requirements.

Pending prospecting analysis and results the developer may apply for a mining permit / right for the 'Buffer Zone'.

3.2) PROBABLE FUTURE MINING WITHIN THE 'APPLICATION AREA'

Based on the 'Buffer Zone' mining results the developer may in future apply to DME for prospecting and mining permits / rights. Such application will be done independently from the 'Buffer Zone' application.

4) THE PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

4.1) COVERAGE AND GAP ANALYSIS

The Archaeological Impact Assessment was restricted to the approximate 75ha 'Buffer Zone' area (see Map 1), comprising the proposed prospecting and envisaged future mining area. The assessment included access roads to, and existing tracks within, the 'Buffer Zone'.

The assessment did not cover the total of the indicated 'Application Area'. Probable future development within the area is not included in the current development application.

4.2) METHODOLOGY

A single day assessment (2006-12-20) was conducted by one assessor. The assessment was limited to a Phase 1 surface survey, done by foot and off-road vehicle (3500cc quad-bike). No excavation or sub-surface testing was done since a permit from SAHRA is required to do so. GPS co-ordinates were taken with a Garmin e-trex vista GPS (3-8 m error margin). Photographic documentation was done with a Casio exilim EX-S2 camera.

The assessment covered:

- i. The approximate 75ha 'Buffer Zone';
- ii. Existing access roads to, and tracks within, the proposed development area;

Archaeological and cultural heritage site significance assessment and associated mitigation recommendations were done according to the system prescribed by SAHRA (2005).

FIELD RATING	GRADE	SITE SIGNIFICANCE	RECOMMENDED MITIGATION
National significance	Grade 1	High Significance	Conservation; Mitigation not advised
Provincial significance	Grade 2	High Significance	Conservation; Mitigation not advised
Local Significance	Grade 3A	High Significance	Site preservation or extensive sampling – Mitigation before destruction
Local Significance	Grade 3B	High Significance	Site preservation or extensive sampling – Mitigation before destruction
Generally Protected A	-	High / Medium Significance	Site preservation or test excavation / extensive sampling – Mitigation before destruction
Generally Protected B	-	Medium Significance	Test excavation / systematic sampling – Recording before destruction
Generally Protected C	-	Low Significance	No archaeological mitigation required – Site destruction

TABLE 1 : Archaeological and cultural heritage site significance and mitigation recommendations

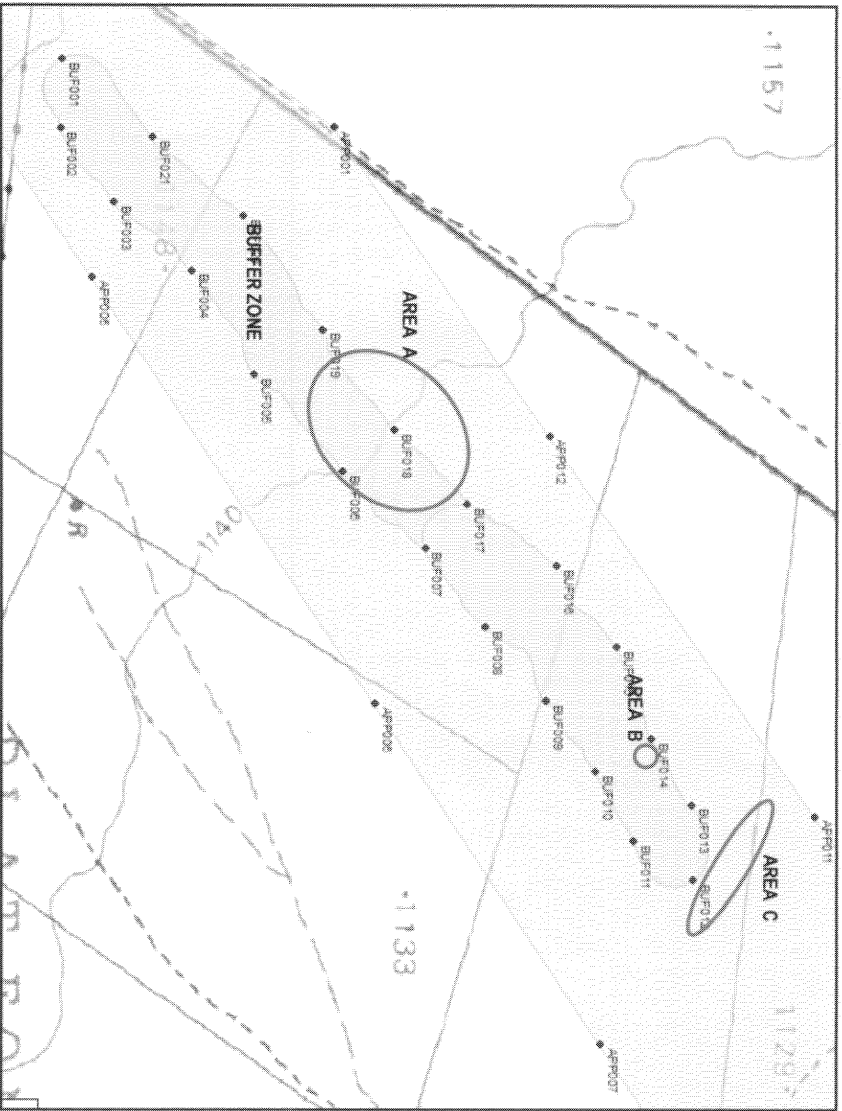
4.3) CONSULTATION

David Morris (Head Archaeology, McGregor Museum, Kimberley) was contacted with regards to known sites situated in the general vicinity and on the Platontein property specifically. Morris confirmed the presence of a number of known sites, including the Wildebeest Kuil Rock Art site and a possible Fauresmith site, situated in the vicinity of the current Kloe and Kwe (San) village (Van Rynveld *et al.* 2004). Exact GPS co-ordinates of known sites have not been made available by the McGregor Museum. However, Morris confirmed that none of the known sites are located within the proposed development area.

4.4) PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT FINDINGS

The 'Buffer Zone' is characterised by a low rise in the landscape, a result of the kimberlite dyke. Hutton sand, of unknown depth, covers the majority of the area. Primarily decomposed calcareate outcrops are characteristic of the area demarcated as Area A. Area B demarcates the position of a low quality shale occurrence and Area C the position of a dolomite (Venterdorp Lava) outcrops (see Map 2).

Phase 1 archaeological observations closely abide by the geological observations; Hutton sand contains a low quantity of surface Stone Age artefacts. Area A is characterised by higher quantities of Stone Age artefacts situated within the decomposed dolomite outcrops, while low quantities of Stone Age artefacts were observed within Areas B and C.



MAP2: Phase 1 Archaeological Impact Assessment findings. Indicating the positions of the Buffer Zone and Areas A-C

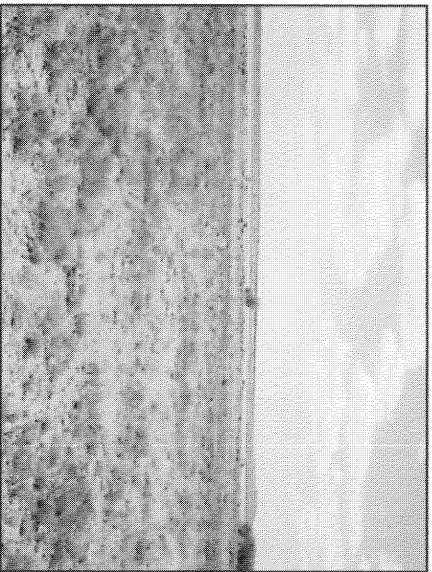


IMAGE 1: General view of the proposed 'Buffer Zone' development area

4.4.1) THE HUTTON SAND AREA

The majority of the 'Buffer Zone' is covered with Hutton sands. A low density of Stone Age artefacts, with a varying artefact ratio (artefacts: m²) of between 1.4 and <1.49 is present in the Hutton sand. Typologically artefacts are representative of the Middle and Later Stone Age. Artefacts were produced from a mixed raw material, primarily consisting of homfels (baked shale) and to a lesser extent quartzite. A low quantity of Later Stone Age artefacts, produced from siliceous material, was observed. No associated organic material was found in association with the stone artefacts.

The general low density of Stone Age artefacts is of *Low Significance* and ascribed a *Generally Protected C* field rating. **No further archaeological mitigation is required prior to development** and it is recommended that the Stone Age occurrence be destroyed without the developer having to apply for a destruction permit.



IMAGE 2: The proposed 'Buffer Zone' development area characterised by Hutton sand of unknown depth

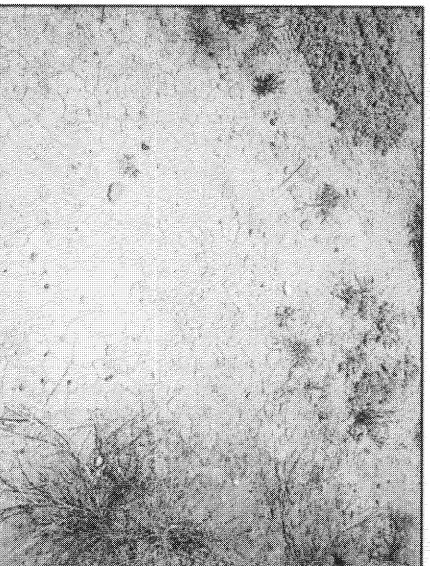


IMAGE 3: Low density surface artefacts within Hutton sands

4.4.2) AREA A

Area A, covering roughly 12ha, and extending beyond the boundaries of the 'Buffer Zone' development area, is characterised by decomposed calccrete outcrops mantled by Hutton sands. Stone Age artefacts, with ratios approximating 3:1, are present in the calccrete rich areas. Typologically artefacts can be ascribed to the middle to later Middle Stone Age. A few specimens are representative of the Later Stone Age. The majority of artefacts were produced from hornfels and quartzite. No organic material associated with the stone artefacts was observed.

Despite slightly higher quantities of observed surface artefacts the calccrete context within which the deposit is sited will negatively affect further research in the area. Deposits seem to be largely restricted to the surface with little inferred sub-surface depth. The calccrete sub-surface context would also have caused sub-surface movement, negatively affecting the context of artefacts. Area A is thus ascribed a *Low Significance* with a *Generally Protected C* field rating. **No further archaeological mitigation is required prior to development** and it is recommended that the Stone Age occurrence be destroyed without the developer having to apply for a destruction permit.

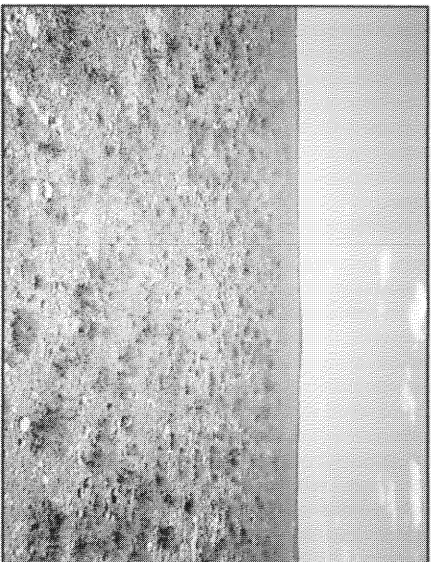


IMAGE 4: Decomposed calcicrete outcrops characteristic of Area A

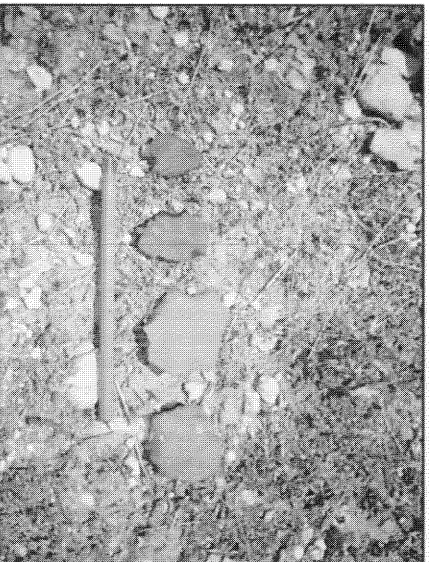


IMAGE 5: Middle Stone Age artefacts from Area A



IMAGE 6: A collection of Middle Stone Age artefacts from Area A

4.4.3) AREA B

Area B comprise of a relatively small (10m x 15m) shale rich area, containing a low density of artefacts. Shale is of inferior quality and not interpreted as having been a primary raw material source although a few knapped pieces were observed. The low density of observed artefacts, with artefact ratios approximating 1:1, were primarily produced from quartzite. Hornfels artefacts observed in Area B were not produced from the surrounding raw material source. Artefacts

can typologically be classed as belonging to the Middle Stone Age. The assemblage is deposited on top of the shale; thus surface restricted. No organic material was found in association with the Stone Age assemblage.

Area B is archaeologically of *Low Significance* and ascribed a *Generally Protected C* field rating. **No further archaeological mitigation is required prior to development** and it is recommended that the Stone Age occurrence be destroyed without the developer having to apply for a destruction permit.



IMAGE 7 : Stone Age artefacts from the shale rich Area B

4.4.4) AREA C

Area C comprises of an approximately 200m x 50m dolerite outcrops. The low density of observed artefacts, with varying artefact ratios of between 2:1 and <1:49, seem to be restricted to the surface. Little sub-surface context is expected due to dolerite rich site context. Typologically artefacts seem to belong to the Middle Stone Age. Stone tools were primarily produced from the dolerite, giving the impression of a factory related site. No organic material associated with the stone tool assemblage was observed.

The general low density of surface restricted Stone Age artefacts is of *Low Significance* and ascribed a *Generally Protected C* field rating. **No further archaeological mitigation is required prior to development** and it is recommended that the Stone Age occurrence be destroyed without the developer having to apply for a destruction permit.

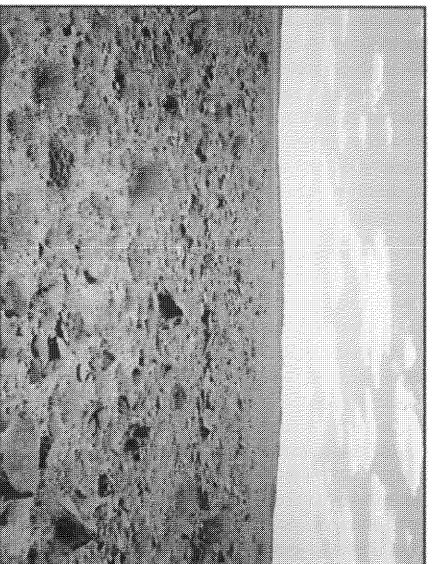


IMAGE 8 : General view - Area C



IMAGE 9: Stone Age artefacts from Area C

4.4.5) DEVELOPMENT AND ARCHAEOLOGICAL ASSESSMENT CO-ORDINATES

DEVELOPMENT AREA BUFFER ZONE/ DEVELOPMENT AREA	ARCHAEOLOGICAL SITES, FIND PLACES AND FEATURES	IMAGE NR	CO-ORDINATES	
			SOUTH	EAST
BUF001	-	-	S28° 40' 39.1"	E24° 34' 22.6"
BUF002	-	-	S28° 40' 39.3"	E24° 34' 30.2"
BUF003	-	-	S28° 40' 33.6"	E24° 34' 38.4"
BUF004	-	-	S28° 40' 25.3"	E24° 34' 45.9"
BUF005	-	-	S28° 40' 18.6"	E24° 34' 57.3"
BUF006	-	-	S28° 40' 09.2"	E24° 35' 07.9"
BUF007	-	-	S28° 40' 00.5"	E24° 35' 16.4"
BUF008	-	-	S28° 39' 54.0"	E24° 35' 25.0"
BUF009	-	-	S28° 39' 47.6"	E24° 35' 33.1"
BUF010	-	-	S28° 39' 42.4"	E24° 35' 40.9"
BUF011	-	-	S28° 39' 38.3"	E24° 35' 48.5"
BUF012	-	-	S28° 39' 32.0"	E24° 35' 52.8"
BUF013	-	-	S28° 39' 32.1"	E24° 35' 44.6"
BUF014	-	-		
BUF015	-	-	S28° 39' 40.1"	E24° 35' 27.2"
BUF016	-	-	S28° 39' 46.4"	E24° 35' 18.3"
BUF017	-	-	S28° 39' 56.0"	E24° 35' 11.5"
BUF018	-	-	S28° 40' 03.8"	E24° 35' 03.3"
BUF019	-	-	S28° 40' 11.3"	E24° 34' 52.4"
BUF020	-	-	S28° 40' 19.7"	E24° 34' 39.9"
BUF021	-	-	S28° 40' 19.7"	E24° 34' 39.9"
-	Area A (reading taken at approximate centre of occurrence)	Image 4-6	S28° 40' 09.9"	E24° 35' 01.1"
-	Area B (reading taken at approximate centre of occurrence)	Image 7	S28° 39' 39.0"	E24° 35' 38.6"
-	Area C (reading taken at approximate centre of occurrence)	Image 8-9	S28° 39' 32.6"	E24° 35' 54.4"

TABLE 2: GPS co-ordinates of the proposed development area, identified and associated sites and features

5) CONCLUSION AND RECOMMENDATIONS

The proposed 'Buffer Zone' development area contains a number of archaeological artefacts, sites and occurrences. Archaeologically the area is representative of Middle Stone Age, and to a lesser extent Later Stone Age activity. A low density of Stone Age artefacts is characteristically present in the Hutton sands. Area A, demarcating the location of decomposed calccrete outcrops, contains higher quantities of stone tools than the surrounding Hutton sand area. The archaeological assemblage is inferred to have limited sub-surface context, while sub-surface deposits are expected to be

disturbed due to calcareous growth. Areas B and C represent raw material outcrops, associated with Stone Age 'factory' oriented activity, and containing limited numbers of primarily Middle Stone Age artefacts. The low density Stone Age assemblage at Area B is limited to the surface while restricted sub-surface depth is expected at Area C. Observed Stone Age artefacts comprise exclusively of lithics (stone tools). No associated organic material was found in association with the identified Stone Age occurrences.

The proposed prospecting and mining development in the 'Buffer Zone' will thus negatively affect the reported archaeological occurrences. The occurrences are however all of *Low Significance*. Phase 2 mitigation prior to development is expected to be of limited value and it is recommended that the reported Stone Age occurrences be destroyed without the developer having to apply for a destruction permit.

Besides the above-mentioned Stone Age archaeological occurrences no built structures older than 60 years, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, cultural landscapes or views/capes or palaeontological deposits requiring protection under the National Heritage Resources Act (1999) have been identified, either within the proposed 'Buffer Zone' development area or within assessed access roads to, or tracks within, the development area.

5.1) RECOMMENDATIONS

5.1.1) PROSPECTING AND MINING WITHIN THE 'BUFFER ZONE'

The proposed development will not impact on any significant archaeological or cultural heritage resources as defined and protected by the National Heritage Resources Act (1999). The development will however impact on reported Stone Age assemblages Area A, B and C. Identified assemblages are of *Low Significance* and it is recommended that development within the 'Buffer Zone', or affecting existing access roads to the 'Buffer Zone', proceed, without the developer having to apply for destruction permits.

5.5.2) PROBABLE FUTURE MINING WITHIN THE 'APPLICATION AREA'

The Phase 1 Archaeological Impact Assessment was limited to the 75ha 'Buffer Zone' portion of the 'Application Area'. Should the 'Buffer Zone' development be expanded under a new development application to DME, a Phase 1 Archaeological Impact Assessment covering the total of the 'Application Area' should precede development.

6) ACKNOWLEDGEMENTS

I would like to thank the following people for their contribution to the project:

- i. Andrew Macdonald and Bronwyn Jonker (De Beers Consolidated Mines) for supplying development and on site information;
- ii. Clifford Shaw (Manager, Platfontein farm) for access to the site; and
- iii. David Morris (Head Archaeology, McGregor Museum) for database information on recorded sites on the vicinity of the proposed 'Buffer Zone' development.

7) REFERENCES CITED

- South African Government. (No 107) of 1998. National Environmental Management Act.
- South African Government. (No 25) of 1999. National Heritage Resources Act.
- South African Government. (No 28) of 2002. Mineral and Petroleum Resources Development Act.
- South African Heritage Resources Agency. 2005. Minimum standards for the archaeological and heritage components of impact assessments (Unpublished guidelines).
- Van Ryneveld, K., Richard, F., Dinku, V. & Morris, D. 2004. Announcing Wildebeest Kuil 2: Salvager at a newly discovered Fauresmith site. Poster presentation: SA3 Conference, Kimberley.

EXECUTIVE SUMMARY

Phase 1 Archaeological Impact Assessment
PORTION OF THE FARM PLATONTJEN 68,
KIMBERLEY DISTRICT, NORTHERN CAPE, SOUTH AFRICA

TERMS OF REFERENCE

The phase 1 Archaeological Impact Assessment of the proposed 'Buffer Zone' diamond mining development area was done in compliance with development environmental requirements as set out in the Mineral and Petroleum Resources Development Act, No 28 of 2002, represented by the Department of Minerals and Energy (DME), the particulars of which are described in the National Environmental Management Act, No 107 of 1998, represented by the Department of Environmental Affairs & Tourism and the National Heritage Resources Act, No 25 of 1999, represented by the South African Heritage Resources Agency.

THE PROJECT AREA

The proposed diamond mining activity is situated within the 'Buffer Zone' area, portion of the farm Platontjen 68, Kimberley District, Northern Cape.

METHODOLOGY

A single day assessment (2006-12-20) was conducted by one assessor. The assessment was limited to a Phase 1 surface survey, done by foot and off-road vehicle (350cc quad-bike). GPS co-ordinates were taken with a Garmin e-trex vista GPS (3-8 m error margin). Photographic documentation was done with a Casio exilim EX-S2 camera.

The assessment covered:

- i. The approximate 75ha 'Buffer Zone';
- ii. Existing access roads to, and tracks within, the proposed development area;

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

SUMMARY

The 'Buffer Zone' is characterised by a low rise in the landscape, a result of the kimberlite dyke. Hutton sand, of unknown depth, covers the majority of the area. The Hutton sand contains a low quantity of surface Middle and Later Stone Age artefacts. The artefact occurrence is of *Low Significance*.

Three archaeological areas were identified within the 'Buffer Zone':

- i. Area A (S28° 40' 09.9"; E24° 35' 01.1"): A low density of Stone Age artefacts was observed within the approximate 12ha decomposed calcareous outcrops area. Typologically artefacts are ascribed to the Middle and Later Stone Age. The majority of artefacts were produced from hornfels and quartzite. The artefact occurrence is of *Low Significance*.
- ii. Area B (S28° 39' 39.0"; E24° 35' 38.6"): The small shale rich area (10m x 15m) contains a low density of primarily quartzite artefacts. Artefacts can typologically be classed as belonging to the Middle Stone Age. The assemblage is deposited on top of the shale; thus surface restricted. The Stone Age occurrence is archaeologically of *Low Significance*.
- iii. Area C (S28° 39' 32.6"; E24° 35' 54.4"): The area comprises of an approximately 200m x 50m dolomite outcrops. A low density of Middle Stone Age artefacts, primarily produced from dolomite gives the impression of a 'factory' related site. Little sub-surface context is expected due to dolomite rich site context. The site is archaeologically of *Low Significance*.

RECOMMENDATIONS

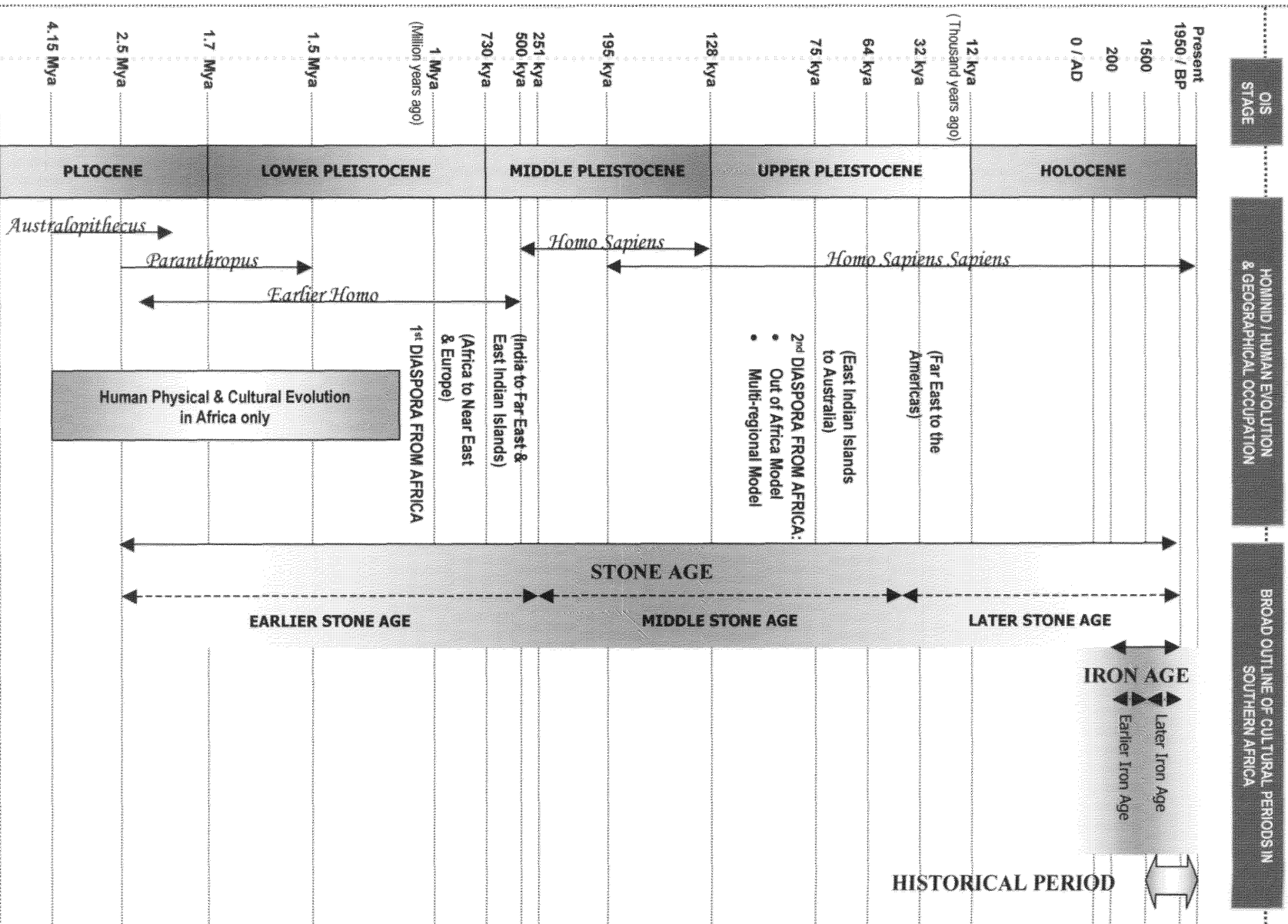
PROSPECTING AND MINING WITHIN THE BUFFER ZONE

The proposed 'Buffer Zone' development will not impact on any significant archaeological or cultural heritage resources as defined and protected by the NHRA (1999). Development will however impact on reported Stone Age assemblages Area A, B and C. Identified assemblages are of *Low Significance* and it is recommended that development within the 'Buffer Zone' or affecting existing access roads to the 'Buffer Zone' proceed (without the developer having to apply for destruction permits for Areas A, B and C).

PROBABLE FUTURE MINING WITHIN THE APPLICATION AREA

The Phase 1 Archaeological Impact Assessment was limited to the 75ha 'Buffer Zone' portion of the 'Application Area'. Should the 'Buffer Zone' development be expanded under a new development application to DME, a Phase 1 Archaeological Impact Assessment, covering the total of the 'Application Area', should precede development.

Schematic Outline of the Pre-historic and Historic Periods



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

xlii.

xliii. *"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 36 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 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-burial 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 even or subdivisions thereof; or
 - iii. involving three or more even 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.