

PHASE 1 HERITAGE IMPACT ASSESSMENT

**PROPOSED SONDELA RESIDENTIAL DEVELOPMENT
ON PORTIONS 14 & 25 OF THE FARM RIETFONTEIN 485-JQ,
MADIBENG LOCAL MUNICIPALITY & THE BOJANALA PLATINUM DISTRICT
MUNCILALITY'S AREA OF JURISDICTION, NORTH WEST PROVINCE.**



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EXECUTIVE SUMMARY

Archaeology Africa cc was appointed by *Ages (Pty) Ltd* to undertake a Phase 1 Heritage Impact Assessment on portions 14 and 25 of the farm Rietfontein 485-JQ, North West Province. The property is earmarked for the proposed Sondela Residential Development. The developer is J.L. Pretorius.

No heritage resources were found within the proposed development area. On the condition that the mitigation measures under Section 5 are undertaken, it is the opinion of the author of this report that the development may continue and that no heritage reasons can be given for it to be altered or stopped.

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1. PROJECT BACKGROUND

Archaeology Africa cc was appointed by *Ages (Pty) Ltd* to undertake a Phase 1 Heritage Impact Assessment on portions 14 and 25 of the farm Rietfontein 485-JQ, North West Province (refer Annexure A Locality Plan). The property is earmarked for the Sondela Residential Development. The developer responsible for the project is *J.L. Pretorius*.

This study forms part of the Environmental Impact Assessment Process undertaken in terms of the National Environmental Management Act 107 of 1998.

2. DESCRIPTION OF STUDY AREA AND PROPOSED DEVELOPMENT

2.1 Study Area

The study area consists of portions 14 and 25 of the farm Rietfontein 485-JQ, and is situated approximately 400 meters north of the Xanadu Eco Park and north-west of the La Camargue development on the eastern side of the Hartebeestpoort Dam.

The proposed development is situated within an ever expanding residential area, with significant levels of disturbance already prevalent in the study area and surroundings. This includes an informal soccer field located approximately in the centre of the proposed development area as well as a decorative garden pot factory on its northern end. There are also a number of buildings on the proposed developmental area most of which form part of the pot factory..

In general terms the site can be described as mostly dominated by disturbed grassland with scattered trees in its northern end. A small stream traverses the property on the southern side. The largest part of the site was previously cultivated (Ages, 2007).

2.2 Proposed Development

The proposed activity is the construction and establishment of the Sondela Residential development which comprises 62 residential 1 erven and 10 residential 3 erven together with roads as well as a proposed private open space. Refer Annexure B Development Layout Plan.



Plate 1 General view across a section of the study area with the soccer field in the front and the Xanadu Estate visible in the back.



Plate 2 Another view of a section of the property with the Magaliesberg in the back.



Plate 3 Some of the buildings associated with the factory.



Plate 4 General view of a section of the pot factory.



Plate 5 Another view of a section of the pot factory.



Plate 6 More evidence for the disturbed nature of the site.

3. METHODOLOGY

3.1 Desktop Study

The primary aim of the desktop study is to compile as much available information as possible on the heritage resources of the area. Such a study also helps in providing historical context for any sites that are located. The desktop investigation focussed on the study of archival maps as well as the South African War history of the area.

3.2 Field Surveys

The field survey took place on Friday, 2 May 2008. It consisted of a foot survey of the entire study area.

No heritage sites were located.

3.3 Aspects regarding Visibility and Constraints

Not subtracting in any way from the comprehensiveness of the fieldwork undertaken, it is necessary to realise that the heritage resources located during the fieldwork do not necessarily represent all the heritage resources located there. This may be due to various reasons, including the subterranean nature of some archaeological sites and dense vegetation cover. As such, should any heritage features and/or objects not included in the present inventory be located or observed, a heritage specialist must immediately be contacted. Such observed or located heritage features and/or objects may not be disturbed or removed in any way until such time that the heritage specialist has been able to make an assessment as to the significance of the site (or material) in question. This is true for graves and cemeteries as well.

4. FINDINGS

4.1 Desktop Study Findings

4.1.1 Cartographic findings

The study of historic and archival maps represents a valuable tool in the identification of heritage sites within a defined area.

4.1.1.1 Major Jackson Series Sheet "Pretoria", Revised Edition June 1902

A section of the "Pretoria" sheet from the Major Jackson Series is depicted in Figure 1. The series was compiled, surveyed and produced during the Anglo Boer War of 1899 to 1902 (National Archives, Maps, 3/551). The "Pretoria" sheet was first printed in August 1900, while the sheet depicted below represents the revised edition dated June 1902.

The first observation to be made from the map is that no heritage features are depicted within the study area (demarcated in red). From the surrounding vicinity a number of features are shown, including:

- Two clusters of houses consisting of three and two buildings respectively are shown in the direct vicinity of the study area. These clusters are marked with blue arrows on the attached map. While the cluster containing three buildings is located a short distance to the west of the study area, the second cluster is located in close proximity to the study area. As no evidence for old buildings or houses could be found it seems evident that the second cluster is located a short distance to the east of the study area.
- A camp is depicted on a hill to the south-west of the present study area (marked with a white arrow). This feature is situated on the farm Syferfontein 242. The desktop study undertaken has revealed that this camp was known as Rietfontein Camp, and at one time acted as General Baden-Powell's headquarters.
- Another significant observation to be made from the map is the clear indication of the road network in existence more than a century ago. The main road between Pretoria and Rustenburg started out from Pretoria and ran roughly parallel with (and to the south of) the Magaliesberg Mountains. On the farm Kameeldrift it split into two, with one road leading in a north-western direction to cross over the Magaliesberg Mountains on the farm Zilkaatsnek. The second fork on the farm Kameeldrift continued in a western direction to the south of the mountain, passing the Rietfontein Camp after which it crossed via a wooden bridge (known at the time as the Paul Kruger Bridge) over the Crocodile River (at present this crossing lies at the bottom of the Hartebeespoort Dam) and eventually leading over the Magaliesberg Mountains through Commando Nek on the farms Grootplaats and Zandfontein. At this point the road continued along the northern boundary of the mountains before meeting up with the first alternative road. The combined road then continued all along the northern foot of the Magaliesberg Mountains all the way to Rustenburg. The line followed by this road appears to be located a short distance to the south of the study area.

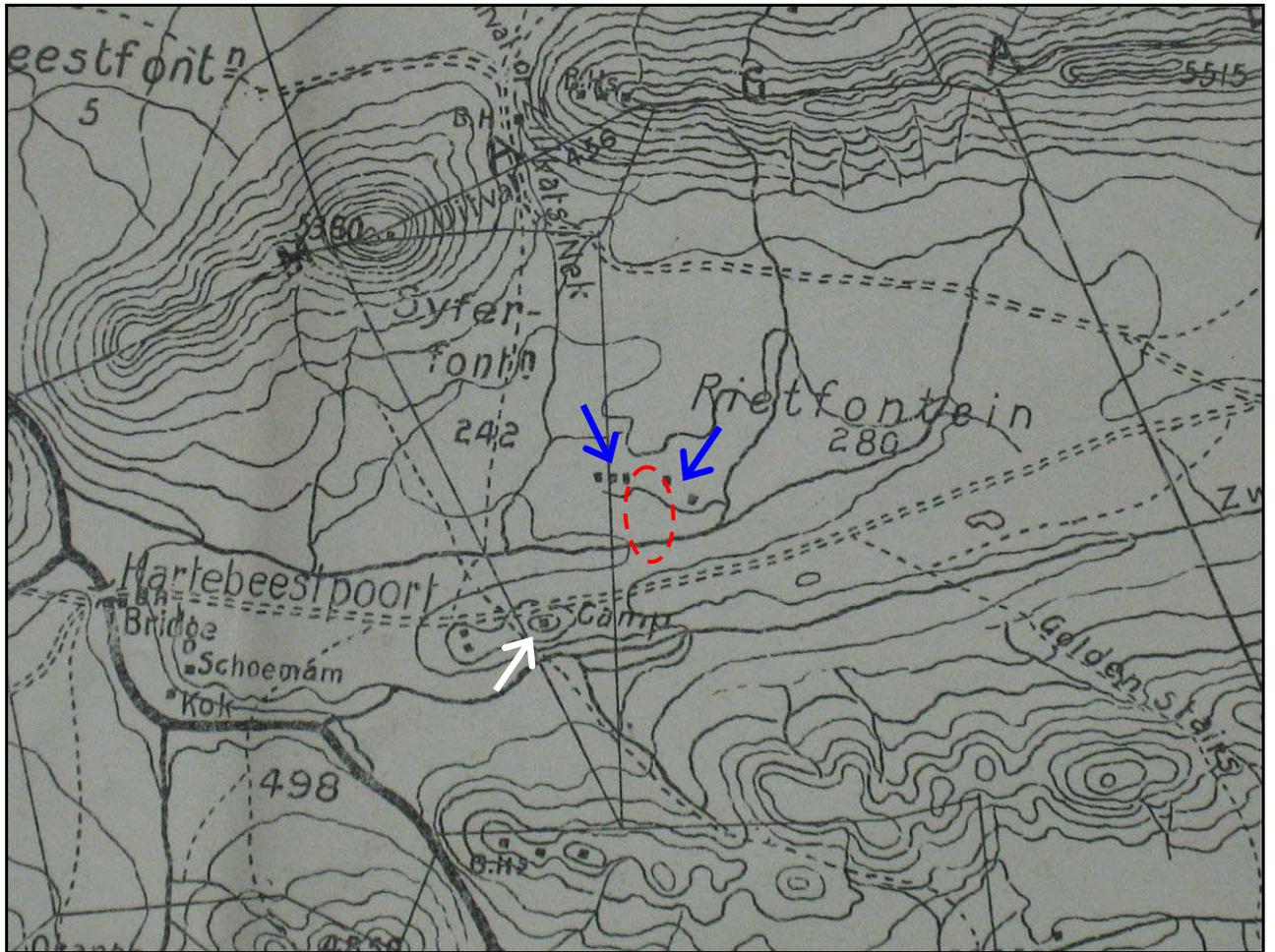


Figure 1 Section of the 'Pretoria' sheet of the Major Jackson Series, June 1902.

4.1.1.2 2527DB Sheet (First Edition), dated to September 1943

The map depicted in Figure 2 below is the first edition of the 2527DB sheet of the 1:50 000 topographical map series. It was surveyed and printed in September 1943 by the 45 Survey Company of the South African Engineers Corps. The date on which the map was surveyed means that all buildings and structures depicted on the map which are still in existence today are in effect at least 64 years old. The approximate position of the study area is indicated in red.

The following observations can be made:

- A cluster containing at least three buildings is shown in or directly surrounding the study area's northern end. It is marked with a blue arrow on the depicted map. During the fieldwork a detailed foot survey could not reveal any evidence for the presence of any of these buildings or their remains.
- A single hut is shown in or directly surrounding the study area's southern end. It is marked with a green arrow. During the fieldwork a detailed foot survey could not reveal any evidence for the presence of this feature.
- The Rietfontein Camp cemetery is depicted south-west of the study area.

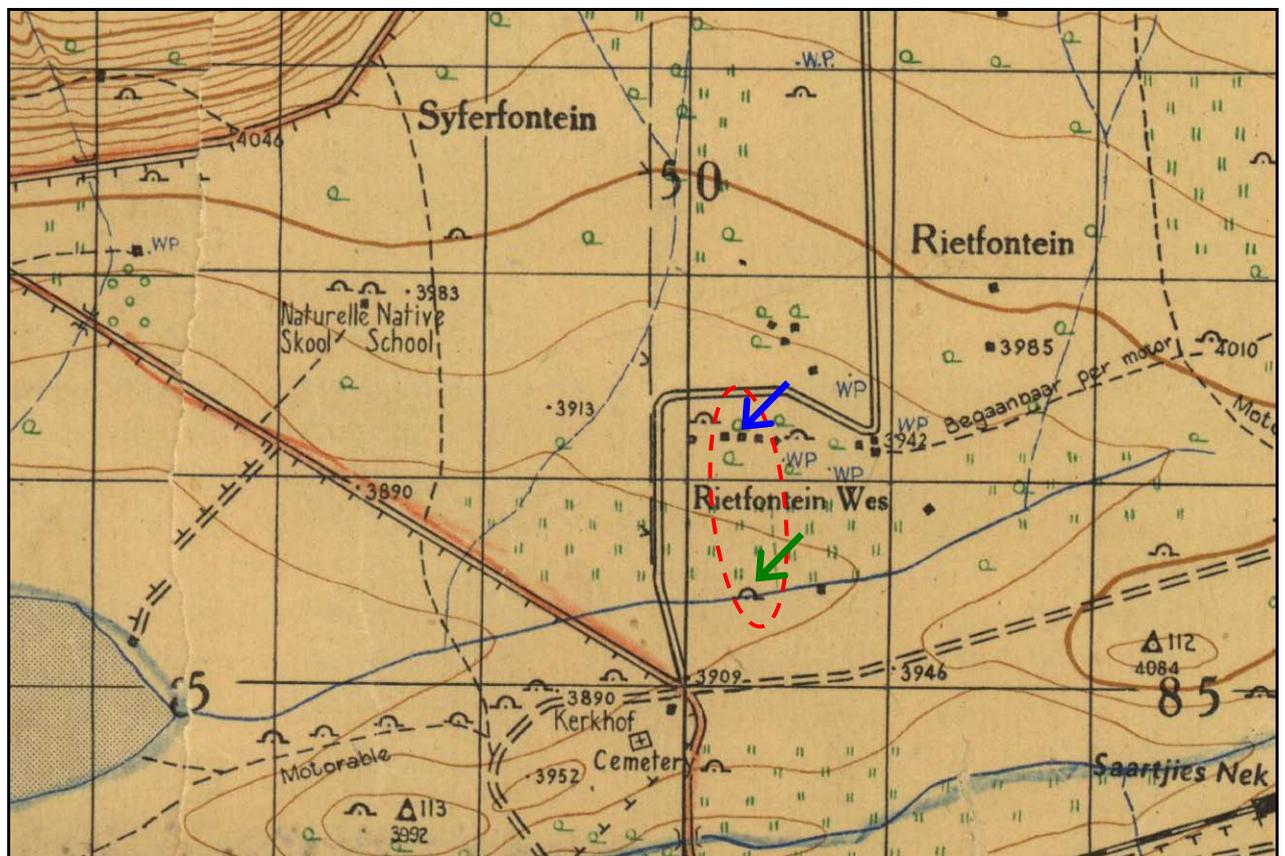


Figure 2 Enlarged section of the 2527DB sheet (first edition), September 1943

4.1.2 Early ownership history of the farm Rietfontein

The farm Rietfontein (old number 280) was first inspected on the 29th of February 1860 by J.J. Roos. The first owner of the farm was a widow by the name of Susara Elizabeth Mocke (born Nel), who had acquired the farm on the 10th of October 1859. On the same day the farm was subdivided into different portions which were subsequently transferred to different individuals. The first of these portions was one half of the farm (portion A) that was transferred from S.E. Mocke to Arnoldus Daniel Kotze and Cornelis Johannes Engelbrecht. On the 17th of November 1871 the portion of portion A which had been held by A.D. Kotze was also transferred to C.J. Engelbrecht.

On the 4th of April 1862 a portion (portion B) of the half portion of the farm still held by S.E. Mocke was transferred from her to Petrus Paulus van den Berg. On the 29th of January 1874 another portion (portion C) of the portion still held by S.E. Mocke was transferred from her to Arnoldus Daniel Kotze. On the same day a portion (CI) of portion C was transferred from A.D. Kotze to Philippus Albertus Opperman. On the 8th of February 1883 the same portion CI was transferred from P.A. Opperman back to Arnoldus Daniel Kotze. On the 12th of April 1886 a portion (CII) of portion CI was transferred from A.D. Kotze to Jacobus Johannes Boshoff. On the 10th of September 1884 a further portion (CIII) of portion C was transferred from A.D. Kotze to Adriaan Hendrik Heunis. On the 10th of February 1887 portion CIII was transferred from A.H. Heunis to Marinus Franken. On the 1st of June 1889 the same portion CIII was transferred from M. Franken to the *Algemeene Exploitatie en Bouw Maatschappij*. On the 9th of March 1893 the same portion CIII was transferred from the abovementioned company to Isedor Michaelson and Simon Michaelson.

On the 15th of September 1875 a fourth portion of the farm (portion D) was transferred from S.E. Mocke to Jacob Hendrik Steenkamp. On the 14th of October 1874 a fifth portion of the farm (portion E) was transferred from S.E. Mocke to J.H. Steenkamp. On the same day, and in terms of the estate of S.E. Mocke a sixth portion of the farm (portion F) was transferred from S.E. Mocke to Cornelis Johannes Engelbrecht. Again on the same day, a seventh portion of the farm (portion G) was transferred from the estate of S.E. Mocke to Paulus Petrus van den Berg. On the same day the remaining portion of the farm (portion H) was transferred from the estate of S.E. Mocke to Arnoldus Daniel Kotze. On the 7th of July 1883 this portion H was transferred from A.D. Kotze to Mathys Cornelius Pretorius and Petrus Johannes Pretorius. On the 18th of October 1886 the same portion was transferred from M.C. and P.J. Pretorius to Marinus Franken. On the 1st of June 1889 portion H was transferred from Marinus Franken to the *Algemeene Exploitatie*

en Bouw Maatschappij. On the 9th of March 1894 the same portion was transferred from the abovementioned company to Isidor and Simon Michaelson. During July 1896 a portion of portions B and G was transferred from Paulus Petrus van den Berg to Hendrik Jacobus Schoeman.

On the 23rd of July 1978 a portion (portion I) of portion A was transferred from C.J. Engelbrecht to Petrus Paulus van den Berg. Portion I was again transferred on the 11th of August 1890 from P.P. van den Berg to Johan Godfried Mocke Engelbrecht.

The only early farm owner listed in the section above which appears to have had some historical significance is Hendrik Jacobus Schoeman. Schoeman was a general during the South African War and after becoming disillusioned with the war he was arrested by the Boer authorities and charged with high treason. However, the *Zuid-Afrikaansche Republiek's* state attorney General Jan Christiaan Smuts dropped the case against Schoeman and sent him to serve under General Louis Botha in present-day Mpumalanga. Botha later also arrested Schoeman and he was again charged with high treason. His trial took place in Barberton, where he was acquitted and allowed to return to Rietfontein. However, Schoeman's peace overtures were far from over. During October 1900 he set out to meet other Boer generals in an attempt to persuade them that the war was over. He encountered General Beyers near Buffelspoort and was again placed in custody and charged with high treason. Although the trial again acquitted Schoeman, he was detained in the Pietersburg jail until the town was occupied by the British during April 1901. He returned to Pretoria where he was subsequently killed when a lyddite shell accidentally went off in his house. His daughter was also killed in the blast. The town of Schoemansville to the north-west of the study area was named after Schoeman (Carruthers, 2000).

4.1.3 General observations on the study area and surroundings

4.1.3.1 The Later Stone Age

Xanadu

The Magaliesberg area is well known for its Stone Age history, and especially so the Later Stone Age (Carruthers, 2000). A number of researchers have undertaken excavations of these sites, including Professor Revil Mason, Mr. Robbie Steel and Dr. Lyn Wadley. According to the archaeological database housed at the University of the Witwatersrand, one of the sites researched by Dr. Wadley is situated a short distance (\pm 400 m) to the south of the study area. This site is known as Xanadu and was originally

identified and excavated by Dr. Lyn Wadley of the University of the Witwatersrand as part of her Doctor of Philosophy thesis titled *A Social and Ecological Interpretation of the Later Stone Age in the Southern Transvaal*. She describes it as an undated quarry and factory site situated on a low ridge and which can be associated with Sampson's Lockshoek Industry of the Oakhurst complex.

In terms of artefacts, the raw material from the lithics of the site was obtained from the diabase outcrop on which the site was located. Most of the cores from the site are larger than 10 cm and were classified into three categories consisting of long, tabular used for the manufacture of side-struck flakes, prepared cores with flat, plain platforms usually producing end-struck and boot shaped flakes as well as unprepared, amorphous cores from which only a few flakes were removed. The flakes are quite diverse which is characteristic of a knapping (factory) site. Large primary flakes as well as large and secondary flakes were all found on site (refer Figure 3). Flakes were categorised as either side-struck or end-struck flakes. More large flakes than small ones were located, which is the exact opposite of the characteristics of the assemblages excavated in the area's cave sites. Only a few retouched flakes were found (Wadley, 1986).

The significance of the Later Stone Age in terms of the study area

During the Phase 1 Heritage Impact Assessment undertaken for the proposed Comfort Cove Township to the south of the present development area (Birkholtz, 2007) it was found that the available coordinates for the Xanadu site indicates it to be situated within the present study area. As a result Dr. Lyn Wadley was contacted at the time. She indicated that a surface collection and excavation of the site had been done. She also indicated that and although it is a significant site, it was suitable researched and sampled during her fieldwork and that all excavated material from the site is housed at the University of the Witwatersrand. Furthermore, Dr. Wadley also indicated that the coordinates for the site were obtained before the introduction of GPS technology and as a result were plotted from a 1:50 000 map. As a result a measure of inaccuracy may exist in the site coordinates (Wadley, Pers. Comm.). This is significant in that the Xanadu site was situated on a low ridge and low ridges or hills are not found within the Comfort Cove study area. Although a measure of uncertainty therefore existed as to whether the Xanadu site was indeed situated within the Comfort Cove property, even if it had been situated within that study area enough excavations and sampling had taken place to allow the site to be destroyed.

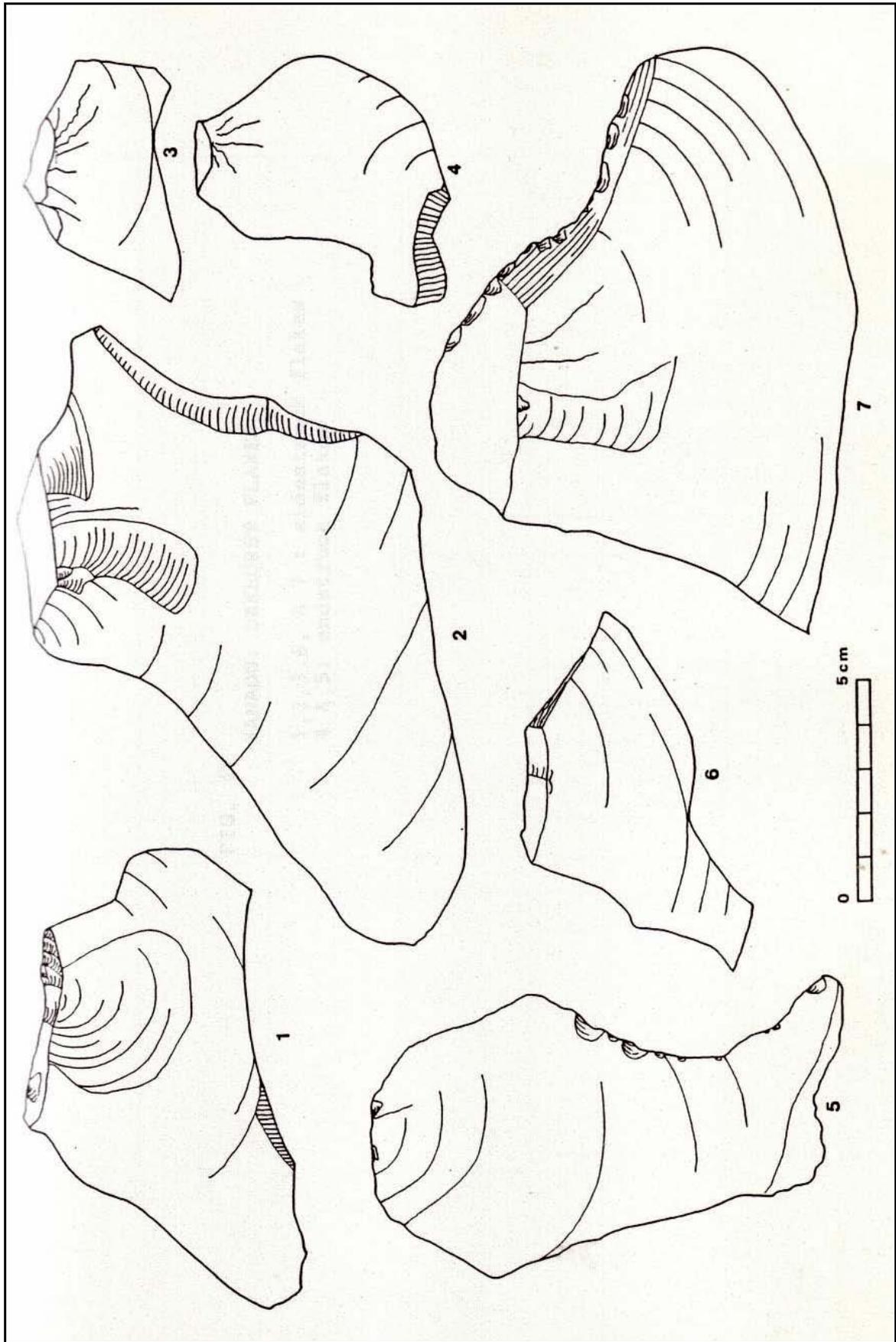


Figure 3 Stone flakes excavated from the Xanadu Stone Age site (Wadley, 1986:292).

4.1.3.2 The South African War

Rietfontein Camp and Cemetery

During the South African War of 1899 to 1902 the Magaliesberg had strategic significance to both sides because of its closeness to Pretoria (and Krugersdorp) as well as the fact that the main access routes between Pretoria and the western part of the old *Zuid-Afrikaansche Republiek* (including the town of Rustenburg) passed through its valleys. As a result a number of skirmishes and battles took place, including the Battle of Dwarsvlei (11 July 1900), the First Battle of Silkaatsnek (11 July 1900), the Battle of Nooitgedacht (13 December 1900) as well as the Second Battle of Silkaatsnek (2 August 1900) (Copley & Panagos, 1998) (Van Vollenhoven & Van der Walt, 2002). The two battles of Silkaatsnek took place approximately five kilometres to the north of the present study area and represent the closest battles to the present study area during the course of the war.

Another significant aspect with regards to the study area and the South African War is the British military camp that was established in the area. The camp had its origins in the fact that the main wagon road between Pretoria and Rustenburg passed through this area, as well as the strategic significance of the low ridge on which it was established. From this ridge various significant landscape features from the surrounding area could clearly be observed at the time, including Commando Nek, the Broederstroom Road, Silkaatsnek as well as the bridge over the Crocodile River (Copley & Panagos, 1998).

This first occupation of the ridge on which the camp was later established took place on the 3rd and 4th June 1900 when Lieutenant-General J.D.P. French's cavalry camped here. However, it was Colonel R.S.S. Baden-Powell who first established a permanent fortified camp here. With time the camp became known as Baden-Powell's Headquarters, and was commonly referred to as Rietfontein Camp.

Although the camp started out as a fortified communication post, the Second Battle of Silkaatsnek led to its development into a large garrison and convoy depot which included a 200-bed hospital. On the 31st of December 1900 the 10th Regiment (Lincolnshires) arrived at Rietfontein to relieve the 5th Regiment (Northumberland Fusiliers) who had been stationed there. During their stay in the area, the Lincolnshire Regiment erected numerous blockhouses, forts and military posts, and was also responsible for rounding up cattle and Boer snipers (Panagos & Copley, 1998). Another job undertaken by the regiment during this time was to round up Boer families still residing on farms in the

surrounding area. On the 15th of October 1901, for example, a detachment of troops from the 2nd Lincolnshires under command of a Lieutenant R.D. Hill packed all the people still residing on the farm Hartbeestfontein on wagons and accompanied them to Rietfontein Camp, from where they were taken to other localities (CJC, 1048, 521).

During the war a cemetery was also established at Rietfontein Camp. The deceased buried in the cemetery were primarily British troops who had been killed in combat or had died at Rietfontein Camp's hospital either as a result of wounds sustained in battle or illness. Interestingly, one of the individuals buried in the cemetery was a Corporal (or Lance Sergeant) John Hook of the 2nd Worcestershire Regiment who had been killed by lightning. The regiments to whom these men had been attached include the 10th (Prince of Wales's Own) Hussars, the 2nd Northumberland Fusiliers, the 2nd Lincolnshire Regiment, the Scot's Greys, the 2nd Worcestershire Regiment as well as colonial regiments such as Kitchener's Horse and the Rhodesian Regiment. The farms from where the remains of some of the deceased had been exhumed to be buried at Rietfontein include Bokfontein, Broederstroom, Commando Nek, Kalkheuvel, Kameeldrift, Krokodilpoort, Rhenosterspruit, Welgegund and Zoutpansdrift (TPS, 39, TA125/4823/4).

After the war the South African Constabulary had a police post and prison at Rietfontein (LD, 1238, AG1108/06).

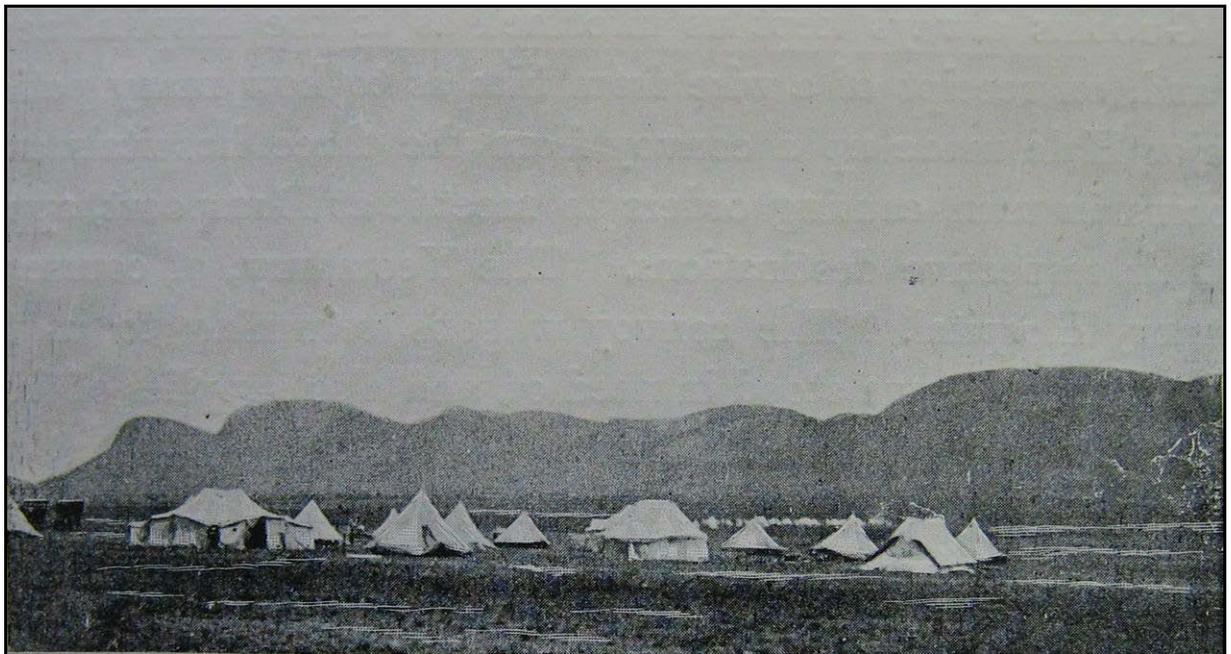


Figure 4 A section of the hospital at Rietfontein Camp can be seen. Note the Magaliesberg Mountain in the background (Howe, 1902: 197).

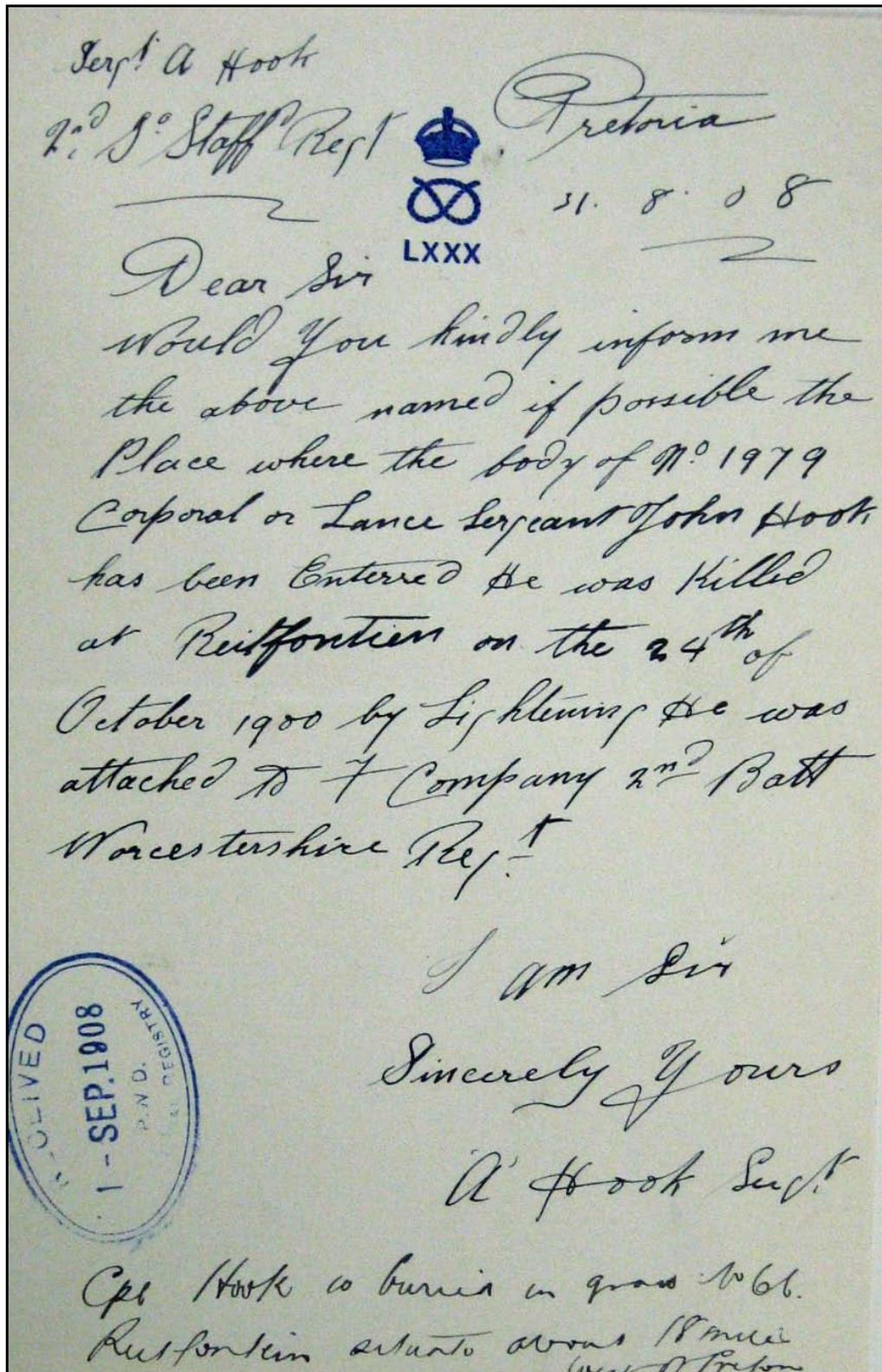


Figure 5 This letter was found in the National Archives and relates to a person who had been killed by lightning and lies buried at Rietfontein Cemetery (TPS, 39, TA125/4823/4).

The South African War in terms of the study area

The discussion above clearly indicates that a significant military camp used to be situated in the general vicinity of the study area. However, the map depicted in Figure 1 indicates that the camp was situated some distance south-west of the present study area. This is supported by the position of the cemetery as indicated on the contemporary 1:50 000 map (see Annexure A Locality Plan). The cemetery is situated to the south-west of the present study area and to the west of the Pelindaba - Schoemansville road (R27).

4.2 Social Consultation Findings

The informal consultations with local residents encountered during the fieldwork did not result in any information with regards to the study area and surroundings. Similarly, the public participation process also did not reveal any heritage-related issues or information.

4.3 Survey Findings

No heritage resources were located within the study area.

5. CONCLUSIONS AND GENERAL RECOMMENDATIONS

Archaeology Africa was appointed by *Ages (Pty) Ltd* to undertake a Phase 1 Heritage Impact Assessment on portions 14 and 25 of the farm Rietfontein 485-JQ, North West Province. The property is earmarked for residential development. The developer responsible for the project is J.L. Pretorius.

No heritage resources were found within the proposed development area. However, due to the presence of a Stone Age site to the south of the study area, it is recommended that a heritage specialist undertakes an archaeological watching brief during construction. On the condition that this mitigation measure is undertaken, it is the opinion of the author of this report that the development may continue and that no heritage reasons can be given for it to be altered or stopped.

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Archival Sources

PWD, 102, 4042/03

TPS, 39, TA125/4823/4

Personal Communication

Wadley, L. Telephonic conversation on the afternoon of the 19th of June 2007 at around 17h00.

ANNEXURE A – LOCALITY PLAN

ANNEXURE B – DEVELOPMENT LAYOUT PLAN

ANNEXURE C – LEGISLATIVE FRAMEWORK

LEGISLATIVE FRAMEWORK

South Africa has a number of legislative measures in place aimed at protecting its heritage resources. Of these the most important is the National Heritage Resources Act 25 of 1999.

1. National Heritage Resources Act 25 of 1999

The promulgation of the National Heritage Resources Act 25 of 1999 brings the conservation and management of heritage resources in South Africa on par with international trends and standards.

Section 38 (3) of the act provides an outline of ideally what should be included in a heritage report. The act states:

“(3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2) (a): Provided that the following must be included:

- (a) The identification and mapping of all heritage resources in the area affected;*
- (b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;*
- (c) an assessment of the impact of the development on such heritage resources;*
- (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;*
- (e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;*
- (f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and*
- (g) plans for mitigation of any adverse effects during and after the completion of the proposed development.”*

Replacing the old National Monuments Act 28 of 1969, the Heritage Resources Act offers general protection for a number of heritage related features and objects (see below).

Structures are defined by the Heritage Resources Act as “...any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated with it.” In section 34 of the Act the general protection for structures is stipulated. It is important to note that only structures older than 60 years are protected. Section 34(1) of the National Heritage Resources Act reads as follows: “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."

The second general protection offered by the Heritage Resources Act which is of relevance for this project, is the protection of **archaeological sites and objects (as well as paleontological sites and meteorites)**. Section 35(4) of the National Heritage Resources Act states that:

"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 order to understand exactly what is protected, it is important to look at the definition of the concept "**archaeological**" set out in section 2(ii) of the Heritage Act:

- "(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 10m 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, as defined respectively in sections 3, 4 and 6 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), 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; and*
- (d) features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found;..."*

The third important general protection offered by the Heritage Resources Act that is of importance here, is the protection of **graves and burial grounds**. Section 36(3) of the National Heritage Resources Act states that:

“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.”*

Of importance as well is section 36 (5), which relates to the conditions under which permits will be issued by the relevant heritage authority should any action described in section 36 (3), be taken. Section 36(5) reads that:

“SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3)(b) 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.”*

This section of the Act refers to graves and burial grounds which are older than 60 years and situated outside of a formal cemetery administered by a local authority.

Section 36 (6) of the act refers to instances where previously unknown graves are uncovered during development and other activities.

“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 a grave is protected in terms of the Act or is of significance to any community; and*
- b) *if such a grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangement for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any arrangements as it deems fit."*

2. Other Legislation

In terms of graves, other legislative measures which may be of relevance include the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place.