

PHASE 1 HERITAGE IMPACT ASSESSMENT

**PROPOSED DEVELOPMENT OF PORTIONS 3, 6, 7 AND 9 OF THE FARM
OLIEVENHOUTBOSCH 389-JR, CITY OF TSHWANE METROPOLITAN
MUNICIPALITY, GAUTENG PROVINCE.**

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EXECUTIVE SUMMARY

Archaeology Africa was appointed by *Marsh Vikela (Pty) Ltd* to undertake a Phase 1 Heritage Impact Assessment on Portions 3, 6, 7 and 9 of the farm Olievenhoutbosch 389-JR, City of Tshwane Metropolitan Municipality, Gauteng Province. The property is earmarked for the development of affordable/subsidised housing. The developer responsible for the project is *Nu-Way Housing Developments (Pty) Ltd*. This study forms part of the comprehensive Environmental Scoping and Environmental Impact Assessment undertaken by *Marsh Vikela (Pty) Ltd*.

Two heritage sites were identified during the fieldwork. These were one possible grave (Site 1) and an abandoned farm labourer's settlement (Site 2). The significance statuses of these sites were established, and measures for their mitigation were proposed.

It is the opinion of the authors of this report that on the condition that the proposed mitigation measures are undertaken, 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

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2. DESCRIPTION OF STUDY AREA AND PROPOSED DEVELOPMENT

2.1 Study Area

As indicated above the proposed development area consists of four different portions of the same farm. Although these portions are situated in the general vicinity of one another, they are not all directly adjacent. Portions 6 and 7 are situated directly adjacent, while portions 6 and 9 are separated from another by the R55. Portion 3 is located on its own toward the east. Refer Annexure A Locality Plan.

The proposed development area can be described as severely disturbed. This most significant reason for this is the fact that large sections of the study area have been impacted upon by earthmoving activities while further sections are covered by informal settlements.

2.2 Proposed Development

The project consists of the proposed development of a residential township consisting of 250m² stands for the affordable/subsidised housing market. The study area includes Portion 3, Portion 6, Portion 7 (or Portions 322, 326 and 325 respectively of Remainder of Portion 114), and Portion 9 (or Portion 243) of the Farm Olievenhoutbosch 389 JR. Portion 9 will accommodate a commercial or business erf as well as residential stands.



Plate 1 View of Portion 3.



Plate 2 View of Portion 6.



Plate 3 View of Portion 7.



Plate 4 View of Portion 9.

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.

3.2 Field Surveys

The field survey took place on Monday, 29 October; Tuesday, 30 October and Wednesday, 30 October 2007. The survey was conducted on foot where possible, but due to safety concerns, much of the surveying was done from a vehicle. This did not have a negative impact on the efficacy of the survey since the grass was very low (all of the areas had probably been burnt in the previous dry season) and all areas that were not obscured by shack-dwellings were open, sloping grass fields providing good visibility for any anomalies which might indicate the presence of heritage resources.

The survey was restricted by large scale surface disturbances where large areas were previously cleared by ground moving equipment, as well as the presence of large informal settlements.

Location data was captured with a Garmin MAP60CS handheld GPS receiver, loaded with a Garmap South Africa Topographic & Recreation v1.00 base map only when accuracy greater than 6m was indicated by the instrument. The location data was manipulated using Mapsource and Oziexplorer software.

Photographs were taken with a Canon Powershot A550 digital camera.

3.3 Consulting with Local Interested and/or Affected Parties

A public participation process was undertaken by *Marsh Vikela (Pty) Ltd*. It consisted of site notices, newspaper advertisements and public meetings. No issues with regards to heritage were raised during the process.

3.4 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 Pretoria Sheet of the Major Jackson Series, June 1902

Figure 1 below depicts an enlarged section of the Pretoria sheet of the Major Jackson Series (National Archives, Maps, 3/551). This series was produced during the South African War (1899-1902) by the Mapping Section of the Field Intelligence Department under the supervision of Major R.M. Jackson of the Royal Engineers. The sheet depicted below is the Revised Edition dated to June 1902.

No heritage resources are depicted for the study area. The only other observation to be made from the map is that the farm's original farmhouse was situated to the west, and outside of the present study area.

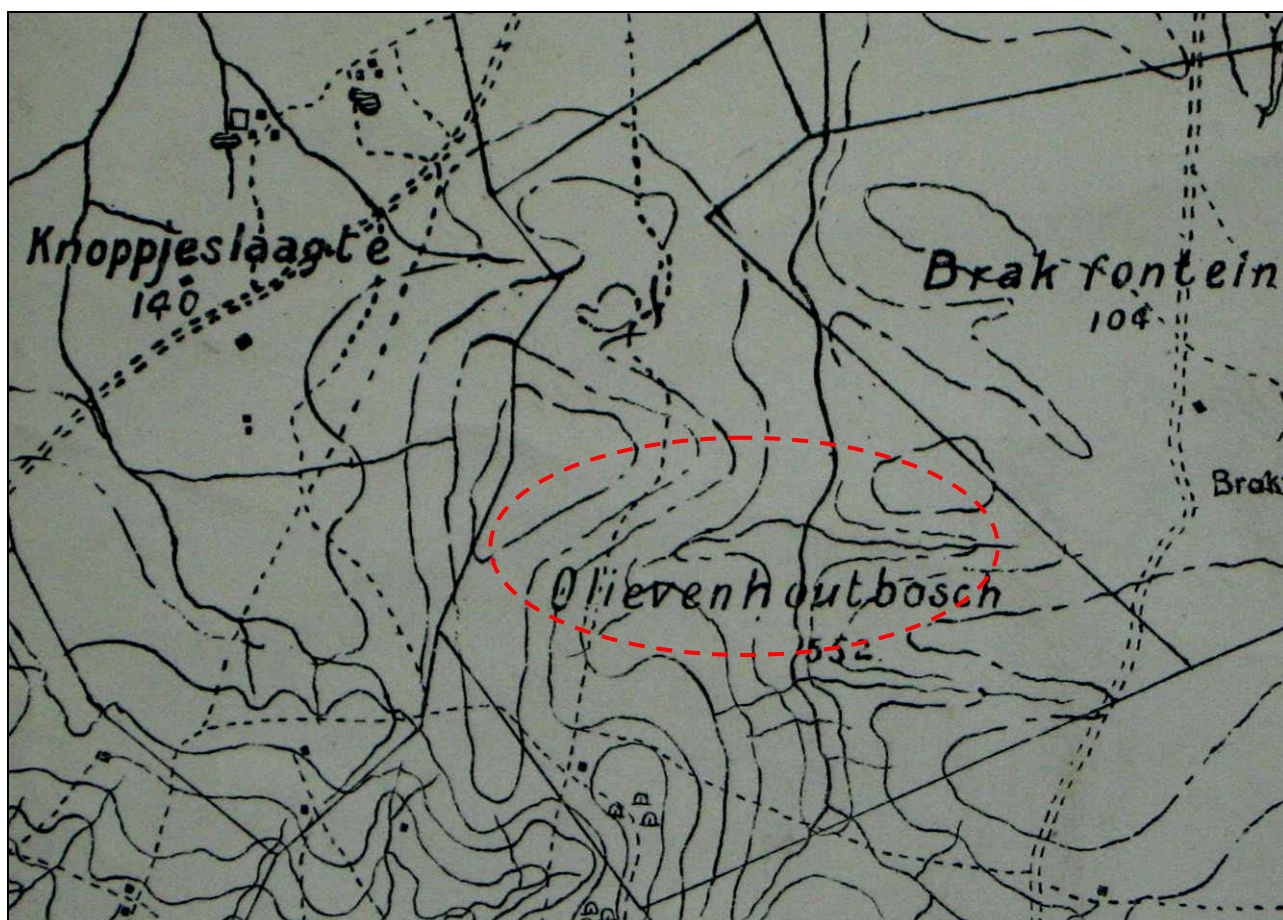


Figure 1 Pretoria sheet of the Major Jackson Series. The approximate position of the study area is marked.

4.1.1.2 2528CC Topographical Sheet, 1943

Figure 2 below depicts an enlarged section of the Second Edition of the 2528CC Topographical Sheet. The map was originally surveyed in the 1930s, and revised and redrawn in 1943. It was printed by the Union of South Africa's Government Printer in Pretoria during 1957.

Only Portion 3 to the east has any heritage resources depicted within its boundaries on the map, consisting of a cluster of four huts to the east of Rietspruit. Interestingly, it seems very likely that the south-western of the four huts were located during the fieldwork (see Site 2). The other three could not be located during the field survey. This can either mean that they did not exist at the time when the map was surveyed, or that they have since been destroyed.

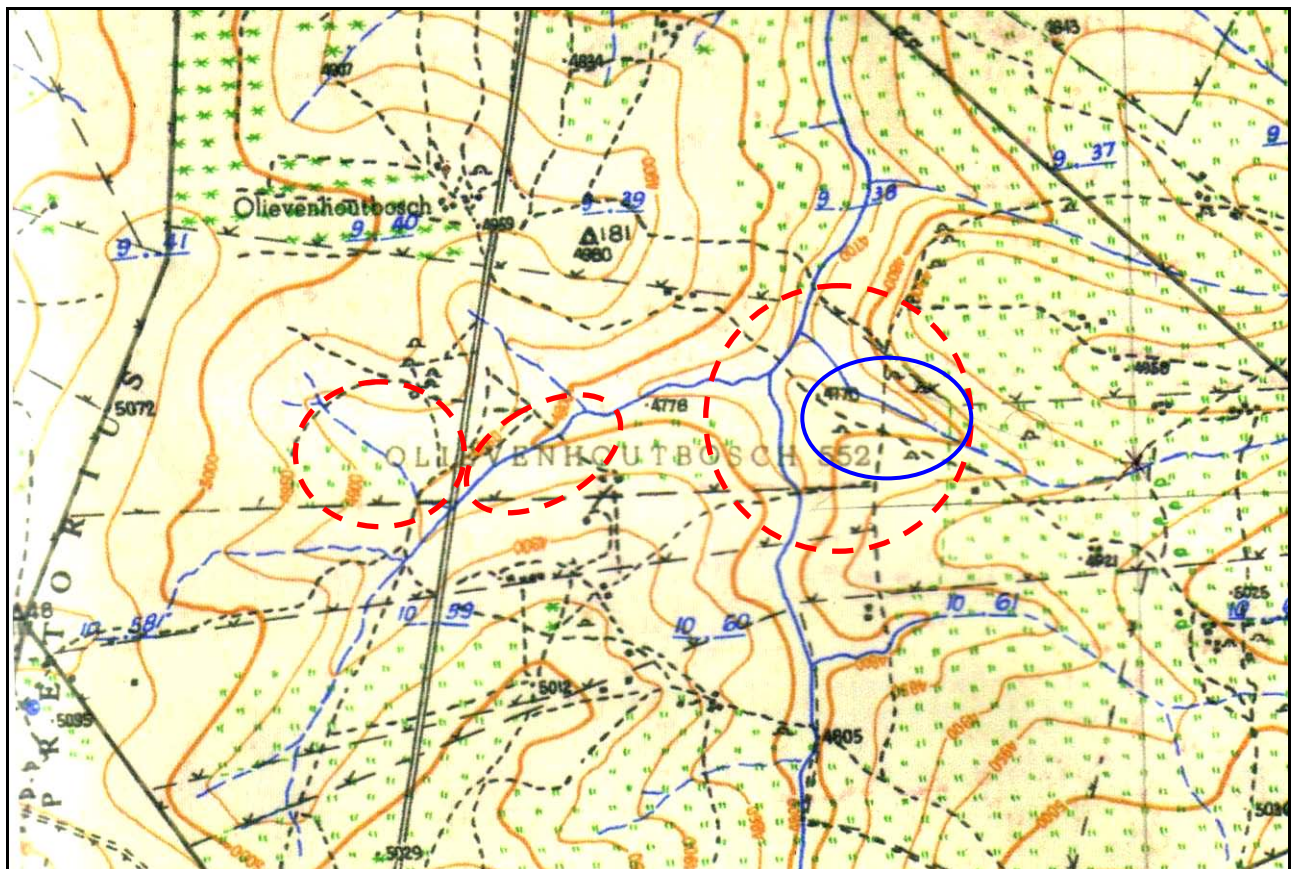


Figure 2 Second edition of the 2528CC topographical sheet. The approximate positions of the four portions are indicated. The blue circle marks the position of four huts.

4.1.2 Early farm ownership history

The farm Olievenhoutbosch (old number 552) was first inspected on the 16th of May 1859 by F. Snyman. On the 16th of December 1859 the farm was transferred to its first owner D.J. Oosthuizen. A few months later, on the 3rd of April 1860, the farm was transferred from D.J. Oosthuizen to G.I. Pretorius. On the 13th of May 1863 the farm was transferred from G.I. Pretorius to D.I.J. Oosthuizen. On the same day the farm was transferred from D.I.J. Oosthuizen to Rasmus Elardus Erasmus. After the death of R.E. Erasmus, the farm was transferred on the 5th of January 1892 from his estate to Louisa Catharina Erasmus.

The well-known Erasmus family are seen as the earliest white settlers over large sections of present-day Pretoria. Rasmus Elardus Erasmus was the youngest son of Voortrekker Daniël Jacobus Erasmus who travelled with the Potgieter party from the Cape to settle in the vicinity of Pretoria. Apart from Olievenhoutbosch, he was also the owner of the farm Brakfontein which he received from his father. Louisa Catharina Erasmus was his cousin and later his wife. They were married in 1853 and as her surname was also Erasmus, R.E. Erasmus was given the nickname "Double Erasmus" (Overvaal Musea News, 1982).

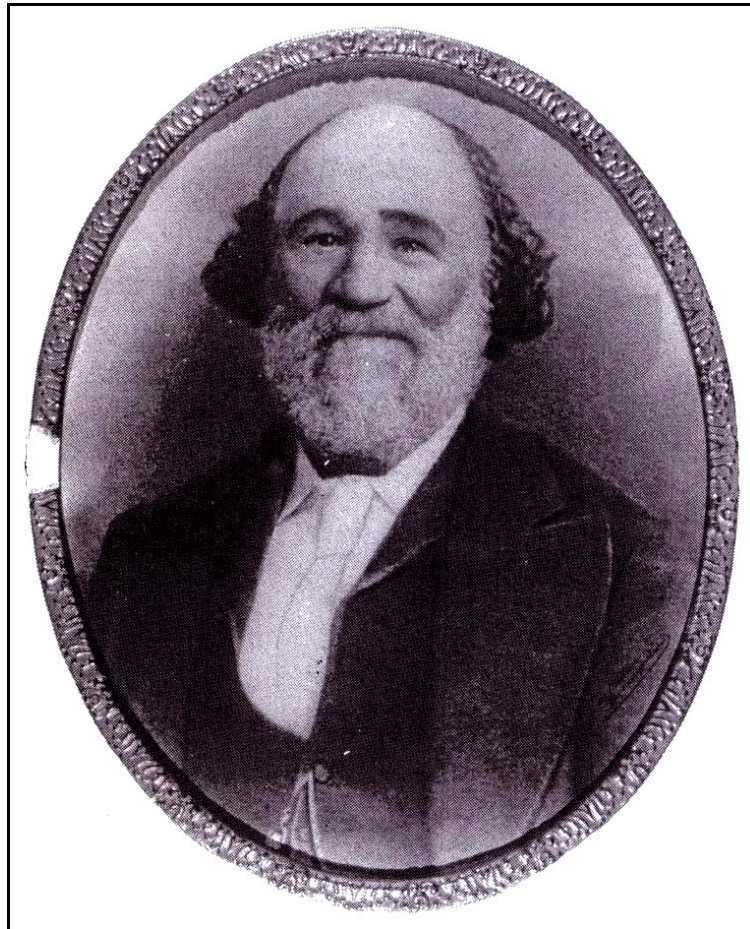


Figure 3 Rasmus Elardus Erasmus (Overvaal Musea News, 1982:8)

4.2 Social Consultation Findings

No heritage issues were raised during the public participation process.

4.3 Survey Findings

4.3.1 Site 1

4.3.1.1 Site Location

Locality: 25.913260 S
 28.119900 E

4.3.1.2 General Description

The site is situated within Portion 3, roughly between the Riet Spruit and the portion's eastern boundary. It consists of a low stone cain with an upright stone on its one end. The appearance of the structure and upright stone suggests that it may be a grave. There is no inscription on the stone and no cultural material on the dressing. The site is situated a short distance to the north-east of an abandoned farm labourer settlement (see Site 2) and may be associated with it.

4.3.1.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, 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.

4.3.1.4 Site Significance

Until such time that the presence of a grave here has been confirmed or disproved, the site must be viewed as containing a grave. All graves and burial graves have high level of emotional, religious and in some cases historical significance. As a result the site must be deemed to be of High Significance.

4.3.1.5 Impact of Proposed Development on Site

It can be assumed that the entire Portion 3, with the exception of annual flood lines along the streams, will be developed. It can therefore be assumed that the site will be destroyed if it is not mitigated. As a result the impact of the development on the site is deemed to be very severe and the consideration of mitigation measures imperative.

4.3.4.6 Mitigation

The possible grave must be investigated by way of test excavations. These excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave is found, or alternatively that no such evidence is found. If no evidence for the presence of a grave is found, the site can be destroyed. However, should evidence for a grave be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a process must always be undertaken in full cognisance of the relevant legislation, and must include a detailed social consultation component to try and identify the family of the deceased. Typical components of such a grave relocation process would be:

- Social consultation to establish whether any families for the deceased can be found. This process must include bilingual newspaper advertisements and site notices, as well as communication with elderly residents of the area.
- Permit application to the South African Heritage Resources Agency, the Provincial Department of Health and the Provincial Department of Local Government for the grave to be exhumed and relocated.
- Once the permits have been obtained, the exhumation and relocation of the grave can take place.



Plate 5 General view of the possible grave.

4.3.2 Site 2

4.3.2.1 Site Location

Locality: 25.913630 S
 28.119750 E

4.3.2.2 General Description

An historic site containing a number of associated rectangular stone structures is situated in close proximity to Site 1. The site can be identified as a farm labourer's settlement. Although its age is not known, it can be considered to be at least 60 years old. This is based on the fact that a "hut" is depicted on the 1943 2528CC topographical map in close proximity to this site.

Past experience has shown that in some cases stillborn babies were buried in close proximity to the homes of their parents and aspecially along the sides of the parents' dwelling. As this site was abandoned some time ago, no direct information with regards to the presence (or not) of stillborn graves are presently available.

4.3.2.3 Current Protection Status

Structures older than 60 years fall under the protection of Section 34(1) of the National Heritage Resources Act 25 of 1999.

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, 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.

4.3.2.4 Site Significance

Without the presence of graves, the site can be considered to have some significance in that it evidently represents an abandoned farm labourer dwelling. This said it can certainly not be considered as unique. Without the presence of graves the site can be considered to be of Medium Significance. However, the presence of graves necessitates

that the site must be given a higher significance rating. All graves have high levels of emotional, religious and historical significance. As a result the site is deemed to be of High Significance.

4.3.2.5 Impact of Proposed Development on Site

It can be assumed that the entire Portion 3, with the exception of annual flood lines along the streams, will be developed. It can therefore be assumed that the site will be destroyed if it is not mitigated. As a result the impact of the development on the site is deemed to be very severe and the consideration of mitigation measures imperative.

4.3.2.6 Mitigation

The mitigation of the site must focus on the following two aspects:

- structures older than 60 years
- possible graves of stillborn babies

It is important to note that none of these mitigation measures can be undertaken on its own and for the site to be suitably mitigated, mitigation of both aspects must be undertaken.

Mitigation of structures older than 60 years

The National Heritage Resources Act 25 of 1999 states that no structures older than 60 years may be altered or demolished without a permit from the relevant heritage authority. The following mitigation measures are recommended:

- Surveying and drawing of a site layout plan
- Photographic recording
- Compilation of a document set containing both a qualitative description of the site, site layout plan as well as photographs. This documentation set must accompany the application for the destruction

Mitigation of the possible graves of stillborn babies

As indicated above, it is not presently known whether any stillborn graves are located on site. The following mitigation measures will establish whether such graves are indeed located here and should any graves be located, the proper way of mitigating them:

- Social consultation to establish whether anyone is aware of stillborn babies buried here. This process must include bilingual newspaper advertisements and site notices, as well as communication with elderly residents (and erstwhile residents) of the area.
- Once the permit for the destruction of the structures has been obtained, test excavations must be undertaken on the insides and exteriors of the dwelling foundations.
- Should graves be identified, and on the condition that the public participation period stated in the bilingual newspaper advertisements and site notices have expired, they can be exhumed and relocated.



Plate 6 General view of one of the structures from the site.



Plate 7 Another view of one of the structures from the site.



Plate 8 A further view of one of the structures from the site.

5. HERITAGE REQUIREMENTS IN TERMS OF SECTION 38 (3) OF THE NATIONAL HERITAGE RESOURCES ACT NOT DEALT WITH IN THE PREVIOUS SECTION.

5.1 “The identification and mapping of all heritage resources in the area affected”

This requirement has been suitably addressed in Section 4 Findings. With the GPS co-ordinates obtained from the field, the different sites were individually plotted using Arcview 8.1 GIS Software. Refer Annexure B Site Distribution Map.

5.2 “A(a)n evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;”

The Olievenhoutbosch market is currently experiencing residential growth initiated by government and private funders. The recent and current development of similar housing projects is testament to the growth within the area, reflective of integrated mixed income communities. The incorporation of a commercial / retail component is regarded as potentially providing a tangible improvement to the accessibility to goods and services.

Other envisaged socio-economic developments include the creation of both temporary and permanent employment opportunities, the provision of housing in an area which has for very long time suffered from a severe housing need and finally financial investment in the local economy.

Although two sites with the potential of having a High Significance status were located within the proposed development area, the impact of the development on these can be suitably mitigated to allow for very little negative impact on the heritage fabric of the area. It stands to reason therefore that when a comparison is drawn between the mitigated impact of the proposed development on the heritage sites and the significant socio-economic benefits to be derived from the project, the benefits would certainly far outweigh the envisaged impact after mitigation.

5.3 “T(t)he results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;”

As required by EIA Regulations 22, 23 and 26 the Environmental Conservation Act 73 of 1989, a public participation process for the proposed development has been undertaken. No issues with regards to heritage were raised during the public participation process.

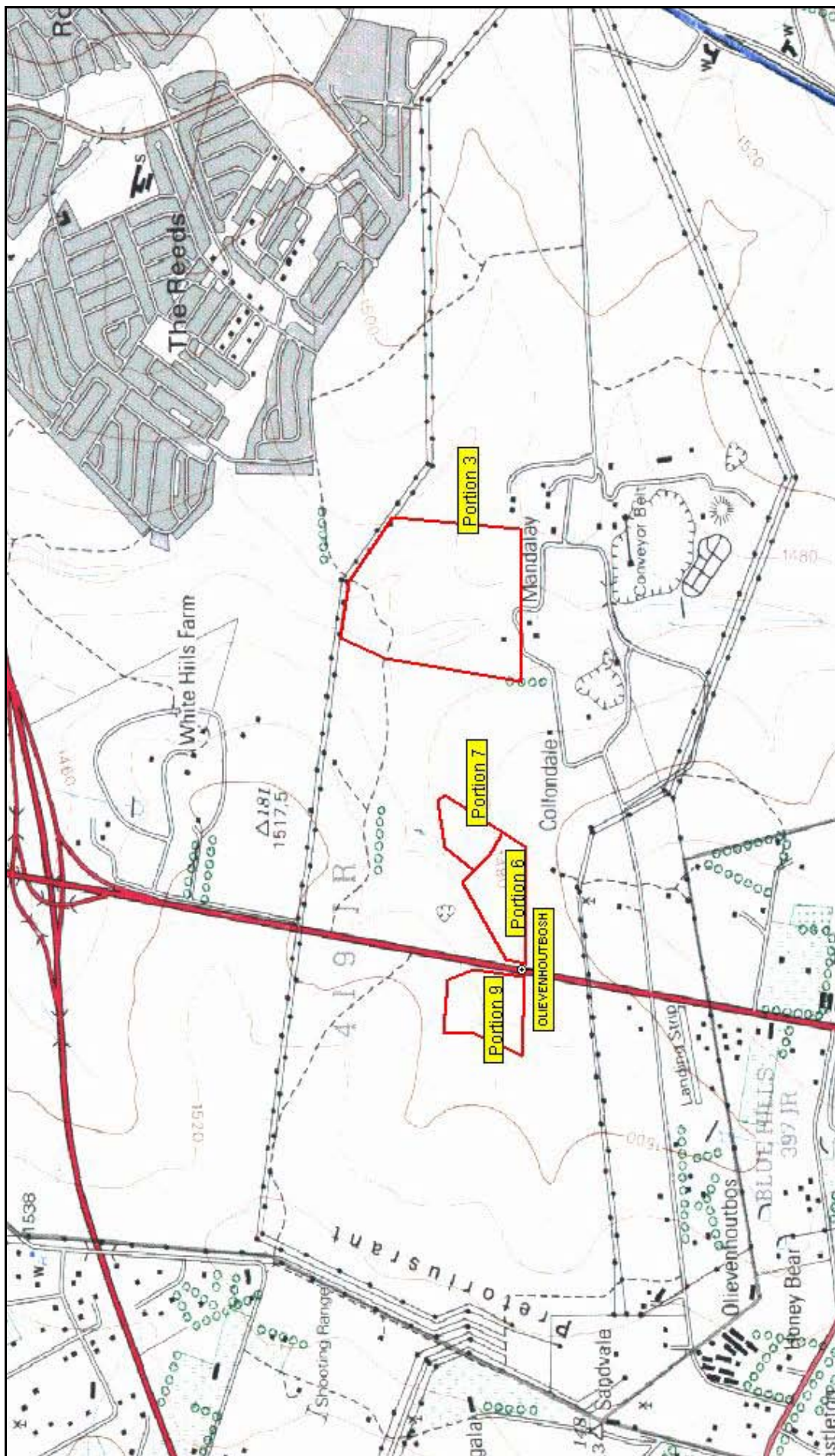
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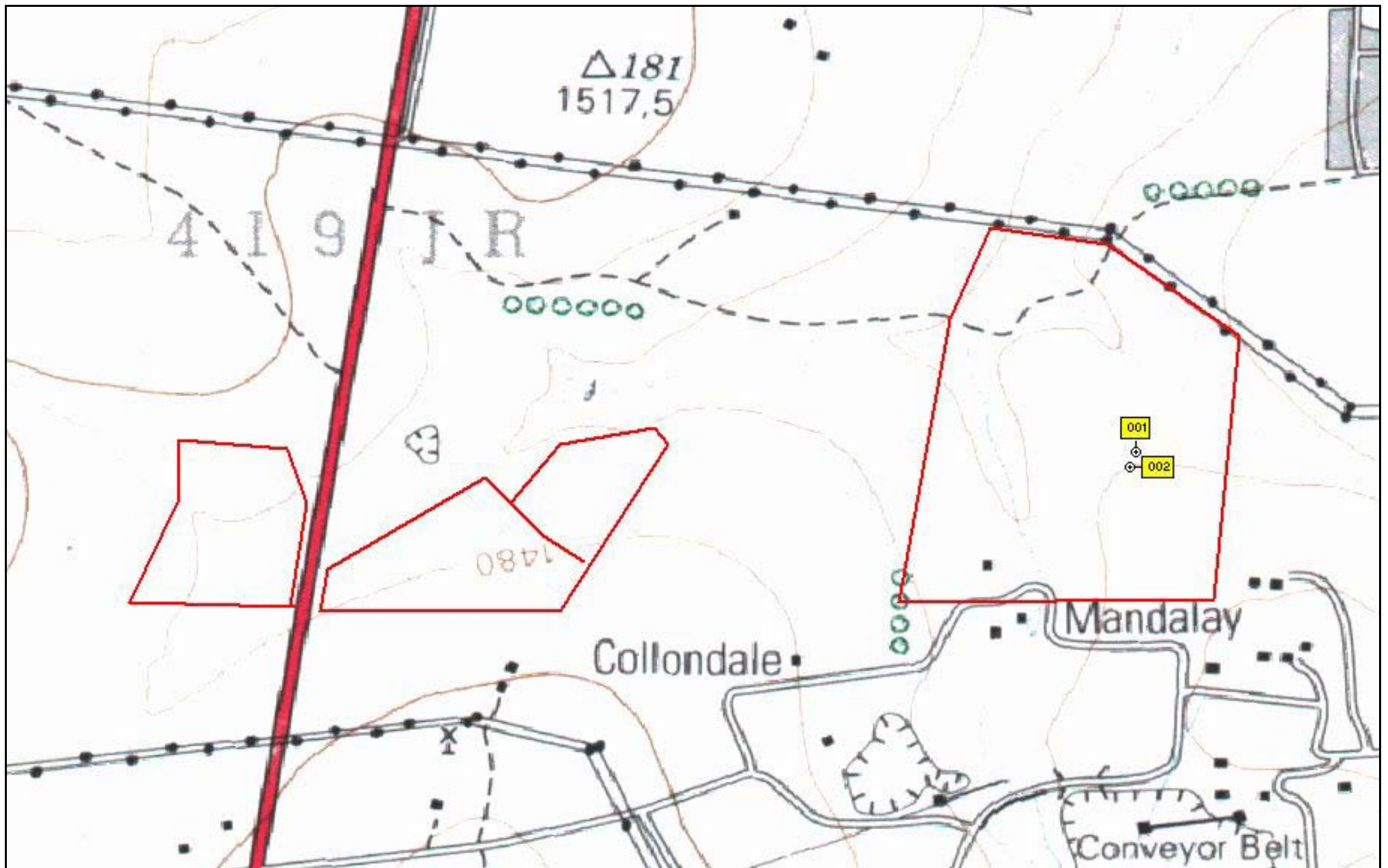
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It is the opinion of the authors of this report that on the condition that the proposed mitigation measures are undertaken, the development may continue and that no heritage reasons can be given for it to be altered or stopped.

ANNEXURE A – LOCALITY PLAN



ANNEXURE B – SITE DISTRIBUTION MAP



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.