

**HERITAGE SCOPING ASSESSMENT FOR THE
PROPOSED ESTABLISHMENT OF THE ACED DE AAR SOLAR ENERGY
FACILITY, NORTHERN CAPE PROVINCE**

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OF THE DE AAR SOLAR ENERGY FACILITY, NORTHERN CAPE PROVINCE**

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Declaration:

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



J A van Schalkwyk (D Litt et Phil)
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June 2011

EXECUTIVE SUMMARY

ACED Renewables De Aar (Pty) Ltd (ACED De Aar) propose the establishment of a solar energy facility and associated infrastructure on the following farm portions: Carolus Poort 3 (Portion 3), Carolus Poort 3 (Portion 4), Wagt en Bittje 5 (remaining extent of Portion 5), Riet Fountain 6 (Portion 1) and Wag 'n Bietjie Annex C 137 east of the town of De Aar in the Northern Cape Province.

In accordance with Section 38 of the NHRA, an independent heritage consultant was appointed by **Savannah Environmental (Pty) Ltd** to conduct a scoping assessment to determine if there are any fatal flaw issues from a heritage perspective within the boundaries of the proposed development area which would prevent the process from proceeding to a next level of investigation

This scoping study has revealed that a variety of heritage resources occur in the larger region and therefore there is a likelihood that similar resources would be located in the study area, especially in the areas where hills and outcrops occur as well as along the banks of the Brak River. Heritage resources usually manifest in a wide variety of forms, ranging from

- Stone Age sites located near the foot of hills, with an increased likelihood if there are rock shelters in the vicinity;
- Sites with either rock engravings or rock paintings;
- Stock enclosures constructed of stone;
- Burial sites in the vicinity of the river.

Historic period

- Houses and other structures older than 60 years;
- Farming infrastructure such as wind mills, etc.;
- Graves and cemeteries, both formal and informal;

Based on current knowledge, the sites, features and objects known to exist or that are expected to exist in the study area are judged to have Grade III significance and therefore would not prevent the project from continuing.

It is therefore recommended that, in accordance of Section 38 of the NHRA a Phase I HIA is undertaken to determine the presence of any heritage resources that may occur in the development area. Such a study would determine the level of significance of the identified resources as well as proposing mitigation measures for those resources that may be affected by the proposed development. The mitigation of heritage resources is referred to as Phase II studies and, depending on the type of resource, may include in depth studies before the impact may take place, or alternatively, that a resource must be avoided and protected.



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June 2011

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GLOSSARY OF TERMS AND ABBREVIATIONS

TERMS

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

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

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

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

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

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

ABBREVIATIONS

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

1. INTRODUCTION

ACED Renewables De Aar (Pty) Ltd (ACED De Aar) proposes to establish a solar energy facility as well as the associated infrastructure on the following farm portions: Carolus Poort 3 (Portion 3), Carolus Poort 3 (Portion 4), Wagt en Bittje 5 (remaining extent of Portion 5), Riet Fountain 6 (Portion 1) and Wag 'n Bietjie Annex C 137 east of the town of De Aar in the Northern Cape Province.

The proposed activity includes the establishment of a solar energy facility with a maximum generating capacity of 500 MW and associated infrastructure which would consist of the following:

- » A Photovoltaic component comprising numerous arrays of photovoltaic panels and dedicated inverters to generate 400 MW through the photovoltaic effect.
- » A Concentrating Solar Power component comprising numerous arrays of parabolic troughs to generate 100 MW through steam generation.
- » Five short powerline to connect to Eskom's existing Hydra Substation; and five small 132 kV on-site substations to facilitate the connection between the facility and this powerline.
- » A power generation block which will consist of a conventional steam turbine linked to a generator.
- » Water will be required for the CSP process and for cleaning purposes. The land has an existing water license of 2000 cubic meters per day. Therefore water supply pipelines, water treatment and storage reservoirs, cooling facilities, and evaporation ponds will be required.
- » Temporary waste storage facilities may be required.
- » Internal and external access roads.
- » Maintenance buildings, lay down areas, and a site office.

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

In accordance with Section 38 of the NHRA, an independent heritage consultant was appointed by **Savannah Environmental (Pty) Ltd** to conduct a scoping assessment to determine if there are any fatal flaw issues from a heritage perspective within the boundaries of the proposed development area which would prevent the process from proceeding to a next level of investigation

2. TERMS OF REFERENCE

The aim of this HIA, broadly speaking, is to determine if any sites, features or objects of cultural heritage significance occur within the boundaries of the area where it is planned to develop the solar facility.

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

Type of study	Aim	SAHRA involved	SAHRA response
Screening	<p>The aim of the screening investigation is to provide an overview of possible heritage-related issues regarding the proposed development by an appropriate heritage specialist. It is based on the review and use of existing heritage data pertaining to the site.</p> <p>The result of this investigation is a brief statement indicating potential heritage impacts/issues and can assist the developer in preliminary planning.</p> <p>This report does grant the developer permission to proceed with the proposed development.</p>	Not necessary	
Scoping (basic assessment)	<p>The aim of the scoping investigation is to provide an informed heritage-related opinion about the proposed development by an appropriate heritage specialist. The objectives are to assess heritage sites and their significance (involving site inspections, existing heritage data); to review the general compatibility of the development proposals with heritage policy and possible heritage features on the site.</p> <p>The result of this investigation is a heritage scoping report indicating the presence/absence of heritage resources and what would be required to manage them in the context of the proposed development.</p> <p>This report does not grant the developer permission to proceed with the proposed development.</p>	Not compulsory	
Heritage Impact Assessment	<p>The aim of a full HIA investigation is to provide an informed heritage-related opinion about the proposed development by an appropriate heritage specialist. The objectives are to identify heritage resources (involving site inspections, existing heritage data and additional heritage specialists if necessary); assess their significances; assess alternatives in order to promote heritage conservation issues; and to assess the acceptability of the proposed development from a heritage perspective.</p> <p>The result of this investigation is a heritage impact assessment report indicating the presence/ absence of heritage resources and how to manage them in the context of the proposed development.</p> <p>Depending on SAHRA's acceptance of this report, the developer will receive permission to proceed with the proposed development, on condition of successful implementation of proposed mitigation measures.</p>	Provincial Heritage Resources Authority	Comments on built environment and decision to approve or not
		SAHRA Archaeology, Palaeontology and Meteorites Unit	Comments and decision to approve or not

The scope of work for this study consisted of:

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

The objectives were to

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

3. HERITAGE RESOURCES

3.1 The National Estate

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

- Places, buildings, structures and equipment of cultural significance;
- Places to which oral traditions are attached or which are associated with living heritage;
- Historical settlements and townscapes;
- Landscapes and natural features of cultural significance;
- Geological sites of scientific or cultural importance;
- Archaeological and palaeontological sites;
- Graves and burial grounds, including-
 - Ancestral graves;
 - Royal graves and graves of traditional leaders;
 - Graves of victims of conflict;
 - Graves of individuals designated by the minister by notice in the gazette;
 - Historical graves and cemeteries; and
 - Other human remains which are not covered in terms of the human tissue act, 1983 (act no. 65 of 1983);
- Sites of significance relating to the history of slavery in South Africa;
- Movable objects, including-
 - Objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - Objects to which oral traditions are attached or which are associated with living heritage;
 - Ethnographic art and objects;
 - Military objects;
 - Objects of decorative or fine art;
 - Objects of scientific or technological interest; and
 - Books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the national archives of south africa act, 1996 (act no. 43 of 1996).

3.2 Cultural significance

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

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

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

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

4. STUDY APPROACH AND METHODOLOGY

4.1 Extent of the Study

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

4.2 Methodology

4.2.1 Preliminary investigation

4.2.1.1 Survey of the literature

A survey of the relevant literature was conducted with the aim of reviewing the previous research done and determining the potential of the area: (Morris 2006, 2007; Richardson 2001; Sampson 1985; Van Jaarsveld 2006; Van Schalkwyk 2011).

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

4.2.1.2 Data bases

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

- Database surveys produced a number of sites located in the larger region of the proposed development.

4.2.1.3 Other sources

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

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

4.3 Limitations

- This interpretation is based solely on available information.

5. DESCRIPTION OF THE AFFECTED ENVIRONMENT

5.1 Site location and description

The study area is an irregular shaped section of land located east of the town of De Aar in the Northern Cape Province. It consists of on the following farm portions: Carolus Poort 3 (Portion 3), Carolus Poort 3 (Portion 4), Wag en Bittje 5 (remaining extent of Portion 5), Riet Fountain 6 (Portion 1), Wag 'n Bietjie Annex C 137 east of the town of De Aar in the Northern Cape Province (Fig. 1).

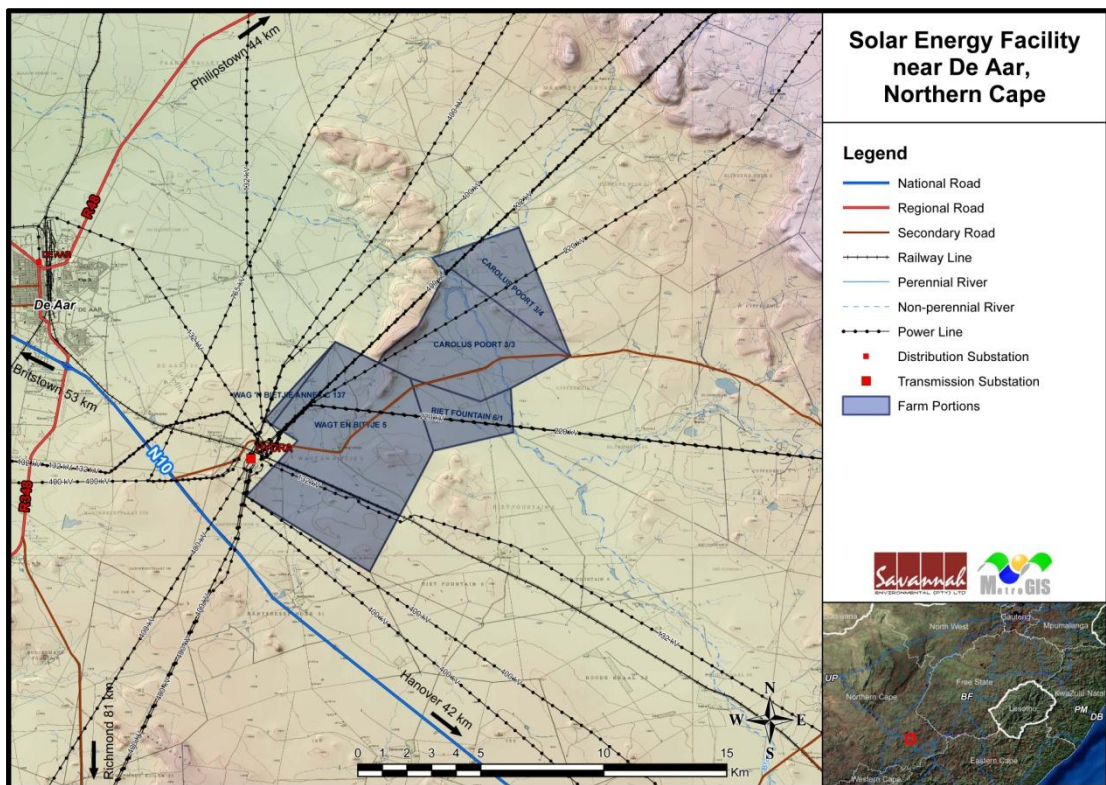


Fig. 1. Location of the study area in regional context.
(Map supplied by Savannah Environmental)

The geology of the region is made up of mudstone, with some dolerite intrusions and the original vegetation is classified as Eastern Mixed Nama Karoo, changing to Upper Nama Karoo in the north. The topography of the region is described as lowlands with hills, largely formed due to the fact that the dolerite is less prone to weathering and erosion than the mudstone. The Brak River passes from south to north through the area. From aerial photographs it seems as if the eastern section of the site was previously impacted on by development activities, probably when the Hydra substation was built.

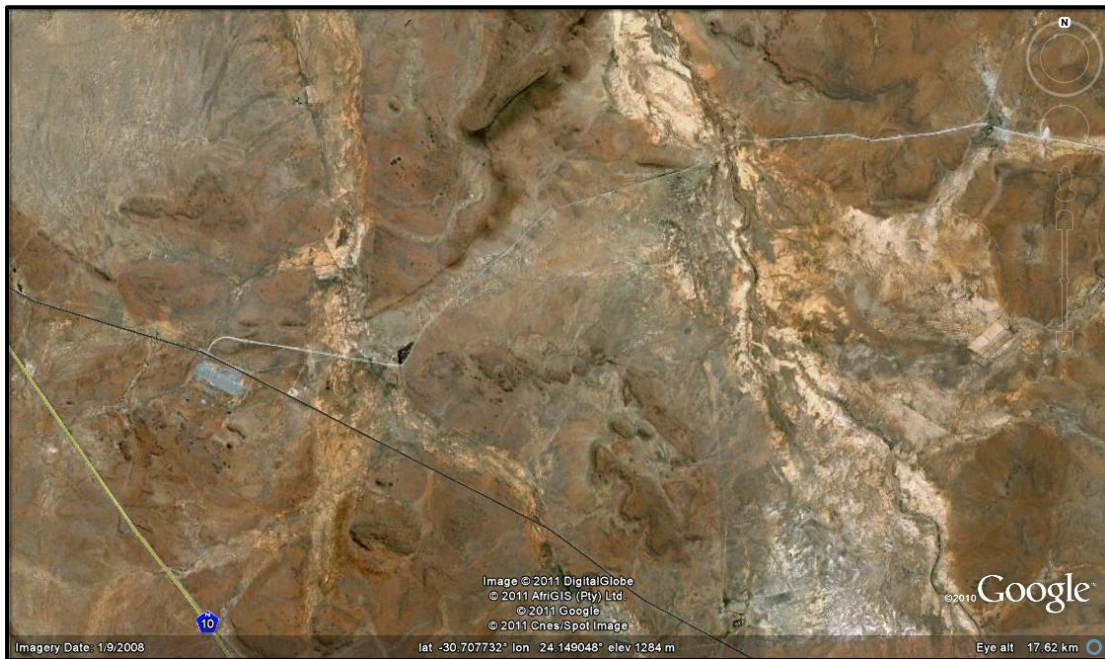


Fig. 2. Aerial view of the site.
(Photo: Google Earth)

5.2 Regional overview

Stone Age

Surveys done for example by Sampson (1985) to the south-east of the study area indicated a rich legacy in Stone Age sites in the Karoo. However, the region of the study area seems to have been a bit more marginal as no major sites or traditions have been identified in the region.

Occupation by early humans would probably date to the Middle Stone Age and would consist of open sites in the vicinity of stream beds or hills and outcrops. Population density might have increased during the Later Stone Age and people would have occupied rock shelters where available as well as open sites. During this later period they also produced rock engravings, of which some are known to occur on the farm Tafelkop north of the study area, as well as rock paintings, some of which occur on the farm Veekraal east of the study area and others on Jakkalsfontein north of the study area.

Historic period

The town of De Aar was founded in 1881 on the farm by the same name. The farm originally belonged to Jan Vermeulen who sold it for the purpose of the development of the town. With the development of railways the town became an important station with one of the biggest marshalling yards in the country.

The famous South African author Olive Schreiner lived and worked in the town. According to various databases about eight buildings, ranging from schools and churches to the town hall are listed to be of heritage significance. All of these occur in the town self and none are listed for the district.

5.3 Heritage potential

The following heritage sites, features and objects are known to occur in the larger region:

- Stone Age sites located near the foot of hills, with an increased likelihood if there are rock shelters in the vicinity;
- Sites with either rock engravings or rock paintings;
- Stock enclosures constructed of stone;
- Burial sites in the vicinity of the river.

Historic period

- Houses and other structures older than 60 years;
- Farming infrastructure such as wind mills, etc.;
- Graves and cemeteries, both formal and informal;

As a result of this as well as specific environmental conditions, e.g. the Brak River passing through the area and the dolerite hills found all over, it is expected any of the above will occur in the proposed development area.

6. SITE SIGNIFICANCE AND ASSESSMENT

6.1 Heritage assessment criteria and grading

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

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

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

6.2 Statement of significance

A matrix was developed whereby the above criteria, as set out in Sections 3(3) and 7 of the NHRA, No. 25 of 1999, were applied for each identified site (see Appendix 1). This allowed some form of control over the application of similar values for similar sites. Three categories of significance are recognized: low, medium and high. In terms of Section 7 of the NHRA, all the sites currently known or which are expected to occur in the study area are evaluated to have a grading as identified in the table below.

Table 2. Summary of identified heritage resources in the study area.

Identified heritage resources	
<i>Category, according to NHRA</i>	<i>Identification/Description</i>
Formal protections (NHRA)	
National heritage site (Section 27)	None
Provincial heritage site (Section 27)	None
Provisional protection (Section 29)	None
Place listed in heritage register (Section 30)	None
General protections (NHRA)	
structures older than 60 years (Section 34)	None
archaeological site or material (Section 35)	None
palaeontological site or material (Section 35)	None
graves or burial grounds (Section 36)	None
public monuments or memorials (Section 37)	None
Other	
Any other heritage resources (describe)	None

6.3 Impact assessment

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

7. CONCLUSIONS

This scoping study has revealed that a variety of heritage resources occur in the larger region and therefore there is a likelihood that similar resources would be located in the study area, especially in the areas where hills and outcrops occur as well as along the banks of the Brak River. Heritage resources usually manifest in a wide variety of forms, ranging from

- Stone Age sites located near the foot of hills, with an increased likelihood if there are rock shelters in the vicinity;
- Sites with either rock engravings or rock paintings;
- Stock enclosures constructed of stone;
- Burial sites in the vicinity of the river.

Historic period

- Houses and other structures older than 60 years;
- Farming infrastructure such as wind mills, etc.;
- Graves and cemeteries, both formal and informal;

Based on current knowledge, the sites, features and objects known to exist or that are expected to exist in the study area are judged to have Grade III significance and therefore would not prevent the project from continuing.

It is therefore recommended that, in accordance of Section 38 of the NHRA a Phase I HIA is undertaken to determine the presence of any heritage resources that may occur in the development area. Such a study would determine the level of significance of the identified resources as well as proposing mitigation measures for those resources that may be affected by the proposed development. The mitigation of heritage resources is referred to as Phase II studies and, depending on the type of resource, may include in depth studies before the impact may take place, or alternatively, that a resource must be avoided and protected.

8. REFERENCES

8.1 Data bases

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

8.2 Literature

Acocks, J.P.H. 1975. *Veld Types of South Africa*. Memoirs of the Botanical Survey of South Africa, No. 40. Pretoria: Botanical Research Institute.

Morris, D. 2006. *Revised archaeological specialist input for the proposed Hydra-Gamma 765kV transmission lines along the (existing) 400kV corridor near De Aar and Victoria West, Northern Cape Province*. Unpublished report. Kimberley.

Morris, D. 2007. *Archaeological impact assessment of proposed extension of the Hydra substation at De Aar, Northern Cape Province*. Unpublished report. Kimberley.

Richardson, D. 2001. *Historic sites of South Africa*. Cape Town: Struik Publishers.

Sampson, C.G. 1985. Atlas of Stone Age settlement in the Central and Upper Seacow Valley. *Memoirs van die Nasional Museum, Bloemfontein* 20:1-116.

Van Jaarsveld, A. 2006. *Hydra-Perseus 765kV Transmission line (260km), Beta-Perseus Transmission Line (12km), Cross-over Alignment Alternatives and Perseus Substation (50 hectares)*. Unpublished report.

Van Schalkwyk, J.A. 2011. *Heritage impact assessment for the proposed development of a hospital in De Aar, Northern Cape Province*. Unpublished report 2011/JvS/014. Unpublished report.

8.3 Maps and aerial photographs

1: 50 000 Topocadastral maps: 3024CA
Google Earth

APPENDIX 1: CONVENTIONS USED TO ASSESS THE IMPACT OF PROJECTS ON HERITAGE RESOURCES

Significance

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

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

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

Significance of impact:

- low where the impact will not have an influence on or require to be significantly accommodated in the project design
- medium where the impact could have an influence which will require modification of the project design or alternative mitigation
- high where it would have a “no-go” implication on the project regardless of any mitigation

Certainty of prediction:

- Definite: More than 90% sure of a particular fact. Substantial supportive data to verify assessment
- Probable: More than 70% sure of a particular fact, or of the likelihood of that impact occurring
- Possible: Only more than 40% sure of a particular fact, or of the likelihood of an impact occurring
- Unsure: Less than 40% sure of a particular fact, or the likelihood of an impact occurring

Recommended management action:

For each impact, the recommended practically attainable mitigation actions which would result in a measurable reduction of the impact, must be identified. This is expressed according to the following:

- 1 = no further investigation/action necessary
- 2 = controlled sampling and/or mapping of the site necessary
- 3 = preserve site if possible, otherwise extensive salvage excavation and/or mapping necessary
- 4 = preserve site at all costs
- 5 = retain graves

Legal requirements:

Identify and list the specific legislation and permit requirements which potentially could be infringed upon by the proposed project, if mitigation is necessary.

APPENDIX 2. RELEVANT LEGISLATION

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

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

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

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

(4) No person may, without a permit issued by the responsible heritage resources authority-

- (a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
- (b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
- (c) trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or
- (d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.

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

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

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

(3) No person may, without a permit issued by SAHRA or a provincial heritage resources authority-

- (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
- (b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
- (c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

(4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3)(a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.