
PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

**CONSOLIDATION AND REZONING OF
FARM 640/01 AND FARM 640/29,
EAST LONDON, EASTERN CAPE, SOUTH AFRICA**

DATE: 2010-10-20



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1) TERMS OF REFERENCE

Biotechnology and Environmental Specialist Consultancy (BESC) has been appointed as independent environmental consultant by the project proponent, the Edcon Trust, to prepare the Basic Assessment Report and the Environmental Management Plan for the proposed *Consolidation and Rezoning of Farm 640/01 and Farm 640/29, East London, Eastern Cape*. ArchaeoMaps Archaeological Consultancy has been appointed by BESC to conduct the Phase 1 Archaeological Impact Assessment (AIA) as specialist sub-section to the Basic Assessment Report.

1.1) *Development Location, Details & Impact*

DEVELOPMENT LOCATION AND DETAILS: The study site comprises of the Remaining Extent of Portion 1 of Farm 640 and Portion 29 of Farm 640; for the purposes of this report collectively referred to as 'Farm 640'. Farm 640 is situated in the Nahoon Valley, towards the north-west of East London and east of Mdantsane, roughly between the Fort Jackson and Wilsonia Industrial areas. The north-western property boundary adjoins the Da Gama factory site, while the property is abutted in the north by Farms 640/31, 640/30 and 640/6, in the east by Farms 648/27, 648/26, 648/1 and 647/1 and in the south by Farms 832/15 and 642/RE. Farm 640 is traversed north-west to east by the N2 National Route, while the Old King Williams Town Road cut through the southern portion of the property in an east-west direction. The southern boundary of Farm 640 borders the King Williams Town / East London railway reserve and Arnoldton Railway Station (BESC 2010).

Farm 640 has a combined extent of approximately 313ha subdivided as Farm 640/01 comprising of 234ha and Farm 640/29 measuring some 79ha in size. Due to the property being bisected by major urban arterial routes, it is characterized by 3 distinct land parcels, namely (BESC 2010):

1. *The Southern Nodal Area:* The smallest land component positioned between the railway reserve and the Old King Williams Town Road;
2. *The Transitional Area:* Situated between the Old King Williams Town Road and the N2 National Road; and
3. *The Northern Area:* The larger land parcel situated north of the N2 National Road.

Farm 640 falls within the jurisdiction of the Buffalo City Municipality (BCM) and is located within the Amathole District Municipal area. The Buffalo City Municipality Spatial Development Framework (BCM SDF) describes the Farm 640 property as situated within the 'urban edge' of East London and has identified the property as 'earmarked for public funded housing' (BESC 2010).

The study site is at present zoned 'Agricultural' and used for mixed farming purposes (pineapple cultivation and livestock farming). A light service industry is located towards the north-east of Farm 640 while a brick making factory is situated on the southern portion of the property (BESC 2010).

DEVELOPMENT IMPACT: Consolidation and subdivision of the properties (Farm 640/01 and Farm 640/29) will not have a negative impact on any archaeological or cultural heritage resources. However the intent of the development proposal, to seek the necessary zoning that would facilitate future subdivision and phased development for mixed use (business, institutional, light industrial, commercial etc), single residential, high density residential etc., can reasonably be inferred to impact on both surface and sub-surface archaeological and cultural heritage resources.



Figure 1: East London and Mdantsane in the Eastern Cape



Figure 2: General locality of the proposed Farm 640 study site situated between East London and Mdantsane



Figure 3: Close-up of the proposed Farm 640 study site



Figure 4: The Farm 640 study site (Remaining Extent of Portion 1 of Farm 640 and Portion 29 of Farm 640) (Courtesy BESC 2010)

2) THE PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

2.1) *Archaeological Legislative Compliance*

The Phase 1 Archaeological Impact Assessment (AIA) was requested by the South African Heritage Resources Agency (SAHRA) mandatory responsible for the National Heritage Resources Act, Act No 25 of 1999 (NHRA 1999). The Phase 1 AIA comprises one of three parts of the Heritage Impact Assessment (HIA) for purposes of development compliance to requirements set out in the NHRA 1999, being:

- 1) The Palaeontological Impact Assessment (PIA);
- 2) The Archaeological Impact Assessment (AIA); and
- 3) The Socio-cultural Impact Assessment (SCIA).

The Phase 1 AIA was requested as specialist sub-section to the HIA for the developments' Basic Assessment Report and Environmental Management Plan (EMP) Report in compliance with requirements of the National Environmental Management Act, No 107 of 1998 (NEMA 1998), the NEMA 2nd Amendment Act, No 62 of 2008 (NEMA 2008) and the NEMA Regulations (2006), and the NHRA 1999 and NHRA Regulations (2000 & 2002).

The Phase 1 AIA aimed to locate, identify and assess the significance of cultural heritage resources, inclusive of archaeological deposits / sites, built structures older than 60 years, burial grounds and graves, graves of victims of conflict and cultural landscapes or viewsapes as defined and protected by the NHRA 1999, that may be affected by the proposed development.

- Palaeontological deposits / sites as defined and protected by the NHRA 1999 are not included as subject to this report.
- No socio-cultural consultation was conducted with the aim to identify intangible heritage resources or sites of cultural significance associated with oral histories.

2.2) *Methodology & Assessor Accreditation*

The Phase 1 AIA was conducted over a 2 day period (2010-10-12 and 2010-10-18) by one archaeologist. The assessment was done by foot and off-road vehicle, and limited to a Phase 1 surface survey; no excavation or sub-surface testing was done. GPS co-ordinates were taken with a Garmin GPSmap 60CSx GPS (Datum: WGS84). Photographic documentation was done with a Pentax K20D camera. A combination of Garmap and Google Earth software was used in the display of spatial information.

The assessment was done by Karen van Ryneveld (ArchaeoMaps):

- Qualification: MSc Archaeology (2003) WITS University.
- Accreditation:
 1. 2004 – Association of Southern African Professional Archaeologists (ASAPA) – Professional Member.
 2. 2005 – ASAPA CRM Section: Accreditation – Field Director (Stone Age, Iron Age, Colonial Period).
 3. 2010 – ASAPA CRM Section: Accreditation – Principle Investigator (Stone Age).

Karen van Ryneveld is a SAHRA listed CRM archaeologist.

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

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

Table 1: SAHRA archaeological and cultural heritage site significance assessment

2.3) Coverage and Gap Analysis

The Phase 1 AIA covered the total of the proposed approximate 131ha Farm 640 study site. Visibility was overall hampered by thick vegetation; cleared gravel farm roads however provided for surface cleared and slightly scraped areas which assisted greatly in the general interpretation. In addition it allowed for slight exposed sub-surface sections complimenting the quite overgrown stream bed sections.

2.4) Phase 1 AIA Assessment Findings

A single archaeological and cultural heritage resource (Site S1), as defined and protected under the NHRA 1999, was discovered during the Phase 1 AIA and located on the proposed Farm 640 study site. Existing infrastructure, located on or immediately adjacent to the development area (co-ordinates C1-C3) are briefly discussed for interpretive purposes with Site S1 forming part of the C1 infrastructural cluster and C3 comprising of a heritage site but located on the neighboring property. Both Site S1 and C1 are classed as Built Structures pre-dating 60 years of age. A single handaxe represent the Stone Age. Iron Age indicators were not encountered during the assessment.

- 1. Co-ordinate C1 (S32°57'08.6"; E27°48'25.1"):** Co-ordinate C1 demarcates the general locality of the existing light service industry. The area is characterized by a number of warehouses, farming infrastructure and both workers and landowners residential units / houses. Aside from Site S1 structures are recent, post-dating 60 years of age and by implication not formally protected under the NHRA 1999. Alteration to, or destruction of structures post-dating 60 years of age are not subject to SAHRA / EC PHRA application or approval. No development design has been done for the current application, namely the consolidation and rezoning of the property. It is at present uncertain what impact subsequent development will have on existing infrastructure, but impact will not be of legal heritage concern. (See site specific recommendations for Site S1.)
- 2. Co-ordinate C2 (S32°57'50.4"; E27°47'38.8"):** The locality demarcates the brick works factory proper. Structural infrastructure clearly dates to temporally differing periods, but with none extending beyond 60 years of age. Associated structures also extend towards the north-east of the site where a brick and cement ruin and temporary prefabricated structures are present. Structures and structure remains located in the general C1 area all post-date 60 years of age. The remains are thus not formally protected under the

NHRA 1999; alteration to or destruction of any of the structures are not subject to SAHRA / EC PHRA application or approval.

3. **Co-ordinate C3 (S32°57'14.0"; E27°48'37.5"):** The C3 locality represents a deserted structure, post-dating 60 years of age and by implication formally protected under the NHRA 1999. The site is situated on the neighboring property and will not be impacted on by the proposed development, inferred subsequent development or development impact spill-over. The site will thus be conserved in situ.



Figure 5: Phase 1 AIA assessment findings

A handaxe was discovered in the Northern Area, north of the N2 National Road, on a scraped farm road surface amidst the pineapple plantations. The find signifies the present of Earlier Stone Age (ESA) use of the general area. The artefact, of necessity, focused attention on the possibility that more stone tools may well be present either on the surface of the study site, within shallow exposed sub-surface sections or along the numerous streambeds concentrated within the northern part of the study site. However, the handaxe proved to be the only lithic sample discovered and is interpreted as a chance find. Sandstone, the local raw material, did not prove to be of a quality suitable for knapping purposes, as evidenced by the quantity of sandstone pieces present in scraped road surfaces. In addition sub-surface sections yielded only geological mud and sandstone stratigraphic members without any of the layers containing an anthropic component or intersected by a cultural member. Inspection of stream bed sections, despite having been heavily overgrown, also didn't bear evidence of any further Stone Age tools.



Figure 6: View from the north of the study site over the C1 contemporary light service industrial area



Figure 7: Close-up of the C1 infrastructure



Figure 8: Recent structures situated in the vicinity of the C2 brick works



Figure 9: View of the C2 brick works factory



Figure 10: Contemporary brick and cement ruins in the vicinity of the C2 brick works factory



Figure 11: The C3 Colonial Period structure situated on the neighboring property; development will not impact on the site.



Figure 12: View of the study site towards the N2 from the general area between the N2 and the Old King Williams Town Road



Figure 13: View over pineapple plantations of the northern part of the study site from just south of the N2



Figure 14: General view of the development area east of the N2



Figure 15: General view of the development area west of the N2



Figure 16: Thick vegetation characterizing streambed sections concentrated along the northern part of the development area



Figure 17: The handaxe discovered in a scraped road surface of the pineapple plantations



Figure 18: Clusters of stones in scraped road surfaces proved to be of a quality not suitable for knapping



Figure 19: Exposed sub-surface sections yielded no identifiable anthropic layer



Figure 20: Shallow exposed sections across the development yielded no trace of sub-surface anthropic members or sites

2.4.1.) SITE S1 – Colonial Period - Structure - S32°57'14.0"; E27°48'28.4"

The Site S1 Colonial Period structure constitutes one of the structures or buildings generally classed as the C1 light industrial complex. The site is situated south of the gravel access road leading to the complex proper with the area north of the access road characterized by a number of workers' dwellings. The Site S1 structure pose portions of originally built stone walls, with later, more temporary style renovations having been made thereto; decreasing the heritage significance of the structure, most possibly the original farmhouse. Origin of the structure can reasonably be inferred to pre-date 60 years of age. The site is thus formally protected under the NHRA 1999 and any alteration thereto or destruction thereof is subject to SAHRA / EC PHRA application and approval. The site will not be impacted on by the current consolidation and rezoning application but subsequent development may well require impact on the site. The site is at present still used for farming related purposes.

- **RECOMMENDATIONS:** *Site S1 comprises of a heritage site as defined and protected under the NHRA 1999. The site is ascribed a SAHRA LOW SIGNIFICANCE and a GENERALLY PROTECTED C FIELD RATING. The current consolidation and rezoning development application will not impact on the site but subsequent development may require impact. Any alteration to, or destruction of the site, is subject to SAHRA approval and an EC PHRA (Eastern Cape Provincial Heritage Resources Agency) Permit. EC PHRA Permit applications are to be submitted directly to the EC PHRA by the developer.*



Figure 21: General view of Site S1

3) CONCLUSION AND RECOMMENDATIONS

With reference to cultural heritage compliance as per the requirements of the NHRA 1999 it is recommended that the proposed *Consolidation and Rezoning of Farm 640/01 and Farm 640/29, East London, Eastern Cape*, proceeds as applied for provided the developer complies with the following requirements:

- A single archaeological and cultural heritage site, as defined and protected under the NHRA 1999 was identified during the assessment. The site, Site S1, comprises of a Colonial period structure pre-dating 60 years of age. The structure will not be impacted on by the current consolidation and rezoning application but subsequent development may require impact on the building. Any alteration to, or destruction of Site S1 is subject to SAHRA approval and an EC PHRA Permit. EC PHRA Permit applications are to be submitted directly to the EC PHRA by the developer.

NOTE: Should any archaeological or cultural heritage resources as defined and protected by the NHRA 1999 and not reported on in this report be identified during the course of development the developer should immediately cease operation in the vicinity of the find and report the site to SAHRA / an ASAPA accredited CRM archaeologist.

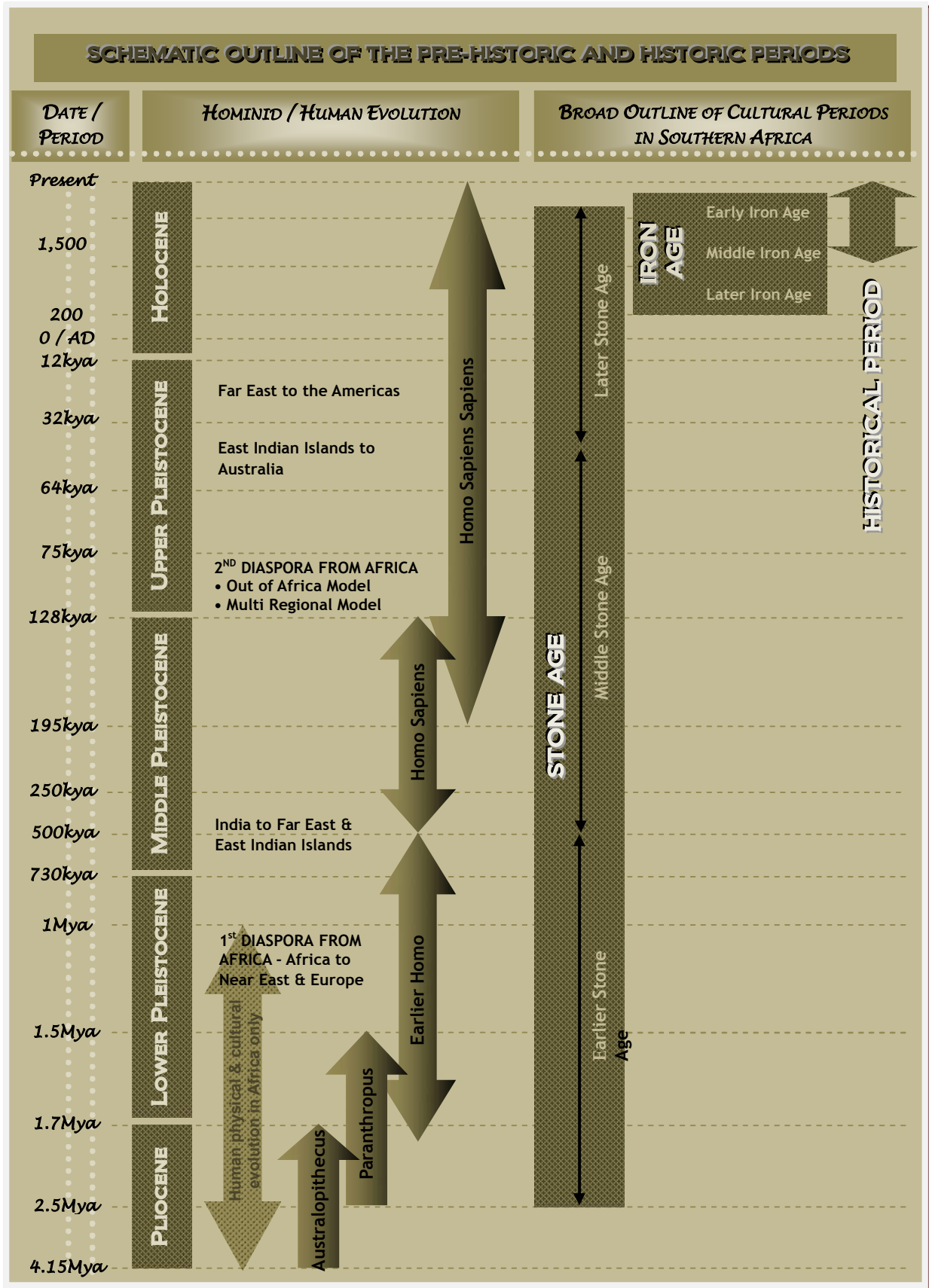
All reported heritage sites should be assessed (on-site assessment / site inspection); after a SAHRA Site Significance assignment has been assigned recommendations regarding the future of the site can be made and may include conservation, site monitoring or Phase 2 archaeological mitigation.

CONSOLIDATION AND REZONING OF FARM 640/01 AND FARM 640/29, EAST LONDON					
EASTERN CAPE					
MAP CODE	SITE	TYPE / PERIOD	DESCRIPTION	CO-ORDINATES	PRELIMINARY RECOMMENDATIONS
DEVELOPMENT AREA					
1	-	-	-	S32°56'54.1"; E27°47'22.7"	N/A
2	-	-	-	S32°57'10.7"; E27°47'19.0"	N/A
3	-	-	-	S32°57'43.6"; E27°47'33.4"	N/A
4	-	-	-	S32°57'49.8"; E27°47'27.2"	N/A
5	-	-	-	S32°57'55.8"; E27°47'47.9"	N/A
6	-	-	-	S32°57'58.9"; E27°48'34.6"	N/A
7	-	-	-	S32°57'06.1"; E27°48'43.5"	N/A
C1	Site C1	Contemporary	Light industrial	S32°57'08.6"; E27°48'25.1"	N/A
C2	Site C2	Contemporary	Brick works factory	S32°57'50.4"; E27°47'38.8"	N/A
C3	Site C3	Colonial Period	Structure	S32°57'56.8"; E27°48'37.5"	<i>In situ conservation – heritage site C3 is located on the neighboring property and will not be impacted on by development</i>
HERITAGE SITES					
S1	Site S1	Colonial Period	Structure	S32°57'14.0"; E27°48'28.4"	<i>In situ conservation OR Alteration or destruction under an EC PHRA permit (Site S1 will not be impacted on by the current consolidation and rezoning development but future development may require impact on the site)</i>

Table 2: Development and Phase 1 AIA assessment findings – co-ordinate details

4) REFERENCES CITED

1. BESC. 2010. *Background Information Document. The Proposed Consolidation and Rezoning of Farm 640/01 and Farm 640/29, East London to a Sub-divisional Area.* Unpublished report.
2. South African Government. (No. 107) of 1998. *National Environmental Management Act.*
3. South African Government. (No. 62) of 2008. *National Environmental Management Second Amendment Act.*
4. South African Government. (No. 25) of 1999. *National Heritage Resources Act.*
5. South African Heritage Resources Agency. 2007. *Minimum standards for the archaeological and heritage components of impact assessments.* Unpublished guidelines.



EXTRACTS FROM THE
NATIONAL HERITAGE RESOURCES ACT (No 25 of 1999)

DEFINITIONS*Section 2*

In this Act, unless the context requires otherwise:

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

NATIONAL ESTATE*Section 3*

- 1) For the purposes of this Act, those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities.
- 2) Without limiting the generality of subsection 1), the national estate may include –
 - a) places, buildings, structures and equipment of cultural significance;
 - b) places to which oral traditions are attached or which are associated with living heritage;
 - c) historical settlements and townscapes;
 - d) landscapes and natural features of cultural significance;
 - e) geological sites of scientific or cultural importance
 - f) archaeological and palaeontological sites;
 - g) graves and burial grounds, including –
 - i. ancestral graves;
 - ii. royal graves and graves of traditional leaders;
 - iii. graves of victims of conflict
 - iv. graves of individuals designated by the Minister by notice in the Gazette;
 - v. historical graves and cemeteries; and
 - vi. other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No 65 of 1983)
 - h) sites of significance relating to the history of slavery in South Africa;
 - i) movable objects, including –
 - i. objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - ii. objects to which oral traditions are attached or which are associated with living heritage;
 - iii. ethnographic art and objects;
 - iv. military objects;
 - v. objects of decorative or fine art;
 - vi. objects of scientific or technological interest; and
 - vii. books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1 xiv) of the National Archives of South Africa Act, 1996 (Act No 43 of 1996).

STRUCTURES

Section 34

- 1) No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

ARCHAEOLOGY, PALAEOLOGY AND METEORITES

Section 35

- 3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority offices or museum, which must immediately notify such heritage resources authority.
- 4) No person may, without a permit issued by the responsible heritage resources authority –
 - a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
 - b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
 - c) trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or
 - d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- 5) When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and no heritage resources management procedure in terms of section 38 has been followed, it may –
 - a) serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order;
 - b) carry out an investigation for the purpose of obtaining information on whether or not an archaeological or palaeontological site exists and whether mitigation is necessary;
 - c) if mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph a) to apply for a permit as required in subsection 4); and
 - d) recover the costs of such investigation from the owner or occupier of the land on which it is believed an archaeological or palaeontological site is located or from the person proposing to undertake the development if no application for a permit is received within two weeks of the order being served.
- 6) The responsible heritage resources authority may, after consultation with the owner of the land on which an archaeological or palaeontological site or meteorite is situated, serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.

BURIAL GROUNDS AND GRAVES

Section 36

- 3) No person may, without a permit issued by SAHRA or a provincial heritage resources authority –
 - a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
 - b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
 - c) bring onto or use at a burial ground or grave referred to in paragraph a) or b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.
- 4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction of any burial ground or grave referred to in subsection 3a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.
- 5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection 3b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority –
 - a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and
 - b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.
- 6) Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority –
 - a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and
 - b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

HERITAGE RESOURCES MANAGEMENT

Section 38

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

APPOINTMENT AND POWERS OF HERITAGE INSPECTORS

Section 50

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