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PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

**KWATHUBA AND KWANOKHALA:  
VILLAGE ROAD UPGRADE,  
(NEAR CINTSA), EASTERN CAPE, SOUTH AFRICA**

DATE: 2010-07-25

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## 1) TERMS OF REFERENCE

*Merryweather Environmental* has been appointed as independent environmental consultant to prepare the Environmental Impact Assessment (EIA) for the proposed *KwaThuba and KwaNokhala Village Road Upgrade Project*, near Cintsa in the Eastern Cape. *ArchaeoMaps Archaeological Consultancy* has been appointed by *Merryweather Environmental* to conduct the Phase 1 Archaeological Impact Assessment (AIA) as specialist sub-section to the EIA.

### 1.1) *Development Location, Details & Impact*

#### **DEVELOPMENT LOCATION:**

The proposed *KwaThuba and KwaNokhala Village Road Upgrade Project* is situated approximately 20km north-east of East London and 20km west of Cintsa, at the villages of KwaThuba and KwaNokhala respectively [1: 50,000 map reference – 3227DD]. Two quarry sites have been proposed for use during development, both situated alongside the existing access road near KwaNokhala. The general development area is easily accessible via the existing N2 National Road and the Brakfontein turnoff just south of KwaThuba Village.

#### **NEED AND DESIRABILITY AND PROJECT DETAILS:**

The proposed project is the result of the identified need to upgrade major roads through the villages of KwaThuba and KwaNokhala, aiming to facilitate better transport and thus indirectly raising the living standards of villagers. The project is centered on the *in-situ* upgrade of an estimated cumulative 9,7km of existing village roads, comprising approximately 4,2km at KwaThuba Village and 5,5km at KwaNokhala Village. No portions of the line routes are considered for realignment. Two existing quarry sites have been proposed for utilization: Quarry 1 is situated just south of KwaNokhala Village and Quarry 2 approximately 4km north-west of the village. Engineering road specs are still to be finalized (Pers. Comm.: F. Merryweather).

#### **DEVELOPMENT IMPACT:**

Envisioned impact of the proposed *KwaThuba and KwaNokhala Village Road Upgrade Project* can be described as localized but total; implying the loss of all surface and sub-surface heritage resources along the cumulative 9,7km road alignments and at the quarry sites. Development impact spill-over is expected to be minimal due to existing road alignments, contemporary development alongside the routes, land-use and steep landscape gradient and features (rivers, existing bridges etc.).



Figure 1: East London, Eastern Cape

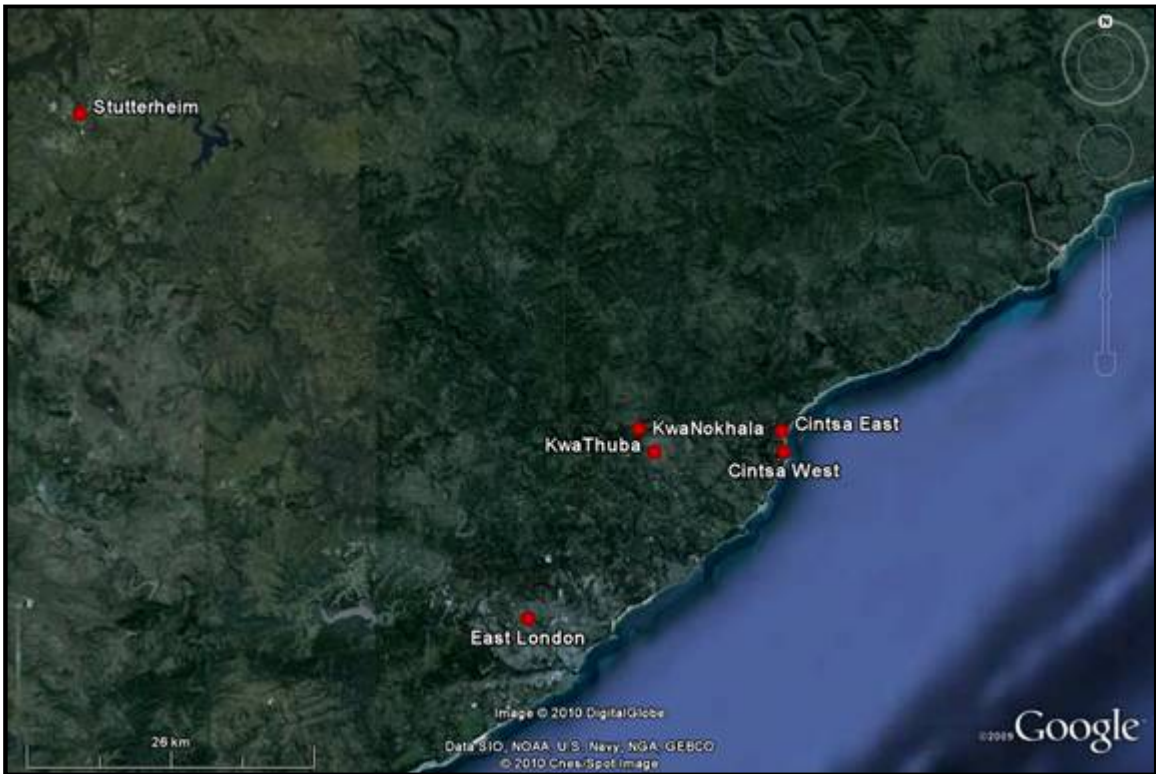
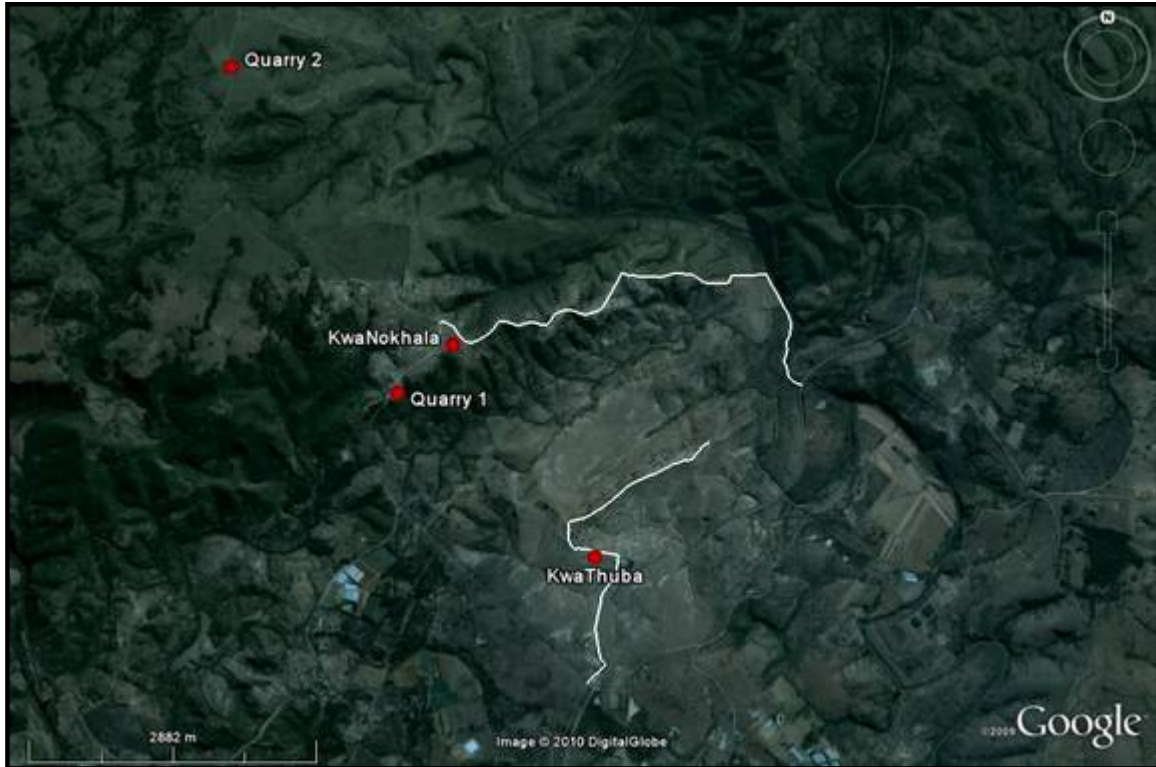


Figure 2: General locality of the proposed KwaThuba and KwaNokhala project in relation to East London and Cintsa



**Figure 3:** Close-up of the KwaThuba and KwaNokhala project area indicating the line routes proposed for upgrading and the quarry localities

## **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' Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) in compliance with requirements of the National Environmental Management Act, No 107 of 1998 (NEMA 1998), the NEMA 2<sup>nd</sup> 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 views 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 at the time of the Phase 1 AIA.

### **2.2) *Methodology***

The Phase 1 AIA was conducted over a 2 day period (2010-07-13 and 2010-07-19) by one archaeologist. The AIA assessment was done by foot and LVD, 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.

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			
SITE SIGNIFICANCE	FIELD RATING	GRADE	RECOMMENDED MITIGATION
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 9,7km line routes (4,2km – KwaThuba and 5.5km KwaNokhala) and the 2 proposed quarry sites. Line routes were assessed within an averaged 15m development corridor. However, good visibility allowed a much wider assessment throughout certain portions of the development area while impact and assessment were radically limited elsewhere due to proximity of development (more populated parts of the villages). Steep landscape gradient and thick vegetation were limiting factors at the northern part of the KwaThuba line route and the KwaNokhala road respectively. Both quarry sites yielded good surface visibility associated with large exposed sub-surface sections.

### 2.4) Phase 1 AIA Assessment Findings

No archaeological or cultural heritage resources, as defined and protected under the NHRA 1999, were identified during the Phase 1 AIA of the proposed *KwaThuba and KwaNokhala Village Road Upgrade Project*.

Basic observations are described according to the following development sectors:

1. The KwaThuba Road Portion;
2. The KwaNokhala Road Portion;
3. The Quarry 1 Site; and
4. The Quarry 2 Site.



#### 2.4.1) The KwaThuba Road Portion



**Figure 4:** The KwaThuba study site

Proposed *in-situ* upgrading of the KwaThuba main village road comprises an approximate 4,2km linear development (co-ordinates 1-5). Towards the south of the study site the existing gravel runs through an area characterized by low level development and gentle rolling hills. Visibility throughout this area was very good. Throughout the main portion of KwaThuba the existing line route is defined by adjacent residential and community development, limiting assessment visibility as well as possible impact. The north, north-western part of the line route is distinguished by low level residential development towards the north of the road with the road alignment typified by steep landscape gradient on either side, again providing for fairly good visibility.

**No archaeological or cultural heritage resources as defined and protected by the NHRA 1999 were identified during the Phase 1 AIA of the proposed approximate 4,2km KwaThuba road upgrade study site**, including surface and sub-surface resources, where exposed sections were visible, with sections in excess of 1.5m in depth at the Ngqwakaza River bank. Sub-surface anthropic sterility of the line route was echoed by sub-surface data from the shallow earthworks area located towards the south-east of the line route at the intersection between the N2, the Brakfontein turnoff and the KwaThuba road. **It is recommended that *in-situ* upgrading of the KwaThuba road proceeds as applied for** without the developer having to comply with further heritage compliance requirements.



**Figure 5:** View of the southern part of the KwaThuba road study site



**Figure 6:** General view of the existing road through KwaThuba Village



**Figure 7:** View of the northern part of the KwaThuba road study site



**Figure 8:** Anthropic sterile sections at the Ngqwakaza River



**Figure 9:** Exposed sub-surface sections along the existing road



**Figure 10:** General view of the earthworks located immediately south east of the study site

### 2.4.2) The KwaNokhala Road Portion



**Figure 11:** The KwaNokhala study site

The proposed upgrading portion of the project constitutes an approximate 5,5km line route through KwaNokhala Village (co-ordinates 6-9). Towards the west of the study site the road and associated impact corridor is largely demarcated by existing low density residential and commercial development. From the general vicinity of co-ordinate 7 towards the east the existing gravel road runs through a more naturally vegetated area, which provided a medium visibility based on grass and tree cover aside from the quite large agricultural field at co-ordinate 8. From here south-eastwards towards the end of the line route extremely thick, impenetrable vegetation along the Kwelera River radically hampered assessment, in essence restricting observation to the immediate road surface.

**No archaeological or cultural heritage resources as defined and protected by the NHRA 1999 were identified during the Phase 1 AIA of the proposed approximate 5,5km KwaNokhala study site**, including surface and sub-surface resources, where exposed sections were visible, with sections in excess of 2+m in depth at banks of the Kwelera River. Again, no cultural layers were observed in exposed sub-surface sections or within the churned deposits at the agricultural field, in that reflecting surface anthropic sterility. **It is recommended that *in-situ* upgrading of the KwaNokhala road proceeds as applied for** without the developer having to comply with further heritage compliance requirements.





**Figure 12:** View of the existing road through KwaNokhala Village - 1



**Figure 13:** View of the existing road through KwaNokhala Village - 2



**Figure 14:** General view of the area at the agricultural fields



**Figure 15:** Thick vegetation alongside the existing road near the Kwelera River



**Figure 16:** Banks of the Kwelera River proved culturally sterile



**Figure 17:** Sections at the Kwelera River, in excess of 2+m in depth yielded no anthropic member

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### 2.4.3) The Quarry 1 Site

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**Figure 18:** Locality of the Quarry 1 site

The Quarry 1 site is located at S32°49'53.5"; E27°58'06.2" and constitutes a large, existing, approximate 150x100m quarry with exposed sections in excess of 4m in depth. The site is bordered in the north-east by KwaNokhala Village, in the west by the major access road to KwaNokhala and towards the south and east by existing quarry roads, largely defined by the quarry perimeter and landscape gradient. No surface artefacts were identified at the very limited *in-situ* surface areas and all exposed sections proved to be anthropically sterile. However, remaining deposits at the site are too little for the proposed upgrading project. By implication Quarry 2 has been identified as the preferred quarry site. If and when necessary Quarry 1 will only be utilized supplementary to Quarry 2.

**No archaeological or cultural heritage resources as defined and protected by the NHRA 1999 were identified during the Phase 1 AIA of the Quarry 1 site, including surface and large exposed sub-surface sections. It is recommended that use of the site proceeds as applied for without the developer having to comply with further heritage compliance requirements.**





**Figure 19:** General view of the Quarry 1 site



**Figure 20:** Exposed anthropic sterile sections at Quarry 1 – 1



**Figure 21:** Exposed anthropic sections at Quarry 1 – 2



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#### 2.4.4) The Quarry 2 Site

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**Figure 22:** Locality of the Quarry 2 site

The Quarry 2 site comprises of an existing, but not extensively utilized site, situated at S32°48'07.8"; E27°57'00.8". The site constitutes the primary proposed site for utilization during the proposed *KwaThuba and KwaNokhala Village Road Upgrade Project*. The site is bordered to the west by the existing main access road to KwaNokhala Village and towards the north, east and south by vacant land. It is envisaged that an approximate 100x50m area, immediately adjoining the existing quarry to the south will be used for purposes of the project. Surface assessment of the general area around the quarry yielded no archaeological or cultural material. In addition no anthropic member was identified at exposed sub-surface sections, of more than 3m in depth, at the quarry.

**No archaeological or cultural heritage resources as defined and protected by the NHRA 1999 were identified during the Phase 1 AIA of the Quarry 2 site, including surface and large exposed sub-surface sections. It is recommended that use of the site proceeds as applied for without the developer having to comply with further heritage compliance requirements.**



**Figure 23:** General view of the Quarry 2 site



**Figure 24:** Existing quarrying impact at the Quarry 2 site



**Figure 25:** Anthropic sterile sections at the Quarry 2 site

### 3) CONCLUSION AND RECOMMENDATIONS

It is recommended that, with reference to heritage compliance requirements as per the NHRA 1999, the proposed *KwaThuba and KwaNokhala Village Road Upgrade Project* near Cintsa in the Eastern Cape proceeds as applied.

The project will entail the upgrading of approximately 9,7km of existing gravel roads (4,2km – KwaThuba and 5,5km KwaNokhala). In addition 2 quarry sites have been proposed to facilitate the development. Based on limited material available at the Quarry 1 site, Quarry 2 will be prioritized. No archaeological or cultural heritage resources, as defined and protected under the NHRA 1999, were identified during the Phase 1 AIA of the line route portions or at the quarry sites.

KWATHUBA AND KWANOKHALA VILLAGE ROAD UPGRADE PROJECT					
KWATHUBA AND KWANOKHALA (NEAR CINTSA), EASTERN CAPE					
MAP CODE	SITE	TYPE / PERIOD	DESCRIPTION	CO-ORDINATES	RECOMMENDATIONS
<b>KWATHUBA</b>					
1	Road portion	-	-	S32°51'27.2"; E27°59'20.7"	N/A
2	Road portion	-	-	S32°50'46.1"; E27°59'32.3"	N/A
3	Road portion	-	-	S32°50'44.2"; E27°59'15.5"	N/A
4	Road portion	-	-	S32°50'35.5"; E27°59'12.9"	N/A
5	Road portion	-	-	S32°50'09.2"; E28°00'07.2"	N/A
	Earthworks	-	-	S32°51'26.5"; E27°59'22.8"	N/A
<b>KWANOKHALA</b>					
6	Road portion	-	-	S32°49'30.8"; E27°58'22.3"	N/A
7	Road portion	-	-	S32°49'14.4"; E27°59'32.8"	N/A
8	Road portion	-	-	S32°49'14.4"; E28°00'28.7"	N/A
9	Road portion	-	-	S32°49'50.4"; E28°00'42.8"	N/A
<b>QUARRIES</b>					
Q1	Quarry 1	-	-	S32°49'53.5"; E27°58'06.2"	N/A
Q2	Quarry 2	-	-	S32°48'07.8"; E27°57'00.8"	N/A

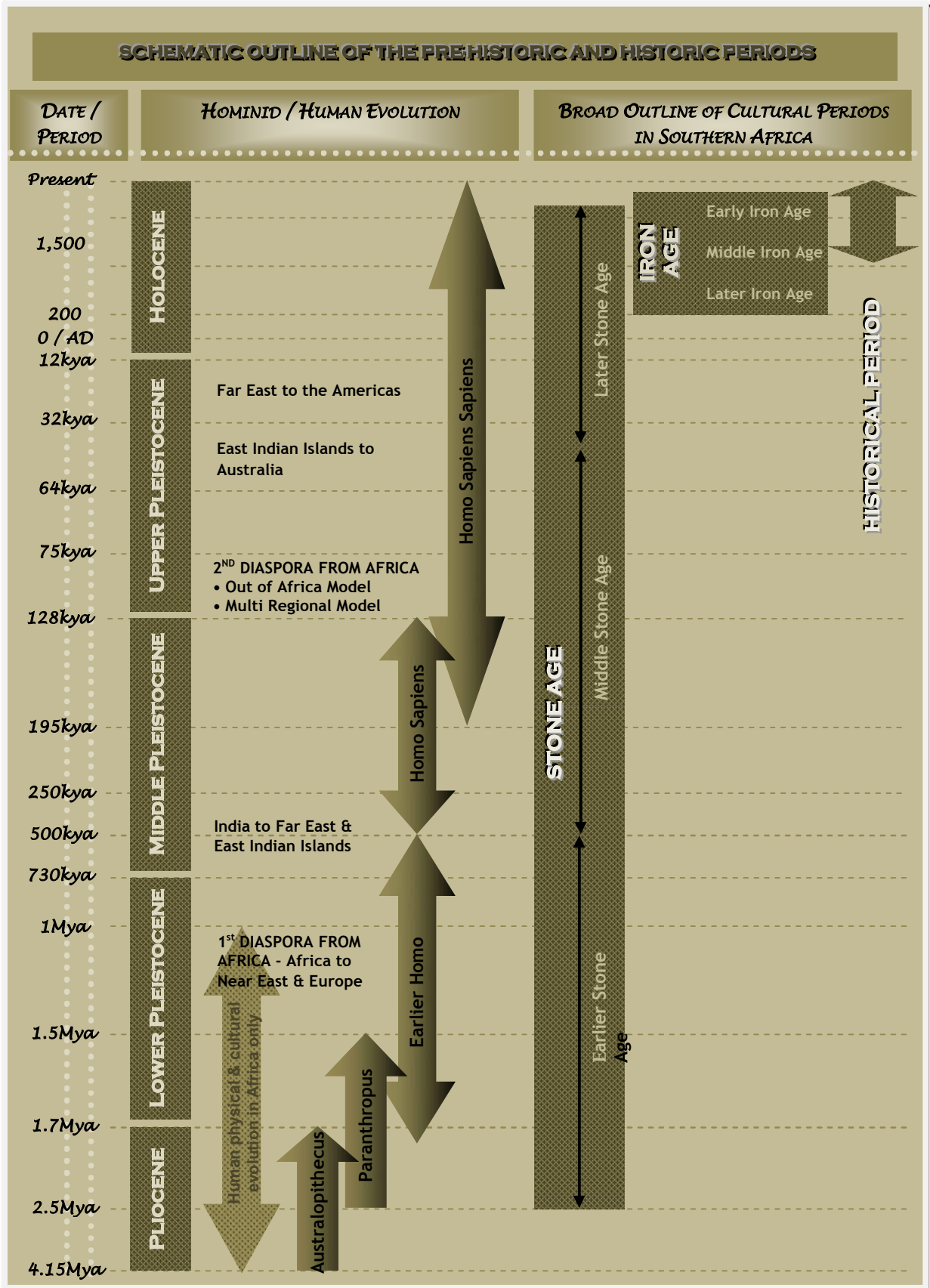
No archaeological or cultural heritage resources as defined and protected under the NHRA 1999 were identified during the Phase 1 AIA

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

**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 / ASAPA accredited CRM archaeologist.

**4) REFERENCES CITED**

1. South African Government. (No. 107) of 1998. *National Environmental Management Act*.
2. South African Government. (No. 62) of 2008. *National Environmental Management Second Amendment Act*.
3. South African Government. (No. 25) of 1999. *National Heritage Resources Act*.
4. 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.
- viii. *"Development"* means any physical intervention, excavation or action, other than those caused by natural forces, which may in the opinion of a heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including –
  - a) construction, alteration, demolition, removal or change of use of a place or structure at a place;
  - b) carrying out any works on or over or under a place;
  - c) subdivision or consolidation of land comprising, a place, including the structures or airspace of a place;
  - d) constructing or putting up for display signs or hoardings;
  - e) any change to the natural or existing condition or topography of land; and
  - f) any removal or destruction of trees, or removal of vegetation or topsoil;
- xiii. *"Grave"* means a place of interment and includes the contents, headstone or other marker of such a place, and any other structure on or associated with such place;
- xxi. *"Living heritage"* means the intangible aspects of inherited culture, and may include –
  - a) cultural tradition;
  - b) oral history;
  - c) performance;
  - d) ritual;
  - e) popular memory;
  - f) skills and techniques;
  - g) indigenous knowledge systems; and
  - h) the holistic approach to nature, society and social relationships.
- xxx. *"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;
- xliv. *"Structure"* means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith;

**NATIONAL ESTATE***Section 3*

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

**STRUCTURES****Section 34**

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

**ARCHAEOLOGY, PALAEOLOGY AND METEORITES****Section 35**

- 3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority offices or museum, which must immediately notify such heritage resources authority.
- 4) No person may, without a permit issued by the responsible heritage resources authority –
  - a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
  - b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
  - c) trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or
  - d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- 5) When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and no heritage resources management procedure in terms of section 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 m<sup>2</sup> 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 m<sup>2</sup> 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.