
PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

**MBHASHE MALL & SERVICE STATION PROJECT,
DUTYWA, EASTERN CAPE, SOUTH AFRICA**

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1) TERMS OF REFERENCE

Indwe Environmental Consulting has been appointed as independent environmental consultant by the project proponent to prepare the Environmental Impact Assessment (EIA) for the proposed *Mbhashe Mall and Service Station Project*, Dutywa, Eastern Cape. ArchaeoMaps Archaeological Consultancy has been appointed by Indwe Environmental Consulting 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 approximate 23ha *Mbhashe Mall and Service Station Project* development will be situated on the property known as Erf 1, Municipal Commonage, Dutywa. The study site is situated immediately west of the N2 National Road at the south-western entrance to Dutywa [1; 50,000 map ref: 3228AA]. The study site, at present the property of the Dutywa Local Municipality, will be subdivided and leased to the project proponent (Indwe 2010).

The study site is bordered to the east by the N2, to the north and west by development of Dutywa and to the south by vacant land with the Ngxakaxa River characterizing the southern border of the property.

DEVELOPMENT DETAILS: The *Mbhashe Mall and Service Station Project* development will comprise of the following primary components (Indwe 2010):

- A shopping mall, associated parking areas, warehouses and a yard;
- A truck shop (with overnight parking facilities) and public transport facilities;
- A hotel;
- Housing and accommodation complexes; and
- A service station (with storage and handling facilities for diesel, petrol and paraffin).

In addition to the above the project will include the construction of access roads, bulk services, lighting etc. as well as stabilization of the Ngxakaxa banks. It is envisaged that potable water will be drawn from the existing municipal supply and sewerage generated by the facility will be fed into the Dutywa reticulation system for treatment at the Dutywa Treatment Works. It is proposed that electricity be sourced from the nearest Eskom electrical feed. Project engineers are to confirm capacity requirements of electrical, water and sanitation infrastructure (Indwe 2010).

DEVELOPMENT IMPACT: Development impact of the proposed *Mbhashe Mall and Service Station Project* development can be described as total; implying the loss of all surface and sub-surface heritage resources that may be present at the study site.



Figure 1: Dutywa, Eastern Cape

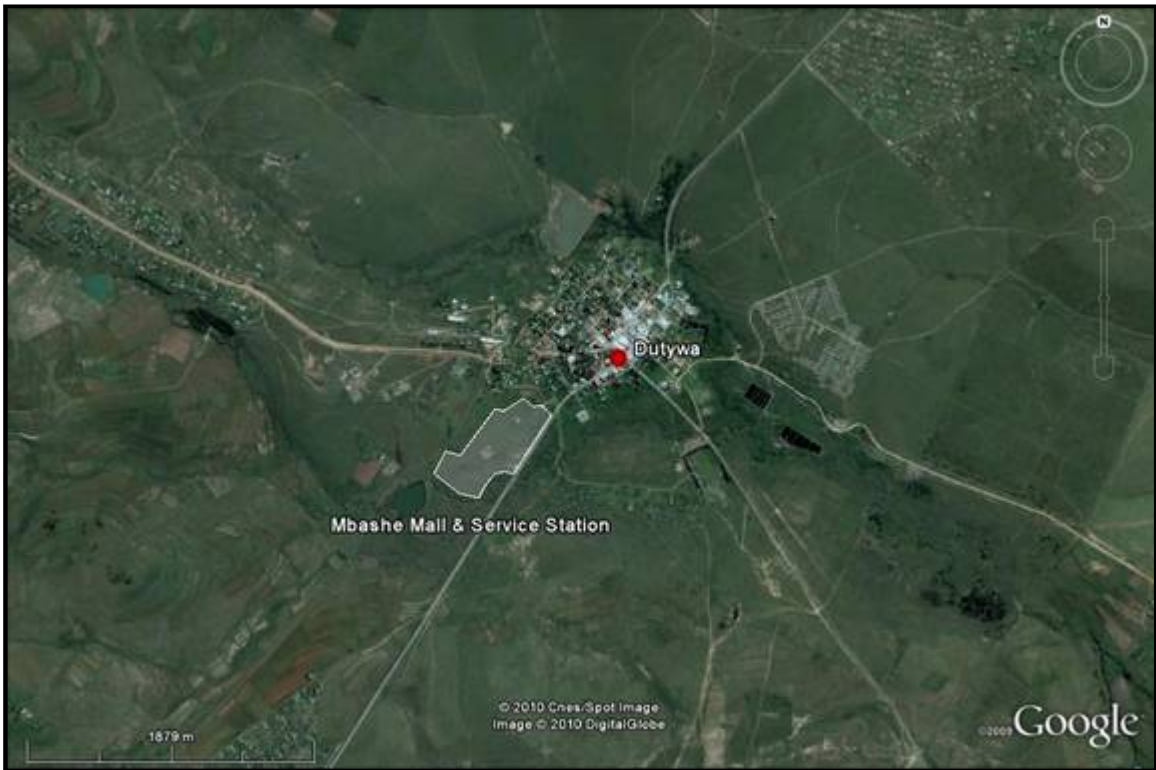


Figure 2: Locality of the Mbashe Mall and Service Station Project development area in relation to Dutywa



Figure 3: Development co-ordinates of the proposed *Mbhashe Mall and Service Station Project*

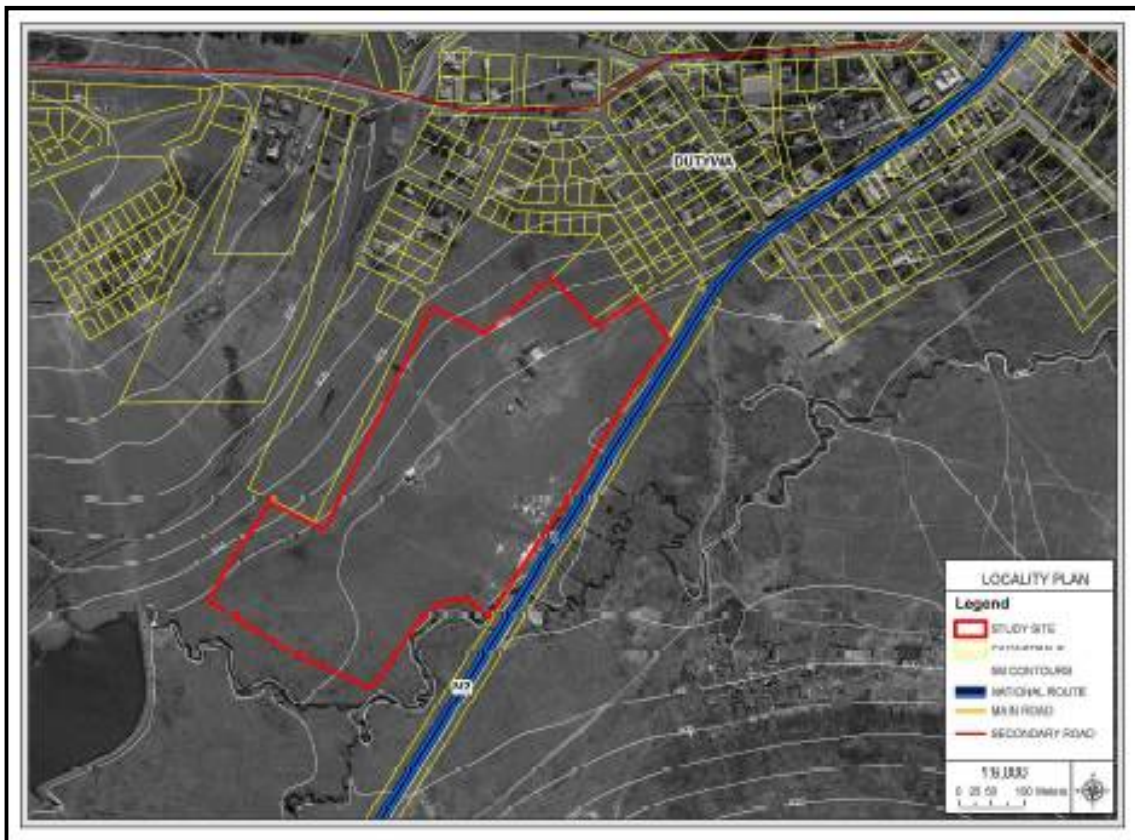


Figure 4: Locality plan of the proposed *Mbhashe Mall and Service Station Project* (courtesy Indwe Environmental Consulting)

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 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 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 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 1 day period (2010-08-23) 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			
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 proposed approximate 23ha *Mbhashe Mall and Service Station Project* development area. Visibility across the fairly disturbed surface of the study site proved to be good. Shallow sub-surface sections were displayed with a few larger pits displaying a variety of overgrown and exposed sections. Sections of the Ngxakaxa River proved to be the most valuable to sub-surface interpretation.

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 *Mbhashe Mall and Service Station Project*, Dutywa, Eastern Cape.

Assessment yielded the presence of 3 contemporary heritage resources / structures, all of which would need to be demolished *in lieu* of the proposed development. None of the identified resources constitute structures pre-dating 60 years of age; resources are by implication not formally protected under the NHRA 1999. Destruction thereof is not subject to application or approval of the Eastern Cape Provincial Heritage Resources Agency (EC PHRA). Resources are briefly described as:

- 1) C1 – Contemporary Structure – School;
- 2) C2 – Contemporary Structures – Farming Infrastructure; and
- 3) C3 – Contemporary Structure – Residence

In addition to surface anthropic sterility inspected sub-surface sections proved to be unanimously devoid of artefacts or cultural stratigraphic members.



Figure 5: Phase 1 AIA assessment findings



Figure 6: View of the proposed study site from the south-east



Figure 7: View of the proposed study site from the south west



Figure 8: Anthropogenic sterile sections south west of the C1 school



Figure 9: Anthropogenic sterile sections of the Ngxakaxa River, south of the study site

C1 – CONTEMPORARY STRUCTURE – SCHOOL (S32°06′09.5″; E28°17′51.5″): The ‘King Hintsa College’ comprises a significant contemporary feature at the proposed study site. The school grounds are at present fenced, including also component structures of Site C2. It is proposed that the school, believed to have been constructed illegally, be demolished *in lieu* of the development. School buildings post-date 60 years of age; structures are by implication not formally protected under the NHRA 1999. Destruction of the school is not subject to application / approval by the EC PHRA.

C2 – CONTEMPORARY STRUCTURES – FARMING INFRASTRUCTURE (S32°06′10.9″; E28°17′47.9″): Remains of farming infrastructure were found south west of the ‘King Hintsa College’ school at C2.1 (S32°06′10.9″; E28°17′47.9″) where fairly well conserved brick and cement structures are still standing. At C2.2 (S32°06′13.3″; E28°17′45.5″) more decayed and less visible remnants were visible. Structure remains now fenced within the school yard with one of the structures in contemporary use are situated at C2.3 (S32°06′11.8″; E28°17′50.3″). Farming infrastructure is assumed to date to the 1960’s / 1970’s; post-dating 60 years of age and thus not formally protected under the NHRA 1999. Demolishment of the remains is not subject to application / approval by the EC PHRA.

3 – CONTEMPORARY STRUCTURE – RESIDENCE – (S32°06′15.2″; E28°17′43.8″): A contemporary fenced residence is located at C3. The residence post-dates 60 years of age and is not formally protected under the NHRA 1999. The structure will need to be demolished *in lieu* of the development – destruction of the site is not subject to application / approval by the EC PHRA.



Figure 10: General view of C1 – ‘King Hintsa College’



Figure 11: General view of the C2.1 feature



Figure 12: View of the C2.2 farming infrastructure structures, fenced within the school yard



Figure 13: View of the C3 residence

3) CONCLUSION AND RECOMMENDATIONS

With reference to cultural heritage compliance as per the requirements of the NHRA 1999 it is recommended that the proposed *Mbhashe Mall and Service Station Project, Dutywa*, Eastern Cape proceeds as applied for without the developer having to comply with any further heritage compliance requirements.

Three contemporary cultural heritage resources were identified during the assessment, namely Site C1, C2 and C3. All 3 resources post-date 60 years of age; resources are not formally protected under the NHRA 1999 and destruction thereof *in lieu* of the development is not subject to application / approval from the Eastern Cape Provincial Heritage Resources Agency (EC PHRA).

MBHASHE MALL AND SERVICE STATION, DUTYWA, EASTERN CAPE					
ERF 1, MUNICIPAL COMMONAGE, DUTYWA					
MAP CODE	SITE	TYPE / PERIOD	DESCRIPTION	CO-ORDINATES	PRELIMINARY RECOMMENDATIONS
DEVELOPMENT AREA					
1	-	-	-	S32°06'08.1"; E28°18'00.4"	N/A
2	-	-	-	S32°06'06.3"; E28°17'58.2"	N/A
3	-	-	-	S32°06'06.6"; E28°17'55.8"	N/A
4	-	-	-	S32°06'04.8"; E28°17'53.4"	N/A
5	-	-	-	S32°06'07.6"; E28°17'48.2"	N/A
6	-	-	-	S32°06'06.9"; E28°17'46.3"	N/A
7	-	-	-	S32°06'16.9"; E28°17'37.6"	N/A
8	-	-	-	S32°06'16.1"; E28°17'33.8"	N/A
9	-	-	-	S32°06'20.6"; E28°17'30.9"	N/A
10	-	-	-	S32°06'25.0"; E28°17'37.5"	N/A
11	-	-	-	S32°06'25.6"; E28°17'42.2"	N/A
12	-	-	-	S32°06'20.6"; E28°17'46.5"	N/A
13	-	-	-	S32°06'20.9"; E28°17'50.7"	N/A
CONTEMPORARY RESOURCES					
C1	Site 1	Contemporary	School	S32°06'09.5"; E28°17'51.5"	<i>Not protected under the NHRA 1999</i>
C2.1	Site 2	Contemporary	Farming infrastructure	S32°06'10.9"; E28°17'47.9"	<i>Not protected under the NHRA 1999</i>
C2.2				S32°06'13.3"; E28°17'45.5"	
C2.3				S32°06'11.8"; E28°17'50.3"	
C3	Site 3	Contemporary	Residence	S32°06'15.2"; E28°17'43.8"	<i>Not protected under the NHRA 1999</i>
No archaeological or cultural heritage resources, as defined and protected under the NHRA 1999, were identified during the Phase 1 AIA of the proposed <i>Mbhashe Mall and Service Station Project</i> study site, Dutywa, Eastern Cape					

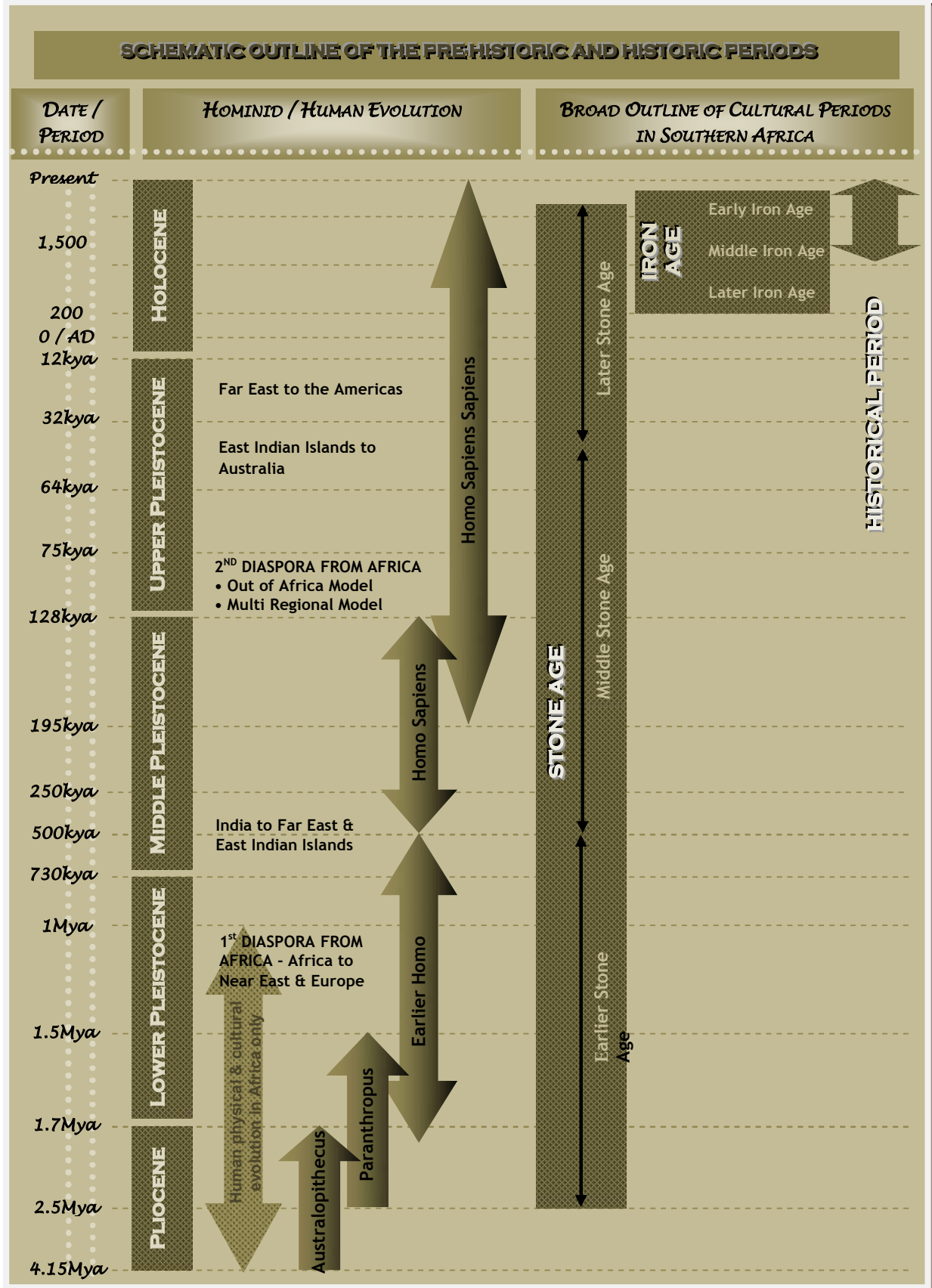
Table 2: Development and Phase 1 AIA assessment findings and co-ordinate details

NOTE: Should any archaeological or cultural heritage resources as defined and protected under 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.

4) REFERENCES CITED

1. Indwe Environmental Consulting (Indwe). 2010. *Mbhashe Mall and Service Station Project: Scoping and Environmental Impact Assessment (EIA) – Basic Information Document (BID)*. 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.
- 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 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.