
PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

**MZAMOMHLE TOWNSHIP ESTABLISHMENT,
IDUTYWA COMMONAGE,
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 *Mzamomhle Township Establishment*, at the area generally known as the Idutywa Commonage, 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 88ha *Mzamomhle Township Establishment* will be situated at the area generally known as the Idutywa Commonage, located just south of Dutywa in the Eastern Cape [1; 50,000 map ref: 3228AA]. The study site is bordered in the west by the N2 National Road and in the east by the R408. Towards the north, at the intersection between the N2 and the R408 lies the town of Dutywa with the Ngxakaxa River forming the development boundary. Agricultural fields of the Emamfeneni residential area adjoin the study site in the south.

DEVELOPMENT DETAILS: The Phase 1 AIA was requested fairly early in the Environmental Impact Assessment (EIA) process; no formal EIA documentation, including a Basic Information Document (BID) or Scoping Report was available for the purpose of this study. A preliminary development layout of the proposed *Mzamomhle Township Establishment* has been made available (courtesy Indwe Environmental Consulting). Based on the development layout a brief project description would include the development of:

- 659 residential units;
- 3 townhouse developments or apartment blocks with 1 area reserved for future residential development;
- 1 school;
- 3 churches;
- 1 community centre;
- 15 erven will be set aside for business developments; and
- 5 erven for public open space.

The development will include access roads and the provision of bulk services such as water, sewerage and electricity.

DEVELOPMENT IMPACT: Development impact of the proposed *Mzamomhle Township Establishment* 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

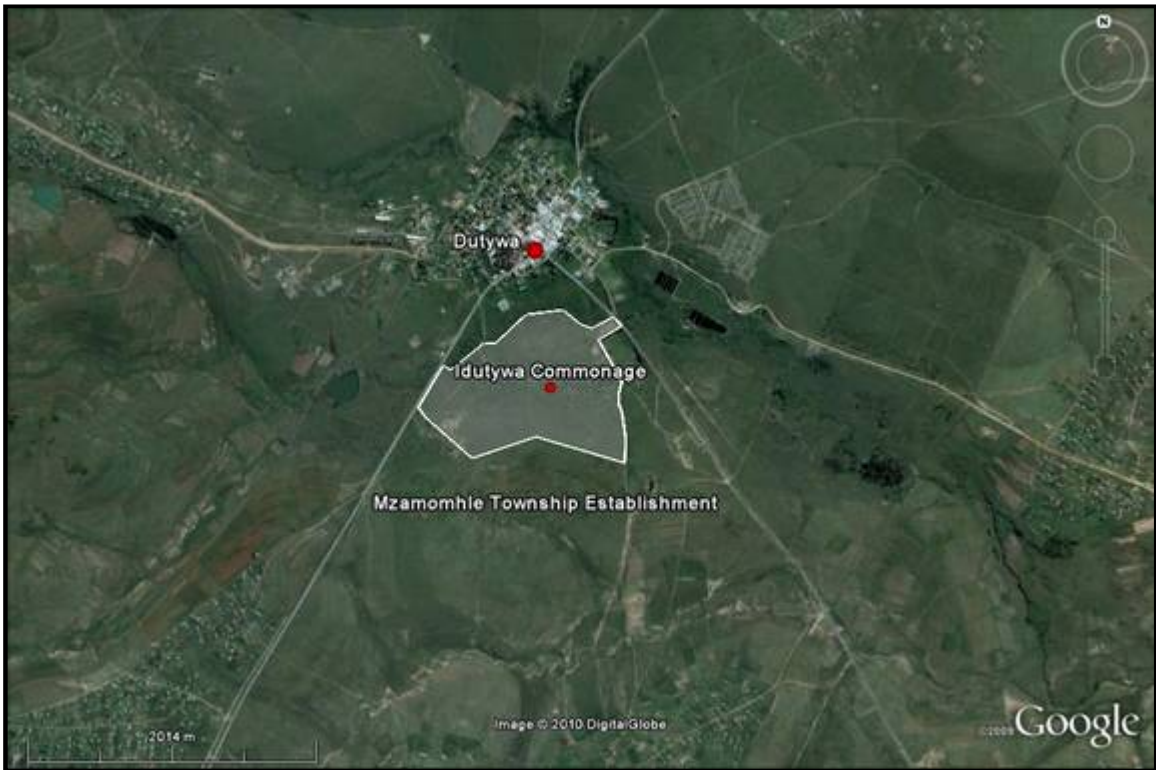


Figure 2: Locality of the proposed *Mzamomhle Township Establishment* study site in relation to Dutywa



Figure 3: Development co-ordinates of the proposed Mzamomhle Township Establishment study site

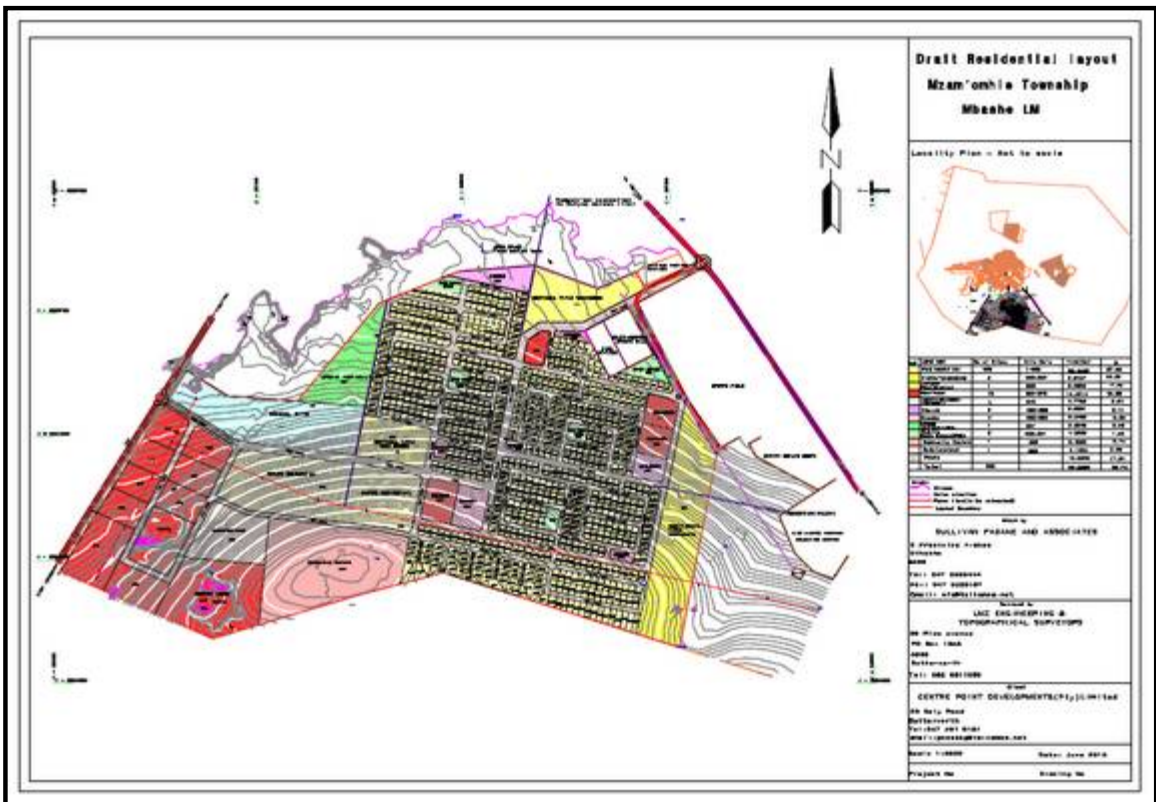


Figure 4: Draft development layout of the Mzamomhle Township Establishment (courtesy Indwe Environmental Consulting)

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 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 (2010-09-06 to 2010-09-07) 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 aimed to cover the total of the proposed approximate 88ha *Mzamomhle Township Establishment* development area; a large portion in the northern part of the study site between the main access road and the Ngxakaxa River were fenced and used for cattle farming purposes, access to the area was thus not possible. In addition the general area covered by informal housing was assessed by means of spot assessment rather than typical surface survey.

Surface visibility across the majority of the area can be described as good – grass cover and surface disturbance in places may however have obscured details of sites / features.

Large quarry sections towards the south-west of the study site as well as the exposed banks of the Ngxakaxa River provided primary data used for sub-surface interpretation. In addition a number of shallower exposed sections were visible in the fairly disturbed western part of the study site.

2.4) Phase 1 AIA Assessment findings

Six archaeological and cultural heritage resources were identified during assessment of the proposed *Mzamomhle Township Establishment*. Of the identified sites 4 are located within the proposed development area while 2 sites are situated immediately east of the study site, reported on in this report for purposes of inferred development impact spill-over.

Six archaeological and cultural heritage resources were identified during assessment of the Phase 1 AIA for the proposed *Mzamomhle Township Establishment*. Identified resources are categorized in 2 types, namely:

1. Contemporary Cultural Heritage Resources (Sites C1 and C2), and
2. Iron Age Tradition Resources (Sites I1, I2, I3 and I4).

Of the identified resources 4 are located within the boundaries of the development area (Site C1, C2, I2 and I3) while 2 resources are situated east of the study site (Sites I1 and I4).

Aside from recorded heritage sites the general area that can be described as south of the contemporary informal settlement, west of Site I3, north of the Amamfeneni agricultural fields and east of the quarried area are characterized by a number of rectangular and linear shaped mounds, in addition to clear evidence of former agricultural activities, easily identifiable by rehabilitating vegetation across the area. Mound remains are primarily ascribed to basic land clearing activities to prepare fields while a few mounds may represent remains of rectangular stock enclosures, inferred to be of very recent origin, primarily based on changing vegetation characterizing this portion of the study site, particularly in comparison to the terrain east thereof. The general area is ascribed to fairly recent Iron Age Tradition cultural practices and is for the purposes of this report not included as a cultural resource.

Large exposed sections at the quarried area located towards the south-west of the study site (co-ordinates 10-11 proved to be anthropically sterile. Shallower exposed sections were identified along the particularly disturbed western portion of the development (roughly from co-ordinates 11-14); here exposed sections echoed sub-surface anthropic sterility from the large quarry. Fairly open sections along the northern border of the study site, at the banks of the Ngxakaxa River, yielded no cultural stratigraphic member.



Figure 5: Phase 1 AIA assessment findings



Figure 6: General view of the southern part of the development area



Figure 7: View of the study site from the northern cattle kraals to the informal settlement



Figure 8: No archaeological sites were identified during the limited assessment of the informal settlement's streets



Figure 9: General view of the informal settlement



Figure 10: Anthropic sterile banks and sections of the Ngxakaxa River



Figure 11: View of the western quarry – exposed sections proved unanimously anthropically sterile

2.4.1) Contemporary Resources

Two Contemporary Cultural Heritage Resources were identified during the Phase 1 AIA of the proposed *Mzamomhle Township Establishment*, Dutywa, Eastern Cape. Identified contemporary resources form an interesting, essentially western cultural overlay across the Iron Age Tradition type landscape use of the general Dutywa area and surrounds. Both resources (Sites C1 and C2) are inferred to post-date 60 years of age, and may well be temporally related to sites identified to the west of the proposed development area (see Van Ryneveld 2010): Resources are by implication not formally protected under the NHRA 1999. Both sites will need to be destroyed / demolished *in lieu* of the residential development. Destruction of the sites is not subject to application / approval from the Eastern Cape Provincial Heritage Resources Agency (EC PHRA).

2.4.1.1) SITE C1 – Contemporary – Structures – S32°06'20.6"; E28°18'05.6"



Figure 12: Locality of Site C1

Site C1 (S32°06'20.6"; E28°18'05.6") is located just north of the main access road to the informal settlement. The site comprises of 3 brick and cement structures, inferred to date to the 1060's / 1970's; thus post-dating 60 years of age and not formally protected under the NHRA 1999. The easternmost structure is circular in shape; a 'rondavel' type structure of which only the ruined wall remains are still in place. The 2 western structures comprise of double 'rondavels' each joined on the southern side to give a part oval shape to the structures. Again the structures are heavily decayed and overgrown with only structure walls still standing. Remaining paint on the northern side of the structures is indicative of the site having been a small low density recreational development, which evidently have fallen into disuse some years ago.

Site C1 will need to be demolished *in lieu* of the proposed development.

- **RECOMMENDATIONS:** *Site C1 comprises of a cultural heritage site. Structures at the site post-date 60 years of age; the site is not formally protected under the NHRA 1999. A SAHRA Site Significance rating is thus irrelevant. The site will need to be destroyed / demolished in lieu of the development. Destruction of the site is not subject to application / approval from the EC PHRA.*



Figure 13: General view of Site C1



Figure 14: View of the southern side of 1 of the double 'rondavel' like structures



Figure 15: View of the northern side of 1 of the double 'rondavel' like structures with the single 'rondavel' in the background

2.4.1.2) SITE C2 – Contemporary – Farming Infrastructure – S32°06'23.6"; E28°18'14.4"



Figure 16: Locality of Site C2

Site C2 (S32°06'23.6"; E28°18'14.4") is situated south of the main access road to the informal settlement. The site comprises of the badly conserved brick and cement wall and platform remains of earlier farming infrastructure. Remains are dated to the 1960's / 1970's, by implication not pre-dating 60 years of age and not formally protected under the NHRA 1999.

Remains of contemporary farming infrastructure will need to be destroyed *in lieu* of the development.

- **RECOMMENDATIONS:** *Site C2 comprises of a cultural heritage site. Site features represent former farming infrastructure. Features at the site post-date 60 years of age; the site is not formally protected under the NHRA 1999; a SAHRA Site Significance rating is irrelevant. The site will need to be destroyed / demolished in lieu of the development. Destruction of the site is not subject to application / approval from the EC PHRA.*



Figure 17: General view of Site C2



Figure 18: Close-up of infrastructure remains at Site C2 - 1



Figure 19: Close-up of infrastructure remains at Site C2 - 2

2.4.2) Iron Age Tradition Resources

Four Iron Age type sites, as defined and protected under the NHRA 1999, were identified during the Phase 1 AIA of the proposed *Mzamomhle Township Establishment*, Dutywa, Eastern Cape. Identified Iron Age sites (Sites I1, I2, I3 and I4) with their emphasis on circular settlement pattern features, may well be of significant age or representing more traditional practices despite the general acculturative atmosphere of the latter part of the Later Iron Age. All sites are inferred to shed more light on our current understanding of Xhosa settlement pattern and occupation of the greater Dutywa area.

Of the identified Iron Age sites 2 (Sites I2 and I3) are located within the demarcated study site boundaries implying that the sites will need to be mitigated prior to development (Phase 2 Archaeological Mitigation); alternatively sites can be formally conserved and conservation areas included as component parts to the development layout.

Two of the identified Iron Age sites (Sites I1 and I4) are situated east of the study site demarcation. Based on inferred development impact spill-over both sites are included for purposes of this report. The developer / project proponent may consider mitigating these resources (Phase 2 Archaeological Mitigation). Alternatively both sites should be formally conserved prior to any development impact at the *Mzamomhle Township Establishment* study site.

Phase 2 Archaeological Mitigation

Phase 2 Archaeological Mitigation is subject to a SAHRA *Archaeological Excavation Permit*. Archaeological excavation permits are issued to ASAPA (Association of Southern African Professional Archaeologists) accredited CRM (Cultural Resources Management) archaeologists.

SAHRA Archaeological Excavation Permit applications are subject to:

1. Approval of the landowner;
2. An agreement between the developer / project proponent and the archaeologist;
3. An agreement between the SAHRA accredited repository that will be responsible for permanent curation of the excavated collection and the archaeologist;
4. Confirmation of an ASAPA accredited specialist Principle Investigator (PI) to oversee excavation; and
5. Submission of a Phase 2 Archaeological Mitigation report to SAHRA (complying with the conditions of the permit).

Formal Site Conservation

Formal Site Conservation implies a 'no-development' option to developers in areas where cultural heritage resources, formally protected under the NHRA 1999, are located. Formal conservation as a heritage site management option is subject to:

1. Developer compliance to site conservation measures prescribed by SAHRA (and would as minimum include formal fencing of the site with an access gate and may extent to signage stating that the site is formally protected by law, with terms and conditions thereto); and
2. A *Site Conservation Management Plan* to be compiled by a professional archaeologist in association with the developer / project proponent, ensuring long-term conservation of the site.

2.4.2.1) SITE I1 – Iron Age – Homestead - S32°06'45.3"; E28°18'49.9"



Figure 20: Locality of Site I1

Site I1 (S32°06'45.3"; E28°18'49.9") is situated approximately 300m east of the proposed *Mzamomhle Township Establishment* study site. The site is reported on in this report due to envisioned development impact spill-over that may negatively affect conservation of the resource. The site constitutes an approximate 140x115m area (situated between co-ordinates a-e). Site features include a fairly large circular stock enclosure. Pits in the enclosure may well represent earlier grain storage areas. A faint smear of crumble-like dung was also visible. In addition mound remains represent at least 1 more circular enclosure that may have been used for farming purposes, smaller than the main stock enclosure but too large to represent hut mound remains. Smaller circular mound remains are inferred to represent hut or residential localities, arranged haphazardly around the stock enclosures. A total of 10 hut localities could be identified. Additional mounds may be representative of either hut localities or middens. A rectangular depression is inferred to represent later cultural overlay or use of the site, alternatively later succession in Xhosa occupation of the area. No surface artefacts were identified.

The lack of identified graves or burial areas associated with the site remains a concern. In accordance with earlier Later Iron Age traditions it may well be that occupants of the site were buried on site, prior to cemeteries having been habitually situated outside the homestead confines.

Site I1 will not be directly impacted on by the proposed residential development, but proximity of the site to the development, construction and access requirements during development and post-construction increased population impact on the site does call for formal Phase 2 Site Management measures.

- **RECOMMENDATIONS:** *Site I1 constitutes a Later Iron Age archaeological site, as defined and protected under the NHRA 1999. The site is ascribed a SAHRA MEDIUM SIGNIFICANCE and a GENERALLY PROTECTED B FIELD RATING. Development will not directly impact on the site but proximity, construction requirements and post-construction increased population impact on the site necessitates Phase 2 Site Management: The developer may either mitigate the site (Phase 2 Archaeological Site Mitigation / Excavation) prior to development impact. Alternatively Formal Site Conservation is recommended.*

- **PHASE 2 ARCHAEOLOGICAL MITIGATION (EXCAVATION & TEST PITTING)**

- 1) *Phase 2 archaeological mitigation should be done by an ASAPA accredited CRM archaeologist, under a permit issued by SAHRA. (Phase 2 archaeological mitigation permits are in addition subject to landowner approval, developer / project proponent agreement / repository acceptance of collection);*
- 2) *Phase 2 archaeological mitigation should include exposure and excavation of at least selected site features and the recording and mapping of the complete site. Should excavation yield data that may prove datable the site should be dated, by an approved dating laboratory.*
- 3) *Excavated material should be permanently conserved at a SAHRA approved archaeological repository;*
- 4) *A Phase 2 archaeological mitigation report should be submitted to the SAHRA APM Unit.*
- 5) *After completion of the Phase 2 archaeological mitigation project the developer / project proponent may apply for a SAHRA Site Destruction Permit and destruction of the site may legally proceed (development may proceed over the site locale).*

OR

- **CONSERVATION**

- 1) *The total of the recorded Site I1 extent should be formally fenced with at least 1 access gate. Recorded site extent include the area between co-ordinates a-e:*
 - A - S32°06'42.6"; E28°18'47.7"*
 - B - S32°06'42.5"; E28°18'51.6"*
 - C - S32°06'43.9"; E28°18'52.3"*
 - D - S32°06'47.5"; E28°18'52.0"*
 - E - S32°06'46.3"; E28°18'47.9"*
- 2) *Site conservation is subject to a Site Conservation Management Plan to be approved by SAHRA, as a norm including long-term maintenance of the site.*



Figure 21: General view of selected site features of Site I1



Figure 22: Hut mound remains at Site I1; unidentified mounds in the background are inferred to represent middens

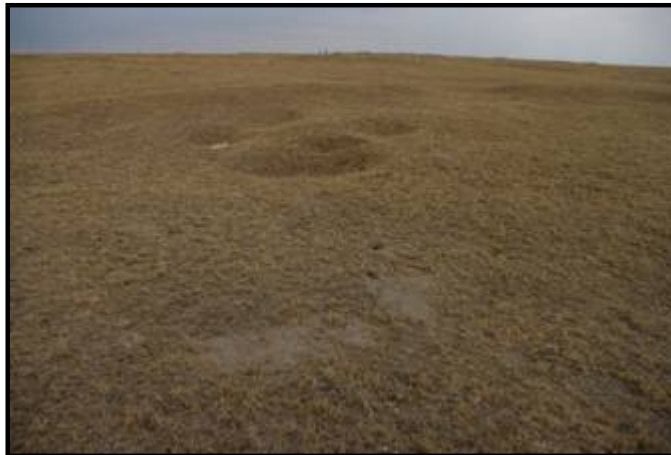


Figure 23: The large circular stock enclosure with pits in the centre and crumble like dung remains in the foreground



Figure 24: A series of hut remains situated in the western portion of the site



Figure 25: Mound remains of the smaller stock enclosure



Figure 26: Hut remains in the southern part of Site I1

2.4.2.2) SITE I2 – Iron Age – Homestead - S32°06'41.5"; E28°18'35.1"



Figure 27: Locality of Site I2

Site I2 (S32°06'41.5"; E28°18'35.1") is situated at the south-eastern extremity of the proposed study site; the site will directly be impacted on under the current draft development layout.

Site I2 comprises of an approximate 110x130m area containing the mound remains of at least 2 circular stock enclosures, 1 having evidently been the main enclosure with a second smaller enclosure towards the west of the site. Grain storage pits are present at the main stock enclosure. The current access road traverses the main stock enclosure; contemporary use by implication impacts daily on the site, despite the fact that impact is of low intensity. In addition to the 2 stock enclosures site features include the mound remains of at least 10 huts or residential units. Residential remains located towards the north west of the site are impacted on by the road. Unidentified mounds may again represent either associated overgrown middens or later disturbance inferred to be the primary result of adjacent agricultural development. No graves or burial grounds were discernable through the surface survey; burial may well have taken place on site focusing on stock enclosure and midden localities. The site was devoid of surface artefacts. The site may well have extended south of the current fence demarcating contemporary fields, if so evidence thereof has been destroyed by development. The site may well yield important evidence of early Xhosa occupation and settlement pattern of the general area.

Informal consultation at the time of the assessment, with residents of the informal settlement and pedestrians using the access road cross-cutting the site at the time of the inspection, revealed that locals were unaware of the significance of the mound remains: no information with regards to possible

descendents of the site(s) could be obtained. Consulted individuals were surprised at the concept that the site(s) represent earlier Xhosa remains of occupation and land use. Residents of the informal settlement area however very recent inhabitants of the area; possible descendency may well be sought at neighboring residential area, but the general lack of knowledge of the sites may well imply significant time depth.

The site is situated immediately north of the fenced, contemporary agricultural fields: It does not seem as though the fields road impacted too significantly on the site – the possibility can however not be excluded.

- **RECOMMENDATIONS:** *Site I2 constitutes a Later Iron Age archaeological site, as defined and protected under the NHRA 1999. The site is ascribed a SAHRA MEDIUM SIGNIFICANCE and a GENERALLY PROTECTED B FIELD RATING. Development will directly impact on the site: It is recommended that the site be either mitigated prior to development (Phase 2 archaeological mitigation after which the site may legally be destroyed and development proceed as applied for) or that the site be formally conserved and the managed conservation area included in the development design.*

- **PHASE 2 ARCHAEOLOGICAL MITIGATION (EXCAVATION & TEST PITTING)**

- 1) *Phase 2 archaeological mitigation should be done by an ASAPA accredited CRM archaeologist, under a permit issued by SAHRA. (Phase 2 archaeological mitigation permits are in addition subject to landowner approval, developer / project proponent agreement / repository acceptance of collection);*
- 2) *Phase 2 archaeological mitigation should include exposure and excavation of at least selected site features and the recording and mapping of the complete site. Should excavation yield data that may prove datable the site should be dated, by an approved dating laboratory.*
- 3) *Excavated material should be permanently conserved at a SAHRA approved archaeological repository;*
- 4) *A Phase 2 archaeological mitigation report should be submitted to the SAHRA APM Unit.*
- 5) *After completion of the Phase 2 archaeological mitigation project the developer / project proponent may apply for a SAHRA Site Destruction Permit and destruction of the site may legally proceed (development may proceed over the site locale).*

OR

- **CONSERVATION**

- 1) *The total of the recorded Site I2 extent should be formally fenced with at least 1 access gate. Recorded site extent include the area between co-ordinates a-f:*
 - A - S32°06'38.7"; E28°18'33.8"*
 - B - S32°06'39.8"; E28°18'36.1"*
 - C - S32°06'41.9"; E28°18'35.9"*
 - D - S32°06'43.4"; E28°18'35.1"*
 - E - S32°06'42.4"; E28°18'31.6"*
 - F - S32°06'39.8"; E28°18'31.9"*
- 2) *Site conservation is subject to a Site Conservation Management Plan to be approved by SAHRA, as a norm including long-term maintenance of the site.*



Figure 28: General view of Site 12



Figure 29: View of the 2nd stock enclosure at Site 12



Figure 30: Contemporary impact on hut remains at the north-eastern part of the site



Figure 31: View of mound feature remains at Site I2



Figure 32: Hut mound remains



Figure 33: Contemporary impact on the main stock enclosure

2.4.2.3) SITE I3 – Iron Age – Homestead - S32°06'38.8"; E28°18'26.6"



Figure 34: Locality of Site I3

Site I3 (S32°06'38.8"; E28°18'26.6") is situated immediately north of the *Mzamomhle Township Establishment* study site, with the southern neighboring agricultural fields having evidently already impacted on a portion of the site, testimony to the damage caused by development initiatives preceding current legislation and contemporary developments that do not comply with EIA requirements or are exempted there from, for whichever reason.

Site I3 will directly be impacted on by the proposed development layout and considering evidence of at least partial impact on the site it is imperative that the remainder of the site be subjected to formal site management measures, either Phase 2 archaeological mitigation or formal conservation.

The site is characterized by the noticeable wide spread of intra-site features. Identified site features include a fairly large circular stock enclosure. Rectangular mound remains adjoining the agricultural fields are interpreted as later cultural overlay. Remains of at least 6-7 hut or residential units were identified. Mound remains were difficult to discern, specifically in comparison with the other Iron Age sites in the vicinity, implying that more time lapsed since their origin, in other words that the site may pre-date Sites I1, I2 and I4. Inferred age of the site may well account for the fact that additional midden remains remained elusive from surface survey. No artefacts were present on the surface of the site.

No graves or burial areas were identified at the time of the Phase 1 AIA; implying that burial practices most possibly pre-date later customs of a small cemetery situated on the outer perimeter of the

homestead and individuals may well have been buried on site in accordance with typical Iron Age traditional custom.

Identifiable site extent recorded at the time of the assessment approximated 100x120m; original site extent may well have been much larger.

- **RECOMMENDATIONS:** *Site I3 comprises of a Later Iron Age archaeological site, as defined and protected under the NHRA 1999. The site is ascribed a SAHRA MEDIUM SIGNIFICANCE and a GENERALLY PROTECTED B FIELD RATING. Development will directly impact on the site: It is recommended that the site be either mitigated prior to development (Phase 2 archaeological mitigation after which the site may legally be destroyed and development proceed as applied for) or that the site be formally conserved and the managed conservation area included in the development design.*

- **PHASE 2 ARCHAEOLOGICAL MITIGATION (EXCAVATION & TEST PITTING)**

- 1) *Phase 2 archaeological mitigation should be done by an ASAPA accredited CRM archaeologist, under a permit issued by SAHRA. (Phase 2 archaeological mitigation permits are in addition subject to landowner approval, developer / project proponent agreement / repository acceptance of collection);*
- 2) *Phase 2 archaeological mitigation should include exposure and excavation of at least selected site features and the recording and mapping of the complete site. Should excavation yield data that may prove datable the site should be dated, by an approved dating laboratory.*
- 3) *Excavated material should be permanently conserved at a SAHRA approved archaeological repository;*
- 4) *A Phase 2 archaeological mitigation report should be submitted to the SAHRA APM Unit.*
- 5) *After completion of the Phase 2 archaeological mitigation project the developer / project proponent may apply for a SAHRA Site Destruction Permit and destruction of the site may legally proceed (development may proceed over the site locale).*

OR

- **CONSERVATION**

- 1) *The total of the recorded Site I3 extent should be formally fenced with at least 1 access gate. Recorded site extent include the area between co-ordinates a-e:*
 - A - S32°06'36.7"; E28°18'26.2"*
 - B - S32°06'37.9"; E28°18'28.3"*
 - C - S32°06'41.3"; E28°18'26.8"*
 - D - S32°06'40.5"; E28°18'24.1"*
 - E - S32°06'37.8"; E28°18'24.1"*
- 2) *Site conservation is subject to a Site Conservation Management Plan to be approved by SAHRA, as a norm including long-term maintenance of the site.*



Figure 35: General view of Site I3



Figure 36: Remains of the Site I3 circular stock enclosure



Figure 37: Hut mound remains at Site I3



Figure 38: View of a series of sparsely spread hut mound remains



Figure 39: Mound remains and 'platform' features at Site I3



Figure 40: Impact of the current access road on mound remains

2.4.2.4) SITE I4 – Iron Age – Homestead - S32°06'34.9"; E28°18'42.8"



Figure 41: Locality of Site I4

The large Site I4 (S32°06'34.9"; E28°18'42.8"), approximating 190x140m in size, is situated immediately east of the proposed *Mzamomhle Township Establishment* development area. The site will not be directly impacted on by the development but development impact spill-over will negatively affect the site.

Site I4 features include the mound remains of a large circular stock enclosure, supplemented by 2 smaller circular stock enclosure remains. Pits in the large circular enclosure represent early practices of grain storage. Rectangular indents (enclosure remains) may imply later cultural overlay at the site or alternatively relative later occupation of the site than Sites I1, I2 and I3. Remains of at least 14 huts or residential units were identified on site. A fairly large circular indent adjoining hut mound remains is interpreted as a courtyard. In addition unidentified mounds may represent either additional residential units or middens, distributed randomly across the site. Metal artefacts were widely distributed across the site, but metal is inferred to represent the rusted contemporary component of modern refuse scattered over the site and beyond.

Again the lack of identified graves remains a curiosity at the site; traditional funerary practices imply that burial took place on, Iron Age custom prior to western influence.

Site I4 will not be directly impacted on by the proposed residential development, but proximity of the site to the development, construction and access requirements during development and post-construction increased population impact on the site does call for formal Phase 2 Site Management measures.

- **RECOMMENDATIONS:** *Site I4 constitutes a Later Iron Age archaeological site, as defined and protected under the NHRA 1999. The site is ascribed a SAHRA MEDIUM SIGNIFICANCE and a GENERALLY PROTECTED B FIELD RATING. Development will not directly impact on the site but proximity, construction requirements and post-construction increased population impact on the site necessitates Phase 2 Site Management: The developer may either mitigate the site (Phase 2 Archaeological Site Mitigation / Excavation) prior to development impact. Alternatively Formal Site Conservation is recommended.*

- **PHASE 2 ARCHAEOLOGICAL MITIGATION (EXCAVATION & TEST PITTING)**

- 6) *Phase 2 archaeological mitigation should be done by an ASAPA accredited CRM archaeologist, under a permit issued by SAHRA. (Phase 2 archaeological mitigation permits are in addition subject to landowner approval, developer / project proponent agreement / repository acceptance of collection);*
- 7) *Phase 2 archaeological mitigation should include exposure and excavation of at least selected site features and the recording and mapping of the complete site. Should excavation yield data that may prove datable the site should be dated, by an approved dating laboratory.*
- 8) *Excavated material should be permanently conserved at a SAHRA approved archaeological repository;*
- 9) *A Phase 2 archaeological mitigation report should be submitted to the SAHRA APM Unit.*
- 10) *After completion of the Phase 2 archaeological mitigation project the developer / project proponent may apply for a SAHRA Site Destruction Permit and destruction of the site may legally proceed (development may proceed over the site locale).*

OR

- **CONSERVATION**

- 3) *The total of the recorded Site I4 extent should be formally fenced with at least 1 access gate. Recorded site extent include the area between co-ordinates a-e:*
 - A - S32°06'32.4"; E28°18'39.4"*
 - B - S32°06'32.3"; E28°18'41.7"*
 - C - S32°06'32.7"; E28°18'43.7"*
 - D - S32°06'34.7"; E28°18'45.1"*
 - E - S32°06'36.9"; E28°18'44.8"*
 - F - S32°06'38.4"; E28°18'43.9"*
 - G - S32°06'38.4"; E28°18'40.0"*
- 4) *Site conservation is subject to a Site Conservation Management Plan to be approved by SAHRA, as a norm including long-term maintenance of the site.*



Figure 42: General view of a portion of Site I4



Figure 43: Selected site features at Site I4



Figure 44: A series of hut mounds and platforms along the southern part of Site I4



Figure 45: Close-up of the hut mound remains



Figure 46: Rectangular stock enclosure remains



Figure 47: Pits characteristic of grain storage practices in the circular stock enclosure

3) CONCLUSION AND RECOMMENDATIONS

Six archaeological and cultural heritage resources (Sites C1, C2, I1, I2, I3 and I4) were identified during assessment of the proposed *Mzamomhle Township Establishment*. Two sites (Sites C1 and C2) constitute contemporary heritage resources, post-dating 60 years of age and not formally protected under the NHRA 1999. Both contemporary sites are situated within the *Mzamomhle Township Establishment* development area. Of the identified resources 4 constitute Iron Age archaeological sites, formally protected under the NHRA 1999 (Sites I1, I2, I3, and I4); 2 sites are situated within the development area (Sites I2 and I3) while the other 2 (Sites I1 and I4) are located adjacent to the study site. In accordance with requirements of the NHRA 1999 identified protected sites will need to be subjected to formal site management measures prior to development impact.

With reference to cultural heritage compliance as per the requirements of the NHRA 1999 it is recommended that the proposed *Mzamomhle Township Establishment, Dutywa, Eastern Cape, proceeds as applied for, provided the developer complies with the following requirements:*

1) Site C1 – Contemporary – Structures – S32°06'20.6"; E28°18'05.6":

Site C1 post-dates 60 years of age; the site is not formally protected under the NHRA 1999. Site destruction is not subject to application / approval from the Eastern Cape Provincial Heritage Resources Agency (EC PHRA).

2) Site C2 – Contemporary – Farming Infrastructure – S32°06'23.6"; E28°18'14.4":

Site C1 post-dates 60 years of age; the site is not formally protected under the NHRA 1999. Site destruction is not subject to application / approval from the Eastern Cape Provincial Heritage Resources Agency (EC PHRA).

3) Site I1 – Iron Age – Homestead – S32°06'42.6"; E28°18'49.9":

Site I1 constitutes a Later Iron Age archaeological site as defined and protected under the NHRA 1999. The site will be indirectly impacted on due to the proposed development. It is recommended that the site be either mitigated (Phase 2 Archaeological Mitigation / Excavation after which development may proceed across the site locale as per the current draft development layout) or formally conserved (formal fencing with an access gate and a site management plan including long term maintenance of the site) prior to development.

4) Site I2 – Iron Age – Homestead – S32°06'41.5"; E28°18'35.1":

Site I2 comprises of a Later Iron Age archaeological site as defined and protected under the NHRA 1999. The site will be directly impacted by the proposed development. Development will need to be preceded by formal site management measures including either mitigated (Phase 2 Archaeological Mitigation / Excavation after which development may proceed across the site locale as per the current draft development layout) or formal conservation (formal fencing with an access gate, a site management plan including long term maintenance of the site; formal conservation will require amendments to the draft development layout) prior to development.

5) Site I3 – Iron Age – Homestead – S32°06'38.8"; E28°18'26.6":

Site I3 comprises of a Later Iron Age archaeological site as defined and protected under the NHRA 1999. The site will be directly impacted by the proposed development. Development will need to be preceded

by formal site management measures including either mitigated (Phase 2 Archaeological Mitigation / Excavation after which development may proceed across the site locale as per the current draft development layout) or formal conservation (formal fencing with an access gate, a site management plan including long term maintenance of the site; formal conservation will require amendments to the draft development layout) prior to development.

6) Site I4 – Iron Age – Homestead – S32°06'34.9"; E28°18'42.8":

Site I4 constitutes a Later Iron Age archaeological site as defined and protected under the NHRA 1999. The site will be indirectly impacted on due to the proposed development. It is recommended that the site be either mitigated (Phase 2 Archaeological Mitigation / Excavation after which development may proceed across the site locale as per the current draft development layout) or formally conserved (formal fencing with an access gate and a site management plan including long term maintenance of the site) prior to development.

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.

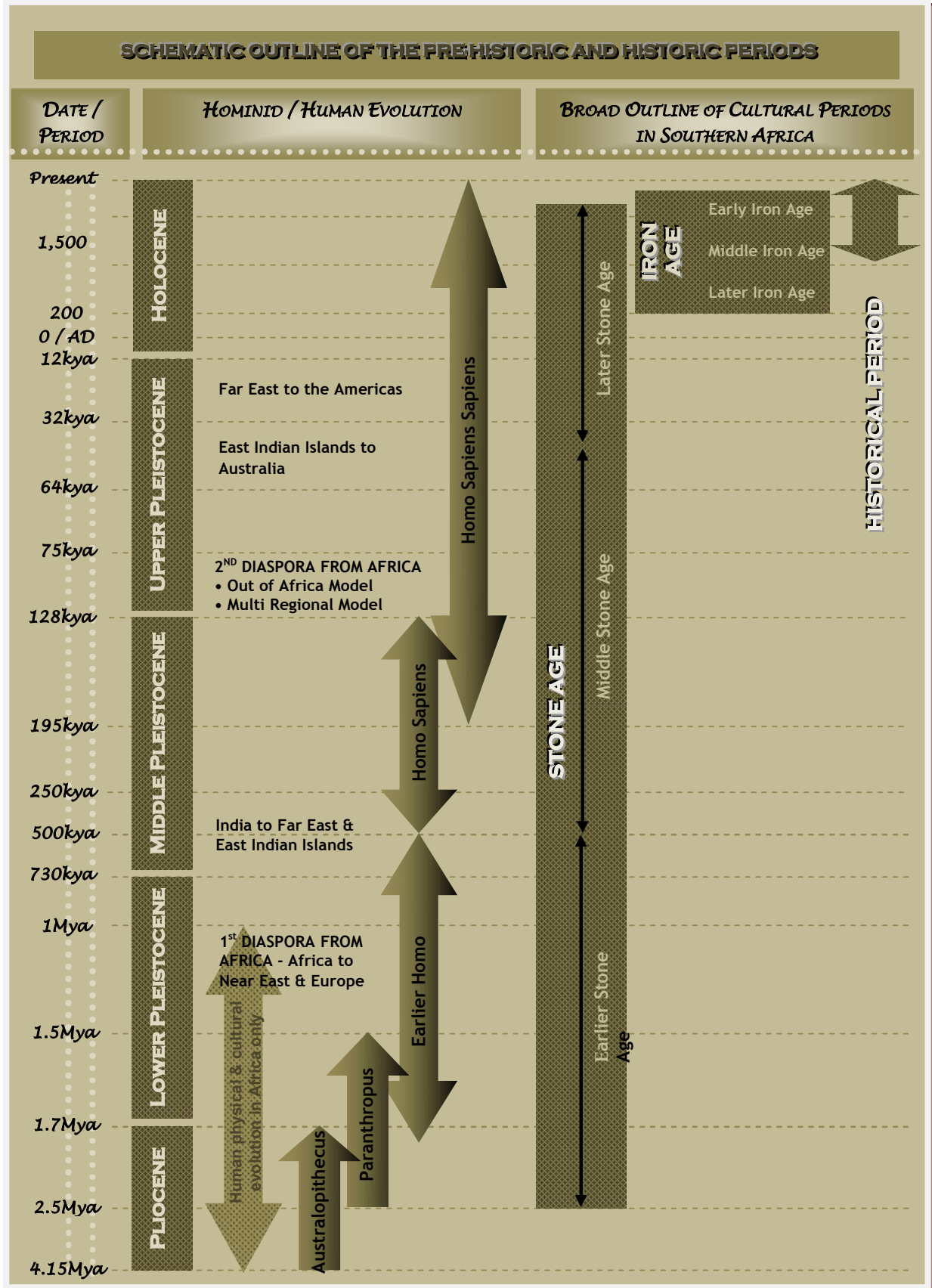
All reported heritage sites should be assessed (on-site assessment / site inspection); after a SAHRA Site Significance assignment has been assigned recommendations regarding the future of the site can be made and may include conservation, site monitoring or Phase 2 archaeological mitigation.

MZAMOMHLE TOWNSHIP ESTABLISHMENT					
IDUTYWA COMMONAGE, DUTYWA					
MAP CODE	SITE	TYPE / PERIOD	DESCRIPTION	CO-ORDINATES	PRELIMINARY RECOMMENDATIONS
DEVELOPMENT AREA					
1	-	-	-	S32°06'09.9"; E28°18'24.1"	N/A
2	-	-	-	S32°06'13.1"; E28°18'28.3"	N/A
3	-	-	-	S32°06'14.3"; E28°18'31.5"	N/A
4	-	-	-	S32°06'12.0"; E28°18'37.5"	N/A
5	-	-	-	S32°06'13.9"; E28°18'39.6"	N/A
6	-	-	-	S32°06'17.3"; E28°18'33.7"	N/A
7	-	-	-	S32°06'26.5"; E28°18'39.3"	N/A
8	-	-	-	S32°06'44.8"; E28°18'39.5"	N/A
9	-	-	-	S32°06'38.6"; E28°18'16.0"	N/A
10	-	-	-	S32°06'43.0"; E28°17'58.6"	N/A
11	-	-	-	S32°06'31.3"; E28°17'44.5"	N/A
12	-	-	-	S32°06'21.8"; E28°17'51.4"	N/A
13	-	-	-	S32°06'22.8"; E28°17'53.6"	N/A
14	-	-	-	S32°06'17.2"; E28°18'02.3"	N/A
15	-	-	-	S32°06'17.2"; E28°18'05.8"	N/A
16	-	-	-	S32°06'10.7"; E28°18'14.2"	N/A
CONTEMPORARY RESOURCES					
C1	Site C1	Contemporary	Structures	S32°06'20.6"; E28°18'05.6"	Not formally protected under the NHRA 1999
C2	Site C2	Contemporary	Farming Infrastructure	S32°06'23.6"; E28°18'14.4"	Not formally protected under the NHRA 1999
IRON AGE TRADITION RESOURCES					
I1	Site I1	Iron Age	Homestead	S32°06'42.6"; E28°18'49.9"	Phase 2 Archaeological Mitigation OR Formal Site Conservation
			Site Extent A -	S32°06'42.6"; E28°18'47.7"	
			B -	S32°06'42.5"; E28°18'51.6"	
			C -	S32°06'43.9"; E28°18'52.3"	
			D -	S32°06'47.5"; E28°18'52.0"	
I2	Site I2	Iron Age	Homestead	S32°06'41.5"; E28°18'35.1"	Phase 2 Archaeological Mitigation OR Formal Site Conservation
			Site Extent A -	S32°06'38.7"; E28°18'33.8"	
			B -	S32°06'39.8"; E28°18'36.1"	
			C -	S32°06'41.9"; E28°18'35.9"	
			D -	S32°06'43.4"; E28°18'35.1"	
			E -	S32°06'42.4"; E28°18'31.6"	
I3	Site I3	Iron Age	Homestead	S32°06'38.8"; E28°18'26.6"	Phase 2 Archaeological Mitigation OR Formal Site Conservation
			Site Extent A -	S32°06'36.7"; E28°18'26.2"	
			B -	S32°06'37.9"; E28°18'28.3"	
			C -	S32°06'41.3"; E28°18'26.8"	
			D -	S32°06'40.5"; E28°18'24.1"	
			E -	S32°06'37.8"; E28°18'24.1"	
I4	Site I4	Iron Age	Homestead	S32°06'34.9"; E28°18'42.8"	Phase 2 Archaeological Mitigation OR Formal Site Conservation
			Site Extent A -	S32°06'32.4"; E28°18'39.4"	
			B -	S32°06'32.3"; E28°18'41.7"	
			C -	S32°06'32.7"; E28°18'43.7"	
			D -	S32°06'34.7"; E28°18'45.1"	
			E -	S32°06'36.9"; E28°18'44.8"	
			F -	S32°06'38.4"; E28°18'43.9"	
G -	S32°06'38.4"; E28°18'40.0"				

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

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.
5. Van Ryneveld, K. 2010. *Phase 1 Archaeological Impact Assessment – Mbhashe Mall and Service Station Project, Dutywa, Eastern Cape, South Africa*. Unpublished report.



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.