



MATAKOMA - ARM
HERITAGE CONTRACTS UNIT

UNIVERSITY OF THE WITWATERSRAND
SCHOOL OF GEOGRAPHY, ARCHAEOLOGY AND
ENVIRONMENTAL STUDIES
PRIVATE BAG 3, P O WITS 2050

TEL: +27 82 851 3575 / +27 82 373 8491,
EMAIL: INFO@MATAKOMA.CO.ZA

SINGISA
ENVIRONMENTAL

COPPER HOUSE
ESTATE HERITAGE
SCOPING REPORT

**Proposed new
residential
township on
portion 91 of the
farm
Nooitgedacht
534-JQ,
Muldersdrift
Johannesburg
Version 1.0**

28 March 2007

ACKNOWLEDGEMENT OF RECEIPT

CLIENT: Singisa Environmental

CONTACT PERSON: Mr. N Botha

SIGNATURE: _____

LEADING CONSULTANT: MATAKOMA-ARM Heritage Contracts Unit

CONTACT PERSON: Jaco van der Walt

SIGNATURE: _____

Copyright

Copyright in all documents, drawings and records whether manually or electronically produced, which form part of the submission and any subsequent report or project document shall vest in Matakoma Heritage Consultants (Pty) Ltd. None of the documents, drawings or records may be used or applied in any manner, nor may they be reproduced or transmitted in any form or by any means whatsoever for or to any other person, without the prior written consent of Matakoma Heritage Consultants (Pty) Ltd.

The Client, on acceptance of any submission by Matakoma Heritage Consultants (Pty) Ltd and on condition that the Client pays to Matakoma Heritage Consultants (Pty) Ltd the full price for the work as agreed, shall be entitled to use for its own benefit and for the specified project only:

- The results of the project;
- The technology described in any report
- Recommendations delivered to the Client.

EXECUTIVE SUMMARY

As we know from legislation the surveying, capturing and management of heritage resources is an integral part of the greater management plan laid down for any major development or historic existing operation. With the proclamation of the National Heritage Resources Act 1999 (Act 25 of 1999) this process has been laid down clearly. This legislation aims to underpin the existing legislation, which only addresses this issue at a glance, and gives guidance to developers and existing industries to the management of their Heritage Resources.

The importance of working with and following the guidelines laid down by the South African Heritage Resources Agency cannot be overemphasised. This document forms part of the Environmental Impact Assessment for the proposed new residential Township on portion 91 of the farm Nooitgedacht 534-JQ; Muldersdrift, Johannesburg.

The following outline the findings of the report:

During the survey no archaeological sites were found within the footprint of the proposed development area. However during the archival study a single structure was identified on the 1943 Topographical map indicating a structure older than 60 years and therefore protected by legislation. During the field survey it was confirmed that several buildings exist in the area indicated on the archival maps and it is recommended that an architectural historian assess the significance of the buildings and make suitable recommendations before development commence. If these recommendations are adhered to there is from a Heritage point of view no reason why the development can not commence.

General

If during construction any possible finds are made, the operations must be stopped and a qualified archaeologist be contacted for an assessment of the find.

CONTENTS

EXECUTIVE SUMMARY

1. INTRODUCTION.....	3
1. INTRODUCTION.....	3
2. APPROACH AND METHODOLOGY.....	3
2.1 PHYSICAL SURVEYING.....	4
3. WORKING WITH LEGISLATION.....	4
4. ASSESSMENT CRITERIA.....	5
4.1 IMPACT.....	6
4.1.1 Nature and existing mitigation.....	6
4.2 EVALUATION.....	6
4.2.1 Site Significance.....	6
4.2.2 Certainty.....	6
4.2.3 Duration.....	7
5. HISTORICAL BACKGROUND OF AREA.....	8
6 Archival study.....	10
7. SITES OF SIGNIFICANCE.....	12
7. ASSUMPTIONS AND LIMITATIONS.....	13
8. LEGAL AND POLICY REQUIREMENTS.....	14
9. ASSESSMENT AND RECOMMENDATIONS.....	16
10. LIST OF PREPARES.....	18
11. REFERENCES.....	18
11.1 ARCHAEOLOGICAL PAPERS.....	18
11.2 CULTURAL HERITAGE PAPERS.....	18

ANNEXURE

Annexure A – Locality Map

Annexure B –Legislation extracts

FIGURES

• <i>Figure 1. 1943 Topographical Map.....</i>	10
• <i>Figure 2. 1954 Topographical Map.....</i>	11
• <i>Figure 3: Modern dwelling on site.....</i>	12
• <i>Figure 4: Modern Dwelling on site.....</i>	13
• <i>Figure 5: Historic dwelling erected after 1943.....</i>	13

1. INTRODUCTION

Matakoma Heritage Consultants (Pty) Ltd was contracted by Singisa Environmental to conduct an Archaeological Impact Assessment for the proposed new residential Township on portion 91 of the farm Nooitgedacht 534-JQ; Muldersdrift, Johannesburg.

The aim of the study is to identify all heritage sites, document, and assess their importance within Local, Provincial and national context. From this we aim to assist the developer in managing the discovered heritage resources in a responsible manner, in order to protect, preserve, and develop them within the framework provided by the National Heritage Resources Act of 1999 (Act 25 of 1999).

The report outlines the approach and methodology utilised before and during the survey, which includes in Phase 1: Information collection from various sources and public consultations; Phase 2: Physical surveying of the area on foot and by vehicle; and Phase 3: Reporting the outcome of the study.

During the survey, one dwelling and associated outbuildings was identified that is protected by legislation. General site conditions and features on site were recorded by means of photos, GPS location, and description. Possible impacts were identified and mitigation measures are proposed in the following report.

This report must also be submitted to SAHRA provincial office for scrutiny.

2. APPROACH AND METHODOLOGY

The aim of the study is to extensively cover all data available to compile a background history of the study area; this was accomplished by means of the following phases.

2.1 PHYSICAL SURVEYING

Due to the nature of cultural remains, the majority that occur below surface, a physical walk through of the study area was conducted. Matakoma Heritage Consultants were appointed to conduct a survey of the proposed development together with access routes and entrances to the proposed residential development. The total area of impact comprised an area of approximately 20ha in total. The study area was surveyed over one day, by means of vehicle and extensive surveys on foot by Matakoma Heritage Consultants.

Aerial photographs and 1:50 000 maps of the area were consulted and literature of the area were studied before undertaking the survey. The purpose of this was to identify topographical areas of possible historic and pre-historic activity. All sites discovered both inside and bordering the proposed development area was plotted on 1:50 000 maps and their GPS co-ordinates noted. 35mm photographs on digital film were taken at all the sites.

3. WORKING WITH LEGISLATION

It is very important that cultural resources be evaluated according to the National Heritage Recourse Act. In accordance with the Act, we have found the following:

- These sites are classified as important based on evaluation of the National Heritage Recourses Act 1999 (Act No 25 of 1999) section 3 (3).

A place or object is to be considered part of the national estate if it has cultural significance or other special value because of-

- o(a) its importance in the community, or pattern of South Africa's history;
- o(b) its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- o(c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;

- o(d) its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
 - o(e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
 - o(f) its importance in demonstrating a high degree of creative or technical achievement at a particular period;
 - o(g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
 - o(h) its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and
 - o(i) sites of significance relating to the history of slavery in South Africa.
- (Refer to Section 9 of this document for assessment)
 - These sites should be managed through using the National Heritage Recourses Act 1999 (Act No 25 of 1999) sections 4,5 and 6 and sections 39-47.
 - Please refer to Section 9 for Management Guidelines.

4. ASSESSMENT CRITERIA

This chapter describes the evaluation criteria used for the sites listed below.

The significance of archaeological sites was based on four main criteria:

- **site integrity** (i.e. primary vs. secondary context),
- **amount of deposit, range of features** (e.g., stonewalling, stone tools and enclosures),
- **uniqueness** and
- **potential** to answer present research questions.

Management actions and recommended mitigation, which will result in a reduction in the impact on the sites, will be expressed as follows:

- A - No further action necessary;
- B - Mapping of the site and controlled sampling required;
- C - Preserve site, or extensive data collection and mapping of the site; and
- D - Preserve site

Impacts on these sites by the development will be evaluated as follows

4.1 IMPACT

The potential environmental impacts that may result from the proposed development activities.

4.1.1 Nature and existing mitigation

Natural conditions and conditions inherent in the project design that alleviate (control, moderate, curb) impacts. All management actions, which are presently implemented, are considered part of the project design and therefore mitigate against impacts.

4.2 EVALUATION

4.2.1 Site Significance

The significance rating scale is as follows:

HIGH: Must be mitigated or not impacted on at all.

LOW - MEDIUM: May require further work before development can commence.

NO SIGNIFICANCE: Do not require mitigation.

4.2.2 Certainty

DEFINITE: More than 90% sure of a particular fact. Substantial supportive data exist to verify the assessment.

PROBABLE: Over 70% sure of a particular fact, or of the likelihood of impact occurring.

POSSIBLE: Only over 40% sure of a particular fact or of the likelihood of an impact occurring.

UNSURE: Less than 40% sure of a particular fact or likelihood of an impact occurring.

4.2.3 Duration

SHORT TERM: 0 to 5 years

MEDIUM: 6 to 20 years

LONG TERM: more than 20 years

DEMOLISHED: site will be demolished or is already demolished

Example

Evaluation

IMPACT	SIGNIFICANCE	CERTAINTY	DURATION	MITIGATION
Negative	high negative	definite	long	C

5. HISTORICAL BACKGROUND OF AREA

As heritage surveys deal with the locating of heritage resources in a prescribed cartographic landscape, the study of archival and historical data, and especially cartographic material, can represent a very valuable supporting tool in finding and identifying such heritage resources.

The historical background and timeframe can be divided into the Stone Age, Iron Age and Historical timeframe. These can be divided as follows:

Stone Age

The Stone Age is divided in Early; Middle and Late Stone Age and refers to the earliest people of South Africa who mainly relied on stone for their tools.

Early Stone Age: The period from \pm 2.5 million yrs - \pm 250 000 yrs ago. Acheulean stone tools are dominant.

Middle Stone Age: Various lithic industries in SA dating from \pm 250 000 yrs – 22 000 yrs before present.

Late Stone Age: The period from \pm 22 000-yrs before present to the period of contact with either Iron Age farmers or European colonists.

Iron Age

The Iron Age as a whole represents the spread of Bantu speaking people and includes both the Pre-Historic and Historic periods. Similar to the Stone Age it can be divided into three periods:

The Early Iron Age: Most of the first millennium AD.

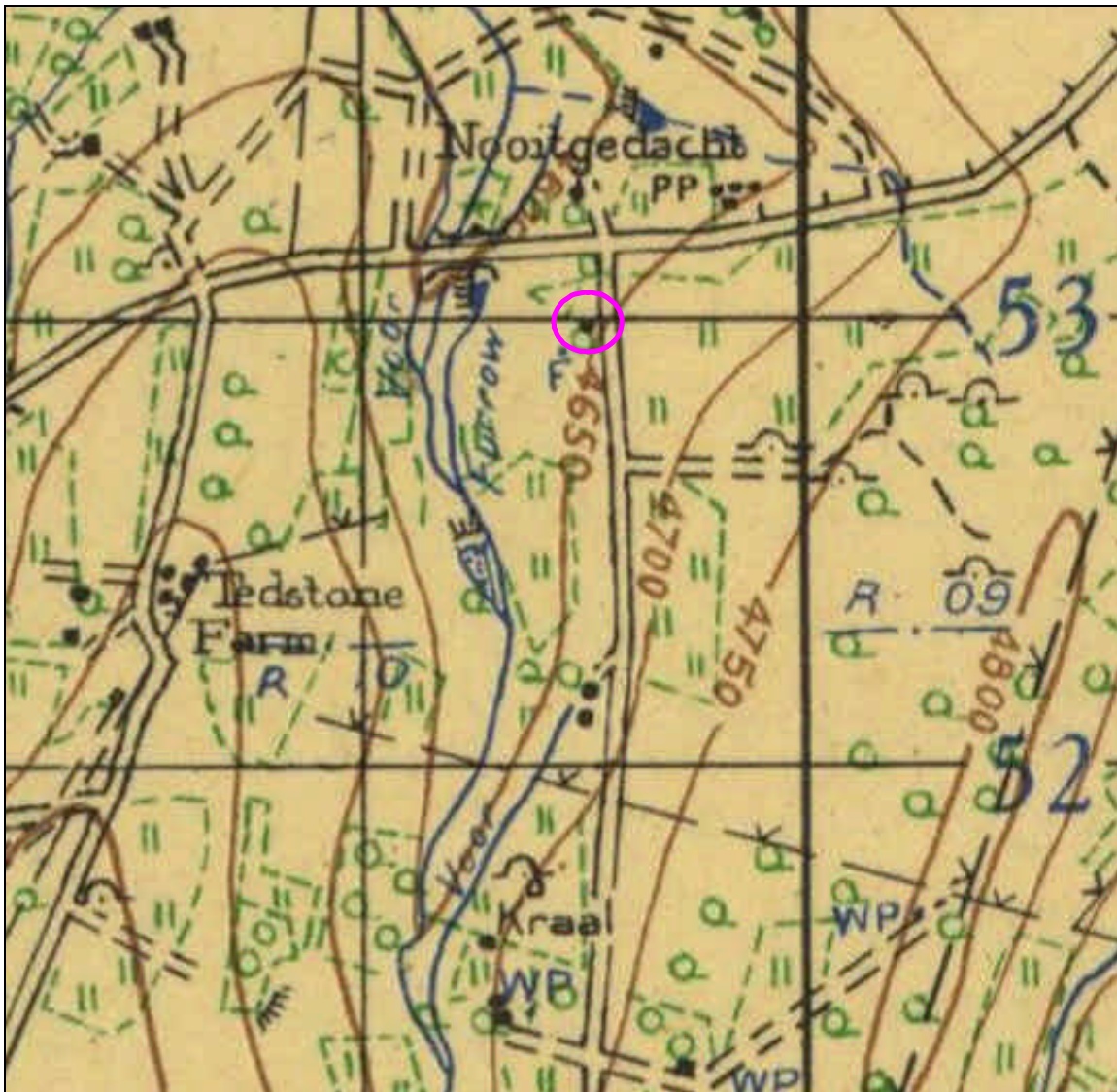
The Middle Iron Age: 10th to 13th centuries AD

The Late Iron Age: 14th century to colonial period.

Historic Timeframe

The historic timeframe intermingles with the later parts of the Stone and Iron Age, and can loosely be regarded as times when written and oral recounts of incidents became available.

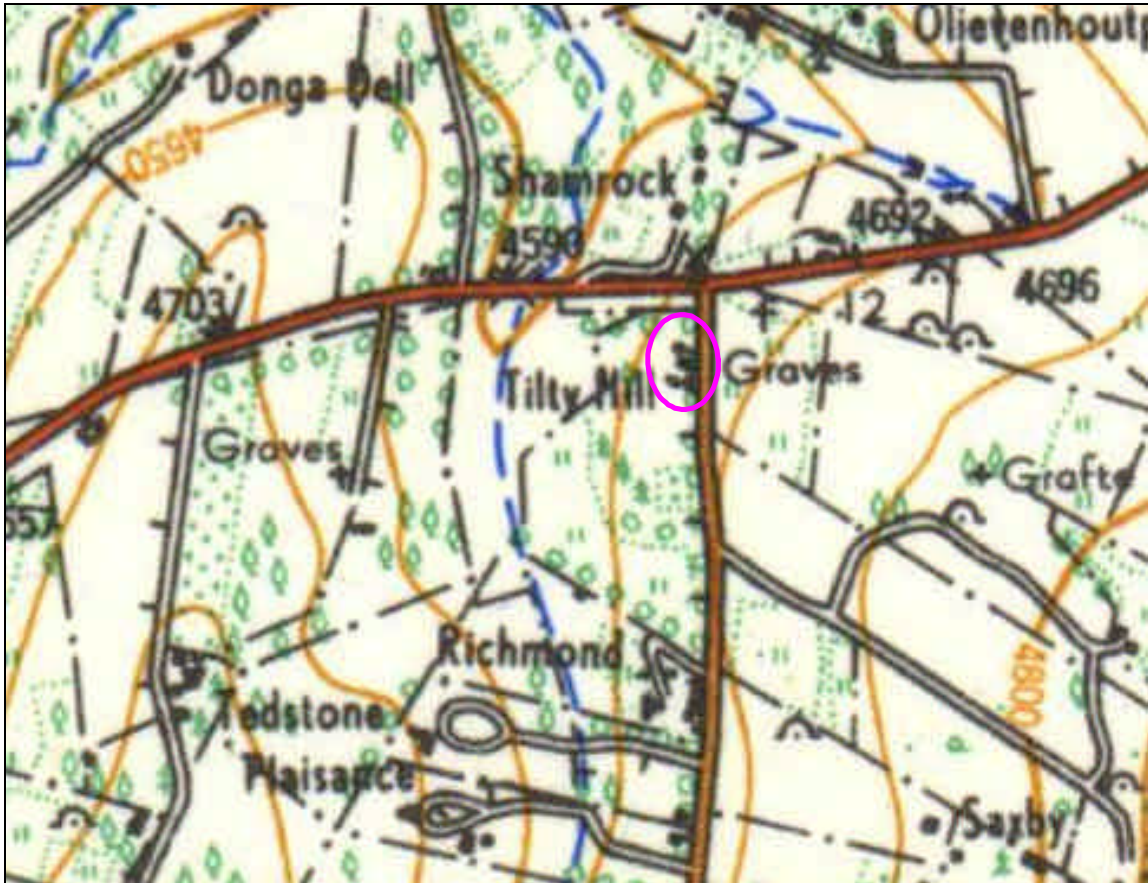
6 Archival study



•Figure 1. 1943 Topographical Map

This map is the first edition of the 2627BB 1:50 000 Topographical Map. It was compiled and drawn by the Survey Depot (Tech) of the South African Engineering Corps during 1943. In March 1944 the map was printed by the Government Printing Works and the Mobile Map Printing Company.

A single building is shown within the study area and directly west of presently known M67. A fountain is shown adjacent, with a furrow further west.



•Figure 2. 1954 Topographical Map

The map depicted here is the second edition of the 2627BB 1:50 000 topographical map sheet. The aerial photography on which the map is based was taken during 1952. The actual survey took place in 1954. The map was drawn in 1956 by the Trigonometrical Survey Office.

A cluster of four buildings (marked in purple) are depicted within the present study area, directly to the west of the present M67 road. It is worth noting that a number of cemeteries are depicted in the general vicinity, none of which is however indicated within the study area.

7. SITES OF SIGNIFICANCE

The site is characterised by clusters of eucalyptus trees and several dwellings occur on site. Two of the dwellings on site are modern and not older than 60 years. Several dwellings are clustered together on the western side of the study area. From the archival study it is clear that these buildings were erected between 1943 and 1954. No further visible signs of any archaeological resources could be detected during the survey.

The local community residing on the property appointed Mrs. Martha Lekwane as their spokes person. Mrs. Lekwane indicated that no grave sites or cemeteries exist on the site that she is aware of.



• *Figure 3: Modern dwelling on site*



• *Figure 4: Modern Dwelling on site*



• *Figure 5: Historic dwelling erected after 1943*

7. ASSUMPTIONS AND LIMITATIONS

Due to the nature of cultural remains that occur, in most cases, below surface, the possibility remains that some cultural remains may not have been discovered during the survey. Although Matakoma Heritage Consultants surveyed the area as thorough as possible, it is incumbent upon the developer to inform the relevant heritage agency should further cultural remains be unearthed or laid open during the process of development.

8. LEGAL AND POLICY REQUIREMENTS

In areas where there has not yet been a systematic survey to identify conservation worthy places, a permit is required to alter or demolish any structure older than 60 years. This will apply until a survey has been done and identified heritage resources are formally protected.

Archaeological and palaeontological sites, materials, and meteorites are the source of our understanding of the evolution of the earth, life on earth and the history of people. In the new legislation, permits are required to damage, destroy, alter, or disturb them. People who already possess material are required to register it.

The management of heritage resources are integrated with environmental resources and this means that before development takes place heritage resources are assessed and, if necessary, rescued.

In addition to the formal protection of culturally significant graves, all graves, which are older than 60 years and are not in a cemetery (such as ancestral graves in rural areas), are protected. The legislation protects the interests of communities that have interest in the graves: they may be consulted before any disturbance takes place.

The graves of victims of conflict and those associated with the liberation struggle will be identified, cared for, protected and memorials erected in their honour.

Anyone who intends to undertake a development must notify the heritage resource authority and if there is reason to believe that heritage resources will be affected, an impact

assessment report must be compiled at the developer's cost. Thus developers will be able to proceed without uncertainty about whether work will have to be stopped if a heritage resource is discovered.

According to the National Heritage Act (Act 25 of 1999 section 32) it is stated that:

An object or collection of objects, or a type of object or a list of objects, whether specific or generic, that is part of the national estate and the export of which SAHRA deems it necessary to control, may be declared a heritage object, including –

- objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects, meteorites and rare geological specimens;
- visual art objects;
- military objects;
- numismatic objects;
- objects of cultural and historical significance;
- objects to which oral traditions are attached and which are associated with living heritage;
- objects of scientific or technological interest;
- books, records, documents, photographic positives and negatives, graphic material, film or video 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), or in a provincial law pertaining to records or archives; and
- any other prescribed category.

If it is necessary to refer to any of the above-mentioned objects, the National Heritage Act (Act 25 of 1999 Sections 31-38) is included in Appendix 2.

Under the National Heritage Resources Act (Act No. 25 of 1999), provisions are made that deal with, and offer protection, to all historic and pre-historic cultural remains, including graves and human remains.

- Graves younger than 60 years fall under Section 2(1) of the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925) as well as the Human Tissues Act (Act 65 of 1983)

and are the jurisdiction of the National Department of Health and the relevant Provincial Department of Health and must be submitted for final approval to the Office of the relevant Provincial Premier. This function is usually delegated to the Provincial MEC for Local Government and Planning, or in some cases the MEC for Housing and Welfare. Authorisation for exhumation and reinterment must also be obtained from the relevant local or regional council where the grave is situated, as well as the relevant local or regional council to where the grave is being relocated. All local and regional provisions, laws and by-laws must also be adhered to. In order to handle and transport human remains the institution conducting the relocation should be authorised under Section 24 of Act 65 of 1983 (Human Tissues Act).

- Graves older than 60 years, but younger than 100 years fall under Section 36 of Act 25 of 1999 (National Heritage Resources Act) as well as the Human Tissues Act (Act 65 of 1983) and are the jurisdiction of the South African Heritage Resource Agency (SAHRA). The procedure for Consultation Regarding Burial Grounds and Graves (Section 36(5) of Act 25 of 1999) is applicable to graves older than 60 years that are situated outside a formal cemetery administrated by a local authority. Graves in the category located inside a formal cemetery administrated by a local authority will also require the same authorisation as set out for graves younger than 60 years over and above SAHRA authorisation. If the grave is not situated inside a formal cemetery but is to be relocated to one, permission from the local authority is required and all regulations, laws and by-laws set by the cemetery authority must be adhered to.

Refer to **Annexure B** for further information on legislation.

9. ASSESSMENT AND RECOMMENDATIONS

*A locality map is provided in **Annexure A***

A summary of the recommendations for each of the main heritage sites follows:

During the survey no archaeological sites was found within the footprint of the proposed development area. How ever during the archival study n single structure was identified on the 1943 Topographical map indicating a structure older than 60 years and therefore protected by legislation. During the field survey it was confirmed that several buildings exist in the area indicated on the archival maps and it is recommended that an architectural historian assess the significance of the buildings and make suitable recommendations before development commence. If these recommendations are adhered by there is from a Heritage point of view no reason why the development can not commence.

General

If during construction any possible finds are made, the operations must be stopped and a qualified archaeologist be contacted for an assessment of the find.

10. LIST OF PREPARES

Jaco van der Walt, BA (Hon) Archaeology (WITS)
Polke Birkholtz, Archival Study

11. REFERENCES

11.1 ARCHAEOLOGICAL PAPERS

Bradley, B. & Sampson, C.G. 1986. Analysis by Replication of Two Acheulean Artefact Assemblages. Bailey, G.N. & Callow, P (eds) Stone Age Prehistory: 29-45. Cambridge. Cambridge University Press.

Clark, J.D. 1970. The Prehistory of Africa. London. Thames and Hudson.

Goodwin, A.J.H. 1953. Methods in Prehistory. Claremont, Cape Town. South African Archaeological Society.

Klein, R.G. 1984. Southern African Prehistory and Palaeoenvironments. A.A. Balkema.

Willemse, J. 2002. Bewaar gister vir die nageslag. Rapport, 16 June 2002. S.A.

11.2 CULTURAL HERITAGE PAPERS

Australia ICOMOS. The Burra Charter (The Australian ICOMOS charter for places of cultural significance). 2002.

Standard and Guidance for Archaeological Desk-Based Assessment. 1994.

International Council of Monuments & Site Documents. Conventions, Charters and Guidelines. 2002.

Documents on Cultural Heritage Protection. 2002.

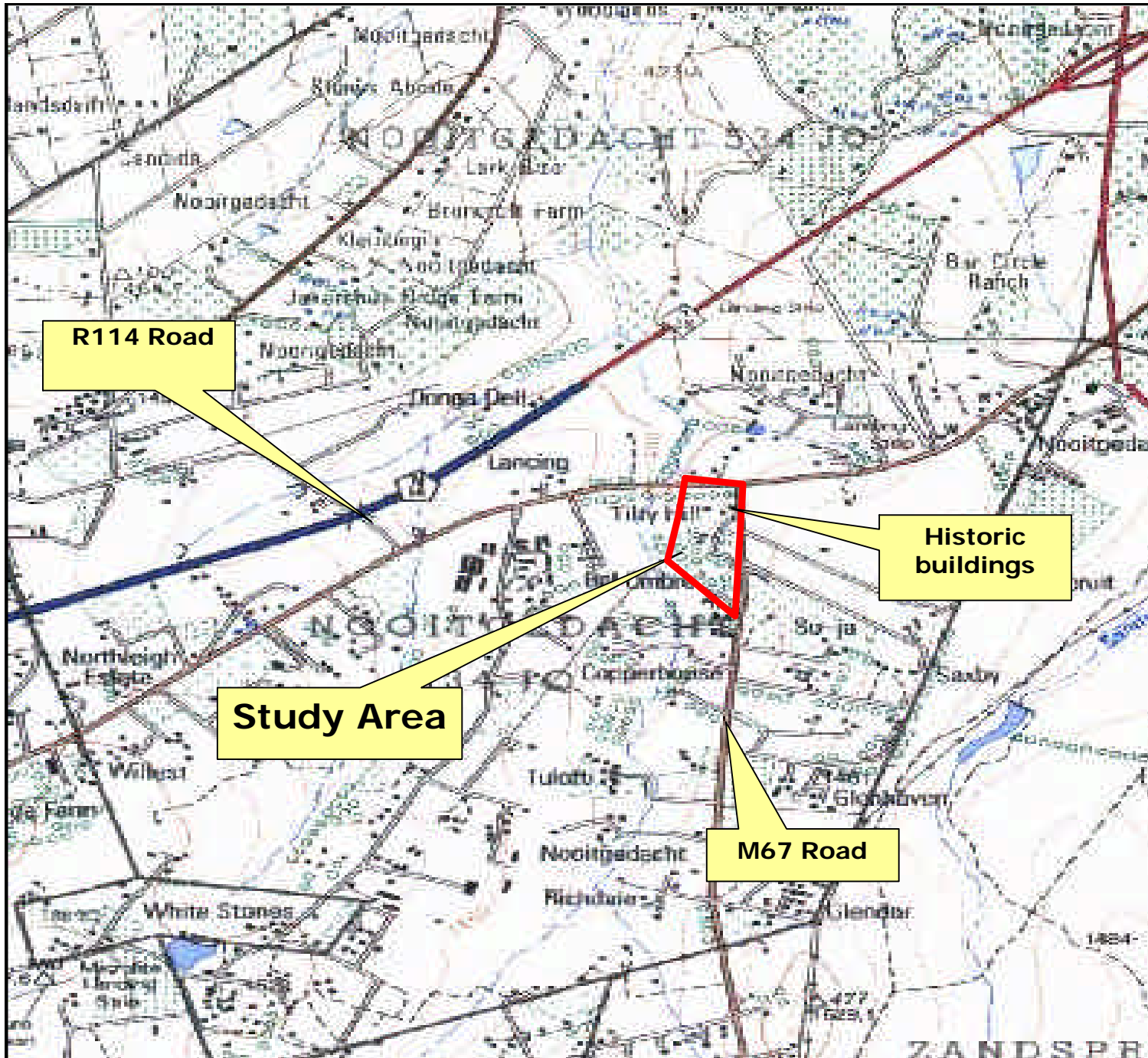
International Council of Monuments & Site Documents. Guidelines to the Burra Charter: Conservation Policy. 1985.

International Council of Monuments & Site Documents. Guidelines to the Burra Charter: Cultural Significance. 1984.

Australian Historic Themes. A Framework for use in Heritage Assessment and Management. Australian Heritage Commission. 2001.

ANNEXURE A:

Locality Map



Locality Map

**COPPERHOUSE
ESTATE**

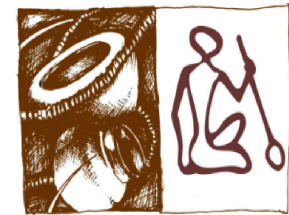
**Proposed new
township
development**

Property description

**Portions 91 of the
Farm Nooitgedacht
534- JQ**

ADDRESS

**Nooitgedacht Road,
Muldersdrift/
Nooitgedacht**



MATAKOMA-ARM

ANNEXURE B: Legislation extracts

[36]36 Burial grounds and graves

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

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

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

(a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;

(b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or

(c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

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

(5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3) (b) 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.

(7) (a) SAHRA must, over a period of five years from the commencement of this Act, submit to the Minister for his or her approval lists of graves and burial grounds of persons connected with the liberation struggle and who died in exile or as a result of the action of State security forces or agents provocateur and which, after a process of public consultation, it believes should be included among those protected under this section.

(b) The Minister must publish such lists as he or she approves in the Gazette.

(8) Subject to section 56 (2), SAHRA has the power, with respect to the graves of victims of conflict outside the Republic, to perform any function of a provincial heritage resources authority in terms of this section.

(9) SAHRA must assist other State Departments in identifying graves in a foreign country of victims of conflict connected with the liberation struggle and, following negotiations with the next of kin, or relevant authorities, it may re-inter the remains of that person in a prominent place in the capital of the Republic.

[37]37 Public monuments and memorials

Public monuments and memorials must, without the need to publish a notice to this effect, be protected in the same manner as places which are entered in a heritage register referred to in section 30.

[38]38 Heritage resources management

(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 300m in length;

(b) the construction of a bridge or similar structure exceeding 50m in length;

(c) any development or other activity which will change the character of a site-

(i) exceeding 5 000m² in extent; or

(ii) involving three or more existing erven or subdivisions thereof; or

(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or

(iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;

(d) the re-zoning of a site exceeding 10 000m² 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 (2) (a): Provided that the following must be included:

(a) The identification and mapping of all heritage resources in the area affected;

(b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6 (2) or prescribed under section 7;

(c) an assessment of the impact of the development on such heritage resources;

(d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;

(e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;

(f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and

(g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

(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.

(5) A provincial heritage resources authority shall not make any decision under subsection (4) with respect to any development which impacts on a heritage resource protected at national level unless it has consulted SAHRA.

(6) The applicant may appeal against the decision of the provincial heritage resources authority to the MEC, who-

(a) must consider the views of both parties; and

(b) may at his or her discretion-

(i) appoint a committee to undertake an independent review of the impact assessment report and the decision of the responsible heritage authority; and

(ii) consult SAHRA; and

(c) must uphold, amend or overturn such decision.

(7) The provisions of this section do not apply to a development described in subsection (1) affecting any heritage resource formally protected by SAHRA unless the authority concerned decides otherwise.

(8) The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the Environment Conservation Act, 1989 (Act 73 of 1989), or the integrated environmental management guidelines issued by the Department of Environment Affairs and Tourism, or the Minerals Act, 1991 (Act 50 of 1991), or any other legislation: Provided that the consenting authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority

with regard to such development have been taken into account prior to the granting of the consent.

(9) The provincial heritage resources authority, with the approval of the MEC, may, by notice in the Provincial Gazette, exempt from the requirements of this section any place specified in the notice.

(10) Any person who has complied with the decision of a provincial heritage resources authority in subsection (4) or of the MEC in terms of subsection (6) or other requirements referred to in subsection (8), must be exempted from compliance with all other protections in terms of this Part, but any existing heritage agreements made in terms of section 42 must continue to apply