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**Cultural Resources Management Impact Assessment:  
PORTION 1 OF ROODE PAN 146,  
KIMBERLEY DISTRICT, NORTHERN CAPE, SOUTH AFRICA**

2005-12-20



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McGREGOR MUSEUM, KIMBERLEY

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SAHRA Ref:

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PORTION 1 OF ROODE PAN 146,  
KIMBERLEY DISTRICT, NORTHERN CAPE, SOUTH AFRICA**

REPORT TO –

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ATTENTION –

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# 1) Project Brief

The McGregor Museum CRM Unit was contracted by the developer and landowner, Kimberley West Diamond Mines (initial application as Excelsior Diamond Company), to conduct a Phase 1 Cultural Resources Management (CRM) impact assessment. The impact assessment was requested in compliance with prospecting and mining right environmental requirements as set out in the Mineral and Petroleum Resources Development Act, No 28 of 2002, represented by the Department of Minerals and Energy (DME), the particulars of which are described in the National Environmental Management Act, No 107 of 1998, represented by the Department of Environmental Affairs & Tourism (DEAT) and the National Heritage Resources Act, No 25 of 1999, represented by the South African Heritage Resources Agency (SAHRA).

This document reports on the findings of the CRM assessment.

# 2) The CRM Assessment

## PROPERTY DESCRIPTION:

The proposed development (200 ha) is situated on Portion 1 of the property Roode Pan 146, in the Kimberley District of the Northern Cape, South Africa (1:50,000 map reference: 2824CD Koedoesbergdrif).

Development will aim to exploit diamondiferous minerals in the area formerly known as Theron's Diamond Mine, thus a continuation of a more than 100 year old diamond mining tradition at the site.

## DEVELOPMENT IMPACT:

Proposed development (core and bulk prospecting and mining) will focus on formerly mined areas and identified kimberlite deposits within the 200 ha area. Impact within the proposed development area will thus be restricted to identified diamondiferous deposits, the processing plant(s), residential area(s) and the access road.

Core sampling will impact on areas not exceeding 30 x 30 cm, impact will thus be limited. Mechanised mining (bulk prospecting and mining) impact will be total and will result in the loss of identified surface and unidentified sub-surface heritage resources as defined and protected by the NHRA (1999).

## CRM ASSESSMENT METHODOLOGY:

One McGregor Museum CRM Unit staff member visited the site on 2005-12-14 to 2005-12-15. The assessment was done by foot and limited to a Phase 1 surface survey. No excavation or sub-surface testing was done since a permit from SAHRA is required to do so. GPS co-ordinates were taken with a Garmin e-trex vista GPS (3-8 m error margin). Photographic documentation was done with a Casio exilim EX-S2 camera.

The assessment covered the:

- i. Existing access road(s); and
- ii. Proposed mining area.

In accordance with current legislation no development had started prior to the CRM impact assessment.

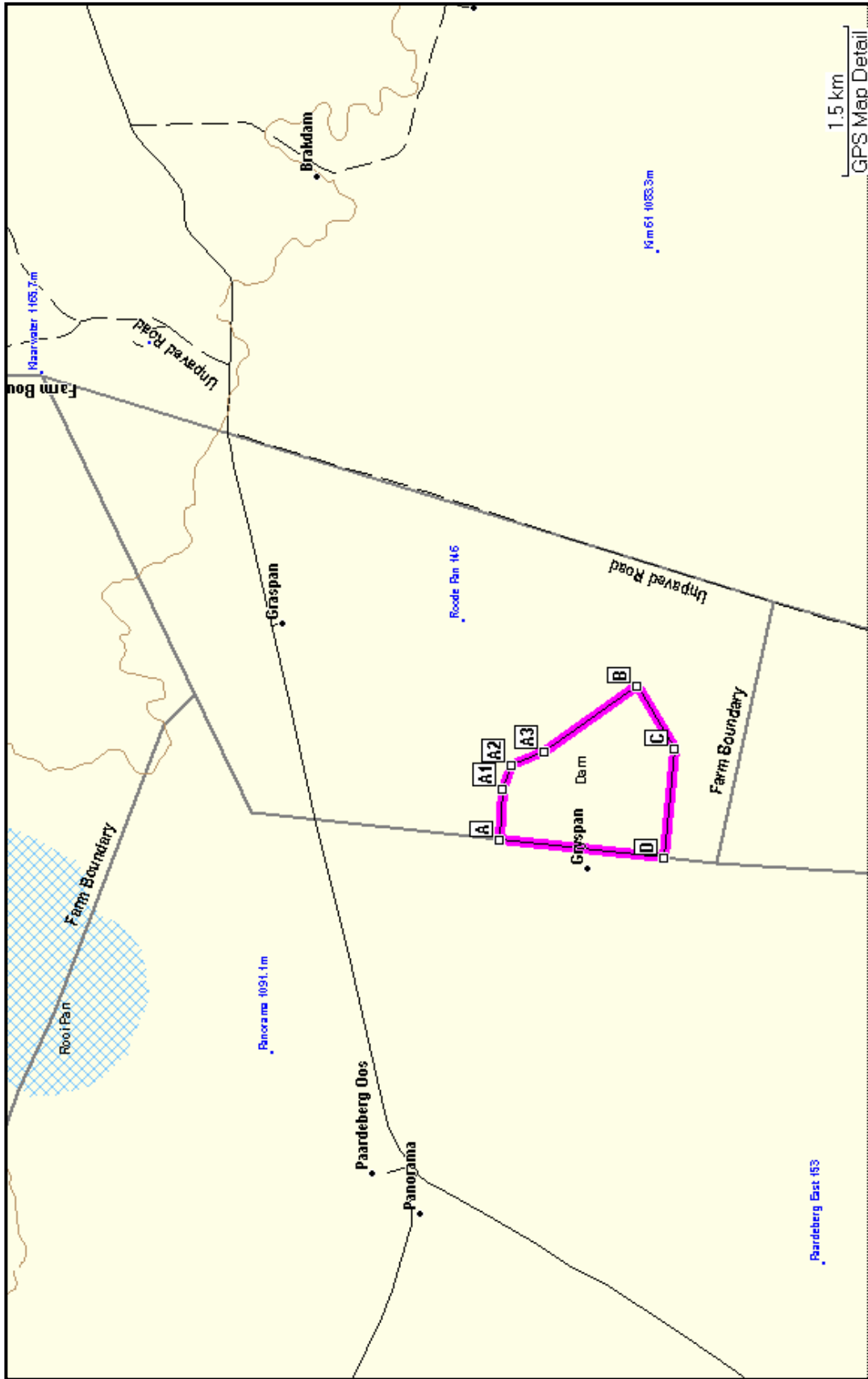
# 3) CRM Assessment Findings

## EXISTING ACCESS ROAD(S):

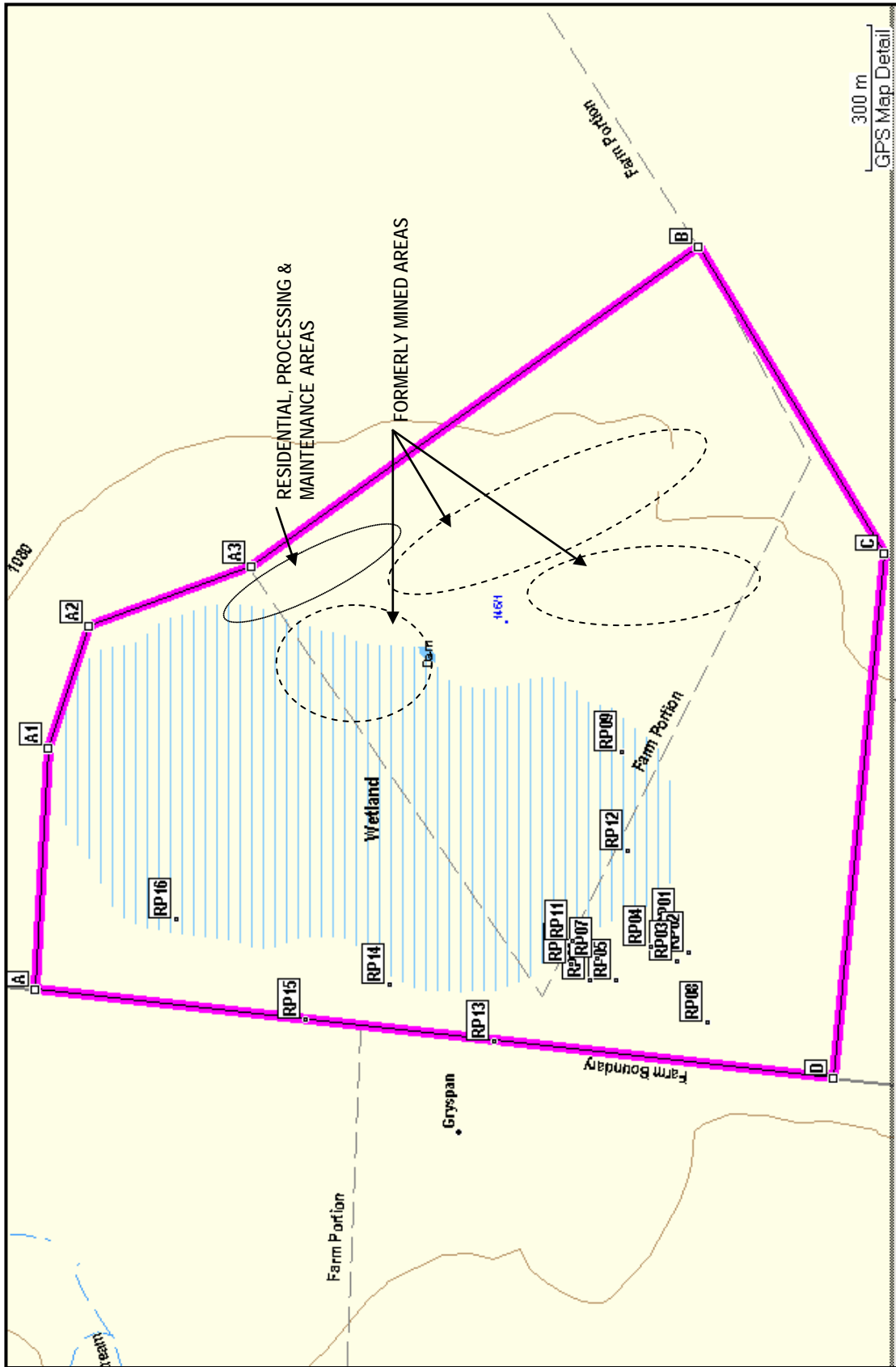
An existing gravel access road on the property will be utilised during proposed mining development. The road is longer than 300 m, any impact thereon or alteration thereto is covered by the NHRA (1999).

A single handaxe have been found in the access road by Mr. John Stolarczyk. No further clear evidence of an ESA Acheulean site, as defined and protected by the NHRA (1999) was identified. It is thus not envisioned that continued use of the existing road will impact on any significant cultural heritage resources. The handaxe was donated to the McGregor Museum, courtesy Kimberley West Diamond Mining Company.

Identified cultural heritage resources situated in access roads localities within the Mining Area will be discussed in the following section.



MAP 1: Extract of the 1:50,000 map 2824CD Koedoesbergdriif indicating the geographic position of the proposed Portion 1, Roode Pan 146 diamond Mining Area.



MAP 2: Close-up of the proposed Portion 1, Roode Pan 146 Mining Area indicating the position of identified cultural heritage resources and related features.

#### PROPOSED MINING AREA:

The Mining Area comprises of approximately 200 ha. Any impact thereon or alteration thereto is covered by the MPRDA (2002), the NEMA (1989) and the NHRA (1999).

No heritage resources were identified in the vicinity of the residential, processing and maintenance area.

Inspection of formerly mined, un-rehabilitated areas focussed on an assessment of dump material as well as inspection of existing open mining sections. No heritage resources were present in the dump material, neither was any archaeological or palaeontological material identified in *in situ* sections.

Assessment of the remainder of the Mining Area proved the presence of 2 identified heritage resources as defined and protected by the NHRA (1999) and a general low density Stone Age component with artefact ratios (artefact: m<sup>2</sup>) varying between 1:2,500 to 1: 9 within the southern and western part and along the northern access road of the Mining Area. Low density occurrences do not comprise of 'sites' and are thus not protected by the NHRA (1999)

The 2 identified heritage resources are representative of the Historic (Site RDP01) and Stone Age (Site RDP02) periods.

##### i SITE RDP01 – HISTORIC MINING VILLAGE (*National Site Number pending*)

The historic period is represented by a number of identified features situated towards the south western corner of the property. Historic remains are older than 100 years and relate to early mining activities at Theron's Diamond Mine. Together the remains comprise of what can be defined as a Historic mining village, consisting of the following identified features:

- RP01: House 1: Clay brick house ruins and a calcrete mixed floor slab. Historical metal, glass and decorated porcelain artefacts in surrounds.
- RP02: Approximate 2 x 2 m well.
- RP03: House 2: Calcrete mixed floor slab.
- RP04: Burial area(?): Identified cacti often found at locality of old burial places.
- RP05: Approximate 3 x 3 m dam.
- RP06: Three circular 'rondawel' (hut) calcrete mixed floor slabs.
- RP07: House 3: Clay brick house ruins and calcrete mixed floor slab.
- RP08: Rectangular feature (approximately 17 x 12 m) of stone and calcrete mixed cement foundations.

The Historic mining village is older than 60 years and thus protected by the NHRA (1999). The history of the village is potentially important, not only relating to the history of Theron's Diamond Mine, but in general to the earlier diamond mining period in South Africa. The site can be rated as of a Generally Protected A / B status. However, it is the intention of the developer not to impact on the general area of the Historic mining village; identified diamondiferous deposits are mainly located within the wetland (pan) area. The area is thus not directly threatened by development and I would recommend that:

- i. In the event of development encroaching on the site, the site be formally protected / conserved: The general area be fenced with a single access gate, or
- ii. Prior to development impacting on the site, the site be thoroughly recorded and necessary Phase 2 mitigation excavations be done.

Generally Protected A: Mitigation before destruction – high / medium significance.

Generally Protected B: Recording before destruction – medium significance

##### ii. SITE RDP02 – LATER MIDDLE STONE AGE (*National Site Number pending*)

The Stone Age period is primarily represented by later MSA deposits situated within, or in relation to and within roadside scrapings directly adjacent to the wetland (pan).

Archaeological deposits situated within the pan were identified in relatively large shale occurrences towards the southern quarter of the pan, along the western side and generally tapering out to a thin spread along the northern edge of the pan. Typologically artefacts are representative of a later phase of the MSA and exclusively produced from hornfels. Artefact ratios are very low in the southern quarter, varying between single occurrences at RP09 and RP10 and  $\leq 2:1$  at GPS recording RP12. Ratios of  $\geq 2:1$  were recorded along the western side of the pan at GPS recordings RP11 and RP14. The highest densities were observed in the north western extend of the pan at GPS recording RP16 with ratios approximating 3/4:1. The northern edge of the pan is marked by single artefact occurrences with observed ratios of  $\geq 1:25$ .

Later Middle Stone Age deposits were also observed in shallow road scrapings along the western (and northern) access roads represented by GPS recordings RP13 and RP15. Artefact ratios are  $\leq 2/3:1$ . Typologically artefacts seem to belong to an earlier phase of the MSA than the pan-side deposits. Occurrences are interpreted as the outskirts of sites primarily situated on neighbouring properties.

- PR09: Low density MSA (hornfels) and Historic (earthenware) artefacts in pan setting.  
 RP10: Single MSA (hornfels) flake situated slightly west of the pan rim and in the general area of the Historic mining village.  
 RP11: MSA (hornfels) artefacts in shale scattered area within the pan setting.  
 RP12: Low density MSA (hornfels) artefacts in large shale scattered area within the pan setting.  
 RP13: MSA (hornfels) and Historic (metal) artefacts in scraped roadside context of approximately 15 x 3 m. Artefact occur in low density towards the east of the fence. No artefacts were observed within 7 – 10 m east of the fence.  
 RP14: MSA (hornfels) artefacts in shale scattered area within the pan setting.  
 RP15: MSA (hornfels) artefacts in scraped roadside context of approximately 15 x 5 m.  
 RP16: Richest MSA (hornfels) artefact scatter situated in pan setting.

Pan-side deposits can be described as a later MSA site as defined and protected by the NHRA (1999). Identified diamondiferous deposits are mostly centred in the central pan area. The site will thus directly be impacted on by the development. The site can be rated as of a Generally Protected A status. Phase 2 archaeological mitigation prior to / coinciding with development would thus be necessary.

Generally Protected A: Mitigation before destruction – high / medium significance.

ii.i RECOMMENDED PHASE 2 MITIGATION – MCGREGOR MUSEUM

I would recommend the following Phase 2 mitigation measures to ensure a representative sample of identified MSA and inferred stratigraphic deposit:

- i. One  $\geq 20$  m<sup>2</sup> excavation in area RP16 to salvage a representative sample of the identified MSA deposit and record inferred stratigraphy.

Development section	Recorded sites / findplaces / features	Image nr	Co-ordinates	
			South	East
Portion 1 of Roode Pan 146				
A			S 28° 50' 28.1"	E 24° 18' 17.7"
(A1)			S 28° 50' 29.0"	E 24° 18' 36.1"
(A2)			S 28° 50' 31.7"	E 24° 18' 45.4"
(A3)			S 28° 50' 42.6"	E 24° 18' 50.0"
B			S 28° 51' 12.5"	E 24° 19' 14.3"
C			S 28° 51' 24.9"	E 24° 18' 51.0"
D			S 28° 51' 21.5"	E 24° 18' 11.0"
	Historic Mining Village (RDP01)			
	RP01	01 - 03	S 28° 51' 11.2"	E 24° 18' 22.3"
	RP02	04	S 28° 51' 11.8"	E 24° 18' 20.5"
	RP03	05	S 28° 51' 11.0"	E 24° 18' 19.9"
	RP04	06	S 28° 51' 09.3"	E 24° 18' 21.0"
	RP05	07	S 28° 51' 06.9"	E 24° 18' 18.4"
	RP06	08 - 09	S 28° 51' 05.2"	E 24° 18' 18.4"
	RP07	10	S 28° 51' 05.7"	E 24° 18' 20.1"
	RP08	11	S 28° 51' 13.1"	E 24° 18' 15.2"
	Later Middle Stone Age (RDP02)			
	RP09		S 28° 51' 07.3"	E 24° 18' 35.8"
	RP10		S 28° 51' 03.9"	E 24° 18' 19.6"
	RP11		S 28° 51' 04.0"	E 24° 18' 21.4"
	RP12		S 28° 51' 07.7"	E 24° 18' 28.3"
	RP13		S 28° 50' 58.8"	E 24° 18' 13.8"
	RP14		S 28° 50' 51.8"	E 24° 18' 18.1"
	RP15		S 28° 50' 46.2"	E 24° 18' 15.4"
	RP16		S 28° 50' 37.5"	E 24° 18' 23.1"

TABLE 1: GPS co-ordinates of the proposed development area, identified and associated sites and features



## 4) Image Gallery



IMAGE 01: General view of RP01 (Site RDP01)



IMAGE 02: Collapsed clay brick wall at RP01 (Site RDP01)



IMAGE 03: Historic artefacts at RP01 (Site RDP01)



IMAGE 04: General view of RP02 (Site RDP01)



IMAGE 05: General view of RP03 (Site RDP01)



IMAGE 06: General view of RP04 (Site RDP01)



IMAGE 07: Structure at RP05 (Site RDP01)



IMAGE 08: Two 'rondawel' floor slabs at RP06 (Site RDP01)





IMAGE 09: The 3<sup>rd</sup> 'rondawel' floor slab at RP06 (Site RDP01)



IMAGE 10: General view of RP07 (Site RDP01)



IMAGE 11: Part of the structure at RP08 (Site RDP01)



IMAGE 12: Historic earthenware fragment and Stone Age flake from RP09 (Site RDP02)



IMAGE 13: Single Stone Age artefact from RP10 (Site RDP02)



IMAGE 14: Stone Age artefacts from RP11 (Site RDP02)



IMAGE 15: Stone Age artefacts from RP12 (Site RDP02)



IMAGE 16: Historic (metal) and Stone Age artefacts from RP13 (Site RDP02)



IMAGE 17: Stone Age artefacts from RP14 (Site RDP02)



IMAGE 18: Stone Age artefacts from RP15 (Site RDP02)



IMAGE 19: Stone Age artefacts from RP16 (Site RDP02)



IMAGE 20: General view of the wetland / pan area



IMAGE 21: Formerly mined, un-rehabilitated areas



IMAGE 22: Formerly mined, un-rehabilitated areas



IMAGE 23: Formerly mined, un-rehabilitated areas with a partial view of the residential, processing and maintenance area in the background



IMAGE 24: Formerly mined, un-rehabilitated areas



## 5) Conclusion

Two heritage resources as defined and protected by the NHRA (1999) are situated on the proposed development area, namely Site RDP01 a Historical mining village situated in the south western corner of the property next to the pan and Site RDP02 a later MSA site, identified along the edges of the pan.

## 6) Summarised Recommendations

Future development in demarcated residential, processing and maintenance areas, formerly mined areas, the southern quarter of the proposed development area, the main access and interior roads will not impact on any heritage resources as defined and protected by the NHRA (1999). I would recommend that development in these areas proceeds as applied for.

The Historic mining village (Site RDP01) is older than 60 years and thus protected by the NHRA (1999). The site can be rated as of a Generally Protected A / B status. The area is not directly threatened by development and it is the intention of the developer not to impact on the general area of the Historic mining village. I would recommend that:

- i. In the event of development encroaching on the site, the site be formally protected / conserved: The general area be fenced with a single access gate, or
- ii. Prior to development impacting on the site, the site be thoroughly recorded and necessary Phase 2 mitigation excavations be done.

Pan-side deposits represent a later MSA site as defined and protected by the NHRA (1999). Identified diamondiferous deposits are situated in the pan; the site will thus directly be impacted on by the development. The site can be rated as of a Generally Protected A status. I would recommend the following Phase 2 mitigation to precede / coincide with development as per SAHRA recommendations:

- i. One  $\geq 20$  m<sup>2</sup> excavation in area RP16 to salvage a representative sample of the identified MSA deposit and record inferred stratigraphy.

## 7) Acknowledgements

I would like to thank Mr. John Stolarczyk and Mr. Ben du Plessis (Kimberley West Diamond Mining Company) for accompanying me to the site and for supplying mining and on site information.

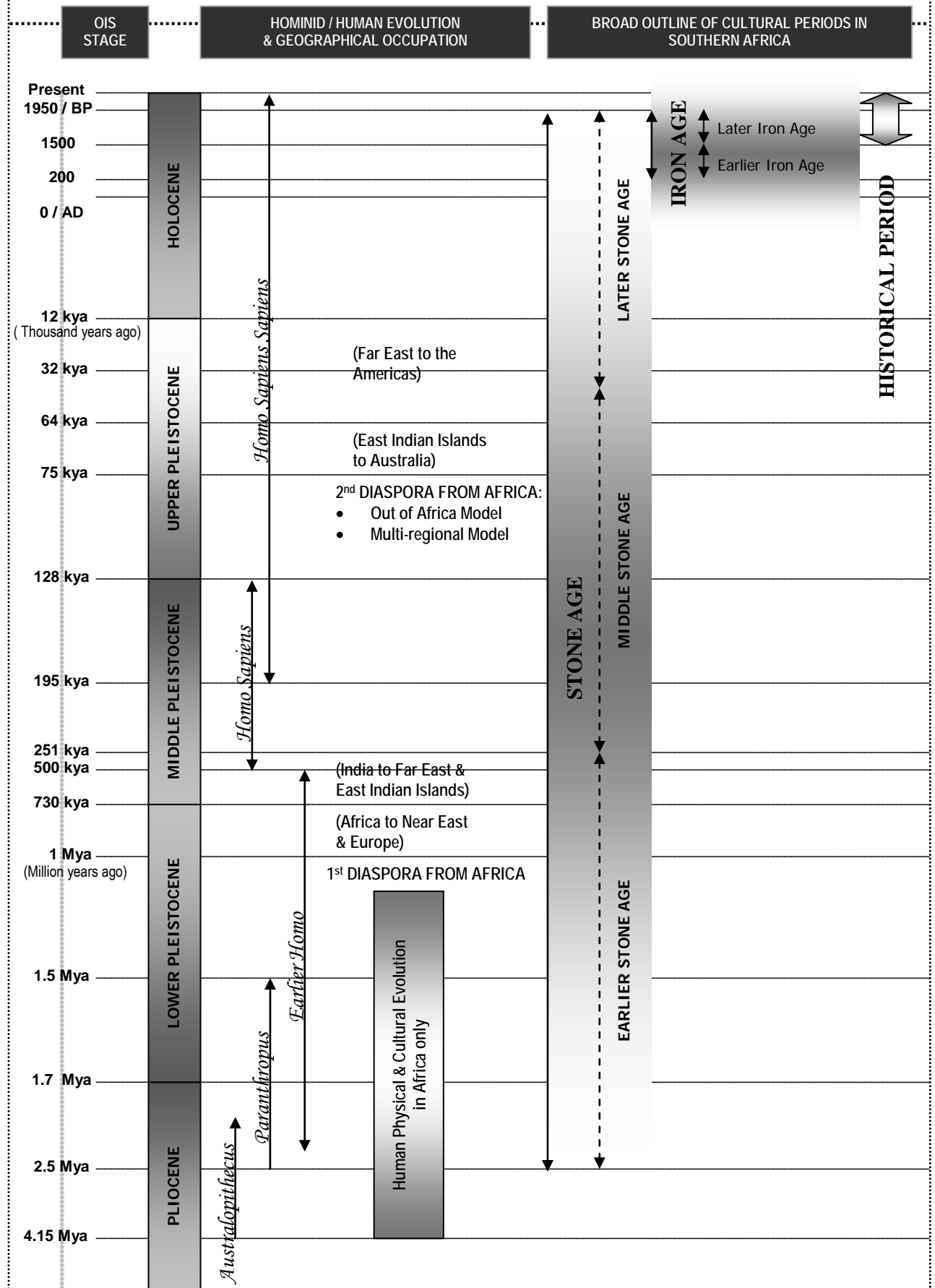
**NOTE:** Should the developer encounter any heritage resources, not reported on in this report, and as defined and protected by the NHRA (1999) during the course of development, the developer should immediately cease operation in the immediate vicinity and report the site to SAHRA or an ASAPA accredited CRM archaeologist.

It remains the responsibility of the developer to timeously contract, and make arrangements for Phase 2 archaeological mitigation work. Phase 2 archaeological mitigation may only be done under a permit issued by SAHRA to an ASAPA accredited CRM archaeologist with a minimum of a Field Director status. The SAHRA permit review committee is allowed an 8 week period in which to review permit applications.

In the event of a prospecting / mining right lease or sales agreement between the current and a new developer, the current developer should ensure that heritage requirements are negotiated to the new developer, a copy of which should be submitted to SAHRA and DME.

McGregor Museum, Department of Archaeology, CRM Unit		
Name	Designation	ASAPA Accreditation
David Morris	Head of Archaeology	Principal Investigator
Karen van Ryneveld	Archaeologist	Field Director

# Schematic Outline of the Pre-historic and Historic Periods



## 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.
- xxxii. "*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 trace;
- 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-internment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

## HERITAGE RESOURCES MANAGEMENT

### Section 38

- 1) Subject to the provisions of subsections 7), 8) and 9), any person who intends to undertake a development categorised as –
  - a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
  - b) the construction of a bridge or similar structure exceeding 50 m in length;
  - c) any development or other activity which will change the character of a site –
    - i. exceeding 5 000 m<sup>2</sup> in extent; or
    - ii. involving three or more existing erven or subdivisions thereof; or
    - iii. involving three or more erven or subdivisions thereof which have been consolidated within the past five years; or
    - iv. the costs which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
  - d) the rezoning of a site exceeding 10 000 m<sup>2</sup> in extent; or
  - e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,

must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.
- 2) The responsible heritage resources authority must, within 14 days of receipt of a notification in terms of subsection 1) –
  - a) if there is reason to believe that heritage resources will be affected by such development, notify the person who intends to undertake the development to submit an impact assessment report. Such report must be compiled at the cost of the person proposing the development, by a person or persons approved by the responsible heritage resources authority with relevant qualifications and experience and professional standing in heritage resources management; or
  - b) notify the person concerned that this section does not apply.
- 3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection 2a) ...
- 4) The report must be considered timeously by the responsible heritage resources authority which must, after consultation with the person proposing the development decide –
  - a) whether or not the development may proceed;
  - b) any limitations or conditions to be applied to the development;
  - c) what general protections in terms of this Act apply, and what formal protections may be applied, to such heritage resources;
  - d) whether compensatory action is required in respect of any heritage resources damaged or destroyed as a result of the development; and
  - e) whether the appointment of specialists is required as a condition of approval of the proposal.

## APPOINTMENT AND POWERS OF HERITAGE INSPECTORS

### Section 50

- 7) Subject to the provision of any other law, a heritage inspector or any other person authorised by a heritage resources authority in writing, may at all reasonable times enter upon any land or premises for the purpose of inspecting any heritage resource protected in terms of the provisions of this Act, or any other property in respect of which the heritage resources authority is exercising its functions and powers in terms of this Act, and may take photographs, make measurements and sketches and use any other means of recording information necessary for the purposes of this Act.
- 8) A heritage inspector may at any time inspect work being done under a permit issued in terms of this Act and may for that purpose at all reasonable times enter any place protected in terms of this Act.



- 9) Where a heritage inspector has reasonable grounds to suspect that an offence in terms of this Act has been, is being, or is about to be committed, the heritage inspector may with such assistance as he or she thinks necessary –
- a) enter and search any place, premises, vehicle, vessel or craft, and for that purpose stop and detain any vehicle, vessel or craft, in or on which the heritage inspector believes, on reasonable grounds, there is evidence related to that offence;
  - b) confiscate and detain any heritage resource or evidence concerned with the commission of the offence pending any further order from the responsible heritage resources authority; and
  - c) take such action as is reasonably necessary to prevent the commission of an offence in terms of this Act.
- 10) A heritage inspector may, if there is reason to believe that any work is being done or any action is being taken in contravention of this Act or the conditions of a permit issued in terms of this Act, order the immediate cessation of such work or action pending any further order from the responsible heritage resources authority.

## **SAHRA - HERITAGE SITE GRADING SYSTEM**

<b>GRADING</b>	<b>SIGNIFICANCE</b>	<b>DEVELOPMENT REQUIREMENTS</b>
National	Grade I significance	Nomination as National Heritage Site (Site should be retained as a heritage site)
Provincial	Grade II significance	Nomination as Provincial Heritage Site (Site should be retained as a heritage site)
Local	Grade IIIA status (High significance)	Nomination as Local heritage Site (Site should be retained as a heritage site)
Local	Grade IIIB status (High significance)	Mitigation and (part of) the site should be retained as a heritage site.
Generally Protected A	High / medium significance	Site should be mitigated before destruction
Generally Protected B	Medium significance	Site should be recorded before destruction
Generally Protected C	Low significance	Site requires no further recording before destruction