

**A LETTER OF RECOMMENDATION (WITH CONDITIONS) FOR THE EXEMPTION
OF A FULL PHASE 1 ARCHAEOLOGICAL HERITAGE IMPACT ASSESSMENT
FOR THE PROPOSED, CONSTRUCTION OF A FILLING STATION AND
ASSOCIATED INFRASTRUCTURE ON THE CORNER OF ST FRANCIS DRIVE
AND OUTINIQUA DRIVE, JEFFREYS BAY, KOUGA MUNICIPALITY, EASTERN
CAPE PROVINCE**

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A LETTER OF RECOMMENDATION (WITH CONDITIONS) FOR THE EXEMPTION OF A FULL PHASE 1 ARCHAEOLOGICAL HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED, CONSTRUCTION OF A FILLING STATION AND ASSOCIATED INFRASTRUCTURE ON THE CORNER OF ST FRANCIS DRIVE AND OUTINIQUA DRIVE, JEFFREYS BAY, KOUGA MUNICIPALITY, EASTERN CAPE PROVINCE

PROJECT INFORMATION

The type of development

Proposed construction of a filling station and associated infrastructure on the corner of St Francis Drive and Outiniqua Drive, Jeffrey's Bay, Kouga Municipality, Eastern Cape.

The Developer

QCK Lezmin 4619CC
Trading as Total Jeffrey's Bay

The Consultant

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Terms of reference

The original proposal was to conduct a Phase 1 Archaeological Impact Assessment of the construction of a filling station and associated infrastructure on the corner of St Francis Drive and Outiniqua Drive, Jeffreys Bay, Kouga Municipality, Eastern Cape Province Eastern Cape Province; to describe and evaluate the importance of possible archaeological heritage sites; the potential impact of the development and to make recommendations to minimize possible damage to these sites.

DESCRIPTION OF THE PROPERTY

Map: 1:50 000 1:50 000 3424 BB Humansdorp

Location data

Property Description

The proposed site for the construction of a filling station and associated infrastructure is situated on the corner of St Francis Drive and Outiniqua Drive, adjacent to the new Fountains Shopping Centre, Jeffrey's Bay, Kouga Municipality, Eastern Cape (GPS reading: 34.01.940S; 24.54.049E) (Maps 1-3).

ARCHAEOLOGICAL INVESTIGATION

Methodology and results

The investigation was conducted on foot by two people and GPS readings were taken with a Garmin and all important features were digitally recorded. The proposed property for the construction of a filling station and associated infrastructure was surveyed before as part of a larger investigation for the new Fountains Shopping Centre. The property is covered by grass and patches of low bushes and shrubs (Figs 1-4). Located adjacent to the shopping centre, the area has been severely disturbed in the past by construction of roads, power lines, other building activities and surface clearing. No archaeological sites/materials were found, and it is unlikely that any archaeological remains will be exposed during the development.



Figs 1-4. Different views of the proposed property for the construction of a filling station and associated infrastructure (images courtesy CEN).

Conditions

Although it is unlikely that any archaeological heritage remains of any value will be found *in situ* or of any contextual value, there is always a possibility that human remains and/or other archaeological and historical material may be uncovered during the development. Such material must be reported to the nearest museum, archaeologist or to the South African Heritage Resources Agency if exposed, so that a systematic and professional investigation can be undertaken. Sufficient time should be allowed to remove/collect such material (See Appendix B for a list of possible archaeological sites that maybe found in the area).

Letter of recommendation

It is recommended that the proposed construction of a filling station and associated infrastructure on the corner of St Francis Drive and Outiniqua Drive, Jeffreys Bay, Kouga Municipality, Eastern Cape Province, is exempted from a full Phase 1 Archaeological Heritage Impact Assessment. The proposed area for development is of low cultural sensitivity and it is unlikely that any archaeological heritage remains will be found on the property. The proposed development may proceed as planned.

Note that this letter of recommendation only exempts the proposed development from a full Phase 1 Archaeological Heritage Impact Assessment, but not for other heritage impact assessments. It must also be clear that this letter of recommendation for exemption of a full Phase 1 archaeological heritage impact assessment will be assessed by the relevant heritage resources authority. The final decision rests with the heritage resources authority, which should give a permit or a formal letter of permission for the destruction of any cultural sites.

The National Heritage Resources Act (Act No. 25 of 1999, section 35) (see Appendix A) requires a full Heritage Impact Assessment (HIA) in order that all heritage resources, that is, all places or objects of aesthetics, architectural, historic, scientific, social, spiritual linguistic or technological value or significance are protected. Thus any assessment should make provision for the protection of all these heritage components, including archaeology, shipwrecks, battlefields, graves, and structures older than 60 years, living heritage, historical settlements, landscapes, geological sites, palaeontological sites and objects.

GENERAL REMARKS AND CONDITIONS

It must be emphasised that this letter of recommendation for exemption of a full Phase 1 archaeological heritage impact assessment is based on the visibility of archaeological sites/material and may not therefore, reflect the true state of affairs. Sites and material may be covered by soil and vegetation and will only be located once this has been removed. In the unlikely event of such finds being uncovered, (during any phase of construction work), archaeologists must be informed immediately so that they can investigate the importance of the sites and excavate or collect material before it is destroyed (see attached list of possible archaeological sites and material). The *onus* is on the developer to ensure that this agreement is honoured in accordance with the National Heritage Act No. 25 of 1999.

APPENDIX A: brief legislative requirements

Parts of sections 35(4), 36(3) and 38(1) (8) of the National Heritage Resources Act 25 of 1999 apply:

Archaeology, palaeontology and meteorites

35 (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;*
- (d) *bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist in the detection or recovery of metals or archaeological*

and palaeontological material or objects, or use such equipment for the recovery of meteorites.

Burial grounds and graves

36. (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.*

Heritage resources management

38. (1) *Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorized 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 the site –*
 - (i) exceeding 5000m² in extent, or*
 - (ii) involving three or more 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 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 as 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.*

APPENDIX B: IDENTIFICATION OF ARCHAEOLOGICAL FEATURES AND MATERIAL FROM COASTAL AREAS: guidelines and procedures for developers

Shell middens

Shell middens can be defined as an accumulation of marine shell deposited by human agents rather than the result of marine activity. The shells are concentrated in a specific locality above the high-water mark and frequently contain stone tools, pottery, bone and occasionally also human remains. Shell middens may be of various sizes and depths, but an accumulation which exceeds 1 m² in extent, should be reported to an archaeologist.

Human Skeletal material

Human remains, whether the complete remains of an individual buried during the past, or scattered human remains resulting from disturbance of the grave, should be reported. In general the remains are buried in a flexed position on their sides, but are also found buried in a sitting position with a flat stone capping and developers are requested to be on the alert for this.

Fossil bone

Fossil bones or any other concentrations of bones, whether fossilized or not, should be reported.

Stone artefacts

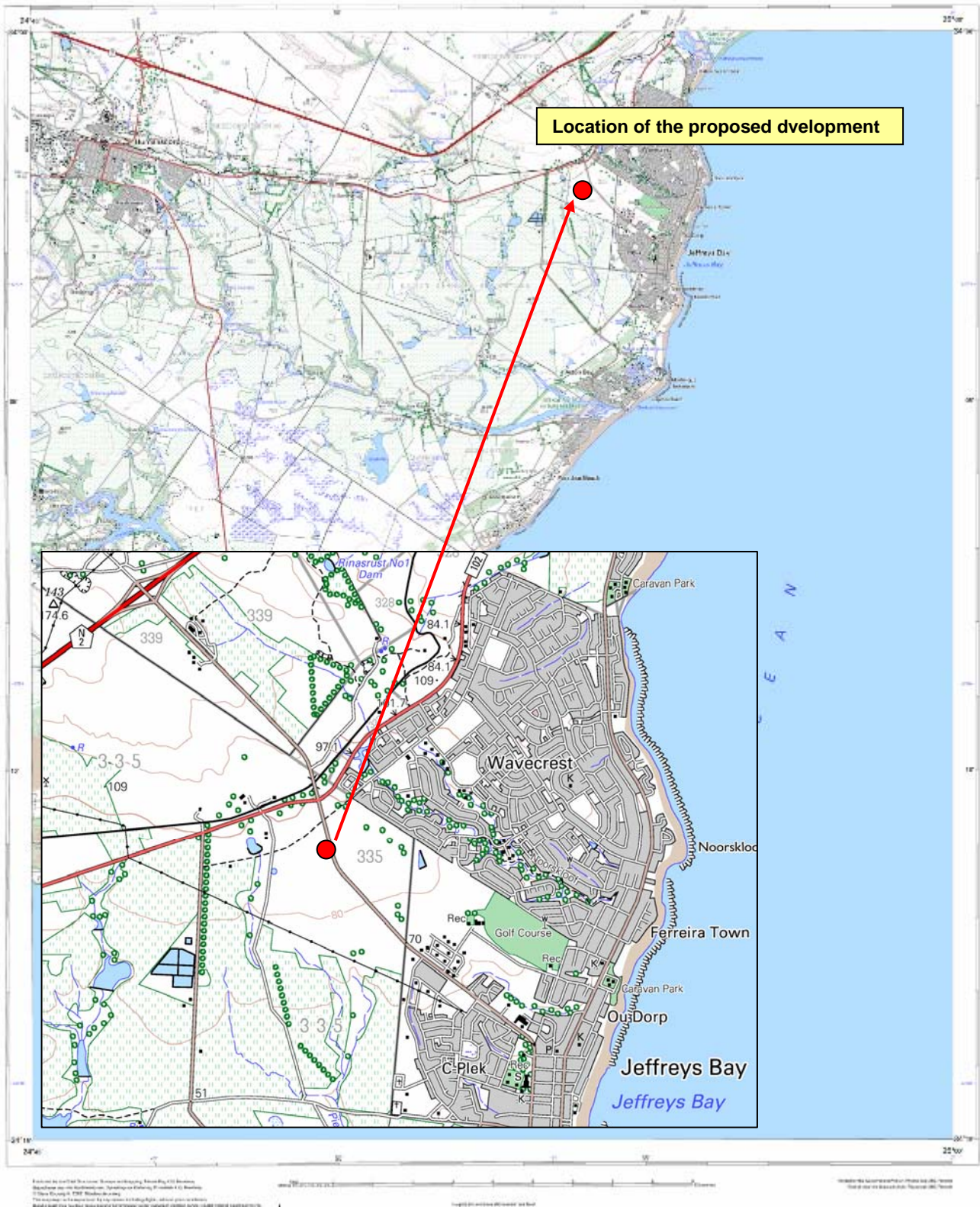
These are difficult for the layman to identify. However, large accumulations of flaked stones which do not appear to have been distributed naturally should be reported. If the stone tools are associated with bone remains, development should be halted immediately and archaeologists notified.

Stone features and platforms

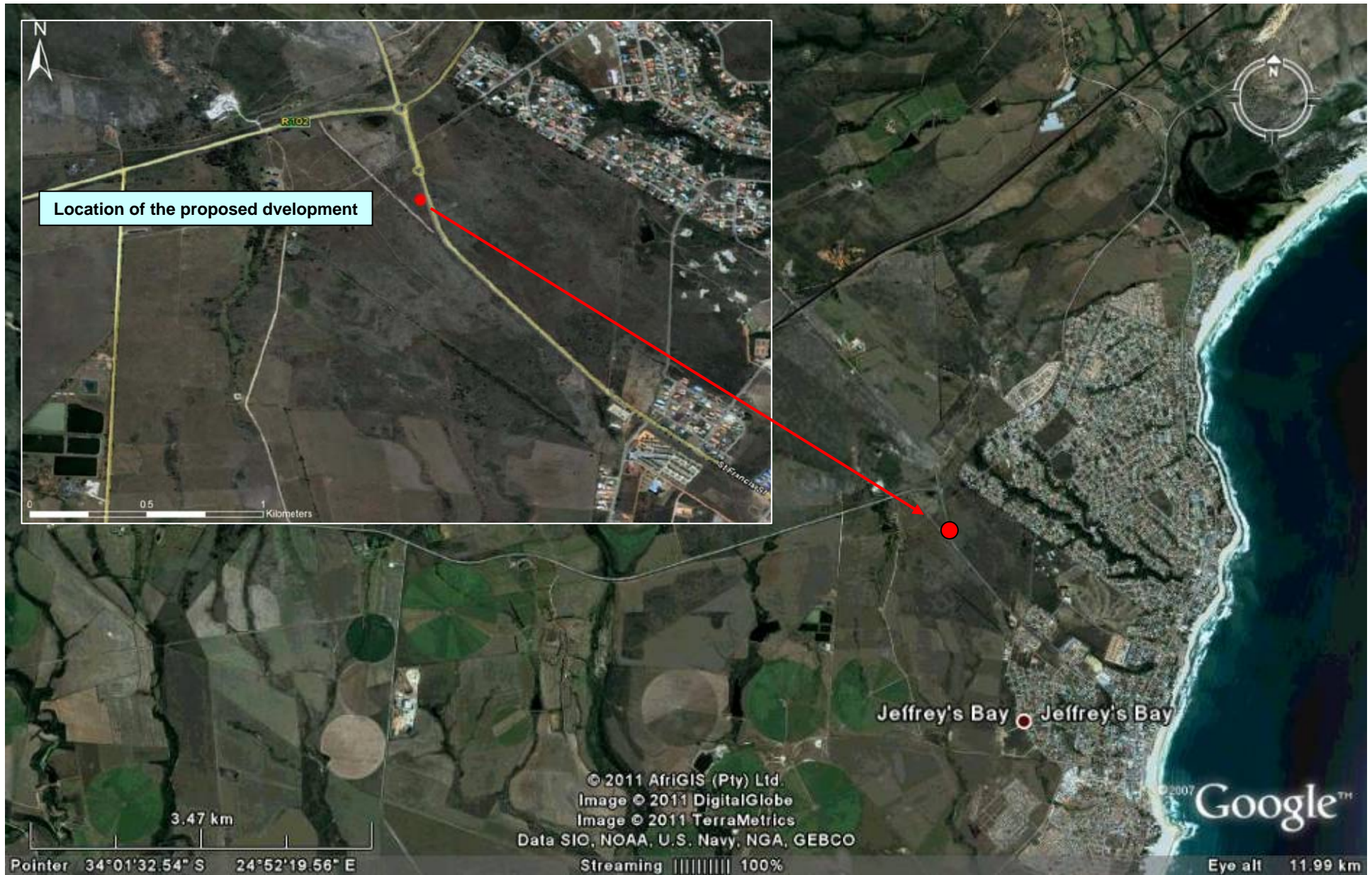
These occur in different forms and sizes, but easily identifiable. The most common are an accumulation of roughly circular fire cracked stones tightly spaced and filled in with charcoal and marine shell. They are usually 1-2 metres in diameter and may represent cooking platforms for shell fish. Others may resemble circular single row cobble stone markers. These occur in different sizes and may be the remains of wind breaks or cooking shelters.

Historical artefacts or features

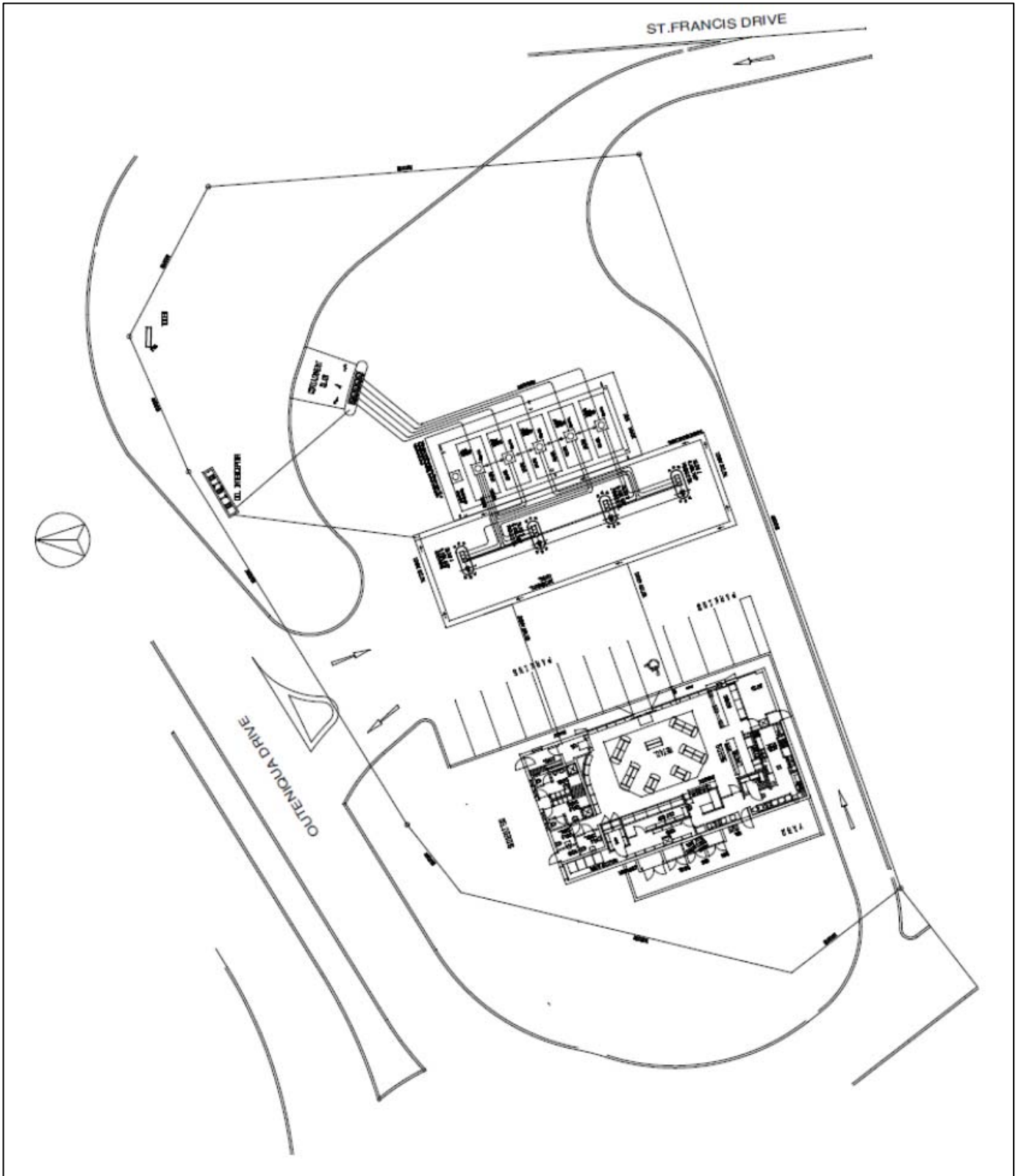
These are easy to identify and include foundations of buildings or other construction features and items from domestic and military activities.



Map 1. 1:50 000 maps indicate the location of the proposed construction of a filling station and associated infrastructure on the corner of St Francis Drive and Outiniqua Drive, Jeffreys Bay.



Map 2. Aerial photographs of the location of the proposed construction of a filling station and associated infrastructure on the corner of St. Francis Drive and Outiniqua Drive, Jeffreys Bay. (insert map courtesy of CEN).



Map 3. Site development plan (map courtesy of CEN).