

IMPORTANT HERITAGE INFORMATION

The National Heritage Resources Act (Act No. 25 of 1999, section 35(4)) states that:

(a) No person may, without a permit issued by the responsible heritage resources authority:

(b) Destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;

(c) Destroy, damage, or excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;

(d) 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

(e) 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.

In cases where material is accidentally disturbed by mining, engineering, construction or agricultural activities, the finds must be reported to a cultural institution such as a museum or university department, or the South African Heritage Resources Agency.

WHAT IMPACT DOES DEVELOPMENT HAVE?

Many archaeological sites have been and will continue to be destroyed in the course of development for housing, roads, bridges, dams and other construction work. The Environment Conservation Act (1989) and the 1997 Regulations pertaining to it, as well as the National Environmental Management Act (1988 as amended 2010) make it mandatory for impact assessments to be done by independent assessors before construction takes place. These must include assessment of the damage that may be done to cultural resources, including archaeological sites, as well as the potential impact of the development on such sites. Permits to destroy these sites are given only after an impact assessment and mitigation has been completed.

DEVELOPERS MUST THEREFORE ENSURE THAT:

- the scoping and impact assessment includes cultural resources and archaeological sites;**
- rescue of archaeological sites that will be damaged or destroyed is budgeted for in terms of both time and money; and**

- the work is done by a professional archaeologist approved by the Southern African Association of Archaeologists;
- A permit is obtained for the destruction of the site.

If this requirement is not observed the relevant heritage resources authority may serve on the owner or developer an order to cease work and may require an archaeological investigation and mitigation.

WHAT TO DO IF ARCHAEOLOGICAL SITES ARE DISCOVERED ACCIDENTALLY?

Any archaeological finds such as buried structures, stone artefacts, unmarked graves or middens that are found unexpectedly below the surface in the course of development must be reported immediately to the nearest museum or to the South African Heritage Resources Agency or to the responsible heritage authority. Depending on the nature of the find, it may be necessary to hire an archaeologist to record and rescue the finds before further damage is done. All these finds must be housed in a museum or similar public institution and may not be kept by the construction workers or local residents.

STRUCTURES OLDER THAN 60 YEARS

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. Within three months of the refusal of the provincial heritage resources authority to issue a permit, consideration must be given to the protection of the place concerned, in terms of one of the formal designations provided for in the National Heritage Resources Act. The site could be declared a national heritage site if, although forming part of the national estate, can be considered to have special qualities which make them significant within the context of a province or a region; or a local heritage site if it is worthy of conservation. The provincial heritage resources authority may, at its discretion, by notice in the Provincial Gazette, make an exemption from these requirements, as long as it is satisfied that the heritage resources have been identified and are adequately protected by having been declared a national, provincial or local heritage site. Should the provincial heritage resources authority believe it to be necessary, it may, following a three-month notice period published in the Provincial Gazette, withdraw or amend the notice which made an exemption from these requirements.

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 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 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 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 10 000 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.**

Contact - SOUTH AFRICAN HERITAGE RESOURCES AGENCY (SAHRA):

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Our Ref. Number: 9/2/044/0001
DEDEA Ref no: EC08/LN1&3/M/12-09

Ms Miriam Müller
P O Box 190
Jeffreys Bay
6330

Dear Ms Müller,

RE: Draft Basic Assessment Report: The Proposed Extension & Upgrading Of A Single Residential Dwelling – 46 Rivertide Shareblock, Portion 4 Of The Farm Osbosch No. 707, Humansdorp, Kouga Municipality, Eastern Cape

Thank you for your indication that development is to take place in this area.

While according to s. 38(1) of the National Heritage Resources Act no, 25 of 1999, an Archaeological Impact Assessment may not be requested for this development, according to s. 35 of the same Act, it is an offence to disturb any archaeological sites.

After taking into consideration the proximity of the proposed development to the coastline and acknowledging the high archaeological sensitivity of the area, SAHRA recommends that

- an archaeologist be commissioned a survey of the area in order to identify archaeological resources which may have already been disturbed before any construction activities commences;
- further recommendations regarding archaeology may be necessary after the survey has been conducted.

Many thanks for your co-operation
Yours sincerely

Pp Mrs Colette Scheermeyer
SAHRA: Archaeology, Palaeontology and Meteorites Unit
For: Chief Executive Officer

Copies: PHRA Eastern Cape Office: Mr Sello Mokhanya
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