

**Cultural heritage impact assessment for the
PROPOSED STORM WATER PIPELINE INSTALLATION, HEINRICH AVENUE,
KAREN PARK, GAUTENG**

CULTURAL HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED STORM WATER PIPELINE INSTALLATION, HEINRICH AVENUE, KAREN PARK, GAUTENG

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Declaration:

I, J.A. van Schalkwyk, declare that I do not have any financial or personal interest in the proposed development, nor its developers or any of their subsidiaries, apart from the provision of heritage assessment and management services.



J A van Schalkwyk (D Litt et Phil)
Heritage Consultant
February 2014

EXECUTIVE SUMMARY

CULTURAL HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED STORM WATER PIPELINE INSTALLATION, HEINRICH AVENUE, KAREN PARK, GAUTENG

Due to rapid urban development in the region, the necessity for the management of storm water requires the installation of a larger pipeline in the Heinrich Avenue region of Karen Park, north of Pretoria.

In accordance with Section 38 of the NHRA, an independent heritage consultant was therefore appointed by **Interdesign Landscape Architects** to conduct a Heritage Impact Assessment (HIA) to determine if any sites, features or objects of cultural heritage significance occur within the boundaries of the area where it is planned to install the storm water pipeline.

- As no heritage sites are known to occur in the study area, there would be no impact resulting from the proposed development of the pipeline.

Therefore, from a heritage point of view we recommend that the proposed development can continue, on condition of acceptance of the above mitigation measures. We request that if archaeological sites or graves are exposed during construction work, it should immediately be reported to a heritage consultant so that an investigation and evaluation of the finds can be made.



J A van Schalkwyk
Heritage Consultant
February 2014

TECHNICAL SUMMARY

| Property details | | | | | | |
|-------------------------|----------------------|-----------|-----------|----|-----------|-----------|
| Province | Gauteng | | | | | |
| Magisterial district | Wonderboom | | | | | |
| District municipality | City of Tshwane | | | | | |
| Topo-cadastral map | 2528CA | | | | | |
| Closest town | Pretoria | | | | | |
| Farm name & no. | Hartbeesthoek 312JR | | | | | |
| Coordinates | Linear (approximate) | | | | | |
| | No | Latitude | Longitude | No | Latitude | Longitude |
| | 1 | -25.67104 | 28.10831 | 2 | -25.66764 | 28.10795 |

| Development criteria in terms of Section 38(1) of the NHR Act | Yes/No |
|---|---------------|
| Construction of road, wall, power line, pipeline, canal or other linear form of development or barrier exceeding 300m in length | Yes |
| Construction of bridge or similar structure exceeding 50m in length | No |
| Development exceeding 5000 sq m | No |
| Development involving three or more existing erven or subdivisions | No |
| Development involving three or more erven or divisions that have been consolidated within past five years | No |
| Rezoning of site exceeding 10 000 sq m | No |
| Any other development category, public open space, squares, parks, recreation grounds | No |

| Development | |
|--------------------|--|
| Description | Installation of a storm water pipeline |
| Project name | Heinrich Street storm water pipeline |

| Land use | |
|-------------------|---------------------------------------|
| Previous land use | Farming (grazing/agricultural fields) |
| Current land use | Urban |

TABLE OF CONTENTS

| | Page |
|---|------|
| EXECUTIVE SUMMARY | II |
| TECHNICAL SUMMARY | III |
| TABLE OF CONTENTS | IV |
| LIST OF FIGURES..... | IV |
| GLOSSARY OF TERMS AND ABBREVIATIONS | V |
| 1. INTRODUCTION..... | 1 |
| 2. TERMS OF REFERENCE | 1 |
| 3. HERITAGE RESOURCES | 2 |
| 4. STUDY APPROACH AND METHODOLOGY | 3 |
| 5. DESCRIPTION OF THE AFFECTED ENVIRONMENT | 5 |
| 6. SITE SIGNIFICANCE AND ASSESSMENT | 9 |
| 7. CONCLUSIONS..... | 10 |
| 8. REFERENCES..... | 11 |
| APPENDIX 1: CONVENTIONS USED TO ASSESS THE SIGNIFICANCE OF HERITAGE RESOURCES | 12 |
| APPENDIX 2. RELEVANT LEGISLATION | 13 |
| APPENDIX 3. RELOCATION OF GRAVES | 14 |

LIST OF FIGURES

| | Page |
|--|------|
| Fig. 1. Track log of the field survey. | 4 |
| Fig. 2. The study area in regional context..... | 5 |
| Fig. 3. Views over different sections of the study area. | 6 |
| Fig. 4. Location of the study area (green line) regional context. | 7 |

GLOSSARY OF TERMS AND ABBREVIATIONS

TERMS

Study area: Refers to the entire study area as indicated by the client in the accompanying Fig. 1 & 2.

Stone Age: The first and longest part of human history is the Stone Age, which began with the appearance of early humans between 3-2 million years ago. Stone Age people were hunters, gatherers and scavengers who did not live in permanently settled communities. Their stone tools preserve well and are found in most places in South Africa and elsewhere.

| | |
|------------------|------------------------------------|
| Early Stone Age | 2 000 000 - 150 000 Before Present |
| Middle Stone Age | 150 000 - 30 000 BP |
| Late Stone Age | 30 000 - until c. AD 200 |

Iron Age: Period covering the last 1800 years, when new people brought a new way of life to southern Africa. They established settled villages, cultivated domestic crops such as sorghum, millet and beans, and they herded cattle as well as sheep and goats. As they produced their own iron tools, archaeologists call this the Iron Age.

| | |
|-----------------|-------------------|
| Early Iron Age | AD 200 - AD 900 |
| Middle Iron Age | AD 900 - AD 1300 |
| Late Iron Age | AD 1300 - AD 1830 |

Historical Period: Since the arrival of the white settlers - c. AD 1840 - in this part of the country

ABBREVIATIONS

| | |
|-------|---|
| ADRC | Archaeological Data Recording Centre |
| ASAPA | Association of Southern African Professional Archaeologists |
| BP | Before Present |
| CS-G | Chief Surveyor-General |
| EIA | Early Iron Age |
| ESA | Early Stone Age |
| LIA | Late Iron Age |
| LSA | Later Stone Age |
| HIA | Heritage Impact Assessment |
| MSA | Middle Stone Age |
| NASA | National Archives of South Africa |
| NHRA | National Heritage Resources Act |
| PHRA | Provincial Heritage Resources Agency |
| SAHRA | South African Heritage Resources Agency |

CULTURAL HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED STORM WATER PIPELINE INSTALLATION, HEINRICH AVENUE, KAREN PARK, GAUTENG

1. INTRODUCTION

Due to rapid urban development in the region, the necessity for the management of storm water requires the installation of a larger pipeline in the Heinrich Avenue region of Karen Park, north of Pretoria.

South Africa's heritage resources, also described as the 'national estate', comprise a wide range of sites, features, objects and beliefs. According to Section 27(18) of the National Heritage Resources Act (NHRA), Act 25 of 1999, no person may destroy, damage, deface, excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the heritage resources authority responsible for the protection of such site.

In accordance with Section 38 of the NHRA, an independent heritage consultant was therefore appointed by **Interdesign Landscape Architects** to conduct a Heritage Impact Assessment (HIA) to determine if any sites, features or objects of cultural heritage significance occur within the boundaries of the area where it is planned to install the storm water pipeline.

This HIA report forms part of the Environmental Impact Assessment (EIA) as required by the EIA Regulations in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and is intended for submission to the South African Heritage Resources Agency (SAHRA).

2. TERMS OF REFERENCE

This report does not deal with development projects outside of or even adjacent to the study area as is presented in Section 5 of this report. The same holds true for heritage sites, except in a generalised sense where it is used to create an overview of the heritage potential in the larger region.

2.1 Scope of work

The aim of this HIA, broadly speaking, is to determine if any sites, features or objects of cultural heritage significance occur within the boundaries of the area where it is planned to develop the solar farm.

The scope of work for this study consisted of:

- Conducting of a desk-top investigation of the area, in which all available literature, reports, databases and maps were studied; and
- A visit to the proposed development area.

The objectives were to

- Identify possible archaeological, cultural and historic sites within the proposed development area;
- Evaluate the potential impacts of construction, operation and maintenance of the proposed development on archaeological, cultural and historical resources;
- Recommend mitigation measures to ameliorate any negative impacts on areas of archaeological, cultural or historical importance.

2.2 Limitations

The investigation has been influenced by the following factors:

- The unpredictability of buried archaeological remains.
- This report does not consider the palaeontological potential of the site.

3. HERITAGE RESOURCES

3.1 The National Estate

The NHRA (No. 25 of 1999) defines the heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations that must be considered part of the national estate to include:

- places, buildings, structures and equipment of cultural significance;
- places to which oral traditions are attached or which are associated with living heritage;
- historical settlements and townscapes;
- landscapes and natural features of cultural significance;
- geological sites of scientific or cultural importance;
- archaeological and palaeontological sites;
- graves and burial grounds, including-
 - ancestral graves;
 - royal graves and graves of traditional leaders;
 - graves of victims of conflict;
 - graves of individuals designated by the Minister by notice in the Gazette;
 - historical graves and cemeteries; and
 - other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- sites of significance relating to the history of slavery in South Africa;
- movable objects, including-
 - objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - objects to which oral traditions are attached or which are associated with living heritage;
 - ethnographic art and objects;
 - military objects;
 - objects of decorative or fine art;
 - objects of scientific or technological interest; and
 - 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).

3.2 Cultural significance

In the NHRA, Section 2 (vi), it is stated that “cultural significance” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. This is determined in relation to a site or feature’s uniqueness, condition of preservation and research potential.

According to Section 3(3) of the NHRA, a place or object is to be considered part of the national estate if it has cultural significance or other special value because of

- its importance in the community, or pattern of South Africa's history;
- its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- 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
- sites of significance relating to the history of slavery in South Africa.

A matrix was developed whereby the above criteria were applied for the determination of the significance of each identified site (see Appendix 1). This allowed some form of control over the application of similar values for similar identified sites.

4. STUDY APPROACH AND METHODOLOGY

4.1 Extent of the Study

This survey and impact assessment covers the area as presented in Section 5 and as illustrated in Figures 2 & 4.

4.2 Methodology

4.2.1 Preliminary investigation

4.2.1.1 Survey of the literature

A survey of the relevant literature was conducted with the aim of reviewing the previous research done and determining the potential of the area. In this regard, various anthropological, archaeological, historical sources and heritage impact assessment reports were consulted – see the list of reference in Section 8 below.

- Information on events, sites and features in the larger region were obtained from these sources.

4.2.1.2 Data bases

The *Heritage Atlas Database*, the *Environmental Potential Atlas*, the *Chief Surveyor General (CS-G)* and the *National Archives of South Africa (NASA)* were consulted.

- Database surveys produced a number of sites located in the larger region of the proposed development.

4.2.1.3 Other sources

Aerial photographs and topocadastral and other maps were also studied - see the list of references below.

- Information of a very general nature was obtained from these sources.

4.2.2 Field survey

The site survey was done on 21 February 2014. The area that had to be investigated was identified by **Interdesign Landscape Architects** by means of maps. As the project is linear in nature, the survey was done by walking the entire route – see the track log of the site survey presented in Fig. 1.

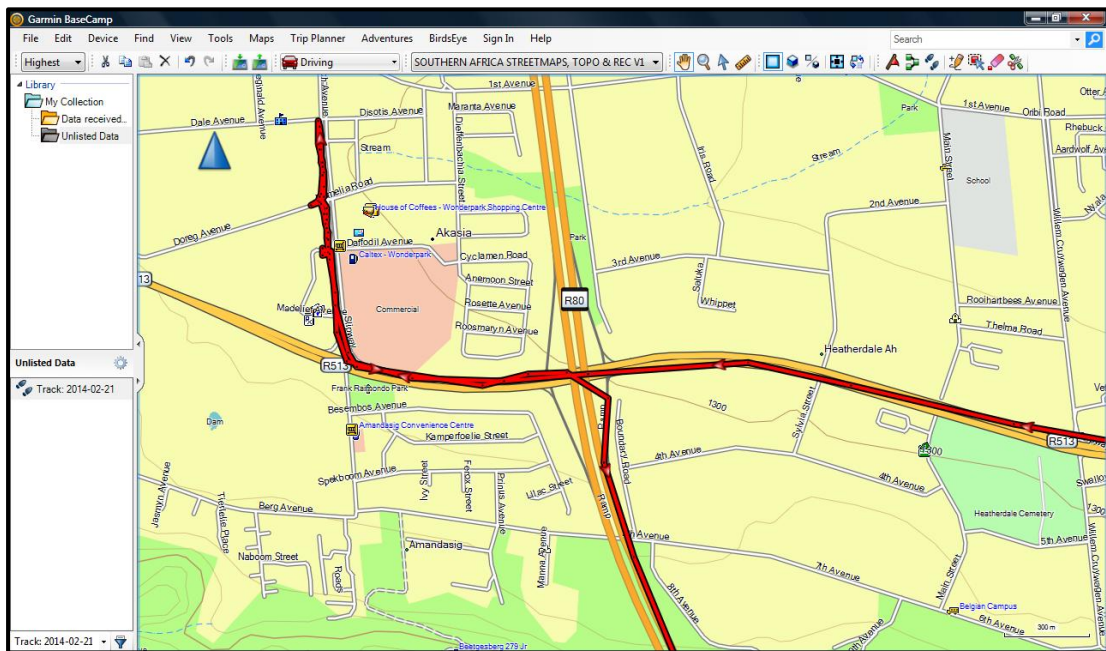


Fig. 1. Track log of the field survey.

4.2.3 Documentation

All sites, objects and structures that are identified are documented according to the general minimum standards accepted by the archaeological profession. Coordinates of individual localities are determined by means of the *Global Positioning System (GPS)* and plotted on a map. This information is added to the description in order to facilitate the identification of each locality.

The track log and identified sites were recorded by means of a Garmin Oregon 550 handheld GPS device. Photographic recording was done by means of a Canon EOS 550D digital camera.

Map datum used: Hartebeeshoek 94 (WGS84).

5. DESCRIPTION OF THE AFFECTED ENVIRONMENT

5.1 Site location and description

The study area falls within that zone usually located on the front edge of (city) urban-sprawl where the land previously used for agricultural use (only) have become subdivided into small holdings. What used to be a large single agricultural unit or farm now consists of a number of small properties. These units do not have their economic base in traditional agriculture but are sustained by a variety of land uses and economic activities with strong urban associations. This phenomenon happened in the past thirty years. Therefore most of the built fabric, date from this period. The result was that any historic farmsteads older than 60 years that may have existed have either disappeared or have been 'upgraded'.

The oldest physical remains in these areas usually are planted vegetation such as lanes and tall trees in mature gardens, cemeteries, the remains of portions of farm and farmstead walling (dry stacked stone walls erected to demarcate the boundaries of a farmstead, an orchard or cattle kraal) farm roads, weirs (in the river) and water furrows.

For more information, please see the Technical Summary presented above (p. iii).

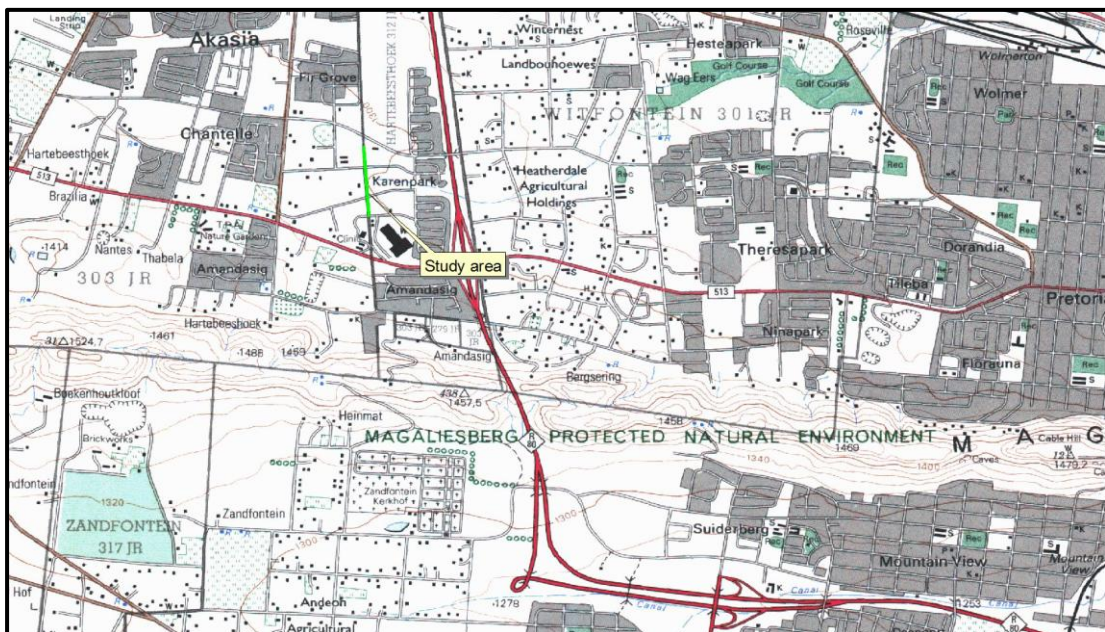


Fig. 2. The study area in regional context.
(Map 2528CA Chief Surveyor-General)

The geology is made up of shale, with arenite occurring to the west and east of the study area. The topography is described as table lands, with plains occurring to the west and east of the study area. The original vegetation is classified as Mixed Bushveld. However, in the western section of the farm this



Fig. 3. Views over different sections of the study area.

5.2 Project description

Due to rapid urban development in the region, the necessity for the management of storm water requires the installation of a larger pipeline in the Heinrich Avenue region of Karen Park, north of Pretoria.

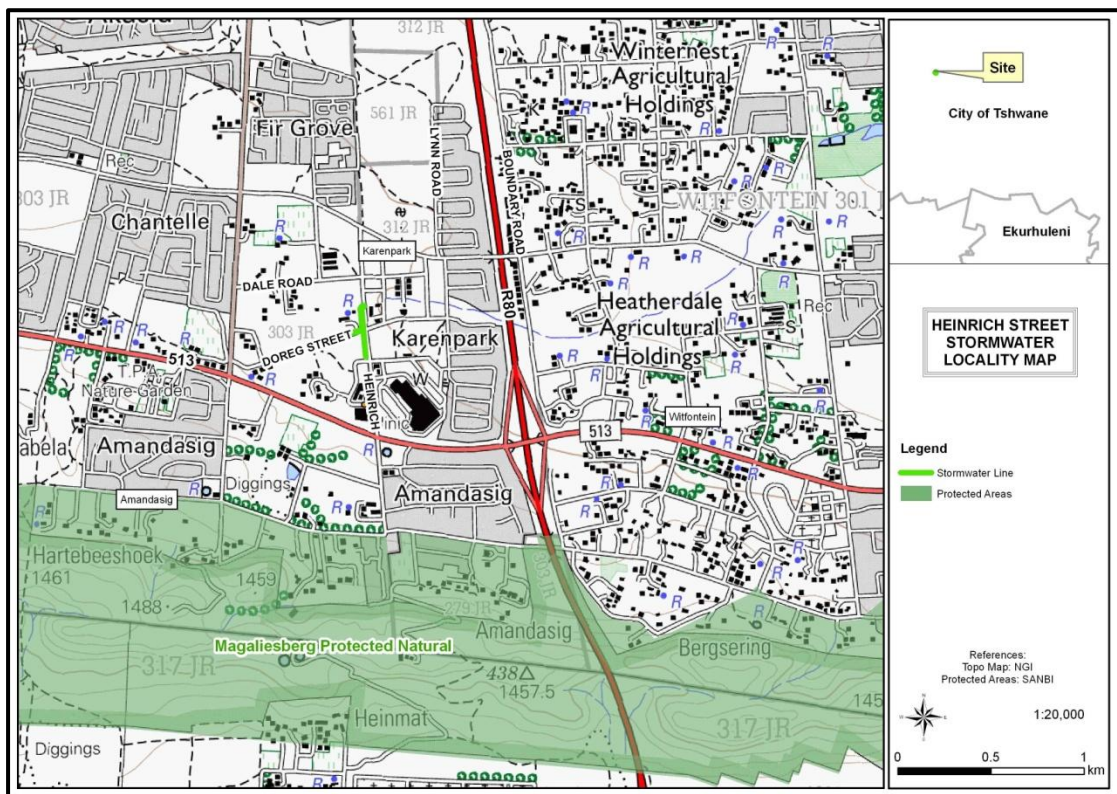


Fig. 4. Location of the study area (green line) regional context. (Map supplied by Interdesign)

5.3 Regional overview

The aim of this section is to present an overview of the history of the larger region in order to eventually determine the significance of heritage sites identified in the study area, within the context of their historic, aesthetic, scientific and social value, rarity and representivity – see Section 3.2 and Appendix 1 for more information.

The cultural landscape qualities of the region is made up of a pre-colonial element consisting of limited Stone Age and Iron Age occupation, as well as a much later colonial (farmer) component, which gave rise to an urban component.

5.3.1 Stone Age

Stone Age people occupied the larger area since earliest times. This, for example, is evidenced by the site they used to occupy in the Wonderboom neck, probably dating back as much as 200 000 years ago. Tools derived from these people’s habitation of the area are found all over, as well as in the streambed of the Apies River.

Middle and Late Stone Age people also roamed over the area, sheltering close to the river banks, with the latter group usually settling in caves and rock shelters. Similarly, stone tools dating to this period are found all over.

5.3.2 Iron Age

Iron Age occupation of the area did not start much before the 1500s. By that time, groups of Tswana and Ndebele speaking people were moving into the area, occupying the different hills and outcrops, using the ample resources such as grazing, game and metal ores.

During the early decades of the 19th century, the Tswana- and Ndebele-speakers were dislodged by the Matabele of Mzilikazi. Internal strife caused Mzilikazi, a general of King Shaka, and his followers to move away from the area between the Thukela and Mfolozi river (KwaZulu-Natal). Eventually, after a sojourn in the Sekhukhuneland area, followed by a short stay in the middle reaches of the Vaal River, they settled north of the Magaliesberg. One of three main settlements established by them, eKungwini, was on the banks of the Apies River, just north of Wonderboompoort (Carruthers 1990). However, no remains of this settlement have ever been identified.

It was during the Matabele's stay along the Apies River that the first white people entered the area: travelers and hunters such as Cornwallis Harris and Andrew Smith, traders Robert Schoon and Andrew McLuckie, and missionaries James Archbell and Robert Moffat. It is known from oral history the Robert Schoon sent Mzilikazi huge quantities of glass trade beads, rather than the guns that the latter coveted so much (Becker 1972).

5.3.3 Historic period

White settlers started to occupy huge tracts of land, claiming it as farms since the late 1840s. Of these, some of the earliest were Lucas Bronkhorst (Groenkloof), David Botha (Hartebeestpoort – Silverton) and Doors Erasmus (Wonderboom). With the establishment of Pretoria (1850) services such as roads, started to develop. An increase in population also demanded more food, which stimulated development of farming on the alluvial soils on the banks of the Apies River, close to the water.

Pretoria was established as the capital of the Transvaal Boer republic in 1855, but rapid development and expansion only started in the late 1880s following the discovery of gold on the Witwatersrand.

Construction of the Pretoria-Pietersburg railway line started in 1896 and it was completed in August 1899 when the first train entered Pietersburg Station. From its own terminus west of Pretoria station (today Bosman Street Station), the line went in a northerly direction through today's suburbs of Pretoria West, Hermanstad, Daspoort, Mountain View and Pretoria North.

5.4 Identified heritage sites

Based on the above sources and the field visit, the following heritage sites, features and objects of cultural significance were identified in the proposed development area:

5.4.1 Stone Age

- No sites, features or objects dating to the Stone Age were identified in the study area.

5.4.2 Iron Age

- No sites, features or objects dating to the Iron Age were identified in the study area.

5.4.3 Historic period

- No sites, features or objects dating to the historic period were identified in the study area.

6. SITE SIGNIFICANCE AND ASSESSMENT

6.1 Heritage assessment criteria and grading

The NHRA stipulates the assessment criteria and grading of archaeological sites. The following categories are distinguished in Section 7 of the Act:

- **Grade I:** Heritage resources with qualities so exceptional that they are of special national significance;
- **Grade II:** Heritage resources which, 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; and
- **Grade III:** Other heritage resources worthy of conservation on a local authority level.

The occurrence of sites with a Grade I significance will demand that the development activities be drastically altered in order to retain these sites in their original state. For Grade II and Grade III sites, the applicable of mitigation measures would allow the development activities to continue.

6.2 Statement of significance

In terms of Section 7 of the NHRA, all the sites currently known or which are expected to occur in the study area are evaluated to have Grade III significance.

Table 2. Summary of identified heritage resources in the study area.

| Identified heritage resources | |
|--|-----------------------------------|
| <i>Category, according to NHRA</i> | <i>Identification/Description</i> |
| Formal protections (NHRA) | |
| National heritage site (Section 27) | None |
| Provincial heritage site (Section 27) | None |
| Provisional protection (Section 29) | None |
| Place listed in heritage register (Section 30) | None |
| General protections (NHRA) | |
| structures older than 60 years (Section 34) | None |
| archaeological site or material (Section 35) | None |
| palaeontological site or material (Section 35) | None |
| graves or burial grounds (Section 36) | None |
| public monuments or memorials (Section 37) | None |
| Other | |
| Any other heritage resources (describe) | None |

6.3 Impact assessment

Based on current knowledge and understanding of the area, one can evaluate the heritage sites in the area as follows:

- As no heritage sites are known to occur in the study area, there would be no impact resulting from the proposed development of the pipeline.

7. CONCLUSIONS

The aim of the survey was to locate, identify, evaluate and document sites, objects and structures of cultural significance found within the area in which it is proposed to install a storm water pipeline.

- As no heritage sites are known to occur in the study area, there would be no impact resulting from the proposed development of the pipeline.

Therefore, from a heritage point of view we recommend that the proposed development can continue, on condition of acceptance of the above mitigation measures. We request that if archaeological sites or graves are exposed during construction work, it should immediately be reported to a heritage consultant so that an investigation and evaluation of the finds can be made.

8. REFERENCES

8.1 Data bases

Chief Surveyor General
Environmental Potential Atlas, Department of Environmental Affairs and Tourism.
Heritage Atlas Database, Pretoria.
National Archives of South Africa

8.2 Literature

Acocks, J.P.H. 1975. *Veld Types of South Africa*. Memoirs of the Botanical Survey of South Africa, No. 40. Pretoria: Botanical Research Institute.

Carruthers, V. 1990. *The Magaliesberg*. Johannesburg: Southern Book Publishers.

Holm, S.E. 1966. *Bibliography of South African Pre- and Protohistoric archaeology*. Pretoria: J.L. van Schaik.

Huffman, T.N. 2001. Archaeological Assessment of Borrow Pit 33, N4 Platinum Toll Road.

Mason, R.J. 1962. *Prehistory of the Transvaal*. Johannesburg: Witwatersrand University Press.

Van Schalkwyk, J.A. 1994. 'n Oname van kultuurhulpbronne in die Akasia-munisipale gebied. Ongepubliseerde verslag 1994KH01. Pretoria: Nasionale Kultuurhistoriese Museum.

Van Schalkwyk, J.A. 2008. *Heritage impact survey report for the planned housing development on various Portions of the farm Strydfontein 306JR, Gauteng Province*. Pretoria: Unpublished report 2008/JvS/064.

Van Vollenhoven, A. & Van den Bos, J. 1997. *'n Kultuurhulpbronstudie van die Britse blokhuisstelsel van die Tweede Anglo-Boer oorlog (1899-1902) in die voormalige Transvaal (ZAR)*. Pretoria: Raad vir Geesteswetenskaplike Navorsing.

8.3 Maps and aerial photographs

1: 50 000 Topocadastral maps: 2528CA
Google Earth

APPENDIX 1: CONVENTIONS USED TO ASSESS THE SIGNIFICANCE OF HERITAGE RESOURCES

Significance

According to the NHRA, Section 2(vi) the **significance** of heritage sites and artefacts is determined by its aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technical value in relation to the uniqueness, condition of preservation and research potential. It must be kept in mind that the various aspects are not mutually exclusive, and that the evaluation of any site is done with reference to any number of these.

Matrix used for assessing the significance of each identified site/feature

| | | | | |
|---|--------|------|--------|-----|
| 1. Historic value | | | | |
| Is it important in the community, or pattern of history | | | | |
| Does it have strong or special association with the life or work of a person, group or organisation of importance in history | | | | |
| Does it have significance relating to the history of slavery | | | | |
| 2. Aesthetic value | | | | |
| It is important in exhibiting particular aesthetic characteristics valued by a community or cultural group | | | | |
| 3. Scientific value | | | | |
| Does it have potential to yield information that will contribute to an understanding of natural or cultural heritage | | | | |
| Is it important in demonstrating a high degree of creative or technical achievement at a particular period | | | | |
| 4. Social value | | | | |
| Does it have strong or special association with a particular community or cultural group for social, cultural or spiritual reasons | | | | |
| 5. Rarity | | | | |
| Does it possess uncommon, rare or endangered aspects of natural or cultural heritage | | | | |
| 6. Representivity | | | | |
| Is it important in demonstrating the principal characteristics of a particular class of natural or cultural places or objects | | | | |
| Importance in demonstrating the principal characteristics of a range of landscapes or environments, the attributes of which identify it as being characteristic of its class | | | | |
| Importance in demonstrating the principal characteristics of human activities (including way of life, philosophy, custom, process, land-use, function, design or technique) in the environment of the nation, province, region or locality. | | | | |
| 7. Sphere of Significance | | High | Medium | Low |
| International | | | | |
| National | | | | |
| Provincial | | | | |
| Regional | | | | |
| Local | | | | |
| Specific community | | | | |
| 8. Significance rating of feature | | | | |
| 1. | Low | | | |
| 2. | Medium | | | |
| 3. | High | | | |

APPENDIX 2. RELEVANT LEGISLATION

All archaeological and palaeontological sites and meteorites are protected by the National Heritage Resources Act (Act no 25 of 1999) as stated in Section 35:

(1) Subject to the provisions of section 8, the protection of archaeological and palaeontological sites and material and meteorites is the responsibility of a provincial heritage resources authority: Provided that the protection of any wreck in the territorial waters and the maritime cultural zone shall be the responsibility of SAHRA.

(2) Subject to the provisions of subsection (8)(a), all archaeological objects, palaeontological material and meteorites are the property of the State. The responsible heritage authority must, on behalf of the State, at its discretion ensure that such objects are lodged with a museum or other public institution that has a collection policy acceptable to the heritage resources authority and may in so doing establish such terms and conditions as it sees fit for the conservation of such objects.

(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 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 terms of cemeteries and graves the following (Section 36):

(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) 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.

APPENDIX 3. RELOCATION OF GRAVES

If the graves are younger than 60 years, an undertaker can be contracted to deal with the exhumation and reburial. This will include public participation, organising cemeteries, coffins, etc. They need permits and have their own requirements that must be adhered to.

If the graves are older than 60 years old or of undetermined age, an archaeologist must be in attendance to assist with the exhumation and documentation of the graves. This is a requirement by law.

Once it has been decided to relocate particular graves, the following steps should be taken:

- Notices of the intention to relocate the graves need to be put up at the burial site for a period of 60 days. This should contain information where communities and family members can contact the developer/archaeologist/public-relations officer/undertaker. All information pertaining to the identification of the graves needs to be documented for the application of a SAHRA permit. The notices need to be in at least 3 languages, English, and two other languages. This is a requirement by law.
- Notices of the intention needs to be placed in at least two local newspapers and have the same information as the above point. This is a requirement by law.
- Local radio stations can also be used to try contact family members. This is not required by law, but is helpful in trying to contact family members.
- During this time (60 days) a suitable cemetery need to be identified close to the development area or otherwise one specified by the family of the deceased.
- An open day for family members should be arranged after the period of 60 days so that they can gather to discuss the way forward, and to sort out any problems. The developer needs to take the families requirements into account. This is a requirement by law.
- Once the 60 days has passed and all the information from the family members have been received, a permit can be requested from SAHRA. This is a requirement by law.
- Once the permit has been received, the graves may be exhumed and relocated.
- All headstones must be relocated with the graves as well as any items found in the grave.

Information needed for the SAHRA permit application

- The permit application needs to be done by an archaeologist.
- A map of the area where the graves have been located.
- A survey report of the area prepared by an archaeologist.
- All the information on the families that have identified graves.
- If graves have not been identified and there are no headstones to indicate the grave, these are then unknown graves and should be handled as if they are older than 60 years. This information also needs to be given to SAHRA.
- A letter from the landowner giving permission to the developer to exhume and relocate the graves.

- A letter from the new cemetery confirming that the graves will be reburied there.
- Details of the farm name and number, magisterial district, and GPS coordinates of the gravesite.