

**Heritage impact assessment for the
PROPOSED HOUSING DEVELOPMENT TO BE KNOWN AS CAPITAL PARK
EXTENSION 5, CITY OF TSHWANE, GAUTENG PROVINCE**

HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED HOUSING DEVELOPMENT TO BE KNOWN AS CAPITAL PARK EXTENSION 5, CITY OF TSHWANE, GAUTENG PROVINCE

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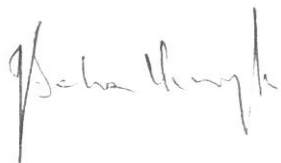
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Declaration:

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 2015

EXECUTIVE SUMMARY

HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED HOUSING DEVELOPMENT TO BE KNOWN AS CAPITAL PARK EXTENSION 5, CITY OF TSHWANE, GAUTENG PROVINCE

The Applicant intends to develop a housing estate to be known as Capital Park Extension 5, on the western edge of the existing suburb of Capital Park in Pretoria.

In accordance with Section 38 of the NHRA, an independent heritage consultant was appointed by **LEAP** 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 the development is planned. No further information regarding the development was available during the time of the survey.

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.

- As no site, features or objects of cultural significance are known to exist in the study area, there would be no impact as a result of the proposed development.

Therefore, from a heritage point of view we recommend that the proposed development can continue. We recommend 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 2015

TECHNICAL SUMMARY

Property details						
Province	Gauteng					
Magisterial district	Pretoria					
District municipality	City of Tshwane					
Topo-cadastral map	2528CD					
Closest town	Pretoria					
Farm name	Eloff Estate 320JR					
Coordinates	Centre point					
	No	Latitude	Longitude	No	Latitude	Longitude
	1	S 25.72555	E 28.17373			

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	No
Construction of bridge or similar structure exceeding 50m in length	No
Development exceeding 5000 sq m	Yes
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	Development of a housing estate
Project name	Capital Park Extension 5

Land use	
Previous land use	Agriculture
Current land use	Vacant

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GLOSSARY OF TERMS AND ABBREVIATIONS

TERMS

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

HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED HOUSING DEVELOPMENT TO BE KNOWN AS CAPITAL PARK EXTENSION 5, CITY OF TSHWANE, GAUTENG PROVINCE

1. INTRODUCTION

The Applicant intends to develop a housing estate to be known as Capital Park Extension 5, on the western edge of the existing suburb of Capital Park in 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 appointed by **LEAP** 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 the development is planned.

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 housing estate.

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; and
- 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 deal with the paleontological heritage of the region.

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 3 and 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.

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

4.2.1.2 Data bases

The *Heritage Atlas Database*, the *Environmental Potential Atlas*, the *Chief Surveyor General* and the *National Archives of South Africa* were consulted.

- Database surveys produced a number of sites located in adjacent areas.

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 area that had to be investigated was identified by **LEAP** by means of maps. The site was visited on 21 February 2015 and surveyed by walking transects across it (see Fig. 1).

The *kml* file indicating the location of the study area was loaded onto a Nexus 7 tablet. This was used, in Google Earth, during the field survey to access the areas.

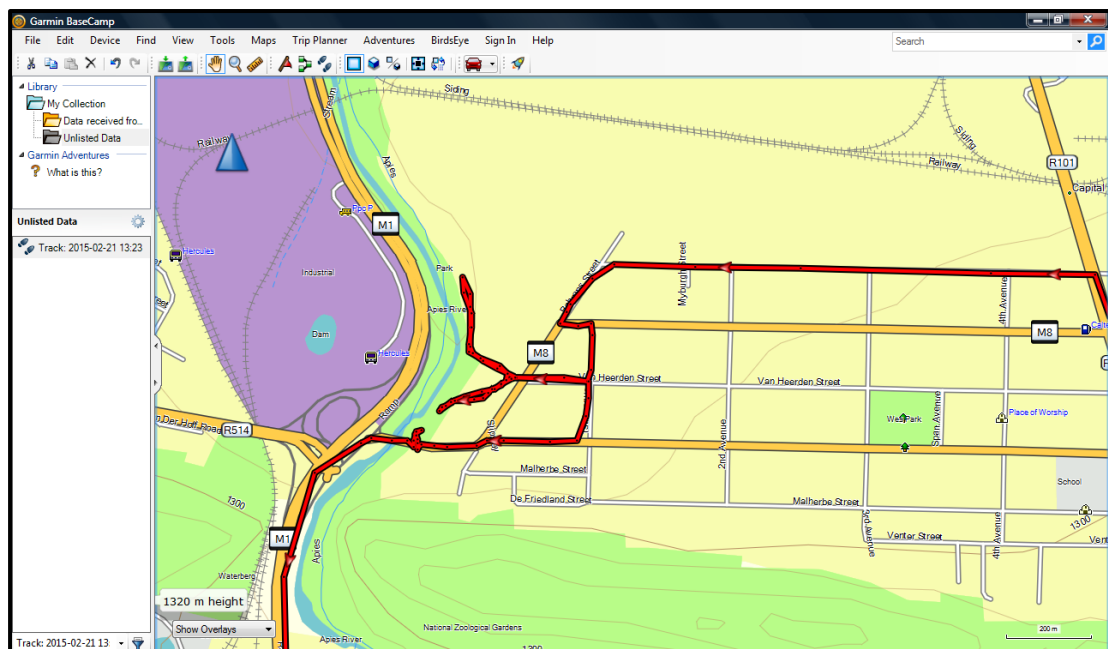


Fig. 1. Track log of the field survey.

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. PROJECT DESCRIPTION

The Applicant intends to develop a housing estate to be known as Capital Park Extension 5, on the western edge of the existing suburb of Capital Park in Pretoria. No further information regarding the development was available during the time of the survey.



Fig. 2. Location of the development.
(Map supplied by LEAP)

6. DESCRIPTION OF THE AFFECTED ENVIRONMENT

6.1 Site location and description

The study area is an irregular section of land which is located on the western edge of the suburb of Capital Park. The western boundary is formed by the Aapies River and the M1, which runs adjacent to each other (Fig. 2). For more information, please see the Technical Summary presented above.

The study area is located on the northern side of the Daspoort rand, a low ridge running from east to west on the northern side of the Pretoria central business district.

The ridge as well as the larger area is made up of quartzite. The original vegetation of the region is classified as Moist Cool Highveld Grassland. The previous land used was agricultural field, but the site has been vacant for some time now.

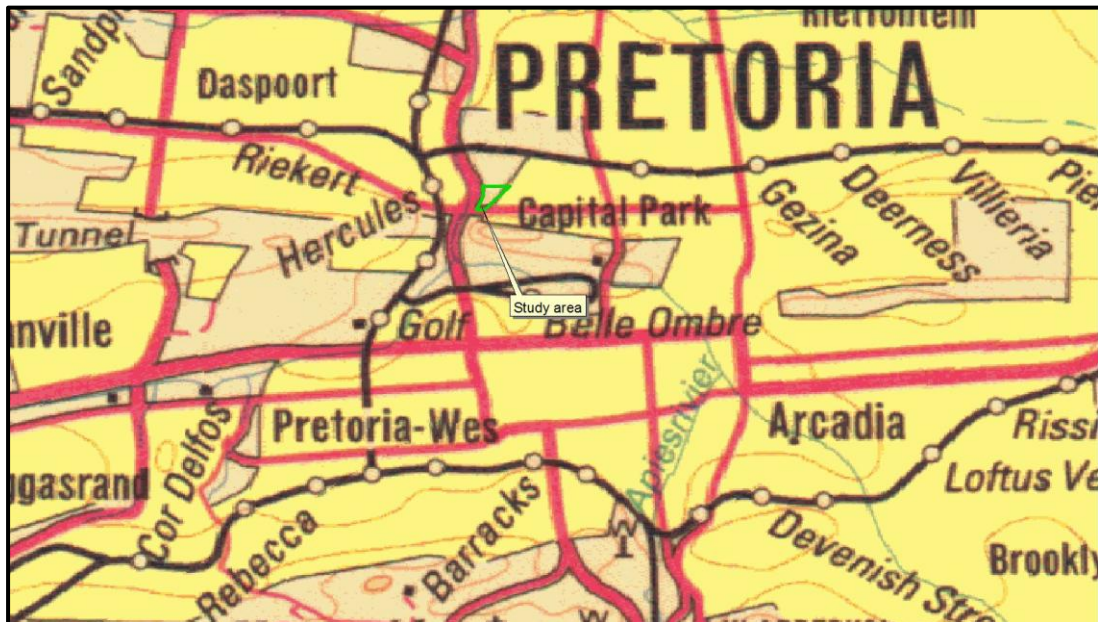


Fig. 3. Location of the study area in regional context.
(Map 2528: Chief Surveyor-General)

From the 1929 Pretoria City Map (Pfaff 1929) as well as the 1939 version of the 1:50 000 topocadastral map it can be seen that very little development existed in the region of the study area (Fig. 4 & 5). The implication is that no structures older than 60 years exist on the property.

From the aerial photograph and the site visit, it was determined that the whole area has been subjected to agricultural activities. This would have destroyed any sites, or features of cultural heritage significance that might have occurred here in the past.

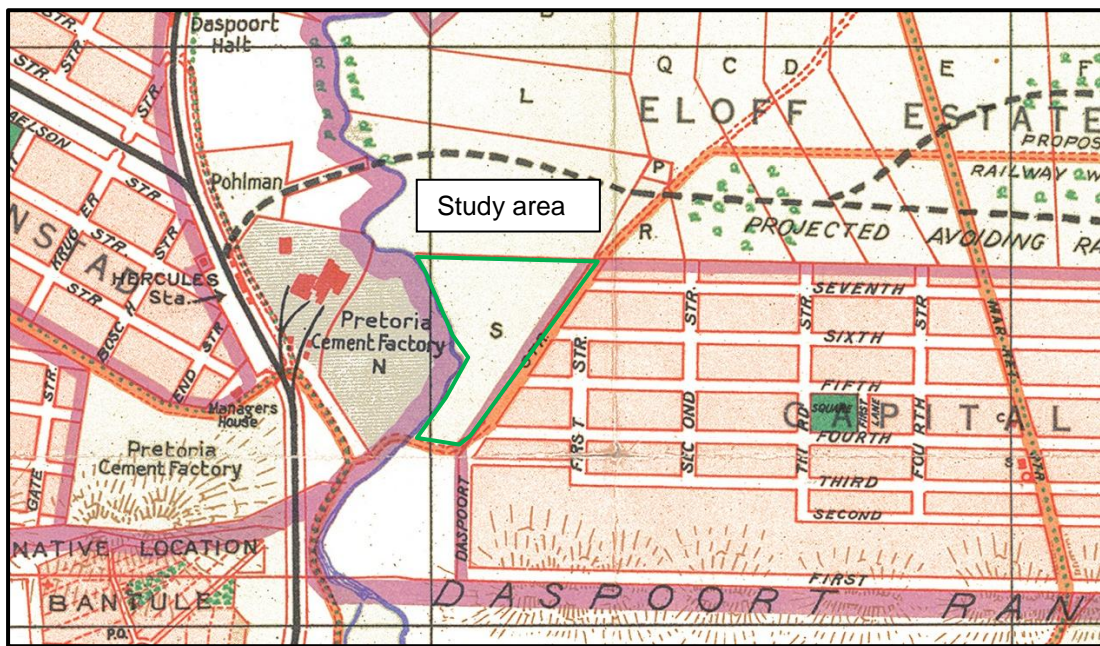


Fig. 4. The study area as indicated on the 1929 Pretoria City Map.
(Map: Pfaff 1929)

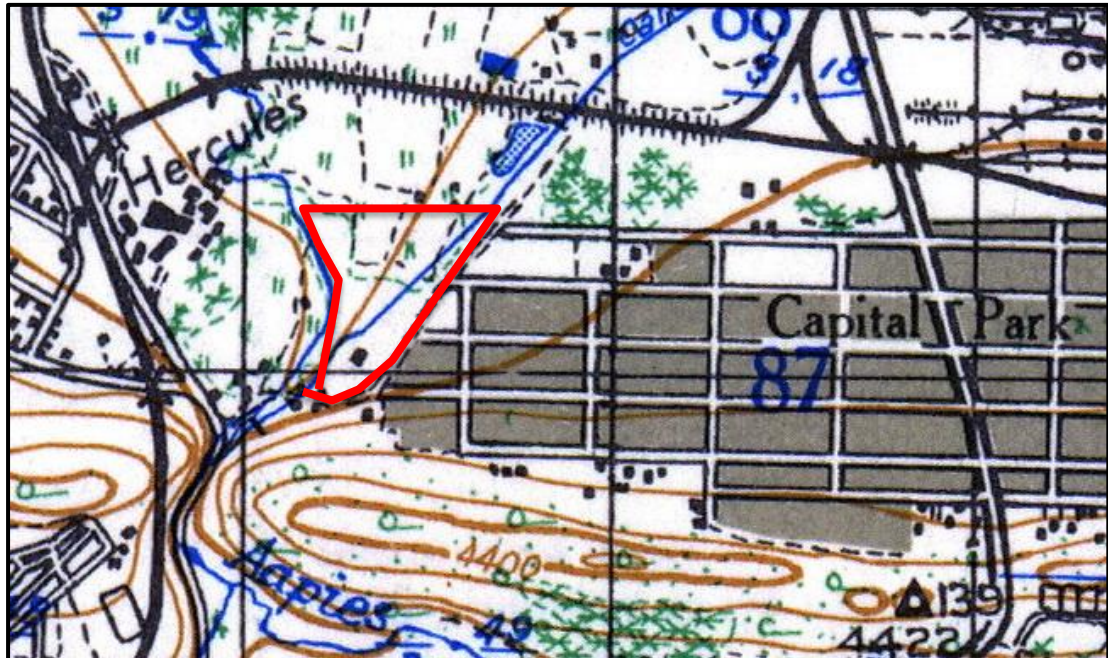


Fig. 5. The study area as indicated on the 1939 version of the 1:50 000 cadastral map.
(Map 2528CA: Chief Surveyor-General)



Fig. 6. Views over the study area.

6.3 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.

Daspoort is one of a number of natural routes giving access from south to north through the various mountain ranges running in an east-west direction. It stands to reason that these routes would have been used since ancient times. With the development of Pretoria, these routes became more formalised and over time expanded to include multiple lane roads as well as rail lines and services such as electricity power lines and water pipes. Development of this would, on the one hand, have had a big impact on existing heritage resources in the region, but, on the other hand also created heritage resources.

6.3.1 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.



Fig. 7. Examples of stone tools from the Wonderboom region.

6.3.2 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).

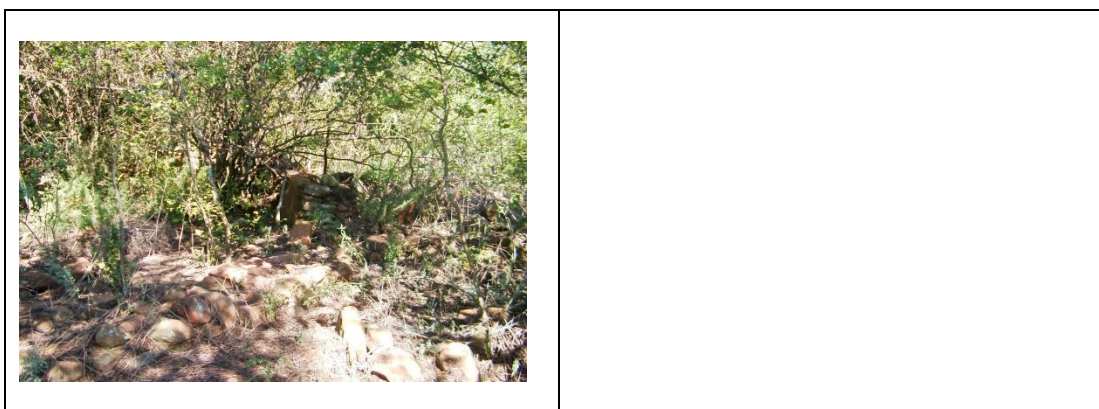


Fig. 8. Examples of Iron Age stone walling in the larger region.

6.3.3 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, Capital Park, Daspoort, Mountain View and Pretoria North.

Construction of the existing Waste Water Treatment Works was started in 1913. This meant that the Marabastad township had to be relocated more to the south. This became known as Old Marabastad, whereas new development was named New Marabastad.

The suburb of Capital Park was laid out in 1904 by a son-in-law of Pres. P Kruger and became part of Pretoria in 1914. The name refers to its proximity to the capital city of the former Transvaal, and to a large stand of *Eucalyptus* trees in the vicinity, which some people referred to as a park (Raper 2004:50).

6.4 Identified sites

The following cultural heritage resources were identified in the study area (Fig. 9):

6.4.1 Stone Age

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

6.4.2 Iron Age

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

6.4.3 Historic period

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

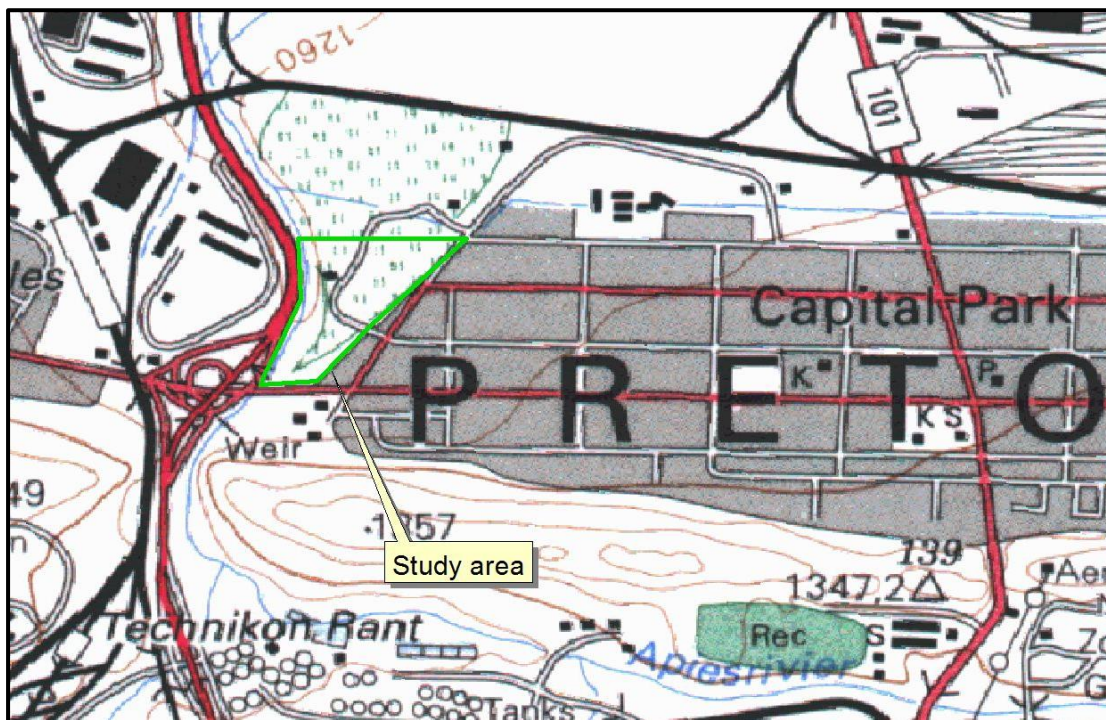


Fig. 9. The study area.
(Map 2528CA: Chief Surveyor-General)

7. SITE SIGNIFICANCE AND ASSESSMENT

7.1 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.

7.2 Statement of significance

A matrix was developed whereby the above criteria, as set out in Sections 3(3) and 7 of the NHRA, No. 25 of 1999, were applied for each identified site (see Appendix 1). This allowed some form of control over the application of similar values for similar sites. Three categories

of significance are recognized: low, medium and high. 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 a grading as identified in the table below.

Table 1. 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

7.3 Impact assessment

Impact analysis of cultural heritage resources under threat of the proposed development, are based on the present understanding of the development.

- As no site, features or objects of cultural significance are known to exist in the study area, there would be no impact as a result of the proposed development.

8. 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 the development is proposed.

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.

- As no site, features or objects of cultural significance are known to exist in the study area, there would be no impact as a result of the proposed development.

Therefore, from a heritage point of view we recommend that the proposed development can continue. We recommend 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.

9. 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

9.2 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.

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De Jong, R.C. 1995. "The need for total removal": An exploratory survey of the urbanisation of Africans in Pretoria, with particular reference on townships that disappeared during this process. *Research by the National Cultural History Museum* 4:17-80.

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Van Schalkwyk, J.A. 2012. *Heritage impact assessment for the proposed flood remedial measures at the Daspoort Waste Water Treatment Works, City of Tshwane*. Pretoria: Unpublished report.

Van Vollenhoven, A. & Van den Bos, J. 1997. 'n Kultuurhulpbronstudie van die Britse Blokhuisstelsel van die Tweede Anglo-Boere-oorlog (1899-1902) in die voormalige Transvaal (ZAR). Ongepubliseerd verslag. Pretoria: RGN.

9.3 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.