



**PHASE 1 HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED NSIKAZI NORTH
BULK WATER SCHEME UPGRADE IN NYONGANE, MPUMALANGA PROVINCE.**



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Archaeology and Heritage Services

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DECLARATION OF INDEPENDENCE

This report has been compiled by Makhosazana Mngomezulu, principal archaeologist and heritage consultant. The views expressed in this report are independent of the author and no other interest was displayed during the decision making process for the proposed 11km pipeline, Nsikazi north bulk water supply scheme upgrade starting from Sabie River Pump station passing the Nyongane water treatment works to Numbi reservoir.

SIGNATURE:



TERMINOLOGY

BP	Before Present
EIA	Early Iron Age
MIA	Middle Iron Age
LIA	Late Iron Age
ESA	Early Stone Age
MSA	Middle Stone Age
LSA	Late Stone Age
ya	years ago
Ibid	<i>Ibidem</i> , Latin word meaning same as the previous source
HIA	Heritage Impact Assessment
MPHRA	Mpumalanga Provincial Heritage Resources Authority
SAHRA	South African National Resources Agency
SAHRIS	South African Heritage Resources Information System
NHRA	National Heritage Resources Act
SAPS	South African Police Services
WTW	Water Treatment Works

DEFINITIONS

ESA dates between 2 million ya to 2 00 000 BP. Industries associated with this time period includes Oldowan, Acheulean and Fauresmith. ESA stone tools include hammer stones, flakes, cores, handaxes and cleavers (Pelser 2009).

MSA dates between 2 00 000 and 25 000 to 20 000 BP, this varies with location. Industries associated with this time period includes the Howieson's Poort. The stone tools which characterise this period include scrapers, blades, points and flake.

LSA which dates between 25 000 and 20 000 to 2 000 BP. Stone tools of this period are characterised by their small size; this includes backed knives and borers (Pelser 2009).

EIA dates to AD 200 – 900 (Huffman 2007).

MIA dates to AD 900 – 1300 (ibid).

LIA dates to AD 1300 – 1840 (ibid).

EXECUTIVE SUMMARY

Mbombela Local Municipality and Rand Water is proposing construction of the 11km pipeline, Nsikazi north bulk water supply scheme upgrade starting from Sabie River Pump station, passing the Nyongane water treatment works to Numbi reservoir as part of the Nsikazi North bulk Water Scheme Upgrade (see figure 1 and 2).

According to Section 38 of the National Heritage Resources Act (Act 25 of 1999) “(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...” (see Appendix A for Section 38 of the Act), should conduct a Phase 1 Heritage Impact Assessment. This is to determine if there are any heritage resources within the route of the proposed pipeline and how they will be impacted. If any resources are found, mitigation measures and recommendations for the protection of such resources needs to be provided. The report will be submitted to the Mpumalanga Provincial Heritage Resources Authority for comments and for a decision as per the National Heritage Resources Act (Act No 25 of 1999).

Upon completion of the physical survey, it was determined that no heritage resources would be impacted within the route of the proposed 11km pipeline, Nsikazi north bulk water supply scheme upgrade.

Recommendation

- During the construction phase, the contractor should keep within the proposed servitude of the previously installed pipeline to avoid impacting on any heritage resources that may be found within that vicinity.
- The contractor should induct all employees on the importance of heritage sites and resources that they should not be impacted in any way. This is in case any heritage resources are found during the construction phase that could not be found during the physical survey;
- Should any heritage resources be found on site during the excavation, be it archaeological artifacts such as stone tools and pottery; graves and structures; the contractor should cease construction immediately and contact the Mbombela Local Municipality and Rand Water. A heritage expert should be called to site to assess the

significance of the archaeological artifacts, the impacts of the proposed activities on the artifacts and provide mitigation measures.

- The possibility of uncovering unearthed burial grounds and graves during excavation should not be ruled out. Should potential human remains be found on site, the contractor should cease construction immediately and the South African Police Service, Mbombela Local Municipality and Rand Water should also be contacted.

Conclusion

During the physical survey conducted on the 07 August 2015, there were no Heritage resources identified on the pipeline route and it was assumed that no heritage resources will be found on site and such is based on the background of the study area,. The assumptions were proven correct by the physical survey conducted; the site is severely disturbed with developments and the previous construction of the existing pipelines.

It is concluded based on the findings of the survey that the construction may proceed and The final report will be submitted to MPHRA through the South African Heritage Resources Information System (SAHRIS) for review and decision, and based on the findings we recommend that MPHRA grant Mbombela Local Municipality and Rand Water the approval to proceed with the proposed pipeline construction project in terms of the Heritage Resources Act (Act No.25 of 1999).

Project Structure

Introduction	<ul style="list-style-type: none">• Report background• Methodology• Assumptions & limitations
Project locality	<ul style="list-style-type: none">• Location (include mapping)• Images of the receiving area• Heritage Background
Findings	<ul style="list-style-type: none">• Types of findings (if any)• Level of significance• Potential impacts
Discussion	<ul style="list-style-type: none">• Evaluation of findings in relation of the historical background of the study area
Recommendations & conclusion	<ul style="list-style-type: none">• Mitigation measures

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1. INTRODUCTION

Vungandze Projects was appointed by Enpact Environmental Consultants to conduct a Phase 1 heritage impact study on the proposed Mbombela Local Municipality and Rand Water construction of the 11km pipeline, Nsikazi north bulk water supply scheme upgrade starting from Sabie River Pump station, passing the Nyongane water treatment works to Numbi reservoir.

The project entails construction of a 3km section pipeline from the Sabie River Pump station to the Nyongane Water Treatment Works (WTW) in the Nyongane Township, adjacent west of the existing line. Furthermore, an 8km section will start from Nyongane WTW to the existing Numbi reservoir where the new reservoir will be constructed.

The pipeline will traverse from the WTW across to the east of the D2965 Nyongane road to join up with the existing pipeline's alignment further south and will then run east of existing line.

According to Section 38 of the National Heritage Resources Act (Act 25 of 1999) "(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..." (see Appendix A for Section 38 of the legislation), should conduct a Phase 1 Heritage Impact Assessment. This is to determine if there are any heritage resources within the route of the proposed pipeline and how they will be impacted. If any resources are found, mitigation measures and recommendations for the protection of such resources needs to be provided.

2. TERMS OF REFERENCE (TOR)

The approach used for this report was:

- To undertake a Phase 1 HIA in accordance with the National Heritage Resources Act, 1999 (Act no. 25 of 1999);
- To identify and map all heritage resources (if any) in the affected area and its surroundings, as defined in Section 3 of the National Heritage Resources Act (Act No. 25 of 1999), including archaeological sites on or close (within 100m) to the proposed pipeline;
- To assess the significance of any identified resources in terms of the heritage assessment criteria as set out in the SAHRA regulations;
- To provide mitigation measures to safeguard heritage resources; and
- To comply with specific requirements and guidelines of the Mpumalanga Provincial Heritage Resources Authority and that of Mbombela Local Municipality and Rand Water.

3. METHODOLOGY

The physical survey was conducted and completed on 07 August 2015 with representatives from the contractors Engineers and Rand Water. The pipeline route was followed and assessed. This report was prepared according to the National Heritage Resources Act (Act No 25 of 1999). Background research of the study area was conducted using literature such as books, journals, previously conducted Heritage Impact Assessments (HIAs) on the study area and the internet before and after the site visit. The purpose of the research prior to the physical survey was to acquire information to what to expect in the study area, and the site visit itself was completed to identify heritage resources that may be impacted on due to the proposed development.

Heritage resource means any place or object of cultural significance (NHRA No. 25 of 1999). The National Heritage Resources Act 1999 (Act No. 25 of 1999) was used as a source of reference to identify what is known as a heritage resource (see Appendix A for list of heritage resources).

The survey was conducted on foot and driving in order to locate any heritage resources within the proposed route. The following table from SAHRA Regulations will be used to grade the significance of the heritage resources found.

Table 1: Site significance rating according to SAHRA.

FIELD RATING	GRADE	SIGNIFICANCE	RECOMMENDED MITIGATION
National Significance (NS)	Grade 1	-	Conservation; National Site nomination
Provincial Significance (PS)	Grade 2	-	Conservation; Provincial Site nomination
Local Significance (LS)	Grade 3A	High Significance	Conservation; Mitigation not advised
Local Significance (LS)	Grade 3B	High Significance	Mitigation (Part of site should be retained)

FIELD RATING	GRADE	SIGNIFICANCE	RECOMMENDED MITIGATION
Generally Protected A (GP.A)	-	High / Medium Significance	Mitigation before destruction
Generally Protected B (GP.B)	-	Medium Significance	Recording before destruction
Generally Protected C (GP.A)	-	Low Significance	Destruction

3.1 Assumptions

It is assumed that the study area will yield no potential of heritage resources based on the fact that it is within a built up area and the site has been previously disturbed by the existing pipeline.

3.2 Limitations

There were no limitations during the physical survey.

4. LOCALITY AREA

The proposed pipeline is located within Nyongane Township, Mbombela Local Municipality in the Mpumalanga Province Starting from the Sabie River Pumping station to Nyongane Water Treatment Works, then from the treatment works to Numbi reservoir traversing through the residence of Nyongane (see figure 1 & 2).



Figure 1: Locality map of the proposed pipeline.

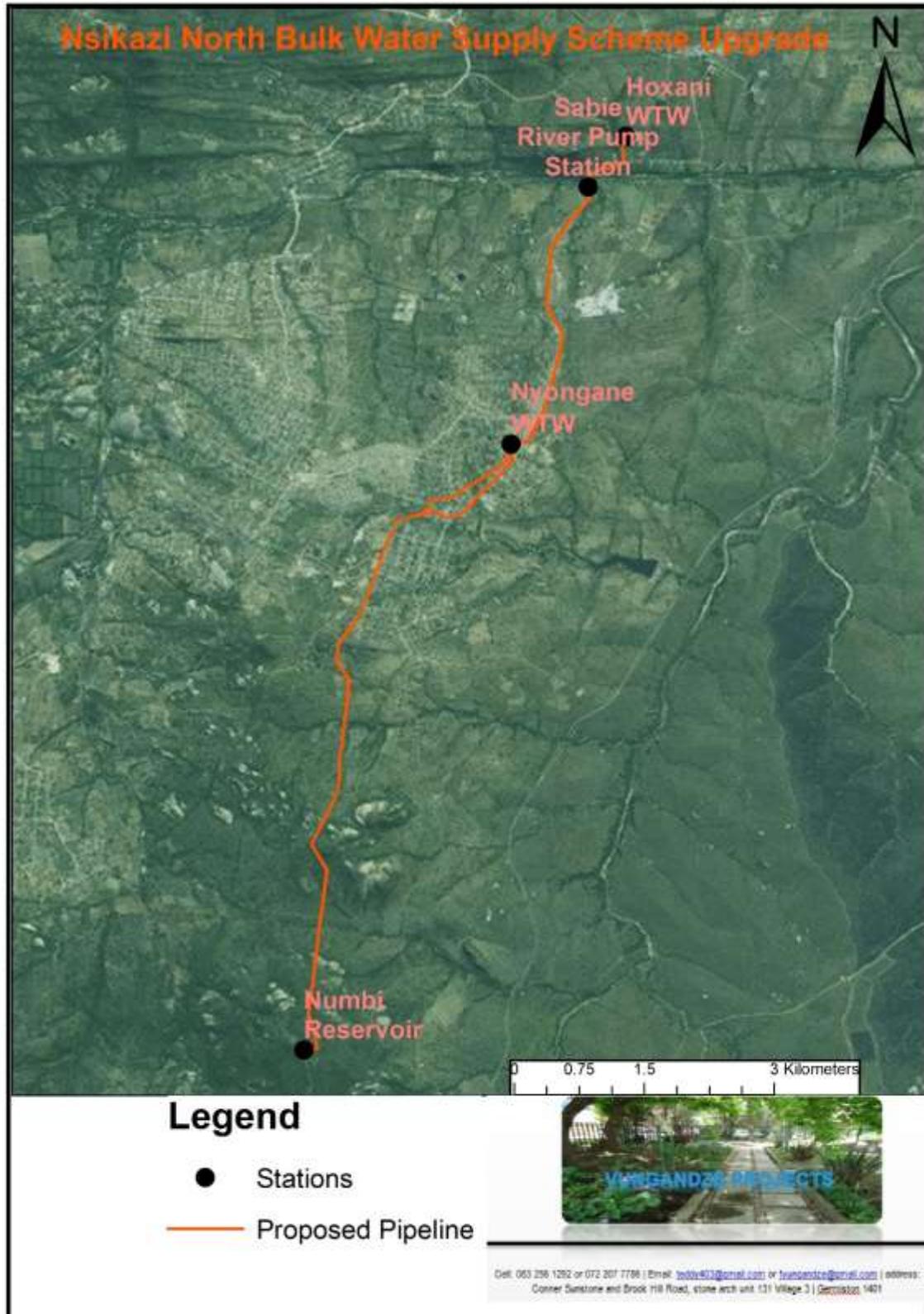


Figure 2: Aerial view of the proposed pipeline

5. HISTORICAL BACKGROUND OF THE STUDY AREA

History of human activity in South Africa, as in all parts of the world, dates back to millions of years old. It is important to elaborate as far back in time to enable the reader to understand what is meant by archaeological material and why is it declared a heritage resource. Archaeological materials are divided into two periods, the Stone Age and the Iron Age. Late Iron Age marks the transition between prehistory and history, a period of colonial era until recent.

Mpumalanga meaning place of the rising sun in Nguni was the name given to the new province in Eastern Transvaal in 1993. The heritage found in the province include amongst others natural heritage such as Bourke's Luck potholes, God's window and the Sodwala caves. The cultural heritage includes San rock paintings, Bokoni rock engravings and stonewalling remains in the Lydenburg area, Ndebele wall paintings, and the old mining town, Pilgrim's Rest an area where Alec Wheelbarrow Patterson discovered alluvial gold in 1873. The areas under study are situated east of the Mpumalanga Province.

5.1 Stone Age

The Stone Age is a time period that dates between 2 million years ago (ya) to 2000 ya. Due to the vast character found within stone tools of this period, it was then divided into three phases; Early Stone Age (ESA), Middle Stone Age (MSA) and the Late Stone Age (LSA). ESA dates between 2 million ya and 2 00 000 Before Present (BP). Industries associated with this time period includes Oldowan, Acheulean and Fauresmith. ESA stone tools include hammer stones, flakes, cores, handaxes and cleavers (Pelser 2009). The more refined stone tools appeared during the MSA. MSA dates between 2 00 000 and 25 000 to 20 000 BP, this varies with location. Industries associated with this time period includes the Howieson's Poort. The stone tools which characterise this period include scrapers, blades, points and flake. Lastly is the LSA which dates between 25 000 and 20 000 to 2 000 BP. Stone tools of this period are characterised by their small size; this includes backed knives and borers (Pelser 2009).

Based on the previous studies, there little known about Stone Age sites in the Mpumalanga province. This may be due to a lack of research on the subject or it is a matter of less occupation by hominids of this period in this area.

5.2 Iron Age

According to Huffman (2007) Iron Age marks the early evidence of farming community in southern Africa. Animal husbandry, crop farming, pottery and metal working were introduced which in due time liberated hunter gatherers to change their way of life which is less mobile (Carruthers 1990). Due to vast technological discrepancies and settlement pattern within this period, it was divided into three. The Early Iron Age (EIA) dates to AD 200 – 900, Middle Iron Age (MIA) dates to AD 900 – 1300, and the Late Iron Age (LIA) dates to AD 1300 – 1840 (Huffman 2007).

Mpumalanga consists of a number of sites recorded dating to the period of Iron Age. These sites are mostly spread across the middleveld region in Mpumalanga. This region is known as the Bokoni region. The origins of the Koni whether they are Zulu or Pedi related remains a huge debate between historians and archaeologists; the cause being, the evidence between the two disciplines contradict each other. However, for the sake of this report we are not going to dwell much on history of the Bokoni for it is irrelevant in this case, although what is important or forms part of this report's discussion are the findings within this region.

This area stretches from Orighstad in the north to Carolina in the south, and Komati in the east. Materials associated with this region include the highly visible terraces and stonewalling, rock art engravings and paintings, pottery, hoes, giant bored stones and beads. It all began with the type of raw material found within the area. Post sixteenth century marks the paradigm shift of using timber as a building material to a common use stones, as black farming communities expanded from the lower altitude bushvelds to higher altitude grasslands (Delius, Maggs & Schoeman 2014). The reason behind the shift and material found is:

“Most of the farming communities who lived in the bushveld relied on timber for the building of their houses, stock pens, courtyards and granaries but the shortage of trees in the grasslands meant that the other raw materials had to be found to replace timber as a building material to a greater or lesser extent, and the main material that was substituted for timber was stone. In all the grassland areas stone became an important building material, particularly for cattle pens, but sometimes also for courtyards, surrounding walls and even for houses. It was in Bokoni and the Mpumalanga escarpment that the use of stone as a building material became much more extensive than anywhere else in South Africa” (Delius *et al* 2014).

More evidence of these stonewall settlements are found in the drainage basin of the Steelpoort,

Sabi, Crocodile and Komati rivers (Mason 1968; Evers 1973, as cited in Swanepoel, Esterhuysen & Bonner 2008). When farming communities arrived in this region they found that it has been previously occupied or they may have had contact with the occupants, and these were hunter-gatherers. Their evidence of occupation is seen in shelters and open-air sites. Such evidence includes rock art paintings such as those found in Carolina and Waterval-Boven, stone tools and pottery.

Hoes are other common materials found in association with this period in this region. Hoe is an iron made tool inserted in a wooden handle with a hole. Initially it was used mainly for agricultural production. However in this area mostly that were found were unworn or not yet in use. According to research, it is thought that it was used for *ilobolo* whereby there would be carefully stored underground for future use in marriage contrasts (Delius *et al* 2014).

The other common material though to have played a role in this region during this time period and even in the present, is the giant bored stone. A bore stone is round with a hole in the middle to make space for a wooded handle. Their purpose are mainly to give weight to the stick when digging undergrounds foods like bulbs; a very common tool for hunter-gatherers. This one however found in this region was rather unusual with an enormous size as compared to the well-known hunter-gatherer bored stone. According to Delius *et al* (2014), some stones have been recorded as coming from the terraces themselves, while many others are least linked to farms where terraces occur. This means their purposes is rather different from the small ones hunter-gatherers use or they may have served the same purpose just on a bigger scale, because remember, the hunter-gatherers lived a nomadic way of life thus they could not afford to carry around such a heavy tool.

6. FINDINGS

No heritage resources were found on the proposed route of the pipeline. The two buildings found at the Sabie River WTW were not older than 60 years old. The area was rocky, which limits any chances that there could be burial grounds and graves. Along the pipeline route from Sabie River WTW to Numbi Reservoir there are small excavations every 50m to locate the existing pipeline. Again, there was an excavation next the pump station, debris were check and had no possible heritage material.

Two pipelines already exist and were noted during the survey. According to Engineer's knowledge one pipe was constructed in 1985 and another in 2006. The proposed pipeline will run parallel to the one constructed in 2006. It then traverses through Nyongane residential area, cut across a stream to the top of the ridge where the Numbi reservoir is located. Also noted was Numbi reservoir is located approximately 2km from the border of the Kruger National Park

Furthermore, there was nothing along the pipeline route that had any significance or value in relation to the history of Nyongane or Hazyview. The site is severely disturbed with the development of residential area, roads, and construction of the existing pipeline (s).

Note: All images will be uploaded on SAHRIS together with the report.

6.1 Potential findings

No findings are anticipated on site since the proposed pipeline runs parallel to the existing pipeline(s); this means that the study area has been previously disturbed.

7. SITE SIGNIFICANCE

The level of significance of the site and the cultural resources varies between social, historical, spiritual, scientific and aesthetic value.

Social value is when a place has become a focus of spiritual, political, national, or other cultural sentiments to a majority or minority group. This may be because the site is accessible and well known, rather than particularly well preserved or scientifically important (SAHRA Regulations). The study area appears to have no social value. There was also no physical evidence of religious

activities such as well-used areas where people worship; white-washed stones that designate areas of worship, etc.

Historical value refers to areas where historical events took place, and such events have high significance either locally, regionally, provincially or nationally. The area showed no historical significance where the proposed pipeline will traverse.

Scientific value refers to the importance of the study area for research purposes. The study area seemed to have no scientific value.

Aesthetic value refers to the unique beauty of the site. The study area showed no structures of aesthetic value.

Based on the above conclusions, the site yield no heritage significance or value, therefore no heritage resources will be impacted by the proposed pipeline.

8. DISCUSSION

The research and physical survey conducted proved that the study area yield no heritage resources. The disturbance noted on site eliminates the chance of finding any heritage resources. Although this is the case, the chance of finding any material that is of heritage significance during the excavation may not be ruled out.

The Bokoni region may be situated more than 100 km from the study area; however, according to Mason (1986) and Evers (1973) findings, the stonewallings may be closer than anticipated especially having noted during the physical survey that the area is very rocky, which was the prime material of these structures. Evidence show that Sabie River was amongst the rivers whose drainage basin was occupied post sixteenth century. The source did not provide the coordinates of where exactly in the Sabir river were these stonewalls found. This means it could be anywhere along the Sabie River including the areas next to the starting point of this project, Sabie River pump station. Again, thought it was not seen during the physical survey it does not necessarily mean it is not there; it may have possibly been covered by soil or the river itself.

Materials such as pottery, giant bored stone and hoe which are known to be associated with this type of settlement, should also be looked on. Hence it is advisable that should the contractor

come across any uncertainty, Mbombela Local Municipality and Rand Water should be notified and an archaeologist should be appointed to rectify the findings.

9. RECOMMENDATIONS

No heritage resources were found within the proposed pipeline route. As such, the following mitigation measures are proposed:

- During the construction phase, the contractor should keep within the proposed servitude to avoid impacting on any heritage resources that may be found within the vicinity.
- The contractor should induct employees on the importance of heritage sites and that they should not be impacted in any way. This is in case any heritage resources are found during the construction phase that could not be found during the physical survey;
- Should any heritage resources be found on site in areas that could not be accessed, be it archaeological artifacts such as stone tools and pottery; graves and structures; the contractor should cease construction immediately and contact Mbombela Local Municipality and Rand Water. A heritage expert should be called on site to assess the significance, the impacts and provide mitigation measures.
- The possibility of uncovering unearthed burial grounds and graves during excavation should not be ruled out. Should potential human remains be found on site, the contractor should cease construction immediately and the South African Police Service, Mbombela Local Municipality and Rand Water should also be contacted.

10. CONCLUSION

It was assumed that no heritage resources will be found based on the background of the study area, and the assumptions were proven correct by the physical survey conducted; the site is severely disturbed with developments and previous construction of the existing pipelines.

It is concluded based on the findings of the survey that the construction may proceed. The final report will be submitted to MPHRA through the South African Heritage Resources Information System (SAHRIS) for review, and based on the findings we recommend that MPHRA grant Rand Water the approval to proceed with the proposed construction of the 11km Nyongane pipeline in terms of the Heritage Resources Act (Act No.25 of 1999).

11. REFERENCES

Delius, P; Maggs, T. & Schoeman, A. 2014. *Forgotten World: The stone walled settlements of the Mpumalanga escarpment*. Wits University Press. South Africa

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APPENDIX A – LIST OF LEGISLATION APPLICABLE TO THE SITE

12. LEGISLATION

National Heritage Resources Act 25 of 1999

12.1 Section 3 of the NHRA 25 of 1999

According to Section 3 under National Estate of the National Heritage Act 25 of 1999 the heritage resources in South Africa includes the following:

“(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 paleontological 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).
- (3) Without limiting the generality of subsections (1) and (2), a place or object is to be considered part of the national estate if it has cultural significance or other special value because of –
- (a) its importance in the community, or pattern of South Africa's history;
 - (b) its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
 - (c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
 - (d) its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
 - (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
 - (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period;
 - (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
 - (h) 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
 - (i) sites of significance relating to the history of slavery in South Africa".

12.2 Section 38 of NHRA 25 of 1999

According to Section 38 under Heritage resources management of the National Heritage Act 25 of 1999 the heritage resources in South Africa should be managed in the following:

“(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.

(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 (2)(a): Provided that the following must be included:

(a) The identification and mapping of all heritage resources in the area affected;

(b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;

(c) an assessment of the impact of the development on such heritage resources;

- (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- (e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- (f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- (g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

(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.

(5) A provincial heritage resources authority shall not make any decision under subsection (4) with respect to any development which impacts on a heritage resource protected at national level unless it has consulted SAHRA.

(6) The applicant may appeal against the decision of the provincial heritage resources authority to the MEC, who—

- (a) must consider the views of both parties; and
- (b) may at his or her discretion—
 - (i) appoint a committee to undertake an independent review of the impact assessment report and the decision of the responsible heritage authority; and
 - (ii) consult SAHRA; and
- (c) must uphold, amend or overturn such decision.

(7) The provisions of this section do not apply to a development described in subsection (1) affecting any heritage resource formally protected by SAHRA unless the authority concerned decides otherwise.

(8) The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), or the integrated environmental management guidelines issued by the Department of Environment Affairs and Tourism, or the Minerals Act, 1991 (Act No. 50 of 1991), or any other legislation: Provided that the consenting authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the consent.

(9) The provincial heritage resources authority, with the approval of the MEC, may, by notice in the Provincial Gazette, exempt from the requirements of this section any place specified in the notice.

(10) Any person who has complied with the decision of a provincial heritage resources authority in subsection (4) or of the MEC in terms of subsection (6) or other requirements referred to in subsection (8), must be exempted from compliance with all other protections in terms of this Part, but any existing heritage agreements made in terms of section 42 must continue to apply.