



**ARCHAEOLOGICAL AND HERITAGE IMPACT
ASSESSMENT FOR THE PROPOSED INTERGRATED
SUSTAINABLE HUMAN SETTLEMENT TOWNSHIP
ESTABLISHMENT ON THE REMAINDER OF THE FARM
KWAMHLANGA 617 JR WITHIN THEMBISILE HANI
LOCAL MUNICIPALITY, NKANGALA DISTRICT,
MPUMALANGA PROVINCE**

A/ HIA Report

July 2020

A/HIA Report

Archaeological and Heritage Impact Assessment (A/HIA) for the remainder of the farm KwaMhlanga 617 JR for the Township Establishment in Mpumalanga Province.

July 2020

*For and on behalf of
SML Projects*

*Approved by: Dr. McEdward Murimbika
ASAPA CRM Membership No. 194
Signed:*

Position: Principle Investigator

Date: 15 July 2020

This report has been prepared by Nzumbululo Cultural Heritage and Development the trading name of Nzumbululo Holdings (Pty) Limited, one of the few consultancies able to combine natural, cultural and social environmental expertise under a one-stop consultancy supported by local expertise and knowledge with sub-Saharan regional reach and experience.

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Document information

TITLE:	ARCHAEOLOGICAL AND HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED INTERGRATED SUSTAINABLE HUMAN SETTLEMENT TOWNSHIP ESTABLISHMENT ON THE REMAINDER OF THE FARM KWAMHLANGA 617 JR WITHIN THEMBISILE HANI LOCAL MUNICIPALITY, NKANGALA DISTRICT, MPUMALANGA PROVINCE		
PURPOSE OF SCOPE:	The purpose of this document is to describe the cultural values and heritage factors that may be impacted on by the proposed township establishment development in KwaMhlanga Mpumalanga Province.		
DOCUMENT VERIFICATION			
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Name:	Date:		
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Client Project Responsible Officer to sign off.			
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Name:	Date:		

Nzumbululo RACIE Terms

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Issue	Date	Reason For Issue	Responsible	Accountable
1		Phase 1: ARCHAEOLOGICAL AND HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED INTERGRATED SUSTAINABLE HUMAN SETTLEMENT TOWNSHIP ESTABLISHMENT ON THE REMAINDER OF THE FARM KWAMHLANGA 617 JR WITHIN THEMBISILE HANI LOCAL MUNICIPALITY, NKANGALA DISTRICT, MPUMALANGA PROVINCE	H. Mlotshwa	Dr. M. Murimbika

Citation:	The proposed township establishment fall under the jurisdiction of Thembisile Hani Local Municipality within Nkangala District. The proposed area is bordered to the north by the existing township area of Zakheni to the east by Leratong, to the South by Kwamhlanga B and to the south east by Zustershoek.
Recipients:	SML Projects PTY (LTD) 10 NEL SREEET NELSPRUIT 1200
Nzumbululo Reference	NZUM/07/2020
SML Reference	SML/ BUILDING /023/016

Caveat

This Report has been prepared for SML projects by Nzumbululo Holdings for the expressed purpose to request the Heritage Agency to grant exemption from the any further Archaeological/ Heritage Impact Assessment (A/HIA) studies on the basis that the project will not and has low potential to affect any archaeological or cultural heritage resources.

Authorship: This Report has been prepared by Dr. M. Murimbika (Principal Investigator & Professional Archaeologist) assisted by Ms H. Mlotshwa . The report is for the review of the Heritage Resources Agency (PHRA).

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Geographic Co-ordinate Information: Geographic co-ordinates in this report were obtained using a hand-held Garmin Global Positioning System device. The manufacturer states that these devices are accurate to within +/- 5 m.

Maps: Maps included in this report use data extracted from the NTS Map and Google Earth Pro.

Disclaimer: The Author is not responsible for omissions and inconsistencies that may result from information not available at the time this report was prepared.

The Archaeological and Heritage Impact Assessment Study was carried out within the context of tangible and intangible cultural heritage resources as defined by the SAHRA Regulations and Guidelines as to the authorisation proposed Township Project being SML projects PTY LTD, Mpumalanga Province.

Signed by Principle Investigator:

McEdward Murimbika (Ph.D.), July 2020.

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1. EXECUTIVE SUMMARY

1.1. Background

Nzumbululo Holdings has been requested by SML Projects Pty Ltd. to conduct an Archaeological and Heritage Impact Assessment (AIA/HIA) Study for the proposed project. This report includes an impact study on potential archaeological and cultural heritage resources that may be associated with the proposed KwaMhlanga Township Establishment.

This report contains Phase 1 Heritage Impact Assessment (HIA) in accordance with the provisions of Section 38(8) of the National Heritage Resources Act (25/1999) (NHRA). This A/HIA forms part of the process of obtaining the necessary comments and recommendations from the Provincial Heritage Resources Agency - Gauteng (PHRA-G). This forms part of the process of application under National Environmental Management Act (1540/1998) (NEMA) for statutory approvals of the proposed rights and consolidations in terms of heritage, environmental, town planning and other legislation.

1.2. Method Statement

The findings of this report have been informed by desktop data review, field survey and impact assessment reporting which include recommendations to guide heritage authorities in making decisions with regards to the proposed project. This study was conducted as part of the specialist input for the Environmental Impact Assessment exercise.

The purpose of this HIA report is to enable the relevant heritage authority to approve the proposed development as required in terms of Section 38(8) of the NHRA. The objectives of this report are:

- To identify and map heritage resources that will be affected
- To assess the cultural significance of these heritage resources
- To assess the impact of the development on these heritage resources
- To assess the benefits of conserving these heritage resources in relationship to the socio-economic benefits of the development
- To provide the public with an opportunity to comment on the heritage aspects of the proposed development

- To consider alternatives if heritage resources will be affected in a negative manner
- To determine methods to mitigate negative impacts before, during and after construction activities. The intended development provided the following “triggers” for a HIA:

- Development larger than 5000 sq. m

1.3. Nature of Proposed Development

Proposed development consists of:

- Residential 1
- Residential 3
- Churches
- Creches
- Schools
- Municipal offices
- Public open spaces
- Recreational (Sport field)
- Special (offices)
- Retail businesses
- Mixed use commercial
- Library
- Police station

1.4. Project Area

The project area is located within the Mpumalanga Province. The area falls under the jurisdiction of Thembisile Hani Local Municipality within Nkangala District. Remainder of the Farm Kwamhlanga 617JR on area covering approximately 253 hectares the farm is directly affected by the proposed development:

1.5. The Heritage Impact Assessment Process

This HIA study report is segmented into sections as follows:

1. Executive Summary,
2. Project Background,
3. HIA on the Project Receiving Cultural Landscape project area in line with the NHRA (*Act 25 Section 38*), and
4. Heritage Management Recommendations for immediate project receiving area covering the development, operation to closure phases of the project.

The investigation was conducted as follows:

- Desktop study, including identification of archaeological reports for other projects, completed heritage impact assessment reports, historic maps, cadastral diagrams and general publications about the broader area
- Confirmation of the age of the structures through acquisition and study of historic aerial photographs
- Field survey was conducted on 8 July 2020 during which the entire site was inspected on foot by M Murimbika and S.H Mlotshwa.

The impact assessment study also includes detailed recommendations on how to mitigate and manage negative impacts while enhancing positive effects on the project area. Heritage impacts are categorised as:

- Negative (no impact)
- Direct or physical impacts, implying alteration or destruction of heritage features within the project boundaries
- Indirect impacts, e.g. restriction of access or visual intrusion concerning the broader environment
- Cumulative impacts that are combinations of the above.

The predicted heritage impacts by the proposed development are low negative since no visible features of heritage significance were identified within the project impact footprint.

1.6. The Legal Framework and Guidelines

This report complies as follows with the provisions of Section 38 (3) of the National Heritage Resources Act (Act 25 of 1999):

- (a) Identification and mapping of heritage resources
- (b) Cultural significance
- (c) Predicted impacts
- (f) Mitigation before construction.
 - This HIA study is a specialist study to the EIA process and it is guided by the: SAHRA AMP HIA Guideline
 - Terms of Reference provided to SML projects (2020).

All South African heritage assets are protected by the National Heritage Resources Act of 1999, which makes it an offence to destroy heritage resources without permission from the relevant authority. In terms of the provisions of the NHRA Act of 1999, individual sites within the project area enjoy the varying levels of protection in the country.

1.7. Results of the Study

Analysis of the archaeological, cultural heritage, environmental and historic contexts of the study area predicted that archaeological sites (Stone Age and Historic Archaeological), cultural heritage sites, burial grounds or isolated artifacts were likely to be present on the affected landscape. The field survey was conducted to test this hypothesis and verify this prediction within the township establishment. The project receiving areas are situated on previously disturbed land parcels. In addition, due to large scale urbanization of the region over the last decades, as part of the former Kwa Ndebele homeland, any resources that might have occurred in and around the area would have been destroyed. The impact analysis of cultural heritage resources under threat of the proposed development are based on the present understanding of the development.

1.8. Final Recommendations

The following recommendations are made in this report:

- As no archaeological 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.
- At the north Eastern portion on Latitude: 25°24'53.45"S Longitude: 28°44'30.0"E, there appears to be an unbarricaded graveyard.

Based on the findings of the assessment, the specialist recommended that from a heritage point of view, there are no compelling reasons or fatal flaws that may go against the proposed development.

- During Construction: Should any other human remains be disturbed, exposed or uncovered during excavations for the proposed project (unlikely), these should immediately be reported to Heritage authorities. Burial remains should not be disturbed or removed until inspected by an archaeologist.
- During Construction: Site preparation activities must be monitored for the occurrence of any other subsurface archaeological material (Stone Age tools, Iron Age artefacts, historic waste disposal sites etc) and similar hidden/buried chance finds and an archaeologist should be asked to inspect the area when this has reached an advanced stage in order to verify the presence or absence of any such material.
- If archaeological materials are uncovered, work should cease immediately and the SAHRA be notified and activity should not resume until appropriate management provisions are in place.
- The chance finds process will be implemented when necessary especially when archaeological materials and burials are encountered during subsurface construction activities.
- The findings of this report, with approval of the PHRA/SAHRA, may be classified as accessible to any interested and affected parties within the limits of the laws.

Signed by Principle Investigator:

McEdward Murimbika (Ph.D.), July 2020.

ABBREVIATIONS

AIA	Archaeological Impact Assessment
APPA	Atmospheric Pollution Prevention Act 45 of 1965
BID	Background Information Document
C	Contractor
CARA	Conservation of Agricultural Resources Act, 1983 (Act No 43
CECO	Construction Environmental Conservation Officer
DAFF	Department of Agriculture, Forestry and Fisheries
DEA	Department of Environmental Affairs
DSR	Draft Scoping Report
DWA	Department of Water Affairs
EAP	Environmental Assessment Practitioner
ECA	Environmental Conservation Act
ECO	Environmental Conservation Officer
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EM	Environmental Manager
EMP	Environmental Management Plan
EMPr	Environmental Management Programme
EMPR	Environmental Management Programme Report
EMS	Environmental Management System
FC	Farming Community
GN	General Notice
GNR	General Notice Regulation
Ha	Hectares
HIA	Heritage Impact Assessment
HMP	Heritage Management Plan
I&AP's	Interested and Affected Parties
IDP	Integrated Development Plan
IRR	Issues and Responses Report
IWULA	Integrated Water Use Licence Application
LEDET	Limpopo Department of Economic Development,
LIA	Late Iron Age
LFC	Late Farming Community
LSA	Late Stone Age
MIA	Middle Iron Age
MSA	Middle Stone Age

NEMA	National Environmental Management Act 107 of 1998
NEMAQA	National Environmental Management: Air Quality Act 39 of 2004
NEMPAA	National Environmental Management Protected Areas Act
NEMWA	National Environmental Management: Waste Act 59 of 2008
NGO	Non-Government Organisation
NHRA	Nation Heritage Resources Act, Act 25 of 1999
PM	Project Manager
SAHRA	South African Heritage Resources Agency
SM	Site Manager
ToR	Terms of Reference

DEFINITIONS

The following terms used in this Archaeological /Heritage Impact Assessment are defined in the National Heritage Resources Act [NHRA], Act Nr. 25 of 1999, South African Heritage Resources Agency [SAHRA] Policies as well as the Australia ICOMOS Charter (*Burra Charter*):

Archaeological Material remains resulting from human activities, which are in a state of disuse and are in, or on, land and which are older than 100 years, including artifacts, human and hominid remains, and artificial features and structures.

Chance Finds means Archaeological artefacts, features, structures or historical cultural remains such as human burials that are found accidentally in context previously not identified during cultural heritage scoping, screening and assessment studies. Such finds are usually found during earth moving activities such as water pipeline trench excavations.

Compatible use means a use, which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

Conservation means all the processes of looking after a place so as to retain its cultural significance.

Cultural Heritage Resources Same as **Heritage Resources** as defined and used in the National Heritage Resources Act (Act No. 25 of 1999). Refer to physical cultural properties such as archaeological and palaeontological sites; historic and prehistoric places, buildings, structures and material remains; cultural sites such as places of ritual or religious importance and their associated materials; burial sites or graves and their associated materials; geological or natural features of cultural importance or scientific significance. **Cultural Heritage Resources** also include **intangible resources** such as religion practices, ritual ceremonies, oral histories, memories and indigenous knowledge.

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural Significance also encompasses the complexities of what makes a place, materials or intangible resources of value to society or part of, customarily assessed in terms of aesthetic, historical, scientific/research and social values.

Environment The surroundings within which humans exist and that are made up of: i. the land, water and atmosphere of the earth;

ii. micro-organisms, plant and animal life;

iii. any part or combination of (i) and (ii) and the interrelationships among and between them; and,

iv. the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being. This includes the economic, social, cultural, historical and political circumstances, conditions and objects that affect the existence and development of an individual, organism or group.

Environmental impact assessment An Environmental Impact Assessment (EIA) refers to the process of identifying, predicting and assessing the potential positive and negative social, economic and

biophysical impacts of any proposed project, plan, programme or policy which requires authorisation of permission by law and which may significantly affect the environment. The EIA includes an evaluation of alternatives. As well as recommendations for appropriate mitigation measures for minimising or avoiding negative impacts, measures enhancing the positive aspects of the proposal and environmental management and monitoring measures.

Expansion means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased;

Fabric means all the physical material of the place including components, fixtures, contents and objects.

Grave A place of interment (*variably referred to as burial*), including the contents, headstone or other marker of such a place, and any other structure on or associated with such place. A grave may occur in isolation or in association with others where upon it is referred to as being situated in a cemetery (*contemporary*) or **Burial Ground** (*historic*).

Heritage impact assessment (HIA) refers to the process of identifying, predicting and assessing the potential positive and negative cultural, social, economic and biophysical impacts of any proposed project, plan, programme or policy which requires authorisation of permission by law and which may significantly affect the cultural and natural heritage resources. The HIA includes recommendations for appropriate mitigation measures for minimising or avoiding negative impacts, measures enhancing the positive aspects of the proposal and heritage management and monitoring measures.

Historic Material remains resulting from human activities, which are younger than 100 years, but no longer in use, including artefacts, human remains and artificial features and structures.

Impact The positive or negative effects on human well-being and / or on the environment.

In Situ material culture and surrounding deposits in their original location and context, for example an archaeological site that has not been disturbed by farming.

Interested and affected parties Individuals, communities or groups, other than the proponent or the authorities, whose interests may be positively or negatively affected by the proposal or activity and/ or who are concerned with a proposal or activity and its consequences.

Interpretation means all the ways of presenting the cultural significance of a place.

Late Iron Age this period is associated with the development of complex societies and state systems in southern Africa.

Material culture means buildings, structure, features, tools and other artefacts that constitute the remains from past societies.

Mitigate The implementation of practical measures to reduce adverse impacts or enhance beneficial impacts of an action.

Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Protected area means those protected areas contemplated in section 9 of the NEMPAA and the core area of a biosphere reserve and shall include their buffers;

Public participation process A process of involving the public in order to identify issues and concerns and obtain feedback on options and impacts associated with a proposed project, programme or development. Public Participation Process in terms of NEMA refers to: a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific matters

Setting means the area around a place, which may include the visual catchment.

Significance can be differentiated into impact magnitude and impact significance. Impact magnitude is the measurable change (*i.e. intensity, duration and likelihood*). Impact significance is the value placed on the change by different affected parties (*i.e. level of significance and acceptability*). It is an anthropocentric concept, which makes use of value judgments and science-based criteria (*i.e. biophysical, physical cultural, social and economic*).

Site A distinct spatial cluster of artefacts, structures, organic and environmental remains, as residues of past human activity.

Use means the functions of a place, as well as the activities and practices that may occur at the place.

1. INTRODUCTION

1.1. Background

Nzumbululo Holdings was contracted by SML projects PTY LTD to investigate areas that are going to be affected by the proposed KwaMhlanga Township Establishment in Mpumalanga Province on behalf of Mpumalanga Department of Human settlements for evaluation by the heritage authorities. This report details the desktop study, review of previous heritage assessment studies conducted, field study and present results of the study as well as discussion on the anticipated impacts of the proposed development as is required by the National Heritage Resources Act, Act 25 of 1999 Section 38. It focuses on identifying and assessing potential impacts on archaeological, as well as on other physical cultural properties including historical heritage and intangible resources in relation to the proposed Township development. A team of professional archaeologists and a heritage management and risk specialist undertook the assessments, research and consultations required for the preparation of the report for the purpose of ensuring that the cultural environmental values are taken into consideration and reported into the EIA authorisations and EMP processes spanning the proposed life span of the proposed Township development.

The study was designed to ensure that any significant cultural, physical property or sites and related intangible heritage resources are located and recorded, and site significance is evaluated to assess the nature and extent of expected impacts from the proposed development. The assessment includes recommendations to manage the expected impact of the development site. The report includes recommendations to guide heritage authorities in making appropriate decision with regards to Heritage Management Planning.

Nzumbululo team conducted the assessment; research and consultations required for the preparation of this HIA report in a manner consistent with its obligations set in the NHRA as well as the environmental management legislations. In line with SAHRA guidelines, this section of the report, not necessarily in that order, provides:

1) Management summary

- 2) Methodology
- 3) Information with reference to the desktop study
- 4) Map and relevant geodetic images and data
- 5) GPS co-ordinates
- 6) Directions to the site
- 7) Site description and interpretation of the cultural area where the project will take place
- 8) Management details, description of affected cultural environment, photographic records of the project area
- 9) Recommendations regarding the significance of the site and recommendations regarding further monitoring of the site
- 10) Conclusion.

General notes

1. The structure of this report is based on:
 - SOUTH AFRICAN HERITAGE RESOURCES AGENCY, Heritage Impact Assessment: Notification of intent to develop (form)
 - DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING, PROVINCIAL GOVERNMENT OF THE WESTERN CAPE, 2005, Guideline for involving heritage specialists in EIA processes (document)
 - DEPARTMENT OF ENVIRONMENT AFFAIRS AND TOURISM, Integrated Environmental Management Guidelines
 - SOUTH AFRICAN HERITAGE RESOURCES AGENCY, 2006, *Minimum standards: Archaeological and palaeontological components of impact assessment reports* (unpublished).
 - PROVINCIAL HERITAGE RESOURCES AUTHORITY GAUTENG, 2010, *Report requirements for HIA reports* (unpublished).
 - WORLD BANK, *Environmental Assessment Sourcebook Update No 8, September 1994: Cultural Heritage in Environmental Assessment*.
 - Best-practice HIA reports submitted by Nzumbululo and other heritage consultants

2. This report is informed by the *National Heritage Resources Act (25/1999)* (NHRA) and is consistent with the various ICOMOS charters for places of cultural significance.
3. Recommendations contained in this application do not exempt the applicant from complying with any national, provincial and municipal legislation or other regulatory requirements, including any protection or management or general provision in terms of the NHRA.
4. Rights and responsibilities that arise from this report are those of the applicant and not that of Nzumbululo. Nzumbululo assumes no responsibility for compliance with conditions that may be required by the PHRA in terms of this report.
5. Nzumbululo. assumes no responsibility whatsoever for any loss or damages that may be suffered as a direct or indirect result of information contained in this application. Any claim that may however arise is limited to the amount paid to Nzumbululo for services rendered to compile this report.
6. Although all possible care is taken to identify all sites of cultural importance during the survey of study areas, the nature of archaeological and historical sites are as such that it always is possible that hidden or subterranean sites could be overlooked during the study. Nzumbululo and its subcontractors will not be held liable for such oversights or for costs incurred as a result thereof.

1.2. NATURE OF PROPOSED DEVELOPMENT

The study entails mixed use township development with proposed zoning and includes the following:

Residential 1

Residential 3

Churches

Creches

Schools

Municipal Offices

Public Open Space

Recreational (sport field)

Special (offices)

Retail businesses
Mixed use commercial
Library
Police station
Road

Additionally, the following aspects will be addressed within the proposed developments planning to adequately cater for service provision and management of on-site alterations to the land character:

- Open space stands have been provided to accommodate the attenuation ponds for all storm water management purposes within the development.
- Internal road reticulation will be provided to adequately feed all proposed facilities. External road reticulation and intersections will be improved where necessary.
- Sewer and water reticulation services in the area will be improved where necessary, according to the Electrical and Civil Service Reports.
- Drilling of boreholes
- Electrification
- Upgrading of the existing wastewater treatment works
- Use of borrow pits. (Figure 1 &2).

1.3. STATUTORY REQUIREMENTS

This HIA report is a component of a broader EIA Study and addresses the requirements of the NHRA Act 25 of 1999 Section 38 and EIA Terms of Reference in relation to the assessment of impacts of the proposed development on the cultural and heritage resources associated with the receiving environment. The legislations require that when constructing a linear development exceeding 300m in length or developing an area exceeding 5000 m² in extent, the developer must notify the responsible heritage authority of the proposed development and they in turn must indicate whether an impact assessment is required. The NHR Act notes that “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", the heritage authority here being Provincial Authority (PHRA).

The statutory mandate of heritage impact assessment studies is to encourage and facilitate the protection and conservation of archaeological and cultural heritage sites, in accordance with the provisions of the National Heritage Resources Act, Act 25 of 1999 and auxiliary regulations. The National Heritage Resources Act (NHRA) No. 25 of 1999 protects all defined heritage resources including palaeontological, prehistoric and historical material (including ruin) more than 100 years old (*under Section 35*), human remains older than 60 years and located outside of a formal cemetery administered by a local authority (*under Section 36*) and non-ruined structures older than 60 years (*under Section 34*). A broader protection is also offered to Landscapes with cultural significance, which are also protected under the definition of the National Estate (*Section 3 [3.2d]*).

Specific to this study, Section 38 (2a) emphasises that if there is reason to believe that heritage resources will be affected by any proposal to change the status quo, and then an impact assessment report must be submitted. This study is therefore conducted in pursuit of this requirement. Given the fact that this study is subject the issued EIA and EMP authorisations, the heritage authorities are required to provide comments on the proposed project.

1.4. HIA STUDY TERMS OF REFERENCE

Nzumbululo were asked to conduct an HIA/ AIA study under the guidance of the requirements of Section 38(3) of the NHRA. As outlined in the introduction section, the activities would include:

1. Hypothesising and Conducting a detailed desk-top level investigation to identify all archaeological, cultural and historic sites in the proposed township establishment project receiving areas;
2. Conduct appropriate physical cultural properties field work and survey to verify results of desktop investigation;

3. During the field survey, document (*GPS coordinates and map*) all archaeological and heritage sites, objects and structures and physical cultural properties identified within the project's receiving environment;
4. Compile a Heritage Impact Assessment report which would include:
 - a. Identification of archaeological, cultural and historic sites within the affected development areas;
 - b. Assess the sensitivity and significance of archaeological remains within the affected development areas;
 - c. Estimate and evaluation of the potential impacts of the proposed construction, operation and maintenance of the proposed development on archaeological, cultural and historic sites in the proposed project receiving areas;
 - d. Measure the impacts in terms of the scale of impact
 - e. Provide appropriate Recommendation of mitigation measures that may add positive impacts while reducing the identified negative impacts on archaeological, cultural and historic sites in the proposed project receiving areas;
 - f. The recommendations should be applicable enough to effectively guide the compliance authorities in issuing a decision regarding the authorisation of the proposed development.
 - g. Consideration of relevant PHRA and SAHRA as well and international best practices guidelines; and,
 - h. Development Heritage Management Planning guideline: "Guideline for involving heritage stakeholders in the processes".

In essence, both the national heritage and environmental legislations provide protection for the following categories of heritage resources:

- Landscapes, cultural or natural;
- Buildings or structures older than 60 years;
- Archaeological Sites, palaeontological material and meteorites;
- Burial grounds and graves;
- Public monuments and memorials;

- o Living heritage (defined as including cultural tradition, oral history, performance, ritual, popular memory, skills and techniques, indigenous knowledge systems and the holistic approach to nature, society and social relationships).

1.5. LOCATION OF ACTIVITY AREA AND IMPACT AREA

The proposed development is situated within the Mpumalanga Province. The area falls under the jurisdiction of Thembisile Hani Local Municipality within Nkangala District. The following farm is directly affected by the proposed development: Remainder of the Farm KwaMhlanga 617JR on area covering approximately 253 hectares in extent (see Figure 1).

GPS coordinates of some of the points of the proposed site are as follows

- 1) 25°24'48.9"S 28°42'12.9"E
- 2) 25°24'47.7"S 28°42'17.5"E
- 3) 25°24'47.4"S 28°42'21.5"E
- 4) 25°24'58.4"S 28°41'26.7"E
- 5) 25°25'33.9"S 28°43'00.8"E
- 6) 25°25'01.9"S 28°42'51.7"E
- 7) 25°24'56.7"S 28°42'44.8"E
- 8) 25°24'48.4"S 28°42'24.0"E
- 9) 25°24'49.0"S 28°42'26.5"E
- 10) 25°24'49.4"S 28°42'29.2"E
- 11) 25°25'24.5"S 28°42'56.8"E
- 12) 25°24'48.5"S 28°42'40.7"E
- 13) 25°24'45.6"S 28°42'10.2"E
- 14) 25°24'48.7"S 28°42'04.8"E
- 15) 25°24'53.2"S 28°42'05.5"E
- 16) 25°24'53.8"S 28°41'55.3"E
- 17) 25°24'44.7"S 28°42'11.8"E

The affected project area is situated predominantly in vacant land, with an exception of a few areas where there are demolished buildings, a police station, small sewage/oxidation ponds, pipeline markers, manholes and illegal sand mining activities being undertaken. In assessing the land uses of the surrounding properties, the proposed township area is bordered to the north by the existing township area of Zakheni, to the east by Leratong, to the south by KwaMhlanga B and to the south east by Zustershoek. According to the Thembisile Hani Local Municipality final IDP, the

various portions of Remainder the Farm Kwamhlanga 617 JR, the current land use is informal, and the land is owned by the National Government of South Africa (THLM IDP 2017-2022). In addition, access roads have resulted in the degradation of the environment. The site located along R 573 (Moloto Road) and R 568 can be further accessed from the Thembisile Hani Municipal roads network.

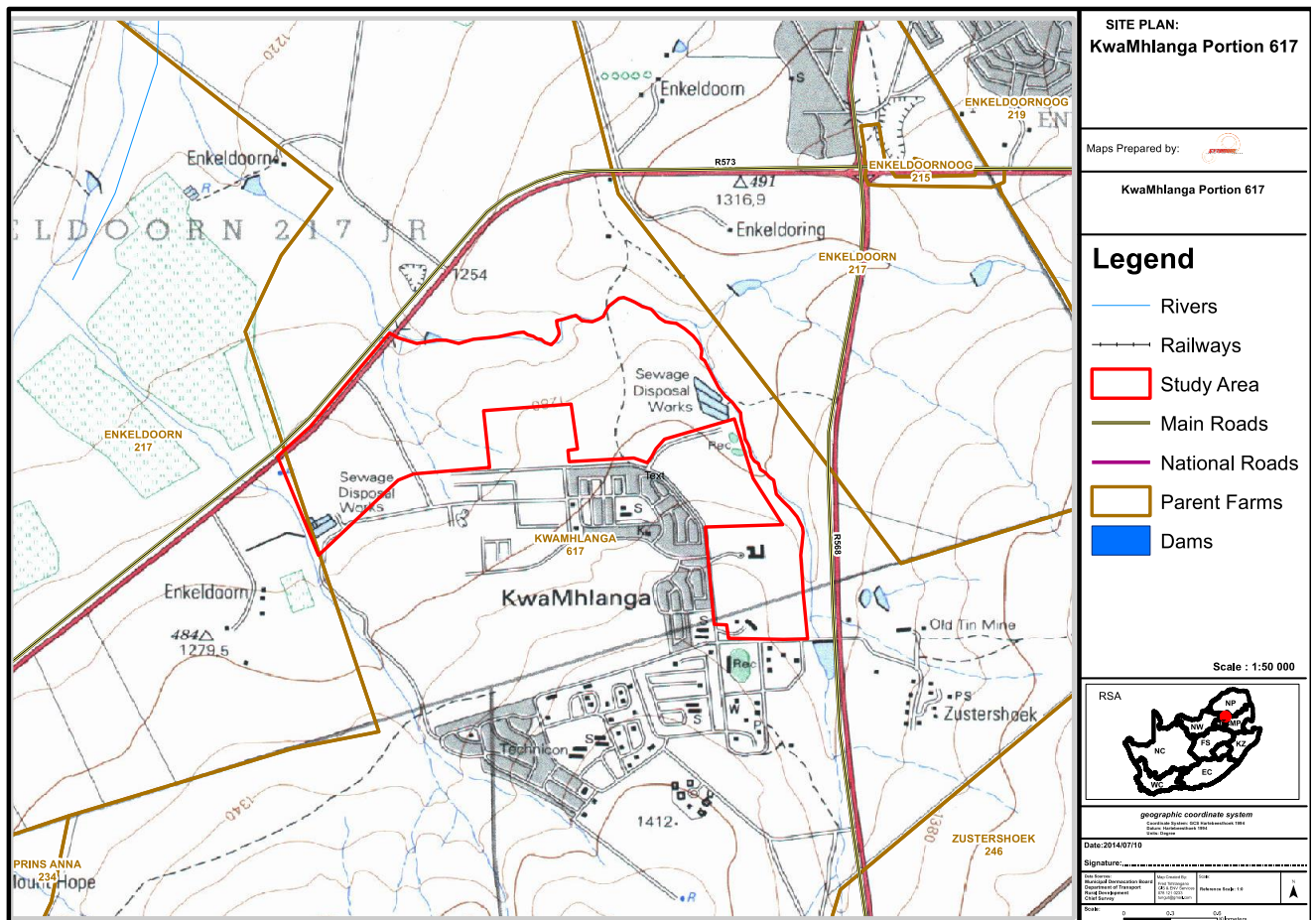


Figure 1: Image showing the study area (SML projects PTY LTD 2014).

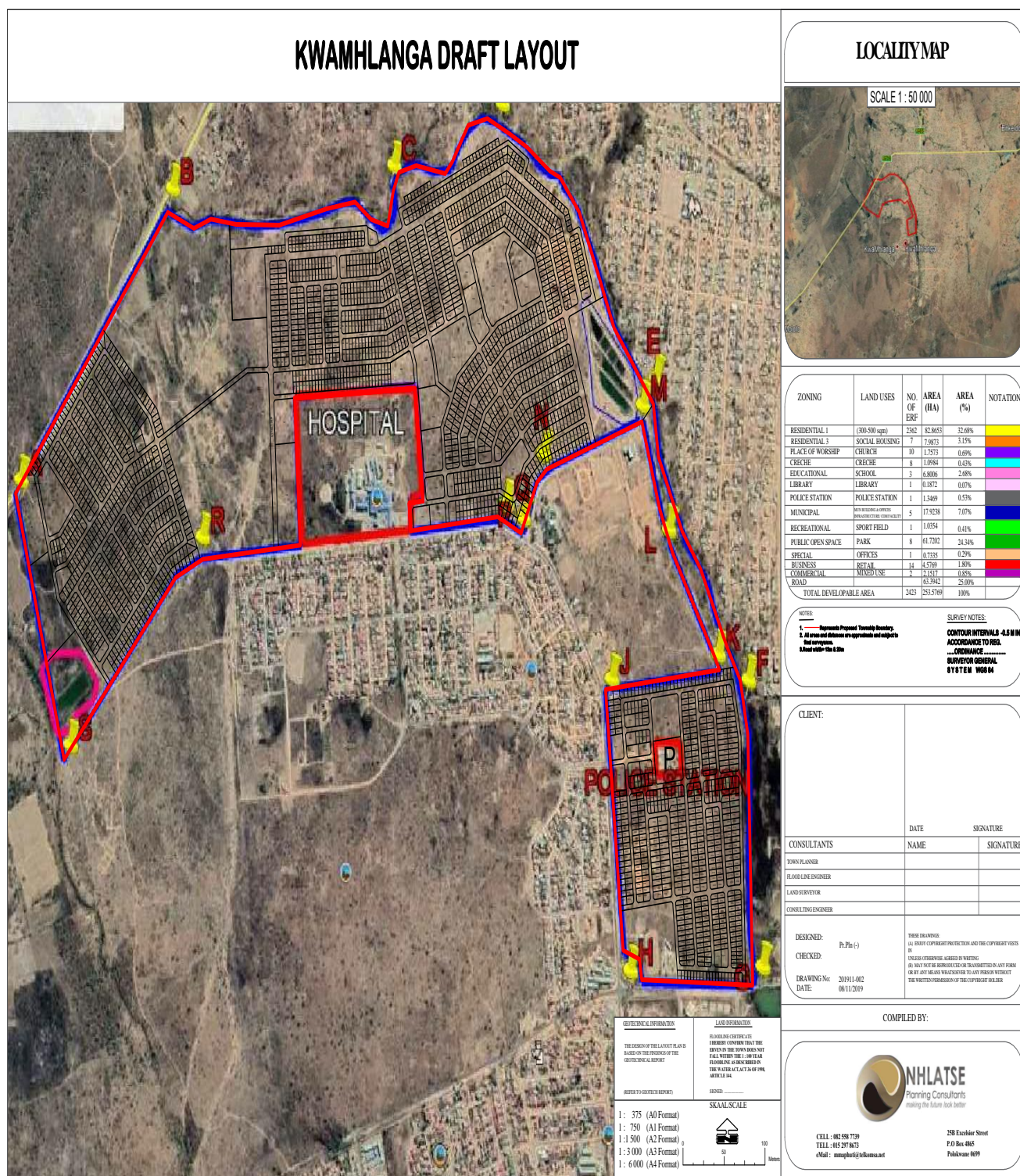


Figure 2: Image showing the draft layout study area (SML Projects PTY LTD 2019).

2. METHODOLOGY

The details of the overall methodology and conceptual framework applied for this study have been outlined in the second chapter on the project background. For

specific section of the HIA on the Township development Project, the following method was followed. The proposed project development requires clearance and authorisation from government compliance agencies including the heritage authority of SAHRA. Key HIA objectives for this section of the study are to fulfil the statutory requirements of the National Heritage Resources Act, Act 25 of 1999. In order to meet the objectives of the HIA Phase 1 study, the following tasks were conducted: 1) site file search, 2) literature review, 3) consultations with key stakeholders, 4) completion of a field survey and assessment and 5) analysis of the acquired data and report production. The following tasks were undertaken:

- Preparation of a predictive model for archaeological heritage resources in the study area.
- A review and gap analysis of archaeological, historical and cultural background information, including possible previous heritage consultant reports specific to the affected project area, the context of the study area and previous land use history as well as a site search;
- Field survey of sampled sections of the underground mine laydown site within the study area, in order to test the predictive model regarding heritage sites are in the area;
- Physical cultural property recording of any identified sites or cultural heritage places;
- Identification of heritage significance; and
- Preparation of HIA report with recommendation, planning constraints and opportunities associated with the proposed development.

The project area is vacant and part of existing and previously developed and disturbed landscape with demolished building, access roads, small sewage / oxidation ponds, pipeline markers, manholes and illegal sand mining activities dominate the affected project area. The are also surrounding properties, the proposed township area is bordered to the north by the existing townships areas of Zakheni, to the east by Leratong, to the South by KwaMhlanga B and to the South east by Zustershoek. Photographs were taken as part of the documentation process during field study.

2.1. Assumptions and Limitations

The survey was in small parts restrained by accessibility that does not allow open access to some limited sections of the servitude due to illegal sand mining operations in the area. As such, predictions were made on the basis of known data. Literature review was completed to provide the general archaeological and historical context of the general area to determine the sensitivity of the potentially affected cultural landscape. Literature does highlight that Nkangala and Thembeisile Hani areas, have significant prehistoric cultural landscapes. The area has a significant density of archaeological, palaeontological and historic archaeology (*colonial*) and historical sites). Mpumalanga comprises almost 80 000 square kilometres of diverse landscape. The province is cut in two by the wall-like scarp of the Transvaal Drakensberg, which separates the interior plateau or highveld from the low-lying sub-tropical lowveld that stretches to the Indian Ocean. It is further incised by a number of rivers that feed into two main systems, the Olifants and the Komati. This rich landscape has provided resources for utilisation and exploitation by humans and their predecessors for more than 1, 7 million years. Initially attracted to the region by its diverse and abundant plants and animals, people would later go on to extract the area's rich variety of minerals, such as ochre, copper and iron; a practice that can be traced back thousands of years. The archaeology also shows that people and their ancestors regularly moved between these vastly different environments to and from the coast to obtain and trade a variety of resources. From AD 900 these included objects brought across the ocean from foreign countries. Archaeological research carried out over a period of approximately 70 years has shed light on various aspects of this extensive past, from the Earlier Stone Age to the Late Iron Age

The field survey did not include any form of subsurface inspection beyond the inspection of burrows, road cut sections, and the sections exposed by erosion or earth moving disturbances. Some assumptions were made as part of the study and therefore some limitations, uncertainties and gaps in information would apply. It should, however, be noted that these do not invalidate the findings of this study in any significant way:

1. The proposed Township establishment project development will be limited to specific right of way sites and laydown areas as detailed in the development layout.
2. The construction teams to work at the development site and service sites will use the existing access roads and there will be no major deviations into undisturbed sections.
3. Given the extensive degraded nature on most affected project area and the level of high existing developments within the affected landscape, most sections of the project area have low potential to yield high significant in situ archaeological or physical cultural properties.
4. No excavations or sampling was undertaken, since a permit from heritage authorities is required to disturb a heritage resource. As such the results herein discussed are based on surface indicators. However, these surface observations concentrated on areas accessible.
5. No Palaeontological study was conducted as part of this HIA.
6. This study did not include any ethnographic and oral interviews. The existing studies from current and historic researches are accepted as adequate for the purposes of this HIA.

2.2. Consultation

No independent community consultation was conducted during this phase of the A/HIA study. However, the EIA Public Participation Process will invite comments from affected municipalities and other interested parties on any matter related to the proposed development.

3. BRIEF CULTURE HISTORY BACKGROUND OF THE PROJECT AREA

The project area is located in the Mpumalanga Province of South Africa. Mpumalanga comprises almost 80 000 square kilometres of diverse landscape. The province is cut in two by the wall-like scarp of the Transvaal Drakensberg, which separates the interior plateau or highveld from the low-lying sub-tropical lowveld that stretches to the Indian Ocean. It is further incised by a number of rivers that feed into two main systems, the Olifants and the Komati. This rich landscape has provided resources for utilisation and

exploitation by humans and their predecessors for more than 1, 7 million years. Initially attracted to the region by its diverse and abundant plants and animals, people would later go on to extract the area's rich variety of minerals, such as ochre, copper and iron; a practice that can be traced back thousands of years. The archaeology also shows that people and their ancestors regularly moved between these vastly different environments to and from the coast to obtain and trade a variety of resources. From AD 900 these included objects brought across the ocean from foreign countries. Archaeological research carried out over a period of approximately 70 years has shed light on various aspects of this extensive past, from the Earlier Stone Age to the Late Iron Age.

Early Stone Age (ESA)

Around 1.7 million years ago, more specialised tools known as Acheulean tools, appeared. They are named after tools from a site in France by the name of Saint Acheul, where they were first discovered in the 1800s. It is argued that these tools had their origin in Africa and then spread towards Europe and Asia with the movement of hominids out of Africa. These tools had longer and sharper edges and shapes, which suggest that they could be used for a larger range of activities, including the butchering of animals, chopping of wood, digging roots and cracking bone. Homo ergaster was probably responsible for the manufacture of Acheulean tools in South Africa. This physical type was arguably physically similar to modern humans, had a larger brain and modern face, body height and proportion.

very similar to modern humans. Homo ergaster was able to flourish in a variety of habitats in part because they were dependent on tools. They adapted to drier, more open grassland settings. Because these early people were often associated with water sources such as rivers and lakes, sites where they left evidence of their occupation are very rare. Most tools of these people have been washed into caves, eroded out of riverbanks and washed downriver. An example in Mpumalanga is Maleoskop on the farm Rietkloof where Early Stone Age (ESA) tools have been found. This is one of only a handful such sites in Mpumalanga.

Middle Stone Age (MSA)

These early humans not only settled close to water sources but also occupied caves and shelters. The MSA represents the transition of more archaic physical type (Homo) to anatomically modern humans, Homo sapiens. The MSA has not been extensively studied in Mpumalanga but evidence of this period has been excavated at Bushman Rock Shelter, a well-known site on the farm Klipfonteinhoek in the Ohrigstad district. This cave was excavated twice in the 1960s by Louw and later by Eloff. The MSA layers show that the cave was repeatedly visited over a long period. Lower layers have been dated to over 40 000 BP while the top layers date to approximately 27 000 BP (Esterhuizen & Smith in Delius, 2007; Bergh, 1998).

Later Stone Age (LSA)

The start of the Late Stone Age is put at about 20 000 years ago, but in some places, there is an overlap with the Middle Stone Age. It corresponds roughly with the appearance of Modern Man some 40 000 years ago. The Age is characterised by innovation. Their camps have revealed pottery, hearths, fire sticks and digging sticks. The tools vary according to material used-wood, bone or stone-or purpose-scraper, adze, knife blade, borer, arrow or spearhead. They are usually small and delicate and generally reworked to the required shape with one side blunt for attaching to a handle or shaft. The LSA is usually associated with San hunter-gatherers or their immediate predecessors and date between 200 and 30 000 years ago (see Huffman 2007). The Late Stone Age, considered to have started some 20 000 years ago, is associated with the predecessors of the San and Khoi-Khoi.

4. Description of Project Area and Servitudes

4.1.1. The remainder of the farm KwaMhlanga 617 JR

The study involved covering the proposed township establishment is on the remainder of the farm KwaMhlanga 617JR on area covering approximately 253 hectares. The area is predominantly vacant with a few demolished building, small sewage ponds, pipeline markers, manholes and illegal sand mining and dumping. During the site visit it was noticed that the land is surrounded or boarded to the north by the existing

township area called Zakheni, to the east by Leratong, to the south by KaMhlanga B and to the south east by Zustershoek.



Plates 1 (left) and 2 (right) show the traversed areas (Author 2020).



Plates 3 (left) is the evidence of open mining or barrowing and 4 (right) is part of the disturbed vegetation on site (Author 2020).



Plates 5 (left) and 6 (right) showing the proposed township servitude (Author 2020).



Plates 7 (left) show the view of the existing township and illegal sand mining and dumpsite 8 (right) one of the manholes on site (Author 2020).

Table 1: Summary Cultural landscape evidence

HERITAGE LANDSCAPE CONTEXT	ELEMENTS	EVIDENCE
A. PALAEOONTOLOGICAL LANDSCAPE CONTEXT	Fossil remains. Such resources are typically found in specific geographical areas, e.g. embedded in ancient rock and limestone/calcrete formations.	None
B. ARCHAEOLOGICAL LANDSCAPE CONTEXT	Archaeological remains dating to the following periods: <ul style="list-style-type: none"> <input type="checkbox"/> Early Stone Age <input type="checkbox"/> Middle Stone Age <input type="checkbox"/> Late Stone Age <input type="checkbox"/> Early Iron Age <input type="checkbox"/> Late Iron Age <input type="checkbox"/> Historical 	None - site located on previously disturbed area and no obvious materials available
C. HISTORICAL BUILT URBAN LANDSCAPE CONTEXT	<ul style="list-style-type: none"> <input type="checkbox"/> Historical townscapes/streetscapes <input type="checkbox"/> Historical structures; i.e. older than 60 years <input type="checkbox"/> Formal public spaces <input type="checkbox"/> Formally declared urban conservation areas <input type="checkbox"/> Places associated with social identity/displacement 	None – but contemporary informal settlements on parts of site
D. HISTORICAL FARMLAND CONTEXT	<p>These possess distinctive patterns of settlement and historical features such as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Historical farm werfs <input type="checkbox"/> Historical farm workers villages/settlements <input type="checkbox"/> Irrigation furrows <input type="checkbox"/> Tree alignments and groupings <input type="checkbox"/> Historical routes and pathways <input type="checkbox"/> Distinctive types of planting <input type="checkbox"/> Distinctive architecture of cultivation e.g. planting blocks, trellising, terracing, ornamental planting. 	None – illegal mining on part of site
E. HISTORICAL RURAL TOWN CONTEXT	<ul style="list-style-type: none"> <input type="checkbox"/> Historical mission settlements <input type="checkbox"/> Historical townscapes 	None
F. PRISTINE/NATURAL LANDSCAPE CONTEXT	<ul style="list-style-type: none"> <input type="checkbox"/> Historical patterns of access to a natural amenity <input type="checkbox"/> Formally proclaimed nature reserves <input type="checkbox"/> Evidence of pre-colonial occupation <input type="checkbox"/> Scenic resources, e.g. view corridors, viewing sites, visual edges, visual linkages <input type="checkbox"/> Historical structures/settlements older than 60 years <input type="checkbox"/> Pre-colonial or historical burial sites <input type="checkbox"/> Geological sites of cultural significance. 	None

G. RELIC LANDSCAPE CONTEXT	<input type="checkbox"/> Past farming settlements <input type="checkbox"/> Past industrial sites <input type="checkbox"/> Places of isolation related to attitudes to medical treatment <input type="checkbox"/> Battle sites <input type="checkbox"/> Sites of displacement,	No visible landscape elements (tree avenues etc.,) remaining
H. BURIAL GROUND & GRAVE SITE CONTEXT	<input type="checkbox"/> Pre-colonial burials (marked or unmarked, known or unknown) <input type="checkbox"/> Historical graves (marked or unmarked, known or unknown) <input type="checkbox"/> Human remains (older than 100 years) <input type="checkbox"/> Associated burial goods (older than 100 years) <input type="checkbox"/> Burial architecture (older than 60 years)	Appears to be unbarricaded graveyard Latitude: 25°24'53.45"S Longitude: 28°44'30.0"E
HERITAGE LANDSCAPE CONTEXT	ELEMENTS	EVIDENCE
I. ASSOCIATED LANDSCAPE CONTEXT	<input type="checkbox"/> Sites associated with living heritage e.g. initiation sites, harvesting of natural resources for traditional medicinal purposes <input type="checkbox"/> Sites associated with displacement & contestation <input type="checkbox"/> Sites of political conflict/struggle <input type="checkbox"/> Sites associated with an historic event/person <input type="checkbox"/> Sites associated with public memory	None
J. HISTORICAL FARM WERF CONTEXT	<input type="checkbox"/> Setting of werf and its context <input type="checkbox"/> Composition of structures <input type="checkbox"/> Historical/architectural value of individual structures <input type="checkbox"/> Tree alignments <input type="checkbox"/> Views to and from <input type="checkbox"/> Axial relationships <input type="checkbox"/> System of enclosure, e.g. werf walls <input type="checkbox"/> Systems of water reticulation and irrigation, e.g. furrows <input type="checkbox"/> Sites associated with slavery and farm labour <input type="checkbox"/> Colonial period archaeology	No other cultural- landscape features.
K. HISTORICAL INSTITUTIONAL LANDSCAPE CONTEXT	<input type="checkbox"/> Historical prisons <input type="checkbox"/> Hospital sites <input type="checkbox"/> Historical school/reformatory sites <input type="checkbox"/> Military bases	None
L. SCENIC/VISUAL	<input type="checkbox"/> Scenic routes	None

K. AMENITY LANDSCAPE CONTEXT	<input type="checkbox"/> View sheds <input type="checkbox"/> View points <input type="checkbox"/> Views to and from <input type="checkbox"/> Gateway conditions <input type="checkbox"/> Distinctive representative landscape conditions <input type="checkbox"/> Scenic corridors	None
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4.2. Archaeological finds

The survey for the proposed project area did not result in the identification of any archaeological or heritage resources (Table 1 above). The area is characterized by flat land scape which is boarded by residential areas are typical semi urban dwellings, water and electricity reticulation infrastructure and streets. Although some sections of the site are heavily degraded from previous and current land use and from township developments the site has potential to yield to more archaeological resources. However, there exist a sewage ponds, grazing land and roads and other associated infrastructures across the entire project area. As a result, any significant archaeological and / or historical sites or features that might have existed in the past would have been extensively disturbed or destroyed. As such the proposed township will be additional to in situ developments already on project area. However, the chances of recovering significant archaeological materials in situ are possible



Plate 9: Showing the sewage/ oxidation ponds found within the proposed township servitude Author 2020

4.3. Historical and Built Environment

Generically speaking, historic sites are associated with colonial era white settlers, colonial wars, industrialization; recent and contemporary African population settlements, contemporary ritual sites dating to the last hundred years. However, recent historic period sites and features associated with the, African communities, settler and commercial farming communities are on record in the general project area environment. Although the affected general landscape is associated with historical events such as white settler migration, colonial wars and the recent African peopling of the region, no listed specific historical sites are on the proposed development sites. The more common functions of places of cultural historical significance may include:

- | | |
|----------------------|--------------------|
| Domestic | Religion |
| Recreation & culture | Designed landscape |

Commerce & trade
Agriculture & subsistence
Social & Health care

Funeral (cemeteries, graves and burial grounds)
Civil and Structural Engineering
Education
Defence /Military

There are no historical archaeological sites or relics recorded on proposed development site. However, the general farmland is considered part of the Nkangala Cultural landscape associated with broader historical events such as white settler migration, colonial wars and the indigenous African peopling of the region. No historic architectural structures are situated within the project-receiving environment.



Plate 10: The project area is surrounded by existing urban settlements (Photo: Author, 2020).

4.4. Burial grounds and graves

The field survey noticed what appears to be graves as they are not barricaded see photo 11 and 12 identified what appears like unbarricaded graveyard was identified at **Latitude: 25°24'53.45"S Longitude: 28°44'30.0"E** (Table 1 above). A phase two will have

to be conducted which will contribute to the development of heritage rescue/mitigation strategies for what appears to be graves. Phase two is the application for grave relocation if they are graves with the South Africa police Services (SAPS), the provisional Department of Cooperatives and traditional affairs, the provincial department of Human settlement, and also SAHRA. within the affected development site. However, whether they are known or not on record, from a heritage perspective, burial grounds and gravesites are accorded the highest social significance threshold (see Appendix 3). They have both historical and social significance and are considered sacred. Wherever they exist they may not be tempered with or interfered with during any proposed development. It is important to note that the possibility of encountering human remains during subsurface earth moving works anywhere on the landscape is ever present. Although the possibility of encountering previously unidentified burial sites is low on the township establishment site, should such sites be identified during subsurface construction work, they are still protected by applicable legislations and they should be protected (also see Appendixes for more details).



Photo 11 and 12: Appears like unbaricaded graveyard

4.5. Historical Monuments

There are currently no places within the HIA Area that are listed on the National Heritage List.

4.6. Cultural landscapes

Within the neighboring farms there are established sewage ponds associated with the township establishments (Plate 9 and 13). There are other active facilities such as hospital and tax rank and churches. These features may not be all that old, but some of the existing farm and urban settlement around the area the structures and infrastructures are likely to be more than 60 years of age. However, none of these built up areas are affected by the proposed development. The township and associated activities will merely add to several modern built-up areas within the general cultural landscape around Mpumalanga province and the landscape in general.



Plate 13: View of the disturbed area and sewage pond from the proposed project area (Author 2020).

4.7. Scenic Routes, Sense of Place and Visual Concerns

The study area is visible from the local main roads and it is an altered environment dominated by infrastructure. The site is located along R573 (Moloto Road) road and access can also be attained from the existing Thembisile Hani Municipal roads network. There are regional roads (R573 and R568) located direct adjacent to site. This represents a pre-existing visual detracting from the sense of place and scenic value from the road. However, it should be borne in mind that the proposed development is an in-situ development adding to existing developments within the area. Therefore, any possible visual impacts to the project area is less significant and would be of reduced concern given the observation that this concern is already overridden by existing impact.

5. DISCUSSION

The following observations are worthy emphasizing in this discussion prior to making final recommendations:

- The proposed township establishment will be situated within a predominantly vacant area with a few areas which have demolished buildings, small sewage / oxidation ponds, pipeline markers, manholes, illegal sand mining activities. Some sections where the proposed township establishment to be situated were not accessed due to safety reasons. As such, there is the possibility that previously unknown archaeological sites may exist in the project area whereas the sampled sections may not have produced distinct archaeological sites.
- Limited ground surface visibility on sections of the project area that had thick vegetation cover at the time of the study may have impeded the detection of archaeological sites. This factor is exacerbated by the fact that the study was limited to general survey without necessarily conducting any detailed inspection of specific localities that will be affected by the township establishment and its associated activities. The absence of confirmable and significant archaeological cultural heritage sites is not evidence in itself that such in situ sites did not exist in the project area.

HERITAGE IMPACT ASSESSMENT

Approach

Definitions and assumptions

The following aspects have a direct bearing on the investigation and the resulting report:

- *Cultural (heritage) resources* are all non-physical and physical human-made occurrences, as well as natural occurrences that are associated with human activity. These include all sites, structures and artefacts of importance, either individually or in groups, in the history, architecture and archaeology of human (cultural) development.
- The *cultural significance* of sites and artefacts is determined by means of their historical, social, aesthetic, technological and scientific value in relation to their 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.
- The *value* is related to concepts such as *worth, merit, attraction* or *appeal*, concepts that are associated with the (current) usefulness and condition of a place or an object. Hence, in the development area, there are instances where elements of the place have a high level of significance but a lower level of value.
- It must be kept in mind that significance and value are not mutually exclusive, and that the evaluation of any feature is based on a combination or balance between the two.
- *Isolated occurrences*: findings of artefacts or other remains located apart from archaeological sites. Although these are noted and samples are collected, it is not used in impact assessment and therefore do not feature in the report.
- *Traditional cultural use*: resources which are culturally important to people.
- All archaeological remains, artificial features and structures older than 100 years and historic structures older than 60 years are protected by the relevant legislation, in this case the National Heritage Resources Act (NHRA) (Act No. 25 of 1999). No archaeological artefact, assemblage or settlement (site) and no historical building or structure older than 60 years may be altered, moved or destroyed without the

necessary authorisation from the South African Heritage Resources Agency (SAHRA) or a provincial heritage resources authority. Full cognisance is taken of this Act in making recommendations in this report.

- The guidelines as provided by the NHRA (Act No. 25 of 1999) in Section 3, with special reference to subsection 3, and the Australian ICOMOS Charter (also known as the Burra Charter) are used when determining the cultural significance or other special value of archaeological or historical sites.
- It should be kept in mind that archaeological deposits usually occur below ground level. Should artefacts or skeletal material be revealed at the site during construction, such activities should be halted, and it would be required that the heritage consultants would be required to be notified in order for an investigation and evaluation of the find(s) to take place (cf. NHRA (Act No. 25 of 1999), Section 36 (6)).

Assumptions

The investigation has been influenced by the following factors related to the overall HIA:

- Unpredictability of buried archaeological remains (absence of evidence does not mean evidence of absence). The level of previous disturbance may have removed surface evidence of archaeological material. This limits the possibility for buried archaeological remains.
- There is a high probability that graves may be identified, following what appears to be a grave yard on site, therefore a phase two HIA should be undertaken and emphasis should be on the Eastern side during this process a detailed survey and consultation of the affected families or stakeholders should be done, as what appears to be graves do not have grave markers which means strong reliance to a consultative with the next of kins should be extensive.

6. CULTURAL HERITAGE SITE ASSESSMENT OF SIGNIFICANCE

The appropriate management of cultural heritage resources is usually determined on the basis of their assessed significance as well as the likely impacts of any proposed developments. Cultural significance is defined in the Burra Charter as meaning

aesthetic, historic, scientific or social value for past, present and future generations (Article 1.2). Social, religious, cultural and public significance are currently identified as baseline elements of this assessment, and it is through the combination of these elements that the overall cultural heritage values of the site of interest, associated place or area are resolved. Not all sites are equally significant and not all are worthy of equal consideration and management. The significance of a place is not fixed for all time, and what is considered of significance at the time of assessment may change as similar items are located, more research is undertaken, and community values change.

The above observation does not lessen the value of the heritage approach but enriches both the process and the long-term outcomes for future generations as the nature of what is conserved and why, also changes over time (Pearson and Sullivan 1995:7). This assessment of the Indigenous cultural heritage significance of the Site of Interest as its environments of the study area is based on the views expressed by the Claimant and his community representatives consulted documentary review and physical integrity.

African indigenous cultural heritage significance is not limited to items, places or landscapes associated with pre-European contact. Indigenous cultural heritage significance is understood to encompass more than ancient archaeological sites and deposits, broad landscapes and environments. It also refers to sacred places and story sites, as well as historic sites, including mission sites, memorials, and contact sites. This can also refer to modern sites with particular resonance to the indigenous community. The site of interest considered in this project falls within this realm of broad significance.

6.1. Assessment Criteria

The Guidelines to the SAHRA Guidelines and the Burra Charter define the following criterion for the assessment of cultural significance:

6.1.1. Aesthetic Value

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; sense of place, the smells and sounds associated with the place and its use.

6.1.2. Historic Value

Historic value encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all of the terms set out in this section. The overall Mpumalanga Province region as a place has historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment.

6.1.3. Scientific value

The scientific or research value of a place will depend upon the importance of the data involved, on its rarity, quality or representativeness, and on the degree to which the place may contribute further substantial information. Scientific value is also enshrined in natural resources that have significant social value. For example, pockets of forests and bushvelds have high ethnobotany value.

6.1.4. Social Value

Social value embraces the qualities for which a place has become a focus of spiritual, religious, political, local, national or other cultural sentiment to a majority or minority group. Social value also extends to natural resources such as bushes, trees and herbs that are collected and harvested from nature for herbal and medicinal purposes.

2.1. Evaluation of Heritage Resource

Based on the information from the national South African Heritage Resources Agency standards of best practice and minimum standards, data capture forms were used to

collect information from the field through site condition surveys and observations. (Table 2) After the data was gathered from the field was combined with information from other sources it was deemed essential to establish the value and significance of individual sites as well as to identify any threats to the heritage. The South African National Heritage Resources Act 25 of 1999 grading scale was used to assess significance.

Table 2: Heritage Significance Classification

CATEGORY	DESCRIPTION	EVIDENCE
A	Of high intrinsic, associational and contextual heritage value within a national, provincial and local context, i.e. formally declared or potential Grade 1, 2 or 3A heritage resources	None
B	Of moderate to high intrinsic, associational and contextual value within a local context, i.e. potential Grade 3B heritage resources	None
C	Of medium to low intrinsic, associational or contextual heritage value within a national, provincial and local context, i.e. potential Grade 3C heritage resources	None
D	Of little or no intrinsic, associational or contextual heritage value due to disturbed, degraded conditions or extent of irreversible damage	None

Table 3: Expected impact significance

HERITAGE CONTEXT	TYPE OF DEVELOPMENT			
	CATEGORY A	CATEGORY B	CATEGORY C	CATEGORY D
A: High heritage value	Moderate heritage impact expected	High heritage impact expected	Very high heritage impact expected	Very high heritage impact expected
B: Medium to high heritage value	Minimal heritage impact expected	Moderate heritage impact expected	High heritage impact expected	Very high heritage impact expected
C: Medium to low heritage value	Little or no heritage impact expected	Minimal heritage impact expected	Moderate heritage impact expected	High heritage impact expected
D: Low heritage value	Little or no heritage impact expected	Little or no heritage impact expected	Minimal heritage value expected	Moderate heritage impact expected

Table 4: Significance assessment of heritage resources based on ICOMOS and NHRA criteria.

ICOMOS Ranking	South African Legislation (National Heritage Resources Act Ranking)
• Very high (World Heritage Sites)	National Heritage Sites (Grade 1)
• High (Nationally significant sites)	National Heritage Sites (Grade 1), Grade 2 (Provincial Heritage Sites), burials
• Medium (regionally significant sites)	Grade 3a
• Low (locally significant sites)	Grade 3b
• Negligible	Grade 3c
• Unknown	Grade 3a

Table 5: General Contextual impacts

Context		
	(check box of all relevant categories)	Brief description/explanation
x	Urban environmental context	Currently disturbed
	Rural environmental context	None
	Natural environmental context	
Formal protection (NHRA)		
	Is the property part of a protected area (S. 28)?	No
	Is the property part of a heritage area (S. 31)?	No
Other		
	Is the property near to or visible from any protected heritage sites?	No
	Is the property part of a conservation area or special area in terms of the Zoning Scheme?	No
	Does the site form part of a historical settlement or townscape?	No
x	Does the site form part of a rural cultural landscape?	Yes
	Does the site form part of a natural landscape of cultural significance?	No

	Is the site within or adjacent to a scenic route?	No
	Is the property within or adjacent to any other area which has special environmental or heritage protection?	No
	Does the general context or any adjoining properties have cultural significance?	None known
Property features and characteristics		
	(check box if YES)	Brief description
x	Have there been any previous development impacts on the property	Yes: Roads, tracks, old lands, grazing land, buildings, fences, contemporary, retention dams, illegal mining, informal settlements
	Are there any significant landscape features on the property?	No
	Are there any sites or features of geological significance on the property?	No
	Does the property have any rocky outcrops on it?	No
	Does the property have any fresh water sources (springs, streams, rivers) on or alongside it?	No
	Does the property have any sea frontage?	No
	Does the property form part of a coastal dune system?	No
	Are there any marine shell heaps or scatters on the property?	No
Heritage resources on the property		
	(check box if present on the property)	Name / List / Brief description
Formal protections (NHRA)		
	National heritage site (S. 27)	No
	Provincial heritage site (S. 27)	No
	Provisional protection (s.29)	No
	Place listed in heritage register (S. 30)	No
General protections (NHRA)		
	structures older than 60 years (S. 34)	No
	archaeological site or material (S. 35)	No
	palaeontological site or material (S. 35)	No
	graves or burial grounds (S. 36)	No
	public monuments or memorials (S. 37)	No
Other		
	Any heritage resource identified in a heritage survey (state author and date of survey and survey grading/s)	No
	Any other heritage resources (describe)	No

Property history and associations	
(check box if YES)	Brief description/explanation
Provide a brief history of the property (e.g. when granted, previous owners and uses).	See Appendix 1&2
Is the property associated with any important persons or groups?	No
Is the property associated with any important events, activities or public memory?	No
Does the property have any direct association with the history of slavery?	No
Is the property associated with or used for living heritage?	No
Are there any oral traditions attached to the property?	Possible -

7. STATEMENT OF SIGNIFICANCE

7.1. Aesthetic Value

The aesthetic values of the HIA Study Area (township establishment and the overall project area) are contained in the vacant bushveld environment and landscape typical of this part of the Mpumalanga Province. The visual and physical relationship between HIA study area and the surrounding cultural Landscape demonstrates the connection of place to the local and oral historical stories of the African communities who populated this region going back into prehistory.

The proposed township establishment will be situated within an environment and associated cultural landscape, which, although developed by existing settlements, remains representative of the original historical environment and cultural landscape of this part of Mpumalanga Province. The local communities consider the project area a cultural landscape linked to their ancestors and history. However, the proposed developments will not alter this aesthetic value in any radical way since it will add to the constantly changing and developing settlements (Table below).

Table 1: Assessment of impacts to Aesthetic Values related to the scenic routes and sense of place

	Before Mitigation	After Mitigation
Magnitude	Low	NA
Extent Local -	Local	NA

Duration Long term -	Long term	NA
Significance	Low -	NA
Probability	Definite -	NA
Status	Negative -	NA
Reversible	Yes (with rehabilitation after plant is decommissioned)	NA
Cumulative	A number of townships, and other facilities planned for the area that may lead to cumulative visual impacts to the landscape if they were to be constructed. This maybe of concern and will detract from peoples' experience of the general regional sense of place.	

7.2. Historic Value

There are no such historic relics on the site affected with development, however, such history goes back to the pre-colonial period, through the colonial era, the colonial wars and subsequent colonial rule up to modern day Mpumalanga Province.

Table 2: Assessment of impacts to Historic Values related to the project area.

	Before Mitigation	After Mitigation
Magnitude	Low	Low
Extent Local -	Specific Site	Specific Site
Duration Long term -	Long term	Long term
Significance	Low -	Low -
Probability	Definite -	Probable
Status	Negative -	Negative -
Reversible	Yes (with rehabilitation after plant is decommissioned)	No
Cumulative	No historic or historic archaeology sites will be affected by this development. However, there are similar developments if the region that may affected highly significant sites which will lead to permanent loss of physical cultural property record of the region.	

7.3. Scientific value

Past settlements and associated roads, hospital and other auxiliary infrastructure developments and disturbance within the HIA study area associated with the proposed township establishment have resulted in limited intact significant cultural landscapes with the potential to retain intact large scale or highly significant open archaeological site deposits. However, should intact archaeological sites be recorded

within the township establishment servitudes and immediate surrounding areas, they may retain scientific evidence that may add value to the local and regional history.

Table 3: Assessment of impacts to Archaeological Scientific Values related to the project area.

	Before Mitigation	After Mitigation
Magnitude	Low	NA
Extent Local -	Specific Site	NA
Duration Long term -	Long term	NA
Significance	Low -	NA
Probability	Definite -	NA
Status	Negative -	NA
Reversible	Yes (with rehabilitation after plant is decommissioned)	NA
Cumulative	. Since no significant pre-colonial resources occur, cumulative impacts are thus not of concern on this site. There are other significant archaeological sites in the region that may be protected for archaeological and scientific reasons.	

7.4. Social Value

The project sites fall within a larger and an extensive Mpumalanga cultural landscape. The overall area has social value for the local community, as is the case with any populated landscape. The land provides the canvas upon which daily socio-cultural activities are painted. All these factors put together confirm the social significance of the project area. However, this social significance is not going to be negatively impacted by the proposed township establishment development especially given the fact that the development will add value to the human settlements and activities already taking place. In addition, the area is already affected by development and this project is an addition to what already existing infrastructure such as demolished buildings, a police station, small sewage/oxidation ponds, pipeline markers, manholes and illegal sand mining activities being undertaken.

Sections of the project area are covered in thick bushes. Vegetation retains social value as sources of important herbs and traditional medicines as such, they must be considered as medium significant social value sites.

8. RECOMMENDATIONS

1. Therefore, it is recommended that a **walk down survey be conducted once the final sites or zones have been fully determined. The archeological walkdown survey would ensure that the sites or zones will not be installed on archeological materials when construction is finally approved.**
2. From a heritage point of view project site is feasible, **precaution should be undertaken on the Eastern side where appears to be graveyard.** However, the proposed zones should be approved to proceed as planned under observation that construction work does not extend beyond the surveyed farm servitudes. The footprint impact of the proposed township servitudes development and associated infrastructure should be kept to minimal to limit the possibility of encountering chance finds.
3. **When the removal of topsoil and subsoil on the site earmarked for the township establishment development commences, the site should be monitored for subsurface archaeological materials.**
4. **Should chance archaeological materials or human burials remains be exposed during subsurface construction work on any section of the zones of the township establishment, work should cease on the affected area and the discovery must be reported to the heritage authorities immediately so that an investigation and evaluation of the finds can be made. The overriding objective, where remedial action is warranted, is to minimize disruption in construction scheduling while recovering archaeological and any affected cultural heritage data as stipulated by the PHRA and NHRA regulations.**
5. **A professional archaeologist should be retained to monitor all significant earth moving activities that may be implemented as part of the proposed Power line development.**
6. The construction monitoring process would ensure that should any archaeological or human remains be disturbed during subsurface construction work at the Sites of Interest, immediate remedial rescue and salvage work would be actioned without delay.
7. Subject to the recommendations herein made and the implementation of the mitigation measures and adoption of the project EMP, there are no significant

cultural heritage resources barriers to the proposed township establishment development in the Mpumalanga Province. The Heritage authority may approve the proposed development to proceed as planned with special commendations to implement the recommendations here in made.

8.1. Management & Policy Recommendations

8.1.1. Community Advisory

Should community consultations being held through the project EIA PPP refer to any cultural issues associated with the project area, such matters should be addressed adequately. The proposed township establishment and its associated activities with existing neighboring communities in the landscape and their heritage or cultural aspirations that may potentially be affected by the development should be acknowledged in the event that they are identified during the course of the implementation of the proposed development. To date, the PPP consultation process has not identified cultural heritage contestation to the project.

Recommendation

The Project Public Participation Process should ensure that any cultural heritage related matter for this project is given due attention whenever it arises and is communicated to PHRA throughout the proposed project development. This form of extended community involvement would pre-empt any potential disruptions that may arise from previously unknown cultural heritage matter that may have escaped the attention of this study.

8.1.2. Interpretation & Active Management Recommendations

The local communities have a long and significant connection with project area. Like any other generational society, there are several other cultural activities that take place within the affected settlement areas associated with the proposed township establishment and its associated activities.

Recommendation

Although the possibility of conflict between the community and the proposed development related to cultural heritage is unlikely, PHRA should acknowledge on behalf of the community, that the project area is situated in a culturally significant

landscape associated with local history and cultural activities. PHRA may also acknowledge that such significance is not tied to physical sites or archaeological sites only, but to intangible heritage such as popular memories, oral history, ancestral remembrance, religious rituals, aesthetic appreciations, living experiences and folklores. As such, the community retains the right to have their constitutionally guaranteed cultural heritage rights respected and protected without being limited to existence of physical evidence such as archaeological sites. Should such issues arise in association with this proposed development have to be adequately addressed by PHRA and community.

Table 9: Significance assessment of identified heritage features

S 3(2) NHRA heritage resource category	ELEMENTS	INDICATORS OF HERITAGE SIGNIFICANCE											CUMULATIVE SIGNIFICANCE RATING (TOTAL 30) 1-9 = Low = 1 10-19 = Medium = 2 20-30 = High = 3
		HISTORICAL RARE	SCIENTIFIC TYPICAL	AESTHETIC	TECHNOLOGICAL	PERSON OF COMMUNITY	LANDMARK MATERIAL	CONDITION	SUSTAINABILITY				
Buildings, structures, places and equipment of cultural significance	Ruins / Dwellings/ wall features	0	0	0	0	0	0	0	0	0	0	0	0 = Low = 1
Areas to which oral traditions are attached or which are associated with intangible heritage	None	0	0	0	0	0	0	0	0	0	0	0	0 = Low = 1
Historical settlements and townscapes	None	0	0	0	0	0	0	0	0	0	0	0	0 = Low = 1

Landscapes and natural features of cultural significance	Wider cultural landscape	0	0	0	0	1	1	0	0	0	0	1	2 = Low = 1
Geological sites of scientific or cultural importance	None	0	0	0	0	0	0	0	0	0	0		0 = Low = 1
Archaeological and palaeontological sites	None	0	0	0	0	0	0	0	0	0	0		0 = Low = 1
Graves and burial grounds	None	0	0	0	0	0	0	0	0	0	0		0 = Low = 1
Areas of significance related to labour history	None	0	0	0	0	0	0	0	0	0	0		0 = Low = 1
Movable objects	None	0	0	0	0	0	0	0	0	0	0		0 = Low = 1

Table10: Summarised identification of heritage features, impacts and impact management measures

S 3(2) NHRA heritage resource	(a) Identification		(b) Significance	(c) Impact	(f) Recommended impact management
	Site	GPS (centre of holding)			
Buildings, structures, places and equipment of cultural significance	None	None	None	None	monitor
Areas to which oral traditions are attached or which are associated with intangible heritage	None	None	Low local	Low negative	None - oral history contradictory to physical evidence
Areas of significance related to labour history	None	-	-	-	-
Historical settlements and townscapes	None	None	None	None	Monitor
Landscapes and natural features of cultural significance	None	None	None	None	None

Geological sites of scientific or cultural importance	None	None	None	None	None
Archaeological artefacts	Chance finds	-	Low local	Low negative	Mitigation: Monitor
Movable objects	None	None	None	None	None

9. CONCLUDING REMARKS

The literature review, field research and subsequent impact assessment confirmed that the project area is situated within a contemporary cultural landscape dotted with settlements that have long local history. Field survey was conducted during which it was established that the affected project area is degraded by existing and previous land use activities and developments. Although historical and contemporary cultural sites might exist in the neighboring farmlands, none were recorded within the project area that retained high significance that may be affected by implementation of the proposed integrated sustainable human settlement township establishment. This report concludes that the proposed township establishment may be approved by **Heritage Authority to proceed as planned subject to recommendations herein made which include an conducting an archeological walk down survey once the final sites or zones have been determined; conditional inclusion of heritage monitoring measures in the project EMP (also see Appendices) and chance finds procedures for the construction phase.**

Social and economic benefits: The proposed development will have no direct benefits related to the conservation of heritage resources since these may be destroyed. The proposed development will have high significant socio-economic benefits to the local communities.

Consultation with affected communities: This process will be implemented in compliance with Section 38 (3) (e) of the NHRA. A Public Participation Process is to be conducted by SP Projects based on this draft HIA.

Identification of risk sources: The following project actions might impact negatively on any potential palaeontological and archaeological sites and remains that may be

buried sub surface. Due to the geology this is not expected. The actions are likely to occur during the Construction Phase of the proposed project - Bulk earthworks.

Except for documentation of structures and monitoring of chance finds during site preparation and construction work, no mitigation measures apply.

The proposed development is located in a cultural landscape classified primarily as historic farmland. In the light of the proposed settlement extension this type of landscape is of relatively low heritage sensitivity because it is able to absorb new development with little adverse effects on heritage of the larger cultural landscape.

Final Recommendation: Based on the above findings, Nzumbululo states that there are no compelling reasons or fatal flaws that may go against the proposed development.

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11. APPENDIX 1: HUMAN REMAINS AND BURIALS IN DEVELOPMENT CONTEXT

BY Murimbika M. [2011]

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Developers, land use planners and professional specialist service providers often encounter difficult situations with regards to burial grounds, cemeteries and graves that may be encountered in development contexts. This may be before or during a development project. There are different procedures that need to be followed when a development is considered on an area that will impact upon or destroy existing burial grounds, cemeteries or individual graves. In contexts where human remains are accidentally found during development work such as road construction or building construction, there are different sets of intervention regulations that should be instigated. This brief is an attempt to highlight the relevant regulations with emphasis on procedures to be followed when burial grounds, cemeteries and graves are found in development planning and development work contexts. The applicable regulations operate within the national heritage and local government legislations and

ordinances passed in this regard. These guidelines assist you to follow the legal pathway.

1. First, establish the context of the burial:

A. Are the remains less than 60 years old? If so, they may be subject to provisions of the Human Tissue Act, Cemeteries Ordinance(s) and to local, regional, or municipal regulations, which vary from place to place. The finding of such remains must be reported to the police but are not automatically protected by the National Heritage Resources Act (Act 25 of 1999).

B. Is this the grave of a victim of conflict? If so, it is protected by the National Heritage Resources Act (Section 36(3a)). (Relevant extracts from the Act and Regulations are included below).

C. Is it a grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority? If so, it is protected by the National Heritage Resources Act (Section 36(3b)).

D. Are the human or hominid remains older than 100 years? If so, they are protected by the National Heritage Resources Act (Section 35(4), see also

definition of "archaeological" in Section 2).

2. Second, refer to the terms of the National Heritage Resources Act most appropriate to the situation, or to other Acts and Ordinances:

A. Human remains that are NOT protected in terms of the National Heritage Resources Act (i.e. less than 60 years old and not a grave of a victim of conflict or of cultural significance) are subject to provisions of the Human Tissue Act and to local and regional regulations, for example Cemeteries Ordinances applicable in different Provincial and local Authorities.

B). All finds of human remains must be reported to the nearest police station to ascertain whether or not a crime has been committed.

C). If there is no evidence for a crime having been committed, and if the person cannot be identified so that their relatives can be contacted, the remains may be kept in an institution where certain conditions are fulfilled. These conditions are laid down in the Human Tissue Act (Act No. 65 of 1983). In contexts where the local traditional authorities given their consent to the unknown remains to be re-buried in their area, such re-interment may be conducted under the same regulations

as would apply for known human remains.

3. In the event that a graveyard is to be moved or developed for another purpose, it is incumbent on the local authority to publish a list of the names of all the persons buried in the graveyard if there are gravestones or simply a notification that graves in the relevant graveyard are to be disturbed. Such a list would have to be compiled from the names on the gravestones or from parish or other records. The published list would call on the relatives of the deceased to react within a certain period to claim the remains for re-interment. If the relatives do not react to the advertisement, the remains may be re-interred at the discretion of the local authority.

A. However, it is the responsibility of the developer to ensure that none of the affected graves within the cemetery are burials of victims of conflict. The applicant is also required in line with the heritage legislation to verify that the graves have no social significance to the local communities.

B. It is illegal in terms of the Human Tissue Act for individuals to keep human remains, even if they have a permit, and

even if the material was found on their own land.

4. The Exhumations Ordinance (Ordinance No. 12 of 1980 and as amended) is also relevant. Its purpose is "To prohibit the desecration, destruction and damaging of graves in cemeteries and receptacles containing bodies; to regulate the exhumation, disturbance, removal and re-interment of bodies, and to provide for matters incidental thereto". This ordinance is supplemented and support by local authorities' regulations, municipality by-laws and ordinances.

DEFINITIONS AND APPLICABLE REGULATIONS

1). A "Cemetery" is defined as any land, whether public or private, containing one or more graves.

2). A "grave" includes "(a) any place, whether wholly or partly above or below the level of ground and whether public or private, in which a body is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and (b) any monument, tombstone, cross, inscription, rail, fence, chain, erection or other structure of whatsoever nature

forming part of or appurtenant to a grave.

3). No person shall desecrate, destroy or damage any grave in a cemetery, or any coffin or urn without written approval of the Administrator.

4). No person shall exhume, disturb, remove or re-inter anybody in a cemetery, or any coffin or urn without written approval of the Administrator.

5). Application must be made for such approval in writing, together with:

a). A statement of where the body is to be re-interred.

b). Why it is to be exhumed.

c). The methods proposed for exhumation.

d). Written permission from local authorities, nearest available relatives and their religious body owning or managing the cemetery, and where all such permission cannot be obtained, the application must give reasons why not.

6). The Administrator has the power to vary any conditions and to impose additional conditions.

7). Anyone found guilty and convicted is liable for a maximum fine of R200 and maximum prison sentence of six months.

5. Human remains from the graves of victims of conflict, or any burial ground or part thereof which contains such

graves and any other graves that are deemed to be of cultural significance may not be destroyed, damaged, altered, exhumed or removed from their original positions without a permit from the National Heritage Resources Agency. They are administered by the Graves of Conflict Division at the SAHRA offices in Johannesburg.

“Victims of Conflict” are:

a). Those who died in this country as a result of any war or conflict but excluding those covered by the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992).

b). Members of the forces of Great Britain and the former British Empire who died in active service before 4 August 1914.

c). Those who, during the Anglo Boer War (1899-1902) were removed from South Africa as prisoners and died outside South Africa, and,

d). Those people, as defined in the regulations, who died in the “liberation struggle” both within and outside South Africa.

6. Any burial that is older than 60 years, which is outside a formal cemetery administered by a local authority, is protected in terms of Section 36(3b) of the National Heritage Resources Act. No person shall destroy damage, alter,

exhume or remove from its original position, remove from its original site or export from the Republic any such grave without a permit from the SAHRA. There are some important new considerations applicable to B & C (above).

SAHRA may, for various reasons, issue a permit to disturb a burial that is known to be a grave of conflict or older than 65 years, or to use, at a burial ground, equipment for excavation or the detection or the recovery of metals.

(Permit applications must be made on the official form Application for Permit: Burial Grounds and Graves available from SAHRA or provincial heritage resources authorities.) Before doing so, however, SAHRA must be satisfied that the applicant:

a). Has made satisfactory arrangements for the exhumation and re- interment of the contents of such a grave at the cost of the applicant.

b). Has made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such a grave and,

c). Has reached an agreement with these communities and individuals regarding the future of such a grave or burial ground.

PROCEDURE FOR CONSULTATION

The regulations in the schedule describe the procedure of consultation regarding the burial grounds and graves. These apply to anyone who intends to apply for a permit to destroy damage, alter, remove from its original position or otherwise disturb any grave or burial ground older than 60 years that is situated outside a formal cemetery administered by a local authority. The applicant must make a concerted effort to identify the descendants and family members of the persons buried in and/or any other person or community by tradition concerned with such grave or burial ground by:

- 1). Archival and documentary research regarding the origin of the grave or burial ground;
- 2). Direct consultation with local community organizations and/or members;
- 3). The erection for at least 60 days of a notice at the grave or burial ground, displaying in all the official languages of the province concerned, information about the proposals affecting the site, the telephone number and address at which the applicant can be contacted by any interested person and the date by which contact must be made, which must be at least 7 days after the end of

the period of erection of the notice; and

- 4). Advertising in the local press.

The applicant must keep records of the actions undertaken, including the names and contact details of all persons and organizations contacted and their response, and a copy of such records must be submitted to the provincial heritage resources authority with the application.

Unless otherwise agreed by the interested parties, the applicant is responsible for the cost of any remedial action required.

If the consultation fails to reach an agreement, the applicant must submit records of the consultation and the comments of all interested parties as part of the application to the provincial heritage resources authority.

In the case of a burial discovered by accident, the regulations state that when a grave is discovered accidentally in the course of development or other activity:

- a). SAHRA or the provincial heritage resources authority (or delegated representative) must, in co-operation with the Police, inspect the grave and decide whether it is likely to be older than 60 years or otherwise protected in

terms of the Act; and whether any further graves exist in the vicinity.

b). If the grave is likely to be so protected, no activity may be resumed in the immediate vicinity of the grave, without due investigation approved by SAHRA or the provincial heritage resources authority; and

c). SAHRA or the provincial heritage resources authority may at its discretion modify these provisions in order to expedite the satisfactory resolution of the matter.

d. Archaeological material, which includes human and hominid remains that are older than 100 years (see definition in section 2 of the Act), is protected by the National Heritage Resources Act (Section 35(4)), which states that no person may, without a permit issued by the responsible heritage resources authority - destroy, damage, excavate, alter or remove from its original site any archaeological or palaeontological material.

The implications are that anyone who has removed human remains of this description from the original site must have a permit to do so. If they do not have a permit, and if they are convicted of an offence in terms of the National Heritage Resources Act as a result, they must be liable to a maximum

fine of R100 000 or five years imprisonment, or both.

TREAT HUMAN REMAINS WITH RESPECT

a). Every attempt should be made to conserve graves in situ. Graves should not be moved unless this is the only means of ensuring their conservation.

b). The removal of any grave or graveyard or the exhumation of any remains should be preceded by an historical and archaeological report and a complete recording of original location, layout, appearance and inscriptions by means of measured drawings and photographs. The report and recording should be placed in a permanent archive.

c). Where the site is to be re-used, it is essential that all human and other remains be properly exhumed and the site left completely clear.

d). Exhumations should be done under the supervision of an archaeologist, who would assist with the identification, classification, recording and preservation of the remains.

e). No buried artifacts should be removed from any protected grave or graveyard without the prior approval of SAHRA. All artifacts should be re-buried with the remains with which they are

associated. If this is not possible, proper arrangements should be made for the storage of such relics with the approval of SAHRA.

f). The remains from each grave should be placed in individual caskets or other suitable containers, permanently marked for identification.

g). The site, layout and design of the area for re-interment should take into account the history and culture associated with, and the design of, the original grave or graveyard.

h). Re-burials in mass graves and the use of common vaults are not recommended.

i). Remains from each grave should be re-buried individually and marked with the original grave markers and surrounds.

j). Grouping of graves, e.g. in families, should be retained in the new layout.

k). Material from the original grave or graveyard such as chains, kerbstones, railing and should be re-used at the new site wherever possible.

l). A plaque recording the origin of the graves should be erected at the site of re-burial.

m). Individuals or groups related to the deceased who claim the return of human remains in museums and other institutions should be assisted to obtain

documentary proof of their ancestral linkages.

12. APPENDIX 2: HERITAGE MANAGEMENT PLAN INPUT INTO TOWNSHIP ESTABLISHMENT ON THE REMAINDER OF THE FARM KWAMHLANGA 617 JR WITHIN THEMBISILE HANI LOCAL MUNICIPALITY, NKANGALA DISTRICT, MPUMALANGA PROVINCE.

Objective	Protection of archaeological sites and land considered to be of cultural value;
	Protection of known physical cultural property sites against vandalism, destruction and theft; and The preservation and appropriate management of new archaeological finds should these be discovered during construction.

No.	Activity	Mitigation Measures	Duration	Frequency	Responsibility	Accountable	Contacted	Informed
Pre-Construction Phase								
1	Planning	Ensure all known sites of cultural, archaeological, and historical significance are demarcated on the site layout plan, and marked as no-go areas.	Throughout Project	Weekly Inspection	Contractor [C] CECO	SM	ECO	EA EM PM
Construction Phase								
1	Emergency Response	Should any archaeological or physical cultural property heritage resources be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped until heritage authority has cleared the development to continue.	N/A	Throughout	C CECO	SM	ECO	EA EM PM
		Should any archaeological, cultural property heritage resources be exposed during excavation or be found on development site, a registered		Throughout	C CECO	SM	ECO	EA EM PM

No.	Activity	Mitigation Measures	Duration	Frequency	Responsibility	Accountable	Contacted	Informed
		heritage specialist or PHRA official must be called to site for inspection.						
		Under no circumstances may any archaeological, historical or any physical cultural property heritage material be destroyed or removed from site;		Throughout	C CECO	SM	ECO	EA EM PM
		Should remains and/or artefacts be discovered on the development site during earthworks, all work will cease in the area affected and the Contractor will immediately inform the Construction Manager who in turn will inform Heritage Authority/SAHRA.		When necessary	C CECO	SM	ECO	EA EM PM
		Should any remains be found on site that is potentially human remains, the PHRA and South African Police Service should be contacted.		When necessary	C CECO	SM	ECO	EA EM PM
Rehabilitation Phase								
		Same as construction phase.						
Operational Phase								
		Same as construction phase.						

13. Appendix 3: Heritage mitigation measure table

Site Ref	HERITAGE Aspect	POTENTIAL IMPACT	Mitigation measures	Responsible PARTY	Penalty	Method required	Statement
Chance Archaeological and Burial Sites	General area where the proposed project is situated is a historic landscape, which may yield archaeological, cultural property, remains. There are possibilities of encountering unknown archaeological sites during subsurface construction work which may disturb previously unidentified chance finds.	Possible damage to previously unidentified archaeological and burial sites during construction phase. Unanticipated impacts on archaeological sites where project actions inadvertently uncovered significant archaeological sites. Loss of historic cultural landscape; Destruction of burial sites and associated graves Loss of aesthetic value due to construction work Loss of sense of place Loss of intangible heritage value due to change in land use	In situations where unpredicted impacts occur construction activities must be stopped and the heritage authority should be notified immediately. Where remedial action is warranted, minimize disruption in construction scheduling while recovering archaeological data. Where necessary, implement emergency measures to mitigate. Where burial sites are accidentally disturbed during construction, the affected area should be demarcated as no-go zone by use of fencing during construction, and access thereto by the construction team must be denied. Accidentally discovered burials in development context should be salvaged and rescued to safe sites as may be directed by relevant heritage authority. The heritage officer	Contractor / Project Manager Archaeologist Project EO	Fine and or imprisonment under the PHRA Act & NHRA	Monitoring measures should be issued as instruction within the project EMP. PM/EO/Archaeologists Monitor construction work on sites where such development projects commences within the farm.	

responsible should
secure relevant heritage
and health authorities
permits for possible
relocation of affected
graves accidentally
encountered during
construction work.

14. APPENDIX 4: LEGAL BACKGROUND AND PRINCIPLES OF HERITAGE RESOURCES MANAGEMENT IN SOUTH AFRICA

Extracts relevant to this report from the National Heritage Resources Act No. 25 of 1999, (Sections 5, 36 and 47):

General principles for heritage resources management

5. (1) All authorities, bodies and persons performing functions and exercising powers in terms of this Act for the management of heritage resources must recognise the following principles:

(a) Heritage resources have lasting value in their own right and provide evidence of the origins of South African society and as they are valuable, finite, non-renewable and irreplaceable they must be carefully managed to ensure their survival;

(b) every generation has a moral responsibility to act as trustee of the national heritage for succeeding generations and the State has an obligation to manage heritage resources in the interests of all South Africans;

(c) heritage resources have the capacity to promote reconciliation, understanding and respect, and contribute to the development of a unifying South African identity; and

(d) heritage resources management must guard against the use of heritage for sectarian purposes or political gain.

(2) To ensure that heritage resources are effectively managed—

(a) the skills and capacities of persons and communities involved in heritage resources management must be developed; and

(b) provision must be made for the ongoing education and training of existing and new heritage resources management workers.

(3) Laws, procedures and administrative practices must—

(a) be clear and generally available to those affected thereby;

(b) in addition to serving as regulatory measures, also provide guidance and information to those affected thereby; and

(c) give further content to the fundamental rights set out in the Constitution.

- (4) Heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management.
- (5) Heritage resources contribute significantly to research, education and tourism and they must be developed and presented for these purposes in a way that ensures dignity and respect for cultural values.
- (6) Policy, administrative practice and legislation must promote the integration of heritage resources conservation in urban and rural planning and social and economic development.
- (7) The identification, assessment and management of the heritage resources of South Africa must—
- (a) take account of all relevant cultural values and indigenous knowledge systems;
 - (b) take account of material or cultural heritage value and involve the least possible alteration or loss of it;
 - (c) promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs;
 - (d) contribute to social and economic development;
 - (e) safeguard the options of present and future generations; and
 - (f) be fully researched, documented and recorded.

Burial grounds and graves

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) (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority—

(a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;

(b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or

(c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

(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.

(5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3)(b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority—
(a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and
(b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.

(6) Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority—

(a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and

(b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

(7) (a) SAHRA must, over a period of five years from the commencement of this Act, submit to the Minister for his or her approval lists of graves and burial grounds of persons connected with the liberation struggle and who died in exile or as a result of the action of State security forces or agents provocateur and which, after a process of public consultation, it believes should be included among those protected under this section.

(b) The Minister must publish such lists as he or she approves in the Gazette.

(8) Subject to section 56(2), SAHRA has the power, with respect to the graves of victims of conflict outside the Republic, to perform any function of a provincial heritage resources authority in terms of this section.

(9) SAHRA must assist other State Departments in identifying graves in a foreign country of victims of conflict connected with the liberation struggle and, following negotiations with the next of kin, or relevant authorities, it may re-inter the remains of that person in a prominent place in the capital of the Republic.

General policy

47. (1) SAHRA and a provincial heritage resources authority—

(a) must, within three years after the commencement of this Act, adopt statements of general policy for the management of all heritage resources owned or controlled by it or vested in it; and

(b) may from time to time amend such statements so that they are adapted to changing circumstances or in accordance with increased knowledge; and

(c) must review any such statement within 10 years after its adoption.

(2) Each heritage resources authority must adopt for any place which is protected in terms of this Act and is owned or controlled by it or vested in it, a plan for the management of such place in accordance with the best environmental, heritage conservation, scientific and educational principles that can reasonably be applied taking into account the location, size and nature of the place and the resources of the authority concerned, and may from time to time review any such plan.

(3) A conservation management plan may at the discretion of the heritage resources authority concerned and for a period not exceeding 10 years, be operated either solely by the heritage resources authority or in conjunction with an environmental or tourism authority or under contractual arrangements, on such terms and conditions as the heritage resources authority may determine.

(4) Regulations by the heritage resources authority concerned must provide for a process whereby, prior to the adoption or amendment of any statement of general policy or any conservation management plan, the public and interested organisations are notified of the availability of a draft statement or plan for inspection, and comment is invited and considered by the heritage resources authority concerned.

(5) A heritage resources authority may not act in any manner inconsistent with any statement of general policy or conservation management plan.

(6) All current statements of general policy and conservation management plans adopted by a heritage resources authority must be available for public inspection on request.



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