

A LETTER OF RECOMMENDATION FOR THE EXEMPTION OF A FULL PHASE 1 HERITAGE IMPACT ASSESSMENT (HIA) FOR THE FORMALISATION OF DEMARCATED SITES ON A PORTION OF THE REMAINDER EXTENT OF THE FARM GIYANI 891-LT WITHIN THE GREATER GIYANI LOCAL MUNICIPALITY, LIMPOPO PROVINCE.

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DECLARATION OF INDEPENDENCE

I, Frans Roodt representing R&R Cultural Resource Consultants, hereby confirm my independence as a specialist archaeologist and heritage practitioner and declare that I have no business, financial, personal or other interest in any proposed activity, application or appeal in respect of this proposed project other than fair remuneration for the work performed.



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Principal Investigator (ASAPA member 120)

1. TERMS OF REFERENCE (See Annexure **A** for relevant legislation)

The author was appointed by Phakanani Environmental Consultants to undertake a heritage impact assessment for the formalisation of the demarcation of sites on a portion of the remainder extent of farm Giyani 891-LT within the Greater Giyani Local Municipality in the Mopani District of Limpopo Province.

2. LOCATION AND TERRAIN DESCRIPTION

The project area is located on a Portion of the Remainder of the Farm Giyani 891-LT and located less than a kilometre north of the Giyani CBD and west of Giyani E extension. The development area is 56.1236 Ha in extent. Some of the areas of the proposed site has already been developed while the rest has been disturbed by bush clearance and surface preparation of plots, sand mining, ploughing of large portions of land and the dumping of rubble.

At least four (4) formal housing complexes have recently been established on the terrain, while other erven/plots contain houses, businesses, two brick making factories, churches, a school, a crèche and a security company. Subsistence farming plots also occur on the terrain.

The entire demarcated area has been altered and impacted on by human activities.

3. METHODOLOGY

The area was surveyed on foot and by vehicle with regular spot-checks where access was gained (see figure 11). The SAHRIS database was consulted and two previous heritage impact assessments are referenced that covers the immediate area. None of these surveys had located any significant heritage resources in the area. Google Earth and the 1:50 000 map 2330 BC was studied to identify possible indicators of archaeological and heritage sites.

4. RESULTS OF THE SURVEY (See Annexure **B** for a summary of terminology)

4.1 Stone Age remains

No Stone Age material was noted. The sand mining disturbance nor previously ploughed fields contained any Stone Age material. In addition, the terrain is not suitable for Rock Art as there are no large loose-standing boulders or rock overhangs which could facilitate rock art.

4.2 Iron Age

No Iron Age cultural material was recorded on the terrain. However, an Early Iron Age smelting site was previously recorded at the village of Thomo approximately 10 km northeast of the project area (Mathoho et al 2016).

4.3 Intangible Heritage

No signs of ritual use or the presence of graves were noted in the project area.

4.4 The built environment

Giyani was established in 1969 in the former Gazankulu. When it became a self-governing homeland in 1973, Giyani became the official capital of Gazankulu. None of the buildings in town or on site are older than 60 years and therefore has no heritage significance.

4.5 Palaeontology

The area falls within the grey colour code of the SAHRIS Palaeontological Sensitivity Map. No further action is required.

5. CONCLUSION

No heritage sites or cultural material was detected on the terrain. The purpose of the process is to formalising the demarcation of sites. The altered nature of the terrain and existing developments makes it unlikely that further housing development will have any negative impact on archaeological or any other heritage resources. This document serves as a statement to that effect. From a heritage perspective we have no objection with regard to the continuation of developments.

6. RECOMMENDATIONS AND MANAGEMENT MEASURES

It is recommended that the formalisation process is exempted from a full Heritage Impact Assessment due to the advanced stage of the existing development and based on this survey, it is highly unlikely that the development will negatively impact on any heritage resources.

Mitigation measures will, however, be required should any chance discoveries of subterranean archaeological material be made during construction. In such an event the heritage authority or the archaeologist must be informed immediately and work ceased in that particular area.

7. REFERENCES

eThembeni Cultural Heritage. 2006. Heritage Impact Assessment of Nsami Dam, Giyani, Limpopo Province, South Africa. Unpublished report.

Mathoho, EN, Bandama, F, Moffett, AJ & Chirikure, S. 2016. A technological and anthropological study of iron production in Venda, Limpopo Province, South Africa, Azania: Archaeological Research in Africa, DOI: 10.1080/0067270X.2016.1177937

PGS Heritage. 2015. Phase 1 Heritage Impact Assessment, New Proposed Giyani 35 ML Reservoir, Giyani, Limpopo Province. Unpublished report.



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Figure 1. Bush clearance and plot preparation in the southern section – photo taken in southerly direction



Figure 2. Bush clearance and plot preparation in the central-western section – photo taken in south-easterly direction



Figure 3. Sand and brick depot.



Figure 4. Brick factory area.



Figure 5. A crèche.



Figure 6. A church.



Figure 7. Sand mining.



Figure 8. Informal business.



Figure 9. Existing housing development.



Figure 10. One of the four residential complexes on the demarcated terrain.



Figure 11. Google Earth image with survey track (yellow line) on the demarcated area.



Figure 12. Google Earth image of the project area in relation to Giyani township.

ANNEXURE A: RELEVANT LEGISLATION

Two sets of legislation are relevant for the protection of heritage resources and graves.

The National Heritage Resources Act (25 of 1999) (NHRA)

This Act established the South African Heritage Resources Agency (SAHRA) and makes provision for the establishment of Provincial Heritage Resources Authorities (PHRA). The Act makes provision for the undertaking of heritage resources impact assessments for various categories of development as determined by Section 38. It also provides for the grading of heritage resources (Section 7) and the implementation of a three-tier level of responsibilities and functions for heritage resources to be undertaken by the State, Provincial authorities and Local authorities, depending on the grade of the Heritage resources (Section 8).

In terms of the National Heritage Resources Act (1999) the following is of relevance:

Historical remains

Section 34(1) No person may alter or demolish any structure or part of a structure, which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

Archaeological remains

Section 35(3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority or to the nearest local authority or museum, which must immediately notify such heritage resources authority.

Subsection 35(4) No person may, without a permit issued by the responsible heritage resources authority-

- (a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
- (b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
- (c) trade in, sell for private gain, export or attempt to export from the republic any category of archaeological or palaeontological material or object, or any meteorite; or
- (d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist with the detection or recovery of metals or archaeological material or objects, or use such equipment for the recovery of meteorites.

Subsection 35(5) When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and no heritage resources management procedures in terms of section 38 has been followed, it may-

- (a) serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order;
- (b) carry out an investigation for the purpose of obtaining information on whether or not an archaeological or palaeontological site exists and whether mitigation is necessary;
- (c) if mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph (a) to apply for a permit as required in subsection (4); and
- (d) recover the costs of such investigation from the owner or occupier of the land on which it is believed an archaeological or palaeontological site is located or from the person proposing to undertake the development if no application for a permit is received within two weeks of the order being served.

Subsection 35(6) The responsible heritage resources authority may, after consultation with the owner of the land on which an archaeological or palaeontological site or meteorite is situated; serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.

Burial grounds and graves

Subsection 36(3)

- (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority-
- (c) 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
- (d) 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 detection or recovery of metals.

Subsection 36(6) Subject to the provision of any 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 content of such grave or, in the absence of such person or community, make any such arrangement as it deems fit.

Culture Resource Management

Subsection 38(1) Subject to the provisions of subsection (7), (8) and (9), any person who intends to undertake a development* ...

must at the very earliest stages of initiating such development notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.

*‘**development**’ means any physical intervention, excavation, or action, other than those caused by natural forces, which may in the opinion of the heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including-

- (a) construction, alteration, demolition, removal or change of use of a place or a structure at a place;
- (b) carry out any works on or over or under a place*;
- (e) any change to the natural or existing condition or topography of land, and
- (f) any removal or destruction of trees, or removal of vegetation or topsoil;

****place** means a site, area or region, a building or other structure* ...”

****structure** means any building, works, device or other facility made by people and which is fixed to the ground ...”

The Human Tissues Act (65 of 1983)

This Act protects graves younger than 60 years. These fall under the jurisdiction of the National Department of Health and the Provincial Health Departments. Approval for the exhumation and re-burial must be obtained from the relevant Provincial MEC as well as the relevant Local Authorities.

ANNEXURE B: TERMINOLOGY

Early Stone Age:	The Oldowan “chopper” tools dating to between 1.7 and 2.3 million in southern Africa and the Acheulean hand axe industry complex dating to \pm 1.4 Myr – 250 000 yrs. before present.
Middle Stone Age:	Various lithic industries in SA dating from \pm 250 000 yrs. - 22 000 yrs. before present.
Late Stone Age:	The period from \pm 22 000 yrs. to the contact period with either Iron Age farmers or European colonists.
Early Iron Age:	Most of the first millennium AD.
Middle Iron Age:	10 th to 13 th centuries AD.
Late Iron Age:	14 th century to colonial period. <i>The entire Iron Age represents the spread of Bantu speaking peoples.</i>
Historical:	Mainly cultural remains of western influence and settlement from AD 1652 onwards – mostly structures older than 60 years in terms of Section 34 of the NHRA.
Phase 1 assessment:	Scoping surveys to establish the presence of and to evaluate heritage resources in a given area.
Phase 2 assessment:	In depth culture resources management studies which could include major archaeological excavations, detailed site surveys and mapping / plans of sites, including historical / architectural structures and features. Alternatively, the sampling of sites by collecting material, small test pit excavations or auger sampling.
Sensitive:	Often refers to graves and burial sites although not necessarily a heritage place, as well as ideologically significant sites such as ritual / religious places. <i>Sensitive</i> may also refer to an entire landscape / area known for its significant heritage remains.