

**PORTION 6 OF THE FARM NOOITGEDACHT 62 JU, WHITE RIVER**

**HERITAGE ASSESSMENT**



**Wouter Fourie**  
**BA (Hon) Archaeology (UP)**



**Jaco van der Walt**  
**BA (Hon) Archaeology (WITS)**

Reference: Ptn 6 Nooitgedacht-001

Compiled by: Wouter Fourie &  
Jaco vd Walt

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Matakoma Heritage Consultants (Pty) Ltd

P.O. Box 431

Paardekraal, 1752

Tel: +27 11 954 6871

Fax: +27 11 954 3568

E-mail: [info@matakoma.co.za](mailto:info@matakoma.co.za)

## **EXECUTIVE SUMMARY**

As we know from legislation the surveying, capturing and management of heritage resources is an integral part of the greater management plan laid down for any major development or historic existing operation. With the proclamation of the National Heritage Resources Act 1999 (Act 25 of 1999) this process has been laid down clearly. This legislation aims to underpin the existing legislation, which only addresses this issue at a glance, and gives guidance to developers and existing industries to the management of their Heritage Resources.

The importance of working with and following the guidelines laid down by the South African Heritage Resources Agency cannot be stressed enough.

The following outline the findings of the report:

### **2531AC-MHC001**

The site is characterised by a small cemetery consisting of three graves of which two have double burials. The grave date between 1911 and 1922. The entire cemetery has beautifully carved headstones. **The site is highly significant**

### **Mitigation**

The graves will have to be relocated before any development can take place in its vicinity. This can only be done after extensive social consultation and the necessary permits issued by the relevant local and provincial departments as well as SAHRA.

Matakoma Heritage Consultants can be contacted to handle this issue.

Refer to Section 9 for proposed management guidelines.

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## **1. INTRODUCTION**

Matakoma Heritage Consultants (Pty) Ltd was contracted by Wandma Consulting Services to conduct a Heritage Assessment for the proposed development on Portion 6 of the farm Nooitgedacht 62 JU in the White River area.

The aim of the study is to identify all archaeological sites, document, and assess their importance within local, provincial, and national context. From this we aim to assist the developer in managing the discovered heritage resource in a responsible manner to protect, preserve, and develop the heritage resources within the framework provided by the National Heritage Resources Act of 1999 (Act 25 of 1999).

The report outlines the approach and methodology utilised before and during the survey, which includes a Physical surveying of the area on foot and vehicle and Reporting the outcome of the study.

The section under Recommendations provides broad management guidelines for the discovery of cultural heritage sites or objects for inclusion into the Management Program.

This report must also be submitted to SAHRA's provincial office for scrutiny.

## 2. APPROACH AND METHODOLOGY

The aim of the study is to cover all available data to compile a background history of the area. This was done by means of the following phases.

### 2.1 Physical Surveying

Due to the nature of cultural remains that occur below surface, a physical walk through of the study area was conducted.

Aerial photographs and 1:50 000 maps of the area were consulted and literature of the area were studied before undertaking the survey. The purpose of this was to identify topographical areas of possible historic and pre-historic activity. The project area of approximately 44 hectare was surveyed over one day, by means of vehicle and extensive surveys on foot by archaeologists. All sites discovered inside the mining lease areas were plotted on 1:50 000 maps, and their GPS co-ordinates noted. 35mm photographs on digital film were taken of all the sites found.

## 3. WORKING WITH LEGISLATION

It is very important that cultural resources be evaluated according to the National Heritage Recourse Act. In the absence of any Cultural Resources, please refer to Section 9 for Management Guidelines.

## 4. ASSESSMENT CRITERIA

This chapter describes the evaluation criteria used for the sites listed below.

The significance of archaeological sites was based on five main criteria:

- **site integrity** (i.e. primary vs. secondary context),
- **amount of deposit, range of features** (e.g., stonewalling, stone tools and enclosures),
- **uniqueness** and
- **potential** to answer present research questions.

## **4.1 Evaluation**

### **4.1.1 Significance**

The significance rating scale is as follows:

*HIGH:* Impacts of a substantial order. In the case of negative impacts, mitigation and/or remedial activity would be feasible but difficult, expensive, time-consuming or some combination of these.

In the case of positive impacts, other means of achieving this benefit would be feasible, but these would be more difficult, expensive, time-consuming or some combination of these.

*MODERATE:* Impact would be real but not substantial within the bounds of those, which could occur. In the case of negative impacts, mitigation and/or remedial activity would be both feasible and fairly easily possible. In the case of positive impacts, other means of achieving these benefits would be about equal, cost and effort.

*LOW:* Impact would be of low order and with little effect. In the case of negative impacts, mitigation and/or remedial activity would be either easily achieved or little would be required, or both. In case of positive impacts, alternative means of achieving this benefit would likely be easier, cheaper, more effective, less time-consuming, or some combination of these.

*VERY LOW:* Impact would be negligible. In the case of negative impacts, almost no mitigation and/or remedial activity would be needed, and any minor steps, which might be needed, would be easy, cheap and simple. In the case of positive impacts, alternative means would be almost all likely to be better, in one or a number of ways, than this means of achieving the benefit.

*NO EFFECT:* There would be no impact at all - not even a very low impact on the system or any of its parts.

## 5. SITES OF SIGNIFICANCE

The following section outlines the sites identified in the development area, and evaluates them according to the evaluation criteria of the National Heritage Resources Act.

The site is highly disturbed by previous sand mining activity in the area.

### 5.1 2531AC-MHC001

The site is characterised by a small cemetery consisting of three graves of which two have double burials. The grave date between 1911 and 1922. All the grave have beautifully carved headstones.



**Figure 1** – Cemetery view from east

**The site is highly significant**



**Figure 2** – Double grave of two children

### **Mitigation**

The graves will have to be relocated before any development can take place in its vicinity. This can only be done after extensive social consultation and the necessary permits issued by the relevant local and provincial departments as well as SAHRA.

Matakoma Heritage Consultants can be contacted to handle this issue.

### **6. ASSUMPTIONS AND LIMITATIONS**

Due to the nature of cultural remains that occur, in most cases, below surface, the possibility remains that some cultural remains may not have been discovered during the survey. Although Matakoma Heritage Consultants surveyed the area as thorough as possible, it is incumbent upon the developer to inform the relevant heritage



agency should further cultural remains be unearthed or laid open during the process of development.

## **7. LEGAL AND POLICY REQUIREMENTS**

In areas where there has not yet been a systematic survey to identify conservation worthy places, a permit is required to alter or demolish any structure older than 60 years. This will apply until a survey has been done and identified heritage resources are formally protected.

Archaeological and palaeontological sites, materials, and meteorites are the source of our understanding of the evolution of the earth, life on earth and the history of people. In the new legislation, permits are required to damage, destroy, alter or disturb them. People who already possess material are required to register it.

The management of heritage resources are integrated with environmental resources and this means that before development takes place heritage resources are assessed and, if necessary, rescued.

In addition to the formal protection of culturally significant graves, all graves, which are older than 60 years and are not in a cemetery (such as ancestral graves in rural areas), are protected. The legislation protects the interests of communities that have interest in the graves: they may be consulted before any disturbance takes place.

The graves of victims of conflict and those associated with the liberation struggle will be identified, cared for, protected and memorials erected in their honour.

Anyone who intends to undertake a development must notify the heritage resource authority and if there is reason to believe that heritage resources will be affected, an impact assessment report must be compiled at the developer's cost. Thus developers will be able to proceed without uncertainty about whether work will have to be stopped if a heritage resource is discovered.

According to the National Heritage Act (Act 25 of 1999 section 32) it is stated that:

An object or collection of objects, or a type of object or a list of objects, whether specific or generic, that is part of the national estate and the export of which SAHRA deems it necessary to control, may be declared a heritage object, including –

- objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects, meteorites and rare geological specimens;
- visual art objects;
- military objects;
- numismatic objects;
- objects of cultural and historical significance;
- objects to which oral traditions are attached and which are associated with living heritage;
- objects of scientific or technological interest;
- books, records, documents, photographic positives and negatives, graphic material, film or video or sound recordings, excluding those that are public records as defined in section 1 (xiv) of the National Archives of South Africa Act, 1996 ( Act No. 43 of 1996), or in a provincial law pertaining to records or archives; and
- any other prescribed category.

If it is necessary to refer to any of the above-mentioned objects, the National Heritage Act (Act 25 of 1999 Sections 31-38) are included in Appendix 2.

Under the new National Heritage Resources Act (Act No. 25 of 1999), provisions are made that deal with, and offer protection, to all historic and pre-historic cultural remains, including graves and human remains.

- Graves younger than 60 years fall under Section 2(1) of the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925) as well as the Human Tissues Act (Act 65 of 1983) and are the jurisdiction of the National Department of Health and the relevant Provincial Department of Health and must be submitted for final approval to the Office of the relevant Provincial Premier. This function is usually delegated to the Provincial MEC for Local Government and Planning or in some cases the MEC for Housing and Welfare. Authorisation for exhumation and reinterment must also be obtained from the relevant local or regional council where the grave is situated, as well as the relevant local or regional council to where the grave is being relocated. All local and regional provisions, laws and by-laws must also be adhered to. In order to handle and transport human remains the institution conducting the

relocation should be authorised under Section 24 of Act 65 of 1983 (Human Tissues Act).

- Graves older than 60 years, but younger than 100 years fall under Section 36 of Act 25 of 1999 (National Heritage Resources Act) as well as the Human Tissues Act (Act 65 of 1983) and are the jurisdiction of the South African Heritage Resource Agency (SAHRA). The procedure for Consultation Regarding Burial Grounds and Graves (Section 36(5) of Act 25 of 1999) is applicable to graves older than 60 years that are situated outside a formal cemetery administrated by a local authority. Graves in the category located inside a formal cemetery administrated by a local authority will also require the same authorisation as set out for graves younger than 60 years over and above SAHRA authorisation. If the grave is not situated inside a formal cemetery but is to be relocated to one, permission from the local authority is required and all regulations, laws and by-laws set by the cemetery authority must be adhered to.

Refer to **Annexure A** for further information on legislation.

## **8. RECOMMENDATIONS AND CONCLUSION**

*A map of the surveyed areas are provided in **Annexure B**.*

The following outlines the recommendations for the heritage site found during the survey.

### **2531AC-MHC001**

The site is characterised by a small cemetery consisting of three graves of which two have double burials. The grave date between 1911 and 1922. All the grave have beautifully carved headstones. **The site is highly significant**

#### **Mitigation**

The graves will have to be relocated before any development can take place in its vicinity. This can only be done after extensive social consultation and the necessary permits issued by the relevant local and provincial departments as well as SAHRA.

Matakoma Heritage Consultants can be contacted to handle this issue

## 9. MANAGEMENT GUIDELINES

1. The National Heritage Resources Act (Act 25 of 1999) states that, '  
*any person who intends to undertake a development categorised as-*
  - (a) *the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*
  - (b) *the construction of a bridge or similar structure exceeding 50m in length;*
  - (c) *any development or other activity which will change the character of a site-*
    - (i) *exceeding 5 000m<sup>2</sup> in extent; or*
    - (ii) *involving three or more existing erven or subdivisions thereof; or*
    - (iii) *involving three or more erven or divisions thereof which have been consolidated within the past five years; or*
    - (iv) *the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;*
  - (d) *the re-zoning of a site exceeding 10 000m<sup>2</sup> in extent; or*
  - (e) *any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,*

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

In the event that an area previously not included in an archaeological or cultural resources survey, is to be disturbed. The South African Heritage Resources Agency (SAHRA) needs to be contacted. An enquiry must be lodged with them into the necessity for a Heritage Impact Assessment.

2. In the event that a heritage assessment is required it is advisable to utilise a qualified heritage practitioner preferably registered with the Cultural Resources Management Section (CRM) of the Association of Southern African Professional Archaeologists (ASAPA). *Refer to subsection 8.*

This survey and evaluation must include:

- (a) The identification and mapping of all heritage resources in the area affected;
- (b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6 (2) or prescribed under section 7 of the National Cultural Resources Act;
- (c) an assessment of the impact of the development on such heritage resources;
- (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- (e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- (f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- (g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

3. It is advisable that an information section on cultural resources be included in the SHEQ training given to contractors involved in surface earthmoving activities. This sections must include basic information on:
  - a. Heritage
  - b. Graves;
  - c. Archaeological finds; and
  - d. Historical Structures;

This module must be tailor made to include all possible finds that could be expected in that area of construction.

4. In the event that a possible find is discovered during construction, all activities must be halted in the area of the discovery and a qualified archaeologist contacted.

5. The archaeologist needs to evaluate the finds on site and make recommendations towards possible mitigation measures.
6. If mitigation is necessary, an application for a rescue permit must be lodged with SAHRA.
7. After mitigation an application must be lodged with SAHRA for a destruction permit. This application must be supported by the mitigation report generated during the rescue excavation. Only after the permit is issued may such a site be destroyed.
8. If during the initial survey sites of cultural significance is discovered, it will be necessary to develop a management plan for the preservation, documentation or destruction of such site. Such a program must include a watching brief, timeframe and agreed upon schedule of actions between the company and the archaeologist.
9. In the event that human remain are uncovered or previously unknown graves are discovered a qualified archaeologist needs to be contacted and an evaluation of the finds made.
10. If the remains are to be exhumed and relocated, the relocation procedures as accepted by SAHRA needs to followed. This includes an extensive social consultation process

Matakoma Heritage Consultants can be contacted on the way forward in this regard.

## **10. LIST OF PREPARES**

Wouter Fourie, BA (Hon) Archaeology (UP)

Jaco van der Walt, BA (Hon) Archaeology (WITS)

## **11. REFERENCES**

### **11.1 Archaeological Papers**

EVERS, T.M. Sotho Tswana and Moloko Settlement Patterns and the Bantu Cattle Pattern.

HUFFMAN, T.N.1998. The Antiquity of Lobola. South African Archaeological Bulletin. 53:57-62.

HUFFMAN, T.N. 2002. Gautrain Archaeological Assessment. Archaeological Resource Management. WITS

KLEIN, R.G. 1984. Southern African Prehistory and Paleoenvironments. A.A. Balkema.

### **11.2 Cultural Heritage Papers:**

FISHER, R.C. 1997. Architecture an Overview. South African Arts, Culture and Heritage Calendar, 1997. Department of Arts, Culture, Science, and Technology.

**ANNEXURE A**

**Legislation extracts**



[36]36 Burial grounds and graves

(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.

[37]37 Public monuments and memorials

Public monuments and memorials must, without the need to publish a notice to this effect, be protected in the same manner as places which are entered in a heritage register referred to in section 30.

[38]38 Heritage resources management

(1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-

- (a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (b) the construction of a bridge or similar structure exceeding 50m in length;
- (c) any development or other activity which will change the character of a site-
  - (i) exceeding 5 000m<sup>2</sup> in extent; or
  - (ii) involving three or more existing erven or subdivisions thereof; or
  - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
  - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;

- (d) the re-zoning of a site exceeding 10 000m<sup>2</sup> in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,

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

(2) The responsible heritage resources authority must, within 14 days of receipt of a notification in terms of subsection (1)-

(a) if there is reason to believe that heritage resources will be affected by such development, notify the person who intends to undertake the development to submit an impact assessment report. Such report must be compiled at the cost of the person proposing the development, by a person or persons approved by the responsible heritage resources authority with relevant qualifications and experience and professional standing in heritage resources management; or

(b) notify the person concerned that this section does not apply.

(3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2) (a): Provided that the following must be included:

- (a) The identification and mapping of all heritage resources in the area affected;
- (b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6 (2) or prescribed under section 7;
- (c) an assessment of the impact of the development on such heritage resources;
- (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;

(e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;

(f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and

(g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

(4) The report must be considered timeously by the responsible heritage resources authority which must, after consultation with the person proposing the development, decide-

(a) whether or not the development may proceed;

(b) any limitations or conditions to be applied to the development;

(c) what general protections in terms of this Act apply, and what formal protections may be applied, to such heritage resources;

(d) whether compensatory action is required in respect of any heritage resources damaged or destroyed as a result of the development; and

(e) whether the appointment of specialists is required as a condition of approval of the proposal.

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

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

(a) must consider the views of both parties; and

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

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

(8) The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the Environment Conservation Act, 1989 (Act 73 of 1989), or the integrated environmental management guidelines issued by the Department of Environment Affairs and Tourism, or the Minerals Act, 1991 (Act 50 of 1991), or any other legislation: Provided that the consenting authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the consent.

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

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

**ANNEXURE B**  
**Heritage Sites**



