



Plate 42 This image was taken before or during 2007 and appears to show the new married quarters building known in this report as Building 7.



Plate 43 Another image of what appears to be Building 7. This photograph was must have been taken after the previous one.



Plate 44 This image appears to depict the back of Building 7. The photograph was taken before or during 2007.



Plate 45 All that remains of Building 7 today is a heap of rubble.



Plate 46 This image was taken before or during 2007 and appears to show the new married quarters building known in this report as Building 8. The photograph was taken from the north-east.



Plate 47 All that remains of Building 8 today.



Plate 48 View along the road between the new married quarters and the Plantation area. The photograph was taken before or during 2007.



Plate 49 Remnants of the gardens and shrubs that were left during the demolition and which were associated with the new married quarters.

12. SIGNIFICANCE OF THE MARRIED QUARTERS FROM THE STUDY AREA

12.1 General

According to the Burra Charter 'cultural significance' means 'aesthetic, historic, scientific or social value for past, present or future generations'. Cultural significance is a concept which helps in estimating the value of places. These terms and their meaning are not mutually exclusive, for example, architectural style has both historical and aesthetic aspects (Burra Charter, 1999). The categorization into aesthetic, historic, scientific and social values is one approach to understanding the concept of cultural significance (Burra Charter, 1999). However, more precise categories may be used as understanding of a particular place may increase. For the purposes of this report such categories are used in tandem with the criteria set out by the National Heritage Resources Act.

12.2 Significance of the Site and Buildings

Two sets of criteria are used to determine the historical and cultural significance of a site. The first set is determined by the National Heritage Resources Act and tends to focus on determining the significance of a site on 'national' or macro geographic level.

The second set of criteria is a refinement of those set out in the Act and tends to highlight detail aspects of the site (addressing things such as buildings, structures, infrastructural elements, activity areas and planted vegetation). The latter set of criteria is more specific and focuses on detail and determines the 'local' cultural significance.

12.2.1 Criteria to determine cultural significance of a place according to the National Heritage Resources Act

1.	<p><i>The importance of the site in the community or pattern of South Africa 's history</i></p> <p>In terms the definition of 'community' two types must be distinguished: the 'mining' community and the current 'historic association' community. If the buildings have been retained the site would have had significant architectural value. However, the site is empty and now has little architectural significance. As the buildings that were located on this site form part of a cluster, the remaining buildings of the cluster now have even higher historical and architectural significance than before.</p>	<p>Rating</p> <p>Low</p>
2.	<p><i>Possession of uncommon, rare or endangered aspects of South Africa's natural and cultural heritage</i></p> <p>If the original buildings were not demolished and if they were not altered and 'modernised' by the mine, they would have been 'unique' and 'rare'.</p>	<p>Rating</p> <p>(High)</p>

	The buildings that were demolished on the proposed development site are the same as those across Rondebult Road.	Low
3.	<p>Potential to yield information that will contribute to an understanding of South Africa's natural and cultural heritage.</p> <p>Even though all the buildings on the proposed development site were completely demolished, the same type of buildings occurs across Rondebult Road from the demolished buildings.</p>	<p>Rating</p> <p>Low</p>
4.	<p>Importance in demonstrating the principle characteristics of a particular class of South Africa's natural or cultural places or objects</p> <p>The term 'class' needs to be defined: in this case class refers to the category of architecture in which the demolished buildings would have qualified. In this case it refers to several categories.: (a) 'workers housing', (b) Baker designed buildings, (c) mining housing, (d) ERPM staff housing and (e) a combination of these – Baker designed staff housing for the ERPM mine. If the entire cluster has remained intact the significance would have been very high, If the buildings were not altered but were retained in the form, shape and condition baker intended them to be, the site and buildings would have been exceptionally high.</p> <p>However all the buildings on the proposed development site have been demolished and no remains of the original buildings occur in situ.</p>	<p>Rating</p> <p>(High)</p> <p>Low</p>
5.	<p>Importance in exhibiting particular aesthetic characteristics valued by a community of cultural group.</p> <p>No buildings were left on the site. If they remained intact they would have completed the entire ensemble or complete design of the housing complex of the mine.</p>	<p>Rating</p> <p>Low</p>
6.	<p>Importance in demonstrating a high degree of creative or technical achievement in a particular period.</p> <p>None of the buildings have remained on the proposed development site.</p>	<p>Rating</p> <p>Low</p>
7.	<p>Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.</p> <p>The site used to be part of the ERPM mine housing complex but as mining housing did little to rouse any consideration as a place worth conserving due to the temporary nature of mine staff. It is understood that it was only after the residences were demolished that the local heritage society and local residents identified the significance of these buildings. They felt that these buildings could have contributed to the character of the neighbourhood and even more so would have contributed because some of them have been designed by Sir Herbert Baker.</p>	<p>Rating</p> <p>Medium</p>
8.	<p>Strong or special association with the life and work of a person, group or organization of importance in the history of South Africa.</p> <p>Four of the buildings that were demolished were designed by the firm of Baker and Masey. They formed part of a larger housing complex of the ERPM mine dating to the period 1902-1911. The same buildings were</p>	<p>Rating</p> <p>High</p>

	erected in the rest of the complex and these examples have remained in situ.	
9.	<p><i>Are there any sites of significance relating to the history of slavery in South Africa</i></p> <p>The site has no associations with the period of slavery in South Africa but the buildings that were demolished formed part of a larger workers housing complex.</p>	<p>Rating</p> <p>Low</p>

12.2.2 Historical (Social) significance

Historical significance focuses on determining how the site or building fits into the history of a person, a group or community. Not only does it relate to events that happened on the site and the people associated with such an event, but also relates to the social context within which the site has gained 'place' value and some significance in the minds and memories of people.

This type of significance may imply that the building or structure on the site can be of lesser significance than the 'place' or 'event' value and in exceptional cases may result in the protection of the land (space) rather than the buildings or structures on the site (the World Trade Centre is a case in point where the significance of the historic event associated with the site, resulted in the sites being protected as open spaces rather than being covered with a new building).

1.	<p><i>Is the site, or any building(s), structure(s) or planted vegetation associated with an historic person or group.</i></p> <p>All the buildings, the remains of the street (street pattern and suburb layout) and the planted vegetation are associated with the history of the E.R.P.M. mine. No particular individual associated with the mine or any group - other than the fact that these buildings were erected for white collar workers - are associated with these heritage remains.</p>	<p>Rating</p> <p>Medium</p>
2.	<p><i>Is the site, or building(s), structure(s) or any planted vegetation associated with an historic event or any historic religious, social, economic or political activity.</i></p> <p>The site is not associated with an outstanding historic event. The only association of any significance is that the demolished buildings formed part of the housing complex for the E.R.P.M. mine workers.</p>	<p>Rating</p> <p>Medium</p>
3.	<p><i>Does the site (as a whole) or any building, structure or any planted vegetation illustrate a historic period.</i></p> <p>Only the street pattern, some of the mature trees and some of the planted vegetation of the original gardens and the building rubble of the residences have remained on the proposed development site.</p>	<p>Rating</p> <p>Medium</p>

	<p>on the Witwatersrand designing housing complexes for various early gold mines. The housing complex at E.R.P.M. is one of these complexes. Baker had a preference for strong Arts and Crafts characteristics and treatment of structural and elements and detailing according to the principles of the Arts and Crafts movement. Most of these elements have since been removed from the buildings across Rondebult Road and little of the original Baker characteristics have remained intact.</p> <p>However, the examples of these buildings that have remained are located in the core section of the E.R.P.M. village and not on the site.</p>	Low
3.	<p><i>Does any of the buildings or structures contain fine details or reflect exceptional craftsmanship</i></p> <p>If the buildings would have survived, they would have been the same as those across Rondebult Road and would have reflected the design capabilities of the firm of Baker and Masey.</p> <p>The buildings have been demolished but examples of these still exist across Rondebult Road.</p>	<p>Rating</p> <p>(High)</p> <p>Low</p>
4.	<p><i>Are any of the buildings or structures the work of a major architect, engineer or builder.</i></p> <p>Some of the buildings were designed by the firm of Herbert Baker and Masey, adding considerable value to the buildings as examples of this firm's work at the time.</p>	<p>Rating</p> <p>High</p>
5.	<p><i>Are there any buildings or structures that are important examples of an industrial , technological or engineering development.</i></p> <p>None of the original buildings reflected any outstanding engineering or technical achievements</p>	<p>Rating</p> <p>Low</p>
6.	<p><i>What is the structural and architectural integrity of the buildings or structures.</i></p> <p>The buildings from within the study area have been demolished</p>	<p>Rating</p> <p>Low</p>
7.	<p><i>Are the buildings or structures still utilized.</i></p> <p>The buildings from within the study area have all been demolished</p>	<p>Rating</p> <p>Low</p>
8.	<p><i>Has the building or buildings been altered and are these alterations sympathetic to the original intent of the design.</i></p> <p>The buildings from within the study area have all been demolished</p>	<p>Rating</p> <p>Low</p>

12.2.4 Contextual or spatial significance

In general all evaluations to determine the significance of anything in the landscape are based on contextual evidence. In this category the significance of the 'place' must be determined according to the spatial or environmental context in which the site and its

artefacts were designed, created and functioned over time. This set of criteria will remain difficult due to the fact that spatial context always change and remain in flux and is particularly complex in dense urban environments.

This type of information is of particular value to urban designers and architects who have to design and plan with and around places that have been identified of spatial significance.

1.	<p><i>Is the site or any of the buildings or structures a landmark in the city or town.</i></p> <p>The site is not located at a point in the urban environment where it can be considered as a significant 'landmark' location. If the buildings were still intact and still formed part of the original rectangular layout the complex would have had some landmark significance but as the most eastern buildings of the complex have been demolished that landmark significance has disappeared.</p>	<p>Rating</p> <p>Low</p>
2.	<p><i>Does the site or any of the buildings or structures contribute to the character of the neighbourhood.</i></p> <p>If the buildings in the proposed development area had survived they would have made a significant (high) contribution to the character of the neighbourhood. 'Neighbourhood' needs to be defined as: the E.R.P.M. housing complex of which the demolished houses formed a part of.</p> <p>As no buildings exist within the study area this is of little significance.</p>	<p>Rating</p> <p>(High)</p> <p>Low</p>
3.	<p><i>Does the site or any of the buildings or structures contribute to the character of the streetscape or a square.</i></p> <p>No buildings exist on the proposed development site.</p> <p>If the Baker buildings did remain on the site they would have made a significant contribution to the streetscape. The significance would have been even more significant if they were not altered to the level and character of the other examples across Rondebult Road.</p>	<p>Rating</p> <p>Low</p> <p>(Medium)</p>
4.	<p><i>Do any of the buildings or structures form part of a significant group or ensemble of buildings.</i></p> <p>All the buildings that were demolished formed part of a larger housing complex of the E.R.P.M. mine and it is this group of buildings that cumulatively form a significant complex and ensemble of buildings associated with the history of the mine, the history of workers housing on the Witwatersrand and the contribution of Herbert Baker's office to architecture in the region.</p> <p>The proposed development site contains none of these buildings. All the existing examples of the buildings defined above are located on another property and on another site not part of the responsibility of this landowner or developer.</p>	<p>Rating</p> <p>(High)</p> <p>Low</p>

13. HERITAGE REQUIREMENTS IN TERMS OF SECTION 38 (3) OF THE NATIONAL HERITAGE RESOURCES ACT NOT DEALT WITH IN THE PREVIOUS SECTION.

Although this report is a Phase 2 Heritage Impact Assessment, it is uncertain whether the aspects dealt with in this section has been addressed in the Phase 1 Heritage Impact Assessment. As such these two components will be discussed here.

13.1 "A(a)n evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;"

The following socio-economic benefits are expected from the proposed development:

- The development is expected to generate a new stream of income for the local economy and create new job opportunities both in the construction and operational phases of the development. The socio-economic benefits would be especially significant if the area zoned for commercial use is developed. It is expected that a yearly income of approximately R10 m would be generated from the development. At the same time approximately 150 job opportunities will be created during the construction phase and a further approximately 1 000 job opportunities created in the operational phase. It is expected that the employment opportunities would have an annual value of R3,24 m.
- Other socio-economic benefits would be the creation of employment and residential opportunities in close proximity to each other, reduction of travelling times as more people live in proximity to the Boksburg CBD, optimisation of existing infrastructure and enhancement of the area in general.

When a comparison is drawn between the impacts of the proposed development on the heritage fabric of the area and the socio-economic benefits expected from the project, it is evident that the socio-economic benefits outweigh the mitigated impact of the proposed development on the sites located during the study.

13.2 "T(t)he results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;"

A Public Participation Process was undertaken by SEF between 2006 and 2009. The following Public Meetings were undertaken as part of this process:

- On 27 August 2007 a meeting was held with the community of Plantation as part of the Environmental Authorisation (Scoping). At this meeting the issue of the Sir Herbert Baker homes and their heritage value was raised. SEF undertook to invite the South African Heritage Resources Agency (SAHRA) for a site visit.
- On 2 June 2009 another Public Participation meeting was arranged by SEF as part of the EIA process. The issue of the Heritage Value of the now demolished structures were again raised.

As a result of the Public Participation Process the South African Heritage Resources Agency were invited to partake in the process. The result of this was a letter written by Ms. Tebogo Molokomme of SAHRA Gauteng in which the present study was requested.

14. CONCLUSIONS AND GENERAL RECOMMENDATIONS

Professional Grave Solutions was appointed by Urban Dynamics to undertake a Phase 2 Heritage Impact Assessment for the proposed establishment of the Comet Ext. 8 development on Portion 406 of the farm Driefontein 85-IR, Ekurhuleni Metropolitan Municipality, Gauteng Province. The proponent is Business Venture Investments.

The following recommendations are made:

- None of the Baker buildings that were demolished need to be reconstructed within the study area.
- New buildings of similar use and function should be designed in scale (not higher than a single storey along the street edges – single buildings deep) and 3 stories from about 50m set-back from the existing boundary of the site (southern boundary) and be aesthetically sympathetic to the existing architectural fabric of the direct neighbourhood.
- Use the existing (and historic) street pattern as guideline to design the new residential area.
- Blend the new street pattern with the existing street patterns of the surrounding neighbourhood.
- Make provision of a small area (30sqm) where appropriate memorialisation of the site and its history can be designed in such a way that it is integrated into the total site development plan and forms part of the landscaping and public movement layout. Appropriate memorialisation could imply the construction of a pedestal (height: 800mm – by 1m by 1,5m) with a flat top on which a stone slab with some history and drawings are engraved or etched containing a short history

of the mine and the fact that Herbert Baker designed some of the buildings. The latter must be done in granite and not in metal. The site must be located in an area where pedestrians and the public will be able to visit the spot and include it in their daily movement. If the entire development is fenced-in, the site for memorialisation should be part of such an area where the site is protected and forms part of the general site management plan of the development.

It is the opinion of the authors of this report that in terms of the heritage aspects addressed as part of the defined scope of work of this study (see Section 3) and based on the condition that all the recommendations made in this report are adhered to, the development may be allowed to continue.

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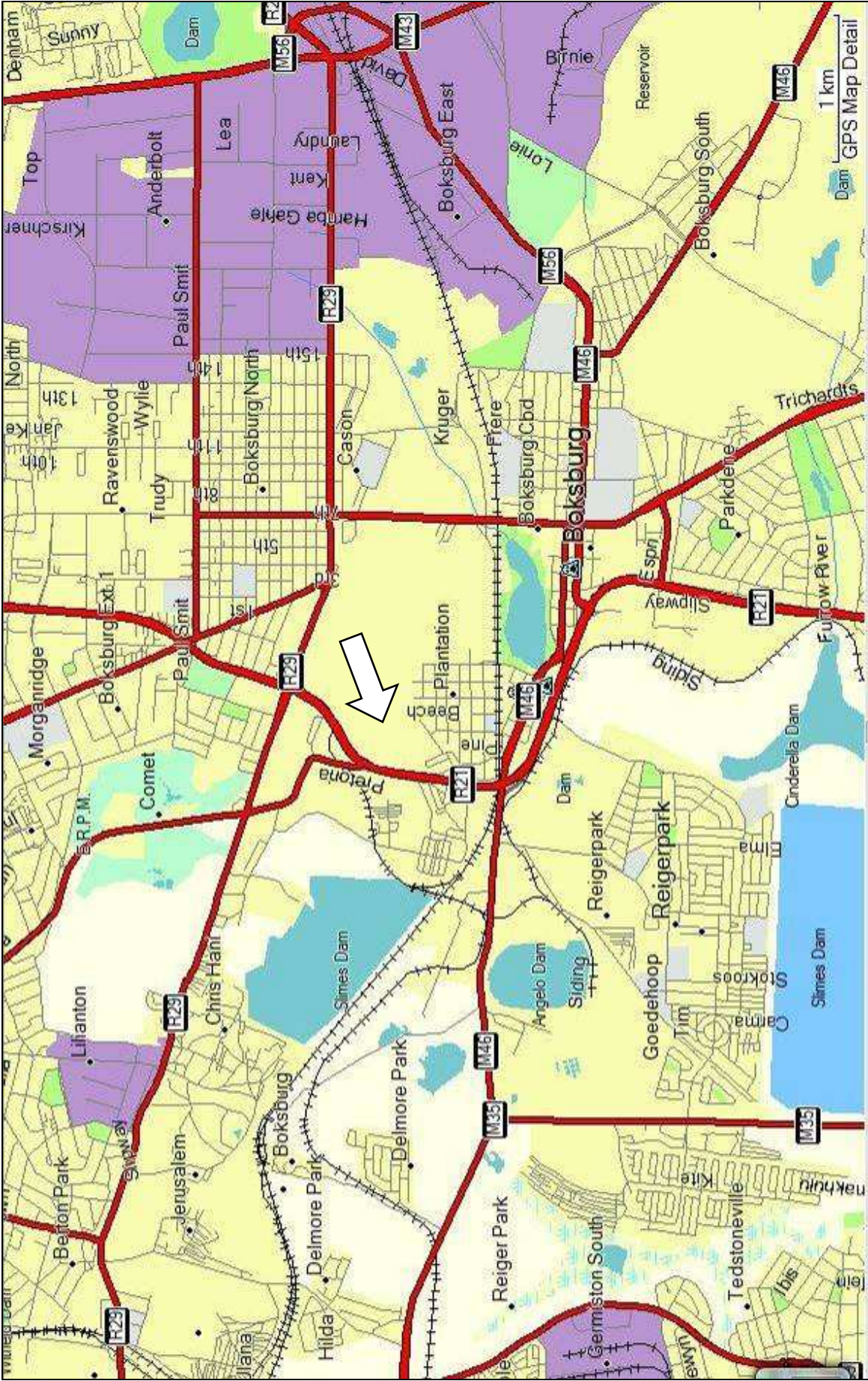
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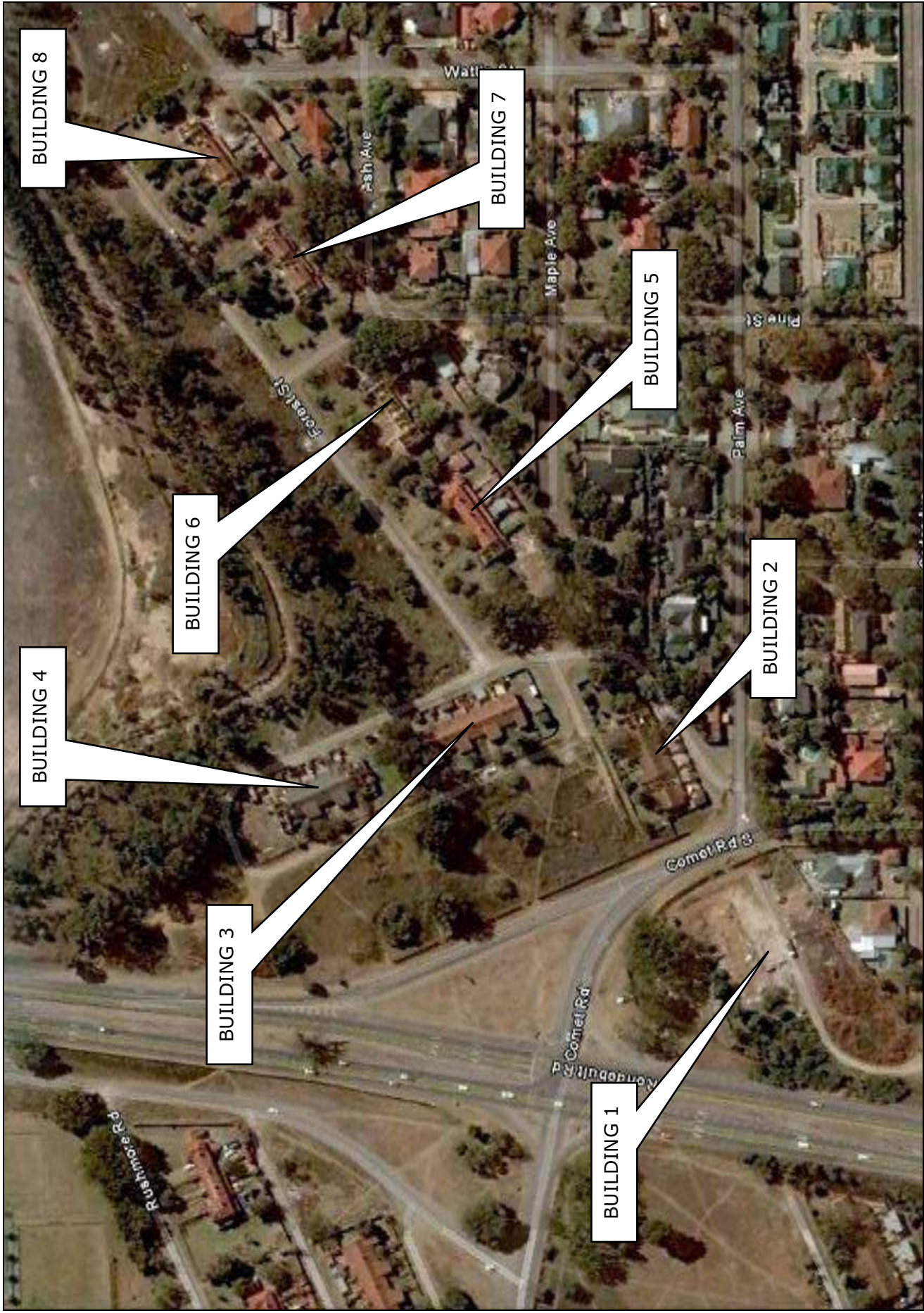
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**ANNEXURE A
LOCALITY PLAN**



ANNEXURE B
GOOGLE EARTH IMAGE OF STUDY
AREA SHOWING LOCATED HERITAGE SITES



BUILDING 8

BUILDING 7

BUILDING 5

BUILDING 6

BUILDING 4

BUILDING 2

BUILDING 3

BUILDING 1

Ruess Rd

Comel Rd

Comel Rd

Forest St

Ash Ave

Maple Ave

Palm Ave

Pine St

Watt Ave

ANNEXURE C
DEVELOPMENT LAYOUT PLAN

PROJECT
PROPOSED TOWNSHIP
COMET EXTENSION 8
 FROM THE EAST RANDELS AND AREA OF THE FARM DRIEFONTEIN 85 IR, LOCAL AUTHORITY : EKURHULENI METRO MUNICIPALITY DISTRICT MUNICIPAL SYSTEM : BOESBOM



LAND USE

LAND USE	AREA (m²)	PERCENTAGE	NO. OF UNITS
RESIDENTIAL 1 (2/1C1/1P)	131 330	100%	131
RESIDENTIAL 2 (2/1C2/1P)	2 824	2%	2
RESIDENTIAL 3 (2/1C3/1P)	1 930	1%	1
RESIDENTIAL 4 (2/1C4/1P)	1 500	1%	1
RESIDENTIAL 5 (2/1C5/1P)	1 500	1%	1
RESIDENTIAL 6 (2/1C6/1P)	1 500	1%	1
RESIDENTIAL 7 (2/1C7/1P)	1 500	1%	1
RESIDENTIAL 8 (2/1C8/1P)	1 500	1%	1
RESIDENTIAL 9 (2/1C9/1P)	1 500	1%	1
RESIDENTIAL 10 (2/1C10/1P)	1 500	1%	1
RESIDENTIAL 11 (2/1C11/1P)	1 500	1%	1
RESIDENTIAL 12 (2/1C12/1P)	1 500	1%	1
RESIDENTIAL 13 (2/1C13/1P)	1 500	1%	1
RESIDENTIAL 14 (2/1C14/1P)	1 500	1%	1
RESIDENTIAL 15 (2/1C15/1P)	1 500	1%	1
RESIDENTIAL 16 (2/1C16/1P)	1 500	1%	1
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RESIDENTIAL 18 (2/1C18/1P)	1 500	1%	1
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RESIDENTIAL 42 (2/1C42/1P)	1 500	1%	1
RESIDENTIAL 43 (2/1C43/1P)	1 500	1%	1
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RESIDENTIAL 100 (2/1C100/1P)	1 500	1%	1

GENERAL NOTES
 1. THE TOWNSHIP BOUNDARY IS SHOWN BY A DASHED LINE.
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2	REVISION	21.08.2021
3	REVISION	21.08.2021
4	REVISION	13.08.2021
5	REVISION	13.08.2021
6	REVISION	13.08.2021
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17	REVISION	13.08.2021
18	REVISION	13.08.2021
19	REVISION	13.08.2021
20	REVISION	13.08.2021

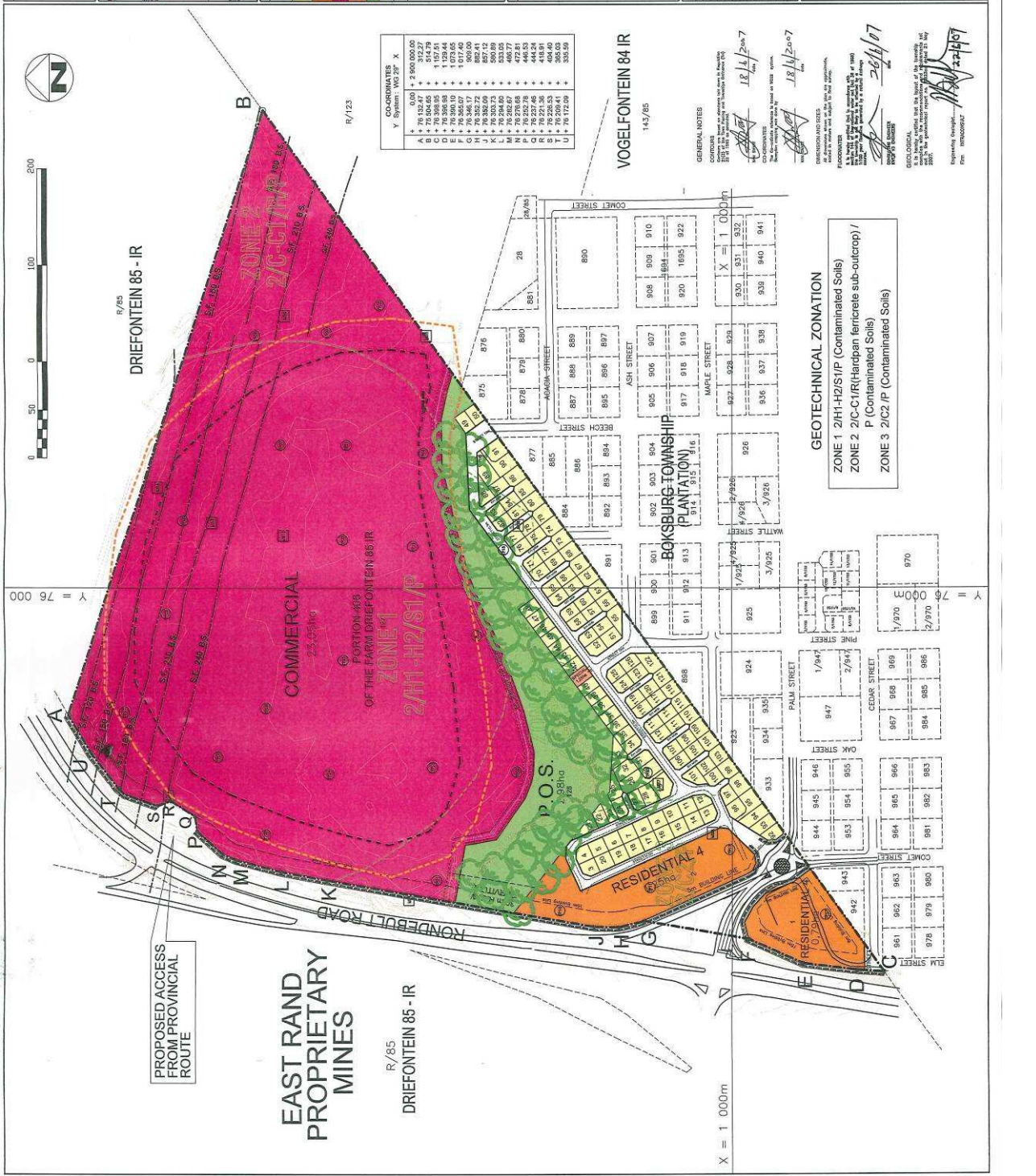
CLIENT
 SCALE 1:2 500
 DRAWING No. Comet8 Lay C12/05.02.10
 LAYOUT PLAN STATUS: CIRCULATION

CLIENT
 SCALE 1:2 500
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PROPOSED ACCESS FROM PROVINCIAL ROUTE

EAST RANDELS PROPRIETARY MINES

COMMERCIAL

RESIDENTIAL 4

RESIDENTIAL 1

RESIDENTIAL 2

RESIDENTIAL 3

RESIDENTIAL 5

RESIDENTIAL 6

PROPOSED ACCESS FROM PROVINCIAL ROUTE

EAST RANDELS PROPRIETARY MINES

COMMERCIAL

RESIDENTIAL 4

RESIDENTIAL 1

RESIDENTIAL 2

RESIDENTIAL 3

RESIDENTIAL 5

RESIDENTIAL 6

PROPOSED ACCESS FROM PROVINCIAL ROUTE

EAST RANDELS PROPRIETARY MINES

COMMERCIAL

RESIDENTIAL 4

RESIDENTIAL 1

RESIDENTIAL 2

RESIDENTIAL 3

RESIDENTIAL 5

RESIDENTIAL 6

PROPOSED ACCESS FROM PROVINCIAL ROUTE

EAST RANDELS PROPRIETARY MINES

COMMERCIAL

RESIDENTIAL 4

RESIDENTIAL 1

RESIDENTIAL 2

ANNEXURE D
SAHRA LETTER



SOUTH AFRICAN HERITAGE RESOURCES AGENCY

41 DE KORTE STREET, 11TH FLOOR, SABLE HOUSE, BRAAMFONTEIN, 2001
P.O. BOX 87852, HOUGHTON, 2041
TEL: (011) 403 0683/2410 • FAX: (011) 403 2609

Our Ref: 09/02/209/004
SEF Code: 500779
GD/CE Ref: Gaut 002/07 – 08/N0178
Date: 15 September 2009

Strategic Environmental Focus
P O Box 74785
Lynwood Ridge
0040

Fax: (012) 349 1229

Dear Lara Schellens

**RE: DRAFT EIA REPORT FOR THE PROPOSED DEVELOPMENT OF THE
BOKSBURG MINING BELT MIXED LAND-USE TOWNSHIP (COMET EX. 8) ON
PORTION 406 OF THE FARM DRIEFONTEIN 85-IR, GAUTENG**

Your letter dated 27 July 2009 refers.

We have noted in your letter that the identified remains & building rubble are associated with buildings that might have been designed by Sir Herbert Baker. As proposed, we also suggest that a Phase II Heritage Impact Assessment be conducted by a qualified Heritage Specialist. The report should among other things include the following:

- Clearly identify and map all the heritage resources (a.g. where these demolished structures where & how did they look like)
- Give the historical background & exact age's
- Give mitigation measures & recommendations (give options on how best can they be memorialized)
- Follow the public participation process
- Provide Aerial photograph of the site

For any clarification, please do not hesitate to contact us at the above telephone or facsimile number.

Kind Regards

Tebogo Molokomme
Cultural Heritage Officer
For the Manager
SAHRA Gauteng Office

SAHRA

ANNEXURE E
LEGISLATIVE FRAMEWORK

LEGISLATIVE FRAMEWORK

South Africa has a number of legislative measures in place aimed at protecting its heritage resources. Of these the most important is the National Heritage Resources Act 25 of 1999.

1. National Heritage Resources Act 25 of 1999

The promulgation of the National Heritage Resources Act 25 of 1999 brings the conservation and management of heritage resources in South Africa on par with international trends and standards.

Section 38 (3) of the act provides an outline of ideally what should be included in a heritage report. The act states:

"(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."*

Replacing the old National Monuments Act 28 of 1969, the Heritage Resources Act offers general protection for a number of heritage related features and objects (see below).

Structures are defined by the Heritage Resources Act as *"...any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated with it."* In section 34 of the Act the general protection for structures is stipulated. It is important to note that only structures older than 60 years are protected. Section 34(1) of the National Heritage Resources Act reads as follows: *"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."

The second general protection offered by the Heritage Resources Act which is of relevance for this project, is the protection of **archaeological sites and objects (as well as paleontological sites and meteorites)**. Section 35(4) of the National Heritage Resources Act states that:

"No person may, without a permit issued by the responsible heritage resources authority-

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

In order to understand exactly what is protected, it is important to look at the definition of the concept "**archaeological**" set out in section 2(ii) of the Heritage Act:

- "(a) material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;*
- (b) rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10m of such representation;*
- (c) wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the Republic, as defined respectively in sections 3, 4 and 6 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), and any cargo, debris or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation; and*
- (d) features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found;..."*

The third important general protection offered by the Heritage Resources Act that is of importance here, is the protection of **graves and burial grounds**. Section 36(3) of the National Heritage Resources Act states that:

"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."*

Of importance as well is section 36 (5), which relates to the conditions under which permits will be issued by the relevant heritage authority should any action described in section 36 (3), be taken. Section 36(5) reads that:

"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."*

This section of the Act refers to graves and burial grounds which are older than 60 years and situated outside of a formal cemetery administered by a local authority.

Section 36 (6) of the act refers to instances where previously unknown graves are uncovered during development and other activities.

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

2. Other Legislation

In terms of graves, other legislative measures which may be of relevance include the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place.