

**A LETTER OF RECOMMENDATION (WITH CONDITIONS) FOR THE EXEMPTION OF
A FULL PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT (AIA) FOR THE
PROPOSED CONSTRUCTION OF THE TRANSNET FREIGHT RAIL NEW BRIGHTON –
SWARTKOPS SECURITY WALL, PORT ELIZABETH, MANDELA BAY MUNICIPALITY,
EASTERN CAPE PROVINCE (DEA Ref: 14/12/16/3/3/1/1299).**

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A LETTER OF RECOMMENDATION (WITH CONDITIONS) FOR THE EXEMPTION OF A FULL PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT (AIA) FOR THE PROPOSED CONSTRUCTION OF THE TRANSNET FREIGHT RAIL NEW BRIGHTON – SWARTKOPS SECURITY WALL, PORT ELIZABETH, MANDELA BAY MUNICIPALITY, EASTERN CAPE PROVINCE (DEA Ref: 14/12/16/3/3/1/1299).

NOTE: The archaeological impact assessment was conducted as a requirement of the National Heritage Resources Act 25 of 1999, Section 38 (1)(a)(b):

38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorized as –

(a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length

This report follows the minimum standard guidelines required by the South African Heritage Resources Agency (SAHRA) and the Eastern Cape Provincial Heritage Resources Agency (ECPHRA) for compiling a Letter of Recommendation for the Exemption of a Full Phase 1 Archaeological Impact Assessment.

1. EXECUTIVE SUMMARY

1.1. The type of development (Extract from the Draft EMPr prepared by EOH Coastal and Environmental Services):

EOH Coastal & Environmental Services (CES) have been appointed by Transnet Freight Rail (TFR) to apply for an Environmental Authorization (EA) in terms of the NEMA EIA Regulations (2010) as well as a Water Use Licence for the proposed construction of a 6 km concrete security wall from the New Brighton yard to Swartkops in Port Elizabeth. This application will entail the production of a Basic Assessment Report and Environmental Management Program

The need for the security wall came about when the Qaqawuli informal settlement began encroaching on Transnet Freight Rail's property which not only resulted in financial losses due to theft and vandalism, but also poses a safety threat to dwellers of the informal settlement due to the proximity of the site to railway lines. On occasion, trains may be staged at the yard and during this time the nearby settlement dwellers and by-passers steal goods from these parked trains resulting in financial losses to Transnet. The construction of this wall will protect and prevent further theft of their customer's good.

Wherever there are informal settlements situated adjacent to railway lines, the areas are considered as hot spots or High Desire Lines. The reason is that people always desire access to the rail reserve, whether it is to take shortcuts to areas or services they want to access, the availability of water, the opportunity for criminal activities or merely because

there are areas of open land where they can establish informal housing or trading structures.

Due to the high desire for access to or cross the rail reserve, most types of security walls are not suitable, For example, pre-fabricated walls, steel palisade fences or even concrete palisades are either vandalised (broken through) or removed (stolen). Furthermore, if there is already an existing settlement, it is usually difficult to access these areas from the settlement side of the wall and the only type of wall suitable is where all the construction can be done from the rail reserve side.

In this instance the Hollow Core concrete wall is suitable as it can be poured and cured at the factory and installed on site vs the steel core concrete wall which must be gunited from both sides. The Hollow Core wall is generally resistant to normal vandalism and can last up to approximately 5 years before any major maintenance is required.

The scope of the engineering works includes the construction of a hollow core concrete security wall. This type of wall is a thick, pre-fabricated reinforced concrete wall. Panel thickness varies from 120-150mm thick depending on the client requirement and wall height can vary from 2.4 – 3m, again depending on client requirement. It is poured and cured at the factory, transported to site and set in upright supports and poured concrete foundations. The panels are placed by crane and cannot be removed by hand due to size and weight. Topsoil to a depth of 150 mm is to be removed from those areas where construction vehicles will be parked in a locked area overnight, fuels and other hazardous substances will be stored in locked containers, concrete will be mixed on impermeable surfaces and construction materials will be stockpiled on designated areas.

1.2. Applicant:

Transnet Freight Rail

1.3. Consultant:

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1.4. Terms of reference

The purpose of the study was to conduct a phase 1 archaeological impact assessment (AIA) for the proposed construction of the Transnet Freight Rail New Brighton – Swartkops Security Wall, Port Elizabeth, Mandela Bay Municipality, Eastern Cape Province.

The survey was conducted to:

- establish the range and importance of the exposed and *in situ* archaeological heritage materials remains, sites, and features;
- establish the potential impact of the development; and
- make recommendations to minimize possible damage to the archaeological heritage.

1.5. Brief Summary of Findings

No archaeological heritage remains, features, or sites were observed within the proposed area for the construction of the Transnet Freight Rail New Brighton – Swartkops Security Wall. It must be noted that the investigation was limited to the surface as well as the exposed and disturbed surface areas and in most areas archaeological visibility was obscured by heavily dense transformed grass vegetation cover. Exposed surface areas, for example, internal gravel roads, footpaths, and eroded areas were investigated for possible archaeological heritage remains. The area has been heavily disturbed by the construction and maintenance of the existing walls and fences as well as the buildings and the railway lines.

2. DESCRIPTION OF THE PROPERTY

2.1. Location data

The Transnet Freight Rail yard is located within Port Elizabeth's Industrial area between New Brighton and the encroaching Qaqawuli informal settlement to the west and Deal Party (Grahamstown Road) to the east, the suburbs of Sidwell and Sydenham are situated to the south. The rail yard is located about 1 km from the nearest coastline and 1.6 km south of the Swartkops River. This area would generally be considered an archaeologically sensitive zone; however, the area has been developed to the extent that it would be unlikely that *in situ* archaeological resources would still occur.

2.2. Map

1:50 000 topographic map: 3325 DC & DD 3425 BA PORT ELIZABETH (Figure 1)

TABLE 1: GPS CO-ORDINATES FOR THE PROPOSED TRANSNET FREIGHT RAIL NEW BRIGHTON – SWARTKOPS SECURITY WALL, PORT ELIZABETH, MANDELA BAY MUNICIPALITY, EASTERN CAPE PROVINCE (EOH Coastal and Environmental Services, Appendix A, Draft Basic Assessment Report).

| # | Longitude | Latitude | # | Longitude | Latitude |
|----|-------------|--------------|----|-------------|--------------|
| 1 | 25 36 29.16 | -33 52 58.44 | 36 | 25 36 30.96 | -33 54 11.52 |
| 2 | 25 36 29.88 | -33 53 0.6 | 37 | 25 36 30.6 | -33 54 11.16 |
| 3 | 25 36 30.24 | -33 53 7.44 | 38 | 25 36 32.04 | -33 54 7.92 |
| 4 | 25 36 30.96 | -33 53 8.52 | 39 | 25 36 34.2 | -33 54 5.04 |
| 5 | 25 36 33.12 | -33 53 7.8 | 40 | 25 36 35.28 | -33 54 5.4 |
| 6 | 25 36 35.28 | -33 53 13.56 | 41 | 25 36 36.72 | -33 53 59.28 |
| 7 | 25 36 35.64 | -33 53 16.44 | 42 | 25 36 36.36 | -33 53 59.28 |
| 8 | 25 36 35.64 | -33 53 19.68 | 43 | 25 36 36.36 | -33 53 58.92 |
| 9 | 25 36 35.28 | -33 53 22.92 | 44 | 25 36 36.72 | -33 53 58.92 |
| 10 | 25 36 33.12 | -33 53 34.08 | 45 | 25 36 37.08 | -33 53 57.48 |
| 11 | 25 36 32.76 | -33 53 38.04 | 46 | 25 36 36.72 | -33 53 57.48 |
| 12 | 25 36 29.88 | -33 53 48.12 | 47 | 25 36 36.72 | -33 53 57.48 |
| 13 | 25 36 31.68 | -33 53 48.48 | 48 | 25 36 37.08 | -33 53 57.48 |
| 14 | 25 36 30.96 | -33 53 52.44 | 49 | 25 36 37.8 | -33 53 53.16 |
| 15 | 25 36 28.44 | -33 54 3.6 | 50 | 25 36 37.8 | -33 53 53.16 |
| 16 | 25 36 26.28 | -33 54 3.24 | 51 | 25 36 37.8 | -33 53 52.8 |
| 17 | 25 36 23.76 | -33 54 14.4 | 52 | 25 36 37.8 | -33 53 53.16 |
| 18 | 25 36 25.56 | -33 54 14.76 | 53 | 25 36 41.76 | -33 53 35.16 |
| 19 | 25 36 24.48 | -33 54 18.36 | 54 | 25 36 42.84 | -33 53 25.8 |
| 20 | 25 36 22.68 | -33 54 18 | 55 | 25 36 42.48 | -33 53 25.8 |
| 21 | 25 36 22.68 | -33 54 20.52 | 56 | 25 36 42.48 | -33 53 25.8 |
| 22 | 25 36 23.4 | -33 54 22.32 | 57 | 25 36 42.84 | -33 53 25.8 |
| 23 | 25 36 21.6 | -33 54 28.8 | 58 | 25 36 43.92 | -33 53 10.32 |
| 24 | 25 36 23.4 | -33 54 30.24 | 59 | 25 36 44.64 | -33 53 7.8 |
| 25 | 25 36 22.68 | -33 54 33.84 | 60 | 25 36 45.36 | -33 53 6 |
| 26 | 25 36 22.68 | -33 54 35.28 | 61 | 25 36 47.52 | -33 53 3.12 |
| 27 | 25 36 22.32 | -33 54 36.36 | 62 | 25 36 47.52 | -33 53 2.76 |
| 28 | 25 36 23.76 | -33 54 36.72 | 63 | 25 36 48.24 | -33 53 2.76 |
| 29 | 25 36 25.56 | -33 54 31.68 | 64 | 25 36 49.32 | -33 53 1.32 |
| 30 | 25 36 25.56 | -33 54 30.6 | 65 | 25 36 39.6 | -33 52 59.88 |
| 31 | 25 36 27 | -33 54 27.36 | 66 | 25 36 37.44 | -33 52 56.28 |
| 32 | 25 36 27.36 | -33 54 27.36 | 67 | 25 36 33.12 | -33 52 57.72 |
| 33 | 25 36 28.08 | -33 54 24.12 | 68 | 25 36 33.48 | -33 52 58.8 |
| 34 | 25 36 28.8 | -33 54 20.52 | 69 | 25 36 31.68 | -33 52 59.88 |
| 35 | 25 36 28.8 | -33 54 20.16 | | | |

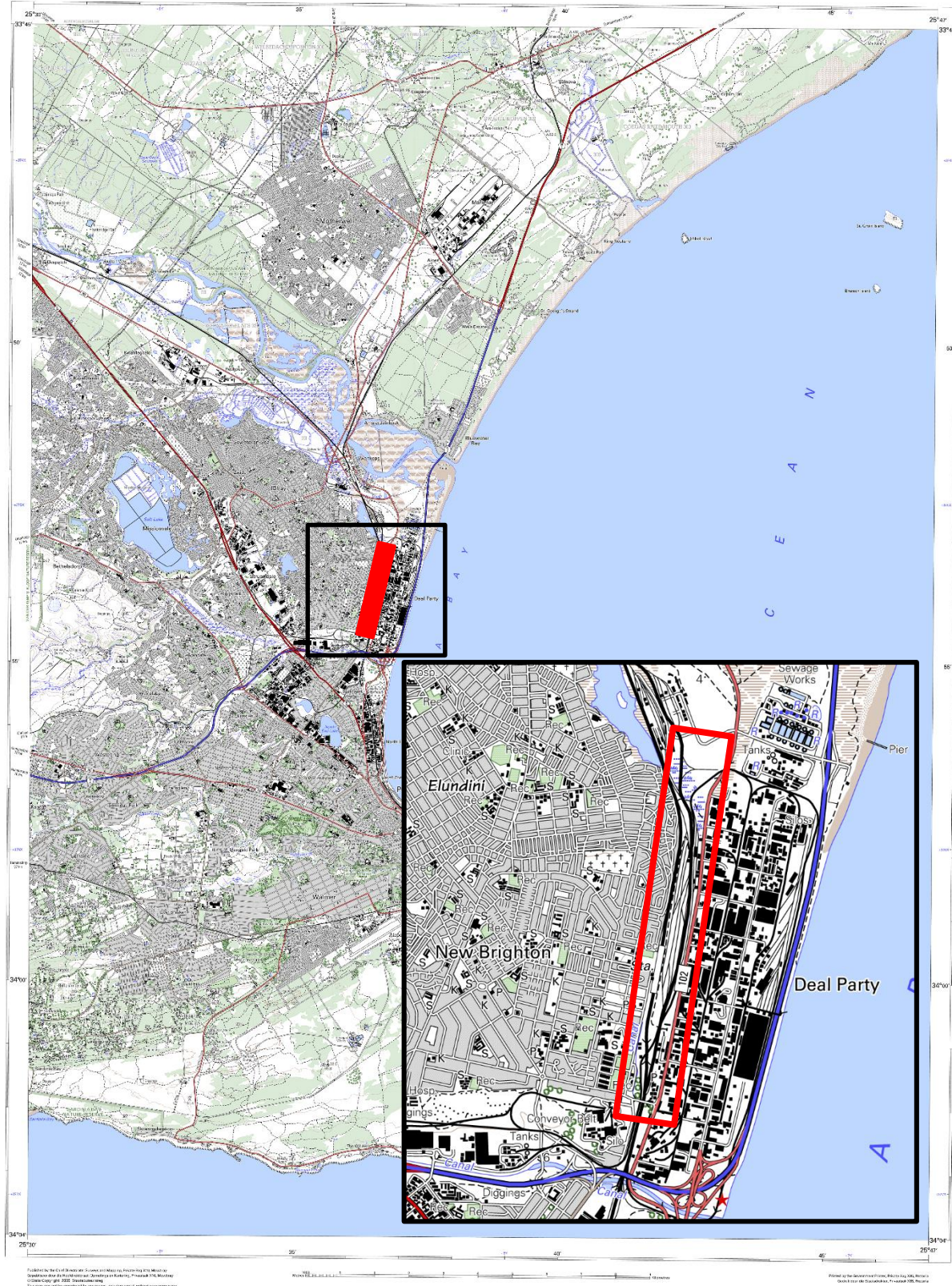


Figure 1. 1:50 000 topographic map 3325 DC & DD 3425 BS PORT ELIZABETH showing the location of the Transnet Freight Rail Yard for the construction of the proposed Security Wall.

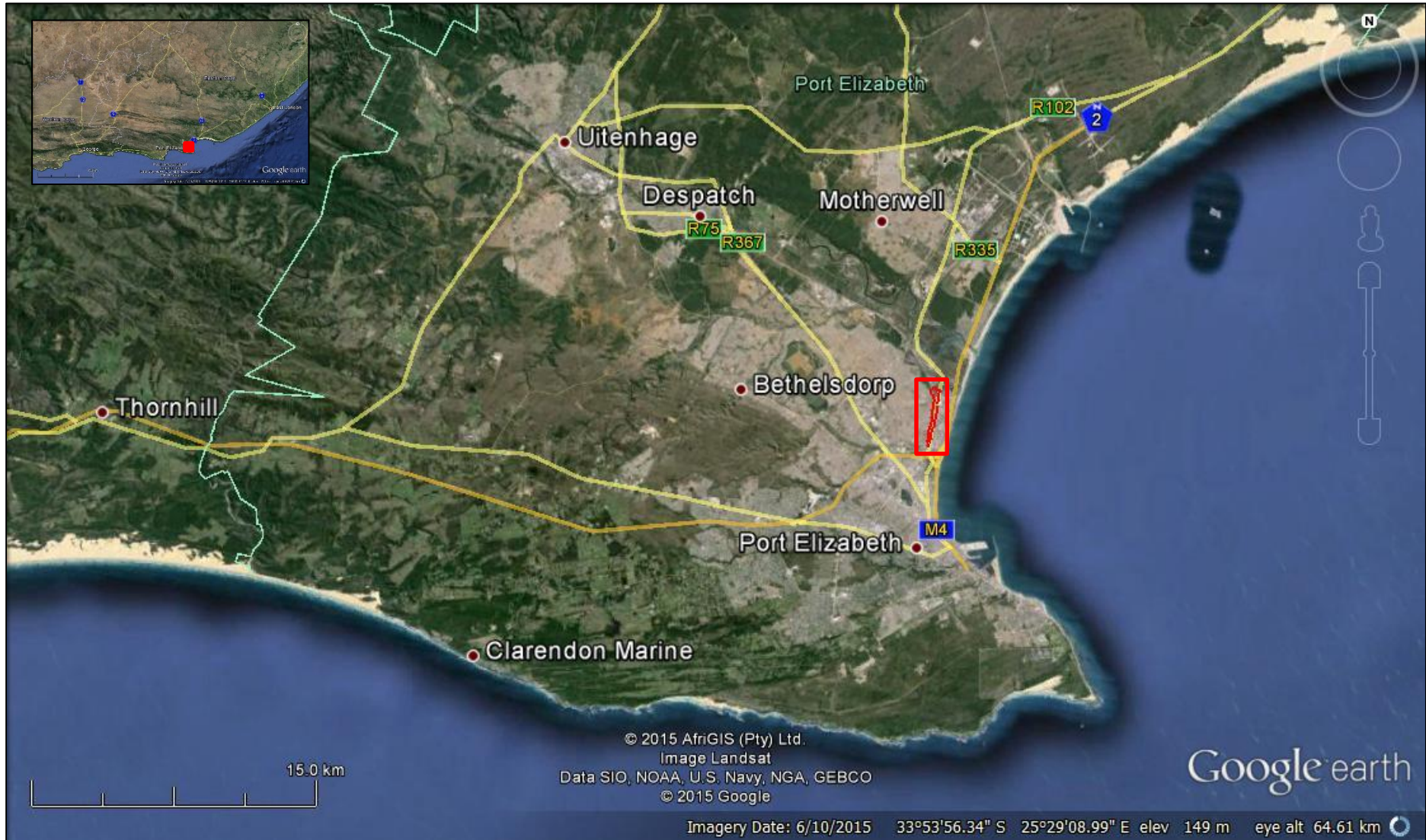


Figure 2. Aerial view showing the location of the Transnet Freight Rail Yard for the construction of the proposed Security Wall within the wider Nelson Mandela Metropolitan Municipality region.

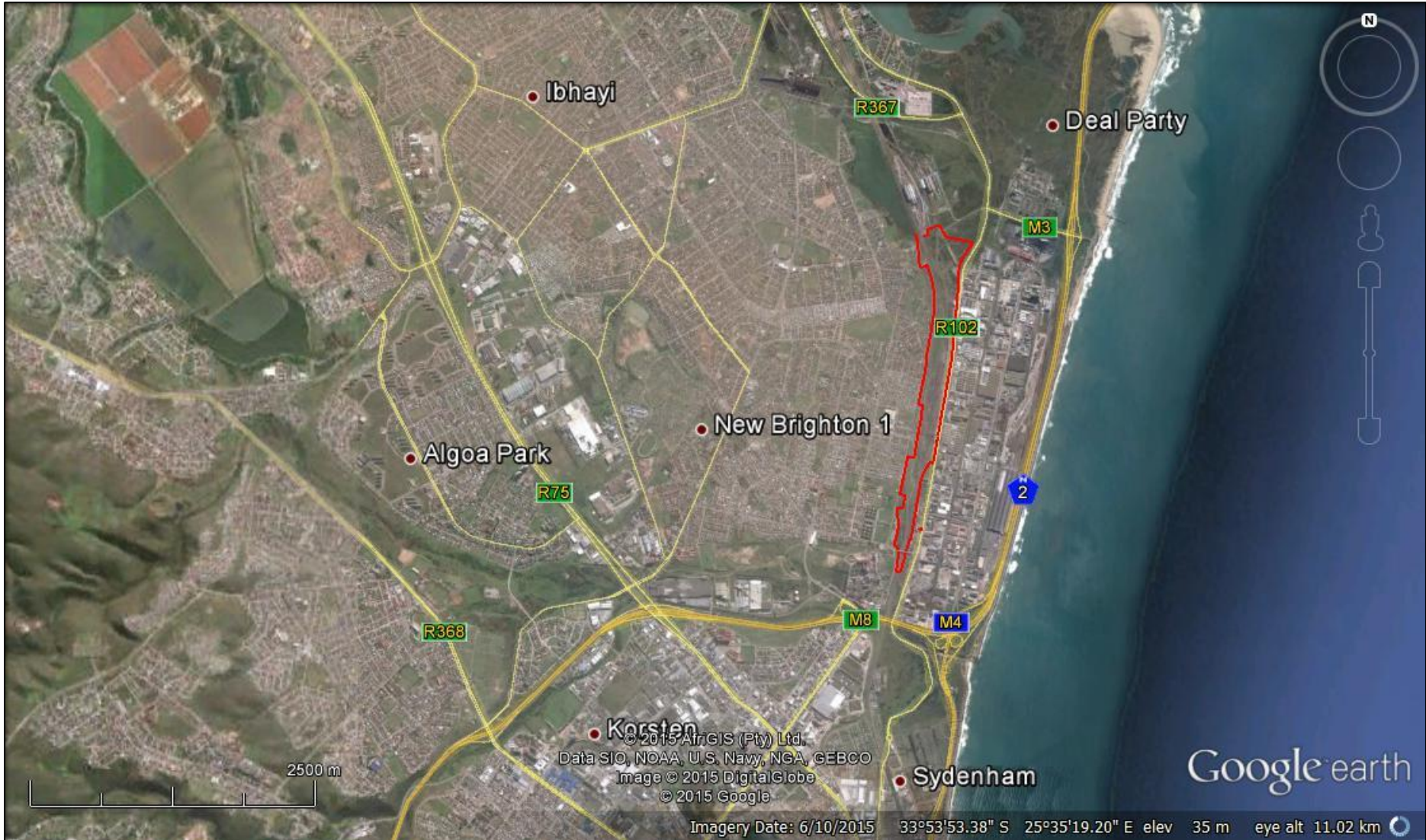


Figure 3. Aerial view of the location of the Transnet Freight Rail Yard for the construction of the proposed Security Wall showing the area situated within the Industrial area and surrounding suburbs.

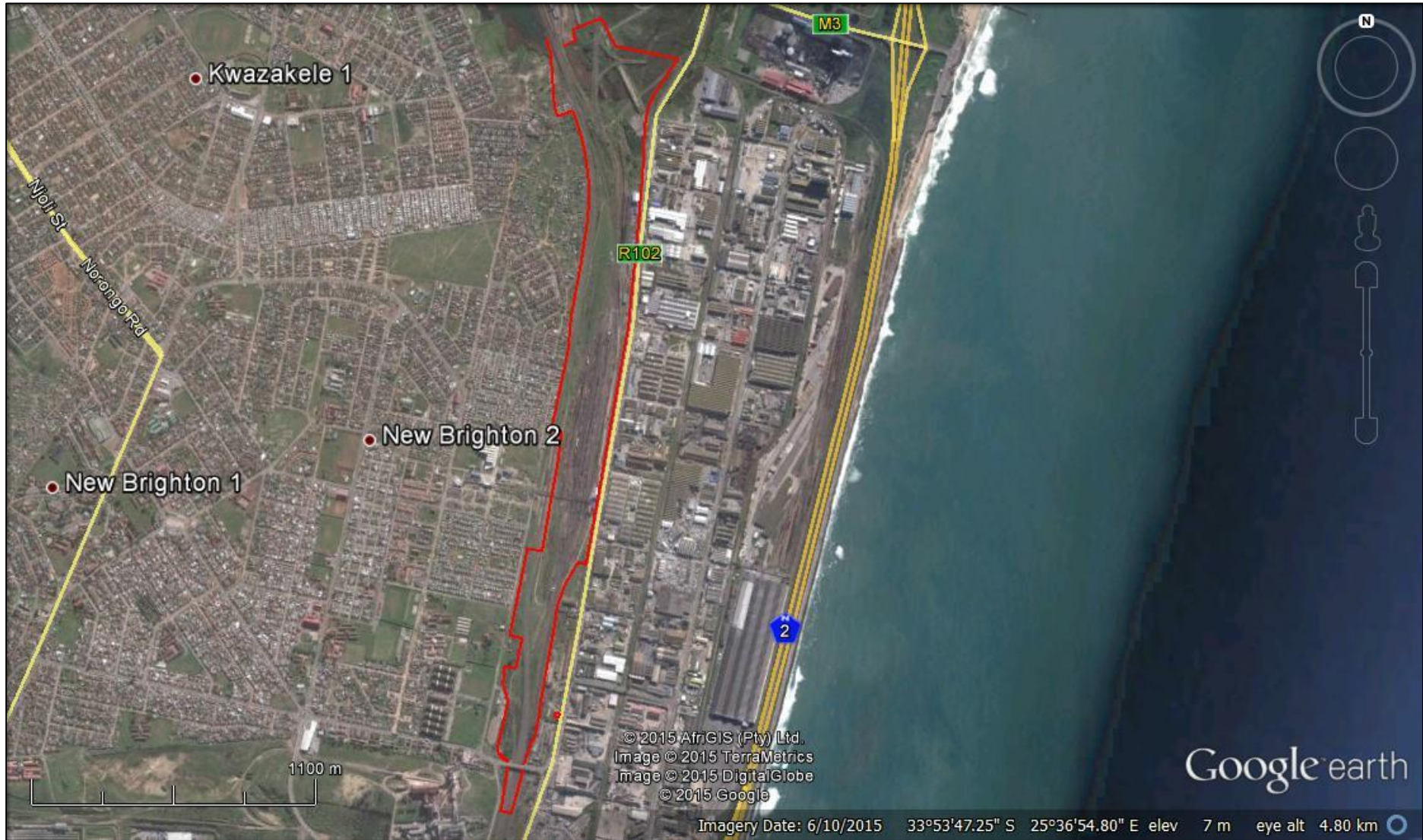


Figure 4. Close-up aerial view of the boundary area that the proposed Security Wall will be constructed around the Transnet Freight Rail Yard (red boundary line).

3. ARCHAEOLOGICAL INVESTIGATION

3.1. Methodology

The archaeological investigation was mostly conducted on foot and conducting spot checks from a vehicle by following the internal gravel access roads and the perimeter of the existing fence line and walls surrounding the Rail Yard. The proposed area was investigated for possible archaeological heritage remains, features, and sites. Photographs and general GPS co-ordinates were taken using a Garmin Oregon 550, however, these co-ordinates have not been plotted on the maps generated for the report as no archaeological heritage remains, sites or features were identified during the survey. The co-ordinates from the Draft Basic Assessment Report that routes the proposed Security has been included.

3.2. Results of the Archaeological Survey

No archaeological heritage remains, features, or sites were documented along the area for the proposed construction of the Transnet Freight Rail New Brighton – Swartkops Security Wall. It must be noted that the investigation was limited to the surface observation. Archaeological visibility was obscured by the transformed grass vegetation cover occurring along the existing walls and fence line. Exposed surface areas, for example, footpaths, the internal access gravels roads and disturbed / eroded areas were investigated for possible archaeological heritage remains.

The surface area along the proposed area for the construction of the Security Wall has been heavily disturbed by the construction and maintenance of the existing walls and fences as well as the buildings and the railway lines. The western area situated running adjacent to the main rail line and in close proximity of the Qaqawuli informal settlement has been affected by the construction of the main rail line and the surface has been completely malformed (Figures 5-10). Erosion dissuasion and retainer walls have been constructed along the existing boundary walls and fences. Transformed grass vegetation cover obscured archaeological visibility over several areas along the route.

The eastern area runs along Grahamstown Road (R102 secondary road) and the surface area has been completely disturbed by the construction of the existing road and the existing wall and fence line (Figures 11-13). Other disturbances include the construction of buildings situated next to the boundary walls and fence lines, the railway lines and associated infrastructure, internal access gravel roads and underground pipelines. Transformed grass vegetation cover obscured archaeological visibility over several areas along the route.

Buildings currently used for offices and storage occur within the area of the rail yard and building ruins were documented and towards the southern end of the Security Wall boundary. These building ruins occur outside of the development area and are most likely less than 60 years old. No buildings will be demolished for the construction of the Security Wall.

It is unlikely that archaeological heritage resources and cultural material would be uncovered during the construction of the Security Wall.



Figures 5-7. View of the western area for the proposed construction of the Transnet Security Wall showing the close proximity of the Qaqawuli informal settlement and the surface disturbances caused by the construction and maintenance of the main rail line.



Figures 8-10. View of the western area for the proposed construction of the Transnet Security Wall showing the surface disturbances caused by the construction and maintenance of the main rail line and water dissuasion and retainer walls.



Figures 11-13. View of the eastern area for the proposed construction of the Transnet Security Wall running along Grahamstown Road, Deal Party and the surface disturbances caused by the construction and maintenance of the main rail line, underground pipelines, as well as view of the building ruins situated outside the proposed development area.

4. RELEVANT ARCHAEOLOGICAL IMPACT ASSESSMENTS

Very little systematic archaeological research has been conducted within the immediate and surrounding areas proposed for the construction of the Transnet Freight Rail New Brighton – Swartkops Security Wall , therefore, Cultural Resource Management (CRM) Reports, such as archaeological and heritage impact assessment, assist in attempting to predict the archaeological and heritage resources that may be found within the proposed development areas. The following reports occur within the surrounding area of the proposed area for the development.

- Binneman, J. 2007. Letter of Recommendation (with conditions) for the exemption of a Full Phase 1 Archaeological Heritage Impact Assessment for the proposed Hankey Golf Estate Development on Erf 1435, Hankey, Kouga Municipality, Eastern Cape.
- Bennie, J. 2008. Heritage Impact Assessment: Portion 87 of Farm Cragga Kamma No. 23.
- Bennie, J. 2008. Heritage Impact Assessment: Parsons Vlei, Port Elizabeth.
- Bennie, J. 2010. Heritage impact assessment (historical component): Coega Ridge Housing Development.
- Bennie, J. 2010. Heritage Assessment: (Historical component relating to the built environment and graves) Coega Industrial Development Zone, near Port Elizabeth, Eastern Cape Province.
- Binneman, J. 2008. A phase 1 archaeological heritage impact assessment of the proposed Amanzi Country Estate, Uitenhage District, Nelson Mandela Metropolitan Municipality, Eastern Cape.
- Binneman, J. 2010. A Letter of Recommendation (with conditions) for the Exemption of a Full Phase 1 Archaeological Heritage Impact Assessment for the Proposed Rezoning of Portions of Erf 1 and Erf 6, and the Entire Erf 15831 in Uitenhage to Sub-Divisional Area for a Residential Development (Joe Slovo Housing Project), Uitenhage, Eastern Cape Province.
- Binneman, J. & Booth, C. 2010. A Phase 1 Archaeological Impact Assessment (AIA) for the Proposed Motherwell NU 31 Housing Development, Portion 2 of 316, Uitenhage, Nelson Mandela Metropolitan Municipality.
- Binneman, J.; Booth, C.; & Higgitt, N. 2010. A Phase 1 Archaeological Heritage Impact Assessment (AIA) for the proposed Coega Ridge Nu-Way Housing Development, Farms Welbedachtsfontein 300, Coega Kop 313, Coegas Kop 316, Coegas Kop 314, Nelson Mandela Metropolitan Municipality.
- Booth, C. 2014. A Letter of Recommendation (with conditions) for the Exemption of a Full Phase 1 Archaeological Impact Assessment for the Proposed Raymond Mhlaba Housing Development (Erf 50224, Erf 50226, and Subdivided Erven 45624 - 45627), Kwazakhele, Port Elizabeth, Nelson Mandela Bay Municipality, Eastern Cape Province.
- Kaplan, J. 2008. Phase 1 archaeological impact assessment: The proposed Kalagadi Manganese Smelter in the Coega Industrial Development Zone, Port Elizabeth, Eastern Cape Province.

- Murimbika, M 2010. Phase 1 archaeological and heritage impact assessment specialist study report for the proposed construction of low cost housing and associated infrastructure on Farm 415, Uitenhage, Eastern Cape.
- Van Ryneveld, K. 2010. A Phase 1 Archaeological Impact Assessment: Upgrading of the Brick Fields Pre-Treatment Works (Erf 1, Wells Estate), Motherwell, Port Elizabeth, Eastern Cape, South Africa.

5. REFERENCES

- EOH Coastal and Environmental Services. 2015. Proposed Transnet Freight Rail New Brighton – Swartkops Security Wall Draft Basic Assessment Report. DEA Reference Number: 14/12/16/3/3/1/1299
- EOH Coastal and Environmental Services. 2015. Proposed Transnet Freight Rail New Brighton – Swartkops Security Wall Environmental Management Plan. DEA Reference Number: 14/12/16/3/3/1/1299
- National Heritage Resources Act 25 of 1999 (NHRA 25 of 1999)
- South African Heritage Resources Information System (SAHRIS) Database.

6. LETTER OF RECOMMENDATION

It is recommended that the area for the proposed construction of the Transnet Freight Rail New Brighton – Swartkops Security Wall, Port Elizabeth, Mandela Bay Municipality, Eastern Cape Province, is exempted from a full Phase 1 Archaeological Impact Assessment. The proposed area for development is of low archaeological cultural sensitivity. No archaeological heritage sites, features, or remains were documented during the survey, although it is possible that archaeological heritage material may occur below the surface. Taking into consideration the recommendation below, the development may proceed as planned.

There were no archaeological artefacts located during the phase 1 archaeological impact assessment carried out. If any archaeological or heritage material were to be discovered it is very unlikely that it would be *in situ*. However, there is always a possibility that human remains or other archaeological and historical material may be uncovered during the development. Such material must be reported to the Eastern Cape Provincial Heritage Resources Agency (ECPHRA) (043 745 0888) or the Albany Museum (046 622 2312) if exposed.

Note: This letter of recommendation **only** exempts the proposed development from a full Phase 1 Archaeological Heritage Impact Assessment, but **not** for other heritage impact assessments.

It must also be clear that this letter of recommendation for exemption of a full Phase 1 archaeological heritage impact assessment will be assessed by the relevant heritage resources authority. The final decision rests with the heritage resources authority, which

should give a permit or a formal letter of permission for the destruction of any cultural sites.

The National Heritage Resources Act (Act No. 25 of 1999, section 35) requires a full Heritage Impact Assessment (HIA) in order that all heritage resources, that is, all places or objects of aesthetics, architectural, historic, scientific, social, spiritual linguistic or technological value or significance are protected. Thus any assessment should make provision for the protection of all these heritage components, including archaeology, shipwrecks, battlefields, graves, and structures older than 60 years, living heritage, historical settlements, landscapes, geological sites, palaeontological sites and objects.

7. RECOMMENDATIONS

Although no archaeological heritage remains, features, and sites were encountered during the survey, the following recommendations should be considered before development proceeds:

1. The environmental control officer (ECO) as well as the construction managers/foremen should be informed before construction starts on the possible types of heritage sites and cultural material they may encounter and the procedures to follow when they find sites.
2. If concentrations of archaeological and/or historical heritage material, marine shells, and / or human remains are uncovered during construction, all work must cease immediately and be reported to the Albany Museum (046 622 2312) and/or the Eastern Cape Provincial Heritage Resources Agency (ECPHRA) (043 745 0888) so that systematic and professional investigation/ excavation can be undertaken.

8. GENERAL REMARKS AND CONDITIONS

It must be emphasised that this letter of recommendation for exemption of a full Phase 1 archaeological heritage impact assessment is based on the visibility of archaeological sites/material and may not, therefore, reflect the true state of affairs. Sites and material may be covered by soil and vegetation and will only be located once this has been removed. In the unlikely event of such finds being uncovered, (during any phase of construction work), archaeologists must be informed immediately so that they can investigate the importance of the sites and excavate or collect material before it is destroyed (see attached list of possible archaeological sites and material). The *onus* is on the developer to ensure that this agreement is honoured in accordance with the National Heritage Act No. 25 of 1999.

APPENDIX A: HERITAGE LEGISLATIVE REQUIREMENTS

Parts of sections 3(1)(2)(3), 34(1), 35(4), 36(3) and 38(1)(8) of the National Heritage Resources Act 25 of 1999 apply:

S3. National estate

3. (1) For the purposes of this Act, those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities.

3. (2) Without limiting the generality of subsection (1), the national estate may include –

- (a) places, buildings, structures and equipment of cultural significance;
- (b) places to which oral traditions are attached or which are associated with living heritage;
- (c) historical settlements and townscapes;
- (d) landscapes and natural features of cultural significance;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and palaeontological sites;
- (g) graves and burial grounds, including –
 - (i) ancestral graves;
 - (ii) royal graves and graves of traditional leaders;
 - (iii) graves and victims of conflict;
 - (iv) graves of individuals designated by the Minister by notice in the Gazette;
 - (v) historical graves and cemeteries; and
 - (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- (h) sites of significance relating to the history of slavery in South Africa;
- (i) movable objects, including –
 - (i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological specimens;
 - (ii) objects to which oral traditions are attached or which are associated with living heritage;
 - (iii) ethnographic art and objects;
 - (iv) military objects;
 - (v) objects of decorative or fine art;
 - (vi) objects of scientific or technological interest; and
 - (vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act (Act No. 43 of 1996).

3. (3) Without limiting the generality of subsections (1) and (2), a place or object is to be considered part of the national estate if it has cultural significance or other special value because of –

- (a) its importance in the community, or pattern of South Africa's history;
- (b) its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- (c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- (d) its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- (g) its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and
- (i) sites of significance relating to the history of slavery in South Africa.

S34. Structures

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.

S35. Archaeology, palaeontology and meteorites

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;
- (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.

S36. Burial grounds and graves

36. (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.

S38. Heritage resources management

38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorized as –
- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
- (b) the construction of a bridge or similar structure exceeding 50 m in length;
- (c) any development or other activity which will change the character of the site –
- (i) exceeding 5000 m² in extent, or
- (ii) involving three or more 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 resources authority;
- (d) the re-zoning of a site exceeding 10 000m² in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must as 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.

APPENDIX B: GRADING SYSTEM

The NHRA stipulates the assessment criteria and grading of archaeological sites. The following categories are distinguished in Section 7 of the Act and the South African Heritage Resources Agency:

- National: This site is suggested to be considered of Grade 1 significance and should be nominated as such. Heritage resources with qualities so exceptional that they are of special national significance.
- Provincial: This site is suggested to be considered of Grade II significance and should be nominated as such. Heritage resources which, although forming part of the national estate, can be considered to have special qualities which make them significant within the context of a province or a region
- Local: This site is suggested to be Grade IIIA significance. This site should be retained as a heritage register site (High significance) and so mitigation as part of the development process is not advised.
- Local: This site is suggested to be Grade IIIB significance. It could be mitigated and (part) retained as a heritage register site (High significance).
- 'General' Protection A (Field Rating IV A): This site should be mitigated before destruction (usually High/Medium significance).
- 'General' Protection B (Field Rating IV B): This site should be recorded before destruction (usually Medium significance).
- 'General Protection C (Field Rating IV C): This site has been sufficiently recorded (in the Phase 1). It requires no further recording before destruction (usually Low significance).

APPENDIX C: IDENTIFICATION OF ARCHAEOLOGICAL FEATURES AND MATERIAL FROM COASTAL AREAS: guidelines and procedures for developers

1. Human Skeletal material

Human remains, whether the complete remains of an individual buried during the past, or scattered human remains resulting from disturbance of the grave, should be reported. In general the remains are buried in a flexed position on their sides, but are also found buried in a sitting position with a flat stone capping and developers are requested to be on the alert for this.

2. Shell middens

Shell middens can be defined as an accumulation of marine shell deposited by human agents rather than the result of marine activity. The shells are concentrated in a specific locality above the high-water mark and frequently contain stone tools, pottery, bone and occasionally also human remains. Shell middens may be of various sizes and depths, but an accumulation which exceeds 1 m² in extent, should be reported to an archaeologist.

3. Stone artefacts

These are difficult for the layman to identify. However, large accumulations of flaked stones which do not appear to have been distributed naturally should be reported. If the stone tools are associated with bone remains, development should be halted immediately and archaeologists notified

4. Fossil bone

Fossil bones may be found embedded in geological deposits. Any concentrations of bones, whether fossilized or not, should be reported.

5. Large stone features

They come in different forms and sizes, but are easy to identify. The most common are roughly circular stone walls (mostly collapsed) and may represent stock enclosures, remains of wind breaks or cooking shelters. Others consist of large piles of stones of different sizes and heights and are known as *isisivane*. They are usually near river and mountain crossings. Their purpose and meaning is not fully understood, however, some are thought to represent burial cairns while others may have symbolic value.

6. Historical artefacts or features

These are easy to identified and include foundations of buildings or other construction features and items from domestic and military activities.