

**PHASE 1 ARCHAEOLOGICAL  
AND HERITAGE IMPACT  
ASSESSMENT SPECIALIST  
STUDY REPORT FOR  
PROPOSED 'UTRECHT LOW  
COST' HOUSING PROJECT-  
ERF 1176, EMADLANGENI  
LOCAL MUNICIPALITY,  
KWAZULU NATAL PROVINCE**

**May 2013**

**Prepared by M. Murimbika (Ph.D.)**  
Principle Investigator

**PREPARED FOR:**  
**ENAQ CONSULTING**  
224 Kies Avenue, Reservoir Hills,  
Durban, 4091  
Tel: +27(0) 31 262 3171  
Fax: +27(0) 31 262 2279  
Mobile: 082-875 3710  
Email: [enaq@vodamail.co.za](mailto:enaq@vodamail.co.za)

## Final Report

PHASE 1 ARCHAEOLOGICAL AND  
HERITAGE IMPACT ASSESSMENT  
SPECIALIST STUDY REPORT FOR  
PROPOSED 'UTRECHT LOW COST'  
HOUSING PROJECT- ERF 1176,  
EMADLANGENI LOCAL MUNICIPALITY,  
KWAZULU NATAL PROVINCE

**May 2013**

*For and on behalf of*

**ENQA CONSULTING**

224 Kies Avenue, Reservoir Hills,

Durban, 4091

Tel: +27(0)31 262 3171

Fax: +27(0)31 262 2279

Mobile: 082-875 3710

Email: enaq@vodamail.co.za

*Approved by:* **Dr. McEdward Murimbika**

*Position:* Principal Investigator

M. MURIMBIKA [PhD.]

P. O. Box 2202

Halfway House, 1685

Mobile: 083 613 6530

E-mail: murimbika@gmail.com

This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.

This report is provided solely for the purposes set out in it and may not, in whole or in part, be used for any other purpose without prior written consent. Reproduction of this report is a criminal offence.

## 1.1. Caveat

This HIA Report has been prepared for EnAq Consulting by M. Murimbika for the expressed purpose of fulfilling the requirements of the Amafa KwaZulu Natali Act, Act 4 of 2008 and regulations in terms of the Act.

**Authorship:** This Report has been prepared by Dr. M. Murimbika (Principal Investigator & Professional Archaeologist). The report is for the review of the KwaZulu Natal Provincial Heritage Resources Agency (KZN PHRA).

**Copyright:** This report and the information it contains is subject to copyright and may not be copied in whole or part without written consent of except that the Report may be reproduced by the compliance authorities to the extent that this is required for the purposes of the Archaeological and Heritage Management purposes in accordance with the Amafa Act 4 of 2008 and National Heritage Resources Act, Act 25 of 1999, and auxiliary legislations.

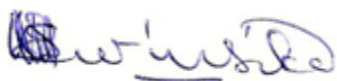
**Geographic Co-ordinate Information:** Geographic co-ordinates in this report were obtained using a hand-held Garmin Global Positioning System device. The manufacturer states that these devices are accurate to within +/- 5 m.

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

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

The Archaeological and Heritage Impact Assessment Study was carried out within the context of tangible and intangible cultural heritage resources as defined by the Amafa KZN and SAHRA Regulations and Guidelines as to the authorisation proposed housing development.

Signed by Principle Investigator:



---

—  
McEdward Murimbika (Ph.D.), May 2013.

## TABLE OF CONTENTS

1. EXECUTIVE SUMMARY .....	4
2. ABBREVIATIONS .....	8
3. DEFINITIONS .....	9
4. INTRODUCTION .....	12
5. LOCATION OF ACTIVITY AREA AND IMPACT AREA .....	16
6. METHODOLOGY .....	18
7. BRIEF CULTURE HISTORY BACKGROUND OF THE PROJECT AREA .....	20
8. RESULTS OF THE DEVELOPMENT SITES SURVEY .....	24
9. CULTURAL HERITAGE SITE ASSESSMENT OF SIGNIFICANCE .....	28
<i>Aesthetic Value</i> .....	29
<i>Historic Value</i> .....	29
<i>Scientific value</i> .....	30
<i>Social Value</i> .....	30
10. STATEMENT OF SIGNIFICANCE .....	31
11. RECOMMENDATIONS .....	33
12. CONCLUDING REMARKS .....	35
13. BIBLIOGRAPHY .....	36

## LIST OF FIGURES

Figure 1: Topographic Map- Project area locality map [NTS Utrecht 2730CA] .....	17
Figure 2: Image showing the study area. ....	17

## LIST OF PLATES

Plate 1: Plate 1: View of project site, showing existing township on the upper right background (Photo by ENAQ) .....	18
Plate 2: Drainage trench cutting through section of site earmarked for the proposed development (ENAQ). ....	22
Plate 3: Northwesterly view of the proposed development site .....	22
Plate 4: Northeasterly view of the proposed housing project site. ....	22
Plate 5: Easterly view of the project site showing old coal discard dump (background) .....	23

## LIST OF TABLES

Table 1: GPS Co-ordinates of selected localities on proposed development project sites [Also see Fig. 2]: .....	24
Table 2: Significance assessment of heritage resources based on ICOMOS and NHRA criteria .....	30
Table 3: Assessment of impacts to Aesthetic Values related to the scenic routes and sense of place ..	31
Table 4: Assessment of impacts to Historic Values related to the project area .....	32
Table 5: Assessment of impacts to Archaeological Scientific Values related to the project area. ....	33

# **1. EXECUTIVE SUMMARY**

## **1.1. Background**

At the request of ENAQ Consulting, this Archaeological and Heritage Impact Assessment was conducted for the proposed Utrecht Low-cost housing development in the Township of Goedehoop on the outskirts of Utrecht Town in Emadlangeni Local Municipality of in the KwaZulu Natal Province. This report includes an impact study on potential archaeological and cultural heritage resources that may be associated with the proposed development.

## **1.2. Method Statement**

The findings of this report have been informed by desktop data review, field survey and impact assessment reporting which include recommendations to guide heritage authorities in making decisions with regards to the proposed housing project. This study was conducted as part of the specialist input for the Environmental Impact Assessment exercise. The impact assessment study focuses on potential impacts on archaeological heritage resources and physical cultural properties that may be associated with the development's receiving environment. This archaeological impact assessment (AIA) study, incorporating a physical cultural heritage property assessment, was conducted as part of the specialist studies for the EIA exercise for the proposed development on the said property.

## **1.3. Nature of Proposed Development**

This study is part of an EIA exercise triggered by the proposed:

- Goedehoop Extension Low cost housing on rem 10 000 of Erven 1177-1625 Utrecht
- Construction of a Goedehoop Extension residential Area infrastructure

## **1.4. Project Area**

The proposed development is situated on Goedehoop Extension Low cost housing Erven 1177-1625 Utrecht, Emadlangeni Municipality in KwaZulu Natal Province.

## **1.5. The Heritage Impact Assessment Process**

This HIA study report is segmented into sections as follows:

1. Executive Summary,
2. Project Background,
3. HIA on the Project Receiving Cultural Landscape project area in line with the Amafa KwaZulu Natal Act 4 of 2008, and
4. Heritage Management Recommendations for immediate project receiving area covering the development, operation to closure phases of the project.

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

## **1.6. The Legal Framework and Guidelines**

This HIA study is a specialist study to the EIA process and it is guided by the:

- Amafa KwaZulu Natal Act 4 of 2008 and associated KZN PHRA Regulations,

Additional guidance is derived from:

- National Heritage Resources Act, (*Section 38 of Act 25 of 1999*)
- SAHRA AMP HIA Guideline
- Terms of Reference provided to EnAq Consulting regarding the nature of the proposed development.

All heritage assets are protected by the Provincial and National Environmental and Heritage Resources legislations, which makes it an offence to destroy heritage resources without permission from the relevant authority. In terms of the provisions of the Amafa Act of 2008, individual sites within the project area enjoy the varying levels of protection in the province.

## **1.7. Results of the Study**

Analysis of the archaeological, cultural heritage, environmental and historic contexts of the study area predicted that archaeological sites (Stone Age and Historic Archaeological), cultural heritage sites, burial grounds or isolated artifacts were likely to be present on the affected landscape. The field survey was conducted to test this hypothesis and verify this prediction within the proposed low cost housing development area. The project receiving area is situated on previously disturbed land parcels. No signatures of archeological artifacts were found across the landscape. Visual impacts to the sense of a place within the receiving environment was assessed and was deemed to be limited given the level of existing built-up areas in the immediate project receiving area and the general landscape.

## **1.8. Final Recommendations**

The following recommendations are made in this report:

- No significant impact on archeological or physical cultural property materials is anticipated.
- The project area has considerable existing built-up areas and as such no impacts are anticipated on the built environment given the existence of contemporary built-infrastructure or structures already in the project area.
- High visibility emanating from the proposed low cost housing developments is anticipated. However, the project area has existing housing, linear and structural developments in place, which will absorb the proposed developments in situ. Therefore the visual impacts of the project are considered to be low across the receiving cultural landscape. No mitigation is proposed because the receiving environment is currently on open grassland neighbouring built up areas, powerline network, main and access roads, minor reticulation powerlines and residential infrastructure and other infrastructures.
- Overall, impacts to heritage resources are not considered to be highly significant for the project-receiving environment. It is thus concluded that the project may be cleared to proceed as planned.

- The chance finds process will be implemented when necessary especially when archaeological materials and burials are encountered during subsurface construction activities.
- If archaeological materials are uncovered, work should cease immediately and the Amafa KZN be notified and activity should not resume until appropriate management provisions are in place.
- In the event that human remains are uncovered during development then work in the immediate vicinity should be halted and the finds protected and reported to Amafa and the South African Police Services (SAPS).
- The findings of this report, with approval of the Amafa KZN PHRA, may be classified as accessible to any interested and affected parties within the limits of the laws.



## 2. ABBREVIATIONS

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

<b>LSA</b>	Late Stone Age
<b>MIA</b>	Middle Iron Age
<b>MSA</b>	Middle Stone Age
<b>NEMA</b>	National Environmental Management Act 107 of 1998
<b>NEMAQA</b>	National Environmental Management: Air Quality Act 39 of 2004
<b>NEMPAA</b>	National Environmental Management Protected Areas Act
<b>NEMWA</b>	National Environmental Management: Waste Act 59 of 2008
<b>NGO</b>	Non Government Organisation
<b>NHRA</b>	Nation Heritage Resources Act, Act 25 of 1999
<b>PM</b>	Project Manager
<b>SAHRA</b>	South African Heritage Resources Agency
<b>SM</b>	Site Manager
<b>ToR</b>	Terms of Reference

### 3. DEFINITIONS

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

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

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

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

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

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

**intangible resources** such as religion practices, ritual ceremonies, oral histories, memories and indigenous knowledge.

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

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

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

ii. micro-organisms, plant and animal life;

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

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

**Environmental impact assessment** An Environmental Impact Assessment (EIA) refers to the process of identifying, predicting and assessing the potential positive and negative social, economic and biophysical impacts of any proposed project, plan, programme or policy which requires authorisation of permission by law and which may significantly affect the environment. The EIA includes an evaluation of alternatives. As well as recommendations for appropriate mitigation measures for minimising or avoiding negative impacts, measures enhancing the positive aspects of the proposal and environmental management and monitoring measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 4. INTRODUCTION

### 4.1. Background

The Author (M. Murimbika – Principle Investigator) was appointed by EnAq Consulting to investigate areas that are going to be affected by the proposed Goedehoop Extension Low Cost Housing Development in Utrecht for evaluation by the heritage authorities. This report details the desktop study, review of previous heritage assessment studies conducted during the EIA specialist studies, field study and present results of the study as well as discussion on the anticipated impacts of the proposed development as is required by the Amafa KwaZulu Natal Act 4 of 2008 and the National Heritage Resources Act, Act 25 of 1999 Section 38. It focuses on identifying and assessing potential impacts on archaeological, as well as on other physical cultural properties including historical heritage and intangible resources in relation to the proposed low cost housing development. A Professional archaeologist and a heritage management and risk specialist undertook this assessments, research and consultations required for the preparation of the report for the purpose of ensuring that the cultural environmental values are taken into consideration and reported into the EIA authorisations and EMP processes spanning the proposed life span of the proposed low cost housing development.

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

The author conducted the assessment; research and consultations required for the preparation of this HIA report in a manner consistent with its obligations set in the Amafa KZN Act 4 of 2008 and the NHRA as well as the environmental management legislations. The report, not necessarily in that order, provides:

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

#### **4.2. NATURE OF PROPOSED DEVELOPMENT**

The According to the project study brief and BID, the Emadlangeni Local Municipality is proposing to establish a low cost housing development on the outskirts of Utrecht. The project area is approximately 27.6ha in extent and the footprint of the development will total approximately 16.9 ha. The site is located on the South-western outskirts of the town adjoining the eastern and southern boundary of the existing township of Goedehoop. The proposed development will comprise of single story housing units, roads and associated infrastructure. The development will be provided with typical municipal services such as the supply of water and electricity, appropriate sewerage disposal, the regular removal of household waste, etc. Emadlangeni Local Municipality, (ENAQ Consulting, BID, 2009).

### 4.3. STATUTORY REQUIREMENTS

This HIA report is a component of a broader EIA Study and addresses the requirements of the Amafa KZN Act 4 of 2008, NHRA Act 25 of 1999 Section 38 and EIA Terms of Reference in relation to the assessment of impacts of the proposed development on the cultural and heritage resources associated with the receiving environment. The legislations requires that when constructing a linear development exceeding 300m in length or developing an area exceeding 5000 m<sup>2</sup> in extent, the developer must notify the responsible heritage authority of the proposed development and they in turn must indicate whether an impact assessment is required. The NHR Act notes that “any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the consent”, the heritage authority here being Provincial Authority (*PHRA*).

The statutory mandate of heritage impact assessment studies is to encourage and facilitate the protection and conservation of archaeological and cultural heritage sites, in accordance with the provisions of the Provincial and National Heritage Resources legislations and auxiliary regulations. Legislations protect all defined heritage resources including palaeontological, prehistoric and historical material (including ruin) more than 100 years old, human remains older than 60 years and located outside of a formal cemetery administered by a local authority and non-ruined structures older than 60 years. A broader protection is also offered to Landscapes with cultural significance, which are also protected under the definition of the Provincial or National Estate.

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

#### 4.4. HIA STUDY TERMS OF REFERENCE

The Heritage Specialist was asked to conduct an HIA study under the guidance of the requirements of Amafa KZN Act and as stipulated in Sec. 38 of the NHRA. As outlined in the introduction section, the activities would include:

1. Hypothesising and Conducting a detailed desk-top level investigation to identify all archaeological, cultural and historic sites in the proposed low cost housing development project receiving areas;
2. Conduct appropriate physical cultural properties field work and survey to verify results of desktop investigation;
3. During the field survey, document (*GPS coordinates and map*) all archaeological and heritage sites, objects and structures and physical cultural properties identified within the project's receiving environment;
4. Compile a Heritage Impact Assessment report which would include:
  - a. Identification of archaeological, cultural and historic sites within the affected development areas;
  - b. Assess the sensitivity and significance of archaeological remains within the affected development areas;
  - c. Estimate and evaluation of the potential impacts of the proposed construction, operation and maintenance of the proposed development on archaeological, cultural and historic sites in the proposed project receiving areas;
  - d. Measure the impacts in terms of the scale of impact
  - e. Provide appropriate Recommendation of mitigation measures that may add positive impacts while reducing the identified negative impacts on archaeological, cultural and historic sites in the proposed project receiving areas;
  - f. The recommendations should be applicable enough to effectively guide the compliance authorities in issuing a decision regarding the authorisation of the proposed development.
  - g. Consideration of relevant PHRA and SAHRA as well and international best practices guidelines; and,



- h. Development Heritage Management Planning guideline: "Guideline for involving heritage stakeholders in the processes".

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

- Landscapes, cultural or natural;
- Buildings or structures older than 60 years;
- Archaeological Sites, palaeontological material and meteorites;
- Burial grounds and graves;
- Public monuments and memorials;
- Living heritage (defined as including cultural tradition, oral history, performance, ritual, popular memory, skills and techniques, indigenous knowledge systems and the holistic approach to nature, society and social relationships).

## **5. LOCATION OF ACTIVITY AREA AND IMPACT AREA**

### **5.1. Municipality location**

PROJECT LOCATION (Refer to Locality Plan):

The project is situated on Land No.266 located to the South of Central Utrecht, ERF 1176. The project site is an extension to the existing township at Goedehoop which is located between routes P483 and P41.

GEOGRAPHICAL CO-ORDINATES (centre of site):

LATITUDE: 30°18'51.84"

LONGITUDE: 27°40'24.47"

CATCHMENT LOCATION: Sand River, Tugela Catchment

DISTRICT AND LOCAL MUNICIPALITIES: Amajuba District Municipality; Emadlangeni Local Municipality.

Figure 1: Topographic Map- Project area locality map [NTS Utrecht 2730CA)

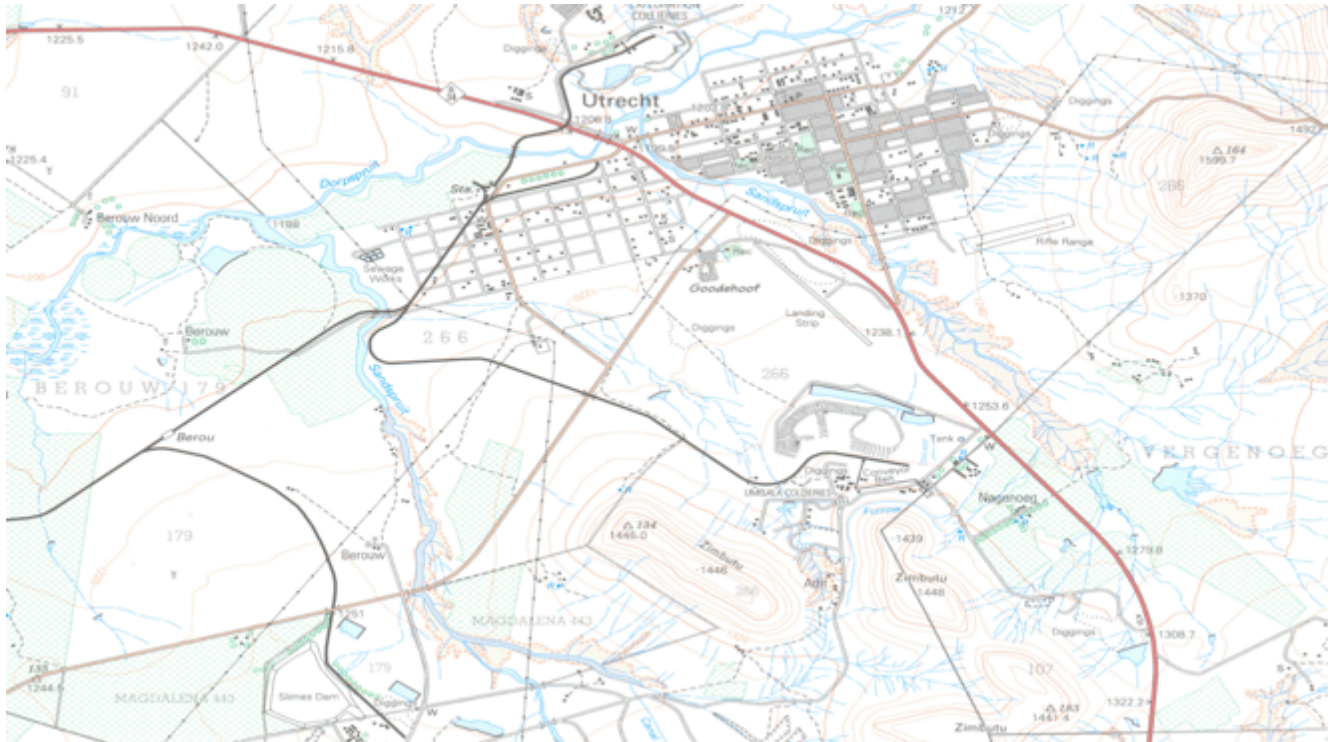
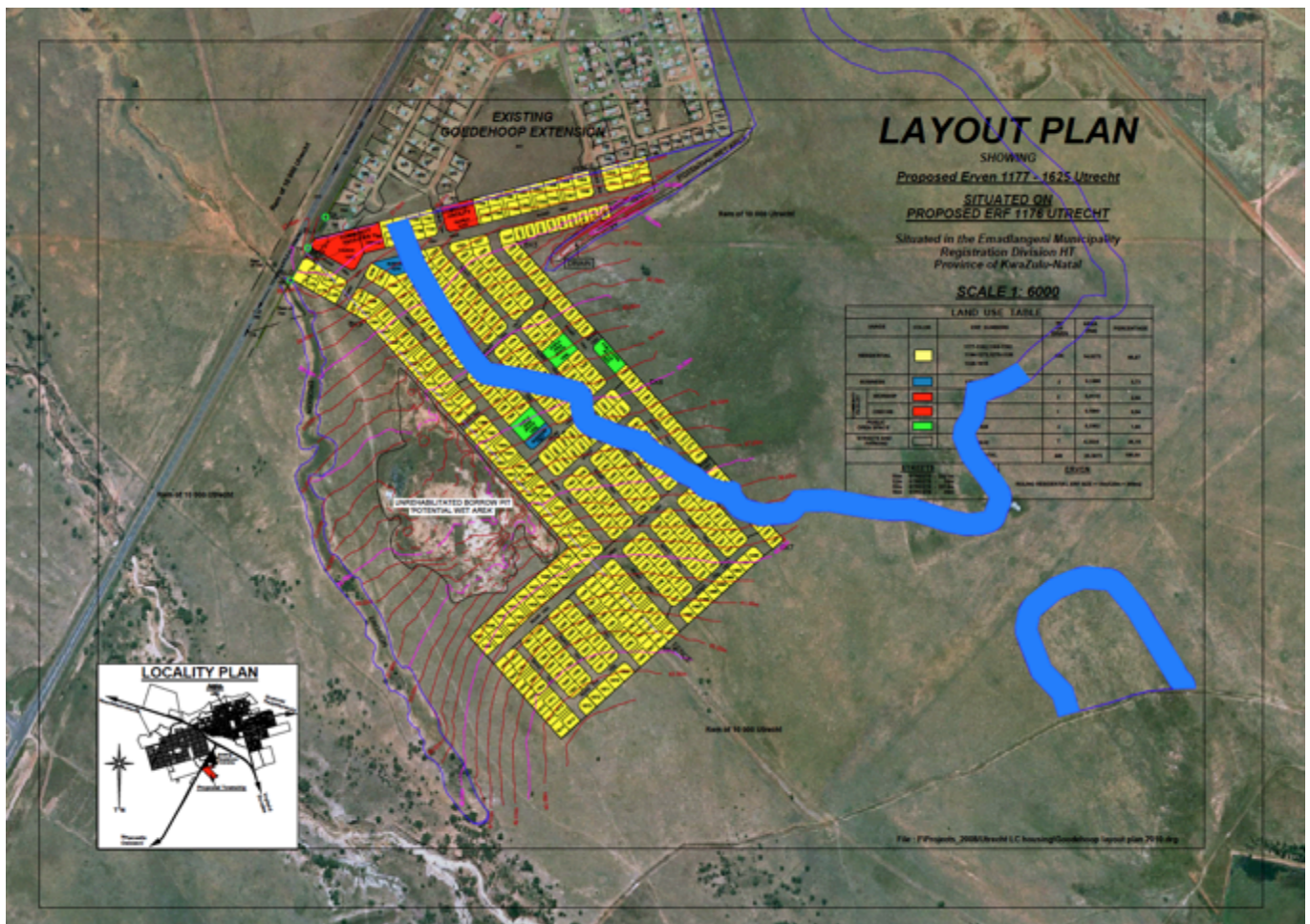


Figure 2: Image showing the study area.



The affected project area is situated in contemporary cultural landscape predominantly open grassland next to an existing Goedehoop residential area (see Figure 1 and Figure 2).



**Plate 1: Plate 1: View of project site, showing existing township on the upper right background (Photo by ENAQ).**

## **6. METHODOLOGY**

The proposed project development requires clearance and authorisation from government compliance agencies including the heritage authority of Amafa KZN. Key HIA objectives for this section of the study are to fulfil the statutory requirements of the Amafa KZNs Act, Act 4 of 2008. In order to meet the objectives of the HIA Phase 1 study, the following tasks were conducted: 1) site file search, 2) literature review, 3) consultations with key stakeholders, 4) completion of a field survey and assessment and 5) analysis of the acquired data and report production. The following tasks were undertaken:

- Preparation of a predictive model for archaeological heritage resources in the study area.
- A review and gap analysis of archaeological, historical and cultural background information, including possible previous heritage consultant reports specific to the affected project area, the context of the study area and previous land use history as well as a site search;
- Field survey of the housing development site;

- Physical cultural property recording of any identified sites or cultural heritage places;
- Identification of heritage significance; and
- Preparation of HIA report with recommendation, planning constraints and opportunities associated with the proposed development.

The project area is part of an existing and previously developed and disturbed landscape with high voltage powerlines, main roads (R34), access roads, bulk water reticulation pipelines and infrastructure, agricultural fields and other auxiliary infrastructures dominate the affected project area.

Geographic coordinates were obtained with a handheld Garmin GPS global positioning unit. Photographs were taken as part of the documentation process during field study.

### **6.1. Assumptions and Limitations**

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

1. The proposed low cost housing project will be limited to specific right of way sites and laydown areas as detailed in the housing development layout.
2. The construction teams to work at the development site and service sites will use the existing access roads and there will be no major deviations into undisturbed sections.
3. Given the extensive degraded nature on most affected project area and the level of high existing developments within the affected landscape, most sections of the project area have low potential to yield high significant in situ archaeological or physical cultural properties.

4. No excavations or sampling was undertaken, since a permit from heritage authorities is required to disturb a heritage resource. As such the results herein discussed are based on surface indicators. However, these surface observations concentrated on areas accessible.
5. No Palaeontological study was conducted as part of this HIA.
6. This study did not include any ethnographic and oral interviews. The existing studies from current and historic researches are accepted as adequate for the purposes of this HIA.

## **6.2. Consultation**

No independent community consultation was conducted during this phase of the A/HIA study. However, the EIA Public Participation Process invited comments from affected municipality and other interested parties on any matter related to the proposed low cost housing development including heritage concerns that may arise as a result of the proposed development.

## **7. BRIEF CULTURE HISTORY BACKGROUND OF THE PROJECT AREA**

The project area is located in the Utrecht area of KwaZulu Natal Province of South Africa that boasts a rich traditional history of contemporary predominantly Zulu-speaking communities (Huffman 2007, Coetzee 2010). Archaeological and heritages studies in the region indicate that the area is of high pre-historic and heritage significance. It is in fact a cultural landscape where Stone Age, Iron Age and Historical period sites contribute the bulk of the cultural heritage of the region (Huffman, 2007).

Stone Age sites are general identifiable by stone artefacts found scattered on the ground surface, as deposits in caves and rock shelters as well as in eroded gully or river sections. Archaeological sites recorded in the project region confirms the existence of Stone Age sites that conform to the generic SA periodization split into the Early Stone Age (ESA) (2.5 million years ago to 250 000 years ago), the Middle Stone Age (MSA) (250 000 years ago to 22 000 years ago) and the Late Stone Age (LSA) (22 000 years ago to 300 years ago). Stone Age sites in the region are also

associated with rock painting sites. Cave sites also exist on the landscape south west of the project area.

From an archaeological perspective, the Utrecht area, like most of KwaZulu Natal region has potential to yield Stone Age period sites (also see Deacon and Deacon, 1997). However, the specific affected project-receiving environment has low potential for Stone Age sites.

The Iron Age of the KwaZulu Natal region dates back to the 5<sup>th</sup> Century AD when the Early Iron Age (EIA) proto-Bantu-speaking farming communities began arriving in this region, which was then occupied by hunter-gatherers. These EIA communities are archaeologically referred to as the Kwale branch of the Urewe EIA Tradition (Huffman, 2007: 127-9). The Iron Age communities occupied the foothills and valley lands introducing settled life, domesticated livestock, crop production and the use of iron (also see Maggs 1984a; 1984b; Huffman 2007). Alongside the Urewe Tradition was the Kalundu Tradition whose EIA archaeological sites have been recorded along the KwaZulu Natal region.

Throughout the middle of the 1800s the region witnessed the mfecane migrations and displacements linked to groups such as the Ndebele of Mzilikazi. From the 1840s the Voortrekkers began arriving in the flat lands foothills in the regions spreading north east into modern day KwaZulu Natal. They spread establishing settlements, which came to be settler towns such as Utrecht itself, Vryburg, and the Pietermaritzburg across modern day KwaZulu Natal. The Voortrekkers arrived in KwaZulu Natal regions in the shadow of the weakened African kingdoms and chiefdoms in the aftermath of the mfecane. This effectively ushered in new era of colonial occupation by succeeding Afrikaans and British colonial administration authorities through the last half of the 1800s and into the last 1900s. By 1850s the region witnessed the influx of more settler communities which triggered settler wars between the African chiefdoms and the incoming Afrikaner settlers. Some of these colonial wars and battles lasted into Anglo-Boer wars of 1899-1902. The later effectively led to complete subjugation of African communities to settler

administration starting as part of the ZAR of Transvaal. There after the region was subsequently annexed by the British and effectively placed the majority of African communities under the Union of South Africa in 1910, which eventually ended with the establishment of the new South Africa in 1994.



**Plate 2: Drainage trench cutting through section of site earmarked for the proposed development (ENAQ).**



**Plate 3: Northwesterly view of the proposed development site.**



**Plate 4: Northeasterly view of the proposed housing project site.**



**Plate 5: Easterly view of the project site showing old coal discard dump (background).**

### **7.1. Current land use and description of the project site:**

The project area is situated to the southwest of Utrecht Town on open grassland. The site, situated on Land No.266, ERF 1176, is vacant undeveloped land, located on the South Western outskirts of Utrecht adjoining the eastern and southern boundary of the existing township of Goedehoop. A wetland area lies to the south of the site and will not be encroached upon. The site is characterised by a very gentle downward slope from south to north. A rudimentary drainage ditch which assists in draining water from the Wetland in the South, away from the existing (and proposed) housing development runs along part of the southern boundary of the proposed site and through the proposed site in the direction of the downward slope (also see Plates 1 to 6) (ENAQ BID 2009).

The project site is located approximately 3km's southeast from the town of Utrecht. The Utrecht Balele Community Game Park surrounds the whole town of Utrecht and therefore makes Utrecht a Town within a Game Park with no fences between the town and the game park. The Game Park covers an area of over 2500ha and is stocked with no fewer than fifteen game species, including Impala, Blesbuck, Kudu, Blue Wildebeast, Red Hartebeast, Nyala, Bushbuck, Burchell's Zebra, Common Duiker, Steenbuck, Eland, Waterbuck, Mountain Reedbuck, Warthog



and Giraffe, not to mention the myriad of natural predators such as Caracal, Several and now recently a resident Leopard (Ibid).

The birdlife in the game park is prolific with over 250 species being recorded in the area and recently a wetland area has been rehabilitated, which includes a bird hide and has already attracted a number of new bird species to the park. The vegetation in the park varies from open vleis and grassland to dense Acacia woodland and thickets, all the way to mountain grassland on top of the mountain plateaus (ENAQ BID, 2009).

**8. RESULTS OF THE DEVELOPMENT SITES SURVEY**

**Table 1: GPS Co-ordinates of selected localities on proposed development project sites [Also see Fig. 2]:**

Site	LATITUDE	LONGITUDE
<b>Centre of Utrecht housing development site</b>	30''18'51'84' S	27''40'24.47' E

**8.1. STATEMENT OF OVERALL IMPACTS ON PLANNED DEVELOPMENT SITE**

The survey did not identify any archaeological or physical cultural properties on the proposed development project site. Furthermore, the proposed development will be an *in situ* development situated on previously disturbed or developed area (see Plates 1 to 5 and Figure 1 and 2 for existing developments in area). Regardless of this observation, it is important to note that in any given situation, archaeological resources are fixed in space. Any activity that threatens to alter the status quo is an immediate and direct threat to any archaeological resources in its direct path. Should archaeological sites be encountered, the impact will be permanent in nature, extent and duration (Bickford and Sullivan, 1977). In the context of this study, the affected project area is heavily degraded by existing and previous land use activities. There were no archaeological or any physical cultural properties that were recorded on the path of the development.

The likelihood of creating negative impacts to archaeological or physical cultural properties during the proposed Utrecht housing development and the construction of associated auxiliary infrastructure is considered to be remote. Nonetheless, there is always a possibility that chance archaeological artefacts may be unearthed during excavations associated with any subsurface development work. However, given the absence of any recorded heritage sites on the development site, the proposed development project will have no or minimum impact upon any cultural heritage resources be they graves, historical or archaeological sites. Although the development may alter the existing cultural landscape, the impact will be insignificant because the project area is already altered.

## **8.2. Archaeological and Heritage Site**

The survey of townland portions earmarked for the proposed housing development did not yield any archaeological or physical cultural sites on any of the affected locations. The affected landscaped is heavily degraded from previous and current land use patterns. There are existing *in situ* residential and associated infrastructure including access roads in the vicinity of the project site (see Plates 1 to 6 and Fig 1). The proposed housing development and associated infrastructural installations will be additional *in situ* development on project area (Figure 1 and 2). As such the chances of recovering significant archaeological materials *in situ*, particularly open settlement sites, were seriously compromised and limited. If such sites existed on this particular project area, they may have been destroyed over the land use history of deep ploughing and other destructive land use patterns such as surface and subsurface construction that have affected and significantly altered the affected portions of the project area prior to this proposed development project.

## **8.3. Burial grounds and graves**

No formal graveyard or isolated gravesites were identified on the direct path of the proposed development. However, this does not rule out the possibility of

encountering previously unrecorded burial sites once development commences on site. It is important to note that, from a heritage perspective, burial grounds and gravesites are accorded the highest social significance threshold (see Appendix 3). They have both historical and social significance and are considered sacred. Wherever they exist they may not be tempered with or interfered with during any proposed development.

**8.4. Previously unidentified burial sites/graves**

In any development context, including the type proposed herein, it is critical to note that there is always a possibility of encountering human remains anywhere on the landscape – finds are made on construction sites from time to time, but again the chances are considered to be high for this development. Should such sites be identified during subsurface construction work, they are still protected by applicable legislations and they should be protected (also see Appendixes 1 to 3 for more details).

**8.5. Historical and Built Environment**

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

- |                           |   |
|---------------------------|---|
| Domestic                  | Religion  |
| Recreation & culture      | Designed landscape                              |
| Commerce & trade          | Funeral (cemeteries, graves and burial grounds) |
| Agriculture & subsistence |   |

Social & Health care

Civil and Structural Engineering  
Education  
Defence /Military

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

### **8.6. Burial grounds and graves**

The field survey did not identify any burial site within the affected development site. However, whether they are known or not on record, from a heritage perspective, burial grounds and gravesites are accorded the highest social significance threshold (see Appendix 3). They have both historical and social significance and are considered sacred. Wherever they exist they may not be tampered with or interfered with during any proposed development. It is important to note that the possibility of encountering human remains during subsurface earth moving works anywhere on the landscape is ever present. Although the possibility of encountering previously unidentified burial sites is low on the development area, should such sites be identified during subsurface construction work, they are still protected by applicable legislations and they should be protected (also see Appendixes for more details).

### **8.7. Historical Monuments**

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

### **8.8. Cultural landscapes**

The project area has established low cost residential areas characteristic of small urban establishments in KwaZulu Natal. However, none of these built up areas are

affected by the proposed development. The low cost housing and associated infrastructure will merely add to several modern built-up areas within the general cultural landscape around Utrecht and the landscape in general.

### **8.9. Scenic Routes, Sense of Place and Visual Concerns**

The site can be accessed via the R34 (Figures 1 & 2). The road traverses in an area that is generally scenic in that one experiences the typical vast inland KwaZulu Natal Province biosphere, with both developed and undeveloped open space while driving along it. The study area is visible from the regional and local roads and it is an altered environment dominated by residential developments and associated infrastructure. This represents a pre-existing visual detractor from the sense of place and scenic value from the road. However, it should be borne in mind that the proposed development is an in situ development adding to existing developments within the area. Therefore any possible visual impacts to the project area is less significant and would be of reduced concern given the observation that this concern is already overridden by existing impact.

## **9. CULTURAL HERITAGE SITE ASSESSMENT OF SIGNIFICANCE**

The appropriate management of cultural heritage resources is usually determined on the basis of their assessed significance as well as the likely impacts of any proposed developments. Cultural significance is defined in the Burra Charter as meaning aesthetic, historic, scientific or social value for past, present and future generations (Article 1.2). Social, religious, cultural and public significance are currently identified as baseline elements of this assessment, and it is through the combination of these elements that the overall cultural heritage values of the site of interest, associated place or area are resolved. Not all sites are equally significant and not all are worthy of equal consideration and management. The significance of a place is not fixed for all time, and what is considered of significance at the time of assessment may change as similar items are located, more research is undertaken and community values change.

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

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

### **9.1. Assessment Criteria**

The best practice guidelines define the following criterion for the assessment of cultural significance:

#### **Aesthetic Value**

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

#### **Historic Value**

Historic value encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all of the terms set out in this section. The overall KwaZulu Natal Province region as a place has historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It

may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment.

### **Scientific value**

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

### **Social Value**

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

## **9.2. Evaluation of Heritage Resource**

Based on the information from the Amafa KZN, guidelines, national South African Heritage Resources Agency standards of best practice and minimum standards, data capture forms were used to collect information from the field through site condition surveys and observations (Table below).

**Table 2: Significance assessment of heritage resources based on ICOMOS and NHRA criteria.**

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

## 10. STATEMENT OF SIGNIFICANCE

### 10.1. Aesthetic Value

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

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

**Table 3: Assessment of impacts to Aesthetic Values related to the scenic routes and sense of place**

	Before Mitigation	After Mitigation
Magnitude	Low	NA
Extent Local -	Local	NA
Duration Long term -	Long term	NA
Significance	Low -	NA
Probability	Definite -	NA
Status	Negative -	NA



Reversible	Yes (with rehabilitation after NA plant is decommissioned)
Cumulative	A number of housing and associated residential facilities planned for the area that may lead to cumulative visual impacts to the landscape if they were to be constructed. This may be of concern and will detract from peoples' experience of the general regional sense of place.

## 10.2. Historic Value

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

**Table 4: Assessment of impacts to Historic Values related to the project area.**

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

## 10.3. Scientific value

Past settlements and associated roads, and other auxiliary infrastructure developments and disturbance within the HIA study area associated with the proposed housing development have resulted in limited intact significant cultural landscapes with the potential to retain intact large scale or highly significant open archaeological site deposits. However, should intact archaeological sites be recorded within the within the power line servitudes and immediate surrounding areas, they may retain scientific evidence that may add value to the local and regional history.

**Table 5: Assessment of impacts to Archaeological Scientific Values related to the project area.**

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

#### 10.4. Social Value

The project sites fall within a larger and an extensive KwaZulu Natal cultural landscape. The overall area has social value for the local community, as is the case with any populated landscape. The land provides the canvas upon which daily socio-cultural activities are painted. The remains of historic homesteads that are found around the project area testify to the fact of generational homes and settlements. All these factors put together confirm the social significance of the project area. However, this social significance is not going to be negatively impacted by the proposed low cost housing development especially given the fact that the development will add value to the human settlements and activities already taking place. In addition the area is already affected by development and this project is an addition to what already existing infrastructure such as roads, and residential areas, and urban areas infrastructure.

## 11. RECOMMENDATIONS

1. From a heritage point of view proposed development is feasible because it is situated in a previously disturbed area next to existing residential

development marked with street servitudes with adequate access roads. The proposed development should be approved to proceed as planned under observation that construction work does not extend beyond the surveyed project area. The foot print impact of the proposed low cost housing development and associated infrastructure should be kept to minimal to limit the possibility of encountering chance finds outside the immediate study area.

2. No conflicts between archaeological and physical cultural heritage properties including burial grounds and the proposed development are anticipated when construction begins (see Appendix 2 and 3 for detailed management inputs and mitigation measures). It is the recommendation of this study that there are no archaeological or significant physical cultural property barriers that were recorded for the proposed development. Therefore, the proposed housing development may be approved by the heritage authorities subject to the further recommendation made below.
3. The foot print impact housing development and associated infrastructure and the access road developments should be kept to minimal to limit the possibility of encountering chance finds.
4. All construction activities including construction campsites should be located within the surveyed project area on previously disturbed ground.
5. In situations where unpredicted impacts occur (such as accidentally disturbing a previously unknown grave), construction activities must be stopped and the heritage authority should be notified immediately. The overriding objective, where remedial action is warranted, is to minimize disruption in construction scheduling while recovering archaeological and any affected cultural heritage data as stipulated by the NHRA.
6. It may be necessary to implement emergency measures to mitigate unanticipated impacts on archaeological sites where project actions inadvertently uncovered significant chance archaeological sites (see Appendixes 1, 2 & 3).
7. Furthermore, the construction team should be informed about the value of the cultural heritage resources in general so as to ensure that they do not

destroy the chance archaeological sites they may encounter during subsurface construction working on sites.

8. In the unlikely event of chance archaeological material or previously unknown human remains being disturbed during subsurface construction, the finds should be left *in situ* subject to further instruction from the project archaeologist or heritage authorities (refer to Appendixes 2 - 4 for more details).
9. These recommendations should be included in the project EMP to ensure compliance during the proposed development (subject to the proposed project EIA receiving a positive ROD).
10. Subject to the recommendations herein made, there are no significant cultural heritage resources barriers to the low cost housing proposed development in Utrecht Town, KZN Province.

## **12. CONCLUDING REMARKS**

The literature review, field research and subsequent impact assessment confirmed that the project area is situated within a contemporary cultural landscape dotted with settlements that have local history. The study was conducted during which it was established that the affected project area is degraded by existing and previous land use activities and developments. No archaeological or significant historical or physical cultural properties were recorded on site. This report concludes that the proposed low cost housing development may be approved by Amafa KZN Heritage Authority to proceed as planned subject conditional inclusion of chance finds procedures for the construction phase EMP.

### 13. BIBLIOGRAPHY

**Australia ICOMOS. 1999.** The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter). Sydney: ICOMOS.

**BAUMANN, N. & WINTER, S. 2005.** Guideline for involving heritage specialists in EIA process. Edition 1. CSIR report No ENV-S-C 2005 053E. Provincial Government of the Western Cape: Department of Environmental Affairs and Developmental Planning.

**BEAUMONT, P.B. & VOGEL, J.C. 1984.** Spatial patterning of the ceramic Later Stone Age in the northern Cape, South Africa. In: Hall, M., Avery, G., Avery, D.M., Wilson, M.L. & Humphreys, A.J.B. (eds) *Frontiers: southern African archaeology today*: 80-95. Oxford: British Archaeological Reports International Series 207.

**BEAUMONT, P.B. & VOGEL, J.C. 1989.** Patterns in the age and context of rock art in the northern Cape. *South African Archaeological Bulletin* 44: 73-81.

**BEAUMONT, P.B., SMITH, A.B. & VOGEL, J.C. 1995.** Before the Einiqua: the archaeology of the frontier zone. In: Smith, A.B. (ed.) *Einiqualand: studies of the Orange River frontier*: 236-264. Cape Town: University of Cape Town Press.

**BICKFORD, A AND SULLIVAN, S. 1977.** "Assessing the research significance of historic sites" in S Sullivan and S Bowdler (eds) *Site Surveys and Significance assessment in Australian Archaeology*. Canberra: ANU.

**BRANDLE, G. 2002.** **The geology of the Alldays area.** Explanation Sheet 2228 Scale: 1:250 000. Council for Geoscience. 71p.

**BURKE, H. And SMITH, C. 2004.** *The archaeologist's field handbook*. Australia. Allen and Unwin..

**CARRUTHERS, J. 2006.** Mapungubwe: an historical and contemporary analysis of a World Heritage cultural landscape. *Koedoe* 49/1 (2006). 1-13.

**CARTER, B. AND GRIMWADE, G. 2007.** Balancing use and preservation in cultural heritage. *International Journal of Heritage Studies*.

**CHIRIKURE, S AND PWITI, G. 2008** "Community involvement in archaeology and heritage management: case studies from southern Africa and elsewhere" *Current Anthropology* 49, 3. 467-485.

**COOPER, M. A., FIRTH, A., CARMAN, J. & WHEATLEY, D.** (eds.) 1995: Managing Archaeology. London: Routledge.

**DEACON H.J. AND DEACON J. 1999.** Human beginnings in South Africa. Cape Town: David Philips Publishers.

**Deacon, H. J. and J. Deacon, 1999.** Human Beginnings in South Africa. Cape Town.

**DEAT. 2002.** Mapungubwe World Heritage Site Nomination. Pretoria: Government Printer.

**GLAZEWSKI, J., 2000:** Environmental Law in South Africa. Durban: Butterworths.

**HARGRAVE, M. L. 2009** Best Practices for Archaeological Site Monitoring. Public Works Technical Bulletin 200-1-60. U.S. Army Corps of Engineers, Washington, D.C.

[HTTP://WWW.WBDG.ORG/CCB/ARMYCOE/PWTB/PWTB\\_200\\_1\\_60.PDF.](http://www.wbdg.org/ccb/armycoe/pwtb/pwtb_200_1_60.pdf)

**HUFFMAN, T. N. 2000.** Mapungubwe and the origins of the Zimbabwe culture. The South African Archaeological Society. (Goodwin Series, Vol. 8.)

**HUFFMAN, T.N. 2007.** A handbook of Iron Age Archaeology. University of Kwazulu – Natal Press. Pietermaritzburg.

**ICOMOS 2006.** The World Heritage Convention and the Buffer zone. ICOMOS SYMPOSIUM, JAPAN

**LEASK, A AND FYALL, A. 2006.** Managing World Heritage Sites. London: Butterworth-Heimann. Management. International Journal of Heritage Studies 3, 1. 45-53.

**LESLIE, M AND T MAGGS (EDS.).** African Naissance: The KwaZulu Natal Valley 1000 Years Ago.

**LOUBSER J.H.N 1994.** Ndebele Archaeology of the Petersberg area. Navorsing van die National Museum Bloemfontein (human Sciences 10:61-147)

**MILLAR, S. 2006.** Stakeholders and community participation. In A Leask and A Fyall, (eds) Managing world Heritage sites. London: Butterworth. 37-54.

#### **NATIONAL HERITAGE RESOURCES ACT 25 OF 1999**

**Orton, C. 2000.** Sampling in Archaeology. Cambridge: Cambridge University Press.

## 14. APPENDIX 1: HUMAN REMAINS AND BURIALS IN DEVELOPMENT CONTEXT

BY Murimbika M. [2013]

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

1. First, establish the context of the burial:

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

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

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

D. Are the human or hominid remains older than 100 years? If so, they are protected by the National Heritage Resources Act (Section 35(4), see also definition of "archaeological" in Section 2).

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

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

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

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

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

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

B. It is illegal in terms of the Human Tissue Act for individuals to keep human remains, even if they have a permit, and even if the material was found on their own land.

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

#### DEFINITIONS AND APPLICABLE REGULATIONS

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

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

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

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

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

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

b). Why it is to be exhumed.

c). The methods proposed for exhumation.

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

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

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

5. Human remains from the graves of victims of conflict, or any burial ground or part thereof which contains such graves and any other graves that are deemed to be of cultural significance may not be destroyed, damaged, altered, exhumed or removed from their original positions without a permit from the National Heritage Resources Agency. They are administered by the Graves of Conflict Division at the SAHRA offices in Johannesburg.

"Victims of Conflict" are:

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

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

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

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

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



damage, alter, exhume or remove from its original position, remove from its original site or export from the Republic any such grave without a permit from the SAHRA.

There are some important new considerations applicable to B & C (above).

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

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

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

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

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

#### PROCEDURE FOR CONSULTATION

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

1). Archival and documentary research regarding the origin of the grave or burial ground;

2). Direct consultation with local community organizations and/or members;

3). The erection for at least 60 days of a notice at the grave or burial ground, displaying in all the official languages of the province concerned, information about the proposals affecting the site, the telephone number and address at which the applicant can be contacted by any interested person and the date by which contact must be made, which must be at least 7 days after the end of the period of erection of the notice; and

4). Advertising in the local press.

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

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

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

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

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

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

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

d. Archaeological material, which includes human and hominid remains that are older than 100 years (see definition in section 2 of the Act), is protected by the National Heritage Resources Act (Section 35(4)), which states that no person may, without a permit issued by the responsible heritage resources authority - destroy, damage, excavate, alter or remove from its original site any archaeological or palaeontological material. The implications are that anyone who has removed human remains of this description from the original site must have a permit to do so. If they do not have a permit, and if they are convicted of an offence in terms of the National Heritage Resources Act as a result, they must be liable to a maximum fine of R100 000 or five years imprisonment, or both.

#### TREAT HUMAN REMAINS WITH RESPECT

- a). Every attempt should be made to conserve graves in situ. Graves should not be moved unless this is the only means of ensuring their conservation.
- b). The removal of any grave or graveyard or the exhumation of any remains should be preceded by an historical and archaeological report and a complete recording of original location, layout, appearance and inscriptions by means of measured drawings and photographs. The report and recording should be placed in a permanent archive.
- c). Where the site is to be re-used, it is essential that all human and other remains be properly exhumed and the site left completely clear.
- d). Exhumations should be done under the supervision of an archaeologist, who would assist with the identification, classification, recording and preservation of the remains.
- e). No buried artifacts should be removed from any protected grave or graveyard without the prior approval of SAHRA. All artifacts should be re-buried with the remains with which they are associated. If this is not possible, proper arrangements should be

made for the storage of such relics with the approval of SAHRA.

- f). The remains from each grave should be placed in individual caskets or other suitable containers, permanently marked for identification.
- g). The site, layout and design of the area for re-interment should take into account the history and culture associated with, and the design of, the original grave or graveyard.
- h). Re-burials in mass graves and the use of common vaults are not recommended.
- i). Remains from each grave should be re-buried individually and marked with the original grave markers and surrounds.
- j). Grouping of graves, e.g. in families, should be retained in the new layout.
- k). Material from the original grave or graveyard such as chains, kerbstones, railing and should be re-used at the new site wherever possible.
- l). A plaque recording the origin of the graves should be erected at the site of re-burial.
- m). Individuals or groups related to the deceased who claim the return of human remains in museums and other institutions should be assisted to obtain documentary proof of their ancestral linkages.

**14.1. APPENDIX 2: HERITAGE MANAGEMENT PLAN INPUT INTO THE HOUSING PROJECT KWAZULU NATAL PROVINCE  
EMP**

Objective

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

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

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

## 14.2. Appendix 3: heritage mitigation measure table

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

### 14.3. APPENDIX 4: LEGAL BACK GROUND AND PRINCIPLES OF HERITAGE RESOURCES MANAGEMENT IN SOUTH AFRICA

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

General principles for heritage resources management

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

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

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

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

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

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

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

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

(3) Laws, procedures and administrative practices must—

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

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

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

(4) Heritage resources form an important part of the history and beliefs of communities

and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management.

(5) Heritage resources contribute significantly to research, education and tourism and they must be developed and presented for these purposes in a way that ensures dignity and respect for cultural values.

(6) Policy, administrative practice and legislation must promote the integration of heritage resources conservation in urban and rural planning and social and economic development.

(7) The identification, assessment and management of the heritage resources of South Africa must—

(a) take account of all relevant cultural values and indigenous knowledge systems;

(b) take account of material or cultural heritage value and involve the least possible alteration or loss of it;

(c) promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs;

(d) contribute to social and economic development;

(e) safeguard the options of present and future generations; and

(f) be fully researched, documented and recorded.

Burial grounds and graves

36. (1) Where it is not the responsibility of any other authority, SAHRA must conserve and generally care for burial grounds and graves protected in terms of this section, and it may make such arrangements for their conservation as it sees fit.

(2) SAHRA must identify and record the graves of victims of conflict and any other graves which it deems to be of cultural significance and may erect memorials associated with the grave referred to in subsection (1), and must maintain such memorials.

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

(a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or

any burial ground or part thereof which contains such graves;

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

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

(4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3)(a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.

(5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3)(b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority—

(a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and

(b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.

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

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

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

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

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

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

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

#### General policy

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

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

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

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

(2) Each heritage resources authority must adopt for any place which is protected in terms of this Act and is owned or controlled by it or vested in it, a plan for the management of such place in accordance with the best environmental, heritage

conservation, scientific and educational principles that can reasonably be applied taking into account the location, size and nature of the place and the resources of the authority concerned, and may from time to time review any such plan.

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

(4) Regulations by the heritage resources authority concerned must provide for a

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

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

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