

**PHASE 1 ARCHAEOLOGICAL AND CULTURAL IMPACT ASSESSMENT (AIA) FOR THE
S24G APPLICATION – ACTIVITIES CARRIED OUT ON PORTION 12 OF FARM
ONGEGUNDE VRYHEID NO.746, CAPE ST FRANCIS BAY, KOUGA LOCAL
MUNICIPALITY, EASTERN CAPE PROVINCE**

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NOTE: The phase 1 archaeological and cultural impact assessment was conducted as a requirement of the ECPHRA (Eastern Cape Provincial Heritage Authority) and National Heritage Resources Act 25 of 1999:

ECPHRA (Eastern Cape Provincial Heritage Authority) COMMENTS in terms of **Section 38 of the National Heritage Resources Act (25 of 1999)** (see Appendix D).

This case was tabled at the Archaeology, Palaeontology and Meteorites (APM) Committee meeting held on 15 April 2025.

ECPHRA Interim Comment:

ECPHRA acknowledges the BID and Public Notification submitted and further requests:

1. ECPHRA Notice of Intent to Develop, for our records.
2. A retrospective Phase 1 Heritage Impact Assessment (HIA) which includes all aspects of the development.
The impact assessment should comprise of the ffg:
 - Phase 1 AIA (archaeological impact assessment), including a desktop and field assessment. The AIA must include cultural landscape and living heritage component (see NHRA 1999 Section 38.3.e).
 - PIA (paleontological impact assessment) done according to the SAHRIS *paleo-sensitivity* level.
3. Proof of Payment (R500 NID & R1 500 HIA), see administration details below.

This report follows the minimum standard guidelines required by the South African Heritage Resources Agency (SAHRA) and the Eastern Cape Provincial Heritage Resources Agency (ECPHRA) for compiling a full Phase 1 Archaeological Impact Assessment (AIA). The Eastern Cape Provincial Heritage Resources (ECPHRA) has been the competent authority in the Eastern Cape Province since 2012. All heritage reports must be submitted to the Eastern Cape Provincial Heritage Resources Authority (ECPHRA) for comment and uploaded to the South African Heritage Information System (SAHRIS) database.

DECLARATION OF INDEPENDENCE

Ms Celeste Booth was appointed on a strictly professional basis to conduct the archaeological and cultural heritage assessment for the S24G Application – activities carried out on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.

This section confirms a declaration of independence that archaeological heritage specialist, Ms Celeste Booth, does not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Amendments to Environmental Impact Assessment Regulations, 2014 as amended.

Ms Celeste Booth further declares that she:

- will act as the independent Specialist in this application;
- will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- will declare that there are no circumstances that may compromise her objectivity in performing such work;
- has expertise in conducting environmental impact assessments, including knowledge of the Act, regulations and any guidelines that have relevance to the proposed activity;
- will comply with the Act, regulations and all other applicable legislation;
- will take into account, to the extent possible, the matters listed in regulation 8 of the regulations when preparing the application and any report relating to the application;

- has no, and will not engage in, conflicting interests in the undertaking of the activity;
- undertakes to disclose to the applicant and the competent authority all material information in her possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced to support the application;
- will ensure that the comments of all interested and affected parties are considered and recorded in reports that are submitted to the competent authority in respect of the application, provided that comments that are made by interested and affected parties in respect of a final report that will be submitted to the competent authority may be attached to the report without further amendment to the report;
- will keep a register of all interested and affected parties that participated in a public participation process; and
- will provide the competent authority with access to all information at her disposal regarding the application, whether such information is favourable to the applicant or not
- confirms that all the particulars furnished by the in this form are true and correct;
- will perform all other obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- realises that a false declaration is an offence and is punishable in terms of section 24F of the Act.

SUMMARY OF SPECIALIST EXPERTISE

Ms Celeste Booth (BSc Honours: Archaeology) is an archaeologist who has had sixteen (17) years of full-time experience in Cultural Resource Management in the Eastern Cape Province and sections of the Northern Cape and Western Cape Provinces. Ms Booth has conducted several Archaeological Desktop Studies and Phase 1 Archaeological Impact Assessments within the Eastern Cape Province and in the Karoo region across the Eastern Cape, Northern Cape, KwaZulu Natal, and Western Cape Provinces.

EXECUTIVE SUMMARY

Purpose of the Study

The purpose of the study was to conduct a phase 1 archaeological and cultural heritage assessment for the S24G Application – activities carried out on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.

The survey was conducted to establish the range and importance of the exposed and *in situ* archaeological heritage material remains, sites and features; to establish the potential impact of the development; and to make recommendations to minimize possible damage to the archaeological heritage.

Summary of Findings

While the alterations associated with the activity has resulted in some clearing of natural vegetation elements, it is unlikely that more than 300 m² of natural vegetation was cleared. The entire activity has taken place within an area that was previously disturbed by the historical seaside dwelling.

Two eroded and exposed cuttings in front of both Dwelling 1 and Dwelling 2 yielded accumulations of a variety of marine shells associated with the rocky coastline. The marine shells identified include a variety of *Scutellastra* sp., most likely *Perna perna* (brown mussel), *Turbo sarmaticus* (aliekrekel / ollycrook), *Oxysteles sinensis* (pink-lipped topshell) and other marine shells, that could possibly be associated as being archaeological shell midden material. No other artefactual or organic, faunal, material was noted to occur in the cutting.

Recommendations and Mitigation

The renovations and extensions to the two dwellings and the rerouted portion of access road have been completed and is currently part of a S24G application process. No further construction activities will be undertaken. No further recommendations or mitigation is required.

1 INTRODUCTION

1.1 Background Information (from the Draft Environmental Management Programme Report (Draft EMPr) and the S24G application compiled by Ecoroute)

The Eastern Cape Department of Economic Development and Environmental Affairs and Tourism (DEDEAT) issued a notice of intention to issue a compliance notice to the landowner (Soundprops 1246 cc) on 23 October and 26 October 2024. The notice was issued in terms of section 31L of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended in respect of the commencement of activities on portion 12 of the Farm Ongegunde Vryheid No 746.

The main impacts associated with the proposed activity includes the following:

- Incorrect land use (tourism) in sensitive areas prior to authorisation
- Possible impacts on dwelling as a result of storm surges as a result of being within 100 meters of the High water mark
- Possible soil disturbance / loss of soil / dust generation during construction activities with no mitigation
- Impacts from incorrect waste management during construction for general and hazardous waste generated
- Noise and visual impacts on nearby residents during construction
- Positive economic impacts due to temporary work created in construction and passive income during operations

The property (portion 12 (a portion of portion1) of the Farm Ongegunde Vryheid No. 746) was purchased by the current landowner in 1997. The farm portion is an estimated 46 ha in extent. Two dwellings were in place at the time of purchase. The north-eastern dwelling (hereafter referred to as Dwelling 1) consisted of 5 rooms and an outside cottage; the 5 rooms sleep 2 people per room and have been rented to guests since ownership in 1997. The outside room is not rented. A maximum of 12 guests has been permitted at the NE dwelling over the years. The south-western dwelling (hereafter referred to as Dwelling 2) has been used by the landowners as a private holiday residence.

Renovated / expanded footprints post 2021:

- Dwelling 1 – 390 m² (original footprint: 265m² – expanded by 125m²)
- Access road rerouted behind dwelling - 260m²
- Dwelling 2 – 105m² (original footprint: 60m² - expanded by 45m²)
- Road between dwellings (existing): 300 m²
- Total footprint: 1055 m²

The site falls on the inland side of the littoral active zone and it falls within 100 meters of the high-water mark of the sea. The site is one of several coastal dwellings within a relatively undeveloped landscape. Access to the site is via an unpaved track/road from the

north-east, which serves several of the dwellings in the surrounding area. In terms of the DFFE screening tool and sensitivity ratings, terrestrial biodiversity for the site is rated very high; flora and fauna is given medium and high sensitivity. The national Vegetation map, 2024, shows the site falls on a transitional zone between St Francis Dune thicket and cape seashore vegetation; both have a *least concern* status as per National Biodiversity Assessment (2022). Least concern status indicates that more than 60% of the unit remains, and that ecosystem functioning is not under imminent threat by loss of natural habitat. In terms Eastern Cape biodiversity Conservation Plan (ECBCP), 2019 the site falls within a designated Critical Biodiversity Area (CBA). St Francis Dune thicket is currently conserved in several local nature reserves including, *inter alia*, the Rebelsrus Private Nature Reserve, Cape Recife Nature Reserve, Sardinia Bay Nature Reserve and, Sand River Private Nature Reserve. A number of properties in the area are also noted to currently be in process of being designated as Mosterthoek Nature Reserve and the corresponding conserved area of St Francis dune thicket / cape seashore vegetation will therefore likely increase.

The two dwellings, and rerouted portion of access road, are situated within a footprint where natural vegetation was cleared historically in order to construct the original dwellings. The remainder of the farm portion is undeveloped and in a natural/near natural state St Francis Dune Thicket, comprising a mozaic of both thicket and fynbos elements, within some alien invasion (Rooikrantz) and this area is not directly affected.

The site is located within a transitional zone of thicket and the littoral/seashore vegetation, with vegetated palaeodunes on the inland side and directly adjacent to a small sandy beach within the broader stretch of rocky shore. While the alterations associated with the activity has resulted in some clearing of natural vegetation elements, it is unlikely that more than 300 m² of natural vegetation was cleared. The entire activity has taken place within an area that was previously disturbed by the historical seaside dwelling. The eastern deck on the eastern dwelling is situated on the previous portion of the access road which would have been significantly disturbed with only a few secondary and remnant tufts of *Drosanthemum candens*, *Tetragonia decumbens*, *Lycium tetrandrum*, *Gazania rigens*, *Arctotheca populifolia*, *Carpobrotus edulis*, *Sporobolus virginicus*, *Cynodon dactylon* and *Gazania rigens*, which are common in the surrounding undisturbed areas.

Acacia cyclops (Rooikrantz) is known to proliferate in the area and was historically introduced to stabilise the mobile dune field that is situated to the north of the site. This species has not proliferated in the area directly adjacent to the site footprint but is common in the wider surrounding area where it is present as localised dense clumps as well as scattered trees.

1.2 Applicant

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1.3 Environmental Assessment Practitioner (EAP)

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2 SCOPE OF WORK AND TERMS OF REFERENCE

The purpose of the study was to conduct an archaeological and cultural heritage assessment for the S24G Application – activities carried out on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.

The survey was conducted to:

- Identify and map possible heritage sites and occurrences using published and database resources;
- Provide a description of the archaeology and cultural heritage of the site and identify and map any sites of archaeology or cultural significance that may be impacted by the proposed project;
- Assess the sensitivity and conservation significance of any sites of archaeological or cultural heritage significance affected by the proposed project;
- Identify and assess the significance of the potential impacts of the proposed project on archaeological and cultural heritage;
- Make recommendations on the protection and maintenance of any significant cultural heritage and/or archaeological sites that may occur on site;
- Identify practicable mitigation measures to reduce negative impacts on the archaeological resources and indicate how these can be incorporated into the construction and management of the proposed project;
- Provide guidance for the requirement of any permits from the Eastern Cape Provincial Heritage Resources Authority (ECPHRA) that might become necessary.

Archaeological and historical material remains, features, and sites were evaluated and assessed based on the following points:

- Type of site;
- Location and environmental surrounds;
- Site category;
- Context and condition;
- Estimated size and depth of deposit;
- Cultural affinities;

- Record site content;
- Record basic information of finds;
- Estimate relative age of sites from cultural material and other information;
- Record and describe graves, graveyards, and informal burials;
- Assess the importance and significance of material remains, features, and sites; and
- Significance ratings based on local to international.

3 HERITAGE LEGISLATIVE AND POLICY FRAMEWORK

NOTE: The phase 1 archaeological and cultural impact assessment was conducted as a requirement of the ECPHRA (Eastern Cape Provincial Heritage Authority) and National Heritage Resources Act 25 of 1999, Section 38(1) (see Appendix A):

ECPHRA (Eastern Cape Provincial Heritage Authority) COMMENTS in terms of **Section 38 of the National Heritage Resources Act (25 of 1999)** (see Appendix D).

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4. ARCHAEOLOGICAL BACKGROUND

The Albany Museum Database of archaeological sites showed sites occurring along the coastline, as well as caves and rock shelters containing rock paintings to the north within the mountainous areas. Several relevant archaeological and heritage impact assessments have been conducted within the immediate vicinity, as well as the within wider region towards Humansdorp, Hankey and Patensie and along the coastal areas of Oyster Bay, St Francis Bay, Cape St Francis, and Jeffreys Bay. These impact assessments have identified palaeo-landscapes as well as several Early, Middle, and Later Stone Age stone artefacts, faunal material, as well as more recent cultural material distributed within the regions as well as evidence of Khoekhoen pastoralist occupation and/or interaction by the presence of broken earthenware pot sherds.

In Nilssen (2003a) it was noted that the Cape St Francis region contains remnants of ancient landscapes with associated fossilized remains of animals that died around waterholes. Such remains are important to inform scientists about ancient and altered environments and ecosystems.

Binneman (2010d; see also Binneman 2001) in compiling a desktop assessment for the Oyster Bay Wind Energy Facility highlighted that adjacent to the coast are small dune areas, remnants of far larger system in the past. These include the well-known Geelhoutboom dunes above the Klasies River Caves, Brandewynkop and the large dune field of parallel longitudinal dunes which run in the direction of the prevailing winds (west to east), and are referred to as hairpin dunes (Tinley 1985). These large shifting sand dunes are underlain by ferricretes, calcretes and fossilized dune sands which are situated on top of Table Mountain Sandstones. Due to the continuous movement of the dunes, many archaeological and palaeontological sites are exposed all the time while simultaneously others are covered. The deflation bays are often waterlogged in winter.

Binneman (2011d) remarked that the surrounding coastal areas and Sand River / Goedgeloof dune field, are very rich in archaeological heritage sites dating between the ESA periods to recent times (Binneman 2001, 2005). Of special interests are the MSA stone tool manufacturing sites and associated fossil bone accumulations. There are also many hunter-gatherer shell middens in the dunes dating from some 5 000 years old and a few Khoi pastoralists shell middens. The pastoralist middens are very important and rate among the richest in South Africa and yielded a large number of sheep, goat and cattle.

4.1 Early Stone Age (ESA) - 1.5 million to 250 000 years ago

The Early Stone Age period occurs from between 1.5 million and 250 000 years ago refers to the earliest that *Homo sapiens sapiens* predecessors began making stone tools. The earliest stone tool industry was referred to as the Olduvai Industry originating from stone artefacts recorded at Olduvai Gorge, Tanzania. The Acheulian Industry, the predominant southern African Early Stone Age Industry, replaced the Olduvai Industry approximately

1.5 million years ago, is attested to in diverse environments and over wide geographical areas. The hallmark of the Acheulian Industry is its large cutting tools (LCTs or bifaces), primarily handaxes and cleavers. Bifaces emerged in East Africa more than 1.5 million years ago (mya) but have been reported from a wide range of areas, from South Africa to northern Europe and from India to the Iberian coast. The end products were similar across the geographical and chronological distribution of the Acheulian techno-complex: large flakes that were suitable in size and morphology for the production of handaxes and cleavers perfectly suited to the available raw materials (Sharon 2009).

One of the most well-known Early Stone Age sites in southern Africa is Amanzi Springs, situated about 10km north-east of Uitenhage, near Port Elizabeth (Deacon 1970). In a series of spring deposits, a large number of stone tools were found *in situ* to a depth of 3-4 m. Wood and seed material preserved remarkably very well within the spring deposits, and possibly date to between 800 000 to 250 000 years old. Other Early Stone Age sites that contained preserved bone and plant material include Wonderwerk Cave in the Northern Province, near Kimberly and Montagu Cave in the Western Cape, near the small town of Montagu (Mitchell 2007). Early Stone Age sites have also been reported in the foothills of the Sneeuberge Mountains (in Prins 2011).

Early Stone Age tools is the earliest evidence for human ancestors occupying this area and occur throughout the coastal region in river gravels that cap hilltops and slopes and on the palaeosols / calcrete floors in the dune systems like those at Geelhoutboom and Brandewynkop (Butzer 1978; Deacon & Geleijnse 1988). One of the largest Early Stone Age sites in the region is situated next to the Kromme River. Hand axes and cleavers are common in the dunes immediately east of Thysbaai, but only few have been observed in the dune system between Oyster Bay and St Francis Bay (Binneman 1996, 2001, 2005). Early Stone Age tools are generally found in secondary context with no associated organic or other cultural material and are most often mixed with Middle and Later Stone Age stone artefacts.

Early Stone Age stone artefacts have been documented along the coastline between Oyster Bay and Van Stadens and it is anticipated that these artefacts occur within this region between the coastline and mountainous areas. Several Heritage and Archaeological Impact Assessments have recorded the occurrence of Early Stone Age stone artefacts between the coast and the mountainous region including Hankey and Patensie (Anderson 2011; Binneman 2006d, 2009b, 2010a, 2011a/d/g/j, 2012a/c, 2013; Nilssen 2013; Van Ryneveld 2010, 2012, 2014).

Binneman (2010d) noted that ESA stone tools can be found scattered throughout the coastal region in the river gravels that cap the hill tops and slopes in the Humansdorp and Kareedouw regions and on the calcrete floors exposed in the dune systems (e.g., on the Farm Geelhoutboom) (Laidler 1947; Butzer 1978; Deacon & Geleijnse 1988). These ESA stone tools are in secondary context and most often mixed with MSA and LSA material.

Just north of the dune fields close to Oyster Bay a large ESA, MSA and LSA site is situated in a palaeo watercourse (Van Ryneveld 2010), while a range of mostly deflated ESA, MSA and LSA scatters seem to be associated with quartzitic outcrops north of the dune system (Anderson 2011; Van Ryneveld 2012a).

Halkett (2010) also reported on ESA occurrences at Thyspunt near Oyster Bay.

4.2 Middle Stone Age (MSA) – 250 000 – 30 000 years ago

The Middle Stone Age spans a period from 250 000 - 30 000 years ago and focuses on the emergence of modern humans through the change in technology, behaviour, physical appearance, art and symbolism. Various stone artefact industries occur during this time period, although less is known about the time prior to 120 000 years ago, extensive systemic archaeological research is being conducted on sites across southern Africa dating within the last 120 000 years (Thompson & Marean 2008). The large handaxes and cleavers were replaced by smaller stone artefacts called the Middle Stone Age flake and blade industries. Surface scatters of these flake and blade industries occur widespread across southern Africa although rarely with any associated botanical and faunal remains. It is also common for these stone artefacts to be found between the surface and approximately 50-80cm below ground. Fossil bone may in rare cases be associated with Middle Stone Age occurrences (Gess 1969). These stone artefacts, like the Earlier Stone Age handaxes are usually observed in secondary context with no other associated archaeological material.

The Middle Stone Age is distinguished from the Early Stone Age by the smaller-sized and distinctly different stone artefacts and *chaîne opératoire* (method) used in manufacture, the introduction of other types of artefacts and evidence of symbolic behaviour. The prepared core technique was used for the manufacture of the stone artefacts which display a characteristic faceted striking platform and includes mainly unifacial and bifacial flake blades and points. The Howiesons Poort Industry (80 000 - 55 000 years ago) is distinguished from the other Middle Stone Age stone artefacts: the size of tools is generally smaller, the range of raw materials include finer-grained rocks such as silcrete, chalcedony, quartz and hornfels, and include segments, backed blades and trapezoids in the stone toolkit which were sometimes hafted (set or glued) onto handles. In addition to stone artefacts, bone was worked into points, possibly hafted, and used as tools for hunting (Deacon & Deacon 1999).

Other types of artefacts that have been encountered in archaeological excavations include tick shell (*Nassarius kraussianus*) beads, the rim pieces of ostrich eggshell (OES) water flasks, ochre-stained pieces of ostrich eggshell and engraved and scratched ochre pieces, as well as the collection of materials for purely aesthetic reasons. Although Middle Stone Age artefacts occur throughout the Eastern Cape, the most well-known Middle Stone Age sites include the type-site for the Howiesons Poort stone tool industry, Howiesons Poort (HP) rock shelter, situated close to Grahamstown and Klasies River Mouth Cave (KRM),

situated along the Tsitsikamma coast. Middle Stone Age sites are located both at the coast and in the interior across southern Africa.

The Klasies River Cave complex (caves 1-5), situated 25 km west of Oyster Bay, is the most significant archaeological site with evidence of occupation and human development over the last 120 000 years. Previous excavations at the Klasies River main site exposed anatomically modern human remains dating to about 110 000 years old (Singer & Wymer 1982; Rightmire & Deacon 1991; Deacon 1992, 1993, 1995, 2001; Deacon, H.J. & Shuurman, R. 1992; Henderson 1992; Deacon & Deacon 1999). The Klasies River Cave Complex was declared a National Heritage Site by SAHRA in 2016. In addition, an application has been made to the United Nations Educational, Scientific and Cultural Organization (UNESCO) to declare a series of Middle Stone Age Sites including Klasies River (KR), Blombos Cave (BBC), Border Cave (BC), Diepkloof (DKF), Pinnacle Point (PP), Sibudu Cave (SC) and comparable sites relating to the emergence of modern humans as World Heritage Sites.

Scatters of Middle Stone Age stone artefacts are known to occur within the surrounding area where these have been recorded in archaeological and heritage impact assessments between the coastline and Hankey (Anderson 2011; Binneman 2002, 2009b-c, 2010 a-c, 2011a/d/g, 2012a, 2013; Nilssen 2003a-b, 2013; Van Ryneveld 2010, 2012, 2014)

Webley (2002) noted that there are a number of MSA stone artefacts in the Sand River Dune Fields. Some of these scatters are associated with fossilized bone remains. It is conceivable that some of the bones associated with the above-mentioned MSA sites may include fragments from early modern humans. Such remains are critical to research into the origins of modern humans.

Nilssen (2003a) recorded MSA occurrences during the study conducted for The Links Golf Estate near St. Francis Bay. He recorded a Middle Stone Age flake, a classic upper grindstone, a large core, a small blade in silcrete with Howiesons Poort features and a few fossilized fragments of humerus bone from a size III/IV bovid at Site 1, situated in an exposed and deflated area approximately 150 m x 20 m in extent. At Site 5 he recorded a low-density scatter of MSA and LSA stone artefacts and fossilized as well as non-fossilized bone. Two teeth of large carnivore and two small bladelet cores in quartz. The latter measured about 2 cm in maximum dimension and was situated on an exposed and deflated surface approximate 50 m x 20 m in extent. Some of these sites would later be included as part of the Phase 2 mitigation / rescue excavations which are now housed at the Department of Archaeology, Albany Museum.

Binneman (2010d) notes that the MSA sites in the dune field between Oyster Bay and St Francis Bay, however, are also associated with faunal remains. One such site is situated some two kilometres east of Oyster Bay. Here is a large assemblage of fossilized bone and brown hyena coprolites were found in association with Howiesons Poort stone tools dating between ca 60 – 70 000 years old (Carrion *et al.* 2000). At the eastern end of the dune

field are most remarkable MSA 'factory' sites which consisted of large circular piles of flakes and cores. Most of the flake piles represent unique 'moments in time' where large numbers of flakes were produced from a single core.

Halkett (2010) also reported on MSA occurrences at Thyspunt near Oyster Bay.

4.3 Later Stone Age (LSA) – 30 000 years ago – recent (100 years ago)

The Later Stone Age (LSA) spans the period from about 20 000 years ago until the colonial era, about 100 years ago, although some communities continue making stone tools today. The period between 30 000 and 20 000 years ago is referred to as the transition from the Middle Stone Age to Later Stone Age; although there is a lack of crucial sites and evidence that represent this change. By the time of the Later Stone Age the genus *Homo*, in southern Africa, had developed into *Homo sapiens sapiens*, and in Europe, had already replaced *Homo neanderthalensis*.

The period between 20 000 and 14 000 years ago experienced extremely cold climatic conditions (LGM – the last Ice Age). Archaeological and palaeo-environmental evidence from the wider Oyster Bay coast indicate that the cold temperatures created favourable conditions for grassland expansion, which in turn gave rise to large herd of grazing animals. The mammal remains from archaeological sites indicate that there were several large grazing animal species living on the grassland, e.g. giant buffalo, giant hartebeest and the Cape horse. After 14 000 years ago the temperature started to warm up again and caused the previously exposed grassland to disappear, causing the extinction of many grassland animal species including the giant buffalo, hartebeest and Cape Horse (Klein 1976).

Between 10 000 and 8 000 years ago the terrestrial environment became more closed (bushier) giving rise to small browsing territorial animals that lived in small groups or pairs. Recently the remains of an extinct goat-like bovid dating from this period, was identified from several archaeological sites in the area. This was the last of the remaining Last Glacial grazing animals to disappear from the archaeological deposits in the Kouga region.

The Later Stone Age is marked by a series of technological innovations, new tools and artefacts, the development of economic, political and social systems, and core symbolic beliefs and rituals. The stone toolkits changed over time according to time-specific needs and raw material availability, from smaller microlithic Robberg (20/18 000-14 000ya), Wilton (8 000-the last 500 years) Industries and in between, the larger Albany/Oakhurst (14 000-8 000ya) and the Kabeljous (4 500-the last 500 years) Industries. Bored stones used as part of digging sticks, grooved stones for sharpening and grinding and stone tools fixed to handles with mastic also become more common. Fishing equipment such as hooks, gorges and sinkers also appear within archaeological excavations. Polished bone tools such as eyed needles, awls, linkshafts and arrowheads also become a more common

occurrence. Most importantly bows and arrows revolutionized the hunting economy. It was only within the last 2 000 years that earthenware pottery was introduced, before then tortoiseshell bowls were used for cooking and ostrich eggshell (OES) flasks were used for storing water. Decorative items like ostrich eggshell and marine/fresh water shell beads and pendants were made.

Hunting and gathering made up the economic way of life of these communities; therefore, they are normally referred to as hunter-gatherers. Hunter-gatherers hunted both small and large game and gathered edible plantfoods from the veld. For those that lived at or close to the coast, marine shellfish and seals and other edible marine resources were available for the gathering. The political system was mainly egalitarian, and socially, hunter-gatherers lived in bands of up to twenty people during the scarce resource availability dispersal seasons and aggregated according to kinship relations during the abundant resource availability seasons. Symbolic beliefs and rituals are evidenced by the deliberate burial of the dead and in the rock art paintings and engravings scattered across the southern African landscape.

The majority of archaeological sites found in the area would date from the past 10 000 years where San hunter-gatherers inhabited the landscape living in rock shelters and caves as well as on the open landscape. These latter sites are difficult to find because they are in the open veld and often covered by vegetation and sand. Sometimes these sites are only represented by a few stone tools and fragments of bone. The preservation of these sites is poor and it is not always possible to date them (Deacon and Deacon 1999). Caves and rock shelters, however, in most cases, provide a more substantial preservation record of pre-colonial human occupation.

Later Stone Age sites occur both at the coast (caves, rock shelters, open sites and shell middens) and in the interior (caves, rock shelters and open sites) across southern Africa. There are more than a few significant Later Stone Age sites in the Eastern Cape. The most popular are the type sites for the above-mentioned stone artefact industries, namely Wilton (for the Wilton Industry), Melkhoutboom (for the Albany Industry), both rock shelters situated to the west of Makhanda (formerly Grahamstown), and Kabeljous Rock Shelter (for the Kabeljous Industry) situated just north of Jeffreys Bay. There are many San hunter-gatherers sites in the interior mountainous region north of the study site. Here, caves and rock shelters were occupied by the San during the Later Stone Age and contain numerous paintings along the walls.

The majority of archaeological sites and material were located within a few hundred metres from the high-water mark, but a large number of shell middens were also situated some five kilometres from the coast in the shifting dune bypass system between Oyster Bay and St Francis Bay.

Later Stone Age stone artefact scatters and sites are known to occur within the immediate area and along the coast and between the coastline and the surrounding area where these

have been recorded in archaeological and heritage impact assessments (Anderson 2011; Binneman, 2002, 2009c; Kaplan 1991; Nilssen 2003a-b, 2013; Van Ryneveld 2012, 2014).

During Binneman's research from the 1980's within the area (Binneman 2001), he identified a variety of different material signatures within the dunes and divided the coastal shell middens into groups that are most common in the St Francis / Oyster Bay area:

1. Shell middens with pottery and domesticated fauna and those with pottery only.
2. Shell middens, without pottery, associated with a quartzite stone industry (referred to as the Kabeljous Industry)
3. Shell middens, without pottery, associated with a silcrete or quartz microlithic Wilton Industry.

Nilssen (2003a) noted that in addition to middens, a number of graves were found in the Sand River Dune Field area adjacent to the proposed site for the St Francis Golf Estate. "These generally represent Khoisan individuals who are frequently buried in a flexed (foetal) position. They may be buried with grave goods such as grindstones or OES bead necklaces.

Hart (2010) commented that the pre-colonial heritage within the Eskom Thyspunt Nuclear Power Station study site is extraordinarily prolific. He noted that the area is highly significant in terms of Late Stone pre-colonial archaeology, in particular the large quantity, variety and size of shell middens which are very well preserved (among the best ever seen by himself) referring to them as archives of information about the identity and behaviour of precolonial people, as well as the environment in which they lived.

4.4 Last 2 000 years – Khoekhoen Pastoralism

Until 2 000 years ago, hunter-gatherer communities traded, exchanged goods, encountered and interacted with other hunter-gatherer communities. From about 2 000 years ago the social dynamics of the southern African landscape started changing with the immigration of two 'other' groups of people, different in physique, political, economic and social systems, beliefs and rituals. Relevant to the study area, one of these groups, the Khoekhoen pastoralists or herders entered southern Africa with domestic animals, namely fat-tailed sheep and goats, travelling through the south towards the coast. They also introduced thin-walled pottery common in the interior and along the coastal regions of southern Africa. Their economic systems were directed by the accumulation of wealth in domestic stock numbers and their political make-up was more hierarchical than that of the hunter-gatherers.

The most significant Khoekhoen pastoralist sites in the Eastern Cape include Scott's Cave near Patensie (Deacon 1967), Goedgeloof shell midden along the St. Francis coast (Binneman 2007) and Oakleigh rock shelter near Queenstown (Derricourt 1977). Often, these archaeological sites are found close to the banks of large streams and rivers.

Many sites were found along the adjacent Cape St Francis coast, with the oldest dating to 1 500 years old (Binneman 1996, 2001, 2005).

Binneman excavated an open-air shell midden in a deflation hollow in the Sand River Dune Fields named Goedgeloof. This pastoralist site represents the oldest dates for sheep and pottery in the Eastern Cape. The pottery has been dated to 1 770 BP (AD180) and the sheep to (1560 BP) (AD 390). Interestingly, the most common shellfish utilized by these peoples was pencil bait (*Solen capensis*) and these were almost certainly collected from the Kromme River estuary which has the highest population of pencil bait in the Eastern Cape. The site of Goedgeloof is situated 5 km from the St Francis Bay coast showing that the occupants of the site were travelling considerable distances to collect their food.

Hart (2010) also noted that the pottery of the Cape Coastal variety is common and that some had been elaborately decorated.

4.5 Unmarked Burials and Exposed Human Remains

It difficult to detect the presence of archaeological human remains on the landscape as these burials, in most cases, are not marked at the surface. Human remains are usually observed when they are exposed through natural erosion or construction activities for development. Several human remains have been rescued eroding out of the dunes along this coastline. In some instances, packed stones or rocks may indicate the presence of informal pre-colonial burials.

The Albany Museum Database holds records of human remains that have been naturally exposed and rescued for conservation and curation. Cultural Resource Management practitioners whilst conducting archaeological heritage impact assessments have also recorded formal historical cemeteries and informal burials (Binneman 2006a – Hankey, Binneman 2008 – Papiesfontein; Sealy 2006 – Jeffreys Bay).

Human remains had been found during the mining operations for the sand quarry on the Farm Welgelegen 735 (Booth 2018), it is highly likely that more burials would occur within the dune systems between Oyster Bay and St Francis Bay as well as the Thyspunt Dune system.

4.6 Rock Art (Paintings and Engravings)

Rock art is generally associated with the Later Stone Age period mostly dating from the last 5 000 years to the historical period. It is difficult to accurately date the rock art without destructive practices. The southern African landscape is exceptionally rich in the distribution of rock art which is determined between paintings and engravings. Rock paintings occur on the walls of caves and rock shelters across southern Africa. Rock engravings, however, are generally distributed on the semi-arid central plateau, with most of the engravings found in the Orange-Vaal basin, the Karoo stretching from the Eastern

Cape (Cradock area) into the Northern Cape as well as the Western Cape, and Namibia. At some sites both paintings and engravings occur in close proximity to one another especially in the Karoo and Northern Cape. The greatest concentrations of engravings occur on the andesite basement rocks and the intrusive Karoo dolerites, but sites are also found on about nine other rock types including dolomite, granite, gneiss, and in a few cases on sandstone (Morris 1988). Substantial research has also been conducted in the Western Cape Karoo area around Beaufort West (Parkington 2008). Rock paintings are prolific in the inland mountainous regions situated north of the site.

5 DESCRIPTION OF THE PROPERTY

5.1 Location data

Portion 12 of the Farm Ongegunde Vryheid No 746 (approximately 46.21 ha in extent) is located in Cape St Francis Bay in the Kouga Local Municipality, Eastern Cape. The property was purchased by the current landowner in 1993; two dwellings were in place at the time. Google Earth historical imagery (2005) shows two dwellings in place on the property. The total development footprint of the two dwellings and road is approximately 1600m².

The south western dwelling has been used by the landowners as a private holiday residence; the north eastern dwelling consists of 5 rooms and an outside cottage; the 5 rooms can sleep 2 persons per room and have been rented to guests since ownership in 1993. The outside room is not rented. A maximum of 12 guests (10 adults; 2 children) have been permitted at the NE dwelling over the years.

5.2 Map

1:50 000 Topographic Map: 3424BB HUMANSDORP (Figure 1)

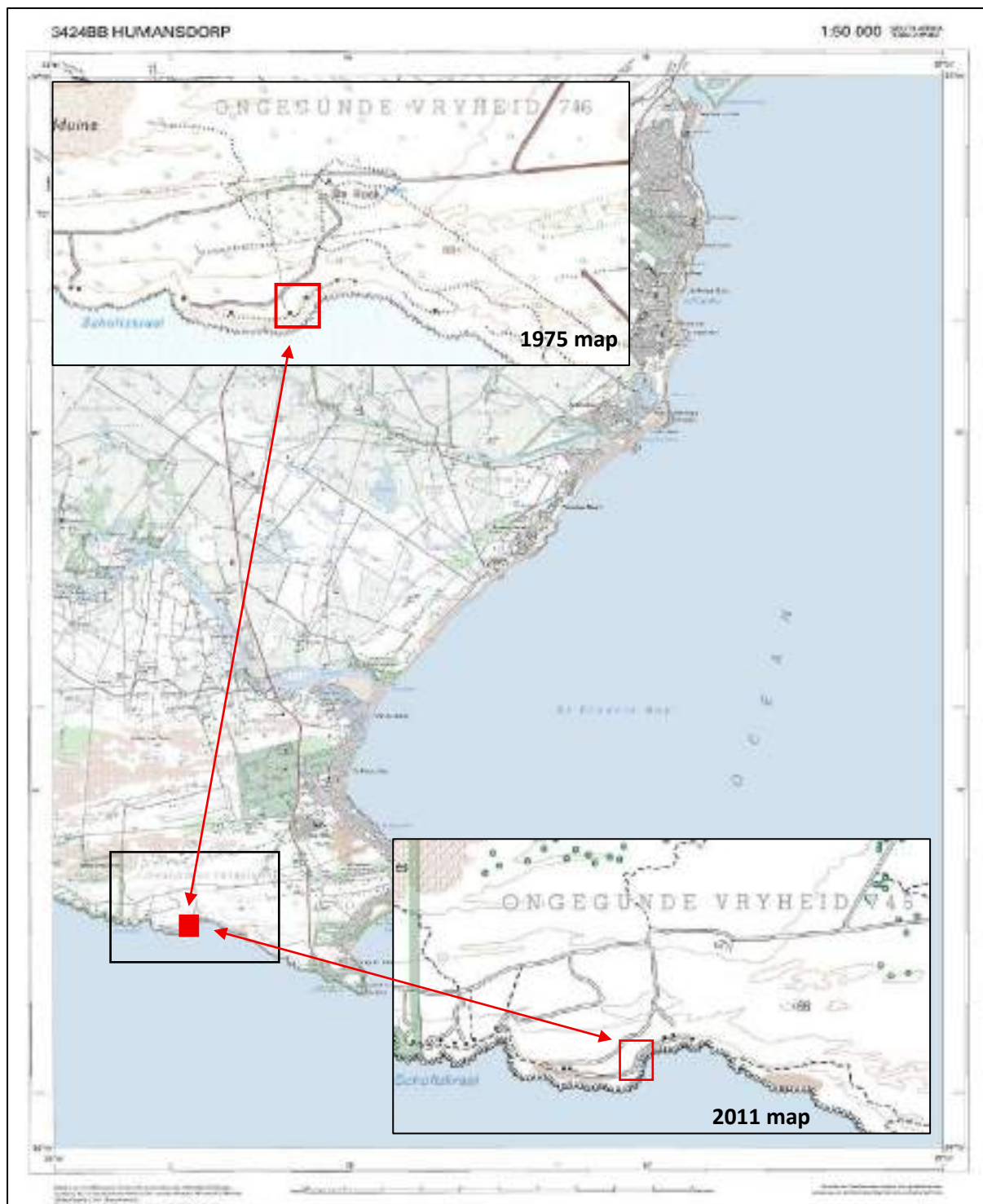


Figure 1. 1:50 000 topographic map 3424BB HUMANSDORP (2011 Edition) showing the location of the S24G application on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province. The top topographic map insert shows the area during 1975. (Note: the structures have been omitted from the 2011).



Figure 2. Google Earth generated map of the location of the S24G application on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.



Figure 3. Google Earth generated map of the location of the S24G application on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.



Figure 4. Close-up view of the location of the S24G application on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.



Figure 5. View of the survey tracks for the S24G application on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.



Figure 6. Close-up view of Dwelling 1 for S24G application on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.



Figure 7. Close-up view of Dwelling 2 for S24G application on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.

6 ARCHAEOLOGICAL AND CULTURAL HERITAGE INVESTIGATION

6.1 Methodology

A literature review was conducted prior to the field survey to establish the potential archaeological and cultural heritage sites that may be encountered within the proposed area and provide insight into the archaeological background of the wider region. An archaeological background information chapter has been included in this report.

Both areas were surveyed on foot by the author of the report accompanied by landowner. GPS co-ordinates, the survey tracks, and sites were plotted using the Avenza Maps application (Figure 5).

6.2 Results of the Archaeological Investigation

The landowner pointed out the additions and extensions made to the two structures, these areas were investigated for any potential coastal archaeological material that would have been disturbed and exposed during the renovation activities. It must be noted that these structures were built before the necessity for any environmental and heritage impact assessments and would have disturbed any archaeological sites, if there were any present, during the initial construction of the two dwellings.

Dwelling 1 is situated north-east of Dwelling 2 (Figures 8 – 10). Figure 10 shows Dwelling 1's position along the coastline and proximity to the ocean, directly adjacent to a small sandy beach within the broader stretch of rocky shore.

The extensions to Dwelling 1 yielded no visible marine shell, artefactual or other organic archaeological heritage material as the construction had already been completed. The recently upgraded gravel access road diverted behind the dwelling which was across a previously cut and fill area at the rear of the dwelling, also yielded no visible marine shell, artefactual or other organic archaeological heritage material. Gravity-fed JoJo tanks that supply water to Dwelling 1 were observed along the road (Figure 13).

An eroded and exposed cutting situated in front of Dwelling 1 was investigated for possible archaeological stratigraphy and any indication that the structure may have initially been constructed on and disturbed an archaeological shell midden site (Figures 14 – 15). The lower levels of the exposed cutting did yield some whole *Oxystele sinensis* (pink-lip topshell) shells and fragments of *Scutellastra* sp. and other marine shells, that could possibly be associated with archaeological shell midden material. No other artefactual or organic, faunal, material was noted to occur in the cutting.

Dwelling 2 is situated south-west of Dwelling 1 (Figures 16 – 17). Figure 18 shows the view of Dwelling 2 and its proximity of the ocean and rocky shoreline. The deck on the western dwelling was likely constructed over a previous disturbed area that is not likely to

have had any natural vegetation other than perhaps a few weed tufts. The area in front of the house clearly shows disturbance over time (Figures 19 – 20). An eroded and exposed cutting in front of Dwelling 2 was also investigated for possible archaeological stratigraphy and any indication that the structure may have initially been constructed on and disturbed an archaeological shell midden site (Figures 21 - 23). The exposed cutting yielded dense accumulation of a variety of marine shells associated with the rocky coastline. The marine shells identified include a variety of *Scutellastra* sp., most likely *Perna perna* (brown mussel), *Turbo sarmaticus* (aliklekel / ollycrook), *Oxysteles sinensis* (pink-lipped topshell) and other marine shells, that could possibly be associated as being archaeological shell midden material. No other artefactual or organic, faunal, material was noted to occur in the cutting.



Figure 8. Distant view of Dwelling 1.



Figure 9. Close-up view of Dwelling 1.



Figure 10. View of Dwelling 1 showing its proximity to the ocean.



Figure 11. View of the dwelling and the gravel access road constructed behind the structure.



Figure 12. View of the road constructed behind the dwelling.



Figure 13. Associated JoJo water storage tanks that supplies the dwelling.



Figure 14. Eroded and exposed cutting situated in front of Dwelling 1 investigated for possible archaeological stratigraphy.



Figure 15. Eroded and exposed cutting situated in front of Dwelling 1 investigated for possible archaeological stratigraphy.



Figure 16. Distant view of Dwelling 2.



Figure 17. Close-up view of Dwelling 2.



Figure 18. View of Dwelling 2 and proximity of the ocean and rocky shoreline.



Figure 19. Disturbed area in front of Dwelling 2.



Figure 20. Disturbed area in front of Dwelling 2.



Figure 21. Eroded and exposed cutting situated in front of Dwelling 2 investigated for possible archaeological stratigraphy.



Figure 22. Eroded and exposed cutting situated in front of Dwelling 2 investigated for possible archaeological stratigraphy.



Figure 23. Eroded and exposed cutting situated in front of Dwelling 2 investigated for possible archaeological stratigraphy.

7 CULTURAL LANDSCAPE

Cultural landscapes are a significant considering factor when conducting various archaeological and heritage impact assessments for proposed developments.

This section gives a brief introduction to the concept of cultural landscape and its relation to various aspects of the dynamic interaction of humans as cultural agents and the landscape as a medium. A description of the interwoven relationships of humans with the landscape over time will be given including the archaeological, historical, and contemporary connections. Lastly, the living heritage makes up a small part of the study

undertaken, its significance will be highlighted in relation to the communities who still identify with the area and retain a sense of identity to the landscape.

Cultural landscapes are increasingly becoming a significant considering factor when conducting various archaeological and heritage impact assessments for proposed developments. This section gives a brief introduction to the concept of cultural landscape and its relation to various aspects of the dynamic interaction of humans as cultural agents and the landscape as a medium. A description of the interwoven relationships of humans with the landscape over time will be given including the archaeological, historical, and contemporary connections. Lastly, the living heritage makes up a small part of the study undertaken, its significance will be highlighted in relation to the communities who still identify with the area and retain a sense of identity to the landscape.

7.1 Concept of Cultural Landscape

Cultural landscapes can be interpreted as complex and rich extended historical records conceptualised as organisations of space, time, meaning, and communication moulded through cultural process. The connections between landscape and identity and, hence, memory is fundamental to the understanding of landscape and human sense of place. Cultural landscapes are the interface of culture and nature, tangible and intangible heritage, and biological and cultural diversity. They represent a closely woven net of relationships, the essence of culture and people's identity. They are symbol of the growing recognition of the fundamental links between local communities and their heritage, human kind, and its natural environment. In contemporary society, particular landscapes can be understood by taking into consideration the way in which they have been settled and modified including overall spatial organisation, settlement patterns, land uses, circulation networks, field layout, fencing, buildings, topography, vegetation, and structures. The dynamics and complex nature of cultural landscapes can be regarded as text, written and read by individuals and groups for very different purposes and with very many interpretations. The messages embedded in the landscape can be read as signs about values, beliefs, and practices from various perspectives. Most cultural landscapes are living landscapes where changes over time result in a montage effect or series of layers, each layer able to tell the human story and relationships between people and the natural processes.

The impact of human action of the landscape occurs over time so that a cultural landscape is the result of a complex history and creates the significance of place in shaping historical identities by examining a community's presence or sense of place. The deeply social nature of relationships to place has always mediated people's understanding of their environment and their movements within it, and is a process which continues to inform the construction of people's social identity today. Social and spatial relationships are dialectically interactive and interdependent. Cultural landscape reflects social relations and institutions and they shape subsequent social relations.

Cultural landscapes tell the story of people, events, and places through time, offering a sense of continuity, a sense of the stream of time. Landscapes reflect human activity and are imbued with cultural values. They combine elements of space and time, and represent political as well as social and cultural constructs. Culture shapes the landscape through day-to-day routine and these practices become traditions incorporated with a collective memory the ultimate embodiments of memorial consciousness', examples such as monuments, annual events and, archives. As they have evolved over time, and as human activity has changed, they have acquired many layers of meaning that can be analysed through archaeological, historical, geographical, and sociological study.

Indigenous people, European explorers, missionaries, pastoralists, international and domestic travellers all looked or look at similar landscapes and experience different versions of reality. Regardless of the power of different cultural groups, however, all groups create cultural landscape and interpret them from their own perspectives. This gives rise to tensions and contradictions between groups, invariably expressed in landscape forms as well.

Most cultural landscapes are living landscapes where changes over time result in a montage effect or series of layers, each layer able to tell the human story and relationships between people and the natural processes. A common theme underpinning the concept of ideology of landscape itself is the setting for everything we do is that of the landscape as a repository of intangible values and human meaning that nurture our very existence. Intangible elements are the foundation of the existence of cultural landscapes, and that are still occupied by contemporary communities, Landscape, culture and collective memory of a social group are intertwined and that this binds the individuals to their community. Culture shapes their everyday life, the values bind gradually, change slowly, and transfer from generation to generation – culture is a form of memory. We see landscapes as a result of our shared system of beliefs and ideologies. In this way landscape is a cultural construct, a mirror of our memories and myths encoded with meanings which can be read and interpreted. Pivotal to the significance of cultural landscapes and the ideas of the ordinarily sacred is the realisation that it is the places, traditions, and activities of ordinary people that create a rich cultural tapestry of life, particularly through our recognition of the values people attach to their everyday places and concomitant sense of place and identity.

Living heritage means cultural expressions and practices that form a body of knowledge and provide for continuity, dynamism, and meaning of social life to generations of people as individuals, social groups, and communities. It also allows for identity and sense of belonging for people as well as an accumulation of intellectual capital current and future generation in the context of mutual respect for human, social and cultural rights.

Protection of these cultural landscapes involves some management issues such as successful conservation is based on the continuing vital link between people and their landscapes. This link can be disrupted or affected by for instance economic reasons. Other

threats can also be attributed to urban expansion and development, tourism, war and looting and something beyond our human intervention: natural disasters and climate change. Cultural landscape management and conservation processes bring people together in caring for their collective identity and heritage, and provide a shared local vision within a global context. Local communities need, therefore, to be involved in every aspect of identification, planning and management of the areas as they are the most effective guardians of landscape heritage.

Most elements of living heritage are under threat of extinction due to neglect, modernisation, urbanisation, globalisation, and environmental degradation. Living heritage is at the centre of people's culture and identity, it is important to provide space for its continued existence. Living heritage must not be seen as merely safeguarding the past, but it must be seen as safeguarding the logic of continuity of what all communities or social groups regard as their valuable heritage, shared or exclusive.

In some instances, villages may capitalise on local landscape assets in order to promote tourism. Travel and tourism activities are built around the quest for experience, and the experience of place and landscape is a core element of that quest. It is a constant desire for new experiences that drives tourism, rather than a quest for authenticity. It is, therefore, important to engage actively with the tourism industry so that aspects of life and landscape important to cultural identity, including connection with place are maintained.

7.2 Archaeological Cultural Landscape

In reading through the research and relevant heritage and archaeological impact assessment a quote in Hart (2010) made by Goodwin (1946) sums up the archaeological landscape of this area taking it out of an oscillated pocket and seeing it as it is, the southern tip of the continent. He states (as from Hart 2010): "The Southern Cape, from Port Elizabeth to Swellendam, is by far the most important archaeological area in Southern Africa...This is the southern wall of the continent, against which culture after culture has made its last stand before inevitably disappearing under the next wave of peoples...Here South Africa has evidence of value to the world of prehistory and it is essential that it should be protected so far as humanly possible".

This is evident in the archaeological remains that have been identified on the landscape surrounding the **proposed sand mining area**. The area was once part of an ancient landscape inhabited by various families of genus *Homo*. Various studies recording archaeological sites and occurrences within the wider region stretching along the coastline from the Tsitsikamma just west of Oyster Bay to Algoa Bay have reported on the evidence of the presence of *Homo erectus* (Early Stone Age), *Homo sapiens* (Middle Stone Age), and *Homo sapiens sapiens* (Later Stone Age). The only remains dating to the Early and Middle Stone Ages are stone artefacts as the organic evidence and sites have not been preserved. However, the Klasies River Cave Complex is unsurpassed in its contribution to the

knowledge of the emergence of modern human, similarly to Pinnacle Point, Mossel Bay and the Blombos sites (and other sites that have not yet been researched) located within the area mentioned by Goodwin (1946). The influence of climatic conditions and the rising and falling of the sea levels may also attribute to much archaeological site information being lost.

The preservation of archaeological sites in the form of marine shell middens, marine shell scatters and associated cultural material remains shows that the natural and edible resources of the area made the area an attraction over the last 10 000 years. This region would have been attractive to those hunter-gatherer communities who visited the area to harvest shellfish along the coastline over time.

The pastoralists were driven by locating enough food to feed their domestic stock herds. The area was also attractive to later Khoekhoen pastoralists who also occupied and moved along this coastline. Their archaeological signature is evident in the remains of pottery sherds that are distributed on the dunes along the coast showing their presence on the landscape. This evidence also unlocks a potentially dynamic social landscape with possible interaction between the hunter-gathers and pastoralists.

Pre-colonial human remains are mostly unmarked and invisible on the landscape, however, in some instances, they may be marked by organised piles of stones. The surrounding area contains many unmarked pre-colonial burials.

7.3 Historical Cultural Landscape

The archaeological interpretation of the cultural landscape relies solely on the presence and surface visibility of artefacts left behind on the landscape by the populations who occupied and migrated through the proposed development area. A more comprehensive historical layer is able to be fitted onto the cultural landscape owing to the availability of written documents and the continuing existence of the traces left behind by European Settlers and the moulding of these traces used to shape the contemporary communities that occupies and regards itself attached to its present cultural landscape.

7.4 Contemporary Landscape

The contemporary cultural landscape is the product of millennia and centuries of human interaction, more so when the European Settlers entered the area. Remnants of these cultural interactions remain on the landscape, such as the built environment, features, artefacts, and marked and unmarked graves / burials with only oral histories and stories handed down from one generation to the next to remain in the collective memory of the community/ies living on the landscape.

The agricultural practice of dairy farming dominates the contemporary landscape from 2 km behind the dune fields extending all through the Tsitsikamma / Jeffery's Bay areas

inland towards the mountains. The Dune fields and coastal region is considered of high natural relevant unspoilt scenic beauty, therefore, the popularity of the coastal villages such as St. Francis Bay and Oyster which is dominated by holiday homes and inhabited by retirees.

The impact of the several wind energy facilities and their associated infrastructure requirements such as additional substations and power lines developed over on the visual landscape of the area is immense, however, it speaks to the changing of the cultural landscape over time and adds to dynamism and development and the needs of contemporary society. However, these developments as well as residential and recreational development if following due process have attempted to assist in the positive management and successful conservation of the cultural and living heritage landscapes.

Intangible elements are the foundation of the existence of cultural landscapes, and that are still occupied by contemporary communities, Landscape, culture and collective memory of a social group are intertwined and that this binds the individuals to their community. This sums up the attitude of the local indigenous community/ies, namely the Gamtkwa KhoiSan Council, who have vested interests in preserving the cultural heritage and landscape from Bloukrans River in the West and the Van Stadens River in the East to ensure that contemporary developments do not impede or destroy significant heritage resources, be they archaeological, aesthetic, or heritage that they themselves perceive should be conserved.

Cultural landscape management and conservation processes bring people together in caring for their collective identity and heritage, and provide a shared local vision within a global context. Local communities need, therefore, to be involved in every aspect of identification, planning and management of the areas as they are the most effective guardians of landscape heritage.

8 COORDINATES AND SITES FOR THE S24G APPLICATION – ACTIVITIES CARRIED OUT ON PORTION 12 OF FARM ONGEGUNDE VRYHEID NO.746, CAPE ST FRANCIS BAY, KOUGA LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE

Table 1. Coordinates and sites for the S24G Application – activities carried out on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province.

REFERENCE	DESCRIPTION	CO-ORDINATE	HERITAGE GRADING
Dwelling 2	Centre point of the proposed residential development	34°11'56.29"S;24°47'17.63"E	N/A
Dwelling 1	Centre point of the proposed residential development	34°11'51.32"S; 24°47'19.56"E	N/A

9 DESCRIPTION AND GRADING OF SITES (see Appendix B)

It is possible that the eroded cuttings in front of both dwellings show evidence of being coastal archaeological shell midden sites, however, no other artefactual or organic material was noted in the cutting.

Coastal archaeological shell midden sites can be considered as having High archaeological heritage significance due to the research significance of the construction pre-colonial community lifeways, coastal resource use, and migration and movement patterns. In addition, these sites are also considered as having a high heritage significance due the negative impact of nature and previous developments along coastlines that have taken place.

10 ASSESSMENTS OF IMPACTS ON THE ARCHAEOLOGICAL AND CULTURAL HERITAGE RESOURCES

10.1 Archaeological and Historical Cultural Heritage

Negative impact on the archaeological landscape is considered as low as the extension and additions to existing dwellings were minimally intrusive. The extensions were made within areas that had already been disturbed during the initial construction of the dwellings.

10.2 Cultural Landscape

The impact on the current cultural landscape is considered as low. As mentioned above the extension and additions to existing dwellings were minimally intrusive. The extensions were made within areas that had already been disturbed during the initial construction of the dwellings.

10.3 Living Heritage

Impact on the unknown spiritual or ritual spaces may be negative if such activities did occur within the property. The area has been a private access area for decades, which a few landowners who own houses within the area. The value of the living landscape within this specific area lies in the preservation of the quiet and peaceful environment and pristine nature of the area for landowners, families and visitors to the area.

11 LIMITATIONS AND GAPS IN KNOWLEDGE

11.1 Literature Review

The gathering of information, consultation and research is limited to archaeological heritage data that is known and has been recorded over time. Little systematic

archaeological research has been conducted within the immediate area of the proposed development.

However, several relevant archaeological and heritage impact assessments have been conducted within the region. These impact assessments have identified several Early, Middle, and Later Stone Age artefact scatters and sites, coastal archaeological sites, historical artefacts and built environment structures, as well as evidence of Iron Age agropastoralist occupation and/or interaction by the presence of broken earthenware pot sherds and associated material culture and settlement patterns.

11.2 Fieldwork

It is ideal for the entire area to be surveyed on foot, especially areas that have not been researched extensively or at all. The identification of archaeological / historical heritage sites is limited to the surface and in areas where archaeological visibility may be hindered by dense vegetation cover, limited to the investigation of disturbed surface areas. The state of archaeological remains can only be determined by surface observation which in itself is limited and does not expose the true state of archaeological evidence. However, a physical survey observation is able to assess the environment where a desktop assessment cannot do justice in determining the significance of the archaeological sensitivity of the proposed development area.

Most importantly, archaeological and heritage resources are a non-renewable resource that cannot be replaced once lost or destroyed, therefore, every effort should be taken to preserve or conserve the most significant of heritage resources. Mitigation measures have been recommended by the author and should be respected and implemented prior to the commencement of the proposed development.

12 RECOMMENDATIONS AND MITIGATION

The additions and extension to the dwellings were completed in 2021, and is currently part of a S24G application process. No further construction activities will be undertaken. No further recommendations or mitigation is required.

13 CONCLUSION

The purpose of the study was to conduct a phase 1 archaeological and cultural heritage assessment for the S24G Application – activities carried out on Portion 12 of Farm Ongegunde Vryheid No.746, Cape St Francis Bay, Kouga Local Municipality, Eastern Cape Province. The survey was conducted to establish the range and importance of the exposed and in situ archaeological heritage material remains, sites and features; to establish the potential impact of the development; and to make recommendations to minimize possible damage to the archaeological heritage.

The additions and extension to the dwellings were completed in 2021, and is currently part of a S24G application process. No further construction activities will be undertaken. No further recommendations or mitigation is required.

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15 RELEVANT ARCHAEOLOGICAL AND HERITAGE IMPACT ASSESSMENTS

Very little systematic archaeological research has been conducted within the immediate and surrounding areas for the proposed development and associated infrastructure therefore, Cultural Resource Management (CRM) Reports, such as archaeological and heritage impact assessments, assist in attempting to predict the archaeological and heritage resources that may be found within the proposed development areas. The following reports are considered relevant to the current project:

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16 GENERAL REMARKS AND CONDITIONS

NOTE: This report is a phase 1 archaeological and cultural heritage impact assessment only and does not include or exempt other required specialist assessments as part of the heritage impact assessments (HIAs).

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

It must be emphasized that the conclusions and recommendations expressed in this phase 1 archaeological impact assessment (AIA) are based on the visibility of archaeological remains, features and, sites and may not reflect the true state of affairs. Many archaeological remains, features and, sites may be covered by soil and vegetation and will only be located once this has been removed. In the event of such archaeological heritage being uncovered (such as during any phase of construction activities), archaeologists or the relevant heritage authority must be informed immediately so that they can investigate the importance of the sites and excavate or collect material before it is destroyed. The onus is on the developer to ensure that this agreement is honoured in accordance with the National Heritage Resources Act No. 25 of 1999 (NHRA 25 of 1999).

Archaeological Specialist Reports (desktops and AIA's) will be assessed by the relevant heritage resources authority. The final comment/decision rests with the heritage resources authority that may confirm the recommendations in the archaeological specialist report and grant a permit or a formal letter of permission for the destruction of any cultural sites.

APPENDIX A: HERITAGE LEGISLATIVE REQUIREMENTS

Sections 3, 34, 35, 36, 38, 48, 49 and 51 of the National Heritage Resources Act 25 of 1999 apply:

S3. National estate

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

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

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

(3) Without limiting the generality of subsections (1) and (2), a place or object is to be considered part of ¹⁹ national estate if it has cultural significance or other special value because of –

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

S34. Structures

- (1) No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.
- (2) Within three months of the refusal of the provincial heritage resources authority to issue a permit, consideration must be given to the protection of the place concerned in terms of one of the formal designations provided for in Part 1 of this Chapter.
- (3) The provincial heritage resources authority may at its discretion, by notice in the Provincial Gazette, make an exemption from the requirements of subsection (1) within a defined geographical area, provided that it is satisfied that heritage resources falling into the defined area or category have been identified and adequately provided for in terms of the provisions of Part 1 of this Chapter.
- (4) Should the provincial heritage resources authority believe it to be necessary if by, following a three-month notice period published in the Provincial Gazette, withdraw or amend a notice under subsection (3).

S35. Archaeology, palaeontology and meteorites

- (1) Subject to the provisions of section 8, the protection of archaeological and palaeontological sites and material and meteorites is the responsibility of a provincial heritage resources authority: Provided that the protection of any wreck in the territorial waters and maritime cultural zone shall be the responsibility of SAHRA.
- (2) Subject to the provisions of subsection (8)(a), all archaeological objects, palaeontological material and meteorites are the property of the State. The responsible heritage authority must, on behalf of the State, at its discretion ensure that such objects are lodged with a museum or other public institution that has a collation policy acceptable to the heritage resources authority and may in doing so establish such terms and conditions as it sees fit for the conservation of such objects.
- (3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority or museum, which must immediately notify such heritage resources authority.
- (4) No person may, without a permit issued by the responsible heritage resources authority—
 - (a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
 - (b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
 - (c) trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or
 - (d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- (5) When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and not heritage resources management procedure in terms of section 38 has been followed, it may –
 - (a) Serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order;
 - (b) Carry out an investigation for the purpose of obtaining information on whether or not an archaeological or palaeontological site exists and whether mitigation is necessary;
 - (c) If mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph (a) to apply for a permit as required in subsection (4); and
 - (d) Recover the costs of such investigation from the owner or occupier of the land on which it is believed an archaeological or palaeontological site is located or from the person proposing to undertake the development if no application for a permit is received within two weeks of the order being served.

- (5) The responsible heritage resources authority may, after consultation with the owner of the land on which archaeological or palaeontological site or a meteorite is situated, serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.
- (6)(a) Within a period of two years from the commencement of this Act, any person in possession of any archaeological or palaeontological material or object or any meteorite which was acquired other than in terms of a permit issued in terms of this Act, equivalent provincial legislation or the National Monuments Act, 1969 (Act No. 28 of 1969), must lodge with the responsible heritage resources authority lists of such objects and other information prescribed period shall be deemed to have been recovered after the date on which this Act came into effect.
- (b) Paragraph (a) does not apply to any public museum or university.
- (c) The responsible authority may at its discretion, by notice in the Gazette or the Provincial Gazette, as the case may be, exempt any institution from the requirements of paragraph (a) subject to such conditions as may be specified in the notice, and may by similar notice withdraw or amend such exemption.
- (8) and object or collection listed under subsection (7) –
 - (a) remains in the ownership of the possessor for the duration of his or her lifetime, and SAHRA must be notified who the successor is; and
- (9) must be regularly monitored in accordance with regulations by the responsible heritage authority.

S36. Burial grounds and graves

- (1) Where it is not the responsibility of any other authority, SAHRA must conserve and generally care for burial grounds and graves protected in terms of this section, and it may make such arrangements for their conservation as it sees fit.
- (2) SAHRA must identify and record the graves of victims of conflict and any other graves which it deems to be of cultural significance and may erect memorials associated with the grave referred to in subsection (1), and must maintain such memorials.
- (3)(a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority—
 - (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
 - (b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
 - (c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.
- (3) SAHRA or 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.
- (4) 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.
- (5) 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 the 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.

(6)(a) SAHRA must, over a period of five years from the commencement of this Act, submit to 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 agent's provocateur and which, after a process of public consultation, it believes should be included among those protected under this section.

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

(6) 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.

(7) 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 reinter the remains of that person in a prominent place in the capital of the Republic.

S.37 Public monuments and memorials

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

S38. Heritage resources management

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

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

(b) the construction of a bridge or similar structure exceeding 50 m in length;

(c) any development or other activity which will change the character of the site –

(i) exceeding 5 000 m² in extent, or

(ii) involving three or more erven or subdivisions thereof; or

(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or

(iv) the costs of which will exceed a sum set in terms of regulations by SAHRA, or a provincial resources authority;

(d) the re-zoning of a site exceeding 10 000 m² in extent; or

(e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must as the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.

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

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

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

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

(a) The identification and mapping of all heritage resources in the area affected;

(b) An assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;

(c) An assessment of the impact of development on such heritage resources;

(d) An evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;

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

- (f) If heritage resources will be adversely affected by the proposed development, the consideration of alternative; and
 - (g) Plans for mitigation of any adverse effects during and after the completion of the proposed development.
- (4) The report must be considered timeously by the responsible heritage resources authority which must, after consultation with the person proposing the development, decide –
- (a) whether or not the development may proceed;
 - (b) any limitations or conditions to be applied to the development;
 - (c) what the general protections in terms of this Act apply, and what formal protections may be applied, to such heritage resources;
 - (d) whether compensatory action is required in respect of any heritage resources damaged or destroyed as a result of development; and
 - (e) whether the appointment of specialists is required as a condition of approval of the proposal.
- (5) A provincial heritage resources authority may not make any decision under subsection (4) with respect to any development with impacts on a heritage resource protected at national level unless it has consulted SAHRA.
- (6) The applicant may appeal against the decision of the provincial heritage resources authority to the MEC, who –
- (a) must consider the views of both parties; and
 - (b) may at his or her discretion –
 - (i) appoint a committee to undertake an independent review of the impact assessment report and the decision of the responsible heritage resources authority;

And

 - (ii) consult SAHRA; and
 - (c) must uphold, amend or overturn such decision.
- (7) The provisions of this section do not apply to a development described in subsection (1) affecting any heritage resource formally protected by SAHRA unless the authority concerned decides otherwise.
- (8) The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the impact of such development of heritage resources is required in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), or the integrated environmental management guidelines issued by the Department of Environmental Affairs and Tourism, or the Mineral Act, 1991 (Act No. 50 of 1991), or any other legislation: Provided that the consenting authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority with regards to such development have been taken into account prior to the granting of the consent.
- (9) The provincial heritage resources authority, with the approval of the MEC, may, by the notice in the Provincial Gazette, exempt from the requirements of this section any place specified in the notice.
- (10) Any person who has complied with the decision of a provincial heritage resources authority in subsection (4) or of the MEC in terms of subsection (6) or other requirements referred to in subsection (8), must be exempted from compliance with all other protections in terms of this part, but any existing heritage agreements made in terms of section 42 continue to apply.

S48. Permits

- (1) A heritage resources authority may prescribe the manner in which an application is made to it for any permit in terms of this Act and other requirements for permit applications, including –
- (a) any particulars or information to be furnished in the application and any documents, drawings, plans, photographs and fees which should accompany the application;
 - (b) minimum qualifications and standards of practice required of persons making application for a permit to perform specified actions in relation to particular categories of protected heritage resources;
 - (c) standards and conditions for the excavation and curation of archaeological and palaeontological objects and material and meteorites recovered by authority of a permit;

- (d) the conditions under which, bore a permit is issued, a financial deposit must be lodged and held in trust for the duration of the permit or such period as the heritage resources authority may specify, and conditions of forfeiture of such deposit;
 - (e) conditions for the temporary export and return of objects under section 32 or section 35;
 - (f) the submission of reports on work done under authority of a permit; and
 - (g) the responsibilities of the heritage resources authority regarding monitoring of work done under authority of a permit.
- (2) On application by any person in the manner prescribed under subsection (1), a heritage resources authority may in its discretion issue to such person a permit to perform such actions at such time and subject to such terms, conditions and restrictions or directions as may be specified in the permit, including a condition –
- (a) that the applicant give security in such form and such amount determined by the heritage resources authority concerned, having regard to the nature and extent of the work referred to in the permit, to ensure the satisfactory completion of such work or the curation of objects and material recovered during the course of the work; or
 - (b) providing for the recycling or deposit in a materials bank of historical building materials; or
 - (c) stipulating that design proposals be revised; or
 - (d) regarding the qualifications and expertise required to perform those actions for which the permit is issued.
- (3) A heritage resources authority may at its discretion, in respect of any heritage resource protected by it in terms of the provisions of Chapter II, by notice in the Gazette or the Provincial Gazette, as the case may be, grant an exemption from the requirement to obtain a permit from it for such activities or class of activities by such persons or class of persons in such circumstances as are specified in the notice.

S49. Appeals

- (1) Regulations by the Minister and the MEC must provide for a system of appeal to the SAHRA Council for a provincial heritage resources council against a decision of a committee or other delegated representative of SAHRA or a provincial heritage resources body authority.
- (2) Anybody wishing to appeal against a decision of the SAHRA Council or the council of a provincial heritage resources authority must notify the Minister or MEC in writing within 30 days. The Minister or MEC, must have due regards to –
- (a) the cultural significance of the heritage resources in question;
 - (b) heritage conservation principles; and
 - (c) any other relevant factor which is brought to its attention by the appellant or the heritage resources authority.

S51. Offences and penalties

- (1) Notwithstanding the provisions of any other law, any person who contravenes –
- (a) sections 27(18), 29(10), 32(13) OR 32(19) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 1 of the Schedule;
 - (b) sections 33(2), 35(4) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 2 of the Schedule;
 - (c) sections 28(3) or 34(1) are guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 3 of the Schedule;
 - (d) sections 27(22), 32(15), 35(6), or 44(3) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 4 of the Schedule;
 - (e) sections 27(23)(b), 32(17), 35(3) or 51(8) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 5 of the Schedule;
 - (f) sections 32(13), 32(16), 32(20), 35(7)(a), 44(2), 50(5) or 50(12) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 6 of the Schedule.
- (2) The Minister, with the concurrence of the relevant MEC, may prescribe a penalty of a fine or of imprisonment for a period not exceeding six months for any contravention or failure to comply with regulations by heritage resources authorities or by-laws by local authorities.
- (3) The Minister or the MEC, as the case may be, may make regulations in terms of which the magistrate of the district concerned may –

- (a) levy admission of guild fines up to a maximum amount of R10 000 for infringement of the terms of this Act for which such heritage resources authority is responsible; and
 - (b) serve a notice upon a person who is contravening a specified provision of this Act or has not complied with the terms of a permit issued by such authority, imposing a daily fine of R50 for the duration of the contravention, subject to a maximum period of 365 days.
- (4) The Minister may from time to time by regulation adjust the amounts referred to in subsection (3) in order to account for the effect of inflation.
- (5) Any person who-
- (a) fails to provide any information that is required to be given, whether or not on the request of a heritage resources authority, in terms of this Act;
 - (b) for the purpose of obtaining, whether for himself or herself or for any other person, any permit, consent or authority in terms of this Act, makes any statement or representation knowing it to be false or not knowing or believing it to be true;
 - (c) fails to comply with or perform any act contrary to the terms, conditions, restrictions or directions subject to which any permit, consent or authority has been issued to him or her in terms of this Act;
 - (d) obstructs the holder of a permit in terms of this Act in exercising a right granted to him or her by means of such a permit;
 - (e) damages, takes, or removes, or causes to be damaged, taken or removed from a place protected in terms of this Act any badge or sign erected by a heritage authority or a local authority under section 25(2)(j) or section 27(17), any interpretive display or any other property or thing.
 - (f) receives any badge, emblem or any other property or thing unlawfully taken or removed from a place protected in terms of this Act; and
 - (g) within the terms of this Act, commits or attempts to commit any other unlawful act, violates any prohibition or fails to perform any obligation imposed upon him or by its terms, or who counsels, procures, solicits or employs any other person to do so.
- shall be guilty of an offence and upon conviction shall be liable to such maximum penalties, in the form of a fine or imprisonment or both such fine and such imprisonment, as shall be specified in the regulations under subsection (3).
- (6) Any person who believes that there has been an infringement of any provision of this Act, may lay a charge with the South African Police Service or notify a heritage resources authority.
- (7) A magistrate's court shall, notwithstanding the provisions of any other law, be competent to impose any penalty under this Act.
- (8) When any person has been convicted of any contravention of this Act which has resulted in damage or to alteration of a protected heritage resource the court may -
- (a) order such person to put right the result of the act of which he or she was guilty, in the manner so specified and within such period as may be so specified, and upon failure of such person to comply with the terms of such order, order such person to pay to the heritage resources authority responsible for the protection of such resource a sum equivalent to the cost of making good; or
 - (b) when it is of the opinion that such a person is not in a position to make good damage done to a heritage resources by virtue of the offender not being the owner or occupier of a heritage resources or for any other reason, or when it is advised by the heritage resources authority responsible for the protection of such resource that it is unrealistic or undesirable to require that the results of the act be made good, order such person to pay the heritage resources authority a sum equivalent to the cost of making good.
- (9) In addition to other penalties, if the owner of a place has been convicted of an offence in terms of this Act involving the destruction of, or damage to, the place, the Minister on the advice of SAHRA or the MEC on the advice of a provincial heritage resources authority, may serve on the owner an order that no development of such place may be undertaken, except when making good the damage and maintaining the cultural value of the place, or for a period not exceeding 10 years specified in the order.
- (10) Before making the order, the local authority and any person with a registered interest in the land must be given a reasonable period to make submissions on whether the order should be made and for how long.
- (11) An order of no development under subsection (9) attaches to the land and is binding not only on the owner as at the date of the order, but also on any person who becomes an owner of the place while the order remains in force.
- (12) The Minister on the advice of SAHRA, may reconsider an order of no development and may in writing amend or repeal such order.

(13) In any case involving vandalism, and whenever else a court deems it appropriate, community service involving conservation of heritage resources may be substituted for, or instituted in addition to, a fine or imprisonment.

(14) Where a court convicts a person of an offence in terms of this Act, it may order for forfeiture to SAHRA or the provincial heritage resources authority concerned, as the case may be, of a vehicle, craft, equipment or any other thing used or otherwise involved in the committing of the offence.

(15) A vehicle, craft, equipment or other thing forfeited under subsection (14) may be sold or otherwise disposed of as the heritage resources authority concerned deems fit.

APPENDIX B: GRADING SYSTEM

The National Heritage Resources Act 25 of 1999 stipulates the assessment criteria and grading of archaeological sites. The following categories are distinguished in Section 7 of the Act and the South African Heritage Resources Agency:

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

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

1. Stone artefacts

Stone artefacts are the most common and identifiable precolonial artefacts occurring on the South Africa landscape. Early Stone Age, Middle Stone Age and Later Stone Age stone artefacts occur in various concentrations on the South Africa landscape. Stone artefacts are very commonly found occurring on flat floodplains in a mostly secondary or disturbed context. However, stone artefacts can be also be found in an *in situ* or undisturbed context in areas where little human or animal impact happens such as open sites mostly near rocky outcrops, amongst boulders and caves.

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



Early Stone Age (ESA) stone artefact
(1.5 million years ago – 250 000 years ago)



Middle Stone Age stone artefacts
(250 000 – 30 000 years ago)



Later Stone Age stone artefacts
(30 000 years ago – historical times)

2. Pottery scatters

Pottery scatters can be associated with either Khoekhoen pastoralists, the Nguni first farming communities (referred to as the South African Iron Age) or colonial settlement and can be dated to within the last 2 000 years which occur both at the coast and inland. Pottery associated with Bushmen / hunter-gatherers is generally thought to occur in the Karoo region. The most obvious difference between Khoekhoen and Nguni pottery are the decorations, shapes, sizes and wall thickness. Khoekhoen pottery is generally thinner than the thicker walled and robust Nguni pottery. Colonial ceramics ranges from earthenware, stoneware, porcelain and European glazed and unglazed ceramics.

Precolonial pottery and colonial ceramics are more easily identifiable by the layman and should be reported.



**Khoekhoen earthenware pottery
(last 2 000 years)**



**Iron Age earthenware pottery
(last 2 000 years)**



Examples of 19th century European ceramics

3. Historical artefacts and features

These are easy to identify and include colonial artefacts (such as ceramics, glass, metal, etc.), foundations of buildings or other construction features and items from domestic and military activities associated with early travellers' encounters on the landscape and European settlement.



**Example of a Fortified Structure
(Fort Double Drift)**



Ruin of stone packed dwelling



Glass artefacts

4. Shell middens (marine and freshwater)

Shell middens can be defined as an accumulation of marine or freshwater shell deposited by past human populations rather than the result of natural or animal activity. Marine shell middens occur all along the coast and may extend within 5 km of the coastline. This area is generally regarded as being archaeologically sensitive. The shells are concentrated in a specific locality above the high-water mark and frequently contain various edible and sometimes inedible marine shells, stone tools, pottery, bone (fish and animal) and occasionally also human remains. Shell middens may be of various sizes and depths, but an accumulation which exceeds 1 m² in extent, should be reported to an archaeologist. Freshwater shell middens occur along river banks and comprise freshwater shell, fish and animal bone, stone tools, pottery, and sometimes human remains.



Examples of the occurrence of coastal shell middens

5. Large stone features

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



Examples of stone packed features

6. Graves, Burials and Human Skeletal material

Formal historical graves are easily identifiable as they are in most cases fenced off or marked with engraved headstones. Informal stone packed graves in several instances also occur within these fenced off areas.

It is difficult to detect the presence of archaeological human remains on the landscape as these burials, in most cases, are not marked at the surface. Human remains are usually observed when they are exposed through erosion or construction activities for development. Several human remains have been rescued eroding out of the dunes along this coastline and dongas in inland areas. In some instances, packed stones or rocks may indicate the presence of informal pre-colonial burials.

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



Exposed human remains eroding out a coastal shell midden.



Exposed human remains eroding out an inland donga

APPENDIX D: EASTERN CAPE PROVINCIAL HERITAGE RESOURCES AUTHORITY (ECPHRA) COMMENT:



No.17 Commissioner Street, 2nd Floor Old Edo Building,
Telephone: 043 492 1940/1/2
Website: www.ecphra.org.za

PROJECT: S24G APPLICATION – ACTIVITIES CARRIED OUT ON PORTION 12 OF FARM ONGEGUNDE VRYHEID NO.746, CAPE ST FRANCIS BAY, KOUGA LOCAL MUNICIPALITY, SBDM.

Enquires: Ayanda Mncwabe-Mama
Date: 2025/05/02
Email: ayanda.mncwabe-mama@ecsrac.gov.za

Applicant: Soundpropos 1246 cc
Consultants: Eco Route Environmental Consultancy
Address: P.O.Box 1252 Sedgefield, 6573
Contact Person: Claire De Jongh
Email / Tel: claire@ecoroute.co.za or 084 607 4743

BACKGROUND

The property was purchased by the current landowner in 1993, two dwellings were in place at the time. Google Earth historical imagery (2005) shows two dwellings in place on the property. The south western dwelling has been used by the landowners as a private holiday residence; the north eastern dwelling consists of 5 rooms and an outside cottage; the 5 rooms can sleep 2 persons per room and have been rented to guests since ownership in 1993. The outside room is not rented. A maximum of 12 guests (10 adults; 2 children) have been permitted at the NE dwelling over the years. In about 2021 the owner refurbished and renovated the dwellings; the following activities took place:

- Rerouting of road (200m²) behind the NE dwelling, renovation of dwelling, putting in place a deck with a plunge pool (140m²) in the footprint of the old road
- Renovation of south western dwelling in the same development footprint. The total development footprint of the two dwellings and road is approximately 1600m².

ECPHRA (Eastern Cape Provincial Heritage Authority) COMMENTS in terms of Section 38 of the National Heritage Resources Act (25 of 1999).

This case was tabled at the Archaeology, Palaeontology and Meteorites (APM) Committee meeting held on 15 April 2025.

ECPHRA Interim Comment:

ECPHRA acknowledges the BID and Public Notification submitted and further requests:

1. ECPHRA Notice of Intent to Develop, for our records.
2. A retrospective Phase 1 Heritage Impact Assessment (HIA) which includes all aspects of the development. The impact assessment should comprise of the ffg:

- Phase 1 AIA (archaeological impact assessment), including a desktop and field assessment. The AIA must include cultural landscape and living heritage component (see NHRA 1999 Section 38.3.e).
 - PIA (paleontological impact assessment) done according to the SAHRIS paleo-sensitivity level.
3. Proof of Payment (R500 NID & R1 500 HIA), see administration details below.

NOTE: Heritage reports must meet the SAHRA (2007) reporting standards. Reports must be compiled by specialists (AIA by an archaeologist with a minimum of an Honours degree qualification & a PIA by a palaeontologist with a minimum of a Master's degree qualification).



Mr. Azola Mkosana
ECPHRA: Manager

General information:

1) ECPHRA fees

The following fees apply to your application:

- R 500 - NID fee and
- R 1 500 - HIA reports

Banking Details:

Bank name: First National Bank (FNB);
 Account name: Eastern Cape Provincial Heritage Resources Authority;
 Account type: Public Sector Business Account;
 Account number: 62705406248;
 Branch code: 211021;
 Reference: Project or Development name / SAHRIS CaseID number

Proof of payment(s) must be emailed to:

accounts@ecphra.org.za with the subject: Project or Development name / SAHRIS CaseID

2) SAHRIS

A South African Heritage Resources Information System (SAHRIS) case must be registered for the development/project (<https://sahris.eghra.org.za/about/sahris/>).

- Complete all relevant sections of the SAHRIS case application.
- Proof of payment(s) must be uploaded on the SAHRIS case under the Additional Documents section.
- The requested NIDs must be uploaded on the SAHRIS case

Once the NID have been submitted on the SAHRIS case, notify ECPHRA by email at azolaam@ecphra.org.za with the subject SAHRIS CaseID number-development/project name. Your case will be tabled at the next APM meeting for purposes of a hHRA Section 38(4)(b) comment.

3) Queries

Any queries regarding your case should be addressed to azolaam@ecphra.org.za / ayanda.mnqwabe-mamed@ecrao.gov.za with the subject SAHRIS CaseID number / Development/ Project name