



AMAFA\HERITAGE KWAZULU- NATAL

“Welcome and thank you for coming”

HERITAGE IMPACT ASSESSMENTS

TRIGGERS

THE PROCESS

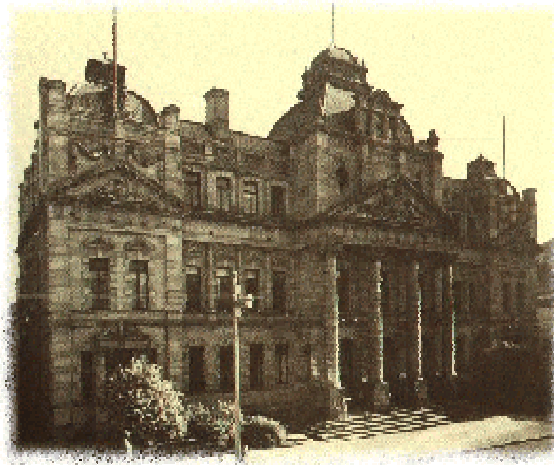
HERITAGE RESOURCES AND THEIR POTENTIAL IMPACT ON
DEVELOPMENTS

APPLICABLE LEGISLATION

- ▶ THE NATIONAL HERITAGE RESOURCES ACT (25/1999) aka NHRA
- ▶ THE KZN HERITAGE ACT (4/2008) - this is the only provincial legislation in the country and a bill is currently out for comment. No changes to the applicable sections are envisaged in the bill except that the provisions of the NHRA Section 38 have been incorporated more fully into the relevant section

HERITAGE RESOURCES ARE PROTECTED AS FOLLOWS:

- ▶ Proclamation as **NATIONAL HERITAGE LANDMARKS - Grade I**
- ▶ Proclamation as **HERITAGE LANDMARKS (Section 38) or PROVINCIAL LANDMARKS (Section 39) - Grade II**
- ▶ **HERITAGE OBJECTS (Section 42) - Grade II**
- ▶ Inclusion in the **PROVINCIAL HERITAGE REGISTER (Section 43) - Grade III**
- ▶ Applicable **GENERAL PROTECTIONS**



➤ **The Heritage Resources of KwaZulu-Natal are numerous and varied**



TANGIBLE & INTANGIBLE HERITAGE

- TANGIBLE HERITAGE
CAN BE ANYTHING
RELATED TO OUR PAST
I.E. ANYTHING
INHERITED FROM OUR
ANCESTORS THAT WE
CAN SEE AND TOUCH
- INTANGIBLE HERITAGE IS
THAT THAT HAS BEEN
PASSED DOWN BUT THAT WE
CANNOT SEE, TOUCH & FEEL

INTANGIBLE HERITAGE RESOURCES

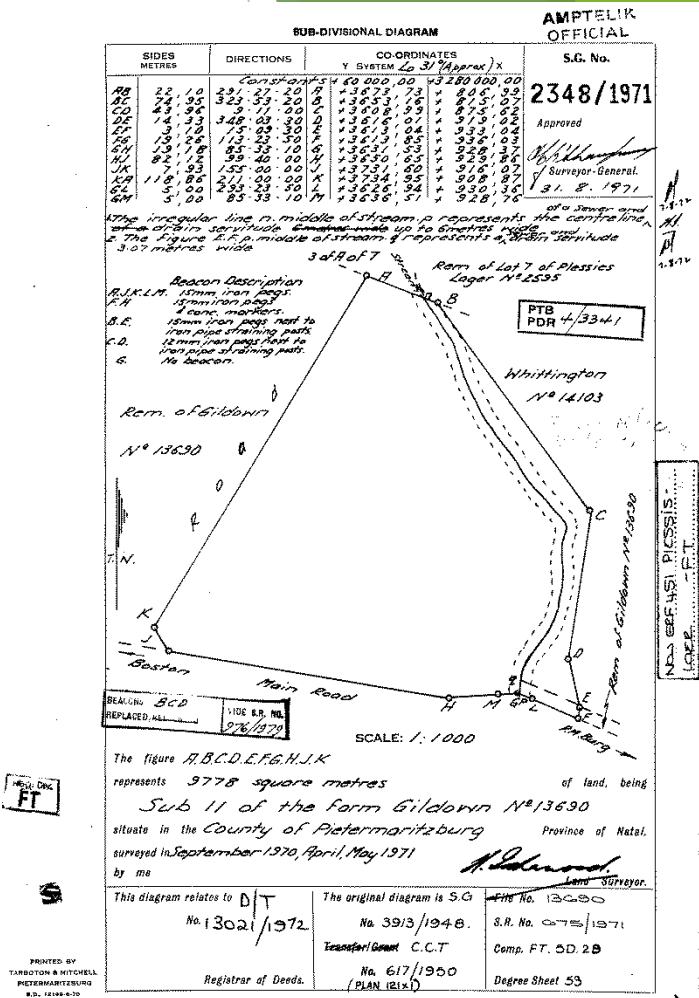
- ▶ Cultural tradition
- ▶ Oral history
- ▶ Performance
- ▶ Ritual
- ▶ Popular memory
- ▶ Skills and techniques
- ▶ Indigenous knowledge systems
- ▶ Holistic approaches to nature, society and social relationships

GENERAL PROTECTIONS

- ▶ SECTION 33: - all buildings over 60 years of age from any alteration or demolition except under a permit
- ▶ SECTION 34: - graves of victims of conflict
- ▶ SECTION 35: - Traditional burial places
- ▶ SECTION 36: - battlefields, archaeological sites, rock art sites, Palaeontological sites, historic fortifications, meteorites/meteorite impact sites
- ▶ SECTION 41: protects memorials as landmarks

SECTION 38 OF THE NATIONAL HERITAGE RESOURCES ACT (25/1999)

- ▶ SECTION 38 of the NHRA triggers a Heritage Impact Assessment for all developments over
 - ▶ 5000m²,
 - ▶ Change of use of sites larger than 10 000m²



lineal developments of over 300m,



bridges over 50m in length, and

consolidations or
sub-divisions
involving 3 or more
erven/lots.

LINK WITH EIA'S

(Section 38(8) exempts the applicant from making a separate submission to Amafa if the development is triggering NEMA requirements as a heritage impact assessment is required for the EIA process





SECTION 38(8)

This means that the Provincial Heritage Authority must be consulted regarding utility installations such as electrical and telecommunications infrastructure, developments within 32m of the median of a stream, etc.



DEFINITIONS CONTAINED IN THE HERITAGE LEGISLATION

- ▶ *“Alter” means any action affecting the structure, appearance or physical properties of a place or object whether by way of structural or other works, by painting, plastering or other decoration or by other means;*

- ▶ *“Development” means any physical intervention, excavation or action, other than those caused by natural forces, which may in any way result in a change in the nature, appearance or physical nature of a place or influence its stability and future well-being, including*
- ▶ *(a) construction, alteration, demolition, removal or change of use of a place or a structure on the place;*
- ▶ *(b) carrying out any works on or over or under the place;*

- ▶ *(c) subdivision or consolidation of land comprising a place, including the structures or airspace;*
- ▶ *(d) construction or putting up of display signs or hoardings*
- ▶ *(e) any change to the natural or existing condition or topography of land;*
- ▶ *(f) any removal or destruction of trees or removal of vegetation or topsoil*

THE HERITAGE IMPACT ASSESSMENT

- ▶ Must identify and map all heritage resources in the affected area
- ▶ Assess the significance of the identified resources
- ▶ Evaluate the impact of the development on the heritage resources relative to the sustainable social and economic benefits to be derived from the development

THE HERITAGE IMPACT ASSESSMENT

- ▶ Provide results of public consultation with interested and affected parties
- ▶ Recommend alternatives or mitigation where heritage resources will be directly affected
- ▶ Provide plans for mitigation of any adverse effects on the heritage resources during the development and/or after completion of the development

HERITAGE IMPACT ASSESSORS OR CULTURAL RESOURCE MANAGEMENT PRACTITIONERS

- ▶ Traditionally these are professionals with a background in archaeology and anthropology
- ▶ Practitioners must meet the basic norms and standards set down in the various disciplines before taking on this work

HERITAGE IMPACT ASSESSORS OR CULTURAL RESOURCE MANAGEMENT PRACTITIONERS - PHASE II

- ▶ Specialist assessments may be called for in a Phase II assessment if recommended by the generalist who did the initial assessment
- ▶ That could include the specialties of the various archaeology fields, palaeontology, history, and architectural history

WHAT ARE WE LOOKING FOR?



BURIAL SITES



CULTURAL AND SPIRITUAL SITES



RUINS



ARCHAEOLOGICAL SCATTERS AND ROCK ART



FOSSILS AND PALEAONTOLOGICAL MATERIAL



THE ASSESSMENT

DESKTOP SURVEY

- ▶ SEARCH FOR ANY INFORMATION ON THE SITE
- ▶ PREVIOUS SURVEYS/ASSESSMENTS
- ▶ EXCAVATION DATA FOR ARCHAEOLOGICAL SITES
- ▶ HISTORICAL INFORMATION, INCLUDING PREVIOUS OWNERS AND OCCUPIERS OF THE LAND

SITE INSPECTION



CULTURAL SIGNIFICANCE

- ▶ AESTHETIC / ARCHITECTURAL
- ▶ HISTORICAL
- ▶ SOCIAL / RELIGIOUS
- ▶ TECHNOLOGICAL / SCIENTIFIC

CONCLUSIONS AND RECOMMENDATIONS

- ▶ THE ASSESSOR WILL RATE EACH OF THE HERITAGE RESOURCES FOUND AS HAVING LOW MEDIUM OR HIGH HERITAGE VALUE
- ▶ THOSE RATED HIGHLY SIGNIFICANT WILL BE ACCOMPANIED BY RECOMMENDATIONS FOR THEIR PROTECTION INCLUDING BUFFER ZONES AND MANAGEMENT RECOMMENDATIONS

THE APPLICATION PROCESS

- ▶ Applications must be submitted through the sahris system run by the South African Heritage Resources Authority
- ▶ Form J - obtainable from the Amafa website www.heritagekzn.co.za must accompany the application
- ▶ The owner is the applicant, the heritage practitioner is the consultant
- ▶ Application fees are R800,00, subject to increase on the 1 April 2019
- ▶ Although receipt should be acknowledged within 14 days, allow 90 days for the full assessment of the report

EVALUATION OF THE REPORTS

- ▶ Initial evaluation is done by the staff using various databases to corroborate statements made in the HIAs
- ▶ If the assessor has issues with a report those will be discussed with other staff members
- ▶ If necessary the report will be sent for external review
- ▶ If any national sites will be affected then SAHRA must be consulted for comment

OUTCOME

- ▶ A letter declaring no objection to the development
- ▶ Limitations and conditions may be imposed
- ▶ The general protections that are applied
- ▶ Any formal protections that will result - buffer zones around resources, etc as well as intention to formally protect the resources as Grade II or III heritage sites
- ▶ Mitigations required where resources will be directly impacted
- ▶ The appointment of specialists to monitor the development
- ▶ OR a final decision will be issued against the development proceeding and setting out reasons for such a decision

IMPACT OF DECISIONS ON THE DEVELOPMENT

- ▶ Mitigations could include the imposition of buffer zones around a resource - could impact on the amount of units that can be accommodated on the site
- ▶ Maintenance of the resource becomes the responsibility of the owner
- ▶ Rehabilitation of the resource could be required
- ▶ Additional costs for the rehabilitation, security, and monitoring of the resource during development could have a negative impact on the development potential, particularly of smaller sites.
- ▶ Time frames for the development could be impacted on

APPEALS AGAINST THE DECISION

- ▶ Appeals can be lodged by Interested and Affected Parties if the decision is in favour of the development or by the applicant if a negative response has been issued
- ▶ The first step would be to ask the Heritage Authority to review the decision - the cost for which is R4000 - R7000
- ▶ If that fails, a formal appeal could be lodged with the MEC (currently the Premier)
- ▶ The intention to lodge the appeal must be forwarded to the MEC's office and to Amafa within 30 days of the issue of the final decision and the grounds for the appeal must be lodged within 30 days of lodging the appeal notice.

CASE STUDY: HLATSHANA



AMAFA CONTACT DETAILS

195 LANGALIBALELE STREET

BOX 2685

PIETERMARITZBURG

3200

TEL: 033 394 6543

archaeology@amafapmb.co.za Email built.enviro@amafapmb.co.za

www.heritagekzn.co.za