

DIGITAL ADDENDA 15A – 15B

Digital Addendum 15A: Extracts from Sections 2 and 3 of the National Heritage Resources Act (No. 25 of 1999)

Definitions¹

2. In this Act, unless the context requires otherwise—

(ii) “archaeological” means—

(a) material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;

(b) rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10 m of such representation;

(c) wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the Republic, as defined respectively in Sections 3, 4 and 6 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), and any cargo, debris or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation; and

(d) features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found;

(vi) “cultural significance” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance;

(viii) “development” means any physical intervention, excavation, or action, other than those caused by natural forces, which may in the opinion of a heritage authority in any way result in a change to 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 at a place;

(b) carrying out any works on or over or under a place;

(c) subdivision or consolidation of land comprising, a place, including the structures or airspace of a place;

(d) constructing or putting up for display signs or hoardings;

¹ Only definitions relevant to the present Chapter are listed.

- (e) any change to the natural or existing condition or topography of land; and
- (f) any removal or destruction of trees, or removal of vegetation or topsoil;
- (xiii) “grave” means a place of interment and includes the contents, headstone or other marker of such a place, and any other structure on or associated with such place;
- (xvi) “heritage resource” means any place or object of cultural significance;
- (xvii) “heritage resources authority” means the South African Heritage Resources Agency, established in terms of Section 11, or, insofar as this Act is applicable in or in respect of a province, a provincial heritage resources authority;
- (xviii) “heritage site” means a place declared to be a national heritage site by SAHRA or a place declared to be a provincial heritage site by a provincial heritage resources authority;
- (xxi) “living heritage” means the intangible aspects of inherited culture, and may include—
- (a) cultural tradition;
 - (b) oral history;
 - (c) performance;
 - (d) ritual;
 - (e) popular memory;
 - (f) skills and techniques;
 - (g) indigenous knowledge systems; and
 - (h) the holistic approach to nature, society and social relationships;
- (xxv) “meteorite” means any naturally-occurring object of extraterrestrial origin;
- (xxvii) “national estate” means the national estate as defined in Section 3;
- (xxxii) “palaeontological” means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace;
- (xxxiii) “place” includes—
- (a) a site, area or region;
 - (b) a building or other structure which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure;
 - (c) a group of buildings or other structures which may include equipment, furniture, fittings and articles associated with or connected with such group of buildings or other structures;
 - (d) an open space, including a public square, street or park; and
 - (e) in relation to the management of a place, includes the immediate surroundings of a place;
- (xxxvii) “provincial heritage resources authority”, insofar as this Act is applicable in a province, means an authority established by the MEC under Section 23;
- (xxxviii) “public monuments and memorials” means all monuments and memorials—

(a) erected on land belonging to any branch of central, provincial or local government, or on land belonging to any organisation funded by or established in terms of the legislation of such a branch of government; or

(b) which were paid for by public subscription, government funds, or a public-spirited or military organisation, and are on land belonging to any private individual;

(xii) “site” means any area of land, including land covered by water, and including any structures or objects thereon;

(xiv) “structure” means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith;

National estate

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

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

(a) places, buildings, structures and equipment of cultural significance;

(b) places to which oral traditions are attached or which are associated with living heritage;

(c) historical settlements and townscapes;

(d) landscapes and natural features of cultural significance;

(e) geological sites of scientific or cultural importance;

(f) archaeological and palaeontological sites;

(g) graves and burial grounds, including—

(i) ancestral graves;

(ii) royal graves and graves of traditional leaders;

(iii) graves of 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 objects and material, meteorites and rare geological 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, 1996 (Act No. 43 of 1996).

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

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

Digital Addendum 15B: Spatial distribution of formally protected heritage sites within the study area.

The following maps indicate the spatial distribution of all heritage sites that have been formally graded and/or declared as NHSs or PHSs or placed on the heritage register. Because a grading must precede a declaration, the listed grade serves to indicate the following:

- Grade I: The site is formally graded I and/or has been declared a NHS;
- Grade II: The site is formally graded II and/or has been declared a PHS;
- Grade IIIA: The site is formally graded IIIA (in Western Cape only) and/or has been listed on the provincial heritage register.

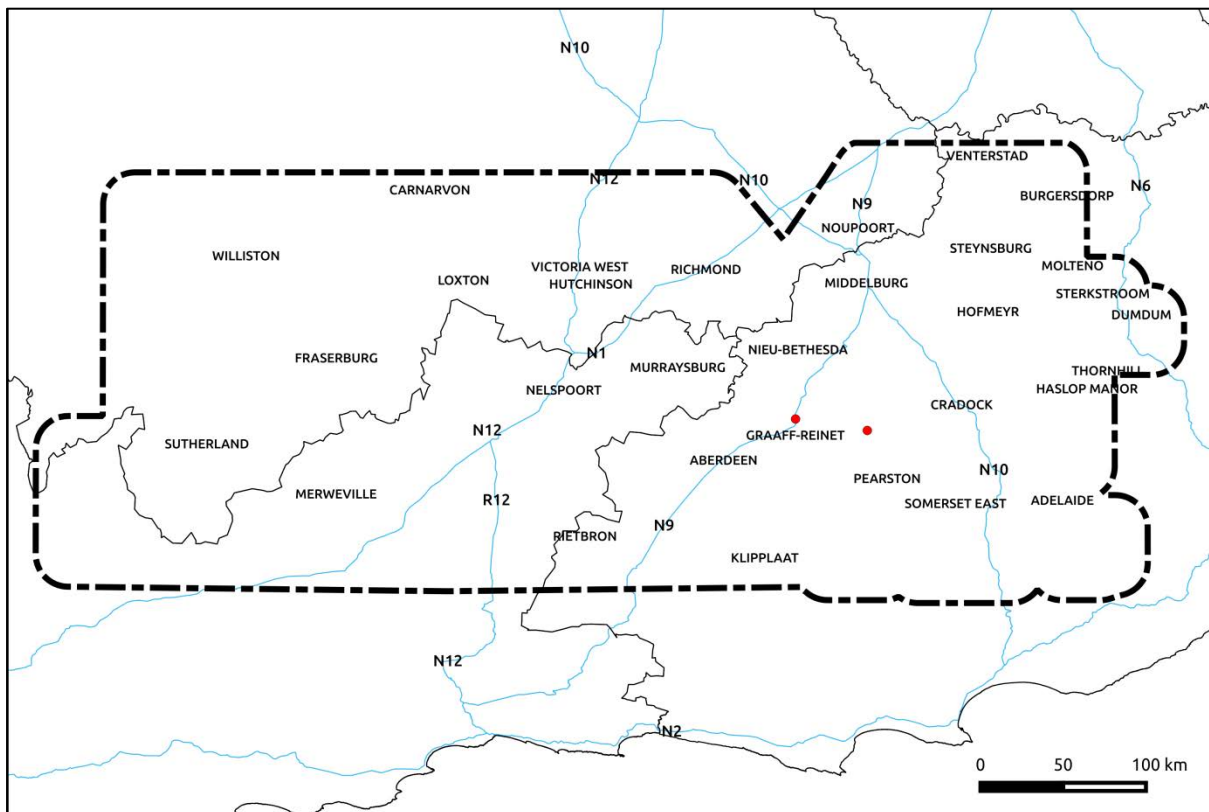


Figure B1: Spatial distribution of Grade I resources in the study area.

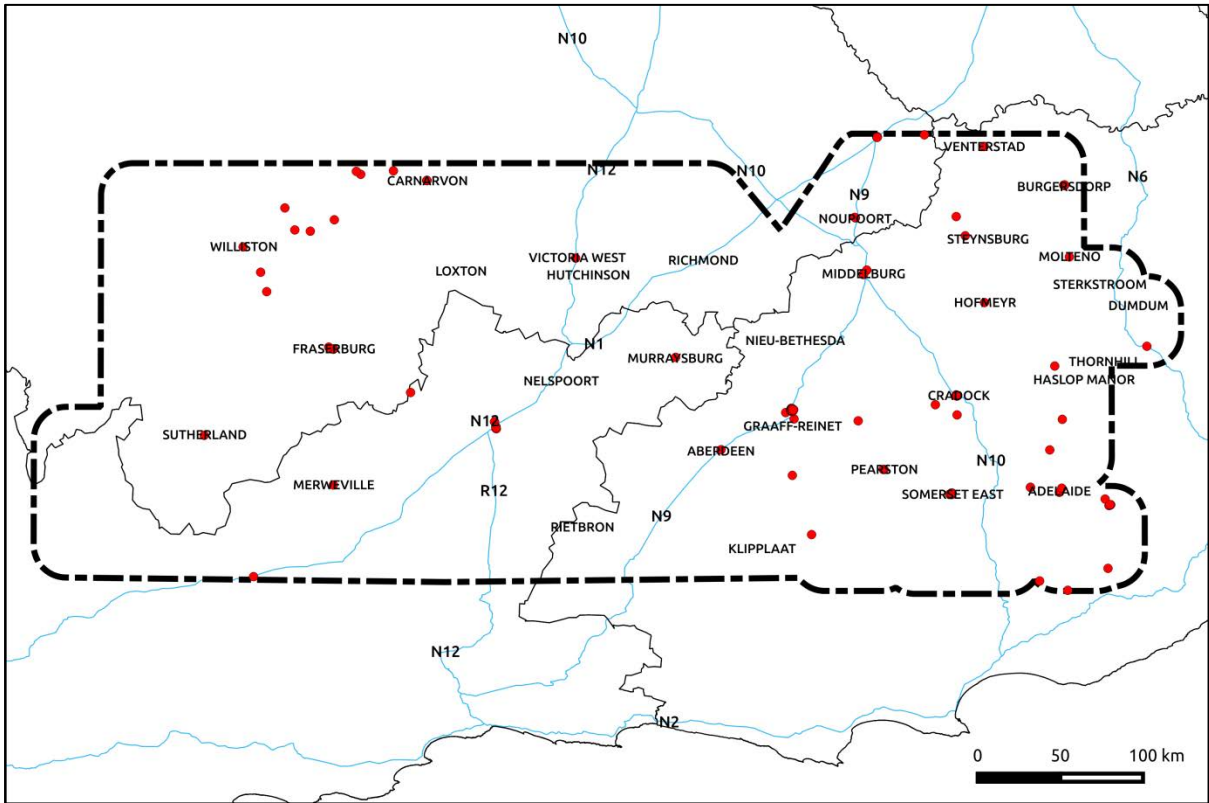


Figure B2: Spatial distribution of Grade II resources in the study area.

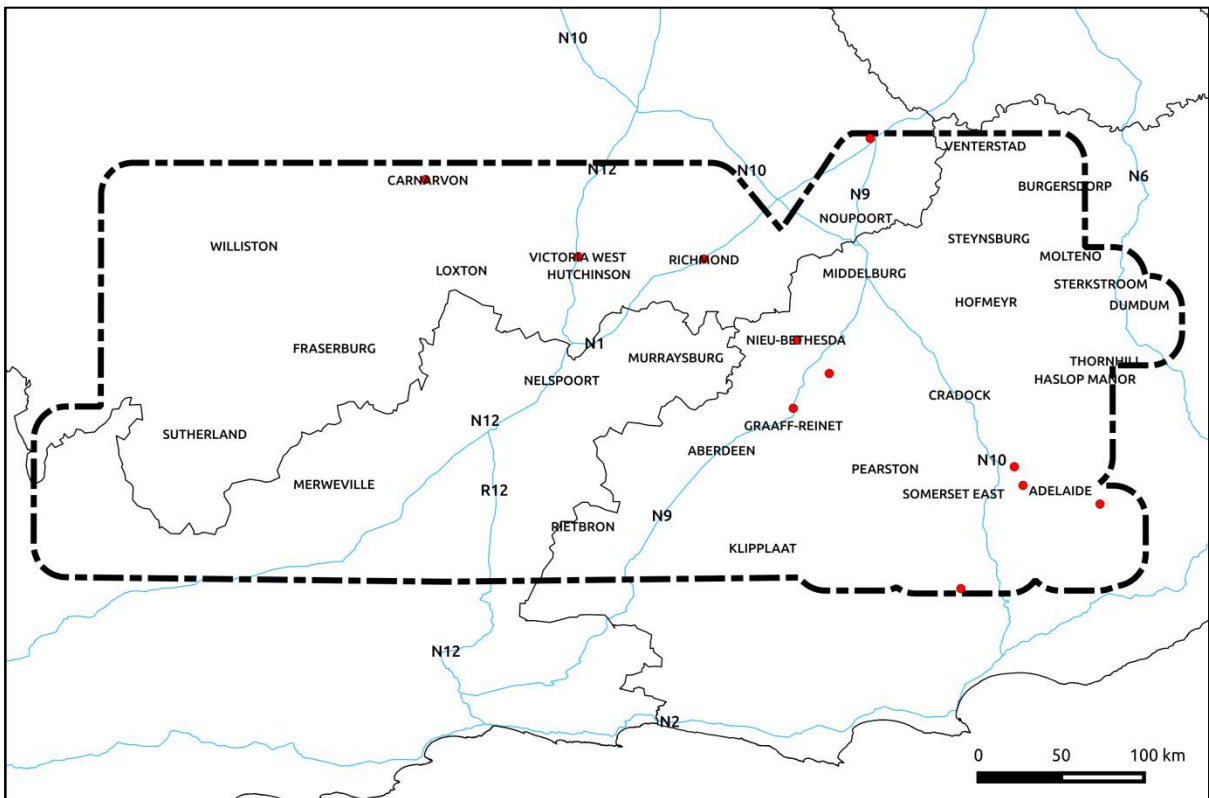


Figure B3: Spatial distribution of Grade IIIA resources in the study area.