



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
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FOR ATTENTION: PHRA: Gauteng

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SAHRA File No: 9/2/228/0001

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SAHRA Contact Person: Mr Andrew Salomon

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REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/ PALAEOONTOLOGY UNIT OF THE HERITAGE RESOURCES AGENCY

South Africa has a unique and non-renewable archaeological and palaeontological heritage. Archaeological and palaeontological sites are protected in terms of the National Heritage Resources Act (Act No 25 of 1999) and may not be disturbed without a permit. Archaeological Impact Assessments (AIAs) and Palaeontological Impact Assessments (PIAs) identify and assess the significance of the sites, assess the potential impact of developments upon such sites, and make recommendations concerning mitigation and management of these sites. On the basis of satisfactory specialist reports SAHRA or the relevant heritage resources agency can assess whether or not it has objection to a development and indicate the conditions upon which such development might proceed and assess whether or not to issue permission to destroy such sites.

AIAs and PIAs often form part of the heritage component of an Environmental Impact Assessment or Environmental Management Plan. They may also form part of a Heritage Impact Assessment called for in terms of section 38 of the National Heritage Resources Act, Act No. 25, 1999. They may have other origins. In any event they should comply with basic minimum standards of reporting as indicated in SAHRA Regulations and Guidelines.

This form provides review comment from the Archaeologist of the relevant heritage resources authority for use by Heritage Managers, for example, when informing authorities that have applied to SAHRA for comment and for inclusion in documentation sent to environmental authorities. It may be used in conjunction with Form B, which provides relevant peer review comment.

- A. PROVINCIAL HERITAGE RESOURCES AUTHORITY: **GAUTENG**.....
- B. AUTHOR(S) OF REPORT: **A. J. Pelsler**
- C. ARCHAEOLOGY CONTRACT GROUP: **Archaeos Culture and Cultural Resource Consultants.**
- D. CONTACT DETAILS: **PO Box 55, Groenkloof, 0027. Tel: 083 4593091, Fax:
086 5204173, E-mail: antonp21@yahoo.com**
- E.
- F. DATE OF REPORT: **November 2011**
- G. TITLE OF REPORT: **A Report on a Heritage Impact Assessment for the Proposed Lanseria Commercial Crossing Development on various portions of Bultfontein 533 JQ and Nietgedacht 535 JQ, near Lanseria Gauteng**.....
- H. Please circle as relevant: Archaeological component of **EIA / EMP / HIA / CMP** Other (Specify)
- I. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Cavaleros Construction**
- J. CONTACT DETAILS: **PO Box 40037, Cleveland, 2022**
- K. COMMENTS:

Please see comment on next page.....

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

A.J. Pelsler, November 2011, Received February 2012

A Report on a Heritage Impact Assessment for the Proposed Lanseria Commercial Crossing Development on various portions of Bultfontein 533 JQ and Nietgedacht 535 JQ, near Lanseria Gauteng

The proposed project entails large-scale warehousing and industrial developments and associated infrastructure. A total area of 121ha will be affected.

The author notes that the area has been fairly extensively disturbed in the recent past by rural and urban residential developments, agricultural activities and other recent activities such as roads and other commercial and industrial developments. If any sites, features or objects of a heritage nature or significance existed in the area during the past it would have been disturbed or destroyed to a large degree.

Three grave sites were recorded:

Grave Site 1: The grave site contains a possible 20 graves, of which some belongs to the Mahlangu family still residing on the property. None of the graves have headstones with legible inscriptions, and only a few have formal grave dressings. These are in the form of cement or concrete and bricks. A number are stone packed graves. The graves will be impacted on by the development and it has been indicated that they will have to be exhumed and relocated, following all necessary legal processes.

Grave Site 2: This grave site contains around 35 graves, mostly stone packed and without any headstones. At least 5 distinct rows of graves are visible. Two of the graves have headstones with visible (painted on) inscriptions, namely Elizabeth Saile Ntasi. Died 17/7/1956 and Sarah M.Segaile.

Grave Site 3: It contains at least 2 stone packed graves, although the graves are not as highly visible as the others. According to Mr.Mahlangu the family lived close by.

Grave Site 4 (Indicated as 3 [duplicate] in the report): It is located near the fence of the chicken farm bordering the property and seems to fall within the development area. The graves are not visible on the surface, but according to Mr.Mahlangu the grave dressings were removed when the fence was erected by the people of the chicken farm. The presence of the graves will have to be verified.

The remains of a number of farm related structures (farmsteads, farm labour houses and outbuildings) were found throughout the area. The author notes that these structures are more than likely less than 60 years of age, and are nearly completely destroyed/broken down. Although they will be impacted on by the development the author recommends that it is not necessary to conduct any mitigation measures and the recording done during the field survey is deemed sufficient enough. The author notes that there is always a possibility of the existence of burials close to some of these structures, especially if they are related to farm labourers and recommends that once the relocation of the people commences and before the structures are torn down it should be determined if there are any close to or inside these structures.

As there is apparently no evidence of any significant archaeological material in this area, the SAHRA Archaeology, Palaeontology and Meteorite Unit has no objection to the development

(in terms of the archaeological component of the heritage resources) on condition that, if any new evidence of archaeological sites or artefacts, palaeontological fossils, graves or other heritage resources are found during development, construction or mining, SAHRA or an archaeologist must be alerted immediately.

The SAHRA Burial Grounds and Graves Unit (BGG) requires that if the area where the graves are located fall within the development footprint, then provisions stipulated in section 36 of the National Heritage Resources Act (Act No. 25 of 1999) are applicable, and relocation of these might proceed provided that a public consultation process is followed (see Appendix 1 and SAHRA Regulations). The SAHRA BGG Unit supports the recommendations of the author that once the relocation of the people from the farm related structures commences and before the structures are torn down it should be determined if there are any close to or inside these structures, and that the presence of graves at Grave Site 4 be verified.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, the developer must ensure that a professional Palaeontological Desk Top study is undertaken to assess whether or not the development will impact upon palaeontological resources. If this is deemed unnecessary, a letter of recommendation for exemption from a professional Palaeontologist is needed. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary.

Please note that decisions on Built Environment must be referred to the Gauteng Provincial Heritage Resources Agency (Ms Maphata Ramphela: Maphata.Ramphela@gauteng.gov.za, Mr Grant Botha: grantb@gpg.gov.za).

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: 

EMAIL: *asalomon@sahra.org.za*

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST:

EMAIL: *cscheermeyer@sahra.org.za* 

NAME OF HERITAGE RESOURCES AGENCY: *SAHRA*

PLEASE NOTE THAT THE COMMENT (ABOVE OR APPENDED) CONSTITUTES THE COMMENT OF THE HERITAGE RESOURCES AGENCY ARCHAEOLOGIST AND THAT ANY DEVELOPMENT THAT INVOLVES DESTRUCTION OF ANY ARCHAEOLOGICAL/PALAEONTOLOGICAL SITE IS STILL SUBJECT TO A PERMIT/PERMISSION FOR DESTRUCTION OF SUCH SITE GIVEN TO THE DEVELOPER BY THE RELEVANT HERITAGE RESOURCES AGENCY ARCHAEOLOGICAL AND PALAEONTOLOGICAL PERMIT COMMITTEE (THIS WILL BE SUBJECT TO APPROVAL OF THE PHASE 2 OR ARCHAEOLOGICAL/PALAEONTOLOGICAL MITIGATION AS NECESSARY). THIS REPORT MAY BE TAKEN ONLY AS APPROVAL, IN PRINCIPLE, IN TERMS OF SECTION 35 OF THE NATIONAL HERITAGE RESOURCES ACT. THE PROVINCIAL MANAGER OF THE HERITAGE RESOURCES AUTHORITY MUST ADVISE AS TO APPROVAL IN TERMS OF HERITAGE ISSUES ENCOMPASSED BY OTHER ASPECTS OF THE LEGISLATION, SUCH AS ISSUES OF THE BUILT ENVIRONMENT (STRUCTURES (E.G. FARM HOUSES), OVER 60 YEARS), INDIGENOUS KNOWLEDGE SYSTEMS OR OF CULTURAL LANDSCAPES AS THIS IS NOT WITHIN THE SCOPE OF THE ARCHAEOLOGIST.

PLEASE NOTE THAT SAHRA IS NOW RESPONSIBLE FOR GRADE I HERITAGE RESOURCES (AND EXPORT) AND THE PROVINCIAL HERITAGE RESOURCES ARE RESPONSIBLE FOR GRADE II AND GRADE III HERITAGE RESOURCES, EXCEPT WHERE THERE IS AN AGENCY ARRANGEMENT WITH THE PROVINCIAL HERITAGE RESOURCES AUTHORITY.

APPENDIX 1

Protection of Graves

In terms of the National Heritage Resources Act (No. 25 of 1999) graves older than 60 years (not in a municipal graveyard) are protected. Human remains younger than 60 years should be handled only by a registered undertaker or an institution declared under the Human Tissues Act.

Anyone who wishes to develop an area where there are graves older than 60 years is required to follow the process described in the legislation (section 36 and associated regulations). The specialist will require a permit from the heritage resources authority:

1. Determine/ confirm the presence of the graves on the property. Normally the quickest way to proceed is to obtain the service of a professional archaeologist accredited to undertake burial relocations. The archaeologist will provide an estimate of the age of the graves. There may be a need for archival research and possibly test excavations (permit required).
2. The preferred decision is to move the development so that the graves may remain undisturbed. If this is done, the developer must satisfy SAHRA that adequate arrangements have been made to protect the graves on site from the impact of the development. This usually involves fencing the grave(yard) and setting up a small site management plan indicating who will be responsible for maintaining the graves and how this is legally tied into the development. It is recommended that a distance of at least 2 m is left undisturbed between the grave and the fence around the graves and another 15 m between the fence of the grave and the development.
3. If the developer wishes to relocate or disturb the graves:
 - a. A 60-day public participation (social consultation) process as required by section 36 (and regulations), must be undertaken to identify any direct descendants of those buried on the property. This allows for a period of consultation with any family members or community to ascertain what their wishes are for the burials. It involves notices to the public on site and through representative media. This may be done by the archaeologist, who can explain the process, but for large or sensitive sites a social consultant should be employed. Archaeologists often work with undertakers, who rebury the human remains.
 - b. If as a result of the public participation, the family (where descendants are identified) or the community agree to the relocation process then the graves may be relocated.
 - c. The archaeologist must submit a permit application to SAHRA for the disinterment of the burials. This must include written approval of the descendants or, if there has not been success in identifying direct descendants, written documentation of the social consultation process, which must indicate to SAHRA's satisfaction, the efforts that have been made to locate them. It must also include details of the exhumation process and the place to which the burials are to be relocated. (There are regulations regarding creating new cemeteries and so this usually means that relocation must be to an established communal rural or formal municipal cemetery.)
 - d. Permission must be obtained before exhumation takes place from the landowner where the graves are located, and from the owners/managers of the graveyard to which the remains will be relocated.

Other relevant legislation must be complied with, including the Human Tissues Act (National Department of Health) and any ordinances of the Provincial Department of Health). The archaeologist can usually advise about this.