



SOUTH AFRICAN HERITAGE RESOURCES AGENCY  
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FOR ATTENTION: SAHRA Gauteng OR PHRA: Gauteng

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## REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/PALAEONTOLOGY 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: **SAHRA GAUTENG** .....
- B. SAHRA PROVINCIAL MANAGER : **GAUTENG : Mr Neo January** .....
- C. AUTHOR(S) OF REPORT: **Mr P D Birkholtz**
- D. ARCHAEOLOGY CONTRACT GROUP: **Archaeology Africa CC**
- E. CONTACT DETAILS: **Tel: 012 3325305, Fax: 012 3322625, E-mail: polke@lantic.net** .....
- F. DATE OF REPORT: **May 2008**
- G. TITLE OF REPORT: **Phase I Heritage Impact Assessment: Proposed Pipeline Between Vlakfontein and Mamelodi Tshwane, Kungwini and Ekurhuleni Municipalities, Gauteng Province** .....
- H. Please circle as relevant: Archaeological component of **EIA / EMP / HIA / CMP** Other (Specify) .....
- I. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Rand Water**
- J. CONTACT DETAILS: **Tel: 011 6820369, Fax: 011 6820640**
- K. COMMENTS: .....

*Please see comment on next page*.....

## REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

PD Birkholtz

May 2008, Received September 2008

### **Phase I Heritage Impact Assessment: Proposed Pipeline Between Vlakfontein and Mamelodi Tshwane, Kungwini and Ekurhuleni Municipalities, Gauteng Province**

The proposed development entails a Rand Water pipeline between Vlakfontein and Mamelodi. The proposed development runs through numerous portions of land in the Tshwane, Kungwini and Ekurhuleni municipal districts.

Ten heritage sites were recorded:

Three Late Iron Age settlements, sites P3-1, P3-2 and P3-5.

For site P3-1, the author suggests that:

- Although the proposed pipeline is a linear development that will only impact upon a section of the site, it is recommended that the entire site layout be documented by surveying and drawing a detailed Site Layout Plan.
- This will be followed by limited test excavations in a corridor of approximately 30 meters on each side of the pipeline route. These activities are aimed at documenting, recovering and recording enough data for future research from the component of the site being impacted upon.
- Compilation of a report containing all the research and findings of the study indicated above.
- Submission of this report with the archaeological permit application that will allow the pipeline to be constructed through the site.

For site P3-2, the author recommends that:

As the site is believed to be associated with nearby Site P3-1, archaeological test excavation would not be required. The following mitigation recommendations are made:

- The site layout must be documented by the surveying and drawing of a detailed Site Layout Plan. This can be undertaken as part of the mitigation of Site P3-1.
- Submission of this layout plan with the archaeological permit application that will allow the pipeline to be constructed through the site.

For site P3-3, the author recommends that:

The stone concentration must be investigated by way of reconnaissance excavation. As the possibility exists for the site to be associated with the nearby archaeological sites, the test excavation can only be undertaken after the following steps have been taken:

- The site must be documented by the surveying and drawing of a Site Layout Plan.
- Submission of this layout plan with an archaeological permit application that will allow the reconnaissance excavations to be undertaken.

The excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave is found, or alternatively that no such evidence is found. If no evidence for a grave is found, the site can be destroyed. However, should it be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a relocation process must always be inclusive of a detailed social consultation process, must be respectful to the deceased and must be undertaken in cognisance of all the relevant legislation.

Two possible graves, sites P3-3 and P3-4, consisting of stone concentration directly within the development footprint.

For these two sites, the author recommends that the stone concentrations must be investigated by way of reconnaissance excavation. As the possibility exists for the site to be associated with the nearby

archaeological sites, the test excavation can only be undertaken after the following steps have been taken:

- The site must be documented by the surveying and drawing of a Site Layout Plan.
- Submission of this layout plan with an archaeological permit application that will allow the reconnaissance excavations to be undertaken.

The excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave is found, or alternatively that no such evidence is found. If no evidence for a grave is found, the site can be destroyed. However, should it be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a relocation process must always be inclusive of a detailed social consultation process, must be respectful to the deceased and must be undertaken in cognisance of all the relevant legislation.

One historic road, site P3-6

The author notes that as the proposed pipeline crosses over the road at a right angle, the impact on the site is expected to be minimal and recommends that the only mitigation recommendation to be made is that after the pipeline has been constructed the disturbed section of the road must be rehabilitated to its present condition.

One historic wall, site P3-7

The author recommends the following mitigation measures:

- Measured drawing of 10m sections of the wall on both sides of the pipeline.
- Photographic recording of the wall.
- Compiling the drawings, photographic recordings and descriptions into a report.
- Submission of the report to the SAHRA to acquire a permit to allow a section of the wall to be removed for the pipe to be constructed.
- Once the permit is obtained, the stones can be removed and temporarily stored nearby.
- After completion of construction activities in this area the stone wall must be repacked in the same way it was before construction.

Three Late Iron Age or Historic sites, sites P3-8, P3-9 and P2-1

For sites P3-8 and P3-9, the author recommends:

- The site layout must be documented by the surveying and drawing of a detailed Site Layout Plan.
- Submission of this layout plan with the archaeological permit application that will allow the pipeline to be constructed through the site.

For site P2-1, the author notes that although the site is believed to be located away from the pipeline footprint, the dense vegetation found made it very difficult to establish the site's exact extent. As a result, the author recommends that a suitably qualified heritage specialist revisit the site during or after the winter months (when the vegetation cover would be less) to confirm that the site is located away from the pipeline footprint.

The SAHRA APM Unit supports the recommendations of the author. Where the development involves disturbance of an archaeological or palaeontological site of some significance and Phase 2 mitigation has been asked for, SAHRA will require that, in terms of s.38(4)(b&c) of the National Heritage Resources Act, the provisions of ss 35 & 36 apply, as appropriate. The specialist will require a mitigation permit from the relevant Heritage Resources Authority. On receipt of a satisfactory mitigation (Phase 2) permit report from the archaeologist, the heritage authority will make further recommendations in terms of the report. Very often


permission is given for the destruction of the remainder of the archaeological or palaeontological sites. Very rarely, if a site has high heritage significance the authority may request that it be conserved, that mini-site management plans, interpretive material and possibly protective infrastructure be established.

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 (see attached list of accredited Palaeontologists).


The graves should be restored where these are dilapidated, protected and conserved in perpetuity. For this purpose, a proper fence must be build around them including entry gates to allow visits from relatives and family friends. The fence must be placed 2 meters away from the perimeter of the graves. No development is allowed within 15 meters from the fence line surrounding the graves. Alternatively, if the area where the burials 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). These recommendations are supported by the SAHRA Burial Grounds and Graves Unit.

If the recommendations made in the specialist report and in this comment are adhered to, the SAHRA Archaeology, Palaeontology and Meteorite Unit has no objection to the development (in terms of the archaeological component of the heritage resources). If any new evidence of archaeological sites or artefacts, palaeontological fossils, graves or other heritage resources are found during development, construction or mining, SAHRA and a professional archaeologist must be alerted immediately.

Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes must be made by the Gauteng SAHRA Provincial Heritage office (*Mr Neo January: njanuary@jhb.sahra.org.za, Ms Petronela Molokomme: pmolokomme@jhb.sahra.org.za*, to whom we will send the Impact Assessment Report and this Comment before it is sent to you. (We understand that the SAHRA Provincial Heritage office is managing the Built Environment and Cultural Landscape Issues for the PHRA).

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT:   
 EMAIL: *asalomon@sahra.org.za* .....

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST:  
 EMAIL: *mleslie@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 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 (see attached list). 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 10-20 m is left undisturbed between the grave and the fence around the graves.
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 - see attachment), 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.
  - e. 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.