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28 August 2014

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**COMMENTS ON SAHRA'S RESPONSE TO SLR CONSULTING'S SCOPING
REPORT FOR THARISA'S EMP AMENDMENT**

This author was responsible for A Phase I HIA study for the proposed Tharisa Mine which was done in 2007, namely:

- Pistorius, JCC 2007. A Phase I Heritage Impact Assessment study for the proposed new Tharisa Mine on the farm Kafferskraal 342 near Marikana in the North-West Province. Unpublished report for Metago Environmental Engineers.

The above mentioned study revealed various types and ranges of heritage resources in the proposed platinum mining area.

The above study was followed seven years later with a Phase I HIA study for Tharisa's proposed new north-east Waste Rock Dump (WRD), namely:

- Pistorius, JCC 2014. A Phase I Heritage Impact Assessment study for the proposed north-east Rock Waste Dump for Tharisa Minerals (Pty) Ltd near Marikana in the North-West Province. Unpublished report for SLR Consulting (Africa) (Pty) Ltd.

The scope of this study merely required the survey of the proposed new WRD project area and therefore did not cover the entire Tharisa mining area. The study revealed no heritage resources of significance where the proposed new WRD is to be established.

Consequently, the heritage management measures outlined for the various types and ranges of heritage resources which occur outside the new proposed WRD and which

will not be affected by the surface infrastructure changes still apply and are as follow (quoted from the 20007 report):

- The Late Iron Age stone walled sites qualify as archaeological sites, some of which may date from the Historical Period. All archaeological (historical) and paleontological sites are protected by Section 35 of the National Heritage Resources Act (No 25 of 1999).
- All buildings and structures older than sixty years are protected by Section 34 of the National Heritage Resources Act (No 25 of 1999) and may not be affected (demolished, altered, renovated, removed) by the mining development project. This includes the van Rensburg school buildings as well as any other possible forerunners school buildings whose remains may still exist in the project area.
- All graveyards and graves can be considered to be of high significance and are protected by various laws. Legislation with regard to graves includes the National Heritage Resources Act (No 25 of 1999) whenever graves are older than sixty years. The act also distinguishes various categories of graves and burial grounds. Other legislation with regard to graves includes those which apply when graves are exhumed and relocated, namely the Ordinance on Exhumations (No 12 of 1980) and the Human Tissues Act (No 65 of 1983 as amended).
- Various kinds of objects (cultural, historical, scientific, technological, etc) are protected by Section 32 of the National Heritage Resources Act (No 25 of 1999). Discarded agricultural implements such as ploughs, tractors etc in the Tharisa Project Area therefore have cultural-historical (technological) significance. If they are left behind when their original owners move these objects become the property of Tharisa Platinum.

Mitigation measures for those types and ranges of heritage resources which may be affected by the mining development project are the following:

- The remaining stone walled sites on Kafferskraal 342 are remnants of a possible large settlement complex which used to exist on this farm before recent farming

practises gradually destroyed the complex. These stone walled sites may not be affected (demolished, altered, renovated, removed) by the proposed new mining development project before the North-West Provincial Heritage Resources Authority (NW PHRA) has approved such alterations.

- An archaeologist accredited with the Association for Professional Archaeologists (ASAPA) must apply for a permit from the NW PHRA for a permit which would authorise that the stone walled sites may be destroyed by the mining development project. However, the archaeologist has to subject the stone walled sites to a Phase II investigation *prior* to their destruction. This implies that the stone walled sites have to be mapped and that test excavations in these sites have to be undertaken. The results of the Phase II investigation have to be published in a report which must be preserved in the NW PHRA's data bank.
- None of the historical houses and their associated outbuildings as well as other infrastructure such as the tobacco drying shed and the van Rensburg School as well as earlier remains of this school may be affected (demolished, altered, renovated, removed) by the proposed new mining development project *prior* to the NW PHRA issuing the necessary permits for such alterations.
- All historical buildings that may be affected by the proposed mining development project must be investigated *prior* to these buildings being affected (impacted) by the development activities. This investigation must be done by a historical architect accredited with the SAHRA. The historical architect must apply for a permit from the NW PHRA which will authorise the necessary affect (impact) on any historical structure which then may be demolished, altered, renovated or removed. The latter actions must be preceded by documenting the historical structures by means of plan and profile drawings, photographs and descriptions of the building. The results of the Phase II investigation have to be published in a report which must be preserved in the NW PHRA's data bank.

The following mitigation measures may be applied to the graveyards:

- The graveyards can be preserved *in situ*. The graveyards can be demarcated with brick walls or with fences. Conserving graves and graveyards *in situ* creates the risk and responsibility that they may be damaged (accidentally), that the mine remains responsible for their future unaffected existence, maintenance and that controlled access must exist for any relatives or friends who wish to visit the deceased.
- Graveyards can be exhumed and relocated. The exhumation of human remains and the relocation of graveyards are regulated by various laws, regulations and administrative procedures. This task is undertaken by forensic archaeologists or by reputed undertakers who are acquainted with all the administrative procedures and relevant legislation that have to be adhered to whenever human remains are exhumed and relocated. This process also includes social consultation with a 60 days statutory notice period for graves older than sixty years. Permission for the exhumation and relocation of human remains have to be obtained from the descendants of the deceased (if known), the National Department of Health, the Provincial Department of Health, the Premier of the Province and the local police.

It is recommended that objects such as discarded farming and agricultural implements be mitigated in the following way:

- To encourage owners of historical significant objects to accept responsibility for these items when they move. However, they should be made aware of the significance of these objects in order to prevent that objects are injudiciously earmarked for the scrap yard.
- To approach a cultural historical museum (such as the Willem Prinsloo Agricultural Museum) to collect all objects with historical significance to be incorporated in the museum's collection.

General mitigation measures:

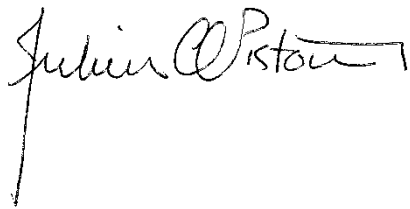
If any heritage resources of significance is exposed during this development project the South African Heritage Resources Authority (SAHRA) should be notified immediately, all construction activities must be stopped and an archaeologist accredited with the Association for Southern African Professional Archaeologist (ASAPA) should be notify

in order to determine appropriate mitigation measures for the discovered finds. This may include obtaining the necessary authorisation (permits) from the NW PHRA to conduct the mitigation measures.

Conclusion

The heritage management measures which were outlined for the various types and ranges of heritage resources which occur outside the new proposed WRD which will not be affected by the proposed new WRD but may be affected by other surface infrastructure changes, therefore still apply.

The process of relocation of graves, which is underway or which has occurred since the author has done the initial heritage study in 2007, therefore is taking place in concordance and with cognisance of the heritage management proposals which were laid down in this report.

A handwritten signature in black ink, reading "Julius CC Pistorius". The signature is written in a cursive style with a long vertical line extending downwards from the end of the name.

DR JULIUS CC PISTORIUS

Archaeologist &

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