



Final Comment

In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Shanduka Coal (Pty) Ltd

Shanduka Coal (Pty) Ltd Graspan Colliery Extension: Portion 31 Opencast Mining

Thank you for notifying SAHRA on the proposed expansion of the Graspan Colliery on to Portion 31 of farm Elandspruit 291 JS, near Middleburg, Steve Tshwete Local Municipality, Mpumalanga Province. The planned expansion is to be a opencast coal mine pit.

Under sections 34, 35 and 36 of the National Heritage Resources Act (25 of 1999) heritage resources are protected from damage from mining and development activities. These resources are for instance burial grounds, unmarked and marked graves that are older than 60 years, built structures that are older than 60 years old, archaeology (stone tools, stone walled sites, prehistoric and historic pottery sherds, ash grounds etc.) and palaeontology (fossils of plant and animal material).

It is noted that there are significant heritage resources that were found on the property, where the opencast pit is planned to be. As mentioned in the heritage report below.

Van Vollenhoven, A. C. October 2013. *A report on a Cultural Heritage Impact Assessment for a proposed opencast mining operation at Elandspruit 291 JS Portion 31, close to Middelburg, Mpumalanga Province.*

Dr Van Vollenhoven undertook a field assessment on the 21st of October 2013 of Portion 31 of farm Elandspruit 291 JS. From the field assessment he determined three heritage sites named Site 1; 2 and 3, that need mitigation because they are located near to the opencast coal pit, or in the opencast pit proposed for this mine expansion plans.

Site 1: Consist of two graves with headstones, although one is illegible and thus falls under the National Heritage Resources Act (25 of 1999), the other is above 60 years old that has a granite headstone which also falls under the NHRA under section 36. According to the heritage report, this graveyard will be impacted by the planned topsoil berm.

Site 2: Is an old farmyard that is above 60 years and is in disuse. The farm house is in poor condition and in the heritage report it is rated as of local low significance. However due to the age of the buildings on site, they are generally protected by the NHRA under section 34 from any damage due to development. It is noted that the buildings location is where the proposed opencast pit is to be located.



Our Ref:

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Site 3: This site consist of 25 graves that are marked by packed rocks and the graves with headstones have illegible writing on them. These unknown graves are taken as graves that fall under NHRA section 36 thus they are protected from damage by development. It is mentioned in the report that this graveyard lies in the location of the opencast pit that is proposed for development.

Final Comment:

Also according to section 36(3)a of the NHRA (25 of 1999) no graves can be destroyed, damaged, altered, or exhumed that are older than 60 years without a permit from SAHRA Burial Grounds and Graves unit. Furthermore, if the graves are less then 60 years old they fall under the Human Tissues Act (65 of 1983), in order to exhume any graves they need to be exhumed according to the Ordinance on Exhumations Act (12 of 1980). A permit application needs to be applied for to the relevant statutory bodies for the following sites:

- Site 3: Needs a permit application for removal of the graves. The permit needs to be applied to the SAHRA BGG Unit (Burial Grounds and Graves Unit), the graves are unmarked and unknown thus they fall under the NHRA as mentioned above.

SAHRA agrees with the recommendations of the Heritage Report, that if the mines open cast pit footprint will be changed to accommodate for the protection of the graveyard, then the graveyard must be fenced off and 300 metres bufferzone should be placed with a monitoring system to make sure mining operations do not impact on the graves.

However if the footprint of the mine will not be moved, the graves need to be exhumed by a professional archaeologist with an undertaker as per the recommendations in the heritage report referenced above.

Site 1: Needs to be fenced off and a buffer zone of 100 metres needs to be in place so that it is not impacted on by the topsoil berm. The current proposed location of the topsoil berm needs to be shifted so that it does not impact the two graves.

However if the topsoil berm cannot be shifted a permit application needs to be made to the SAHRA BGG unit for these two graves that need to be exhumed by a professional archaeologist and an undertaker.

For further information about the permit application to SAHRA BGG Unit please contact Itumeleng Masiteng at 012 320 8490.

Also according to section 34(1) of the NHRA (25 of 1999) any structures that are older than 60 years are protected from damage and destruction. As such a permit application is needed for the following site:

Site 2: This site is a Farmyard consisting of a degraded farm house, a silo and kraal, because they are old and unoccupied with no record of when this farmyard was built, they will be treated as buildings over 60 years. These buildings need a permit to be applied to the MPHRA (Mpumalanga Provincial Heritage Resources Authority) for destruction of the old buildings. For further information please contact Ben Moduka at bmoduka@mpg.gov.za



The South African Heritage Resources Agency

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an agency of the
Department of Arts and Culture

Furthermore, if any other archaeological resources are discovered in the process of expansion, development must stop immediately and SAHRA and a professional archaeologist or palaeontologist according to the nature of the findings must be called to inspect the findings. For further questions please contact SAHRA APM Unit (Nokukhanya Khumalo/ Mrs Colette Scheermeyer on 021 462 4502).

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Nokukhanya Khumalo
Heritage Officer
South African Heritage Resources Agency

Colette Scheermeyer
SAHRA Head Archaeologist
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/163230>
(, Ref: MP 30/5/1/2/2/10089 MR)

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.



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