



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
111 HARRINGTON STREET, CAPE TOWN, 8001
PO BOX 4637, CAPE TOWN, 8000
TEL: 021 462 4502 FAX: 021 462 4509

FOR OFFICIAL USE ONLY:

File No.:
Date received:
Date approved:
Applicant:
Site / Object:
Permit No.:

APPLICATION FOR PERMIT: BURIAL GROUNDS AND GRAVES

Please note: Permit Applications expire one year after the date of receipt.

In terms of Section 36 (3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) no person may, without a permit issued by the relevant heritage resources authority:

- (a) *destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;*
- (b) *destroy, damage, alter, exhume or remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or*
- (c) *bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.*

Other application forms are available for archaeological and palaeontological material and sites, for shipwrecks, or for the export or sale of heritage objects including archaeological and palaeontological material and meteorites, and for the registration of collections.

Applicants are advised that without full details no permit may be issued.

A. DETAILS OF APPLICANT AND OTHER RELEVANT PEOPLE

1. **Name and address of archaeologist or person who is to be responsible for the action(s):**

Henk Steyn (Principal Investigator).
Professional Grave Solutions (Pty) Ltd T/A PGS Heritage
PO Box 32542
Totiusdal
Pretoria, 0134

Phone: (H) (012) 332-5305 **(W)** (012) 332-5305 **(C)** 082 375 7622

Fax: 086 675 8077

E-mail: henk@gravesolutions.co.za

Identity number of applicant (or passport): 7109155269089

2. **Qualifications and relevant experience:** See attached Addendum A for abbreviated *curriculum vitae*

3. **Name & address of a person who can serve as a reference:**

Mr WC Nienaber
Co-ordinator for Archaeology
Forensic Anthropology Research Centre
Dept. of Anatomy
University of Pretoria
Tel: 012 319 2244

4. **Name and address of owner of the land:**

Contact Person: Charles Mathoma
Nkomati Joint Venture
PO Box 562
Machadodorp
1170

Phone: (H) **(W)** 013 712 7607 **(C)** 079 885 5554

Fax: **E-mail:** Charles.Mathoma@Nkomati.co.za

Identity number: N/A

5. **Name & address of planning authority (where relevant):**
-
- Phone: (H)** **(W)** **(C)**
- Fax:** **E-mail:**

6. **Have arrangements been made to cover the cost of the action(s)** (Please circle as appropriate):

YES NO

7. **Name and address of the South African scientific institution (if applicable) that will curate the material recovered if it cannot be re-interred:** **Not applicable** / All remains recovered during the rescue excavation will be reburied in the Badplaas Municipal Cemetery by a registered undertaker on the same day.

B. DETAILS OF GRAVE OR BURIAL GROUND

8. **Name(s) of place:** . Nkomati Mine, Badplaas, Mpumalanga

9. **Is the grave/ burial ground that of - victim(s) of conflict?** (Please circle as appropriate)

and/or

- older than 60 years?

and/or has the grave been

- **found accidentally during the course of development?**

At this stage the age of the remains is unconfirmed, but it is probable that the graves are older than 60 years.

10. **Brief description:** Farm Nkomati 770 JT (previously Uitkomst 541 JT) at S25.74289 E30.61620, near Badplaas, Mpumalanga – several stone packed structures, three of which might possibly be graves. The structures are not aligned in any meaningful pattern. None of the structures have any form of headstone. The possible grave structures are situated at the edge of the opencast mining pit and it is imperative that, if they are graves, they be relocated as soon as possible to prevent them from being damaged by the mining operations.

This application is for the excavation and relocation of any human remains as set out above, as well as any graves that might be found additionally during the course of the exhumation process.

* Please supply details on a separate sheet of paper if necessary

11. **Evidence for date of grave(s)* :** At the time of submission of this application, there is no conclusive evidence for the age of the possible graves (no family members have contacted the mine or PGS Heritage) so they will be treated as being 60 years or older.
12. **Geographical situation of site or object** (Please mark general location of grave(s) on a photostat of at least a 1:50 000 map) (NB)

Province: Mpumalanga
Magisterial district: Carolina
1: 50 000 Map number: 2530DA
Latitude & Longitude: S25.74289 E30.61620
Recording method (GPS, Trig., Other): GPS
Farm Name and No.: Nkomati 770 JT (formerly Uitkomst 541 JT)
Nearest Town: Badplaas

13. **If it is a national or provincial heritage site / object, the number and date of the notice in the Government Gazette:** N/A.....

C. REASON FOR APPLICATION

14. **Purpose of and reasons for application***

The affected possible graves are located on the edge of the opencast mining pit of the Nkomati Nickel and Chrome Mine and are therefore in imminent danger of being damaged by the mining activities. The site is also directly in the way of the expansion of the opencast pit. Due to the sensitive nature of graves, the mine wants to ensure that, if human remains are present, these are exhumed and relocated professionally. The application is therefore for a permit for the urgent “rescue” of any human remains that may be buried in the possible grave structures. Retrospective social consultation to enable eventual reburial is proposed for the graves directly affected by the opencast pit.

There have been three previous permits issued by SAHRA to PGS for the relocation of human remains at the Nkomati Mine. The first and second phases of the relocation process were conducted under permit number 80/06/11/010/51 and permit number BG/09/02/001/87. The most recent relocation process is still under way after being started in 2012 (Mbokane graves) under permit number BG/12/04/001/87.

Since the planning phase of the mine, three separate Heritage Impact Assessments were conducted, the first two in 1994 and 2000 respectively by *Archaeological Resources Management* (Archaeology Department, University of the Witwatersrand) and the third by *Archaeology Africa* in 2007/8. The 2007/2008 HIA was not legally required, but was commissioned by the mine to make sure that no Heritage Resources were inadvertently impacted upon by mining activities. The possible graves included in this application were first discovered in 2007 but were not included in any of the Heritage Reports. However, no mitigation took place at that time due to unknown reasons although a site notice was put up at the site (the notice is still on display). A copy of the 2007/2008 HIA was included in a previous application in 2012 (Mbokane graves) as a separate document.

NB: The Nkomati Mine is currently in the process of auditing its cultural resources in order to prevent a similar situation in the future.

** Please supply full motivation and supporting documentation.*

15. **Period for which permit is required.** (Permits are not normally issued for periods longer than three years):

From: As soon as possible **To:** July 2014.

16. **Nature of activity.** Please circle the appropriate activities below

Destruction or Damage*

Alteration* (e.g. Restoration)

Exhumation and re-interment*

Removal from original site*

Excavation*

Bring into use a metal detector or other equipment**

Other*

Please supply extra details on a separate sheet of paper:*

D. PREREQUISITES FOR PERMIT

17. **Please indicate what arrangements have been made for the exhumation and re-interment of the**

contents of the grave(s)*:

The excavation and social consultation will be handled jointly by PGS Heritage and Martins Funerals. The remains will be reburied in a suitable formal cemetery in accordance to the requirements of the *bona fide* interested and affected parties as identified by an ongoing public consultation process. PGS Heritage has been appointed with sufficient financial provision to conduct the process in compliance with relevant legislation and to industry best practice standards.

If no one comes forward subsequent to the excavation of the possible graves, any remains uncovered will be reburied in the following cemetery: Badplaas Municipal Cemetery

** Supply copies of documentation and details on a separate sheet of paper*

18. Please give details of consultation with communities and individuals who by tradition have an interest in the grave(s), and of the agreement reached with such communities and individuals (as required by the Act 36 and the relevant Regulations Chaps IX and XI).

A comprehensive process of social consultation has been in place since 2006, as part of the three previous grave relocation projects. This included site and newspaper notices, with the aim of identifying any family members and negotiating the mitigation thereof with any affected and interested parties. No one claiming to be next of kin of the possible graves in question has come forward up to now. PGS is also in ongoing social consultation with families who have other graves in the area. If the structures prove to be graves on excavation, and if anyone subsequently comes forward to claim them, PGS will engage with them regarding their wishes for the graves. The most recent newspaper notice is attached as **Addendum D**.

NB: Please note that PGS will be publishing legal notices in the Daily Sun and Lowvelder newspapers during the next two weeks to provide further opportunity for any family members of the possible graves to contact us regarding the mitigation of any remains present.

** Supply copies of documentation and details on a separate sheet of paper*

I, Henk Steyn
undertake strictly to observe the terms, conditions, restrictions, regulations and guidelines under which the Council may issue the permit to me.

Signature:  **Place:** Pretoria
 (Applicant & Principal Investigator) **Date:** 2013/06/05

I, Refer Appendix C for permission from landowner
hereby give permission for the above actions to be undertaken.

Signature: Refer Appendix C for permission from landowner **Place:**
 (Landowner) **Date:**

I, **Head of**
(institution) hereby undertake to store in our institution the relevant material and records.

Signature: **Date:**
 (Head of Institution)

From May 2006, certain permit applications submitted to the South African Heritage Resources Authority, SAHRA, in terms of the National Heritage Resources Act (Act No 25 of 1999) must be accompanied by payment of the appropriate fee (PTO).

Permit Applications made on **SAHRA APM Permit Form No 305** will carry the following fees:

1. Permits issued by SAHRA Archaeology, Palaeontology & Meteorite Unit (APM) Unit for burials	Fee	*Application Code
i. Application fee for burials disturbed or relocated in terms of s.36 in consequence of development;	R250 unless SAHRA directs otherwise	*AP305BUR
ii. Application fee for accidentally discovered burials disturbed or relocated in terms of s.36;	Exemption	*AP305BAE
2. Permits issued for Victims of Conflict in terms of s.36;	Exemption	*AP305EXE

Kindly ensure that you supply the Application Code (see table above*) followed by the surname of the permit applicant, in the reference section of the bank deposit slip. For example, AP305BUR MGUNI would be entered in the reference section of the bank form for an application for restoration or relocation of a grave from an applicant with the surname Mguni.

Charges may be waived, at the discretion of SAHRA Chief Executive Officer, for certain permit applications. It should be NOTED that SAHRA may, in terms of section 3 of the SAHRA permitting regulations, require that a financial deposit be lodged with SAHRA to safeguard a heritage resource until satisfactory completion of the action for which the permit is required.

PAYMENT may be made by depositing the relevant amount into the SAHRA bank account and faxing or producing the proof of payment (i.e., stamped deposit slip, internet banking confirmation, etc.), OR through Internet Banking and emailing or faxing proof of payment, OR by cheque, on application.

PLEASE TAKE NOTE THAT APPLICATIONS NOT ACCOMPANIED BY A PAYMENT OR PROOF OF PAYMENT MAY NOT BE PROCESSED UNLESS EXEMPTED ABOVE OR BY SAHRA.

SAHRA BANKING DETAILS:

**South African Heritage Resources Agency
ABSA Bank, Adderley Street; Cape Town
Bank Code: 63 2005; Account Number: 40-6416-0070.**

Should you have any queries please contact the appropriate unit via: SAHRA, PO Box 4637, Cape Town 8000; or by email at info@sahra.org.za; or Tel: 021 462 4502; Fax: 021 462 4509.

CURRICULUM VITAE (Abridged)

Name: HS (Henk) Steyn
Id No: 7109155269089
Profession: Archaeologist
Nationality: South African
Date of Birth: 15 September 1971
Qualifications: 1996: University of Pretoria: Bachelor of Arts with Archaeology, History and Cultural History as subjects.
 1997: University of Pretoria: Honours Degree (Cum Laude) in Archaeology.

Professional Background

- Professionally involved in Heritage related studies and grave relocation since 1997
- Member of ASAPA (Association of Southern African Professional Archaeologists, Membership Number 145) and accredited by ASAPA as Principal Investigator for grave relocation (2011)
- Treasurer of ASAPA (The Association of Southern African Professional Archaeologists) 2011 - current
- Managing Director of *Professional Grave Solutions (Pty) Ltd (T/A PGS Heritage)*, a company specialising in grave relocation and heritage and archaeological impact assessments (founded in 2003)
- Member and co-founder of *Archaeology Africa cc*, a company specialising in Heritage related studies (Heritage Impact Assessments, Archaeological Impact Assessments, Historic Studies) (founded in 2000)
- Director of *Helio Alliance (Pty) Ltd* (2001-2003)
- Member of *Archaeo-Info cc* (1997-2000)

Summary of relevant experience

- **Project Manager** on approximately 45 grave relocation projects including the MacWest Grave Relocation Project (629 graves) near Vereeniging and the Tavistock Grave Relocation Project (924 graves) near Witbank, Mpumalanga as a Director of *Helio Alliance (Pty) Ltd* (2002-2003).
- **Project Manager** for the Laingsburg mass grave investigation conducted by the *University of Pretoria* at the request of the Western Cape Premier (2003)
- **Field Supervisor** on the Nandoni Grave relocation Project, Thohoyandou, Limpopo Province (approximately 1000 graves) as a member of *Archaeology Africa cc* (contracted by the *University of Pretoria*)(2001-2002).
- **Team member** on a further 6 grave relocation projects.
- Co-Author of a *Cultural Resources Management Plan for Marakele National Park*.
- Co-Author of a *Cultural Resources Management Plan for Augrabies National Park*.
- Has been involved in approximately 75 Heritage related projects either as Project Manager or as a team member.
- Has been involved in numerous archaeological excavations in the Northern Cape, Limpopo and Gauteng Provinces since 1994.