

STAKEHOLDER ENGAGEMENT REPORT

BRAKPAN OLD LOCATION TOWNSHIP DEVELOPMENT GRAVE RELOCATION PROJECT

REPORT

Prepared for:



The South African Heritage Resources Agency

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14 December 2020

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LIST OF ACRONYMS

BID	Background Information Document
CBO	Community-Based Organisation
GPR	Ground Penetrating Radar
HIA	Heritage Impact Assessment
I&AP	Interested and/or Affected Party
NGO	Non-Governmental Organisation
NHRA	National Heritage Resources Act
NoK	Next of Kin
MM	Metropolitan Municipality
PAC	Project-Affected Community
PHRAG	Provincial Heritage Resources Agency for Gauteng
SAHRA	South African Heritage Resources Agency
WC	Ward Councillor

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1. INTRODUCTION

1.1 Background to the Report

G&A Heritage Properties (Pty) Ltd. has been appointed by Triviron Holdings to apply for a permit from the Gauteng Provincial Administration and the Metropolitan Municipality (MM) of Ekurhuleni to relocate one identified grave dispersed on farm Weltevreden 118 IR. The application is made in terms of:

- I. Sections 35 and 36 (5) of the National Heritage Resources Act (NHRA) (No. 25 of 1999);
- II. Section 2 (1) of the Removal of Graves and Dead Bodies Ordinance (No. 7 of 1925);
- III. The Exhumations Ordinance (No. 12 of 1980); and
- IV. The Human Tissues Act (No. 65 of 1983 as amended); and the relevant local regulations and bylaws.

For such a permit, the NHRA of 1999, together with the NHRA Act Regulations of 2000 (chapters X & XI), require the proponent of a grave relocation project to undertake a Stakeholder Engagement Programme to identify the Next-of-Kin (NoK) of the identified graves, but also to discuss the grave relocation process with the Project-Affected Communities (PACs) and stakeholders and identify any relevant issues and/or concerns.

The following report provides the findings of the stakeholder engagement exercise, which was undertaken by JAH Consulting (Pty) Ltd. on behalf of G&A Heritage in 2019 and 2020.

1.2 Background to the Project

Triviron Holdings intends on developing what is referred to as the Brakpan Old Location Township Development on a portion of farm Weltevreden 118 IR. The site is currently held under the MM of Ekurhuleni in the Gauteng Province. The area where the development is planned is indicated in Figure 1 below (location: 26° 22' 48" S 28° 25' 16" E), and is situated in Ward 87 (of 112) surrounding Duduzane Ext 2, Blue Gum View Ext 4 and the Sub-Nigel Gold Mine. It is located between Fourie, Gordon, Hamilton and Brenthurst streets. The development is surrounded by two most-direct PAC (in terms of distance from the development), namely Kwa-Temba Tsakane and Duduza.



Figure 1: Brakpan Old Location Development Location. Source: Google Earth.

According to the Heritage Impact Assessment (HIA), which was drafted for the project (Gaigher, 2015), the current superficial character of this specific cultural landscape is one of undeveloped and unmanaged urban open areas. Large areas on the site are presently being used for the dumping of domestic waste. The rest of the area consists of the remains of the Brakpan Old Location; giving it a strong sense of history.



Plate 1: The Site (source: Gaigher, 2015)

The HIA describes that farmers started moving into the proposed development area in the 1840s and declared farms for themselves, especially after the signing of the Sand River Convention in 1852. Following the discovery of gold deposits in 1886 and coal in 1888, the main livelihoods during that time included geology and mining. The town of Brakpan rapidly developed when coal was discovered in 1888 and the Brakpan Colliery was started. Brakpan remained a suburb of Benoni until 1919 when Brakpan was granted the status of a municipality and proclaimed as a town.

The HIA further notes that the Brakpan Old Location was the backdrop to many anti-apartheid struggles during the period between 1948 and 1994. The people living in the location were actively trying to improve their living conditions and challenged the laws that were suffocating them. Between 1974 and 1978, for example, the community of Brakpan Old Location was forcibly removed from their homes and had to re-establish themselves in Tskane, approximately 15 km south. The Old Location was subsequently razed. No development was documented on the study area from 1944 onwards and anything before that would have been present in 1944.

1.3 Identified Graves to be Excavated and Reburied

The occupational remains of the Brakpan Old Location were deemed as of high heritage significance in the HIA, which requires that these remains be subjected to a documentation process upon which a permit for destruction can be issued from the Built Environment Committee of G-PHRA.

Two graves have been identified by the HIA on the site of the development. Only one of these two graves fall within the project area, however. One of the recommendations in the HIA was that the graves to be mitigated.



Plate 2: Identified Grave 1 (source: Gaigner, 2015)



Plate 3: Identified Grave 2 not to be Affected (source: Gaigher, 2015)

Another identified grave is located to the south of Location Road on the perimeter of the Brakpan Old Location site (locations: 26°14'21.6"S 28°23'54.7"E). It consists of a squared brick and mortar structure with soil backfill. No headstone or inscription could be found on the structure, however, its general size and shape, as well as the fact that it is orientated east-to-west, suggests that it is highly likely that it could be a grave. Historic evidence suggests that the deceased inhabitants of the Brakpan Old Location were interned at the Brenthurst Cemetery and at the actual location where the development is to take place. This might suggest that the grave is possibly older than most of the location structures. The area around this structure is disturbed in areas and stone concentrations are found around the same area. Although the grave area is poorly defined, it is not impossible that the grave could indicate the remains of further graves within this area. Although the grave would need to be excavated and removed, it should be noted that the social facilitator of the development project, Mr Nkululeko Ndlovu from Kuhle Solutions, informed the heritage practitioner that this identified grave (or possibly more graves as the grave is poorly marked) are not within the boundaries of the housing development.

The HIA notes that there might be more sub-surface graves, with indications encountered such as ash deposits (unnaturally grey appearance of soil compared to the surrounding substrate), bone concentrations (either animal or human), ceramic fragments (such as pottery shards either historic or pre-contact), and stone concentrations. Furthermore, the heritage practitioner points out that some of the stone piles found around one of the indicated graves on and around the site could be indicative of older, poorly marked graves.

On the south-western edge of the study area a large formal cemetery is located. It is designated the Brenthurst Cemetery and is under the administration of the Ekurhuleni MM. The cemetery should not be affected by the proposed development; however its close proximity should be noted in the environmental management plan. The HIA notes that the large cemetery outside of the study area only started functioning somewhere between 1995 and 2002.

The Ekurhuleni MM is the current custodians of these identified graves. It is the intention for the identified grave to be excavated and relocated to the MM's burial grounds. G&A Heritage Properties will be responsible for the excavations. The company owns its own very sophisticated Ground Penetrating Radar (GPR) system (S&S Noggin 250 SmartCart). GPR is a non-invasive analysis of the subsurface composition that can be used to identify possible burial sites. The

intention of using the GPR and excavating graves prior to any activity is to avoid poorly marked graves being unearthed during earthmoving activities. This could also be detrimental to the project as a whole and especially in terms of its public image. G&A Heritage intends on employing a local undertaker to do the reburials. This work usually does not take more than one or two days and therefore does not offer much in the way of local employment. The family of the grave can also request to do the excavations themselves. In the latter case, G&A Heritage will only do the documentation and relocation. The intention is for graves to be prepared and the reburial done as per family requirements. This needs to be a municipally administered cemetery as per the Human Tissues Act (No. 65 of 1983 as amended) and municipal bylaws. If the NoK cannot be identified, SAHRA assumes responsibility for the graves. SAHRA then becomes the custodians of the graves until such time as NoK might come forward.

2. STAKEHOLDER ENGAGEMENT

2.1 Overview

Consultation with stakeholders is of central importance not only to identify the graves' NoKs, but also obtain any issues and/or concerns people in the community might have with regard to the relocation process. Stakeholders herewith include all Interested and/or Affected Persons (I&APs), relevant government departments and associations, any Non-Governmental Organisation (NGO), Community-Based Organisations (CBOs) or community member who might have an interest in the project. The term 'stakeholder engagement' encapsulates particular actions which are undertaken, including timely dissemination of information, a free flow of information exchange, as well as the opportunity for stakeholders to voice their concerns and have an actual input in the relocation process.

As the stakeholder engagement process was largely conducted in accordance with the legislative requirements of the NHRA (1999) and NHRA Act Regulations of 2000, it involved the dissemination of legal notices and Background Information Documentation (BID) at strategically selected areas around Brakpan, holding community meetings, placing a newspaper advertisement of the first meeting held and reaching out to any possible I&AP. The legal notices and newspaper advertisement called upon all I&APs to email JAH Consulting should they know anything about these graves or their possible NoK.

As part of the general arrangements, email correspondences, meeting organisations and minute distributions, JAH Consulting compiled a Stakeholder Engagement Database of all the interested stakeholders. This database was continuously updated. The database is attached to this report as Annexure A, and also includes the Provincial Heritage Resources Authority Gauteng (PHRAG).

Two stakeholder engagement exercises were undertaken, referred to hereafter as the "First Round of Stakeholder Engagements" and Second Round of Stakeholder Engagements".

2.2 First Round of Stakeholder Engagements

2.2.1 Background Information Documentation and Legal Sites Notices

A BID of the excavation and relocation process was drafted and disseminated to all identified stakeholders by means of email correspondences and posted with site notices at strategic areas around Brakpan. Refer to Annexure A for the BID. Legal signage notices were placed on the graves on the 21st of March 2019 . Refer to Annexure B for the legal notice.



Plate 4: *Placing Legal Notices on the Graves on the 21st of March 2019*

The placement of the legal notices on the graves succeed the required legislative period of 60 days.

2.2.2 First Round of Stakeholder Engagement Meetings

2.2.2.1 Planning

Two meetings were held in order to organise and plan the two community meetings which were held. These two meetings included a meeting at the municipality, and a meeting held between the affected ward councillors.

The meeting with the municipality was held on the 24th of April 2019 between 10:10 and 11:15. Refer to Plate 5 for a picture of this meeting. The meeting was attended by representatives from Triviron (client), G&A Heritage and the ward councillor for Kwa-Temba Tsakane, Brandon Pretoria. Mr Pretoria represents the interests of the current residents of the Brakpan Location.



Plate 5: Meeting held at the Brakpan Municipality on the 24th of April 2019

The aim of the meeting was to discuss the first public consultation date and proceedings. G&A Heritage and the social facilitators were introduced, where after Phase 1 of the building project and its scope of works were discussed. The minutes of this meeting are attached to this report as Annexure C, which includes the attendance register. It should be noted that the timing of the municipal meeting coincided with a challenging time for many municipalities in the country, as municipalities prepared for the General Elections on the 8th of May 2019. There was a feeling that this, coupled with alleged factions within the affected community as a result of evictions and housing allocations, might have had created tension in the PACs if the team was to hold a first public meeting during this time. Therefore, a decision was adopted by all to postpone the first public consultation meeting to after the General Elections.

With the support of the municipal representatives, Ward Councillors (WCs) and community leaders, a second 'preparation' meeting was organised by JAH Consulting and Nkululeko Ndolvu (Project Manager of Kuhle Solutions and Development Services) on the 11th of July with the community leaders in order to establish a date for the first public meeting. The WC of the Old Brakpan Location, Mr Brandon Pret, was also invited per email to this meeting. The Municipal Project Manager, Nologwa Tembani, was invited per email to attend the meeting. He could not make the meeting, but did reply to the invitation with an apology.

The meeting venue was the Brakpan Old Informal Settlement. In attendance were the community leaders of the Brakpan Old Informal Settlement, as well as Hannes Kilian from G&A Heritage. Although invited to attend per email, nor the proponent or the ward councillor could attend this meeting. Refer to Annexure D for the meeting minutes, as well as the attendance register. The minutes of the meeting were shared (emailed) with all the stakeholder in the database on the 23rd of July 2019.



Plate 6: Meeting held with the Community Leaders on the 11th of July 2019

Apart from assistance with the preparation of the two public community meetings to follow, the 'preparation' meeting was not fruitful in terms of identifying any NoK of the one grave affected. It was stated in the meeting that the affected communities who might know something about the grave included some people still residing at the old Brakpan Location, Kwa-Temba, Tsakane, and Tuduza.

2.2.2.2 Community Meeting One and Two

Two public participation meetings were organised with the assistance of Kuhle Solutions on the 31st of July and the 17th of October 2019. An advertisement was published in the Brakpan Herald on the 26th of July 2019. Refer to Annexure E for proof of this advertisement. Formal invitations to the meetings were also emailed to all the identified stakeholders and/or I&APs. The latter included, for example, SAHRA, PHRAG, the local municipality, the community leaders and relevant WCs. Refer to Annexure F for the Stakeholder Database.

Notices for the first meeting were placed in and around Brakpan on the 25th of July 2019. Refer to Plate 7 for pictures of this placement.



Plate 7: Meeting Notices placed around Brakpan on the 25th of July 2019

The first meeting was held at the Brakpan Old Location. Although the community and I&APs at the meeting were informed about the development and one identified grave to be affected, no-one came forward with any further information about who the identified grave might belong to.

Furthermore, no additional graves have been identified on the affected grounds where the project is to be developed. Refer to Annexure G for the meeting minute and attendance register of this first public consultation meeting. The latter was emailed to all the stakeholders in our Stakeholder Engagement Database subsequent to the meeting. A period of comments followed. No changes or amendments have been made by any stakeholder to the meeting minutes, nor have any further additional information been provided by any stakeholder subsequent to this meeting or email correspondences.



Plate 8: Community Meeting on the 25th of July 2019 at the Brakpan Old Location



Plate 9: Community Meeting on the 25th of July 2019 at the Brakpan Old Location



Plate 10: Community Meeting on the 25th of July 2019 at the Brakpan Old Location

A second meeting was arranged by JAH Consulting and Kuhle Solutions on the 17th of October 2019 at Kwa-Thema Settlement (Ward 74). The meeting was held at the Theo-Twala Primary School. This meeting was a second attempt following previous arrangements to schedule a meeting at Kwa-Thema on the 31st of July, which was cancelled at the time due to community service delivery protests in the area. Notices for the meeting were placed on the 11th of October around Brakpan. Refer to Plate 11 for this placement.

Brakpan Old Location Grave Relocation Project



Plate 11: Meeting notices placed around Brakpan on the 11th of October 2019



Plate 12: Community Meeting on the 17th of October 2019 at the Kwa-Thema Settlement



Plate 13: Community Meeting on the 17th of October 2019 at the Kwa-Thema Settlement

The objective of the meeting was to discuss the project and public consultation component of the grave relocation permit application. The intention of the meeting was to invite the general public to come forward with any information related to the identified graves in an attempt to find the grave's NoK. Refer to Annexure H for the minutes of the meeting. The attendance register is attached as Annexure I. The meeting minutes and attendance register were sent to all the stakeholders in the Stakeholder Engagement Database for comments and review, together with the attendance register. No comments and/or issues were received.

2.3 Second Round of Stakeholder Engagement Meetings

2.3.1 Background Information Documentation and Legal Sites Notices

A revised BID was drafted in English and IsiZulu providing the background to the graves, consultant, and date of the next stakeholder public meetings (4 and 5 December 2020). English and IsiZulu BID posters were placed around the grave site and informal settlement areas of Brakpan on the **second of October 2020** for a 60 day period prior to the public meetings. Refer to Annexure J for the site notices, whilst Annexure K provides the pictures of these placements around the graves and informal settlement areas.

The BID and meeting invitations were emailed to all the stakeholders in the stakeholder database (refer to Annexure F).

2.3.2 Public Meetings in December 2020

Four public meetings were arranged by G&A Heritage in accordance with sections 35 & 36 (5) of the National Heritage Resources Act (NHRA) (No. 25 of 1999 and the 2000 Regulations) on the 4th and 5th of December 2020. The meetings were arranged for 10:00 and 14:00 on the 4th of December 2020 at the Brakpan Old Location (Mgongo), and for the same time slots on the 5th of December 2020 at Magaleni (State Mine). Due to the Covid 19 Pandemic, a Covid Mitigation Plan was submitted to SAHRA 60 days prior to these meetings (refer to Annexure L). In addition to posters placed, flyers were distributed in English and IsiZulu in and around Brakpan and its informal settlements¹ by Derrick Shabangu², the Chairperson of the Mgongo/Old Brakpan Forum, 60 days prior to the meetings. Furthermore, an advertisement was placed on the **second of October 2020** in the Brakpan Herald (English) and Springs African Reported (IsiZulu). Refer to

¹ Such as Magaleni (State Mine) and Mgongo (Brakpan Old Location)

² Derrick Shabangu can be contacted at 083 332 0980

Annexure M for the newspaper advertisements. The meetings were also advertised in IsiZulu on the local radio station Ukhozi over a period of 60 days (refer to Annexure N). The purpose of the meetings was to identify the NoK and family grave representatives of identified graves. The scheduled meetings in the afternoon were not attended by any community member. The meetings were brief as no-one had any knowledge of graves inside the project area. The meeting minutes are attached as Annexure O.

Although Anton received some phone calls from people in response to the advertisements, no-one was able to come forward with any information about these graves. No NoK was therefore identified.

3. CONCLUSION AND RECOMMENDATIONS

Foremost, the stakeholder engagement programme could not find any NoK of, nor any further information about, the identified grave to be removed. Several attempts have been made by the consultants during this public participation process to satisfy the requirements of the NHRA of 1999, together with the NHRA Act Regulations of 2000.

We feel comfortable in recommending for the identified grave to be excavated and relocated to the municipality's local cemetery. We do, however, recommend the following to allow a final opportunity for anyone to come forward as the NoK or with any information related to the next of NoK:

- I. The excavation process should satisfy the requirements in the HIA and the bylaws of the MM;
- II. A Change-Find Procedure should be established for any potential unmarked/unknown grave remains to be excavated;
- III. The process should be advertised in the local newspaper and by means of site notices at least 2 weeks in advance;
- IV. The advertisement and notices should state the date, place, and timing of the excavation, and should allow any I&APs to participate in this process as per the recommendations of the health regulations, client, and municipality; and
- V. The advertisement and site notices should include a grievance procedure, requesting anyone to be allowed to submit grievances of the process to JAH Consulting (Pty) Ltd. as an independent consultant.