

Dwars River Mine Graves - Application for waiver of the 100 m servitude required for graves

Our Ref:



an agency of the
Department of Arts and Culture

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CaseID: 21485

Date: Monday July 31, 2023
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Final Comment

In terms of Section 36(3), 38 of the National Heritage Resources Act (Act 25 of 1999)

Attention: (AHS) Archaeological and Heritage Services Africa (Pty) Ltd

Two Rivers Platinum Mine is seeking an exemption from the 100 m servitude requirement for Burial Grounds.

Archaeological and Heritage Services (Pty) Ltd has been appointed by Two Rivers Platinum Mine to apply for the relaxation of a 100 m buffer between a burial ground and a constructed pipeline on the farm Grootboom 373KT, near Steelpoort, Limpopo Province.

SAHRIS Case ID 697 has reference

(<https://sahris.sahra.org.za/cases/two-rivers-platinum-trp-new-tailings-storage-facility-tsf>). A Heritage Impact Assessment (HIA) was conducted in 2013 that stated that graves are known to be located on the property, however, they were not located near the surveyed route of the pipeline. SAHRAs Final Comment did not stipulate any required buffer around the graves.

Since the construction of the pipeline, families associated with the graves have since complained that the pipeline is located less than 100 m from the graves, which is an apparent breach of the SAHRA Regulations that stipulates a 100 m servitude must be adhered to around graves.

Consultation has since occurred between the family and the mine with regards to a proposed relaxation of the 100 m buffer to 50 m, following a once-off appeasement ceremony. This course of action has been agreed to by all parties.

Final Comment

SAHRA must state that there is no regulation regarding a required 100 m buffer between infrastructure and burial grounds and graves. Only on 17 February 2021, SAHRA Council approved the Burial Grounds and Graves Permitting Policy. This policy states that "at least 100-meter buffer-zone where the site is proposed for mining developments", however, these conditions are always stipulated on a case-by-case basis, taking into account the activities and their anticipated impacts to burial grounds. This policy is only relevant to applications after the approval of the policy. This policy cannot be applied retroactively to older applications.

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In this case, a 50 m buffer between the pipeline and burial ground is an acceptable buffer. SAHRA requests that the following conditions must be adhered to:

A Management Plan must be developed in consultation with the affected families for the long-term conservation and management of the burial ground. This plan must include regular monitoring, maintenance, and access protocols for visitation by the families.

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

Yours faithfully

Natasha Higgitt
Manager: Development Applications Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/618288>