



Final Comment

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

Attention: JMA Consulting
PO Box 883
DELMAS
2210

Application for the exhumation & relocation of unknown graves/graves older than 60 years from Zandfontein 130IS & Grootspuit 279IS, near Secunda, Mpumalanga. Sasol Mining development of Shandoni Shaft and conveyor

Pistorius, J. August 2010. A Phase I Heritage Impact Assessment (HIA) Study For Sasol Mining's Proposed Shondoni Project And For Block 8 On The Eastern Highveld In The Mpumalanga Province Of South Africa.

Pistorius, J. November 2011. A Phase 1 Heritage Impact Assessment (HIA) for the Sasol Shondoni Conveyor Amendment Project on the Eastern Highveld, Mpumalanga.

Thank you for the above HIAs submitted to SAHRA as part of a Section 36 Permit Application process. In our investigation into the background of this case, it has come to SAHRA's attention that Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) was not complied with prior to the granting of Environmental Authorisation. Section 38(8) requires that the consenting authority ensure that the evaluation done for heritage fulfils the requirements of the relevant heritage resources authority.

In this particular instance, the submitted HIAs do not satisfy SAHRA's requirements. The submitted reports do not provide SAHRA with sufficient information in order to make an informed comment on the proposed development in terms of the following;

- The submitted HIAs do not provide sufficient information regarding the development proposal and the infrastructure required.
- No motivation has been provided indicating why the proposed development is necessary.
- No assessment of development alternatives, required in terms of NEMA (Act 107 of 1998), was provided in terms of the impact to heritage resources.
- The submitted HIAs are unclear. In the 2011 report, it refers in the beginning of the document to the "Sasol Project Area" but then refers to the "Eskom Project Area" in reference to the identified heritage resources.
- The maps provided in both the 2010 and 2011 reports are unclear.
- No assessment of impact to palaeontological resources has been provided.
- There is no evidence in either HIA that the entire Conveyor Route was surveyed.





- The historical remains should have been inspected during the HIA process, it is unclear why another archaeologist should go back and assess these heritage resources if they are going to be impacted. At the Phase 1 stage of the HIA, these archaeological resources should at least be mapped and recorded.
- In the 2010 HIA, all farmstead complexes, historical houses, the wagon shed and cattle enclosures have been graded as having high significance without sufficient justification.
- The assessment of significance of the identified heritage resources provided in the submitted HIA is unclear and has not been substantiated. As such, sufficient motivation for the proposed mitigation measures has not been provided.
- It is unclear whether any of the graveyards identified in the 2010 report are the same as the graveyards identified in the 2011 report.
- In the 2010 report some of the farm names where the graveyards are located are inconsistent in the report (e.g. Graveyard 02).
- In the 2010 report it is suggested that GY15, GY16, GY17 and GY18 may need mitigation if impacted. However the report does not provide:

- a clear description of the graveyards
- an estimation of the age of the graves with no headstone or no inscription
- the name of the farm where the graveyards are located
- any images for GY15 and GY16.

Comment

As such, SAHRA rejects the submitted HIAs as none of them satisfies our requirements in terms of Section 38 of the NHRA (Act 25 of 1999). As the correct Section 38(8) process was not followed before Environmental Authorisation was granted, SAHRA retains the right to appeal the Environmental Authorisation granted for this project.

A new HIA that satisfies Section 38(3) of the NHRA, and addresses all of the concerns expressed above, is required before SAHRA is able to comment on this matter further. Please note that exhumation as a mitigation measure should only be proposed once all other mitigation avenues have been exhausted. Exhumation should therefore only occur in exceptional circumstances and only as a last resort, only if adequate motivation is provided and all alternatives have been fully investigated.

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





Our Ref: BGG

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CaseID: 1095

Date: Friday February 08, 2013

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above in the case header.

Yours faithfully

Jenna Lavin
Heritage Officer
South African Heritage Resources Agency

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South African Heritage Resources Agency

ADMIN:

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.



The South African Heritage Resources Agency

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