

Our Ref:



an agency of the
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town
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Enquiries: Annlin Matabane
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CaseID: 14079

Date: Friday August 23, 2019
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Final Comment

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

Attention: Mr Anton Pelser
A Pelser Archaeological Consulting
P.O. Box 73703
Lynwood Ridge
0040

Application for Test Permit for possible graves at the Mjejane Game Reserve. To test if stone-packed features are graves or not. Previous Case ID#12782 & Permit No:2783

Adonsonia Heritage Consultants were appointed by Wandima Environmental Services cc on behalf of their client, Luggedlane Developments (Pty) Ltd, to conduct an assessment of a potential grave site identified in the 50 m² stand for proposed development in the Mjejane Game Reserve, Nkomazi Local Municipality of Mpumalanga Province. The potential graves were located on stands 42 and 43 of the farm Lodwich's Lust 163 JU, marked as piles of stone. Case ID 10894

Van Wyk Rowe, C. September 2016. Report on Grave Site found at Luggedlane Development Site, Mjejane Game Reserve, Lodwich's Lust 163 JU, Hectorspruit Mpumalanga Province.

The author undertook an investigation of the area that was identified as potential burial grounds and noted that it was a small cemetery consisting of 10 graves and the extent of the cemetery is 240m². The graves were not initially identified in the 2006 and 2015 report because the area has a dense bushveld and grass cover, however the contractors identified the graves after the very dry season reduced the grass cover of the stands 42 and 43. The graves have been disturbed with some of the stones demarcating the graves scattered all over the cemetery. Public consultation in the area was carried out for the proposed resort development, also after the graves were identified and no interested and concerned family members were identified. Also amongst the graves some stone walls were identified, which may be remnants of a stone walled site as the 2006 report indicated the presence of iron age sites on the farm.

Comment

SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit notes that an assessment of heritage impacts was carried out for the initial Resort development application, and that SAHRA had provided comments on the



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HIA. All the documents relating to this project were not supplied to the case including SAHRA's comments.

SAHRA requires a buffer area of 30 metres around the identified graves and a fence constructed to demarcate that buffer area. No walk ways over the grave site that might restrict the ease of access of potential family visitors.

SAHRA recommends that an archaeologist is present for the construction of the houses on the stands 42 and 43. A report of the monitoring must be submitted to SAHRA.

The remains of the stonewalled site must not be impacted, if the developer is unable to retain them *in situ* then a section 35 permit must be applied for, by a suitably qualified archaeologist, to mitigate the site.

However, SAHRA requires the HIA report for this development, along with SAHRA's comments and the ROD of the granted Environmental Authorisation from the local environment office, to be submitted to this case.

Decision in terms of section 36 of the NHRA:

The graves must remain undisturbed.

SAHRA supports the conservation of the graves *in situ*, with minimal impact on the graves. As the recommendation for bridge over the grave site does not include its specifications and heights of the cemeteries SAHRA cannot support it.

A fence must be erected around the graveyard, the 20 m buffer zone must be demarcated by the fence. The fence must have an entrance gate to allow for access and visitation by the local community and the relatives of the grave sites.

A monitoring report must be submitted to this case at the end of the construction of the properties on both stands.

If any of these conditions listed above cannot be carried out, a written motivation report must be compiled and submitted to SAHRA as a section 36 permit application. The permit application will be processed by the Burial Grounds and Graves Unit of SAHRA.

If any further unmarked human burials are uncovered in the new proposed route then an archaeologist must

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be called in and the police find them to be heritage graves then mitigation may be necessary and the SAHRA BGG Unit must be contacted for processes to follow (Mimi Seetelo 012 320 8490).

Following the above decision by SAHRA and its recommendations APAC was then appointed to conduct Exhumation & Relocation of approx. 10 unknown graves (stone-packed and with no headstones) from Erve 42 & 43, Farm Lodwich's Lust 163JU, Mjejane Game Reserve near Hectorspruit, Mpumalanga Province. The possible graves would have been adversely impacted upon by on-going housing developments and as a result the exhumation and relocation of these graves were to be necessitated. The original permit (ID 2783) was granted on 22/08/2018, following a public participation process and was decided that a test excavation permit be applied for. The test excavation permit (ID 2977) and allocated for the unknown and unmarked identified 10 graves.

SAHRA BGG completed a site investigation was conducted on 15 July 2019; where the following recommendations were provided:

1. SAHRA advised Mr Pelser to apply for a Test Excavation Permit so that a thorough analysis can be done to determine whether these were indeed graves or not. Members of the community claiming the area to be graves need to be present when test excavations are conducted.
2. SAHRA will issue the Test Excavation permit within 14 days of compliant permit application.
3. Mr Anton Pelser will submit a report to SAHRA upon completion of test excavations.
4. The Mjejane Game Reserve Manager will make an effort to locate the attendance register where the community meeting was held and the outcomes of the meeting, including contact details of grave claimants
5. SAHRA will liaise with the Nkomati Municipality to ascertain facts in relation to the issue of the community and their demands.
6. SAHRA will assist in terms of engaging the community.
7. Should it be determined that there are no graves, SAHRA will sign off so the development can proceed.

Application for Test Permit for possible graves at the Mjejane Game Reserve was granted on 18 July 2019 to ascertain if the stone-packed features are indeed graves or not, the previous Case ID:12782 and Permit No:2783 that was suspended.

Due to the urgency of the request by the developer SAHRA provided for a final comment due to the nature of

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the case:

Interim Decision:

SAHRA Burial grounds and Graves Unit is pleased that the developer has completed the test excavations that revealed no human remains where identified or uncovered. Public consultations will continue to be investigated in the interim to assist in ensuring compliance with the HIA process.

Conditions:

1. Applicant to assist SAHRA in ensuring the continued investigation of allegations raised in the public consultation verification process.
2. The Applicant to provide status updates on development proceedings regarding earth moving should any remains be uncovered during the course of development to ensure SAHRA's Policy 'What to do when graves are uncovered', section 3, must be observed as far as possible.
5. All outstanding reports from previous cases to be uploaded onto SAHRIS by the applicant(s) regarding Mjejane Nature Reserve along with a final public participation report is due by **31 November 2019**. A preliminary report must be submitted within one month from the date this decision.
6. It is the responsibility of the applicant/ practitioner to obtain permission from the landowner for each visit, and conditions of access imposed by the landowner must be observed.
7. It is the responsibility of the original test excavation; permit holder to back-fill excavations and protect sites during and after excavation to the satisfaction of the heritage authority and the landowner.
8. The heritage authority shall not be liable for any losses, damages or injuries to persons or properties as a result of any activities in connection with this decision.
9. The heritage authority reserves the right to provide for a Cease-Works order by notice to the permit holder should investigations provide that a contravention of the NHRA (Act 25 of 1999) be uncovered.

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

Yours faithfully

Mjejane Game Reserve Graves Test Permit

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Annlin Matabane
Heritage Intern
South African Heritage Resources Agency

Mimi Seetelo
Manager:Burial Grounds & Graves Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/526298>