



**HERITAGE MANAGEMENT PLAN – FOR THE SOMKHELE COLLIERY OPERATIONS OF TENDELE COAL MINING (PTY) LTD, AROUND SOMKHELE, UMKHANYAKUDE DISTRICT, KWAZULU NATAL PROVINCE**

**Issue Date -** 13 December 2017

**Revision No. -** 1.0

**Project No.** 249HM

<b>Reference No:</b> HMP/GR/01	<b>Rev Number:</b> 1	<b>Date of Approval:</b> 08 December 2017	<b>Next Revision Date:</b>
<b>Author:</b> J Kitto	<b>Document Custodian:</b> Chief Operating Officer	<b>Approved By:</b> Jarmi Steyn	Page 1

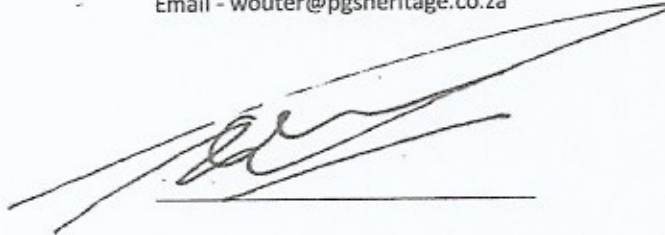
**Declaration of Independence**

*The report has been compiled by PGS Heritage (Pty) Ltd, an appointed Heritage Specialist for Tendele Coal Mining (Pty) Ltd. The views stipulated in this report are purely objective and no other interests are displayed.*

**HERITAGE CONSULTANT -** PGS Heritage (Pty) Ltd

**CONTACT PERSON -** Wouter Fourie  
Tel - +27 (0) 12 332 5305  
Email - wouter@pgsheritage.co.za

**SIGNATURE -**



**ACKNOWLEDGEMENT OF RECEIPT**

**CLIENT -** Somkhele Colliery

**CONTACT PERSON -** Jade Dafel  
Tendele Coal Mining (Pty) Ltd  
Email: Jade@somkhele.co.za  
Tel: 082 895 1406

**SIGNATURE -**



**Report Title** Heritage Management Plan – for the Somkhele Colliery Operations of Tendele Coal Mining (Pty) Ltd, around Somkhele, uMkhanyakude District, Kwazulu-Natal Province

Control	Name	Signature	Designation
Author/s	Wouter Fourie		Project Sponsor / PGS Heritage
	Jennifer Kitto		Heritage Specialist / PGS Heritage
Reviewed	Jarmi Steyn		Chief Operating Officer / Tendele Coal Mining
Reviewed	Jade Dafel		Environmental Officer / Tendele Coal Mining

## EXECUTIVE SUMMARY

PGS Heritage (Pty) Ltd was appointed by Tendele Coal Mining (Pty) Ltd to develop a Heritage Management Plan (HMP) for the heritage resources that could potentially be impacted by their mining activities at Somkhele Colliery. The main aim of this document is the prevention and management of primary and secondary impacts on identified heritage resources before and after any infrastructure or mining related activity.

The development of an HMP is a legal requirement in terms of Section 38(3) of the National Heritage Act (No. 25 of 1999). The document provides guidance to the responsible person/organisation in terms of possible conservation methodologies that can be used for sensitive heritage resources identified during site surveys or general mining activities. The heritage resources to be encountered during mining activities can include historical structures (farming, residential, and industrial/mining related), Stone Age or Iron Age archaeological resources, burial grounds and graves, palaeontology and living heritage resources. The significance levels of these heritage resources differ and therefore they are required to be managed differently. As such, the HMP is aimed at providing Tendele, as the mining right holder and mine operator, with guidance in terms of the type of infrastructure or mining related activities that are allowed at sites located close to identified significant heritage resources and how to manage such activities.

The following general recommendations must also be undertaken:

- As more heritage sites are discovered over time they must also be assessed by a suitably qualified heritage specialist and included in the heritage inventory.
- This report is not a heritage impact assessment nor is it an archaeological impact assessment. Should any developments be proposed within the study area that will impact on the identified heritage resources these must first be assessed by a suitably qualified heritage specialist by way of a heritage impact assessment.

<b>CONTENTS</b>	<b>Page</b>
<b>1 INTRODUCTION</b>	<b>12</b>
1.1 Aims of a Heritage Management Plan (HMP)	12
1.2 Specialist Qualifications	13
1.3 Legislative Context	13
1.3.1 <i>Provincial legislation</i>	13
1.3.2 <i>National Legislation</i>	14
1.3.3 <i>International guidelines</i>	16
<b>2 TERMINOLOGY AS PART OF PLAN</b>	<b>18</b>
<b>3 PROJECT BACKGROUND</b>	<b>18</b>
<b>4 AFFECTED PARTIES</b>	<b>20</b>
<b>5 KEY ISSUES</b>	<b>21</b>
5.1 Guiding Principles of a Heritage Management Plan	21
<b>6 MANAGEMENT OBJECTIVES</b>	<b>22</b>
6.1 Plan development	22
6.2 Objectives	22
6.3 General Management Guideline	23
6.3.1 <i>General Operational activities / Pre-Construction or other mining-related activity</i>	25
6.3.2 <i>Mining Activity / Construction Phase</i>	25
6.4 Specific Management Guidelines	27
6.5 Mitigation requirements	30
<b>7 MANAGEMENT GUIDELINES FOR MITIGATION</b>	<b>37</b>
<b>8 MANAGEMENT OBJECTIVES SUMMARY</b>	<b>38</b>
<b>9 CHANCE FIND PROCEDURES</b>	<b>41</b>
<b>10 CULTURAL OFFSETS</b>	<b>42</b>
<b>11 DISPUTE AND GRIEVANCE PROCEDURE</b>	<b>43</b>
<b>12 COMMUNITY ENGAGEMENT</b>	<b>45</b>

13	IMPLEMENTATION AND REVIEW	46
14	PREPARERS	46
15	REFERENCES	46

### List of Appendices

- A Grave Relocation Process – Guidelines
- B Tendele Complaint Form

## Terminology and Abbreviations

### *Archaeological resources*

This includes -

- i. material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years including artefacts, human and hominid remains and artificial features and structures;
- ii. rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10m of such representation;
- iii. wrecks, being any vessel or aircraft, or any part thereof which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the republic as defined in the Maritimes Zones Act, and any cargo, debris or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation;
- iv. features, structures and artefacts associated with military history, which are older than 75 years, and the site on which they are found.

### *Cultural significance*

This means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance

### *Development*

This means any physical intervention, excavation, or action, other than those caused by natural forces, which may in the opinion of the heritage authority in any way result in a change to the nature, appearance or physical nature of a place or influence its stability and future well-being, including –

- i. construction, alteration, demolition, removal or change in use of a place or a structure at a place;
- ii. carrying out any works on or over or under a place;
- iii. subdivision or consolidation of land comprising a place, including the structures or airspace of a place;
- iv. constructing or putting up for display signs or boards;
- v. any change to the natural or existing condition or topography of land; and
- vi. any removal or destruction of trees, or removal of vegetation or topsoil

### *Heritage*

That which is inherited and forms part of the National Estate (Historical places, objects, fossils as defined by the National Heritage Resources Act 25 of 1999).

### *Heritage resources*

This means any place or object of cultural significance.

### *Late Iron Age (Early Farming Communities)*

The archaeology of the last 1000 years up to the 1800s, associated with people who carried out iron working and farming activities such as herding and agriculture.

### *Living Heritage*

The intangible aspects of inherited culture, and may include-

- (a) cultural tradition;
- (b) oral history;
- (c) performance;
- (d) ritual;
- (e) popular memory;
- (f) skills and techniques;
- (g) indigenous knowledge systems; and
- (h) the holistic approach to nature, society and social relationships;

### *Management*

in relation to heritage resources, includes the conservation, presentation and improvement of a place protected in terms of this Act;

### *Object*

Any movable property of cultural significance which may be protected in terms of any provisions of this Act, including-

- (a) any archaeological artefact;
- (b) palaeontological and rare geological specimens;
- (c) meteorites; and
- (d) other objects falling under the National Estate



*Place*

This includes-

- (a) a site, area or region;
- (b) a building or other structure which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure;
- (c) a group of buildings or other structures which may include equipment, furniture, fittings and articles associated with or connected with such group of buildings or other structures;
- (d) an open space, including a public square, street or park; and
- (e) in relation to the management of a place, includes the immediate surroundings of a place;

*Structure*

Any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith;

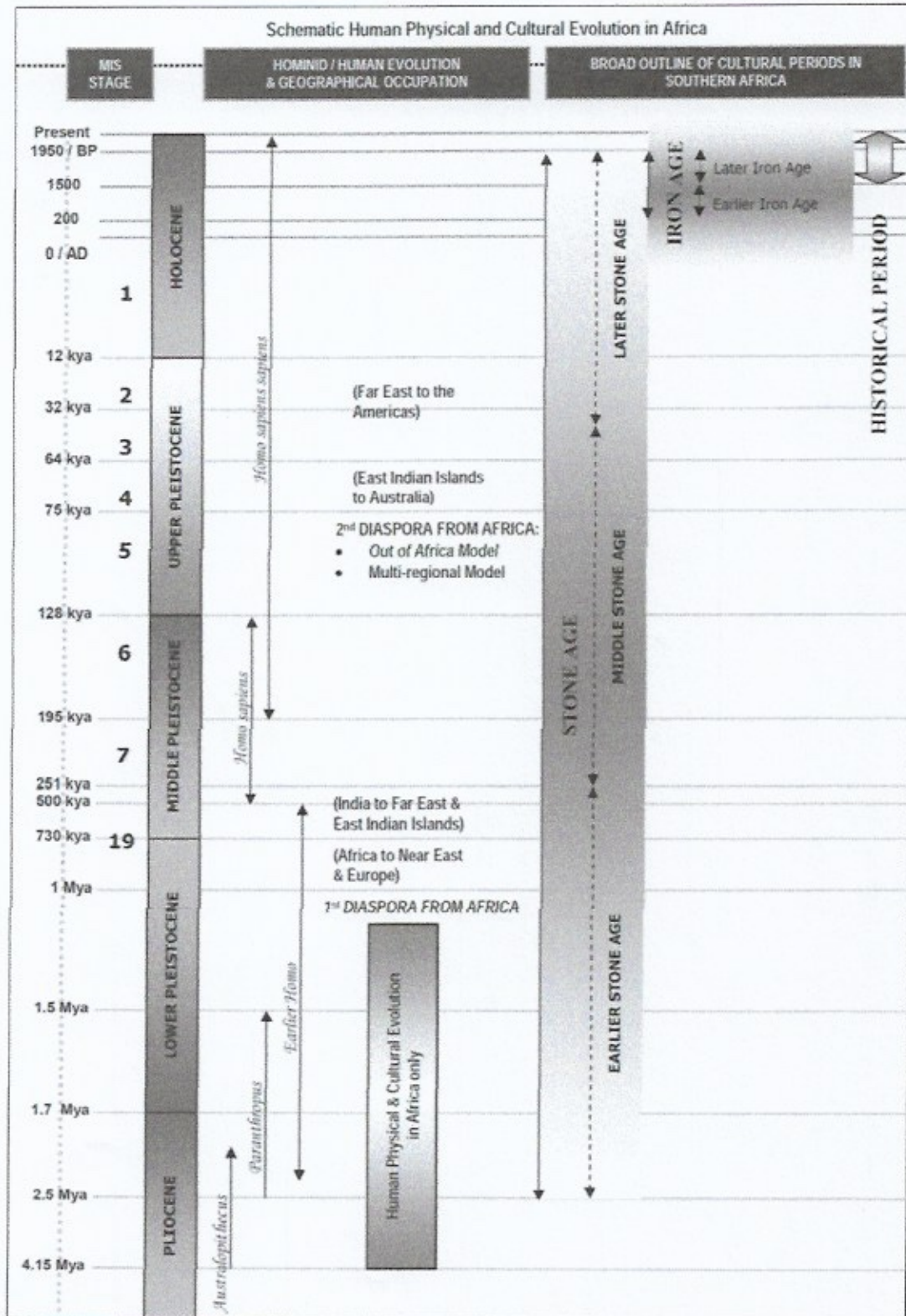


Figure 1 - Human and Cultural Time line in Africa<sup>1</sup>

<sup>1</sup> Morris, D. 2008. *Archaeological and Heritage Phase 1, Impact Assessment for proposed upgrading of Sishen Mine Diesel Depot Storage Capacity at Kathu, Northern Cape*. Kimberley: McGregor Museum.

## Abbreviations

Abbreviations	Description
<b>AIA</b>	Archaeological Impact Assessment
<b>Amafa</b>	Amafa AkwaZulu-Natali (Heritage kwaZulu-Natal)
<b>ASAPA</b>	Association of South African Professional Archaeologists
<b>CRM</b>	Cultural Resource Management
<b>DEA</b>	Department of Environmental Affairs
<b>EIA practitioner</b>	Environmental Impact Assessment Practitioner
<b>EIA</b>	Environmental Impact Assessment
<b>ESA</b>	Earlier Stone Age
<b>EO</b>	Environmental Officer
<b>GPS</b>	<i>Global Positioning System</i>
<b>GoRSA</b>	Government of the Republic of South Africa
<b>HIA</b>	Heritage Impact Assessment
<b>HMP</b>	Heritage Management Plan
<b>I&amp;AP</b>	Interested & Affected Party
<b>KZNHA</b>	KwaZulu-Natal Heritage Act (8 of 2008)
<b>LSA</b>	Later Stone Age
<b>LIA</b>	Later Iron Age
<b>MSA</b>	Middle Stone Age
<b>MIA</b>	Middle Iron Age
<b>NEMA</b>	National Environmental Management Act
<b>NHRA</b>	National Heritage Resources Act (25 of 1999)
<b>PIA</b>	Palaeontological Impact Assessment
<b>PHRA</b>	Provincial Heritage Resources Authority
<b>PSSA</b>	Palaeontological Society of South Africa
<b>SAHRA</b>	South African Heritage Resources Agency
<b>SAHRIS</b>	South African Heritage Resources Information System

## 1 INTRODUCTION

PGS Heritage (Pty) Ltd (PGS) was appointed by Tendele Coal Mining (Pty) Ltd (Tendele) to develop a Heritage Management Plan (HMP) for the heritage resources that could potentially be impacted by their mining activities at Somkhele Colliery. The main aim of this document is the prevention and management of primary and secondary impacts on identified heritage resources before and after any construction or mining related activity.

The development of an HMP is a legal requirement in terms of Section 38(3) of the National Heritage Act (No. 25 of 1999). The document provides guidance to the responsible person/organisation in terms of possible conservation methodologies that can be used for sensitive heritage resources identified during site surveys or general mining activities. The heritage resources to be encountered during mining activities can include historical structures (farming, residential, and industrial/mining related), Stone Age or Iron Age archaeological resources, burial grounds and graves, palaeontology and living heritage resources. The significance levels of these heritage resources differ and therefore they are required to be managed differently. As such, the HMP is aimed at providing Tendele, as the mining right holder and mine operator, with guidance in terms of the type of infrastructure or mining related activities that are allowed at sites located close to identified significant heritage resources and how to manage such activities.

### 1.1 Aims of a Heritage Management Plan (HMP)

The aims of an HMP include the following:

- Direct what needs to be done, how the heritage resources must be protected, who will be responsible, who will fund it and when this activity must be completed;
- Define the goals to be achieved and the type of activities;
- Guide any future infrastructure or mining related activities;
- Determine the monitoring methodology;
- Assist with stakeholder engagement and identification of interested parties;
- Explain the permitting procedure;
- Describe any professional requirements and clarify responsibilities;
- Identify the heritage resource value and provide guiding principles for activities on site;
- Minimise loss or avoid adverse impacts on heritage resources;
- Ensure that cultural heritage is incorporated in spatial planning and linked to social strategies;

- Improve the understanding of cultural heritage and the contribution it makes to the broader management processes; and
- Ensure that proper investigation, recording and stakeholder meetings take place.

## **1.2 Specialist Qualifications**

The staff at PGS has a combined experience of nearly 80 years in the heritage consulting industry. PGS and its staff have extensive experience in managing heritage management processes and will only undertake heritage assessment work where they have the relevant expertise and experience to undertake that work competently.

Mr. Wouter Fourie, the Project Coordinator, is registered with the Association of Southern African Professional Archaeologists (ASAPA) as a Professional Archaeologist and is accredited as a Principal Investigator; he is further an Accredited Professional Heritage Practitioner with the Association of Professional Heritage Practitioners (APHP).

Jennifer Kitto, Co-Author of this document has 17 years' experience in the heritage sector, a large part of which involved working for a government department responsible for administering the NHRA (Act No 25 of 1999). Therefore, she is well versed in the legislative requirements of heritage management. She holds a BA in Archaeology and Social Anthropology and a BA (Hons) in Social Anthropology.

## **1.3 Legislative Context**

The HMP is developed based on the requirements as contained in the relevant provincial, national and international legislation and conventions. The following section provides a short outline of the relevant legislation pertaining to heritage management.

### *1.3.1 Provincial legislation*

The KwaZulu-Natal Heritage Act, 2008 was promulgated to provide for the conservation, protection and administration of both the physical and the living or intangible heritage resources of the Province of KwaZulu-Natal. The various relevant sections are set out in the table below.

Table 1: KwaZulu Natal Heritage Act, 2008

Legislation	Relevant section	Description of the requirement	Description of Relevance
KwaZulu-Natal Heritage Act, 2008,	s33 - General protection: Structures	Section 33 seeks to give general protection, against demolition or alteration, of structures which may reasonably be expected to be older than 60 years. Approval of the Council must first be sought before such demolition or alteration is carried out.	Permitting requirement for proposed alteration of demolition of such structures
	s34 - General protection: Graves of victims of conflict.	Section 34 seeks to generally protect, against damage or alteration, graves of victims of conflict. Approval of the Council must first be sought.	Permitting requirement for any alteration or removal to be undertaken
	s35 - General protection: Traditional burial places	Section 35 seeks to generally protect, against damage or alteration, traditional burial places. Approval of the Council must first be sought.	Permitting requirement for any alteration or removal to be undertaken
	s36 - General protection: Battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorite or meteorite impact sites.	Section 36 seeks to generally protect, battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorites or meteorite impact sites.	Permitting requirement for any alteration, removal or destruction of such resources.
	s40 - Special Protection: Graves of members of Royal Family.	Section 40 seeks to give special protection to graves of members of the Royal Family listed in the schedule.	Highlights such sites as Heritage Landmark sites or Provincial Landmark sites which enjoy the special protection afforded to such heritage sites
	s41 - Special Protection: Battlefield sites, public monuments and memorials	Section 41 seeks to give special protection to battlefields, public monuments and memorials listed in the schedule	Highlights such sites as Heritage Landmark sites or Provincial Landmark sites which enjoy the special protection afforded to such heritage sites

### 1.3.2 National Legislation

The identification, evaluation and assessment of any cultural heritage site, artefact or find in the South African context is required and governed by the following legislation:

- i. National Environmental Management Act (NEMA) (Act No. 107 of 1998)
- ii. National Heritage Resources Act (NHRA) (Act No. 25 of 1999)
- iii. Minerals and Petroleum Resources Development Act (MPRDA) (Act No. 28 of 2002)

Table 2: National Legislation

Legislation	Relevant section	Description of the requirement	Description of Relevance
(NEMA) GNR 982 of 2014 (Government Gazette 38282)	Regulations 19 and 23	Basic Assessment Report (BAR); Environmental Management Programme (EMPr)	Requirement for specialist reports to identify cultural heritage resources
	Regulation 21	Environmental Scoping Report (ESR)	Requirement for specialist reports to identify cultural heritage resources
	Regulation 23	Environmental Impacts Report (EIR)	Requirement for specialist reports to identify cultural heritage resources
NHRA:	Sections 34 to 36	Protection of Heritage Resources (structures 60 years or older; archaeological, palaeontological and meteorite sites and material; graves and burial grounds 60 years or older and graves of victims of conflict)	Permitting required for mitigation and destruction of cultural heritage resources.
NHRA	Section 38	Heritage Resources Management	Identification, mapping and assessment of heritage resources  In terms of Section 38(3) the National Heritage Act (No. 25 of 1999) it is required that a HIA be completed for areas where heritage resources of significance may be impacted upon. The SAHRA HMP guidelines stipulate what information is needed before the heritage management document would be signed off by the heritage authorities. Only after approval of the HMP may any type of infrastructure or mining-related activities commence.
MPRDA	Section 39(3)	Environmental Management Programme and Environmental Management Plan	Mitigation and management of identified cultural heritage resources

Legislation	Relevant section	Description of the requirement	Description of Relevance
National Health Act (GNR 363 of 2013 in Government Gazette 36473)	Regulations 26, 27 and 28	Exhumation and Reburial of Human Remains	Permitting required for exhumation, transport and reburial of human remains

### 1.3.3 International guidelines

All Project processes related to local communities will seek to align with the international guidance and standards set out in Table 3. The Government of the Republic of South Africa (GoRSA) is signatory to numerous international Charters and agreements that require compliance and cognizance of guidelines in such agreements. International lenders such as the IFC have developed their own set of guidelines and procedures that development projects need to comply with in order to qualify for and sustain lending agreements.

Table 3: International Guidelines and Standards

Guideline	Relevant chapter	Description of the requirement	Description of Relevance
International Finance Corporations (IFC) Performance Standard	Standard (PS) 5 – Paragraph 3	Minimization and avoidance of impacts from project related activities.	
	Standard (PS) 5 – Paragraph 10 (Community Engagement) (2012).	Engagement with affected communities and the disclosure of relevant information of the relocation process.	
	Standard (PS) 5 – Paragraph 12 (Resettlement and Livelihood Restoration Planning and Implementation) (2012).	The collection of baseline data to identify persons to be displaced. These include information on burial grounds and graves associated with such individuals.	The Grave Relocation Action Plan (GRAP) will develop a GSR to address this requirement
	Standard (PS) 5 – Paragraph 20	Respecting the social and cultural institutions of the displaced persons and any host communities.	Engagement informed the development of socially and culturally appropriate relocation processes.
	Standard (PS) 6 – Paragraph 2	Benefits to the population derived from the Ecosystem as cultural services such as sacred sites require management	Engagement informed the development of socially and culturally appropriate relocation processes.



Guideline	Relevant chapter	Description of the requirement	Description of Relevance
	Standard (PS) 8 – Paragraph 9 (Consultation) (2012).	The need for consultation with affected communities to identify cultural heritage of importance and involve affected communities and involve the relevant national or local regulatory authorities in the decision-making processes.	Engagement informed the development of socially and culturally appropriate relocation processes.
	Standard (PS) 8 – Paragraph 10 (Community Access) (2012).	Consultation with affected communities to ensure continued access to cultural sites, subject to health, safety, and security considerations.	Engagement informed the development of socially and culturally appropriate relocation processes.
	Standard (PS) 8 – Paragraph 12 (Removal of Non-Replicable Cultural Heritage) (2012).	The removal of cultural heritage must only be considered when no other alternative is available.	
<b>United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention for the Safeguarding of the Intangible Cultural Heritage, 17 October 2003, Paris</b>	<i>Article 1 (a)</i>	To safeguard the intangible cultural heritage.	The Project recognizes the importance of intangible heritage and will address the management of sacred sites, through the implementation of the HMP.
	<i>Article 1 (b)</i>	To ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned.	The Project recognizes the responsibility for the management of cultural and natural heritage and will address the management of such heritage through the implementation of the HMP.
<b>UNESCO – Convention Concerning the Protection of the World Cultural and Natural Heritage, 16 November 1972, Paris, ratified by South Africa, 10/07/1997.</b>	<i>Article 4</i>	Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of their cultural and natural heritage.	
	<i>Article 5</i>	To ensure that effective and active measures are taken for the protection, conservation of Cultural and Natural Heritage.	The Project recognizes the responsibility for the management of cultural and natural heritage and will address the management of such heritage through the implementation of the HMP.

## 2 TERMINOLOGY AS PART OF PLAN

**Archaeological Contractor** - Professional Archaeologist accredited with ASAPA, conducting rehabilitation or research on heritage sites in development.

**Archaeologist** – Professional Archaeologist accredited with the Association of Southern African Professional Archaeologists (ASAPA).

**Architectural Historian** – Professional Architect qualified in heritage conservation and accredited by the relevant Provincial Heritage Resources Authority

**Client** – *Operational, Construction and Maintenance* – (Tendele Coal Mining)

**Contractor** – Any other person doing construction work on site including earthmoving, digging of holes and ditches.

**Environmental Control Officer (ECO)** - Person responsible for the monitoring of the environment during construction work.

**Heritage Specialist**- Professional Heritage Specialist qualified and experienced in a field related to heritage conservation.

**Primary or Direct Impacts** – Activities that might have a direct impact on heritage resources that will result in the destruction of such sites, during construction. These include earthmoving, building of roads and other structures.

**Secondary Impacts** – Activities that may impact on a heritage resource after construction in the development has stopped. These may include: people walking through heritage resources and causing erosion of sites, damaging of stone walls by climbing over them, the collection of artefacts by people.

**Site Manager** – Person appointed by the Client to manage the day-to-day activities of construction. Alternatively, a person directly responsible for maintenance activities on heritage site under the supervision of the Archaeologist.

## 3 PROJECT BACKGROUND

Tendele Coal Mining (PTY) Ltd, hereafter referred to as Tendele, owns and operates an open cast anthracite mine, known as Somkhele Anthracite Mine, situated 16km north west of Mtubatuba Town,

Kwazulu-Natal, within the uMkhanyakude District Municipality. The Hluhluwe Imfolozi Park is situated 6 km west of the mine.

The typical mining methods or mineral excavations methods utilized by Tendele, are open pit mining methods which includes activities such as drilling, blasting, loading and hauling of materials. The mine processes approximately 2.9 million tons of Run of Mine (ROM) per annum and produces anthracite for the export market, domestic markets and energy market.

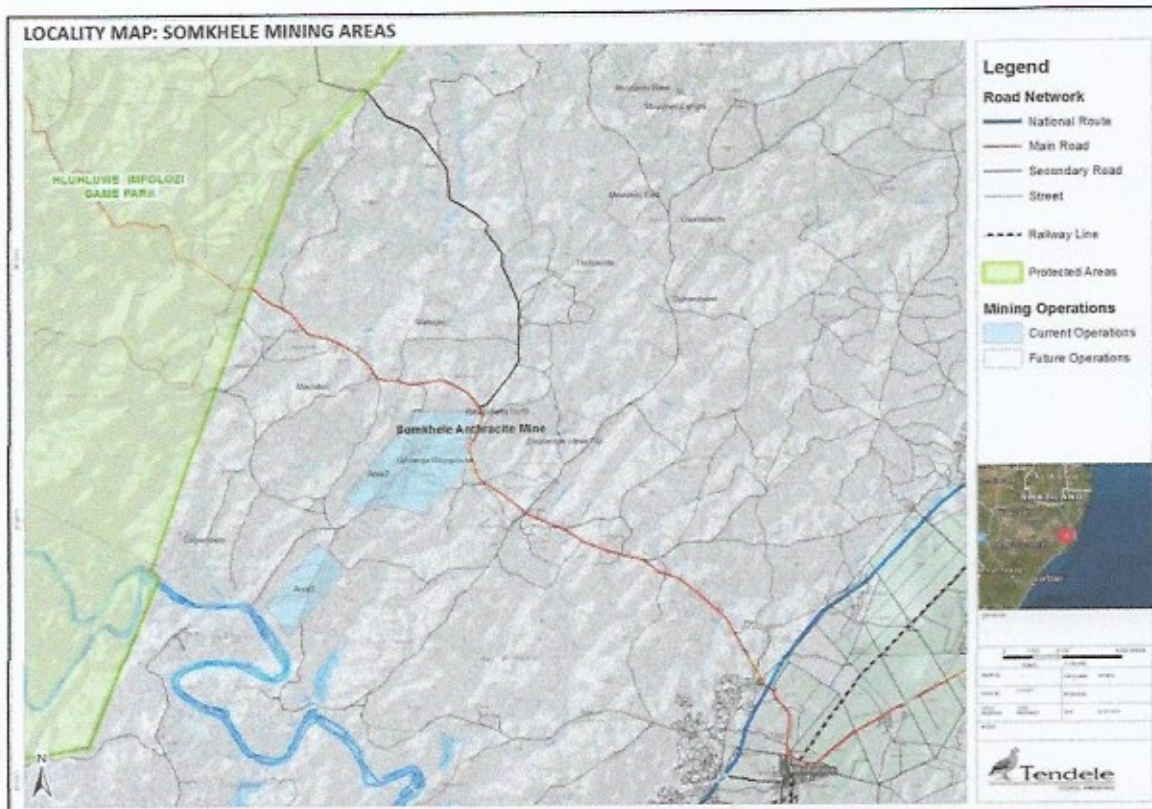


Figure 2 - Current and future mining areas

The Somkhele Mining Area comprises three areas with Mining Rights (MR) (Figure 2) in conjunction with the associated approved Environmental Management Plans (EMP's), as detailed in Table 4, below:

Table 4: The Mining Rights granted to Tendele Coal Mining

Mining Rights and Corresponding approved EMPs	Type	DMR Reference	Approval Date
Area 1	New Order Mining Right Addendum 1	KZN 30/5/1/2/2/135 MR	2007
Area 2 & 3	Old Order Mining Right	KZN 30/5/1/2/2/216 MR	2003
Area 2 & 3 Conversion	Conversion of Old Order to New Order Mining Right	KZN 30/5/1/2/2/216 MR	2011
Luhlanga & Kwaqubuka Area 8 & 9	Section 102 application to include in Area 2 MR	KZN 30/5/1/2/2/216 MR	2013
Amendment to Area 2 EMP	Amendment to include 2 <sup>nd</sup> washing plant and calcining plant and fuel storage	KZN 30/5/1/2/2/216 MR	2012
Addendum to Area 2 EMP	Addendum to EMP to include 3 <sup>rd</sup> washing plant	KZN 30/5/1/2/2/216 MR	2013
Area 4/5	New Order Mining Right	KZN30/5/1/2/2/10041MR	2016

Mining activities have already commenced in Area 1, 2, 8 and 9, no mining activities are planned currently for Area 3 (Figure 2). However, the future mining areas are areas 4 and 5. Mining in the future areas will only commence once the relocation of the homesteads and graves within the projected areas has occurred.

This Heritage Management Plan is intended to assist predominately with the future mining areas, however it will also be applicable to the current mining areas.

#### 4 AFFECTED PARTIES

- Amafa AkwaZulu-Natali (Amafa)

Amafa is the provincial heritage authority responsible for the management of heritage resources within Kwa-Zulu Natal through the Kwa-Zulu Natal Heritage Act (Act 4 of 2008). They will be responsible for issuing of various permits for any mitigation work required and any destruction permits for structures older than 60 years, archaeological resources and graves. Amafa is also responsible for providing comments and guidelines in terms of the management of archaeological and palaeontological sites. Amafa's details are as follows:

Amafa-aKwaZulu-Natali  
 195 Langalibalele (Longmarket) Street  
 Pietermaritzburg

3201

Tel: 033-394 6543

Fax: 033-394 6552

- South African Heritage Resources Agency (SAHRA)

SAHRA is the main authority responsible for the implementation of the NHRA and the management of national heritage resources in the country.

The Chief Executive Officer

111 Harrington Street

Cape Town

8001

Tel: (021) 462 4502

Fax: (021) 462 4509

- Other parties

Those groups and individuals that have a strong and special link to heritage resources in the area are deemed of major importance to the management of the heritage resources of the project. For example, local residents and communities will need to be consulted regarding the presence of infant graves at the ruins of homesteads and in the case of any graves having to be relocated, as well as impacts on any living heritage sites.

## 5 KEY ISSUES

### 5.1 Guiding Principles of a Heritage Management Plan

Note: These principles are taken from the Australia ICOMOS Burra Charter, 2013<sup>2</sup>, which is an internationally accepted document setting out best practice for the conservation and management of places of cultural significance.

- Places of cultural significance should be conserved.
- The aim of conservation is to retain the cultural significance of a place.

---

<sup>2</sup> *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.*

- Conservation is an integral part of good management of places of cultural significance.
- Places of cultural significance should be safeguarded and not put at risk or left in a vulnerable state.
- Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible.
- Conservation should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the place.
- Relative degrees of cultural significance may lead to different conservation actions at a place.
- Policy for managing a place must be based on an understanding of its cultural significance.
- Policy development should also include consideration of other factors affecting the future of a place such as the owner's needs, resources, external constraints and its physical condition.
- The organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision.
- Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

## 6 MANAGEMENT OBJECTIVES

### 6.1 Plan development

A Plan relating to the management and conservation of heritage resources is developed in consultation with the client and all relevant role players. This Plan is based on the IFC Performance Standard 8<sup>3</sup>, and includes:

The protection of irreplaceable cultural heritage and to guide clients on protecting cultural heritage during the course of their business operations.

### 6.2 Objectives

- To protect cultural heritage resources from the adverse impacts of mining-related activities and support their preservation.

---

<sup>3</sup> International Finance Corporation. 2012. Performance Standard 8. Cultural Heritage.

- To promote the equitable sharing of benefits from the use of cultural heritage in business activities.

This Plan covers all cultural heritage resources referring to tangible forms of cultural heritage, such as tangible property and sites having archaeological (prehistoric), palaeontological, historical, cultural, artistic, and religious values.

The Plan adheres to:

1. Protection of Cultural Heritage in Project Design and Execution
2. Internationally Recognised Practices

In addition to complying with relevant national law on the protection of cultural heritage, including national law implementing South Africa's obligations under the Convention Concerning the Protection of the World Cultural and Natural Heritage and other relevant international law, the client will protect and support cultural heritage resources by undertaking internationally-recognized practices for the protection, field-based study, and documentation of cultural heritage.

### 6.3 General Management Guideline

1. The National Heritage Resources Act (Act 25 of 1999), section 38(1) states that, any person who intends to undertake a development categorised as -
  - (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
  - (b) the construction of a bridge or similar structure exceeding 50m in length;
  - (c) any development or other activity which will change the character of a site-
    - (i) exceeding 5 000 m<sup>2</sup> in extent; or
    - (ii) involving three or more existing erven or subdivisions thereof; or
    - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
    - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
  - (d) the re-zoning of a site exceeding 10 000 m<sup>2</sup> in extent; or
  - (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.

In the event that an area previously not included in an archaeological or cultural resources survey, is to be disturbed, SAHRA or Amafa needs to be contacted. An enquiry must be lodged with them into the necessity for a Heritage Impact Assessment.

2. In the event that a heritage assessment is required it is advisable to utilise a qualified heritage practitioner preferably registered with the Cultural Resources Management Section (CRM) of the Association of Southern African Professional Archaeologists (ASAPA).

This survey and evaluation must include:

- (a) The identification and mapping of all heritage resources in the area affected;
  - (b) An assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6 (2) or prescribed under section 7 of the National Heritage Resources Act;
  - (c) an assessment of the impact of the development on such heritage resources;
  - (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
  - (e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
  - (f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
  - (g) plans for mitigation of any adverse effects during and after the completion of the proposed development.
3. In the event that a possible find is discovered during mining-related activities, all activities must be halted in the area of the discovery and a qualified archaeologist / heritage specialist contacted.
  4. The archaeologist / heritage specialist needs to evaluate the finds on site and make recommendations towards possible mitigation measures.
  5. If mitigation is necessary, an application for a rescue permit must be lodged with Amafa.
  6. After mitigation, an application must be lodged with Amafa for a destruction permit. This application must be supported by the mitigation report generated during the rescue excavation. Only after the permit is issued may such a site be destroyed.
  7. If, during the initial heritage audit survey, sites of heritage significance are discovered, it will be necessary to develop a management plan for the preservation, documentation or destruction of such sites. Such a program must include a watching brief, timeframe and agreed upon schedule of actions between the company and the heritage specialist.



8. In the event that human remains are uncovered or previously unknown graves are discovered, a qualified archaeologist / heritage specialist needs to be contacted and an evaluation of the finds made.
9. If the remains are to be exhumed and relocated, the relocation procedures as accepted by SAHRA / Amafa need to be followed. This includes an extensive social consultation process (see **Appendix A**).

**NOTE:** All grave exhumations and relocations that affect graves or burial grounds that are 60 years or older and/or regarded as traditional/ancestral graves or burial grounds, require the involvement of an archaeologist /heritage specialist team, in addition to the licenced undertaker.

#### *6.3.1 General Operational activities / Pre-Construction or other mining-related activity*

All stakeholders and key personnel should undergo a heritage induction course. Induction courses generally form part of the employees' overall training and the heritage component can easily be integrated into these training sessions.

All key personnel should be made aware of the HMP and the Site Inventory database and be required to familiarise themselves with the types of heritage resources existing in their area of responsibility in order to incorporate the management of such resources into their Operations planning and activities. This should assist with preventing unnecessary delays or incidents resulting in damage to or destruction of heritage resources that are protected under the National Heritage Resources Act (No 25 of 1999) and the KwaZulu-Natal Heritage Act, 2008.

#### *6.3.2 Mining Activity / Construction Phase*

Any planned mining-related activity could encompass a range of activities including ground clearance, access road construction and excavations. It is possible that cultural material will be exposed during operations and feasibly may be recoverable, but this is the high-cost front of the operation, and so any delays should be minimised.

- Development surrounding infrastructure and construction of facilities results in significant disturbance, but construction trenches do offer a window into the past and it may be possible to rescue some of these data and materials.

- It is also possible that substantial alterations are implemented during this phase of the project and these must be catered for.
- Temporary roads and construction camps are often overlooked during the planning and implementation phases, concerning archaeological and heritage assessments, causing some unmitigated environmental damage.
- Temporary infrastructure is often changed or added during the subsequent history of the project. In general, these are low impact developments as they are superficial, resulting in little alteration of the land surface, but still need to be catered for.
- Similarly, the construction of transmission lines is a low impact development in heritage terms, but excavation holes still may expose artefacts.
- **During any construction activities, it is important to recognize any significant material being unearthed, making the correct judgment on which actions should be taken.**
- A heritage specialist / archaeologist must be appointed for this commission. This person does not have to be a permanent employee, but needs to attend relevant meetings, for example, when changes in designs are considered, and notify Amafa of these changes.
- The heritage specialist / archaeologist would inspect the site and any development recurrently, with more frequent visits to the actual workforce and operational areas.
- In addition, feedback reports can be submitted by the heritage specialist / archaeologist to the client and Amafa to ensure effective monitoring.
- Should a site or cultural material be discovered during mining-related activities (or operation), for example burials, the project needs to be able to call on a qualified expert to make an expert decision on what is required and if necessary, to carry out emergency recovery.
- Amafa would need to be informed and may give advice on procedures.
- The client thus should have some sort of contingency plan so that operations could move elsewhere temporarily while the material and/or data is being recovered.
- The project needs to have a heritage specialist / archaeologist available to do such work.
- The purpose of the monitoring programme is to provide general information to the developer with regards to management recommendations and cost estimates for the heritage resources component.
- Such a monitoring programme is planned for observation and investigation conducted during any operation carried out for non-archaeological reasons. This will be within a specified area or site on land where there is a possibility that heritage resources may be disturbed or destroyed.

#### **6.4 Specific Management Guidelines**

See **Table 5** below for specific management and mitigation guidelines according to the type of heritage resource identified. This table should be read together with the developed Inventory database documents for each expansion area of the mine.

Table 5: Heritage Resource Types and Specific Management

Site Type	Legal Protection	General Management	Responsibility
<p><b>Graves and burial grounds</b></p>	<p>All graves and burial grounds that are 60 years or older and situated outside a formal cemetery are protected (s35 of the KZNHA and s36 of the NHRA). They may not be destroyed, damaged, altered, exhumed, removed from its original position or otherwise disturbed without a permit issued by Amafa.</p> <p>In addition, no excavation equipment, or any equipment which assists in the detection or recovery of metals, may be brought onto or used at a burial ground or grave such as above.</p> <p>Permits to exhume the graves are required from various authorities under the National Health Act (No 61 of 2003) and the NHRA (s36(3)) or KZNHA (s35).</p>	<p>All graves and burial grounds will require either <i>in situ</i> preservation and avoidance or removal, according to Amafa / SAHRA requirements. A buffer of 100 meters is required<sup>4</sup> if avoidance and protection occur.</p> <p>If the sites are to be affected by the proposed development, the graves will need to be removed. The grave relocation process requires that permits must be obtained from various authorities.</p> <p>Gravesites may not be disturbed. The following requirements must be adhered to at areas where mining related activity is to take place close to burial areas:</p> <ul style="list-style-type: none"> <li>• The graves must be fenced off to prevent any person from entering the site;</li> <li>• No person is allowed to enter the buffer zone area without an approval from the appointed archaeologist / heritage specialist and the mining EO;</li> <li>• No construction activity is allowed within 100 metres from grave sites<sup>5</sup></li> <li>• No borrow pit and laydown developments are allowed within 100 metres from a burial site; and</li> <li>• Heritage objects scattered on the surface on or near the burial area may not be removed.</li> <li>• No blasting activity must take place within 500 meters of a grave<sup>5</sup>, unless authorization is granted by the relevant government departments.</li> </ul>	<p>Client / Archaeologist</p>

<sup>4</sup> Section 17(7)(a) of the Mine Health and Safety Regulations published under Section 98 of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996)

<sup>5</sup> Regulation 4.16.2 of the Mine Health and Safety Regulations published under Section 98 of the Mine Health and Safety Act, 1996 (Act NO 29 of 1996)

Site Type	Legal Protection	General Management	Responsibility
<p><b>Archaeological sites</b></p>	<p>All archaeological sites are protected (s.35 of NHRA and s36 of KZNHA) and may not be destroyed, damaged, excavated, altered, defaced or otherwise disturbed and any associated archaeological material or objects may not be removed from its original position, collected or owned.</p> <p>In addition, no excavation equipment, or any equipment which assists in the detection or recovery of metals, may be brought onto or used at an archaeological or palaeontological site.</p> <p>A mitigation and/or destruction permit is required from Amafa (s36 of KZNHA).</p>	<p>All archaeological sites will require either <i>in situ</i> preservation and avoidance or recording before destruction, according to Amafa requirements. A buffer of 100 meters is required (Section 17(7)(a) MHSA Regulations) if avoidance and protection occur.</p> <p>The following requirements must be adhered to at areas where mining related activity is to take place close to archaeological resources:</p> <ul style="list-style-type: none"> <li>• No mining-related activities are allowed within 100 meters from any archaeological resources<sup>4</sup>;</li> <li>• No borrow pit and laydown developments are allowed within 100 meters from any archaeological resources site;</li> <li>• No archaeological sites should be visited without the person/s being accompanied by the EO</li> <li>• No stones or archaeological artefacts should be removed from the archaeological site or neighbouring areas;</li> </ul> <p>The proliferation of dust, vandalism or blasting activities should be prevented from occurring within the demarcated buffer zone</p>	<p>Client / Archaeologist</p>
<p><b>Living Heritage Sites</b></p>	<p>These fall under the National Estate as "places to which oral traditions are attached or which are associated with living heritage;"</p>	<p>Social consultation with the community is required regarding any such sites to be affected by mining-related activities.</p> <p>Such living heritage sites (e.g. religious sites) may not be disturbed. The following requirements must be adhered to at areas where construction or other mining related activity is to take place close to living heritage sites:</p> <ul style="list-style-type: none"> <li>• No person can enter the buffer zone area without an approval from the relevant local community and the mining EO</li> <li>• No construction activity is allowed within 100 meters from a living heritage site<sup>4</sup>;</li> <li>• No borrow pit and laydown developments are allowed within 100 meters from a living heritage site; and</li> <li>• Cultural objects scattered or placed on the surface at or near the living heritage site may not be removed.</li> </ul>	<p>Client / Heritage Specialist</p>

Site Type	Legal Protection	General Management	Responsibility
Recent / modern Structures	If these structures are less than 60 years old they are not protected under the KZNHA	No management action is necessary. No permit is required for destruction.	Client / Heritage Specialist

### 6.5 Mitigation requirements

Table 6- Potential Impacts on heritage resources in the study area (To be read and implemented with the rest of the document and associate EMP)

Issue	Impact	Stage of Project
	<b>Potential Impact on Archaeological Resources</b>	<b>Construction, Operation</b>
<b>DISCUSSION</b>	If archaeological resources are identified, they will require management and mitigation if any of these resources will be affected by any mining related activities.	
<b>EXISTING IMPACT</b>	None known.	
<b>PREDICTED IMPACT</b>	Potential destruction or damage of such resources requires a permit from the responsible heritage authority (NHRA, s35; KZNHA s36). The HIA report/s provide a record of the location of such resources and enable the timeous management of such resources through various mitigation measures, including the adjustment of the construction activities, if necessary.	Destruction or damage during construction of surface features such as opencast areas, haul roads, pipelines or tailings dams and rock waste dumps.

Issue	Impact	Stage of Project
<b>WHEN IS MITIGATION REQUIRED</b>		
		During design and before construction, no-go areas must be demarcated. Alternatively, mitigation measures such as the mapping and or/archaeological excavation of sites must be planned and scheduled to fit within the timing of the activity phases.
<b>ISSUE</b>	<b>Potential Impact on Traditional Graves and Burial Grounds</b>	<b>Construction, Operational</b>
<b>DISCUSSION</b>	If various traditional graves and burial grounds are identified they will require management and mitigation if any of these resources will be affected by any mining related activities	
<b>EXISTING IMPACT</b>	None known.	
<b>PREDICTED IMPACT</b>	Potential destruction or damage or removal of such resources requires a permit from various responsible authorities, including the relevant heritage authority (NHRA, section 36; KZNHA s35), Local and District Health Department and the SA Police Service. Such a process can take up to 12 months to finalise.  The HIA report/s provide a record of the location of such resources and enable the timeous management of such resources through various mitigation measures, including the adjustment of the construction activities, if necessary.	Destruction or damage during construction of surface features such as opencast areas, quarries, tailings dams and rock waste dumps.  During the operational phase of the mine, the mining direction and mining related activities can possibly impact on graveyards and burial grounds in the way of the mining activities.

Issue	Impact	Stage of Project
	If any identified graves and burial grounds cannot be avoided, a grave relocation process needs to be initiated, bearing in mind that such a process impacts on the spiritual and social fabric of the next of kin and associated communities.	
<b>WHEN IS MITIGATION REQUIRED</b>		
		During design and before construction, no-go areas need to be demarcated. Alternatively, mitigation measures such as the physical relocation of the graves in question (including aspects such as detailed social consultation) need to be planned and scheduled to fit within the timing of the project phases. It must be understood that such a process impacts on the spiritual and social fabric of the next of kin and associated communities.
<b>ISSUE</b>	<b>Potential Impact on Unmarked Child Graves</b>	<b>Construction, Operation</b>
<b>DISCUSSION</b>	From experience on similar sites and the knowledge of cultural customs and traditions, it is known that stillborn babies and deceased infants occasionally were buried within the homesteads of black rural communities. These children were sometimes buried underneath the floors and walls of houses and huts and the burials were not marked, but were known to the immediate family.	
<b>EXISTING IMPACT</b>	None known.	
<b>PREDICTED IMPACT</b>	Any historical or recent structures identified as homesteads could have such infant graves existing in the immediate vicinity. The discovery of such sites can seriously hamper construction and development timelines. Damage, destruction or removal of such sites requires a permit from various responsible	Destruction or damage during construction of surface features such as opencast areas, haul roads, pipelines or tailings dams and rock waste dumps.



Issue	Impact	Stage of Project
	<p>authorities, including the Heritage Authority (NHRA, s36; KZNHA s35), Local and District Health Department and the SA Police Service. Such a process can take up to 12 months to finalise.</p> <p>Social consultation with current and former residents of the homesteads in question can provide valuable information on the presence of such sites in the study area and provide timeous management of such sites, which may include the adjustment of the proposed development activities.</p> <p>If such graves cannot be avoided, a grave relocation process needs to be initiated, bearing in mind that such a process impacts on the spiritual and social fabric of the next of kin and associated communities.</p>	<p>During the operational phase of the mine, the mining direction and mining related activities can possibly impact on graves that are located in the way of the mining activities.</p> <p>A social consultation process with current and former residents of the study area can assess whether such sites are located within the study area. In cases where no former residents for a homestead can be found, test excavations in and around the structure would assess whether any such unmarked graves are located there.</p>
<b>STAKEHOLDER ENGAGEMENT</b>	<p>A social consultation process with current and former residents of the study area can assess whether such sites are located within the study area. In cases where no former residents for a homestead can be found, test excavations in and around the structure would assess whether any such unmarked graves are located there.</p>	
<b>WHEN IS MITIGATION REQUIRED</b>		<p>During design and before construction, no-go areas need to be demarcated. Alternatively, mitigation measures such as the</p>

Issue	Impact	Stage of Project
		physical relocation of the graves in question (including aspects such as detailed social consultation) need to be planned and scheduled to fit within the timing of the project phases. It must be understood that such a process impacts on the spiritual and social fabric of the next of kin and associated communities.
<b>ISSUE</b>	<b>Potential Impact on Historical Structures</b>	<b>Construction, Operation</b>
<b>DISCUSSION</b>	The possibility of the existence of various historical structures and remains will require management and mitigation if any of these resources will be affected by any mining related activities.	
<b>EXISTING IMPACT</b>	None known.	
<b>PREDICTED IMPACT</b>	Damage/destruction by blasting (vibration) and other mining or mining related activities on historical structures. Potential destruction or damage of such sites requires a permit from the responsible provincial heritage authority (NHRA, s34; KZNHA, s33).	Destruction or damage during construction of surface features such as opencast areas, haul roads, pipelines or tailings dams and rock waste dumps.
<b>WHEN IS MITIGATION REQUIRED</b>		During design and before construction <ul style="list-style-type: none"> <li>• Baseline assessment of structures</li> <li>• Permitting and controlled destruction of sites</li> </ul> Operational <ul style="list-style-type: none"> <li>• Evaluation of structures during mining against baseline data</li> </ul>

Issue	Impact	Stage of Project
<b>DISCUSSION</b>	If any living heritage resources (possible religious / sacred sites) are identified, these will require management and mitigation if any of the resources will be affected by any mining related activities.	
<b>EXISTING IMPACT</b>	None known.	
<b>PREDICTED IMPACT</b>	Damage/destruction by blasting (vibration) and other mining or mining related activities on the living heritage resources. A social consultation process with current and former residents of the study area can confirm if the sites identified as living heritage resources are recognised as such by the residents.	Destruction or damage during construction of surface features such as opencast areas, haul roads, pipelines or tailings dams and rock waste dumps.
<b>WHEN IS MITIGATION REQUIRED</b>		
<b>ISSUE</b>	<b>Potential Impact on Palaeontological Resources</b>	<b>Construction, Operational</b>
<b>DISCUSSION</b>	If any palaeontological resources are identified, these will require management and mitigation if any of the resources will be affected by any mining related activities.	
<b>EXISTING IMPACT</b>	None known.	
A social consultation process with current and former residents of the study area can confirm if the sites identified as living heritage resources are recognised as such. If it is probable to highly likely that such sites will be negatively affected and if the sites cannot be avoided, then the local community must be consulted regarding possible mitigation measures.		

Issue	Impact	Stage of Project
<p><b>PREDICTED IMPACT</b></p>	<p>Unidentified palaeontological resources and the discovery of such resources can seriously hamper construction and development timelines. Damage, destruction or removal of such sites requires a permit from the responsible heritage authority (NHRA, s35; KZNHA, s36).</p>	<p>Destruction or damage during construction of surface features such as opencast areas, haul roads, pipelines or tailings dams and rock waste dumps.</p> <p>During the operational phase of the mine, the mining direction and mining related activities can possibly impact on palaeontological resources.</p>
<p><b>WHEN IS MITIGATION REQUIRED</b></p>		
		<p>During design and before construction, no-go areas must be demarcated. Alternatively, mitigation measures need to be implemented. This would normally involve the scientific recording and judicious sampling or collection of fossil material as well as associated geological data (e.g. stratigraphy, sedimentology, and taphonomy) by a professional palaeontologist.</p> <p>A finds management protocol needs to be developed for construction activities.</p>

## 7 MANAGEMENT GUIDELINES FOR MITIGATION

If any heritage resources are to be impacted on by mining-related activities, they will require mitigation measures as noted above. The following process will be required if any of the sites cannot be avoided and mining related activities will impact directly on them:

1. Meeting on site to identify final mitigation measures
  - Client
  - Archaeologist/ Heritage specialist
  - Amafa aKwaZulu Natali (Amafa)
2. Application for permit to conduct mitigation (excavations or relocation)
  - Archaeologist / Heritage specialist: - Physical documentation
  - Amafa – Review application
  - Developer – Letter of agreement on work to be done and appointment of archaeologist / heritage specialist
3. Physical Surveying of site layout in development area
4. Obtaining of mitigation permit from Amafa
5. Physical mitigation (excavations or relocation) involve:
  - Archaeologist, with team of field assistants
6. Lab Analysis (if required) and Documentation completion – Reporting:
  - Archaeologist / heritage specialist, with team of field assistants
7. Application for destruction Permit
  - Archaeologist / Heritage specialist– Application documentation and final report
  - Amafa – Review and final authorisation
8. Commencement of full-blown mining-related activities

## 8 MANAGEMENT OBJECTIVES SUMMARY

Objectives	Threats or Risks	Management Measures	Time frame	Responsibility	Monitoring criteria	Monitoring frequency
Assess impacts before construction	Potential damage to <i>in situ</i> deposits	Appoint independent heritage specialist to identify and assess site significance	As soon as possible	Client	Amafa to review report	On receipt
Appoint experienced contractor	Inexperienced contractors may damage sites	Advertise for tenders and draw up terms of reference and detailed plan	To comply with project time frames	Client	Evaluate applicants according to previous experience	As required
Appoint Professional Archaeologist / Heritage specialist	Inexperience can damage sites or lead to unnecessary removal of deposits	Archaeologist/heritage specialist to develop Heritage Plan	Necessary Appoint before implementing mitigation measures	Client	Appoint experienced person	As required
Co-ordinate project planning	Un-coordinated rehabilitation and conservation work is inefficient	Planning and co-ordination must be done in conjunction with development company, Officer (EO) and Archaeologist / Heritage specialist	Immediate	Client Archaeologist / Heritage specialist	All parties to report to Client	Monthly
Draw up specifications for mitigation, conservation and rehabilitation	Poor quality materials and workmanship will create problems in the future	Archaeologist / heritage specialist to be present throughout monitoring;	Necessary	Client Archaeologist / Heritage specialist, EO	Regular inspections by EO Check site is kept tidy and sand bags are covered at all times. Progress and final reports to be delivered.	Monthly
HMP Training for workers	Workers not aware of significance and sensitivity of site. Theft and damage leads to loss of	Ensure that all personnel are familiar with the aims of the Heritage Management Plan (HMP) and the statement of significance.	Immediate Training by Client	All parties involved in the archaeological / heritage	EO shall require written proof or confirmation from the contractor that HMP training has been done.	Start of contract

Objectives	Threats or Risks	Management Measures	Time frame	Responsibility	Monitoring criteria	Monitoring frequency
	information and site integrity	No artefacts or other material may be moved, picked up or removed from the site without a permit.		mitigation project.  The contractor shall familiarise all employees with the HMP contents, either in writing or verbally.	Spot checks to ensure personnel are not removing artefacts.	
Disseminate information to heritage resources authorities	Loss of information through inadequate recording	Any archaeological or historical material found accidentally must be reported to responsible Archaeologist / Heritage specialist or Amafa	Necessary Reports to be submitted to Amafa	Client, Archaeologist / Heritage specialist, Amafa	Check sites are recorded and photographs are taken.  Reports to be peer reviewed	As required
Delimit contract areas	Impact beyond areas requiring mitigation	Client and Archaeologists / Heritage specialist must indicate to contractors the area of work for the duration of the contract, including access road to be used, construction lay-down areas, materials storage and delivery requirements, work stations, pedestrian routes and operational demarcation, etc.	Immediate	Client and Archaeologist / Heritage specialist	Maps to be signed off at the start of each contract  Check contractor works within demarcated areas	Immediate
		Boundaries of the sites and conservation areas shall be demarcated by the Contractor, as instructed by the Client and the Archaeologist / Heritage specialist, prior to any work commencing on the site.  Any changes must be recorded in writing.	Immediate	Client and Archaeologist / Heritage specialists	No encroachment beyond the demarcated boundaries is to be permitted. Contractor must ensure all labour and materials remain within the boundaries of the site.	Weekly

Objectives	Threats or Risks	Management Measures	Time frame	Responsibility	Monitoring criteria	Monitoring frequency
Demarcate sensitive areas	Damage to heritage resources sites	Sensitive areas identified by Client and/or Archaeologist / Heritage Specialist to be demarcated with wire fencing.	Immediate	Client and Archaeologist / Heritage Specialist	Check that danger fencing is in correct place	Weekly
Indicate access roads	Damage to sites and deposits if correct access routes not used	Only those roads agreed to between Client, Archaeologist/ Heritage Specialist and Contractor may be used during maintenance activities and day to day activities	Immediate	Contractor, EO, Client and Archaeologist / Heritage Specialist	EO and site manager to check access roads regularly	Weekly
		Access roads must be planned to deviate around trees or other natural features marked out in an approved manner by Client	Immediate	Client, EO and Contractor	EO to check access roads regularly	Weekly
Provide for access Construction vehicles	Temporary roads and off-road access can damage sites and interfere with integrity of cultural landscape	No off-road driving allowed; temporary access roads must be rehabilitated after usage and width of roads restricted to maximum of 3 metres.	Necessary	Contractor and Client	Check rehabilitation of temporary access roads against those agreed to satisfaction of Client	As required
Demarcate areas for construction personnel	Un-coordinated movement can lead to damage of sites and landscape	Contractor must ensure that all construction personnel, labourers and equipment remain within demarcated restoration sites at all times. Movement outside boundaries may be done only with permission from the EO	Necessary	Contractor and EO	Check that all work is done within demarcated areas.	Weekly
	Constant use of paths causes erosion	Conveyor belts can be used to outline pedestrian routes and prevent impact on heritage resources. Confine pedestrian routes to paths.	Necessary	Contractor and Archaeologist/ Heritage Specialist		



## 9 CHANCE FIND PROCEDURES

It is possible that sub-surface heritage resources could be encountered during mining and mining related activities. The EO and all staff members responsible for site management and excavation should be aware that indicators of sub-surface sites could include:

- Ash deposits (unnaturally grey appearance of soil compared to the surrounding substrate);
- Bone fragments or concentrations, either animal or human;
- Ceramic fragments, including potsherds;
- Stone concentrations that appear to be formally arranged (may indicate the presence of an underlying burial, or represent building/structural remains); and
- Fossilised remains of fauna and flora, including trees.
- Stone, ceramic and bone artefacts could also be recovered from operational machinery such as conveyors or screens.

Should such indicator(s) of heritage resources be identified, the following actions should be taken immediately, as recommended in the HIA report prepared by eThembeni in 2014<sup>6</sup>:

- All construction within a radius of at least 20m of the indicator should cease. This distance should be increased at the discretion of supervisory staff if heavy machinery or explosives could cause further disturbance to the suspected heritage resource.
- This area must be marked using clearly visible means, such as barrier tape, and all personnel should be informed that it is a no-go area.
- A guard should be appointed to enforce this no-go area if there is any possibility that it could be violated, whether intentionally or inadvertently, by construction staff or members of the public.
- No measures should be taken to cover up the suspected heritage resource with soil, or to collect any remains such as bone or stone.
- If a heritage specialist / archaeologist has been appointed to monitor the project, s/he should be contacted and a site inspection arranged as soon as possible.

---

<sup>6</sup>Ethembeni Cultural Heritage. 2014. *Phase 1 Heritage Impact Assessment Report: Proposed Somkhele Anthracite Mine Northern Expansion, Mtubatuba Local Municipality, Umkhanyakude District, KwaZulu-Natal*

- If no heritage specialist / archaeologist has been appointed to monitor the project, the head of archaeology at Amafa's Pietermaritzburg office should be contacted (telephone 033 394 6543).
- The South African Police Services should be notified by an Amafa staff member or an independent heritage specialist / archaeologist if human remains are identified. No SAPS official may disturb or exhume such remains, whether of recent origin or not.
- All parties concerned should respect the potentially sensitive and confidential nature of the heritage resources, particularly human remains, and refrain from making public statements until a mutually agreed time.
- Any extension of the project beyond its current footprint, involving vegetation and/or earth clearance, should be subject to prior assessment by a qualified heritage specialist / archaeologist, taking into account all information gathered.

See also Tendele's processes as per the approved EIA's and EMP's Ref: KZN 30/5/1/2/2/10041.

## 10 CULTURAL OFFSETS

If any residual, unavoidable harm, loss or change will be caused to cultural heritage by the mining activities, specifically with regard to the surrounding local communities, certain measures intended to protect, perpetuate or enhance the cultural heritage of the local communities, may be accepted by them as compensation. An important principle is to limit cumulative impacts and ensure an overall positive outcome for cultural heritage values.<sup>7</sup>

Such 'cultural offset' measures should exceed the life of the operation and be able to continue into the future without the operation's support. They should enhance the heritage values of a community.

To ensure transparency, cultural heritage offsets should be defined as such by the relevant communities and stakeholders.

---

<sup>7</sup> Rio Tinto plc and Rio Tinto Limited. 2011. *Why cultural heritage matters: A resource guide for integrating cultural heritage management into community work at Rio Tinto*

Examples of cultural offsets can include:

- documenting local oral histories, genealogies or other significant intangible heritage;
- the documentation or research (interpretation/publication) of significant tangible cultural heritage places;
- establishing museums or cultural centres (e.g. Somkhele Cultural Centre);
- the conservation and presentation of other culturally significant landscapes or features outside the operational area to be used by community members in accordance with their cultural aspirations; and
- initiation and continuation of cultural programmes that focus on local cultural practices (note – these can often be managed together with environmental offsets involving documentation and maintenance of traditional ecological knowledge and its connections to use and management of biodiversity and landscape).

## 11 DISPUTE AND GRIEVANCE PROCEDURE

This can be based on the company's general complaint, dispute and grievance procedure; but should be adapted to include the company's historical relationships with the community and be appropriate to the local culture and context. Dispute resolution methods must take into consideration special needs of local communities, where applicable, such that the procedure is relevant to the local context<sup>8</sup>.

1. The existence of the mechanism and the process for lodging complaints must be publicised as early as possible and be easily accessible and understandable to all affected members of the community.
2. All relevant employees should know this standard and the course of action to be followed in the event that community complaints are communicated through them.

---

<sup>8</sup> AngloGold Ashanti Limited. 2011. *Management Standard: Community Complaints and Grievances*

3. In the event of a complaint being registered, the site's complaint resolution process and the complainant's rights must be explained to them.
4. All Community complaints must be reported directly to the mines community development officer. The complainant must complete the Tendele complaint form (see **Appendix B**) and get it stamped by a tribal authority before the mine will address the complaint. Once stamped and brought back to the mine, the community development officer will then address the complaint(s) as per the mines community complaints procedure.
5. The procedure for receiving, addressing, and recording complaints should clearly indicate: the date and nature of the complaint; responsibilities for addressing the complaint; a reasonable timeframe within which the complainant(s) can expect complaints to be addressed; follow up actions required to avoid delays; the final or current decision on the complaint; the most culturally appropriate feedback mechanism and the management actions required to prevent recurrence.
6. Employees who are accountable and responsible for the mechanism should be appropriately trained.
7. A timeframe must be indicated within which the complainant(s) can expect the complaint to be addressed, and where possible, resolved or a milestone reached. In instances where the agreed deadline cannot be met for good reasons, for example, where further investigations are required, an update must be provided, including the reasons for the delay and the revised date for resolution of the complaint.
8. The action taken to resolve the complaint must be approved by the line manager of the site or a member of senior staff who is suitably qualified to assess the effectiveness of the proposed response and/or intervention.
9. Feedback on outcome must be provided to all concerned with the outcome.
10. In the event that a grievance cannot be resolved, it may, with the agreement of the relevant community, be referred to third parties for mediation and/or arbitration.
11. The mechanism must be monitored and reviewed at least annually.

## 12 COMMUNITY ENGAGEMENT<sup>9</sup>

### 1. Who to engage with

Consultation should include the full range of stakeholders involved in an area's cultural heritage including, but not limited to:

- historical or traditional users and owners of the cultural heritage,
- local communities,
- descendent families,
- local historical groups, if applicable

### 2. Activities that contribute to inclusive engagement

- Hold regular consultation proactively with a view to building effective relationships.
- Gain an understanding of the cultural and social structure and protocols of the community(s), so that the right people are involved in cultural heritage discussions, but the range of community views is covered.
- Ensure regular access to the operation so community members can see how cultural heritage management is being implemented.
- Involve community members in key project milestones and activities such as conducting appropriate ceremonies at key events.
- Use and promote local languages, for instance dual or multi language signage.
- Involve community members in relevant monitoring and evaluation processes across the operation.

---

<sup>9</sup> Rio Tinto, 2011

### **13 IMPLEMENTATION AND REVIEW**

In conclusion, the HMP is a document that guides proposed activities and behaviour that are expected to take place during the course of mining operations and related activities. The document should be used as part of a management and monitoring system to ensure that heritage resources that have been identified in the Somkhele mining area properties or are located immediately adjacent to those properties, are conserved and protected.

This document needs to be implemented as soon as possible to comply with the legislative requirements for management of identified heritage resources and plan formulation that will ensure their protection from threats.

The document and any associated sub documents (e.g. a Site Inventory document) must be reviewed on an annual basis.

### **14 PREPARERS**

Jennifer Kitto – Heritage Specialist

Wouter Fourie – Archaeologist and Senior Heritage Specialist

### **15 REFERENCES**

AngloGold Ashanti Limited. 2011. Management Standard: Community Complaints and Grievances

AngloGold Ashanti Limited. 2011. Management Standard: Indigenous Peoples

The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.

Ethembeni Cultural Heritage. 2014. Phase 1 Heritage Impact Assessment Report: Proposed Somkhele Anthracite Mine Northern Expansion, Mtubatuba Local Municipality, Umkhanyakude District, KwaZulu-Natal. For GCS Water & Environmental Consultants

International Finance Corporation. 2012. Performance Standard 8. Cultural Heritage.

Kwazulu-Natal Heritage Act, 2008

Mine Health and Safety Regulations published under Section 98 of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996)

Minerals and Petroleum Resources Development Act (MPRDA) (Act No. 28 of 2002)

Morris, D. 2008. Archaeological and Heritage Phase 1, Impact Assessment for proposed upgrading of Sishen Mine Diesel Depot Storage Capacity at Kathu, Northern Cape. Kimberley: McGregor Museum.

National Environmental Management Act (NEMA) (Act No. 107 of 1998)

National Heritage Resources Act (NHRA) (Act No. 25 of 1999)

Richards Bay Minerals. 2013. Cultural Heritage Management Plan: Richards Bay Minerals, Mineral Lease Areas, uThungulu District Municipality, KwaZulu-Natal, South Africa. Rev 1 – 04 November 2013

Rio Tinto plc and Rio Tinto Limited. 2011. Why cultural heritage matters: A resource guide for integrating cultural heritage management into community work at Rio Tinto

## **1 Graves and burial grounds**

Graves younger than 60 years fall under the National Health Act (No 61 of 2003) and are under the jurisdiction of the National Department of Health and the relevant Provincial and District Departments of Health and applications for removal must be submitted for final approval to the Office of the relevant Provincial Premier. In the case of KZN this authorisation is not required and only up to district level authorisations are needed. Authorisation for exhumation and reinterment must also be obtained from the relevant local or regional council where the grave is situated, as well as the relevant local or regional council for the area to where the grave is being relocated. All local and regional provisions, laws and by-laws must also be adhered to. In order to handle and transport human remains, the institution conducting the relocation should be authorised under the Regulations relating to the Management of Human Remains (GNR 363 of 2013 in Government Gazette 36473 - Regulations 26, 27 and 28) promulgated under the National Health Act (Act No. 61 of 2003).

Graves older than 60 years, but younger than 100 years, fall under Section 36 of Act 25 of 1999 (National Heritage Resources Act) as well as Section 35 of the KwaZulu Natal Heritage Act (2008) and are under the jurisdiction of the South African Heritage Resource Agency (SAHRA) and Amafa aKwaZulu Natali. The procedure for Consultation Regarding Burial Grounds and Graves (Section 36(5) of Act 25 of 1999) is applicable to graves older than 60 years that are situated outside a formal cemetery administrated by a local authority. Graves in the category located inside a formal cemetery administrated by a local authority will also require the same authorisation as set out for graves younger than 60 years, over and above Amafa authorisation.

If the grave is not situated inside a formal cemetery but is to be relocated to one, permission from the local authority is required and all regulations, laws and by-laws set by the cemetery authority must be adhered to.

### **1.1 Grave relocation process**

In the event that a grave or burial ground cannot be excluded from the development footprint, a grave relocation process, as outlined below, needs to be implemented.

Whenever a grave relocation process is required, it must include the following:

- A detailed social consultation process, at least 60 days in length, comprising the attempted identification of the next-of-kin so as to obtain their consent for the relocation of the graves;



- Bilingual site notices indicating the intent of the relocation
- Bilingual newspaper notices placed in a local and national newspaper, indicating the intent of the relocation;
- A permit / permission from the local authority;
- A permit from the District Health department;
- A permit from the Department of Co-operative Governance and Traditional Affairs KwaZulu Natal (KZN COGTA);
- A permit from SAHRA or Amafa, if the graves are older than 60 years or unidentified and thus presumed older than 60 years;
- An exhumation process that keeps the dignity of the remains and family intact;
- An exhumation process that will safeguard the legal rights of the families as well as that of the development company;
- The process must be done by a reputable company well versed in relocations.

**NOTE:** All grave exhumations and relocations that affect graves or burial grounds that are 60 years or older and/or regarded as traditional/ancestral graves or burial grounds, require the involvement of an archaeologist /heritage specialist team, in addition to the licenced undertaker.

EXAMPLE OF COMPLAINTS FORM



**IZIKHALAZO ZOMPHAKATHI / COMMUNITY COMPLAINTS**

Igama lokhalazayo / Name of Complainant: \_\_\_\_\_

Inombolo kamazisi / Identity number: \_\_\_\_\_

Ikheli Lokhalazayo / Address of Complainant: \_\_\_\_\_

Inombolo Yokuxhumana / Contact Number: \_\_\_\_\_

Usuku / Date: \_\_\_\_\_

Incazelo yesikhalazo / Description of Complaint: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ukusayina kokhalazayo / Signature of Complainant: \_\_\_\_\_

Ukusayina Kwenduna / Signature of Induna: \_\_\_\_\_

For office use only

Complaint No: \_\_\_\_\_ Date received: \_\_\_\_\_ Signature: \_\_\_\_\_