



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
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FOR ATTENTION: SAHRA **Mpumalanga** OR PHRA: **Mpumalanga**

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SAHRA File No **9/2/236/2**
Date Received: **23.10.08**
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Sent to Peer Review:
Date to Peer Review:
SAHRA Contact Person: **Mr. Phillip Hine**
DME Ref No:

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/PALAEONTOLOGY UNIT OF THE HERITAGE RESOURCES AGENCY

South Africa has a unique and non-renewable archaeological and palaeontological heritage. Archaeological and palaeontological sites are protected in terms of the National Heritage Resources Act (Act No 25 of 1999) and may not be disturbed without a permit. Archaeological Impact Assessments (AIAs) and Palaeontological Impact Assessments (PIAs) identify and assess the significance of the sites, assess the potential impact of developments upon such sites, and make recommendations concerning mitigation and management of these sites. On the basis of satisfactory specialist reports SAHRA or the relevant heritage resources agency can assess whether or not it has objection to a development and indicate the conditions upon which such development might proceed and assess whether or not to issue permission to destroy such sites.

AIAs and PIAs often form part of the heritage component of an Environmental Impact Assessment or Environmental Management Plan. They may also form part of a Heritage Impact Assessment called for in terms of section 38 of the National Heritage Resources Act, Act No. 25, 1999. They may have other origins. In any event they should comply with basic minimum standards of reporting as indicated in SAHRA Regulations and Guidelines.

This form provides review comment from the Archaeologist of the relevant heritage resources authority for use by Heritage Managers, for example, when informing authorities that have applied to SAHRA for comment and for inclusion in documentation sent to environmental authorities. It may be used in conjunction with Form B, which provides relevant peer review comment.

- A. PROVINCIAL HERITAGE RESOURCES AUTHORITY: **Mpumalanga/Benjamin Moduka**.....
- B. SAHRA PROVINCIAL MANAGER : **Mpumalanga :Nkosazana Machete**.....
- C. AUTHOR(S) OF REPORT: **Fourie, W**
- D. ARCHAEOLOGY CONTRACT GROUP: **Professional Grave Solutions (Pty) Ltd.**
- E. CONTACT DETAILS: **P.O. Box 32542, Totiusdal, 0134, tel: 012 332 5305**.....
- F. DATE OF REPORT: **22 July 2008**
- G. TITLE OF REPORT: **Farm worker housing Assistance for the Ehlanzeni Region on portion 21 (a portion of portion 11) of the farm Naawpoort 11-JU, Thaba Chweu, Mpumalanga**.....
- H. Please circle as relevant: Archaeological component of EIA / EMP / HIA / CMP Other (Specify).....
- I. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Nuplan Development Planners**
- J. CONTACT DETAILS: **PO Box 2555, Nelspruit, 1200, tel: 013 752 3422, email: martin@nuplan.co.za**
- K. COMMENTS:

Please see comment on next page.....

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

Fourie, W

Received: 23.10.08 Comment: 05.02.09

FARM WORKER HOUSING ASSISTANCE FOR THE EHLANZENI REGION ON PORTION 21 (A PORTION OF PORTION 11) OF THE FARM NAAWPOORT 11-JU, THABA CHWEU, MPUMALANGA

INTRODUCTION

The construction of 44 residential housing units as part of a farm worker housing project is proposed on portion 21 of the farm Naawpoort 11-JU, Thaba Chweu, Mpumalanga. The area is currently utilized as an informal housing site, with fourteen existing dwellings and structures on site.

No archaeological sites were identified during the survey. However, an informal cemetery with four graves (three adult and one child) has been identified. From the information available there is a high probability that the graves will be impacted upon by the development.

SAHRA RECOMMENDATIONS

SAHRA support the recommendations of the author:

- 1) The SAHRA APM Unit has no objection (in terms of the archaeological component of the heritage resources) on condition that, if any new evidence of archaeological sites or artefacts, palaeontological fossils, graves or other heritage resources are found during the course of development, construction, SAHRA must be alerted immediately (Mr. P. Hine, Mrs. M. Leslie, 021 462 4502), and an archaeologist may need to inspect the findings at the expense of the developer.
- 2) SAHRA's Burial Ground and Graves (BGG) Unit supports the recommendations in the HIA that the graves should remain *in situ* in accordance with the wishes of the current inhabitants. As such the graves should be restored where these are dilapidated, protected and conserved in perpetuity. For this purpose, a proper fence must be build around them including entry gates to allow visits from relatives and family friends. The fence must be placed 2 meters away from the perimeter of the graves. No development is allowed within 15 meters from the fence line surrounding the graves. This means that the development layout should be revised to allow this. The BGG Unit also indicates that the recommended bufferzone be negotiated with the developer and the community. Alternatively, if the area where the burials are located fall within the development footprint, then provisions stipulated in section 36 of the National Heritage Resources Act (Act No. 25 of 1999) are applicable, and relocation of these might proceed provided that a public consultation process is followed (see Appendix 1 and SAHRA Regulations).

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, the developer must ensure that a professional Palaeontological Desk Top study is undertaken to assess whether or not the development will impact upon palaeontological resources. If this is deemed unnecessary, a

letter of recommendation for exemption from a professional Palaeontologist is needed. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see attached list of accredited Palaeontologists).

Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes are not the function of this unit. Please refer to Mpumalanga SAHRA Provincial office (Mrs. Nkosazana Machete: machete@mp.sahra.org.za)/ Provincial Heritage Authority (Mpumalanga, Mr Benjamin Moduka, bmoduka@nel.mpu.gov.za) to whom we will send the Impact Assessment Report and this Comment.

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT:

EMAIL: phine@sahra.org.za.....

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST:

EMAIL: mleslie@sahra.org.za.....

NAME OF HERITAGE RESOURCES AGENCY: SAHRA.....

PLEASE NOTE THAT THE COMMENT (ABOVE OR APPENDED) CONSTITUTES THE COMMENT OF THE HERITAGE RESOURCES AGENCY ARCHAEOLOGIST AND THAT ANY DEVELOPMENT THAT INVOLVES DESTRUCTION OF ANY ARCHAEOLOGICAL/PALAEONTOLOGICAL SITE IS STILL SUBJECT TO A PERMIT/PERMISSION FOR DESTRUCTION OF SUCH SITE GIVEN TO THE DEVELOPER BY THE RELEVANT HERITAGE RESOURCES AGENCY ARCHAEOLOGICAL AND PALAEONTOLOGICAL PERMIT COMMITTEE (THIS WILL BE SUBJECT TO APPROVAL OF THE PHASE 2 OR ARCHAEOLOGICAL/ PALAEONTOLOGICAL MITIGATION AS NECESSARY). THIS REPORT MAY BE TAKEN ONLY AS APPROVAL IN TERMS OF SECTION 35 OF THE NATIONAL HERITAGE RESOURCES ACT. THE PROVINCIAL MANAGER OF THE HERITAGE RESOURCES AUTHORITY MUST ADVISE AS TO APPROVAL IN TERMS OF HERITAGE ISSUES ENCOMPASSED BY OTHER ASPECTS OF THE LEGISLATION, SUCH AS ISSUES OF THE BUILT ENVIRONMENT (STRUCTURES (E.G. FARM HOUSES), OVER 60 YEARS), INDIGENOUS KNOWLEDGE SYSTEMS OR OF CULTURAL LANDSCAPES AS THIS IS NOT WITHIN THE SCOPE OF THE ARCHAEOLOGIST.

PLEASE NOTE THAT SAHRA IS NOW RESPONSIBLE FOR GRADE I HERITAGE RESOURCES (AND EXPORT) AND THE PROVINCIAL HERITAGE RESOURCES ARE RESPONSIBLE FOR GRADE II AND GRADE III HERITAGE RESOURCES, EXCEPT WHERE THERE IS AN AGENCY ARRANGEMENT WITH THE PROVINCIAL HERITAGE RESOURCES AUTHORITY.

APPENDIX 1

Protection of Graves

In terms of the National Heritage Resources Act (No. 25 of 1999) graves older than 60 years (not in a municipal graveyard) are protected. Human remains younger than 60 years should be handled only by a registered undertaker or an institution declared under the Human Tissues Act.

Anyone who wishes to develop an area where there are graves older than 60 years is required to follow the process described in the legislation (section 36 and associated regulations). The specialist will require a permit from the heritage resources authority:

1. Determine/ confirm the presence of the graves on the property. Normally the quickest way to proceed is to obtain the service of a professional archaeologist accredited to undertake burial relocations (see attached list). The archaeologist will provide an estimate of the age of the graves. There may be a need for archival research and possibly test excavations (permit required).
2. The preferred decision is to move the development so that the graves may remain undisturbed. If this is done, the developer must satisfy SAHRA that adequate arrangements have been made to protect the graves on site from the impact of the development. This usually involves fencing the grave(yard) and setting up a small site management plan indicating who will be responsible for maintaining the graves and how this is legally tied into the development. It is recommended that a distance of 10-20 m is left undisturbed between the grave and the fence around the graves.
3. If the developer wishes to relocate or disturb the graves:
 - a. A 60-day public participation (social consultation) process as required by section 36 (and regulations - see attachment), must be undertaken to identify any direct descendants of those buried on the property. This allows for a period of consultation with any family members or community to ascertain what their wishes are for the burials. It involves notices to the public on site and through representative media. This may be done by the archaeologist, who can explain the process, but for large or sensitive sites a social consultant should be employed. Archaeologists often work with undertakers, who rebury the human remains.
 - b. If as a result of the public participation, the family (where descendants are identified) or the community agree to the relocation process then the graves may be relocated.

- c. The archaeologist must submit a permit application to SAHRA for the disinterment of the burials. This must include written approval of the descendants or, if there has not been success in identifying direct descendants, written documentation of the social consultation process, which must indicate to SAHRA's satisfaction, the efforts that have been made to locate them. It must also include details of the exhumation process and the place to which the burials are to be relocated. (There are regulations regarding creating new cemeteries and so this usually means that relocation must be to an established communal rural or formal municipal cemetery.)
- d. Permission must be obtained before exhumation takes place from the landowner where the graves are located, and from the owners/managers of the graveyard to which the remains will be relocated.
- e. Other relevant legislation must be complied with, including the Human Tissues Act (National Department of Health) and any ordinances of the Provincial Department of Health). The archaeologist can usually advise about this.