



**eTHEMBENI  
CULTURAL  
HERITAGE**

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**Attention Bernadet Pawandiwa**

Dear Ms Pawandiwa

**Heritage Scoping Report  
Proposed 45 km 132kv power line from the proposed 132kv feeder bay at Gingindlovu  
Substation to the proposed 132/22kv Mbongolwane Substation  
KwaZulu-Natal, South Africa**

**Project description**

Eskom is proposing to install a 132kV transmission line between the existing Gingindlovu Sub-Station within the King Cetshwayo (Uthungulu S) District Municipality. There are two route alignment options under review over the some 45km between the two substations. (See Figure. 1 and kml. on the SAHRIS Case File.)

The relevant 1:50 000 map sheets are 2831 AA and 2831AB.

The Sub Station coordinates are as follows:

Gingindlovu Sub Station            29° 01.155' S 31°34'.710'E

Mbongolwane Substation        28° 55.220' S 31°13.765'E

See kml. File loaded to SAHRIS Case.

eThembeni staff have conducted three visits to the proposed route alignments on 28 July 2015, 3&4 September 2016 and 23 &24 November 2016 respectively. The purpose of the field evaluations was to identify the most feasible alignment from a heritage perspective. The alignment leaves the Gingindlovu Sub Station and traverses commercial cane lands for a distance of some three km before crossing the Inyezane River onto Ngonyama Trust land (Nzuza TA); both route options then traversing mostly small cane-grower (SCG) fields, previously ploughed lands and communal grazing sour grass veld.

Both alignment options variously traverse areas of largely dispersed rural settlement predominantly with aggregation of settlement on hilltop plateaux and interfluves between drainage lines. The study area varies between predominantly SCG sugar production, and dispersed rural homesteads with predominant livestock herding and subsistence farming on extensive Ngongoni/Panicum grassland. Both route options

traverse South African Development Trust (SADT) farms that are variously either in full sugar cane production or the ploughed and terraced hill slopes lie fallow and are dominated by *Acacia natalita* thickets and pioneer grasslands.

Due to extensive land disturbance by settlement and intensive agriculture on the hill slopes and valley interfluvies the potential for *in situ* significant archaeological sites and other discrete heritage resources in these areas is medium to low. Further, discrete resources such as archaeological sites or traditional burial places are usually amenable to successful mitigation, entailing small-scale changes to the project layout and/or recording/relocation of the heritage resources. Traditional burial places are typically located within homestead precincts.

From a heritage perspective either route has a low impact potential on discrete heritage resources. Given the linear distance of the proposed route alignment we recommend that once tower positions have been surveyed along the final selected power line servitude, that a heritage practitioner should complete a 'walk-through' of the servitude and all other activity areas (access roads, construction camps, etc.), prior to the start of any construction activities. Further the heritage practitioner should at this stage identify what monitoring requirements will be required during the construction and commissioning phases.

The homestead precincts listed in **Table 1** require scrutiny for the presence of graves in the vicinity of tower platforms or possible grave mitigation should entire households be required to relocate from within the power line servitude:

The SAHRIS Palaeosensitivity Map indicates that the area has variously high to medium sensitivity requiring a field assessment and protocol for finds. A palaeontological assessment must be commissioned once the final servitude has been determined

Accordingly, we request that Amafa endorse the principle of the "recommended walk down" prior to any construction activity along a selected servitude and once the requisite tower positions have been surveyed and mapped, assessment of the homestead precincts listed in Table 1, and the commissioning of a palaeontological assessment.

Yours sincerely



Len van Schalkwyk  
Principal Investigator.

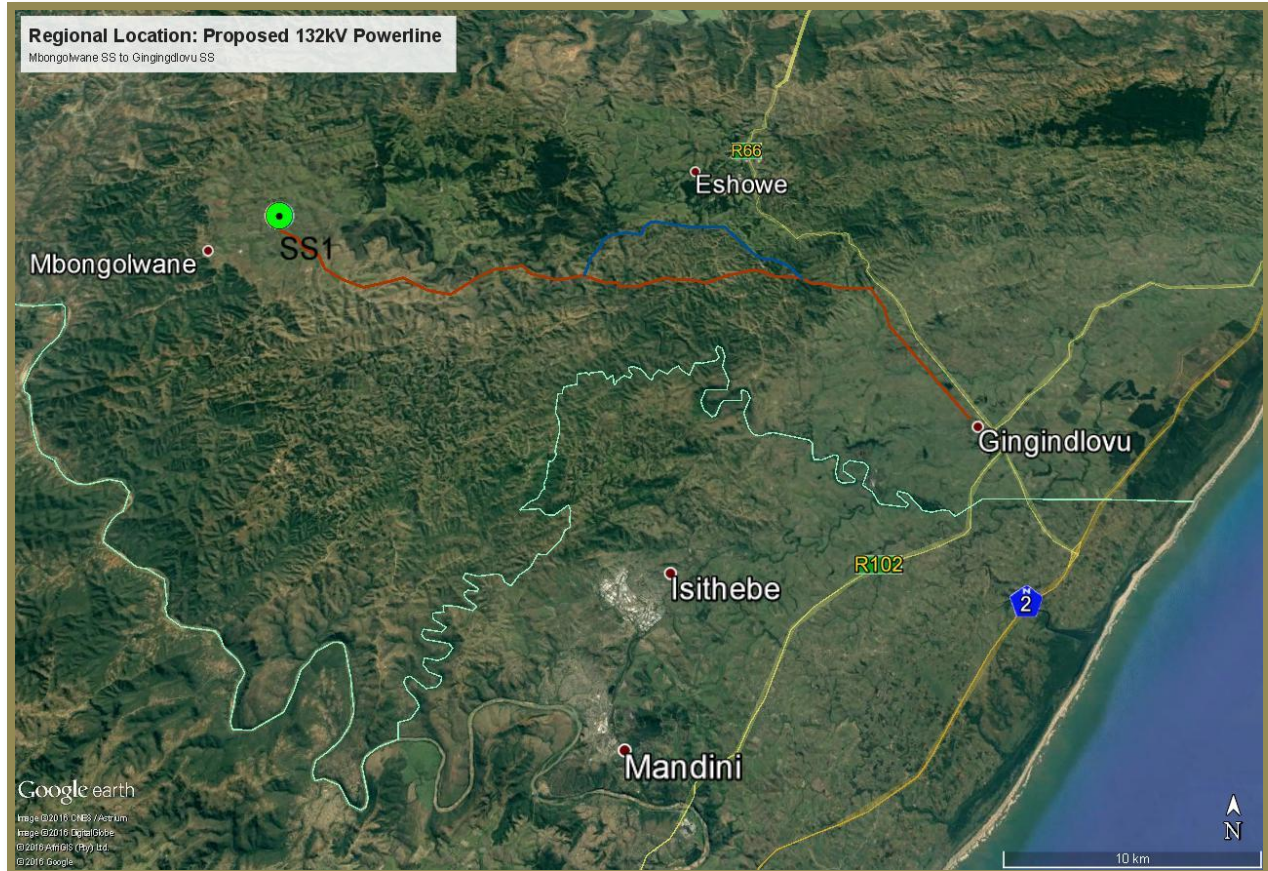


Figure 1.

**Table 1**

<b>Check on homestead and graves at these localities</b>		<b>Notes</b>
29° 1.155'S	31° 34.710'E	<b>Start: Gingingdlovu SS</b>
28° 58.658'S	31° 32.938'E	Start: Nzuza TA
28° 58.621'S	31° 32.912'E	Check terrain between points
28° 58.239'S	31° 32.636'E	Check terrain between points
28° 58.185'S	31° 32.626'E	
28° 57.729'S	31° 32.554'E	Check terrain between points
28° 57.644'S	31° 32.526'E	
28° 57.326'S	31° 32.350'E	Start of SADT Farms
28° 56.763'S	31° 30.126'E	Convergence Opt 1 and Opt 2
28° 56.695'S	31° 29.382'E	End of SADT Farms
28° 55.970'S	31° 28.670'E	Start KwaKhoza TA off SADT farms
28° 56.575'S	31° 28.170'E	
28° 56.610'S	31° 28.045'E	
28° 56.675'S	31° 27.775'E	
28° 56.860'S	31° 26.910'E	
28° 56.830'S	31° 26.750'E	
28° 56.830'S	31° 25.600'E	
28° 57.020'S	31° 24.855'E	
28° 57.015'S	31° 24.980'E	Start of Shange TA
28° 57.010'S	31° 24.885'E	
28° 56.840'S	31° 23.790'E	
28° 56.690'S	31° 23.390'E	Join Opt 1 and Opt 2
28° 56.710'S	31° 23.320'E	
28° 56.500'S	31° 20.980'E	
28° 56.805'S	31° 20.010'E	Start of Ntuli TA
28° 57.210'S	31° 19.480'E	
28° 57.160'S	31° 19.535'E	
28° 56.870'S	31° 17.735'E	
28° 56.910'S	31° 17.615'E	
28° 56.410'S	31° 15.310'E	
28° 56.135'S	31° 15.165'E	
28° 55.220'S	31° 13.765'E	<b>End: Mbongolwane SS (1)</b>

## **Appendix 1**

### **Protocol for the Identification, Protection and Recovery of Heritage Resources During Construction and Operation**

It is possible that sub-surface heritage resources could be encountered during the construction phase of this project. The Environmental Control Officer and all other persons 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 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.

In the event that such indicator(s) of heritage resources are identified, the following actions should be taken immediately:

- 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 practitioner has been appointed to monitor the project, s/he should be contacted and a site inspection arranged as soon as possible.
- If no heritage practitioner has been appointed to monitor the project, the head of archaeology at Amafa's Pietermaritzburg office should be contacted; telephone 033 3946 543.
- The South African Police Services should be notified by an Amafa staff member or an independent heritage practitioner if human remains are identified. No SAPS official may disturb or exhumate 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 practitioner, taking into account all information gathered during the initial assessment.

## APPENDIX 2

### Management of Graves and Burial Grounds

No person may damage, alter, exhume, or remove from its original position any grave without permission from the relevant authority, as detailed in the following table.

Grave type	Relevant legislation	Administrative authority – disinterment	Administrative authority – reburial
Graves located within a formal cemetery administered by a local authority	KwaZulu-Natal Cemeteries and Crematoria Act 12 of 1996. National Health Act 61 of 2003, Regulation 363 of 22 May 2013.	National and / or Provincial Departments of Health. Provincial Department of Co-operative Governance and Traditional Affairs (CoGTA)	If relocated to an existing cemetery or private property – CoGTA.
Graves younger than 100 years located outside a formal cemetery administered by a local authority and the graves of victims of conflict	KwaZulu-Natal Heritage Act 4 of 2008. KwaZulu-Natal Cemeteries and Crematoria Amendment Act 2 of 2005. National Health Act 61 of 2003, Regulation 363 of 22 May 2013. Commonwealth War Graves Act 8 of 1992.	Amafa aKwaZulu-Natali, the provincial heritage resources authority and CoGTA.	If relocated to private or communal property – Amafa and CoGTA. If relocated to formal cemetery – Amafa and CoGTA.

### MANAGEMENT OF GRAVES AND BURIAL GROUNDS

- **Graves younger than 60 years** are protected in terms of Section 2(1) of the Removal of Graves and Dead Bodies Ordinance 7 of 1925 as well as the Human Tissues Act 65 of 1983. Such graves are the jurisdiction of the National Department of Health and the relevant Provincial Department of Health and must be submitted for final approval to the Office of the relevant Provincial Premier. This function is usually delegated to the Provincial Member of the Executive Council for Local Government and Planning, or in some cases the MEC for Housing and Welfare.

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 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 Section 24 of the Human Tissues Act 65 of 1983.

- **Graves older than 60 years situated outside a formal cemetery administered by a local authority** are protected in terms of Section 36 of the NHRA as well as the Human Tissues Act of 1983. Accordingly, such graves are the jurisdiction of SAHRA. The procedure for Consultation Regarding Burial Grounds and Graves (Section 36(5) of NHRA) is applicable to graves older than 60 years that are situated outside a formal cemetery administered by a local authority. Graves in the category located inside a formal cemetery administered by a local authority will also require the same authorisation as set out for graves younger than 60 years over and above SAHRA 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.

The **protocol for the management of graves older than 60 years situated outside a formal cemetery administered by a local authority** is detailed in Section 36 of the NHRA:

(3) (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority—

(a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;

(b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or

(c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

(4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3)(a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.

(5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3)(b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority—

- (a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and
- (b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.
- (6) Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority—
- (a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and
- (b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

### **The Vermillion Accord on Human Remains<sup>1</sup>**

#### **Adopted in 1989 at WAC Inter-Congress, South Dakota, USA**

1. Respect for the mortal remains of the dead shall be accorded to all, irrespective of origin, race, religion, nationality, custom and tradition.
2. Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable and lawful, when they are known or can be reasonably inferred.
3. Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.
4. Respect for the scientific research value of skeletal, mummified and other human remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.
5. Agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their ancestors, as well as the legitimate concerns of science and education.
6. The express recognition that the concerns of various ethnic groups, as well as those of science are legitimate and to be respected, will permit acceptable agreements to be reached and honoured.

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<sup>1</sup> <http://www.worldarchaeologicalcongress.org/>