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**PHASE 1 HERITAGE IMPACT ASSESSMENT REPORT  
FOR THE PROPOSED CONSTRUCTION OF NEW ERMELO PRIMARY SCHOOL ON  
ERF 9248 ERMELO EXTENSION 34 IN ERMELO, MSUKALIGWA LOCAL  
MUNICIPALITY OF MPUMALANGA PROVINCE.**

*Compiled for:*

**Consultium Architects (PTY) LTD**

P.O.Box 1596  
Nelspruit, 1200  
Tel: 013 752 4140  
Cell: 073 605 6726  
Fax: 013 752 4152

*Compiled by:*

**Vhufa Hashu Heritage Consultants**

25 Roodt Street  
Nelspruit, 1200  
P.O. Box 1856  
Nelspruit, 1200  
Fax: 013 752 5551  
Mobile: 083 357 3669  
Fax: 086 263 5671  
E-mail: [info@vhhc.co.za](mailto:info@vhhc.co.za)

July 2019

## Executive Summary

**Local Authority:** Msukaligwa Municipality

**Property Name:** Erf 9248 Ermelo Extension 34 Ermelo

**Magisterial Authority:** Gert Sibande District Municipality

**Developer:** Mpumalanga Department of Public Works Roads and Transport

**Type of Development:** Construction of New Ermelo Primary School

**Status of the Report:** Final Report

**Date of field work:** June 2019

**Date of report:** July 2019

**Purpose of the Study:** The purpose of this study is to identify heritage resources within a proposed development area, assess their significance, the impact of the development on the heritage resources and to provide relevant mitigation measures to alleviate impacts to the heritage resources. An assessment of impacts on heritage resources defined in section 3 of the NHRA, heritage assessment is required in terms of section 38 of the NHRA.

South Africa's historical, archaeological and paleontological heritage resources are unique and non-renewable as defined in section 3 of the NHRA. Heritage Resources as defined in section 3 of the NHRA are given "formal" protection in terms of section 27-29 and 31-32 of the NHRA and "general" protection in terms of sections 33,34,35,36 and 37 of the NHRA. Therefore, no damage, destruction or alteration may occur to heritage resources without a permit issued by a relevant heritage authority.

An assessment of impacts on heritage resources of a development is required in terms of section 38(1 and 8) of the NHRA. Where possible, heritage resources should be preserved *in situ* and conserved for future generations. This can be achieved through a monitoring and management plan that may be stipulated in the conditions issued on a development by an authority as per section 38(4)c of the NHRA. Where it is not possible to retain the heritage resources *in situ*, and the heritage resources are not deemed significant, the loss of information can be reduced by recording and mitigation of the heritage resources through a process of excavation (or sampling) as a condition on the development in terms of section 38(4)d and e, after obtaining a permit from the relevant Heritage Resources Authority (HRA), at the cost of the developer. This allows us to record a part of the history

of the place as part of the national inventory. Assessment and mitigation in the early phase of the development may save the developer considerable delays and related costs.

### **Heritage Resources Descriptions and Significance**

One isolated grave marked by a stone cairn was identified within the proposed site and will be affected by the proposed development.

### **Conclusion**

From an archaeological and cultural heritage resources perspective, there are no objections to the proposed project and we recommend to the Provincial Heritage Resource Agency, South African Heritage Resource Agency to approve the project as planned.

**Acknowledgements:**

**CLIENT NAME:** Consultium Architects

**CLIENT CONTACT PERSON:** Mr S Padi

TEL: (013) 752 4140

Fax: (013) 752 4157

Cell: 073 605 6726

**HERITAGE CONSULTANT:** Vhufahashu Heritage Consultants

**CLIENT CONTACT PERSON:** Richard R Munyai

.....  
Archaeologist and Heritage Consultant

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## **1. INTRODUCTION**

Department of Public Works Roads and Transport commissioned studies for the proposed construction of New Ermelo Primary School in Ermelo, Msukaligwa Local Municipality. Consultium Architects Pty (Ltd) was appointed to handle planning design and supervision of the proposed project. They appointed Vhufahashu Heritage Consultants to conduct Phase 1 Heritage Impact Assessment and re-interment of possible grave to a nearby cemetery.

The National Heritage Resources Act (NHRA - Act No. 25 of 1999) protects all structures and features older than 60 years (section 34), archaeological sites and material (section 35) graves and burial sites (section 36). In order to comply with the legislations, the Applicant requires information on the heritage resources, and their significance that occur in the demarcated area. This will enable the Applicant to take pro-active measures to limit the adverse effects that the development could have on such heritage resources.

## **2. TERMS OF REFERENCE**

The terms of reference for the study were to conduct heritage impact assessment and re-interment of possible grave on Erf 9248 Ermelo Extension 34 for the proposed construction of New Ermelo Primary School in Ermelo, Msukaligwa Local Municipality of Mpumalanga Province.

- ❖ Identify all objects, sites, occurrences and structures of an archaeological or historical nature (cultural heritage sites) located on Erf 9248 and Extension of the farm
- ❖ Assess the significance of the cultural resources in terms of their archaeological, historical, scientific, social, religious, aesthetic and tourism value;
- ❖ Describe the possible impact of the proposed development on these cultural remains, according to a standard set of conventions;
- ❖ Propose suitable mitigation measures to minimize possible negative impacts on the cultural resources;
- ❖ Review applicable legislative requirements;

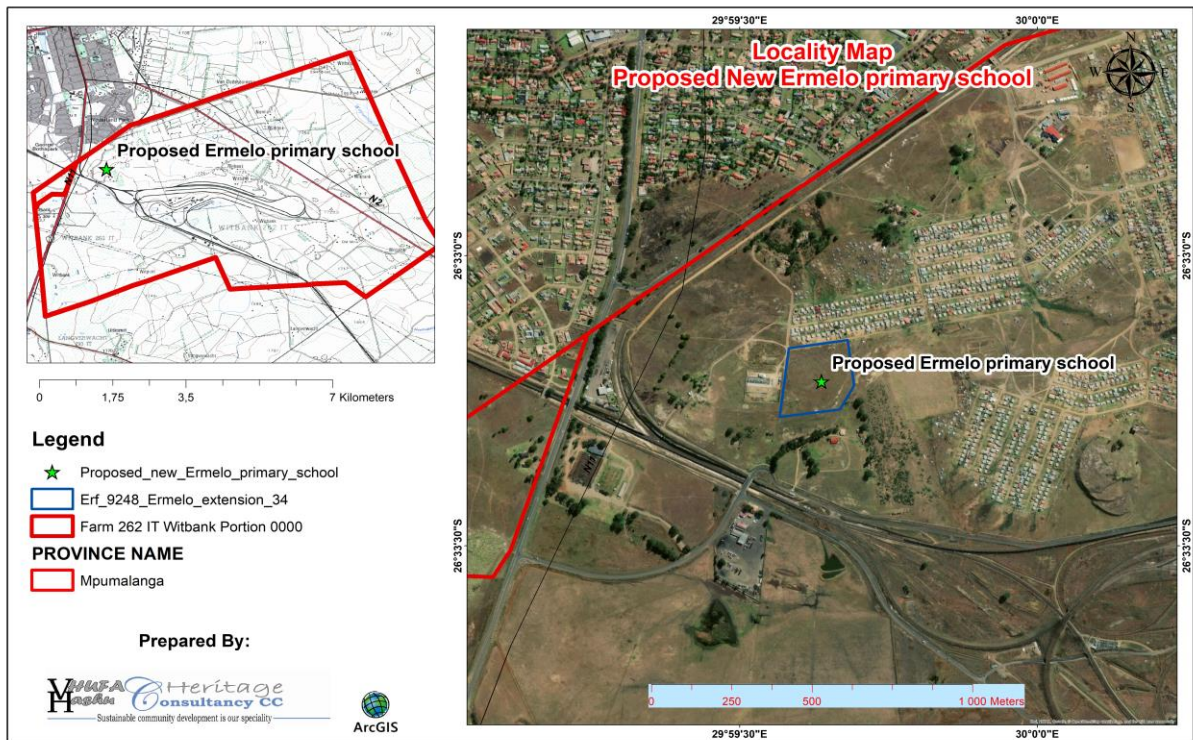
### **3. DESCRIPTION OF THE AFFECTED AREA**

The Mpumalanga Department of Education is proposing to build a new school in New Ermelo to curb overcrowded classrooms in Ermelo Schools. Teaching in an overcrowded classroom can be frustrating, overwhelming and stressful. An overcrowded classroom presents challenges that can feel nearly impossible to overcome, even to the most effective teachers.

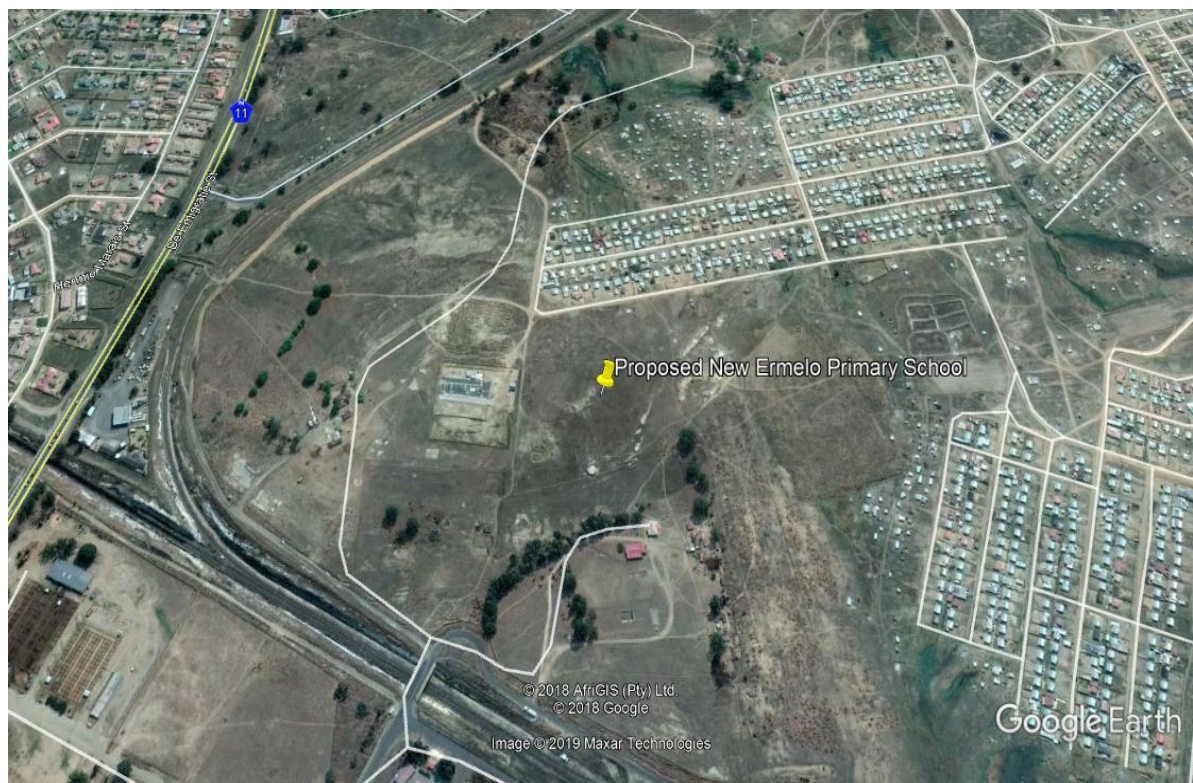
The proposed New Ermelo Primary School development is located on erf 9248 Ermelo Extension 34 within New Ermelo location few kilometers southern side of Ermelo Town within Msukalingwa Local Municipality, Gert Sibande District of Mpumalanga Province. Both these portions of land has been altered through small scale agricultural developments in the past and has a one old damaged cement open water dam for agricultural purposes.

The topography of the area is flat and has been severely altered over the past, and if any sites, features or objects of cultural (archaeological and historical) significance did exist here in the past it would have been disturbed or destroyed to a large degree. Visibility during the assessment was good. The field survey was conducted on the 28 of June 2019. The survey covered the proposed area. Only one grave was identified within the proposed site for development. No archaeological sites or material remains were identified within the proposed site.

The proposed area is having a shallow top soil and covered mostly by the rock which make it impossible for the vegetation to grow. The area would not need the clearance since the area does not having shrubs or trees.



**Figure 1:** Locality map



**Figure 2:** Aerial View of the proposed site.



**Figure 3:** View of Eskom Substation to the west.



**Figure 4:** View of Properties to the South.



**Figure 5:** Geotech test pit on site.



**Figure 6:** View of the candle on the ant mound probably used for rituals.



**Figure 7:** View of the old open cement dam within the proposed site.



**Figure 8:** View of New Ermelo Township to the east.



**Figure 9:** Newly drilled borehole on site.

#### **4. LEGISLATIVE REQUIREMENTS**

Two sets of legislation are relevant for the study with regards to the protection of heritage resources and graves. These are the National Heritage Resources Act (Act 25 of 1999) and the National Environmental Management Act (Act 107 of 1998).

##### **4.1 The National Heritage Resources Act**

According to the above-mentioned act the following is protected as cultural heritage resources:

- Archaeological artifacts, structures and sites older than 100 years
- Ethnographic art objects (e.g. prehistoric rock art) and ethnography
- Objects of decorative and visual arts
- Military objects, structures and sites older than 75 years
- Historical objects, structures and sites older than 60 years
- Proclaimed heritage sites
- Grave yards and graves older than 60 years
- Meteorites and fossils
- Objects, structures and sites of scientific or technological value.

The National Estate includes the following:

- Places, buildings, structures and equipment of cultural significance
- Places to which oral traditions are attached or which are associated with living heritage
- Historical settlements and townscapes
- Landscapes and features of cultural significance
- Geological sites of scientific or cultural importance
- Sites of Archaeological and palaeological importance
- Graves and burial grounds
- Sites of significance relating to the history of slavery
- Moveable objects (e.g. Archaeological, palaeontological, meteorites, geological specimens, military, ethnographic, books etc.)

Heritage Impact Assessment (HIA) is the process to be followed in order to determine whether any heritage resources are located within the area to be developed as well as the possible impact of the proposed development thereon. An Archaeological Impact Assessment (AIA) only looks at archaeological resources. An HIA must be done under the following circumstances:

- The construction of a linear development (road, wall, power line, canal etc.) exceeding 300m in length
- A construction of a bridge or similar structure exceeding 50m in length
- Any development or other activity that will change the character of a site and exceed 5 000m<sup>2</sup> or involve three or more existing erven or subdivisions thereof
- Re-zoning of a site exceeding 10 000 m<sup>2</sup>
- Any other category provided for in the regulations of SAHRA or a provincial heritage authority.

#### **4.2. The National Heritage Resource Act (25 of 1999)**

This act established the South African Heritage Resource Agency (SAHRA) and makes provision for the establishment of Provincial Heritage Resources Authorities (PHRA). The Act makes provision for the undertaking of heritage resources impact assessments for various categories of development as determined by Section 38. It also provides for the grading of heritage resources and the implementation of a three tier level of responsibilities and functions for heritage resources to be undertaken by the State,

Provincial authorities and Local authorities, depending on the grade of the Heritage resources. The Act defines cultural significance, archaeological and palaeontological sites and material (Section 35), historical sites and structures (Section 34), graves and burial sites (Section 36) which falls under its jurisdiction. Archaeological sites and material are generally those resources older than a hundred years, while structures and cultural landscapes older than 60 years, including gravestones, are also protected by Section 34. Procedures for managing grave and burial grounds are clearly set out in Section 36 of the NHRA. Graves older than 100 years are legislated as archaeological sites and must be dealt with accordingly.

Section 38 of the NHRA makes provision for developers to apply for a permit before any heritage resource may be damaged or destroyed.

#### **4.3. The human tissues act (65 OF 1983)**

This Act protects graves younger than 60 years. These fall under the jurisdiction of the National Department of Health and the Provincial Health Departments. Approval for the exhumation and re-burial must be obtained from the relevant Provincial MEC as well as the relevant Heritage Authorities.

Graves 60 years or older fall under the jurisdiction of the National Heritage Resources Act as well as the Human Tissues Act, 1983.

## **5. METHODOLOGY**

### **5.1. Source of information**

#### **5.1.1. Survey of Literature**

The methodological approach used for the study is aimed at meeting the requirements of the relevant heritage legislation. As such a desktop study was undertaken followed by a survey of the impact areas. Most of the information was obtained through the initial site visit made on the 28 June 2019. We also interview local residence around the site. In practice, most archaeological and historical sites are found through systematic survey of the target landscapes. The survey therefore, sought to identify cultural heritage sites including graves, burial grounds and contemporary religious or sacred ceremonial sites associated with the proposed School. VHHC heritage specialists conducted the reconnaissance survey and impact assessment by transecting the affected landscape on foot looking for indicators of archaeological and any other cultural materials in the

affected area. In part the survey, field officer also inspected soil profiles for potential archaeological materials that may still be trapped *in situ* in an area disturbed by human activities as well as area disturbed by natural factors.

#### **5.1.1.2. Field Survey**

Standard archaeological observation practices were followed; Visual inspection was supplemented by relevant written sources, and oral communications with local communities from the surrounding area. In addition, the site was recorded by hand held GPS Garmin Oregon 65 and plotted on 1:50 000 topographical map. Archaeological/historical material and the general condition of the terrain were photographed with a Garmin Oregon 65 Camera.

The field assessment section of the study was conducted according to generally accepted HIA practices and aimed at locating all possible objects, sites and features of archaeological significance in the area of the proposed development.

#### **5.1.1.3. Documentation**

All sites, objects, features and structures identified are documented according to the general minimum standards accepted by the archaeological profession. Co-ordinates of individual localities are determined by means of the Global Positioning System (GPS). The information is added to the description in order to facilitate the identification of each locality.

### **6. RESULTS OF THE FIELDWORK**

No cultural heritage (archaeological or historical) sites, features or objects were found. There is no structures/buildings on site which are older than 60 years.

#### **6.1. Site 1-Grave**

Only one grave was identified within the proposed New Ermelo Primary School project. The isolated grave is marked by the stone cairn and there is no inscription.

**GPS Location:** S27 11 16.57 E30 57 34.63

**Cultural Significance:** High – graves and cemeteries always carry a High Significance

**Mitigation:** It should be demarcated (fenced off) or relocated to the safe area (local Cemetery)

## 7. CHRONOLOGICAL SEQUENCE OF THE STONE AND IRON AGE

The Stone Age is the period in human history when lithics (or stone) was mainly used to produce tools. In South Africa the Stone Age can be divided basically into three periods. It is important to note that these dates are relative and only provide a broad framework for interpretation. A basic sequence for the South African Stone Age is as follows:

Early Stone Age (ESA):	Predominantly the Acheulean hand axe industry complex dating to + 1Myr yrs-250 000 yrs. Before present.
Middle Stone Age (MSA):	Various lithic industries in SA dating from $\pm 250\,000$ yr.- 30 000 yrs. before present.
Late Stone Age (LSA):	The period from $\pm 30\,000$ -yr.to contact period with either Iron Age farmers or European colonists.

There are no known Stone Age sites in the area including rock art. No Stone Age sites or objects were recorded during the assessment of the area.

The Iron Age is the name given to the period of human history when metal was mainly used to produce artifacts:

Early Iron Age (EIA):	Most of the first millennium AD
Middle Iron Age:	10 <sup>th</sup> to 13 <sup>th</sup> centuries AD
Late Iron Age (LIA):	14 <sup>th</sup> century to colonial period. The entire Iron Age represents the spread of Bantu speaking peoples.

## 8. ASSESMENT CRITERIA

This section describes the evaluation criteria used for determining the significance of archaeological and heritage sites. The significance of archaeological and heritage sites were based on the following criteria:

- The unique nature of a site
- The amount/depth of the archaeological deposit and the range of features (stone walls, activity areas etc.)
- The wider historic, archaeological and geographic context of the site.
- The preservation condition and integrity of the site
- The potential to answer present research questions.

### **8.1. Archaeological**

No archaeological materials were found in the study area.

### **8.2. Historical**

No historical sites/materials found on site.

### **8.3. Burial grounds and graves**

One grave was identified on site

The legislation also protects the interests of communities that have an interest in the graves: they should be consulted before any disturbance takes place. The graves of victims of conflict and those associated with the liberation struggle are to be identified, cared for, protected and memorials erected in their honor.

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 the Human Tissue Act (Act 65 of 1983) and are under the jurisdiction of the South African Heritage Resources Agency (SAHRA). 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 authorization as set out for graves younger than 60 years, over and above SAHRA authorization.

In terms of the Section 36 (3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) no person may, without a permit issued by the relevant 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 or 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.

Therefore, in addition to the formal protection of culturally significance graves, all graves which are older than 60 years and which are not already located in a cemetery (such as

ancestral graves in rural areas), are protected. Communities, which have an interest in the graves, must be consulted before any disturbance can take place. The graves of victims of conflict and those associated with the liberation struggle will have to be included, cared for, protected and memorials erected in their honor where practical. Regarding graves and burial grounds, the NHRA distinguishes between the following:

- Ancestral graves
- Royal graves and graves of traditional leaders
- Graves of victims of conflict
- Graves of individuals designated by the Minister by notice in the Gazette
- Historical graves and cemeteries
- Other human remains, which are not covered in terms of the Human Tissue Act, 1983 (Act No.65 of 1983).

#### **8.4. Significance valuation Burial Ground, Historic Cemeteries and Graves**

The significance of burial grounds and gravesites is closely tied to their age and historical, cultural and social context. Nonetheless, every burial should be considered as of high significance. Should any grave previously unknown be identified during construction, every effort should be made not disturb them. Pole position should be shifted to ensure the grave or burial ground is not disturbed.

#### **8.5. Previously unidentified burial sites/graves –**

Although the possibilities of this occurring are very limited, should burial sites outside the NHRA be accidentally found during the proposed development, they must be reported to the nearest police station to ascertain whether or not a crime has been committed. If there is no evidence for a crime having been committed, and if the person cannot be identified so that their relatives can be contacted, the remains may be kept in an institution where certain conditions are fulfilled. These conditions are laid down in the Human Tissue Act (Act No. 65 of 1983). In contexts where the local traditional authorities give their consent to the unknown remains to be re-buried in their area, such re-interment may be conducted under the same regulations as would apply for known human remains.

## 9. THE SIGNIFICANCE OF GRAVES AND BURIAL SITES

The significance of burial grounds or graves has been indicated by means of stipulations derived from the National Heritage Resources Act (Act No 25 of 1999)

Heritage Significance	:	GP.A; High/Medium Significance
Impact	:	Negative
Impact Significance	:	High
Certainty	:	Probable
Duration	:	Permanent
Mitigation	:	C

- *Informal graves and Formal grave yards (Cemeteries)*

Informal and formal grave yards (Cemeteries) can be considered to be sensitive remains of high significance and are protected by various laws. Legislation with regard to graves includes the National Heritage Resources Act (no 25 of 1999) this act applies whenever graves are older than sixty years. The act also distinguishes various categories of graves and burial grounds. Other legislation with regards to graves includes those which apply when graves are exhumed and relocated, namely the Ordinance on exhumation (Ordinance no 12 of 1980) and the Human Tissue Act (Act no 65 of 1983 as amended).

### 9.1 Site significance

The site significance classification standards as prescribed and endorsed by the South African Heritage Resources Agency (2006) and approved by the Association for Southern African Professional Archaeologists (ASAPA) for the Southern African Development Community (SADC) region, were used as guidelines in determining the site significance for the purpose of this report.

FIELD RATING	GRADE	SIGNIFICANCE	RECOMMENDED MITIGATION
National Significance (NS)	Grade 1	-	Conservation; National Site nomination
Provincial Significance (PS)	Grade 2	-	Conservation; Provincial Site nomination
Local Significance (LS)	Grade 3A	High Significance	Conservation; Mitigation not advised
Local Significance (LS)	Grade 3B	High Significance	Mitigation (Part of site should be retained)
Generally Protected A (GP.A)	Grade 4A	High / Medium Significance	Mitigation before destruction
Generally Protected B (GP.B)	Grade 4B	Medium Significance	Recording before destruction
Generally Protected C (GP.C)	Grade 4C	Low Significance	Destruction

Grading and rating systems of heritage resources

## 9.2. Impact rating

### VERY HIGH

These impacts would be considered by society as constituting a major and usually permanent change to the (natural and/or cultural) environment, and usually result in severe or very severe effects, or beneficial or very beneficial effects.

**Example:** The loss of a species would be viewed by informed society as being of VERY HIGH significance.

**Example:** The establishment of a large amount of infrastructure in a rural area, which previously had very few services, would be regarded by the affected parties as resulting in benefits with VERY HIGH significance.

### HIGH

These impacts will usually result in long term effects on the social and /or natural environment. Impacts rated as HIGH will need to be considered by society as constituting an important and usually long term change to the (natural and/or social) environment. Society would probably view these impacts in a serious light.

**Example:** The loss of a diverse vegetation type, which is fairly common elsewhere, would have a significance rating of HIGH over the long term, as the area could be rehabilitated.

**Example:** The change to soil conditions will impact the natural system, and the impact on affected parties (e.g. farmers) would be HIGH.

### **MODERATE**

These impacts will usually result in medium- to long-term effects on the social and/or natural environment. Impacts rated as MODERATE will need to be considered by the public or the specialist as constituting a fairly unimportant and usually short term change to the (natural and/or social) environment. These impacts are real, but not substantial.

**Example:** The loss of a sparse, open vegetation type of low diversity may be regarded as MODERATELY significant.

**Example:** The provision of a clinic in a rural area would result in a benefit of MODERATE significance.

### **LOW**

These impacts will usually result in medium to short term effects on the social and/or natural environment. Impacts rated as LOW will need to be considered by society as constituting a fairly important and usually medium term change to the (natural and/or social) environment. These impacts are not substantial and are likely to have little real effect.

**Example:** The temporary changes in the water table of a wetland habitat, as these systems are adapted to fluctuating water levels.

**Example:** The increased earning potential of people employed as a result of a development would only result in benefits of LOW significance to people living some distance away.

### **NO SIGNIFICANCE**

There are no primary or secondary effects at all that are important to scientists or the public.

**Example:** A change to the geology of a certain formation may be regarded as severe from a geological perspective, but is of NO SIGNIFICANCE in the overall context.

## **9.3 CERTAINTY**

*DEFINITE* : More than 90% sure of a particular fact. Substantial supportive data exist to verify the assessment.

*PROBABLE* : Over 70% sure of a particular fact, or of the likelihood of an impact occurring.

*POSSIBLE* : Only over 40% sure of a particular fact, or of the likelihood of an impact occurring.

*UNSURE* : Less than 40% sure of a particular fact, or of the likelihood of an impact occurring.

#### **9.4 DURATION**

*SHORT TERM* : 0 – 5 years

*MEDIUM* : 6 – 20 years

*LONG TERM* : more than 20 years

*DEMOLISHED* : site will be demolished or is already demolished

#### **9.5 MITIGATION**

Management actions and recommended mitigation, which will result in a reduction in the impact on the sites, will be classified as follows:

- **A** – No further action necessary
- **B** – Mapping of the site and controlled sampling required
- **C** – Preserve site, or extensive data collection and mapping required; and
- **D** – Preserve site

### **10. CONCLUSIONS AND RECOMMENDATIONS**

The phase 1 Archaeological and heritage impact assessment for the proposed construction of New Ermelo Primary School identified only one unknown grave which will be impacted during the construction process. In terms of SAHRA all burial ground and graves are considered to be of national significance and their management resides with SAHRA-for example, SAHRA has a designated offices called SAHRA BGG Unit specifically established to deal with issues of burial grounds and graves at the national level.

The following steps and measures are recommended regarding the identified grave:

- Should the development proceed on Erf 9248 Ermelo Extension 34 then the grave would be impacted. Two possible mitigation actions can be considered. The first option is to fence-in with barbed wire or a wall, clean and manage the site within the development.
- The second option is the exhumation and relocation of the grave, after following a detailed social consultation process that will include site notices, newspaper advert and Public Participation meeting with community members.

From an archaeological and cultural heritage resources perspective, there are no objections to the proposed project and we recommend to the Provincial Heritage Resource Agency, South African Heritage Resource Agency to approve the project as planned.

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## **APPENDIX A: PROCESS OF GRAVE EXHUMATION**

**Application of a permit from SAHRA's BGG Unit or PHRA** in terms of Section 36 of the National Heritage Resources Act for **graves older than 60 years**.

- **Graves of known identity:** Proof of thorough consultative process:
  - Locate next of kin and obtain letter of consent from next of kin.
  - Obtain a letter of consent or statement of no objection from the local traditional authority.
  - Determine a place for the re-burial of each grave in consultation with next of kin. In addition, also determine the arrangement of reburial, i.e., by the next of kin/community or a funeral undertaker.
  - Submit documentation of the above with the permit application to SAHRA.
  - Inform SAPS of intent to relocate the grave/s and submit a copy of the permit to SAPS.
  
- **Graves of unknown identity:** Proof of thorough consultative process:
  - Place advertisement in a local and national newspaper with description and location of graves and full contact detail of consultant and developer. A waiting period of 60 days applies.
  - If no reaction to advertisement follows, then apply for permit from SAHRA after the waiting period of 60 days with proof of advertisement and any other consultative process.
  - If in rural area obtain a letter of consent or statement of no objection from local traditional authority must be submitted with permit application.
  - If advertisement leads to a claim from next of kin or from a community who by tradition has an interest, then written consent from relevant party must be obtained.
  - Determine a place for the re-burial of each grave
  - Submit documentation of the above with the permit application to SAHRA.
  - Inform SAPS of intent and process of re-burial and submit a copy of the permit to SAPS.

**Graves less than 60 years old** in terms of the Human Tissues Act (Act no. 65 of 1983) and the Removal of Graves and Dead Bodies Ordinance No. 7 of 1925

- Locate the next of kin of the buried persons and obtain consent from the next of kin for the relocation of the graves.
- Determine a place for the re-burial of each grave.
- Obtain a letter of consent or statement of no objection from the local traditional authority.
- Submit above documentation to the Department of Health and obtain permission for the relocation of the graves – which process would most probably be regulated by the District Municipality.
- Inform the Local South African Police Service and provide documentation from relevant heritage authority.
- The graves are to be exhumed under the supervision of an archaeologist.