



Date: 11 September 2017

SUBJECT: SITE ASSESSMENT AND PROPOSED INTERVENTIONS FOR HERITAGE MANAGEMENT ON PORTION 406 FARM ZANDFONTEIN42-IR COMMONLY KNOWN AS DEPOT 406 IN SANDTON

1. OVERVIEW:

Johannesburg City Parks and Zoo (JCPZ) is a municipal entity within the City of Johannesburg which is responsible for the development and maintenance of Public Open Spaces, Parks, Road verges and cemeteries within the jurisdiction of Johannesburg Metropolitan Municipality.

The National Heritage Resources Act places an obligation for the conservation of cultural and heritage resources which includes the protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance. With Section 35(4) of the Act which states that no person may, without a permit issued by the responsible heritage resources authority: alter or demolish any structure or part of a structure which is older than 60 years as protected. The above mentioned may only be disturbed or moved by an archaeologist, after receiving a permit from the South African Heritage Resources Agency.

The recommendations contained in this report are subject to the following that the descendant which are community members in this instance of the graves are sought, and notified about any proposed development/exhumation and subsequent relocation of these unknown graves to a central location which might have an impact directly or indirectly on their grave. This can be achieved by means of public participation or placing of placards in public places or through the local newspapers.

2. METHODOLOGY AND APPROACH:

The methodological approach for this assessment is informed by the 2012 SAHRA Policy Guidelines for impact assessment. As part of this project, the following tasks were conducted: 1) literature review, 2), consultations with the Regional Maintenance team, 3), completion of a field assessment which forms the basis for this report. The field survey was conducted based on the recently discovered graves located at Depot 406; a site assessment was undertaken by Environmental Protection on the 25th August 2017 in conjunction with Regional Maintenance/Depot representatives.

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Figure 1: site location

3. FINDINGS:

**Grave
1a
(1
grave)**



- a) Located behind the newly constructed staff quarters
- b) Grave has since been fenced off as a security and protection measure
- c) Grave owners are unknown nor family or relatives of the deceased
- d) Signage and regular maintenance required
- e) To determine whether the site has associated Stone Age relevance – the period in human history when lithic material was mainly used to produce tools.
- f) No stone robbing or removal of any material is allowed. Any disturbance or alteration on this graveyard would be illegal and punishable by law, under section 36 (3) of the National Heritage Resources Act NHRA of 1999 (Act 25 of 1999)
- g) Maintain a reasonable buffer zone around the identified graves; and

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no dumping of construction material is allowed within the graveyard and no un-monitored alteration or excavation within the cemetery may occur

**Grave
2b
(1
grave)**



- a) Inscription of the grave indicates the deceased to from 1924 to 1937, thus the grave qualifies for a heritage status
- b) Located behind Grave 1a
- c) Fencing is required to secure and protect the grave from vandalism
- d) Grave owners are unknown nor family or relatives of the deceased
- e) Media statement will be circulated to locate the family relatives
- f) Media sources to be engaged – internal Stakeholder Liaison, Sandton Chronicle, Heritage Online Portal and CoJ Arts and Heritage Department
- g) To determine whether the site has associated Stone Age relevance – the period in human history when lithic material was mainly used to produce tools.
- h) No stone robbing or removal of any material is allowed. Any disturbance or alteration on this graveyard would be illegal and punishable by law, under section 36 (3) of the National Heritage Resources Act NHRA of 1999 (Act 25 of 1999)
- i) Maintain a reasonable buffer zone around the identified graves; and no dumping of construction material is allowed within the graveyard and no un-monitored alteration or excavation within the cemetery may occur

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**Grave
3c (4
graves)**



- There are four (4) unknown graves on sites, of which the neither deceased nor family members are known.
- Independent Heritage Practitioner to determine and confirm if the origins are of human or animal origin
- Exhumation is recommended and relocation to a suitable site
- Short term measure include fencing off the grave and restricting access by members of the public

4. APPLICABLE LEGISLATION:

The aspects concerning the conservation of cultural and heritage resources are dealt with mainly in two acts i.e. the National Heritage Resources Act ('NHRA') and the National Environmental Management Act ('NEMA').

- National Heritage Resources Act lists the following 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;

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Meteorites and fossils; and objects, structures and sites of scientific or technological value.

- **Human remains** - In terms of Section 36(3) of the National Heritage Resources Act, no person may, without a permit issued by the relevant heritage resources authority: 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; 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 bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation, or any equipment which assists in the detection or recovery of metals.
- Human remains that are less than 60 years old are subject to provisions of the Human Tissue Act (Act 65 of 1983) and to local regulations. **Exhumation of graves** must conform to the standards set out in the Ordinance on Excavations (Ordinance no. 12 of 1980) (replacing the old Transvaal Ordinance no. 7 of 1925).
- **Permission** must also be gained from the descendants (where known), the National Department of Health, Provincial Department of Health, Premier of the Province and local police. Furthermore, permission must also be gained from the various landowners (i.e. where the graves are located and where they are to be relocated) before exhumation can take place.
- Human remains can only be handled by a **registered undertaker or an institution** declared under the Human Tissues Act (Act 65 of 1983 as amended). Unidentified/unknown graves are also handled as older than 60 until proven otherwise

5. RECOMMENDATIONS:

All graves are of high significance and are protected by various laws irrespective of whether they are known or unknown. Legislation with regard to graves includes the National Heritage Resources Act (Act 25 of 1999) whenever graves are 60 years and older. Other legislation with regard to graves includes those when graves are exhumed and relocated, namely the Ordinance on Exhumations (no 12 of 1980) and the Human Tissues Act (Act 65 of 1983 as amended), when graves are less than 60 years. It is on this basis the following recommendations are applicable:

- a) Independent Heritage Practitioner to determine and confirm if the origins are of human or animal origin for Grave 3c
- b) To commission an urgent study and determine a history relating to Grave 1a, 2b and 3c.
- c) Placement of signage outlining the Heritage and City Council Bylaws provisions and regulations to be complied with in relation to the identified graves

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- d) The development of a Conservation Management Plan according to the identified threats
- e) The relocation of identified graves from Depot 406 to a central location and cordoned off with the intent of limiting pedestrian/public access
- f) The National Heritage Resources Act, **section 34(1)** requires that no person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority. Hence it is on this basis that a comprehensive assessment of the heritage elements associated with graves located at Depot 406 is recommended as an urgent intervention.

6. FUNDING:

It is envisaged the implementation of the above-mentioned recommendations will cost approximately R100 000. The cost includes the relocation of identified graves, exhumation and laboratory tests for Grave 3c, public engagement, interviews to trace the owners, and other associated activities.

7. WAY FORWARD:

It is recommended that the contents of the report be prioritised for urgent implementation which includes the recommendations and indicative budget requirements for the finalisation of this exercise.

Report compiled by:
Environmental Protection
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