

APPLICATION FORM I

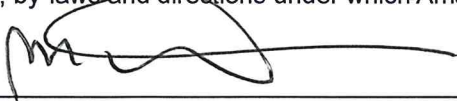
Ref: _____
Date received _____
Application No _____
Application approved ___ not approved ___
Date of permit/notification _____
Permit No _____

APPLICATION IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT (4 OF 2008) FOR THE CONDONEMENT / APPROVAL / RECTIFICATION OF THE UNLAWFUL COMMENCEMENT OR CONTINUATION OF WORK ON, OR DAMAGE OF, PROTECTED HERITAGE RESOURCES

PLEASE NOTE: IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL HERITAGE ACT, 2008 TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION (Detach and Consult the attached guidelines before completing this form)

THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. Application forms are available on the website www.heritagekzn.co.za - "Permits" – Form I

ALL APPLICATION FORMS, DEVELOPMENT PROPOSALS, PHOTOGRAPHS, MOTIVATION, AND PROOF OF PAYMENT ARE TO BE DELIVERED TO: Amafa aKwaZulu-Natali, 195 LANGALIBALELE (LONGMARKET) STREET, PIETERMARITZBURG, 3201 OR POSTED TO: BOX 2685 PIETERMARITZBURG 3200. Enquiries 033-394 6543 or Fax 033-394 6552 (For proof of payment not applications)

A. DECLARATION BY OWNER
I, NHLANHLA JOSHUA MDAKANE
(full names of owner/person authorized to sign) undertake strictly to observe the terms, conditions, restrictions, by-laws and directions under which Amafa aKwaZulu-Natali may issue the permit to me.
Signature 
Place KWA DUKUZA Date 28 FEB 2018
(The owner of the property must fill in these details and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:
1. Name of property: KWA DUKUZA CREMATORIUM Title Deed No. N0F403200000316000000
2. Erf/Lot/Farm No: ERF 3160, KWA DUKUZA
Street Address: N/A

Local Municipality KWADUKUZA LOCAL MUNICIPALITY
 District Municipality iLEMBE DISTRICT MUNICIPALITY
 GPS Co-ordinates 29° 19' 44.33" S ; 31° 18' 28.41" E
 3. Current zoning AGRICULTURE Present use CREMATORIUM
 4. Detail of Structures or improvements on site THE KWADUKUZA CREMATORIUM

C. SIGNIFICANCE:

1. Status of the Site:

Heritage Landmark		Provincial Heritage Landmark		Listed on the Heritage Register		Heritage Conservancy	
Provisionally Protected (notice issued)		Generally protected structure		Generally protected archaeological site		Generally protected grave or battlefield	

Government Gazette Notice of Protection _____

2. Historical/Military Significance: _____
NOT APPLICABLE

References _____

3. Architectural Significance: _____

References _____

4. Archaeological Significance: REFER TO APPENDIX G FOR HERITAGE IMPACT ASSESSMENT.

References _____

5. Palaeontological Significance: N/A

References _____

E. CONTACT DETAILS**1. CONTRACTOR (the person who will do the work)**

NAME	
POSTAL ADDRESS	
NOT APPLICABLE	POST CODE
TEL	FAX/ EMAIL
CELL	QUALIFICATIONS
REGISTRATION OF INDUSTRY REGULATORY BODY:	

2. HERITAGE ARCHITECT/HERITAGE PRACTITIONER/CONSERVATOR

NAME <i>Gavin Anderson</i>	
POSTAL ADDRESS <i>P.O. Box 102532, Meerensee</i>	
	POST CODE <i>3961</i>
TEL <i>035 7531785</i>	FAX/ EMAIL <i>umlando@gmail.com</i>
CELL <i>0836585362</i>	SACAPI/ASAPA REG. NO. <i>005</i>
Author's Drawing Nos.	
SIGNATURE <i>[Signature]</i>	DATE <i>24/10/2017</i>

3. OWNER OF PROPERTY (Owner or delegated person to sign on the front of this form)

NAME <i>N.J. MDAKANE (MUNICIPAL MANAGER)</i>	
POSTAL ADDRESS <i>P.O Box 72, KWADUKUZA</i>	
	POST CODE <i>4450</i>
TEL <i>032 437 5000</i>	FAX/ EMAIL <i>032 437 5098</i>

4. DELEGATED AUTHORITY (The name of the person authorized to act on behalf of a company or institution – Power or Attorney/proof of authorization to be attached)

NAME <i>N.J. MDAKANE</i>	
TEL <i>032 437 5000</i>	FAX/ EMAIL <i>nhlanhlan@kwadukuza.gov.za</i>

F. SUBMISSION FEE: R3500.00 (subject to annual increment on the 1 April)

The submission fee is payable to Amafa aKwaZulu-Natali by cheque or bank deposit/internet banking prior to the processing of this application.
 Banking details in case of direct deposits:
ABSA BANK: Branch: ULUNDI Bank Code: 630330
 Account in the name of AMAFA AKWAZULU-NATALI
Account No. 40-5935-6024
 NB: Proof of payment to be forwarded (faxed, posted or delivered) to our office

~~G. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted - written opinion to be attached to form and drawings to be signed by I & A P. See Guidelines)~~

~~Name _____ NOT APPLICABLE.~~

~~Telephone _____ Fax _____~~

H. CHECKLIST OF SUPPORTING DOCUMENTATION YES NO

	YES	NO
APPLICATION FORM (COMPLETED & SIGNED BY OWNER & PLANS AUTHOR)	✓	
MOTIVATION/INCEPTION REPORT	✓	
PHOTOGRAPHS	✓	
ORIGINAL DRAWINGS	✓	
PLANS (X2 SETS) - NUMBERED AND COLOURED	✓	
PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)	✓	
PAYMENT/PROOF OF PAYMENT	✓	

APPENDIX A
PROJECT DESCRIPTION AND MOTIVATION

Enquiries Navrae	Mr. S.M. Khanyile Executive Director: Community Services & Public Amenities	Telephone Ucingo Telefoon	032 – 437 5087	Postal Address Isikhwama Seposi Pos Adres	P.O. Box 72 KwaDukuza 4450
Reference Inkomba Verwysing	Heritage Application	Fax iFeksi Faks	032 – 551 2476	Date Usuku	31 October 2017

**ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS
1 LINK ROAD
ALBERT TOWERS
STANGER
4450
TEL: (032) 437 7500
EMAIL: Malcom.Moses@kznedtea.gov.za**

ATTENTION: MALCOM MOSES

Dear Sir/Madam

RE: MOTIVATION FOR SECTION 24G APPLICATION

The municipality back in the late 1990's received a request from the community for the development of a crematorium. The crematorium was then constructed and it started operating in the year 2000, unfortunately at the time there were no applications made to the relevant Department/authorities due to lack of knowledge on the environmental processes which were to be followed in order for the crematorium to be legally operated. Unfortunately the absence of the applicable licenses and authorizations were discovered in the year 2015 when the municipality wanted to expand the crematorium, during this time the current management wanted to verify whether what was contained in the RoD and the license allow for the extension. That is when it was discovered that the crematorium was operating without the necessary sanctions.

From 2015 the municipality has been up in arms trying to secure a budget for rectification of the circumstance, the municipality liaised with the relevant authorities in terms of getting advise on how this can be rectified as a result a Consultant was appointed to undertake the process of applying for the Air Quality licence as well as rectification process in terms Section 24G.

It is regrettable that operations continued in 2015 even after realizing that there is no authorization nor a license in place, this was due to the demand and the outcry the municipality was and is still receiving from the community of KwaDukuza; and the crematorium does not service KwaDukuza community, but the entire Ilembe Region also cremations from as far as Richards Bay, Umtubatuba are received hence closure was somehow difficult.

The KwaDukuza Crematorium provides a vital service to the community of KwaDukuza including the entire Ilembe Region as well as neighbouring municipality outside of Ilembe District. As a result of understanding the importance of rendering the service to the community of KwaDukuza and prevention of closure of the crematorium the KwaDukuza Municipality has taken measures to rectify the non-compliance associated with the building and expansion of the crematorium since 2015. This includes the appointment of Triplo4 Sustainable Solutions to conduct the NEMA Section 24G application, a NEM: AQA Section 22A application and a DWS Water Use Application. As a result of the lack of burial space which is a problem countrywide and KwaDukuza municipality is no exception to the problem; some members of the community have opted for cremation and this option eases the burden from our cemeteries which already have limited space and some of which are closed already.

As an indication of seriousness by the municipality to remedy the situation the following processes have been undertaken: Water Use application license has been launched with Department of Water and Sanitation, and acknowledgement letter was received, air quality tests have been done the Consultant is consolidating the report for launching an application with the Air Quality Department.

It is requested that this application be considered favorably since the municipality is working towards being legally compliant, and this will assist the municipality to continue and provide this vital service to the community.

Yours Faithfully



MR. N.J. MDAKANE
MUNICIPAL MANAGER
KWADUKUZA MUNICIPALITY

“Committed to service delivery”

APPENDIX B
SITE PHOTOGRAPHS



Image 1: View of the KwaDukuza Crematorium.



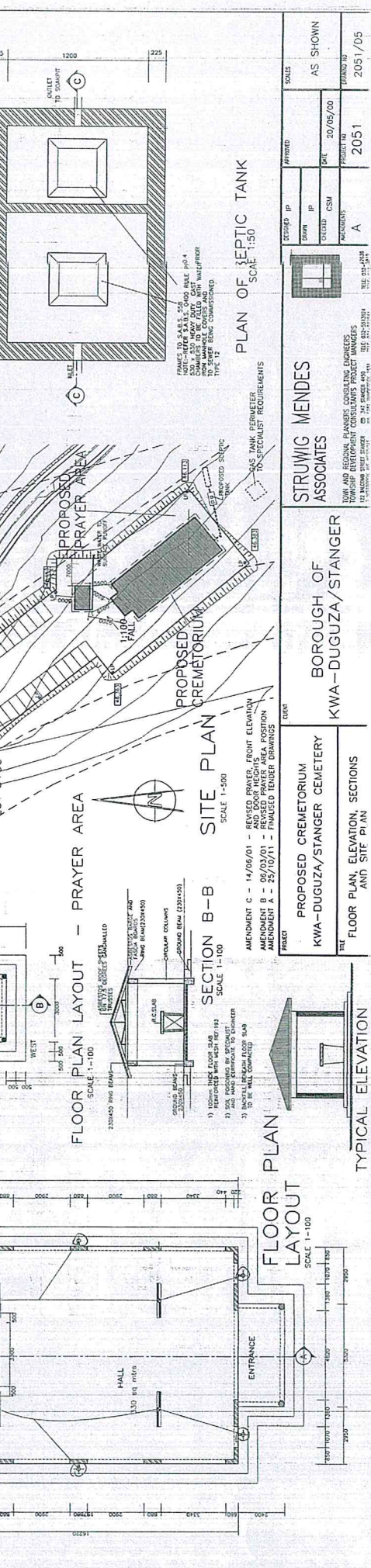
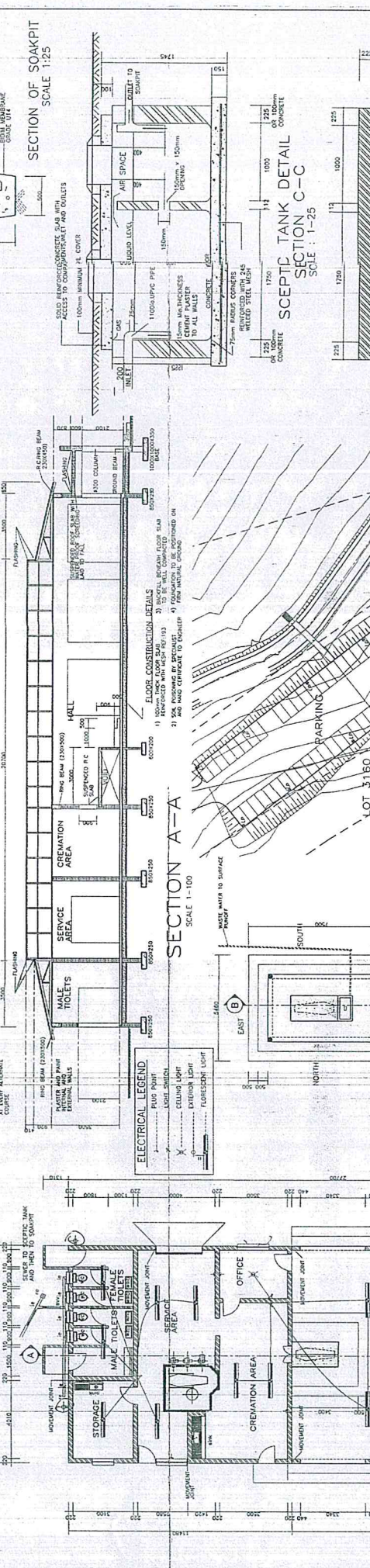
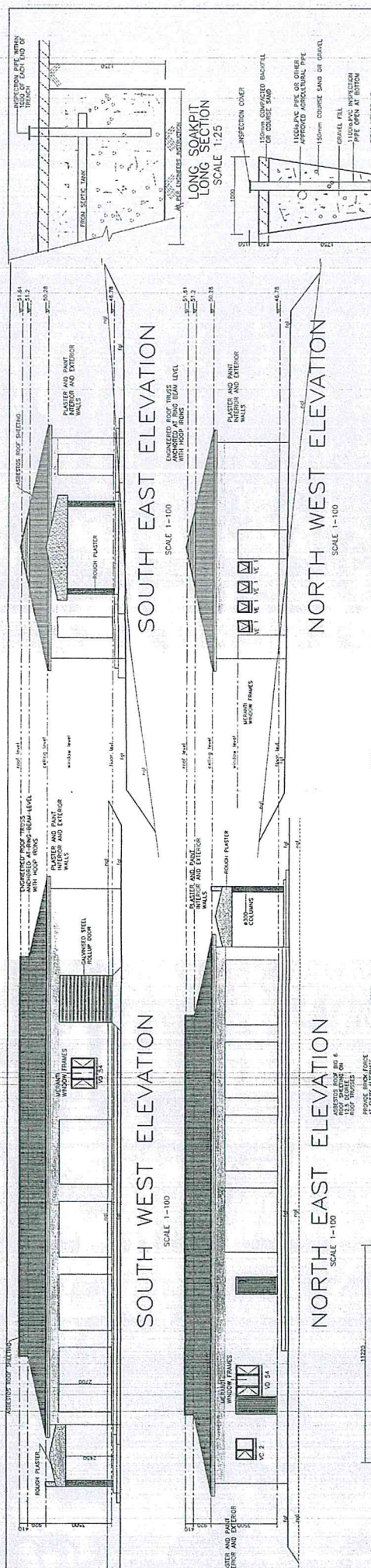
Image 2: View of the cemetery adjacent to the existing crematorium, as pictured above.

Triplo4 Sustainable Solutions (Pty) Ltd, a Level 2 B-BBEE Contributor

KZN North Coast Tel: 032 946 3213 | Fax: 032 946 0826 | E-mail: hantie@triplo4.com
Suite 5, The Circle Business Centre, Douglas Crowe Drive, Ballito 4420 | PO Box 6595, Zimbali, 4418
eThekweni: Tel: 031 563 4422 | Fax: 031 940 9847 | E-mail: kushela@triplo4.com
Suite 535, Block 5, 3rd Floor, Island Office Park, 35 Island Circle, Riverhorse Valley, Durban, 4017
Johannesburg: Tel: 011 234 3819 | Fax: 086 613 8535 | E-mail: info@triplo4.com
Loft C, 1st Floor, Aptus House, Riverworld Park, 42 Homestead Road, Rivonia, 2191
Reg No. 2011/124251/07 | Directors: AJ Plomp | KV Naidoo



APPENDIX C
SITE PLANS



DESIGNED BY	STRUWIG MENDES ASSOCIATES	DATE	20/05/00	PROJECT NO.	2051	SCALE	AS SHOWN
DRAWN	IP	CHECKED	CSM	PROJECT TO	2051/05		
APPROVED	IP						

TOWN AND REGIONAL PLANNING CONSULTING ENGINEERS
 TOWNSHIP DEVELOPMENT CONSULTANTS PROJECT MANAGERS
 12 MOORE STREET SUITE 2000
 TORONTO, ONTARIO M5H 1A5
 TEL: 416-593-9944
 FAX: 416-593-9945
 WWW.SMAA.COM

APPENDIX D
PROOF OF PROFESSIONAL ACCREDITATION



UNIVERSITY OF CAPE TOWN

we certify that

Gavin Craig Anderson

was admitted to the degree of

Master of Philosophy

in the Faculty of Arts

on 9 December 1996

Dennis de Zoort



[Signature]

Vice Chancellor

Hugh Amoore

Registrar

<<archaeologists

THE ASSOCIATION OF SOUTHERN AFRICAN PROFESSIONAL ARCHAEOLOGISTS



Gavin Anderson

Professional

005

31/07/2019

APPENDIX E
PROOF OF PAYMENT



NEDBANK

Ltd/Bpk Reg No 1951/000009/06

Notification of Payment

Nedbank Limited confirms that the following payment has been made:

Date of Payment : 28/02/2018
Reference Number : 2018-02-28/NEDBANK/001708851474

Beneficiary details

Recipient : AMAFA AKWAZULU -NATALI
Amount : R3500.00
Recipient Reference : KDM Crematorium
Bank : ABSA BANK
Account Number : ...356024
Channel : Internet payment

Payer details

Paid By : * TRIPLO 4 SUSTAINABLE

Verify notification at <https://netbank.nedsecure.co.za>

This notification of payment is sent to you by Nedbank Limited Reg No 1951/000009/06. Enquiries regarding this payment notification should be directed to the Nedbank Contact Centre on 0860 555 111. Please contact the payer for enquiries regarding the contents of this notification.

Nedbank Ltd will not be held responsible for the accuracy of the information on this notification and we accept no liability whatsoever arising from the transmission and use of the information.

Payments may take up to three business days. Please check your account to verify the existence of the funds.

Note: We as a bank will never send you an e-mail requesting you to enter your personal details or private identification and authentication details.

Nedbank Limited email

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APPENDIX F
POWER OF ATTORNEY LETTER

KwaDukuza Municipality

BUSINESS UNIT: COMMUNITY SERVICES & PUBLIC AMENITIES

Enquiries Navrae	Mr. S.M. Khanyile Executive Director: Community Services & Public Amenities	Telephone Ucingo Telefoon	032 – 437 5087	Postal Address Isikhwama Seposi Pos Adres	P.O. Box 72 KwaDukuza 4450
Reference Inkomba Verwysing	Heritage Application	Fax iFeksi Faks	032 – 551 2476	Date Usuku	31 October 2017

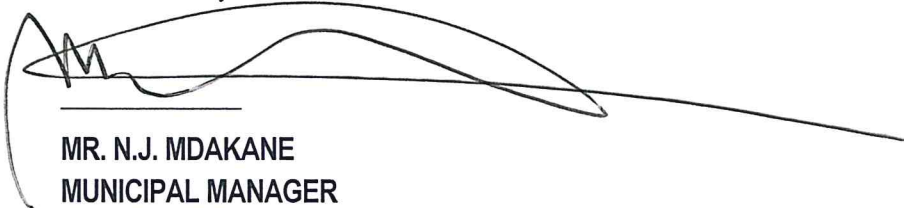
AMAFA / HERITAGE KWAZUKU NATAL
P.O. BOX 2685
PIETERMARITZBURG
3200
TEL: 033 – 394 6543
FAX: 033 – 342 6097

Dear Sir/Madam

RE: CONFIRMATION THAT THE ACCOUNTING OFFICER MR. N.J. MDAKANE IS A DELEGATED PERSON TO SIGN ALL DOCUMENTATION RELATING TO THE HERITAGE APPLICATION

Please note that as per the KwaDukuza Municipal Delegations in terms of section 59 of the Municipal Systems Act 32 of 2000; I the undersigned, Mr. Nhlanhla Joshua Mdakane, Identity Number 650326 548408 6, as the Municipal Manager of the KwaDukuza Municipality, hereby advise that authorization has been granted to me to sign all documentation pertaining to the Heritage Application for the KwaDukuza Crematorium.

Yours Faithfully



MR. N.J. MDAKANE
MUNICIPAL MANAGER
KWADUKUZA MUNICIPALITY

“Committed to service delivery”

APPENDIX G
HERITAGE IMPACT ASSESSMENT

THE EXTENSION OF THE KWADUKUZA
CREMATORIUM

FOR TRIPLO4

DATE: 28 NOVEMBER 2016

By Gavin Anderson

Umlando: Archaeological Surveys and Heritage
Management

PO Box 102532, Meerensee, 3901

Phone/fax: 035-7531785 Fax: 0865445631

Cell: 0836585362



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Abbreviations

HP	Historical Period
IIA	Indeterminate Iron Age
LIA	Late Iron Age
EIA	Early Iron Age
ISA	Indeterminate Stone Age
ESA	Early Stone Age
MSA	Middle Stone Age
LSA	Late Stone Age
HIA	Heritage Impact Assessment
PIA	Palaeontological Impact Assessment

INTRODUCTION

27 November 2016

KWADUKUZA CREMATORIUM

The KwaDukuza crematorium and cemetery is located ~2km northeast of central Stanger and to the east of the P107. The cemetery originated before 1968 and has expanded through time. Figures 1 – 4 show the location of the site.

The latest construction and the subsequent expansion of the KwaDukuza Crematorium commenced without the necessary Environmental Authorisation. The area is now approx. 250 m x 450m in size.

The municipality is now seeking Authorisation for this expansion. Authorisation cannot be obtained via the normal EIA route (BA or Scoping & EIR in terms of the NEMA and the EIA Regulations) as the unauthorized activity is deemed a criminal offence in terms of Section 24F of the NEMA and thus both phases of activity are deemed unlawful. In order for the activities to be rendered lawful an application must be made in terms of Section 24G (consequences of unlawful commencement of activity) of the NEMA and the Competent Authority is requested to grant *ex post facto* Environmental Authorisation.

The municipality is thus requesting comment from Amafa KZN regarding the expansion. This is not a letter requesting exemption as the work has already been undertaken.

FIG. 1: LOCATION OF THE CREMATORIUM

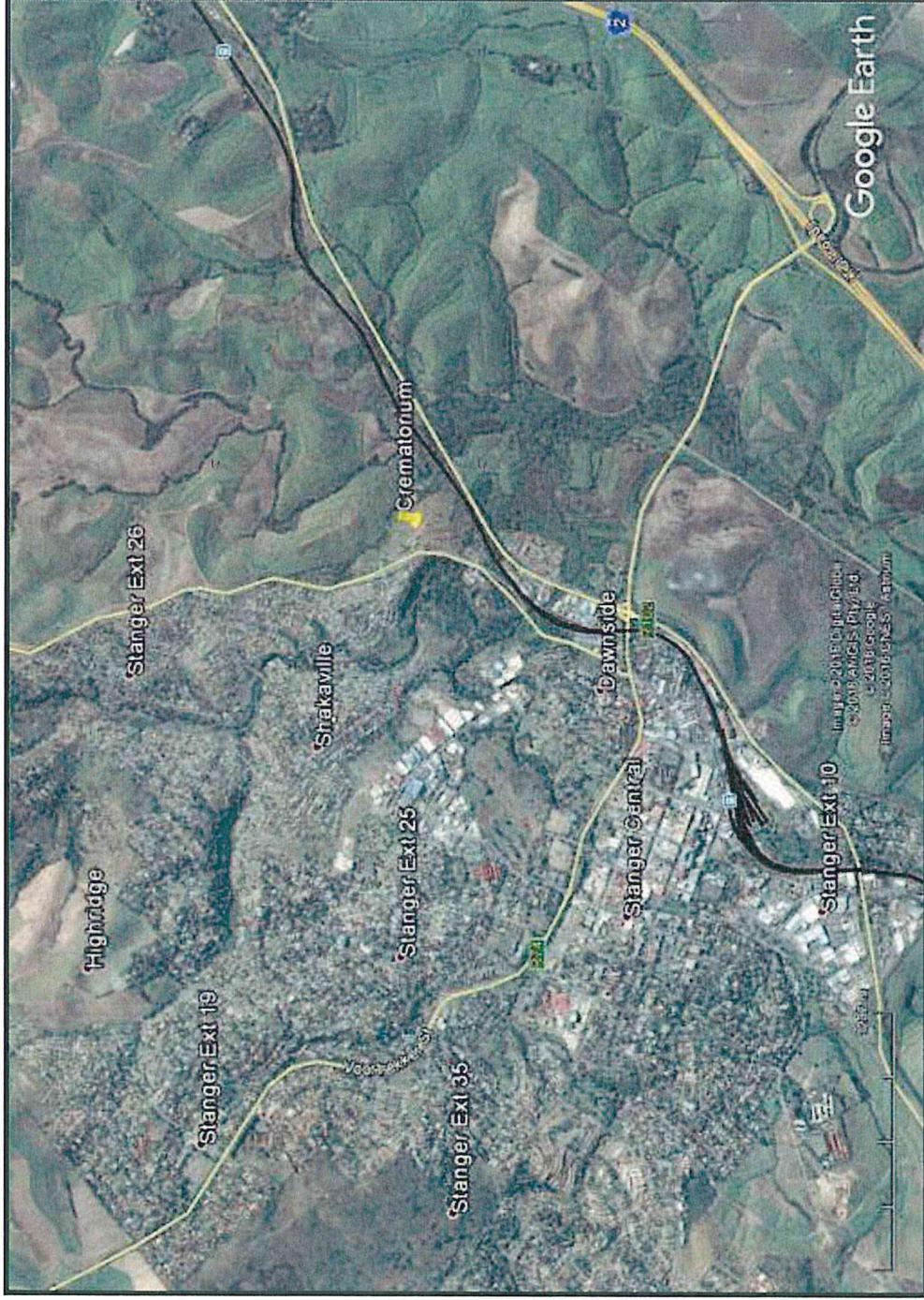


FIG. 2: AERIAL LOCATION OF THE CURRENT CREMATORIUM

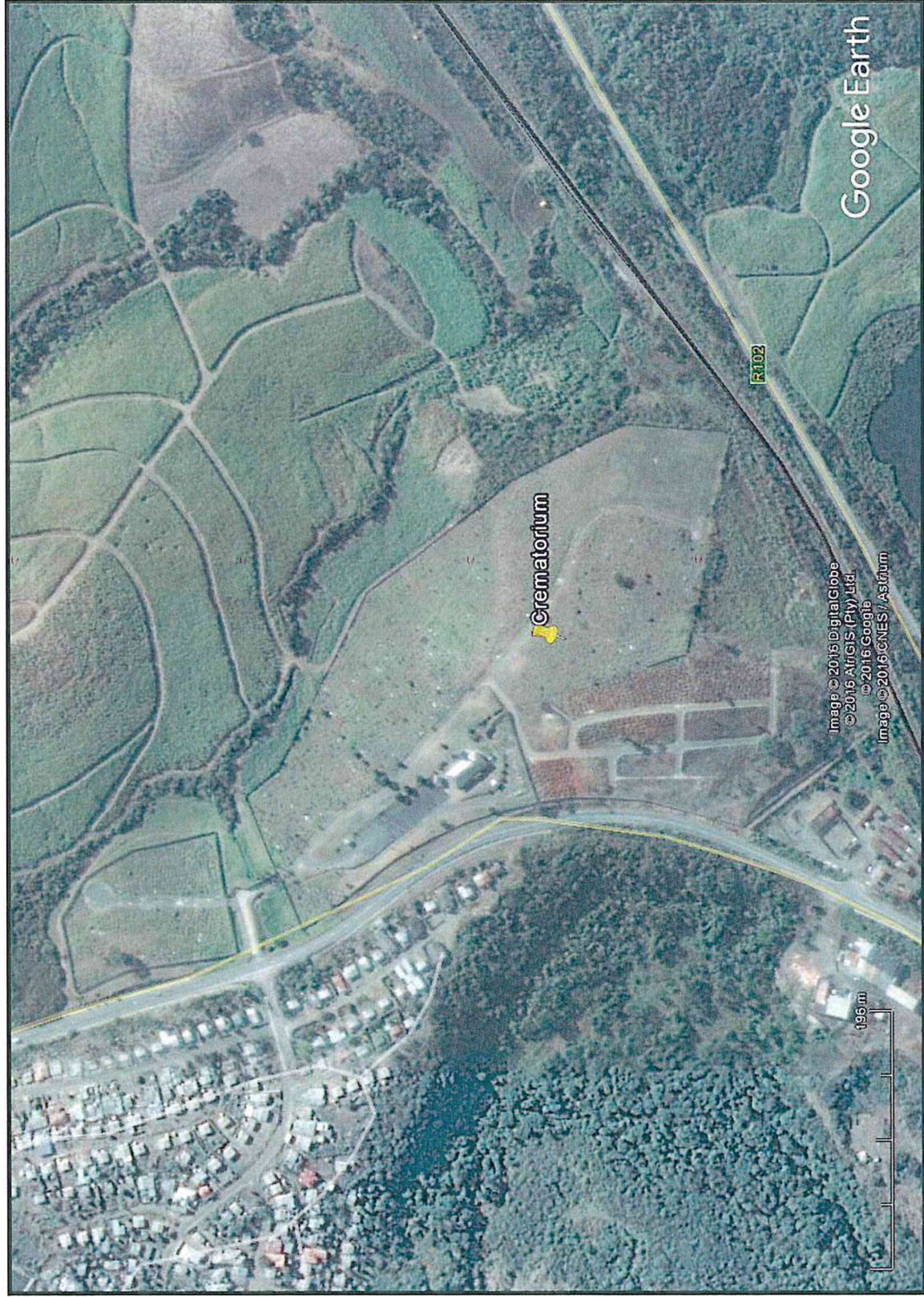


FIG. 3: TOPOGRAPHICAL LOCATION OF THE CREMATORIUM

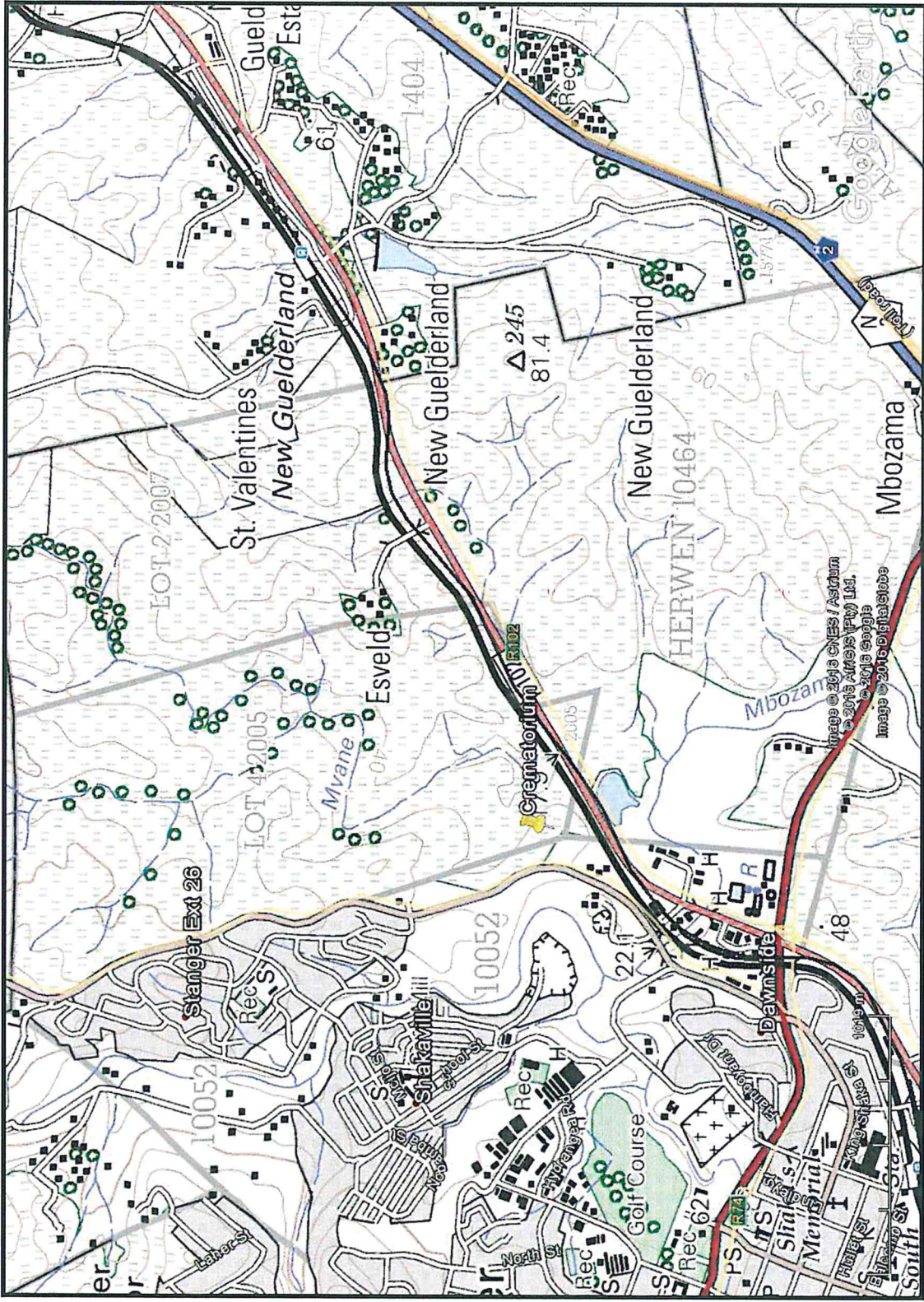


FIG. 4: SCENIC VIEWS OF THE CREMATORIUM



KWAZULU-NATAL HERITAGE ACT NO. 4 OF 2008

“General protection: Structures.—

- No structure which is, or which may reasonably be expected to be older than 60 years, may be demolished, altered or added to without the prior written approval of the Council having been obtained on written application to the Council.
- Where the Council does not grant approval, the Council must consider special protection in terms of sections 38, 39, 40, 41 and 43 of Chapter 9.
- The Council may, by notice in the *Gazette*, exempt—
- A defined geographical area; or
- defined categories of sites within a defined geographical area, from the provisions of subsection where the Council is satisfied that heritage resources falling in the defined geographical area or category have been identified and are adequately protected in terms of sections 38, 39, 40, 41 and 43 of Chapter 9.
- A notice referred to in subsection (2) may, by notice in the *Gazette*, be amended or withdrawn by the Council.

General protection: Graves of victims of conflict.—No person may damage, alter, exhume, or remove from its original position—

- the grave of a victim of conflict;
- a cemetery made up of such graves; or
- any part of a cemetery containing such graves, without the prior written approval of the Council having been obtained on written application to the Council.
- General protection: Traditional burial places.—
- No grave—
- not otherwise protected by this Act; and
- not located in a formal cemetery managed or administered by a local authority, may be damaged, altered, exhumed, removed from its original

position, or otherwise disturbed without the prior written approval of the Council having been obtained on written application to the Council.

The Council may only issue written approval once the Council is satisfied that—

- the applicant has made a concerted effort to consult with communities and individuals who by tradition may have an interest in the grave; and
- the applicant and the relevant communities or individuals have reached agreement regarding the grave.

General protection: Battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorite or meteorite impact sites.—

- No person may destroy, damage, excavate, alter, write or draw upon, or otherwise disturb any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site without the prior written approval of the Council having been obtained on written application to the Council.
- Upon discovery of archaeological or palaeontological material or a meteorite by any person, all activity or operations in the general vicinity of such material or meteorite must cease forthwith and a person who made the discovery must submit a written report to the Council without delay.
- The Council may, after consultation with an owner or controlling authority, by way of written notice served on the owner or controlling authority, prohibit any activity considered by the Council to be inappropriate within 50 metres of a rock art site.
- No person may exhume, remove from its original position or otherwise disturb, damage, destroy, own or collect any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site without the prior written approval of the Council having been obtained on written application to the Council.
- No person may bring any equipment which assists in the detection of metals and archaeological and palaeontological objects and material, or

excavation equipment onto any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, or meteorite impact site, or use similar detection or excavation equipment for the recovery of meteorites, without the prior written approval of the Council having been obtained on written application to the Council.

- The ownership of any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site, on discovery, vest in the Provincial Government and the Council is regarded as the custodian on behalf of the Provincial Government.” (KZN Heritage Act of 2008)

METHOD

The method for Heritage assessment consists of several steps.

The first step forms part of the desktop assessment. Here we would consult the database that has been collated by Umlando. These databases contains archaeological site locations and basic information from several provinces (information from Umlando surveys and some colleagues), most of the national and provincial monuments and battlefields in Southern Africa (<http://www.vuvuzela.com/googleearth/monuments.html>) and cemeteries in southern Africa (information supplied by the Genealogical Society of Southern Africa). We use 1st and 2nd edition 1:50 000 topographical and 1937 aerial photographs where available, to assist in general location and dating of buildings and/or graves. The database is in Google Earth format and thus used as a quick reference when undertaking desktop studies. Where required we would consult with a local data recording centre, however these tend to be fragmented between different institutions and areas and thus difficult to access at times. We also consult with an historical architect, palaeontologist, and an historian where necessary.

The survey results will define the significance of each recorded site, as well as a management plan.

All sites are grouped according to low, medium, and high significance for the purpose of this report. Sites of low significance have no diagnostic artefacts or features. Sites of medium significance have diagnostic artefacts or features and these sites tend to be sampled. Sampling includes the collection of artefacts for future analysis. All diagnostic pottery, such as rims, lips, and decorated sherds are sampled, while bone, stone, and shell are mostly noted. Sampling usually occurs on most sites. Sites of high significance are excavated and/or extensively sampled. Those sites that are extensively sampled have high research potential, yet poor preservation of features.

Defining significance

Heritage sites vary according to significance and several different criteria relate to each type of site. However, there are several criteria that allow for a general significance rating of archaeological sites.

These criteria are:

1. State of preservation of:

- 1.1. Organic remains:
 - 1.1.1. Faunal
 - 1.1.2. Botanical
- 1.2. Rock art
- 1.3. Walling
- 1.4. Presence of a cultural deposit
- 1.5. Features:
 - 1.5.1. Ash Features
 - 1.5.2. Graves
 - 1.5.3. Middens

1.5.4. Cattle byres

1.5.5. Bedding and ash complexes

2. Spatial arrangements:

2.1. Internal housing arrangements

2.2. Intra-site settlement patterns

2.3. Inter-site settlement patterns

3. Features of the site:

3.1. Are there any unusual, unique or rare artefacts or images at the site?

3.2. Is it a type site?

3.3. Does the site have a very good example of a specific time period, feature, or artefact?

4. Research:

4.1. Providing information on current research projects

4.2. Salvaging information for potential future research projects

5. Inter- and intra-site variability

5.1. Can this particular site yield information regarding intra-site variability, i.e. spatial relationships between various features and artefacts?

5.2. Can this particular site yield information about a community's social relationships within itself, or between other communities?

6. Archaeological Experience:

6.1. The personal experience and expertise of the CRM practitioner should not be ignored. Experience can indicate sites that have potentially significant aspects, but need to be tested prior to any conclusions.

7. Educational:

7.1. Does the site have the potential to be used as an educational instrument?

7.2. Does the site have the potential to become a tourist attraction?

7.3. The educational value of a site can only be fully determined after initial test-pit excavations and/or full excavations.

8. Other Heritage Significance:

- 8.1. Palaeontological sites
- 8.2. Historical buildings
- 8.3. Battlefields and general Anglo-Zulu and Anglo-Boer sites
- 8.4. Graves and/or community cemeteries
- 8.5. Living Heritage Sites
- 8.6. Cultural Landscapes, that includes old trees, hills, mountains, rivers, etc related to cultural or historical experiences.

The more a site can fulfill the above criteria, the more significant it becomes. Test-pit excavations are used to test the full potential of an archaeological deposit. This occurs in Phase 2. These test-pit excavations may require further excavations if the site is of significance (Phase 3). Sites may also be mapped and/or have artefacts sampled as a form of mitigation. Sampling normally occurs when the artefacts may be good examples of their type, but are not in a primary archaeological context. Mapping records the spatial relationship between features and artefacts.

The above significance ratings allow one to grade the site according to SAHRA's grading scale. This is summarised in Table 1.

TABLE 1: SAHRA GRADINGS FOR HERITAGE SITES

SITE SIGNIFICANCE	FIELD RATING	GRADE	RECOMMENDED MITIGATION
High Significance	National Significance	Grade 1	Site conservation / Site development
High Significance	Provincial Significance	Grade 2	Site conservation / Site development
High Significance	Local Significance	Grade 3A / 3B	
High / Medium Significance	Generally Protected A		Site conservation or mitigation prior to development / destruction
Medium Significance	Generally Protected B		Site conservation or mitigation / test excavation / systematic sampling / monitoring prior to or during development / destruction
Low Significance	Generally Protected C		On-site sampling monitoring or no archaeological mitigation required prior to or during development / destruction

DESKTOP STUDY

The desktop study consisted of analysing various maps for evidence of prior habitation in the study area, as well as for previous archaeological surveys. The archaeological database indicates that there are archaeological sites in the general area (fig. 5). These sites include all types of Stone Age and Iron Age sites. No sites occur in the study area. No national monuments, battlefields, or historical cemeteries are known to occur in the study area. There are several monuments and heritage sites outside of the study area.

The 1937 aerial photographs indicate that the area was under sugarcane cultivation (fig. 6). The 1968 topographical map indicate the area was still under sugarcane cultivation; however, a much smaller cemetery now occurs in the upper part of the study area (fig. 7).

Anderson (2014) undertook a survey of the property adjacent to the study area (fig. 8). No heritage sites were noted along the section of the hill. The hill is thus unlikely to have had any archaeological sites.

FIG. 5: LOCATION OF KNOWN HERITAGE SITES NEAR THE STUDY AREA

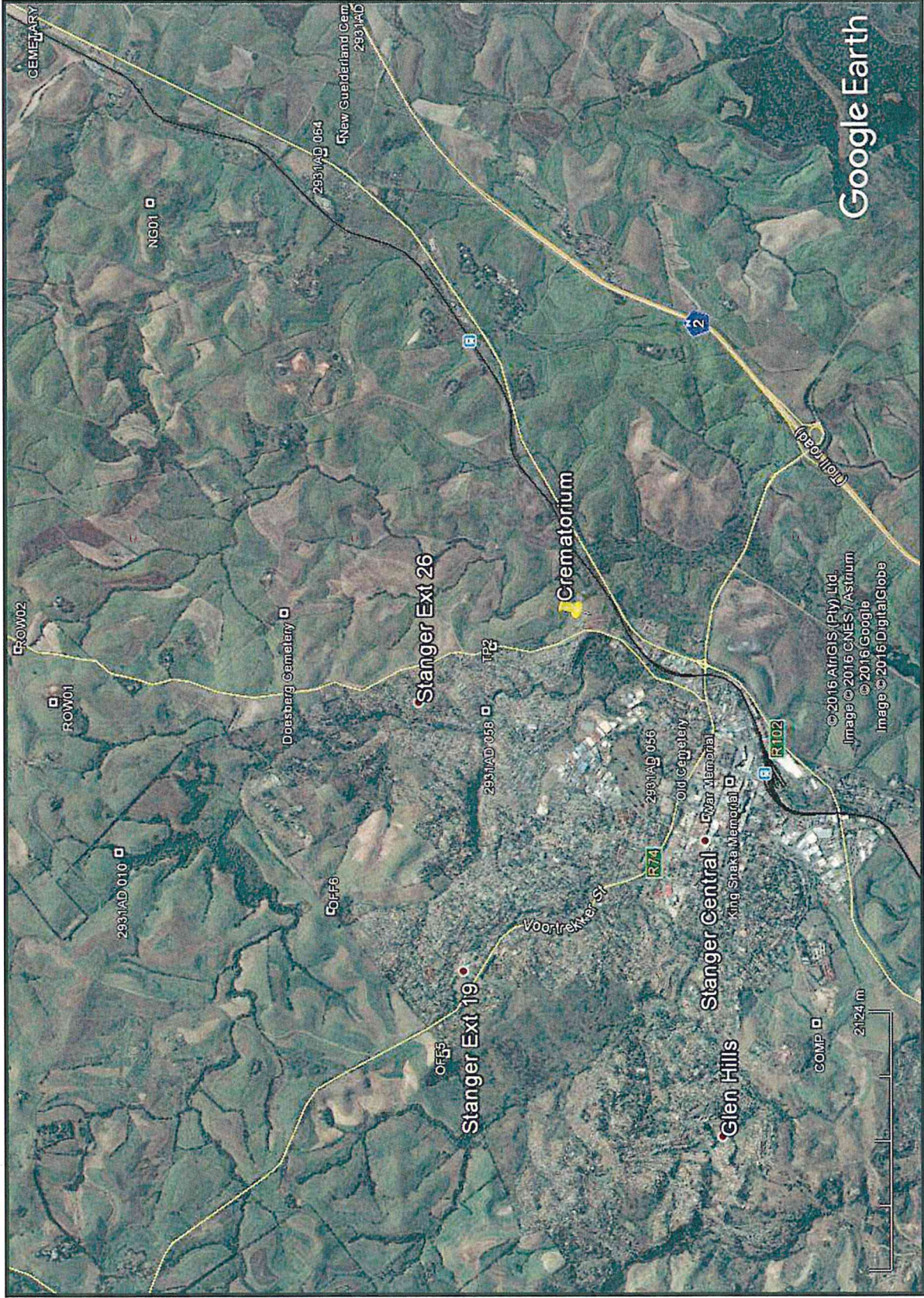


FIG. 6: STUDY AREA IN 1937



FIG. 7: STUDY AREA IN 1968

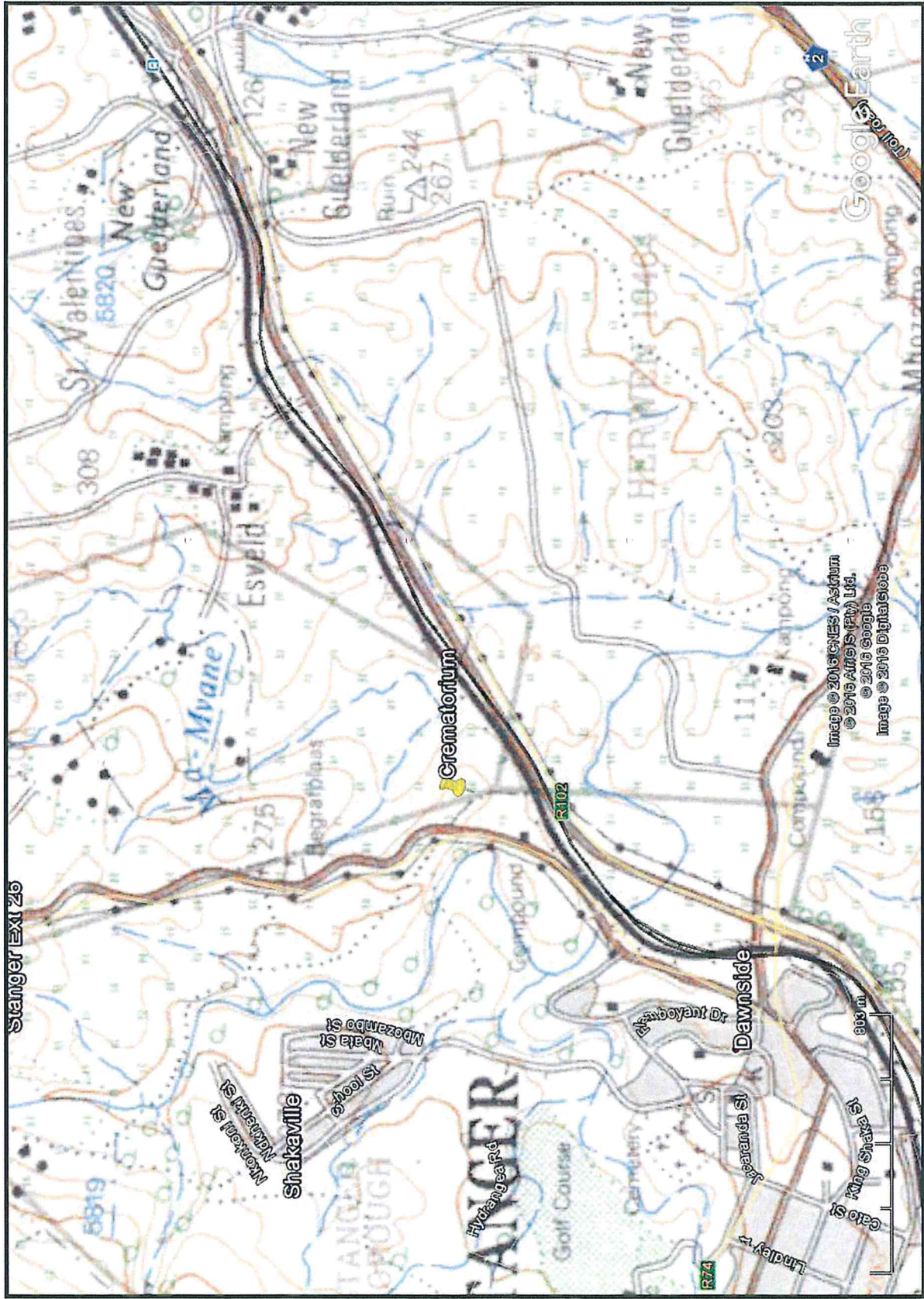
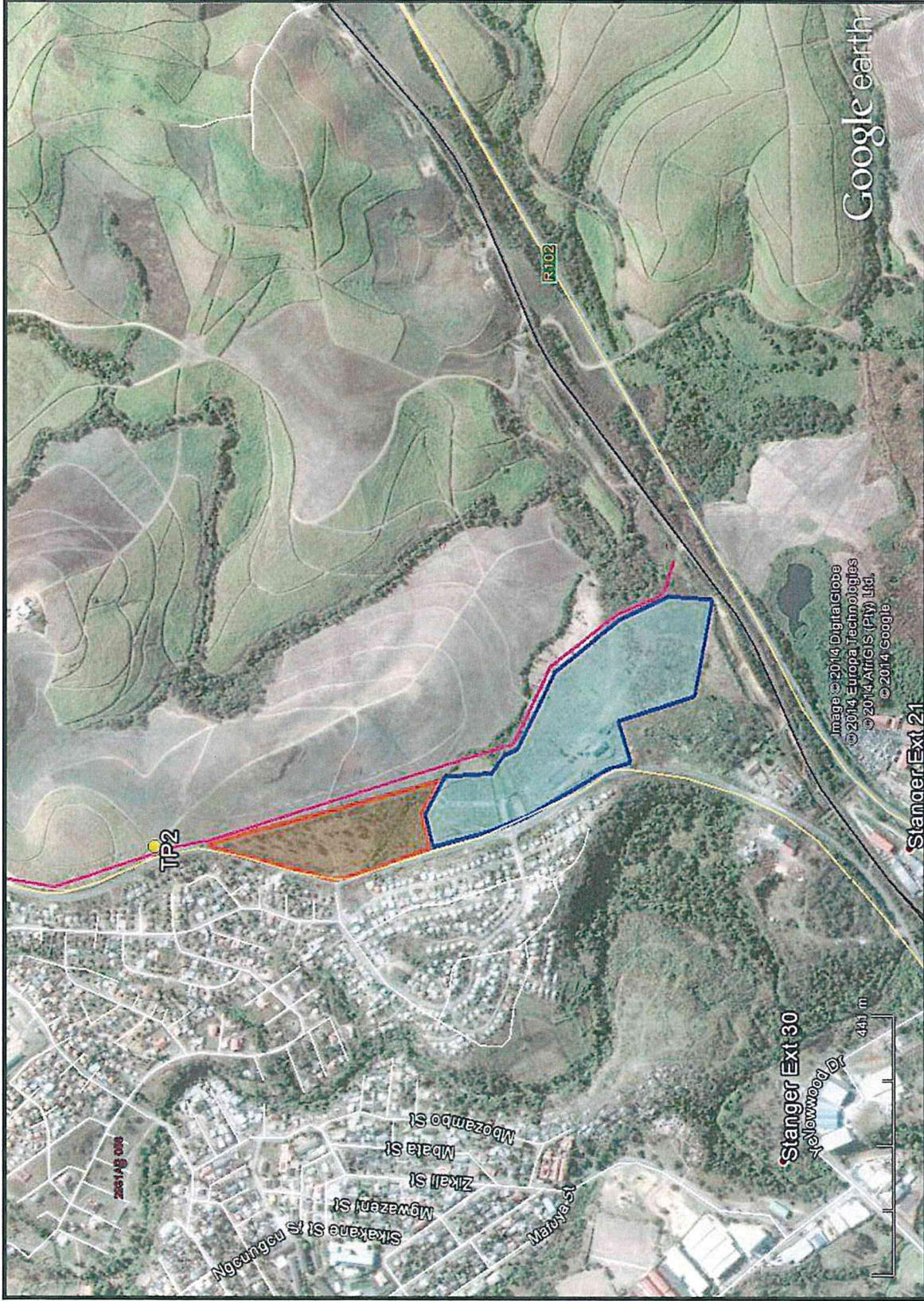


FIG. 8: EXISTING STUDY AREA AND OFF TAKE 6 PIPELINE SURVEY¹

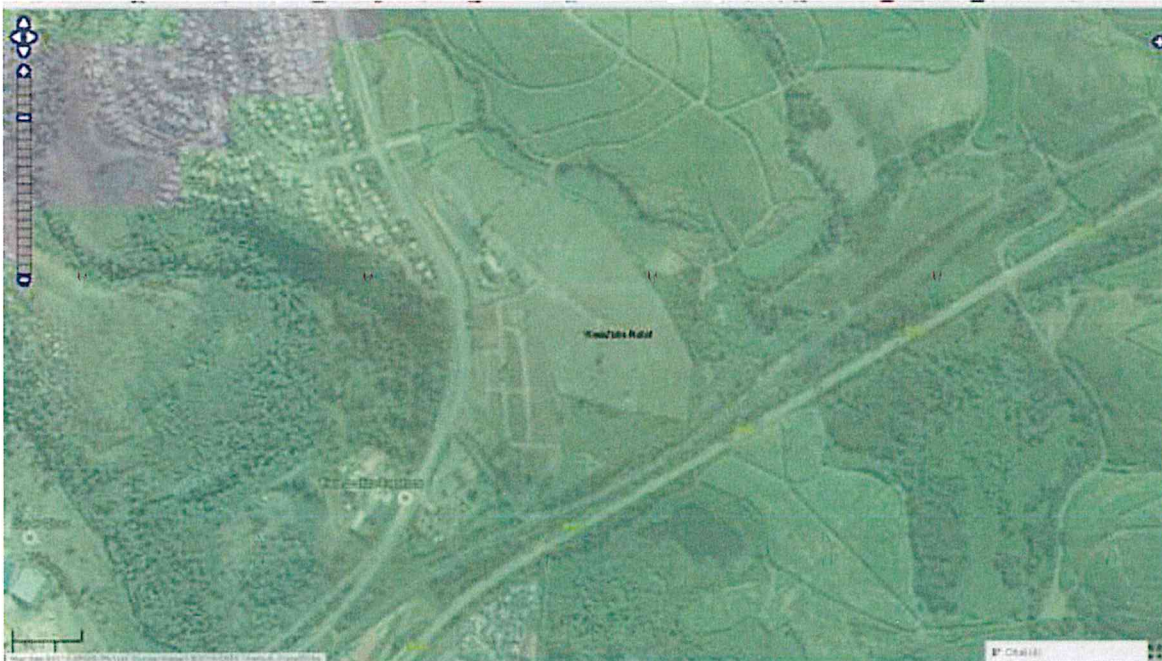


¹ Orange polygon = 1968 cemetery; Blue polygon = existing cemetery; pink line = previous survey for the Off take 6 pipeline.

BASIC DESKTOP PALAEOLOGICAL IMPACT ASSESSMENT

The desktop PIA indicates that the area is of moderate significance. Normally this means that any excavations deeper than 1.5m – 2m would require some form of palaeontological mitigation (fig. 9)

FIG. 9: PALAEOLOGICAL SENSITIVITY OF THE STUDY AREA



COLOUR	SENSITIVITY	REQUIRED ACTION
RED	VERY HIGH	field assessment and protocol for finds is required
ORANGE/YELLOW	HIGH	desktop study is required and based on the outcome of the desktop study, a field assessment is likely
GREEN	MODERATE	desktop study is required
BLUE	LOW	no palaeontological studies are required however a protocol for finds is required
GREY	INSIGNIFICANT/ZERO	no palaeontological studies are required
WHITE/CLEAR	UNKNOWN	these areas will require a minimum of a desktop study. As more information comes to light, SAHRA will continue to populate the map.

CONCLUSION

The KwaDukuza crematorium had expanded commenced without the necessary Environmental Authorisation. The area is now approx. 250 m x 450m in size.

The municipality is now seeking Authorisation for this expansion. Authorisation cannot be obtained via the normal EIA route (BA or Scoping & EIR in terms of the NEMA and the EIA Regulations) as the unauthorized activity is deemed a criminal offence in terms of Section 24F of the NEMA and thus both phases of activity are deemed unlawful. In order for the activities to be rendered lawful an application must be made in terms of Section 24G (consequences of unlawful commencement of activity) of the NEMA and the Competent Authority is requested to grant *ex post facto* Environmental Authorisation.

The desktop survey indicates that there are no know heritage sites within the study area. A previous survey adjacent to the cemetery, and on the same hill, indicated that there were no archaeological sites. This suggests that it is unlikely that archaeological sites existed in the study area before the crematorium and cemetery was expanded.

The municipality is requesting Amafa KZN to grant approval *ex post facto*.

REFERENCES

Anderson. G. 2014. Proposed Construction Of Off Take 6 Potable Water Pipeline As Part Of The Lower Thukela Bulk Water Supply At Shakaville/Mzumbe To The Lindelani & Siyaphambili Reservoirs, Ilembe District Municipality, KZN. HIA report.

DECLARATION OF INDEPENDENCE

I, Gavin Anderson, declare that I am an independent specialist consultant and have no financial, personal or other interest in the proposed development, nor the developers or any of their subsidiaries, apart from fair remuneration for work performed in the delivery of heritage assessment services. There are no circumstances that compromise the objectivity of my performing such work.

A handwritten signature in black ink, appearing to read 'G Anderson', with a horizontal line underneath.

Gavin Anderson
Archaeologist/Heritage Impact assessor