



an agency of the
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town
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CaseID: 10412

Date: Monday December 12, 2016
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Response to NID (Notification of Intent to Develop)

In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Gamagara Local Municipality

The Gamagara Local Municipality (Gamagara Municipality) proposes to develop additional space for graves in the town of Kathu. The existing Kathu Cemetery is located approximately 3.5 km north-east of central Kathu on the remaining extent of the farm Uitkoms 463 (immediately East of the N14 road), and falls within the Gamagara Municipality and John Taolo Gaetsewe District Municipality, in the Northern Cape. The cemetery is nearing capacity and thus additional space is necessary due to the rapid expansion of the town of Kathu which is partly due to the resettlement of the Dingleton residents as a result of the expansion of the Sishen Iron Ore Mine. Due to the existing Kathu Cemetery being located in the protected Kathu Forest, extending the cemetery on the farm Uitkomst 463 is not possible. An alternative location has been proposed and is the only feasible alternative for the new cemetery. The best viable alternative is to establish a new cemetery on the remaining extent of the farm Lylyveld 545, approximately 13 km south of central Kathu. The new Kathu Cemetery will be approximately 5 hectares (ha) in extent on land owned by the SIOC. The land for the new cemetery will be transferred to the Gamagara Municipality through a land swap agreement as part of the Dingleton Resettlement project.

Thank you for notifying SAHRA of the proposed new Kathu Cemetery, on the remaining extent of the farm remaining extent of the farm Lylyveld 545, near Kathu, Northern Cape Province.

In terms of the National Heritage Resources Act, no 25 of 1999, heritage resources, including archaeological or palaeontological sites over 100 years old, graves older than 60 years, structures older than 60 years are protected. They may not be disturbed without a permit from the relevant heritage resources authority. This means that before such sites are disturbed by development it is incumbent on the developer to ensure that a **Heritage Impact Assessment (HIA)** is done as per Section 38(8) of the NHRA. This must include the archaeological component (Phase 1) any other applicable heritage components. The HIA must be conducted as part of the Environmental Impact Assessment (EIA) phase of the Environmental Authorisation Application in terms of the National Environmental Management Act, No 107 of 1998 (NEMA) and the NEMA EIA Regulations 2014.

The quickest process to follow for the archaeological component would be to contract a specialist (see

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www.asapa.org.za) to provide a Phase 1 Archaeological Impact Assessment Report. The Phase 1 Impact Assessment Report will identify the archaeological sites and assess their significance. It should also make recommendations (as indicated in section 38) about the process to be followed. For example, there may need to be a mitigation phase (Phase 2) where the specialist will collect or excavate material and date the site. At the end of the process the heritage authority may give permission for destruction of the sites. If the property is very small or disturbed and there is no significant site the specialist may choose to send a letter to the heritage authority to indicate that there is no necessity for any further assessment. It must be noted that the proposed development is located approximately 14 km from the Kathu Archaeological Site which is currently pending declaration as a National Heritage Site.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, a Palaeontological Desk Top study must be undertaken to assess whether or not the development will impact upon palaeontological resources - or at least a letter of exemption from a Palaeontologist is needed to indicate that this is unnecessary. 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 www.palaeontologicalsociety.co.za for qualified paleontologists).

Any other heritage resources that may be impacted such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewsapes must also be assessed.

Please note that all Environmental Reports (Scoping Report and EIA) with all appendices must be submitted to the SAHRIS Case file in order for an informed comment to be issued.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Natasha Higgitt

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Heritage Officer
South African Heritage Resources Agency

John Gribble
Manager: Maritime and Underwater Cultural Heritage Unit / Acting Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:
Direct URL to case: <http://www.sahra.org.za/node/375584>
(DENC, Ref:)