



an agency of the  
Department of Arts and Culture

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CaseID: 14332

Date: Thursday October 31, 2019  
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## Interim Comment

### In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: CJNS Melkery Trust

#### **Hamba Kahle Cemetery Remaining extent of Portion 1 of the farm Vlakfontein 388 IS; and the Remaining extent of Portion 6 of the farm Vlakfontein 388 IS, Lekwa Local Municipality, Nkangala District Municipality, Mpumalanga Province.**

CJNS Melkery Trust are proposing to establish a cemetery and chapel on located on the remainder of Portion 1 and the remainder of Portion 6 of the farm Vlakfontein 388 IS, in the Lekwa Local Municipality of the Mpumalanga Province. The cemetery will consist of a proposed 31 737 burial plots, a chapel, a memorial garden, an access road and parking lot. The total area of development will be 18 ha in extent.

CJNS Melkery Trust have appointed Labesh (Pty) Ltd to undertake a Basic Assessment (BAR) application process in support of an Environmental Authorisation application in terms of the National Environmental Management Act, 1998 (NEMA), as amended for listed activities in the NEMA EIA Regulations 2014, as amended, that require an application for Environmental Authorisation.

A draft BAR has been submitted to SAHRA in terms of section 38(8) of the National Heritage Resources Act, 25 of 1999 for commenting.

The draft BA Report states that it is not expected that the development will impact on any cultural heritage resources.

#### **Interim Comment**

In terms of the National Heritage Resources Act, no 25 of 1999 (NHRA), heritage resources, including archaeological or palaeontological sites over 100 years old, graves older than 60 years, structures older than 60 years are generally protected. They may not be disturbed without a permit from the relevant heritage resources authority. In contexts of development applications, the developer must ensure that no heritage resources will be impacted by the proposed development, by lodging an application to SAHRA and submitting detailed development specifications as a notification of intent to develop. If the application is made in terms of



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s. 38 (8) of the NHRA then it is incumbent on the developer to ensure that a Heritage Impact Assessment (HIA) is undertaken, as s. 38(2)a does not apply. Such a study should follow the SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports and section 38(3) of the NHRA.

The HIA must be undertaken by a suitably qualified archaeologist and it must comply with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Once the report is submitted to the case for commenting, SAHRA will provide further comments on this proposed development.

In addition to the HIA report, SAHRA also requires an assessment of palaeontological resources by a suitably qualified palaeontologist, and a .kml file must be uploaded to the GISLayer Palaeo-Sensitivity map. The HIA, palaeontology assessment and the .kml file must be provided to SAHRA prior to the submission of the final BAR to the competent authority. All these documents will be assessed and a comment issued.

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

Yours faithfully

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Nokukhanya Khumalo  
Heritage Officer  
South African Heritage Resources Agency

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Phillip Hine  
Manager: Archaeology, Palaeontology and Meteorites Unit



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**ADMIN:**

Direct URL to case: <http://www.sahra.org.za/node/528573>

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