

**THE EXTENSION OF THE KWADUKUZA
CREMATORIUM**

FOR TRIPLO4

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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

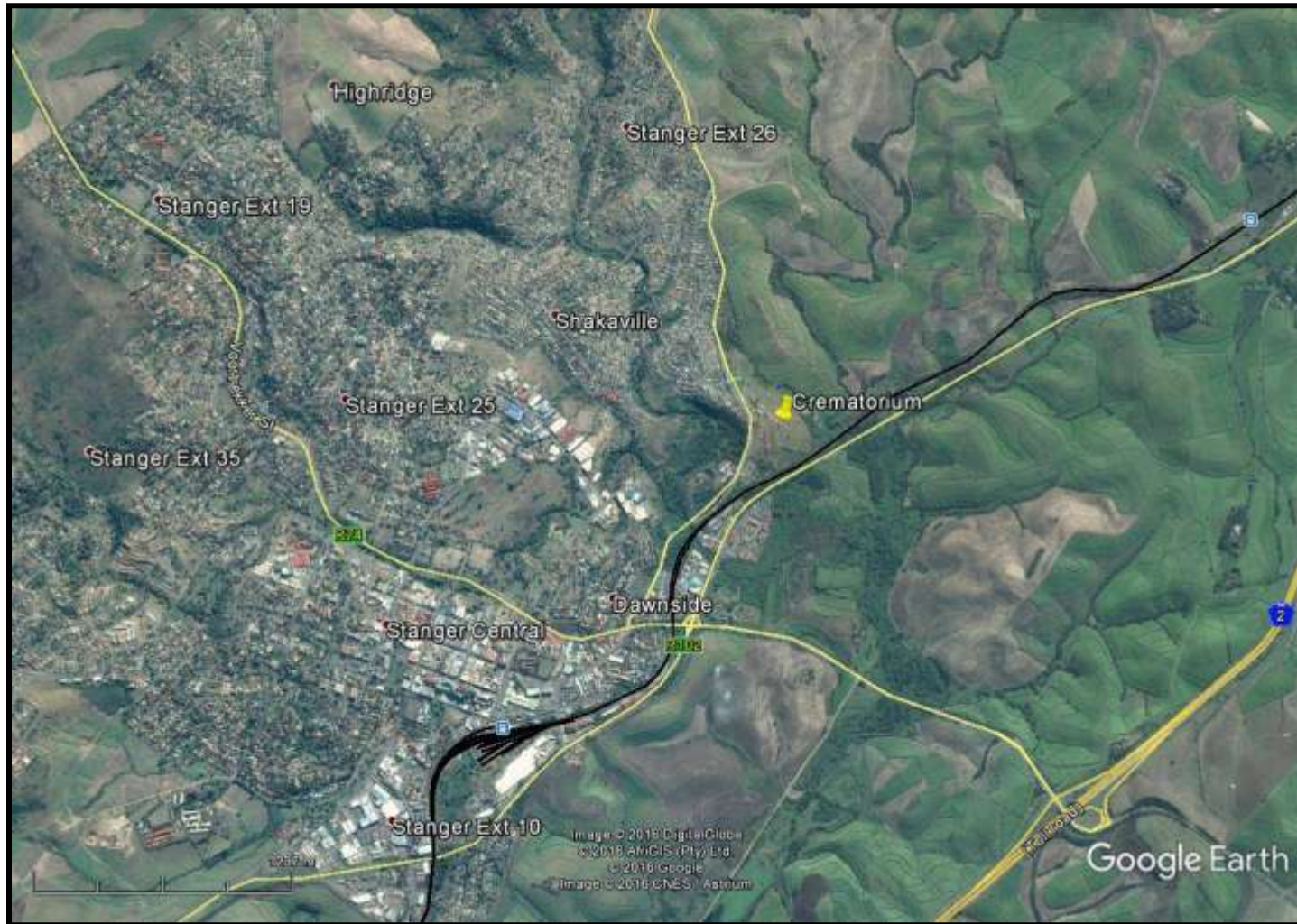


FIG. 2: AERIAL LOCATION OF THE CURRENT CREMATORIUM

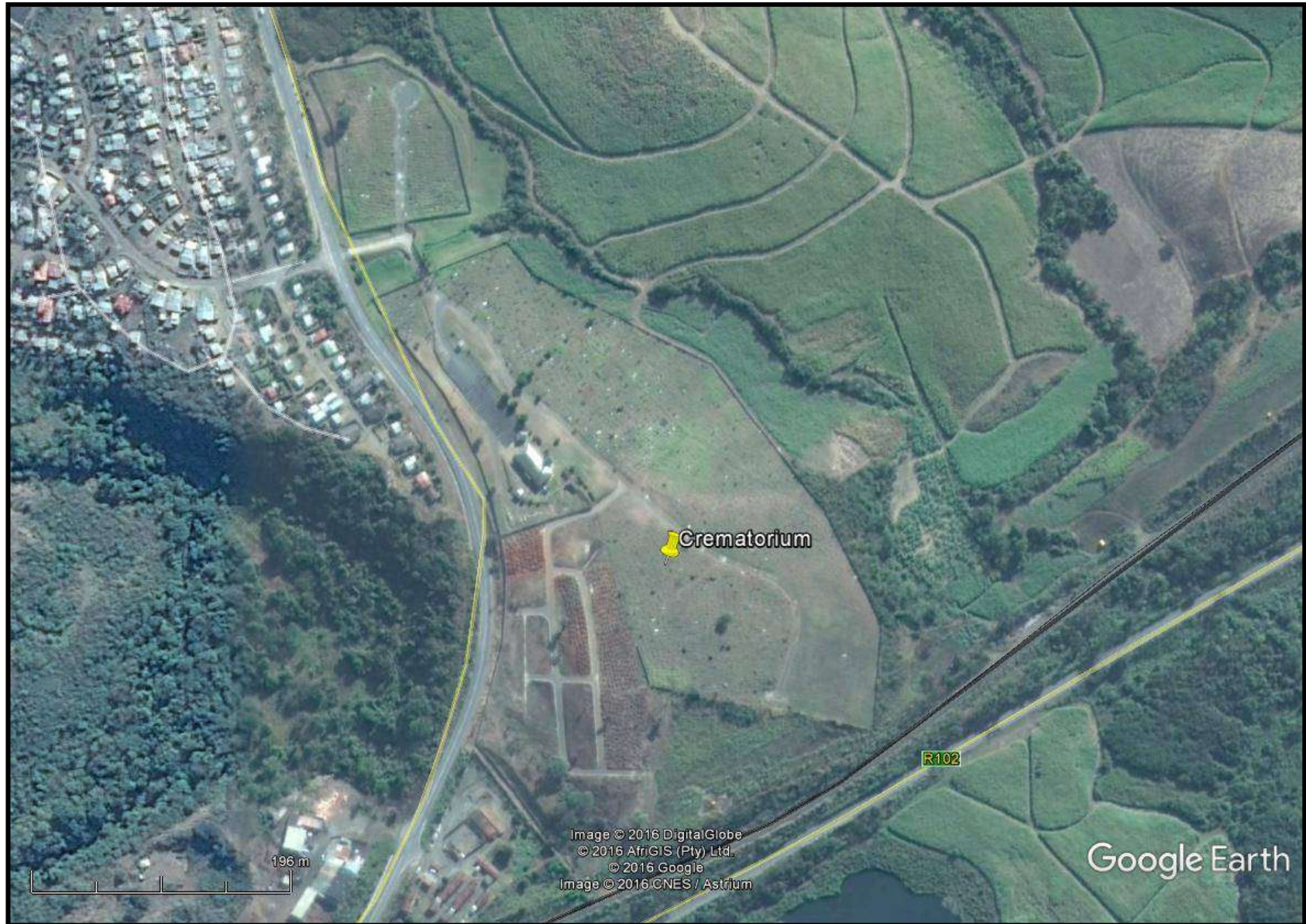


FIG. 3: TOPOGRAPHICAL LOCATION OF THE CREMATORIUM

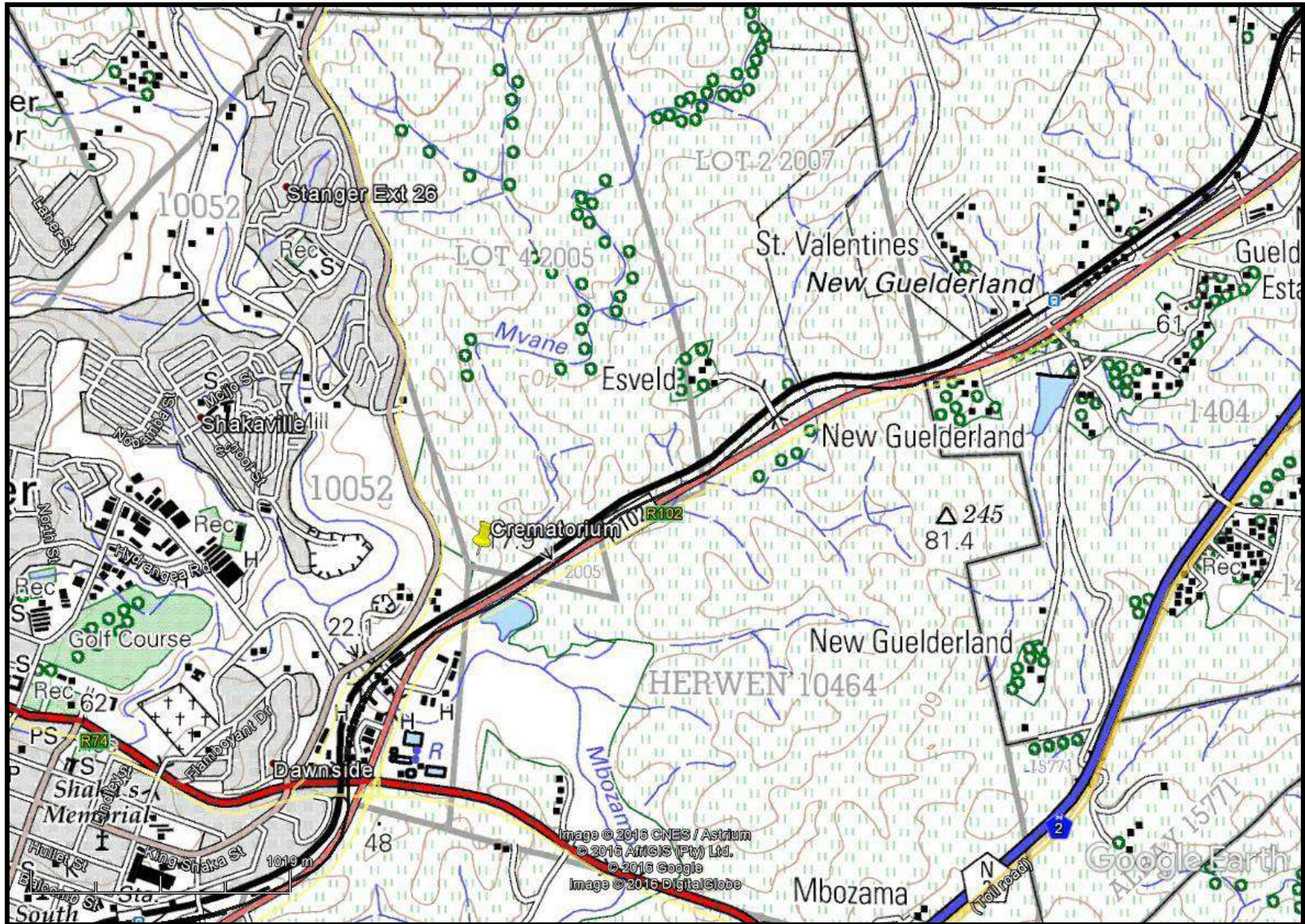


FIG. 4: SCENIC VIEWS OF THE CREMATORIUM



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

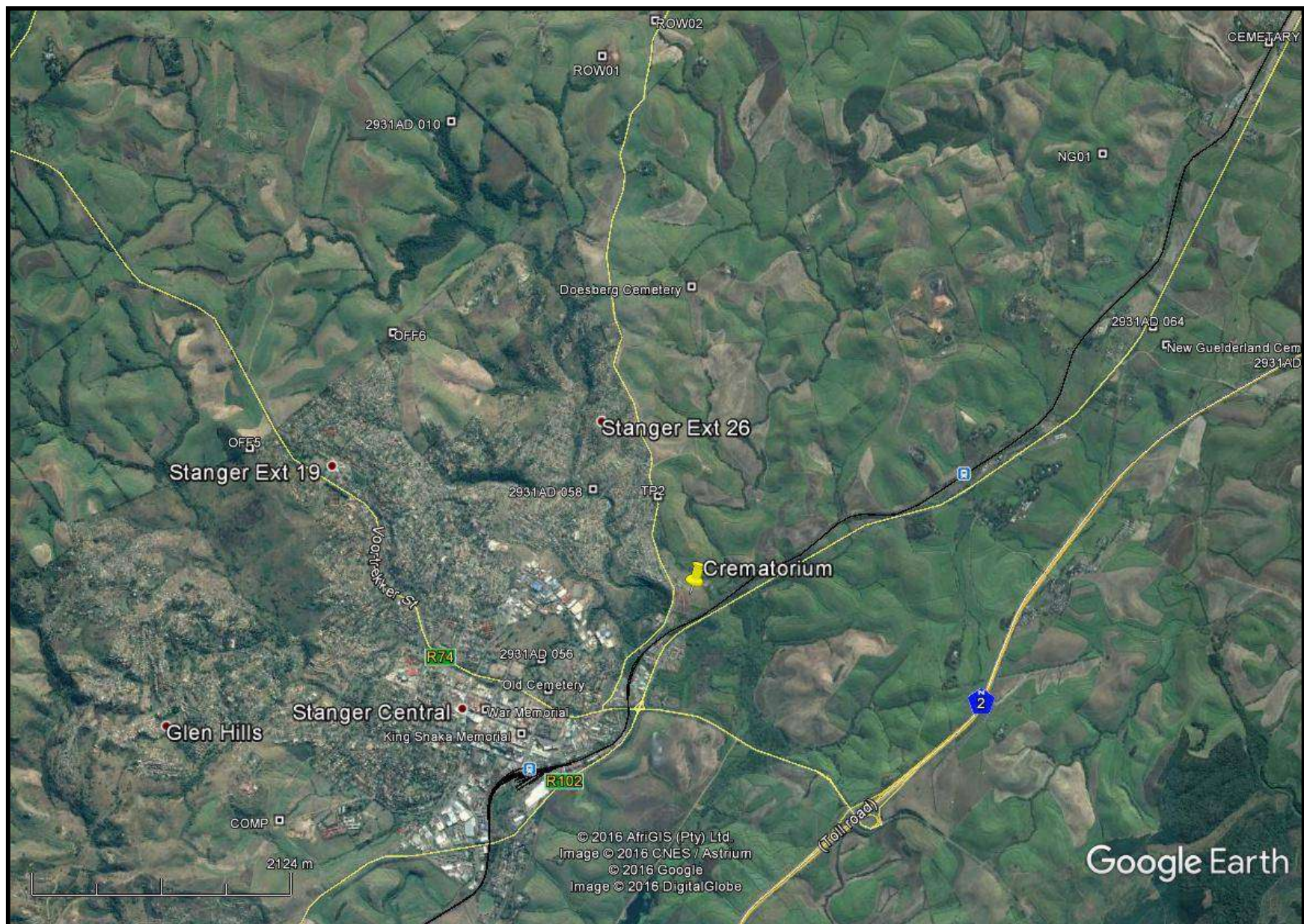


FIG. 6: STUDY AREA IN 1937



FIG. 7: STUDY AREA IN 1968

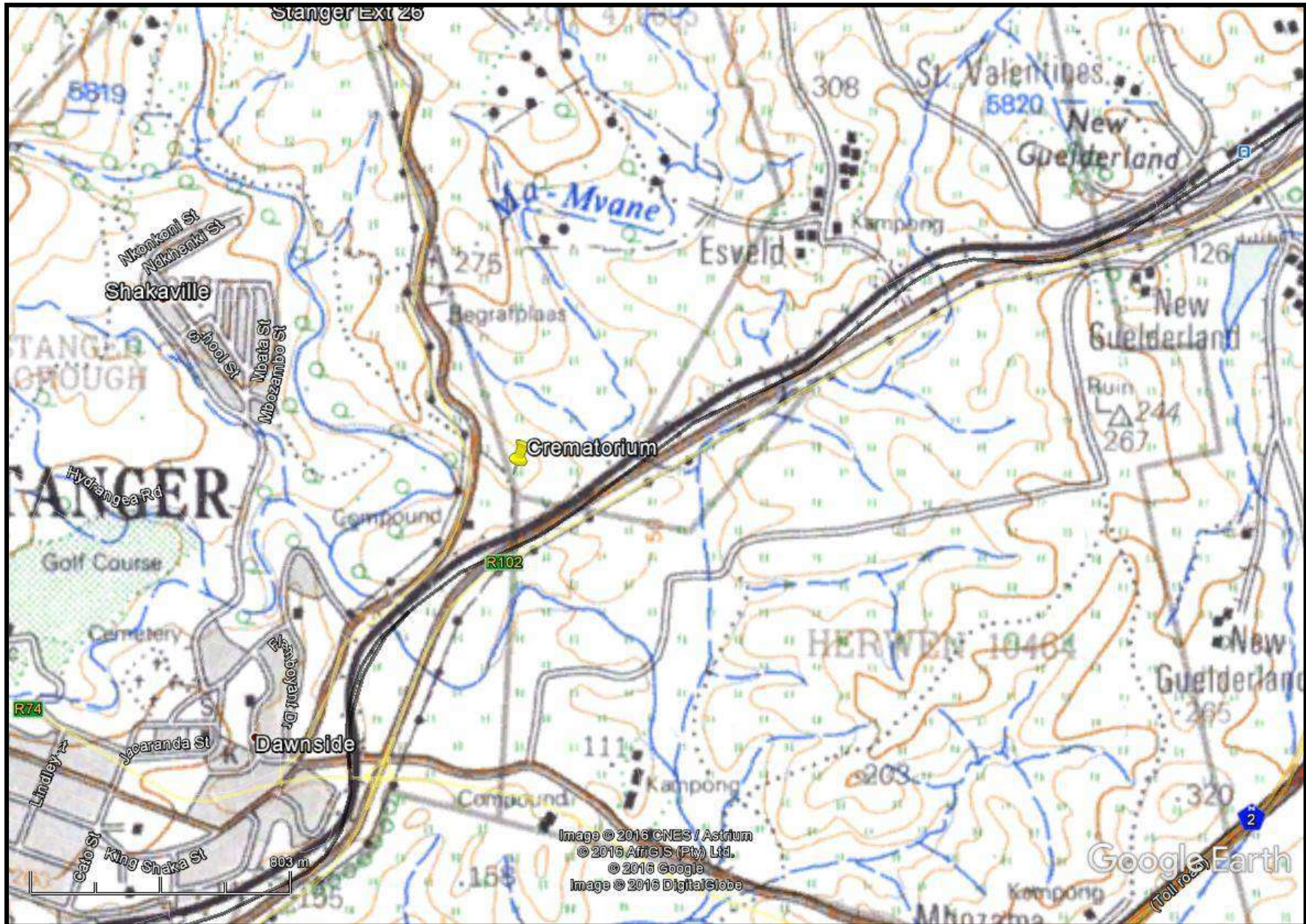
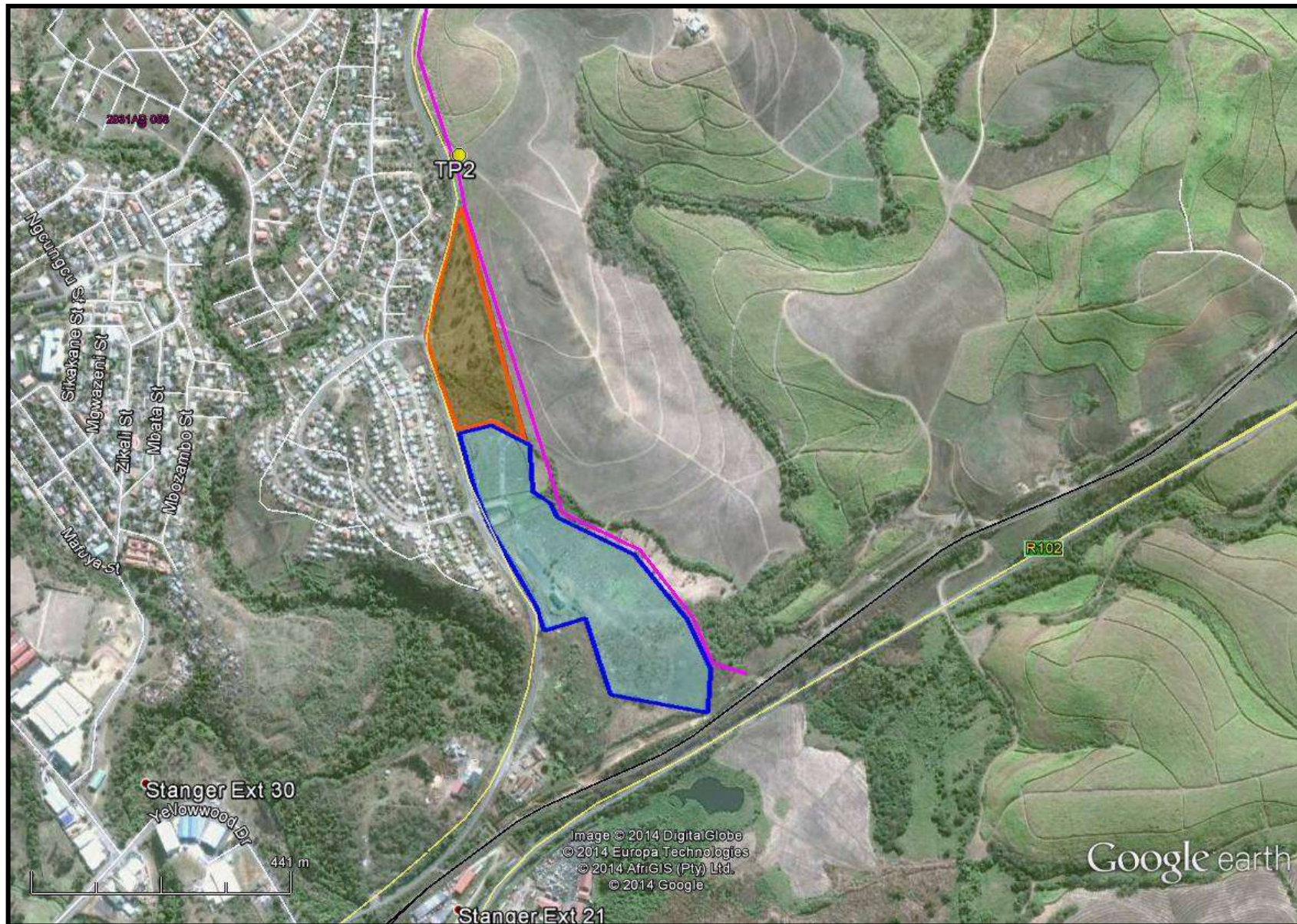


FIG. 8: EXISTING STUDY AREA AND OFF TAKE 6 PIPELINE SURVEY¹

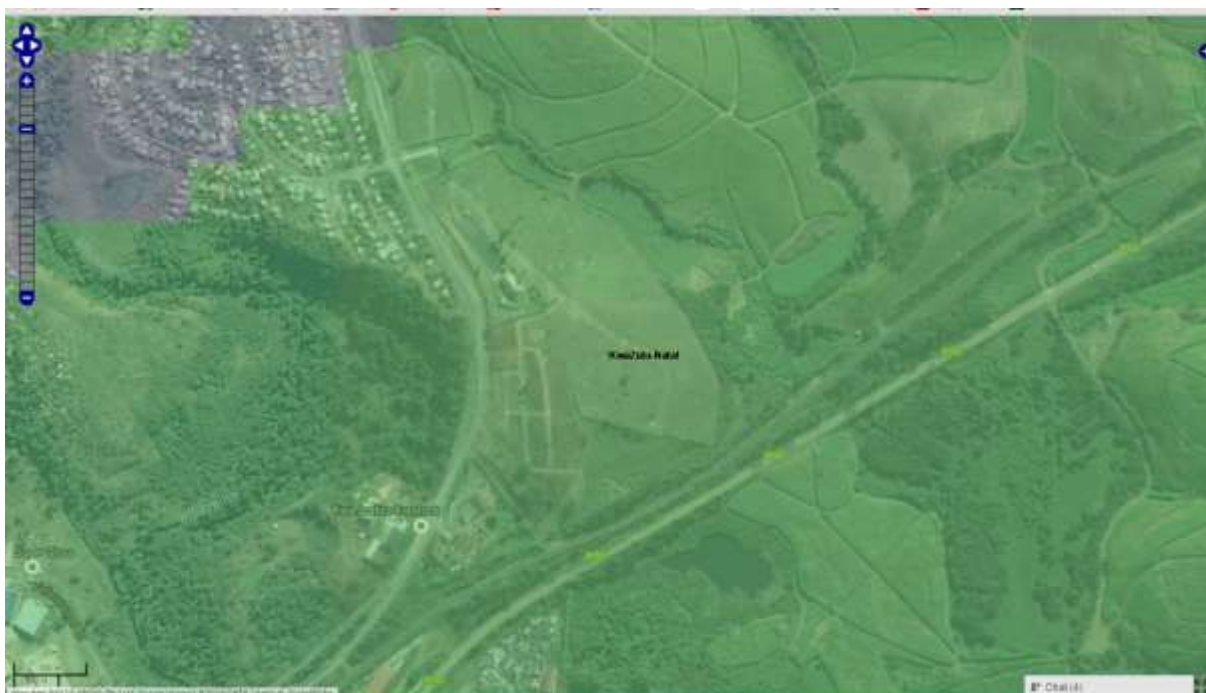


¹ Orange polygon = 1968 cemetery; Blue polygon = existing cemetery; pink line = previous survey for the Off take 6 pipeline.

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