

**MOTIVATION FOR EXEMPTION FROM UNDERTAKING A FULL  
HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED  
CONSTRUCTION OF CULVERTS IN THE KWAMBONAMBI AREA,  
UTHUNGULU DISTRICT MUNICIPALITY, KWAZULU-NATAL**

**Prepared for**

**HENWOOD & NXUMALO CONSULTING ENGINEERS**

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**October 2016**

### **Declaration of Independence**

I, **Mamoluoane Seliane**, in my capacity as a specialist consultant, hereby declare that I -

- Act as an independent consultant;
- Do not have any financial interest in the undertaking of the activity, other than remuneration for the work performed in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA); and following the provisions of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- Have and will not have vested interest in the proposed activity proceeding;
- Have no, and will not engage in, conflicting interests in the undertaking of the activity;
- Undertake to disclose, to the competent authority, any material information that has or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA; and/or the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- Will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not;
- Based on information provided to me by the project proponent, and in addition to information obtained during the course of this study, have presented the results and conclusion within the associated document to the best of my professional judgement; and
- Undertake to have my work peer reviewed on a regular basis by a competent specialist in the field of study for which I am registered.



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**Mamoluoane Seliane**  
Heritage Specialist  
Accredited by ASAPA Reg. No. 255  
Accredited by AMAFA KZN

21 October 2016

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Date

## EXECUTIVE SUMMARY

The purpose of this report is to provide a motivation for the exemption from undertaking a full Heritage Impact Assessment Study for a project that constitutes the construction of four culverts in KwaMbonambi, KwaZulu-Natal. The KwaZulu-Natal Department of Transport proposes to undertake the construction of four culverts in the KwaMbonambi area located within Mfolozi municipality. These culverts will be located on existing roads. It is probable that damaged structures and scour protection at the proposed sites will be removed and replaced by the new structures where applicable. Detours may be constructed at the sites during construction to enable crossing. The table below provides the description of the project dimensions.

Culvert No.	Location of Culverts (GPS Coordinates)	Dimensions
1	28° 37' 30.28" S; 31° 56' 25.32" E	40m X 11.2m
2	28° 37' 30.2" S; 31° 56' 24.96" E	14.8m X 6.5m
3	28° 37' 32.2" S; E 31° 57' 52.9" E	14.7m X 10.6m
4	28° 36' 23.8" S; 32° 00' 16.3" E	14.6m X 15.4m

A Heritage Site visit was not conducted to support the motivation, but based on the description of and the dimensions of the project, there is no trigger for a Heritage Impact Assessment as per the provisions of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Furthermore, since the culverts are located on an existing road, it is evident that the study site has been previously disturbed, suggesting that the chance of finding new sites is highly unlikely. However, it is advised that, in the event that new evidence of heritage, historical or archaeological resources are unearthed during the construction and earth moving activities associated with the of the upgrade / extension of the road and culverts, work must stop immediately, pending investigation by the author and / or responsible heritage authority (Amafa).

## ACRONYMS AND ABBREVIATIONS

Amafa KwaZulu-Natali	Heritage KwaZulu-Natal
EIA	Early Iron Age
ESA	Early Stone Age
GPS	Geographic Positioning System
Ha	Hectares
HIA	Heritage Impact Assessment
KZNHA	KwaZulu-Natal Heritage Act, 2008 (Act No.4 of 2008)
LIA	Late Iron Age
LSA	Later Stone Age
MIA	Middle Iron Age
MSA	Middle Stone Age
NHRA	National Heritage Resources Act, 1999 (Act No. 25 of 1999)

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## 1 INTRODUCTION

The KwaZulu-Natal Department of Transport proposes to undertake the construction of four culverts in the KwaMbonambi area located within Mfolozi municipality (refer to Figure 1). These culverts will be located on existing roads. It is probable that damaged structures and scour protection at the proposed sites will be removed and replaced by the new structures where applicable. Detours may be constructed at the sites during construction to enable crossing. The table below provides the description of the project dimensions.

Culvert No.	Location of Culverts (GPS Coordinates)	Dimensions
1	28° 37' 30.28" S; 31° 56' 25.32" E	40m X 11.2m
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Ms Mamoluoane Seliane is a heritage specialist submitting a motivation for exemption from undertaking a full Heritage Impact Assessment for the proposed construction of culverts in the Kwambonambi area, Uthungulu District Municipality, KwaZulu-Natal, on behalf of Henwood and Nxumalo Consulting Engineers who were appointed by the KwaZulu-Natal Department of Transport as Environmental Consultants on the project.

Heritage resources of the KwaZulu-Natal Province are protected in terms of the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008) (KZNHA):

Section 33(1) (a) of the KZNHA states that:

*"No structure which is, or which may 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."*

Section 34 of the KZNHA states that:

*"No person may damage, alter, exhume or remove from its original position –  
(a) the grave of a victim of conflict;  
(b) a cemetery made up of such graves; or  
(c) 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."*

Section 35 (1) of the KZNHA continues that:

*“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.”*

In Section 36 (1) it is further indicated that:

*“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.”*

According to Section 3 (2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA), the heritage resources of South Africa include:

- a) *“places, buildings, structures and equipment of cultural significance;*
- b) *places to which oral traditions are attached or which are associated with living heritage;*
- c) *historical settlements and townscapes;*
- d) *landscapes and natural features of cultural significance;*
- e) *geological sites of scientific or cultural importance;*
- f) *archaeological and palaeontological sites;*
- g) *graves and burial grounds, including-*
  - i. *ancestral graves;*
  - ii. *royal graves and graves of traditional leaders;*
  - iii. *graves of victims of conflict;*
  - iv. *graves of individuals designated by the Minister by notice in the Gazette;*
  - v. *historical graves and cemeteries; and*
  - vi. *other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);*
- h) *sites of significance relating to the history of slavery in South Africa;*
- i) *movable objects, including-*
  - i. *objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;*
  - ii. *objects to which oral traditions are attached or which are associated with living heritage;*
  - iii. *ethnographic art and objects;*
  - iv. *military objects;*
  - v. *objects of decorative or fine art;*
  - vi. *objects of scientific or technological interest; and*
  - vii. *books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those*

*that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)."*

In terms of Section 3 (3) of the NHRA, a place or object is to be considered part of the national estate if it has cultural significance or other special value because of:

- a) *"its importance in the community, or pattern of South Africa's history;*
- b) *its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;*
- c) *its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;*
- d) *its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;*
- e) *its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;*
- f) *its importance in demonstrating a high degree of creative or technical achievement at a particular period;*
- g) *its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;*
- h) *its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and*
- i) *sites of significance relating to the history of slavery in South Africa."*

According to Section 38 (1) (a) of the (NHRA) a HIA is required for:

- *"the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*
- *the construction of a bridge or similar structure exceeding 50 m in length;*
- *any development or other activity which will change the character of a site—*
  - (i) *exceeding 5 000 m<sup>2</sup> in extent; or*
  - (ii) *involving three or more existing erven or subdivisions thereof; or*
  - (iii) *involving three or more erven or divisions thereof which have been consolidated within the past five years; or*
  - (iv) *the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;*
- *the re-zoning of a site exceeding 10 000 m<sup>2</sup> in extent; or*
- *any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority."*

A Heritage Site visit was not conducted to support the motivation, but based on the description of and the dimensions of the project, there is no trigger for a Heritage Impact Assessment as per the provisions of the NHRA. Furthermore, since the culverts are located on an existing road, it is evident that the study area has been previously disturbed, suggesting that the chance of finding new sites is highly unlikely.



## 2. BACKGROUND INFORMATION TO THE PROJECT

**Table 1: Background Information**

<b>Consultant:</b>	Mamoluoane Seliane
<b>Type of development:</b>	Construction of four culverts in the Kwambonambi area
<b>Rezoning or subdivision:</b>	N/A
<b>Terms of reference</b>	motivation for exemption from undertaking a full Heritage Impact Assessment for the proposed construction of culverts in the Kwambonambi area, Uthungulu District Municipality, KwaZulu-Natal
<b>Legislative requirements:</b>	In terms of the provisions of the NHRA, the proposed development does not trigger the need for an HIA to be undertaken.

### 2.1 Locational Data

- Province: KwaZulu-Natal
- District Municipality: King Cetshwayo District Municipality
- Local Municipality: uMfolozi Local Municipality
- General Coordinates:

28° 37' 30.28" S; 31° 56' 25.32" E

28° 37' 30.2" S; 31° 56' 24.96" E

28° 37' 32.2" S; E 31° 57' 52.9" E

28° 36' 23.8" S; 32° 00' 16.3" E

The locality Map is provided in **Figure 1**. Site pictures are provided in **Annexure A**.

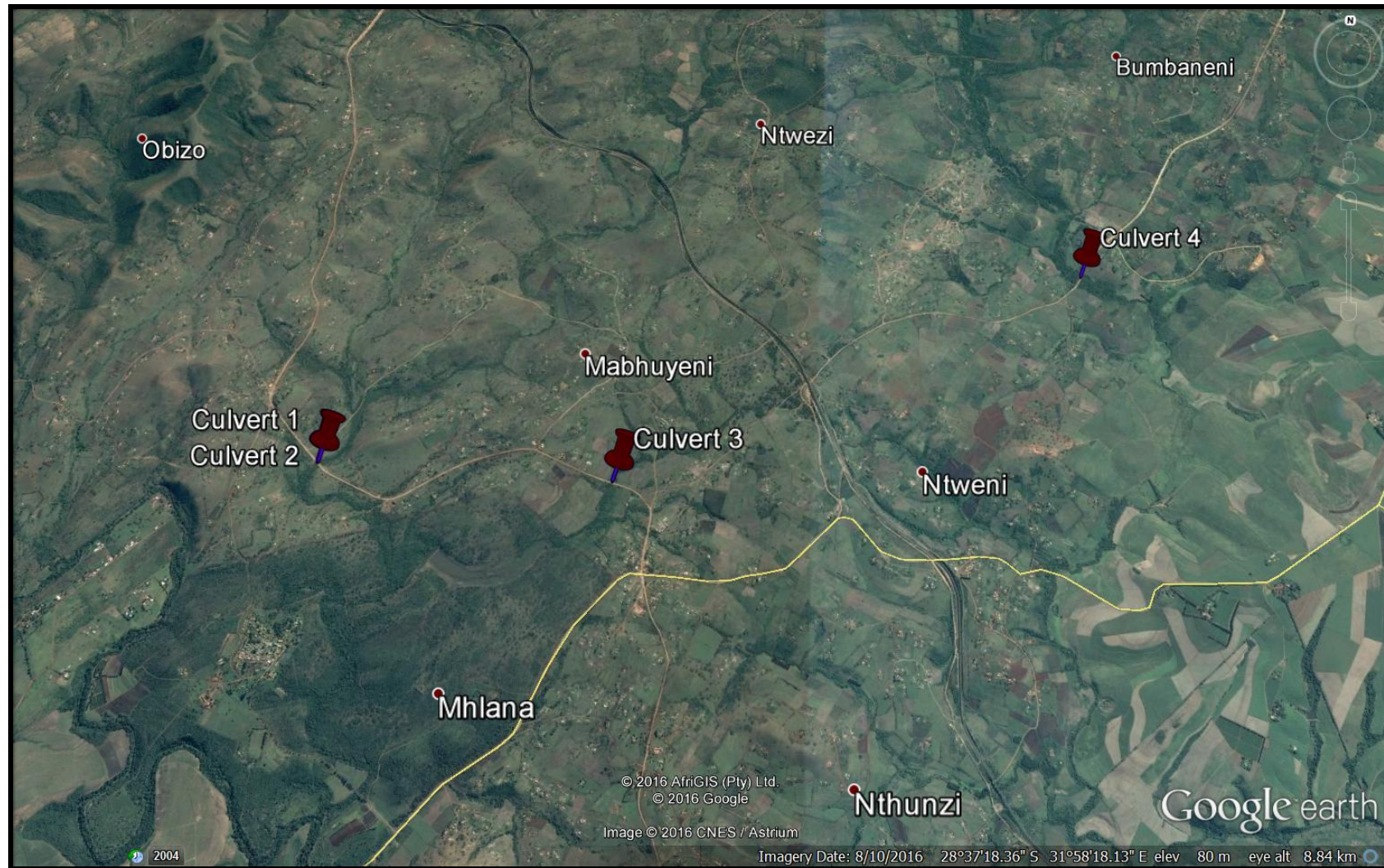


Figure 1: Locality Map

### **3 BACKGROUND INFORMATION OF THE SURVEY**

#### **3.1 Methodology**

##### ***3.1.1 Details of the site visit***

No site visit was undertaken as the proposed construction of the four culverts does not trigger any need for an HIA to be undertaken.

##### ***3.1.2 Literature Review***

A brief literature review pertaining to the prehistory of the KwaZulu-Natal was undertaken.

#### **3.2 Restrictions to the survey**

##### ***3.2.1 Visibility***

This section is not applicable.

##### ***3.2.2 Disturbance***

This section is not applicable.

#### **3.3 Details of the equipment used in the survey**

This section is not applicable.

## **4 BRIEF ARCHAEOLOGICAL HISTORY OF THE KWAZULU-NATAL PROVINCE**

### **4.1 Stone Age**

The archaeological history of the province of KwaZulu-Natal dates back to about 2 million years and possibly older, which marks the beginning of the Stone Age. The Stone Age in KwaZulu-Natal was extensively researched by Professor Oliver Davies formerly of the Natal Museum (see for example Davies, 1976, 1952). The Stone Age period has been divided into three periods namely: Early Stone Age (ESA) dating between 2 million years ago to about 200 000 years ago, Middle Stone Age (MSA) dating between 200 000 years ago to about 30 000 years ago, and the Later Stone Age (LSA) which dates from 30 000 to about 2 000 year ago. The Stone Age period ends approximately 2 000 years ago when Bantu speaking Iron Age farmers from the north arrived in southern Africa. The Iron Age is also divided into three periods, namely: Early Iron Age (EIA) dating between AD 200 and AD 900, Middle Iron Age (MIA) dating between AD 900 and AD 1300, Late Iron Age (LIA) dating between AD 1300 and 1820 (Huffman 2007).

### **4.2 Historic Period**

Oral tradition is the basis of the evidence of historical events that took place before history could be recorded. This kind of evidence becomes even more reliable in cases where archaeology could be utilised to back up the oral records. Sources of evidence for socio-political organization during the mid-eighteenth to early nineteenth century in the study area and the larger former Natal Province suggest that the people here existed in numerous small-scale political units of different sizes, population numbers and political structures (Wright & Hamilton, 1989). This period was largely characterised by rage and instability as political skirmishes broke out due to the thirst for power and resources between chiefdoms.

During the second half of the eighteenth century, stronger chiefdoms and paramountcies emerged. However, these were not fully grown states as there was no proper formal central political body established. This changed in the 1780's when a shift towards a more centralized political state occurred. This shift was mainly characterized by population growth and geographical expansion of states. The most important and largest and strongest states at the time were the Mabhudu, Ndwandwe and Mthethwa. However, other smaller states, also established themselves in the greater Tugela Region. These included in the south the Qwabe, Bhaca, Mbo, Hlubi, Bhele, Ngwane and many others (Wright & Hamilton, 1989).

The Zulu kingdom, established by King Shaka however remained the most powerful in the region in the early years of the 19th century. Shaka fought ruthlessly and often

defeated his rivals and conquered their cattle, wives and even burnt their villages. These wars are often referred to as Difaqane and this period was characterised by rage and blood shedding. Shaka was assassinated in 1828 by which time he had transformed the nature of the society in the Zululand regions. He was succeeded by Dingaan (Wright & Hamilton, 1989).

As the Dutch Settlers realised they were unhappy with the British rule in Cape Town, they decided to explore into the interior of the country, away from British rule. Some groups remained in the Eastern Cape, others kept going and a few settled in the Free State and the former Transvaal. A great number, led by Piet Retief, crossed the Drakensburg into Natal. Here they encountered the Zulus who lured them into a trap and brutally massacred the entire group including families at Weenen. This was only one of the many failures of the white settler expeditions in the frontiers and when the shocking news reached the Cape, more groups were sent to the interior for revenge. A series of battles were fought but the most notable was the Battle of Blood River in 1838 where the Boers defeated the Zulus. This ended the Zulu threat to the white settlers and a permanent and formal settlement in the former Natal Colony was established. However, the Republic of Natalia was annexed by the British in 1845 (Wright & Hamilton, 1989).

## **5 DESCRIPTION OF THE STUDY AREA HERITAGE**

This section is not applicable.

## **6 STATEMENT OF SIGNIFICANCE**

This section is not applicable.

## **7 MITIGATION MEASURES**

This section is not applicable.

## **8 RECOMMENDATIONS**

Based on the dimensions of the proposed four culverts to be constructed, it is recommended that this project be exempted from undertaking a full HIA.

## **9 RISK PREVENTATIVE MEASURES ASSOCIATED WITH CONSTRUCTION**

Archaeological material, by its very nature, occurs below ground. The developer should therefore keep in mind that archaeological sites, including graves, might be exposed during the construction work. If anything is noticed in that area during earth moving activities, work should be stopped and the occurrence should immediately be reported to

Amafa KwaZulu-Natali at 033 394 6543 and the author of this motivation for exemption at 083 3754270. The find should then be investigated and evaluated by the author, who will provide recommendations on when construction activities in the area where the discovery was made can resume.

## **10 CONCLUSION**

This serves as a motivation for exemption for undertaking a full HIA for the construction of the four culverts in the KwaMbonambi area, as the dimensions and description of the proposed development does not trigger, in terms of NHRA the need for a full HIA to be conducted. However, as mentioned, it is advised that, in the event that new evidence of heritage, historical or archaeological resources are unearthed during the construction and earth moving activities associated with the project, work must stop immediately, pending investigation by the author.

## **REFERENCES**

Davies, O., 1976. The 'Sangoan' Industries. *Annals of the Natal Museum*, Vol. 22(3): 885 – 911.

Davies, O., 1952. The Natal Sangoan Culture. *South African Journal of Science*, 48: 212 – 214.

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SAHRA, 2005. *Minimum Standards for the Archaeological and the Palaeontological Components of Impact Assessment Reports*, Draft version 1.4.

Wright, J. and Hamilton, C. 1989. Tradition and transformations – The Phongolo-Mzimkhulu region in the late eighteenth and early nineteenth centuries. In Duminy, A & Guest, B.(eds). *Natal and Zululand: From Earliest Times to 1910 – A new history*: 49 – 82. University of KwaZulu-Natal Press.



## **ANNEXURE A: SITE PICTURES**



**Culvert one - courtesy of Henwood and Nxumalo Consulting Engineers**



**Culvert two - courtesy of Henwood and Nxumalo Consulting Engineers**



*Motivation for exemption from HIA: KwaMbonambi Culverts*



**Culvert three - courtesy of Henwood and Nxumalo Consulting Engineers**



**Culvert four - courtesy of Henwood and Nxumalo Consulting Engineers**