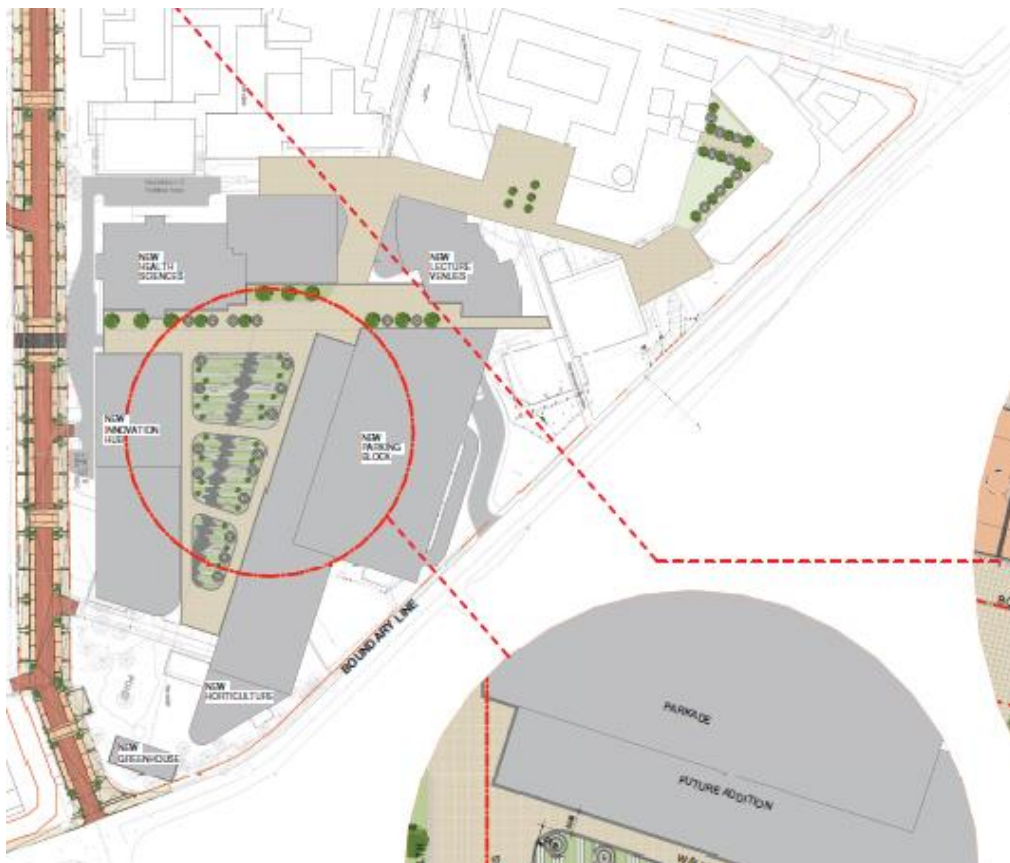


HERITAGE IMPACT ASSESSMENT

DURBAN UNIVERSITY OF TECHNOLOGY – RITSON CAMPUS

Proposed development of the New Innovation Hub, Lecture Venues, Health Sciences, Arts and Design Buildings



EXECUTIVE SUMMARY

uKuza Consulting was appointed by the Durban University of Technology to undertake a heritage impact assessment for the proposed development of the New Innovation Hub, Lecture Venues, Health Sciences, and Arts and Design Buildings at Durban University of Technology (DUT) – Ritson Campus. This campus is located within the eThekweni Municipality, KwaZulu-Natal. The heritage impact assessment must be undertaken in terms of the National Heritage Resources Act No 25 of 1999 (refer to Appendix A).

The Durban University of Technology currently has approximately 33 000 students and is located in both Durban and Pietermaritzburg. The proposed development at the Ritson Campus aims to increase the capacity of the Technicon and the quality of education, while ensuring the promotion of education to serve the interests of a growing population, thereby improving lives and livelihoods.

The proposed development for the Durban University of Technology Ritson Campus, is necessitated by several factors. Firstly, DUT's current campuses are spread out over several sites around Durban, and the new development will amalgamate some of these buildings into a more coherent campus. Secondly, there is a distinct need for additional teaching space as well as more innovative learning environments. Lastly, the development forms part of the long term spatial development plan for DUT. The Ritson Campus development will include the provision of new lecture venues, health sciences, arts and design faculties as well as the provision of improved parking and entrances to the campus.

We, Ukuza Consulting visited the site on 3 March 2021, undertaking only a surface study, as well as a literature survey. The listed buildings and protected structures on and near to the site were identified and documented. The trees were also visually inspected, and the mature trees identified, to the best of our knowledge. The study of the trees is limited and should the protected and indigenous trees need to be identified, as per the National Forest Act (1998), this would have to be done by an arborist.

We request that Amafa aKwaZuluNatali provide support for the proposed development at the DUT Ritson Campus to proceed, subject to the monitoring advised. Should permission be granted for the development to proceed, the client is reminded that as per the National Heritage Resources Act 25 of 1999, a developer must cease all work immediately and notify Amafa should any heritage resources be discovered, both on the surface as well as sub-surface.

Contents

EXECUTIVE SUMMARY	2
TABLE OF FIGURES	4
1. Introduction	5
2. Terms of Reference	5
3. Project Description.....	6
4. Project Location	9
5 Brief History of the Site	12
5.1 Curries Fountain.....	12
6 Study Approach and Methodology	14
6.1 Extent of the Study	14
6.2 Methodology.....	14
7 Assumptions and limitations of this heritage impact assessment.....	14
7 Cultural Context of the Study Area	14
8 Description and Mapping of Heritage Resources	15
8.1 Protected Buildings	16
8.1.1 History of the Listed Building	16
8.2 Protected Structures - Curries fountain.....	20
8.2.1 Sport.....	20
8.2.2 Politics	20
8.2.3 Community Space	21
8.3 Indigenous Tree Zone.....	21
9 Observations Impacts	22
10 Assessment of Impacts	24
11 Recommended Monitoring and Mitigation Measures	25
12 Protocol for the Identification, Protection and Recovery of Heritage Resources During Construction and Operation	25
13 Conclusion.....	26
14 Bibliography	27
APPENDIX A: STATUTORY REQUIREMENTS	28
APPENDIX B: PHOTOGRAPHS.....	32
APPENDIX C: SDP.....	41

TABLE OF FIGURES

Figure 1: The Durban University of Uechnology - Ritson Campus (google earth)	6
Figure 2: The proposed development at the DUT Ritson Campus (pragasen govender architects)	7
Figure 3: Current layout of the Ritson campus (durban university of technology)	8
Figure 4: The Durban University of Technology - Ritson Campus (google earth)	8
Figure 5: Cadastral information of DUT Ritson Campus (gis.durban.gov.za)	9
Figure 6: Regional map of Kwazulu Natal (https://www.researchgate.net/figure/The-urban-core-and-rural-periphery-of-eThekweni-municipality-Source-Map-produced-by_fig1_)	10
Figure 7: Local map showing location of DUT Ritson Campus (google maps)	11
Figure 8: Layout of campus and surrounding roads (google maps)	11
Figure 9: Location of the DUT Ritson Campus relative to Curries Fountain (google earth)	12
Figure 10: Water tower originally constructed at Curries Fountain (rosenberg & vahed, 2014)	13
Figure 11: Water tower constructed at Curries Fountain (sahistory.org.za)	13
Figure 12: Mapping of heritage resources (google earth)	15
Figure 13: Location of the listed and protected buildings (google earth)	16
Figure 14: Mansfield Boys High School (russel, 1971)	17
Figure 15: Mansfield Boys High School (rosenberg & vahed, 2014)	17
Figure 16: Road frontage of the listed building (author)	18
Figure 17: Courtyard of the listed building (author)	19
Figure 18: Entrance to the listed building (author)	19
Figure 19: Location of DUT Ritson Campus in relation to Curries Fountain (google earth)	20
Figure 20: Trees in the eastern corner of the site (author)	21
Figure 21: Location of a large number of indigenous trees (google earth)	22
Figure 22: Location of protected and listed buildings relative to the development area (google earth)	23
Table 1: Heritage resources and observations (author)	24

1. Introduction

uKuzza Consulting was appointed by the Durban University of Technology to undertake a heritage impact assessment for the proposed development of the New Innovation Hub, Lecture Venues, Health Sciences, and Arts and Design Buildings at Durban University of Technology – Ritson Campus, located within the eThekweni Municipality, KwaZulu-Natal, in terms of the National Heritage Resources Act No 25 of 1999 (refer to Appendix A). The proposed development at the the DUT Ritson Campus aims to ensure the promotion of education to serve the interests of a growing population, thereby improving lives and livelihoods.

South Africa is a country which is rich in natural and heritage resources, from various periods in history. Resources are both tangible such as buildings, trees and structures, as well as intangible, such as living and cultural heritage. The protection of these resources must be ensured, as they can be jeopardized by both natural and human activities. In terms of human activities, there exists legislation to ensure the protection of these heritage resources. According to Section 27(18) of the National Heritage Resources Act (NHRA), No. 25 of 1999, no person may destroy, damage, deface, excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the heritage resources authority responsible for the protection of such site.

This report represents compliance with a full Heritage Impact Assessment for the proposed development.

2. Terms of Reference

As per the Act, a Heritage Impact Assessment must address the following key aspects:

- the identification and mapping of all heritage resources in the area affected;
- an assessment of the significance of such resources in terms of heritage assessment criteria set out in regulations;
- an assessment of the impact of the development on heritage resources;
- an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- plans for mitigation of any adverse effects during and after completion of the proposed development.

3. Project Description

The proposed development is to be undertaken on a portion of the Durban University of Technology – Ritson Campus. This has been demarcated in red in the image below.



FIGURE 1: THE DURBAN UNIVERSITY OF TECHNOLOGY - RITSON CAMPUS (GOOGLE EARTH)

The proposed development for the Durban University of Technology Ritson Campus, is necessitated by several factors. Firstly, DUT’s current campuses are spread out over several sites around Durban, and the new development will amalgamate some of these buildings into a more coherent campus. Secondly, there is a distinct need for additional teaching space, as well as more innovative learning environments. Lastly, the development forms part of the long term spatial development plan for DUT. The Ritson Campus development will include the provision of new lecture venues, health sciences, arts and design faculties, as well as provision of improved parking and entrances to the campus (DUT Spatial Plan 2020 - 2040).

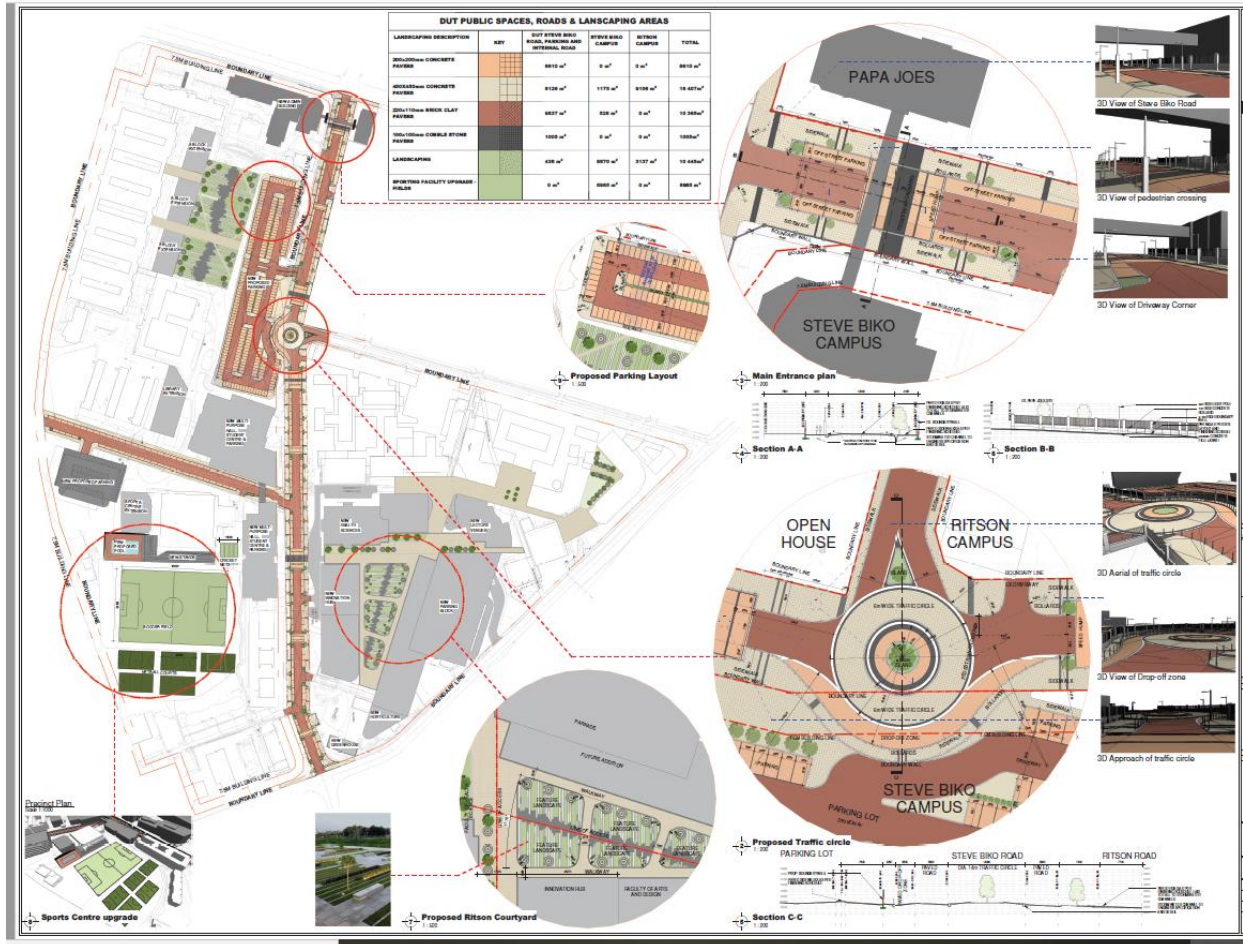


FIGURE 2: THE PROPOSED DEVELOPMENT AT THE DUT RITSON CAMPUS (PRAGASEN GOVENDER ARCHITECTS)
(See Appendix C for full image)

The planned development on Ritson Campus, shown in Figure 2 above, will comprise several buildings, with a total bulk of approximately 52 000 square metres. Although there will be minimal demolition, the scale of the development necessitates that its effect on the proposed and neighbouring sites, as well as the urban landscape, be examined. This heritage impact assessment will analyse the impact of the new development on the protected structures, trees and buildings on and around the proposed site.

Currently, the Ritson Campus, houses a number of buildings that cater to the Health Science, Arts and Design and Accounting and Informatics faculties. The proposed development site is located to the east of the existing buildings on the campus, where there is currently a parking lot in the centre, which is accessed off Winterton Road. Two smaller parking areas are located off Steve Biko Road and one off Ritson Road.

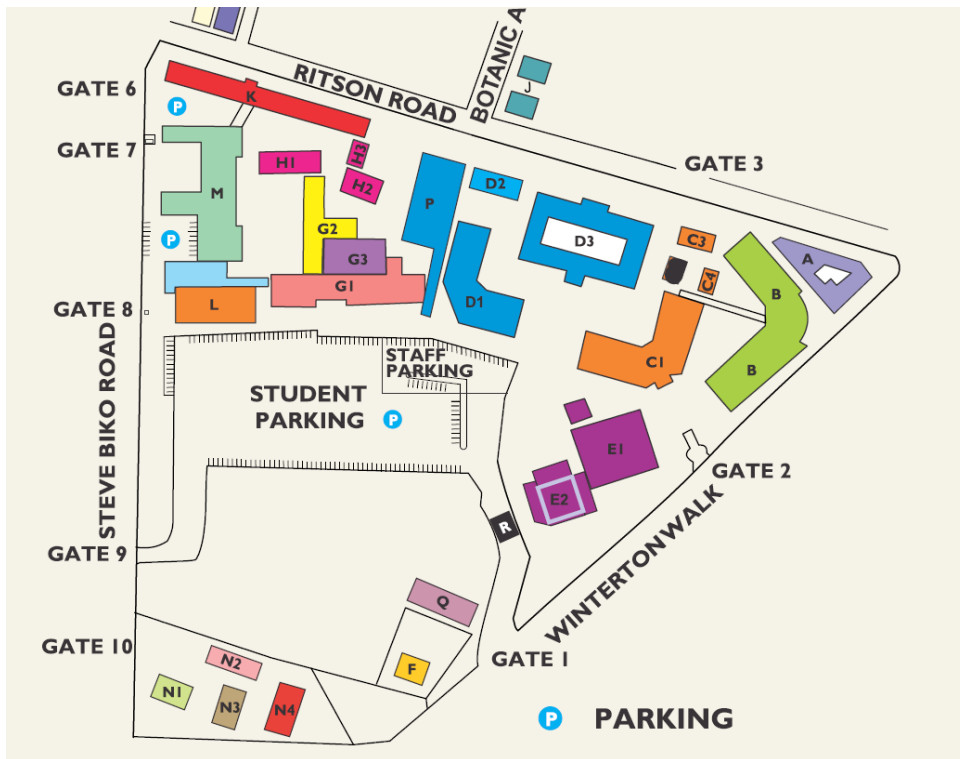


FIGURE 3: CURRENT LAYOUT OF THE RITSON CAMPUS (DURBAN UNIVERSITY OF TECHNOLOGY)

The proposed construction will be limited to a portion of the Ritson campus, demarcated Area B in the image below. The portion demarcated Area A is existing and will not be the site of any development.



FIGURE 4: THE DURBAN UNIVERSITY OF TECHNOLOGY - RITSON CAMPUS (GOOGLE EARTH)

4. Project Location

The proposed development is located within the premises of the Durban University of Technology in the Ritson Campus, within the EThekweni Metropolitan Municipality of the KwaZulu-Natal Province of South Africa. Access to site is off the N3 National Road into ML Sultan Road.

At the time of investigation, the area within which the proposed development is located comprised existing buildings, parking bays, parkhomes and containers used as clinics and venues.

The Ritson campus is divided into 3 erven as shown in the cadastral below.



FIGURE 5: CADASTRAL INFORMATION OF DUT RITSON CAMPUS (GIS.DURBAN.GOV.ZA)

The Durban University of Technology, formerly known as the Natal Technikon, was started in 1922 and is located on near the Durban CBD in Kwa-Zulu Natal (South African History Online, 2011). DUT has been located using a red dot on the map below.

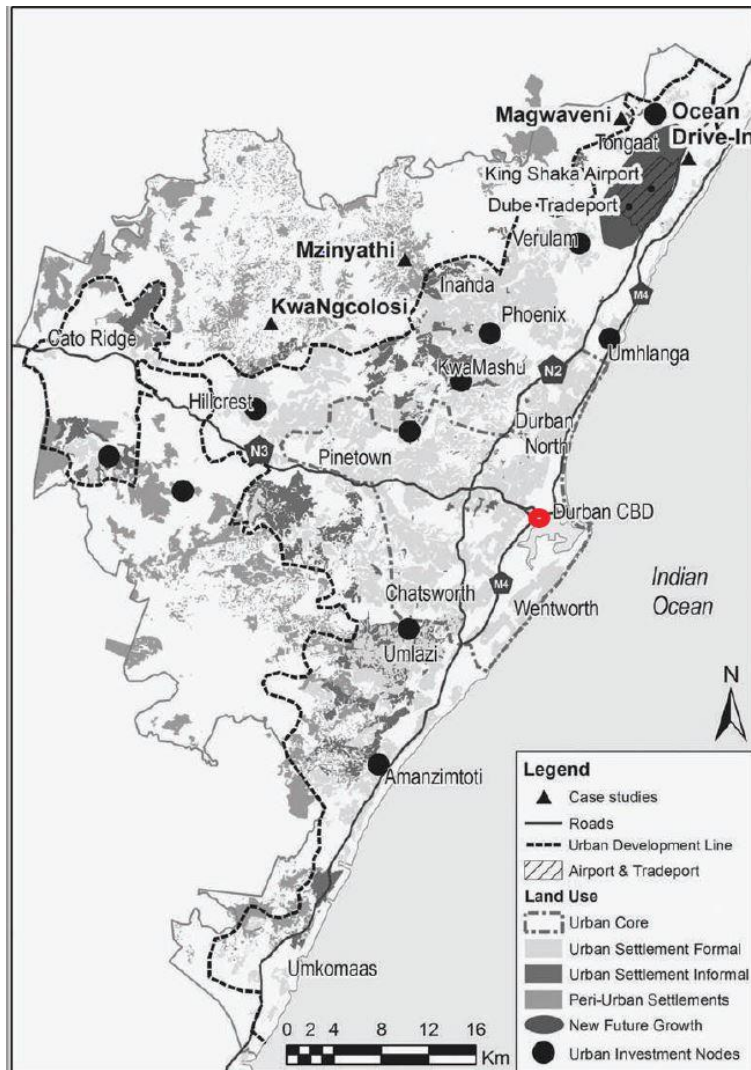


FIGURE 6: REGIONAL MAP OF KWAZULU NATAL (https://www.researchgate.net/figure/The-Urban-Core-and-Rural-Periphery-of-eThekweni-Municipality-Source-Map-Produced-by_Fig1_)

DUT operates on five different campuses in Durban, and two in Pietermaritzburg, offering tuition through its six faculties of Accounting and Informatics; Applied Sciences; Arts and Design; Engineering and the Built Environment; Health Sciences; and Management Sciences. The area in which the campus is located has significant historical value as will be discussed later in this document. Figure 7 below shows the location of the Ritson Campus in the larger Durban context. DUT Ritson Camous has been demarcated using a red triangle.



FIGURE 7: LOCAL MAP SHOWING LOCATION OF DUT RITSON CAMPUS (GOOGLE MAPS)

The Ritson Campus is bounded on the west by Ritson Road, on the south by Steve Biko Road, and on the north and east by Winterton Walk, as can be seen in Figure 8.

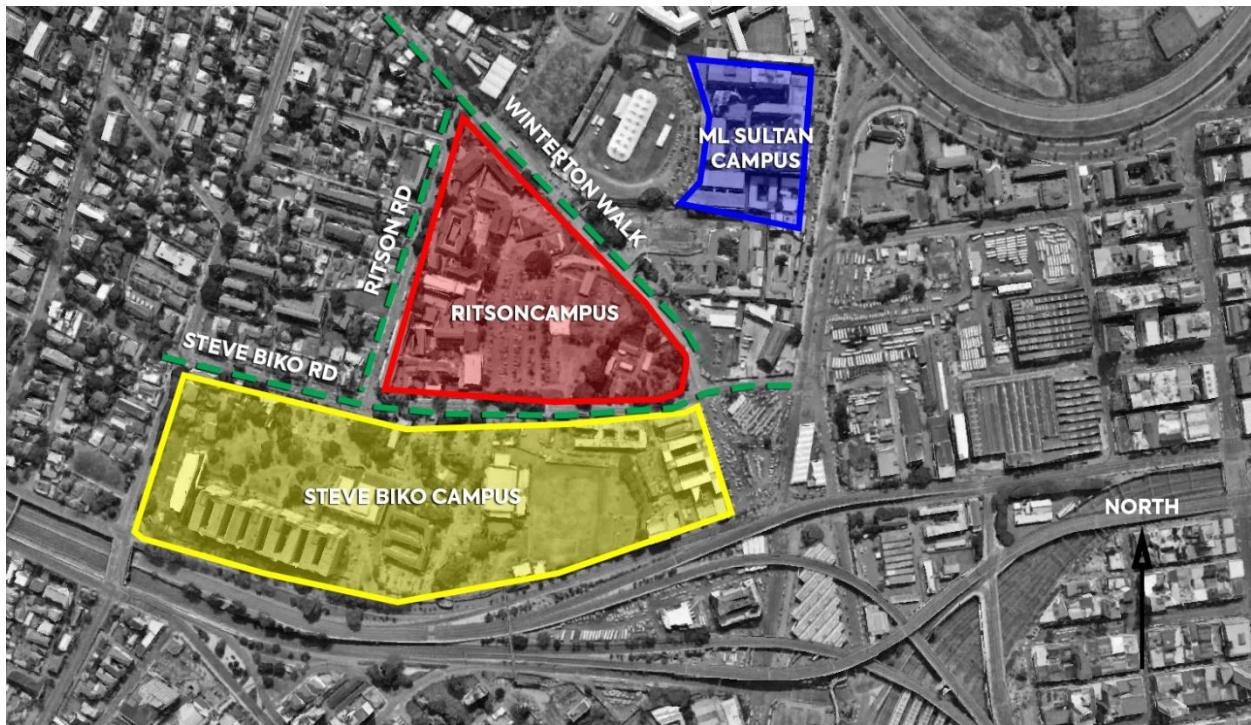


FIGURE 8: LAYOUT OF CAMPUS AND SURROUNDING ROADS (GOOGLE MAPS)

5 Brief History of the Site

5.1 Curries Fountain

Curries Fountain, an important landmark in history, is located to the North East of the site, as shown in Figure 9 below. In this image Ritson Campus has been labelled A, while Curries Fountain has been labelled B.

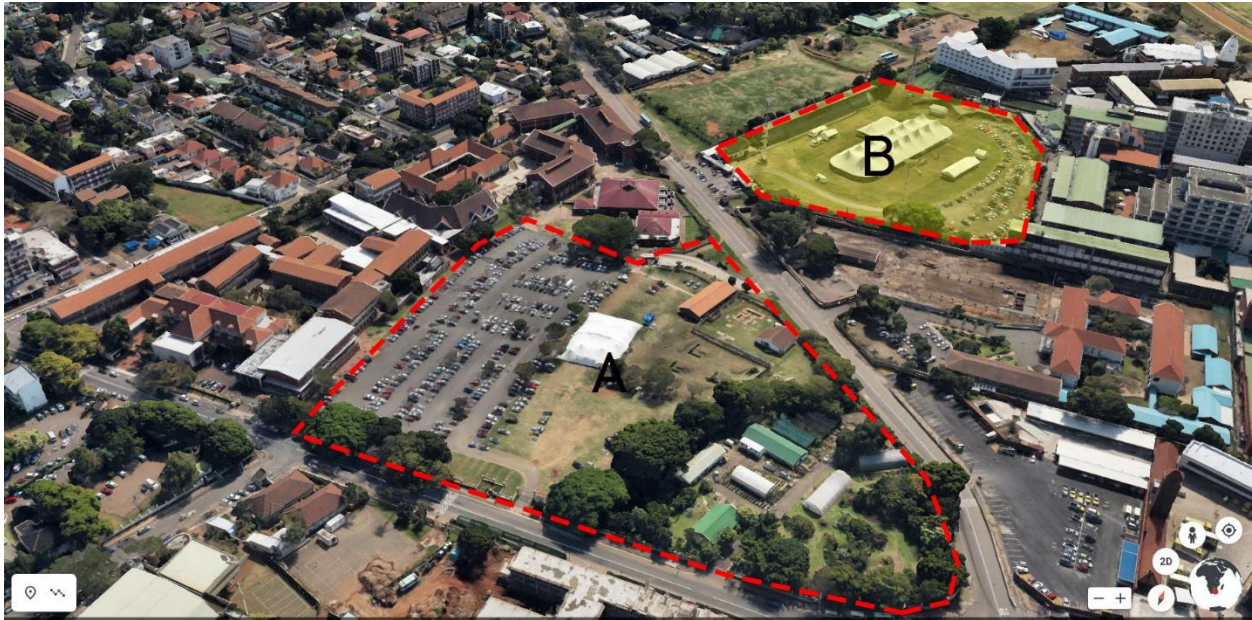


FIGURE 9: LOCATION OF THE DUT RITSON CAMPUS RELATIVE TO CURRIES FOUNTAIN (GOOGLE EARTH)

In the mid 19th century the residents of Durban relied on a spring, located at place now known as Curries Fountain, for their drinking water. Mr Currie began importing corrugated iron and built a water tower at Curries Fountain. The newly built water tower provided the first piped water to Durban residents in 1878 which flowed at a rate of 227 000 litres a day (Morrison, 1987). The images below capture this water tower in the 1880's. The significance of Curries Fountain will be discussed in Section 8.2 of the report.

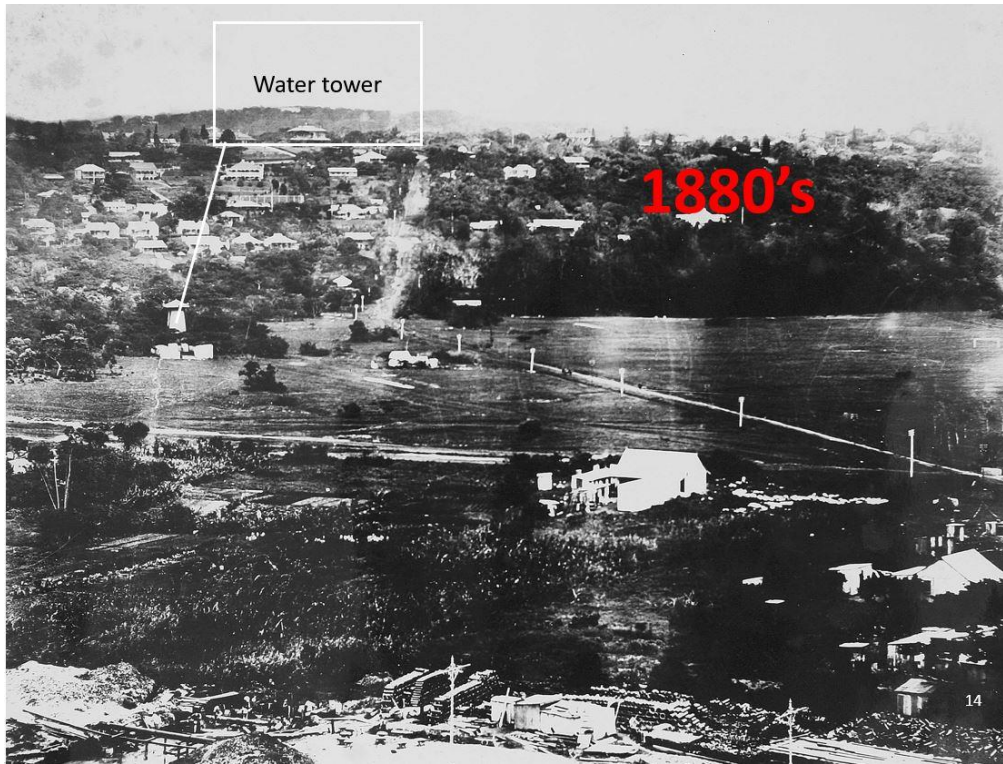


FIGURE 10: WATER TOWER ORIGINALLY CONSTRUCTED AT CURRIES FOUNTAIN (ROSENBERG & VAHED, 2014)

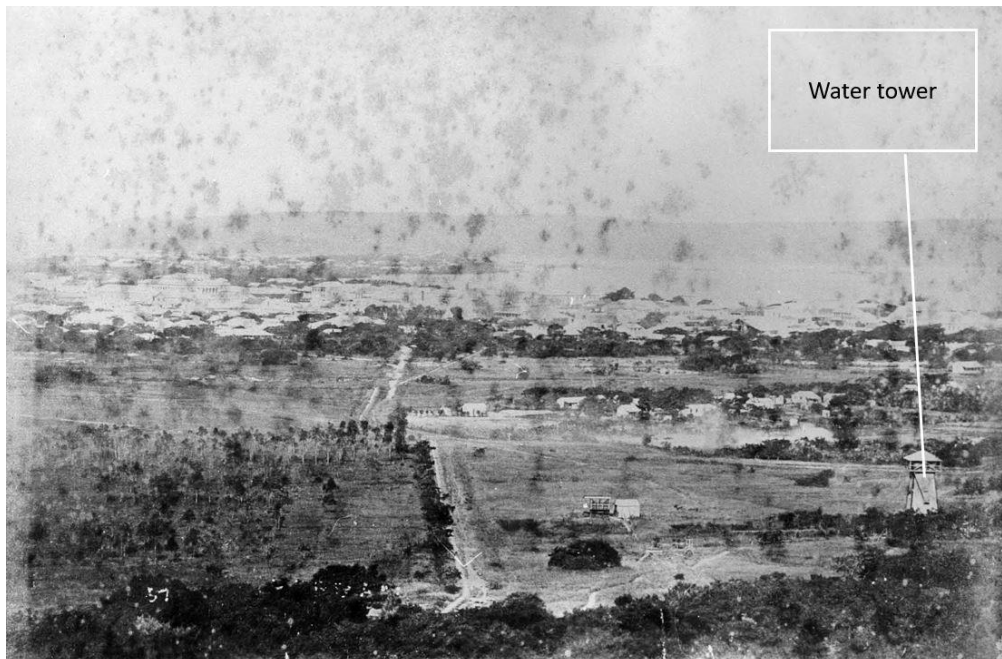


FIGURE 11: WATER TOWER CONSTRUCTED AT CURRIES FOUNTAIN (SAHISTORY.ORG.ZA)

6 Study Approach and Methodology

6.1 Extent of the Study

The scope of the study covers the extent of the DUT Ritson Campus, as well as the heritage resources surrounding the site, which may be affected by the development.

The study has been limited to a surface assessment of the trees, protected buildings and protected structures within and around the proposed development area. Although, it is possible that sub-surface heritage resources could be encountered during the construction phase of this project.

6.2 Methodology

- Conducting of a desk-top investigation of the area, in which all available literature, previous reports, databases and maps were studied.
- A visit to the proposed development area, including taking pictures and examining of the trees, buildings and structures.

7 Assumptions and limitations of this heritage impact assessment

- The description and details of the proposed project, provided by the client are accurate.
- It is assumed that the public consultation process undertaken as part of the project is sufficient and adequate, and does not require repetition as part of the heritage impact assessment.
- Heritage resources might be present below the surface or in areas of dense vegetation and we remind the client that the Act requires that a developer cease all work immediately and notify SAHRA should any heritage resources, as defined in the Act, be discovered during the course of development activities.
- No subsurface investigation (including excavations or sampling) were undertaken
- A key concept in the management of heritage resources is that of non-renewability: damage to or destruction of most resources, cannot be reversed or undone. Accordingly, management recommendations for heritage resources in the context of the development are as conservative as possible.
- Ukuza Consulting staff members take no responsibility for the misuse of the information contained in this report, but take every reasonable precaution to prevent such misuse.

7 Cultural Context of the Study Area

In the NHRA, Section 2 (vi), it is stated that “cultural significance” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. This is determined in relation to a site or feature’s uniqueness, condition of preservation and research potential. According to 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:

- its importance in the community, or pattern of South Africa's history;
- its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- 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
- sites of significance relating to the history of slavery in South Africa

8 Description and Mapping of Heritage Resources

Figure 12 shows those resources which have been found to be of heritage value both within, and surrounding the site. These resources included a listed building, a protected building, indigenous trees, and Curries Fountain. Each of these resources will be discussed below.



FIGURE 12: MAPPING OF HERITAGE RESOURCES (GOOGLE EARTH)

Please see Appendix B for all pictures taken on site, during the site visit.

8.1 Protected Buildings

The building marked 'B' in Figure 13 below, which is used for the hotel school lecture rooms, computer labs, faculty of accounting and informatics, executive dean's office and faculty office is currently considered to be a protected building as it is older than 60 years. This building will not be directly affected by the construction, although its protection should be ensured.

The building marked 'A' in Figure 13 has been listed in Brian Kearney's 'A Revised Listing of the Important Places and Buildings in Durban'. This building is currently being used as the DUT Drama building. It is on the west of the site, on the corner of Steve Biko and Ritson Road, and its protection must be ensured during the construction phase. Although, this building is not in direct contact with the proposed New Innovation Hub, Lecture Venues, Health Sciences, and Arts building. A brief history of this building is given below.



FIGURE 13: LOCATION OF THE LISTED AND PROTECTED BUILDINGS (GOOGLE EARTH)

8.1.1 History of the Listed Building

The listed building, which located on Mansfield Rd, now known as Steve Biko Rd, was constructed in 1911 as a boys' high school. The building had been commissioned by the then Natal Education Department due to a lack of educational facilities in the developing city (Russel, 1971).

The school was constructed in the Berea style, typical of school construction of the Union period. Originally, the school was constructed as a double story building with plaster and brick trim. Arcaded verandahs and hipped tiled roofs were typical of this style of building (Kearney, 1984).

Figure 14 below shows a school scout troop being addressed by the Durban City Mayor in 1923, at this building.



FIGURE 14: MANSFIELD BOYS HIGH SCHOOL (RUSSEL, 1971)

The Mansfield school continued to operate until December 1989 when it was closed and the property taken over by the Natal Technikon (Russel, 1971). The aerial image shown below depicts the Mansfield Boys' High School and surrounding sports field prior to the DUT development on the Ritson Campus.



FIGURE 15: MANSFIELD BOYS HIGH SCHOOL (ROSENBERG & VAHED, 2014)

In 2011, an application was made to AMAFA for refurbishments to the existing building in order to be used as the new DUT Drama Building (SAHRIS).

Please see images of the listed building below, taken during the site visit. The remainder of the pictures can be found in Appendix B.



FIGURE 16: ROAD FRONTAGE OF THE LISTED BUILDING (AUTHOR)



FIGURE 17: COURTYARD OF THE LISTED BUILDING (AUTHOR)



FIGURE 18: ENTRANCE TO THE LISTED BUILDING (AUTHOR)

8.2 Protected Structures - Curries fountain

Curries fountain is located to the North East of the site. See the area marked “B” in Figure 19 below. Although Curries Fountain is not in direct contact with the intended development, it’s importance must be discussed.



FIGURE 19: LOCATION OF DUT RITSON CAMPUS IN RELATION TO CURRIES FOUNTAIN (GOOGLE EARTH)

8.2.1 Sport

Curries fountain sports ground is a major landmark in Durban, as it is a historical site of sport, protest and resistance. The sports field developed from a facility solely for Indians, into a community space against the struggle for non-racialism in sports. This struggle of non-racialism in sports ultimately became a struggle against apartheid. Curries fountain became a non-racial space in the 1960s and became an important venue for all sports, cultural, entertainment and political events in Durban (Rosenberg & Vahed, 2014).

8.2.2 Politics

Curries Fountain is an important landmark in the political history of Durban. It became a space where many political leaders such as Moses Mabhida, and Monty Naicker congregated. It is also home to historical rallies such as the Freedom Day Rally in 1959, and the re-launch of the ANC Womens’ League in 1990 (Rosenberg & Vahed, 2014).

8.2.3 Community Space

Curries fountain became the chosen venue for music concerts in the 1970s and 1990s. It was also the site for Muslims celebrating the 1400th anniversary of the Quran (Rosenberg & Vahed, 2014).

8.3 Indigenous Tree Zone

While there are a large number of trees, both indigenous and exotic, spread out across the site, the eastern corner of the site is densely populated with greenery, as is evident in Figure 20 below.



FIGURE 20: TREES IN THE EASTERN CORNER OF THE SITE (AUTHOR)

During the site surface investigation the mature and indigenous trees were pointed out by a horticulturist from the Durban University of Technology. The study of the trees is limited and should the protected and indigenous trees need to be identified, this would have to be done by an arborist.

The following indigenous have been identified in our limited site survey:

- Natal Mahogany
- Natal Plum Tree
- Cabbage Tree
- Fever Tree
- Yellowwood Tree
- Aloe Tree

Please note that these are the common names for the trees, and the indigenous/protected trees on the site are not limited to the list above.

Most of these indigenous trees are concentrated in the horticulture department, in the eastern corner of the site, as shown below. Although there may be indigenous and protected trees on other parts of the site.



FIGURE 21: LOCATION OF A LARGE NUMBER OF INDIGENOUS TREES (GOOGLE EARTH)

9 Observations Impacts

The development does not fall in direct contact with any of the listed or protected buildings, as shown in Figure 22 below, and therefore should not directly impact these buildings. The main entrance of the proposed development is off Winterton Walk at Gate 1, while the listed building, the DUT Drama Building is on the western edge of the site, adjacent to Gate 7, off Steve Biko Rd, and therefore the proposed development should not impact these buildings.

Since the development does not intend to demolish or alter any of the heritage structures presented above the impact of the development on the heritage resources can be considered to be low. The existing heritage buildings should be protected during the entire development process.



FIGURE 22: LOCATION OF PROTECTED AND LISTED BUILDINGS RELATIVE TO THE DEVELOPMENT AREA (GOOGLE EARTH)

It must be noted that the effect of the development on the trees present on the site, may need to be ascertained by an arborist, should their demolition be required, according to the National Forest Act, 1998 (Act No. 84 of 1998).

The intended development is also a distance from the Curries Fountain historical precinct and should not detract from the cultural and historical significance of the sports field. This important landmark must be protected.

The following table summarises the heritage resources assessed, and our observations follow.

TABLE 1: HERITAGE RESOURCES AND OBSERVATIONS (AUTHOR)

Heritage Resource Type	Observation
Living heritage	None were identified within the proposed development areas.
Ecofacts	None were identified within the proposed development areas.
Buildings	A protected and listed building have been identified
Structures	A protected structure has been identified on the adjacent site
Places to which oral traditions are attached or which are associated with living heritage	None were identified within the proposed development areas.
Historical settlements and townscapes	None were identified within the proposed development areas.
Landscapes and natural features	None were identified within the proposed development areas.
Geological sites of scientific or cultural importance	None were identified within the proposed development areas.
Archaeological sites	None were identified within the proposed development areas.
Graves and burial grounds	None were identified within the proposed development areas.
Movable objects excluding any object made by a living person	None were identified within the proposed development areas.
Battlefields	None were identified within the proposed development areas.
Traditional building techniques	None were identified within the proposed development areas.

10 Assessment of Impacts

No construction activities associated with the proposed project had begun prior to our visit, in accordance with provincial heritage legislation.

Places, buildings, structures and equipment

- None will be affected.

Places to which oral traditions are attached or which are associated with living heritage

- None will be affected.

Historical settlements and townscapes

- None will be affected.

Landscapes and natural features

- None will be affected.

Archaeological sites

- None were observed

Graves and burial grounds

- None were observed

Sites of significance relating to the history of slavery in South Africa

- None will be affected.

-

Movable objects excluding any object made by a living person

- None will be affected.

In conclusion, subject to the recommended monitoring, the proposed development is considered generally to be of low impact. However, should subsurface archaeological material be exposed during construction activities, construction must be ceased and AMAFA notified.

11 Recommended Monitoring and Mitigation Measures

1. In the event of the discovery or excavation of any human remains, work within 20m of the discovery should cease, and the archaeologist immediately notified before any further work or excavation takes place.
2. It must be ensured that the existing heritage buildings are properly secured to prevent any damage to them. These buildings cannot be altered in any way without obtaining a permit from AMAFA.
3. Trees that are protected under the National Forest Act, 1998 (Act No 84 of 1998) must be identified by a specialist as per the 1999 Heritage Resources Act, as it is an offence to remove a heritage resource without a permit.

12 Protocol for the Identification, Protection and Recovery of Heritage Resources During Construction and Operation

The investigation completed only consisted of a desk study of the relevant literature, as well as a surface study of the proposed site. Although, it is possible that sub-surface heritage resources could be encountered during the construction phase of this project. The Environmental Control Officer and all other persons responsible for site management and excavation should be aware that indicators of sub-surface sites could include:

- Ash deposits;
- Animal or human bone concentrations;
- Ceramic fragments; and
- Stone concentrations that appear to be formally arranged which may indicate the presence of an underlying grave

In the event that such indicators of heritage resources are identified, the following actions should be taken immediately:

- All construction within a radius of at least 20m of the indicator should cease. This distance should be increased at the discretion of management if heavy machinery or explosives could cause further disturbance to the suspected heritage resource.
- This area must be clearly marked, and all individuals informed that it is a no-go area.
- A guard should be appointed to secure this area if there is any possibility that it could be violated.

- No measures should be taken to cover up the suspected heritage resource with soil, or to collect any remains such as bone or stone.
- If a heritage practitioner has been appointed to monitor the project, they should be contacted and a site inspection arranged as soon as possible. The heritage practitioner should notify AMAFA.
- If no heritage practitioner has been appointed to monitor the project, Amafa's Pietermaritzburg office should be contacted (telephone 033 3946543)
- The South African Police Services should be notified by an Amafa staff member or an independent heritage practitioner if human remains are identified. No SAPS official may disturb or exhume such remains, whether of recent origin or not.
- All parties concerned should respect the potentially sensitive and confidential nature of the heritage resources, particularly human remains, and refrain from making public statements until a mutually agreed time.
- Any extension of the project beyond its current footprint involving vegetation and/or earth clearance should be subject to prior assessment by a qualified heritage practitioner, taking into account all information gathered during this initial heritage impact assessment.

13 Conclusion

We request that Amafa aKwaZuluNatali provide support for the proposed development at the DUT Ritson Campus to proceed, subject to the monitoring advised, and have submitted this report in fulfilment of the requirements of the National Heritage Resources Act 25 of 1999.

Should permission be granted for the development to proceed, the client is reminded that as per the Act, the developer must cease all work immediately and notify Amafa should any heritage resources be discovered.

14 Bibliography

Council for Scientific and Industrial Research (2018). *Chapter 13 Heritage Impact Assessment*. Available Online at:

https://www.csir.co.za/sites/default/files/DEIAR_UW_Chap_13_Heritage_050518_Low%20Res.pdf (2021.02.15)

Durban University of Technology (2019). *Long Term Spatial Plan 2020 – 2040*.

Kearney, B. (1984). *A Revised Listing of the Important Places and Buildings in Durban*. Durban City Council. Durban

Rosenberg, L. and Vahed, G. (2014). *Dirty Linen*. Durban: Durban University of Technology

SAHRIS. *Corner Steve Biko & Ritson Roads, Durban (DUT Drama Building)*. Available Online at:

<https://sahris.sahra.org.za/cases/cnr-steve-biko-ritson-roads-durban-dut-drama-building> (2021.03.12)

South African History Online (2011). *Durban Timeline 1497 – 1990*. Available Online at:

<https://www.sahistory.org.za/article/durban-timeline-1497-1990> (2021.02.02)

Russell, G. (1971) *Mansfield Rd High School Durban*. Available Online at: mansfieldhighschool.co.za. (2021.02.10)

Glenwood High School (2005). *New School Memorial – The Mansfield Connection (2005)*. Available Online at: <https://www.glenwoodhighschool.co.za/new-school-memorial-the-mansfield-connection-4/> (2021.02.10)

Morrison, I. (1987). *Durban: A pictorial history: a photographic record of the changing face of the city of Durban, with emphasis on its buildings*. Struik Publishers

APPENDIX A: STATUTORY REQUIREMENTS

GENERAL

The identification, evaluation and management of heritage resources in South Africa is required and governed by the following legislation:

- National Environmental Management Act (NEMA) Act No 107 of 1998
 - a. Basic Environmental Assessment – Section (23)(2)(d)
 - b. Environmental Scoping Report – Section (29)(1)(d)
 - c. Environmental Impacts Assessment – Section (32)(2)(d)
 - d. Environmental Management Plan – Section (34)(b)
- KwaZulu-Natal Heritage Act No 4 of 2008
 - a. Protection of heritage resources – Chapters 8 and 9
 - b. Heritage Resources Management – Chapter 10
- National Heritage Resources Act (NHRA) Act No 25 of 1999
 - a. Definition and management of the national estate – Chapter I
 - b. Protection and management of heritage resources – Chapter II
 - c. Heritage Resources Management – Section 38
- Minerals and Petroleum Resources Development Act (MPRDA) Act No 28 of 2002
 - a. Section 39(3)
- Development Facilitation Act (DFA) Act No 67 of 1995.
 - a. The GNR.1 of 7 January 2000: Regulations and rules in terms of the Development Facilitation Act, 1995 Section 31.

NATIONAL HERITAGE RESOURCES ACT NO 25 OF 1999

Heritage Impact Assessments

Section 38(1) of the National Heritage Resources Act of 1999 requires a heritage impact assessment in case of:

- the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300 m 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 m² 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 m² in extent; or
- any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.

Reports in fulfilment of Section 38(3) of the Act must include the following information:

- the identification and mapping of all heritage resources in the area affected;
- an assessment of the significance of such resources in terms of the heritage assessment criteria set out in regulations;
- an assessment of the impact of the development on such heritage resources;
- an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- the results of consultation with communities affected by the proposed development and

other interested parties regarding the impact of the development on heritage resources;

- if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- plans for mitigation of any adverse effects during and after completion of the proposed development.

Definitions of heritage resources

The Act defines a heritage resource as any place or object of cultural significance i.e. of aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. This includes, but is not limited to, the following wide range of places and objects:

- living heritage as defined in the National Heritage Council Act No 11 of 1999 (cultural tradition; oral history; performance; ritual; popular memory; skills and techniques; indigenous knowledge systems; and the holistic approach to nature, society and social relationships);
- ecofacts (non-artefactual organic or environmental remains that may reveal aspects of past human activity; definition used in KwaZulu-Natal Heritage Act 2008);
- places, buildings, structures and equipment;
- places to which oral traditions are attached or which are associated with living heritage;
- historical settlements and townscapes;
- landscapes and natural features;
- geological sites of scientific or cultural importance;
- archaeological and palaeontological sites;
- graves and burial grounds;
- sites of significance relating to the history of slavery in South Africa;
- movable objects, but excluding any object made by a living person;
- battlefields; and
- traditional building techniques.

Furthermore, a place or object is to be considered part of the national estate if it has cultural significance or other special value because of—

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

A **'place'** is defined as:

- a site, area or region;
- a building or other structure which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure;

- a group of buildings or other structures which may include equipment, furniture, fittings and articles associated with or connected with such group of buildings or other structures;
- an open space, including a public square, street or park; and
- in relation to the management of a place, includes the immediate surroundings of a place.

'Structures' means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith.

'Archaeological' means –

- material remains resulting from human activity which are in a state of disuse and are in or on land and are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;
- rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and is older than 100 years including any area within 10 m of such representation;
- wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the culture zone of the Republic, as defined respectively in sections 3, 4 and 6 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), and any cargo, debris or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation;
- features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found.

'Palaeontological' means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.

MANAGEMENT OF GRAVES AND BURIAL GROUNDS

Graves younger than 60 years fall under Section 2(1) of the Removal of Graves and Dead Bodies Ordinance No 7 of 1925 as well as the Human Tissues Act No 65 of 1983 and the National Health Act (Act 61 of 2003) Regulations relating to the management of human remains No.R.363 of 22 May 2013. Such graves are the jurisdiction of the National Department of Health and the relevant Provincial Department of Health and must be submitted for final approval to the Office of the relevant Provincial Premier. This function is usually delegated to the Provincial Member of the Executive Council for Local Government and Planning, or in some cases the MEC for Housing and Welfare.

Authorisation for exhumation and reinterment must also be obtained from the relevant local or regional council where the grave is situated, as well as the relevant local or regional council to where the grave is being relocated. All local and regional provisions, laws and by-laws must also be adhered to. In order to handle and transport human remains the institution conducting the relocation should be authorised under Section 24 of the Human Tissues Act No 65 of 1983 and the National Health Act (Act 61 of 2003) Regulations relating to the management of human remains No.R.363 of 22 May 2013.

Graves older than 60 years situated outside a formal cemetery administered by a local authority fall under Section 36 of the National Heritage Resources Act No 25 of 1999 as well as the Human Tissues Act of 1983. Accordingly, such graves are the jurisdiction of the South African Heritage Resources Agency (SAHRA). The procedure for Consultation Regarding Burial Grounds and Graves (Section 36(5) of NHRA) is applicable to graves older than 60 years that are situated outside a formal cemetery administered by a local authority. Graves in the category located

inside a formal cemetery administered by a local authority will also require the same authorisation as set out for graves younger than 60 years over and above SAHRA authorisation. If the grave is not situated inside a formal cemetery but is to be relocated to one, permission from the local authority is required and all regulations, laws and by-laws set by the cemetery authority must be adhered to.

The **protocol for the management of graves older than 60 years situated outside a formal cemetery administered by a local authority** is detailed in Section 36 of the National Heritage Resources Act:

(3) (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority—

(a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;

(b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or

(c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

(4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3)(a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.

(5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3)(b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority—

(a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and

(b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.

(6) Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority—

(a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and

(b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

APPENDIX B: PHOTOGRAPHS



TREES LOCATED IN THE EASTERN CIRNER OF THE SITE



TREES LOCATED IN THE EASTERN CORNER OF THE SITE



TREES LOCATED IN THE EASTERN CORNER OF THE SITE



TREES LOCATED IN THE EASTERN CORNER OF THE SITE



PROPOSED PARKING LOT FOR FUTURE DEVELOPMENT



PROPOSED PARKING LOT FOR FUTURE DEVELOPMENT



PROPOSED PARKING LOT FOR FUTURE DEVELOPMENT



LISTED BUILDING – DUT DRAMA BUILDING



LISTED BUILDING – DUT DRAMA BUILDING



LISTED BUILDING – DUT DRAMA BUILDING



LISTED BUILDING – DUT DRAMA BUILDING



LISTED BUILDING – DUT DRAMA BUILDING



PROTECTED BUILDING



PROTECTED BUILDING



PROTECTED BUILDING



CURRIES FOUNTAIN



CURRIES FOUNTAIN

APPENDIX C: SDP

