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Attention: Rory Wilkinson

Heritage Impact Assessment of Inyaninga Mixed Use Development, Tongaat, KwaZulu-Natal, South Africa

eThembeni Cultural Heritage undertook a Heritage Impact Assessment of this development in September 2009. However, subsequent to the submission of a single HIA report for the uShukela Highway and Inyaninga developments, dated 25 November 2009, eThembeni was informed by Tongaat Hulett Developments that certain heritage resources had been overlooked during the HIA.

Staff members recorded and assessed these resources and provide descriptions and recommendations for mitigation below, with photographs in Appendix D. An aerial view of the proposed development and the locations of the heritage resources is included as Figure 1; all other background information is provided in the original report.

1. Description of heritage resources and significance assessment

– Places, buildings, structures and equipment

- A. The Inyaninga farm manager's residence is located at S29 35 53.6; E31 05 16.09. It probably postdates the 1950s and has been subject to ongoing alteration and refurbishment over the last 25 years (Gavin Ogilvie, Estate Manager - Tongaat Estates pers comm.). It has low heritage significance at the local level for its social value.
- B. Inyaninga Barracks comprise two groups of buildings, with the South Barracks located at S29 36 03.75; E31 05 25.8 and the West Barracks at S29 35 58.05; E31 05 16.9. The South Barracks were built in 1939 to replace the wood and iron

structures originally erected for Indian indentured labourers. Concomitant construction of a new temple was started (see below). The West Barracks were constructed in the second half of the 20th century. The barracks have at least medium heritage significance at the local and regional levels for their historic, social and cultural values.

- C. Inyaninga Shree Mariaman Temple is associated with the Inyaninga Barracks and is located at S29 36 04.95; E31 05 28.15. Mikula *et al* (1982¹) describe it as follows: 'This is an unassuming little temple which originated in 1896 when the indentured labour community of Inyaninga built their first wood and iron structure. In 1939 a more substantial temple was constructed with funds provide by the Tongaat Sugar Company, who also donated the land. Construction work was carried out by a local building contractor whilst the decoration and sculpture work on the front gable was probably executed by one Barasathi Naicker (1872 – 1962)'.

The temple has high heritage significance at the local and regional levels for its aesthetic, spiritual, historic, social and cultural values.

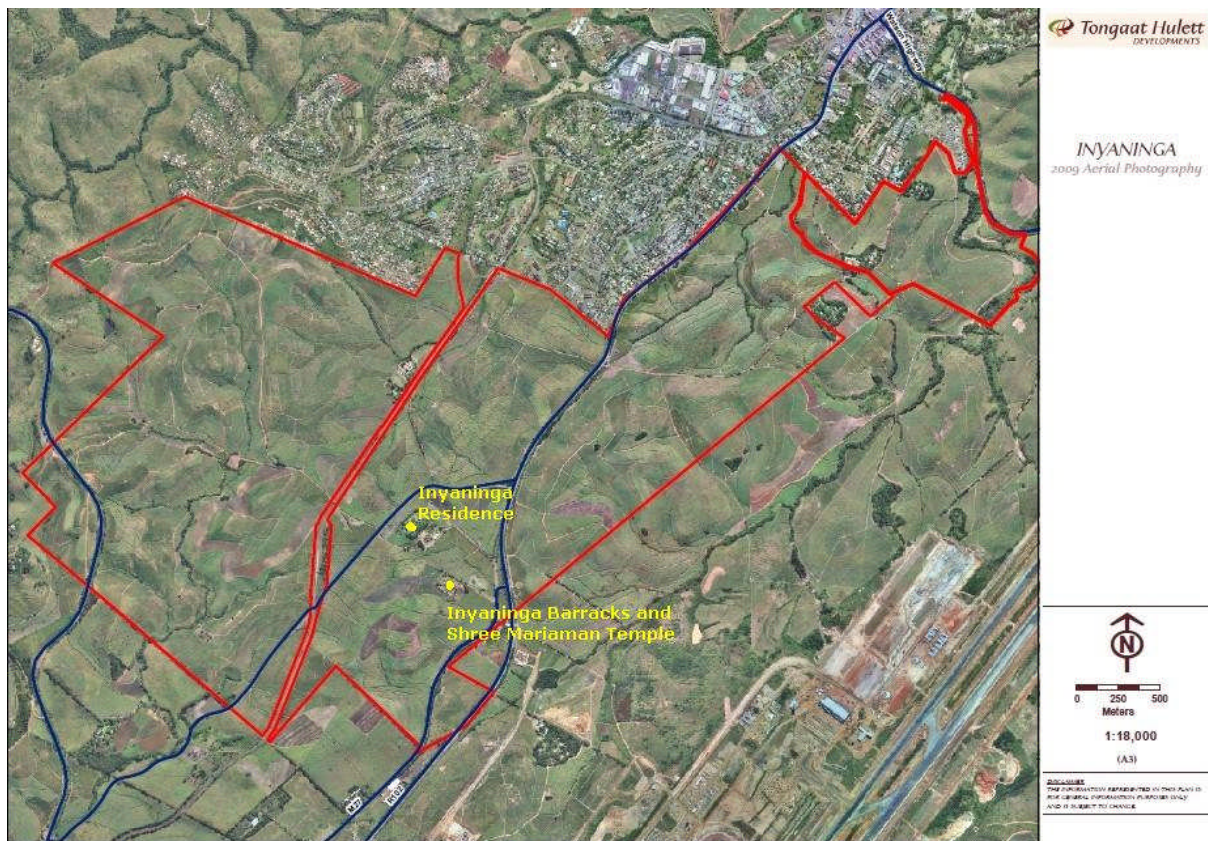


Figure 1. Inyaninga development and heritage resource locations.

¹ Mikula, P., Kearney, B. and Harber, R. 1982. Traditional Hindu Temples in South Africa. Hindu Temple Publications. Durban.

2. Assessment of impacts

– Places, buildings, structures and equipment

The proposed change of land use might render these heritage resources redundant in an industrial/commercial development node. Should the proposed development proceed the indirect impact on all the structures will be HIGH (Appendix A).

3. Recommended mitigation measures

Inyaninga, amongst other places, has deep significance for many residents of Tongaat and further afield, particularly those of Indian descent. The Inyaninga ex-Residents' Association has engaged with Tongaat Hulett Developments about the future of the barracks and the associated Shree Mariaman Temple, which it wishes to commemorate in a tangible way. Discussions and proposals in this regard are ongoing.

The following mitigation measures will reduce the impact of the proposed development on all heritage resources, including potential cumulative impacts, to low significance (Appendix A).

– Places, buildings, structures and equipment

The developer should apply to Amafa's Built Environment Committee for a demolition permit for the estate manager's house, at which time the committee will issue instructions for further mitigation requirements, if any, such as full documentation of the structure.

Given the significance of the Inyaninga Barracks and Shree Mariaman Temple, any envisaged changes to their *status quo* should proceed with wide stakeholder participation. Tongaat Hulett Developments should initiate and bear the cost of such participation, which should aim to conserve all structures *in situ* as the preferred option.

Furthermore, Tongaat Hulett Developments should seek advice from Amafa and/or a suitably qualified heritage practitioner to develop an Integrated Conservation Management Plan for the precinct as a whole. This plan should include recommendations for the creation of a project management team; research, documentation and conservation requirements; use of and access to the precinct; disaster management; and implementation and review of the plan.

The developer is reminded that no structure may be altered in any way without a permit from Amafa.

4. Recommended monitoring

Amafa should stipulate report requirements, if any, detailing the progress of management of the Inyaninga Barracks and Shree Mariaman Temple.

Conclusion

If permission is granted for development to proceed, the client is reminded that the Act requires that a developer cease all work immediately and follow the protocol contained in Appendix C should any heritage resources, as defined in the Act, be discovered during the course of development activities.

Yours sincerely

Len van Schalkwyk and Beth Wahl

Appendix A

Assessment of impacts on heritage resources

A heritage resource impact may be defined broadly as the net change, either beneficial or adverse, between the integrity of a heritage site with and without the proposed development. Beneficial impacts occur wherever a proposed development actively protects, preserves or enhances a heritage resource, by minimising natural site erosion or facilitating non-destructive public use, for example. More commonly, development impacts are of an adverse nature and can include:

- destruction or alteration of all or part of a heritage site;
- isolation of a site from its natural setting; and / or
- introduction of physical, chemical or visual elements that are out of character with the heritage resource and its setting.

Beneficial and adverse impacts can be direct or indirect, as well as cumulative, as implied by the aforementioned examples. Although indirect impacts may be more difficult to foresee, assess and quantify, they must form part of the assessment process. The following assessment criteria have been used to assess the impacts of the proposed development on identified heritage resources:

Criteria	Rating Scales	Notes
Nature	Positive	An evaluation of the type of effect the construction, operation and management of the proposed development would have on the heritage resource.
	Negative	
	Neutral	
Extent	Low	Site-specific, affects only the development footprint.
	Medium	Local (limited to the site and its immediate surroundings, including the surrounding towns and settlements within a 10 km radius);
	High	Regional (beyond a 10 km radius) to national.
Duration	Low	0-4 years (i.e. duration of construction phase).
	Medium	5-10 years.
	High	More than 10 years to permanent.
Intensity	Low	Where the impact affects the heritage resource in such a way that its significance and value are minimally affected.
	Medium	Where the heritage resource is altered and its significance and value are measurably reduced.
	High	Where the heritage resource is altered or destroyed to the extent that its significance and value cease to exist.

Potential for impact on irreplaceable resources	Low	No irreplaceable resources will be impacted.
	Medium	Resources that will be impacted can be replaced, with effort.
	High	There is no potential for replacing a particular vulnerable resource that will be impacted.
Consequence (a combination of extent, duration, intensity and the potential for impact on irreplaceable resources).	Low	A combination of any of the following: - Intensity, duration, extent and impact on irreplaceable resources are all rated low. - Intensity is low and up to two of the other criteria are rated medium. - Intensity is medium and all three other criteria are rated low.
	Medium	Intensity is medium and at least two of the other criteria are rated medium.
	High	Intensity and impact on irreplaceable resources are rated high, with any combination of extent and duration. Intensity is rated high, with all of the other criteria being rated medium or higher.
Probability (the likelihood of the impact occurring)	Low	It is highly unlikely or less than 50 % likely that an impact will occur.
	Medium	It is between 50 and 70 % certain that the impact will occur.
	High	It is more than 75 % certain that the impact will occur or it is definite that the impact will occur.
Significance (all impacts including potential cumulative impacts)	Low	Low consequence and low probability. Low consequence and medium probability. Low consequence and high probability.
	Medium	Medium consequence and low probability. Medium consequence and medium probability. Medium consequence and high probability. High consequence and low probability.
	High	High consequence and medium probability. High consequence and high probability.

Appendix B

Management of Graves and Burial Grounds

– Definitions

Grave

The National Heritage Resources Act No 25 of 1999 defines a grave as a place of interment and includes the contents, headstone or other marker of such a place, and any other structure on or associated with such a place.

The KwaZulu-Natal Cemeteries and Crematoria Act No 12 of 1996 defines a grave as an excavation in which human remains have been intentionally placed for the purposes of burial, but excludes any such excavation where all human remains have been removed.

Burial ground

The term 'burial ground' does not appear to have a legal definition. In common usage the term is used for management purposes to describe two or more graves that are grouped closely enough to be managed as a single entity.

Cemetery

The KwaZulu-Natal Cemeteries and Crematoria Act No 12 of 1996 defines a cemetery as any place

- (a) where human remains are buried in an orderly, systematic and pre-planned manner in identifiable burial plots;
- (b) which is intended to be permanently set aside for and used only for the purposes of the burial of human remains.

– **Protection of graves and cemeteries**

No person may damage, alter, exhume, or remove from its original position any grave, as defined above, without permission from the relevant authority, as detailed in the following table.

Grave type	Relevant legislation	Administrative authority – disinterment	Administrative authority – reburial
Graves located within a formal cemetery administered by a local authority	KwaZulu-Natal Cemeteries and Crematoria Act No 12 of 1996 Human Tissues Act No 65 of 1983	National and / or Provincial Departments of Health	If relocated to formal cemetery – relevant local authority.
Graves younger than 60 years located outside a formal cemetery administered by a local authority and the graves of victims of conflict	KwaZulu-Natal Heritage Act No 4 of 2008 Human Tissues Act No 65 of 1983	Amafa aKwaZulu-Natali, the provincial heritage management organisation	If relocated to private or communal property – Amafa. If relocated to formal cemetery – Amafa and relevant local authority.
Graves older than 60 years located outside a formal cemetery administered by a local authority	National Heritage Resources Act No 25 of 1999 Human Tissues Act of 1983	South African Heritage Resources Agency (SAHRA), the national heritage management organisation	If relocated to private or communal property – SAHRA. If relocated to formal cemetery – SAHRA and relevant local authority.

– **Procedures required for permission to disinter and rebury graves**

The procedure for consultation regarding burial grounds and graves (Section 36 of the National Heritage Resources Act of 1999) is applicable to all graves located outside a formal cemetery administered by a local authority. The following extract from this legislation is applicable to this policy document:

SAHRA or Amafa may not issue a permit for any alteration to or disinterment or reburial of a grave 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.

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 Services 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 C

Protocol for the identification, protection and recovery of heritage resources during construction and operation

It is possible that sub-surface heritage resources could be encountered during the construction phase of this project. Many riverine areas have been subjected to repeated inundation in the past, causing layers of silt and soil to bury resources such as archaeological sites and human remains, in particular. Similarly, artefacts and sites are often covered by Aeolian sands in dunefield areas.

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 (unnaturally grey appearance of soil compared to the surrounding substrate);
- Bone concentrations, either animal or human;
- Ceramic fragments, including potsherds; and
- Stone concentrations that appear to be formally arranged (may indicate the presence of an underlying burial).

In the event that such indicator(s) 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 supervisory staff if heavy machinery or explosives could cause further disturbance to the suspected heritage resource.
- This area must be marked using clearly visible means, such as barrier tape, and all personnel should be informed that it is a no-go area.
- A guard should be appointed to enforce this no-go area if there is any possibility that it could be violated, whether intentionally or inadvertently, by construction staff or members of the public.
- 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, s/he should be contacted and a site inspection arranged as soon as possible.
- If no heritage practitioner has been appointed to monitor the project, the head of archaeology at Amafa aKwaZulu-Natali's Pietermaritzburg office should be contacted; telephone 033 3946 543).
- 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.

Appendix D

Photographs



Plate 1. Inyaninga farm manager's residence.



Plate 2. Inyaninga Barracks (South).



Plate 3. Entrance to Inyaninga Shree Mariaman Temple facing the South Barracks.



Plate 4. Entrance to Inyaninga Shree Mariaman Temple.



Plate 5. South view of Inyanninga Shree Mariaman Temple.



Plate 6. Inyanninga Barracks (West).