

**P49 MAIN ROAD UPGRADE BETWEEN NONGOMA AND VRYHEID  
Phase I Cultural Heritage Impact Assessment**

**SEF Reference No. 505948**

**Prepared for:**

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**August 2014**

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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

August 2014

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Date

## **EXECUTIVE SUMMARY**

The aim of the cultural heritage survey (Phase I Heritage Impact Assessment, in accordance with the National Heritage Resources Act, 1999 (NHRA; Act No. 25 of 1999) and the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008)) was to locate, identify, document and assess sites of cultural heritage and/or archaeological significance that may occur within the proposed study area for the upgrade of Main Road P49/2 between Nongoma and Vryheid. An assessment of the impact of the upgrading of the roads on such resources will be provided. Where the impact is negative, alternatives and/or mitigation measures will be considered.

A grave located alongside the Main Road P49/2 was accidentally disturbed during the upgrade activities of the road. This discovery of the grave, resulted in Royal Haskoning DHV deciding to appoint a Heritage Specialist to assess the grave, conduct a Heritage Impact Assessment for the entire length of the road being upgraded and to facilitate the permit application process for the exhumation and relocation of the grave.

However, apart from the identified grave located at approximately 27°50'47.3"S, 31°32'31.7"E, no other heritage resources were found within 50m on either side of the road being upgraded.

It is recommended that the upgrading of the Main Road P49/2 can continue, with the acceptance of the conditions stated in Sections 7, 8 and 9 of this report.

It is advised that, in the event that new evidence of heritage, historical or archaeological resources are unearthed during the construction and upgrading activities for the road, work must stop immediately, pending investigation by a heritage professional accredited by the relevant heritage authority.

## ACRONYMS AND ABBREVIATIONS

AMAFA KwaZulu-Natali	Heritage KwaZulu-Natal
EIAge	Early Iron Age
ESA	Early Stone Age
GPS	Geographic Positioning System
KZNHA	KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008)
HIA	Heritage Impact Assessment
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)
SAHRA	South African Heritage Resources Agency
SEF	Strategic Environmental Focus (Pty) Ltd

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# 1 INTRODUCTION

Strategic Environmental Focus (Pty) Ltd (SEF) was appointed by Royal Haskoning DHV to undertake a Heritage Impact Assessment (HIA) for the entire length of the Main Road P49/2 currently being upgraded and to assess a grave discovered during earth moving activities associated with the upgrade. This HIA was carried out in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) and the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008).

The project entails the upgrade of the existing dirt/gravel road Main Road 49/2 to a black top surface (approximately 24km). The upgrade generally follows the existing alignment with minor deviations in some areas.

The purpose of the HIA investigation was to assess the impacts that the road upgrade may have on identified heritage resources and to assess the identified grave and initiate processes required for the exhumation and relocation permit application for the grave.

According to Section 3 (2) of the 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."*

The main aim of this investigation was to identify, verify and analyse heritage resources and to recommend how to manage them within the context of the road upgrade currently underway. The terms of reference included:

- Identifying and analysing heritage places, objects, buildings, structures, graves etc.;
- Assessing broad cultural significance of identified sites, places, buildings, structures, graves and objects within the study area;
- Surveying and mapping of significance/sensitivity issues and opportunity/constraint issues;
- Reviewing of the general compatibility of the road upgrade project currently underway with heritage policy planning frameworks;
- Undertaking a preliminary assessment of the acceptability of the road upgrade project from a heritage perspective;
- Identifying the need for alternatives, if necessary; and
- Recommending appropriate management measures to conserve significant heritage elements and reduce the impact on heritage resources.



## 1.1 Limitations

The road upgrade project is already underway and construction of some sections of the road to be upgraded is complete. Hence it was not possible to make recommendations regarding possible impact on heritage resources before construction activities started.

## 2. PROJECT INFORMATION

**Table 1: Background Information**

<b>Consultant:</b>	Mamoluoane Seliane
<b>Type of development:</b>	Gravel road upgrade to tar
<b>Rezoning or subdivision:</b>	N/A
<b>Terms of reference</b>	Phase I HIA
<b>Legislative requirements:</b>	The HIA was carried out in terms of the NHRA and KZNHA

### 2.1 Details of the study area

The heritage investigation focused on the Main Road P49/2 gravel road totalling 24km currently being upgraded (Figure 1).

#### Current Land-use

This is an existing gravel road. The road follows an existing alignment with minor deviations in some areas.

### 2.2 Locational Data

The upgrade to Main Road P49/2 is situated as follows:

- Province: KwaZulu-Natal
- District Municipality: Zululand District Municipality
- Local Municipality: Nongoma Local Municipality
- General Coordinates:
  - Start point: 27°51'36.18"S, 31°37'41.9"E
  - End point: 27°47'38.26"S, 31°28'13.61"E

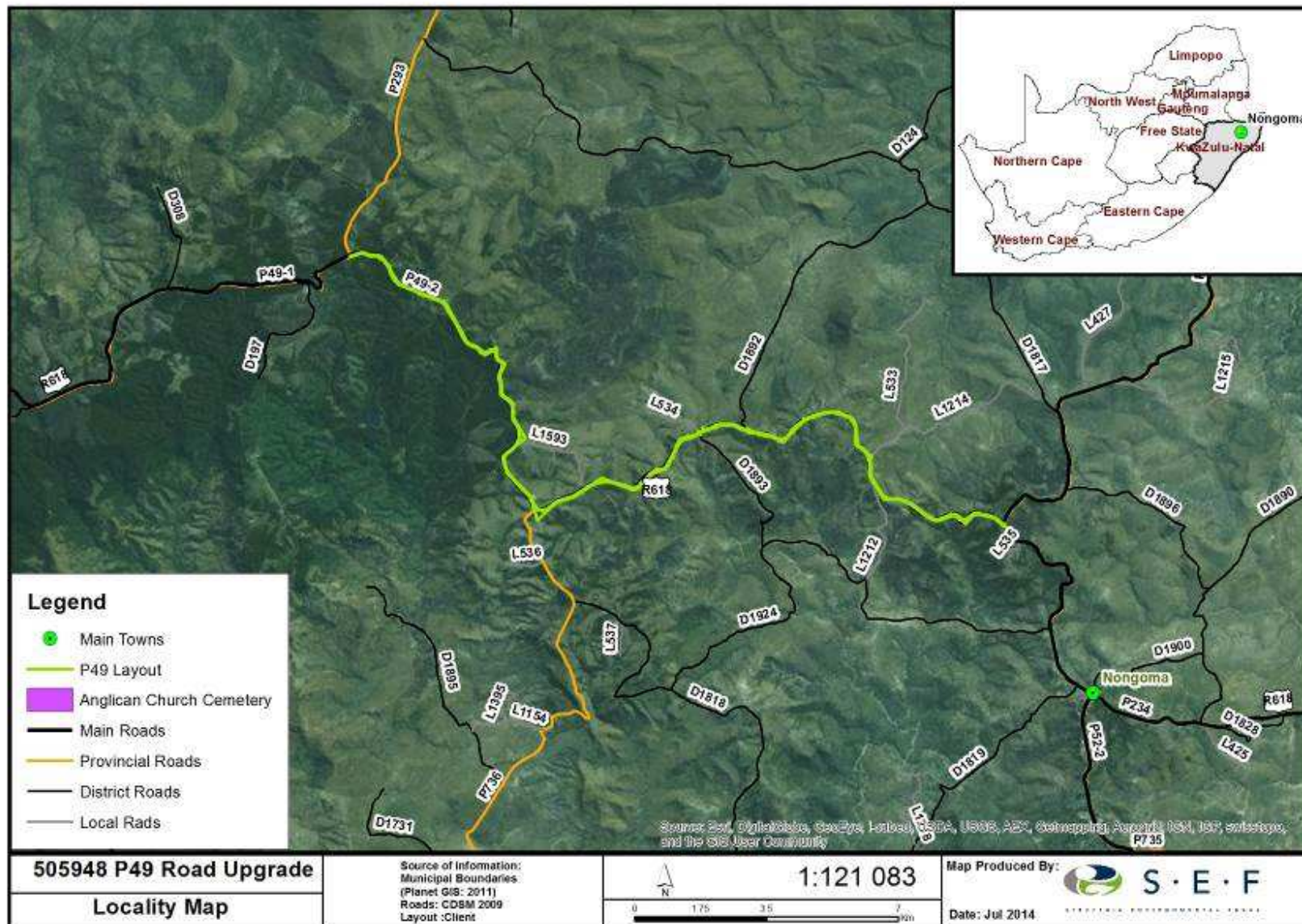


Figure 1: Locality Map for the upgrading of Main Road P49/2

### **3 METHODOLOGY**

#### **3.1 Details of the site visit**

The site visit for the assessment of Main Road P49/2 Upgrade was conducted on the 23 - 24 June 2014. The survey was undertaken by means of walking and driving throughout the study area to:

- Investigate and assess the identified grave;
- Search for, locate and identify objects and structures of heritage and/or archaeological significance in accordance with accepted archaeological practices; and
- Document all cultural heritage/ archaeological sites and objects according to minimum standards and procedures accepted by the archaeological profession.

#### **3.2 Literature Review**

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

#### **3.3 KwaZulu-Natal Database Investigation**

An investigation, mapping and overlay of the existing KwaZulu-Natal heritage resources Database on the layout plans of the Main Road P49/2 was undertaken. However, no heritage sites were found to fall within 100m of the road being upgraded.

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

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

Visibility along the road being upgraded was generally fair (Plate 1).



**Plate 1: Road Section to be upgraded (visibility fair)**

### ***3.2.2 Disturbance***

The grave was discovered during the cutting of an embankment alongside the road in preparation for the installation of stormwater infrastructure. The author was told that a few bones were exposed. This may have dislodged the bones of the remains in some way.

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

The following equipment was used during the survey:

- Geographic Positioning System (GPS): Garmin eTrek Camo; and
- Digital camera: Canon Powershot A460.

All readings were taken using the GPS. Accuracy was to a margin of error of 4 m.

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

### **4.1 Archaeology**

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 (Davies, 1952). 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 organisation 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 centralised political state occurred. This shift was mainly characterised 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 the people 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 RESULTS**

The investigation revealed the following heritage resources:

- A grave located underneath an old intersection of Main Road P49/2 and a local road (Figure 2 and Plate 2) was discovered on a cut embankment alongside the road. The grave was disturbed accidentally with a few bones being exposed. The Resident Engineer, Mr M. Mndawe, covered the partially disturbed grave with topsoil to protect it from vandalism. He photographed the grave before covering it (Plate 3).
- There is also an existing cemetery belonging to the Anglican Church approximately 135m north east from the grave.

Below is a detailed discussion regarding the identified grave, followed by a summary table highlighting the construction constraints and opportunities as well as the author's recommended mitigation measures.



**Plate 2: Picture of the grave taken before it was covered with topsoil (Photo taken by M. Mndawe)**

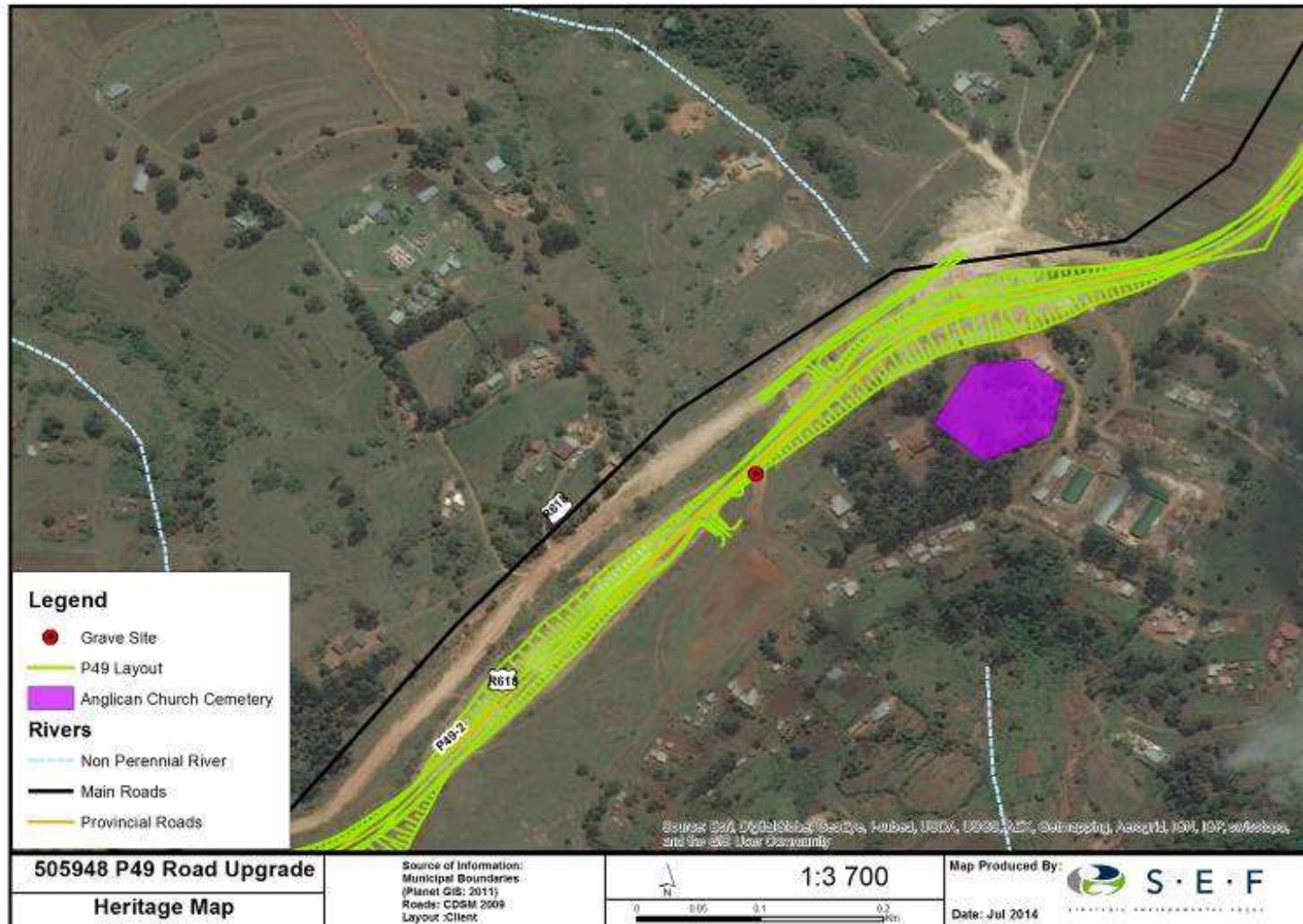


Figure 2: Location of the grave and an Anglican Church Cemetery in the vicinity



### 5.1 Description of the grave site observed

The grave is located at approximately 27°50'47.3"S; 31°32'31.7"E. It is located underneath an old intersection of the P49 Main Road with a local road in the vicinity of the Efele Anglican Church (Figure 2 and Plate 3). The age of the grave is not known as there is no inscription. At the moment however, it is not clear if the identified grave is in anyway related to the church cemetery.



Plate 3: Disturbed grave covered with topsoil

**Table 2: Summary of construction/development constraints/opportunities for the road upgrade from a heritage point of view**

Heritage Feature	Location	No. of graves and age	Risk Level before mitigation	Amafa Permit Required	Proposed mitigation measure	Risk Level after mitigation
Grave Site	27°50'47.3"S; 31°32'31.7"E	1 grave – unknown age	High	Yes, if the intension is to exhume the grave	Exhume and relocated through AMAFA's grave relocation policy and permit application. This will constitute a Phase II Heritage Impact Assessment (HIA) to be undertaken by an archaeologist. The permit application will be lodged with Amafa aKwaZulu-Natali on submission of this report.  An extensive community consultation will be required prior to the exhumation and relocation process in order to search for the family linked to the grave as well as to obtain consent from the relatives.	Low

**Notes**

- AMAFA's grave relocation policy is presented in Appendix 1;
- The AMAFA's permitting procedure is presented in Appendix 2;
- The average time required for grave relocation is about four (4) to six (6) months including public consultation. This process has begun for this project as newspaper adverts will be published within the next week and public meetings are due to be held in August;
- Permit applications for grave exhumation and relocation are lodged with Amafa aKwaZulu-Natali for graves older than 60 years as well as those of an undetermined age. SEF offers these services for permit applications;
- SEF also facilitates applications for grave exhumations and relocations of graves younger than 60 years;
- The permit applications constitute a Phase II assessment which is not part of the current appointment;
- The time and financial implications of the Phase II assessments can be provided to the client on request.

## 6 STATEMENT OF SIGNIFICANCE

The statement of significance outlines the principal value that a site or object holds to a community or sections of a community. The significance of the grave is determined using the following rating and grading (Table 3) as recommended by SAHRA (2005).

### 6.1 Significance of the grave

All graves older than 60 years or of an unknown age, are protected in terms of Section 36 (3) of the NHRA. Moreover, in terms of Section 3 (3) 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..." The identified grave is an ancestral grave to a family or 'community' that is yet to be identified, and as such are regarded as of high to medium significance in terms of the SAHRA's (2005) recommended field rating for sites. As observed during the investigation, the grave in question occurs underneath and therefore pre-dates the gravel road just upgraded.

The NHRA protects graves older than 60 years and those of unknown age. However, the Human Tissue Act, 1983 (Act No. 65 of 1983) and the National Health Act, 2003 (Act No. 61 of 2003) take precedence whenever graves are younger than 60 years. It will become clear after the public participation process that is currently underway as to the appropriate process to follow.

The SAHRA and AMAFA have a policy for the relocation of graves older than 60 years (Appendix 1). This process would be employed if the grave is of an undetermined age or older than 60 years. A permit would have to be applied for from AMAFA aKwaZulu-Natali.

**Table 3: Field rating and recommended grading of sites (SAHRA 2005)**

Level	Details	Action
National (Grade I)	The site is considered to be of National Significance	Nominated to be declared by SAHRA
Provincial (Grade II)	This site is considered to be of Provincial significance	Nominated to be declared by Provincial Heritage Authority
Local Grade IIIA	This site is considered to be of HIGH significance locally	The site should be retained as a heritage site
Local Grade IIIB	This site is considered to be of HIGH significance locally	Mitigation necessary, and part retained as a heritage site
Generally Protected A	High to medium significance	Mitigation necessary before destruction
Generally Protected B	Medium significance	The site needs to be recorded before destruction
Generally Protected C	Low significance	No further recording is required before destruction

## **7 MITIGATION MEASURES**

The following mitigation measure(s) are proposed:

- Exhume the grave, relocate and re-inter the remains through AMAFA permit application process if the grave is deemed to be over 60 years or of an unknown age; and
- Exhume the grave, relocate and re-inter the remains through the Human Tissue Act, 1983 (Act No. 65 of 1983) and the National Health Act, 2003 (Act No. 61 of 2003) if the grave is found to be less than 60 years.

## **8 RECOMMENDATIONS**

It is recommended that the identified grave be exhumed and relocated in order to prevent the grave from being negatively impacted upon by further road upgrade activities, with acceptance of the following conditions:

- Undertake an extensive community consultation process prior to the exhumation process in order to establish the relatives of the deceased as well as the probable age of the grave so as the applicable process can be followed. A meeting with traditional authorities and the Nongoma Ward 17 Councillor held on 24 June 2014 did not identify the family linked to the grave. Further public participation processes are being undertaken, namely a newspaper advert and a public meeting to shed light as to the identity of the deceased and the whereabouts of their relatives.
- Consent to exhume and relocate the grave will be required from the next of kin of the deceased if the family is identified successfully.
- The balance of the Main Road P49/2 being upgraded can continue from a heritage point of view as no other heritage resources were found.

## **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, work in that area should be stopped and the occurrence should immediately be reported to AMAFA aKwaZulu-Natali at 033 394 6543 or a museum, preferably one at which an archaeologist is available. The find should then be investigated and evaluated by the archaeologist, who will provide recommendations on when construction activities may resume.

## **10 CONCLUSION**

From a heritage perspective, the Main Road P49/2 upgraded can continue as the heritage survey did not reveal any other heritage resources besides the grave found on the cut embankment during construction. This grave will be subjected to an exhumation and relocation process to be determined through a public participation process. Furthermore, the KwaZulu-Natal Database Investigation and mapping revealed no heritage sites along the length of the road being upgraded.

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## **APPENDIX 1: RELOCATION OF GRAVES**

Burial grounds and graves are dealt with in Article 36 of the NHRA. Below follows a broad summary of how to deal with graves in the event of proposed development.

If the graves are younger than 60 years, an undertaker can be contracted to deal with the exhumation and reburial. This will include public participation, organising cemeteries, coffins, etc. as they need permits and have their own requirements that must be adhered to.

If the graves are older than 60 years old or of undetermined age, an archaeologist must be in attendance to assist with the exhumation and documentation of the graves. This is a requirement by law.

Once it has been decided to relocate particular graves, the following steps should be taken:

- Notices of the intention to relocate the graves need to be put up at the burial site for a period of 30 days. This should contain information where communities and family members can contact the developer/archaeologist/public-relations officer/undertaker. All information pertaining to the identification of the graves needs to be documented for the application of an Amafa permit. The notices need to be in at least 3 languages, English, and two other languages. This is a requirement by law.
- Notices of the intention needs to be placed in at least two local newspapers and have the same information as the above point. This is a requirement by law.
- Local radio stations can also be used to try contact family members. This is not required by law, but is helpful in trying to contact family members.
- During this time (30 days) a suitable cemetery need to be identified close to the development area or otherwise one specified by the family of the deceased.
- An open day for family members should be arranged after the period of 30 days so that they can gather to discuss the way forward, and to sort out any problems. The developer needs to take the families requirements into account. This is a requirement by law.
- Once the 30 days has passed and all the information from the family members have been received, a permit can be requested from Amafa. This is a requirement by law.
- Once the permit has been received, the graves may be exhumed and relocated.
- All headstones must be relocated with the graves as well as any items found in the grave.

## APPENDIX 2: AMAFA PERMITTING PROCEDURE OF RELOCATION OF GRAVES

