

**A LETTER OF EXEMPTION FOR CONSTRUCTION OF  
MAFAKATHINI SHOPPING CENTRE AND FUEL  
FILLING STATION AT MAFKATHINI AREA,  
UMNGENI LOCAL MUNICIPALITY, KZN**

**FOR MONDLI CONSULTING SERVICES**

**DATE: 4 FEBRUARY 2020**

**By Gavin Anderson**

**Umlando: Archaeological Surveys and Heritage  
Management**

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Platinum Blitz Trading cc represented by Mr Bongumusa Phineas Buthelezi has requested Mondli Consulting Services assist with regard to environmental issues on this site. This will include an enquiry to the Department of Economic Development, Tourism and Environmental Affairs (EDTEA), compilation of the background information document (BID) and the Environmental Management Programme (EMPr) including the circulation of the EMPr for comments and stakeholder engagement for the construction of Shopping Centre and Fuel Filling Station on Portion 13 (of 5) of the Farm Vaal Hoek No. 5 953 at Mafakathini area.

The project occurs in the uMngeni Local Municipality and uMngungundlovu District Municipalities. The site is situated along R617, with the main body and entrance being on the same road. The project co-ordinates taken almost at the Centre of the site are as follows: 29° 37' 57.6"S 30° 07' 41.3"E. Fig.'s 1 – 3 show the location of the development.

Umlando was requested to assist in the HIA process and advise on the way forward. A quick review of the data base and historical maps indicated that the area has no known heritage sites (fig.'s 4 – 6). The area has had afforestation for several decades, and more recently it has had several developments and has been cleared. There is thus a very low chance of heritage sites occurring in the study area.

The PIA sensitivity map indicates the area is of high significance (fig. 7). However, the upper 1.5m – 2m will be in weathered deposits. The fuel tanks cover a too small area to warrant further assessment and I suggest a 'Chance Find Protocol' is established. The 'Chance Find Protocol' must be incorporated into the EMPr.

Based on the brief desktop results the project should be exempt form further heritage mitigation.

FIG. 1 GENERAL LOCATION OF THE STUDY AREA



FIG. 2: AERIAL OVERVIEW OF THE STUDY AREA



FIG. 3: TOPOGRAPHICAL OVERVIEW OF THE EASTERN STUDY AREA

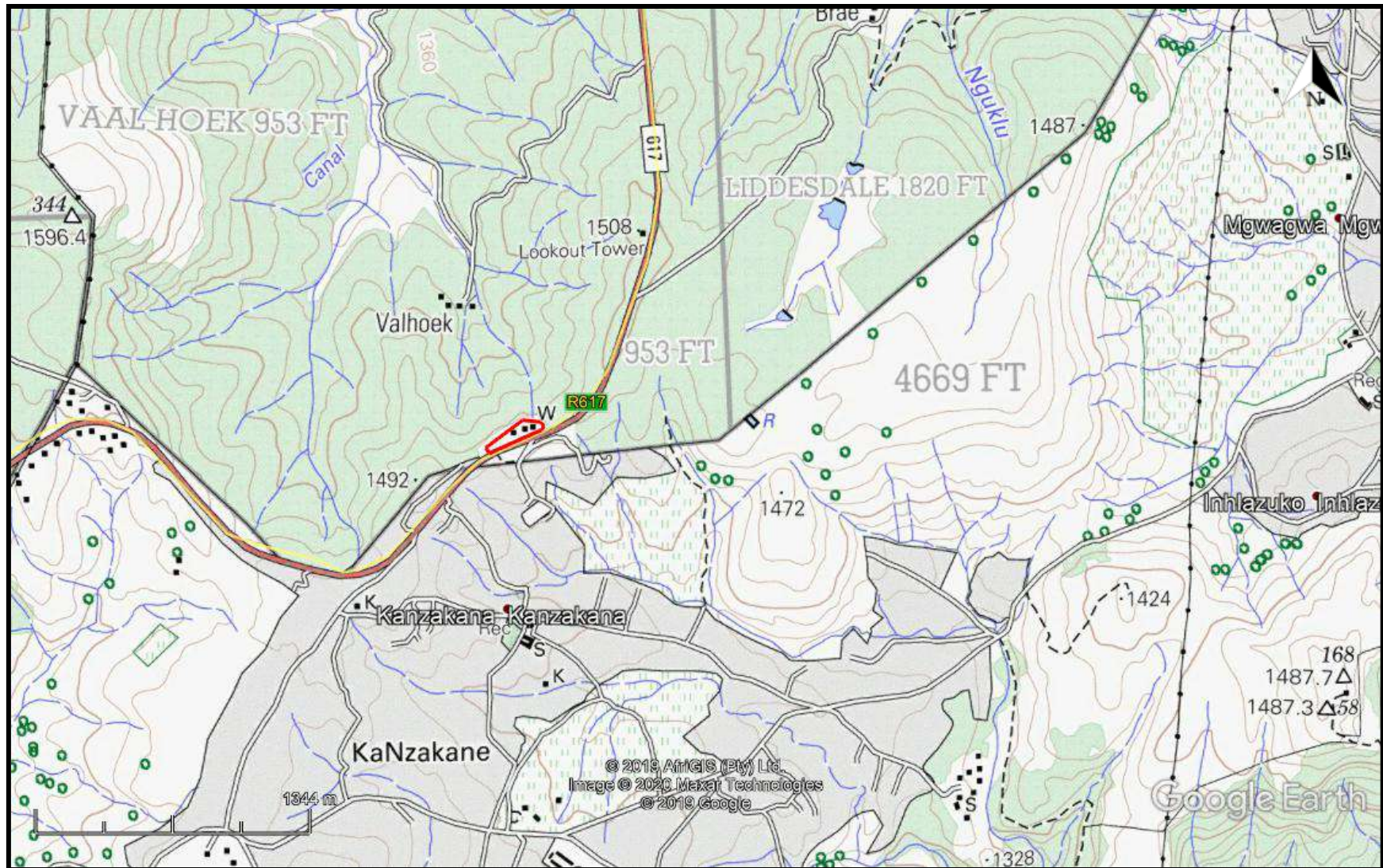


FIG. 4: LOCATION OF KNOWN HERITAGE SITES NEAR THE STUDY AREA

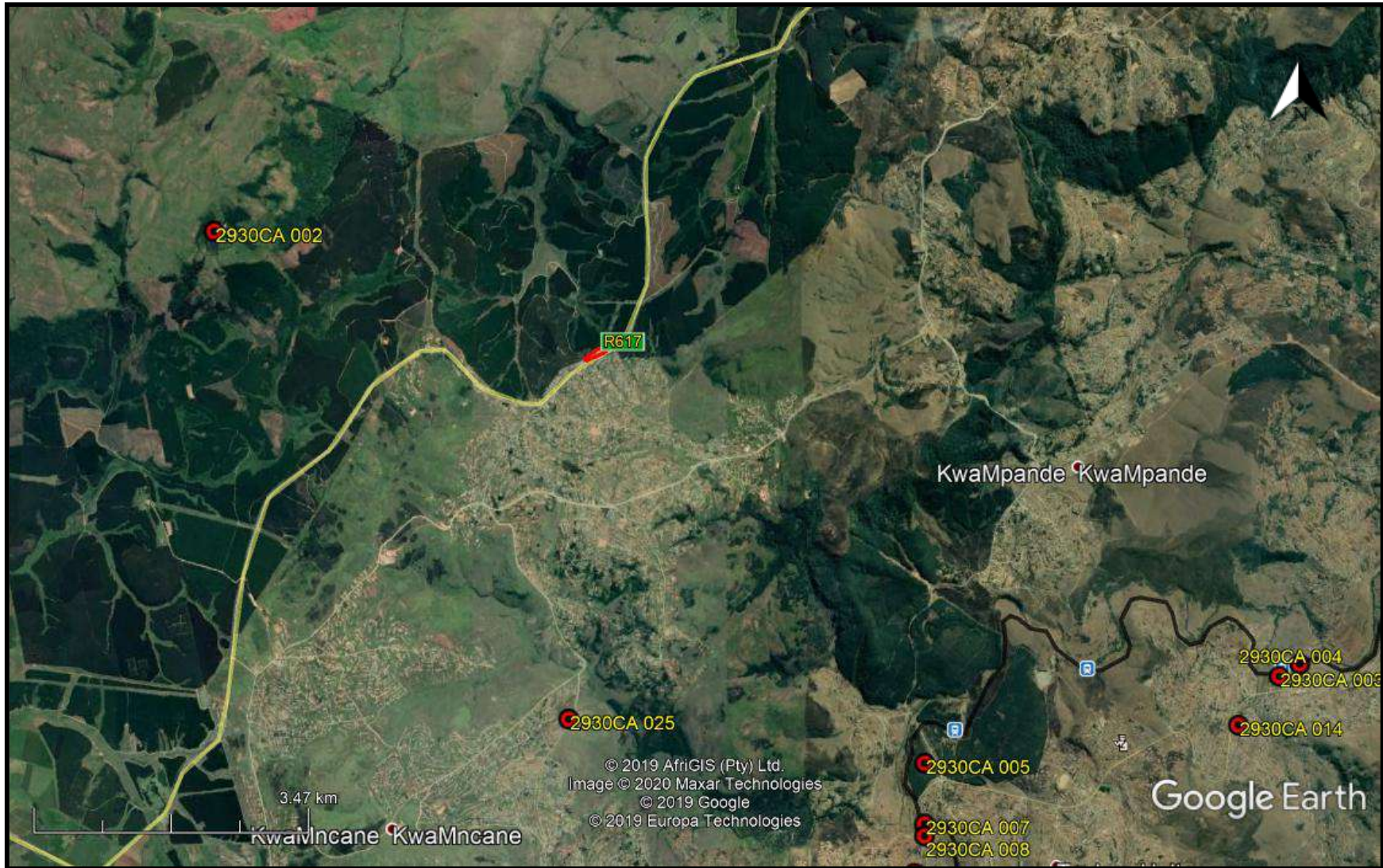


FIG. 5: STUDY AREA IN 1937



FIG.6: STUDY AREA IN 1968

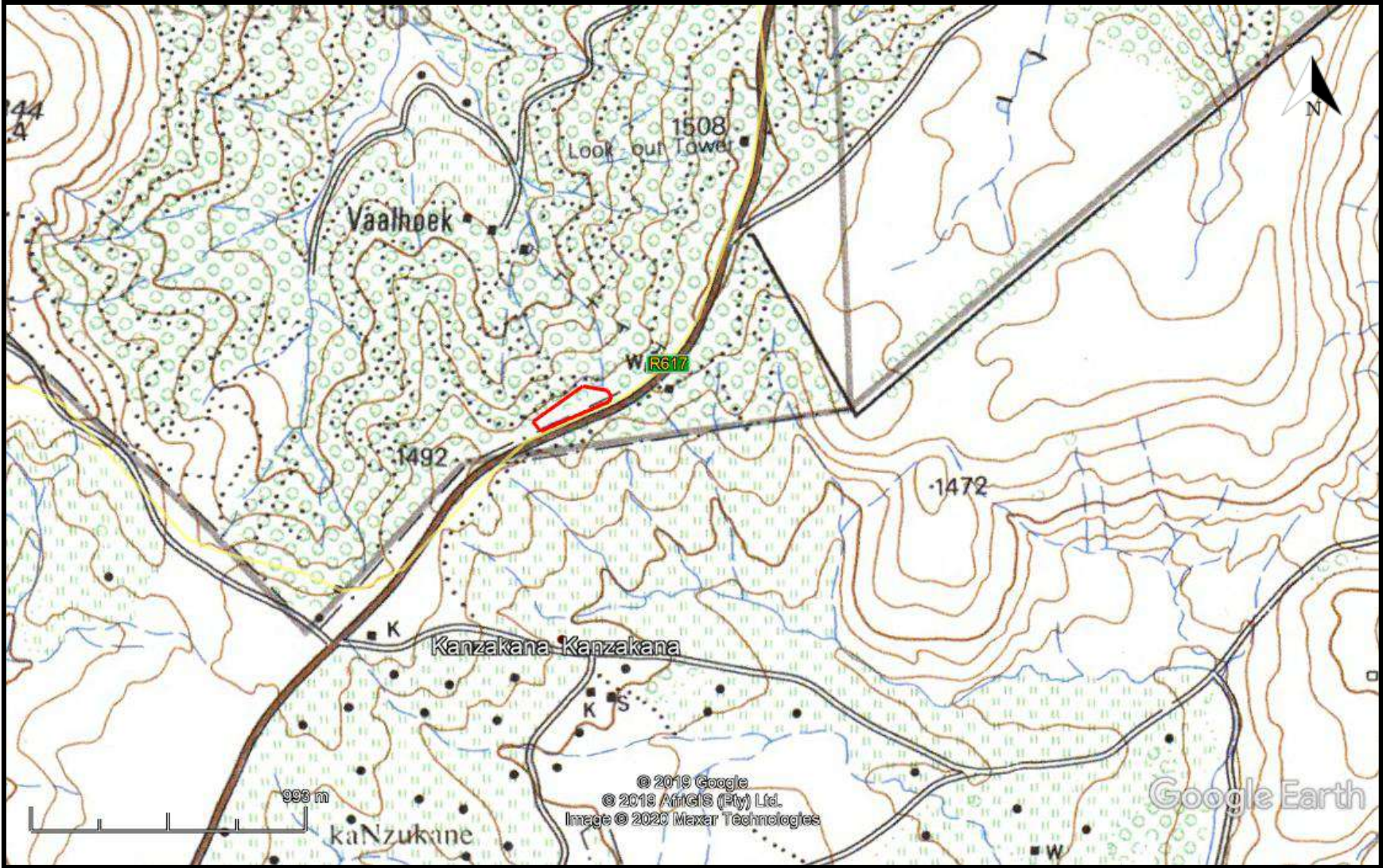




FIG. 7: PIA SENSITIVITY MAP.



COLOUR	SENSITIVITY	REQUIRED ACTION
RED	VERY HIGH	field assessment and protocol for finds is required
ORANGE/YELLOW	HIGH	desktop study is required and based on the outcome of the desktop study, a field assessment is likely
GREEN	MODERATE	desktop study is required
BLUE	LOW	no palaeontological studies are required however a protocol for finds is required
GREY	INSIGNIFICANT/ZERO	no palaeontological studies are required
WHITE/CLEAR	UNKNOWN	these areas will require a minimum of a desktop study. As more information comes to light, SAHRA will continue to populate the map.

### **EXPERIENCE OF THE HERITAGE CONSULTANT**

Gavin Anderson has a M. Phil (in archaeology and social psychology) degree from the University of Cape Town. Gavin has been working as a professional archaeologist and heritage impact assessor since 1995. He joined the Association of Professional Archaeologists of Southern Africa in 1998 when it was formed. Gavin is rated as a Principle Investigator with expertise status in Rock Art, Stone Age and Iron Age studies. In addition to this, he was worked on both West and East Coast shell middens, Anglo-Boer War sites, and Historical Period sites.

### **DECLARATION OF INDEPENDENCE**

I, Gavin Anderson, declare that I am an independent specialist consultant and have no financial, personal or other interest in the proposed development, nor the developers or any of their subsidiaries, apart from fair remuneration for work performed in the delivery of heritage assessment services. There are no circumstances that compromise the objectivity of my performing such work.



Gavin Anderson  
Archaeologist/Heritage Impact Assessor

**APPEBNIDX A  
CHANCE FIND PROTOCOL**

## CHANCE FIND PROTOCOL

As this site includes areas flagged red on the SAHRIS PalaeoSensitivity Map , a “Chance Find Protocol” is Recommended. This Protocol is based on that of Groenevald (2017).

In the case of any unusual finds, a Palaeontologist must be notified immediately by the ECO and/or EAP and a site visit must be arranged at the earliest possible time with the Palaeontologist.

In the case of the ECO or the Site Manager becoming aware of suspicious looking palaeo-material:

- The construction must be halted in that specific area and the Palaeontologist must be given enough time to reach the site and remove the material before excavation continues.
- Mitigation will involve the attempt to capture all rare fossils and systematic collection of all fossils discovered. This will take place in conjunction with descriptive, diagrammatic and photographic recording of exposures, also involving sediment samples and samples of both representative and unusual sedimentary or biogenic features. The fossils and contextual samples will be processed (sorted, sub-sampled, labeled, boxed) and documentation consolidated, to create an archive collection from the excavated sites for future researchers.

### Functional responsibilities of the Developer

1. At full cost to the project, and guided by the appointed Palaeontological Specialist, ensure that a representative archive of palaeontological samples and other records is assembled to characterise the palaeontological occurrences affected by the excavation operation.
2. Provide field aid, if necessary, in the supply of materials, labour and machinery to excavate, load and transport sampled material from the excavation areas to the sorting areas, removal of overburden if necessary, and the return of discarded material to the disposal areas.
3. Facilitate systematic recording of the stratigraphic and palaeo-environmental features in exposures in the fossil-bearing excavations, by described and measured geological sections, and by providing aid in the surveying of positions where significant fossils are found.
4. Provide safe storage for fossil material found routinely during excavation operations by construction personnel. In this context, isolated fossil finds in disturbed material qualify as “normal” fossil finds.

5. Provide covered, dry storage for samples and facilities for a work area for sorting, labeling and boxing/bagging samples.
6. Costs of basic curation and storage in the sample archive at the Museum in Pietermaritzburg (labels, boxes, shelving and, if necessary, specifically-tasked temporary employees) as specified by or agreed with AMAFA. Documentary record of palaeontological occurrences must be done.
7. The contractor will, in collaboration with the Palaeontologist, make the excavation plan available to the appointed specialist, in which appropriate information regarding plans for excavations and work schedules must be indicated on the plan of the excavation sites. This must be done in conjunction with the appointed specialist.
8. Initially, all known specific palaeontological information will be indicated on the plan. This will be updated throughout the excavation period.
9. Locations of samples and measured sections are to be pegged, and routinely and accurately surveyed. Sample locations, measured sections, etc., must be recorded three-dimensionally if any “significant fossils” are recorded during the time of excavation.

#### **Functional responsibilities of the appointed palaeontologist**

1. Establishment of a representative collection of fossils and a contextual archive of appropriately documented and sampled palaeoenvironmental and sedimentological geodata at the Museum in Pietermaritzburg.
2. Undertake an initial evaluation of potentially affected areas and of available exposures in excavations.
3. On the basis of the above, and evaluation during the early stages of excavation development, in collaboration with the contractor management team, devise more detailed, practical strategies to deal with the fossils encountered routinely during excavation, as well as the strategies for major finds.
4. Informal on-site training in responses applicable to “normal” fossil finds must be provided for the ECO and environmental staff by the appointed specialist.
5. Respond to significant finds and undertake appropriate mitigation.
6. Initially, for the first three months of operation, at least two weekly visits to “touch base” with the monitoring progress, process and document interim Page 10 of 14 GBDBWSS Development Harry Gwala District Municipality 06/01/2017 “normal” finds and to undertake an inspection and documentation of new excavation faces. A strategy for further visits during the life of the excavation must then be determined.
7. Transport of material from the site to the Museum in Pietermaritzburg.

8. Reporting on the significance of discoveries, as far as can be preliminarily ascertained. This report is in the public domain and copies of the report must be deposited at ESI, AMAFA, and the South African Heritage Resources Authority (SAHRA). It must fulfill the reporting standards and data requirements of these bodies.

9. Reasonable participation in publicity and public involvement associated with palaeontological discoveries.

**Exposure of palaeontological material**

In the event of construction exposing new palaeontological material, not regarded as normative/routine as outlined in the initial investigation, such as a major fossil plant find, the following procedure must be adhered to:

1. The appointed specialist or alternates (AMAFA, SAHRA; ESI WITS University) must be notified by the responsible officer (e.g. the ECO or contractor manager) of major or unusual discoveries during excavation found by the Contractor Staff.
2. Should a major in situ occurrence be exposed, excavation will immediately cease in that area so that the discovery is not disturbed or altered in any way until the appointed specialist or scientists, or its designated representatives at AMAFA, have had reasonable opportunity to investigate the find. Such work will be at the expense of the Developer.