

**LETTER OF EXEMPTION FOR THE PROPOSED LA MERCY
MEMORIAL PARK, KZN**

FOR TONGAAT HULETT

DATE: 29 AUGUST 2022

By Gavin Anderson

**Umlando: Archaeological Surveys and Heritage
Management**

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Abbreviations

HP	Historical Period
IIA	Indeterminate Iron Age
LIA	Late Iron Age
EIA	Early Iron Age
ISA	Indeterminate Stone Age
ESA	Early Stone Age
MSA	Middle Stone Age
LSA	Late Stone Age
HIA	Heritage Impact Assessment
PIA	Palaeontological Impact Assessment
KZNARI	KwaZulu-Natal Amafa & Research Institute

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INTRODUCTION

“Tongaat Hulett Development is the owner of several patches of land near La Mercy, a small suburb of about 27sq kms in extent within the eThekweni (Durban) Municipality. The Company anticipates that the land, 762 hectares in extent, will be used for residential development as well as business and commercial uses (see map). Currently, the land is being farmed and is under sugar cane. The owners will have to apply for environmental authorization with the Department of Agriculture, Environmental Affairs and Rural Development to change land use from agriculture to mixed residential development. National and Provincial Heritage Legislation (Act No 25 of 1999 – see Section 38 (1)) requires a heritage impact assessment and/or Paleontological Impact Assessment in case of the re-zoning of a site exceeding 10 000 sq m in extent (see Section 3)” (van Jaarsveld 2015)

Albert van Jaarsveld undertook the original heritage survey in 2015 of several parcels of land. Subsequent to the report, only one area will be used as a memorial park. Umlando was requested to assess the report and determine if it was still valid. Furthermore Umlando was requested to make update any missing components in the report and submit it to KZNARI for comment.

Figures 1 – 3 show the location of the original study area and the memorial park. Figure 4 shows known sites in the general area.

FIG. 1 LOCATION OF THE ORIGINAL STUDY AREA & NMEMORIAL PARK



FIG. 2: AERIAL OVERVIEW OF THE STUDY AREA

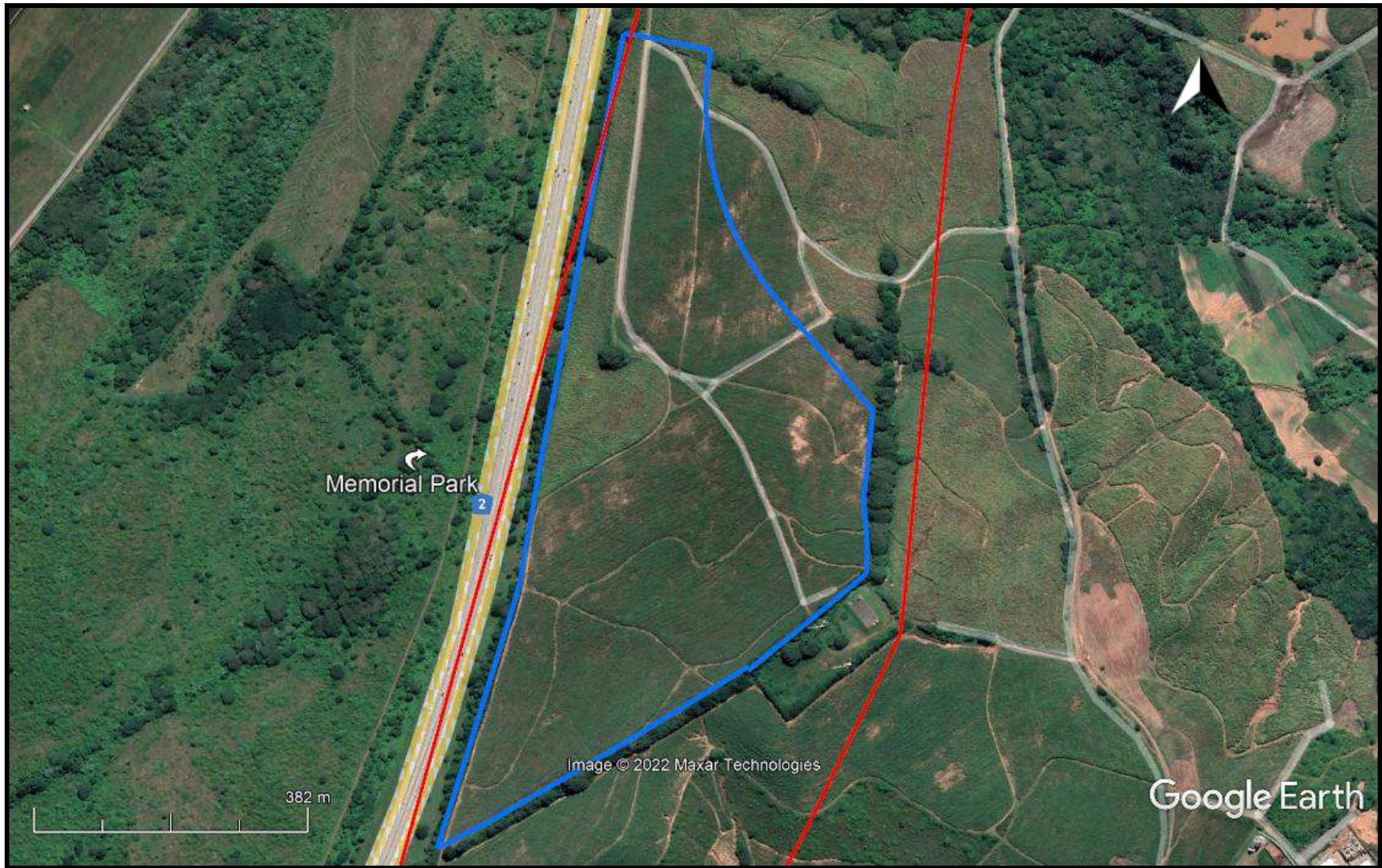


FIG. 3: TOPOGRAPHICAL OVERVIEW OF THE EASTERN STUDY AREA (1996)

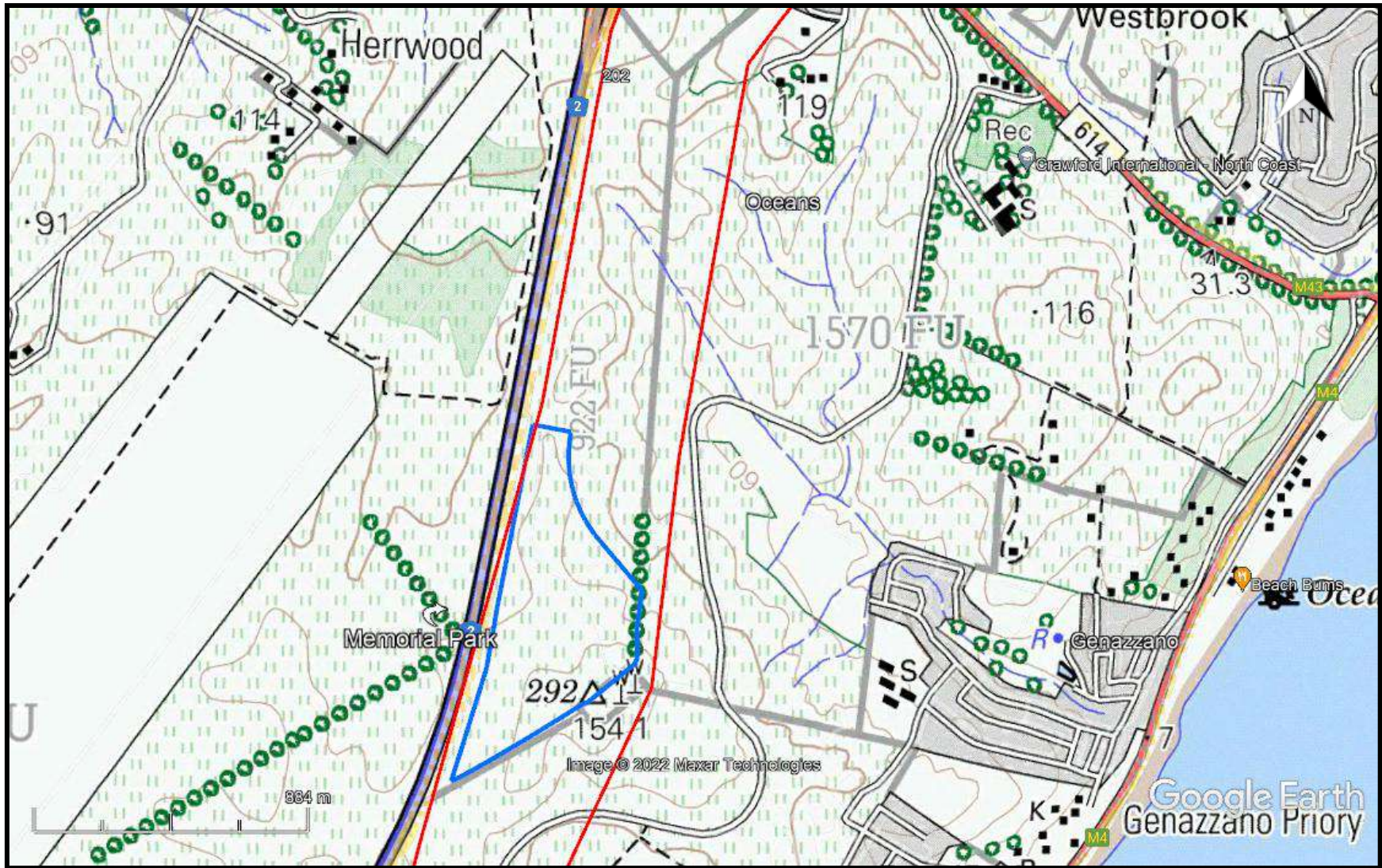


FIG. 4: KNOWN HERITAGE SITES IN THE STUDY AREA



ASSESSMENT OF ORIGINAL REPORT

The HIA report by van Jaarsveld is still valid. He had recorded archaeological sites in areas where they would be expected to occur. Figure 4 indicates that he did not miss known heritage sites. I have myself recorded several sites in the adjacent area and would expect van Jaarsveld's results

van Jaarsveld's report mentions that no palaeontological material was noted during the survey and that a full PIA may be required. I ask Dr Alan Smith to undertake a desktop PIA assessment of the memorial park area (Appendix A).

Dr Smith states:

"The proposed Memorial Park development will take place in sediment coloured yellow on the Sahr's Palaeosensitivity Map. This sediment is part of the Umkwelane Formation (previously known as the Berea Red Sandstone). No palaeontological material of any significance has been found in this sediment. Theoretically palaeontological material could be found so a "Chance Find Protocol" is attached.

Further this site is within agricultural land and has been historically disturbed.

Consequently there is no reason to conduct a PIA for this project. Consequently exemption from Palaeontological Impact Assessment (PIA) is requested for this project. However a "Chance Find Protocol" is attached to cover any chance find."

CONCLUSION

The assessment of van Jaarsveld's report indicates that the HIA component is valid and up to date. A PIA assessment was undertaken to finalise the report.

No further heritage assessment or mitigation is required.

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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

APPENDIX A
PIA LETTER OF EXEMPTION

DRAFT



**Dr Alan Smith
Alan Smith Consulting
29 Browns Grove
Sherwood
Durban
4091**

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Letter of Exemption from Palaeontological Impact Assessment for:

**Memorial Park, La Mercy Beach, EtheKwini MUNICIPALITY, KWAZULU-
NATAL.**

Dear Sir

Dr Alan Smith was asked by UMLANDO: Archaeological Surveys & Heritage Management to conduct a PIA for the above named project.

The proposed Memorial Park development will take place in sediment coloured yellow on the Sahrís Paleosensitivity Map. This sediment is part of the Umkwelane Formation (previously known as the Berea Red Sandstone). No palaeontological material of any

significance has been found in this sediment. Theoretically palaeontological material could be found so a “Chance Find Protocol” is attached.

Further this site is within agricultural land and has been historically disturbed.

Consequently there is no reason to conduct a PIA for this project. Consequently exemption from Palaeontological Impact Assessment (PIA) is requested for this project. However a “Chance Find Protocol” is attached to cover any chance find.

Should any of the proposed plans change then the project will need to be reassessed in terms of a PIA.

Dr Alan Smith.
Alan Smith Consulting
28 August, 2022



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CHANCE FIND PROTOCOL

This Chance Find Protocol must be included in the site EMPr.

If any fossils are found, 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, and 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 characterize 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 until collected. 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.

DETAILS OF SPECIALIST

Dr Alan Smith

Private Consultant: *Alan Smith Consulting, 29 Brown's Grove, Sherwood, Durban, 4091*

&

Honorary Research Fellow: *Discipline of Geology, School of Agriculture, Earth and Environmental Sciences, University of KwaZulu-Natal, Durban.*

Role: Specialist Palaeontological Report production

Expertise of the specialist:

- PhD in Geology (University of KwaZulu-Natal), Pr. Sc. Nat., I.A.H.S.
- Expert in Vryheid Formation (Ecca Group) in northern KZN, this having been the subject of PhD.
- Scientific Research experience includes: Fluvial geomorphology, palaeoflood hydrology, Cretaceous deposits.
- Experience includes understanding Earth Surface Processes in both fluvial and coastal environments (modern & ancient).
- Alan has published in both national and international, peer-reviewed journals. He has published + 50 journal articles with 497 citations (detailed CV available on request).
- Attended and presented scientific papers and posters at numerous international and local conferences (UK, Canada, and South Africa) and is actively involved in research.

Selected recent palaeo-related work includes:

- Desktop PIA: Proposed middle income housing units on Portion 23 of Farm Lot H Weston 13026, Bruntville, Mpofana Local Municipality. Client: UMLANDO.
- Desktop PIA: Proposed ByPass Pipeline for Ulundi bulk water pipeline upgrade. Client: UMLANDO.
- Fieldwork PIA: Bhekuzulu Epangweni KZN water reticulation project, Cathkin Park. Client: Mike Webster, HSG Attorneys.
- Fieldwork PIA: Mpungoze water supply scheme, Empangeni. Client: Enviropro.
- Fieldwork PIA: Helpmekaar Dam. Client: Afzelia environmental consultants.
- Desktop PIA: Zuka valley, Ballito. Client: Mike Webster, HSG Attorneys.

- Mevamhlope proposed quarry palaeontology report. Client: Enviropro.
- Desktop PIA: Proposed Lovu Desalination site. Client: eThembeni Cultural Heritage.
- Desktop PIA: Tinley Manor phase 2 North & South banks: eThembeni Cultural Heritage
- Desktop PIA: Tongaat. Client: eThembeni Cultural Heritage.
- Palaeontological Assessment Reports (3) to Scatec Solar SA (Pty) Ltd on an Appraisal of Inferred Palaeontological Sensitivity for a Potential Photo Voltaic Park at (1) Farm Rooilyf near Groblershoop, N Cape; (2) Farm Riet Fountain No. Portions 1 and 6, 18km SE of De Aar, N Cape; and (3) Dreunberg, near Burgersdorp, Eastern Cape. Client: Sustainable Development Projects.

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