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HERITAGE IMPACT ASSESSMENT:
LA MERCY BEACH DEVELOPMENT

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Executive Summary

Tongaat-Hulett Development is applying to the Department of Agriculture, Environmental Affairs and Rural Development (DAEARD) for permission to develop 762 hectares of agricultural land at La Mercy, KZN north coast. The land is situated within the eThekweni Metro some 35 kms north of Durban between the N2, the old North Coast Road, the Watson Highway and the Umdloti River. It is anticipated that this land will be used for residential development as well as business and commercial purposes. As per the KwaZulu-Natal Heritage Act (Act No. 10 of 1997), Section 27(1) of the Act requires a Heritage Impact Assessment and/or a Paleontological Impact Assessment in case of any development or other activity which will change the character of the area or land exceeding 10 000 square metres in extent. Albert van Jaarsveld was appointed by Tongaat-Hulett Development to do the required Heritage Impact Assessment.

Following a desktop survey, a field survey was done with field assistant Bruce Hopwood on 29 May 2015. The land, which has been farmed extensively since the late 19th century, is covered by sugar cane while weeds have taken over areas to the south where farming activities have been abandoned. Farm roads were accessed by vehicle and areas which had been harvested were covered on foot. Ground visibility was in general good enough to make defensible judgments regarding the archaeology of the area.

A single Later Iron Age site was located on a hilltop in the northern part of the study area. Undecorated potsherds indicate that the site probably dates back to Nguni (Zulu) people during historical times. Farming activities would have destroyed any other features such as hut floors or pits. The shards occur on the surface – the site is not stratified. Mitigation activities will include the appointment of an AMAFA accredited Iron Age archaeologist to establish the exact extent of the site, to map it and to remove all visible archaeological materials following a successful application for a permit. This will only be possible once the entire area has been cleared of sugar cane.

The developers are also reminded that more archaeological materials could surface during the construction phase. Should this happen, all construction activities are to be immediately halted and AMAFA alerted.

No buildings occur on the land and the adjacent La Mercy townscape, religious and educational facilities will be unaffected. The proposed development will not threaten KZN's cultural heritage, provided that recommendations as contained in Section 8 of this report, are adhered to.

It is also recommended that the developer apply for exemption of a possible regret for a Paleontological Impact Assessment, as no such materials (fossils) were observed during the survey.

Contents

Executive Summary

1. Introduction/background
2. Details of consultant and ability to perform the service
3. Heritage legislation affecting the proposed development
4. Location and description of the affected environment
5. Study approach/method
6. Results of survey
 - a. Stone Age
 - b. Iron Age
 - c. The historical period (townscapes)
7. Impact description and assessment
8. Recommended management/mitigation activities
9. Conclusion
10. Sources
11. Photographs
12. Locality Maps
13. Google Earth Image
14. Declaration of Independence

1. Introduction/background

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). Albert van Jaarsveld was appointed to perform the HIA.

2. Details of consultant and ability to perform the service

Albert van Jaarsveld was Acting HOD of the Department of History at the University of Zululand, until he moved into the public sector in 2014. He obtained the degrees BA and BA (Hons) (Archaeology and History) cum laude from the University of Pretoria. He also has a Masters in History from Rhodes University (1986). He is a member of several professional societies, including the SA Archaeological society (SAAS), Association of Southern African Professional Archaeologists (ASAPA – cultural resources management section) and South African Historical Society (SAHS) and an AMAFA credited Cultural Heritage Resources practitioner. He is the author of several scientific publications (books and articles) and has completed about 120 Heritage Impact Assessments in several provinces for several companies and institutions over the past five years, including major power transmission lines (such as Perseus-Hydra 765kv, Arcus Gibb). His detailed CV is available on request.

Field assistant Bruce Hopwood holds two BA (Hons) degrees from the

Universities of Rhodes and Stellenbosch and is an experienced field worker, having been involved in most projects referred to above.

3. Heritage legislation affecting the proposed development

Cultural heritage resources can broadly be defined as “physical features, both natural and man-made, associated with human activity”. South African heritage legislation stretches further than the restricted definition above by also including invisible and intangible beliefs, ideas and oral traditions, which are regarded as important as physical cultural objects. Also included are fossils and meteorite sites. Heritage resources reflected in South African heritage legislation (Act No 25 of 1999) include the following:

- a) Places, buildings, structures and equipment;
- 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;
- 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 important individuals,
 - (v) Historical graves and cemeteries older than 60 years, and
 - (vi) Other human remains, which are not covered under the Human Tissues Act, 1983 (Act No. 65 of 1983 as amended);
- 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) Ethnographic art and objects;
- (iii) Military objects;
- (iv) Objects of decorative art;
- (v) Objects of fine art;
- (vi) Objects of scientific or technological interest;
- (vii) Books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings; and
- (viii) Any other prescribed categories.

But excluding any object made by a living person.

The above Act - Section 38 (1) – requires a Heritage Impact Assessment in case of:

- a) The construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- b) The construction of a bridge or similar structure exceeding 50m in length;
- c) Any development or other activity which will change the character of a site
 - (i) Exceeding 5 000m² in extent; or
 - (ii) Involving three or more existing erven or subdivisions thereof; or
 - (iii) Involving three or more erven or subdivisions thereof which have been consolidated within the past five years; or
- d) The costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- e) The re-zoning of a site exceeding 10 000m² in extent; or
- f) Any other category of development provided for in regulations by SAHRA or a provincial resources authority.

SAHRA (South African Heritage Resources Agency) requires sufficient information about identified heritage sites to enable it to assess with confidence:

- a) Whether or not it has objections to a development
- b) What the conditions are upon which such development might proceed

- c) Which sites require permits for mitigation or destruction
- d) Which sites require mitigation and what this should comprise
- e) Whether sites must be conserved and what alternatives can be proposed that may re-locate the development in such a way as to conserve other sites, for example, by incorporating them in a wilderness area, or under a parking space; and
- f) What measures should/can be put in place to protect the sites that should be conserved.

While grading (field rating or field significance) is actually the responsibility of the heritage resources authorities, all reports should include Field Ratings for the sites, to comply with Section 38 of the legislation, for example:

- National: Grade I significance e.g. resources such as the Castle in Cape Town (non-movable and no-go areas for any developer)
- Provincial: Grade II significance such as Later Stone Age engravings and paintings (non-movable and to be avoided as no-go areas)
- Local: Grade III A significance; where mitigation is not advised and the site should be retained as a heritage site of high significance
- Local: Grade III B significance; where a section of a site should be mitigated and part should be retained as a heritage site (high significance)
- Generally Protected A: where sites should be mitigated before destruction (generally high/medium significance)
- Generally Protected B: sites of medium significance that should be mitigated before development
- Generally Protected C: sites sufficiently recorded before development/construction (low significance)

Other sections of the Act with relevance are:

34 (1) No person may alter or demolish any structure or part of a structure which is older than sixty years without a permit issued by the relevant provincial heritage resources authority.

(2) Within three months of the refusal of the provincial heritage authority to issue a permit, consideration must be given to the protection of the place concerned in terms of one of the formal designations provided for in Part 1 of this Chapter.

(3) The provincial heritage resources authority may at its discretion, by notice in the Provincial Gazette, make an exemption from the requirements of subsection (1) within a defined geographical area, or for certain defined categories of site within a defined geographical area, provided that it is satisfied that heritage resources falling into the defined area or category have been identified and are adequately provided for in terms of the provisions of part 1 of this Chapter.

(4) Should the provincial heritage resources authority believe it to be necessary it may, following a three-month notice period published in the Provincial Gazette, withdraw or amend a notice under subsections (3).

The above legislation aims to promote and protect South Africa's rich cultural heritage so that future generations may bequeath this unique and precious aspect of our heritage to following generations.

4. Location and description of the affected environment

The proposed Tongaat-Hulett residential and commercial development is situated at La Mercy, a suburb of the eThekweni Municipality some 35kms north of Durban. La Mercy has five distinct areas, namely Durban's King Shaka International Airport and Dube Tradeport, a main residential area, a shanty town, a beachfront strip of apartments along South Beach Road and agricultural land, consisting of sugar cane and vegetable gardens. Although host of the international airport, La Mercy is a small suburb severely lacking in communal infrastructure such as pavements and public parks. Crawford College (formerly

uThongathi School) is situated in the area, a community hall and three religious institutions: a mosque, a Hindu temple and a Jehovah's Witness hall. Population (2011) consists of about 48% Indian, 42% Black African, 2% Coloured and 8% White. Co-ordinates are S 29° 38' and E 31° 08'.

The area consists of undulating sand dunes situated between the N2 to the west and the old main road to the east, the Watson Highway to the north and the Umdloti River to the south.

The area Tongaat Hulett Developments wishes to have rezoned is currently being farmed and is under sugar cane. Sections have been burnt and cleared and harvested causing clear ground visibility. Towards the south of the study area the farming of sugar cane has been abandoned in sections and the area is covered in weeds such as Brazilian pepper, chromolaena and lantana. Few indigenous trees occur.

5. Study approach/method

Following a desktop survey, a field survey was undertaken on Friday 30 May 2015. This comprised driving through the sugar cane fields while certain areas were covered by foot – especially the areas where sugar cane has been burnt and cleared and the ground visibility was good. The areas covered by sugar cane could not be covered. However a percentage big enough was covered to make defensible judgments. Photographs were taken with a Sony Cybershot digital camera while co-ordinates were recorded with a handheld Garmin 75 Global Positioning System.

6. Results of survey

- Stone Age

The absence of lithic material is conspicuous in the study area, resulting in no physical evidence of the presence of Stone Age culture It is however

known that Stone Age peoples did roam the area in prehistoric times due to the presence of shell middens on the coast. The well-known Sibudu Stone Age shelter dating back to 6 800 years B.P. is situated on the uThongathi river to the west of the King Shaka International Airport.

- The Iron Age

A single Late Iron Age site was found on a hill top towards the north of the study area. The area was recently burnt and the sugar cane removed, exposing the top soil very clearly. Several potsherds – all undecorated – were found scattered over an area at S 29° 35,343' and E 31° 09,025', approximately 100 metres above sea level. During most of the 20th Century the area was under the traditional authority of Chief Siziba Gumede (died 1968), a landless chief who ruled over the eNkwenkwezi section of the Qwabe tribe whose members were scattered across the region.

No hut floors or any other sign of occupation was observed during the survey – only the potsherds. The site has definitely no layering and the only evidence of Iron Age occupation is the potsherds.

The study area has been extensively farmed (ploughed and tilled) since the late nineteenth century as farms in the area were taken up as from the 1860s, following the British annexation of Natal. Repeated ploughing and planting would have destroyed most signs of permanent occupation, except for the potsherds.

- The historic period (townscapes)

No buildings occur in the study area and the nearby townscapes such as La Mercy and Desainager will be unaffected by the proposed development.

- Paleontological Remains (fossils)

Although not part of the brief for this study, the affected area was also checked for the presence of paleontological remains (fossils). (In terms of heritage legislation, the developers might be required to employ the services of a Paleontologist to conduct a Paleontological Impact Assessment report (PIA), should the need arise).

No evidence of such material was observed during the survey.

7. Impact description and assessment

The proposed development will have a permanent impact on the environment in the sense that roads, pipelines and buildings are to be constructed in the future. The developers have provided no details on these issues as the development is still in the planning phase. The only information available at this stage concerns the boundaries.

8. Recommended management/mitigation activities

Mitigation activities can only be implemented once the entire area is cleared of sugar cane and the ground surface is properly exposed. This will consist of the following steps:

- The appointment of an Iron Age Archaeologist registered with ASAPA as a Heritage Practitioner
- The application of a permit from AMAFA akwaZulu/Natali for removal of all Iron Age artefacts (potsherds in this regard)
- Establishment of the extent of the site by the archaeologist
- Mapping of the site
- Removal of archaeological material (collection).

As the findings at this stage suggest only a surface scatter, no excavations are anticipated. It is however possible that an archaeologist may decide to excavate a test pit and/or trench. This will depend on further finds following the removal of sugar cane.

The developers are also reminded that it is indeed possible to find more archaeological sites during construction as many of these (such as graves and hut floors) are concealed below surface and could accidentally be unearthed. In such a case all activities should be immediately halted and AMAFA alerted.

9. Conclusion

It is recommended that AMAFA approve the proposed development at La Mercy provided the developers adhere to recommendations as contained in Section 8 of this report.

10. Sources

- Brookes, E H & Webb, C de B: *A History of Natal*. University of Natal Press, 3rd Impression, Pietermaritzburg, 1979.
- Bulpin, T V. *Discovering South Africa*. Sixth Edition, Tafelberg Publishers, Cape Town 2001.
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- Osborn, R O: *Valiant Harvest:; The Founding of the SA Sugar Industry, 1848-1926*. SA Sugar Association, Durban, 1964.
- Raper, P E. *New Dictionary of South African Place Names*. Jonathan Ball, Johannesburg and Cape Town, 2005.
- Van Jaarsveld, A: *Waterfall/Maidstone Land Claim by the eNkwenkwezi Section of the Qwabe Tribe, KZN North Coast*. Report prepared for Tongaat Hulett Group, 2015.

11. Photographs



View over Later Iron Age Archaeological site. Genesana in the background.

S 29° 35,343' and
E 30° 09,025'.



Potsherds on site.



View over
stream.
S 29° 35,738' and
E 31° 08,916'.



Picnic site with masts.
S 29° 36,498' and E 31° 08,457'.



View to the east.
S 29° 36,577' and
E 31° 08,379'.

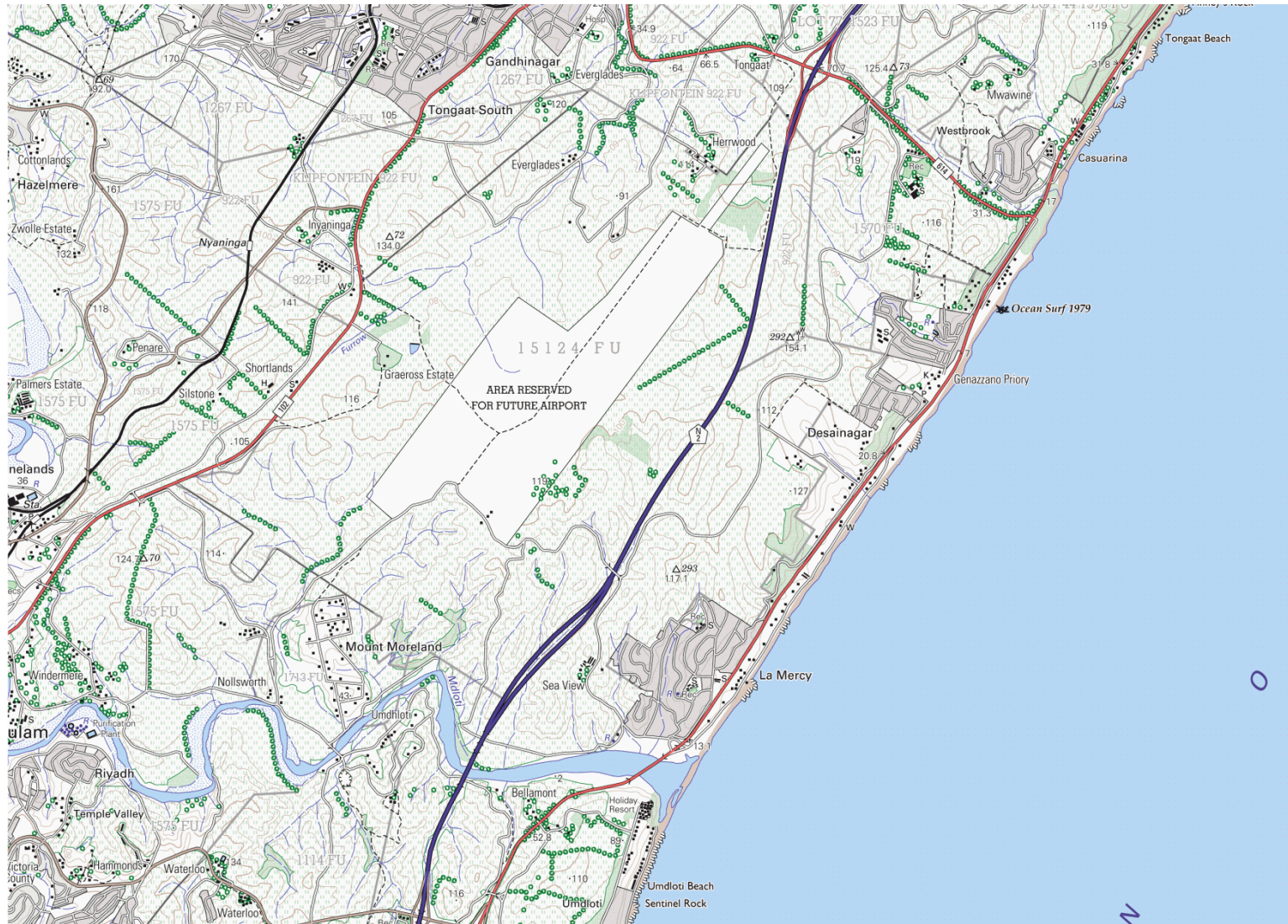


Land to south of
study area where
weeds have taken
over due to the
abandonment of
farming practices.
S 29° 37,295' and
E 31° 08,237'.



Area adjacent to
N2
S 29° 38,778' and
E 31° 06,518'.

12. Locality Map (portion of 2931CA Verualm 1:50000)



13. Google Earth Image



14. Declaration of Independence

SPECIALIST REPORT DETAILS


This report has been prepared as per the requirements of Section 33 of GNT 385 – Environmental Impact Assessment Regulations and the National Environmental Management Act (Act No. 107 of 1998), as well as minimum standards for report writing as determined by the South African Heritage Resources Agency (SAHRA) and ASAPA.

Report prepared by: *Albert van Jaarsveld*

Expertise/Field of Study: *Heritage*

I, *F.A. van Jaarsveld*, declare that this report has been prepared independently of any influence or prejudice as may be specified by the Department of Agriculture and Environmental affairs.

Signed:



Date	
Document title	
Author	
Revision number	
Checked by	
Approved	
Signature	
For	