



Amafa aKwazulu-Natali
195 Jabu Ndlovu Street Pietermaritzburg 3200
Telephone 033 3946 543
bernadetp@amafapmb.co.za

05 March 2015

Attention Bernadet Pawandiwa

Dear Ms Pawandiwa

**Application for Exemption from a Phase 1 Heritage Impact Assessment
in terms of Section 38 of the National Heritage Resources Act (NHRA, Act 25 of 1999)**

**Proposed Tinley Manor South Bank Spatial Development Plan, KwaDukuza Municipality,
KwaZulu-Natal**

Introduction

Tongaat Hulett Developments (THD) has appointed eThembeni Cultural Heritage to obtain the necessary Amafa approvals for the area known as Tinley Manor South Bank. THD are in the process of compiling a Spatial Development Plan in order to facilitate proceeding with Environmental Authorisations for developing this area (Figure 1). Having completed a site survey of the proposed development area, no heritage resources of significance were identified. Consequently, on behalf of THD we wish to apply for exemption from a Heritage Impact Assessment in terms of Section 38 of the NHRA.



FIGURE 1 PROPOSED TINLEY MANOR SOUTH BANK DEVELOPMENT AREA¹

¹ Graphic supplied by client

Project description

The study area is located in the KwaDukuza Municipality, approximately 10km north of the greater Ballito area (Dolphin Coast), 25km from the King Shaka International Airport and 50km north of Durban.

The study area is approximately 437ha and is largely under sugarcane with a number of discernible landscape zones (See Figure 2).

Site assessment and observations

eThembeni staff conducted a field survey of the Tinley Manor South Bank area on 18 February 2015.

The immediate study environment comprises part of a larger riverine, estuarine and coastal system that extends beyond the boundaries of the proposed development area and includes:

- the Mhlali River lower drainage basin with attendant riverine and estuarine systems.
- a fragile coastal dune system and associated remnant fragmented coastal forest patches;
- degraded wetlands currently associated with sugar cane production and;
- sugar cane production on palaeo-dune crests and slopes underlain by Berea dune formations.



FIGURE 2 LANDSCAPE ZONATION OF PROPOSED TINLEY MANOR SOUTH BANK DEVELOPMENT AREA²

² Graphic supplied by client

The latter are overlain by shallow aeolian sands and palaeo- dune fields. Historically, the vegetation would have comprised a mosaic of sour *Hyphanae* / *Phoenix* palm grassland between stands of swamp, estuarine and coastal forest, typical of the Indian Ocean Coastal Biome and imminently suitable for Iron Age settlement.

We observed residual Late Iron Age (LIA) cultural discard on the interface between the overlying aeolian sands and the Berea Formation hardpans immediately below at two locations: 29 27 10.6 **S**; 31 16 13.1 **E** and 29 27 24.0 **S**; 31 16 23.0 **E**, respectively. The hardpans comprise the base of the plough zone of sugar cane cultivation and the overlying strata have consequently been turned and churned-over for decades. Primary context sites and cultural material have consequently been incorporated into the plough zone. LIA residues, comprising adiagnostic ceramic sherds, smithing-slag nodules, fragmented *Perna perna* shell and broken grinder and hammer stones, have sifted down and reside on the Berea hardpans below (+/- 40cm). These occur together with an assortment of Middle Stone Age lithic *debitage*; historical and modern discards, including mortar, brick, glass and plastic; and burnt sugar cane root-residues. The Berea hardpans thus constitute a cultural basal horizon of temporally mixed contents. These have limited further research potential.

Iron Age farming community settlements are known to occur ubiquitously within cane fields on the higher-lying palaeo-dunes of the east coast littoral. However, despite recent cane cutting and good surface visibility, no primary context archaeological material or archaeological sites of any significance were observed within the proposed area of development.

The adjacent rocky shoreline would suggest exploitation of marine resources in the past. Shell middens are known and recorded from the KwaZulu-Natal Dolphin Coast, and further to the south³. Inspection of the tertiary dune edge at three access points to the foreshore between Christmas Bay and the Mhlali River mouth revealed no evidence of shell midden concentrations. Furthermore the foreshore dunes are heavily vegetated which precluded closer investigation. However, this zone is included within the Coastal Setback and Limited Development Line of the proposed development and is subject to exclusion conditions of the Integrated Coastal Management Act (No.24 of 2008, as amended). Consequently, the probability of disturbance of unrecorded *in situ* middens is considered low.

The SAHRIS Palaeontology Sensitivity Map places the development area within a yellow/green delimitation and thus of moderate to high paleontological potential. However, the development area is located on deep Berea Formation Aeolian sands that overly Bluff Formation sandstone deposits below. No significant vertebrate fossils have been recorded from the Berea Formation (Wolmarans and Du Preez, 1986 *in* Groenewald, 2012). It is not anticipated that the proposed developments will impact on any potentially fossiliferous strata below the Berea Red Sands. Consequently, no further palaeontological assessment is justified (see attached report by Dr Alan Smith).

During the field inspections to the study area no graves were observed. However, two unmarked ancestral grave locations are recorded on the Tongaat Hulett Estates' data base.⁴

³ van Schalkwyk, LO. and Wahl, EJ. 2004. 'Rescue excavation of an Iron Age Shell midden, Shrimp Lane, Salt Rock, KwaZulu-Natal'. (Proceedings of the Southern African Association of Archaeologists Biennial Conference, Kimberley).

⁴ Graves and Burial Grounds Policy for Tongaat Hulett Properties, KwaZulu-Natal, South Africa. eThembeni Cultural Heritage. October 2010.

These have previously been assessed by eThembeni and are located within non-development zones of the current proposal due to steepness of slope and the underlying lithography.

1. Approx. 100m x 50m in size. The number of graves is not known. Old residents in the area know of people being buried there as long as they can remember; over 70 years. Known grave of Mfana Leonard Sibisi died 1946

29° 27.334'S 31° 15.061'E.

**2. Site pointed out by Hlungwane Mpange. This is a line of graves on the boundary line of S&P Farm between two co-ordinates. No visible evidence of graves and no dates, numbers or names known
S290 27.544' E310 15.013' to S290 27.453' E310 14.814'**

All graves are accorded the highest level of protection and may not be disturbed without both family consent and a permit from Amafa. Should any impact on these grave locations be anticipated these would be the subject of the graves protocol as described below.

Recommendations

It is thus recommended that the following protocol be made binding in the Record of Decision (R.o.D.):

“ The identified grave sites should ideally be left with a twenty metre (20m) buffer from construction activities and be fenced pending engagement with the relevant Authorities and any identified family members having an association or interest in the grave. In the event of unintentional exposure of any other grave, or a request from a family for exhumation and re-interment, the appointed project CLO/ECO shall immediately contact Amafa/KZN Heritage to obtain the necessary protocols and procedures for the management of such human remains”.

Further, any Phase 2 intercessions would be subject to any sub-surface archaeological material being exposed during development activities. The appointed Environmental Control Officer should be made aware of the following protocol:

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. 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;
- Stone concentrations that appear to be formally arranged (may indicate the presence of an underlying burial, or represent building/structural remains); and
- Fossilised remains of fauna and flora, including trees.

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'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 HIA.

It is our considered opinion that the potential impact to heritage resources through implementation of the **proposed Tinley Manor South Bank Spatial Development Plan** is very low. On the basis of the foregoing it is requested that the proposed project area be exempt from the requirements of a full Phase 1 Heritage Impact Assessment.

Any Phase 2 intercessions would be subject to the Protocols above.

Yours sincerely



Len van Schalkwyk
Principal Investigator.

References:

- Groenewald G.H** 2012. Palaeontological Technical Report for KwaZulu-Natal. Unpublished report. Amafa aKwaZulu-Natali. Pietermaritzburg.
- Wolmarans L.G. and Du Preez JW.** 1986. The Geology of the St Lucia Area. Explanation Sheet 27.532 (1:250 000). Geological Survey of South Africa.

Site photographs have been loaded as case images on SAHRIS.