

**APPLICATION FOR EXEMPTION FOR UNDERTAKING
PHASE 1 HIA FOR
LACEY ROAD HOUSING DEVELOPMENT, OVERPORT,
ETHEKWINI MUNICIPALITY
KWAZULU-NATAL**

May 2018

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1. INTRODUCTION

The applicant, the eThekweni Municipality: Human Settlements Unit proposes to construct low-income, medium density housing and associated infrastructure as part of an *in-situ* upgrade. The proposed activity will take place across the properties described as Portions 3, 4, 5, 6, 7, 8, 9 and 10 of Erf 717, Brickfield, located on Lacey Road in the suburb of Overport.

The total combined targeted extent is 2.37 Hectares (Ha) that is anticipated to yield approximately 148 medium density residential sites and a single mixed used site located at the corner of Lacey Road and Clayton Road.

2. LOCATION OF THE SITE

The proposed site is geographically located at S29°49'51.97"; E30°59'10.06". The site, which is found in the suburb of Overport in Durban, is bordered by Nu-Shifa Hospital to the immediate west, Randles Road to the south-west, an unoccupied portion along Clayton Road to the north and residential areas to the east. The surrounding area consists mainly of residential and commercial development. **Figure 2** below is a larger image of the project site.



Figure 1: Locality map



Figure 2: Closer image

3. STATUS OF SITE

As can be seen in **Figures 1 and 2** above, almost three-quarters of the area proposed for the housing development is currently covered by informal housing. The remainder of the project area, which allows access to the informal settlement, is disturbed by activities associated with the settlement as well the dumping of rubbish.



Figure 3: View of informal settlement



Figure 4: View of vacant area abutting Clayton Road



Figure 5: Vacant area showing mounds of dumped rubbish

Google Earth images going back to 2001 show that the area has been occupied informally since then and that there were many more trees and vegetation on the site than there is currently. The vegetation has been removed as the informal settlement has expanded in size to what it is currently.



Figure 6: 2001 Google Earth image of site

4. MOTIVATION FOR EXEMPTION FROM PHASE 1 HIA

The proposed development is 2.37Ha in extent, therefore it triggers the criteria for a Heritage Impact Assessment (HIA) as set out in section 38 (1) of the National Heritage Resources Act (NHRA) (No 25 of 1999). Sub-section (c) refers to any development or other activity which will change the character of a site— (i) exceeding 5 000 m² in extent. The proposed 2.37Ha equates to 23700m². However, due to the highly disturbed nature of the site, an exemption from undertaking a Phase 1 HIA is herewith applied for.

Much of the site is disturbed by the informal settlement and the ongoing expansion of this settlement. The vacant area abutting Clayton Road is disturbed by activities associated with the informal settlement as it provides access to the settlement. In addition, the vacant area has also been used for the illegal dumping of rubbish which appears to have taken place over a long period of time. The project area is not part of any known cultural or historical landscape.

In terms of the SA fossil sensitivity map, the area has a low fossil sensitivity which is indicated by the blue colour in **Figure 7** below. In terms of this category, no further studies are required but a protocol for possible fossil finds is necessary. A protocol is included in Chapter 5 below. Due to the highly disturbed nature of the site, it is unlikely that significant and intact fossils will be discovered during the construction of the proposed housing development.

5. CONDITIONS

If exemption from undertaking a Phase 1 HIA is granted, then the following conditions must be met by the Applicant:

- For any chance heritage finds, all work must cease in the area affected and the Contractor must immediately inform the Project Manager.
- A heritage specialist must be called to site to assess the significance of the find.
- Amafa aKwaZulu-Natali must also be informed.
- Permits must be obtained from Amafa if heritage resources are to be removed, destroyed or altered.
- Only once the heritage specialist gives the go-ahead can work in the area of the find recommence
- Under no circumstances may heritage material be destroyed or removed from site unless under direction of a heritage specialist.

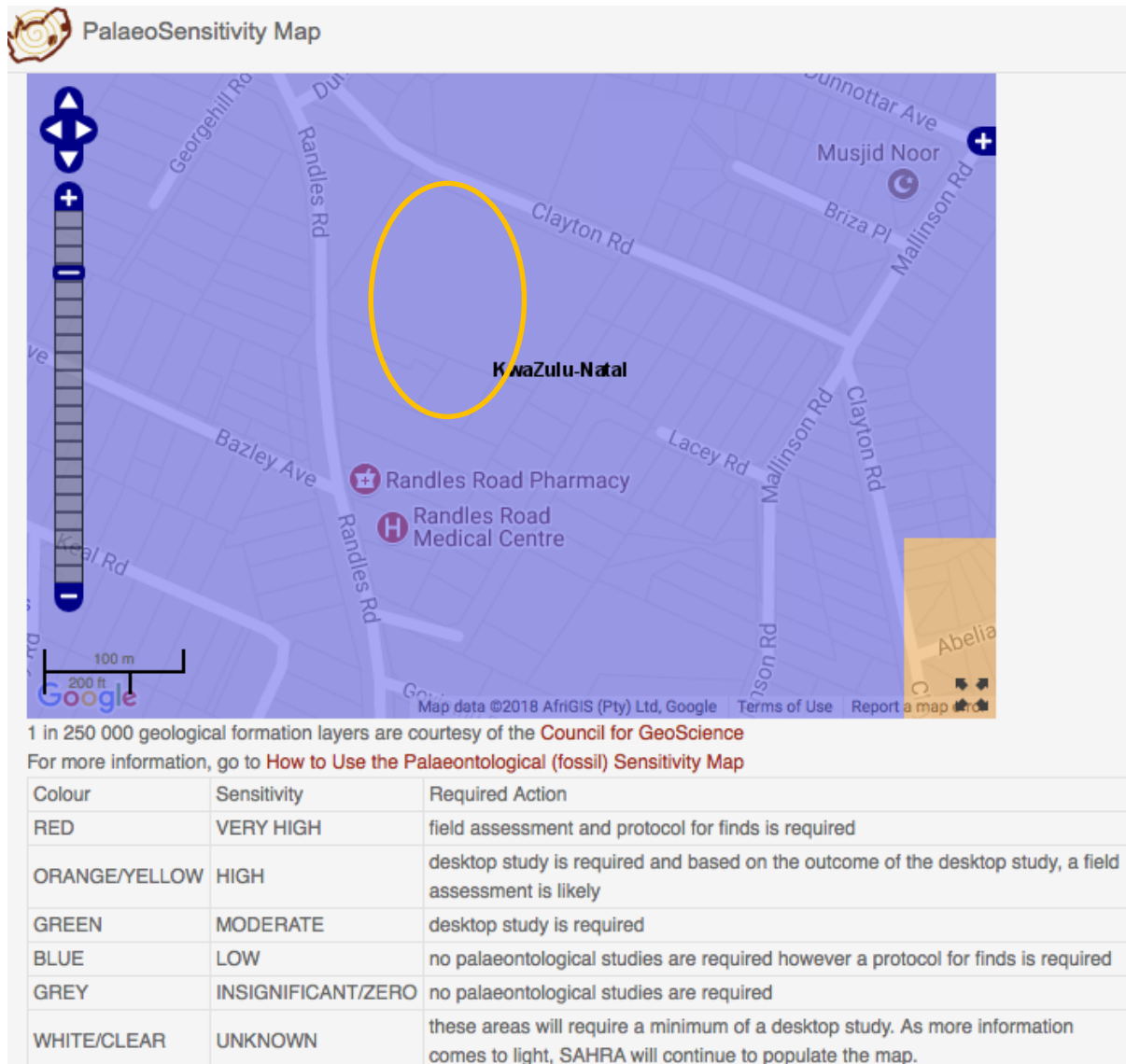


Figure 7: Fossil sensitivity map with project area indicated with orange outline

- Should recent remains be found on site that could potentially be human remains, then the South African Police Service should also be contacted. No SAPS official may remove remains until the correct permit/s have been obtained.
- If there are chance finds of fossils during construction, all work will cease in the area affected and the Contractor will immediately inform the Project Manager. A palaeontologist must be called to the site in order to assess the fossils and rescue them if necessary (with an Amafa permit). The fossils must then be housed in a suitable, recognised institute.

6. CONCLUSION

Due to the very disturbed nature of the entire site (including the vacant, uninhabited area), it is highly unlikely that intact heritage resources will be found in the project area therefore it is recommended that the exemption from undertaking a Phase 1 HIA is approved.