

**BHAMBAYI HOUSING PROJECT PHASE 1 EXTENSION  
(JUBA BLOSE), ETHEKWINI MUNICIPALITY,  
KWAZULU-NATAL**

**Phase 1 Heritage Impact Assessment**

**May 2021**

**FOR: eThekweni Municipality: Human Settlements & Infrastructure  
Kanyisa Hintsá**

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## EXECUTIVE SUMMARY

The Human Settlements and Infrastructure Department of the eThekweni Metropolitan Municipality proposes the *in-situ* housing upgrade project for a section of the area known as Bhambayi in Inanda on the properties Farm Bhambayi 17267, on Portion 501 of Farm Piezang Revier 805 and on Portion 498 of the Farm Piezang Revier No. 805.

The proposed housing project will be approximately 70 ha in size therefore it triggers section 41 (1) (c)(i) of the KwaZulu-Natal Amafa and Research Institute Act, 2018 (Act No 5 of 2018) which lists developments or activities that require a heritage impact assessment. The relevant sub-section refers to any development or other activity which will change the character of a site- (i) exceeding 5000 m<sup>2</sup>.

The study area is situated in Inanda in an area commonly known as Bhambayi. It is located approximately 25km from Durban city centre. The bulk of the project area lies within reasonable proximity to the Dube Village Mall, but on the northern side of the M25 highway.

An inspection of the housing development site was undertaken on the 5<sup>th</sup> and 11<sup>th</sup> of May 2021. Much of the study area is densely covered by formal and informal housing with several access roads and watercourses crossing the site.

The relevant section of the 1942 topo-cadastral map of the project area shows an area that is cultivated with a number of homesteads dotted around. The 1967 aerial image of the project area shows an area with some habitation apart from the northern section that falls outside the project area and the cluster of buildings that are most likely structures connected to the Gandhi settlement and possibly the school that is situated immediately south of the Gandhi settlement.

During the site inspection many residents were consulted regarding the presence of heritage resources such as graves. All those consulted were aware of grave sites and identified sites that all appear to be situated outside the housing project. Many of the grave sites are heavily overgrown with vegetation.

The South African fossil sensitivity map indicates that the project area for the proposed housing development falls in an area of medium fossil sensitivity. An area of medium sensitivity requires a desktop palaeontological study. It is, however, recommended that due to the very disturbed nature of the project area due to historical cultivation of the area and the current dense habitation of the area, the possibility of finding intact fossils would be very low and that no

desktop study is undertaken. However, a protocol for chance fossil finds has been included in Chapter 9 of this report in case fossil finds are made found during the housing project.

During the site inspections and in discussion with residents of the housing project, several grave sites were identified. All of the sites appear to fall outside the boundary of the proposed Bhambayi Phase 1 extension housing project and should therefore not be impacted by the proposed project. It should be noted that graves are protected by section 39 (1) of the KwaZulu-Natal Amafa and Research Institute Act, 2018. This section states that graves or burial grounds older than 60 years or deemed to be of heritage significance by a heritage authority- (a) not otherwise protected by the above Act and (b) not located in a formal cemetery managed or administered by a local authority, may not be damaged, altered, exhumed, inundated, removed from its original position, or otherwise disturbed without the prior written approval of the Institute having been obtained on written application to the Institute.

If, during the implementation of the housing project, graves are impacted by construction activities, then work must immediately stop and the project manager and the Institute must be informed about the incident. A written application will have to be made to the Institute for permission to repair, alter or remove the graves and only once approval has been given and the work done, can work commence again in the immediate area. Any other instructions from the Institute regarding the application must be implemented as well. The relocation of graves is not advised due to sensitivities relating to the removal of graves.

The significance of impacts on both graves and protected structures was assessed as low prior to and with mitigation measures. It is recommended that the proposed Bhambayi housing project proceed from a heritage perspective as long as the recommendations and mitigation measures provided in this report are adhered to.

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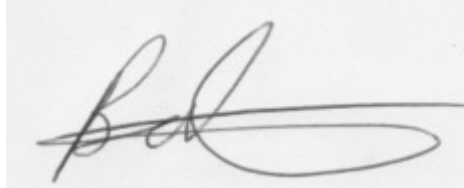
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I, **Jean Lois Beater**, act as an independent specialist for this project and I do not have any vested interest either business, financial, personal or other, in the proposed activity other than remuneration for work performed in terms of the Environmental Impact Assessment Regulations, 2014.



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|-----------------------|
| <b>AUTHOR DETAILS</b> |
|-----------------------|

| <b>Name</b>                  | <b>Qualification</b>           | <b>Professional Registration</b>   |
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## 1. INTRODUCTION

The Human Settlements and Infrastructure Department of the eThekweni Metropolitan Municipality proposes the *in-situ* housing upgrade project for a section of the area known as Bhambayi in Inanda on the properties Farm Bhambayi 17267, on Portion 501 of Farm Piezang Revier 805 and on Portion 498 of the Farm Piezang Revier No. 805.

A Phase I Heritage Impact Assessment (HIA) was undertaken to assess whether any heritage resources will be impacted by the proposed housing project.

## 2. LEGISLATIVE BACKGROUND

The proposed housing project will be approximately 70 ha in size therefore it triggers section 41 (1) (c)(i) of the KwaZulu-Natal Amafa and Research Institute Act, 2018 (Act No 5 of 2018) which lists developments or activities that require an HIA. The relevant sub-section refers to: “*any development or other activity which will change the character of a site- (i) exceeding 5000 m<sup>2</sup>*”.

The proposed project may also impact graves, structures, archaeological and palaeontological resources that are protected in terms of sections 37, 38, 39, and 40 of the KwaZulu-Natal Amafa and Research Institute Act, 2018.

Section 3 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) lists heritage resources as follows:

- (a) places, buildings, structures and equipment of cultural significance;
- (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 of cultural significance;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and paleontological 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 individuals designated by the Minister by notice in the *Gazette*;
  - (v) historical graves and cemeteries; and

- (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- (h) sites of significance relating to the history of slavery in South Africa; and
- (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) objects to which oral traditions are attached or which are associated with living heritage;
  - (iii) ethnographic art and objects;
  - (iv) military objects;
  - (v) objects of decorative or fine art;
  - (vi) objects of scientific or technological interest; and
  - (vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).

### **3. LOCATION**

The study area is situated in Inanda in an area commonly known as Bhambayi. It is located approximately 25km from Durban city centre. The bulk of the project area lies within reasonable proximity to the Dube Village Mall, but on the northern side of the M25 highway (also called Curnick Ndlovu Highway). The informal settlement where much of the project will take place is also known as Juba Blose, who was a prominent member of the community (oral comms. with B. Mthembu, Tourism Officer on 11/05/2021).

### **4. TERMS OF REFERENCE**

Undertake a Phase 1 HIA in order to determine the possible existence of heritage resources, as listed above in Chapter 2, that could be impacted by the proposed housing project Provide mitigation measures to limit or avoid the impact of the project on heritage resources (if any).

The heritage specialist will submit the HIA report to the provincial heritage resources authority, namely the KwaZulu-Natal Amafa and Research Institute (hereafter referred to as the Institute), for their consideration and comment.

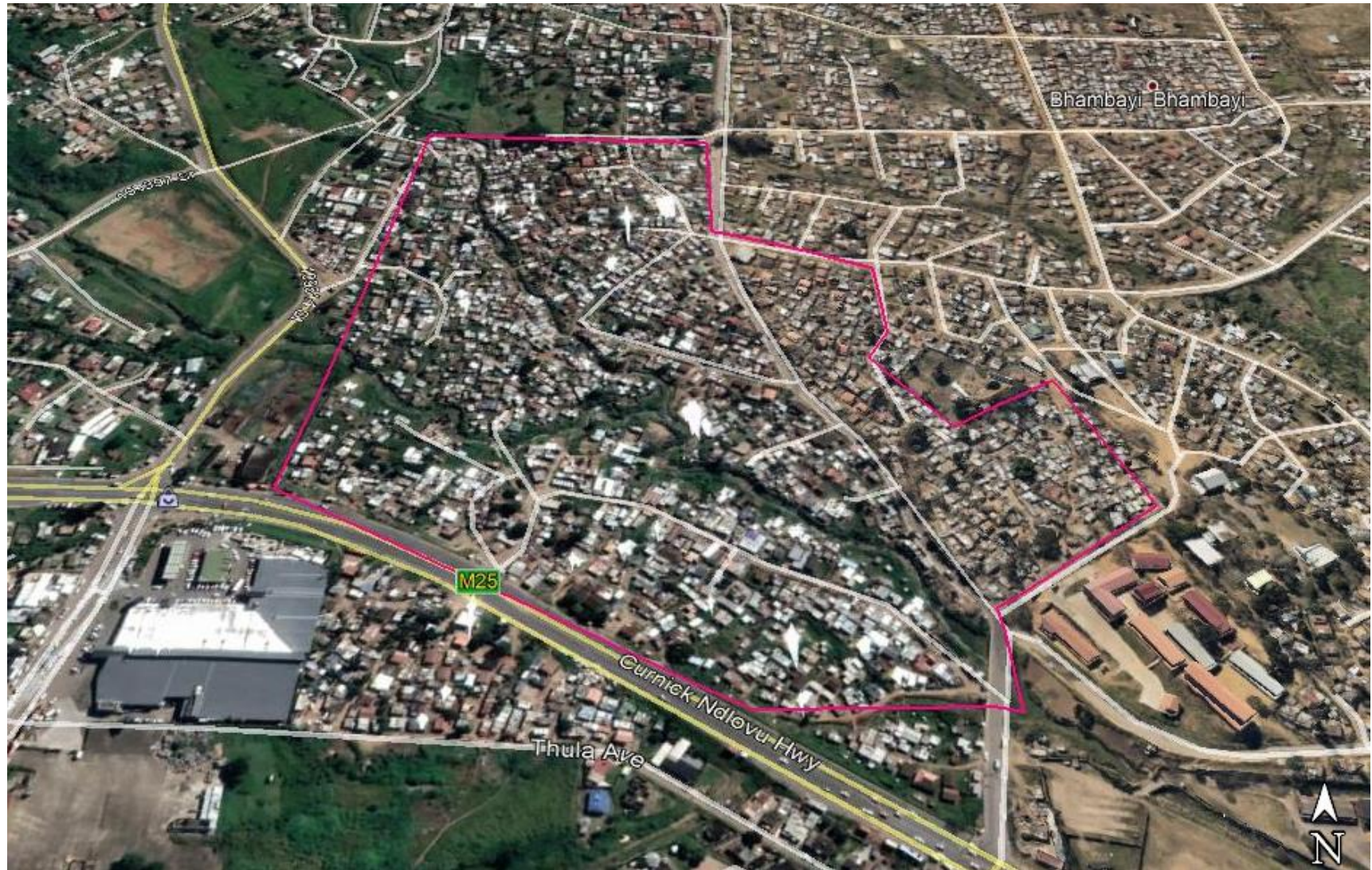


Figure 1: Proposed housing development outlined in pink



## 5. METHODOLOGY

A survey of literature, including other HIA reports completed for the wider surrounding area, was undertaken in order to ascertain the history of the area and what type of heritage resources have or may be found in the area.

In addition, historical aerial images and topographic maps of the area were consulted that were retrieved from the Department of Rural Development and Land Reform's CDNGI Geospatial Portal ([www.cdngiportal.co.za](http://www.cdngiportal.co.za)).

An inspection of the housing development site was undertaken on the 5<sup>th</sup> and 11<sup>th</sup> of May 2021. Mr B. Mthembu, Tourism Officer at Ghandi Settlement, accompanied the specialist on 11 May 2021 site inspection. Much of the study area is densely covered by formal and informal housing with several access roads and watercourses crossing the site.

## 6. HISTORICAL BACKGROUND OF THE STUDY AREA

The project area is surrounded by a lot of history. On its north-eastern boundary is the Phoenix Settlement that was established by Mohandas Gandhi in 1904 as a small, non-racial settlement. It was at the settlement that he began to formulate his notion of *satyagraha*, or passive resistance. The inhabitants of the settlement farmed and led a life based on the philosophy of *sarodiya* or the ideal life which Gandhi identified as self-sufficiency. Over time, informal townships sprang up around the settlement. The area referred to as Bhambayi was one of these townships and was the Zulu version of Bombay referring to the Indian/Gandhi settlement nearby (Derwent 2006:45-46).

In 1985, there were country wide protests against the apartheid state. In Durban, community protests were sparked by the assassination of United Democratic Front (UDF) leader Victoria Mxenge. In Inanda these protests took a different turn when Indian residents and traders were turned on which led to a large exodus of Indians into the neighbouring township of Phoenix (Desai 2014:43). The house that Gandhi lived in, his son's house and the old printing press were ransacked and virtually destroyed. These buildings have been restored and were dedicated by then President Thabo Mbeki on 27 February 2000.

About 1.5km north-west of the project area is the residence and memorial to Reverend John Langalibalele Dube at the Ohlanga Institute. The Institute offered Africans a quality education at a time when African education was neglected and undermined by the white Government. Dube was born in 1871 and in 1900 he found the Natal Native Congress which was later affiliated to the African National Congress (ANC). He was the first president of the ANC in 1912 but resigned from this position in 1919 following disagreement within the ranks of the ANC on the issue of African volunteers in World War 1. He also founded the *Illanga Lase Natal* newspaper which he ran and edited until 1934 (Derwent 2006:44-45).

Less than a kilometre west of the housing project is an area referred to as Shembes Village. Isaiah Shembe was born in 1865 at Ntabamhlophe (Estcourt Area), in the Drakensberg region of KwaZulu-Natal. He formed the Ibandla lamaNazaretha in 1910, with his converts consisting primarily of poverty-stricken migrants living at the margins of Natal's urban areas. In 1911, he purchased a freehold farm and established a holy city at eKuphakameni that sought in part to keep his people on the land free of white control. He also established a yearly pilgrimage to the Holy Mountain of Nhlangakazi (Anderson 2021:15).

## 7. RESULTS OF SITE INSPECTION

The relevant section of the 1942 topo-cadastral map (2930DB) of the project area shows an area that is cultivated, most probably with sugar cane, with a number of homesteads dotted around the proposed project area (see **Figure 2** below).

The 1967 aerial image of the project area shows an area with some habitation apart from the northern section where there is quite a number of residents. This area falls outside the project area. The cluster of buildings indicated in **Figure 3** are most likely structures connected to the Gandhi settlement and possibly the school that is situated immediately south of the Gandhi settlement.

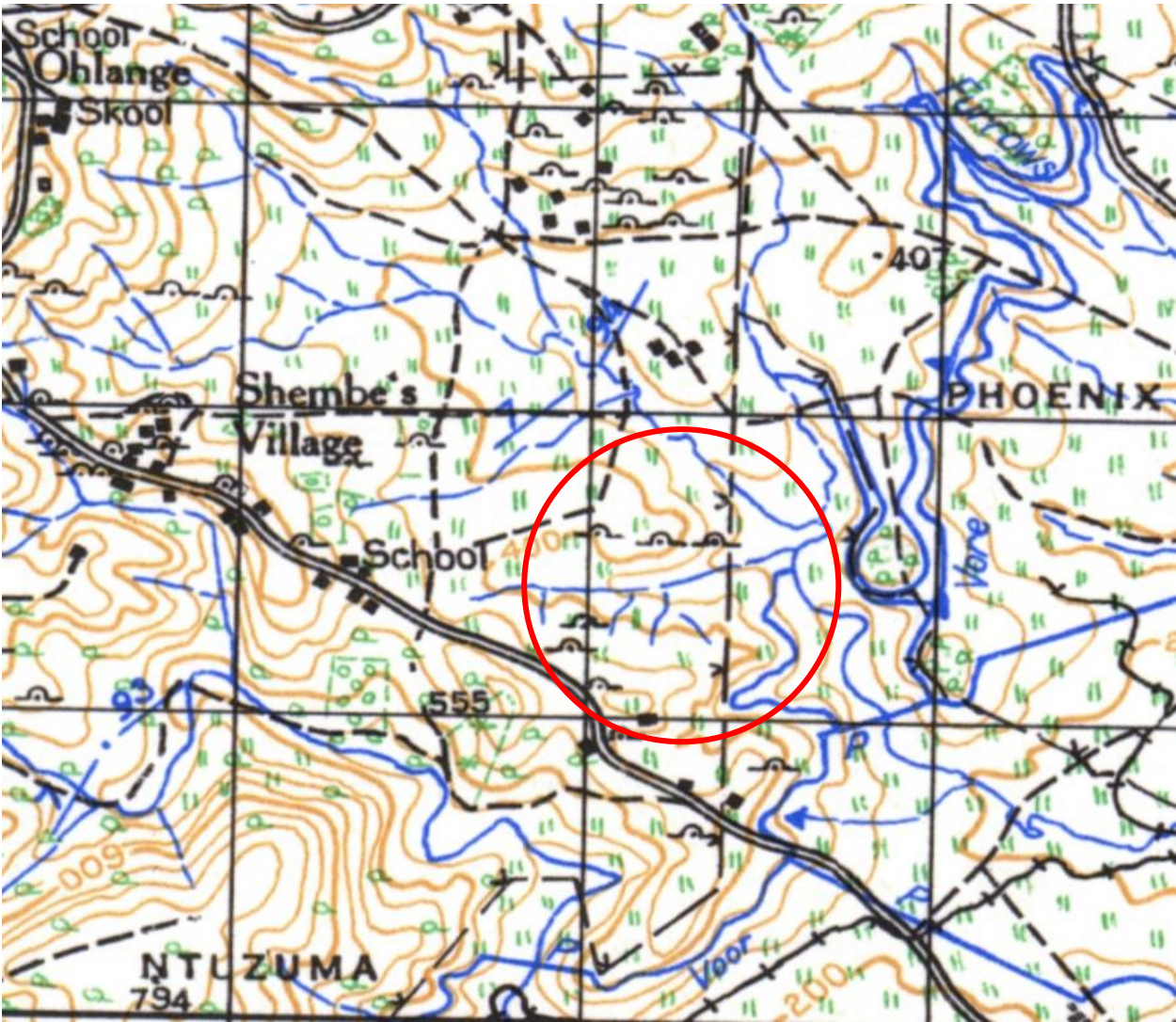


Figure 2: Relevant section of 1942 topo-cadastral map



**Figure 3: 1967 aerial image of project area indicated with yellow circle**

During the site inspection many residents were consulted regarding the presence of heritage resources such as graves. All those consulted were aware of grave sites and identified sites that are all situated outside the housing project. The sites found are listed in **Table 1** that can be found further down this section of the report. Many of the grave sites are heavily overgrown with vegetation as can be seen in **Figures 4** and **9**.



**Figure 4: Grave site situated on eastern boundary of housing project**



**Figure 5: Section of settlement to be upgraded**



Figure 6: View across housing project



Figure 7: Formal and informal housing within area of development



**Figure 8: Gandhi's house in Gandhi settlement**



**Figure 9: Grave/s situated north of housing project**

**Table 1: Heritage sites inside and close to housing project**

| COORDINATES                    | HERITAGE RESOURCE  | SIGNIFICANCE + MITIGATION MEASURES   |
|--------------------------------|--|--|
| 29°42'15.6" S<br>30°58'26.4" E | ± 10 graves situated <40m east of project area and may fall within the project boundary                | High heritage significance; must not be disturbed; 10 m buffer around grave site                                     |
| 29°42'13.5" S<br>30°58'26.3" E | Grave/s; at least one grave with headstone   | High heritage significance; located 50m north-east and outside project area; must not be impacted by housing project |
| 29°42'13.4" S<br>30°58'27.4" E | Structure that could be >60 years  | Located 70m north-east & outside project area; low heritage significance; should not be impacted by housing project. |
| 29°42'11.8" S<br>30°58'32.6" E | Graves situated over 200m north-east of housing project; located in area overgrown with bushes & trees | High heritage significance; however, should not be impacted by housing project                                       |
| 29°42'03.9" S<br>30°58'34.2" E | Cemetery with many graves >60 years; located well away from housing project                            | High heritage significance; however, should not be impacted by housing project                                       |
| 29°42'04.4" S<br>30°58'37.9" E | 11 graves; located well away from housing project  | High heritage significance; however, should not be impacted by housing project                                       |
| 29°42'12.4" S<br>30°58'39.5" E | Graves amongst housing; located well away from housing project   | High heritage significance; however, should not be impacted by housing project                                       |

The South African fossil sensitivity map indicates that the project area for the proposed housing development falls in an area of medium fossil sensitivity as indicated by the green colour in **Figure 10**. An area of medium sensitivity requires a desktop palaeontological study. It is, however, recommended that due to the very disturbed nature of the project area due to historical cultivation of the area and the current dense habitation of the area, the possibility of finding intact fossils would be very low and that no desktop study is undertaken. However, a protocol for chance fossil finds has been included in Chapter 9 of this report in case fossil finds are made found during the housing project.



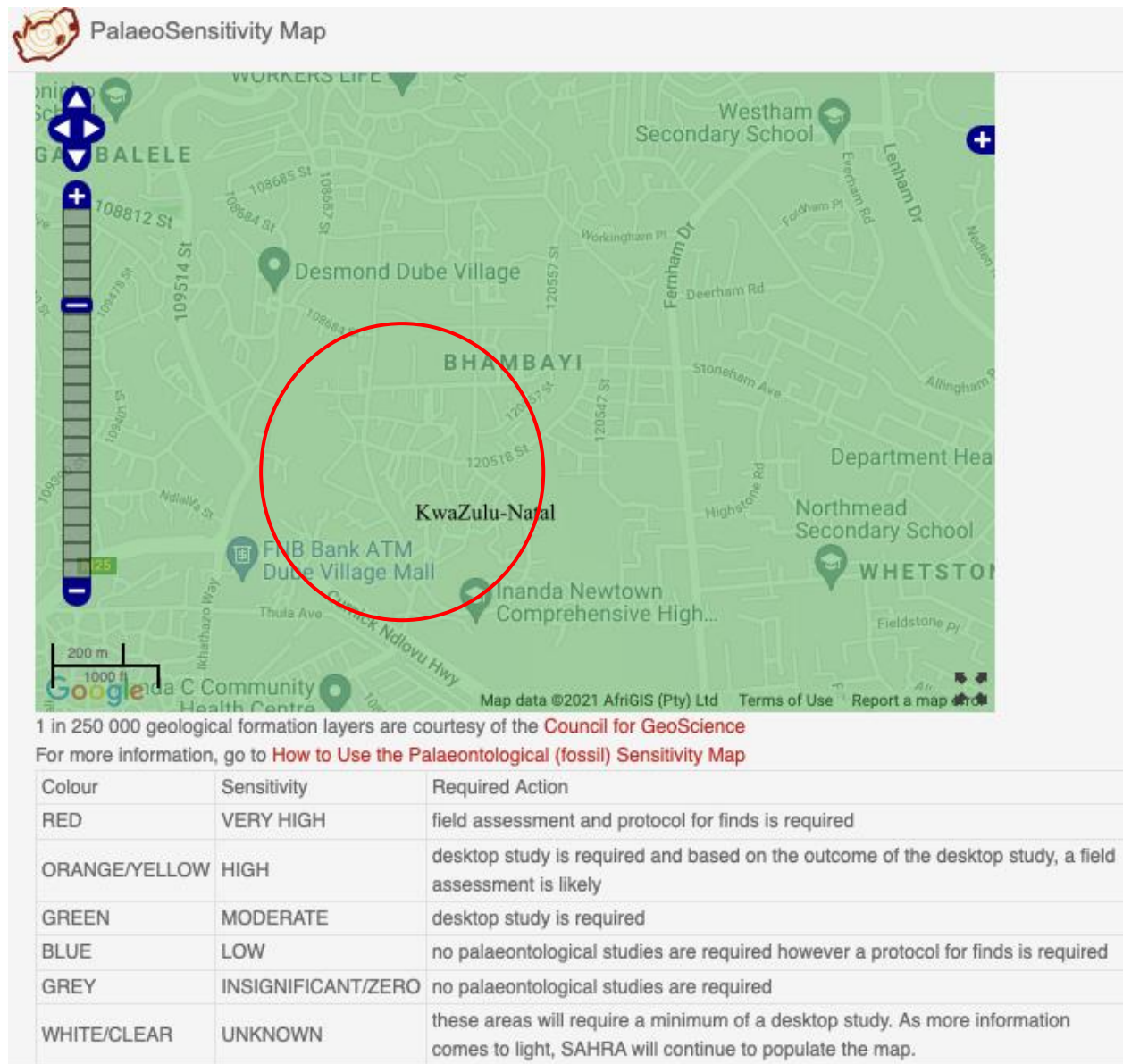


Figure 10: Fossil sensitivity of project area indicated with red circle

## 8. ASSESSMENT OF SIGNIFICANCE

The assessment of significance of impacts on heritage resources identified during the Phase 1 HIA study has been undertaken in terms of the following criteria:

- The **nature**, which shall include a description of what causes the effect, what will be affected and how it will be affected.
- The **extent**, wherein it will be indicated whether the impact will be local (limited to the immediate area or site of development) or regional, and a value between 1 and 5 will be assigned as appropriate (with 1 being low and 5 being high).
- The **duration**, wherein it will be indicated whether:

- the lifetime of the impact will be of a very short duration (0–1 years) – assigned a score of 1;
  - the lifetime of the impact will be of a short duration (2-5 years) - assigned a score of 2;
  - medium-term (5–15 years) – assigned a score of 3;
  - long term (> 15 years) - assigned a score of 4; or
  - permanent - assigned a score of 5;
- The **magnitude**, quantified on a scale from 0-10, where 0 is small and will have no effect on the environment, 2 is minor and will not result in an impact on processes, 4 is low and will cause a slight impact on processes, 6 is moderate and will result in processes continuing but in a modified way, 8 is high (processes are altered to the extent that they temporarily cease), and 10 is very high and results in complete destruction of patterns and permanent cessation of processes.
  - The **probability** of occurrence, which shall describe the likelihood of the impact occurring. Probability will be estimated on a scale of 1–5, where 1 is very improbable (probably will not happen), 2 is improbable (some possibility, but low likelihood), 3 is probable (distinct possibility), 4 is highly probable (most likely) and 5 is definite (impact will occur regardless of any prevention measures).
  - The **significance**, which shall be determined through a synthesis of the characteristics described above and can be assessed as low, medium or high; and
  - The **status**, which will be described as either positive, negative or neutral.
  - The degree to which the impact can be mitigated.

The following formula was applied to calculate the impact significance after the factors were ranked for each impact:  $SP = (\text{magnitude} + \text{duration} + \text{scale}) \times \text{probability}$ .

The significance weightings for each potential impact are as follows:

- < 30 points: Low (i.e. where this impact would not have a direct influence on the decision to develop in the area),
- 30-60 points: Medium (i.e. where the impact could influence the decision to develop in the area unless it is effectively mitigated),
- >60 points: High (i.e. where the impact must have an influence on the decision process to develop in the area).

**Table 2: Significance of impacts on graves**

| <b>Nature: Alteration, damage, destruction of graves</b>  |                           |                        |
|---|---------------------------|------------------------|
|   | <b>Without mitigation</b> | <b>With mitigation</b> |
| <b>Extent</b>   | Local (1)                 | Local (1)              |
| <b>Duration</b>   | Permanent (5)             | Permanent (5)          |
| <b>Magnitude</b>  | Moderate (6)              | Low (4)                |
| <b>Probability</b>  | Improbable (2)            | Improbable (2)         |
| <b>Significance</b>   | <b>24 (Low)</b>           | <b>20 (Low)</b>        |
| <b>Status (positive or negative)</b>  | Negative                  | Negative               |
| <b>Reversibility</b>  | None                      | Low                    |
| <b>Irreplaceable loss of resources</b>  | Yes                       | Yes                    |
| <b>Can impacts be mitigated?</b>  | Yes                       |                        |
| <b><u>Mitigation measures</u></b>   |                           |                        |
| <ul style="list-style-type: none"> <li>• 10m buffer around grave/s in which no construction activities may take place that are located within or close to the project area; 5m buffer around graves if graves are located outside project area</li> <li>• The buffer area must be clearly demarcated</li> <li>• If grave/s are damaged during construction, then work must stop in the immediate vicinity and the grave must be rehabilitated to its previous condition. If the grave/s is &gt;60 years, then the Institute must be informed and the necessary permits obtained from the Institute for the repair to the grave/s.</li> <li>• If it is decided that grave/s are to be moved, then the procedure stipulated in Section 4 of the KwaZulu-Natal Heritage Regulations, 2012 must be adhered to. Section 4 refers to the application process to be undertaken for the damage, alteration, exhumation or removal from its original position or any other disturbance of a grave in a traditional burial place or not located in a formal cemetery</li> </ul> |                           |                        |
| <b>Cumulative impacts: Low</b>  |                           |                        |

**Table 3: Significance of impacts on protected structures**

| <b>Nature: Alteration, damage, destruction of protected structures, i.e. structures &gt;60 years</b> |                           |                        |
|--|---------------------------|------------------------|
|  | <b>Without mitigation</b> | <b>With mitigation</b> |
| <b>Extent</b>  | Local (1)                 | Local (1)              |
| <b>Duration</b>  | Medium-term (3)           | Medium-term (3)        |
| <b>Magnitude</b>   | Moderate (6)              | Low (4)                |
| <b>Probability</b>   | Improbable (2)            | Improbable (2)         |
| <b>Significance</b>  | <b>Low (20)</b>           | <b>16 (Low)</b>        |
| <b>Status (positive or negative)</b>   | Negative                  | Negative               |
| <b>Reversibility</b>   | None                      | Low                    |
| <b>Irreplaceable loss of resources</b>   | Yes                       | Yes                    |
| <b>Can impacts be mitigated?</b>   | Yes                       |                        |

**Mitigation measures**

- *Prior to the destruction of any structures that could be >60 years, a built heritage specialist must assess the structure to confirm it's age.*
- *If the structure is >60 years and if it is possible, it should be left intact. However, if this is not possible, then written application must be made to the Institute according to the procedure stipulated in Section 2 of the KwaZulu-Natal Heritage Regulations that refers to applications for the demolition, alteration or addition to a structure which is, or which may reasonably be expected to be older than 60 years.*
- *If a protected structure is damaged, then all work must stop in the immediate vicinity, the Institute informed and a qualified specialist appointed to repair the building once all necessary permits obtained from the Institute*

**Cumulative impacts:** *Low*

## 9. DISCUSSION AND CONCLUSION

During the site inspections and in discussion with residents of the housing project, several grave sites were identified. All of the sites fall outside the boundary of the proposed Bhambayi Phase 1 Extension housing project and should therefore not be impacted by the proposed project.

It should be noted that graves are protected by section 39 (1) of the KwaZulu-Natal Amafa and Research Institute Act, 2018. This section states that graves or burial grounds older than 60 years or deemed to be of heritage significance by a heritage authority- (a) not otherwise protected by the above Act and (b) not located in a formal cemetery managed or administered by a local authority, may not be damaged, altered, exhumed, inundated, removed from its original position, or otherwise disturbed without the prior written approval of the Institute having been obtained on written application to the Institute.

If, during the implementation of the housing project, graves are impacted by construction activities, then work must immediately stop and the project manager and the Institute must be informed about the incident. A written application will have to be made to the Institute for permission to repair, alter or remove the graves and only once approval has been given and the work done, can work commence again in the immediate area. Any other instructions from the Institute regarding the application must be implemented as well. Although some of the graves found are not older than 60 years, graves are highly significant to many people and there are many traditional, cultural and personal sensitivities and norms concerning the relocation of graves hence the removal of graves is not advised.

The significance of impacts on both graves and protected structures was assessed as low prior to and with mitigation measures. Therefore, it is recommended that the proposed Bhambayi housing project proceed from a heritage perspective as long as the recommendations and mitigation measures provided in this report are adhered to.

## 10. MITIGATION MEASURES

- For any chance heritage finds (such as graves, etc.), all work must cease in the area affected and the Contractor must immediately inform the Project Manager in charge of the development. A heritage specialist must be called to site to inspect the finding/s. The provincial heritage resource agency, the Institute, must be informed about the finding/s.
- The heritage specialist will assess the significance of the resource and provide guidance on the way forward.
- Permits must be obtained from the Institute if heritage resources are to be removed, destroyed or altered.
- All heritage resources found in close proximity to the construction area must be protected by a 10 m buffer in which no construction can take place. The buffer material (danger tape, fencing, etc.) must be highly visible to construction crews.
- Under no circumstances may any heritage material be destroyed or removed from site unless under direction of a heritage specialist.
- Should any recent remains be found on site that could potentially be human remains, the South African Police Service (SAPS) as well as the Institute must be informed. No SAPS official may remove remains until the correct permit/s have been obtained.
- In terms of a Chance Fossil Find Protocol, the following should be adhered to:
  - When construction activities begin, any rocks disturbed during this process must be given a cursory inspection by the environmental officer or designated person. Any fossiliferous material (trace fossils, plants, insects, bone, and coal) should be put aside in a suitably protected place.
  - Photographs of possible fossils should be sent to a palaeontologist for preliminary assessment.
  - If there is any possible fossil material found by the environmental officer/miners then the qualified palaeontologist must be sub-contracted in order for them to visit the site to inspect the selected material and check the dumps where feasible.
  - Fossil plants or vertebrates that are considered to be of good quality or scientific interest by the palaeontologist must be removed, catalogued and housed in a suitable institution where they can be made available for further study. Before the

fossils are removed from the site, permit must be obtained from the Institute. Annual reports must be submitted to the Institute as required by the relevant permits.

## 11. REFERENCES

Anderson, G. 2021. A desktop study for the placement and operation of the aerial fibre optic network in KwaMashu, Inanda, Phoenix and Ntuzuma, eThekweni Municipality

Derwent, S. 2006. KwaZulu-Natal Heritage Sites. A guide to some great places. Claremont: David Philip

Desai, A. 2014. The eye of a violent storm: Inanda, 1985 in *New Contree: A journal of Historical and Human Sciences for Southern Africa*. 70:43-63, Nov. [<http://dspace.nwu.ac.za/handle/10394/4969>]