

HERITAGE IMPACT ASSESSMENT OF THE PROPOSED GROUTVILLE SEWER PIPELINE WITH SPECIAL EMPHASIS ON THE LUTHULI MEMORIAL AND THE CEMETERY ADJACENT TO THE MVOTI RIVER.



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LIST OF ABBREVIATIONS AND ACRONYMS

EIA	Early Iron Age
ESA	Early Stone Age
HISTORIC PERIOD	Since the arrival of the white settlers - c. AD 1820 in this part of the country
IRON AGE	Early Iron Age AD 200 - AD 1000 Late Iron Age AD 1000 - AD 1830
LIA	Late Iron Age
LSA	Late Stone Age
MSA	Middle Stone Age
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998 and associated regulations (2006).
NHRA	National Heritage Resources Act, 1999 (Act No. 25 of 1999) and associated regulations (2000)
SAHRA	South African Heritage Resources Agency
STONE AGE	Early Stone Age 2 000 000 - 250 000 BP Middle Stone Age 250 000 - 25 000 BP Late Stone Age 30 000 - until c. AD 200

EXECUTIVE SUMMARY

A heritage survey of the proposed Groutville Sewer Pipeline – at Groutville, KwaDukuza identified two heritage sites. These sites include the Chief Albert Luthuli Memorial and an informal cemetery adjacent to the Mvoti River. It is proposed that the developer maintain a buffer of approximately 20m around the Luthuli memorial. A buffer of approximately 20m must be maintained around the cemetery as well. A fence with an entrance gate should be erected at the western border of the cemetery. Apart from maintaining these buffer areas there is no reason why the proposed development may not proceed on the remainder of the project area as planned. However, should the developer wish to develop within the buffer zones then mitigation measures must be initiated under the auspices of the local heritage agency Amafa. This will include a second phase archaeological impact assessment, the application of a permit and the possible exhumation of certain graves. Attention is drawn to the South African Heritage Resources Act, 1999 (Act No. 25 of 1999) and the KwaZulu-Natal Heritage Act (Act no 4 of 2008) which, requires that operations that expose archaeological or historical remains should cease immediately, pending evaluation by the provincial heritage agency.

1 BACKGROUND INFORMATION ON THE PROJECT

Table 1. Background information

Consultant:	Frans Prins (Active Heritage cc) for Siyazama Consulting
Type of development:	Proposed sewer line for Groutville. Phase 1a traverses approximately 7km of sugar cane farms from the Kwadukuza STW at Stanger, past the Gledhow Mill, across the mVoti river to the pump station at Njekane (Fig 1) A section of the sewer pipeline pass near an informal cemetery and a memorial erected to honour Chief Albert Luthuli (Fig 2). These areas were assessed in terms of the potential impact of the proposed sewerage line on the heritage features.
Rezoning or subdivision:	Rezoning
Terms of reference	To carry out a Heritage Impact Assessment
Legislative requirements:	The Heritage Impact Assessment was carried out in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and following the requirements of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) and the KwaZulu-Natal Heritage Act, 1997 (Act No. 4 of 2008)

1.1. Details of the area surveyed:

The project falls into the Kwadukusa Local Municipality in the province of Kwa-Zulu Natal (Fig 1). The coordinates of the proposed sewerage pipeline are:

Start - 29° 30' 05" S 31° 16' 52" E

End - 29° 20' 17" S 31° 18' 25" E

The area is part of a gently undulating landscape typical of the KwaZulu-Natal north coast, with gentle to moderate slopes. Little indigenous vegetation remains as the route is almost entirely transformed to intensive sugar cane production. The route crosses the mVoti river and a number of wetlands associated with the drainage lines. With the exception of the river crossing and the pump stations, the proposed route comprises a buried pipeline which will allow the existing landuse to remain. Once the pipe is laid in the 3m servitude the land can be returned to cultivation. It is proposed to strap the sewer line to the existing piers of the old railway line bridge as it crosses the MVoti River, so disturbance to the river system will be minimized. Formal and informal dwellings occur in the close vicinity of the pipeline route; however, none appear to be closer than 50m from the trajectory.

BACKGROUND TO ARCHAEOLOGICAL HISTORY OF AREA

The greater Kwa Dukuza area, including Groutville, has been relatively well surveyed for archaeological heritage sites by the KwaZulu-Natal Museum, post-graduate students from the Universities of Cape Town and the Witwatersrand, and subsequently by private heritage consultants in the last few years.

The available evidence, as captured in the Amafa and the KwaZulu-Natal Museum heritage site inventories, indicates that this area contains a wide spectrum of archaeological sites covering different time-periods and cultural traditions. Eighty heritage sites occur within this area. These range from Early Stone Age, Middle Stone Age, and Later Stone Age to Early Iron Age, Middle and Later Iron Age sites as well as historical sites relating to the rise of the Zulu Kingdom and the subsequent colonial period. One notable Middle Stone Age site, i.e. Segubudu near Stanger have been

excavated in the last two decades by the University of the Witwatersrand and yielded impressive archaeological stratigraphies relating to the period associated with the origins of anatomically modern people (Mitchell 2002). The available data base also indicates seven archaeological sites in the near vicinity of the project area. These include a midden with Middle Stone Age and later Stone Age material to the immediate south of the study area. Closer to the coast archaeologists have also identified two Early Iron Age sites, and four middens with Later Iron Age material.

Around 1 700 years ago an initial wave of Early Iron Age People settled along the inland foot of the sand dunes on sandy but humus rich soils which would have ensured good crops for the first year or two after they had been cleared. These early agro-pastoralists produced a characteristic pottery style known as Matola. The Matola people also exploited the wild plant and animal resources of the forest and adjacent sea-shore. The communities seems to been small groups of perhaps a few dozen slash-and burn cultivators, moving into a landscape sparsely inhabited by Later Stone Age San hunter-gatherers.

By 1500 years ago another wave of Iron Age migrants entered the area. Their distinct ceramic pottery is classified to styles known as “Msuluzi” (AD 500-700), Ndondondwane (AD 700-800) and Ntshekane (AD 800-900). Three sites belonging to these periods occur along the banks of the Tugela River to the immediate north of the project area. Some of these, such as the Ndondondwane and Mamba sites have been excavated by archaeologists (Maggs 1989:31; Huffman 2007:325-462). Some Early Iron Age potsherds have been located by archaeologists from the then Natal Museum closer to Maphumulo but these sites have not been thoroughly investigated.

The greater Kwa Dukuza area is also intimately associated with the rise of the Zulu Kingdom of Shaka in the early 1820's. It is at Stanger where King Shaka had his capital Kwa Dukuza and where he was murdered by his half brothers Dingane and Mhlangane. The exact spot of Shaka's death is thought to be where an old mahogany tree now grows in the grounds of the Stanger/Kwa Dukuza municipal offices. The grain pit where Dingane is though to have secretly buried Shaka is marked by a large rock in the King Shaka Memorial Garden in the town. The Zulu people erected this memorial during the reign of King Solomon (1913-1932). An interpretative centre has since been added. Also in Stanger near King Shaka's memorial, is a small river known as Shaka's spring. From here, unpolluted water was collected for the king's use. Nearby on the

Imbozamo River, was Shaka's Bathing Pool and Shaka's Cave where he would rest after swimming. Not much further off is the famous Execution Cliff where executions were carried out on Shaka's orders (Derwent 2006). The battle of Ndondakusuka, which saw the rise of power of king Cetshwayo in 1856, took place near the mouth of the Tugela River to the immediate north east of the study area.

The colonial history of the area starts around 1820 when early English ivory traders established themselves at Port Natal (Durban). Dutch descendants (i.e. Voortrekkers) moved into the area soon after 1834 and established a short lived Boer republic called Natalia. However, by 1845 Natal became a British colony. In 1879 Zulu-land was invaded by British forces and the area annexed soon thereafter. Colonial buildings dating from the later 19th century as well as subsequent periods abound in the greater Durban and Stanger areas. These, like the archaeological resources of the province, are also protected by heritage legislation.

The area also played an important role in the more recent struggle-era history of the country. It was at Groutville, a small village to the south of Stanger/Kwa Dukuza that Chief Albert Luthuli, then president of the African National Congress and Nobel Peace Prize Winner, was based for most of his life (Derwent 2006). His home at Groutville has recently been declared a National Heritage Site and developed into a museum that was officially opened on 21 August 2004. The Luthuli Museum includes the original 1927 home of Chief Albert Luthuli that is situated on 3233 Nokukhanya Luthuli Street. A modern interpretive centre that houses temporary exhibits has also been added to the complex. Set in lovely landscaped gardens, the grounds provide the ideal setting in which to absorb the history and achievements of a man who became the first African to receive the Nobel Prize for Peace. Chief Albert Luthuli was a leader ahead of his time whose commitment to non-violence, non-racialism, democracy and human rights has left an enduring legacy.

A Short History of Chief Albert Luthuli:

Chief Albert John Mvumbi Luthuli was president of the African National Congress from 1952 until his death in 1967. He was born in Solusi Mission, near Bulawayo, Zimbabwe in 1898 – the son of translator and Seventh Day Adventist mission worker, John Bunyan Luthuli and his wife Mtonya.

His father died shortly after his birth and in 1908 the family returned to their ancestral home in Groutville, KwaDukuza (Stanger) on the North Coast of KwaZulu-Natal. He started his school career at a nearby Mission School and went on to study at the Ohlange institute which was founded by Dr John Dube, the first president of the South African National Native Congress or (SANNC) as the ANC was then called. He went on to do a two year teacher training course at a Methodist institution in Edendale, near Pietermaritzburg and later accepted his first post running a small school at Blaauwbosch in the Midlands. He then trained further at Adams College and on completion of his studies was offered a bursary from Fort Hare University. He decided instead to continue teaching. Thereafter he was appointed to the staff at Adams College specialising in isiZulu and Music. In 1927 Albert Luthuli married Nokukhanya Bhengu, granddaughter of the Zulu Chief Dhlokolo of the Ngqolosi. Between the years 1929 and 1945 they had seven children.

In 1928 he was elected secretary of the African Teachers Association, a position he held until 1933, when he became president of the same body, founding the Zulu Language and Cultural Society as its auxiliary. Luthuli returned to Groutville in 1936 to take up a position of chief to which he had been elected by the 'Abasemakholweni' people. He joined the African National Congress in 1945 and the next year, was elected to the Native Representative Council - an advisory body that was later disbanded. In 1951 his position as president of the Natal branch of the ANC put him on a path of conflict with his government sanctioned role as tribal chief. His public support for the Defiance Campaign of 1952, a non-violent protest against the repressive Pass laws, then brought him into conflict with the state. He was then deposed as a chief and in response to this issued a public statement called 'the Road to Freedom is Via the Cross'.

In December 1952 he was elected president general of the ANC and together with the then provincial president for the ANC in Transvaal Nelson Mandela and nearly 100 others, faced a government banning order. In 1956 Luthuli - along with 145 others ANC leaders - was arrested on a charge of high treason. He was released in the early stages of the trial and though the repeated banning orders were causing operational difficulties for the ANC leadership, Luthuli was re-elected as president general in 1955 and then again in 1958. It was a position he held until his untimely death in 1967.

In response to the shooting of peaceful demonstrators on 21 March 1960 in Sharpeville, Luthuli publically burnt his pass book and called on South Africans to

observe a national day of mourning. He was detained and given a suspended sentence and then released. He was further confined to a smaller area of his home under the Suppression of Communism Act and banned from receiving visitors, issuing statements and attending church services.

In 1961, for his outstanding efforts to secure political freedom in apartheid South Africa, Chief Luthuli received the 1960 Nobel Prize for Peace. Facing mounting pressure nationally and internationally, the South African government permitted Luthuli to travel to Norway to receive his award.

A year later he was not however allowed to travel to the United Kingdom when he was appointed honorary rector of the University of Glasgow. In the same year, his autobiography 'Let My People Go' was published.

Recognition of Luthuli's stature as an international icon in the fight for human dignity attracted many luminaries to his home among whom was US Senator Robert Kennedy who paid him an unofficial visit in 1966. Chief Luthuli led the ANC until 21 July 1967 when while out on a walk near his home he was reportedly struck by a train and killed. At the time of his death he was still under a restriction order (ibid). A small memorial has been erected near the spot where he was allegedly killed (Figs 5 & 6).

2 BACKGROUND INFORMATION OF THE SURVEY

2.1 Methodology

A desktop study was conducted of the archaeological databases housed in the KwaZulu-Natal Museum. The SAHRIS website was consulted for previous heritage surveys and heritage site data covering the project area. In addition, the available archaeological and heritage literature covering the greater Kwa Dukuza area was also consulted.

A ground survey, following standard and accepted archaeological procedures, was conducted. Particular attention was focused on the area surrounding the memorial commemorating the spot where Chief Albert Luthuli was killed and an informal cemetery situated in the close vicinity of the proposed pipeline trajectory adjacent to the Mvoti River (Fig 2).

2.2 Restrictions encountered during the survey

2.2.1 Visibility

Visibility was good.

2.2.2 Disturbance

No disturbance of any potential heritage features was noted.

2.3 Details of equipment used in the survey

GPS: Garmin Etrek

Digital cameras: Canon Powershot A460

All readings were taken using the GPS. Accuracy was to a level of 5 m.

3 DESCRIPTION OF SITES AND MATERIAL OBSERVED

3.1 Locational data

Province: KwaZulu-Natal

Municipality: Kwa Dukuza Local Municipality

Towns: Stanger, Groutville

3.2 Description of the general area surveyed

Two heritage sites occur along the proposed sewerage pipeline trajectory. These include a memorial erected near the location where Chief Albert Luthuli was killed on 21 July 1967 and an informal cemetery situated adjacent to the Mvoti River (Fig 2). Although the nearby grave and homestead of Chief Albert Luthuli has special provincial heritage status this has not been afforded to the memorial. The vast majority of graves within the informal cemetery appear to be younger than 60 years and it is therefore not strictly protected by heritage legislation. All these graves appear to be younger than 60 years old. However, other legislations apply to these graves, such as the Human Tissues Act (Act No.65 of 1983 and as amended), the Removal of Graves

and Dead Bodies Ordinance (Ord. No. 7 of 1925) and the Exhumations Ordinance (Ord. No. 12 of 1980).

None of the two heritage sites described are situated on the direct path of the proposed pipeline. However, the memorial is situated approximately 28m to the east of the proposed trajectory (Fig 3) and the informal cemetery approximately 20 m to the east of the pipeline (Fig 4). A more detailed description of the context of these sites is presented in Table 2.

Table 2. Heritage sites located during the ground survey.

No	Heritage site category	Brief description	Significance (Table 3)	Mitigation	GPS Latitude and Longitude
1	Chief Albert Luthuli Memorial	A small memorial constructed in the 1990s to commemorate Chief Albert Luthuli. This memorial is situated near the railway line where Chief Albert Luthuli had his tragic accident in 1967. It covers an area of approximately 2m x 3m (Figs 6 & 7)	This site has not been declared a national heritage site. However, it is of high significance locally (Table 3) and forms part of the greater landscape associated with Chief Albert Luthuli at Groutville. It is of prime heritage value and is protected by National Heritage legislation.	Strictly maintain a 20m buffer zone around the memorial. This would be possible given the proposed pipeline trajectory. The memorial is well demarcated. No disturbance is allowed within the buffer zone.	S 29° 22' 53.50" E 31° 16' 59.35"
2	Informal cemetery	An informal cemetery. It is situated between a dirt road and the Mvoti River (Fig 3 & 5). The cemetery consists of approximately 240 graves. It covers a total area of approximately 120m x 80m (Fig 5). The majority of these are informal and unmarked soil heaps	The cemetery is still in use and it is therefore rated as of high significance locally (Table 3).	Strictly maintain a 20m buffer zone around the cemetery. The proposed pipeline is situated approximately 20m from the western boundary of the cemetery (Fig 6). As it is impossible to move the pipeline further east this buffer zone	S 29° 22' 16.93" E 31° 17' 38.60"

(now covered by grass, Figs 8 & 9). Some graves are marked and indicated by crosses and concrete slabs and headstones. The consultant could not locate any grave that appears to be older than 60 years.

must be strictly enforced. It is therefore also suggested that the developers erect a fence and an entrance gate on this western boundary of the cemetery.

Alternatively motivate for a second phase heritage impact assessment, by a grave relocation expert. A comprehensive community consultation process will have to be initiated to arrange for potential grave exhumation and reburial (Appendix 1).

4 STATEMENT OF SIGNIFICANCE (HERITAGE VALUE)

4.1 Field Rating

Both the Alfred Luthuli Memorial site and the informal cemetery is rated as Local Grade 111A (Table 3). They have been afforded high significance locally.

Table 3. Field rating and recommended grading of sites (SAHRA 2005)

Level	Details	Action
National (Grade I)	The site is considered to be of National Significance	Nominated to be declared by SAHRA
Provincial (Grade II)	This site is considered to be of Provincial significance	Nominated to be declared by Provincial Heritage Authority
Local Grade IIIA	This site is considered to be of HIGH significance locally	The site should be retained as a heritage site
Local Grade IIIB	This site is considered to be of HIGH significance locally	The site should be mitigated, and part retained as a heritage site
Generally Protected A	High to medium significance	Mitigation necessary before destruction
Generally Protected B	Medium significance	The site needs to be recorded before destruction
Generally Protected C	Low significance	No further recording is required before destruction

5 RECOMMENDATIONS

The proposed sewerage pipeline development may proceed but under the following conditions:

- A buffer zone of 20m must be strictly maintained around the Chief Albert Luthuli Memorial. No development or removal and alternation of items or features may take place within this buffer zone. The memorial is clearly demarcated and situated on a rise above the surrounding area. There is therefore no need to erect a fence or a barrier to prevent possible damage.

- A buffer zone of 20m must be maintained around the informal cemetery. As it is not possible to move the pipeline trajectory further west this buffer zone must be strictly maintained.
- It is further suggested that the developers erect a barrier fence with an entrance gate at the western border of the informal cemetery. This fence can be erected within 5m from the cemetery border (approximately 15m from the pipeline trajectory). It is suggested that the fence be at least 50m long.
- Should the developer wish to develop within the buffer zones then mitigation measures must be initiated under the auspices of the local heritage agency Amafa. This will include a second phase archaeological impact assessment by a built heritage specialist, the application of a permit, and the possible exhumation of certain graves..

Apart from these concerns there is no archaeological reason why the proposed pipeline development may not take place on the remainder of the project area as planned. It should, however, be pointed out that the KwaZulu-Natal Heritage Act requires that operations exposing archaeological and historical residues should cease immediately pending an evaluation by the heritage authorities.

6 MAPS AND FIGURES

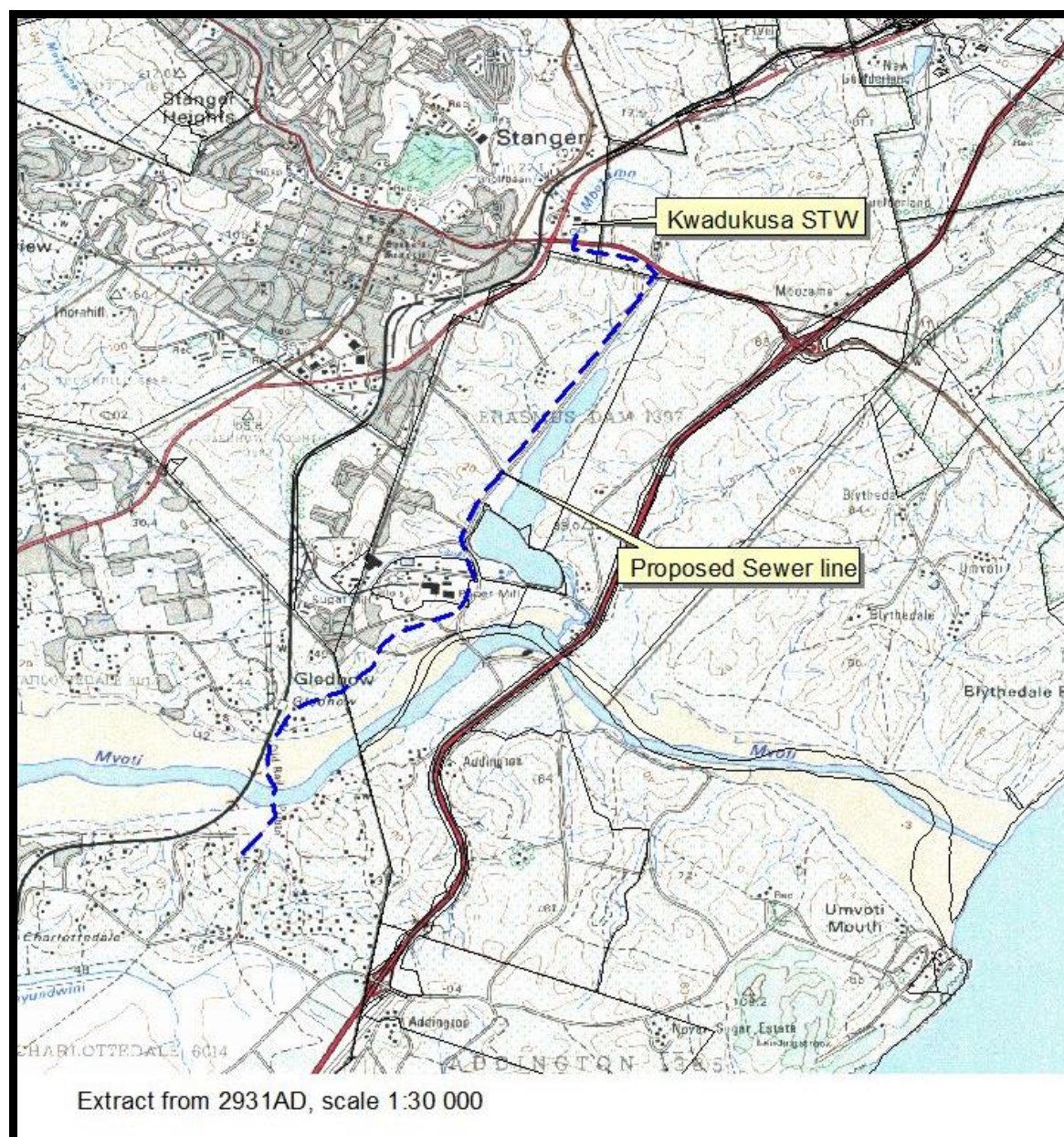


Figure 1. Map showing the proposed sewer line from Groutville D:Phase 1a Njekana to KwaDukuza STW.

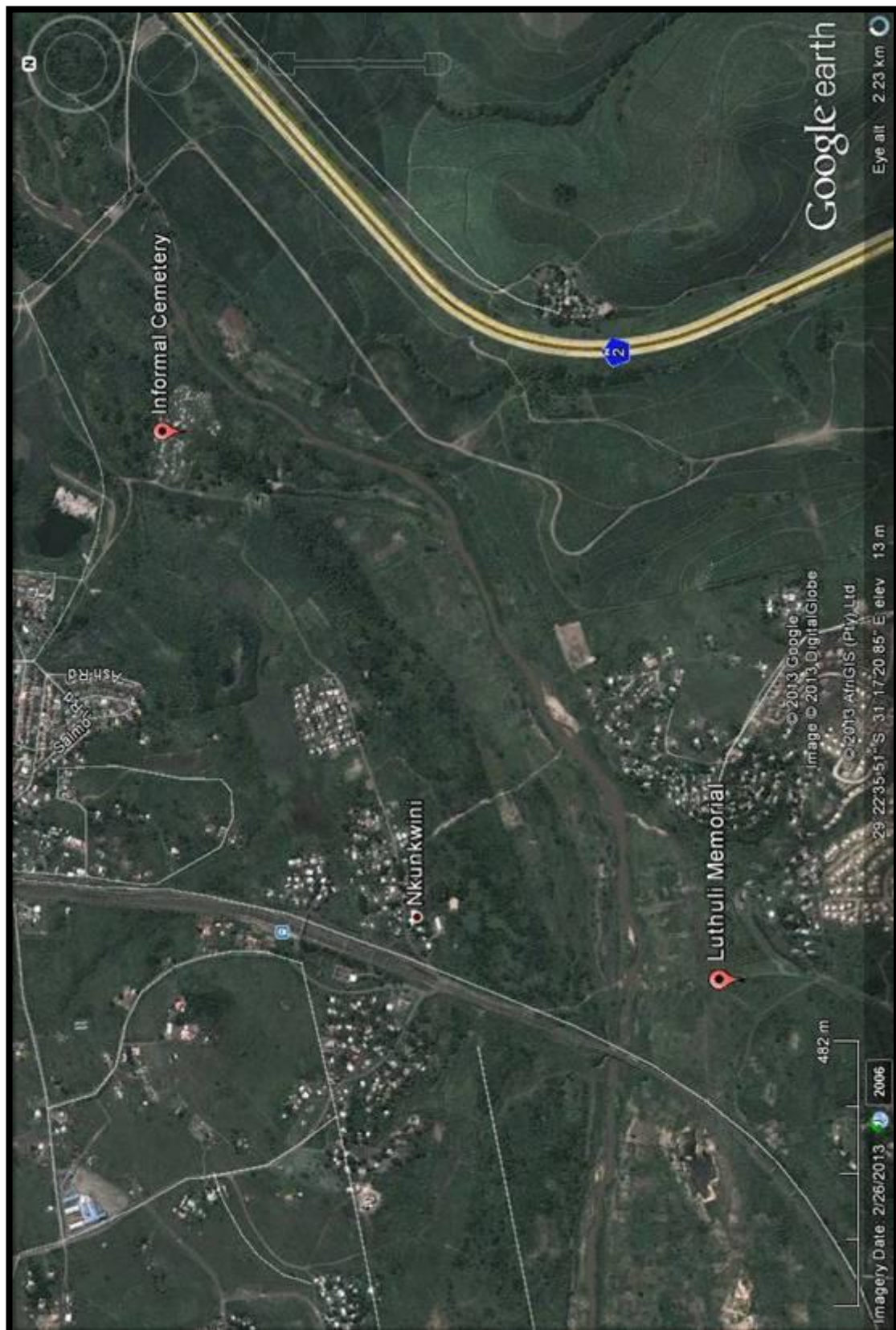


Figure 2. Google aerial photograph showing the location of heritage sites in the project area.

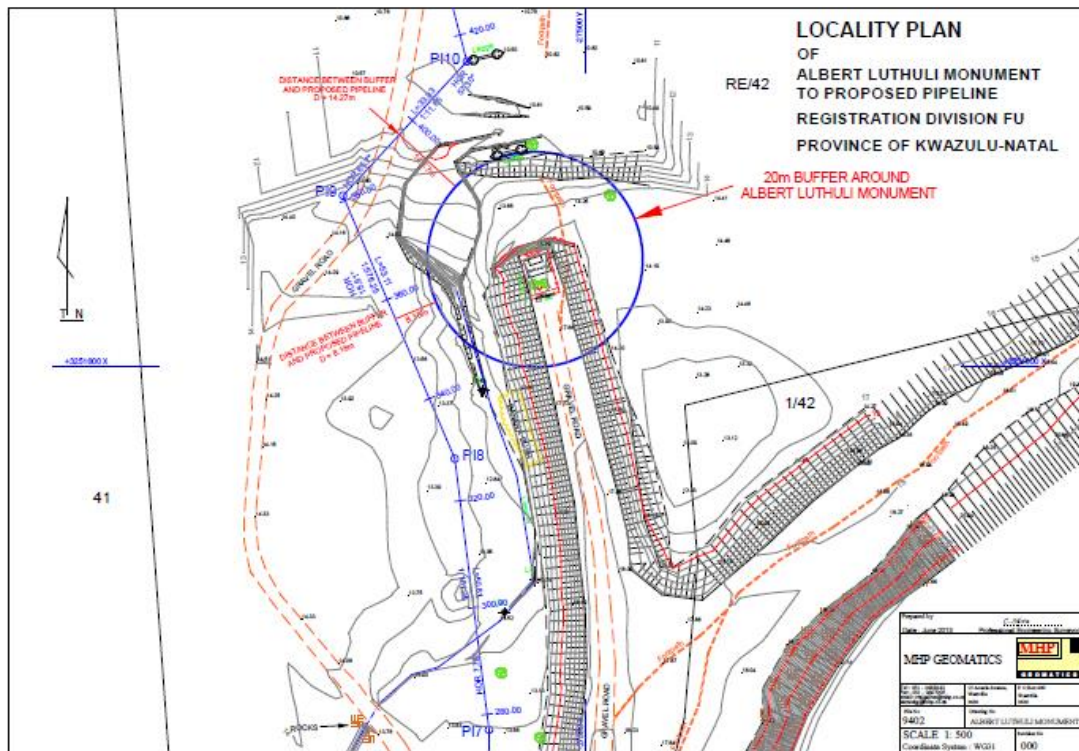


Figure 3. Map showing the location of the Luthuli Memorial relative to the proposed pipeline (Source: MHP)

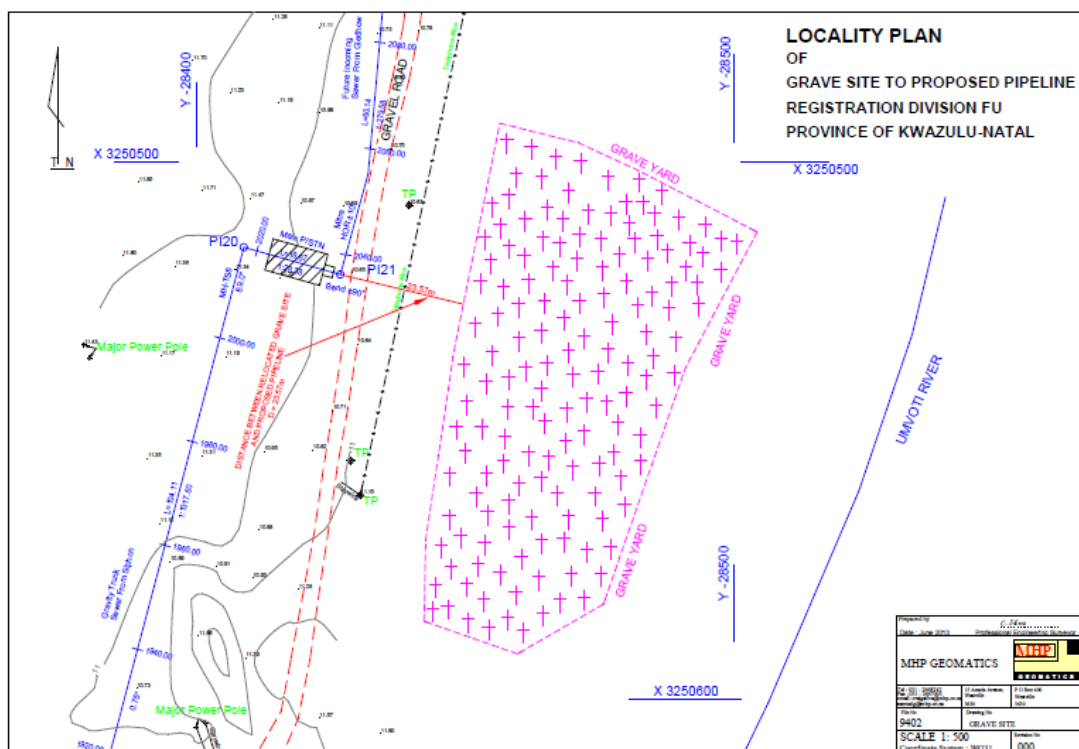


Figure 4. Map showing the location of the Informal Cemetery relative to the proposed pipeline (Source: MHP).



Figure 5. Photograph of the Chief Albert Luthuli Memorial .



Figure 6. Photograph of the Luthuli Memorial situated on a rise on the south bank of the Mvoti River. The memorial is delineated by a concrete fence.



Figure 7. Photo of the informal cemetery situated on the north bank of the Mvoti River. Most of the graves are unmarked soil heaps covered by grass.



Figure 8. Photograph of grave marked by a headstone.

7 REFERENCES

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APPENDIX 1

RELOCATION OF GRAVES

Burial grounds and graves are dealt with in Article 36 of the NHR Act, no 25 of 1999. Below follows a broad summary of how to deal with grave in the event of proposed development.

- If the graves are younger than 60 years, an undertaker can be contracted to deal with the exhumation and reburial. This will include public participation, organising cemeteries, coffins, etc. They need permits and have their own requirements that must be adhered to.
- If the graves are older than 60 years old or of undetermined age, an archaeologist must be in attendance to assist with the exhumation and documentation of the graves. This is a requirement by law.

Once it has been decided to relocate particular graves, the following steps should be taken:

- Notices of the intention to relocate the graves need to be put up at the burial site for a period of 60 days. This should contain information where communities and family members can contact the developer/archaeologist/public-relations officer/undertaker. All information pertaining to the identification of the graves needs to be documented for the application of a SAHRA permit. The notices need to be in at least 3 languages, English, and two other languages. This is a requirement by law.
- Notices of the intention needs to be placed in at least two local newspapers and have the same information as the above point. This is a requirement by law.
- Local radio stations can also be used to try contact family members. This is not required by law, but is helpful in trying to contact family members.
- During this time (60 days) a suitable cemetery need to be identified close to the development area or otherwise one specified by the family of the deceased.
- An open day for family members should be arranged after the period of 60 days so that they can gather to discuss the way forward, and to sort out any problems. The developer needs to take the families requirements into account. This is a requirement by law.

- Once the 60 days has passed and all the information from the family members have been received, a permit can be requested from SAHRA. This is a requirement by law.
- Once the permit has been received, the graves may be exhumed and relocated.
- All headstones must be relocated with the graves as well as any items found in the grave

