



The KwaZulu-Natal Amafa and Research Institute
195 Jabu Ndlovu Street Pietermaritzburg 3200
Telephone 033 3946 543
bernadetp@amafapmb.co.za

14 November 2021

Attention Bernadet Pawandiwa

**Proposed Extension of Acaciavale Township Development
Alfred Duma Local Municipality, Thukela DM, KwaZulu-Natal**

Project Area and Project description¹

Alfred Duma Municipality intends to undertake a low-income housing project on currently vacant land located at the south-eastern outskirts of Ladysmith. The Acaciavale Housing Project is a prioritised development in the Integrated Development Plan of the Alfred Duma Municipality. It is in response to the need for the municipality to address its housing delivery backlog as part of its social responsibility and commitment to facilitating social development under administrative authority. The project is located on a stretch of vacant land comprising 58 hectares, north of the existing Acaciavale Township. The land on which this development is proposed is described as Rem of Portion 1 Ladysmith. The land use surrounding the development site is predominantly settlement. (See Fig.1).

Farm Name	Rem of Portion 1 Ladysmith
Point GPS Coordinates of Site	S29 ⁰ 35' 16.8" and E29 ⁰ 48' 39.6"
SG 21digit No.	NOGS01770000173300000

NDG – Africa was the appointed Independent Environmental Assessment Practitioner (EAP) to undertake the EIA in terms of NEMA (Act No.107 of 1998), as amended.

¹ Information provided by Lwazi Projects Management
Suite 1 LWAZI HOUSE
11 Linden Road
Essenwood 4001.

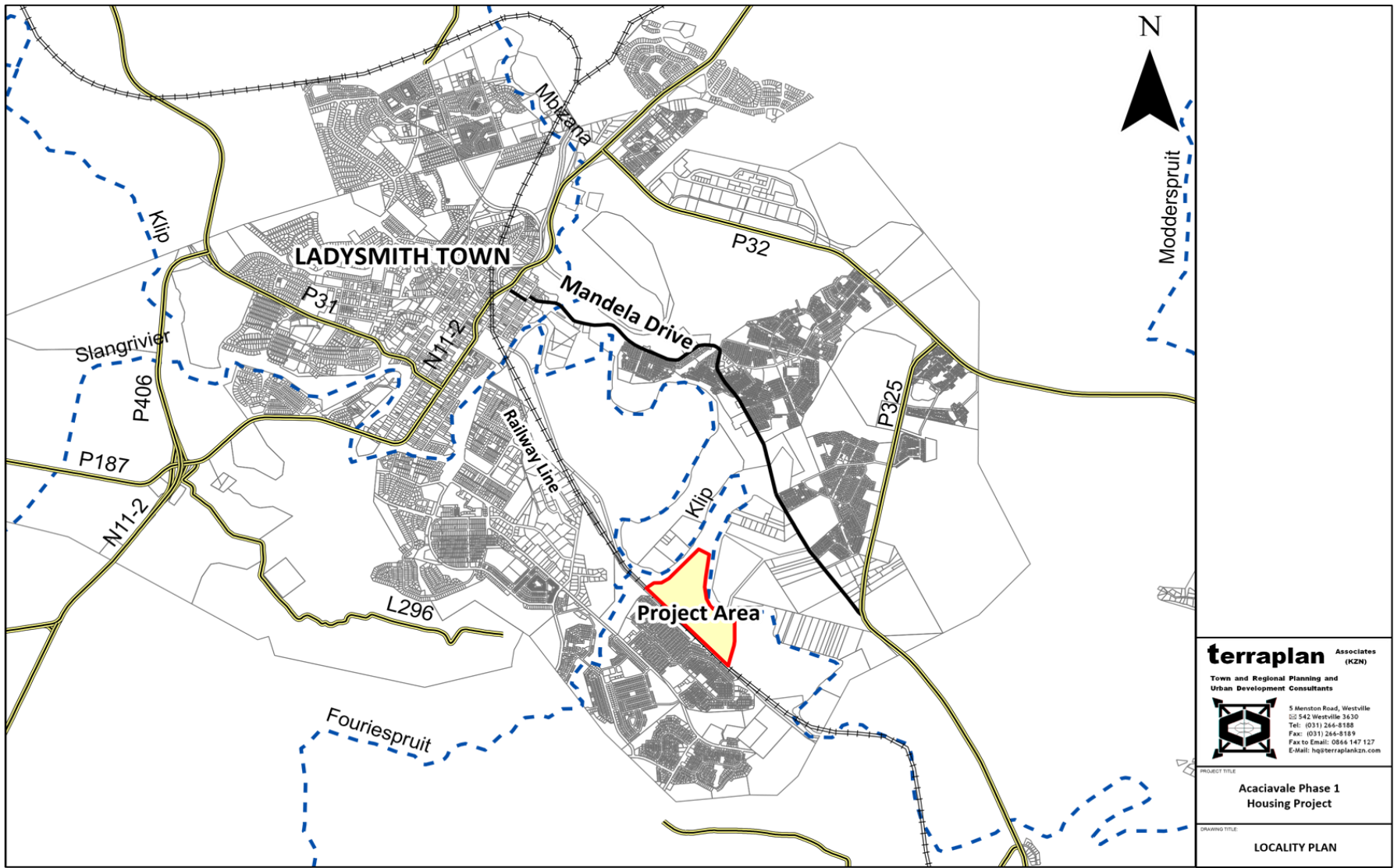


Figure 1 Location map of proposed Acaciavale Extension



Figure 2 Aerial view of the Ntombi Memorial Cemetery (red rectangle) in relation to the the proposed housing development footprint (see kml. loaded to SAHRIS Case File).

Vhubvo Consultancy Cc submitted an Archaeological and Cultural-Heritage Impact Assessment study for the proposed Acaciavale housing project to KwaZulu-Natal Amafa and Research Institute in October 2020 (SAHRIS Case ID: 13529). In your Final Comment correspondence to the applicant (Ref: SAH20/13529) the following was stated:

- 1. Public participation is required to ensure that the community is notified of the development and that the descendants are found/notified.***
 - 2. A heritage practitioner must supervise earth moving activities to ensure that no heritage resources, known or unknown, are damaged or destroyed.***
 - 3. A Heritage management plan must be produced before development takes place to ensure the effective managing of all heritage resources located within the development footprint.***
- ***The KwaZulu-Natal Amafa and Research Institute therefore have no objection to the development.***

Observations

In the light of the above eThembeni CHM was appointed by Lwazi Projects Management to facilitate compliance with these recommendations.

eThembeni staff inspected the site on 17 September 2021, having conducted a literature review prior to the field work.

The underlying lithology comprises Volksrust Formation (upper Ecca Group) intruded by Karoo Dolerite. Dolerite is not fossiliferous. The Volksrust Formation is fossil bearing but significant palaeontological material is unlikely to be impacted upon as the overlying Quaternary substrate is deep and weathered. Agricultural and construction activities and the digging of any new graves for reinternment are unlikely to extend beyond three metres below the surface. I have been advised by Dr. Gideon Groenewald² and Dr. G.A. Botha³ over the years that such surface activities, as are envisaged, would not impact on any potentially fossiliferous deeper underlying lithologies.

A Palaeontology Chance Find Protocol is however appended and should be incorporated into the issued EMP (Appendix 2).

The burial ground in question is in fact the Ntombi Memorial Cemetery (not stated in the original HIA). This Memorial was put in place with funds from the British War Graves Commission in the late 1990's but has subsequently been deplorably vandalised.

“Intombi Cemetery was the last resting place of around 700 British Soldiers. Sewn in blankets these men were buried at the rate of 28 a day during the last month of the Siege of Ladysmith of the Anglo-Boer War. (February 1900). It is estimated that more than 1300 souls are buried in the immediate precinct of the Memorial Cemetery. At the time of restoration of the cemetery only surviving headstones were re-placed. Unmarked graves, evident by surface mounds and depressions, lie well beyond the previously fenced boundaries of the Memorial Cemetery. (Victor Horn: *pers.comm.* October 2021⁴).

² Groenewald, G. 2012. Palaeontological Technical Report for KZN. Amafa aKwaZulu-Natali. Pietermaritzburg.

³ Head: Council for Geo Science. KZN Office. Pietermaritzburg.

⁴ Victor Horn is an accredited Battlefields Tour Guide and historian resident in Ladysmith.



Figure 3 View of the Ntombi Memorial Cemetery at the time of restoration in the 1990's

<https://www.battlefieldsroute.co.za/place/intombi-abw-cemetery/>



Figure 4 View of the vandalised Ntombi Memorial Cemetery precinct in September 2021

The majority of these unmarked graves are those of Indian *sepoys* and African retainers who were enlisted by the British to serve as stretcher bearers, field medics, burial details, cooks, wagoners, horse hands, labourers, and batmen. Those buried here who did not fall in combat were victims of an outbreak of enteric fever and typhoid which swept the town in the last months of the siege. Theirs is an inadequately told history.

Consequently, the precinct around the Memorial Cemetery is a burial ground of, at present, indeterminate extent. **As a burial ground it remains of the highest heritage significance.**

Management Plan Recommendations

1. A Public Participation Process to ascertain descendents of the deceased is not considered necessary 120 years after the fact. These were war victims in a pandemic during a siege. Apart from marked graves, subsequently memorialised with headstones, it is highly unlikely that any records were made of those individuals buried in unmarked graves.
2. That as a precautionary, our recommended buffer zone be used by the project planners immediately as the delimiter of residential plots to be layed out. (*This has already been sent to the project planners as a shp. file for incorporation into there revised layout plan*).

See Fig. 5. below.

3. In the light of the inderterminate extent of the burial ground, a ground penetrating radar survey should be undertaken to best assess the location of graves no longer visible at the surface. This will enable the exact delimitation of the buffer zone.⁵

It will further negate the need to have a heritage practitioner on site monitoring earthworks. Any heritage resources or human remains exposed during project implementation will, via the appointed ECO, be subject to the chance finds protocol of the original HIA report and as in Appendix 1, below.

4. The buffer zone, including the boundaries of the Memorial Cemetery should be secured by the local municipality by means of a concrete pallisade fence, as the one erected around the nearby current municipal cemetery. A lockable steel, vehicle-access gate should also be provided. If left unfenced, the buffer zone and remnant memorial cemetery will be subject to uncontrolled and indiscriminate uses, nullifying the attempts to sanctify the burial ground.
5. The KwaZulu-Natal Amafa and Research Institute must be liaised with by the development planners during this implementation to ensure adequate compliance.
6. Consideration should be given for Amafa and the Municipality to partner in making use of a revitalized burial ground as a showcase for the memorialization of those Black and Indian non-combatents who paid the final sacrifice.

⁵ eThembeni CHM is able to facilitate the securing of an accredited service provider in this regard.



Figure 5 Aerial view of the Ntombi Memorial Cemetery (red rectangle) in relation to the the proposed housing development footprint and our recommended buffer zone. (see kml. loaded to SAHRIS Case File).



Figure 6 An example of palisade fencing to secure the Memorial Cemetery and buffer zone.

Please can you notify us timeously, via the loaded SAHRIS Case File, as to the decision of Amafa in this regard.

Yours sincerely



Len van Schalkwyk
Principle Investigator.

Appendix 1

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 20 m 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, considering all information gathered during the initial assessment.
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Appendix 2 Palaeontology Chance Find Protocol

The proposed Acaciavale Extension development area is demarcated red on the SAHRIS Palaeosensitivity map, and a chance find protocol is thus recommended.

In the event of any palaeontological finds, a Palaeontologist accredited by a PHRA or SAHRA must be notified immediately by the project ECO or EAP:

- a site inspection must be arranged at the earliest opportunity with the Palaeontologist.
- construction activity must be halted in area of finds and the Palaeontologist must be given sufficient opportunity to remove the material before activities continues.
- mitigation may involve the systematic collection and recording of a sample of the fossils discovered and their documentation, labelling, packaging, boxing, and curation at cost to the developer
- It is the responsibility of the Developer, as guided by the appointed Palaeontologist to:
 - allow for such a representative sample to be retrieved,
 - assist in the supply of materials, labour, and machinery to excavate, load and transport sampled material from the sampling site/s to a HSE compliant sorting area.
 - provide safe storage for fossil material retrieved prior to being transported to an accredited curation facility for curation.