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10 October 2016

Attention Bernadet Pawandiwa

Dear Ms Pawandiwa

**Request for Letter of No Objection
Proposed Subdivision of the Remainder of Erf 328 at St Anne's Convent, Umzinto
Umdoni Local Municipality, Ugu DM, KwaZulu-Natal**

Project Area and Project description¹

The Diocese of Marianhill has donated a portion of land, contained within the St Anne's Convent precinct, to the Sisters of the Franciscan Missionaries of Mary (FMM). The intention is that this land, Portion 35 & 36 of the Rem of Erf 328, be used for the construction and establishment of a home for orphaned and vulnerable children, to be run by the FMM Sisters.

An historical cemetery associated with the Mission and Convent is located on the Rem of Erf 328. In order to protect and ensure the sanctity of the cemetery it is intended that Rem of Erf 328 be subdivided into Portion 35 and 36 (see attached survey diagram). Allocation of these two portions has been provided for by the office of the Surveyor General (see attached confirmation). Portion 35 will contain the existing cemetery and no other activities or land uses will be allowed within the surveyed cemetery boundaries.

Background Observations

St Anne's is situated at Umzinto, approximately 70 km south of Durban, within the Mdoni Local Municipality. The proposed sub-division areas lie within the established historical precinct of the St Anne's Convent.

The convent has a history dating back to 1896 when Bishop Charles Jolivet of Durban, together with Fr. Le Texier, identified the convent site and initiated the construction of two schools in anticipation of the arrival of French-speaking nuns from the Filles de Jesus de Kermaria congregation in Brittany. This congregation suffered severe financial constraints and despite perseverance, finally admitted defeat and returned to France in 1911.

¹ Information provided by Stott Milton and Conway – Land Surveyors

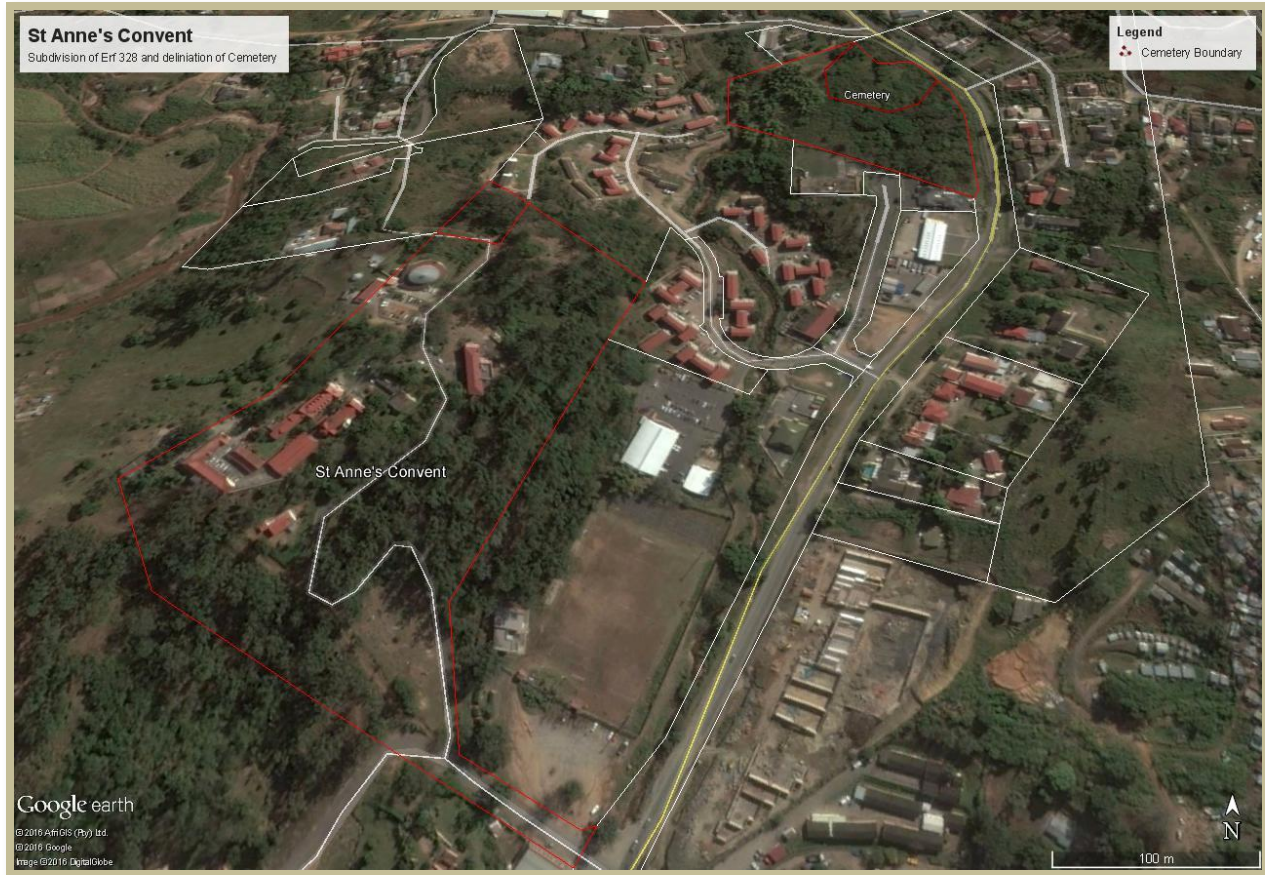


Figure 1 St Anne's Convent and mission complex

The Franciscan Sisters of Mary arrived in Umzinto in January 1912 and continued to teach where the Kermaria Sisters had left off. Some of the FMM Sisters were proficient in Zulu as they had previously served at the eMoyeni and Impala Missions in Zululand. By 1914 the Zulu-speaking congregation of St Anne's were requesting Mass and Confession in Zulu and consequently a Zulu-speaking Trappist priest from Marianhill was sent monthly to conduct these functions.

In 1921 the first Zulu school, dedicated to St Francis was opened on the mission with an intake of 20 learners. The following year a second school was opened for the children of Mauritian workers in the sugar industry. By 1925 the enrolment at this school was predominantly Indian learners, the descendants of indentured labourers who had settled around the sugar industry after their contracts had been fulfilled. This school was the foundation of the St Anne's Indian School which is now 88 years old.

The Convent is the hub of a mission complex that includes the Indian school, two Zulu medium schools, a home for young vulnerable girls, residential accommodations and a small farm, all still run and maintained by the Sisters (see Figure 1). The mission celebrated its centenary in 2012.²

² <https://issuu.com/scross/docs/120201/10?e=0>

Recommendations

The sanctity of the historical cemetery is recognised by the Convent community, and they have requested that it be surveyed out of the proposed residential development. Accordingly we request that Amafa issue a letter of no objection to the proposed subdivisions, allowing the project to proceed with no further heritage resource mitigation.

Standing protocols in terms of the NHRA will prevail in the instance of any archaeological material or human remains being exposed during construction activities. See Appendix 1.

In this regard, please can you notify us timeously via the loaded SAHRIS case file as to the decision of Amafa.

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 will be encountered during the construction phase of this project. The Project Engineer, 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);
- Concentrations of humanly modified stone and stone tools;
- 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); 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 Amafa aKwaZulu-Natali (Heritage KZN must be notified [Tel. 033 3946543; archaeology@amafapmb.co.za]
- The South African Police Services should be notified by a SAHRA 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 heritage impact assessment.