A LETTER OF RECOMMENDATION FOR EXEMPTION FOR UMPHEME HOUSING SCHEME

FOR AFZELIA ENVIRONMENTAL CONSULTANTS

DATE: 25 NOVEMBER 2019

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Abbreviations

HP	Historical Period
IIA	Indeterminate Iron Age
LIA	Late Iron Age
EIA	Early Iron Age
ISA	Indeterminate Stone Age
ESA	Early Stone Age
MSA	Middle Stone Age
LSA	Late Stone Age
HIA	Heritage Impact Assessment
PIA	Palaeontological Impact Assessment

INTRODUCTION

Afzelia Environmental Consultants (Pty) Ltd has been appointed by Umpheme Development (Pty) Ltd to undertake an environmental screening for the proposed Vukuzithathe Phase 3 (Ngcawusheni) Rural housing project: Ward 30. The project is an initiative by Ray Nkonyeni Municipality in partnership with the KZN Department of Human Settlements.

The proposed project involves the construction of 1000 housing units as in situ upgrade i.e. new houses will be placed within the boundaries of existing homesteads. The aim of a project such as this is to address the housing demand, which is still very high in this area, with 75% of residents living in semi-permanent dwellings (mud houses) or unsafe brick houses that need to be replaced by providing standardised houses.

- The project seeks to achieve the following objectives:
- A reduction of the housing backlog;
- Development of institutional capacity to perform all functions related to housing within the Municipality in line with accreditation requirements;
- Promote the involvement of the private sector in dealing with the backlog to respond to “Breaking New Grounds”; and
- Promotion of intergovernmental co-ordination in housing delivery.

The development will be for in situ housing and thus only existing housing footprints will be affected. I recommend that most of the study is exempt from further HIA undertakings. Only one area requires further investigation as it has historical houses.

FIG. 1 GENERAL LOCATION OF THE STUDY AREA

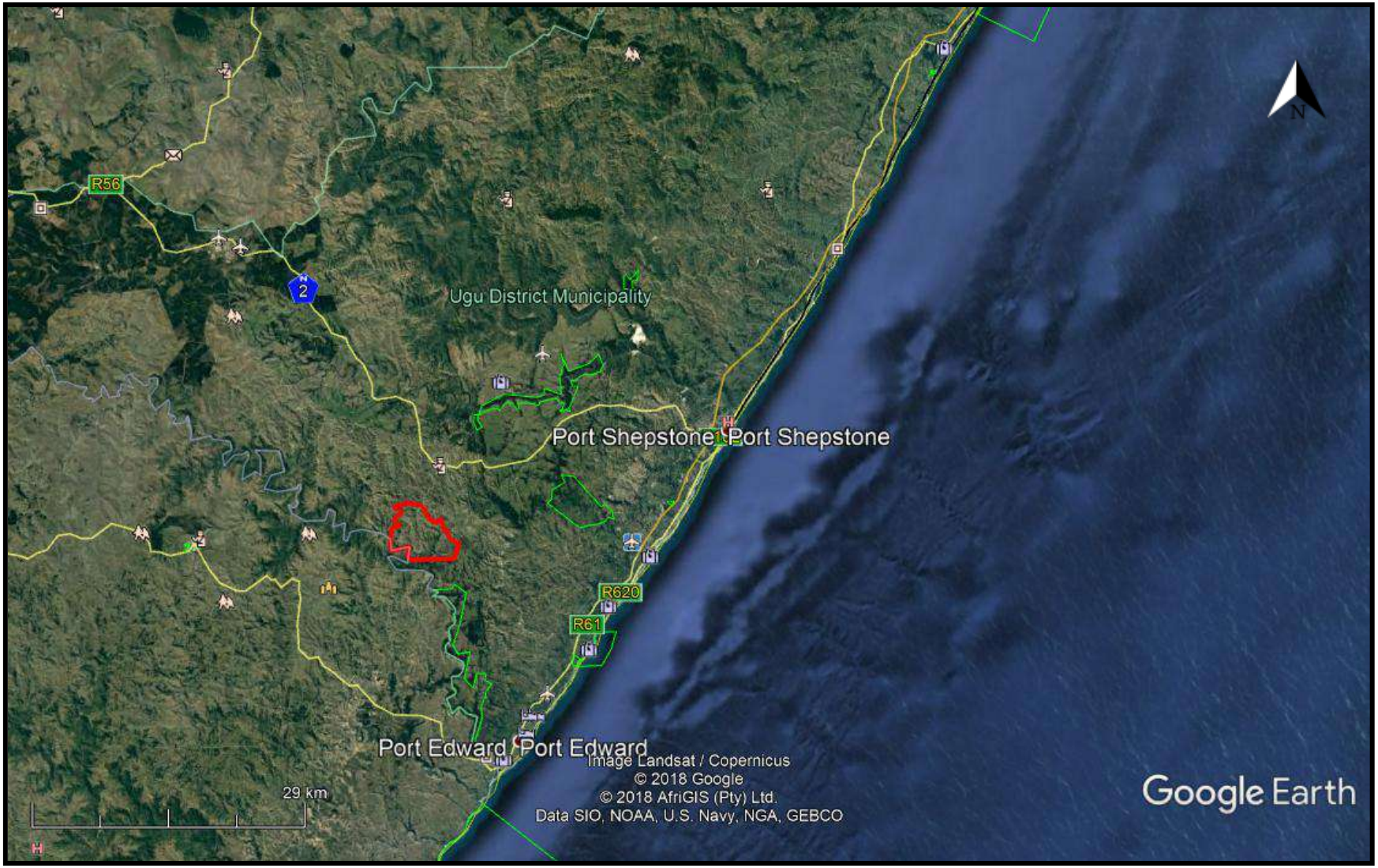


FIG. 2: AERIAL OVERVIEW OF THE STUDY AREA

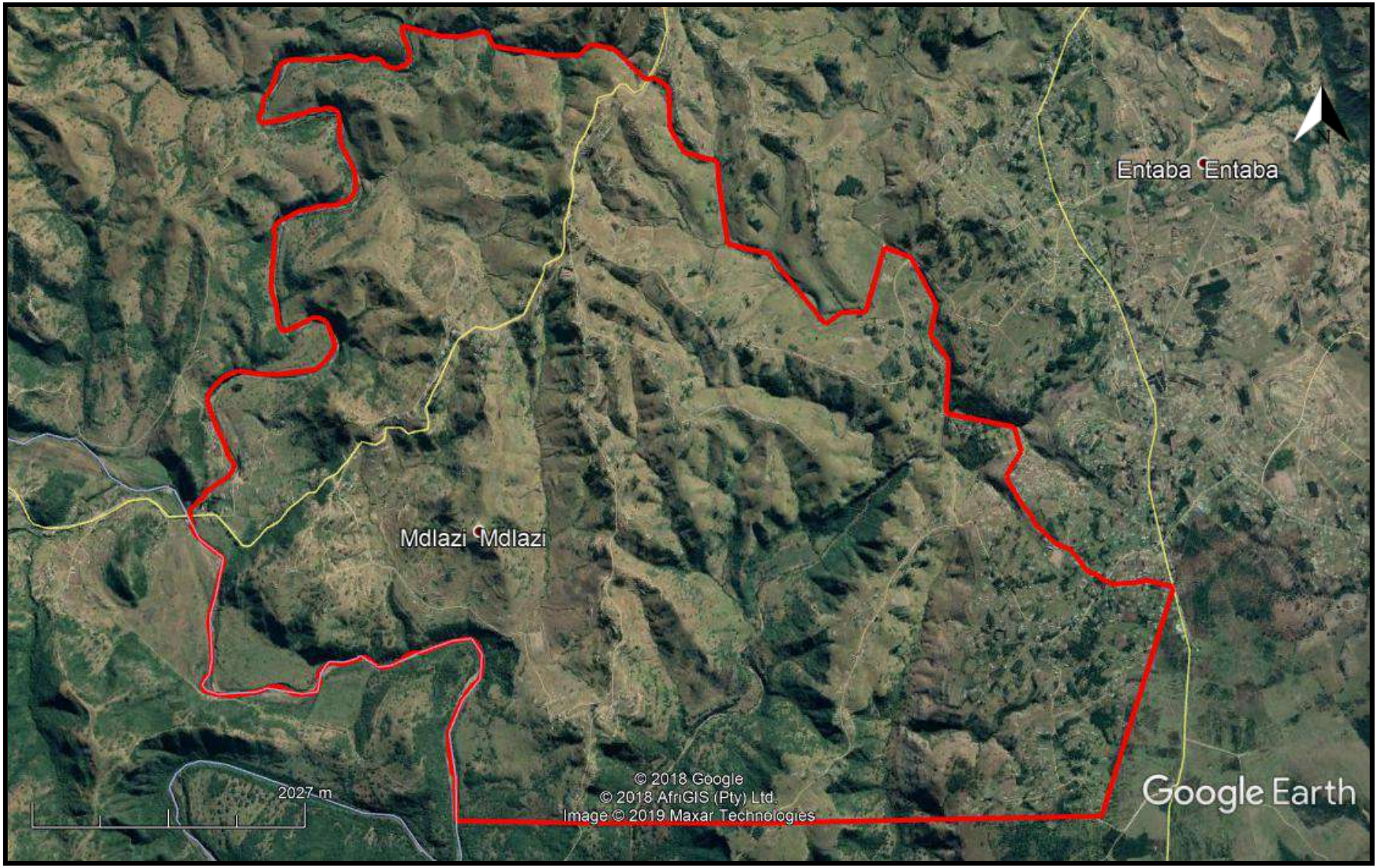
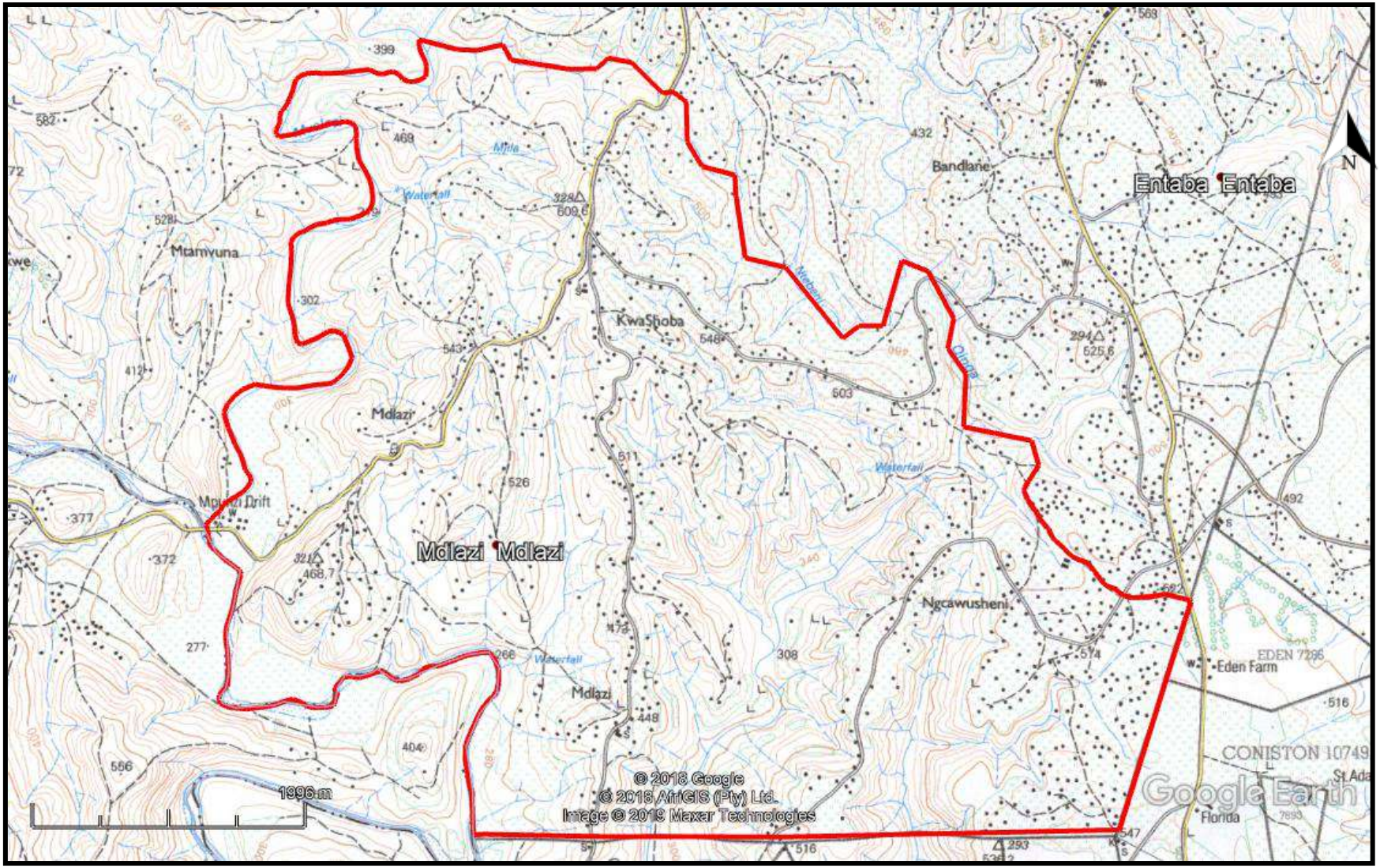


FIG. 3: TOPOGRAPHICAL OVERVIEW OF THE EASTERN STUDY AREA



KWAZULU NATAL AMAFA AND RESEARCH INSTITUTE, ACT 05, 2018

"General protection: Structures.—

- No structure which is, or which may reasonably be expected to be older than 60 years, may be demolished, altered or added to without the prior written approval of the Council having been obtained on written application to the Council.
- Where the Council does not grant approval, the Council must consider special protection in terms of sections 38, 39, 40, 41 and 43 of Chapter 9.
- The Council may, by notice in the *Gazette*, exempt—
- A defined geographical area; or
- defined categories of sites within a defined geographical area, from the provisions of subsection where the Council is satisfied that heritage resources falling in the defined geographical area or category have been identified and are adequately protected in terms of sections 38, 39, 40, 41 and 43 of Chapter 9.
- A notice referred to in subsection (2) may, by notice in the *Gazette*, be amended or withdrawn by the Council.

General protection: Graves of victims of conflict.—No person may damage, alter, exhume, or remove from its original position—

- the grave of a victim of conflict;
- a cemetery made up of such graves; or
- any part of a cemetery containing such graves, without the prior written approval of the Council having been obtained on written application to the Council.
- General protection: Traditional burial places.—
- No grave—
- not otherwise protected by this Act; and
- not located in a formal cemetery managed or administered by a local authority, may be damaged, altered, exhumed, removed from its original position, or otherwise disturbed without the prior written approval of the Council having been obtained on written application to the Council.

The Council may only issue written approval once the Council is satisfied that—

- the applicant has made a concerted effort to consult with communities and individuals who by tradition may have an interest in the grave; and
- the applicant and the relevant communities or individuals have reached agreement regarding the grave.

General protection: Battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorite or meteorite impact sites.—

- No person may destroy, damage, excavate, alter, write or draw upon, or otherwise disturb any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site without the prior written approval of the Council having been obtained on written application to the Council.
- Upon discovery of archaeological or palaeontological material or a meteorite by any person, all activity or operations in the general vicinity of such material or meteorite must cease forthwith and a person who made the discovery must submit a written report to the Council without delay.
- The Council may, after consultation with an owner or controlling authority, by way of written notice served on the owner or controlling authority, prohibit any activity considered by the Council to be inappropriate within 50 metres of a rock art site.
- No person may exhume, remove from its original position or otherwise disturb, damage, destroy, own or collect any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site without the prior written approval of the Council having been obtained on written application to the Council.
- No person may bring any equipment which assists in the detection of metals and archaeological and palaeontological objects and material, or excavation equipment onto any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, or meteorite impact site, or

use similar detection or excavation equipment for the recovery of meteorites, without the prior written approval of the Council having been obtained on written application to the Council.

- The ownership of any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site, on discovery, vest in the Provincial Government and the Council is regarded as the custodian on behalf of the Provincial Government." (KZN Heritage Act of 2008)

METHOD

The method for Heritage assessment consists of several steps.

The first step forms part of the desktop assessment. Here we would consult the database that has been collated by Umlando. These databases contains archaeological site locations and basic information from several provinces (information from Umlando surveys and some colleagues), most of the national and provincial monuments and battlefields in Southern Africa (http://www.vuvuzela.com/googleearth/monuments.html) and cemeteries in southern Africa (information supplied by the Genealogical Society of Southern Africa). We use 1st and 2nd edition 1:50 000 topographical and 1937 aerial photographs where available, to assist in general location and dating of buildings and/or graves. The database is in Google Earth format and thus used as a quick reference when undertaking desktop studies. Where required we would consult with a local data recording centre, however these tend to be fragmented between different institutions and areas and thus difficult to access at times. We also consult with an historical architect, palaeontologist, and an historian where necessary.

The survey results will define the significance of each recorded site, as well as a management plan.

All sites are grouped according to low, medium, and high significance for the purpose of this report. Sites of low significance have no diagnostic artefacts or features. Sites of medium significance have diagnostic artefacts or features and these sites tend to be sampled. Sampling includes the collection of artefacts for future analysis. All diagnostic pottery, such as rims, lips, and decorated sherds are sampled, while bone, stone, and shell are mostly noted. Sampling usually occurs on most sites. Sites of high significance are excavated and/or extensively sampled. Those sites that are extensively sampled have high research potential, yet poor preservation of features.

Defining significance

Heritage sites vary according to significance and several different criteria relate to each type of site. However, there are several criteria that allow for a general significance rating of archaeological sites.

These criteria are:

1. State of preservation of:

1.1. Organic remains:

1.1.1. Faunal

1.1.2. Botanical

1.2. Rock art

1.3. Walling

1.4. Presence of a cultural deposit

1.5. Features:

1.5.1. Ash Features

1.5.2. Graves

1.5.3. Middens

1.5.4. Cattle byres

1.5.5. Bedding and ash complexes

2. Spatial arrangements:

2.1. Internal housing arrangements

2.2. Intra-site settlement patterns

2.3. Inter-site settlement patterns

3. Features of the site:

3.1. Are there any unusual, unique or rare artefacts or images at the site?

3.2. Is it a type site?

3.3. Does the site have a very good example of a specific time period, feature, or artefact?

4. Research:

4.1. Providing information on current research projects

4.2. Salvaging information for potential future research projects

5. Inter- and intra-site variability

5.1. Can this particular site yield information regarding intra-site variability, i.e. spatial relationships between various features and artefacts?

5.2. Can this particular site yield information about a community's social relationships within itself, or between other communities?

6. Archaeological Experience:

6.1. The personal experience and expertise of the CRM practitioner should not be ignored. Experience can indicate sites that have potentially significant aspects, but need to be tested prior to any conclusions.

7. Educational:

7.1. Does the site have the potential to be used as an educational instrument?

7.2. Does the site have the potential to become a tourist attraction?

7.3. The educational value of a site can only be fully determined after initial test-pit excavations and/or full excavations.

8. Other Heritage Significance:

8.1. Palaeontological sites

8.2. Historical buildings

8.3. Battlefields and general Anglo-Zulu and Anglo-Boer sites

8.4. Graves and/or community cemeteries

8.5. Living Heritage Sites

8.6. Cultural Landscapes, that includes old trees, hills, mountains, rivers, etc related to cultural or historical experiences.

The more a site can fulfill the above criteria, the more significant it becomes. Test-pit excavations are used to test the full potential of an archaeological deposit. This occurs in Phase 2. These test-pit excavations may require further excavations if the site is of significance (Phase 3). Sites may also be mapped and/or have artefacts sampled as a form of mitigation. Sampling normally occurs when the artefacts may be good examples of their type, but are not in a primary archaeological context. Mapping records the spatial relationship between features and artefacts.

The above significance ratings allow one to grade the site according to SAHRA's grading scale. This is summarised in Table 1.

TABLE 1: SAHRA GRADINGS FOR HERITAGE SITES

SITE SIGNIFICANCE	FIELD RATING	GRADE	RECOMMENDED MITIGATION
High Significance	National Significance	Grade 1	Site conservation / Site development
High Significance	Provincial Significance	Grade 2	Site conservation / Site development
High Significance	Local Significance	Grade 3A / 3B	
High / Medium Significance	Generally Protected A		Site conservation or mitigation prior to development / destruction
Medium Significance	Generally Protected B		Site conservation or mitigation / test excavation / systematic sampling / monitoring prior to or during development /

		destruction
Low Significance	Generally Protected C	On-site sampling monitoring or no archaeological mitigation required prior to or during development / destruction

RESULTS

DESKTOP STUDY

The desktop study consisted of analysing various maps for evidence of prior habitation in the study area, as well as for previous archaeological surveys. The archaeological database indicates that there are archaeological sites in the general area (fig. 4). These sites include all types of Stone Age and Iron Age sites. One site, 3030CC 006, occurs in the southern part of the study area. The site was recorded in 1951 as a few ESA and MSA tools on a tillite layer. These types of tools occur throughout the study area and are of low significance when they occur in the open.

No national monuments, battlefields, or historical cemeteries are known to occur in the study area. There are some buildings in the southwestern corner that are probably a general store, workshops, etc. related to Mpizi Drift. Fig. 5 indicates that they predate 1937, and were in existence in 1968 (fig. 6) and 2000 (fig. 3) These buildings nd surrounds may not be affected unless they are assessed. They will probably require a permit to damage or have a buffer of no development placed around it. The development map indicates that Beneficiary 10 occurs at this area. The original buildings might need an assessment if they are to be demolished or altered. Fig. 5 also indicates that the general study area was sparsley populated in 1937. It is only by the 1960s that there has been an increase in houses.

FIG. 4: LOCATION OF KNOWN HERITAGE SITES NEAR THE STUDY AREA

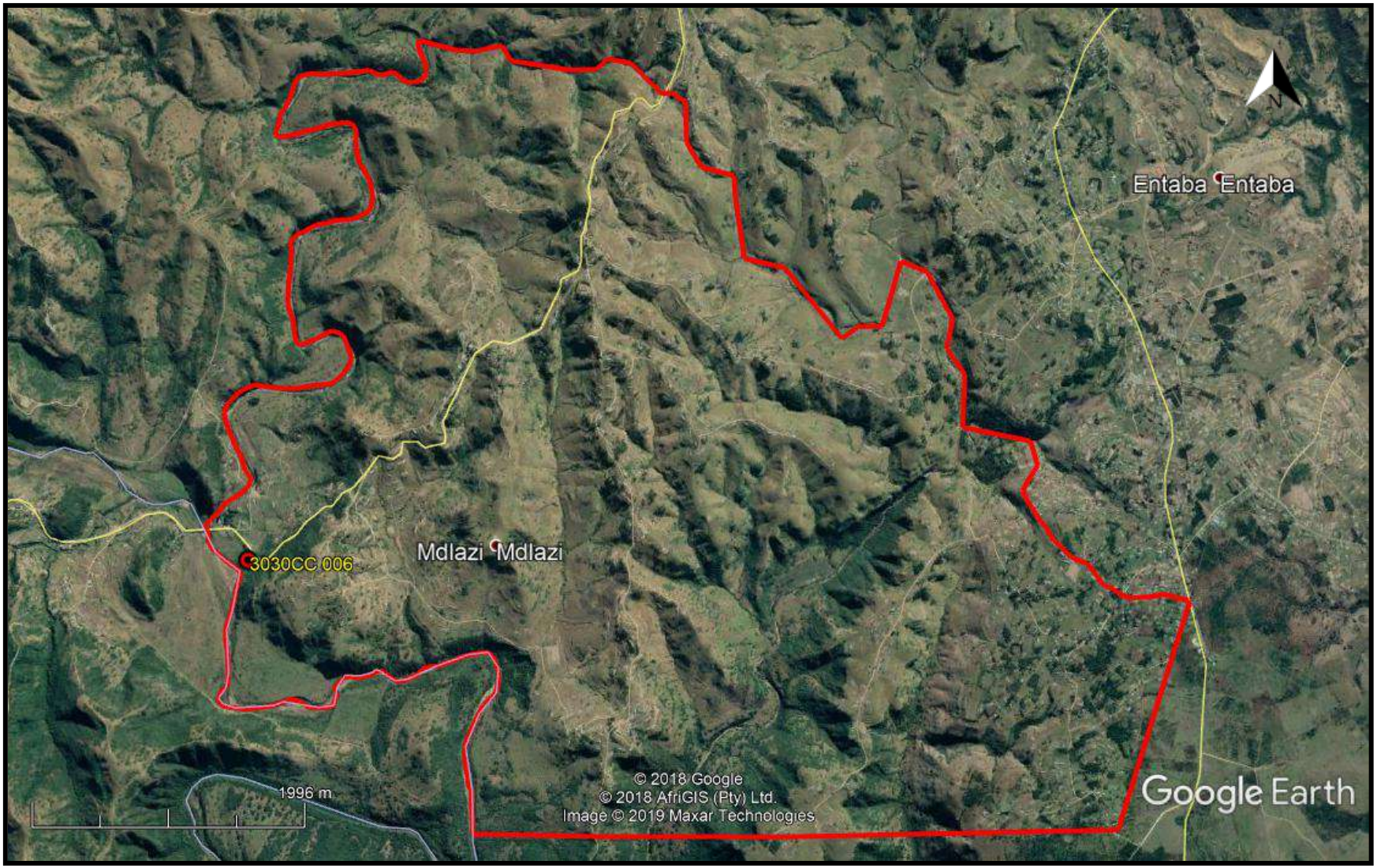


FIG. 5: STUDY AREA IN 1937

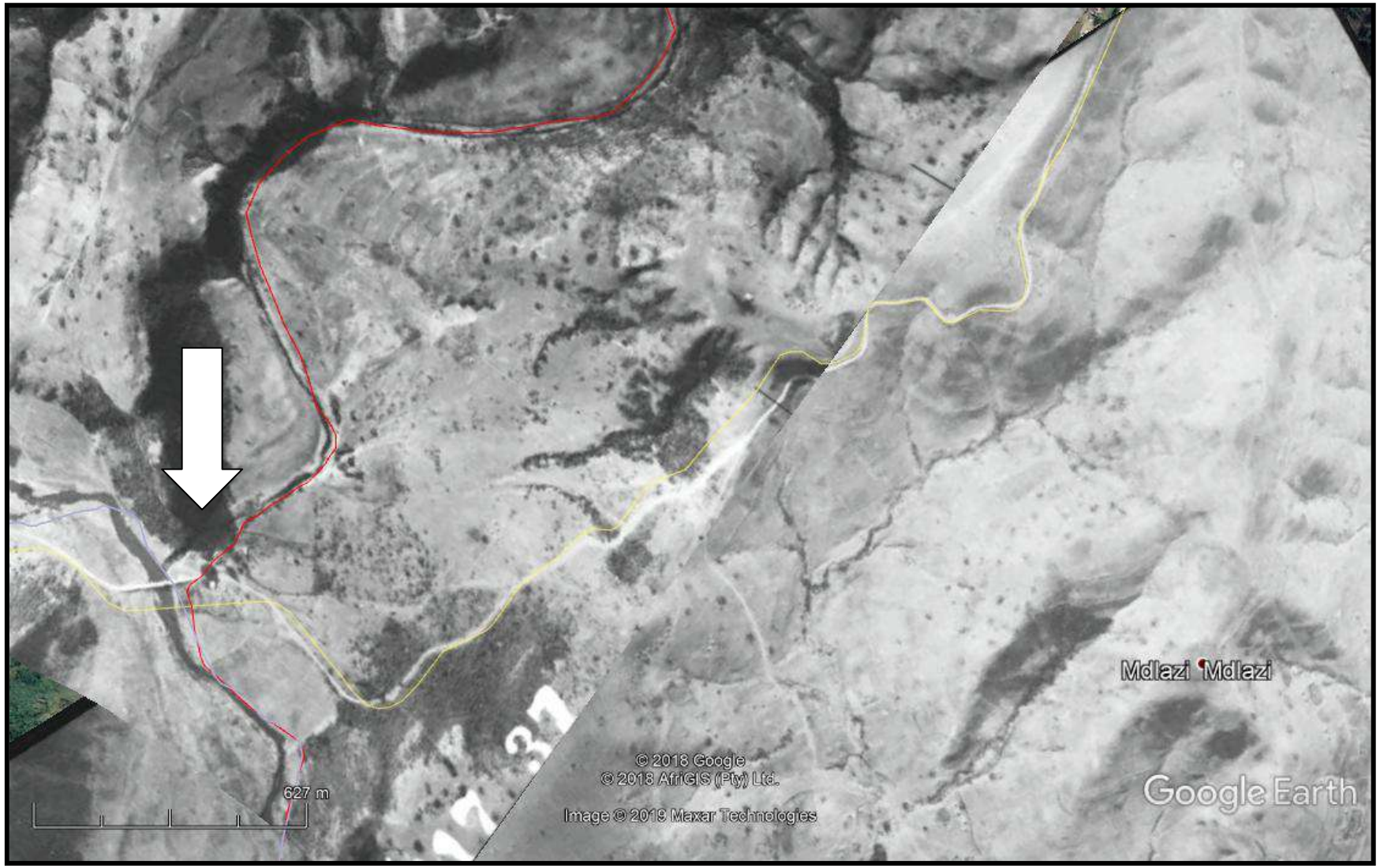
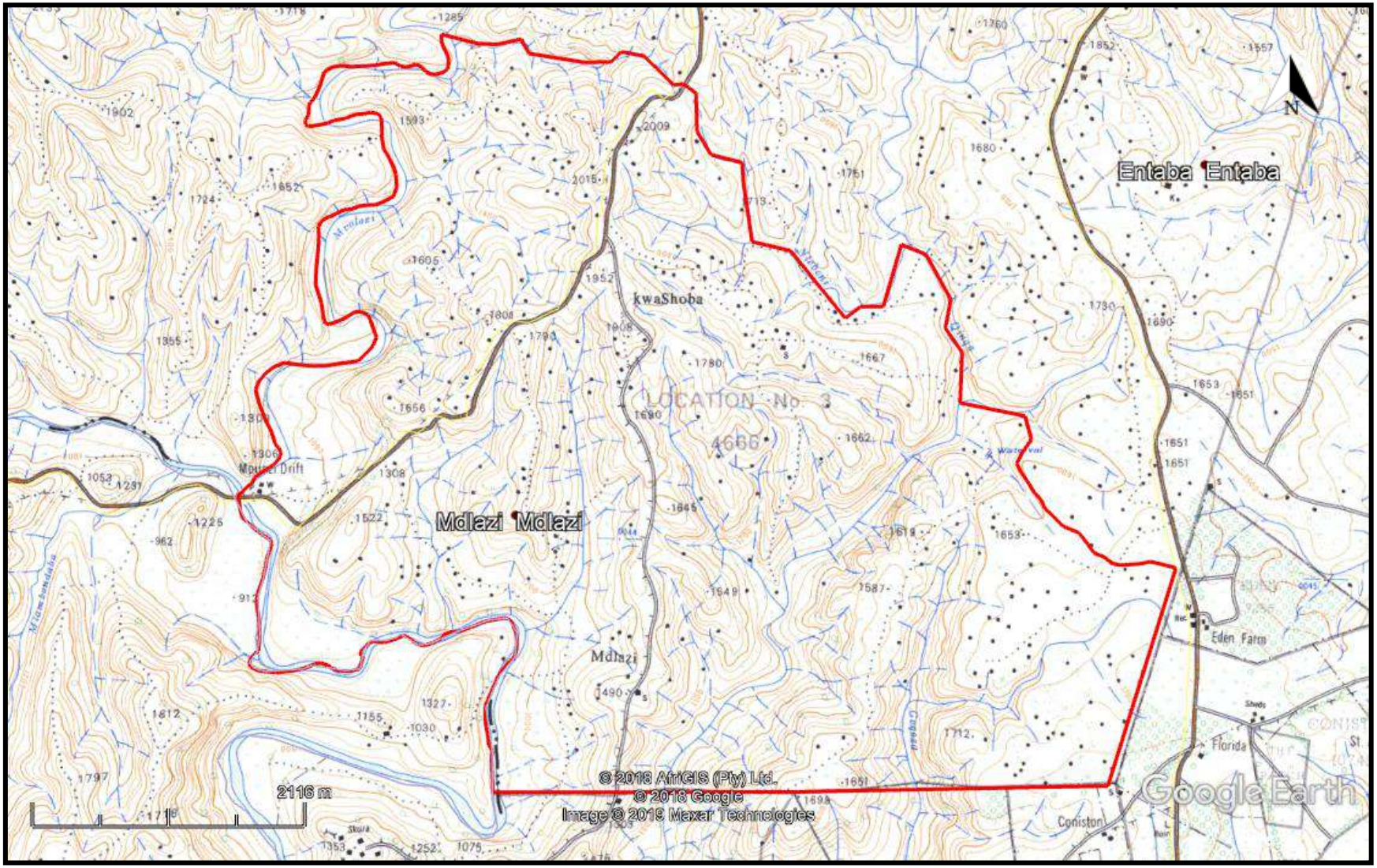


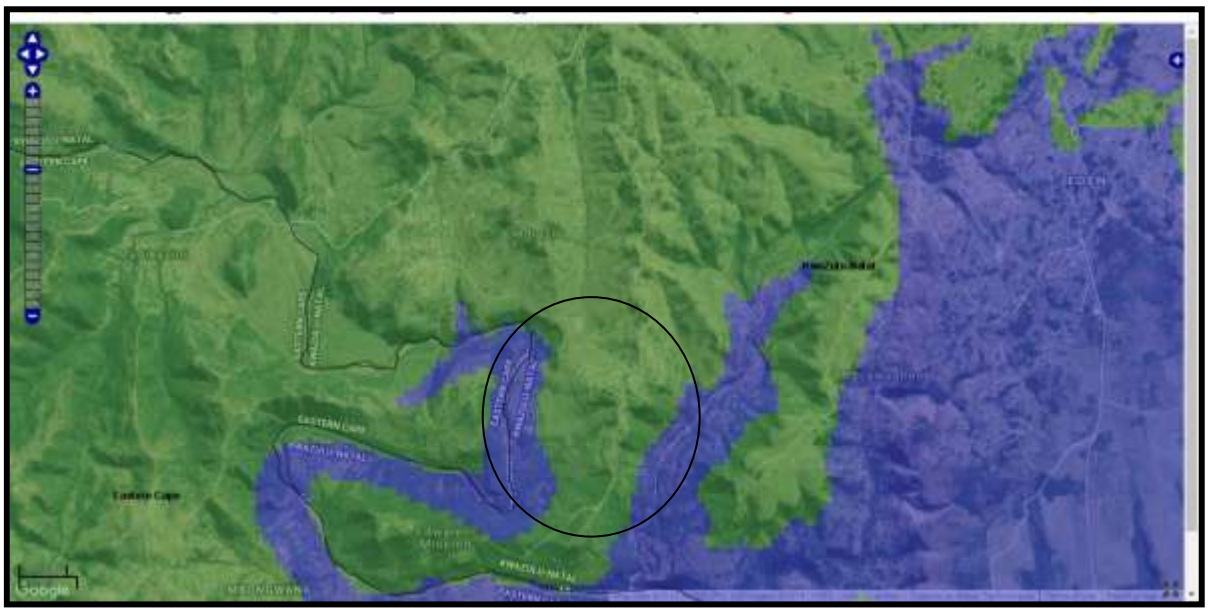
FIG. 6: STUDY AREA IN 1968



PALAEONTOLOGICAL IMPACT ASSESSMENT

The entire area is rated as have medium palaeontological sensitivity (fig, 6). The development will be for housing upgrades, and not related infrastructures, and thus no deep excavations will occur. The project should be exempt from further PIA mitigation.

FIG. 6: PALAEONTOLOGICAL SENSITIVITY MAP



COLOUR	SENSITIVITY	REQUIRED ACTION
RED	VERY HIGH	field assessment and protocol for finds is required
ORANGE/YELLOW	HIGH	desktop study is required and based on the outcome of the desktop study, a field assessment is likely
GREEN	MODERATE	desktop study is required
BLUE	LOW	no palaeontological studies are required however a protocol for finds is required
GREY	INSIGNIFICANT/ZERO	no palaeontological studies are required
WHITE/CLEAR	UNKNOWN	these areas will require a minimum of a desktop study. As more information comes to light, SAHRA will continue to populate the map.

DISCUSSION & CONCLUSION

A mini desktop study was undertaken for the proposed Umpheme housing development. The development will occur in existing homestead footprints and thus no new areas will be disturbed. The project aims at upgrading existing houses.

One archaeological site was noted in the desktop study; however, this site is a generic scatter of tools and is of low significance. The desktop noted buildings near the Mpunzi Drift that are probably older than 60 years in age. The provided map indicates that Beneficiary 10 occurs at this area. The original buildings might need an assessment if they are to be demolished. The client needs to specify the activity at this location.

Beneficiary 10 was queried as the historical maps indicate the building complex is older than 60 years in age. Drawings of the footprint and photos of the buildings were requested to ensure that the older buildings would not be affected. The response was a non-response (see Appendix A).

It is now clear, after the email, that the houses will not be on existing footprints, but adjacent to existing structures. I am certain any existing graves will not be damaged, and this is the logic I have used on several of these types of projects. Those buildings around Beneficiary 10 are older than 82 years. If the pattern of buildings around historical drifts remains the same, then the original houses would have historical deposits that are protected by heritage legislation. Development near buildings older than 60 years would require further investigation as per heritage legislation, especially since it is within 100m of the said building. The Kwazulu Natal Amafa And Research Institute would need to make a comment on this as this LoE only notes potential sensitive areas if they are to be affected.

EXPERIENCE OF THE HERITAGE CONSULTANT

Gavin Anderson has a M. Phil (in archaeology and social psychology) degree from the University of Cape Town. Gavin has been working as a professional archaeologist and heritage impact assessor since 1995. He joined the Association of Professional Archaeologists of Southern Africa in 1998 when it was formed. Gavin is rated as a Principle Investigator with expertise status in Rock Art, Stone Age and Iron Age studies. In addition to this, he was worked on both West and East Coast shell middens, Anglo-Boer War sites, and Historical Period sites.

DECLARATION OF INDEPENDENCE

I, Gavin Anderson, declare that I am an independent specialist consultant and have no financial, personal or other interest in the proposed development, nor the developers or any of their subsidiaries, apart from fair remuneration for work performed in the delivery of heritage assessment services. There are no circumstances that compromise the objectivity of my performing such work.

Gavin Anderson
Archaeologist/Heritage Impact Assessor

APPENDIX A

EMAIL FORM CLIENT REGARDING BUILDINGS AT BENEFICIARY 10

From: Mrs LT Anthony <tanyaa@umpheme.co.za>
Sent: 26 November 2019 08:57 AM
To: Andrew Batho <andrew@afzelia.co.za>
Cc: Solomon Fataki <solomon@afzelia.co.za>
Subject: Fwd: VUKUZITHATHE PHASE 3: Enquiry from Archaeologist

Good Morning Mr Batho

Please see comment from our Town Planner in this regard.

I am not sure if the Archaeologist has insight of how these housing projects are undertaken. Please explain that no buildings will be demolished, no change in the carbon footprint as houses will be built for people living in the area.

Kind Regards

Tanya Anthony
Umpheme Development (Pty) Ltd
031 5693700
082 821 4509

Terraplan HQ <hq@terraplankzn.com> , 11/25/2019 4:58 PM:

Hi Tanya,

I really do not understand what it is that is required or what is not understood. As mentioned a number of times the proposed development will comprise ONLY of ONE NEW 40sqm HOUSE to be developed within the IMMEDIATE surrounds of EACH EXISTING TRADITIONAL HOMESTEAD/UMUZI. These houses will be placed in VACANT positions of the Umuzi to be indicated by the Umuzi Beneficiary. NO existing building will be touched and no services or roads will be constructed. The development therefore falls outside the ambit of NEMA. There are numerous similiar developments all over the Province already completed on this basis. All these had prelim environmental assessments done and send to DAEA for confirmation that no EIA studies will be required. I think you need to perhaps take your environmentalist and his team to Phase 1 which I assume is already develop that they can physically see what the development will comprise and possibly get a better understanding what is required from them.

Regards,
Chris Calitz

On 25 Nov 2019, at 12:52, Mrs LT Anthony <tanyaa@umpheme.co.za> wrote:

Good Day Mr Williams/Mr Calitz

I trust you are well.

Please advise if you are able to assist with the query below from the Archaeologist. I can respond with regard to the building of the 40m², however I am not sure what buildings if any are in the vicinity.

Kind Regards

Tanya Anthony
Umpheme Development (Pty) Ltd
031 5693700
082 821 4509