

**HERITAGE SURVEY OF THE PROPOSED
RESIDENTIAL DEVELOPMENT MARION HEIGHTS,
KWAZULU-NATAL**

FOR SIVEST SA (PTY) LTD

DATE: 1 AUGUST 2018

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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

The Mariannridge Housing Development is an initiative to assist the city in servicing the huge backlog of housing within the Municipality. The project aims at providing 500 units in the Mariannridge area.

Over the years, a number of sites have been identified in the Mariannridge area for the development of the Mariannridge Housing project. Mariannridge falls within the jurisdiction of eThekweni Municipality, inner-west region.

Site selection for this project has been on-going with a number of properties undergoing screening assessments to determine their development potential. However, the majority of the sites have ultimately been identified as unfeasible for the development of the Mariannridge Housing Development. This is for a number of reasons ranging from zoning, biodiversity constraints, current land-use constraints as well as excessive or prohibitive slopes.

The proposed development makes use of existing infrastructure and services within an existing residential area, and is essentially an infill development that provides low income housing stock. Being located within an existing urban area will influence the nature of the proposed development and essentially tie into the surrounding urban fabric.

Umlando was appointed by Sivest SA (Pty) Ltd to undertake a Heritage survey of three adjacent properties for potential residential development.

Fig.'s 1 – 4 show the location of the development.

Environment

The rainfall average is 842 mm per year. The mean temperature is 19.1 0C. The climate capability rating is C2 which indicates the local climate is favourable for a wide range of adapted crops and a year round growing season. Moisture stress and lower temperatures increase risk and decrease yields relative to C1. Shallow soils and soils of moderate to poor drainage present an erosion hazard if not managed correctly. 66.4% of the soils are shallow and 78.0% of the soils are of moderate to poor drainage. There is no frost hazard and the erosion rating for the site is 3.8, which translates to a very high risk of erosion.

Overall the Erven are degraded due to historical and current land management practices such as platforming, illegal dumping and overgrazing by live stock. While on site, it was observed that ERF 8726, 8716 and ERF 7249 had already been demarcated with danger tape and pegs, but it was not determined if these were formal demarcations by the Municipality or informal demarcations as a result of recent service deliver strikes. It was also noted that ERF 7249 had been burnt and thus a comprehensive species list could not be made.

ERF 8716 has 1ha of critically endangered Sandstone Sourveld vegetation

FIG. 1 GENERAL LOCATION OF THE STUDY AREA

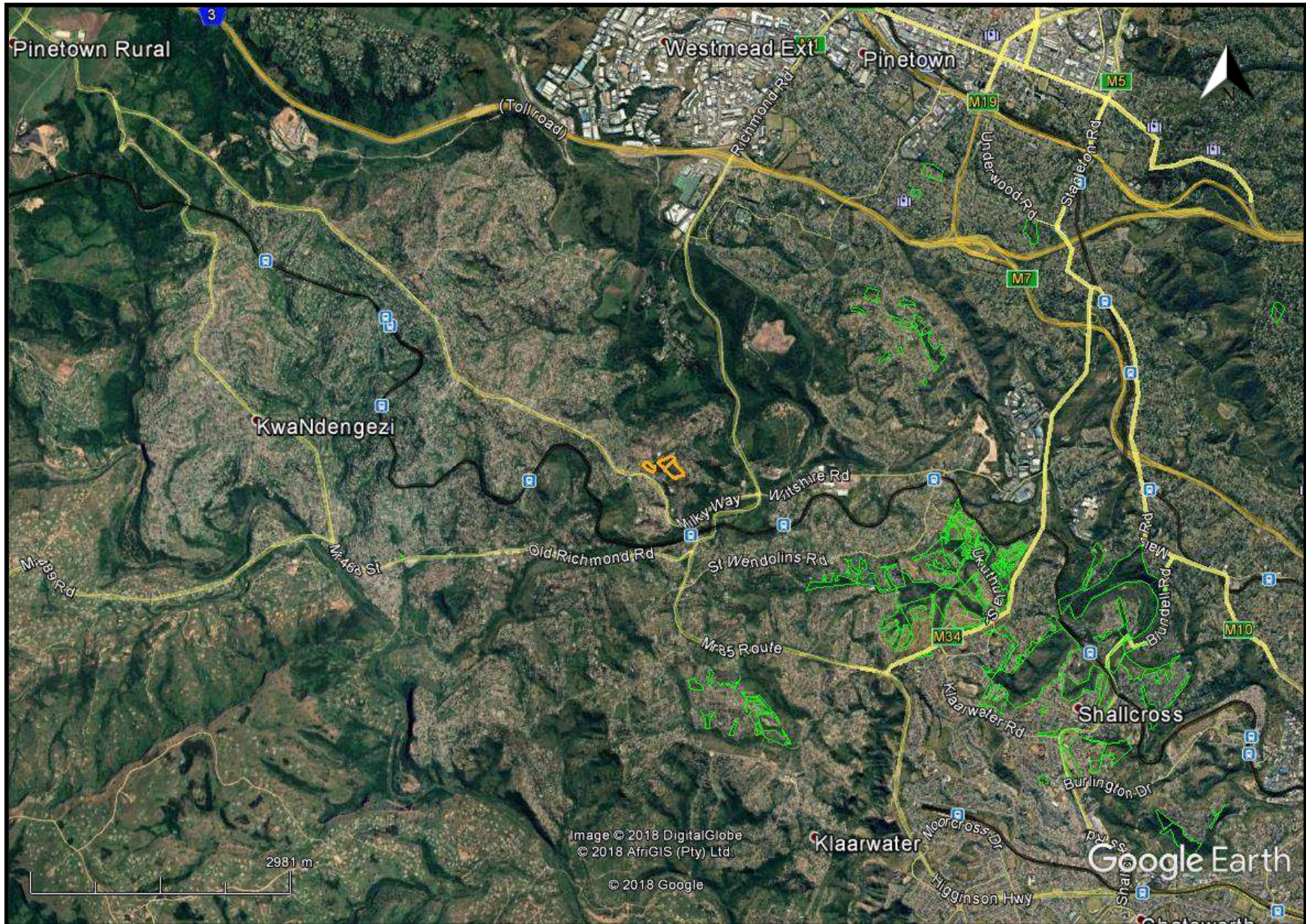


FIG. 2: AERIAL OVERVIEW OF THE STUDY AREA



FIG. 3: TOPOGRAPHICAL OVERVIEW OF THE STUDY AREA

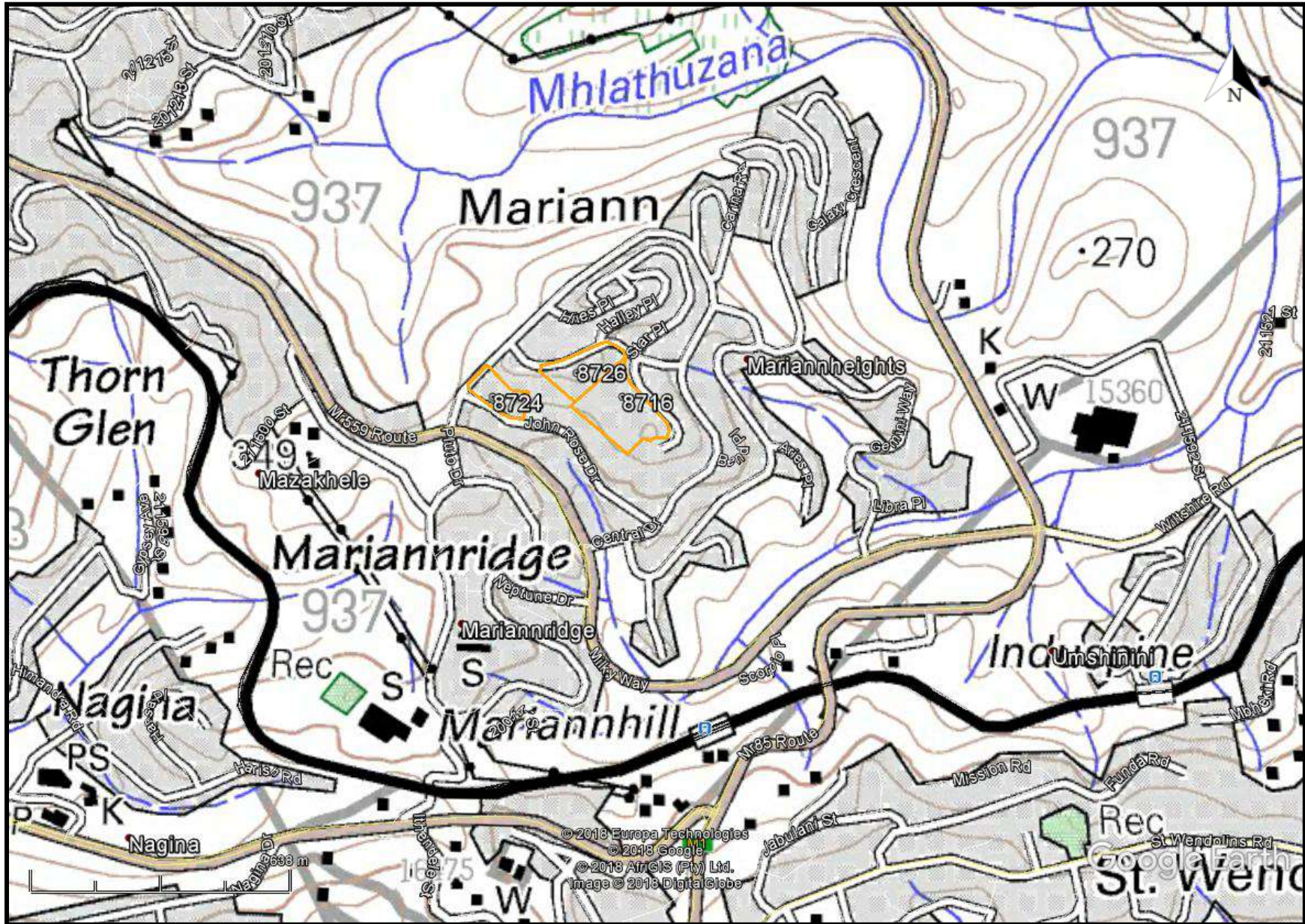


FIG. 4: SCENIC VIEWS OF THE STUDY AREA



KWAZULU-NATAL HERITAGE ACT NO. 4 OF 2008

“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. 5). These sites include all types of Stone Age and Iron Age sites. No known sites occur in the study area.

No national monuments, battlefields, or historical cemeteries are known to occur in the study area. There are several cemeteries outside of the study area such as at the Marianhill Mission.

The Surveyor General Map of 1849, shows that the study area occurred on Zeekoegat 937 Sub 47 and 63. Later the Marianhill Mission was “founded in 1882 as a [Trappist](#) monastery, it developed until in 1952 a health committee was established. The name is derived from those of the Virgin Mary and [Saint Anne](#). In 1909 the St. Francis College was founded in Mariannahill, combining a boys' school and a girls' school that had operated since the mid/late 1880s. Over a century in operation, St. Francis College is a Roman Catholic independent coeducational secondary school” (<https://en.wikipedia.org/wiki/Mariannahill>). The Mission is ~1.5km to the north of the study area.

The 1937 aerial photographs indicate that each parcel has one settlement in it (fig. 6). One of these settlements is on the edge of parcel 8726. The settlements are important in that they probably have human graves.

By 1940, the settlements do not occur on the topographical map (fig. 7). This might be a cartographical error, since the map shows the area as being dense bush.

FIG. 5: LOCATION OF KNOWN HERITAGE SITES NEAR THE STUDY AREA

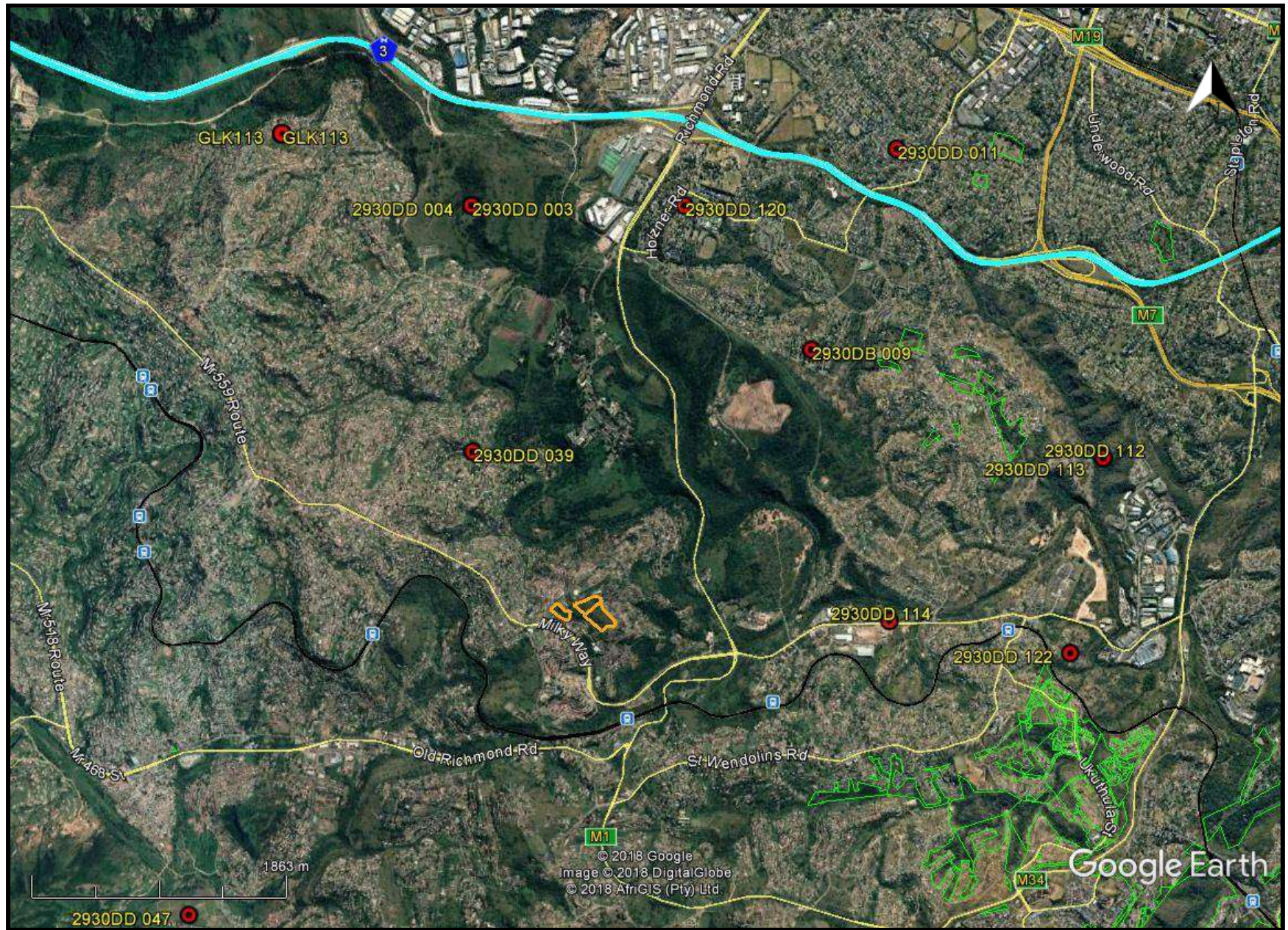


FIG. 7: ORIGINAL SURVEYOR GENERAL MAP (1849)

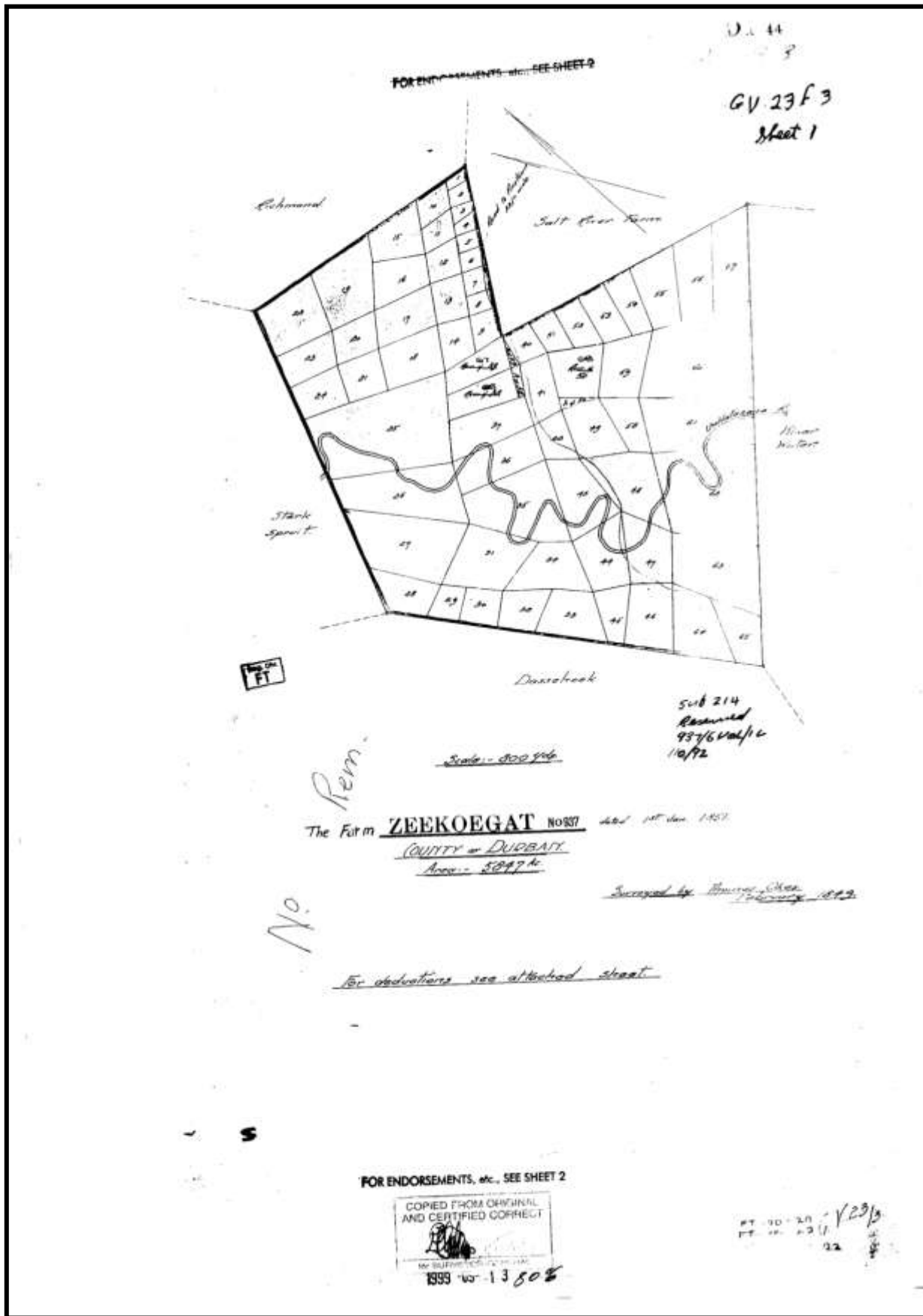


FIG. 8: STUDY AREA IN 1937

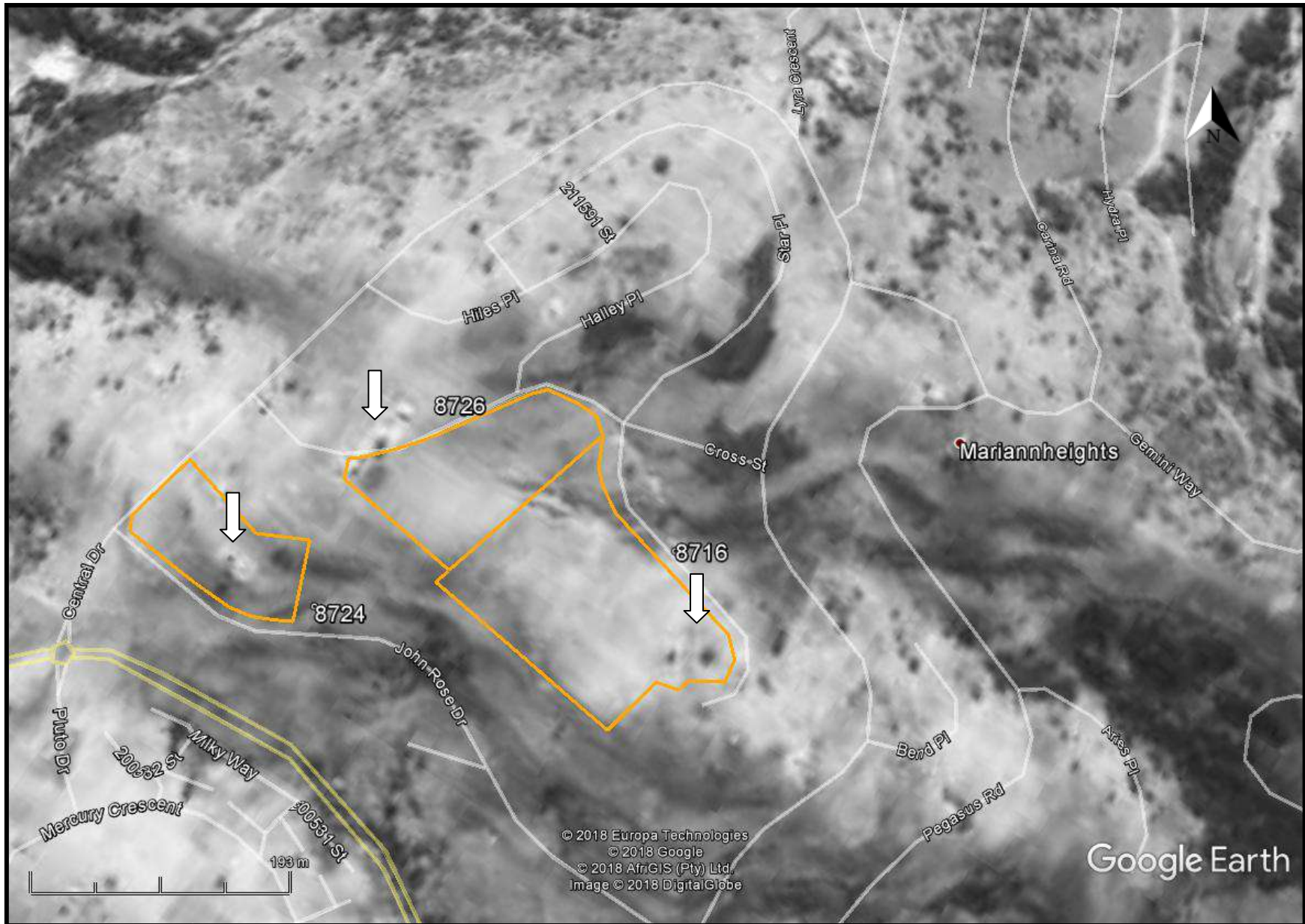
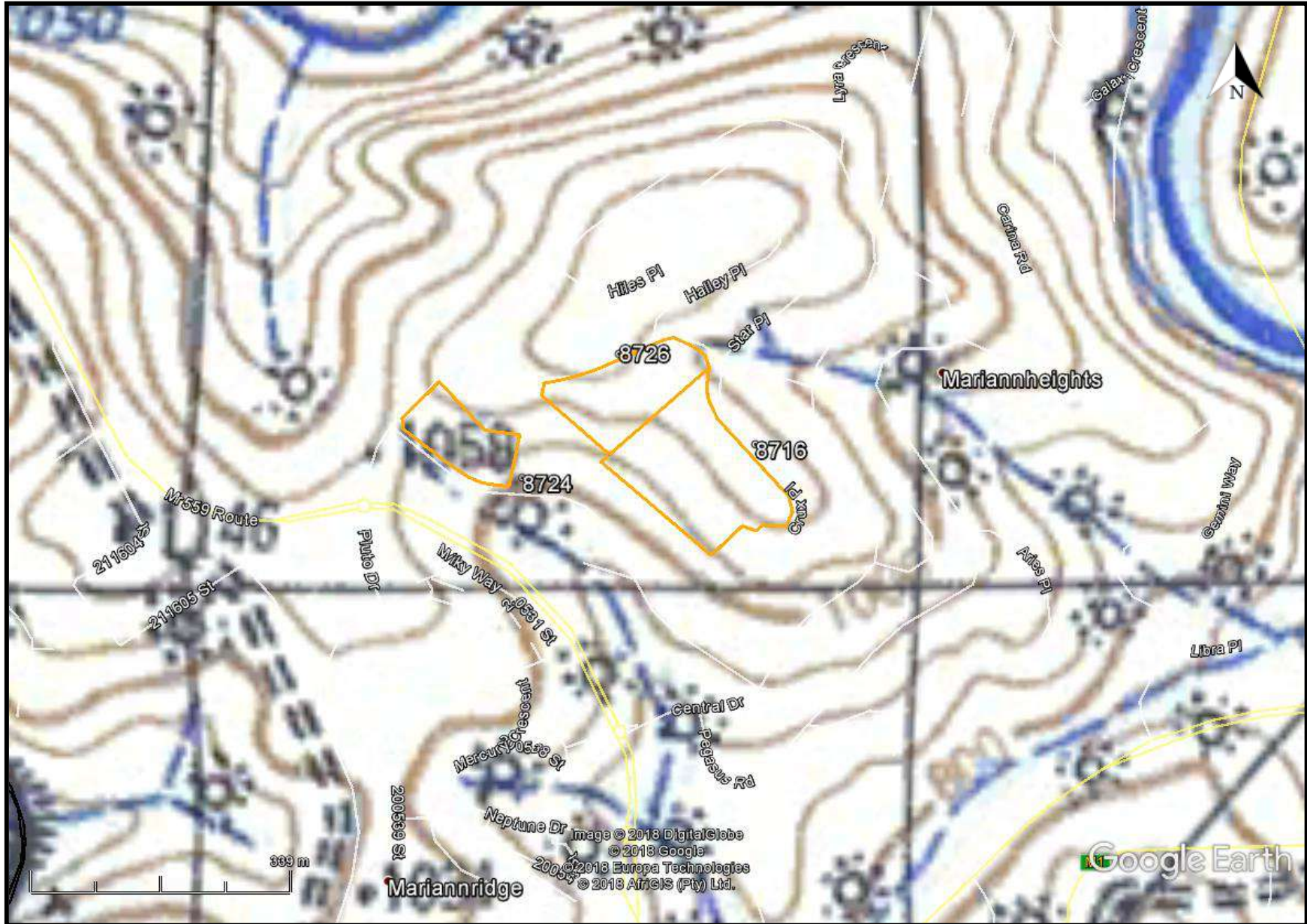


FIG. 9: STUDY AREA IN 1942



PALAEONTOLOGICAL IMPACT ASSESSMENT

The study area occurs in an area of low palaeontological sensitivity (fig. 10). No further mitigation is required. If any fossils are noted during construction then Amafa KZN needs to be informed immediately

FIG. 10: PALAEONTOLOGICAL SENSITIVITY FOR THE AREA.



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.

FIELD SURVEY

Two surveys were undertaken for this project. The first survey noted that the visibility for Parcels 8724 and 8726 was very poor. However, one section of Parcel 8716 has been partially cleared of vegetation and this allowed for an assessment of the area. Umlando requested that some form of vegetation clearance be undertaken to assess the areas of concern, i.e. where possible graves occurred.

Parcel 8716

The ground is a fine grey sand that rests on a sandstone/granite substrate (fig. 11). No artefacts were found in the opened areas and this would be indicative of the study area in general. Isolated artefacts may occur but they will not constitute a site.

The area where the human settlement occurs was under dense vegetation and could not be adequately assessed. I had suggest that this area was to be cleared. However, the grasslands study noted that this sections has critically endangered Sandstone Sourveld vegetation. The development is applying for permission to get this area developed. If application is successfully then the area will need to be resurveyed after vegetation clearance for potential human graves. If no graves are observed, then the area will still be sensitive, and would require monitoring during construction. Unlike the other two parcels this area has not been disturbed and subsurface features like graves might occur. If human graves are located then specific procedures need to be followed. This is explained in 'MANAGEMENT PLAN'

Some person is currently making an ancestral offering in the study area. The offerings include alcohol, sugar, Coco-cola, sugar, iJuba and some food (fig. 12). This is considered a heritage resource. This occurs in the Sourveld area. This might be a once-off offering as no evidence of older offerings existed.

The mitigation for this is difficult as it is not a formal or planned activity. Full advertisements as per human burials would be excessive. I suggest a notification is placed at the entrance to the property as per regular EIA notifications. This notice should include a statement that if anyone is using the area for ancestral worship and object to the development then they should contact SiVest. The notice must be in at least English and Zulu.

The local Ward Councillor should be approached in case they know whom the person might be.

FIG. 11: EXPOSED AREAS IN PARCEL 8716



FIG. 12: RECENT ANCESTRAL OFFERINGS AT PARCEL 8716



Parcel 8724

Parcel 8224 had dense vegetation that required the sensitive area to be cleared of some vegetation (fig. 4, bottom left). A settlement, with possible graves, was noted on the 1937 aerial photograph. The sensitive area was cleared and resurveyed (fig. 13). I observed various terracing that would indicate the occurrence of a settlement, however no features were observed. I noted an old *Erythrina spp.* tree in front of the location of the settlement and next to a *Syringa spp.* tree (fig. 14). These trees were used to demarcate graves in the past. This tree is however on the edge of the road cutting, and if any grave did occur here, it would have been removed by roadworks.

No further mitigation is required for Parcel 8724

FIG. 13: PARCEL 8724 AFTER CLERANCE



FIG. 14: *ERYTHRENA SPP* TREE AT PARCEL 8724



Parcel 8726

Parts of Parcel 8726 occur on a slope while the rest adjoins the cleared area of Parcel 8716 (fig. 15). No artefacts were observed in this parcel. The settlement from the 1937 map occurs in the western corner of this parcel. Only the cattle byre from this settlement extended into Parcel 8726. The settlement, and the byre, has been destroyed by the road and current buildings.

No further mitigation is required for Parcel 8726.

FIG. 15: PARCEL 8726



MANAGEMENT PLAN

No further mitigation is required for parcels 8724 and 8726. The settlement with possible graves at Parcel 8716 might be affected if permission to disturb the Sandstone Sourveld vegetation is given. If permission is granted then the area needs to be resurveyed after ground vegetation clearance. If human graves are noted at this stage, then the social consultation process will need to begin. If human graves are not noted, since they would be subsurface features, then the specific area needs to be monitored during construction. I would suggest that area is levelled, under supervision, at the beginning of the project in order to determine the presence or absence of human remains.

If any human graves are uncovered during construction then Amafa KZN and the SAPS need to be informed immediately. The area will need to be cordoned off with at least 10m buffer.

The process of grave removals is a complex one that requires community consultation, advertisements, several permits, and finally reburial. Moreover, those graves older than 60 years require a qualified archaeologist to undertake the entire process. This process is summarised as follows¹:

In terms of the National Heritage Resources Act (No. 25 of 1999), and KZN Heritage Act of 1997 and 2008, graves older than 60 years (not in a municipal graveyard) are protected. Human remains younger than 60 years should be handled only by a registered undertaker or an institution declared under the Human Tissues Act. Anyone who wishes to develop an area where there are graves older than 60 years is required to follow the process described in the

¹ Information supplied by SAHRA, and it applies to KZN, although falling under the KZN Heritage Act.

legislation (section 36 and associated regulations). The specialist will require a permit from the heritage resources authority.

- Determine/ confirm the presence of the graves on the property. Normally the quickest way to proceed is to obtain the service of a professional archaeologist accredited to undertake burial relocations. The archaeologist will provide an estimate of the age of the graves. There may be a need for archival research and possibly test excavations (permit required).
- The preferred decision is to move the development so that the graves may remain undisturbed. If this is done, the developer must satisfy SAHRA/KZN Heritage that adequate arrangements have been made to protect the graves on site from the impact of the development. This usually involves fencing the grave(yard) and setting up a small site management plan indicating who will be responsible for maintaining the graves and how this is legally tied into the development. It is recommended that a distance of 10-20 m is left undisturbed between the grave and the fence around the graves.
- If the developer wishes to relocate or disturb the graves:
 - A 60-day public participation (social consultation) process as required by section 36 (and regulations - see attachment), must be undertaken to identify any direct descendants of those buried on the property. This allows for a period of consultation with any family members or community to ascertain what their wishes are for the burials. It involves notices to the public on site and through representative media. This may be done by the archaeologist, who can explain the process, but for large or sensitive sites a social consultant should be employed. Archaeologists often work with undertakers, who rebury the human remains.
 - If as a result of the public participation, the family (where descendants are identified) or the community agree to the relocation process then the graves may be relocated.

- The archaeologist must submit a permit application to SAHRA/KZN Heritage for the disinterment of the burials. This must include written approval of the descendants or, if there has not been success in identifying direct descendants, written documentation of the social consultation process, which must indicate to SAHRA's satisfaction, the efforts that have been made to locate them. It must also include details of the exhumation process and the place to which the burials are to be relocated. (There are regulations regarding creating new cemeteries and so this usually means that relocation must be to an established communal rural or formal municipal cemetery.)
- Permission must be obtained before exhumation takes place from the landowner where the graves are located, and from the owners/managers of the graveyard to which the remains will be relocated.
- Other relevant legislation must be complied with, including the Human Tissues Act (National Department of Health) and any ordinances of the Provincial Department of Health). The archaeologist can usually advise about this.

IMPACT ASSESSMENT FOR PARCEL 8716

The mitigation for parcel 8716 is to resurvey the area after vegetation clearance and/or monitor during construction. The impact will be on the human settlement and possible graves. Tables 2 and 3 are Impact Assessments if human graves are located and for the place of ancestral worship, respectively.

TABLE 2: IMPACT ASSESSMENT IF GRAVES ARE OBSERVED

IMPACT TABLE FORMAT		
Environmental Parameter	<i>Heritage resources</i>	
Issue/Impact/Environmental Effect/Nature	The destruction of heritage resources/grave sites as a result of development/construction	
<i>Extent</i>	<i>Site</i>	
<i>Probability</i>	<i>Probable</i>	
<i>Reversibility</i>	<i>Barely reversible</i>	
<i>Irreplaceable loss of resources</i>	<i>Significant loss of resources</i>	
<i>Duration</i>	<i>Permanent</i>	
<i>Cumulative effect</i>	<i>High cumulative effect</i>	
<i>Intensity/magnitude</i>	<i>High intensity</i>	
	Pre-mitigation impact rating	Post mitigation impact rating
Extent	1	1
Probability	2	2
Reversibility	4	3
Irreplaceable loss	4	3
Duration	4	3
Cumulative effect	4	3
Intensity/magnitude	3	3
Significance rating	57: Negative High impact	54: Negative High impact
Mitigation measures	<ul style="list-style-type: none"> • <i>Public participation process that includes advertisements over a 60 day period</i> • <i>Identify possible living descendents</i> • <i>Suggest grave relocation as a preferred option</i> • <i>Exhumation and grave relocation</i> 	

TABLE 3: IMPACT ASSESSMENT FOR ANCESTRAL WORSHIP SITE

IMPACT TABLE FORMAT		
Environmental Parameter	<i>Heritage resources</i>	
Issue/Impact/Environmental Effect/Nature	The removal of a site of worship	
<i>Extent</i>	<i>Site</i>	
<i>Probability</i>	<i>Probable</i>	
<i>Reversibility</i>	<i>Completely reversible</i>	
<i>Irreplaceable loss of resources</i>	<i>Marginal loss of resources</i>	
<i>Duration</i>	<i>Short term</i>	
<i>Cumulative effect</i>	<i>Negligible cumulative effect</i>	
<i>Intensity/magnitude</i>	<i>Low intensity</i>	
<i>Significance Rating</i>	<i>Low impact</i>	
	Pre-mitigation impact rating	Post mitigation impact rating
Extent	1	1
Probability	2	1
Reversibility	1	1
Irreplaceable loss	2	1
Duration	1	1
Cumulative effect	1	1
Intensity/magnitude	1	1
Significance rating	8: Negative Low impact	6: Negative Low impact
Mitigation measures	<ul style="list-style-type: none"> • <i>Signage at entrance to property with notification of intent to develop, specifically mentioning the area of ancestral offering</i> • <i>Approaching a Ward Councilor to assist in identifying the person</i> • <i>Find an alternative place of worship</i> 	

CONCLUSION

A heritage survey was undertaken for a proposed Marian Heights development. The development consists of three properties adjacent to each other. The area has been relatively untouched for the 20th and 21st centuries, apart from three settlements that occurred there in the early 20th century.

The heritage survey did not observe any archaeological sites, nor was the area palaeontologically sensitive. The three settlements were not observed due to very dense ground cover. Due to the possibility of human graves, I suggested that the area is cleared of ground cover and reassessed. The settlement at Parcel 8724 no longer exists and no evidence for human graves could be seen. The settlement at Parcel 8726 no longer exists. The settlement at Parcel 8716 will not be affected as it is in a protected grass species zone. If permission to build is granted then the area will need to be cleared of vegetation and resurveyed. If human graves are noted then a social consultation process will need to be initiated or no development may occur. If no human graves are noted then the area will need to be monitored during construction activity.

REFERENCES

117B_047_03454

2930DD Durban 1940, 2002

Natal Museum Site Record Database

SAHRIS Database

Umlando Database

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.

A handwritten signature in black ink, appearing to read 'G Anderson', with a horizontal line underneath.

Gavin Anderson
Archaeologist/Heritage Impact Assessor

