

**PHASE 1 HERITAGE IMPACT ASSESSMENT FOR THE PROPOSED AMENDMENT
OF THE EXISTING MODELKLOOF EXT 18 RESIDENTIAL TOWNSHIP LAYOUT,
GENERAL PLAN, AND THE DEVELOPMENT CONDITIONS IN MODELKLOOF,
LADYSMITH WITHIN KWAZULU-NATAL PROVINCE**



Leonie Marais
Heritage Practitioner

868 Endeman Street
Wonderboom South
Pretoria
0084

Mobile: 082 576 6253

E-mail: leoniembotes@gmail.com

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REPORT DETAILS

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Project Consultant	Leonie Marais Heritage Practitioner
Prepared by	<p>Leonie Marais</p> <p>BA (Archaeology and Cultural History) (UP)</p> <p>BA (Hons) Cultural History (UP)</p> <p>Post Grad. Diploma in Museum Science (UP)</p> <p>Diploma in Basic Principles of Public Relations (Damelin)</p> <p>Cert Conservation of Traditional Buildings (Univ of Canberra)</p> <p>Management Development Programme (UP)</p> <p>Post Grad Dip (Heritage) (WITS)</p> <p>Accredited member: SA Society for Cultural History (CH002)</p>
Declaration	I, Leonie Marais as authorised representative of Leonie Marais Heritage Practitioner hereby confirm my independence in terms of Section 13.(1)(a) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) 2014 EIA Regulations as amended and the National Heritage Resources Act, 1999 (Act 25 of 1999).
Copyright Warning	Unless otherwise noted, the copyright in all text and other content (including the manner of presentation) is the exclusive property of Leonie Marais Heritage Practitioner.
Disclaimer	Although all possible care is taken to identify/find all sites of cultural importance during the initial survey of the study area, the nature of archaeological and historical sites is as such that it is always possible that hidden or sub-surface sites could be overlooked during the study. Leonie Marais Heritage Practitioner will not be held liable will not be held liable for such oversights or for the costs incurred as a result thereof.

EXECUTIVE SUMMARY

Leonie Marais was appointed by GKM Environmental Services to carry out a Phase 1 Heritage Impact Assessment (HIA) for the proposed amendment of the existing Modelkloof Ext 18 Residential Township layout, general plan and the development conditions in Modelkloof, Ladysmith within KwaZulu-Natal province. The site visit took place on 28 January 2021.

A field survey was conducted after which a survey of literature was undertaken.

No heritage sites are present on the area earmarked for development.

It should be noted that the sub-surface archaeological and/or historical deposits and graves are always a possibility. Care should be taken during any work in the entire area and if any of the above is discovered, an archaeologist/heritage practitioner should be commissioned to investigate.

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DEFINITION OF TERMS:

“alter” means any action affecting the structure, appearance or physical properties of a place or object, whether by way of structural or other works, by painting, plastering or other decoration or any other means.

“archaeological” means—

(a) material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;

(b) rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10m of such representation;

(c) wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the Republic, as defined respectively in sections 3, 4 and 6 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), and any cargo, debris or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation; and

(d) features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found.

“conservation”, in relation to heritage resources, includes protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance.

“cultural significance” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance.

“development” means any physical intervention, excavation, or action, other than those caused by natural forces, which may in the opinion of a heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including—

(a) construction, alteration, demolition, removal or change of use of a place or a structure at a place;

(b) carrying out any works on or over or under a place;

(c) subdivision or consolidation of land comprising, a place, including the structures or airspace of a place;

(d) constructing or putting up for display signs or hoardings;

(e) any change to the natural or existing condition or topography of land; and

(f) any removal or destruction of trees, or removal of vegetation or topsoil; or object that is specifically designated by that state as being of importance.

“grave” means a place of interment and includes the contents, headstone or other marker of such a place, and any other structure on or associated with such place.

“heritage resource” means any place or object of cultural significance.

“heritage resources authority” means the South African Heritage Resources Agency (SAHRA), or in respect of a province, a provincial heritage resources authority.

“heritage site” means a place declared to be a national heritage site by SAHRA or a place declared to be a provincial heritage site by a provincial heritage resources authority.

“improvement”, in relation to heritage resources, includes the repair, restoration and rehabilitation of a place protected in terms of Act 25 of 1999.

“living heritage” means the intangible aspects of inherited culture, and may include—

- (a) cultural tradition;
- (b) oral history;
- (c) performance;
- (d) ritual;
- (e) popular memory;
- (f) skills and techniques;
- (g) indigenous knowledge systems; and
- (h) the holistic approach to nature, society and social relationships.

“local authority” means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993).

“management”, in relation to heritage resources, includes the conservation, presentation and improvement of a place protected in terms of Act 25 of 1999.

“meteorite” means any naturally-occurring object of extraterrestrial origin.

“object” means any movable property of cultural significance which may be protected in terms of any provisions of Act 25 of 1999, including—

- (a) any archaeological artefact;
- (b) palaeontological and rare geological specimens;
- (c) meteorites; and
- (d) other objects.

“palaeontological” means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.

“place” includes—

- (a) a site, area or region;
- (b) a building or other structure which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure;

(c) a group of buildings or other structures which may include equipment, furniture, fittings and articles associated with or connected with such group of buildings or other structures;

(d) an open space, including a public square, street or park; and

(e) in relation to the management of a place, includes the immediate surroundings of a place.

“presentation” includes—

(a) the exhibition or display of;

(b) the provision of access and guidance to;

(c) the provision, publication or display of information in relation to; and

(d) performances or oral presentations related to, heritage resources protected in terms of Act 25 of 1999.

“public monuments and memorials” means all monuments and memorials—

(a) erected on land belonging to any branch of central, provincial or local government, or on land belonging to any organisation funded by or established in terms of the legislation of such a branch of government; or

(b) which were paid for by public subscription, government funds, or a public-spirited or military organisation, and are on land belonging to any private individual.

“site” means any area of land, including land covered by water, and including any structures or objects thereon.

“structure” means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith.

“victims of conflict” means—

(a) certain persons who died in any area now included in the Republic as a direct result of any war or conflict as specified in the regulations, but excluding victims of conflict covered by the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);

(b) members of the forces of Great Britain and the former British Empire who died in active service in any area now included in the Republic prior to 4 August 1914;

(c) persons who, during the Anglo-Boer War (1899-1902) were removed as prisoners of war from any place now included in the Republic to any place outside South Africa and who died there; and

(d) certain categories of persons who died in the “liberation struggle” as defined in the regulations, and in areas included in the Republic as well as outside the Republic.

KWAZULU-NATAL HERITAGE ACT, 2008 (Act No. 4 OF 2008)

1. "General protection: Structures.—

a. 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.

b. 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.

2. The Council may, by notice in the Gazette, exempt—

a. a defined geographical area; or

b. 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.

c. A notice referred to in subsection (2) may, by notice in the Gazette, be amended or withdrawn by the Council.

3. General protection: Graves of victims of conflict.—No person may damage, alter, exhume, or remove from its original position— a. the grave of a victim of conflict; b. a cemetery made up of such graves; or c. 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.

4. General protection: Traditional burial places.—

a. No grave—

b. not otherwise protected by this Act; and c. 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.

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

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

b. the applicant and the relevant communities or individuals have reached agreement regarding the grave.

c. 36. General protection: Battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorite or meteorite impact sites.—

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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)

1. INTRODUCTION

The Housing Development Agency working with the Alfred Duma Local Municipality wishes to amend the existing Modelkloof Ext 18 township, residential layout plan, general plan and the development conditions, to accommodate an integrated more dense residential development with associated land uses and amenities i.e. commercial business, places for religion, education, public open spaces, transport services, etc.

1.1 WHY A PHASE 1 HERITAGE IMPACT ASSESSMENT IS REQUIRED?

This project may potentially impact on any types and ranges of heritage resources that are outlined in Section 3 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Subsequently a Phase 1 Heritage Impact Assessment (HIA) was commissioned by GKM Environmental Services and conducted by Leonie Marais.

1.1.1 BASELINE STUDY

The objective of this Phase 1 Heritage Impact Assessment (HIA) was to gain an overall understanding of the heritage sensitivities of the area and indicate how they may be impacted on through development activities. The site survey took place on 28 January 2021.

A baseline study was conducted to identify and compile a comprehensive inventory of sites of cultural heritage within the proposed project area, which include:

- (i) all sites of archaeological interest;
- (ii) all buildings and structures older than 60 years;
- (iii) landscape features include sites of historical events or providing a significant historical record or a setting for buildings or monuments of architectural or archaeological importance, historic field patterns and graves.

The baseline study also included a desk-top research and a field survey.

The desktop research was conducted to analyse, collect and collate extant information. The desktop research included:

- Search of the list of declared heritage sites protected by the National Heritage Resources Act, 1999 (Act no. 25 of 1999);
- Search of publications on local historical, architectural, anthropological, archaeological and other cultural studies;
- Search of other unpublished papers, records, archival and historical documents through public libraries, archives, and the tertiary institutions; and
- Search of cartographic and pictorial documents and maps.

The above baseline categories are sufficient for a report of this nature.

1.1.2 SEASON AND RELEVANCE THEREOF

The survey was conducted during Summer. Unlike botanical studies heritage surveys are not restricted by season.

1.2 ARCHAEOLOGICAL CONTEXT AND HISTORY OF THE STUDY AREA

1.2.1 Archaeological context

Archaeological Context Stone Age Sequence Concentrations of Early Stone Age (ESA) sites are usually present on the flood-plains of perennial rivers and may date to over 2 million years ago. These ESA open sites may contain scatters of stone tools and manufacturing debris and secondly, large concentrated deposits ranging from pebble tool choppers to core tools such as handaxes and cleavers. The earliest hominins who made these stone tools, probably not always actively hunted, instead relying on the opportunistic scavenging of meat from carnivore kill sites. Middle Stone Age (MSA) sites also occur on flood plains, but are also associated with caves and rock shelters (overhangs). Sites usually consist of large concentrations of knapped stone flakes such as scrapers, points and blades and associated manufacturing debris. Tools may have been hafted but organic materials, such as those used in hafting, seldom preserve. Limited drive-hunting activities are also associated with this period. Sites dating to the Later Stone Age (LSA) are better preserved in rock shelters, although open sites with scatters of mainly stone tools can occur. Well-protected deposits in shelters allow for stable conditions that result in the preservation of organic materials such as wood, bone, hearths, ostrich eggshell beads and even bedding material. By using San (Bushman) ethnographic data a better understanding of this period is possible. South African rock art is also associated with the LSA.

Iron Age Sequence The earliest agriculturalists in Southern Africa are represented by Silver Leaves ceramics which is a facies of the Urewe Tradition. By AD 450 Silver Leaves was replaced by Mzonjani. The distribution of Mzonjani pottery indicates that by this time agriculturalists had expanded into the coastal belt of what is now KwaZulu-Natal, reaching some 100 km south of Durban. Most Mzonjani sites lie within six kilometres of the shoreline, so this correlation does not extend to the more significant ore reserves further inland. By the 7th century the second-phase pottery, called Msuluzi, associated with the Kalundu Tradition, became dominant, indicating that the ancestors of these agriculturalists entered southern Africa from the northwest. Msuluzi ceramics gave rise to Ndongondwane by the end of the 8th century, and Ndongondwane in turn became Ntshokane by the mid-10th century. The Kalundu sequence in KwaZulu-Natal ended in the mid- to late 11th century and was replaced by the Blackburn facies. A sharp stylistic disjunction exists between Ntshokane and Blackburn, which has long been taken to mark significant social changes at the start of the second millennium. Huffman argue that the break in ceramic tradition is best explained by the arrival of Nguni speakers from East Africa (Huffman 2007). Blackburn sites are known from the

coastal belt north and south of Durban. Similar material occurs north of the Mhlatuze lagoon (Richards Bay) (KwaZulu-Natal Museum records). The Blackburn facies developed into Moor Park, which in KwaZulu-Natal has dates of AD 1300 to about AD 1650–1700. The distribution of Moor Park sites indicates that for the first time Iron Age agriculturists settled in the higher altitude grasslands. Sites are recorded near Estcourt, Bergville and Dundee. The stone-walled Moor Park sites in the grasslands are typically located on steep-sided hilltops. The Late Iron Age (LIA) settlements are characterised by stone-walled enclosures situated on defensive hilltops c. AD 1640 - AD 1830). This occupation phase has been linked to the arrival of ancestral Northern Sotho, Tswana and Ndebele (Nguni-speakers) in the northern regions of South Africa with associated sites dating between the sixteenth and seventeenth centuries AD. The terminal LIA is represented by late 18th/early 19th century settlements with multichrome Moloko pottery commonly attributed to the Sotho-Tswana. These settlements can in many instances be correlated with oral traditions on population movements during which African farming communities sought refuge in mountainous regions during the processes of disruption in the northern interior of South Africa, resulting from the so-called difaqane (or mfecane).

1.2.2 Ethno-historical Context

Ethno-historical Context The area was one of the most important agricultural areas of the Kingdom of KwaZulu since the reigns of Kings Malandela, Jama, Senzangakhona, Shaka, Dingane and Mpande. During the reigns of Kings Shaka and Dingane, the eNdongakusuka area formed part of the area Coetzee, FP HIA: Proposed Aquaculture Development Zone, KwaZulu-Natal regarded as Prince Mpande's sphere of influence. He had his house kwaMfemfe eGcotsheni in Ndulinde, which is where Prince Shingana was born and buried in 1911. The historical events which occurred in this area include: • The Battle of Tugela which was fought on the slopes of Ndongakusuka in 1838 between a group of settlers from Port Natal under John Cane and Robert Biggar, and an impi of Dingane's forces. King Dingane sent forces to eThekweni to destroy the settlers, but they took refuge in their ships, and were not attacked. • The Battle of Ndongakusuka followed in 1856, and was fought between King Mpande's sons Cetshwayo and Mbuyazwe to contest the right of succession to the Zulu throne, provoked by Colonial interests. • Deteriorating relations between King Cetshwayo and the colonial authorities resulted in the Ultimatum given to King Cetshwayo's izinduna on 11 December 1878 at the Ultimatum Tree on the banks of the Tugela in the eNdongakusuka Municipality area. This led to the invasion of the Kingdom of KwaZulu on 22 January 1879, and the start of the Anglo - Zulu War, which saw the epic battles which have become part of world history. • Fort Tenedos was built during the initial phases of the Anglo-Zulu war. Located on the northern bank of Tugela River. The site of this sort is best viewed from Fort Pearson, which is part of the Harold Johnsons Nature Reserve. When Mpande had called on the Boers for help, he had presented his son, Cetshwayo, as his heir, but the ageing Mpande became fearful that Cetshwayo would threaten his position. He began to encourage another of his sons, Mbuyazi, to believe that he would be heir.

Cetshwayo's adherents became known as the uSuthu, after the large Sotho-type cattle his supporters had captured from the Pedi. Mbuyazi's adherents were known as the iziGqoza, from the word meaning "to drop down like drops of water from a roof", in reference to the steady trickle of adherents moving to his side. Cetshwayo, however, commanded considerably more support than Mbuyazi. As a pretext for a showdown, the two sons received permission from Mpande to hold a joint hunt in the Royal Hunting Grounds at the confluence of the Black and White Umfolozi Rivers, the place which is now Imfolozi Game Reserve. The uSuthu came better prepared for battle and the iziGqoza lost their nerve and withdrew without a blow being struck. Mpande then allocated Mbuyazi land in the south, where his own influence had once been at its greatest. He hoped this would facilitate the recruitment of more adherents for Mbuyazi, and that he would be close enough to solicit support from the British, but, if he were beaten, could flee to Natal. This was too much for Cetshwayo and he mobilised his uSuthu to drive them out. Mbuyazi heard they were coming and moved south towards the lower Thukela River. He requested help from the British, and John Dunn crossed the border with 35 frontier policemen, 100 African hunters, and was later joined by a few white trader-hunters and their assistants. After failed attempts to get Mbuyazi's women, children and cattle across the fastflowing river, Dunn suggested that the greatly outnumbered iziGqoza take the initiative and attack first. Late on the first day, as the two armies moved closer to one another, Dunn's mounted force opened fire on the uSuthu advance scouts. The next day, the iziGqoza, although assisted by Dunn's men, were routed and massacred. Dunn escaped by swimming across the river, but many of his riflemen were killed. The death toll has never been accurately assessed, but must have numbered in the thousands. Mbuyazi and five brothers were killed, but his body was never identified.

Mpande came to terms with Cetshwayo's claim to the throne and in 1857 they reached a formal reconciliation. In return for Cetshwayo's promise to keep the peace, Mpande pledged him a considerable role in ruling the nation, on condition that Mpande remain the ultimate authority. Deteriorating relations between King Cetshwayo and the colonial authorities resulted in the Ultimatum given to King Cetshwayo's izinduna on 11 December 1878 at the Ultimatum Tree on the banks of the Tugela in the Mandeni Local Municipality area. This led to the invasion of the Kingdom of KwaZulu on 22 January 1879, and the start of the AngloZulu War, which saw the epic battles which have become part of world history. These events form the nucleus of a rich historical past, which in addition to many other events and stories such as the history of the Dunn family at Mangethe. Great battles have been fought by the Zulus against the British in this area through the involvement of King Cetshwayo. Then there is the legacy of the Scottish immigrant, John Dunn, and his 48 Zulu wives and 117 children. Also culturally significant landmarks such as the Ultimatum Tree being located on the banks of the Thukela River (Mandeni Local Municipality IDP 2015)¹.

1.2.3 Historical period

¹ F.P. Coetzee, Phase 1 Investigation for the Proposed Establishment of an Aquaculture Development Zone in Amatikulu, Mandeni Local Municipality, iLembe District Municipality, KwaZulu-Natal

In the 1820's the area was affected by the disruptive influence of Mzilikazi (Zulu warrior) and later during the middle and late 19th century the area was settled in by white farmers which resulted in the establishment of fenced farms and formal towns.

1.3 LOCATION, PROPERTY INFORMATION AND PHOTOGRAPHIC RECORD OF STUDY AREA

The subject property is located along the N11 in the Ladysmith town within Ward 22 at the following coordinates: -28.530156, 29.81622. The subject property is known as Modelkloof Township Extension 18 and is situated to the north-east of the Ladysmith town. It is surrounded by the Limit Hill Township and Danskraal Township.

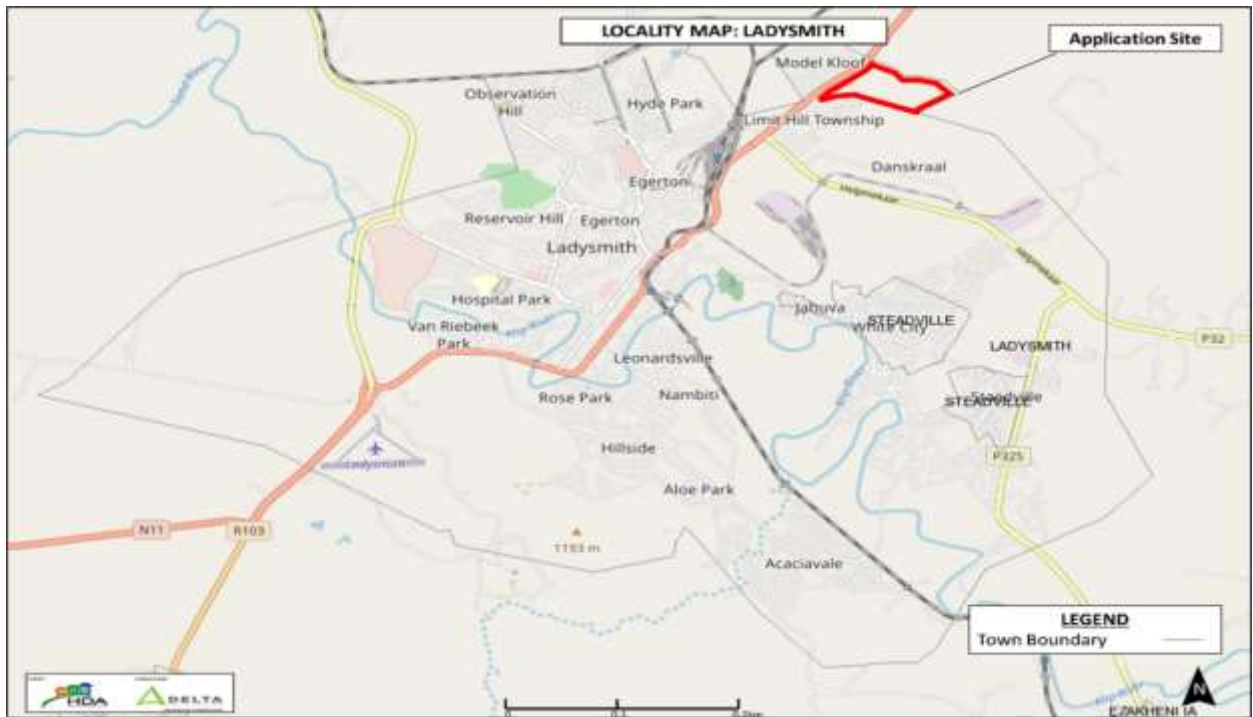


Figure 1: Site location



Photograph 1: Site characteristics



Photograph 2: Site characteristics



Photograph 3: Site characteristics



Photograph 4: Site characteristics



Photograph 5: Site characteristics



Photograph 6: Site characteristics

2. FINDINGS

2.1 PRE-COLONIAL HERITAGE SITES

Possibilities: Greater study area taken into account.

Stone Age

The Stone Age is the period in human history when stone material was mainly used to produce tools². In South Africa the Stone Age can be divided in three periods³;

- Early Stone Age 2 000 000 – 150 000 years ago
- Middle Stone Age 150 000 – 30 000 years ago
- Late Stone Age 40 000 years ago - +/- 1850 AD

Iron Age

The Iron Age is the period in human history when metal was mainly used to produce artefacts⁴. In South Africa the Iron Age can be divided in three periods;

- Early Iron Age 250-900 AD
- Middle Iron Age 900-1300 AD
- Late Iron Age 1300-1840 AD⁵

There are no pre-colonial heritage sites evident in the study area. This can be attributed to previous agricultural and infrastructure development activities in the study area.

2.2 HISTORICAL PERIOD HERITAGE SITES

Possibilities: Greater study area taken into account.

- Pioneer sites;
- Sites associated with early mining;
- Structures older than 60 years;
- Graves (Graves younger than 60 years, graves older than 60 years, but younger than 100 years, graves older than 100 years, graves of victims of conflict or of individuals of royal descent).

² P. J. Coertze & R.D. Coertze, *Verklarende vakwoordeboek vir Antropologie en Argeologie*.

³ S.A. Korsman & A. Meyer, *Die Steentydperk en rotskuns* in J.S. Bergh (red) *Geskiedenisatlas van Suid-Afrika. Die vier noordelike provinsies*.

⁴ P.J. Coertze & R.D. Coertze, *Verklarende vakwoordeboek vir Antropologie en Argeologie*.

⁵ M.M. van der Ryst & A Meyer. *Die Ystertydperk* in J.S. Bergh (red) *Geskiedenisatlas van Suid-Afrika. Die vier noordelike provinsies* and T.N Huffman, *A Handbook to the Iron Age: The Archaeology of Pre-Colonial Farming Societies in Southern Africa*.

There are no historical period sites evident on the site earmarked for development. This can be attributed to previous agricultural and infrastructure development in the study and greater study area.

2.3 ORIGINAL LANDSCAPE

Some original landscape features are still evident in the greater study area.

2.4 INTANGIBLE HERITAGE

The intangible heritage of the greater study area can be found in the stories of past and present inhabitants.

3 CATEGORIES OF HERITAGE VALUE (NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT NO. 25 OF 1999))

The National Heritage Resources Act, 1999 (Act no.25 of 1999) identifies the following categories of value under section 3(1) and (2) of the Act under the heading "National Estate":

- “3 (1) For the purpose of this Act, those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities.
- (2) Without limiting the generality of subsection (1), the national estate may include-
- (a) places, buildings, structures and equipment of cultural significance;
 - (b) places which oral traditions are attached or which are associated with living heritage;
 - (c) historical settlements and townscapes;
 - (d) landscapes and natural features of cultural significance;
 - (e) geological sites of scientific or cultural importance;
 - (f) archaeological and palaeontological sites;
 - (g) graves and burial grounds, including-
 - (i) ancestral graves;
 - (ii) royal graves and graves of traditional leaders;
 - (iii) graves of victims of conflict;
 - (iv) graves of individuals designated by the Minister by notice in the Gazette
 - (v) historical graves and cemeteries; and
 - (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
 - (h) sites of significance relating to the history in South Africa;
 - (i) movable objects, including-

- (i) objects recovered from the soil or waters of South Africa including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - (ii) objects to which oral traditions are attached or which are associated with living heritage;
 - (iii) ethnographic art and objects;
 - (iv) military objects;
 - (v) objects of decorative or fine art;
 - (vi) objects of scientific or technological interests; and
 - (vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1 (xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).
- (3) Without limiting the generality of the subsections (1) and (2), a place or object is to be considered part of the national estate if it has cultural significance or other special value because of-
- (a) Its importance in the community, or pattern of South Africa's history;
 - (b) Its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
 - (c) Its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
 - (d) Its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural objects;
 - (e) Its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
 - (f) Its importance in demonstrating a high degree of creative or technical achievement at a particular period;
 - (g) Its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
 - (h) Its strong or special association with the life and work of a person, group or organisation of importance in the history of South Africa; and
 - (i) Sites of significance relating to the history of slavery in South Africa".

3.1 HERITAGE VALUE WEIGHED AGAINST CULTURAL SIGNIFICANCE CATEGORIES

3.1.1 Spiritual value

During the site visit/field work no indication of spiritual activity was observed on the site earmarked for development.

3.1.2 Scientific value

No sites of scientific value were observed on or near the site earmarked for development.

3.1.3 Historical value

No historical value associated with the site could be found in primary and secondary sources.

3.1.4 Aesthetic value

No heritage item with exceptional aesthetic (architectural) value was identified in the study area.

3.1.5 Social value

Social value is attributed to sites that are used by the community for recreation and formal and informal meetings regarding matters that are important to the community. These sites include parks, community halls, sport fields etc.

None of the above is situated on the area earmarked for development.

3.2 SPECIFIC CATEGORIES INVESTIGATED AS PER SECTION 3 (1) AND (2) OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT NO. 25 OF 1999)

3.2.1 Does the site/s provide the context for a wider number of places, buildings, structures and equipment of cultural significance?

The study area does not provide context for a wider number of places, buildings, structures and equipment of cultural significance. The reason being the low density of heritage items in the study area.

3.2.2 Does the site/s contain places to which oral traditions are attached or which are associated with living heritage?

Places to which oral traditions are attached or associated with living heritage are usually found in conjunction with traditional settlements and villages which still practise age old traditions. None of these are evident near or on the proposed site.

3.2.3 Does the site/s contain historical settlements?

No historical settlements are located on or near the proposed site.

3.2.4 Does the site/s contain landscapes and natural features of cultural significance?

Due to previous agricultural and infrastructure development the original character of the landscape has been altered significantly in the study area. The site does not contain natural features of cultural significance.

3.2.5 Does the site/s contain geological sites of cultural importance?

Geological sites of cultural importance include meteorite sites (Tswaing Crater and Vredefort Dome), fossil sites (Karoo and Krugersdorp area), important mountain ranges or ridges (Magaliesburg, Drakensberg etc.). The proposed site is not located in an area known for sites of this importance.

3.2.6 Does the site/s contain a wide range of archaeological sites?

The proposed site does not contain any surface archaeological deposits, a possible reason is previous agricultural and infrastructure development.

The possibility of sub-surface findings always exists and should be taken into consideration in the Environmental Management Programme.

If sub-surface archaeological material is discovered work must stop and a heritage practitioner preferably an archaeologist contacted to assess the find and make recommendations.

3.2.7 Does the site/s contain any marked graves and burial grounds?

The site does not contain marked graves or burial grounds.

The possibility of graves not visible to the human eye always exists and this should be taken into consideration in the Environmental Management Plan. It is important to note that all graves and cemeteries are of high significance and are protected by various laws. Legislation with regard to graves includes the National Heritage Resources Act (Act 25 of 1999) whenever graves are 60 years and older. Other legislation with regard to graves includes those when graves are exhumed and relocated, namely the Ordinance on Exhumations (no 12 of 1980) and the Human Tissues Act (Act 65 of 1983 as amended).

If sub-surface graves are discovered work should stop and a professional preferably an archaeologist contacted to assess the age of the grave/graves and to advice on the way forward.

3.2.8 Does the site/s contain aspects that relate to the history of slavery?

No evidence of the above evident on the site earmarked for development.

3.2.9 Can the place be considered as a place that is important to the community or in the pattern of South African history?

In primary and secondary sources the proposed site is not described as important to the community or in the pattern of South African history.⁶

3.2.10 Does the site/s embody the quality of a place possessing uncommon or rare endangered aspects of South Africa's natural and cultural heritage?

The proposed site does not possess uncommon, rare or endangered aspects of South Africa's natural and cultural heritage. These sites are usually regarded as Grade 1 or World Heritage Sites.

3.2.11 Does the site/s demonstrate the principal characteristics of South Africa's natural or cultural places?

The proposed site does not demonstrate the principal characteristics of South Africa's natural or cultural places. These characteristics are usually associated with aesthetic significance.

3.2.12 Does the site/s exhibit particular aesthetic characteristics valued by the community or cultural groups?

This part of the greater study area does not exhibit particular aesthetic characteristics valued by the community or cultural groups. The reason being the low density of heritage buildings and structures located in the greater study area.

3.2.13 Does the site/s contain elements, which are important in demonstrating a high degree of creative technical achievement?

The site does not contain elements which are important in demonstrating a high degree of creative technical achievement. Reason being none of the above are evident on site.

3.2.14 Does the site/s have strong and special associations with particular communities and cultural groups for social, cultural and spiritual reasons?

The proposed site does not have a strong or special association with particular communities and cultural groups for social, cultural and spiritual

⁶ *Standard Encyclopaedia of Southern Africa and the NAB database at the National Archives of South Africa;*

reasons. No comment in this regard was received during the Public Participation Process (PPP).

3.2.15 Does the site/s have a strong and special association with the life or work of a person, group or organisation?

No indication of the above could be found in primary and secondary research sources.⁷

4. RESTRICTIONS

- None.

5. RECOMMENDATIONS

- There are no visible restrictions or negative impacts in terms of heritage associated with the site earmarked for development;
- In terms of heritage the proposed project may continue;
- The discovery of subsurface archaeological and/or historical material as well as graves must be taken into account in the Environmental Management Programme. See 3.2.6 and 3.2.7; and

6. WAY FORWARD

- Submit this report as a Section 38 application in terms of the National Heritage Resources Act, 1999 (Act no. 25 of 1999) to AMAFA AkwaZulu Natal for approval/comment.

⁷ *Dictionary of South African Biography (vol I-V) and the NAB database at the National Archives of South Africa*

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