
HERITAGE IMPACT ASSESSMENT OF PORTION 1 OF THE FARM THE KLOOF NO 2165, BLOEMFONTEIN, FREE STATE PROVINCE, FOR THE PROPOSED RESIDENTIAL AND MIXED-USE DEVELOPMENT.

Location	Portion 1 of the Farm The Kloof no 2165
Local and District Municipality	Mangaung Metro Municipality
Magisterial District	Bloemfontein 445
Province	Free State

Relevant reference numbers:	
DESTEA	Not available
SAHRIS Case ID	Not available
Type of Development	Residential and Mixed-Use

Developer	EAP	Heritage consultant
	Willene Naudé (Cordier) Spatial Solutions Inc.	Loudine Philip National Museum



Department of Anthropology and Archaeology
National Museum
Bloemfontein
+27 51 447 9609

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EXECUTIVE SUMMARY

PURPOSE OF THE STUDY

This report was prepared in request of Spatial Solutions Inc. in support of a Section 38(8) application in terms of the National Heritage Resources Act, no 25 of 1999 (NHRA). A Heritage Impact Assessment (HIA) is required in terms of the National Environment Act (NEMA) as part of a Basic Assessment Report (BAR) as the project triggers NEMA Listing Notice 1 (R324 of 7 April 2017) by activities 27 and 28.

PROJECT DESCRIPTION

The project entails the development of an access road that leads from the R700 through the Remainder of the farm The Kloof 2165 to the development area of a township with associated infra-structure on Portion 1 of the Farm The Kloof 2165.

METHODOLOGY

The research started with a desktop study using, inter alia, popular as well as academic articles, books, archival resources, historic photographs, maps (both historic and current), title deeds and survey diagrams, municipal records and documents including the current Spatial Development Framework, newspapers (archived as well as current), consultation with local historians and topic related museums, and so forth. The focus is to obtain a history of the land use of the area from the earliest time to date, in order to make an informed decision on its potential historic value and to inform the physical reconnaissance of the development area. The field inspection was done on foot by two people walking transects and using two GPSs and cameras for recording the general environment for any potential finds.

FINDINGS


The cultural material remains can be grouped into non-archaeological artefacts and built environment structures and remains. Only two of the built environment structures are older than 60 years and worthy of conservation. The main farmstead dates to approximately 1941 and is on account of its architectural features and history rated as of local importance and assigned a heritage grading of IIIa and should be retained as part of the heritage register. The stone-built barn is a good example of the vernacular architecture of farm outbuildings during the early colonial period and should be retained provided it is deemed structurally sound and also with the option to make sufficient alterations, yet sensitive to its historic purpose, to allow for secondary use. The barn is accordingly assigned a heritage grade of IIIb to allow for internal changes to adapt the building for secondary use, as well as controlled external changes, e.g. affixing doors and windows.

DECLARATION OF INDEPENDENCE AND CV

This Phase 1 Heritage Impact Assessment was undertaken and reported on by Loudine Philip of the National Museum, Bloemfontein, for, and contracted by Spatial Solutions Inc.

I declare that I am a qualified professional archaeologist (ASAPA Reg No 187) with CRM accreditation in Iron Age and Historical Archaeology. In addition I also hold an M.Phil Degree in Conservation of the Built Environment.

The views stipulated in this report are objective, independent of any views the client might have, and no other interests are displayed during the decision-making processes.

Report Version	Final v1.0		
Title	Phase I Heritage Impact Assessment report for the proposed Heritage Road, Bloemfontein		
Author	Loudine Philip		15 January 2020

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List of acronyms used in this report:

ABW	Anglo-Boer War
ASAPA	Association for Southern African Professional Archaeologists
BAR	Basic Assessment Report
CFP	Chance Find Procedures
DWA	Department of Water Affairs
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Report
FS-DESTEA	Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs
HIA	Heritage Impact Assessment
IDP	Integrated Development Program
I&AP	Interested and Affected Party
MOSS	Metropolitan Open Space System
NEMA	National Environmental Management Act (no 107 of 1998)
NHRA	National Heritage Resources Act (no 25 of 1999)
SAHRA	South African Heritage Resources Agency
SAHRIS	South African Heritage Resources Information System

VAB	Vrystaatse Argief Bewaringsplek
CO	Colonial Secretary
IBB	Imperial British Blue Books
SRC	Chief Superintendent Refugee Camps

REPORT

INTRODUCTION

This report is the result of a desktop analysis for an assessment of the potential impact the proposed residential and mixed-use development might have on existing tangible/intangible cultural heritage on and in the immediate environs of the site of the new development, followed by a field survey to record all potential heritage effects and assess its value. The report was commissioned by Spatial Solutions Inc.

TERMS OF REFERENCE

The development area is located within the urban edge of Bloemfontein, west of the R700 road leading to Bultfontein, and two kilometres before the N1/R700 intersection. The access road to the development area leads from the R700. At the opposite side of the R700 and in an easterly direction from the subject area is the Tredenham Boutique Hotel. The newly developed Summerton Estates borders the proposed property to the north and the Remainder of the Farm The Kloof 2165 borders the proposed development area on the east, south and west. The latter is also in the process of being developed and has already obtained the required statutory comment from SAHRA (Case ID: 12897) and, if not yet received, is in the process of receiving an environmental authorization as according to the Mangaung Metropolitan Municipal SDF for 2018/19, the entire The Kloof 2165 is earmarked as Future Residential Development Zone.

The total size of the subject property is 8,5655 ha (Bloemfontein Deeds Registry).

As a requirement of both the NEMA and NHRA, one of the various specialist studies required is the identification of existing cultural heritage on the subject properties and assessment of the proposed development on any identified heritage by a suitably qualified professional and the author was contracted for this. The brief for the heritage report is to provide a full history of the subject property in order for the stakeholders, any other registered interested and affected parties, as well as statutory bodies, to make an informed decision regarding the impact the proposed development might have on identified cultural heritage during the field assessment as well as provide a professional assessment of its importance with recommendations for its preservation or mitigation to both SAHRA, as the commenting authority on heritage aspects, and the developers.

PROJECT DESCRIPTION

General Project Area:

Portion 1 of the Farm The Kloof 2165, Bloemfontein	Portion 1 of the Farm The Kloof no. 2165 Size: 8,5655 ha Current zoning: Earmarked as future residential zone Owner: Berghof Trust
Magisterial District	Bloemfontein 445
Local Authority	Mangaung Metropolitan Municipality
1:50 000 map sheet number	2926AA Bloemfontein
Central co-ordinate of the development	29° 3'23.89"S; 26°13'30.25"E

Development Detail:

Type of development	Residential and Mixed-use
Proposed components	Townhouse complexes, houses and associated infrastructure such as roads, electricity, water, etc.
Proposed activities	<ol style="list-style-type: none"> 1. Clearing and excavation: The proposed development area is cleared of all vegetation (i.e. trees, shrubs and bushes). Rocks and stones in the way of future roads and building areas are removed by excavation vehicles. 2. Excavation for foundations of buildings and trenches for water and sewerage pipelines.
Applicable legislation	National Environmental Management Act (107 of 1998) EIA Regulations (R327 dd 7 April 2017)
	National Heritage Resources Act (25 of 1999) Sections 38(3) – Provisions for information to be included in a heritage report should Section 38(8) be triggered Section 38(8) – The heritage impact assessment is required in terms of the National Environmental Management Act (107 of 1998)

Layout plan of development area:

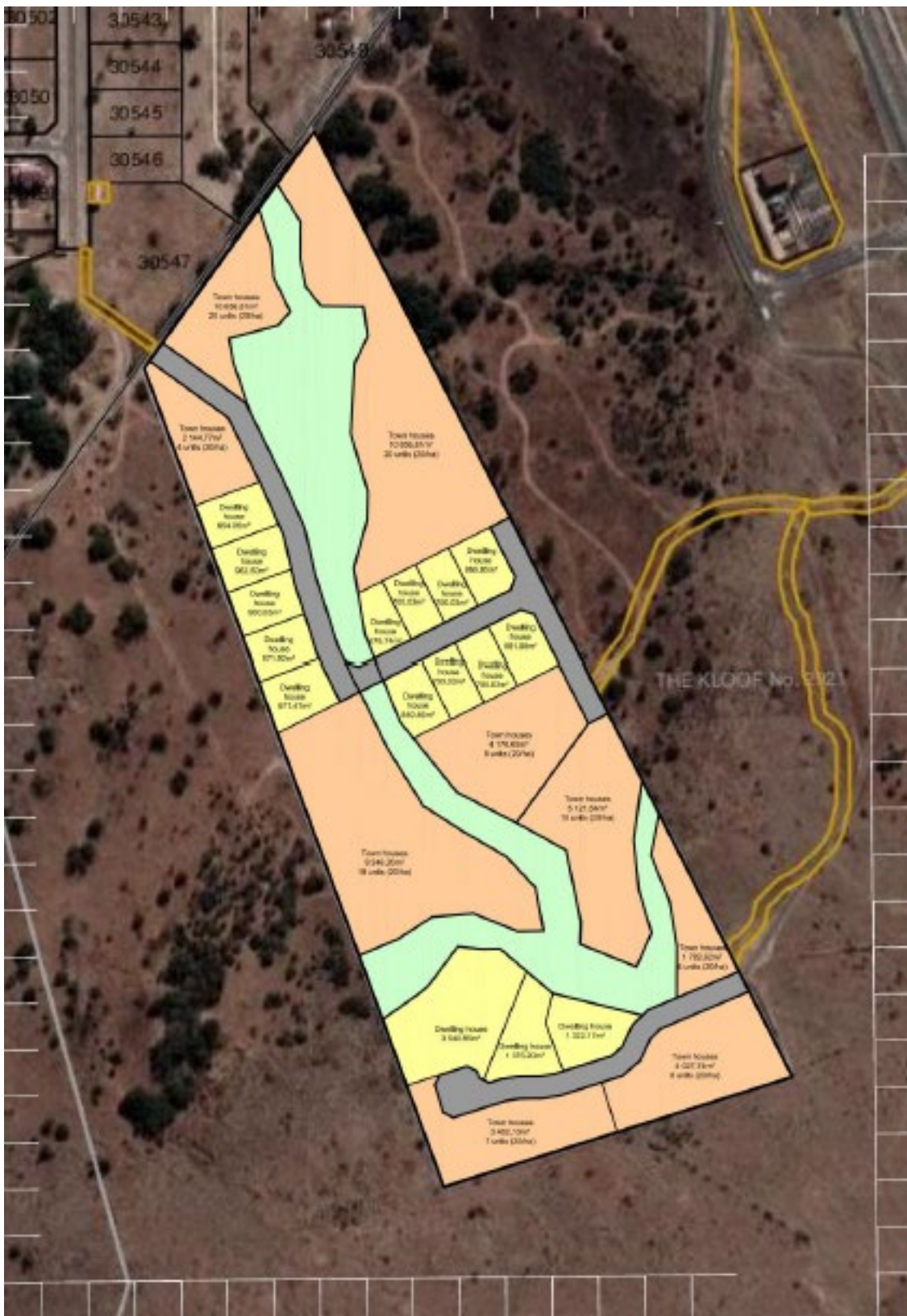
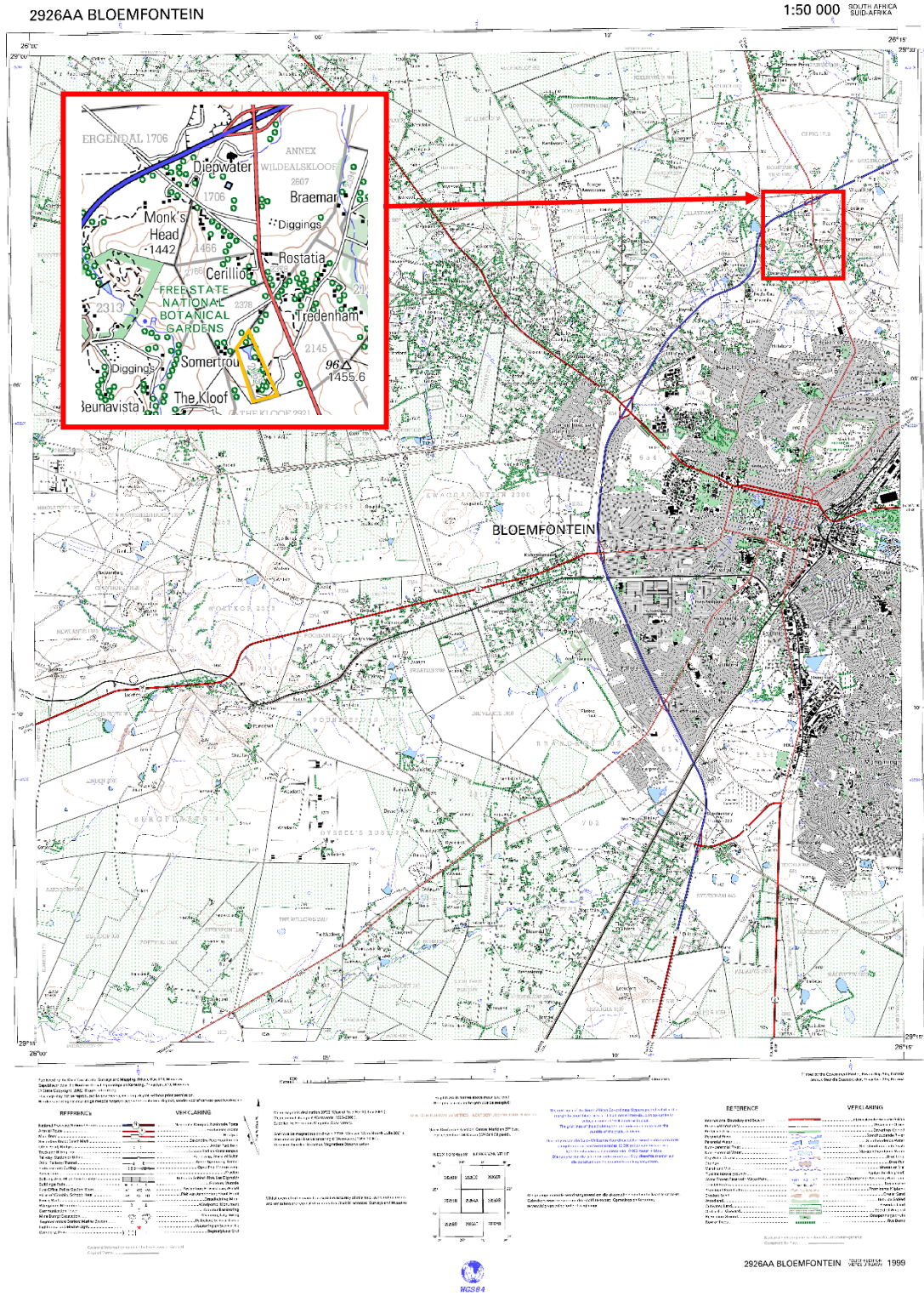


Figure 1: Preliminary layout of the proposed development

Bloemfontein 2926AA 1:50 000 map (development area yellow outlined section)



LEGISLATIVE REQUIREMENTS

National Environment Management Act, no 107 of 1998 (NEMA) and NEMA 2014 Environmental Impact Assessment Regulations, as amended (Government Notice R327 of 7 April 2017)

Listing Notice 1:

Possible Triggers:

Activities 9 and 10 (infrastructure relating to water and sewage exceeding 1000 m)

Activity 24 The development of:

(i) a road for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or

(ii) a road with a reserve wider than 13.5 metres, or where no reserve exists where the road is wider than 8 metres; but excluding road:

(a) which is identified and included in activity 27 in Listing Notice 2 of 2014; or (b) where the entire road falls within an urban area or (c) which is 1 kilometer or shorter.

Triggered activities:

Activity 27

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –

(i) the undertaking of a linear activity; or

(ii) Maintenance purposes undertaken in accordance with a maintenance management plan

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –

(i) the undertaking of a linear activity; or

(ii) Maintenance purposes undertaken in accordance with a maintenance management plan

Activity 28

Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (i) Will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or

- (ii) Will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

National Heritage Resource Act, no 25 of 1999 (NHRA)

Section 35(3):

No person may, without a permit issued by SAHRA or a provincial heritage resources authority-

- a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
- b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
- c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

Section 35(4)(a):

No person may, without a permit issued by the responsible heritage resources authority destroy, damage, excavate, alter, deface or otherwise disturb an archaeological or palaeontological site or any meteorite.

Section 38(3):

The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection 2(a) [*also a requirement if Section 38(8) is triggered*]: Provided that the following must be included:

- a) The identification and mapping of all heritage resources in the area affected;
- b) An assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7 [*Heritage assessment criteria and grading*];
- c) An assessment of the impact of the development on such heritage resources;
- d) An evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- e) The results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- f) If heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and

- g) Plans for mitigation of any adverse effects during and after the completion of the proposed development.

Section 38(8):

The provisions of this section do not apply to a development as described in subsection (1) if an evaluation of the impact of such development on heritage resources is required in terms of the Environment Conservation Act, 199 (Act No. 50 of 1991), or the integrated environmental management guidelines issued by the Department of Environment Affairs and Tourism, or the Minerals Act, 1991 (Act No. 50 of 1991), or any other legislation: Provided that the consenting authority must ensure that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of subsection (3), and any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the consent.

Physical Planning Act, No 125 of 1991

Section 27(1)(b):

no person shall use any land in the area to which the regional structure plan or the urban structure plan, as the case may be, applies for a purpose other than the purpose for which it -

- i. was being used immediately before that date; or
- ii. is zoned in terms of a town planning scheme which is or may become binding in that area;

Provided that land to which no such scheme applies may with the consent of, in the case of the regional structure plan, the Administrator concerned or, in the case of the urban structure plan, the responsible authority be used for any purpose determined in the relevant plan or for any other purpose which in the opinion of that Administrator or responsible authority is consistent with the relevant plan;

Municipal Systems Act, No 32 of 2000

Section 23:

the Integrated Development Planning (IDP) is defined as one of the core functions of a municipality in the context of its developmental orientation.

Section 35(2):

A Spatial Development Framework (SDF) contained in a council approved IDP prevails over a plan as defined in section 1 of the Physical Planning Act, 125 of 1991.

Section 27(1)(b):

Land use should be in accordance with the applicable regional or urban structure plan and

can only be used for the purpose it was used immediately before that date or the purpose for which it is zoned in terms of a town planning scheme which is or may become binding in that area. *See below.*

Mangaung SDF as reflected in the council approved draft of the Mangaung IDP of 2018/2019

The proposed development area is earmarked for future residential development.

METHODOLOGY

Literature review

The proposed development area falls within the urban edge of Bloemfontein and the literature review is focused on historic events related to the establishment of Bloemfontein and subsequent effect of certain historic periods on Bloemfontein and surrounding farms. A specific focus is placed on the previous ownership of the property and in particular the German component of Bloemfontein's early population which is relevant to this particular property.

Public Consultation and Stakeholder Engagement:

Feedback on the public consultation process can only be provided once the stakeholders have had an opportunity to read and comment on the current report. The current report will be amended to reflect the outcome of the public participation process.

Physical Survey

The field survey took place on 21 November 2018, prior to the start of the rainy season in the Free State. The pedestrian survey was undertaken by one professional archaeologist (18 years' experience) and one assistant with 12 years' experience of archaeological fieldwork. All manmade items (not necessarily archaeological) were recorded using Garmin GPSMAP64s and Garmin GPSmap60CSx handheld devices as well as a Sony Cyber-shot DSC-H7 camera.

Visibility in the survey area was fair to reasonable with the exception of the dense wooded area that has a high-volume undergrowth on account of the seasonal stream running through it. The majority of the latter, however, has been incorporated into the development plans as an ecological feature and will be retained as is.

Site Description:

The proposed development area covers the entire portion 1 of the farm The Kloof 2165, incorporating the southern portion with its existing structures (including the main house) as part of the development area.

The new development area contains a green area that will be maintained as is and is incorporated in the site-plan as provided on page 3.

A detailed record of all the finds with associated co-ordinates can be found in the Results of the Survey.

Site significance and field-rating:

Cultural significance or special value because of:	Applicable or not	Rating: Negligible / Low / Low-Medium / Medium / Medium-High / High / Very High
a. Its importance in the community, or pattern of South Africa's history	Yes	High-Medium
b. Its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage	No	
c. Its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage	No	
d. Its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects	No	
e. Its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group	No	
f. Its importance in demonstrating a high degree of creative or technical achievement at a particular period	No	
g. Its strong or social association with a particular community or cultural group for social, cultural or spiritual reasons	Yes	High
h. Its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa	No	
i. Sites of significance relating to the history of slavery in South Africa	No	

Reasoned assessment of significance using appropriate indicators outlined above:

There is no evidence, both in literature and from the field assessment, that the development area was used for any activity other than farming and accommodation at the existing buildings. No prehistoric (Stone and Iron Age) evidence, nor of any historic military activities, surface indications of graves/burial places, or rock art was found. The stone-built barn and main house are the only exceptions. The barn represents a particular vernacular style of farm outbuildings, and the main house that dates to the Second World War period contains refurbished elements of historic buildings in Bloemfontein that were demolished prior to the building of this particular house. The house itself boasts an interesting history linked to a specific period in the history of Bloemfontein.

Field rating:

The field rating is based on only two aspects of the entire development area and is as follows: High-Medium (IIB-Local Resource – can be mitigated and (partly) retained as part of the Heritage Register) for the barn and High (IIIA – Local Resource – must be retained as part of the heritage register and mitigation as part of the development is not recommended) for the main dwelling.

ASSUMPTIONS, GAPS, RESTRICTIONS AND LIMITATIONS

Despite the grass, ground visibility was good except for the area within the tree belt that will in any case be retained as a natural feature and incorporated into the development plans.

DESCRIPTION OF THE SOCIO-ECONOMIC ENVIRONMENT

The Mangaung Metropolitan Municipality (MMM) includes Bloemfontein, Botshabelo, Thaba Nchu, Soutpan/Ikgomotseng, Dewetsdorp, Wepener and Vanstadensrus of which Bloemfontein is the economical hub of the municipal area. According to the 2016 Community Survey, MMM has a population average of 787 929.¹

Bloemfontein is located on the N1 route between Gauteng and the Western Cape and on the N8 between Kimberley in the west and Lesotho to the east. It is the sixth largest city in South Africa and also the judicial capital of the country.

Agriculture, mining and manufacturing sectors cover a relatively small share in the Mangaung Metropolitan area compared to the province and country. Tertiary sector services (service providing in community services, trade, finance and transport) of the local economy is very significant within the context of the province.

¹ Mangaung IDP 2018/2019

The proposed development is expected to have an effect on different levels of economic activity in the area and benefit the economy by creating jobs, generating business sales and increasing disposable income. Temporary jobs will be created during the construction phase.

DESCRIPTION OF THE PHYSICAL ENVIRONMENT

Zoning of the development area:

According to the Mungaung Metropolitan Municipality Spatial Development Framework it is earmarked as 'Future Residential Development Zone'.

Effects of predominant economic activities on the environment:

No information or proof of any economic activities could be found other than small-scale farming.

Description of vegetation and of landscape features:

[Information in this section with permission of the ecologist is sourced from the ecological report submitted by DPR Ecologists & Environmental Services]

The site is dominated by a dense woodland community which is closely associated with the small stream system originating on the site. This has some significant conservation value as a result of the presence of two protected tree species as well as its association with the stream system which has a high conservation value. If the stream is excluded from the development and retained as is this will by default also conserve a portion of the woodland community and protected trees. Furthermore, the stream originates along a steep but small cliff area in the south of the site. Being the origin of the stream, this area is also considered to be of high conservation value and it is recommended also to be excluded from development. This steep area will also be challenging to construct on and will therefore not entail a large loss of developable surface area. Therefore, exclusion of the stream and cliff area will conserve a significant portion of the woodland community and is anticipated to considerably decrease the impact that the development will have.

The grassland portions of the site is still natural but also visibly degraded to some extent. The habitat and species diversity is also not significant and no elements which are considered important for conservation are present and these areas can be developed without any exclusions.

All of the vegetation communities on the site contain protected species and these should be mitigated accordingly. The woodland community contains two protected tree species namely, *Celtis africana* (White Stinkwood) and *Olea europaea subsp. africana* (Wild Olive). Where these will require removal it will not be possible to transplant them. Therefore, large specimens should be accommodated within the development as far as possible. Furthermore,

a significant portion will be conserved by default as a result of the exclusion of the small stream. Permits will have to be acquired for those trees which will require removal. In addition, where these trees require removal they can be offset by planting saplings and incorporating this into the landscaping of the development. The grassland portion contains a protected geophyte, *Nerine laticoma* and succulent, *Aloe grandidentate*. These transplant easily and permits should be acquired to transplant them to the portion of the site which will be excluded from development (stream system, cliff area). The small elevated portion in the south of the site contain a few specimens of protected *Euphorbia mauritanica*. It is a widespread and common species and not of conservation significance. It is also represented by only a few specimens. Consequently, it is recommended that permits be obtained to remove this species. A few specimens of the tree, *Cussonia paniculata* (Cabbage Tree), also occurs in this portion. This is a protected species with significant conservation value. It will not be possible to transplant these and they should be kept intact if possible and where not, permits must be acquired to remove them.

Although the site in general is not considered to have a high conservation value some elements do warrant conservation. The woodland community has a significant conservation value. It does not warrant exclusion in its entirety but conservation of a portion will considerably alleviate its loss. A significant portion of this vegetation will be conserved by default when excluding the small stream system. The small cliff area which forms the origin of the small stream is also of high conservation value. It is also recommended that this area be excluded from development. This will further alleviate the impact on the woodland community. The stream system itself has a very high sensitivity. Exclusion of the above area from development will considerably alleviate the impact of the development. These excluded areas should be conserved as is and should not be altered by the development. The site also contains numerous protected species. These can however easily be mitigated as described above and will significantly decrease the impact on them.

Tracks and signs of mammals are common on the site but is highly likely to be somewhat decreased from the natural condition mostly due to the proximity of the urban area, i.e. surrounding housing developments as well as roads. This isolates the site to some extent from extensive natural areas. Mammal species which are rare and endangered are often habitat specific and sensitive to habitat change. It is therefore considered unlikely that such species would occur on the site.

Mammal observations include soil mounds of the Common Molerat (*Cryptomys hottentotus*), shallow foraging excavation, most likely from a porcupine (*Hystrix africae australis*), a colony of Rock Hyrax (*Procavia capensis*) and scat of a small carnivore, most likely a mongoose. These species identified are all relatively widespread and common and therefore not of high conservation significance. They are well adapted to peri-urban and disturbed areas.

The most significant impact on mammals anticipated on the site itself is primarily concerned with the loss and fragmentation of available habitat due to the development of the residential area. Transformation of the natural vegetation on the site will result in a decrease in the population size as available habitat decreases. However, should the small stream system and cliff area be excluded from development this will still provide a small portion of habitat but more importantly a corridor by which mammals can still move between surrounding areas. Due to the transformation of habitat it is still likely that the development will have some impact on the mammal population.

It is considered likely that the site will also contain several other mammal species but these were not observed on the site and it is considered unlikely that a rare or endangered species would occur on the site.

In order to ensure no direct impact on the mammals on the site the hunting, capturing or trapping of mammals on the site should be strictly prohibited during construction as well as during inhabitation.

[Note: As a result of the ecological report, the township layout has been adjusted as reflected in the current study to exclude and/or minimise ecological threats.]

Fieldwork season and visibility

Fieldwork was conducted on the 21st of November 2018 during a particular dry period in the Free State. Visibility was fair in the majority of the development area, with the exception of the dense woodland area.

Description of soil and basic geology

The area between the Orange and Vaal Rivers are known as the southern Highveld. This area, with exception of the Vredefort Dome in the north, small outcrops of the Ventersdorp System in the west, and outliers of the Stormberg lavas in the Caledon Valley, is covered by the sedimentary series of the Karoo System (Maggs 1976: 11).

The primary study area falls within the Mangaung Metro Municipality which is located within the Karoo Super Group geology. The Bloemfontein geology consists of sandstone, shale and mudstone of the lower stage of the Beaufort Group. The north western side of Bloemfontein sedimentary geology has been intensively intruded by magmatic dolerite intrusive such as sills and dykes (DWA, 2012).

Prior activities in the proposed development area

The development area is largely undisturbed natural area of a small farm with prior activities centred on and around the main dwelling which was erected during approximately 1941. The layout of the land includes a small higher section (the edge of an escarpment) at the southern end of the property, separated by a cliff from the lower section. Prior development is concentrated in the upper section and is the natural environment severely disturbed on account of this. During its existence the main house has been utilised as private dwelling, small satellite hostel for the University of the Free State, guesthouse during the 1980s and currently once again a private residence. The relatively undisturbed natural environment of the remainder sections (excluding the extensive subsequent addition of outbuildings and recreation areas at the area around the main dwelling that are all situated on the escarpment) indicates no prior activities other than a small barn in the area below the cliff that could have been erected for the purpose of keeping either horses or cows judged by its layout as well as what appears to have been a store room (still standing) and the remains of a similar structure close to it.

LITERATURE/BACKGROUND STUDY

Introduction

The area between the Orange and Vaal Rivers, initially known as the Trans Gariep and later as the Trans Orangia, was at the beginning of the 19th century the hunting grounds of groups of wandering Bushmen. Bloemfontein has its roots in the growing disputes over territory as various population groups in the early nineteenth century almost simultaneously began to penetrate the region. These population groups, inter alia, included trekboers from the Cape, Griquas led by Adam Kok II and the Basotho headed by King Moshesh (Schoeman 1980).

The first British period (Orange River Sovereignty 1846-1854)

During the period 1846 to 1854, the Free State was under British control and known as the Orange River Sovereignty. In 1846 Henry Douglas Warden was appointed as British Resident in the Trans Orangia with the task to keep the peace between the different population groups and to establish a British Residency at a central location. In March 1846 Warden settled with his band of soldiers, the Cape Mounted Riflemen, on the farm 'Bloem Fontein' where one of the aforementioned early trekkers, Johan Nicolaas Brits, already established himself on the current site of the Old Presidency in Bloemfontein near a strong, permanent fountain and a large spruit. Bloemfontein was chosen because of its central location in the disputed area and had plenty of water and grazing areas for the horses. During this period a small town developed around the *spruit*. (Schoeman 1980)

Several farms, however, were also surveyed around Bloemfontein, to include Douglas Valley 38 which belonged to Major Henry Douglas Warden and after his dismissal as British Resident

in 1852 he went to live on his farm. From this farm would, subsequent to this period, be surveyed several smaller farms, to eventually include also the current subject property. Rustfontein 38 was surveyed from Douglas Valley in 1872 (SG Diagram 2309/1872) and in 1892 it was renamed Bayswater 38 (SG Diagram 4130/1892). From Bayswater 38 The Kloof 2165 was surveyed in 1921 (SG Diagram 1248/1921) and in 1980 the subject property, Portion 1 of The Kloof 2165 was surveyed (SG Diagram 584/80) as can be seen in figure ??.

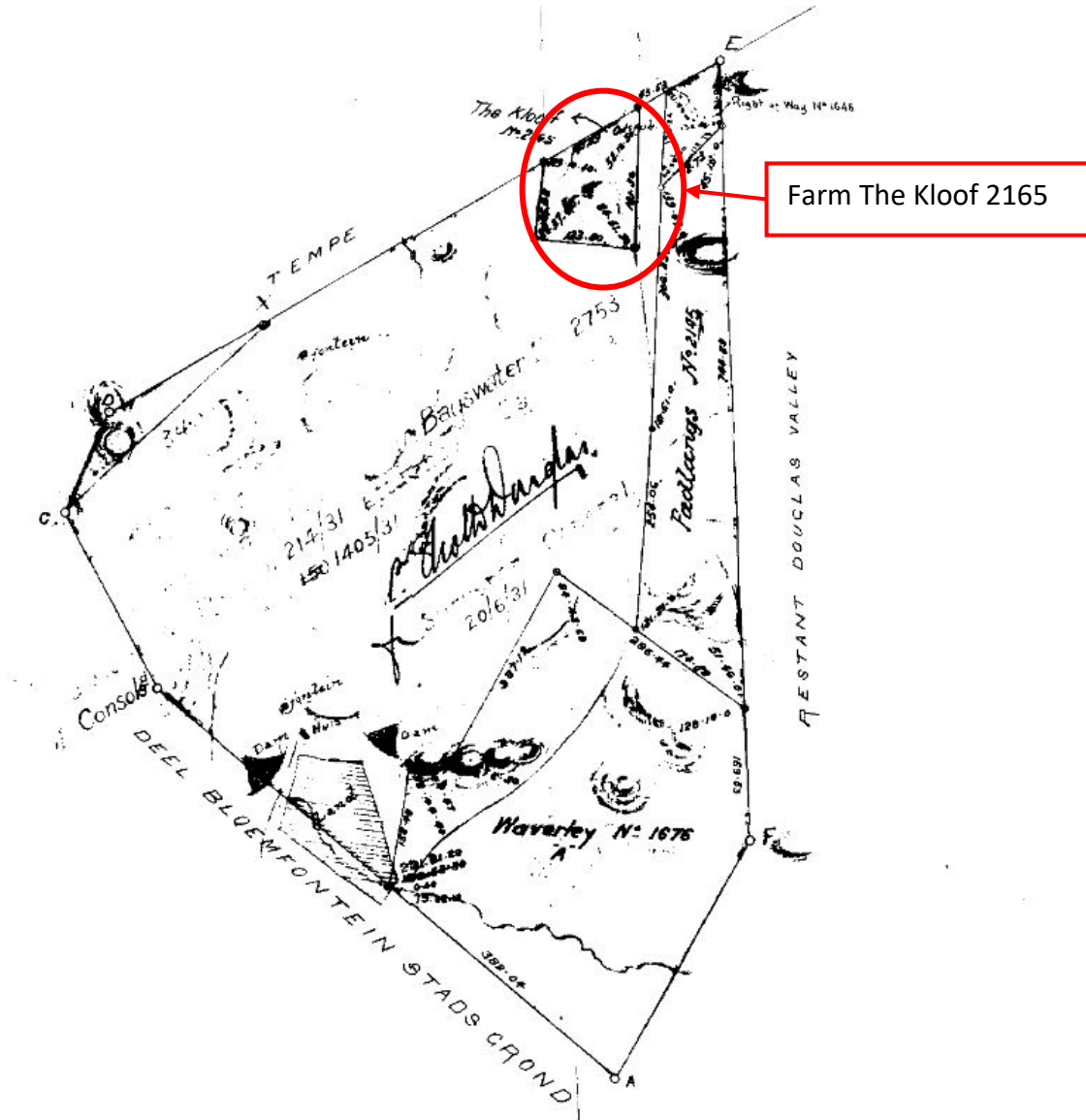


Figure 2: SG Diagram 4130/1892 - Bayswater 38

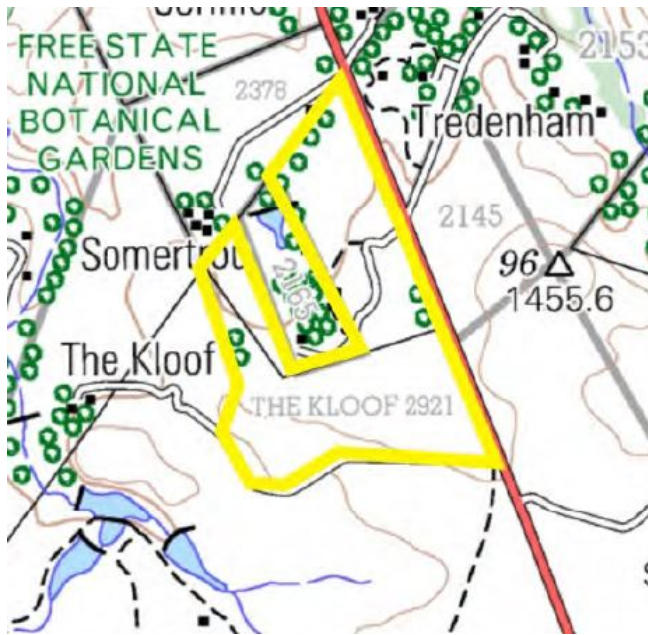


Figure 3: The yellow outline is of the Remainder of the farm The Kloof 2185, with the portion cut out from the middle being that of Portion 1 of The Kloof 2165 (i.e. the subject property)

Republic of the Orange Free State (1854-1900):

The British, however, found it increasingly difficult to keep the peace between the Griqua and other indigenous groups as well as the White farmers who had settled in this region and decided to withdraw their forces back to the Cape Colony. After their withdrawal, the Boer Republic of the Orange Free State (OFS) was established by the signing of the Bloemfontein Convention on 23 February 1854. Sir George Clerk represented Britain and 25 representatives of the people of the new country were present. The convention guaranteed the independence of the

territory between the Orange River in the south, the Vaal River in the west and north, and the Drakensberg in the east (VAB-OSS, Vol 18).

With the withdrawal of the British, Warden sold Douglas Valley to a Mr W.C. Bouwer. In 1872 the farm Rustfontein 38 was surveyed as a portion of Douglas Valley and was renamed Bayswater 38 in 1892 (owned by Dr Max Emanuel Stollreither). Although there were already some Germans living in Bloemfontein during the previous occupation period, even more Germans settled in Bloemfontein during the 1870s so that by 1871 there were already twenty German families living in Bloemfontein. These Germans played a prominent role in the growth of Bloemfontein at an economic as well as administrative level, to include the establishment of the Bloemfontein Chamber of Commerce. Among these were the Fichardts of which Emmanuel Fichardt was Stollreither's father-in-law. These German families essentially formed the upper crust of society in Bloemfontein which might have added to the strong reaction against them from other Bloemfontein inhabitants in later years.

In 1889 the Bloemfontein townlands, Bloemfontein No 654, was surveyed and secured by title deed G00/1890 to the Bloemfontein Council. Right up to the time of the Anglo-Boer War the development of the town remained centred around the original settlement area and extended to the north-east up to what would later become known as Signal Hill and Naval Hill. Black residents settled on the southern side of the town which became known as Waaihoek. This was the closest area of Bloemfontein to Thaba Nchu (a Twana settlement) and the Kingdom of the Basotho, today known as Lesotho.

The Anglo-Boer War 1899-1902 (ABW)

Preceding this war, two major events took place that had a decisive effect on the declaration of war between the British and two Boer Republics. The first event was the First Boer War (also called the First Freedom War, the Transvaal War or the Transvaal Rebellion) that took place during the period 16 December 1880 to 23 March 1881 between the Boers of the area north of the Vaal River, and the British administrators of this area (Norris-Newman, c.1885). In violation of the Sand River Convention (17 January 1852) whereby the Transvaal Republic was granted self-governance, the British re-annexed the Transvaal in 1877 (ZAR3 Proclamation No 199, 12 April 1877)(Eybers 1918).

Major-General Sir George Pomeroy Colley took over as Governor of Natal, Transvaal, High Commissioner of SE Africa and Military Commander in July 1880. Colley did not immediately take up position in the Transvaal and by the time a request for reinforcements were requested by the administrator, Sir Owen Lanyon, it was too late and the Boer revolt started on 16 December 1880 with an attack on a British column of the 94th Foot who were returning to reinforce Pretoria. Following a succession of defeats by the British and the final defeat at Majuba during which Sir G.P. Colley was killed, a preliminary peace treaty was signed between the Transvaal President, Joubert, and Sir Evelyn Wood (the remaining leader of the British forces) on 6 March 1881. The vice-President of the Transvaal, Paul Kruger, joined the conference and held out for complete independence. The deadlock was only overcome after President Brand of the Republic of the Orange Free State arrived and interceded (Duxbury, 1980). By this time the Volksraad of the Orange Free State has finally decided on a 'position of strict neutrality' and was President Brand in a position to mediate the peace negotiations (Norris-Newman, c.1885). At the Pretoria Convention of 3 August 1881 the Transvaal was again granted complete self-government, but subject to the sovereignty of the British Crown and referred to as the Transvaal State (Eybers 1918).

This was followed by a ZAR proclamation published on 8 August 1881. Not happy with all the provisos stipulated at the former convention, the Transvaal State kept on lobbying for total independence and was finally granted total sovereignty at the London Convention of 27 February 1884 and was once again known as the South African Republic (Eybers,1918) The success of this first Boer War would later serve as incentive for perseverance on the side of the Boers during the ABW of 1899-1902.

The second major and decisive event was the discovery of a rich gold deposit in 1886 on what is today known as the Witwatersrand. The Witwatersrand Gold Rush was a major contributing factor to the failed Jameson Raid of 1895 to 1896, and consequently the outbreak of the Second Boer War in 1899 (Stead 1902). Boer resentment in the Transvaal over the large number of foreigners (Uitlanders) in the Witwatersrand led to heavy taxes and the denial of voting rights for the gold miners, and in response the Uitlanders and the British owners of the mines began to pressure the overthrow of the Boer government (Aston n.d.; Davis, 1897).

Cecil John Rhodes acknowledged his complicity in the initial movement and resigned as Prime Minister on 6 January 1896 (Bodleian: MSS.Afr.s.228).

The situation in the Transvaal Republic, however, remained tense and escalated by political manoeuvrings and negotiations attempted to reach compromise on the issues of the rights of the Uitlanders, control of the gold mining industry, and the British desire to incorporate the Transvaal and the Orange Free State into a federation under British control. As the majority of the Uitlanders were of British origin, and more and more Uitlanders kept on arriving on the gold fields, the Boer government recognised that granting full voting rights to the Uitlanders would eventually result in the loss of ethnic Boer control in the South African Republic.

The June 1899 negotiations in Bloemfontein failed, and in September 1899 British Colonial Secretary Joseph Chamberlain demanded full voting rights and representation for the Uitlanders residing in the Transvaal. Paul Kruger, the President of the South African Republic, issued an ultimatum on 9 October 1899, giving the British government 48 hours to withdraw all their troops from the borders of both the Transvaal and the Orange Free State, albeit Kruger had ordered Commandos to the Natal border in early September and the British only had troops in garrison towns far from the border, failing which the Transvaal, allied to the Orange Free State, would declare war on the British government. The British government rejected the South African Republic's ultimatum, resulting in the South African Republic and Orange Free State declaring war on Britain.

The Orange Free State was defeated and occupied by the British on 13 March 1900 and placed under military administration and on 20 April 1900 the whole Orange Free State was annexed and became the Orange River Colony. Bloemfontein became the new British headquarters for this war. Although mainly stationed in the area that would later become the Tempe military base, evidence of military activities can be found on the surrounding proclaimed farms such as, for example, Lilyvale 2313, Hillandale 249 and Bayswater 2865 – the latter a section of the parent farm of the subject property.

The war ended in May 1902 with the last of the Boers surrendering and formally concluded with the signing of the Treaty of Vereeniging signed on 31 May 1902.

The Orange River Colony (1900-1910):

Both Boer republics (i.e. the Republic of the Orange River and the South African Republic) were annexed as separate British colonies to be known as the Orange River and Transvaal Colonies. Tempe remained a British military base but by the end of the war military headquarters moved from Bloemfontein to Pretoria. Life returned back to normal in Bloemfontein and remained relatively stable until World War I.

The Orange Free State Province (of the Union of South Africa 1910-1961):

The Union of South Africa came into being on 31 May 1910 with the unification of four separate British colonies, namely the Cape Colony, Natal Colony, Transvaal Colony and Orange River Colony. The Republic of the Orange Free State retained its name and became the Orange Free State Province of the new united country. The Union of South Africa was a dominion of the British Empire, and became sovereign on 11 December 1931. It was governed under a form of constitutional monarchy, with the Crown represented by a governor-general. The Union came to an end when the 1961 constitution was enacted. On 31 May 1961 the country became a republic and left the Commonwealth, under the new name Republic of South Africa.

The 1st World War (WW1) [1914-1918]:

Although the causes of this war remain controversial and debated questions, it is generally accepted that it began in the Balkans in late July 1914. In the period 1910 to 1931 the Union of South Africa remained under the British Crown as a self-governing dominion of the British Empire. As such South Africa, like many other British dominions at the time, was drawn into the war through their connection with Britain.

Prior to the outbreak of the war Britain still had a large force of her troops in South Africa. In 1908 the garrison at Tempe was the largest in the country (Groenewald, 1984).

At the outbreak of war, however, Britain finally recalled its troops from South Africa and military control was taken over by the SA Cavalry. The South African Cavalry became the new permanent force in the Union. At the end of 1914 the combined military/police training school in Pretoria-West was moved to Tempe and its personnel were accommodated in the Royal Field Artillery camp (Unit File. SA Army College, Vol 3, p.9).

During WW1 German officers were originally interned at the Tempe military base, but later moved to Port Elizabeth. Archival records dating to 1916, however, make reference to the Mayor of Bloemfontein offering ground on the town commonage for a prisoners of war internment camp. This camp was for German civilian women and children and it appears that some of them seem to have remained at this camp until the last stages of the war in 1919.

The 2nd World War (1939- 1945):

This war started on 1 September 1939 and lasted exactly six years up to when it was officially ended on the 2nd of September 1945 by America's acceptance of Japan's surrender. However, on the eve of World War II, the Union of South Africa found itself in a unique political and military quandary. While it was closely allied with Great Britain, the South African Prime Minister at the time when Britain declared war on Germany two days after Adolf Hitler's forces attacked Poland on 1 September 1939, was J.B.M. Hertzog, the leader of the pro-Afrikaner and anti-British National Party. The National party joined in a unity government

with the pro-British South African Party of Jan Smuts in 1934 as the United Party. In foreign policy, Hertzog favoured a policy of distance from the British Empire and as a Germanophile was sympathetic towards revising the international system set up by the Treaty of Versailles² in Germany's favour. Hertzog's cabinet in the 1930s was divided between a pro-British group led by the Anglophile Smuts and a pro-German group led by Oswald Pirow, the openly pro-Nazi and anti-Semitic Minister of Defence, with Hertzog occupying a middle position between the two. Hertzog's problem was that South Africa was constitutionally (as a dominion of Britain) obligated to support Great Britain against Nazi Germany. A short but furious debate unfolded in South Africa – especially at the Parliament of South Africa – with those who sought to enter the war on Britain's side, led by Smuts, against those who wanted to keep South Africa neutral, led by Hertzog.

It was, however, during this period that the main dwelling (called Berghof) at the current subject property was erected. The following history was obtained from Mr Cobus Du Preez, a heritage architect and lecturer at the University of the Free State.

Brief notes on the house Berghof outside Bloemfontein

A German couple, Dr. and Mrs. Glietenberg bought the property North of Bloemfontein. By 1936 the construction of the house that Mrs. Glietenberg had designed was in process. They called the place Berghof, after the famous retreat of the German Nazi leader, Adolf Hitler in Berchtesgaden. The inevitable rumour is that the Glietenbergs presented the place as a refuge to the German dictator (1933 – 1945), should his situation be compromised.

There might have been a contractor initially on the project, but Mrs. Glietenberg took matters in her own hands and with the help of two labourers, completed the project herself. She used recycled material from buildings that were demolished at the time and the following are listed:

- *Wrought iron railings and windows from Levin's shop in Charlotte Maxeke (then Maitland) Street,*
- *the beautiful wooden framed windows are from the Board of Executors building, and*
- *the Burmese Teak doors throughout the house from the old Post Office that was replaced during the Second World War by the current Post Office building.*

The house boasts a massive basement storey, a courtyard and a reservoir that is rumoured to hold 45 600 litres of rainwater. The house was completed in 1941.

Famous guests that paid a visit there were Judge Toon van der Heever, Prof DF Malherbe, the Prince of Oranje from the Netherlands and the once famous German soprano Erna Zack. One of the Glietenberg daughters (Freia Stuhlinger) from Mosselbay rented out the house to

² The Treaty of Versailles is a peace document signed at the end of World War I by the Allied and associated powers and by Germany.

students in the 1970s and later, but in 1980 a certain Mr. de Wet became the owner or the property. In 1996 the Enslin and Rex families bought the estate and for some time the house was managed as a guesthouse.

The source of information for these notes was Mrs. Enslin, one of the owners of the property. She conducted an interview with an architecture student, Miss L Jansen van Rensburg, in 1996.

RESULTS OF THE SURVEY AND THE ASSIGNED SIGNIFICANCE FIELD-RATING

The background study indicates that the study area cannot be linked to any past activities other than having been used as dwelling for various purposes. Due to its small size (± 8 ha), the largely undisturbed natural landscape and cultural remains found during the field survey, indicate it was not likely to have been utilised for farming activities other than provision for household needs, if any. The barn is small and might likely have been for horses or perhaps a cowshed. The only physical remains that were found during the field survey, including the erven containing the existing homestead and outbuildings, that could potentially be older than 100 years, is the stone-constructed barn and is not necessarily linked to the existing main house. The remainder finds include one more structure that is still standing, and the demolished remains and foundation of a third. Neither of the two afore-mentioned structures are older than 60 years and, accordingly, are not protected in terms of S34 of the NHRA. The third category of artefacts can all be related to maintenance of the natural wildlife.

Description of Identified Heritage Resources

This area was surveyed on the 21th of November 2018 and finds are limited to the following categories:

Artefact scatters – linked to providing feeding and water for game



Figure 4: Feeding drum fashioned from a corrugated iron water tank.



Figure 5: A rusted tin and flat disc-shape piece of metal was found close to (2 m away) the afore-mentioned feeder. The type of tin opener used indicate the contents to have been a liquid.



Figure 6: Cement lined shallow dam with Doppler pump



Figure 7: Feeders fashioned from old tyres



Figure 6: Halved drum - feeder



Figure 7: Close-up view of tyre feeders

Built Environment Structures

Structure 1 - Barn:

The barn is a two-roomed stone-built rectangular structure with cement bonding, extended on both sides with a lower wall ending in a square pillar to form an outer yard enclosed with a wire fence and gate. The dimensions are as follows:

Outer dimensions of rectangular structure	13, 820 m X 5,130 m
Inner dimensions of small room (left on floorplan)	1,77 m X 4,130 m
Window (with custom-made steel window frame inserted) – small room left	0,740 m X 1,070 m
Connecting door space between two inner areas	0,77 m (width) – height = roof level
Inner dimensions of larger room (right in floorplan)	10,050 m X 4,130 m
Door opening to the enclosed front area	1,210 m X 1,920 m
Side door entrance	1,130 m X 1,850 m
Two window openings flanking door leading to enclosed front area	Right: 0,740 m X 1,070 m Left: 0,820 m X 0.560 m
Window opening at back of room (roughly constructed wooden frame for window found on ground outside the window)	0.560 m X 1,370 m
Height of wall at front end of rectangular structure	2,930 m
Height of wall at rear end of rectangular structure	2,520 m
Fall of roof from front to rear walls	0,410 m
Outer walls (up to pillars)	5,500 m X 1,500 m
Pillars	0.700 m X 0.700 m X 1,505 m

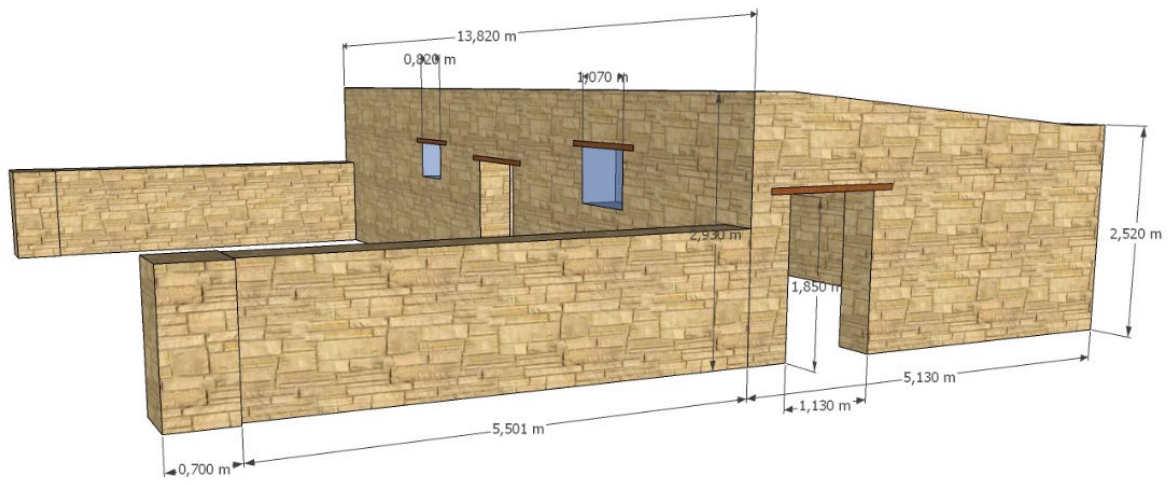


Figure 8: View from the north-western corner

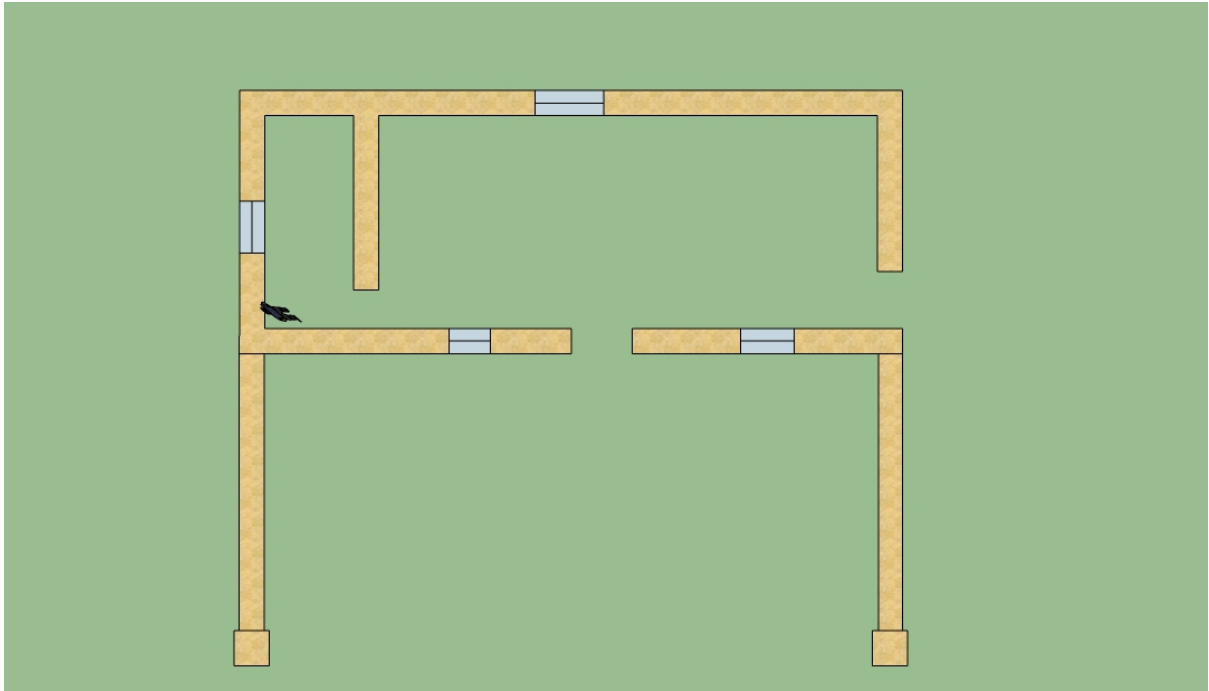


Figure 11: Floorplan



Figure 12: Front view (northern side) of barn showing wire fence and gate



Figure 9: Back view (southern side) of barn structure with one window from the larger of the two interior spaces. The position of both front and back windows are positioned in the upper half of the walls.



Figure 10: Wooden frame below window of rear wall



Figure 15: Interior view photographed from the side entrance with small room entrance at the far end. One in situ rafter. The interior connecting door space is considerably narrower at 77 cm as opposed to the two exterior entrances and is most likely designed to keep the mature animals out of that space.

Structure 2: Demolished – only foundation and building rubble remains



Figure 16: Building rubble from a demolished structure built with pre-cast cement bricks. The remaining foundation indicate it to be a two-roomed structure, two adjacent 3.5 X 3.5 m rooms, each with their own entrance.

Structure 3 – Two-roomed building: [GPS S29° 03' 22.49" E26° 13' 32.33S"]

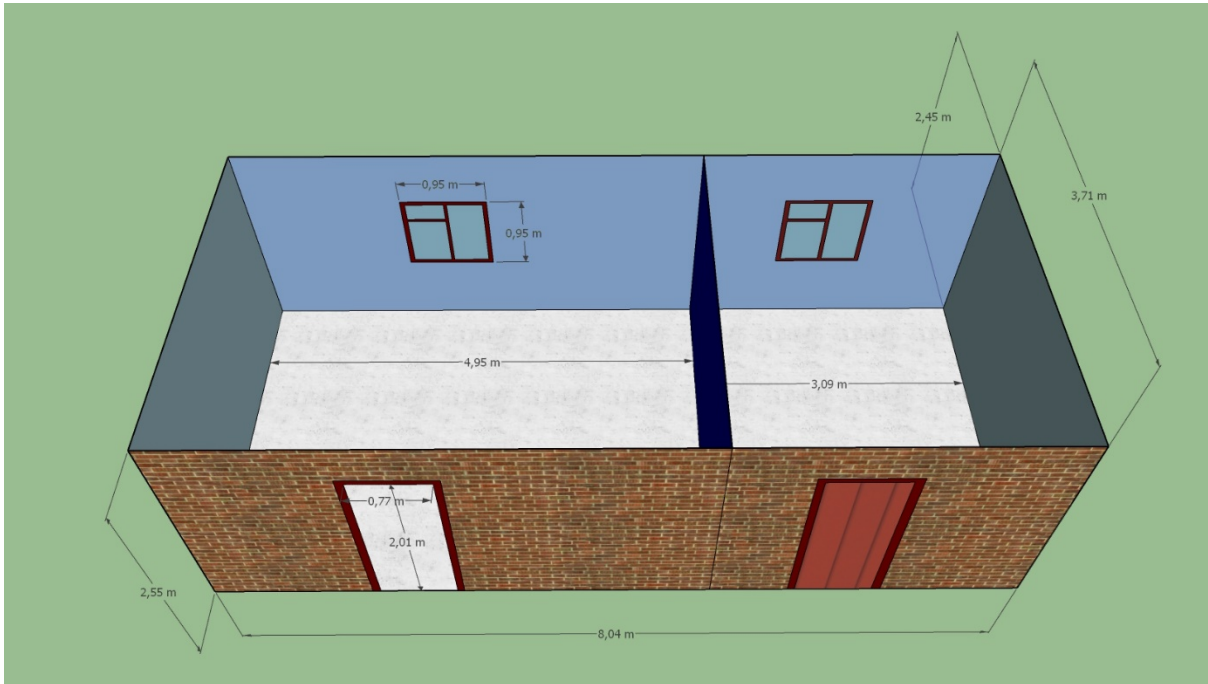


Figure 17: Two-roomed structure - largely intact, but minus its roofing. Exterior and interior wall is the width of one brick, narrow door openings (77 cm) with roughly constructed custom-made metal doors and built with commercially manufactured bricks. The roof space slopes from the front to the back with a 10 cm drop in height. Wooden rafter beams (still in place) supported the roof covering.



Figure 18: Front view of building



Figure 11: This building had an electricity supply and the walls show several successive layers of painting. The windows are of an average size, still commercially available.



Figure 12: Indentation in cement at roof height indicate a corrugated iron roof with no ceiling. Note tarred pole rafters and custom-made doors.

General environment:



Figure 13: Open marshland area close to the northern border of the property - in rainy season the water dams up in this area. Centre GPS reading: 29° 3'18.72"S; 26°13'27.84"E

Description	GPS coordinate
Corrugated iron feeding drum	29° 03' 25.7"S; 26° 13' 29.9"E
Rusted tin and flat disc	29° 03' 25.7"S; 26° 13' 29.9"E
Cement lined shallow dam	29° 3'19.18"S; 26°13'24.86"E
Tyre feeders & half drum	29° 3'19.18"S; 26°13'24.86"E
BE structure 1 (historic stone-built barn)	29° 03' 25.09"S; 26° 13'34.0"E
BE structure 2 (modern 2-roomed building)	29° 3'22.49"S; 26°13'32.33"E
Foundation of Demolished building	29° 3'21.50"S; 26°13'31.70"E
Main homestead	29° 3'29.55"S; 26°13'30.90"E



Figure 14: Map of finds within boundaries of Farm The Kloof portion 1 of 2165

IMPACT ASSESSMENT

The cultural remains can be grouped into built structures and scatters. The scatters, insignificantly small as per photographic evidence in this report, are not of an archaeological age.

The built structures that are within the new area to be developed is one two-roomed structure (less than 60 years old) that was possibly used as storeroom or workers' house, and one barn of indeterminable age. An additional area contains the demolished remains of another two-roomed structure that might have been the predecessor of the still standing one mentioned earlier. The barn is built in a typical vernacular style linked to early farming in the Free State and is worthy of preservation.

The main house, which is not earmarked for demolition, is worthy of conservation at local level by means of a formal declaration.

The study area accordingly contains two built structures of potential Grade III (main homestead) and Grade IIIB (barn) status.

PALAEONTOLOGY:

The subject area falls within an area on the SAHRIS palaeomap indicated as a blue area, i.e. low sensitivity, and only requires a protocol for finds to be included with the recommendations. This is included in the attached Chance Find Procedures that must be signed by the developer as well as the site managers of the development project.

In addition, Dr Lloyd Rossouw did the Phase 1 Heritage Impact Assessment of the Remainder of the farm Die Kloof 2921 which surrounds the subject property on three sides (refer to Image ? on page ?) also indicates this area as palaeontological insignificant.

CONCLUSIONS & RECOMMENDATIONS

The proposed development area contains two built structures that are worthy of conserving, being the main house and the barn. Although the brief and lay-out of the development as received for the purpose of this study, do not indicate changes to the main house and surrounding buildings, the main house itself boasts an interesting history in both its construction and historical purpose and is worthy of enjoying formal protection at local level. It is, accordingly, recommended that this house be thoroughly researched for the purpose of submitting an application to Heritage Free State for formal declaration. A temporary grading of Grade IIIA is assigned.

With the ever-expanding periphery of the city of Bloemfontein, however, more and more historic barns are lost as the surrounding farms are swallowed up by the development of new residential areas. The barn in the current proposed development area is a stone-packed rectangular barn that appears to be in a reasonably stable condition. As a typical example of an historic barn that has been in use in the Free State from its earliest colonial occupation, and elsewhere in the country - in particular the Karoo, it should be considered to be incorporated into the planning of the current residential development. A temporary grading of Grade IIIB is assigned to allow for internal changes to adapt the building for secondary use as well as controlled external changes, e.g. affixing doors and windows.

In light of the above, it is recommended that SAHRA approves the development with the following provisos:

1. That no alterations or changes be made to the main house without prior approval from Heritage Free State;
2. That a suitably qualified professional (e.g. engineer) assesses the historic barn for structural soundness so that it can be incorporated into the layout of the new residential area. A permit should be obtained from Heritage Free State for any adaptive changes to the existing structure;

3. That, in the event that the barn is not deemed structurally sound, an application for a demolition permit is obtained from Heritage Free State before any demolition can take place.
4. That the developer agrees to and signs a Chance Find Procedure (CFP) document and in turn ensure that once a project manager has been appointed, they too (including site managers) sign the CFP and commit to the implementation thereof. The developer-signed copy should be uploaded to SAHRIS.

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 <p>NATIONAL MUSEUM BLOEMFONTEIN</p> <p>an agency of the Department of Arts and Culture</p>	<p>Department of Archaeology and Anthropology National Museum 36 Aliwal Street Bloemfontein</p> <hr/> <p>ARCHAEOLOGICAL/PALAEONTOLOGICAL CHANCE FIND PROCEDURE (CFP)</p>
<p><i>Prepared for</i></p>	
<p>EAP: Willene Naudé (Cordier) Developer: Project co-ordinator for construction: Development Project: Residential development on Portion 1 of the farm The Kloof 2165</p>	
<p>Date: 15 January 2020</p>	

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1. SUMMARY

The purpose of this document is to address the possibility of archaeological and/or palaeontological deposits becoming exposed during ground altering activities within the project area and to provide protocols to follow in the case of a chance find to ensure that such sites are documented and protected as required.

Archaeological and palaeontological sites are protected by the National Heritage Resources Act, No 25 of 1999 and these procedures are accordingly to ensure compliance with laws and regulations related with cultural heritage in South Africa. Archaeological/palaeontological sites are non-renewable, very susceptible to disturbance and are finite in number. Archaeological sites are an important resource that is protected for their historical, cultural, scientific and educational value. Impacts to archaeological sites must be avoided or managed by development proponents. The objectives of this Chance Find Procedure (CFP) are to promote preservation of archaeological data while minimizing disruption of construction scheduling. All on-site personnel and contractors are required to be informed of the Archaeological/Palaeontological Chance Find Procedure and have access to a copy while on the construction site.

2. POTENTIAL IMPACT ACTIVITIES

Activities that involve excavation, movement, or disturbance of soils have the potential to impact archaeological as well as palaeontological materials, if present. Activities such as road construction, land clearing, and excavation of foundations or for any other purpose, are all examples of activities that may adversely affect archaeological/palaeontological deposits.

A permit is required for any subsurface investigation of an archaeological site or investigation with the intent to locate a site. Disturbance and/or removal of artefacts from an archaeological site may result in penalties.

3. RELEVANT LEGISLATION

The National Heritage Resources Act (NHRA) automatically protects all archaeological and palaeontological sites, whether on government or private land.

Archaeological means:-

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

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.

In terms of this particular development Sections 35 and 36 of the NHRA are applicable of which the relevant sections are quoted herewith:

Section 35(3): (Archaeology, palaeontology and meteorites)

Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority offices or museum, which must immediately notify such heritage resources authority.

Section 36(6): (Burial grounds and graves)

Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority—

- (a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and*
- (b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.*

4. CHANCE FIND PROCEDURE EXECUTION

In the event of the accidental exposure of previously subsurface archaeological material as per description in section 3 above, the following applies:

- All construction activity in the vicinity of the remains is to cease immediately.
- The find location must be recorded, and all remains must be left in place.
- An archaeologist/palaeontologist should be contacted to investigate.
- Potential significance of the remains will be assessed and mitigative options will be identified.
- If the significance of the remains is judged to be sufficient to warrant further action and they cannot be avoided, then the investigating archaeologist or palaeontologist in consultation with the Archaeology, Palaeontology and Meteorite (APM) unit of the South African Heritage Resources Agency (SAHRA) will determine the appropriate course of action.
- In the case of human remains, the SA Police pathologist must be contacted to determine if it is of an archaeological nature. If not, the remains will be dealt with by the SAP.
- If the remains are assessed to be archaeological, an archaeologist with experience in archaeological burial sites should be contacted who will in consultation with the Graves and Burial unit of SAHRA determine the course of action to be taken. Options could include avoidance or respectful removal and reburial.

For the CFP to be effective, the site manager must ensure that all personnel on the development site understand the CFP and the importance of following it if cultural or palaeontological heritage resources are encountered. Additionally, training on cultural heritage resources that might potentially be found on site should be provided to key on-site personnel.

5. RESPONSIBILITIES

Developer	The developer must undertake to ensure the project-coordinator assigned for this project (if different to the developer) signs this document and consequently takes responsibility for implementing this Chance Find Procedure
Project coordinator	The top level person who has ultimate responsibility for the implementation of this plan and who will be legally responsible to ensure the proper execution thereof. This is typically the firm that subcontracts all the various service providers.
Project manager(s)	The person responsible for supervising all site teams and has the responsibility that all site members are aware of the archaeological/palaeontological chance find procedures.
Consultant (archaeologist or palaeontologist)	The consultant is referred in the event of a chance find for his/her advice and for reporting and recording found items according to applicable legislation.

The following people hereby acknowledge receipt of a copy of the CFP and upon signature agrees to implement the CFP if and when required:

DEVELOPER:

.....

Name

.....

ID Number

.....

Company/Employer

.....

Signature

PROJECT COORDINATOR: (To be completed and signed once such person has been appointed)

.....
Name

.....
ID Number

.....
Company/Employer

.....
Signature

PROJECT MANAGER: (to be completed and signed once such a person has been appointed)

.....
Name

.....
ID Number

.....
Company/Employer

.....
Signature

ARCHAEOLOGIST/PALAEONTOLOGIST: (to be completed and signed once such a person has been appointed)

.....
Name

.....
ID Number

.....
Company/Employer

.....
Signature

Please note a copy of this document, signed by the developer, must be uploaded to SAHRIS at the same time SAHRA is notified of this project by means of registering the case for statutory commenting.