
Cultural Heritage Impact Assessment: Erf 1, Douglas, Herbert
District, Northern Cape, South Africa

2005-05-15



McGREGOR MUSEUM, KIMBERLEY

Our Ref: 2923BB 2005.001

DME Ref: NC30/5/1/3/3/2/1/(066)EM
NC30/5/1/3/3/2/1/(067)EM

Cultural Heritage Impact Assessment: Erf 1, Douglas, Herbert District, Northern Cape, South Africa

Report to –
Denzil H. Jants
Contact Details: P.O. Box 420, Douglas, 8730
Cell: 083 507 9239

Prepared by –
Karen van Ryneveld
McGregor Museum, Archaeology Department, CRM Unit
Contact Details: P.O. Box 316, Kimberley, 8300
Tel: (053) 839 2700 / Fax: (053) 842 1433

Contents

- 1) PROJECT BRIEF
- 2) METHODOLOGY
- 3) LOCATION and SURFACE OBSERVATIONS

MAP 1:
EXTRACT OF THE 1:50 000 2923 BB DOUGLAS MAP

TABLE 1:
GPS CO-ORDINATES OF THE PROPOSED DEVELOPMENT
AREA, IDENTIFIED AND ASSOCIATED SITES AND FEATURES
- 4) IMAGE GALLERY
- 5) INTERPRETATION, CONCLUSION and RECOMMENDATIONS
- 6) ACKNOWLEDGEMENTS
- 7) APPENDIX 1:
EXTRACTS from the NATIONAL HERITAGE RESOURCES ACT
(No 25 of 1999)

For the Attention of –

- 1) Raisibe Maribe Department of Minerals and Energy
Contact Details: Private Bag X 6093, Kimberley, 8300 Tel: (053) 830 0830 / Fax: (053) 832 5631
E-mail: raisibe.maribe@dme.gov.za
- 2) Mary Leslie South African Heritage Resources Agency
Contact Details: P.O. Box 4637, Cape Town, 8000 Tel: (021) 462 4502 / Fax: (021) 462 4509
E-mail: mleslie@sahra.org.za

1) Project Brief

The Archaeology Department, McGregor Museum CRM Unit, was contacted by the developer, Denzil H. Jants, to conduct a Phase 1 Cultural Resources Management (CRM) impact assessment on the property described as Erf 1, Douglas, in the Herbert District of the Northern Cape, South Africa, in order to comply with requirements as set out in the Minerals Act, Act No 50 of 1991, represented by the Department of Minerals and Energy (DME) and the National Heritage Resources Act, No 25 of 1999, represented by the South African Heritage Resources Authority (SAHRA).

Denzil H. Jants has submitted an application to DME to develop the area for a small scale diamond mining operation.

This document reports on the findings of the assessment.

2) Methodology

One McGregor Museum CRM Unit, staff member visited the site on 2005-05-11, in the company of Denzil H. Jants and Willie Dames.

The assessment was limited to a Phase 1 surface survey. No excavation or subsurface testing was done since a permit from SAHRA is required to do so. GPS co-ordinates were taken with a Garmin e-trex vista GPS (5-7 m error margin). Photographic documentation was done with a Casio exilim EX-S2 camera.

In accordance with current legislation no development started prior to the CRM impact assessment.

3) Location and Surface Observations

The area intended for development can be described as Erf 1, Douglas, Herbert District, Northern Cape Province (1: 50 000; 2923 BB Douglas). The total area comprises approximately 3.8 ha. The Griekwastad road cuts through the proposed development area dividing it into a southern and northern section.

The SOUTHERN SECTION comprises an area of approximately 2.3 ha (co-ordinates provided in Table 1). The northern demarcation is situated at a distance of approximately 20 m from the road and 10 m from overhead electricity lines. The southern demarcation does not border on the banks of the Vaal River and is in accordance with environmental requirements pertaining to flood lines.

The disturbed surface context of the area is the result of a former brick works operation, former mining operation (in an area adjacent to the proposed development area) and recorded floods dating from the 1970's onwards.

Stone Age artefacts, in a disturbed context, were present at a locality close to the southern edge of the demarcated area proposed for development (S1). The area is approximately 1.5 x 1 m in extent. A couple of broken stone flakes were found. No formal tools were present making it difficult to classify the artefacts. The artefacts most probably relate to Middle Stone Age (MSA) activity. The presence of this small collection of flakes might well be the result of either floods or former mining operations in the adjacent area. On the other hand their presence might be indicative of *in situ* deposits, well expected in such close proximity to the banks of the Vaal. Proposed diamond mining activity will impact on the locality of S1.

A house foundation with sandstone and cement rubble, approximately 4x4 m in extent, (H1) (in close proximity to an old car wreck) is situated just south of the southern demarcation of the development area. The proposed development area was formerly part of a much larger residential area, dating to the period of forced removals, circa 1974 and thereafter. (People were forcibly removed from Bulwer [?] to the area. Subsequently the mixed community was forced to relocate to different black, white and coloured areas). Proposed diamond mining activity might well impact on the locality of H1, but will definitely affect related residential remains if any are still sub-surfacely present.

House remains (H2) are also present to the west of the development area. Remains relate to former sewerage works. Despite the close proximity of the remains to the proposed development area, development will not impact thereon. Remains are further not older than 60 years and therefore not protected by the Act (No 25 of 1999). The remains are of no cultural significance nor do they relate to a culturally significant period as defined in the Act.

The **NORTHERN SECTION** comprises an area of approximately 1.5 ha (co-ordinates provided in Table 1). The area is surrounded by encroaching housing developments to the north and east. The southern demarcation of the area is roughly 10-15 m from the Griekwastad road.

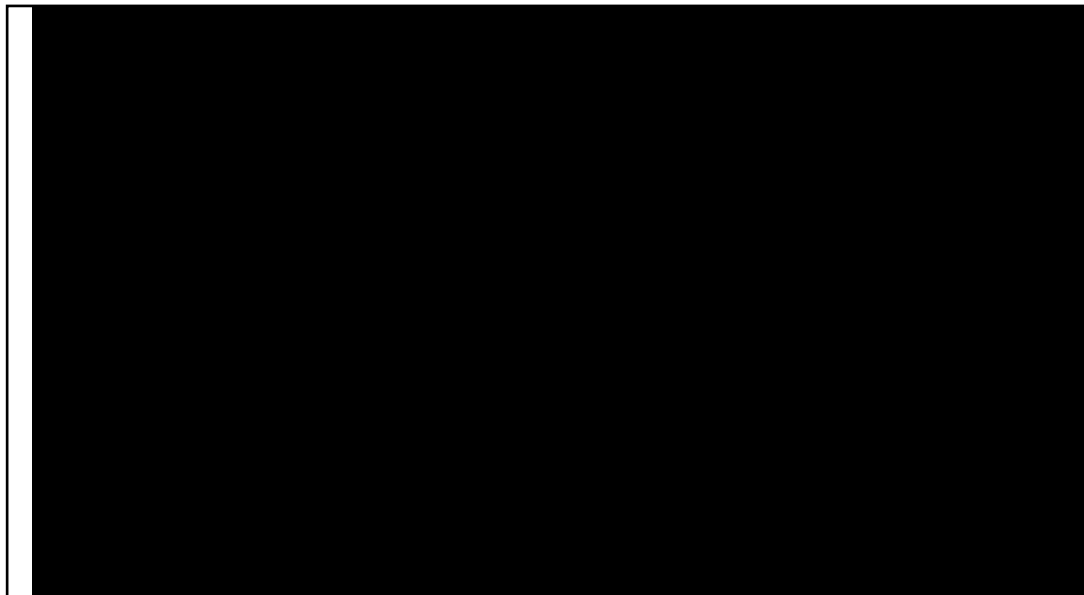
The area is located in the dry bed of a stream locally known as 'die stroom'. The flow of 'die stroom', a non-perennial drainage line, was diverted post 1974 to provide for surrounding residential areas. Construction remains (piles of rubble) relating to the diversion is evident in the area. The earlier residential area primarily falls outside the dry riverbed section of the proposed development area.

Stone Age artefacts, in a disturbed context (S2), were visible on the western side of the northern section. The area is approximately 2 x 1 m in extent. The proposed development will impact on the locality of the artefact assemblage. The presence of the artefacts, supposedly the result of former diversion activities, does not constitute a 'site' as defined in the Act, and may rather point toward the possibility of *in situ* material within the proposed development area.

A house foundation of approximately 4 x 7 m in extent (H3) is situated on the north-western side and directly borders the demarcated development area. The remains date to the period circa 1974 and thereafter. Despite falling just outside of the proposed development area, development might well impact on the site. The remains are not older than 60 years and in themselves not covered by the Act. However the foundation does relate to a culturally significant period (forced removals); the history relating to its presence is thus covered by the Act.

PROMINENT HERITAGE SITES RELATING TO THE CIRCA 1974 AND LATER OCCUPATION OF THE AREA BUT NOT FALLING WITHIN THE PROPOSED DEVELOPMENT AREA

Two important heritage sites relating to the circa 1974 and later occupation of the general area were identified, namely the foundations of an old church (K1), situated within the property boundaries of the Golf Course, and a cemetery (B1) situated further west and closer to the banks of the Vaal River. Recorded names at the cemetery include Mthogo, Phete, Busang, Jonas, Rence, Vannel, Nkala and Bitcher; many of which are still known, or supposed later corruptions thereof (Busang – Boesak) still known, amongst the community. Dates are varied, with recorded birth dates dating back to 1895. Recorded dates of as late as 1994 is evidence of a continuous cultural tradition – a remarkable tradition still carried forward by some members of a community where a single burial ground is shared between communities (Tswana and Coloured) who don't share residential areas.



MAP 1: Extract of the 1:50 000 2923 BB Douglas map

Development section	Sites in / in the immediate vicinity of the development area	Related sites outside the development area	Co-ordinates	
			South	East
Southern section			S 29°02' 54.8"	E 23°45'58.8"

			S 29°02'56.2"	E 23°45'58.4"
			S 29°02'55.4"	E 23°45'55.6"
			S 29°02'58.2"	E 23°45'55.0"
			S 29°02'59.9"	E 23°45'49.8"
			S 29°02'56.5"	E 23°45'48.9"
	Stone Age find place (S1)		S 29°02'58.8"	E 23°45'52.4"
	House foundations (H1)		S 29°02'59.6"	E 23°45'50.3"
	House remains (H2)		S 29°02'57.7"	E 23°45'49.3"
Northern section			S 29°02'51.3"	E 23°45'39.2"
			S 29°02'47.6"	E 23°45'41.6"
			S 29°02'48.5"	E 23°45'44.2"
			S 29°02'51.8"	E 23°45'46.2"
	Stone Age find place (S2)		S 29°02'52.2"	E 23°45'40.3"
	House foundations (H3)		S 29°02'48.0"	E 23°45'41.0"
		Church foundations (K1)	S 29°02'56.0"	E 23°45'38.4"
		Cemetery (B1)	S 29°03'56.0"	E 23°45'38.4"

TABLE 1: GPS co-ordinates of the proposed development area, identified and associated sites and features

4) Image Gallery



A collection of artefacts from S1, southern section



House foundations, H1, southern section



Car wreck near H1, southern section



House remains, H2, southern section



General view of Northern development section



A collection of artefacts from S2, northern section



Church foundations, K1



Two graves from the recorded cemetery, B1

5) Interpretation, Conclusion and Recommendations

S1 AND S2:

Two areas with Stone Age artefacts were identified, namely S1 in the southern, and S2 in the northern sections of the proposed development area. In both cases development will result in total destruction of the assemblages and their contexts. However, the visibly disturbed contexts of the assemblages do not validate formal protection or mitigation since such action will make no defined scientific contribution to our pre-historic past. These assemblages do not constitute 'sites' as defined in the Act and I would recommend that development (and the destruction of the assemblages and their contexts) continues without the developer having to apply for site destruction permits from SAHRA.

In both cases the presence of Stone Age material might be indicative of *in situ* sub-surface material. Close proximity to the Vaal River renders *in situ* material most probable and of utmost importance in the reconstruction of our pre-historic past. Should *in situ* material be encountered during the course of development, the developer should cease operation in the immediate area and report the find to the McGregor Museum CRM Unit or SAHRA (or any other ASAPA accredited CRM archaeologist).

H1 AND H3:

Two structures (house foundations) relating to the period of circa 1974 and thereafter, the period of forced removals, were identified namely H1 in the southern, and H3 in the northern development section. Neither of these structures are older than 60 years and thus in themselves not protected by the Act. The structures however date to a significant period of our historic past, the protection of which is the mandatory responsibility of SAHRA.

I would recommend that a clearly marked, 5-10 m 'no-go' buffer zone (fence / painted stone demarcation) be erected around both sites prior to development and development to continue thereafter as normal. (Alternatively the sites should be scientifically documented and mitigated prior to development).

The southern section is known to have been a residential area. Floods and continuous municipal developments are the main reason for people having resettled elsewhere. The absence of further residential remains in the area is thus a cause for caution and remains may well be preserved sub-surface. The documentation of such sub-surface remains in the proposed development area will make a valuable, though small, contribution to the general understanding of the earlier settlement pattern and historic townscape. The developer should contact the McGregor Museum CRM Unit or SAHRA (or any other ASAPA accredited CRM archaeologist) immediately if any historical remains are encountered during the course of development.

The historic townscape is known to have been much larger than the area covered by the proposed development, and the church foundations (K1) and cemetery (B1) both relate to this period. It is thus valuable to not only record the remains under immediate threat of development, but to assess these against the greater context of their historic period. The developer has offered to facilitate a community process to record some of the histories of this past period. I would recommend that the community process, in conjunction with the McGregor Museum CRM Unit, be started at the developer's soonest convenience, either before or at the time of development.

5) Acknowledgements

I would like to thank Denzil H. Jants and Willie Dames for accompanying me to the proposed development site, to prominent sites relating to the circa 1974 period and for supplying additional information on this historic period.

The developer may contact Mary Leslie, SAHRA, in due time to enquire about the outcome of the report.

McGregor Museum, Department of Archaeology, CRM Unit		
Name	Designation	ASAPA Accreditation
David Morris	Head of Archaeology	Principal Investigator
Karen van Ryneveld	Archaeologist	Field Director
Elizabeth Voigt	Archaeologist	N/A

National Heritage Resources Act (No 25 of 1999)

DEFINITIONS

Section 2

In this Act, unless the context requires otherwise:

- ii. *"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 10 m 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, ... 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.
- viii. *"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 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;
- xiii. *"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;
- xxi. *"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.
- xxxi. *"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 trances;
- xli. *"Site"* means any area of land, including land covered by water, and including any structures or objects thereon;
- xliv. *"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;

NATIONAL ESTATE

Section 3

- 1) For the purposes 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 to 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 of slavery 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 interest; 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 1xiv) of the National Archives of South Africa Act, 1996 (Act No 43 of 1996).

STRUCTURES

Section 34

- 1) No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

ARCHAEOLOGY, PALAEOLOGY AND METEORITES

Section 35

- 3) 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.
- 4) No person may, without a permit issued by the responsible heritage resources authority –
 - a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
 - b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
 - c) trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or
 - d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- 5) When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and no heritage resources management procedure in terms of section 38 has been followed, it may –
 - a) serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order;
 - b) carry out an investigation for the purpose of obtaining information on whether or not an archaeological or palaeontological site exists and whether mitigation is necessary;
 - c) if mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph a) to apply for a permit as required in subsection 4); and
 - d) recover the costs of such investigation from the owner or occupier of the land on which it is believed an archaeological or palaeontological site is located or from the person proposing to undertake the development if no application for a permit is received within two weeks of the order being served.
- 6) The responsible heritage resources authority may, after consultation with the owner of the land on which an archaeological or palaeontological site or meteorite is situated, serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.

BURIAL GROUNDS AND GRAVES

Section 36

- 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.
- 4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction of any burial ground or grave referred to in subsection 3a) unless it is satisfied that the applicant has made satisfactory arrangements for

the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.

- 5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection 3b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority –
 - a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and
 - b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.
- 6) 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.

HERITAGE RESOURCES MANAGEMENT

Section 38

- 1) Subject to the provisions of subsections 7), 8) and 9), any person who intends to undertake a development categorised as –
 - a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
 - b) the construction of a bridge or similar structure exceeding 50 m in length;
 - c) any development or other activity which will change the character of a site –
 - i. exceeding 5 000 m² in extent; or
 - ii. involving three or more existing erven or subdivisions thereof; or
 - iii. involving three or more erven or subdivisions thereof which have been consolidated within the past five years; or
 - iv. the costs which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
 - d) the rezoning of a site exceeding 10 000 m² in extent; or
 - e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.
- 2) The responsible heritage resources authority must, within 14 days of receipt of a notification in terms of subsection 1) –
 - a) if there is reason to believe that heritage resources will be affected by such development, notify the person who intends to undertake the development to submit an impact assessment report. Such report must be compiled at the cost of the person proposing the development, by a person or persons approved by the responsible heritage resources authority with relevant qualifications and experience and professional standing in heritage resources management; or
 - b) notify the person concerned that this section does not apply.
- 3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection 2a) ...
- 4) The report must be considered timeously by the responsible heritage resources authority which must, after consultation with the person proposing the development decide –
 - a) whether or not the development may proceed;
 - b) any limitations or conditions to be applied to the development;
 - c) what general protections in terms of this Act apply, and what formal protections may be applied, to such heritage resources;
 - d) whether compensatory action is required in respect of any heritage resources damaged or destroyed as a result of the development; and
 - e) whether the appointment of specialists is required as a condition of approval of the proposal.

APPOINTMENT AND POWERS OF HERITAGE INSPECTORS

Section 50

- 7) Subject to the provision of any other law, a heritage inspector or any other person authorised by a heritage resources authority in writing, may at all reasonable times enter upon any land or premises for the purpose of inspecting any heritage resource protected in terms of the provisions of this Act, or any other property in respect of which the heritage resources authority is exercising its functions and powers in terms of this Act, and may take

photographs, make measurements and sketches and use any other means of recording information necessary for the purposes of this Act.

- 8) A heritage inspector may at any time inspect work being done under a permit issued in terms of this Act and may for that purpose at all reasonable times enter any place protected in terms of this Act.
- 9) Where a heritage inspector has reasonable grounds to suspect that an offence in terms of this Act has been, is being, or is about to be committed, the heritage inspector may with such assistance as he or she thinks necessary –
 - a) enter and search any place, premises, vehicle, vessel or craft, and for that purpose stop and detain any vehicle, vessel or craft, in or on which the heritage inspector believes, on reasonable grounds, there is evidence related to that offence;
 - b) confiscate and detain any heritage resource or evidence concerned with the commission of the offence pending any further order from the responsible heritage resources authority; and
 - c) take such action as is reasonably necessary to prevent the commission of an offence in terms of this Act.
- 10) A heritage inspector may, if there is reason to believe that any work is being done or any action is being taken in contravention of this Act or the conditions of a permit issued in terms of this Act, order the immediate cessation of such work or action pending any further order from the responsible heritage resources authority.