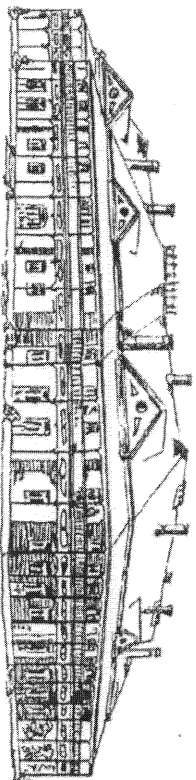


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# **McGregor Museum**

## **Department of Archaeology**



**Site visit to inspect cultural material  
on mine debris dumps adjacent to the  
Kimberley Mine  
at the site of a proposed hotel**

**David Morris**  
**Kimberley: September 2005**

912/04911

## **Site visit to inspect cultural material on mine debris dumps adjacent to Kimberley Mine at the site of a proposed hotel.**

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### **Introduction**

This report presents findings based on a brief visit to the dumps at the south western side of Kimberley Mine where it is proposed a hotel would be built as part of the current revamping of the mine museum complex. Comments made in a recent survey of Kimberley dumps (Morris 2005) will be of relevance (the dumps around Kimberley Mine were not included in the terms for that report).

No precolonial traces were noted during the present survey: the entire area is mantled by debris dumps which are presumed to date from the period of active mining here pre-1915.

Notably the dumps are capped in places by a scatter of probably mainly twentieth century cultural material. It is not clear whether this was a primary rubbish dumping site: it is entirely possible that the bulk of this material results from secondary dumping from another site, possibly nearby. The material is mainly of early twentieth century date (perhaps a century old), with possibly some objects being a little older, and some items of much more recent date (these latter including smashed glass, bottle tops, etc, which also extend beyond the main clusters of earlier artefacts and in fact become more common near the edges of the property).

Recommendations are given that include the need for sampling of midden content.

### **Background**

The principal importance of the area examined is in relation to the history of Kimberley over the past 135 years. The debris dumps are themselves a heritage feature, recognition of which is given in the preservation of nearby dumps. Certain features, such as ash/bottle middens and industrial waste (metal etc), may be explicitly protected by the Act, and could be highly instructive in an archaeological sense on aspects of Kimberley's past.

Heritage impact assessments are a means to facilitate development while ensuring that what should be conserved is saved from destruction, or adequately mitigated and/or managed. (Appendices give criteria for evaluating heritage value for archaeological sites, and provide extracts from the National Heritage Resources Act).

## **Terms of reference**

The purpose for the visit was merely to inspect cultural material noted on the surface of the area of proposed hotel development and to make recommendations for mitigation where necessary.

## **Legislation**

The National Heritage Resources Act (No 25 of 1999) (NHRRA) provides protection for archaeological resources (see Appendix 2).

It is an offence to destroy, damage, excavate, alter, or remove from its original position, or collect, any archaeological material or object (defined in the Act), without a permit issued by the South African Heritage Resources Agency (SAHRA).

Section 35 of the Act protects all archaeological and palaeontological sites and requires that anyone wishing to disturb a site must have a permit from the relevant heritage resources authority. Section 36 protects human remains older than 60 years. In order for the authority to assess whether approval may be given for any form of disturbance, a specialist report is required. No mining, prospecting or development may take place without heritage assessment and approval.

The Provincial Heritage Resources Agency (PHRA) in the Northern Cape has, for the time being, requested SAHRA at national level to act on an agency basis where archaeological sites are concerned. Permit applications must be made to the SAHRA office in Cape Town.

## **Methods and limitations**

Only surface traces were inspected. It is possible that important heritage resources may exist within or beneath dumps. In the event that such resources or features are found during development they should be reported immediately to an archaeologist.

These possible resources/features include:

- Further middens within the mine dumps (although observations suggest they are in this case mainly a capping feature: it is possible that 1870s traces may exist at the base of the dumps);
- Human remains (the finding of human remains in mine dumps is not unheard of).

## **Observations**

A cutting through the dump and an adjacent slope to the west of a point at 28°44.488'S 24°45.385'E revealed relatively rich densities of circa century-old porcelain, glass (coddies, etc), metal and bone (well

preserved, showing butcher cuts etc). It was found that this cultural material occurred mainly as, or within, a capping on top of old mine debris dumps and on the higher surfaces only.

The principal distribution of material is defined by the following co-ordinates:

Lat	Long
28°44.480'S	24°45.367'E
28°44.480'S	24°45.356'E
28°44.465'S	24°45.380'E
28°44.450'S	24°45.363'E
28°44.464'S	24°45.318'E
28°44.471'S	24°45.336'E
28°44.495'S	24°45.348'E

Only part of this area would be impacted by the hotel structure itself but all of it might be impacted by leveling of the site.

### **Recommendations**

SAHRA permits will be required in the case of disturbance of any mining era heritage resources, which include rubbish middens such as those described above, even if they are not in primary context.

Phase 2 mitigation work is recommended where middens may be disturbed during preparation of the site for hotel development. Representative samples of the midden should be recovered before it is disturbed further.

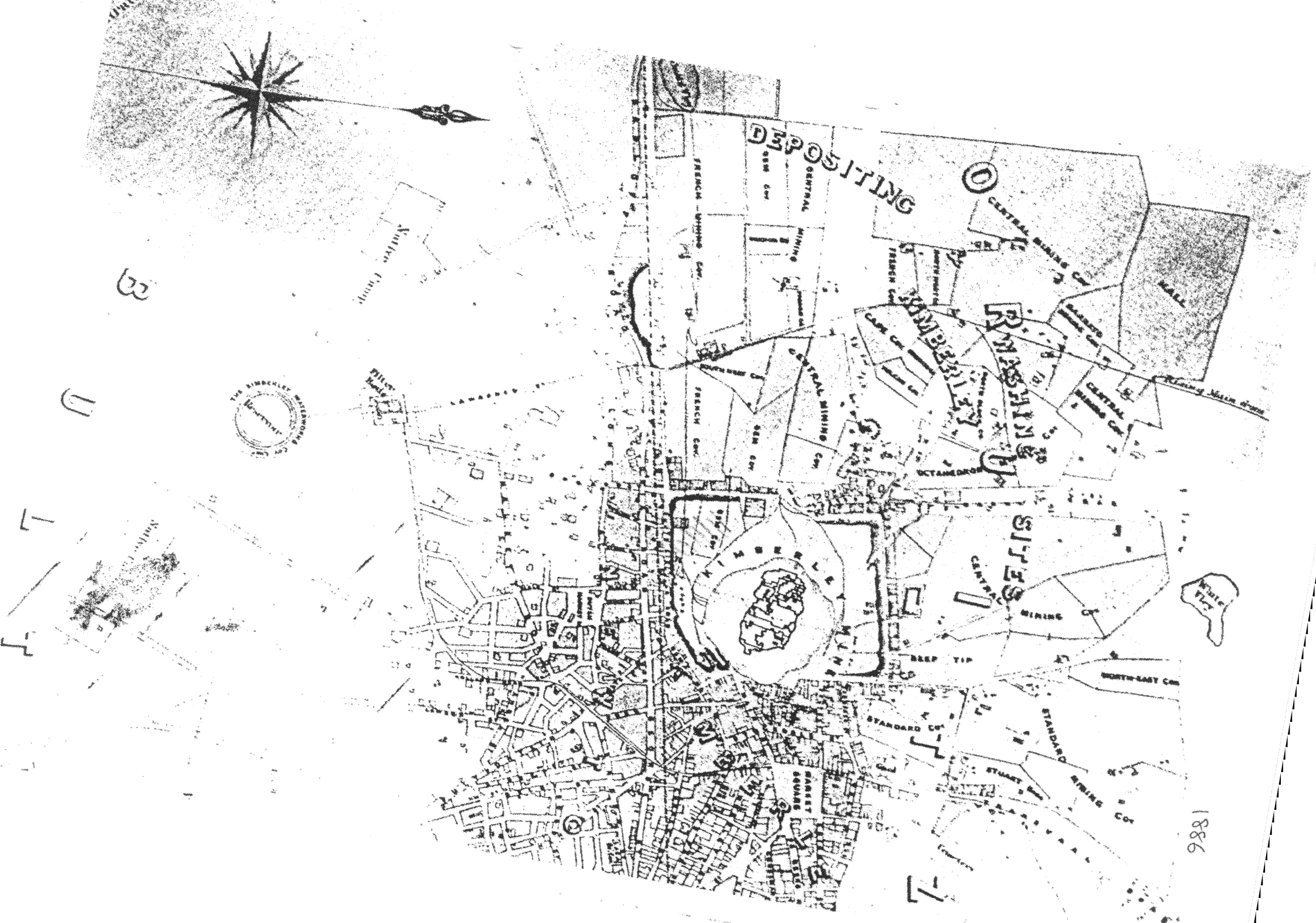
Heritage resources may well come to light in other dump clearance operations on the properties in question. In the event of any being found, an archaeologist should be consulted. Monitoring during drilling or dump clearance is recommended.

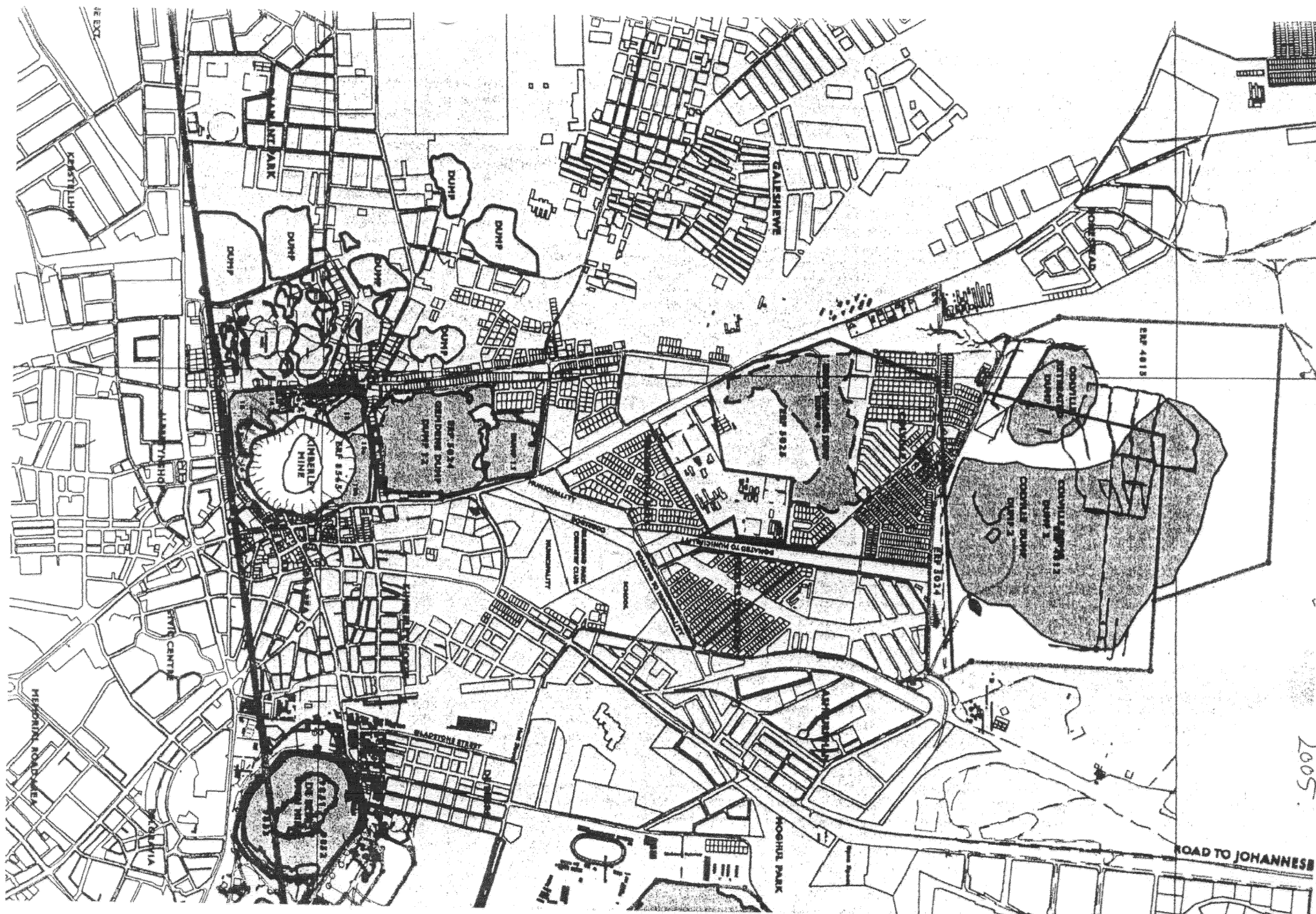
### **Acknowledgements**

I should like to thank Professional Management Consultants who arranged the visit.

### **References**

Morris, D. 2005. Phase 1 Archaeological Impact Assessment for De Beers Consolidated Mines Ltd (Contract 0616-AC-244-05) to evaluate heritage resources on properties as indicated.





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## Appendix 1 : Criteria to be used for archaeological significance assessment

In addition to guidelines provided by the Act, archaeological criteria for use in assessing relative significance of archaeological resources have been developed and found to be suitable in Northern Cape settings (Morris 2000c).

### *Estimating site potential*

Table 1 is a classification of landforms and visible archaeological traces for estimating the potential for archaeological sites (after J. Deacon nd, National Monuments Council). Type 3 sites tend to be those with higher archaeological potential. There are notable exceptions, such as the renowned rock art site Driekopseland, near Kimberley, which is on landform L1 Type 1. Generally, moreover, the older a site the poorer the preservation. Estimation of potential, in the light of such variables, thus requires some interpretation.

### *Assessing site value by attribute*

The second matrix (Table 2) is adapted from Whitelaw (1997), who developed an approach for selecting sites meriting heritage recognition status in KwaZulu-Natal. It is a means of judging a site's archaeological value by ranking the relative strengths of a range of attributes. While aspects of this matrix remain qualitative, attribute assessment is a good indicator of the general archaeological significance of a site, with Type 3 attributes being those of highest significance.

**Table 1. Classification of landforms and visible archaeological traces for estimating the potential for archaeological sites (after J. Deacon, National Monuments Council).**

Class	Landform	Type 1	Type 2	Type 3
L1	Rocky surface	Bedrock exposed	Some soil patches	Sandy/grassy patches
L2	Ploughed land	Far from water	In floodplain	On old river terrace
L3	Sandy ground, inland	Far from water	In floodplain or near feature such as hill	On old river terrace
L4	Sandy ground, coastal	> 1 km from sea	Inland of dune cordon	Near rocky shore
L5	Water-logged deposit	Heavily vegetated	Running water	Sedimentary basin
L6	Developed urban	Heavily built-up with no known record of early settlement	Known early settlement, but buildings have basements	Buildings without extensive basements over known historical sites
L7	Lime/dolomite	>5 myrs	<5000 yrs	Between 5000 yrs and 5 myrs
L8	Rock shelter	Rocky floor	Sloping floor or small area	Flat floor, high ceiling
Class	Archaeo-logical traces	Type 1	Type 2	Type 3
A1	Area previously excavated	Little deposit remaining	More than half deposit remaining	High profile site
A2	Shell or bones	Dispersed scatter	Deposit <0.5 m thick	Deposit >0.5 m thick;



Class	Landform	Type 1	Type 2	Type 3
	visible			shell and bone dense
A3	Stone artefacts or stone walling or other feature visible	Dispersed scatter	Deposit <0.5 m thick	Deposit >0.5 m thick

**Table 2. Site attributes and value assessment (adapted from Whitelaw 1997)**

Class	Attribute	Type 1	Type 2	Type 3
1	Length of sequence/context	No sequence Poor context Dispersed distribution	Limited sequence	Long sequence Favourable context High density of arte/ecofacts
2	Presence of exceptional items (incl regional rarity)	Absent	Present	Major element
3	Organic preservation	Absent	Present	Major element
4	Potential for future archaeological investigation	Low	Medium	High
5	Potential for public display	Low	Medium	High
6	Aesthetic appeal	Low	Medium	High
7	Potential for implementation of a long-term management plan	Low	Medium	High

## Appendix 2

Extracts from the

### 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.
- "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.

viii.

"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;

"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.

xiii.

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 trance;

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 1 (xiv) 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 m<sup>2</sup> in extent; or
  - ii. involving three or more existing even or subdivisions thereof; or
  - iii. involving three or more even 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 m<sup>2</sup> 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.

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.