
PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

**THE NEW PROVINCIAL OFFICES, PORTION OF ERF 15735,
BLOEMFONTEIN, FREE STATE, SOUTH AFRICA**

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1) TERMS OF REFERENCE

The proposed development, the construction of the new Free State Provincial Offices will be located on an approximate 1.02ha portion of Erf 15735, Bloemfontein, Free State. The proposed development aims to consolidate government office space under one roof, currently spread across a number of buildings in Bloemfontein including buildings included in the proposed development area.

1.1) DEVELOPMENT LOCATION AND IMPACT

The proposed Free State Provincial Offices will be located on an approximate 1.02ha portion of Erf 15735, situated between Charles and Elizabeth Streets, bordering Markgraaf Street to the west, Bloemfontein Central Business District (1:50,000 map ref. – 2926AA).

Development will entail the destruction of all existing surface structures located on the proposed development area. Sub-surface impact will exceed 1.5m in depth. Development impact on the affected area will be total; resulting in the loss of all surface and sub-surface heritage sites / features that may be present within the proposed development area.

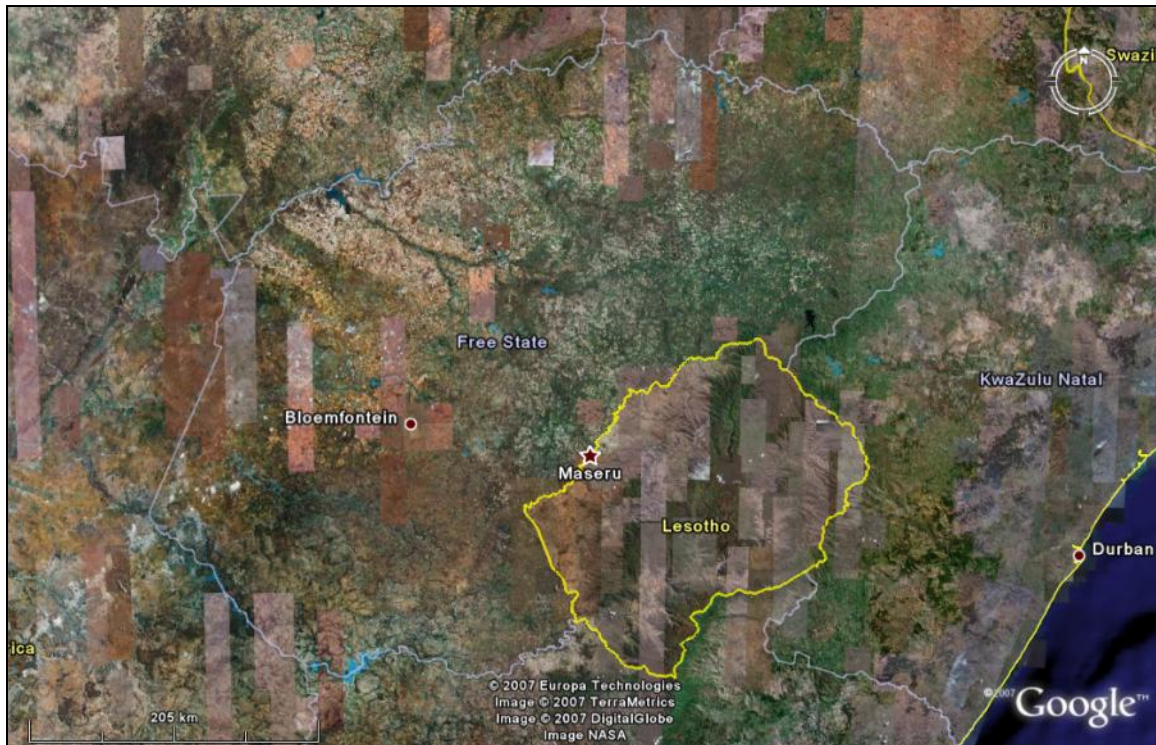


Figure 1: Bloemfontein, Free State, South Africa



Figure 2: Location of the proposed Free State Provincial Offices, Bloemfontein



Figure 3: The proposed development area, portion of Erf 15735, Bloemfontein

2) BRIEF HISTORY OF THE FREE STATE AND BLOEMFONTEIN

Bloemfontein was founded in 1846 by British army major Henry Douglas Warden as an outpost of the Transoranje region; at the time occupied by various cultural groups including Cape Colony Trekboers, Griqua and Basotho. With colonial policy shifts the region changed into the Orange River Sovereignty (1848-1854). After the British granted independence to the Transvaal Republic, independence of the Orange Free State was also recognized and the region became officially independent from British rule on the 23rd of February 1845, with the signing of the Orange River Convention. The republic immediately came into being incorporating both the former Sovereignty and the Winburg-Potchefstroom Republic. Despite developing into a politically and economically successful republic conflict with the British prevailed until it was finally annexed as the Orange River Colony in 1900. The republic ceased to exist as an independent Boer republic on the 31st May 1902 with the signing of the Vereeniging Treaty, marking the end of the 2nd South African / Anglo-Boer War. The Free State again joined the Union of South Africa in 1910 and became a province of the republic of South Africa in 1961.

* * *

The region north of the Orange River was 1st visited by Europeans towards the end of the 18th Century. The majority of indigenous inhabitants of the time were Tswana and Koranna with lesser numbers of smaller KhoiSan groups. Early in the 19th Century the Griqua established themselves north of the Orange (Elphick 1985). The *Mfecane* (1817-1831) however greatly disrupted the cultural landscape, resulting in large areas being depopulated and virtually declared 'no-mans' land. Up to this time the few Europeans who crossed the Orange had been mainly hunters or missionaries but in 1824 *Trekboers*, unsatisfied with the Cape Colonial rule and seeking pasture for their flocks settled in the area (Mitchell 2002). They were followed in 1836 by the 1st parties of the Great Trek. The new settlers soon came into conflict with Mzilikazi, decisively defeating him in 1837, whereupon he fled to the north. In the interim the Barolong, a Tswana tribe, settled at Thaba'nchu close to the Wesleyan Mission station, maintaining friendly relations with the settlers (Davenport & Saunders 2000).

After the defeat of Mzilikazi the settlers elected a *volksraad* and Piet Retief was chosen as 'governor and commandant-general. Settler numbers now already exceeded 500 men but disputes resulted in Retief, Potgieter and other leaders crossing the Drakensberg mountains to Natal (Davenport & Saunders 2000).

In the Caledon Valley Moshesh, a Tswana chief, consolidated a number of broken clans into the Basotho nation. As Boer settlers began to settle in region Moshesh decided to seek support from the British resulting in a treaty between Moshesh and the London Mission Society placing the Basotho under British protection. A similar treaty was signed with Adam Kok III, the Griqua chief. At the time several large parties of Boers, refusing to remain in Natal when it became a British colony

crossed the Drakensberg mountains to settle in the area north of the Orange. Trouble 1st arose between the Boers and the Griquas in the Philippolis district (Elphick 1985). Many of the white settlers in the area were at the time willing to accept British rule leading Mr. Justice Menzies, judge of the Cape colony based in Colesburg to proclaim the area British territory in 1842, a proclamation disallowed by the governor, Sir George Napier (Davenport & Saunders 2000).

The Boers, greatly offended by the treaties and seeking equality with indigenous leaders continued the conflict upon which a new arrangement was made between Kok and Sir Peregrine Maitland, then governor of the Cape colony. In 1846 Maitland placed Kok's territory in the hands H. D. Warden, who chose Bloemfontein as his seat of court (Schoeman 1980).

The *volksraad* at Winburg continued to claim jurisdiction over the Boers living between the Orange and the Vaal, with the *volksraad* at Potchefstroom making similar claims over the Boers residing north of the Vaal. In 1846 Warden occupied Winburg for a short time, to be followed by Sir Harry Smith's 1848 proclamation of British sovereignty over the country between the Orange and the Vaal. Many Boers supported Smith's rule; but strong opposition came from the republicans under Andries Pretorius, who eventually retreated across the Vaal (Schoeman 1980).

In 1849 Warden was succeeded in Bloemfontein as civil commissioner by C.U. Swart. A nominated legislative council was elected, a court established and necessary steps taken towards the orderly government of the country officially known as the Orange River Sovereignty (Schoeman 1980). Soon thereafter reserves of indigenous chieftains were redefined resulting in further hostilities (Elphick 1985). In 1851 Pretorius joined forces with Moshesh resulting in the 1852 Sand River Convention, acknowledging the independence of the Transvaal but leaving the status of the Sovereignty untouched. British ministerial changes however resulted in Sir George Clerk declaring the Sovereignty independent in 1853, much to the disagreement of many settlers (Davenport & Saunders 2000; Schoeman 1980).

The convention allowing the independence of the country was signed at Bloemfontein on the 23rd of February 1853 and in March the Boer government assumed office. In 1854 the country was declared a republic and named the Orange Free State under the presidency of Hoffman. In withdrawing from the Sovereignty the British government declared that it had 'no alliance with any native chief or tribes to the northward of the Orange River with the exception of the Griqua chief Captain Adam Kok'. In 1861 Kok sold his sovereign rights to the Free State and retreated to the district known as Griqualand East (Schoeman 1980).

With an alarming Basotho power to the east and south of the Free State, Marthinus Pretorius, then commandant general of Potchefstroom suggested a confederation between the 2 Boer states. Peaceful overtures from Pretorius were heavily objected to from the Free State, whereupon Pretorius, aided by

Paul Kruger, conducted a raid into the Free State territory. In return President Boshof proclaimed martial law throughout the country and due to Transvaal support to Free State troops Pretorius and Kruger abandoned their enterprise and on the 2nd of June a treaty of peace was signed, each state acknowledging the absolute independence of the other (Davenport & Saunders 2000). Dissatisfaction in the Free State resulted in President Boshof's resignation in February 1858. Difficulties of the State were at the time so great that a resolution in favor of a confederation with the Cape Colony was passed. This proposition received strong support from the Cape Governor, Sir George Grey, but was not approved by British government (Schoeman 1980).

In the same year disputes between the Basotho's and the Boers culminated in open war. In 1858, after the intervention of the Cape colony, a treaty was signed and a new boundary defined. The peace was however at most very temporary. Though unable to affect durable peace with the Basothos, or to realize his ambition of one powerful Boer republic, Pretorius saw the Free State begin to grow to strength; the Bethuli district as well as Adam Kok's territory was acquired and there was a considerable increase in the white population. But in 1863 Pretorius resigned and presidency was taken up by Sir John Henry Brand. His election proved a turning point in the history of the country, which under his leadership became peaceful and prosperous and in some respects a model state (Davenport & Saunders 2000).

But Moshesh continued to menace the Free State border and war was renewed in 1865. In 1866 a treaty was signed at Thaba Bosio, but war again broke out in 1867 and the Free State attracted to its side a large number of supporters from all over South Africa (Elphick 1985). Moshesh turned to Sir Philip Wodehouse and in 1868 he and his country were taken under British protection. The intervention of the governor of the Cape colony led to the Aliwal North treaty (1869), a treaty known as the 'Conquered Territory' treaty, which again defined the borders between the Free State and Basotholand. A year after the 'Conquered Territory' another boundary dispute was settled by Keate, the governor of Natal; the Sand River Convention granted independence to Boers living north of the Vaal (Davenport & Saunders 2000; Schoeman 1980).

While difficulties continued on the eastern Free State border a large number of diamond diggers had settled on the fields near the confluence of the Vaal and Orange Rivers (1870-1871), an area partly claimed by the Griqua chief Nicholas Waterboer. The Free State established a temporary government over the diamond fields, but Waterboer offered to place the territory under the administration of Queen Victoria. The offer was accepted and in 1871 the district together with some adjacent territory to which the Transvaal had claim was proclaimed, under the name of Griqualand West, British territory. Disputes over proprietorship were heated. When British annexation took place, a party of the *volksraad* wished to go to war, but the councils of President Brand opposed the decision. The Free State however did not abandon its claims. In 1876 the issue was disposed of by the 4th Earl of

Carnarvon who granted to the Free State payment 'in full satisfaction of all claims which it considers it may possess to Griqualand West' (Schoeman 1980).

Lord Carnarvon declined to consider the proposal made by President Brand that the territory should be given up by Britain. Continuous conflict with the Basotho had left the Free State and neighboring Transvaal impoverished; commerce was largely carried on by barter and many cases of bankruptcy occurred. As British annexation in 1877 saved the Transvaal from bankruptcy, so did the influx of British and other immigrants to the diamond fields, in the early 1870's, restore public credit and individual prosperity to the Boers of the Free State. The diamond fields offered a ready market for stock and agricultural produce. Valuable diamond mines were also discovered in the Free State (Pakenham 1993; Schoeman 1980).

Relations between the British and the Free State remained agreeable until the outbreak of the 2nd South African / Anglo-Boer War in 1899. At the time of the 1st British annexation of the Transvaal the Free State declined Lord Carnarvon's invitation to federate with other South African communities. In 1880 when a rising of Boers in the Transvaal was threatening President Brand showed every desire to avert the conflict and suggested that Sir Henry de Villiers, Chief Justice of the Cape Colony, be sent to the Transvaal to address the issue. His suggestion was declined but when war broke out in the Transvaal Brand declined to take part in; a number of Free State Boers however joined the Transvalers (Pakenham 1993; Schoeman 1980). In 1888 President Brand died and the Boers, not only in the Free State but also in Transvaal lost one of their most visionary leaders.

In 1889 the Free State and Cape Colony came to an agreement that the Cape colony can, at their own cost, extend the railway system to Bloemfontein. The Free State retained the right to purchase this extension at cost price, a right they exercised after the Jameson Raid (Schoeman 1980).

In January 1889 F.W. Reitz was elected President of the Free State, marking the beginning of a new disastrous line of policy in the external affairs of the state. Reitz immediately entered into an agreement with Kruger dealing with the railways and commerce. The political treaty referred to in general terms as a federal union between the Transvaal and the Free State, bounded each of them to help the other whenever the independence of either should be threatened. The State became increasingly associated with the reactionary party of the Transvaal. In 1895 Reitz retired and was succeeded by M. T. Steyn, a judge of the High Court. In 1896 Steyn visited Pretoria where he received an ovation as probable future President of the 2 Republics. A further alliance was entered into, under which the Free State took up arms with the Transvaal at the outbreak of hostilities in 1899 (Pakenham 1993).

3) THE PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

3.1) ARCHAEOLOGICAL LEGISLATIVE COMPLIANCE

The Phase 1 Archaeological Impact Assessment (AIA) was requested by the South African Heritage Resources Agency (SAHRA) mandatory responsible for the National Heritage Resources Act, Act No 25 of 1999 (NHRA 1999).

The assessment was requested as specialist sub-section to the Environmental Impact Assessment (EIA) in compliance with requirements of the National Environmental Management Act, No 107 of 1998 (NEMA 1998) and associated regulations (2006), and the NHRA 1999 and associated regulations (2000).

The Phase 1 AIA aimed to locate, identify and assess the significance of cultural heritage resources, inclusive of archaeological deposits / sites, built structures older than 60 years, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict and cultural landscapes or views as defined and protected by the NHRA 1999, that may be affected by the proposed development. Palaeontological deposits / sites as defined and protected by the NHRA 1999 are not included as subject to this report.

3.2) COVERAGE AND GAP ANALYSIS

The Phase 1 AIA covered the proposed 1.02ha development area. Access to the area is via Charles, Elizabeth and Markraaf Streets, directly bordering the proposed development area.

3.3) METHODOLOGY

The Phase 1 AIA was conducted over a 1 day period (2007-10-08) by one archaeologist. The assessment was done by foot and limited to a Phase 1 surface survey; no excavation or sub-surface testing was done. GPS co-ordinates were taken with a Garmin e-Trex Vista GPS (Datum: WGS84). Photographic documentation was done with a Casio X-S2 Exilim camera. A combination of Garmap and Google Earth software was used in the display of spatial information

SITE SIGNIFICANCE	FIELD RATING	GRADE	RECOMMENDED MITIGATION
High Significance	National Significance	Grade 1	Site conservation / Site development
High Significance	Provincial Significance	Grade 2	Site conservation / Site development
High Significance	Local Significance	Grade 3A / 3B	Site conservation or extensive mitigation prior to development / destruction
High / Medium Significance	Generally Protected A	-	Site conservation or mitigation prior to development / destruction
Medium Significance	Generally Protected B	-	Site conservation or mitigation / test excavation / systematic sampling / monitoring prior to or during development / destruction
Low Significance	Generally Protected C	-	On-site sampling, monitoring or no archaeological mitigation required prior to or during development / destruction

Table 1: Cultural heritage site significance assessment and mitigation recommendations

Archaeological and cultural heritage site significance assessment and associated mitigation recommendations were done according to the system prescribed by SAHRA (2007).

3.4) PHASE 1 AIA ASSESSMENT FINDINGS

Existing development characterizes the total of the proposed development area. Based on existing development the area has been divided into 6 sub-sections for purposes of discussion:

- 1) Site S1 – Elrich House, 52(?) Elizabeth Street;
- 2) Site S2 – Department of Education Building, 50 Elizabeth Street;
- 3) Site S3 – House Vergelegen, 7 Markgraaf Street (c/o Markgraaf and Elizabeth);
- 4) Site S4 – Parking lot (c/o Charles and Markgraaf)
- 5) Site S5 – 89 Charles Street; and
- 6) Site S6 – ‘Dotty-Dot’ day care centre, 91 Charles Street.



Figure 4: Phase 1 AIA assessment findings

Four of the identified areas (Sites S1; S3; S5 and S6) comprise of built structures older than 60 years, by implication protected under the NHRA 1999. One structure (Site S5) comprises of a built structure post-dating 60 years of age and thus not protected by the NHRA 1999. Site S4 consists of a formal parking lot. Structure surrounds at Site S1 and S2 have been altered in a similar manner to provide for paved parking. The total of the original surface area of the proposed development area has thus been totally destroyed; no archaeological sites, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict and cultural landscapes or views as defined and protected by the NHRA 1999 were identified.

3.4.1) SITE DESCRIPTIONS

3.4.1.1) SITE S1: *HISTORIC BUILDING - ELRICH HOUSE, 52(?) ELIZABETH STREET
S29° 06'44.1"; E26° 12'44.2"*

Elrich House was constructed in the 1860's, a mere 15-20 years after the establishment of Bloemfontein, making it one of the oldest remaining structures and largely predating the prime of Bloemfontein's historical development. The site pre-dates many historically prominent and restored buildings including the old High Court (*Derde Raadsaal*), the telegraph offices, Parliamentary buildings and numerous churches, schools and urban infrastructure; a direct result of subsequent wealth.

The double storied Elrich house testifies to a series of alterations, associated largely with recent functional changes and inclusive of the addition of burglar bars, steel roof supports, the enclosure of the original stoep and back entrance etc. Non period style alterations greatly serve to diminish the historical significance of the structure. The associated cultural landscape has also been totally demolished, not only by its modern urban setting but more directly by paved alterations to the total of the original garden.

The house was until recently used by the Department of Education but has in the interim been abandoned.

✧ **Site Significance & Recommendations:** The site is not of provincial significance. On a local level, based primarily on the age of the structure Site 01 (Elrich House) is assigned a *Medium Significance* and a *Generally Protected B* field rating. Non period style alterations and the removal of the total of the associated cultural landscape greatly serve to diminish the cultural significance / context of the site. The proposed development will necessitate destruction of the site. It is recommended that destruction proceed under a FSHRA Built Environment Destruction Permit.



Figure 5: Entrance to Elrich House



Figure 6: Side view of Elrich House with recent steel alterations



Figure 7: Non-period style alterations to the original stoep area



Figure 8: An out building, today located in the paved parking area surrounding Elrich House

**3.4.1.2) SITE S2: CONTEMPORARY BUILDING – DEPARTMENT OF EDUCATION, 50 ELIZABETH STREET
S29° 06'44.9"; E26° 12'46.3"**

The contemporary Department of Education building post-dates 60 years of age; the structure is thus by implication not protected by the NHRA 1999. The immediate surroundings of the building are characterized by paved surfaces providing parking to employees, no cultural heritage resources were identified in these areas. Development will necessitate destruction of the building and immediate surrounds.

✧ *Site Significance & Recommendations:* The building post-dates 60 years of age, destruction thereof is not subject to requirements of the NHRA 1999.



Figure 9: The contemporary Department of Education Building

**3.4.1.3) SITE S3: HOUSE VERGELEGEN, 7 MARKGRAAF STREET
S29° 06'45.0"; E26° 12'47.7"**

The exact date of origin of the building is unknown, but is inferred to date to the 1930's / 1940's, and having definitely been established by 1950 as evidenced from an early aerial photograph. The structure pre-dates 60 years of age and is protected by the NHRA 1999.

The building is currently partially used for residential purposes, with the remainder being used as storage facility. The structure itself and related outbuilding is largely in tact with recent exterior alterations having primarily focused on an upgrade of the entrance area. The original associated cultural landscape has been destroyed and currently comprises of paved surrounds and covered parking.

✧ **Site Significance & Recommendations:** The site is not of provincial significance. On a local level based on the age of the structure and the number of related aged buildings, the site is assigned a *Low Significance* and a *Generally Protected C* field rating. Limited non period style alterations and the absence of the original associated cultural landscape lessens the cultural significance / context of the site. The proposed development will necessitate destruction of the site. It is recommended that destruction proceed under a FSHRA Built Environment Destruction Permit.



Figure 10: General view of House Vergelegen



Figure 11: Side-view of House Vergelen



Figure 12: General aerial photograph of Bloemfontein and surrounds, September 1950 (Bloemfontein archives nr 6665)

3.4.1.4) SITE S4: CONTEMPORARY PARKING LOT
S29° 06'43.3"; E26° 12'48.2"

The surface of the portion of the proposed development area has totally been altered by recent paving. No cultural heritage resources as defined and protected by the NHRA 1999 were identified.

✕ **Site Significance & Recommendations:** No cultural heritage resources were associated with the recently altered surface of the portion of the development area. Destruction of the area is thus not subject to requirements of the NHRA 1999.



Figure 13: The completely altered surface of the Site 04 area

3.4.1.5) *SITE S5: 89 CHARLES STREET*
S29° 06'42.8"; E26° 12'47.3"

The exact date of origin of the building is unknown, but can architecturally be assigned to the 1930's – 1950's. The structure is inferred to pre-date 60 years of age and thus protected by the NHRA 1999.

The building is currently deserted with the outbuilding used for residential purposes. The structure itself and related outbuilding is largely in tact, including the original roof and detail such as the window frames. Recent exterior alterations include a metal garage door, burglar bars, prefabricated walls and paving.

A single photograph of Charles Street, taken towards the western portion of the streets' development and dated to the 1880's, pre-dates the expected construction date of the site (Schoeman 1980).

✧ ***Site Significance & Recommendations:*** The site is not of provincial significance. On a local level, based on the age of the structure and the number of related aged buildings, the site is assigned a *Low Significance* and a *Generally Protected C* field rating. Limited non period style alterations do serve to decrease the cultural significance of the site. The proposed development will necessitate destruction of the site. It is recommended that destruction proceed under a FSHRA Built Environment Destruction Permit.



Figure 14: General view of 89 Charles Street



Figure 15: The outbuilding of 89 Charles Street with recent non period fixed alterations



Figure 16: 89 Charles Street and the outbuilding currently used for residential purposes

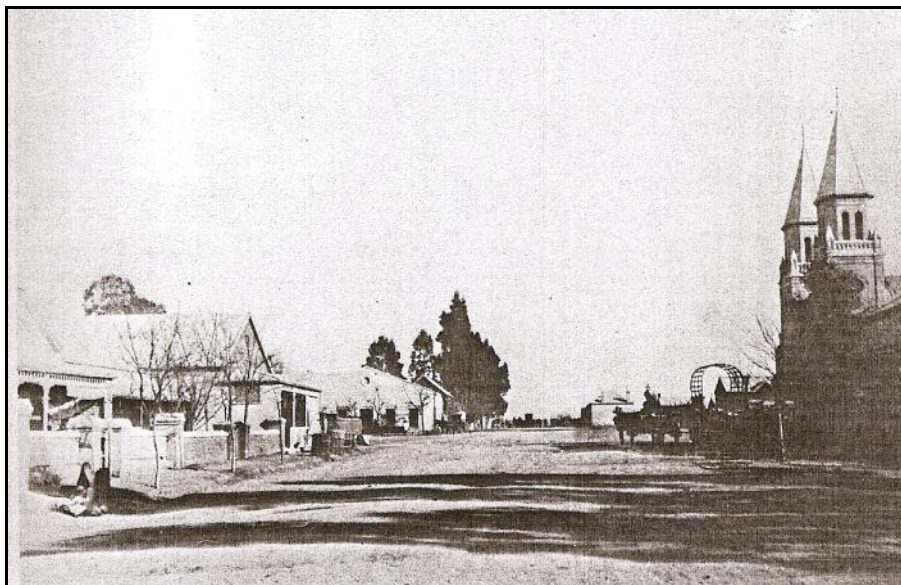


Figure 17: Photograph of Charles Street taken towards the west and dated to the 1880's predates the expected origin of the site (Schoeman 1980)

**3.4.1.6) SITE S6: 'DOTTY-DOT' DAY CARE CENTRE, 91 CHARLES STREET
S29° 06'42.7"; E26° 12'46.1"**

The date of origin of the building is unknown; architecturally it can however be assigned to the pre-1930's. The structure pre-dates 60 years of age and is by implication protected by the NHRA 1999.

The site is currently used as a day care centre; low impact interior and exterior alterations include primarily painting, a play pen and fencing. The structure itself is still largely in tact.

A single photograph of Charles Street, taken towards the western portion of the streets' development and dated to the 1880's, pre-dates the expected construction date of the site (Schoeman 1980).

✧ **Site Significance & Recommendations:** The site is not of provincial significance. On a local level based on the age of the structure and the general condition thereof the site is assigned a *Medium Significance* and a *Generally Protected B* field rating. Limited non period style alterations and the altered cultural landscape do not significantly decrease the cultural significance of the site. The proposed development will necessitate destruction of the site. It is recommended that destruction proceed under a FSHRA Built Environment Destruction Permit.



Figure 18: General view of 91 Charles Street



Figure 19: General view of 91 Charles Street with limited low impact recent alterations visible



Figure 20: Interior alterations at 91 Charles Street

4) CONCLUSION AND RECOMMENDATIONS

The proposed development, the construction of the new Free State Provincial Offices, portion of Erf 15735, Bloemfontein, will directly impact on cultural heritage resources as defined and protected by the NHRA1999. One category of resources, built structures older than 60 years will be affected. Of the 6 identified 'Sites' comprising the development area 4 comprise of built structures pre-dating 60 years of age. Particular sites that will be affected include:

- 1) Site S1 – Elrich House, 52(?) Elizabeth Street;
- 2) Site S3 – House Vergelegen, 7 Markgraaf Street (c/o Markgraaf and Elizabeth);
- 3) Site S5 – 89 Charles Street; and
- 4) Site S6 – 'Dotty-Dot' day care centre, 91 Charles Street.

None of the recorded sites are of provincial significance. Sites are however of local significance. Sites S1 and S6 has both been assigned a *Medium Significance* and a *Generally Protected B* field rating. Sites S3 and S5 comprise of *Low Significance* sites with a *Generally Protected C* field rating.

Assignment of Site S1 is based primarily on its early date (1860's) predating majority urban development in Bloemfontein. Recent non period style alterations and the destruction of the original cultural landscape however diminish the significance of the site and the related cultural context.

Assignment of Site S6 is based on its early date as well as state of conservation. Recent alterations are of low impact.

Assignment of Sites S3 and S4 is based on the states of conservation in association with the impact of recent alterations and destruction of the associated cultural landscapes.

RECOMMENDATIONS: Development will necessitate the destruction of all 4 structures. It is recommended that development proceed in lieu of conservation of the sites provided the developer complies with the following requirements:

- 1) Development proceed in accordance with particular recommendations that may be requested by the South African Heritage Resources Agency (SAHRA);
- 2) Formal application for destruction of the sites be made to the Free State Heritage Resources Agency (FSHRA); and
- 3) Individual destruction of the sites proceeds only after formal permitted approval by the FSHRA.

SITE	CO-ORDINATES	TYPE	PERIOD	DESCRIPTION	IMPACT	RECOMMENDATIONS
FREE STATE PROVINCIAL OFFICES, BLOEMFONTEIN, FS						
A	S29°06'42.1"; E26°12'46.1"	-	-	-	-	-
B	S29°06'42.7"; E26°12'45.6"	-	-	-	-	-
C	S29°06'43.3"; E26°12'43.5"	-	-	-	-	-
D	S29°06'44.6"; E26°12'43.1"	-	-	-	-	-
E	S29°06'45.6"; E26°12'48.1"	-	-	-	-	-
F	S29°06'42.6"; E26°12'48.9"	-	-	-	-	-
Site S1	S29°06'44.1"; E26°12'44.2"	Built structures	Historic Period	Elrich House	Direct	Site destruction
Site S2	S29°06'44.9"; E26°12'46.3"	Contemporary	N/A	N/A	N/A	N/A
Site S3	S29°06'45.0"; E26°12'47.7"	Built Structures	Historic Period	House Vergelegen	Direct	Site destruction
Site S4	S29°06'43.3"; E26°12'48.2"	Contemporary	N/A	N/A	N/A	N/A
Site S5	S29°06'42.8"; E26°12'47.3"	Built Structures	Historic Period	89 Charles Street	Direct	Site destruction
Site S6	S29°06'42.7"; E26°12'46.1"	Built structures	Historic Period	91 Charles Street	Direct	Site destruction

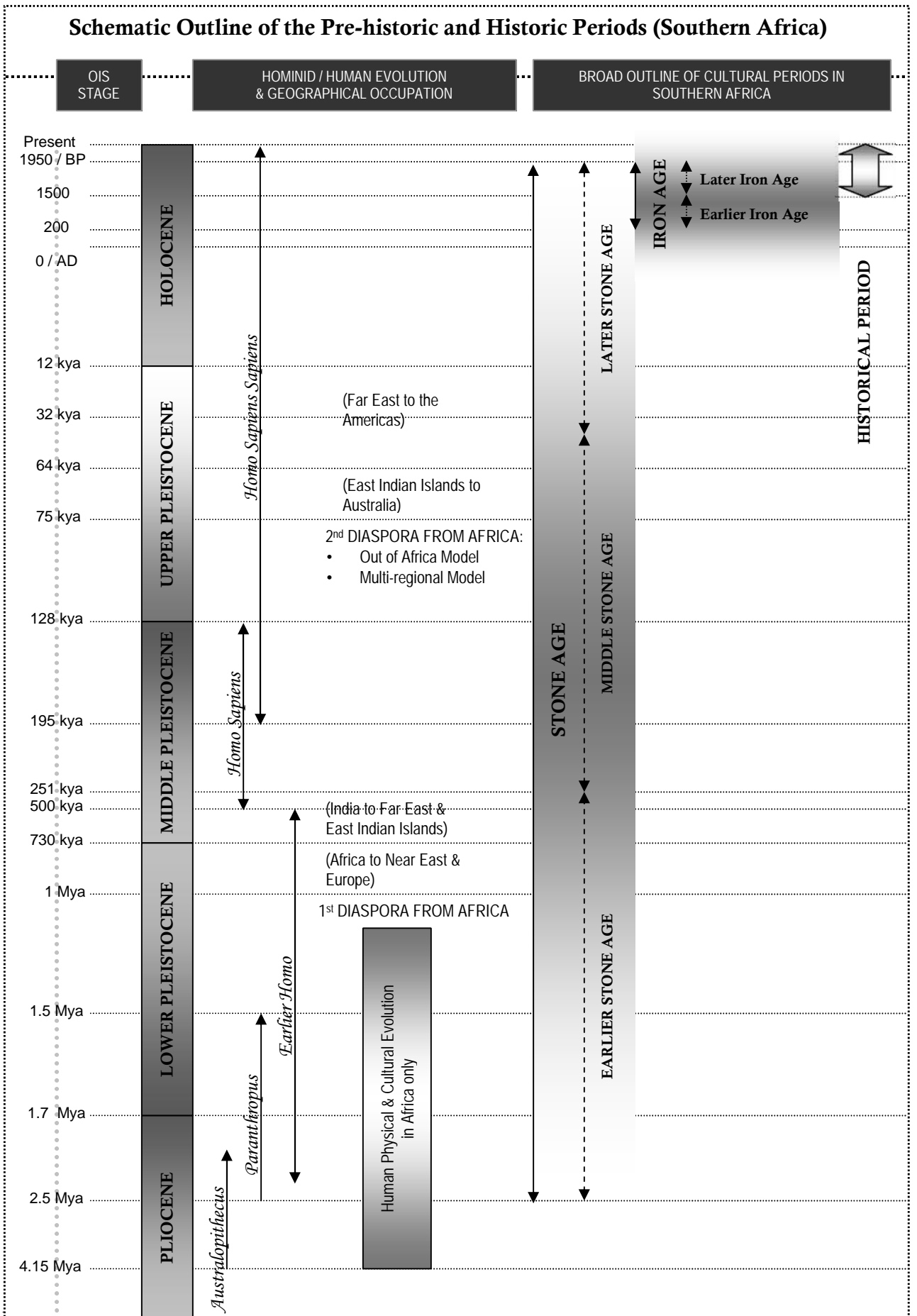
*Proposed development area: A-B-C-D-E-F-A

*NHRA Sites that will directly be impacted on by the development: Site S1; S3; S5 & S6

Table 2: Summary of the proposed development area, identified and associated cultural heritage resources and relevant recommendations

4) REFERENCES CITED

- 1) Davenport, T.R.H. & Saunders, C. 2000. South Africa: A modern history. London: Macmillan
- 2) Elphick, R. 1985. Khoikhoi and the founding of white South Africa. Johannesburg: Ravan Press
- 3) Mitchell, P. 2002. The archaeology of southern Africa. Cambridge: Cambridge University Press
- 4) Pakenham, T. 1993. The Illustrated Boer War. Johannesburg: Jonathan Ball Publishers
- 5) South African Government. (No. 107) of 1998. *National Environmental Management Act*.
- 6) South African Government. (No. 25) of 1999. *National Heritage Resource Act*.
- 7) South African Heritage Resources Agency. 2007. *Minimum standards for the archaeological and heritage components of impact assessments*. Unpublished guidelines.



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.
- xxx. “*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;
- 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 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.