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*HERITAGE IMPACT ASSESSMENT*

**ESTABLISHMENT OF AN INTERDENOMINATIONAL  
CHRISTIAN CEMETERY AT THE  
'VEGKOP' PROVINCIAL HERITAGE SITE,  
HEILBRON DISTRICT, FREE STATE, SOUTH AFRICA**

**DATE: 2009-05-18**

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## 1) TERMS OF REFERENCE

The *Management Committee of the 'Vegkop' Battlefield Site* (Management Committee), an Article 21 company, has appointed Phethogo Consulting to address development requirements pertaining to the proposed *Establishment of an Interdenominational Christian Cemetery* on the property managed as the 'Vegkop' Battlefield Site, a declared Provincial Heritage Site near the town of Heilbron in the Free State. Phethogo Consulting has appointed ArchaeoMaps Archaeological Consultancy to prepare the Heritage Impact Assessment (HIA) for the proposed development prior to embarking on basic environmental and development preparations, a decision based on the known heritage sensitivity associated with the development. The HIA comprises of 2 basic sub-sections:

1. A Paleontological Desktop Study – Lloyd Rossouw (National Museum, Bloemfontein); and
2. A Phase 1 Archaeological Impact Assessment (AIA) – Karen van Ryneveld (ArchaeoMaps).

It has been agreed that the HIA will be submitted to the South African Heritage Resources Agency (SAHRA) with particular reference to Section 38 1) c) i. and ii. of the National Heritage Resources Act, Act No 25 of 1999 (NHRA 1999), and that the *SAHRA Review Comment* on the HIA and recommendations and requirements contained therein form the basis for the way forward for the proposed development.

### *National Heritage Resources Act - Section 38*

- 1) Subject to provisions of subsection 7, 8 and 9, any person who intends to undertake a development categorized as –
  - c) any development or other activity which will change the character of a site –
    - i. exceeding 5,000m<sup>2</sup> in extent; or
    - ii. involving three or more existing erven or subdivisions thereof
 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.

### 1.1) *Development Location*

The proposed *Establishment of an Interdenominational Christian Cemetery* development will be located on the property currently managed as the 'Vegkop' Battlefield Site near the town of Heilbron, in the Heilbron District of the northern Free State [1;5,000 map ref: 2727BD].

The 'Vegkop' Battlefield Site is situated relatively centrally between the towns of Heilbron, Petrus Steyn, Lindley and Edenville. Primary access to the site is via the R725 (Heilbron / Lindley), approximately 21km south (S) of Heilbron and 45km north (N) of Lindley, from where a tarmac turnoff takes the traveler to the 'Vegkop' Battlefield Site. Gravel access roads allow for a less than 30km drive in an easterly (E) direction from Edenville and in a westerly (W) direction from Petrus Steyn.

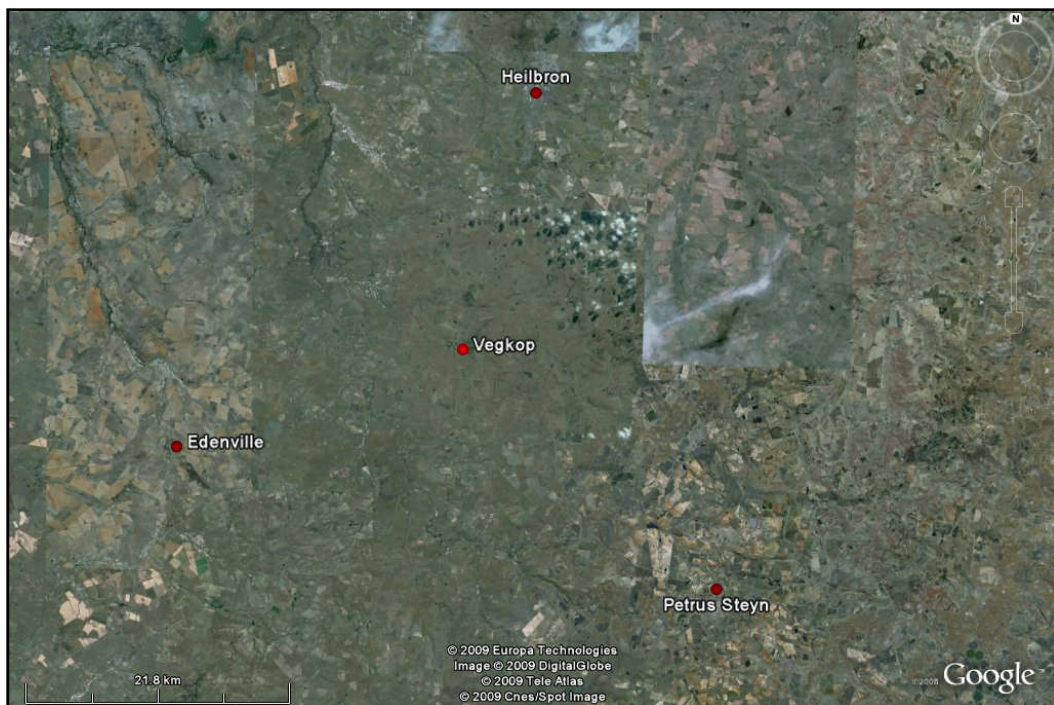
The property managed as the 'Vegkop' Battlefield Site comprises of 3 portions (managed as a single entity):

- 1) Vechtkop Slagveld 1573 (~ 42.8ha), a portion of the farm Vechtkop Oost 491;
- 2) Geschenk 1156 (~ 5ha); and
- 3) (Portion of) Emanuel 751 (~ 42.8ha).

The proposed cemetery at the 'Vegkop' Battlefield Site will constitute an approximate 1ha area with an additional maximum 1ha allowing for expansion to the cemetery; thus totaling 2ha/~90.6ha comprising the 'Vegkop' Battlefield Site grounds.



**Figure 1:** The 'Vegkop' Battlefield Site, Northern Free State, South Africa



**Figure 2:** The 'Vegkop' Battlefield Site located relatively centrally between the towns of Heilbron, Petrus Steyn, Lindley (located south of the map demarcation) and Edenville, in the Heilbron District of the Free State



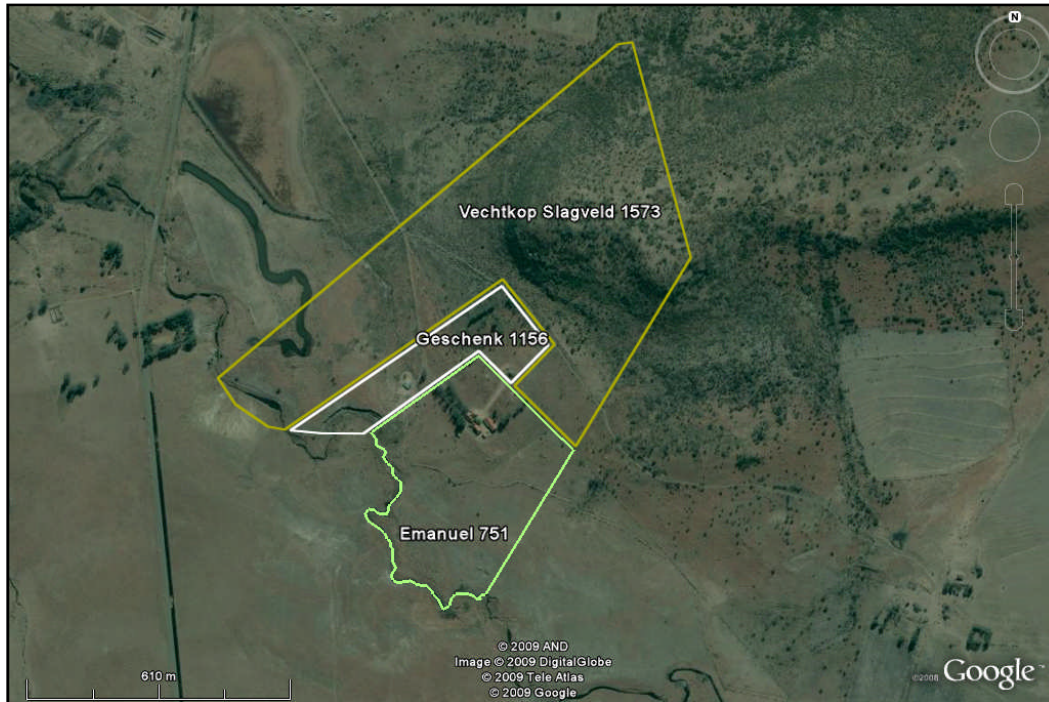


Figure 3: The 3 properties Vechtkop Slagveld 1573, Geschenk 1158 and (Portion of) Emanuel 751 comprising the 'Vegkop' Battlefield Site

## 1.2) Development Description

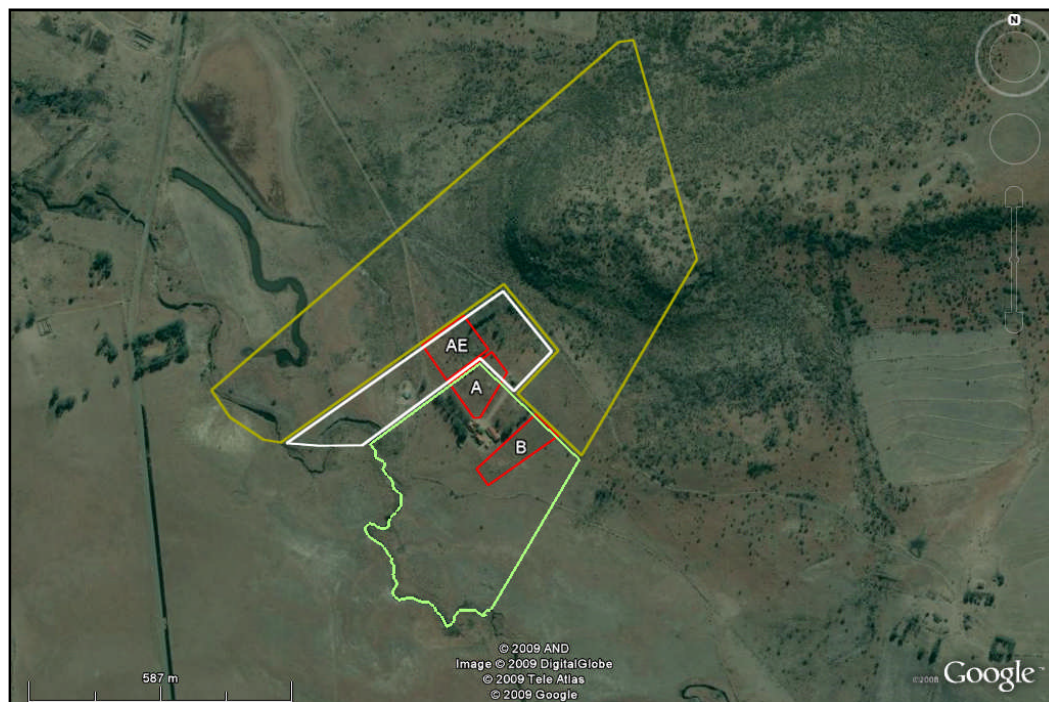


Figure 4: Cemetery development Options A, B & AE centered on Geschenk 1156 and (Portion of) Emanuel 751 of the 'Vegkop' Battlefield site grounds.

The proposed *Establishment of an Interdenominational Christian Cemetery* will comprise of a 1ha development. The Management Committee has identified 2 preferred areas for the development, namely:

- 1) Option A (A); and
- 2) Option B (B).

(Should the development be approved by SAHRA future expansion of the cemetery is being considered; either at the alternative site or, should Option A prove feasible at Option A Extension (AE) as another possibility.)



**Figure 5:** Close-up of the proposed localities of Option A, B & AE in relation to the Museum Complex and the Steynberg Monument

#### **Location considerations:**

The proposed development areas, Option A, Option B and Option AE, are all located south centrally within the 'Vegkop' Battlefield Site grounds and centered on the properties Geschenk 1156 and (Portion of) Emanuel 751. Proposed development options are in immediate proximity to the existing Museum Complex and the Steynberg Monument. Practically, proximity to the Museum Complex would allow for funeral services to be hosted at the hall while light catering can be accommodated by existing infrastructure.

Option A and Option AE are located immediately adjacent to the existing access road leading to the Museum Complex; access to the areas with virtually no additional alteration to allow for parking is integral to both Option A and Option AE. The existing access road extends to Option B, but more low impact alteration would be necessary to accommodate sufficient parking. In addition post-funeral service visitation to the cemetery at Option A and Option AE, expected to be limited to the use of ablution facilities located in the western (W) part of the Museum Complex, would restrict human traffic at the complex proper while Option B would require human traffic to pass through the complex and particularly the commemorative area located at the center of the Museum Complex.

Basic environmental and development preparations for the cemetery development are pending the SAHRA Review Comment on the HIA; no geotechnical testing or analysis has been done to date. However, soil at Option A and Option AE are preliminary described as more granular, by implication more suitable to the establishment of a cemetery than the more clayey soil present in the general vicinity of Option B.

Option AE is located closest to the tangible Late-Iron Age site at the summit of Vegkop Hill; being situated approximately 0.2km (200m) from the foot, and 0.3km (300m) from the crest of the hill. Option A and Option B are both located on the property (Portion of) Emanuel 751 on which the battle of 'Vegkop' is believed to have taken place. The exact locality of the battle is unknown and the general area is assigned the intangible Historic Period battle site. Option A, Option B and Option AE are all located approximately 0.2km (200m) from the 'Vegkop Spruit', meandering through the western (W) portion of, and forming the boundary of the south western (SW) extremity of the 'Vegkop' Heritage Site. (Should the proposed *Establishment of an Interdenominational Christian Cemetery* at 'Vegkop' be approved by SAHRA, EIA requirements pertaining particularly to floodline restrictions would be relevant to approval of the development application.) Option B is located approximately 0.12km (120m) north east (NE) of the original burial site of the 2 Voortrekkers who died in the battle of 'Vegkop'; the remains of which has been reinterred at the commemorative area located at the center of the Museum Complex.

#### Architectural and stylistic considerations:

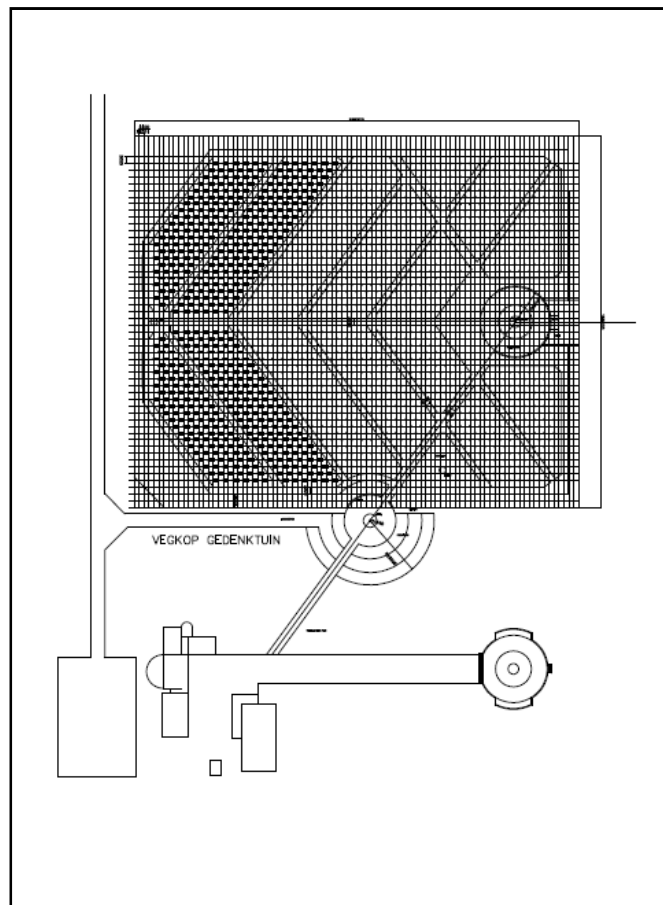


Figure 6: Spatial development layout for the proposed cemetery (courtesy Johan Els)



The 1ha spatial development layout accommodates 1,600 graves with a memorial wall to house cremated remains at the central symmetrically positioned columnar focal point of the design. The current spatial development layout can directly be applied to Option A. Slight changes to the design would allow for development at Option B. Should Option AE be developed as an extension to Option A the design can be directly duplicated.

The columnar focal point of the cemetery design, as repetition of the basic design principle of the Steynberg Monument is not intended to equal the grandiosity of the monument, but rather to compliment it. In addition all gravestones will be similar in design; a simple design with uniform type inscriptions is proposed. (Similar stylistic uniformity is proposed for deposition of cremated remains at the columnar wall.) The cemetery area will not be transformed into a park type landscape and natural grass is proposed to cover the graves area in an almost 'perma-cemetery' setting. The cemetery will be fenced with access gates to and from the parking area and the Museum Complex, primarily to channel human traffic.

It is the intention of the Management Committee and the architect, Johan Els (designer and architect of the Museum Complex and Steynberg Monument, excluding the artwork) that the proposed cemetery development architecturally and stylistically compliment existing infrastructure at the 'Vegkop' Battlefield Site.

### 1.3) *Needs Assessment*

The development proposal is essentially dual in nature:

- 1) The development is regarded as one means of ensuring a (long term) income for the Management Committee to address management and maintenance obligations and demands of the 'Vegkop' Battlefield Site while complying with requirements of the Title Deed; and
- 2) The development will address the current dire need for a cemetery not only from the Heilbron community but also from communities in the surrounding area (including Petrus Steyn, Lindley and Edenville).

#### **Financial considerations towards a greater degree of 'self-sustainability':**

Government funding for the management of heritage sites has over the past few years radically declined and has in some cases been ceased; forcing management of many heritage sites to follow the principle of 'self-sustainability'.

- In the case of the 'Vegkop' Battlefield Site the Management Committee stills receives annual financial support from the Municipality, albeit limited. Municipal financial support does not cover basic expenses of management and maintenance.
- Five churches from four denominations in Heilbron [2 Dutch Reformed Churches (Nederduits Gereformerd), 1 Reformed Church (Gereformerd), 1 Protestant Church (Afrikaanse Protestantse Kerk – APK) and 1 Reformed Church (Hervormd), all with the same confessions of faith – hereafter referred to as the Supporting Church Group] have over the past years been actively, and particularly financially, supportive of the Management Committee's obligation towards the 'Vegkop' Battlefield Site.
- Finances are supplement by a cover charge charged for visitation to the 'Vegkop' Battlefield Site; visitor numbers and associated income can be summarized as follows:

50 persons – day visitors / month @ R10.00 entrance fee / person = R500.00  
 60 persons – weekend groups / month @ R15.00 entrance fee / person = R900.00  
 totaling an average income of R1,400.00/month or R16,800/annum (Pers. Comm: Abel Claassen; Site Overseer, with information based on the sites' Visitor's Book). It is thus evident that income received from visitation can at most be described as *contributing to* the financial management obligations of the Management Committee.

- o In addition to the above the Management Committee hosts an annual *Day of Vow* celebration at the site; funding raised though the festive celebrations are used to contribute to the 'Vegkop' Battlefield Site's management and maintenance. Organization and hosting of the celebrations are in accordance with Title Deed requirements, namely that '*Dat jaarlikse feeste steeds op bogenoemde eiendom(me) gehou sal word.*' [That annual festivals will be held at the abovementioned property(ies).]

It is evident that the Management Committee of the 'Vegkop' Battlefield Site is actively attempting to financially continue responsible management and maintenance of the site. Though far from a position of being financially '*self-sustainable*' their efforts can be described as progressively contributing to the acquisition of funds not provided for within the only current formal system of financial support namely that of Municipal funding.

The proposed development will be made possible by financial support from the Supporting Church Group also with the intension of assisting the Management Committee to achieve a greater sense of *self sustainability* for the 'Vegkop' Battlefield Site.

The proposed *Establishment of an Interdenominational Christian Cemetery* is envisaged to be a low income though long term investment towards site management and maintenance: The cemetery at Heilbron, currently full, has been used for more than 100 years. The proposed cemetery at the 'Vegkop' Battlefield Site, almost equal in size to that of the Heilbron cemetery can thus, taken cognizance of increased mortality rates due to higher resident numbers, be envisaged to adhere to congregation member demands of the Supporting Church Group over an estimated equal time period, in other words for the proposed 1,600 graves to address the demand of the next 100 years.

#### **Addressing Identified Community Needs:**

The cemetery at Heilbron is currently full and a dire need exists for the establishment of a new cemetery. The cemetery served the community for a more than 100 year period and it is envisioned that the new proposed development will equal the lifetime of its predecessor. The proposed cemetery is in accordance with Title Deed requirements namely that '*Dat bogenoemde grond nooit van Heilbron of sy gemeenskap vervreem sal word nie*' [That the property will never be alienated from Heilbron or its community].

A Municipally cemetery has in the interim been established in Heilbron. The cemetery is apparently located within a floodline demarcation (particulars of the EIA / exemption from an EIA did not form part of the subject of this study). Locality of the cemetery resulted in a number of ethical and hygienic grievances, and the inevitable need for an alternative.

The proposed cemetery will financially be made possible by the Supporting Church Group; with a preliminary condition including that application / requests for graves from members of these churches be prioritized. However, the need for a cemetery in Heilbron has mobilized the Supporting Church Group to embark on preliminary discussions with other Christian congregations including the Methodist Church

[Metodiste Kerk] the Apostolic Church [Apostoliese Kerk – APK] and the Christian Church, while received requests from neighboring towns, from as far afield as Pertus Steyn, Lindley and Edenville, established the much broader need for a basic Christian cemetery. At present the Supporting Church Group is considering the inclusion of ‘members from Christian churches in Heilbron and the surrounding towns’ to be included in their preliminary condition for development. Additionally, application / requests for graves will be considered per individual application. The need for the proposed cemetery at ‘Vegkop’ to serve a much wider audience than originally anticipated resulted in the realization that an extension to the original proposal should be strongly considered. Finalization of application / request for grave conditions will be made upon approval of the proposed development; based on commonly accepted principles of the Christian faith.

#### *1.4) Declaration Status and other Legalities*

- 1999-2009(?) ‘Vegkop’ Battlefield Site declared a Provincial Heritage Site under Section 27 of the National Heritage Resources Act, Act No 25 of 1999 (NHRA 1999).
- 1991: ‘Vegkop’ Battlefield Site re-declared a National Monument (Gazette No 13239, Notice No. 1091 dated 24 May 1991) under the National Monuments Act, No 28 of 1969 (NMA 1969)
- 1984: Restoration of the ‘Vegkop’ Battlefield Site
- 1973: Geschenk 115 and (Portion of) Emanuel 751 donated by the Dutch Reformed Church to the National Monuments Council (NMC).
- 1946: Geschenk 1156 sold by the Government to the Dutch Reformed Church of the Free State, who dedicated the management of the property to the Heilbron parish with the condition that annual Day of Vow celebrations be hosted at the site.
- 1936: ‘Vegkop’ Battlefield Site declared a National Monument (Gazette No 2346, 17 April, Notice No. 529 dated 06 April 1936)
- 1927: Vechtkop Slagveld 1573 sold to the Government and donated to the Historic Monuments Commission (HMC)
- 1922: Geschenk 1156 donated to the Government under the condition that it be used for educational purposes.
- 1898: (Portion of) Emanuel 751 sold to the ‘Oranje Vrijstaat Jongelingen Redeneer en Schietvereniging’ and donated to the Dutch Reformed Church of the Free State.
- 1848: Pieter Abraham Cilliers (brother of Sarel Cilliers): 1<sup>st</sup> owner

Extract from the SAHRA List of Provincial Heritage Sites and Register Sites

**Heilbron**

(Magisterial District)

Old farmhouse, Leeuwpoot, Heilbron District  
 Vegkop Battlefield, Heilbron District  
 Weilbach House, Leeuwpoot, Heilbron District  
 Heilbron  
 Railway station, Heilbron

Provincial Heritage Site  
 Provincial Heritage Site  
 Provincial Heritage Site  
 Provincial Heritage Site

The following Government Notices are published for general information:—

\* No. 529.]

[8 April 1936.

**THE NATURAL AND HISTORICAL MONUMENTS, RELICS AND ANTIQUES ACT, 1934: PROTECTION OF MONUMENTS.**

It is hereby notified that the Minister of the Interior has been pleased, under the powers vested in him by section eight of the Natural and Historical Monuments, Relics and Antiques Act, 1934 (Act No. 4 of 1934) to proclaim the objects set out in the Schedule below to be monuments in terms of paragraph (a) of that section.

**SCHEDULE.**

Object.	Situation.
<b>IN THE CAPE PROVINCE.</b>	
The Castle.....	Cape Town.
The Homestead, Groot Constantia, and area surrounding it and all objects thereon	"Government Reserve" as set out in Map No. 25 P.F. of S. 934, S.G.O. 1934, Tracing No. 104 of Ex. No. B. 7 of 1925, in extent 2 morgen, 445 square rods.
Old Locomotive at the Railway Station, Cape Town	Cape Town.
The Herschel Monument (Obelisk), Claremont	On a certain piece of land at Claremont, being the School Lot of the sub-division of Lot No. 1 of the Grove Estate.
Remains of Van Riebeeck's Hedge	National Botanic Gardens, Kirstenbosch.
Blockhouse, Battery and Guns....	Hout Bay.
The Brak, Stellenbosch.....	Area bounded on the north by Alexander Street, on the east by Bird Street, Mill Square and the Church of the Rhenish Mission, on the south by property transferred to J. W. Palen, and on the west by Bloem Street, and the Church of the Rhenish Mission, and being exclusive of the Church of England land.
Glacial Rock Formations, Nootgedacht, district Kimberley	On a portion of ground in extent approximately 200 morgen, on the farm Nootgedacht, Kimberley division, in the Griqualand West area, approximately 500 yards south of the Vaal River and close to and east of the old homestead.
Governor's Kop (or Collingham) Tower, Grahamstown	Governor's Kop Farm, district of Albany.
Old Oak Tree, George.....	In the grounds of the King Edward VII. Public Library, George.
The Pulpit, Native Church, Griquatown	Griquatown.
Palms (Jubaeopsis Caffra) Mkam-bati Lepier Institution	Pondoland.
<b>IN THE PROVINCE OF THE ORANGE FREE STATE.</b>	
The Old Raadsaal, Bloemfontein..	On Erf No. 1133 (formerly No. 26) and Erf No. 1134 (formerly No. 27), St. George's Street, Bloemfontein.
"Vechtkop Slagveld".....	Certain portion known as Vechtkop Slagveld No. 1573 of the farm Vechtkop Oost, No. 491, district Heilbron, in extent 50 morgen.

Government Notice 1936

**2. THE PROPERTY WITH THE DOUBLE-STO-REYED HOUSE THEREON, AT 158 BUITEN-GRACHT STREET, CAPE TOWN**

**Description**

The property, together with the double-storeyed house thereon, being Erf 2863, Cape Town, situated in the City of Cape Town, Cape Division, in extent 324 (three hundred and twenty-four) square metres.

Deed of Transfer T69507/1990, dated 20 November 1990.

**3. THE TWO HISTORIC PROPERTIES KNOWN AS THE FARMS GESCHENK 1156 AND EMANUEL 751, IN THE DISTRICT OF HEILBRON**

**Description**

The two historic properties known as the farms Geschenk 1156 and Emanuel 751, described as follows:

(1) The portion known as the farm Geschenk 1156 of the farm Vechtkop Oost 491, situated in the District of Heilbron, in extent 4,9908 (four comma nine nine nought eight) hectares.

Deed of Transfer 1344/1973, dated 22 February 1973.

(2) The farm Emanuel 751, situated in the District of Heilbron, in extent 42,8266 (forty-two comma eight two six six) hectares.

Deed of Transfer T10528/1990, dated 25 September 1990.

**4. THE PROPERTY WITH THE DWELLING-HOUSE (ORIGINALLY THE OLD POLICE STATION BUILDING) THEREON, AT 9 VRY STREET, VRYBURG**

**Description**

The property, together with the dwelling-house thereon, being the remaining portion of Erf 3, Vryburg, situated in the Municipality and Division of Vryburg, in extent 1 076 (one thousand and seventy-six) square metres.

Deed of Transfer T1077/1987, dated 16 September 1987.

**5. THE FAÇADES OF THE THREE HISTORIC BUILDINGS, SITUATED AT 140, 142 AND 148 LONG STREET, CAPE TOWN**

**Description**

(1) The façade of the double-storeyed building at 140 Long Street, situated on certain piece of land, in the City of Cape Town, Cape Division, being the remainder of Erf 3395, Cape Town at Cape Town (now known as a portion of the unregistered Consolidated Erf 9365, Cape Town).

Deed of Transfer T14890/1977, dated 20 June 1977 (par. 9).

(2) The façades of the three-storeyed building at 142 Long Street, situated on certain piece of land, in the City of Cape Town, Cape Division, being the remainder of Erf 3396, Cape Town at Cape Town (now known as a portion of the unregistered Consolidated Erf 9365, Cape Town); and

certain piece of land, situated as above, being Erf 3397, Cape Town at Cape Town (now known as a portion of the unregistered Consolidated Erf 9365, Cape Town).

Government Notice 1991

Figure 7: Government notices relating to the 'Vegkop' Battlefield Sites' declaration status (courtesy Nobukho Njemla: SAHRA National Inventory)



## 2) PALAEOLOGICAL DESKTOP ASSESSMENT

### 2.1) Introduction

A desktop palaeontological impact assessment was conducted for the proposed *Establishment of an Interdenominational Christian Cemetery* at the 'Vegkop' Battlefield Site near Heilbron, Free State. The assessment was carried out in accordance with the National Heritage Resources Act, Act No 25 of 1999 (NHRA 1999) with the aim to assess impact on potential palaeontological heritage resources.

### 2.2) Description of Affected Area

#### 1:50,000 topographical map: 2727BD Heilbron

The area of interest is located in the northern portion of the Karoo Basin, while the geographic location of the site is located east of the R725, about 21 km south of Heilbron in the north eastern (NE) Free State. The site is demarcated by the Vegkopspruit, in the south (S) and a series of dolerite outcrops (including part of Vegkop hill) in the east (E). Landscape features in the region consist of undulating plains that support short grasslands dominated by *Themeda triandra* and *Eragrostis spp.*, on dark and red clayey soils. Dry clayey soils commonly occur near Karoo Dolerite intrusions.



**Figure 8:** Aerial view of the Upper Vaal basin, north eastern Free State. The dotted line shows the approximate boundary where Beaufort Group strata give way to underlying Eccca Group sediments or older bedrock. Numerous Quaternary palaeontological localities are found in erosional gullies alongside small tributaries of the Vaal (red dots)

### 2.3) *Palaeontological Significance*

The palaeontological footprint in the region is mainly associated with:

- Late Neogene alluvial sediments, colluvium and pedocretes. Surface deposits along water courses and erosional gullies (generally related to specific palaeontological localities), occasionally yield mammal vertebrate fossils, molluscs and other remains.
- Exposures of fossiliferous mudrock and sandstone sediments of the Beaufort Group (Karoo Supergroup). Since known fossiliferous geological horizons are used as indicators of fossil distribution in capped sediments, the potential fossil heritage mentioned in this report is related to specific sedimentary units and biozones, and not to specific palaeontological sites.

#### **Post-Karoo sediments:**

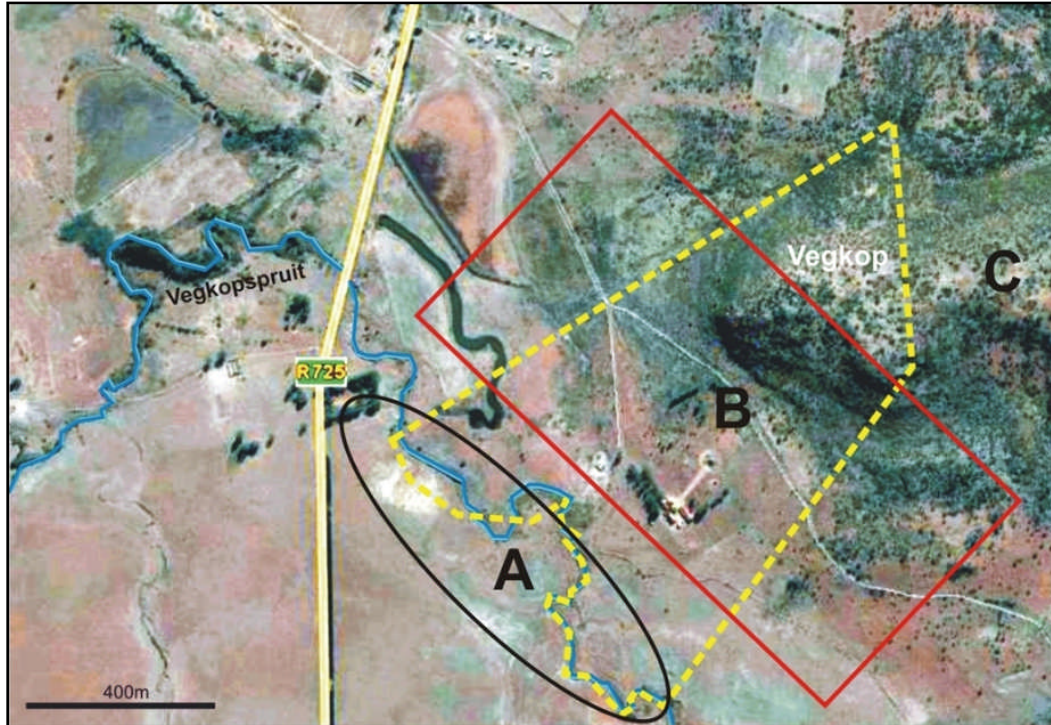
Quaternary palaeontological sites have been recorded in dongas along rivers and streams dissecting the concavo-convex landscape of the Free State Province. In the north eastern Free State region, fossil-bearing, alluvial sediments are mainly associated with the Vaal River, its tributaries and associated lower order streams. The Vaal River dates back to the late Cretaceous and is one of the principal fluvial conduits in southern Africa. The river is flanked by fluvial and rudaceous gravel formations deposited throughout the Cenozoic as a result of factors like cyclic development, climatic change, local tectonics, lithological variations and river capture. Alluvial terraces of the Vaal River have yielded numerous vertebrate fossil remains and stone tools since the turn of the 19<sup>th</sup> century.

A number of fossiliferous, erosional gullies (dongas) are exposed in the Skoonspruit, Brakspruit and Venterspruit drainages 10 to 20km south of the Vaal River in the Cornelia area. It consists of a complex of light grey to pale yellow deposits that range in facies from gravels to clays. Vertebrate fossils of several different kinds of extinct mammals have been recorded in these sediments, including carnivores, equids, suids, hippopotami, proboscideans and bovids.

There is currently no record of post-Karoo palaeontological exposures within the vicinity of the 'Vegkop' Battlefield Site, but Quaternary sediments flanking the Vegkopspruit may be potentially fossiliferous (Fig. 9A).

#### **Karoo sediments:**

Fluvially derived sedimentary rocks of the Beaufort Group, comprising Permian mudrock and sandstones of the Adelaide Subgroup (Normandien Formation), dominate the underlying geology of the area, of which an outcrop is exposed at Vegkop (Fig 9B). Sandstone and the mudrock exposures of the formation respectively represent ancient river channel and floodplain deposits. The strata are assigned to the *Dicynodon* Assemblage Zone, characterised by the abundance of *Dicynodon* and *Therapsid* fossils. These well-preserved, but dispersed and isolated therapsid fossils are found in mudrock horizons associated with an abundance of calcareous nodules. Surrounding, Jurassic age Karoo dolerite intrusions are not fossiliferous, but associated thermal metamorphism (resulting in metasediments such as hornfels) may influence fossil preservation within adjacent sediments (Fig 9C).



**Figure 9:** Aerial view of the 'Vegkop' Battlefield Site. Quaternary profiles are exposed along the Vegkopspruit (A), and thins out gradually away from the drainage line. Outcrops of underlying Permian bedrock (Adelaide Subgroup) are exposed between the river and the Vegkop Hill (B). Dolerite intrusions increase towards the east (C).

**2.4) Concluding Remarks**

Geological Unit	Rock/Sediment Type	Age	Fossil Heritage	Terrain	Palaeontological Significance
Geologically young, unconsolidated surface deposits (river drainages, erosional gullies)	Alluvial sediments, colluvium and pedocretes.	Quaternary to Recent	Mammal vertebrates (Primates, Carnivores, Artiodactyls, Perrissodactyls); Invertebrates (Fresh water and terrestrial molluscs) Microfossils (pollen, diatoms, phytoliths); Coprolites.	Surface sediments flanking Vegkopspruit ( A )	Medium to low
Karoo Dolerite	Volcanic, igneous	Jurassic	None	Vegkop ( C )	None
Beaufort Group, Adelaide Subg. Normandien Form.	Fluvial and lacustrine mudstone, siltstone and sandstone	Permian	Vertebrates (Amphibians, Parareptiles, Therapsids); Invertebrates (Molluscs, Insects); Plant fossils (Dadoxylon, Glossopteris); Trace fossils	Vegkop hill and terrain north of Vegkopspruit ( B )	High

**Figure 10:** Potential fossil heritage at the 'Vegkop' Battlefield Site

1. The alluvial deposits flanking the Vegkopspruit are geologically recent sediments (most likely Late Peistocene / Holocene) and may be potentially fossiliferous.
2. Metasediments (eg hornfels), within which fossil preservation is normally poor, and intrusive igneous rocks (eg Karoo dolerites) within which fossils do not occur, is not palaeontologically significant.
3. The underlying Permian mudrocks of the Adelaide Subgroup (Normandien Formation) are fossiliferous and therefore palaeontologically significant. Karoo fossil heritage may be affected by excavations into bedrock.

### 3) THE PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

#### 2.1) Introduction

A Phase 1 Archaeological Impact Assessment (AIA) was conducted for the proposed *Establishment of an Interdenominational Christian Cemetery* at the 'Vegkop' Battlefield Site near Heilbron, Free State. The assessment was carried out in accordance with the National Heritage Resources Act, Act No 25 of 1999 (NHRA 1999) with the aim to assess impact on potential archaeological and cultural heritage resources.

#### 3.2) Methodology

Fieldwork for the Phase 1 AIA was conducted over a 1 day period (2009-05-06) 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 GPSmap 60CSx GPS (Datum: WGS84). Photographic documentation was done with a Pentax K10D camera. A combination of Garmap and Google Earth software was used in the display of spatial information.

The fieldwork component of the assessment was supplemented by additional information gathered during a meeting held on 2009-05-07 and attended by the Management Committee, the Site Overseer, Phethogo Consulting and ArchaeoMaps.

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

SAHRA ARCHAEOLOGICAL AND CULTURAL HERITAGE SITE SIGNIFICANCE ASSESSMENT			
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:** SAHRA archaeological and cultural heritage site significance assessment and mitigation recommendations

The 'Vegkop' Battlefield Site is a declared Provincial Heritage Site; within the SAHRA Site Significance assessment system ascribed a *High Significance* with a *Provincial Significance* Field Rating and a *Grade 2* Heritage Status. Individual re-assessment of heritage resources at the property for the purpose of this report is inappropriate.



### 2.3) Coverage and Gap Analysis

The Phase 1 AIA focused on the approximate 3ha comprising the Option A, Option B and Option AE areas proposed as possible localities for the cemetery development, located on the portions Geschenk 1156 and Emanuel 751 of the 'Vegkop' Battlefield Site. Fieldwork included assessment of the known heritage resources / sites at the 'Vegkop' Battlefield Site (Vechtkop Slagveld 1573, Geschenk 1156 and Emanuel 751) as well as a brief overview of the remainder of the property.

Visibility ranged from good to fair across the proposed development options; being hampered only by relatively thick grass cover in places. Vegetation varied quite radically across the remainder of the property being characterized by thick cover on the top and slopes of Vegkop Hill and open grassland towards Vegkopspruit.



Figure 11: The Phase 1 AIA assessment area

### 2.4) Phase 1 AIA Assessment findings

No archaeological or cultural heritage resources, as defined and protected by the NHRA 1999, were encountered during the Phase 1 surface assessment of the proposed Option A, Option B or Option AE development areas. The areas were characterized by grass cover, allowing for fairly good surface visibility. No exposed erosion or other sections were present in the any of the proposed development areas; preliminary sub-surface interpretation is thus not possible.

With the proposed development areas being located at the 'Vegkop' Battlefield Site, a declared Provincial Heritage Site, proximity to known heritage resources / sites at the property are of invaluable importance.



Figure 12: Proximity of the proposed development options in relation to the heritage sites / resources at the 'Vegkop' Battlefield Site



Figure 13: General view of the proposed cemetery localities from Vegkop Hill, with Option A & AE located to the right of the Museum Complex and Option B directly left of the complex





**Figure 14:** *General view of the Option A and Option AE development areas from the Steynberg Monument*



**Figure 15:** *General view of the Option A and Option AE development areas towards the Steynberg Monument*



**Figure 16:** *General view of the Option B development area*

**Vegkop Hill (Late Iron Age):**

Vegkop Hill, comprising the larger part of the northern (N) portion of the 'Vegkop' Battlefield Site and located on the property Vechtkop Slagveld 1573 demarcates the locality of the tangible Late Iron Age site situated at the summit of Vegkop Hill

Vegkop Hill is fenced from the remainder of the 'Vegkop' Battlefield Site by a double fence (with access gates) along the northern (N) access road, servitude particulars contained in the Title Deed and pertaining to access to the farm Vechtkop Oost 491. Assessment of the Vegkop Hill area was indicative of very little human traffic, as evidenced by half overgrown tracks and un-spoilt vegetation. The observation was confirmed by Abel Claassen (Site Overseer) who mentioned that not all visitors to the site actually embark on the journey to the hill.

○ **The Late Iron Age site:**

Huffman (2007) explains that in areas devoid of trees Central Cattle Pattern (CCP) communities often turned to building in stone to mark internal and external social boundaries. Because of the need for stone, settlements are often located close to, or on rocky outcrops. Typically a rubble core fills the space between outer walls. CCP homesteads are characteristically similar in that animal enclosures form a circle around a central open space, or alternatively cattle are kept in a single central kraal. Adult cattle stayed in large enclosures and calves in smaller kraals with the number of adult kraals reflecting the number of cattle owing families living in the homestead. The central open space was used for milking, slaughter and meetings. In addition he explains that the walls of these settlements act as water traps and therefore support dense vegetation, and often much denser than at the time of occupation.

In South Africa CCP communities are divided into 2 clusters namely the Moor Park Cluster and the Ntsuanatsatsi Cluster (Huffman 2007; Maggs 1976; Mitchell 2002).

1. **The Moor Park Cluster:** The oldest known CCP walling occurs in the Midlands of Natal and dates to the 14<sup>th</sup>-16<sup>th</sup> Centuries characterized by Moor Park walling (and beehive huts) which partially served defensive purposes. From here some Nguni groups moved up to the plateau where they built walls on top of defensive hilltops in a manner very similar to Moor Park. These Transvaal Ndebele settled throughout the Transvaal during the 17<sup>th</sup>-18<sup>th</sup> Century and their settlement clusters are often referred to as Melora type walling (associated with beehive huts). A 3<sup>rd</sup> related variant occurs in Mpumalanga and constitutes the KwaMaza stonewalled settlements of the Ndzundza Ndebele (again associated with beehive huts).
2. **The Nsuanatsatsi Cluster:** The oldest walling of this cluster occurs near Nsuanatsatsi Hill in the Free State province and is called Type N after the legendary place of origin of the Fokeng cluster. Type N walling consists of a few cattle kraals in the centre, linked by other walls, while a perimeter wall (sometimes incorporating small stock enclosures) surrounds the whole settlement. Little usually remains of structures in the residential areas, but stone paving may mark the location of houses, most probably of beehive type. Type N settlements typically follow a dispersed pattern: ordinary men and their extended families lived in separate homesteads while a cluster of Type N units formed a chief's capital. Type N walling dates to the 15-17<sup>th</sup> Centuries. During this period Type N spread across the Vaal into Gauteng where it is sometimes referred to as Group I / Class 1.



In the Free State Type N led to Type V; named after the Vegkop Iron Age (Barolong) settlement. Type V consists of the standard core of cattle enclosures surrounded by beehive houses and grain bins, but outer walls are usually absent. Corbelled stone huts are believed to have evolved from this settlement type. Located on the edge of the central animal area, low corbelled stone huts were used mostly by herdboys, although in some areas of the Free State they may have been used as houses for adults. Type V sites date to the 17<sup>th</sup>-early 19<sup>th</sup> Centuries and was built by people of the Fokeng cluster.

At the time of *Voortrekker* arrival at 'Vegkop' the Barolong village at the summit was already abandoned, but the *Voortrekkers* would have found the well conserved stone kraals and corbelled huts. Schoeman (1982) quotes the traveler Anderson as describing the 'stone huts' as 'circular, with circular stone roofs, and nearly 2 feet thick, of partly hewn stone, beautifully made; a stone door with lintels, sills and door plates... Between each hut there was a straight stone wall, 5 feet in height, with doorways and lintels, communicating with each... enclosure; perfect specimens of art.' Inside these corbelled huts buried earthen jars have been found, containing the skeletal remains of little babies (some of which are on display at the site museum).

North of the Vaal River Type N developed into Group III typified by Klipriviersberg walling, also built by people of the Fokeng Cluster, while the western Sotho-Tswana (such as the Hurutse and Kwena) built Molokwane type settlements with bilobial arranged *daga* houses (with verandas and sliding doors). They settled in the area west (W) of Gauteng to modern day Zeerust from the late 18<sup>th</sup> Century to the beginning of the Historic Period. South western Sotho-Tswana (including the Rolong and Tlaping) built Type Z walling, a variant of the Molokwane type, dating from the 18<sup>th</sup>-19<sup>th</sup> Century.

After 1750AD, many Type Z and Molokwane settlements, including the Hurutse capital Kaditswene, the Kwena capital Molokwane and the Rolong settlement at Platberg, were situated on defensive hilltop locales, with some housing up to 20,000 people.

Hereafter, particularly in Mpumalanga and Kwa-Zulu Natal, variants on the basic CCP settlement pattern are particularly associated with the introduction of maize, subsequent population increases and as a result of with the *Difaqane / Mfecane*, the troubled period at the end of the 18<sup>th</sup>-early 19<sup>th</sup> Century associated Mzilikazi's 'reign of terror'.

Stone kraal remains were found at the summit and limited to the higher slopes of Vegkop Hill, with the summit and slopes densely vegetated. Stone wall remains are well conserved and middens seem to have quite considerable depth. A number of corbelled huts, some well preserved and others in various stages of decay are clearly identifiable. A very limited number of artefacts, including primarily *daga* nodules (and some bone) were observed in shallow erosion gullies having been washed from their original context. Vegetation at present is regarded as a major conservation factor haltering both wind and water erosion. Site conservation is good and it is evident that human traffic at the hill is limited and when allowed along the lines of responsible guiding principles.



**Figure 17:** *View of a portion of the remaining Barolong village at the summit of Vegkop Hill*



**Figure 18:** *Well conserved stone walling at Vegkop Hill*



**Figure 19:** *A corbelled hut at Vegkop Hill*

**The Plain at the foot of Vegkop Hill ('Vegkop' battlefield):**

Contrary to popular belief the battle of 'Vegkop' did not take place on the hill but on the plain to the south (S) at the foot of Vegkop Hill, believed to have been on the portion now known as Emanuel 751. The exact locality remains unknown and the general area is regarded as the intangible Historic Period battlefield locality, today characterized by open grassland and a few thorn trees.

○ ***The 'Vegkop' battle and the original Voortrekker grave:***

Continued unrest at the western (W) border of the Cape Colony (early 19<sup>th</sup> Century) led to increased discontent and the 1<sup>st</sup> Voortrekker parties, under Louis Trichardt and Hans van Rensburg, left the Colony (Giliomee 2004).

By 1835 Sarel Cilliers' party crossed the Orange River to join the much larger trekker group of Andries Hendrik Potgieter. While the Voortrekkers settled along the Vaal, Andries Hendrik Potgieter, Sarel Cilliers and a party of 10 men left to explore the area further north on a nearly 3 month expedition. In 1836 they reached the Soutpansberg and the Trichardt party from where they left for Mozambique (Van Schoor 1984).

In the interim, Mzilikazi, primarily interested in the Voortrekkers' massive herds of livestock, gave his Matabele warriors the order to attack and raid the trekker stock. The 1<sup>st</sup> to suffer Mzilikazi's blow was Stephanus Erasmus' party; many did not survive but Erasmus and his son managed to escape and warn others, many of whom fled to the Thaba Nchu area (Van Schoor 1984).

When Sarel Cilliers (and later Andries Hendrik Potgieter) returned in August / September 1836 he immediately started with preparations for the counter attack. The party comprised of only 34 able bodied men, women and children (Giliomee 2004). A laager was formed by pulling the approximately 50 wagons into a square or circle, and chaining them to each other, leaving only one entrance which could be blocked by reversing a wagon into the opening. Horses of the fighting men were herded inside and the openings below the wagons were sealed up with thorn branches. The vast herds of sheep, oxen, goats and cattle were left on the plains, because there was no means to protect them (Van Schoor 1984).

An initial party was sent out in an attempt to reach an agreement with Kalipi and his 3,000-5,000 warriors; when this failed the Boers were forced to retreat to their laager (Van Schoor 1984).

Anxious efforts were made inside the laager for its defense; cauldrons of boiling water, axes and tent poles were to be used by women and children as weapons. Bullets were cast, gunpowder distributed. Extra guns were placed in the firing positions of men, boys and servants. Women and children had to reload guns and nurse the wounded (Van Schoor 1984).

The battle is believed to have taken about 1 hour. Losses on the side of the Matabele were in the region of 400 while only 2 Voortrekkers, (Nicolaas Potgieter, a brother of Andries Hendrik Potgieter, and Piet Botha) were killed and 12-16 wounded (Van Schoor 1984).

Despite the miraculous survival of the Voortrekkers, the attackers had driven off all their livestock. Around them the dead soon began decaying and circumstances was unbearable. At first they tried to drag the bodies away by tying them to their horses but eventually resolved to in-spanning their horses to slowly haul their wagons away to a place sufficiently far removed from the smell of decay. From here a message

was sent to the mission station a Thaba Nchu requesting help, while another Matabele attack was feared (Van Schoor 1984).

The 2 *Voortrekkers* who died was buried in a single grave south (S) of the original laager at S27°28'48.7"; E27°54'49.4". During the 1983/84 restoration project their remains were exhumed and re-interred at the commemorative area located centrally at the Museum Complex. The original grave locality is fenced with a single access gate. A commemorative stone with the inscription '*Hiedie steen dui die plek aan waar die 2 trekkers wat by Vegkop gesneuwel het oorspronklik begrawe is*' [this stone demarcates the position where the 2 trekkers who died during the Vegkop battle were originally buried] was erected at the site.

The survey of this area yielded no artefacts related to the battle, known to have been removed. Historic Period Sandstone fence poles was found adjacent to the Vegkopspruit and assigned to early ownership of the property. Riverbank sections were anthropically sterile.



**Figure 20:** *General view of the (portion of) Emanuel 751*



**Figure 21:** *Original locality of the burial place of the 2 trekkers who died in the 'Vegkop' battle*





**Figure 22:** *Historic Period sandstone fence poles along the Vegkopspruit*



**Figure 23:** *View of Vegkopspruit*

**The Museum Complex:**

Structures at the Museum Complex consist of the 1<sup>st</sup> building erected in 1945 to serve as site museum. In 1983/84 the complex including the C. J. D.V. hall, the current museum, the recreation area, the hall and conference facilities were finalized.

The site museum houses an interesting display of relevant artefacts and information panels focusing on the 'Vegkop' battle but including Iron Age and other Historic Period relics, with later sections dedicated to the Anglo Boer War, the founding of Heilbron (meaning 'source of wellbeing') and the Historic Buildings in Heilbron to name a few.

A commemorative area is located at the centre of the Museum Complex, housing the *Voortrekker* (1938) and the 'Vegkop' commemorative monuments, the last of which was originally erected at the summit of Vegkop Hill. The monument was moved to the property Emanuel 751 in 1912. The area also houses the new grave site of the 2 *Voortrekkers* who died in the battle.



A low degree of vandalism was evident at the Museum Complex; where the word 'GOD' was scratched out and overwritten as 'COPE' and the dates of '1936' changed to '2009'. Vandalism applied mostly to commemorative sandstone plaques, implying that the damage is essentially irreparable. The basic text have however been reinstalled, albeit not concealing the impact of vandalism.



*Figure 24: View of the Museum Complex*



*Figure 25: The commemorative area at the centre of the Museum Complex*

#### **The Monument:**

The Steynberg Monument is located on the property Vechtkop Slagveld 1573 at S27°28'39.6"; E27°54'50.6" and erected as part of the 1983/84 restoration project. The monument is based on a circular columnar design resting on an open semi-stereobate. The central column comprises of a stone staple, constructed by the Kroonstad Military Corps, with the capital crowned by the Coert Steynberg sculpture of a victorious trekker with both assegais and a musket in his right hand and the Bible in his left. Surrounding semi-circular walls takes the visitor through various stages of the battle, presented in 3 friezes on either side (artwork done by Steynberg's daughter, Isa Wiechers). (The plaque describing the symbolism of the art was removed at the time of the site visit.)

**COERT STEYNBERG** (1905 - 1982) was a sculptor and coin designer from South Africa. He is best remembered for sculpting the statue of Paul Kruger, which is in the Kruger National Park. His most famous coin design is the pronking springbok reverse design that was first used on the 5 shillings that commemorates the 1947 Royal Visit to southern Africa by the British Royal Family. The pronking springbok design was reused on the 5 shilling and 50 cents crowns from 1948 to 1964, the gold 1/2 Pound and 1 Pound coins of the 1952-60 issues, the gold 1 Rand and 2 Rand of the 1961-83 issues, and on the Krugerrand medal-coin issues that have been issued since 1967.



Figure 26: General view of the Monument



Figure 27: Close-up of the Steynberg sculpture



Figure 28: One of the semi-circular frieze panel series



Figure 29: Close-up on selected frieze (1)



Figure 30: Close-up on selected frieze (2)



#### 4) CONCLUSION AND RECOMMENDATIONS

The proposed 1ha *Establishment of an Interdenominational Christian Cemetery* (and the 1ha extension thereto), to be located on the properties Geschenk 1156 and (Portion of) Emanuel 751, at the 'Vegkop' Battlefield Site (Vechtkop Slagveld 1573, Geschenk 1156 and Emanuel 751) in the Heilbron District, Free State, poses no direct threat to any heritage resources as defined and protected by the National Heritage Resources Act, Act No 25 of 1999 (NHRA 1999). It is recommended that, with reference to heritage compliance as per the NHRA 1999, the development proceeds.

##### Additional Recommendations:

1. No heritage resources will directly be impacted on by development at Option A, Option B or Option AE. However, Option A for purposes of development with the proposed extension at Option AE would be the recommendation of the heritage team:
  - o Both localities are in close proximity to the Museum Complex allowing for funeral services to be hosted there while extension of the development will merely form a unified whole, rather than extension at Option B which will leave the Museum Complex in a sense 'surrounded' by cemeteries.
  - o Necessary access roads already exist and parking can easily be accommodated at both Option A and Option AE without having to embark on additional low impact at the property.
  - o Management in terms of fencing and the control of human traffic is also envisioned easier should the proposed cemetery and extension thereto be situated immediately adjacent to each another. (Bearing in mind the advantages of the Management Committee and the Supporting Church Group to consider use of the cemetery by other Christian church groups / individual applications it is proposed that both the 1ha *Establishment of an Interdenominational Christian Cemetery* and the 1ha extension thereto be approached as a single development application, although development of the areas will be subsequent to one another.)
  
2. The 'Vegkop' Battlefield Site is a declared Provincial Heritage Site. Recommendations contained in this report reflect the findings of a basic Heritage Impact Assessment (HIA), excluding declaration and management requirements that may be contained in the SAHRA archival documentation of the site. Archival documentation was requested from SAHRA. Documentation have been located and forwarded to ArchaeoMaps [Pers comm.: Colette Scheermeyer, SAHRA APM Unit], but have not been received at the time of submission of this report.
  - o Amendments to this report will be forwarded to SAHRA and Phethogo Consulting should the SAHRA archival documentation contain applicable information pertaining to the establishment of the proposed cemetery.
  - o In addition it is recommended that (relevant portions of) the SAHRA archival documentation be lodged with the Management Committee.
  
3. Burial or funeral practices / rites are as a norm, from a cultural or culture-historic point of view, regarded as an integral part of religion. In the light thereof the proposed development is not seen as contradictory to Title Deed requirements stating clearly that the site be '*...uitsluitlik vir Godsdienstige en Opvoedkundige doeleindes gebruik word*' [used exclusively for religious and educational purposes]. The condition of contravention to this requirement is also contained in the Title Deed and described as '*Indien die Vegkop Slagveldterrein nie aan hierdie voorwaarde voldoen nie, dan sal die eiendom terugval na en weer die eiendom word van die Raad vir Nasionale Gedenkwaardighede en wel op koste van die Vegkop Slagveldterrein*' [Should the 'Vegkop' Battlefield Site not comply to this



condition the site will again be seconded to the National Monuments Council (NMC) / SAHRA as legal successor of the NMC, at the cost of the 'Vegkop' Battlefield Site).

However, legal and development definitions do differ from cultural nomenclature and the proposed development would require changes / amendments to the Title Deed to particularly include the establishment of a cemetery(ies) [Pers comm.: Piet de Bie, Phethogo Consulting] to be approved by SAHRA.

The development proposal is seen as a responsible management initiative, to in the light of restricted funding ensure the continued management of the site, whilst progressively moving towards a greater degree of *self-sustainability*. Expected benefits of the development can be described as 'low income', but 'long term', with a more than 100 year vision and financial supplementary support for heritage management at the 'Vegkop' Battlefield Site.



#### *Palaeontology:*

Palaeontological resources related to post-Karoo sediments not will be affected by development within the demarcated zones. The proximity of potentially fossiliferous Quaternary sediments (Vegkopspruit alluvium) is negligible as it is located peripheral to the development area. Karoo fossil heritage may be affected by excavations into the underlying bedrock. Any development that call for excavations into fossil-bearing bedrock or old superficial deposits, are of conservation and research interest. Should any such excavations be carried out during the course of development, the developer should inform SAHRA / an accredited palaeontologist.



#### *Archaeology:*

No archaeological or cultural heritage resources will be directly affected by development at Option A, Option B or Option AE. Proximity of known resources to the development options remain a cause for concern, albeit an integrated part of the success of the proposed development. No known sites will be affected; but not excluding the possibility that material may be encountered sub-surfacely including artefacts / objects / remains associated with the heritage sites on the property. Should any such material be discovered during the course of development the developer should immediately report the find to SAHRA / an accredited archaeologist.

ESTABLISHMENT OF AN INTERDENOMINATIONAL CHRISTIAN CEMETERY AT THE 'VEGKOP' BATTLEFIELD SITE (PROVINCIAL HERITAGE SITE)					
VEGKOP BATTLEFIELD SITE					
MAP CODE	SITE	TYPE / PERIOD	DESCRIPTION	CO-ORDINATES	RECOMMENDATIONS
<b>'VEGKOP' BATTLEFIELD SITE</b>					
-	Vechtkop Slagveld 1573	-	-	-	-
-	Geschenk 1156	-	-	-	-
-	(Portion of) Emanuel 751	-	-	-	-
<b>KNOWN HERITAGE RESOURCES / DEVELOPED LOCALITIES</b>					
VH	Vegkop Hill	Iron Age	Settlement	S27°28'27.4"; E27°54'57.7"	Conservation
		Historic Period	Battlefield	-	Conservation
MC	Museum Complex	Commemorative	Museum Complex	S27°28'43.8"; E27°54'48.2"	Conservation
M	Monument	Commemorative	Monument	S27°28'39.6"; E27°54'50.6"	Conservation
G	Grave	Historic Period	Grave	S27°28'48.7"; E27°54'49.4"	Conservation
R	Residence	N/A	N/A	S27°28'40.6"; E27°54'41.6"	N/A
<b>DEVELOPMENT OPTION A</b>					
A	-	-	-	S27°28'37.4"; E27°54'48.6"	1. No impact on heritage resources as defined and protected by the NHRA 1999
B	-	-	-	S27°28'39.0"; E27°54'50.0"	
C	-	-	-	S27°28'42.3"; E27°54'47.4"	2. Preferred development option for the cemetery development
D	-	-	-	S27°28'42.3"; E27°54'47.3"	
E	-	-	-	S27°28'39.6"; E27°54'45.2"	
<b>DEVELOPMENT OPTION B</b>					
A	-	-	-	S27°28'42.1"; E27°54'52.4"	1. No impact on heritage resources as defined and protected by the NHRA 1999
B	-	-	-	S27°28'43.7"; E27°54'54.2"	
C	-	-	-	S27°28'47.2"; E27°54'48.3"	
D	-	-	-	S27°28'46.0"; E27°54'47.4"	
<b>DEVELOPMENT OPTION AE</b>					
A	-	-	-	S27°28'34.9"; E27°54'46.5"	3. No impact on heritage resources as defined and protected by the NHRA 1999
B	-	-	-	S27°28'37.3"; E27°54'48.5"	
C	-	-	-	S27°28'39.6"; E27°54'45.1"	4. Preferred extension to development
D	-	-	-	S27°28'36.9"; E27°54'43.1"	

**Table 2:** Phase 1 AIA assessment findings - co-ordinate details

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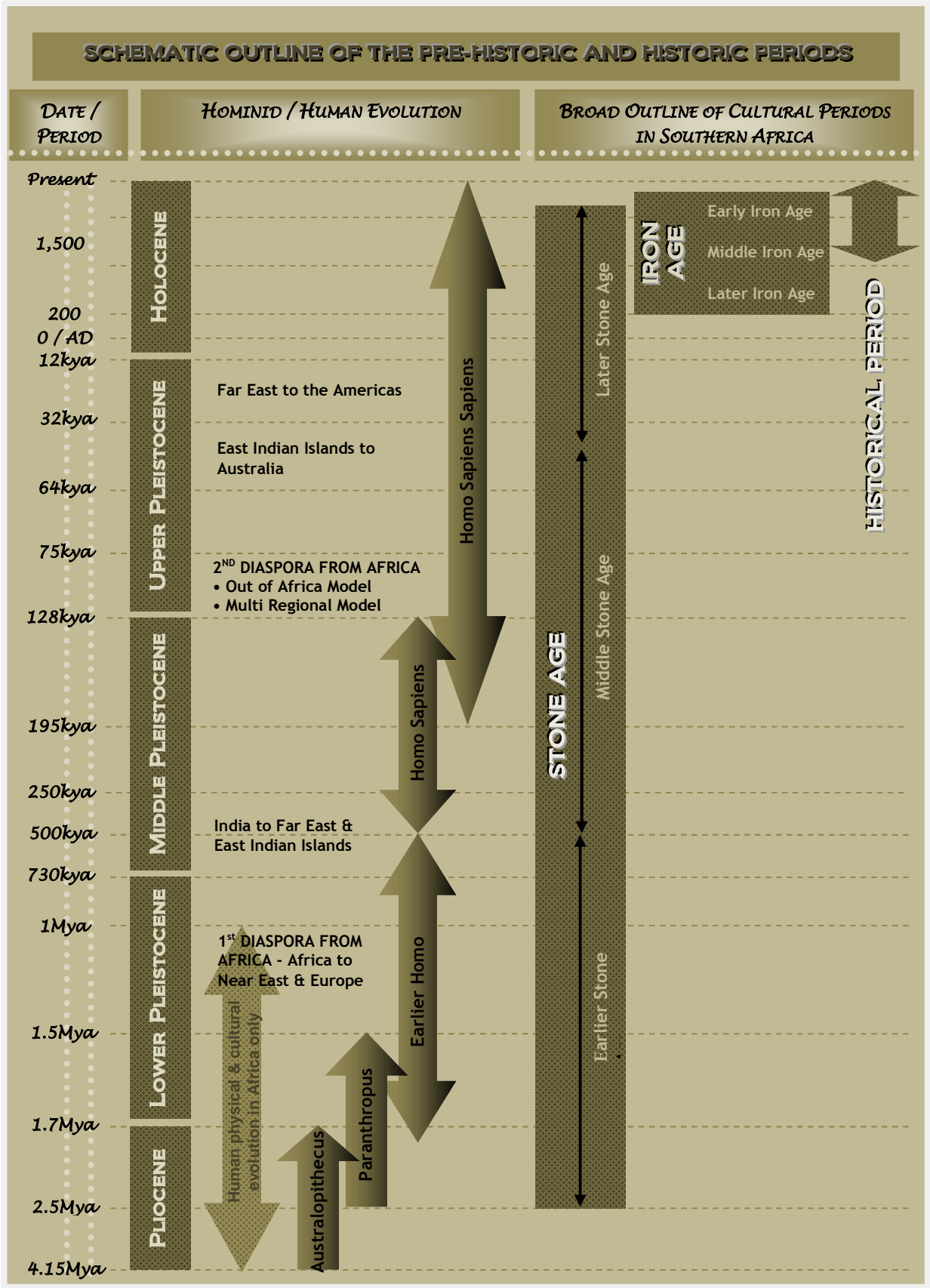
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## EXTRACTS FROM THE NATIONAL HERITAGE RESOURCES ACT (No 25 OF 1999)

### 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.
- 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.
- xxxii. *"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;
- xlii. *"Site"* means any area of land, including land covered by water, and including any structures or objects thereon;
- xliiii. *"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 –
- destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
  - destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
  - 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
  - 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 –
- 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;
  - 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;
  - 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
  - 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 –
- 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;
  - 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
  - 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 –
- made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and
  - 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 –
- 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
  - 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 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 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.
- 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.