

# McGregor Museum Department of Archaeology



## Report on a Phase 1 Archaeological Assessment of a proposed mining site at the Eddie Williams Oval, Kimberley, Northern Cape.

NC 30/5/1/1/2/1819 PR

David Morris & Mamoluoane Seliane  
February 2009

# **Report on a Phase 1 Archaeological Assessment of a proposed mining site at the Eddie Williams Oval, Kimberley, Northern Cape.**

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## **Introduction**

The archaeology of the Northern Cape is rich and varied, covering long spans of human history. Some areas are richer than others, and not all sites are equally significant. Heritage impact assessments are a means to facilitate development while ensuring that what should be conserved is saved from destruction, or adequately mitigated and/or managed.

The present report concerns archaeological observations at the site of proposed mining in the form of debris dump recycling at the Eddie Williams Oval in Pniel Road/Barkly Road, Kimberley.

The request for this report comes from Mr Brent Lunt of Pickling 102 (Pty) Ltd, 7 Lime Street, Moghul Park, Kimberley, tel 0824419848.

## **Terms of reference**

Terms of reference were to detail observations based on a field survey on the site in question and to assess significance of impact of the proposed cemetery.

## **Legislation**

The National Heritage Resources Act (No 25 of 1999) (NHRA) provides protection for archaeological resources.

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

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

## **Methods and limitations**

A background literature/museum database search provides indications of what might be expected in the region.

During the site investigation, it was noted that a substantial body of old debris dump material, associated historically with Kimberley Mine and the Floors, had been cleared by previous operations. A small portion of the dump was still intact on the Colville side.

## **Background: archaeological resources in the region**

Broadly speaking, the archaeological record of this region reflects the long span of human history from Earlier Stone Age times, through the Middle Stone Age, to the Later Stone Age, with the last 2000 years being a period of increasing social complexity, with the appearance of farming (herding and agriculture) alongside foraging, and of ceramic and metallurgical (Iron Age) technologies alongside an older trajectory of stone tool making (Morris & Beaumont 2004). In the urban areas of Kimberley traces of these pasts have been unearthed in the form most usually of cf Fauresmith handaxes and flaked stone tools (these are ubiquitous albeit in low densities) as well as Later Stone Age sites as noted in the past in the Homestead area at the base of a debris dump in Long Street (McGregor Museum records). More significant in the urban environment are colonial era sites including those of interest to industrial archaeology. Notable are domestic and mining ash middens that contain a wealth of material culture (e.g. Morris & Kaplan 2001).

The Eddie Williams Oval was part of a sports centre of which the A.R. Abass Stadium is still a going concern. It is situated on top of an old Floors area (on which blue ground from the mines was spread out to be weathered before being crushed and screened over grease-tables). Associated with the Floors were debris dumps, remnants of which occur within the area to be mined/cleared for rewashing. The Eddie Williams dump area was sold to the Kimberley Municipality in 1978. It is believed the debris originated in about 1910, being derived from the Kimberley Mine (which was closed in 1914).



View across the already largely cleared Eddie Williams Dump area

## **Observations**

The bulk of the area in question has been lowered to within perhaps a metre of the original surface. No heritage resources of any kind were noted over this

area. The north eastern corner of the property in question contains a remnant of a mine dump, its highest point at 28.71651° S 24.75921° E.

Again, no cultural material that would qualify as heritage was noted.

The historic dumps of Kimberley are known to be heritage features in their own right, with a small suite of them in the vicinity of the Big Hole having been singled out for preservation as part of the historic industrial/mining landscape of early Kimberley. The dump in question in this report is but a remnant, already somewhat reduced, and hence not particularly conservation-worthy.



View of the Eddie Williams Oval and dump area from the highest point in the north eastern corner of the site.

### **Assessment of impacts**

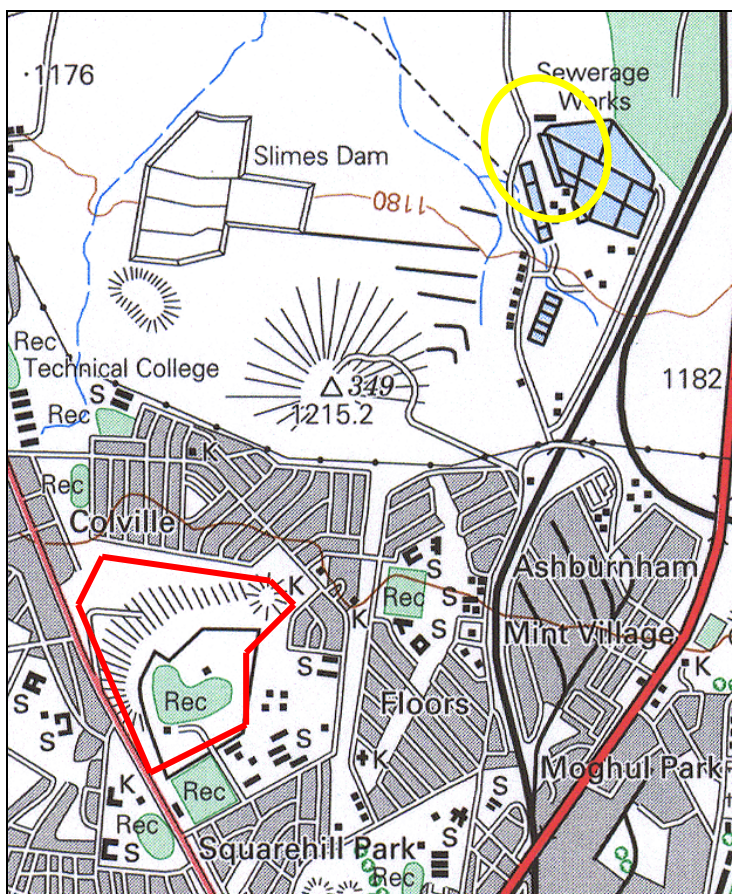
It is expected that there would be a negligible impact on archaeological or other heritage resources during the proposed recycling of the Eddie Williams dumps and dump remnants and it is not considered necessary to carry out any mitigation.

It remains possible that:

- Cultural material may occur within remnants of the dump, as is the case in the Kenilworth Dump, elsewhere in Kimberley.
- Stone Age material may occur on or just below the old surface at the base of the dumps.
- Burials have been known to occur in dumps, e.g. at Koffiefontein.
- It has not been made clear where debris from this site would be processed and re-deposited (an earlier proposal had mentioned an area near the old Fish Farm at Vooruitzicht-81, where there is a cluster of important old Kimberley ash heaps about a century or more old).



Subsurface historic ash midden material at the 'Fish Farm', Vooruitzicht-81 at  $28.70386^{\circ}$  S  $24.76933^{\circ}$  E. (Revealed by a pit for the erection of a pole). (Outside the area for which the present application for heritage impact assess was requested and included here simply because it was linked with an earlier enquiry in respect of the Eddie Williams Dump and because it illustrates the point about subsurface material ). See also Morris & Kaplan (2001)



The area that includes the Eddie Williams Dump (outlined in red) in the Kimberley North area.

The 'Fish Farm' is represented by the yellow ellipse.

Extract from  
1:50 000 sheet 2824 DB

## **Procedure in the event of sites being found during mining or secondary impacts**

In the event that sites or features (eg high density of artefacts, old bottles/ash, a burial, or ostrich eggshell cache) are found during the project, SAHRA must be informed (tel 021-4624502 Mrs Mary Leslie/Dr A. Jerardino) and an archaeologist should be alerted to assess the find and make recommendations for mitigation, if necessary. All archaeological traces are protected by legislation.

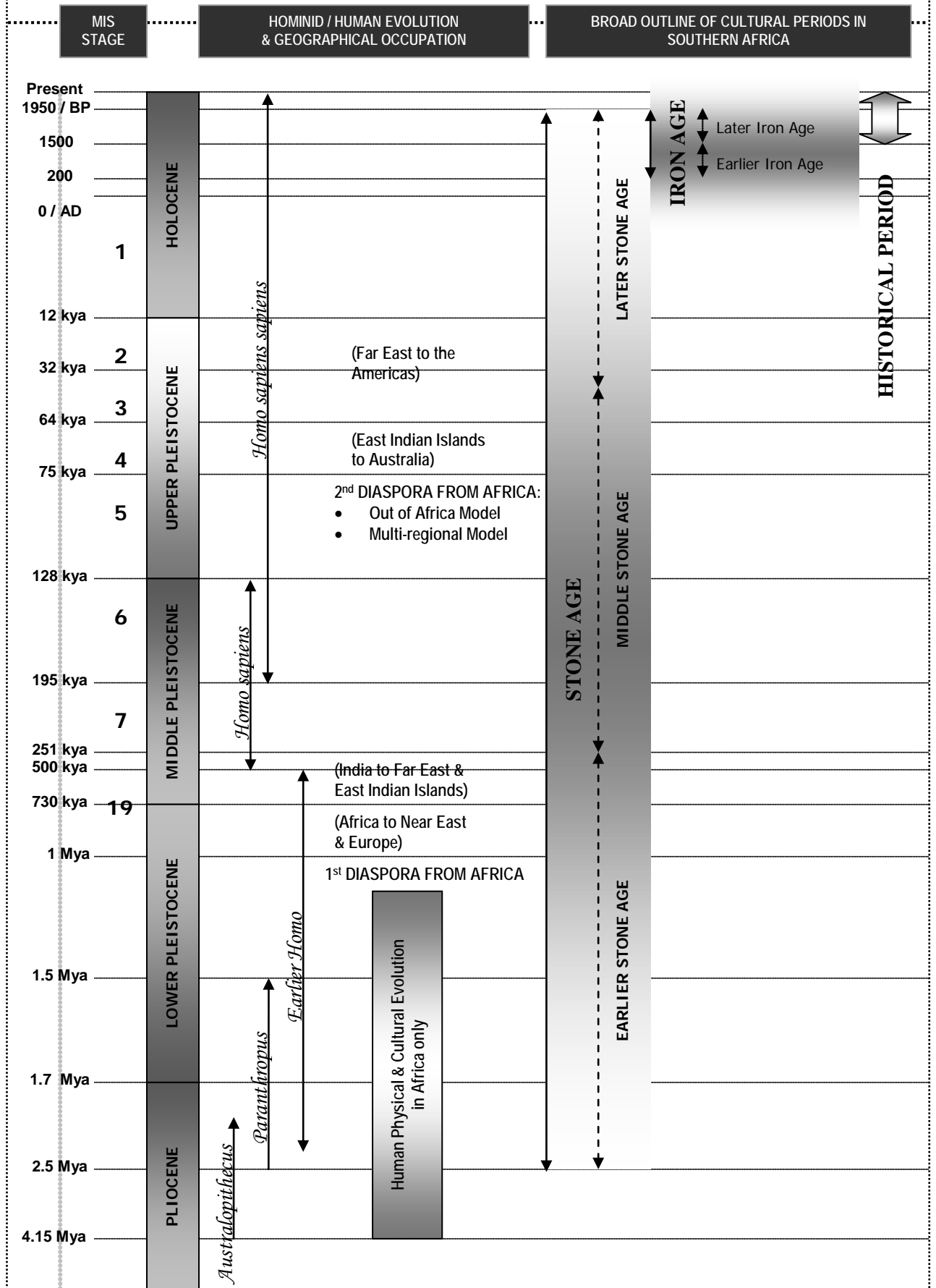
## **Recommendations**

The proposed recycling of the Eddie Williams debris dump material is not expected to have a negative impact on the heritage resources of the region.

## **References**

- Morris, D. & Beaumont, P.B. 2004. *Archaeology in the Northern Cape: Some key sites*. Kimberley: McGregor Museum.
- Morris, D. & Kaplan, J. 2001. Phase 1 excavation of a century-old municipal refuse midden, Kamfersdam, Kimberley. Unpublished report to Chand Environmental Management and Research.

# Schematic Human Physical and Cultral Evolution in Africa



## 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.
- xxxi. "*Palaeontological*" means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trances;
- xli. "*Site*" means any area of land, including land covered by water, and including any structures or objects thereon;
- xliv. "*Structure*" means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith;

## NATIONAL ESTATE

### Section 3

- 1) For the purposes of this Act, those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities.
- 2) Without limiting the generality of subsection 1), the national estate may include –
  - a) places, buildings, structures and equipment of cultural significance;
  - b) places to which oral traditions are attached or which are associated with living heritage;
  - c) historical settlements and townscapes;
  - d) landscapes and natural features of cultural significance;
  - e) geological sites of scientific or cultural importance
  - f) archaeological and palaeontological sites;
  - g) graves and burial grounds, including –
    - i. ancestral graves;
    - ii. royal graves and graves of traditional leaders;



- iii. graves of victims of conflict
  - iv. graves of individuals designated by the Minister by notice in the Gazette;
  - v. historical graves and cemeteries; and
  - vi. other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No 65 of 1983)
- h) sites of significance relating to the history of slavery in South Africa;
- i) movable objects, including –
- i. objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
  - ii. objects to which oral traditions are attached or which are associated with living heritage;
  - iii. ethnographic art and objects;
  - iv. military objects;
  - v. objects of decorative or fine art;
  - vi. objects of scientific or technological interest; and
  - vii. books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1 xiv) of the National Archives of South Africa Act, 1996 (Act No 43 of 1996).

## **STRUCTURES**

### **Section 34**

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

## **ARCHAEOLOGY, PALAEOLOGY AND METEORITES**

### **Section 35**

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

## **BURIAL GROUNDS AND GRAVES**

### **Section 36**

- 3) No person may, without a permit issued by SAHRA or a provincial heritage resources authority –
  - a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
  - b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
  - c) bring onto or use at a burial ground or grave referred to in paragraph a) or b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.
- 4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction of any burial ground or grave referred to in subsection 3a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.
- 5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection 3b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority –
  - a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and
  - b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.
- 6) Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority –
  - a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and
  - b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

## **HERITAGE RESOURCES MANAGEMENT**

### **Section 38**

- 1) Subject to the provisions of subsections 7), 8) and 9), any person who intends to undertake a development categorised as –
  - a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
  - b) the construction of a bridge or similar structure exceeding 50 m in length;
  - c) any development or other activity which will change the character of a site –
    - i. exceeding 5 000 m<sup>2</sup> in extent; or
    - ii. involving three or more existing 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.

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.