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*PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT*

**SUBDIVISION OF ERF 4621, HAMILTON,  
BLOEMFONTEIN, FREE STATE, SOUTH AFRICA**

**DATE: 2009-06-22**

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## 1) TERMS OF REFERENCE

Bopa Lesedi is in the process of compiling the Environmental Impact Assessment (EIA), on behalf of the proponent, Telkom Ltd (Pty), for the proposed subdivision of Erf 4621 located in the Hamilton industrial area of Bloemfontein, Free State, South Africa. ArchaeoMaps Archaeological Consultancy was appointed by Bopa Lesedi to conduct the Phase 1 Archaeological Impact Assessment (AIA) as specialist sub-section to the EIA.

### 1.1) *Development Location, Details & Impact*

The proponent is intending to subdivide Erf 4621, also known as 226C Church Street, located in the Hamilton industrial area, Bloemfontein, Free State [1:50,000map ref: 2926AA]. It is proposed that the property be divided in 2 portions, namely Remainder of Erf 4621 and Portion 1 of Erf 4621. Erf 4621 comprise a surface area of 72,580m<sup>2</sup>. Subdivision will result in the Remainder of Erf 4621 constituting a 49,412m<sup>2</sup> and Portion 1 of Erf 4621 a 23,168m<sup>2</sup> portion of the original surface area.

The development proposal is centered on the subdivision of the property with the intent to sell the currently underutilized Portion 1 of Erf 4621 thereof. The total of the Study Site has been developed; the area is characterized by a number of structures with surface areas in between typically covered with tarmac or transformed into intersecting garden areas. Structures on the proposed Remainder of Erf 4621 area comprise of contemporary (post-dating 60 years of age) buildings, in use by the proponent. The structure located on the proposed Portion 1 of Erf 4621 area comprise of a Historic Period structure (predating 60 years of age).

Development impact will be restricted to subdivision only.

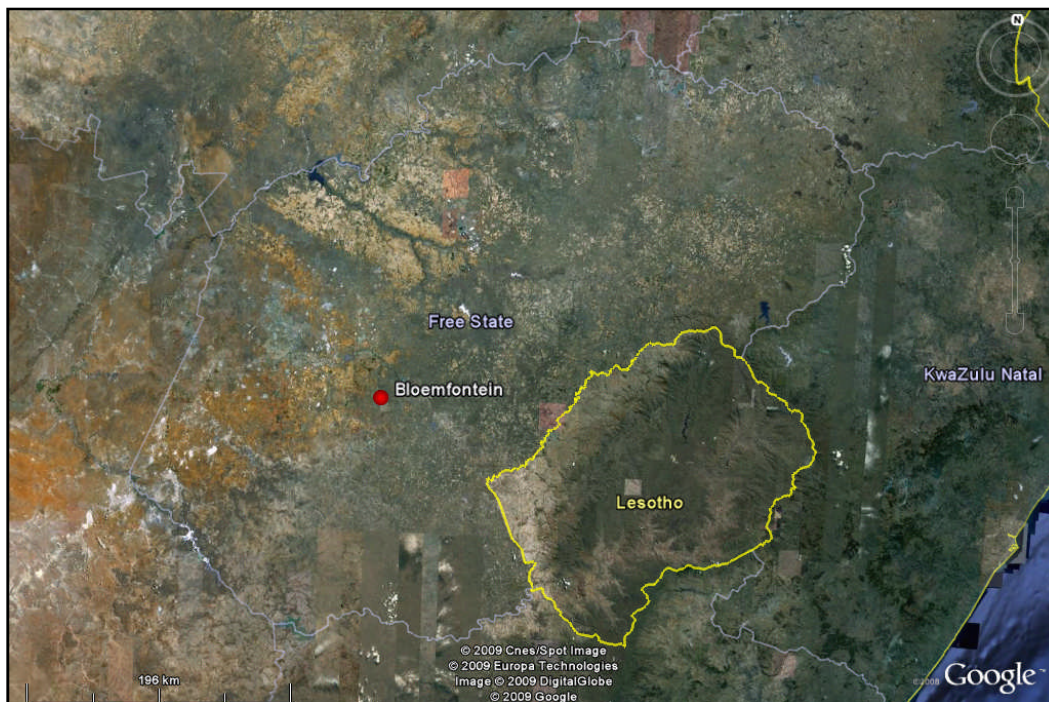


Figure 1: Bloemfontein, Free State, South Africa



Figure 2: Erf 4621 located in the Hamilton industrial area, Bloemfontein

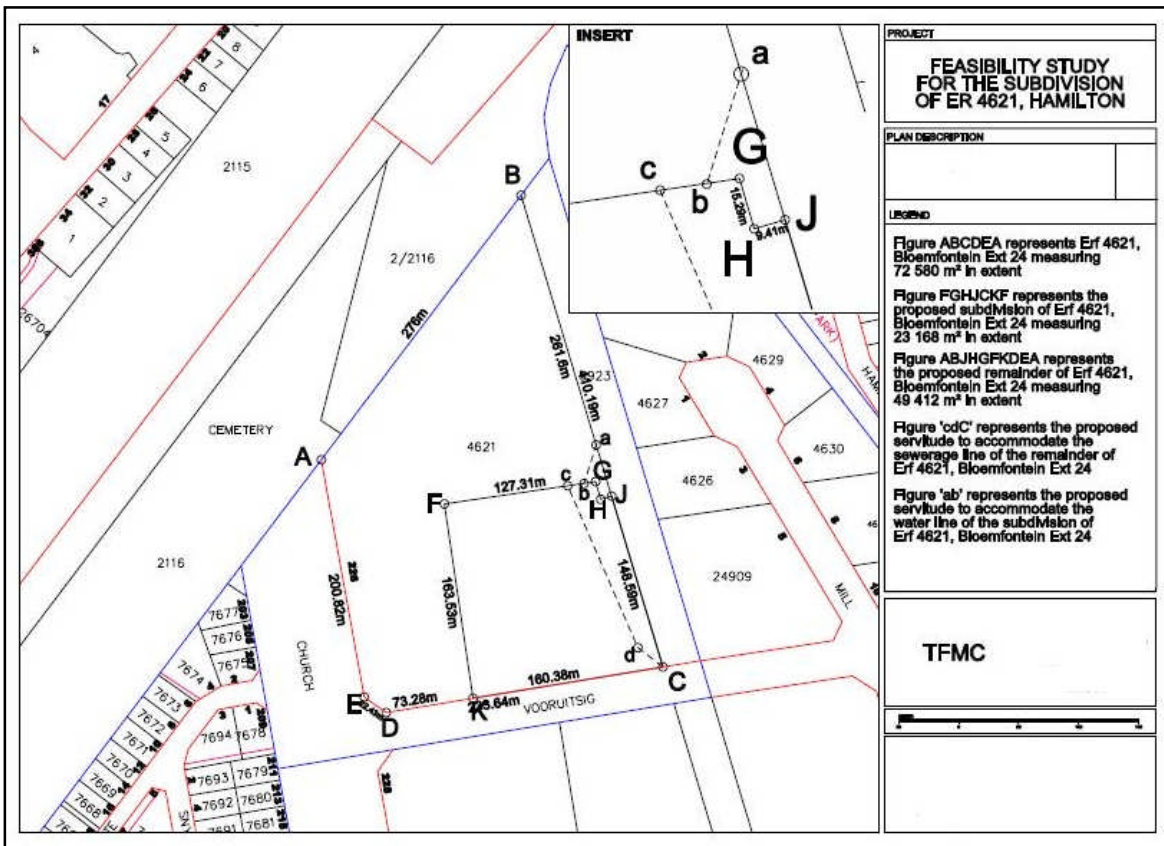


Figure 3: Development details; Subdivision of Erf 4621, Hamilton, Bloemfontein

## 2) THE PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

### 2.1) *Archaeological Legislative Compliance*

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

The Phase 1 AIA was requested as specialist sub-section to the Environmental Impact Assessment (EIA) in compliance with requirements of the National Environmental Management Act, No 107 of 1998 (NEMA 1998) and associated regulations (2006), and the NHRA 1999 and associated regulations (2000).

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

### 2.2) *Methodology*

The Phase 1 AIA was conducted over a 1 day period (2009-06-17) 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.

<b>SAHRA ARCHAEOLOGICAL AND CULTURAL HERITAGE SITE SIGNIFICANCE ASSESSMENT</b>			
<i>SITE SIGNIFICANCE</i>	<i>FIELD RATING</i>	<i>GRADE</i>	<i>RECOMMENDED MITIGATION</i>
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*

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

### 2.3) Coverage and Gap Analysis

The Phase 1 AIA assessment covered the proposed 72,580m<sup>2</sup> Erf 4621 Study Site. With the majority of the proposed Remainder of Erf 4621 area being a contemporary development attention was focused on the Portion 1 of Erf 4621 area on which the Historic Period structure is located.

The Study Site is accessible via a well established tarmac road network.

### 2.4) Phase 1 AIA Assessment findings

No archaeological or cultural heritage resources, as defined and protected by the NHRA 1999, will be directly affected by the proposed subdivision of Erf 4621.



Figure 4: The proposed Erf 4621 Study Site

#### General observations:

1. The proposed Remainder of Erf 4621 area is characterized by contemporary structures, at present in use by the proponent, Telkom (Pty) Ltd.
2. The proposed Portion 1 of Erf 4621 area is typified by a structure, pre-dating 60 years of age and by implication formally protected under the NHRA 1999. The building dates to the 1940's but was in recent years used by Telkom with associated low impact interior and exterior alteration to the site. The structure is well conserved and in a very reasonable condition with the immediate surrounds at present consisting of a tarmac surface; no archaeological resources are associated with the structure. A granite entrance piece displays the following inscription 'CAPITAL MATCH CORPORATION LIMITED; This stone was laid on the 31<sup>st</sup> day of May 1946 by the Hon. N. C.

*Havenga / Hierdie steen is gele op 31 Mei deur Sy Ed. N. C. Havenga; Rhodes-Harrison & Bull Architects; W.F. du Plessis & Bro Bouers'*, establishing both the original purpose of the structure as well as its date, being 63 years old.

Portion 1 of Erf 4621 will not be developed and is after alienation intended for sale. Confirmation was received from the SAHRA APM Unit / Registry [Pers. comm.: Mary Leslie] that the site is not listed in the SAHRA database as a *National Heritage Resource, Provincial Heritage Resource or Registered Site*. Pre-dating 60 years of age the structure is however subject to general protection under the NHRA 1999. The structure is ascribed a SAHRA *High / Medium Significance* and *Generally Protected A* Field Rating: The site should either be conserved or mitigated prior to development. (In the case of structures mitigation refers to alteration / destruction under a relevant heritage permit.)

It is recommended that particulars pertaining to the general protection status of the structure be included in the sales agreement / communicated to potential buyers:

1. All structures pre-dating 60 years of age are formally protected by Section 34 of the NHRA 1999;
2. Destruction / alteration to structures older than 60 years are subject to heritage permit conditions, in the case of the structure on Portion 1 of Erf 4621, located in the Free State, according to permit requirements of the Free State Heritage Resources Agency;
3. Permit application forms can be directly obtained from the Free State Heritage Resources Agency and should be completed by the developer;
4. Signed permit application forms, accompanied by the required number of drawings and photographic documentation should be submitted in due time to the Free State Heritage Resources Agency for consideration by the Built Environment Permit Committee; and
5. Upon receipt of a Free State Heritage Resources Agency permit the developer can legally proceed with the planned development – alteration / destruction of the structure.

### NHRA 1999 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.

(2) Within three months of the refusal of the provincial heritage resources authority to issue a permit, consideration must be given to the protection of the place concerned in terms of one of the formal designations provided for in Part 1 of this Chapter. (*National / Provincial or Local Significance.*)

(3) The provincial heritage resources authority may at its discretion, by notice in the Provincial Gazette, make an exemption from the requirements of subsection (1) within a defined geographical area, or for certain defined categories of site within a defined geographical area, provided that it is satisfied that heritage resources falling into the defined area or category have been identified and are adequately provided for in terms of the provisions of Part 1 of this Chapter.

(4) Should the provincial heritage resources authority believe it to be necessary it may, following a three month notice period publish in the Provincial Gazette, withdraw or amend a notice under subsection (3).

**Figure 5:** Section 34 of the NHRA 1999



**Figure 6:** Contemporary Telkom development on the Remainder of Erf 4621



**Figure 7:** General view of the Historic Period structure on Portion 1 of Erf 4621



**Figure 8:** Exterior view of the Historic Period structure





Figure 9: Exterior view of the Historic Period structure - 2



Figure 10: Close-up of the facade of the Historic Period structure



Figure 11: The inscribed entrance piece



**Figure 12:** Interior view of the staircase / façade portion of the Historic Period structure



**Figure 13:** Interior of the Historic Period structure - 1



**Figure 14:** Interior of the Historic Period structure - 2



Figure 15: Recent low impact interior alterations to the Historic Period structure

## 2.5) Conclusion and Recommendations

The Phase 1 AIA for the proposed subdivision of Erf 4621 in the Hamilton industrial area, Bloemfontein, Free State, yielded no archaeological or cultural heritage resources that will directly be affected by the development. Erf 4621 is proposed to be subdivided in 2, namely Remainder of Erf 4621 and Portion 1 of Erf 4621:

1. Remainder of Erf 4621 will remain the property of the proponent, Telkom (Pty) Ltd. Continued use of this portion by Telkom poses no threat to any heritage resources as defined and protected by the NHRA 1999.
2. A Historic Period structure is located on Portion 1 of Erf 4621; at present an underutilized portion and proposed for sale after subdivision. The structure is not a SAHRA declared *National Heritage Resource*, *Provincial Heritage Resource* or *Registered Site*. However, pre-dating 60 years of age (63 years), the site is subject to general protection under the NHRA 1999. It is recommended that particulars pertaining to the general protection status of the structure, primarily that alteration / destruction are subject to provisions of a Free State Heritage Resources Agency permit, be included in the sales agreement / communicated to potential buyers.



### *Recommendations:*

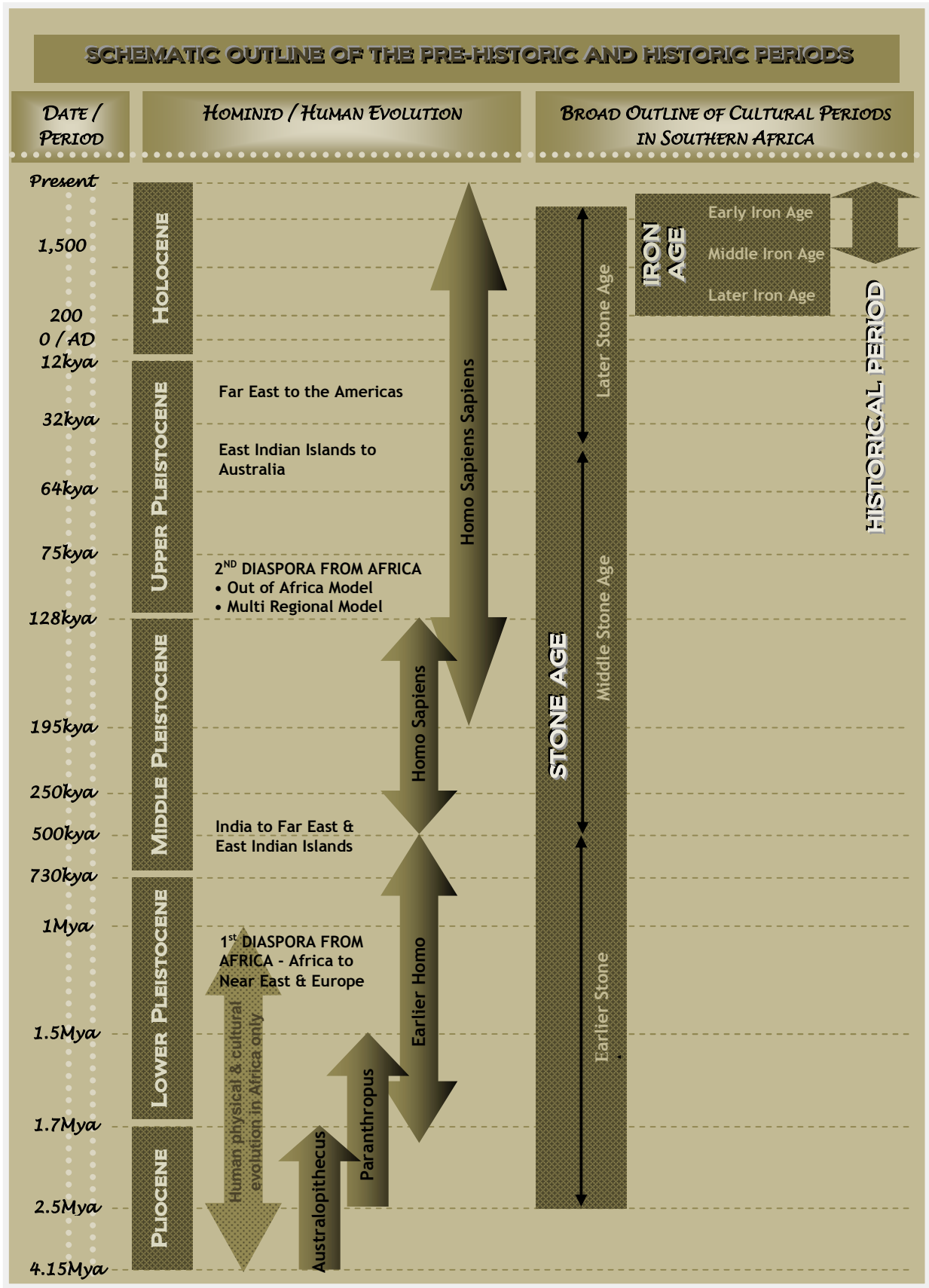
It is recommended that, with reference to cultural heritage compliance as per the requirements of the NHRA 1999, the proposed subdivision of Erf 4621, Hamilton, Bloemfontein, South Africa, proceed as applied for.

SUBDIVISION OF ERF 4621 / 226C CHURCH STREET					
HAMILTON, BLOEMFONTEIN, FREE STATE					
MAP SITE CODE	TYPE / PERIOD	DESCRIPTION	CO-ORDINATES	PRELIMINARY RECOMMENDATIONS	
<b>DEVELOPMENT AREA:</b>					
1. Erf 4621: A-B-C-D-E					
2. Remainder Of Erf 4621: A-B-G-F-K-D-E					
3. Portion 1 of Erf 4621: F-G-C-K					
A	-	-	-	S29°08'29.3"; E26°12'57.1"	N/A
B	-	-	-	S29°08'22.1"; E26°13'03.6"	N/A
C	-	-	-	S29°08'34.7"; E26°13'07.8"	N/A
D	-	-	-	S29°08'35.9"; E26°12'58.9"	N/A
E	-	-	-	S29°08'35.6"; E26°12'58.4"	N/A
F	-	-	-	S29°08'30.3"; E26°13'01.1"	N/A
G	-	-	-	S29°08'29.4"; E26°13'06.1"	N/A
K	-	-	-	S29°08'35.4"; E26°13'02.1"	N/A
<b>ARCHAEOLOGICAL AND CULTURAL HERITAGE RESOURCES: PORTION 1 OF ERF 4621</b>					
-	Portion 1 of Erf 4621	Historic Period	Structure	S29°08'31.9"; E26°13'03.3"	1) Heritage status to be included in sales agreement /communicated to potential buyers 2) Alteration / destruction of site under a Free State Heritage Resources Agency permit

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

**3) REFERENCES CITED**

1. South African Government. (No. 107) of 1998. *National Environmental Management Act*.
2. South African Government. (No. 25) of 1999. *National Heritage Resources Act*.
3. South African Heritage Resources Agency. 2007. *Minimum standards for the archaeological and heritage components of impact assessments*. Unpublished guidelines.



*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 trace;
- xli. *"Site"* means any area of land, including land covered by water, and including any structures or objects thereon;
- xliv. *"Structure"* means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith;

**NATIONAL ESTATE**

*Section 3*

- 1) For the purposes of this Act, those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities.
- 2) Without limiting the generality of subsection 1), the national estate may include –
  - a) places, buildings, structures and equipment of cultural significance;
  - b) places to which oral traditions are attached or which are associated with living heritage;
  - c) historical settlements and townscapes;
  - d) landscapes and natural features of cultural significance;
  - e) geological sites of scientific or cultural importance;
  - f) archaeological and palaeontological sites;
  - g) graves and burial grounds, including –
    - i. ancestral graves;
    - ii. royal graves and graves of traditional leaders;
    - iii. graves of victims of conflict;
    - iv. graves of individuals designated by the Minister by notice in the Gazette;
    - v. historical graves and cemeteries; and
    - vi. other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No 65 of 1983)
  - h) sites of significance relating to the history of slavery in South Africa;
  - i) movable objects, including –
    - i. objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
    - ii. objects to which oral traditions are attached or which are associated with living heritage;
    - iii. ethnographic art and objects;
    - iv. military objects;
    - v. objects of decorative or fine art;
    - vi. objects of scientific or technological interest; and
    - vii. books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1 xiv) of the National Archives of South Africa Act, 1996 (Act No 43 of 1996).

## **STRUCTURES**

### ***Section 34***

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

## **ARCHAEOLOGY, PALAEOLOGY AND METEORITES**

### ***Section 35***

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

## **BURIAL GROUNDS AND GRAVES**

### ***Section 36***

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



## HERITAGE RESOURCES MANAGEMENT

### Section 38

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