

ALBERT VAN JAARVELD

B.A. (Hons)(Pret); M.A. (Rhodes)
HERITAGE RESOURCE MANAGER
ERFENIS-HULPBRONBESTUURDER

T 035 340 2299
F 086 543 8468
C 082 445 5440

Email: albertvj@iafrica.com

P.O. Box 292
Mtunzini
3867



20 January 2012

**PHASE I HERITAGE IMPACT ASSESSMENT:
FAIRLEIGH/SIYAHLA-LA HOUSING PROJECT,
NEWCASTLE, KZN**

Attention:

Mr Gerhard Cillié

Enprocon CC

PO Box 21030

Newcastle 2956

Tel : 034 326 3849

Fax : 086 613 4271

Cell : 083 304 0075

Email : enprocon@telkomsa.net

Cc:

Sello Makhanya

Principal Heritage Officer - Archaeology

Amafa aKwaZulu/Natali

PO Box 2685

Pietermaritzburg 3200

Tel : 033 394 6543

Fax : 033 342 6097

Email : sellom@amafapmb.co.za / archaeology@amafapmb.co.za

Contents

Executive Summary

1. Introduction/background
2. Details of consultant and ability to perform the service
3. Heritage legislation affecting the proposed development
4. Location and description of the affected environment
5. Study approach/method
6. Results of survey
7. Impact description and assessment
8. Recommended management/mitigation measures
9. Conclusion
10. Sources
11. Photographs
12. Maps
 - Google Earth Image
13. Declaration of independence

Executive Summary

Newcastle Municipality is applying for environmental authorisation from the Dept of Agriculture, Environmental Affairs and Rural Development (DAEARD) for the planned development of the Siyahlahla-La Housing Project. The proposed development will comprise a minimum of 1200 erven, public open space, community facilities and internal roads to replace the current informal shacks, occupied by squatters, with no access to infrastructure or basic services such as electricity, sanitation and piped water.

The National Environmental Management Act (NEMA Act No 107 of 1998) requires that an EIA process be followed to evaluate the impact of such activities on the environment. Enprocon CC was appointed by the Newcastle Municipality as Independent Assessor to launch the application while Albert van Jaarsveld was sub-contracted to do a Heritage Impact Assessment in compliance with Heritage Legislation (see section 3)

Following a desktop survey, a site survey by vehicle and on foot took place on 19 January 2012 to scan the area for any possible cultural heritage resources which could be affected. No archaeological remains from the Stone or Iron Ages were observed and no buildings over 60 years of age occur. Two graveyards and an isolated grave were observed within the affected area.

The two graveyards are younger than 60 years and are still in use. The age of the isolated grave is uncertain and it should therefore be treated as if older than 60 years. The development need not interfere with the graves. The graves should be properly marked and fenced off. Re-location will not be necessary.

The proposed development poses no threat to KZN's heritage resources as long as the developers adhere to recommendations as contained in section 8 of this report. The developers are in conclusion reminded that archaeological materials very often occur below ground surface. Should any such materials be accidentally unearthed

during the course of construction, all such activities are to be halted and Amafa alerted.

1. Introduction/background

Newcastle Municipality in conjunction with the KZN Department of Human Settlements, is applying for environmental authorisation from the Department of Agriculture, Environmental Affairs and Rural Development (DAEARD) for the planned development of the Fairleigh/Siyahlala-La Housing Project. The proposed development will comprise a minimum of 1 200 erven, public open space, community facilities and internal roads. The Municipality regards the relocation of the Fairleigh/Siyahlala-La settlement as one of its top priorities, as currently the land is occupied by squatters who have erected about 1 000 informal shacks with no access to infrastructure or basic services such as electricity, sanitation and piped water.

The National Environmental Management Act (NEMA Act No 107 of 1998) prescribes that an EIA process must be followed to evaluate the impact of certain activities that are deemed to have a potentially negative impact on the environment. Heritage legislation (NHA Act 25 of 1999) requires a Heritage Impact Assessment (HIA) to be undertaken to evaluate the potential impact on cultural heritage resources. Enprocon CC was appointed by the Newcastle Municipality as Independent Assessor to launch the application with the DAEARD on their behalf while Albert van Jaarsveld was sub-contracted to do the Heritage Impact Assessment in compliance with heritage legislation (see Section 3).

2. Details of consultant and ability to perform the service

Albert van Jaarsveld is currently Acting HOD of the Dept of History, University of Zululand. He obtained the degrees BA and BA (Hons) (Archaeology and History) cum laude from the University of Pretoria. He also has a Masters in History from Rhodes University (1986). He is a member of several professional societies, including the SA Archaeological society (SAAS), Association of Southern African Professional Archaeologists (ASAPA – cultural

resources management section) and South African Historical Society (SAHS) and an AMAFA credited Cultural Heritage Resources practitioner. He is the author of several scientific publications (books and articles) and has completed about 120 Heritage Impact Assessments in several provinces for several companies and institutions over the past five years, including major power transmission lines (such as Perseus-Hydra 765kv, Arcus Gibb). His detailed CV is available on request.

Field assistant Bruce Hopwood holds two BA (Hons) degrees from the Universities of Rhodes and Stellenbosch and is an experienced field worker, having been involved in most projects referred to above.

3. Heritage legislation affecting the proposed development

Cultural heritage resources can broadly be defined as “physical features, both natural and man-made, associated with human activity”. South African heritage legislation stretches further than the restricted definition above by also including invisible and intangible beliefs, ideas and oral traditions, which are regarded as important as physical cultural objects. Also included are fossils and meteorite sites. Heritage resources reflected in South African heritage legislation (Act No 25 of 1999) include the following:

- a) Places, buildings, structures and equipment;
- 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;
- 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 important individuals,

- (v) Historical graves and cemeteries older than 60 years, and
- (vi) Other human remains, which are not covered under the Human Tissues Act, 1983 (Act No. 65 of 1983 as amended);
- 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) Ethnographic art and objects;
 - (iii) Military objects;
 - (iv) Objects of decorative art;
 - (v) Objects of fine art;
 - (vi) Objects of scientific or technological interest;
 - (vii) Books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings; and
 - (viii) Any other prescribed categories.

But excluding any object made by a living person.

The above Act – section 38 (1) – requires a Heritage Impact Assessment in case of:

- a) The construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- b) The construction of a bridge or similar structure exceeding 50m in length;
- c) Any development or other activity which will change the character of a site
 - (i) Exceeding 5 000m² 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

- d) The costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- e) The re-zoning of a site exceeding 10 000m² in extent; or
- f) Any other category of development provided for in regulations by SAHRA or a provincial resources authority.

SAHRA (South African Heritage Resources Agency) requires sufficient information about identified heritage sites to enable it to assess with confidence:

- a) Whether or not it has objections to a development
- b) What the conditions are upon which such development might proceed
- c) Which sites require permits for mitigation or destruction
- d) Which sites require mitigation and what this should comprise
- e) Whether sites must be conserved and what alternatives can be proposed that may re-locate the development in such a way as to conserve other sites, for example, by incorporating them in a wilderness area, or under a parking space; and
- f) What measures should/can be put in place to protect the sites that should be conserved.

While grading (field rating or field significance) is actually the responsibility of the heritage resources authorities, all reports should include Field Ratings for the sites, to comply with Section 38 of the legislation, for example:

- National: Grade I significance e.g. resources such as the Castle in Cape Town (non-movable and no-go areas for any developer)
- Provincial: Grade II significance such as Later Stone Age engravings and paintings (non-movable and to be avoided as no-go areas)
- Local: Grade III A significance; where mitigation is not advised and the site should be retained as a heritage site of high significance

- Local: Grade III B significance; where a section of a site should be mitigated and part should be retained as a heritage site (high significance)
- Generally Protected A: where sites should be mitigated before destruction (generally high/medium significance)
- Generally Protected B: sites of medium significance that should be mitigated before development
- Generally Protected C: sites sufficiently recorded before development/construction (low significance)

Other sections of the Act with relevance are:

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

(2) Within three months of the refusal of the provincial heritage 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.

(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 published in the Provincial Gazette, withdraw or amend a notice under subsections (3).

The above legislation aims to promote and protect South Africa's rich cultural heritage so that future generations may bequeath this unique and precious aspect of our heritage to following generations.

4. Location and description of the affected environment

The proposed development is to take place on erven 1137, 1141 and 15227 on remainder of the farm Boschhoek No 3345, Newcastle. The size of the development is approximately 140 hectares co-ordinates S 27° 47' 13,3" and E 29° 55' 17,6" (elevation 1 200m). (See KZN 1:50 000 map 2729 DD).

The proposed development is situated on an area covered in Highveld mountain grass. The land is currently occupied by squatters and about 1 000 shacks have been erected all over the area, while some areas still remain unoccupied.

5. Study approach/method

Following a desktop survey a site survey took place by vehicle and foot on 19 January 2012 to scan the area for any possible cultural heritage resources such as archaeological remains and graves. Global Positioning System (GPS) co-ordinates and photographs were taken.

6. Results of survey

No archaeological resources from the Stone or Iron Ages were observed during the survey. Two graveyards and two isolated graves were observed during the survey.

The first graveyard is a cemetery containing about 15 graves in the centre of the squatter settlement in an area approximately 10mx25m which has been

fenced off very primitively. The cemetery is still in use.

Location: S 27° 46' 39,9" and E 29° 55' 39,9".

The second graveyard is a cemetery which was mainly used for workers from the adjacent farm Boschhoek. This cemetery also appears to be in use with the most recent grave marked as that of Roy van Niekerk, 15-03-1950 to 25-12-2008. Some 50 to 100 graves are present – tall grass made it difficult to calculate the exact amount.

Two isolated graves (packed in stones) appear to be older than 60 years and are situated at S 27° 47' 09,8" and E 29° 53' 29,1" and S 27° 47' 09,8" and E 29° 53' 29,1".

No buildings of architectural value occur in the squatter camp and all structures are younger than 60 years of age.

7. Impact of the proposed development on existing cultural heritage resources and possible risks

The proposed housing project will have a permanent impact on the environment. No cultural heritage resources are likely to be impacted upon.

All graves are however protected by heritage legislation. Act No 25 of 1999 defines these as

- Ancestral graves
- Royal graves and graves of traditional leaders
- Graves of victims of conflict
- Graves of important individuals
- Historical graves and cemeteries older than 60 years of age
- Other human remains which are not covered under the Human Tissues Act, 1983 (Act No 65 of 1983 as amended).

It is for the Newcastle Municipality to decide whether the graves as described will be in the way of development or not – depending on the development plan.

8. Recommended management/mitigation activities

- The identified graves are to be clearly marked and preferably properly fenced off with palisade fencing before development commences
- If the graves are in the way of development, re-location of these would be necessary. Grave re-location is to be managed by an accredited Heritage Practitioner who has obtained the necessary permits from the Department of Health and Protection Services after having properly documented the graves according to regulations.
- It is suggested that existing graves rather be accommodated and incorporated into the proposed development as this can be easily done, at the same time avoiding the intricate and time-consuming re-location process.
- Should re-location be preferred, and of the following Heritage Practitioners could be contacted – all are accredited grave re-location specialists:
 - Mr Anton van Vollenhoven: antonv@archaetnos.co.za
 - Mr Jaco van der Walt: jaco.heritage@gmail.com
 - Mr Henk Steyn: henk-steyn@lantic.net
 - Ms Louisa Hutten: louisa.hutten@uct.ac.za
- The construction team should be made aware that archaeological.

9. Conclusion

The proposed Siyahlala-La housing development poses no threat to KZN's cultural heritage resources, provided that the identified graves are protected

as recommended in Section 8 of this report. The developers are also reminded that archaeological remains are often located below ground level. Should any such material be accidentally unearthed during the course of construction, all such activities are to be halted and Amafa alerted.

10. Sources

- Bulpin, T V: *Discovering South Africa*. Sixth Edition, Tafelberg Publishers, Cape Town, 2000
- Bulpin, T V: *Natal and the Zulu country*. Third Edition, Cape Town, 1987.
- Chadwick, G A: *The North Coast of Natal and Southern Zululand*. Durban, 1982.
- Deacon, H J & J: *Human Beginnings in Southern Africa. Uncovering the Secrets of the Stone Age*. David Philip, Cape Town & Johannesburg, 2002.
- Derwent, S: *KwaZulu-Natal Heritage Sites: A Guide to some great places*. David Philip, Claremont, 2006.
- Duminy, A & Guest, B (eds): *Natal and Zululand, from Earliest Times to 1910: A New History*. University of Natal Press, Shuter & Shooter, 1989.
- Hall, Martin: *The Changing Past: Farmers, Kings and Traders in Southern Africa, 200 – 1860*. David Philip, Cape Town & Johannesburg, 1987.
- Hall, Martin: *Enkwazini, an Iron Age site on the Zululand Coast*. Annals of the Natal Museum, 24 (1): 97-109, 1980.
- Hall, Martin: *Archaeology Africa*. David Philip, Cape Town, 1996.
- Huffman, T N: *Handbook to the Iron Age: The Archaeology of Pre-colonial Farming Societies in SA*. University KZN Press, Pietermaritzburg, 2007.
- Joukowsky, M: *A Complete Manual of Field Archaeology: Tools and Techniques of Field Work for Archaeologists*. Prentice Hall Press; New York, London, etc, 1980.
- KwaZulu Natal Provincial Gazette. KwaZulu Natal Heritage Act 1997, 23 January 1998.
- Maggs, Tim: "The Iron Age Farming Communities" in A Duminy and B Guest (eds): *Natal and Zululand from Earliest Times to 1910, A New History*, Shuter and Shooter, University of Natal Press, Pietermaritzburg, 1989.
- Maggs, T M O'C & Michael, M A: *Iron Age Communities of the Southern Highveld*. Natal Museum, Pietermaritzburg, 1976

- Mazel, A: "The Stone Age Peoples of Natal" (in A Duminy and B Guest (eds): *Natal and Zululand from Earliest Time to 1910, A New History*, Shuter and Shooter, University of Natal Press, Pietermaritzburg, 1989.
- Meth, D, Uken, R and Whitmore, D: *KwaZulu Natal – 500 million years of Geological History*. RBM, 2002.
- Mitchell, P: *The Archaeology of Southern Africa*. Cambridge University Press, Cambridge, 2000.
- Phillipson, D W: *African Archaeology*, Cambridge University Press, Cambridge, 1978.
- Raper, P E: *New Dictionary of South African Place Names*. Jonathan Ball, Johannesburg and Cape Town, 2005.
- Sampson, C G: *The Stone Age Industries of the Orange River Scheme and South Africa*. National Museum, Memoir no 6, Bloemfontein, 1972.
- Van Jaarsveld, A: *Proposed Installation of the Amadlageni bulk water line, Newcastle*. Unpublished report for Enprocon CC, 15/07/2009.
- Van Schalkwyk, L O & Wahl, B: *Cultural Heritage Management in KwaZulu Natal*. Natal Museum, Pietermaritzburg, 2002.
- Woodhouse, H C: *Archaeology in Southern Africa*. Pumell, Cape Town & Johannesburg, 1971.

11. Photographs



Typical shacks,
Siyahlala-La.
S 27° 40' 50,5" and
E 29° 55' 47,1".
Elevation: 1 216m.



Typical shack,
Siyahlala-La.
S 27° 46' 45,5" and
E 29° 55' 44,8".



Graveyard, centre
of squatter camp.
S 27° 46' 48,3" and
E 29° 55' 37,9".



Shack, Siyahlala-
La.
S 27° 46' 56,1" and
E 29° 55' 37,".



Tuck shop.
S 27° 46' 54,7" and
E 29° 55' 37,0".



View over
squatter camp.
S 27° 47' 03,5"
and E 29° 55'
38,3".



View over road.
S 27° 46' 57,9" and
E 29° 55' 31,7".



Orlando Pirates
shack.
S 27° 46' 48,0" and
E 29° 55' 15,2".



Shacks.

S 27° 46' 52,3" and

E 29° 55' 23,6".



Better quality
existing housing.

S 27° 46' 46,2" and

E 29° 55' 31,1".



View over squatter
camp.

S 27° 47' 01,9" and

E 29° 55' 00,2".



Single grave.

S 27° 46' 53,4" and

E 29° 55' 00,4".

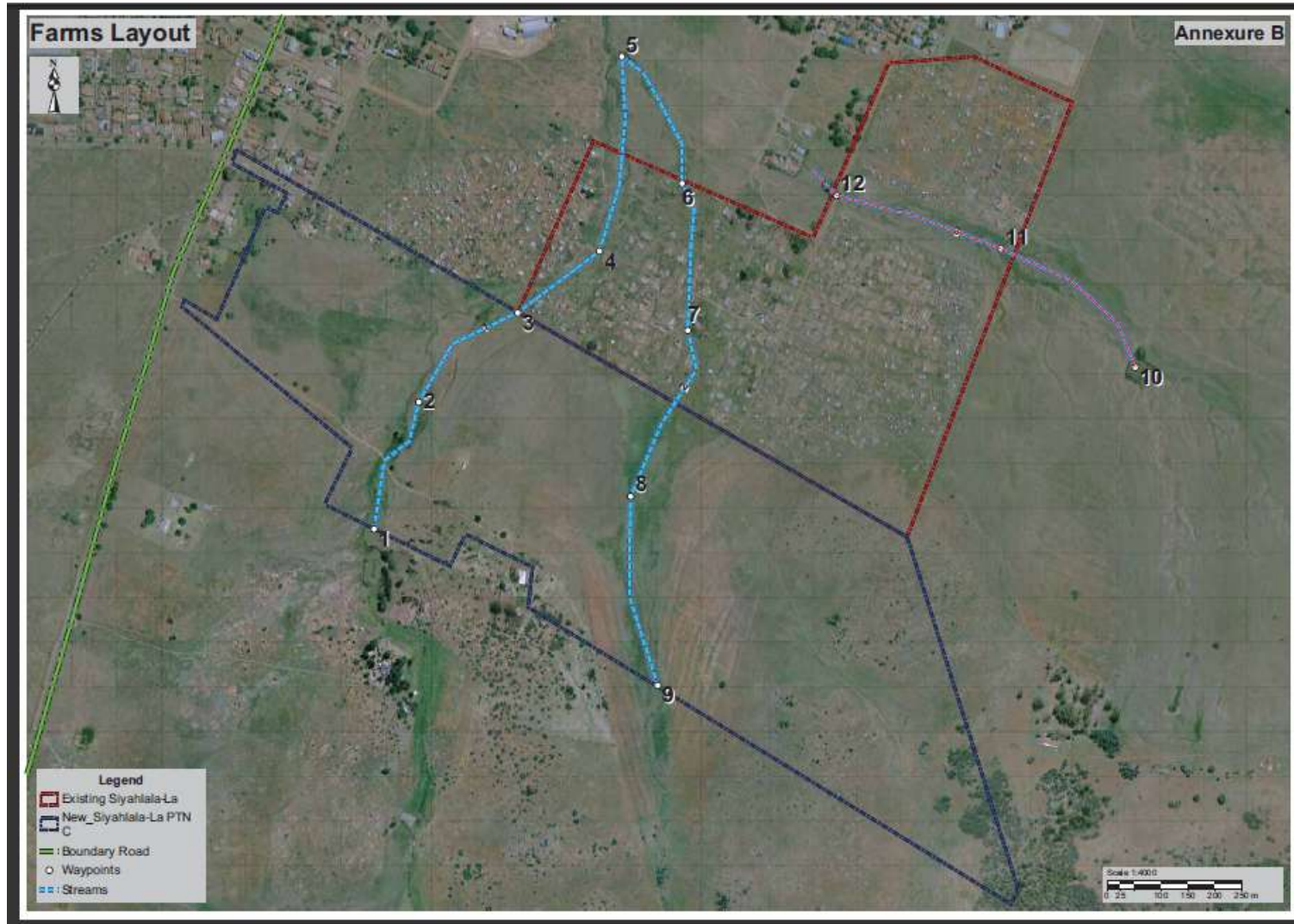


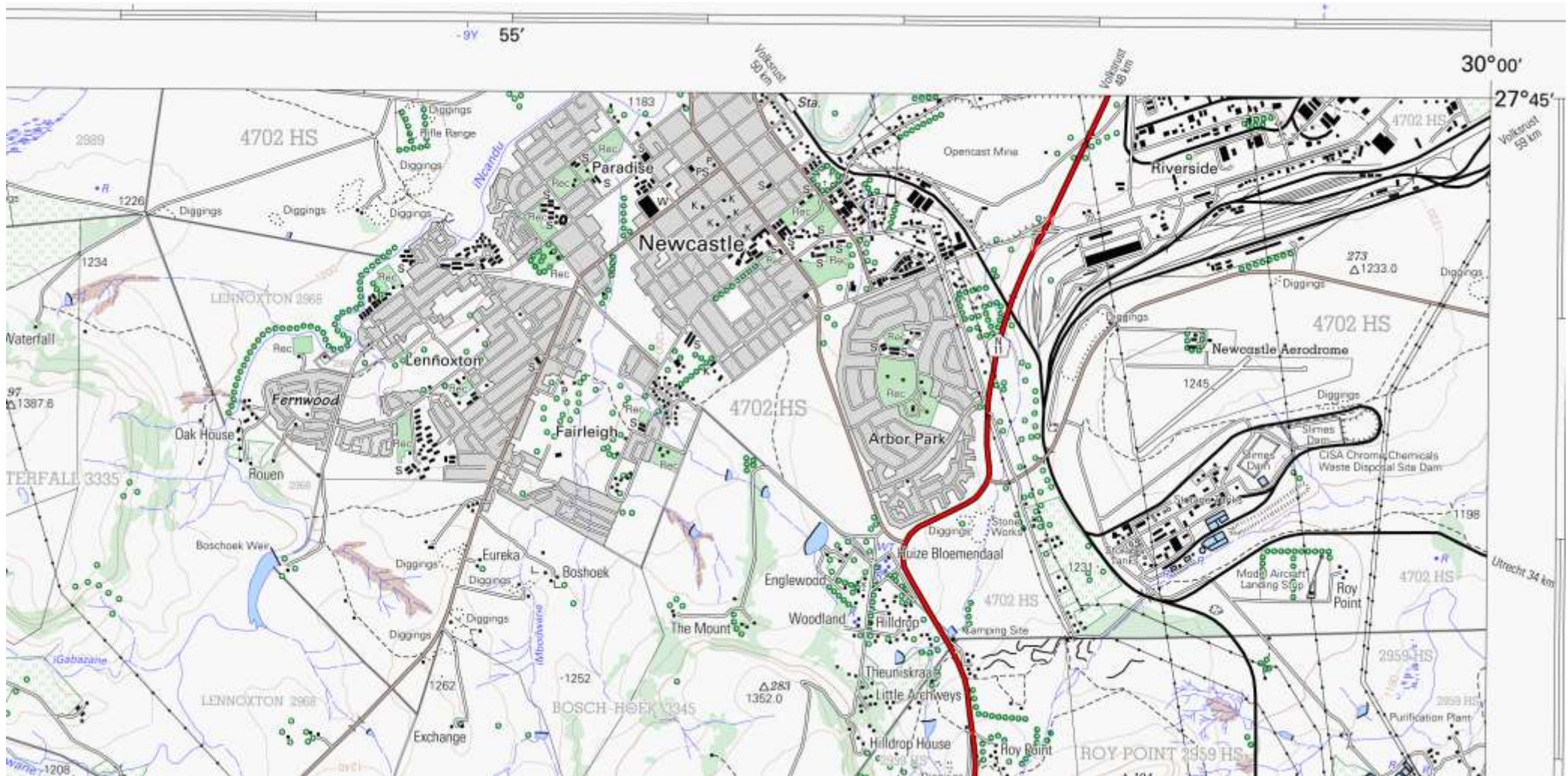
Graveyard for
farmworkers
including grave for
Roy van Niekerk.
S 27° 46' 54,1" and
E 29° 55' 02,2".

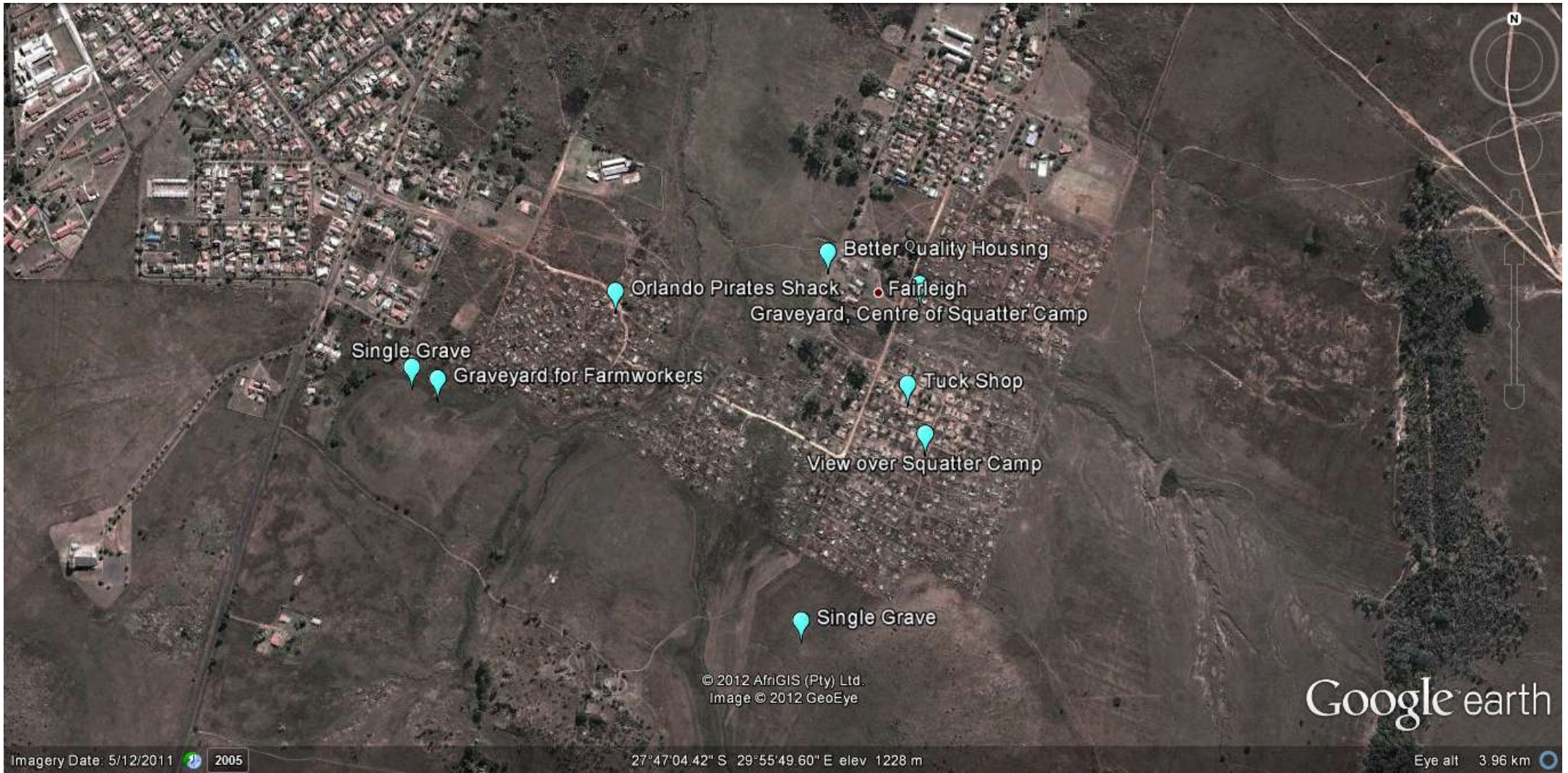


Single grave.
S 27° 47' 09,8" and
E 29° 55' 29,1".

12. Maps







13. Declaration of Independence

SPECIALIST REPORT DETAILS

This report has been prepared as per the requirements of Section 33 of GNT 385 – Environmental Impact Assessment Regulations and the National Environmental Management Act (Act No. 107 of 1998), as well as minimum standards for report writing as determined by the South African Heritage Resources Agency (SAHRA) and ASAPA.

Report prepared by: *Albert van Jaarsveld*

Expertise/Field of Study: *Heritage*

I, *F.A. van Jaarsveld*, declare that this report has been prepared independently of any influence or prejudice as may be specified by the Department of Agriculture and Environmental affairs.

Signed:



Date	
Document title	
Author	
Revision number	
Checked by	
Approved	
Signature	
For	