

**CULTURAL HERITAGE RESOURCES IMPACT
ASSESSMENT FOR RIMERS CREEK PORTION 14 OF
THE FARM BARBERTON TOWNLANDS 369 JU,
BARBERTON MPUMALANGA**



AFRICAN HERITAGE CONSULTANTS CC

2001/077745/23

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5 JUNE 2009

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SUMMARY

At present Portion 14 of the Farm Barberton Townlands 369 JU is zoned public open space. In April 2007 Iricon and the Umjindi Municipality entered into a conditioned deed of sale and the land had to be rezoned to light industrial and commercial storage space before the sale could be conducted.

Before rezoning can take place an environmental impact assessment had to take place. Iricon excavated, graded and levelled the area in May 2007. This action is a contravention of the Environmental Conservation Act as well as the National Heritage Resources Act.

Rimers Creek where the site is situated is a very sensitive historic area. It is the site of the original gold discovery in 1884 by Barber after whom Barberton was later named. It also is the site of old historic mines, coco pan routes, a cable way and the Central Mill where the ore was crushed. This Central Mill stood in the centre of the destroyed site. Near the site is a British blockhouse, Fernlea House, Belhaven and many other historic buildings.

Rimers Creek is Part of the historic district of Barberton. In a preliminary survey it was found that 50% of the buildings in this area are older than sixty years.

It is strongly recommended that:-

- The proposed development of portion 14 of the Barberton Townlands 369 JU be rejected as it will have further negative impacts on the heritage resources Rimers Creek and Barberton.
- The Umjindi Municipality as a local Authority acting in a Historic town and precinct should have known that the site is sensitive. It is suggested that SAHRA brings to their attention the importance of the Act and the heritage sites in their area of jurisdiction.
- Iricon be served with an order to rehabilitate the entire site and garden to the satisfaction of the Heritage Resources Authority in accordance with section 45(1) a & b of the Act No 25 of 1999.
- The Umjindi Municipality be advised to conduct a heritage survey of its entire judicial area to record and map heritage sites.
- A Large scale Heritage Management Plan be compiled for Barberton including Rimers Creek so that similar incidences can be avoided.
- That the most important heritage sites in Barberton be declared Provincial Heritage Sites.

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1. CULTURAL HERITAGE RESOURCES

The broad generic term *Cultural Heritage Resources* refers to any physical and spiritual property associated with past and present human use or occupation of the environment, cultural activities and history. The term includes sites, structures, places, natural features and material of palaeontological, archaeological, historical, aesthetic, scientific, architectural, religious, symbolic or traditional importance to specific individuals or groups, traditional systems of cultural practice, belief or social interaction.

2. GLOSSARY

Archaeological remains can be defined as any features or objects resulting from human activities, which have been deposited on or in the ground, reflecting past ways of life and are older than 100 years.

Conservation as used in this report in relation to heritage resources, “includes protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance” (1999: Act 25:2iii).

Cultural significance means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance” (1999: Act 25:2(vi)).

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” (1999: Act 25:2(viii)).

Heritage: Heritage resources have lasting value in their own right and provide evidence of the origins of South African society. They are limited and non-renewable. The National Heritage Resources Act section 32, p. 55 defines these as “*An object or collection of objects, or a type of object or list of objects, whether specific or generic, that is part of the national estate and the export of which SAHRA deems it necessary to control, may be declared a heritage object*”.

NHRA: National Heritage Resources Act.

SAHRA: South African Heritage Resources Agency.

The Act means the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

The client/ Irricon: Leadal Properties Investments (Pty) Ltd.

3. PROTECTED SITES IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT, ACT NO. 25 OF 1999

The following are the most important sites and objects protected by the National Heritage Act:

- 3.1 Structures or parts of structures older than 60 years.
- 3.2 Archaeological sites and objects.
- 3.3 Palaeontological sites.
- 3.4 Meteorites.
- 3.5 Ship wrecks.
- 3.6 Burial grounds.
- 3.7 Graves of victims of conflict.
- 3.8 Public monuments and memorials.
- 3.9 Structures, places and objects protected through the publication of notices in the Gazette and Provincial Gazette.
- 3.10 Any other places or objects, which are considered to be of interest or of historical or cultural significance.
- 3.11 Geological sites of scientific or cultural importance.
- 3.12 Sites of significance relating to the history of slavery in South Africa.
- 3.13 Objects to which oral traditions are attached.
- 3.14 Sites of cultural significance or other value to a community or pattern of South African history.

4. METHODOLOGY

The site was visited and inspected on foot. All appropriate documents on the area were studied and a meeting was held with concerned residents of Barberton.

5. RESULTS

African Heritage Consultants CC was commissioned by Jaco-K Consulting (Environmental Consultant) to undertake a Heritage Impact Assessment on Portion 14 of the farm Barberton 369JU in April 2009

5.1 Background to the heritage resources impact assessment

The offices and workshops of Irricon are situated at the entrance to an area known as Rimers Creek in Pilgrim Street Barberton. Irricon wanted to expand its present premises east wards into the Rimers Creek area and entered negotiations with the Umjindi Municipality to purchase portion 14 of the farm Barberton 369 JU (see Google Map).

Portion 14 of the farm Barberton Townlands 369 JU is currently zoned Public Open Space. In April 2007 Irricon and the Umjindi Municipality entered into a deed of sale. This deed of sale was conditional and the land had to be rezoned to light industrial and commercial storage space before the sale could be concluded (Deed of sale p 10 18.1 & 18.2).

Rezoning of Public Open Space to any other use is subjected to an Environmental Impact Assessment process (EIA) in terms of the National Environmental Management Act, 1999 (Act 107 of 1999)(NEMA). Prior to the conclusion of the Environmental authorization process Irricon illegally initiated the development process through earthworks (According to the Umjindi Environmental Committee Irricon excavated and levelled the site with heavy earthmoving machines around May 2007). Subsequently the Mpumalanga Department of Agriculture and Land Affairs (MDALA) issued a pre-directive to initiate a Section 24G application in terms of NEMA.

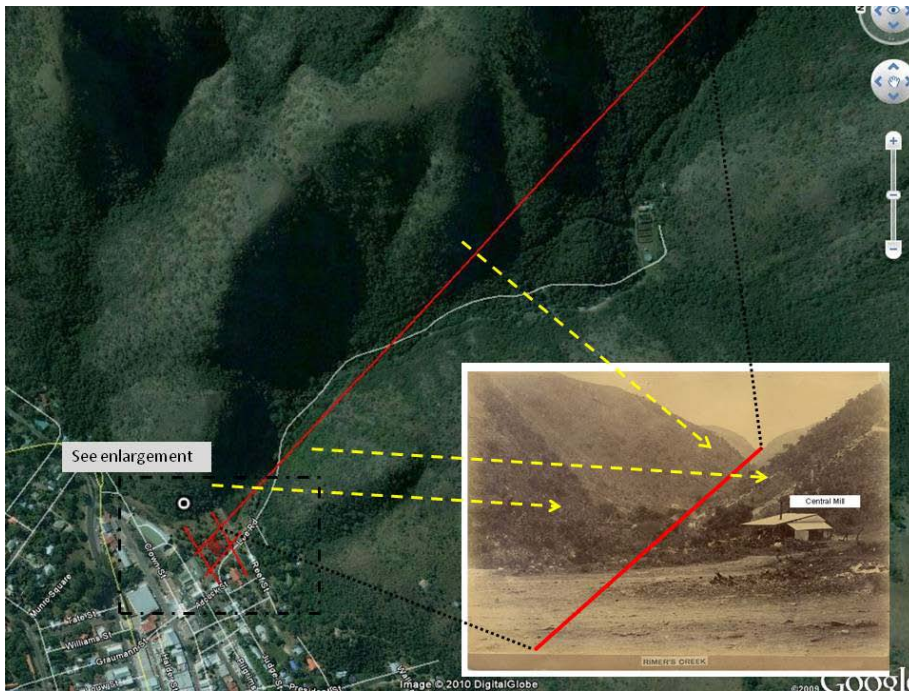
5.2 Rimers Creek as an important heritage precinct

Rimers Creek is situated on the threshold of the Barber's 1884 "Makongwa reef" gold discovery (higher up in the same Creek originally known as Umvoti Creek). This creek was later renamed Rimers Creek after James Cook Rimer (Curren & Bornman 2002 Golden Memories of Barberton p 47).

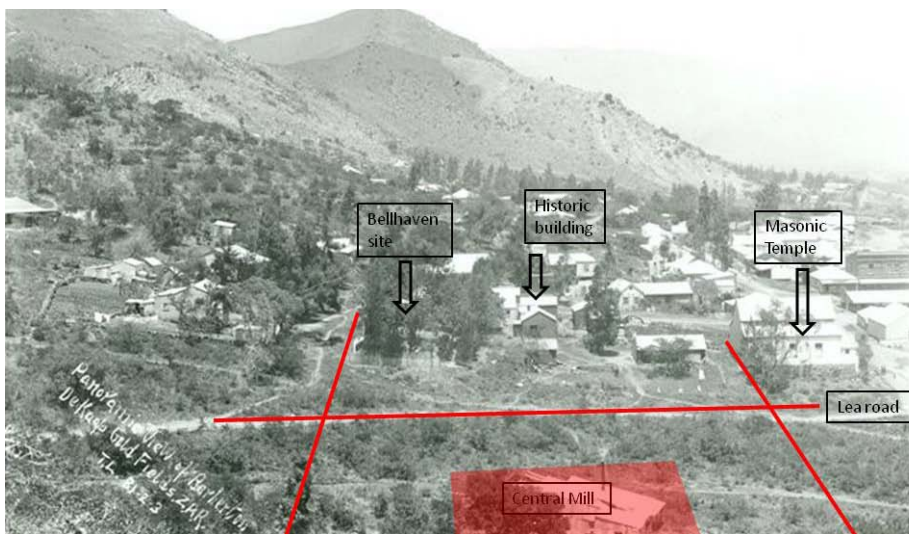
Originally the Barberton mining commissioner David Wilson broke a bottle of gin over the Barber Reef and gave the town the name Barberton on 24 July 1884 (Curren & Bornman 2002: 48).

Rimers Creek is closely associated with the discovery of gold in the area and the development of the town of Barberton. It is also the site of the first stamp battery the Central Mill where ore of a number of mines in the area was crushed (see photograph 3 - 5).

The position of the Central mill can be established by historic photographs and descriptions as is illustrated in the following:



The historic photograph of the mill was taken in a South easterly direction up the Creek. Clearly the Central mill to the south of the red line representing the centre of the valley .



The position of the Central Mill in relation to other historic features is clearly illustrated in this photo.



The composite image illustrating and establishing beyond any doubt, that the Central Mill was located in the red area. This is the exact location that was impacted upon by Irricon.

In compliance with the Act and to fully understand the impact associated with the illegal actions of Irricon it is important consider the larger historical precinct as well as the view-shed associated with the site.

Within the immediate historic precinct of Rimers Creek a number of significant heritage resources are present including:

- One of the oldest houses in Barberton namely Fernlea House, with its historic garden (see photograph 6).
- the turbine which supplied electricity to the town for many decades (see photograph 7).
- the remains of some of the oldest gold mines and coco pan tracks which transported ore to a cableway and the “Central Mill” stamp battery.
- Extensive Archeological remains associated with the historic activities.

In the fill material and embankments of the area excavated by Irricon numerous archeological artifacts in the form of ceramics and glass fragments were observed clearly indicating the presence of archaeological deposits on the site (see photograph 23).

The importance of the Rimers Creek area was recognized as early as 1975 when the Transvaal Provincial Museum Services proposed that Rimers Creek should be preserved and develops as a heritage park and the two non compatible industrial uses

at the entrance to Rimers Creek should be relocated to an industrial area. One of these industries BIAS (Barberton Iron and Steel) was bought by the Transvaal Provincial Museum Service and turned into the Barberton Museum. The second industrial use referred to is today known as Irricon.

Furter to this in both the Municipal Integrated Development Plan (IDP) and Spatial Development Framework (SDF) this land has been highlighted as a tourism node that “must be conserved and complimentary land uses encouraged”, should be protected from urban sprawl and land uses not compatible with nature conservation” In addition the documents recommend that subdivision of this land should not be allowed if it will result in a change of land use that is non-compatible.

Reference to Sections 35 and 36 of part 4 of Chapter 5 of the Municipal Systems Act 2000, will confirm that a municipality cannot go against decisions contained in its IDP/Spatial Development Framework. In fact, section 35(1) (b) states”binds the municipality in the exercise of its executive authority....”

Other Heritage resources:

The western portion of Rimers Creek was planted with indigenous trees sponsored by the Barberton Rotary Club and the Barberton Museum. This was done in 1980 in memory of prominent citizens who helped to build up the town and is known as the Rotary Garden of Remembrance (see Google Map).

As part of the Rotary’s 75th anniversary celebrations, a tree planting function was held at the Barberton Nature Reserve on Saturday 22 March 1980. The public was asked to sponsor trees at R10.00 each. A list of 60 trees was given from which donors could choose. A map was compiled where each tree was planted (see photographs 23).

In the Barberton Nature Reserve tree planting record (26 April 1980), a list is given of each planted tree’s national tree number, botanical name, planted by whom, designation or profession, planted for (sponsor) and common name. This list includes the names of sixty two residents who each planted a tree (Barberton Nature Reserve tree planting record 26 April 1980), (see photograph 24).

The South African Heritage Resources Act specifically refers to tangible and intangible heritage resources. It is the considered opinion of African Heritage Consultants CC that the “Rotary Garden of Remembrance” constitutes an Intangible Heritage Resource. Section 3(3) the South African Heritage Resources Act (Act No. 25 of 1999) specifically states that “... *a place or object is to be considered part of the national estate if it has cultural significance or other special value because of—*

- a) *its importance in the community, or pattern of South Africa’s history;*
- g) *its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;*
- h) *its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa;*

Although it can be argued that the garden and the associated trees that were planted are younger than 60 years, the Act is explicit in that it is not only the tangibles but also the intangibles that constitute heritage. The argument to see the garden as part of the heritage resources of the site is further strengthened and reinforced by the fact that the garden does not constitute an isolated heritage element but rather a unique feature within a broader heritage landscape popularly known as Rimers Creek.

5.3 Rimers Creek as part of a larger historic landscape

Within the larger regional context numerous heritage resources associated with the historic Gold mining exist. The area is in fact so well known for its unique geology, rich history, fauna and flora that it has been identified as part of a possible World Heritage Site (Barberton/Makhonjwa Mountain land World Heritage list November 2007)

Rimers Creek is surrounded by an impressive number of other historic sites which all form part of Barberton's Heritage. With the exception of Pilgrims Rest, Barberton is from a heritage point of view one of the most important historic towns in the northern part of South Africa.

Where Pilgrims Rest stagnated, Barberton developed and grew. The architectural heritage of Barberton spans a longer and more diverse period than Pilgrims Rest and has not only Victorian and Edwardian but especial a good number of Art Nuevo, Art Deco and later period buildings all centered adjacent and near Rimers Creek. Of these the following are the most important:-

- *British Blockhouse.* This corrugated iron and wood structure currently overlooks a jumble of ugly razor wire on the roof of the Irricon building (see photograph 4). This blockhouse is the only one of its kind which has survived and was manned during the Second Anglo Boer War by the Barberton Town Guard. It had to protect Barberton against an attack by the Boer forces via Rimers Creek. The proposed new development by Irricon will further block the view from the Blockhouse over Rimers Creek (see photographs 8 & 9).
- *Belhaven House Museum, Lee Road.* This house which has been restored and furnished to its original appearance in 1904 depicts the life style of a family from the wealthy middle class during the late Victorian/Early Edwardian periods.

The proposed new development will spoil the view from the house over Rimers Creek (see photographs 10 & 11)

- *Masonic Temple Corner of Lee and Judges Streets.* This neo-Gothic building was originally the Union Church. It dates from 1884. In 1887 it was taken over by the Lodge of St. John in the South (see photograph 12).
- *Lewis and Marks Building Pilgrim Street.* Sammy Marks and his cousin, Isaac Lewis, established a company which later became an important undertaking in the Z.A.R. in the field of mining, agriculture and industry. It was the first double storey building in Barberton. The Bank of Africa was on

the ground floor, and the offices on the top storey were rented out. In 1954 the Eastern Transvaal Consolidated Mines acquired the building. Since then some alterations have been made to it. The Cast Iron verandah was removed, the building plastered and a third storey added in 1973. The building was declared a National Monument in 1981 (see photograph 13).

- *Market Square.* There were three squares in Barberton. President Square, “Boerenplein”, and Market Square. The Market Square was the gathering place of the diggers and business men. On market days and especially Saturdays the Market Square was a beehive of activity with oxen and ox wagons, horses and coaches and farmers who had come to sell their produce. The mail coaches also stopped here, and the Salvation Army regularly held services here.
- *Phoenix Hotel Pilgrim Street.* This building is the second Phoenix Hotel which dates from 1942. The original hotel which was built on the same site in 1886, was a popular rendezvous which was so well patronized that guests had to sleep on or under the billiard tables when there were not enough beds. The guests were kept cool by means of a *punkah* which is an Indian fan consisting of a large canvas sheet with a heavy pole underneath. It hung from the ceiling with a cord which was pulled by the servant operating it (see photograph 14).
- *Impala Hotel De Villiers Street.* The main part of this hotel dates from the late nineteenth century and was originally known as the Transvaal Hotel. During the Anglo-Boer War this hotel was used as an officer’s mess. The original friezes of games and hunting scenes by Frederick Genal in the sitting room can still be seen today (see photograph 15).
- *De Kaap Stock Exchange Pilgrim Street.* Although the first gold in the Transvaal was not discovered in Barberton, the first stock exchange “The Transvaal Share and Claim Exchange, trust and Agency Company Ltd.,” was established here. The building was made of wood and iron. It burned down in 1887 after a fire had broken out in “The Dives” a bar next door to the Exchange.

The second stock exchange, the “De Kaap Gold Exchange,” was also erected in 1887. Due to the fact that most brokers moved to the Witwatersrand, its existence was short lived.

The building was bought during 1899 by the well known Sammy Marks who sold it in 1910 to the Barberton Municipality.

The Carnegie Library, as well as the first museum, was housed here until 1958.

Over the years the building became so dilapidated that it had to be demolished. Only the façade, which was declared a National Monument in 1965, has been preserved (see photograph 10).

- *Anglican Church General Street.* This building was erected at a cost of £3 000 in 1924. The pulpit is of white quartz and was designed by the Rev. E.H. Sheppard and the baptismal font is made of pure local verdite.

There is a memorial plaque to the Barber brothers and their cousin in the foyer.

- *Stopforth House 18 Boness Street.* The original and corrugated iron house and outbuildings (stable, woodwork shed and outside bedroom) were built in 1886 by James Stopforth, a Baker and General Dealer. He came from England, and after trying his luck during the 1870's and 1880's in Pilgrims' Rest where his wife had died leaving him with eight children, he moved to Barberton in 1886.

The house which was rebuilt in 1892 was occupied by the Stopforth family until 1983. The house and outbuildings have been restored, and are opened as a museum. It has been declared as a National Monument (see photograph 11).

- *Globe Tavern Pilgrim Street.* After the "Globe" had been restored by Mr. Louis Barnes, it was declared a National Monument in 1979. It was built in 1887, and was managed by Mr. B. Jacobs & Co. In later years it was used as a school, a tailor's shop and a store (see photograph 12).
- *Other architectural important buildings:* These include the Town Hall, Magistrates offices and some ten Art Nuevo buildings. I do not know of another town in South Africa with a larger concentration of 1930 – 40 buildings (see photographs 13 & 14).

5.4 View of the Client and his representatives (The Mr. Louw`s Attorney) on the Architectural heritage of Barberton

In the Replication to the draft report by African Heritage Consultants CC by Lukas Louw Attorneys on behalf of the applicant (see Annexure A) he states amongst others the following:

5.4.1 British Blockhouse

5.4.2 It may be part of the history but definitely not part of the heritage of Afrikaners. Afrikaners look at and treat British block houses with abhorrence. Afrikaners are the biggest white population group and the second biggest population group in Barberton. It may be interesting to know how the biggest population group in Barberton, who happened to be Black, will react to "CHRIA" (Cultural Heritage Resources Impact Assessment). This leaves us with just a view people some of who apparently find it difficult to break with their colonial past.

This example clearly illustrates the attitude of the client and his representative with regard to the heritage recourses associated with the site. Statements such as these as well as others in the response also clearly illustrates that they are unfamiliar with the Act.

After Mr. Louw the attorney of Irricon expressed his negative view on Barberton`s heritage, African Heritage Consultants asked Mr. Sidney Miller who holds a Masters degree in Architectural Conservation to conduct a brief survey of Barberton Architectural Heritage (see Annexure B).

In his report Mr. Miller came to the conclusion that Barberton`s Architectural heritage is unique compared to similar towns of the same period in the old Transvaal. He conducted that more than 50% of buildings in the original Barberton town are sixty years and older. For detail se Annexure A and specifically page 9.

The town of Barberton really has a wonderful blend of old and new architecture. Unfortunately a number of the buildings older than sixty years have in recent times been modernized most probably without permission of SAHRA (see photograph 15 & 16).

6. PUBLIC CONCERN

The public of Barberton are far more involved in environmental and heritage issues than citizens of other towns. After the destruction of the area some five hundred members of the public signed a petition against the proposed development. Letters of complaints were written to the Municipality and Provincial departments as well as the Mpumalanga Heritage Resources Authority. At a public meeting held on the 23 February 2009 at the Municipal building a total of sixty three interested and affected parties attended the meeting. Further to this meeting African Heritage Consultants CC also held a meeting with a group of local citizens on 17 April 2009. The residents informed us of their objections. We also visited the site together (see photograph 1).

From the public outcry it is clear that Rimers Creek is regarded as an important heritage site by the public at large.

7. THE PROPOSED DEVELOPMENT

Although the client did not provide detail plans of the proposed development the documents at hand show the new extension includes parking of heavy machinery, the construction of carports for storage purposes and safe parking for trucks. The client only made a copy of the plans available seven months after the original request.

After the initial site visit in May 2009 African Heritage Consultants CC had a meeting at the office of Irricon together with the owner, his lawyer and the Environmental Consultant. We explained the problems created by the earth works of the site, and that African Heritage Consultants were of the opinion that from a heritage point of view the proposed development cannot proceed. The owner of Irricon stated in no uncertain terms that if he had he known all the heritage issues, he would not have tried to obtain the site. We agreed that his lawyer would write us a letter on their decision to proceed or not. The attached response document from the lawyer was only received by the environmental consultants on the 23 December

2009. African Heritage Consultants CC only received a copy in January 2010 (See Annexure A).

8. IMPORTANCE/ SIGNIFICANCE OF THE SITE

Section 3(3) p. 14 of the South African Heritage Resources Act (Act No. 25 of 1999) specifically states the following with regard to significance:

- “ ... a place or object is to be considered part of the national estate if it has cultural significance or other special value because of—*
- (a) its importance in the community, or pattern of South Africa’s history;*
 - (b) its possession of uncommon, rare or endangered aspects of South Africa’s natural or cultural heritage;*
 - (c) its potential to yield information that will contribute to an understanding of South Africa’s natural or cultural heritage;*
 - (d) its importance in demonstrating the principal characteristics of a particular class of South Africa’s natural or cultural places or objects;*
 - (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;*
 - (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period;*
 - (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;*
 - (h) its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and*
 - (i) sites of significance relating to the history of slavery in South Africa”.*

For the purposes of this heritage Impact Assessment the significance was assessed by investigating and rating (Assigning a value of High, Medium or Low) each of the following:

- **Cultural value:** the value that a site holds for the community or a section thereof;
- **Social value:** refers to the qualities of the locality which make it a place that has become a focus of spiritual, cultural, local, provincial or national identity;
- **Historic value:** recognising the contribution a place makes to the achievements and our knowledge of the past;
- **Scientific/Research or Archaeological value:** refers to the potential of a site to contribute unique knowledge that is not obtainable elsewhere.
 - **Site integrity:** Elements to consider can include the extent of preservation as based on a surface survey and any observable disturbances that may impact on the integrity (cultural/non-cultural/environmental degradation).
 - **Richness:** This can refer the range of features present, depth of deposit and/or quantities of artefactual objects, e.g. Stone Age, Iron Age and historic occupations.

- **Proximity or accessibility.** This can be either positive or negative depending on the specific future site-use, proposed developments or the impact on local communities. For instance a site that is easily accessible and in close proximity to an existing community provides various opportunities for either future development or conservation that can also contribute to economic upliftment and growth. Such a site should accordingly be assigned a higher value
- **Aesthetic value:** Refers to the inherent beauty, sense of place, design, form, style and artistic expression that a specific place holds.
- **Hierarchal significance rating:** In terms of the Act (No. 25 of 1999:55, par. 8) sites may have local, regional or national significance. We also have to recognise the limitations of existing knowledge or the political paradigm and, moreover, that changes in these may impact on future significance. Hardesty & Little (2009:12) take this one step further and recognize sites of worldwide importance.

8.1 Cultural value: High /Medium / Low

Clearly the Heritage of the site and of Rimers Creek is well-known and highly regarded by local communities in Barberton. This is not only reflected by the outcry of local residents but also by the fact that Barberton is widely known as a historical town.

8.2 Social value: High /Medium /Low

Based on the criteria for social value, Portion 14 of the farm Barberton Townlands 369JU should be assigned the highest value. Not only is the site Zoned as Public Open Space, it also contains a Garden of Remembrance. Open Space is an essential element within our cities, for ecological, socio-economic and place-making purposes. Open Space allows ecological systems, without which human beings cannot survive, to function: it purifies water, harbours plant and animal life, cleans the air and regulates the urban climate. This life-giving function of Open Spaces is the most threatened by urban development, non compatible land uses and fragmentation. Furthermore human needs with regard to Open Spaces are fundamental. We need Open Spaces for our spiritual enhancement and for recreation. Open Spaces are important for our individual and collective well-being. Research has shown the importance of Open Spaces and greenery in the healing process of people and communities. There is no doubt that Open Spaces play a critical role in our quality of life. Nature reserves, parks, sports fields, heritage sites and even small spaces such as traffic circles define the areas in which we live. These resources, however, are not just “niceties” but play a central role in the health and economic viability of our community. Sufficient funding for park maintenance, effective zoning by-laws, and a commitment to the long-term protection of key properties are necessary investments if we are to develop and sustain a healthy community.

8.3 Historic value: High /Medium / Low

From the discussion on the Heritage resources directly associated with Portion 14 of the farm Barberton Townlands 369JU as well as the resources in the immediate vicinity it is clear that the site has the highest historic value.

8.4 Scientific/Research or Archaeological value: High /Medium / Low

Although the larger area of Rimers Creek has been impacted upon by various developments over the years, the destructive earthworks undertaken by Irricon has severely impacted on the Scientific/ Research and Archaeological value of the site on the localised level. But in applying the precautionary principals of the National Environmental Management Act, we have to assign the site a medium value as remainder of the site as well as a number of other areas can potentially yield important scientific evidence.

8.5 Aesthetic value: High /Medium / Low

Rimers Creek is situated in a contained view-shed dominated by historical and natural elements. The character can be described as rural residential and historical with a highly aesthetical backdrop. The Aesthetic value of the precinct is regarded as High.

Further to this the proposed development is situated at the centre of the view-shed. Not only is the proposed development incompatible from a land use perspective but also from a Visual Impact perspective. From the plans presented by the client it is also clear that the proposed development will negatively impact on the character as well as the views of some of the existing buildings in the view-shed.

(Although no detailed Visual Impact Assessment was conducted by African Heritage Consultants CC, we did consult with a Registered Professional Landscape Architect on the matter of Visual Impact).

8.6 Hierarchal significance rating: National/Regional / Local

The heritage resources associated with the area represent an important aspect of the history of Gold mining. Gold mining is especially important in the History of South Africa as a large part of our history centers on this industry. The Heritage resources of rimers Creek can be collectively regarded as of **Regional or Provincial importance** as defined in the South African Heritage Resources Act (25 of 1999).

9. CONCLUSION

Portion 14 of the farm Barberton Townlands 369 JU is currently zoned Public Open Space. In April 2007 Irricon and the Umjindi Municipality entered into a deed of

sale. This deed of sale was conditional and the land had to be rezoned to light industrial and commercial storage space before the sale could be concluded (Deed of sale p 10 18.1 & 18.2).

Rezoning of Public Open Space to any other use is subjected to an Environmental Impact Assessment (EIA) process in terms of the National Environmental Management Act, 1999 (Act 107 of 1999)(NEMA). Prior to the conclusion of the Environmental authorization process Irricon illegally initiated the development process through earthworks (According to the Umjindi Environmental Committee Irricon excavated and levelled the site with heavy earthmoving machines around May 2007). Subsequently the Mpumalanga Department of Agriculture and Land Affairs (MDALA) issued a pre-directive to initiate a Section 24G application in terms of NEMA.

In addition to this Irricon has also acted in direct contravention of the National Heritage Resources Act No. 25 of 1999 that states that:

- 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.
- 35(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;

There can be no doubt that the specific site has been severely impacted upon by Irricon. As can be seen from the evidence presented above as well as the discussion of the evidence, it is the professional opinion of African Heritage Consultants that important archaeological remains and structures associated with early gold mining and ore processing were destroyed in the illegal development process initiated by Irricon. Specifically the earth works on the site of the Central Mill has severely impacted and destroyed important industrial archaeological remains as well as the associated historic information. (Although the Client disputes the specific point the fact remains that he acted in breach of the Act)

In impacting on the Rotary Garden of Remembrance the developer not only acted insensitive but also further destroyed a Intangible Heritage Resource in terms of the Act that was of importance to the local community.

Collectively the actions by Irricon their agents and representatives constituted illegal actions and transgressions of both the National Environmental Management Act as well as the South African Heritage Resources Act and infuriated the community.

In addition the Umjindi Municipality has acted against its own IDP and Spatial Development Framework by making the land in dispute available for industrial development.

10. RECOMMENDATIONS

It is strongly recommended that:-

- The proposed development of portion 14 of the Barberton Townlands 369 JU be rejected as it will have further negative impacts on the heritage resources Rimers Creek and Barberton.
- The Umjindi Municipality as a local Authority acting in a Historic town and precinct should have known that the site is sensitive. It is suggested that SAHRA brings to their attention the importance of the Act and the heritage sites in their area of jurisdiction.
- Irricon be served with an order to rehabilitate the entire site and garden to the satisfaction of the Heritage Resources Authority in accordance with section 45(1) a & b of the Act No 25 of 1999.
- The Umjindi Municipality be advised to conduct a heritage survey of its entire judicial area to record and map heritage sites.
- A Large scale Heritage Management Plan be compiled for Barberton including Rimers Creek so that similar incidences can be avoided.
- That the most important heritage sites in Barberton be declared Provincial Heritage Sites.

11. OBJECTIONS AND RESPONSE FROM THE CLIENT

In the Replication to the draft report by African Heritage Consultants CC by Lukas Louw Attorneys on behalf of the applicant (see Annexure A)

The main argument of Mr. Louw (Attorney) is that the site in dispute is not used by the public but by vagrants. It is also not part of the tourist route and that the site has been graded and cleaned over a long period of time. He argues that the site has no heritage value. He also makes objections to our wording that the site was bulldozed and I quote "It is a matter the more you repeat a lie the more the chances are that people will believe it is the truth" The area was simply cleaned of rubbish, weed, bottles, cans, faeces and other waste as well as five fever trees planted by Sybrant Louw" (paragraph 9.8)

11.1 In answer to the above the following:

- Mr. Louw does not say with what the area was cleared if it was not bulldozed. From the evidence on the ground it is clear that site was cleared with heavy ground moving machine equipment, and later compacted. By this action most archaeological and historic material which might still have existed has been destroyed. On the southern side of the site the average depth of excavations is in the region of 1.50 to 1.80 meters deep. This was done not by hand but with earthmoving equipment. Despite the so-called cleaning and leveling of the site numerous fragments of historic material like broken old mineral and alcohol bottle shards are scattered all over this surface. This is the typical material you find on old mining settlements (see photograph 23) from an archaeological and historic perspective far more damage was done to the site than just cleaning.

11.2 Evidence of Mr. F.S. Louw

- Mr. Louw (attorney) also attaches a statement (affidavit) by Mr. F.S. Louw that the site was graded in 1992 under his supervision with a grader. To the consultants knowledge grading is a process of removing thin layers of soil or as Mr. Louw states: “The area has thereafter been cleaned with a grader and front-end loader by removing all unwanted trees, shrubs and other objects and material, where after the area has been leveled. This Affidavit does not refer to excavations. Archaeological sites of old alluvial diggings in Pilgrims Rest were found to be up to 2 or 3 meters or even deeper. It is our professional opinion that the situation at Rimers Creek was similar. The fact remains that he also acted illegally in a historic precinct.

11.3 Affidavits of Mr. J.C. Bosue

- Mr. Bosua`s affidavit gives a detail description of how they build the dam wall by excavation the area of the dam up to 3.5 meters deep below the original level, before stable material was found to build the dam wall. Borrow pits were also excavated in the area below the dam wall to obtain suitable material to compact the dam wall. No map of the activities was included and these actions also remain illegal in terms of the Act. The present dam wall is more than 40 meters away from the nearest border of the site. During excavations Mr. Bosua also states that among the excavated material glass objects were found. This just confirms that his actions also impacted on the heritage site.

12. AFRICAN HERITAGE CONSULTANTS REPORT

Mr. Louw seriously criticized Dr. Küsel`s report

12.1 Impartiality of Dr. Küsel

- Mr. Louw states “*The Applicant seriously questions the impartiality of Dr Küsel`s report, as it is obvious that most of his report is based on information*

supplied to him by the individuals objecting. The Applicant also strongly believes that his information he is using has never been verified for correctness and it often represents the opinion of an objecting individual. Surely, as an unbiased, independent professional report, which can influence the lives of people; it should be based on solid facts and not on conjecture”

It is further the Applicants respectful submission that “CHRIA” cannot be evaluated properly without background information and certain facts been put on record. The Applicant therefore puts the following on record.

Clearly the Client and his attorney are not familiar with the requirements of the South African Heritage Resources Act in respect of Heritage Impact Assessments. Dr Kusel as the specialist consultant who undertook the survey for African Heritage Consultants CC acted in line with the requirements of the Act and the associated guidelines. Clearly the client and his representative do not know that the Act specifically requires of the heritage specialist to consult with all affected and interested parties. In the report we have presented significant material evidence on the presence of heritage sites and archeological remains.

Mr. Louw also alleged that the Heritage Consultant had not communicated with the client. The client and his lawyer Mr. Louw were consulted on the 15th June 2009.

African Heritage Consultants CC also needs to highlight that the Client and his Representatives actions are bordering on interference with the requirements of an independent specialist as contemplated in regulations 386 and 387 of the National Environmental Management Act.

The following email was sent by the attorneys when he found out that African Heritage Consultants were conducting additional investigations in the precinct.

From: Hanlie van Dyk [mailto:hanliev@mweb.co.za]
Sent: 09 February 2010 11:47 AM
To: jaco.kleynhans@telkomsa.net
Cc: peter@irricon.co.za; chris@whalerockindustries.co.za
Subject: AANSOEK: LEADAL PROPERTIES INVESTMENTS (PTY) LTD

Ons verwys na die telefoniese gesprek wat skrywer hiervan 'n tydjie gelede met Chris Botha gevoer het. Ons het die kern van die gesprek met kliënt bespreek en het ons opdrag om u soos volg mee te deel:

- 1. Dat ons en kliënt van oordeel is dat alles wat oor hierdie aansoek gesê en/of geskryf kon word op rekord is en dat enige belanghebbende beswaarlik enige verdere sinvolle of relevante bydrae kan maak.*
- 2. Dat Dr Udo Kusel geen verdere relevante en/of sinvolle bydrae tot sy verslag kan maak nie, aangesien ons en kliënt van oordeel is dat die erfenis aspek in alle fasette in diepte aangespreek is.*
- 3. Dat daar geen rede behoort te bestaan waarom die aansoek nie nou gefinaliseer en ingedien kan word by die relevante owerhede nie.*

Tydens die telefoniese gesprek het Chris Botha gemeld dat die dokumentasie uit verskeie bundels bestaan en dat hy twyfel of daar iemand by die departement is wat die moeite gaan doen om die dokumentasie te lees. Dit is 'n bekommernis, want die vraag ontstaan, waarom dan hoegenaamd die aansoek indien?

Hy het verder gemeld dat daar 'n moontlikheid bestaan SAHRA nie tot 'n besluit sal kom ten aansien van die erfenis aspek nie en dat die aansoek dan reeds gekelder sal wees.

Ons het kliënt geadviseer dat daar dan ander remedies en wetgewing tot sy beskikking is om sy regte af te dwing, welke remedies en wetgewing kliënt van voorneme is om te gebruik indien die aansoek nie suksesvol is nie.

Ons het opdrag van kliënt om u te versoek om die aansoek te finaliseer en in te dien vir oorweging.

Ons verneem graag in hierdie verband van u.

*Lukas Louw Prokureurs
BARBERTON*

Response to Mr. Louw`s allegations`:

12.2 Possible historic sites (4.15 Louw)

This is a Professional Opinion of the specialist. As a phase 1 survey (as defined in the Act) the specialist is prohibited from undertaking invasive or destructive survey techniques without special permission. This falls beyond the scope of a phase 1 assessment and was not deemed necessary

12.3 The question of the Central Mill

It is the professional opinion of African Heritage Consultants CC that the Central Mill stood right in the middle of the land under investigation. The client is free to get a second opinion from another heritage specialist.

The old house Mr. Louw refers to in his comment stood north of the Creek (see photograph HC 02 in Mr. Louw`s report for position of old house)) and not on the Irricon site.

12.4 Rimers Creek as an important Heritage Site

Mr. Louw has no training in the field of heritage and thus must leave the decision whether Rimers Creek is an important Heritage Site to the Heritage Councils to decide on.

13. SITE INFORMATION

Owners contact details: Umjindi Municipality Contact Person:Mr. J Badenhorst, PO Box 33,Barberton,Johan@umjindi.gov.za, Tel: 013 712 2121

Developers contact details: Leadal Property Investments.cc, Mr. P.J. Lea, PO Box 727, Barberton, Tel: 013 712 24261,Peter@Irricon.co.za
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Consultants contact details: Jaco –K Consulting, PO Box 6027, Middelburg, Tel: 013 282 0020/082 41 76901
Type of development (e.g. low cost housing project, mining etc.) Light industrial.
Whether rezoning and/or subdivision of land is involved: Yes: Rezoning from public open space to light industrial.
Full location of Province, Magisterial District/Local Authority, property (e.g. farm, erf name and number): Mpumalanga, Ehlanzeni District municipality, Local municipality-Barberton, Remaining extent of portion 14 of Barberton Townlands, 369JU directly abutting ERF 3898. SG 21 Digit code:TOJU00000000036900014
Location map must have the polygon of the area to be surveyed on it and full geographical coordinates for all relevant points and where applicable indication of the area to be developed (footprint): 2.4 hectares (see Google Map)
If possible an aerial photograph of the specific area showing the location of all site. See Google Map.

14. REFERENCES

- Barberton Historic Photographs Barberton Museum archives
- Barberton Nature Reserve Tree Planting Record 26 April 1980
- Bornman A.R. 2009 03 02. Objections to development in Rimers Creeek on property adjacent to the proposed Open Air Museums for industrial purposes.
- Curror W.D. & Bornman H. 2003. Golden Memories of Barberton.
- Howard E.W.G. 2002. Nostalgia for Barberton.
- Jaco – K Consulting – Febr 2009. Barberton Paving issues and response register Leaded Properties Report JKC 0065
- Lea Peter – Rimers Creek – Historical importance and heritage value.
- Rippon Chris 2009 04 16. E-mail to Kgomotso and Benjamin – Barberton: Rimers Creek – Central Mill discovered to be on disputed land.
- Rippon Chris – Rimers Creek – historical importance and Heritage value.

- Nuns 2009 01 25 – Letter – Environmental impact assessment process for Leaded Property Investments (Pty) Ltd. Bid document (January 2009).
- Nuns Marjorie 2008 11 21 Letter Comments on background information document (.....) October 2008
- Nuns Marjorie 2009 04 08 E-mail Central Mill Photographs
- Agenda – Rimers Creek – Irricon proposed development Environmental Impact Assessment for Leaded Property Investments (Pty) Ltd. –. Public meeting 23 03 2009.
- Barberton Heritage Walk. Pamphlet.
- Barberton Publicity Association Pamphlet Barberton.
- Transvaal Provinsiale Administrasie Museumdienste 1973 – Beplanning van nuwe Museum vir Barberton (U.S. Küsel)
- Visit Barberton Museum pamphlet.
- Barberton/Makhonjwa Mountain Land World Heritage site tentative list submission November 2007.
- Deed of sale Umjindi Municipality: Barberton and Leaded Investment Properties (Pty) Ltd.
- Rotary 75th Anniversary celebrations programme.

15. PHOTOGRAPHS AND MAPS



No. 1 A group of local residents objecting to the destruction of the site, with the Irricon buildings in the background



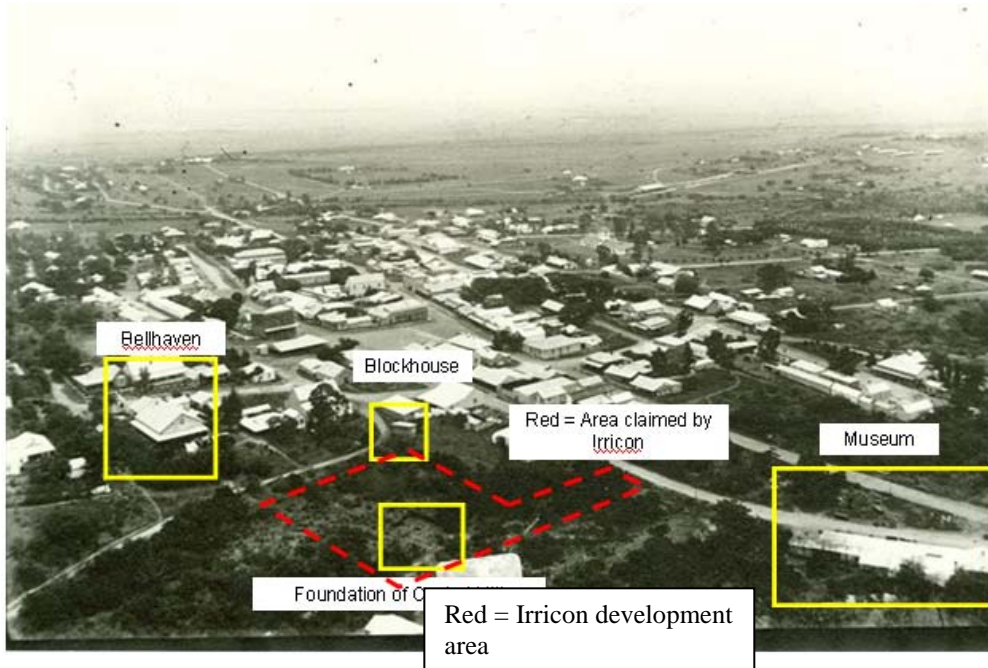
No. 2 View from the site towards Bellhaven



No. 3 Historic photograph showing Rimers Creek and the Central Mill



No. 4 Historic photograph showing the Central Mill in relation to the rest of the town. The site where Bellhaven was built in 1904 can be seen in the middle of the photograph where the tall trees are standing. Compare photograph no. 5



No. 5 Historic photograph showing the site and related structures



No. 6 Fernlea House in Rimers Creek



No. 7 Turbine Building in Rimers Creek



No. 8 The British Blockhouse with the roof of Irricon Building in the background



No. 9 View from Blockhouse with Irricon building's roof in the background



No. 10 Bellhaven House museum



No. 11 View from Bellhaven on the building platform area with Irricon Building on the left



No. 12 Masonic Temple with Rimers Creek in the background



No. 13 Lewis and Marks Building



No. 14 Phoenix Hotel with its Art Deco architecture



No 15 Impala Hotel



No. 16 De Kaap Gold Exchange facade



No. 17 Anglican Church



No. 18 Stopforth House



No. 19 Globe Tavern



No. 20 Example of an Art Deco house



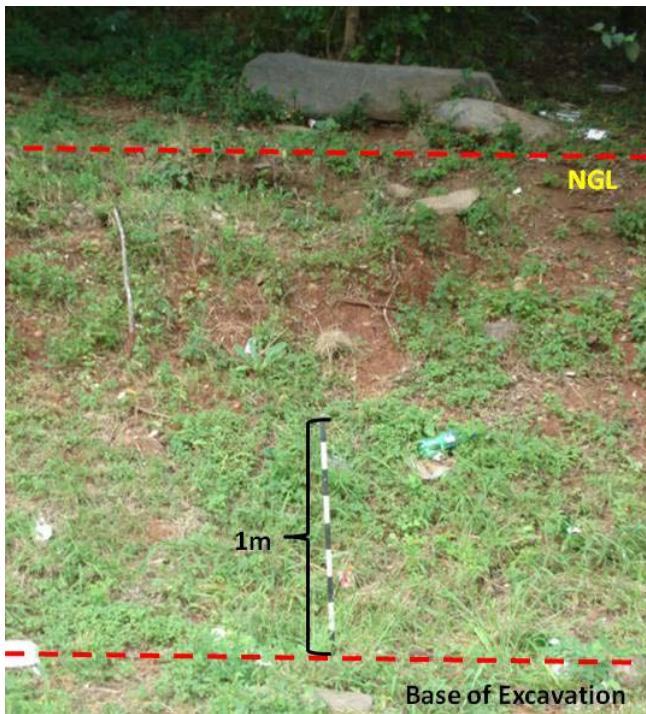
No. 21 Example of historic house recently modernized for lawyers offices



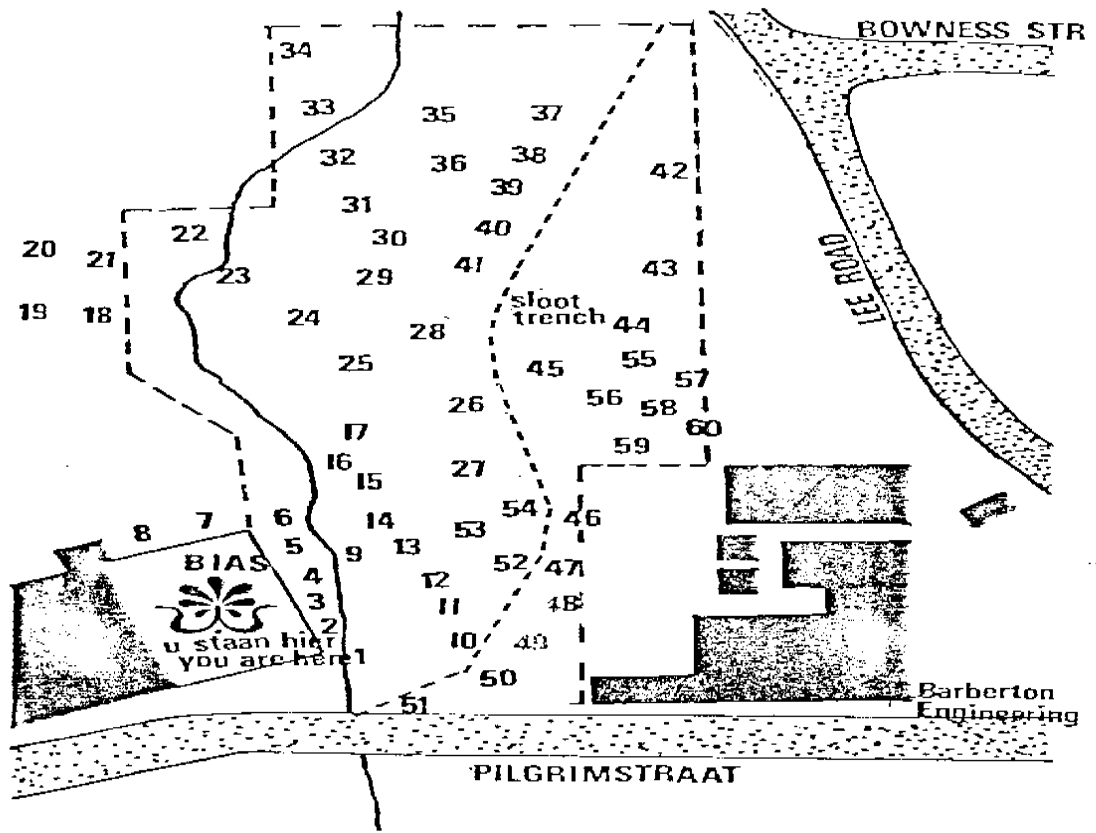
No. 22 Historic building recently altered into rental rooms



No. 23 Historic artefacts recorded on site



No. 24 Depth of excavation on southern side of the site



No. 23 Map of the Rotary Garden of Remembrance with numbers indicating where specific trees were planted by residents.

BARBERTON NATURE RESERVE

TREE PLANTING RECORD

BARBERTON 26 APRIL 1980

PLANTING No.	BOTANICAL NAME	PLANTED BY	VOCATION DESIGNATION OF PROFESSION	PLANTED FOR	COMMON NAME
1	FICUS ?	MR. PETER MILSTEIN	ASST. DIRECTOR DEPT NAT CONS.	DEPT NATURE CONSERVATION	VYE BOOM
578 2	KIGELIA AFRICANA	GHR. AB FOHL	MAYOR BARBERTON	PUBLIC OF BARBERTON	WORSBOOM
3	FICUS ?	MNR. JOHAN du TOIT	KURATOR BARBERTON MUSEUM	DEPT. MUSEUM, BIBLIODIENSTE	FIG TREE
38 4	LONCHOCARPUS CAESAR	MR ARBEE	CHAIRMAN	INDIAN ADVISORY BOARD	APPELBLARE
5	FICUS ?	MR. SWARDT	CHAIRMAN	COLOURED ADVISORY BOARD	VYEBOOM.
301 6	TRICHILIA (EMETICA) ROSA	MR. SWANE	CHAIRMAN	COMMUNITY COUNCIL	ROOLESSENHOUT
7	FICUS ?	MR. R.M. GREEN	PRESIDENT	BARBERTON MINING ASSN	FIG TREE
301 8	TRICHILIA (EMETICA) ROSA	MR F EVANS	CHAIRMAN	DE KAAP AGRIC. SGTY	ROOLESSENHOUT
This concludes List of dignitaries AND Heads of PUBLIC AND GOVERNMENTAL ORGANISATIONS					
555 9	SYZYGIUM COBATUM	MR. R. BUSHWELL	MANAGER	NEW CONSORT GOLD MINE	WATER BERRY
39 10	CELTIS AFRICANA	MR. C. ARCHER	MANAGER	FAIRVIEW GOLD MINE	WITSINKHOUT
39 11	CELTIS AFRICANA	MR. B. MAREE	MANAGER	SHEBA GOLD MINE	WITSINKHOUT
301 12	TRICHILIA (EMETICA) ROSA	MR BUDDY du PUY	MANAGER	AFRIKON CHRYSOLEITIEBESIGTING	ROOLESSENHOUT
555 13	SYZYGIUM COBATUM	MR. P. ADLER	MANAGER	AGNES GOLD MINE	WATERBERRY
555 14	SYZYGIUM COBATUM	MR B. de Souza	MANAGER	TWELVO BOSBOU	WATERBESSIE
578 15	KIGELIA AFRICANA	MR. MACDONALD	PRESIDENT	DE KAAP LIONS CLUB	WORSBOOM
578 16	KIGELIA AFRICANA	MR. J. BOSHOFF	PRESIDENT	ROUND TABLE NO 67	WORSBOOM
578 17	KIGELIA AFRICANA	MR. THOMAS ZU...	PRESIDENT	BARBERTON BIRTH CLUB	WORSBOOM

No. 24 Photograph of a section of the Barberton Nature Reserve Tree Planting Record



Map 1. Google Image of proposed development area (Portion 14 of Barberton Townlands 369 JU) indicated with red line before Earthworks. Green line indicates original Rotary Garden of Remembrance. Google Image showing trees before bulldozing took place.