

**ADDENDUM TO THE CULTURAL HERITAGE IMPACT ASSESSMENT PREPARED BY
AFRICAN HERITAGE CONSULTANTS CC (2006-08-01) TO ESTABLISH A SUITABLE
BUFFER ZONE FOR THE CEMETERIES SITUATED ON PORTION 86 OF FARM 475-JR,
CULLINAN, GAUTENG PROVINCE**



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Although all possible care is taken to identify/find all sites of cultural importance during the initial survey of the study area, the nature of archaeological and historical sites is as such that it is always possible that hidden or sub-surface sites could be overlooked during the study. Leonie Marais Heritage Practitioner will not be held liable will not be held liable for such oversights or for the costs incurred as a result thereof.

ACKNOWLEDGEMENTS

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Contents page

<u>Contents</u>	<u>Page</u>
ABOUT THIS REPORT	5
DEFINITION OF TERMS	6
EXECUTIVE SUMMARY	9
1. INTRODUCTION	10
2. METHOD	10
3. LOCATION	10
4. PHOTOGRAPHIC RECORDS	11
5. FINDINGS	16
6. CATEGORIES OF HERITAGE VALUE	16
7. SPECIFIC CATEGORIES INVESTIGATED AS PER SECTION 3 (1) AND (2) OF THE NATIONAL HERITAGE LEGISLATION (ACT 25 OF 1999)	17
8. DISCUSSION	18
9. RECOMMENDATIONS	18
10. WAY FORWARD	18

ABOUT THIS REPORT

This report serves as an addendum to a previous Cultural Heritage Impact Assessment prepared by African Heritage Consultants CC (Dr Udo Küsel) for the proposed development on Farm 475-JR, Cullinan.

In the above report no recommendation is made regarding a buffer zone around the two cemeteries situated in the study area.

The National Heritage Resources Act, 1999 (Act No. 25 of 1999), Ordinance on Exhumations (no 12 of 1980) and the Human Tissues Act, 1983 (Act No. 65 of 1983 as amended) are the guideline documents for a report of this nature.

DEFINITION OF TERMS:

“alter” means any action affecting the structure, appearance or physical properties of a place or object, whether by way of structural or other works, by painting, plastering or other decoration or any other means.

“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 10m 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, as defined respectively in sections 3, 4 and 6 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), 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; and

(d) features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found.

“conservation”, in relation to heritage resources, includes protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance.

“cultural significance” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance.

“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 a 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; object that is specifically designated by that state as being of importance.

“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.

“heritage resource” means any place or object of cultural significance.

“heritage resources authority” means the South African Heritage Resources Agency, or in respect of a province, a provincial heritage resources authority.

“heritage site” means a place declared to be a national heritage site by SAHRA or a place declared to be a provincial heritage site by a provincial heritage resources authority.

“improvement”, in relation to heritage resources, includes the repair, restoration and rehabilitation of a place protected in terms of Act 25 of 1999.

“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.

“local authority” means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993).

“management”, in relation to heritage resources, includes the conservation, presentation and improvement of a place protected in terms of Act 25 of 1999.

“meteorite” means any naturally-occurring object of extraterrestrial origin.

“object” means any movable property of cultural significance which may be protected in terms of any provisions of Act 25 of 1999, including—

- (a) any archaeological artefact;
- (b) palaeontological and rare geological specimens;
- (c) meteorites; and
- (d) other objects.

“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.

“place” includes—

- (a) a site, area or region;
- (b) a building or other structure which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure;
- (c) a group of buildings or other structures which may include equipment, furniture, fittings and articles associated with or connected with such group of buildings or other structures;
- (d) an open space, including a public square, street or park; and
- (e) in relation to the management of a place, includes the immediate surroundings of a place.

“presentation” includes—

- (a) the exhibition or display of;
- (b) the provision of access and guidance to;
- (c) the provision, publication or display of information in relation to; and
- (d) performances or oral presentations related to, heritage resources protected in terms of Act 25 of 1999.

“public monuments and memorials” means all monuments and memorials—

- (a) erected on land belonging to any branch of central, provincial or local government, or on land belonging to any organisation funded by or established in terms of the legislation of such a branch of government; or
- (b) which were paid for by public subscription, government funds, or a public-spirited or military organisation, and are on land belonging to any private individual.

“site” means any area of land, including land covered by water, and including any structures or objects thereon.

“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.

“victims of conflict” means—

- (a) certain persons who died in any area now included in the Republic as a direct result of any war or conflict as specified in the regulations, but excluding victims of conflict covered by the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);
- (b) members of the forces of Great Britain and the former British Empire who died in active service in any area now included in the Republic prior to 4 August 1914;
- (c) persons who, during the Anglo-Boer War (1899-1902) were removed as prisoners of war from any place now included in the Republic to any place outside South Africa and who died there; and
- (d) certain categories of persons who died in the "liberation struggle" as defined in the regulations, and in areas included in the Republic as well as outside the Republic.

EXECUTIVE SUMMARY

Leonie Marais Heritage Practitioner was appointed by J Paul van Wyk Urban Economists & Planners CC to prepare an addendum to the previous conducted Cultural Heritage Impact Assessment prepared by African Heritage Consultants CC (Dr Udo Küsel) (2006-08-01) in order to establish a suitable buffer zone for the cemeteries situated on Portion 86 of Farm 475-JR, Cullinan. The site visit took place on 8 June 2018.

A field survey was conducted after which a survey of literature was undertaken.

Graves younger and older than 60 years are situated on the area earmarked for development.

It should be noted that the sub-surface archaeological and/or historical deposits and graves are always a possibility. Care should be taken during any work in the entire area and if any of the above is discovered, an archaeologist/heritage practitioner should be commissioned to investigate.

4. PHOTOGRAPHIC RECORD OF STUDY AREA

Cemetery 1 situated at co-ordinates S25° 39'23.7" E028° 32' 26.8"



Figure 1: Site characteristics



Figure 2: Site characteristics



Figure 3: Site characteristics



Figure 4: Site characteristics



Figure 5: It appears that a fence was erected at some stage to demarcate the cemetery

Cemetery 2 situated at co-ordinates S25° 39'31.8" E028° 33' 08.6"



Figure 6: Site characteristics



Figure 7: Site characteristics



Figure 8: Site characteristics



Figure 9: Site characteristics

5. FINDINGS

HISTORICAL PERIOD HERITAGE SITES

Graves (Graves younger than 60 years, graves older than 60 years, but younger than 100 years, graves older than 100 years, graves of victims of conflict or of individuals of royal descent).

Graves younger and older than 60 years are situated on the site earmarked for development.

ORIGINAL LANDSCAPE

Agricultural and infrastructure development activities have altered the original landscape in the study area.

INTANGIBLE HERITAGE

The intangible heritage of the greater study area can be found in the stories of past and present inhabitants.

6. CATEGORIES OF HERITAGE VALUE (ACT 25 OF 1999)

The National Heritage Resources Act (Act 25 of 1999) identifies the following categories of value under section 3(1) and (2) of the Act under the heading "National Estate":

- "3 (1) For the purpose 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 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 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 interests; 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 I (xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).
- (3) Without limiting the generality of the subsections (1) and (2), 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 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 and 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."

7. SPECIFIC CATEGORIES INVESTIGATED AS PER SECTION 3 (1) AND (2) OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT NO. 25 OF 1999)

Does the site/s contain any marked graves and burial grounds?

The site does contain various marked and unmarked graves.

The possibility of graves not visible to the human eye always exists.

It is important to note that all graves and cemeteries are of high significance and are protected by various laws. Legislation with regard to graves includes the National Heritage Resources Act (Act 25 of 1999) whenever graves are 60 years and older. Other legislation with regard to graves includes those when graves are exhumed and relocated, namely the Ordinance on Exhumations (no 12 of 1980) and the Human Tissues Act (Act 65 of 1983 as amended).

If sub-surface graves are discovered work should stop and a professional preferably an archaeologist contacted to assess the age of the grave/graves and to advice on the way forward.

8. DISCUSSION

The purpose of this document is to establish a suitable buffer zone around existing cemeteries situated on the site earmarked for development.

Both cemeteries seem well established with clear perimeters. In the case of cemetery 1 remnants of a fence around the cemetery is clearly visible.

9. RECOMMENDATIONS

- Although a 50m buffer is the general accepted extent of a buffer surrounding a cemetery/graves it is recommended that the buffer zone be reduced to 0m for Cemetery 1 (clear boundaries and no outlying graves) and 10m (clear boundaries and no outlying graves) for Cemetery 2 to accommodate the proposed layout of the development. The reason being the clear perimeters of the cemeteries and no visible outlying graves.
- It is clear from the grave goods placed on graves that the graves are still visited on a regular basis. Access for family members to the graves must be maintained.
- The graves must be fenced. The fence must be inspected regularly and fixed where and when necessary. Fence to be re-erected when the need occurs.
- The discovery of subsurface archaeological and/or historical material as well as graves is always a possibility. If sub-surface material or graves are discovered work should stop and a professional preferably an archaeologist/heritage practitioner contacted to assess the finding and to advice on the way forward.

10. WAY FORWARD

Submit this report to the South African Heritage Resources Agency (SAHRA) Burial Grounds and Graves Unit for comment/approval.