

**FIRST PHASE CULTURAL HERITAGE IMPACT
ASSESSMENT OF THE PROPOSED
OBSERVATION PARK PHASE 2 RESIDENTIAL
DEVELOPMENT, EMNAMBITHI/LADYSMITH
LOCAL MUNICIPALITY, KWAZULU-NATAL.**



ACTIVE HERITAGE CC.

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LIST OF ABBREVIATIONS AND ACRONYMS

| | |
|-----------------|---|
| EIA | Early Iron Age |
| ESA | Early Stone Age |
| HISTORIC PERIOD | Since the arrival of the white settlers - c. AD 1836 in this part of the country |
| IRON AGE | Early Iron Age AD 200 - AD 1000 Late Iron Age AD 1000 - AD 1830 |
| LIA | Late Iron Age |
| LSA | Late Stone Age |
| MSA | Middle Stone Age |
| NEMA | National Environmental Management Act, 1998 (Act No. 107 of 1998 and associated regulations (2010). |
| NHRA | National Heritage Resources Act, 1999 (Act No. 25 of 1999) and associated regulations (2008) |
| SAHRA | South African Heritage Resources Agency |
| STONE AGE | Early Stone Age 2 000 000 - 250 000 BP Middle Stone Age 250 000 - 25 000 BP Late Stone Age 30 000 - until c. AD 200 |

EXECUTIVE SUMMARY

A cultural heritage ground survey of the proposed Observation Park Phase 2 Residential Development, Ladysmith identify no heritage sites. There is no archaeological reason why the development may not proceed as planned. However, attention is drawn to the South African National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) and the KwaZulu-Natal Heritage Act (Act No. 4 of 2008) which requires that operations that expose archaeological or historical remains should cease immediately, pending evaluation by the provincial heritage agency.

1 BACKGROUND INFORMATION ON THE PROJECT

The consultant was approached by D.E.K Simpson, Professional Land Surveyors and Urban & Rural Planning Consultants to conduct a heritage impact assessment (HIA) of the study area.

According to the National Heritage Resources Act, 1999 (NHRA) (Act No. 25 of 1999), the heritage resources of South Africa 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).

The newly promulgated KwaZulu-Natal Heritage Act (Act No. 4 of 2008) also makes specific mention to rock art and archaeological sites.

It is furthermore stated that:

—(1) No person may destroy, damage, excavate, alter, write or draw upon, or otherwise disturb any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site without the prior written approval of the Council having been obtained on written application to the KwaZulu-Natal Heritage Council.

(2) Upon discovery of archaeological or palaeontological material or a meteorite by any person, all activity or operations in the general vicinity of such material or meteorite must cease forthwith and a person who made the discovery must submit a written report to the Council without delay.

(3) The Council may, after consultation with an owner or controlling authority, by way of written notice served on the owner or controlling authority, prohibit any activity considered by the Council to be inappropriate within 50 metres of a rock art site.

(4) No person may exhume, remove from its original position or otherwise disturb, damage, destroy, own or collect any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site without the prior written approval of the Council having been obtained on written application to the Council.

(5) No person may bring any equipment which assists in the detection of metals and archaeological and palaeontological objects and material, or excavation equipment

onto any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, or meteorite impact site, or use similar detection or excavation equipment for the recovery of meteorites, without the prior written approval of the Council having been obtained on written application to the Council.

(6) (a) The ownership of any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site, on discovery, vest in the Provincial Government and the Council is regarded as the custodian on behalf of the Provincial Government.

(b) The Council may establish and maintain a provincial repository or repositories for the safekeeping or display of—

(i)

archaeological objects;

(ii)

palaeontological material;

(iii)

ecofacts;

(iv)

objects related to battlefield sites;

(v)

material cultural artefacts; or

(vi)

meteorites.

(7) The Council may, subject to such conditions as the Council may determine, loan any object or material referred to in subsection (6) to a national or provincial museum or institution.

(8) No person may, without the prior written approval of the Council having been obtained on written application to the Council, trade in, export or attempt to export from the Province—

(a)

any category of archaeological object;

(b)

any palaeontological material;

(c)

any ecofact;

(d)

any object which may reasonably be regarded as having been recovered from a battlefield site;

(e)

any material cultural artefact; or

(f)

any meteorite.

(9) (a) A person or institution in possession of an object or material referred to in paragraphs (a) – (f) of subsection (8), must submit full particulars of such object or material, including such information as may be prescribed, to the Council.

(b) An object or material referred to in paragraph (a) must, subject to paragraph (c) and the directives of the Council, remain under the control of the person or institution submitting the particulars thereof.

(c) The ownership of any object or material referred to in paragraph (a) vest in the Provincial Government and the Council is regarded as the custodian on behalf of the Provincial Government.

This study aims to identify and assess the significance of any heritage and archaeological resources occurring on the site. Based on the significance, the impact of the development on the heritage resources would be determined. Then appropriate actions to reduce the impact on the heritage resources would be put forward. In terms of the NHRA, 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.

Table 1. Background information

| | |
|---------------------------|--|
| Consultants: | Frans Prins & Sian Hall (assistant) |
| Type of development: | Middle Income Residential Development |
| Rezoning or subdivision: | Subdivision |
| Terms of reference | To carry out a Heritage Impact Assessment |
| Legislative requirements: | The Heritage Impact Assessment was carried out in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and following the requirements of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) and the KwaZulu Natal Heritage Act (Act No. 4 of 2008) |

1.1. Details of the area surveyed:

Footprint: The proposed footprint is situated in northern Ladysmith between the R103 and the N11 (Fig 1). The GPS coordinates for the footprint is 28° 31' 44.91" S 29° 46' 27. 06" E. It is bordered onto by residential developments in the south west and east. A railway line forms the northern border. This site of approximately 12 hectares consists of three adjoining properties being a proposed Subdivision of Portion 212 and Remainder of Portion 180 of the Farm Danse Kraal No 1020 and Remainder of Erf 2521 Ladysmith (Fig 2). This site is intended for a middle income Residential Development, as an extension to the existing development to the south of this site.

Current land use: The footprint is, for the most part, natural veld. Acacia sp and other indigenous trees are dotted all over the footprint. No dwellings or residential structures were noticed on it.

2 BACKGROUND TO ARCHAEOLOGICAL HISTORY OF AREA

Portions of the greater Ladysmith area have been systematically surveyed for archaeological heritage sites in the past. These were mostly conducted by archaeologists attached to the Natal Museum as well as by Amafa staff. Sixty one sites are recorded in the data base of the KwaZulu-Natal Museum. These include five Early

Stone Age sites, five Middle Stone Age sites, six Later Stone Age sites, three rock art sites (two rock paintings and one rock engraving), and eleven Later Iron Age sites and twenty historical period Nguni homesteads. The majority of the Later Iron Age and historical period Nguni homesteads are demarcated by characteristic stone walling. Stone walling and graves related to the Anglo-Boer War period of 1899-1901 are also abundant in the area. Ten sites are recorded in the Natal Museum data base but many more sites belonging to this period should occur in the greater Ladysmith area. The project area has not been systematically surveyed in the past and no heritage sites are known from the footprint.

The San were the owners of the land for almost 30 000 years but the local demography started to change soon after 2000 years ago when the first Bantu-speaking farmers crossed the Limpopo River and arrived in South Africa. Around 800 years ago, if not earlier, Bantu-speaking farmers also settled in the greater Ladysmith area. Although some of the sites constructed by these African farmers consisted of stone walling not all of them were made from stone. Sites located elsewhere in the KwaZulu-Natal Midlands show that many settlements just consisted of wattle and daub structures. These Later Iron Age sites were most probably inhabited by Nguni-speaking groups such as the amaBhele and others (Bryant 1965). However, by 1820 the original African farmers were dispersed from this area due to the expansionistic policies of the Zulu Kingdom of King Shaka. Many individuals of former chiefdoms in the area became bandits and oral tradition suggests that cannibalism may also have been practised by some of these groups. African refugee groups and individuals were given permission to settle in the area by the British colonial authorities after 1845 where most of them became farm labourers. After the Anglo-Zulu war of 1879 and the Bambatha Rebellion of 1911 many of the African people in the study area adopted a Zulu ethnic identity.

European settlement of the area started soon after 1838 when the first Voortrekker settlers marked out large farms in the area. However, most of these farms were abandoned in the 1840's when Natal became a British colony only to be reoccupied again by British immigrants. Nevertheless, a group of Dutch farmers declared an independent republic in 1847 on the banks of the Klip River and called it the Klip River Republic with Andries Spies as commandant. This pocket republic only survived for a few months before British authority over the area was declared. The British planned a town as an administrative centre for the Klip River District, proclaiming it on 20 June

1850 and called it Ladysmith. Ladysmith became world famous during the Anglo-Boer War of 1899-1901 when it was besieged by Boers from 2 November 1899 until 28 February 1900. Ghandi, Smuts and Churchill are figures of international significance who were also present during the siege of Ladysmith. During the 118 day long siege the stone Town Hall sustained considerable damage. It has since been restored to the original vision of the architects. Located next to the Town Hall the building housing the Siege Museum was erected in 1884. It was used as a rations post for civilians. The Museum displays relics from the time of the siege, including documents, uniforms and firearms. Several of the most celebrated battles of the war were fought around Ladysmith. These include the Battles of Elandsplaagte, Spionkop, Wagon Hill, Caesars Camp, Lombards Kop and Umbulwana Hill. These battle field sites as well as associated graves and buildings of the era are proclaimed heritage sites and are protected by provincial heritage legislation (Derwent 2006).

3 BACKGROUND INFORMATION OF THE SURVEY

3.1 Methodology

A desktop study was conducted of the SAHRA inventory of heritage sites. Unfortunately this database is incomplete and of only limited use. In addition, the archaeological database of the KwaZulu-Natal Museum was consulted. This data base indicated more than 100 heritage sites in the greater Ladysmith area. The SAHRIS website was consulted to assess other heritage surveys and site location close to the project area. Aerial photographs of the project area was scrutinised to locate potential Iron Age and historical-period structures. A ground survey of the proposed development following standard and accepted archaeological procedures was conducted.

3.2 Restrictions encountered during the survey

3.2.1 Visibility

Visibility during the site visit was good.

3.2.2 Disturbance.

No overt disturbance or vandalism of any heritage features or archaeological sites was noted.

3.3 Details of equipment used in the survey

GPS: Garmin Etrek

Digital cameras: Canon Powershot A460

All readings were taken using the GPS. Accuracy was to a level of 5 m.

4 DESCRIPTION OF SITES AND MATERIAL OBSERVED

4.1 Locational data

Province: KwaZulu-Natal

Towns: Ladysmith

Municipality: Emnambithi

4.2 Description of the general area surveyed

Existing data bases indicate that Ladysmith has a large percentage of Iron Age and Anglo-Boer War period sites and structures. However, none of these occur on the footprint. In fact, the consultant could not find evidence for any heritage sites or features. In addition, the footprint is not part of any known cultural landscape.

5 STATEMENT OF SIGNIFICANCE (HERITAGE VALUE)

5.1 Field Rating

Not applicable as no heritage sites or features occur on the footprint.

Table 2. Field rating and recommended grading of sites (SAHRA 2005)

| Level | Details | Action |
|-----------------------|--|--|
| National (Grade I) | The site is considered to be of National Significance | Nominated to be declared by SAHRA |
| Provincial (Grade II) | This site is considered to be of Provincial significance | Nominated to be declared by Provincial Heritage Authority |
| Local Grade IIIA | This site is considered to be of HIGH significance locally | The site should be retained as a heritage site |
| Local Grade IIIB | This site is considered to be of HIGH significance locally | The site should be mitigated, and part retained as a heritage site |
| Generally Protected A | High to medium significance | Mitigation necessary before destruction |
| Generally Protected B | Medium significance | The site needs to be recorded before destruction |
| Generally Protected C | Low significance | No further recording is required before destruction |

6 RECOMMENDATIONS

The proposed development of the Observation Park Phase 2 Residential Development may proceed in terms of heritage values as no known heritage sites are in any immediate danger of being damaged or altered. However, should any heritage material or artefacts be located during the construction process then all activities should stop in the immediate vicinity of the site and the local heritage agency Amafa contacted for further evaluation.

7 MAPS AND PHOTOGRAPHS

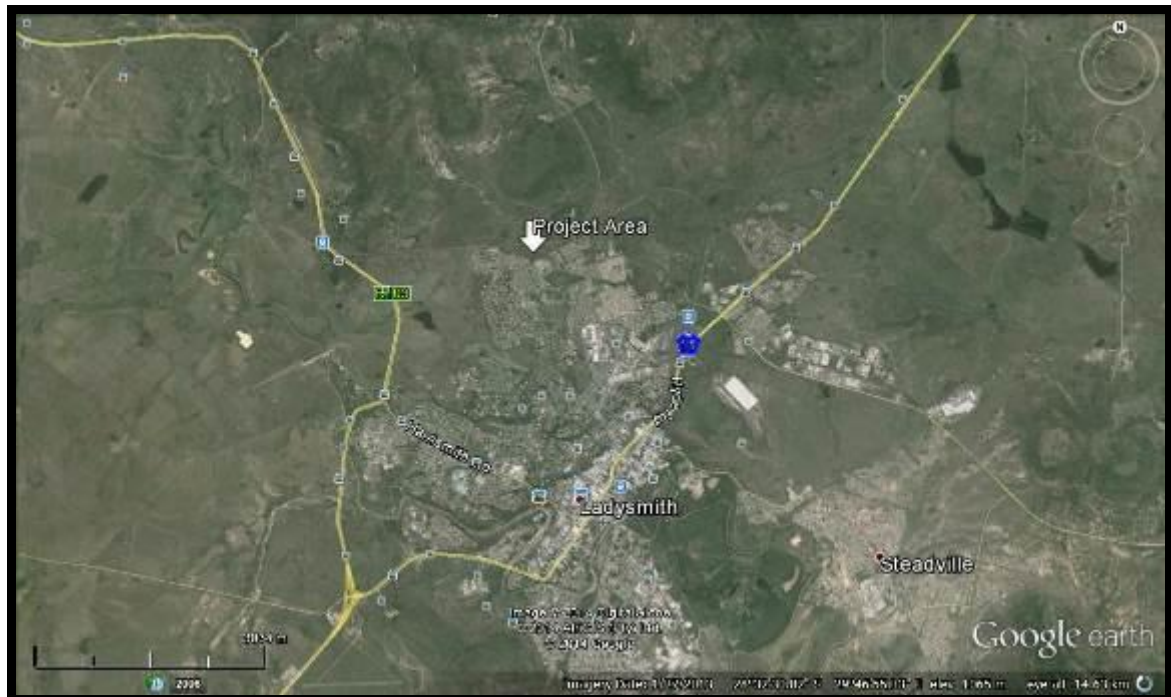


Figure 1. Google Earth aerial photograph showing the location of the project area relative to the town of Ladysmith.

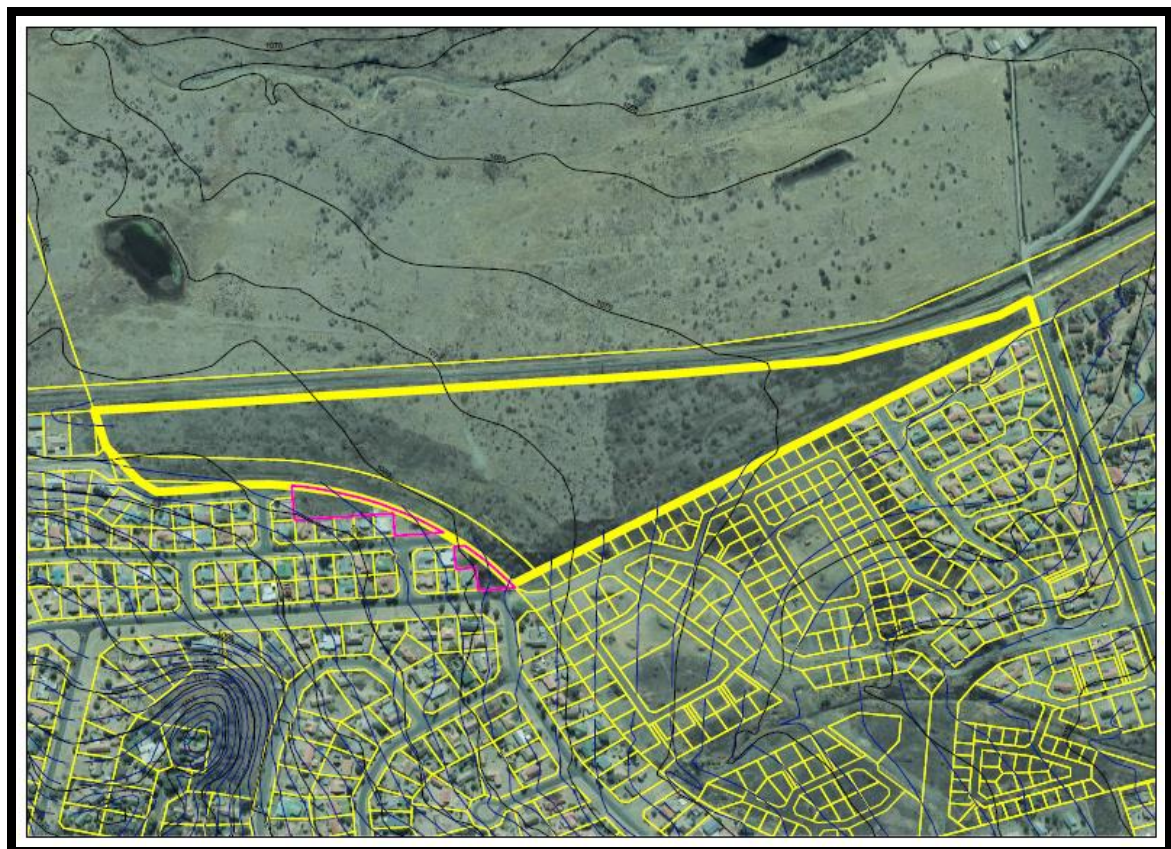


Figure 2. Map of the project area



Figure 3. Photograph of the project area. The railway line that forms the northern border is seen in the distance. The area is characterised by grasslands and indigenous trees (mostly *Acacia* sp).



Figure 4. Photograph of the study area. All existing structures on the footprint are younger than 60 years old and has no heritage value.

8 REFERENCES

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