

**PHASE ONE HERITAGE IMPACT ASSESSMENT  
OF THE PROPOSED THEMBATINA MINING  
PROJECT AT UTRECHT, KWAZULU-NATAL.**



**ACTIVE HERITAGE cc.**  
For: Beyond Green Environmental Consultants

**Frans Prins**  
**MA (Archaeology)**  
P.O. Box 947  
Howick  
3290

[feprins@gmail.com](mailto:feprins@gmail.com)  
[activeheritage@gmail.com](mailto:activeheritage@gmail.com)  
Fax: 086 7636380

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**Details and experience of independent Heritage Impact Assessment Consultant**

Consultant: Frans Prins (Active Heritage cc)  
Contact person: Frans Prins  
Physical address: 33 Buchanan Street, Howick, 3290  
Postal address: P O Box 947, Howick, 3290  
Telephone: +27 033 3307729  
Mobile: +27 0834739657  
Fax: 0867636380  
Email: Activeheritage@gmail.com

PhD candidate (Anthropology) UKZN  
MA (Archaeology) University of Stellenbosch 1991  
Hons (Archaeology) University of Stellenbosch 1989

University of KwaZulu-Natal, Honorary Lecturer (School of Anthropology, Gender and Historical Studies).

Association of Southern African Professional Archaeologists member

Frans received his MA (Archaeology) from the University of Stellenbosch and is presently a PhD candidate on social anthropology at UKZN. His PhD research topic deals with indigenous San perceptions and interactions with the rock art heritage of the Drakensberg.

Frans was employed as a junior research associate at the then University of Transkei, Botany Department in 1988-1990. Although attached to a Botany Department he conducted a palaeoecological study on the Iron Age of northern Transkei - this study formed the basis for his MA thesis in Archaeology. Frans left the University of Transkei to accept a junior lecturing position at the University of Stellenbosch in 1990. He taught mostly undergraduate courses on World Archaeology and research methodology during this period.

From 1991 – 2001 Frans was appointed as the head of the department of Historical Anthropology at the Natal Museum, Pietermaritzburg. His tasks included academic research and publication, display conceptualization, and curating the African ethnology collections of the Museum. He developed various displays at the Natal Museum on topics ranging from Zulu material culture, traditional healing, and indigenous classificatory systems. During this period Frans also developed a close association with the Departments of Fine Art, Psychology, and Cultural and Media Studies at the then University of Natal. He assisted many post-graduate students with projects relating to the cultural heritage of South Africa. He also taught post-graduate courses on qualitative research methodology to honours students at the Psychology Department,

University of Natal. During this period he served on the editorial boards of the *South African Journal of Field Archaeology* and *Natalia*.

Frans left the Natal Museum in 2001 when approached by a Swiss funding agency to assist an international NGO (Working Group for Indigenous Minorities) with the conceptualization of a San or Bushman museum near Cape Town. During this period he consulted extensively with various San groupings in South Africa, Namibia and Botswana. He also made major research and conceptual contributions to the Kamberg and Didima Rock Art Centres in the Ukhahlamba Drakensberg World Heritage Site.

Between 2003 and 2007 Frans was employed as the Cultural Resource Specialist for the Maloti Drakensberg Transfrontier Project – a bilateral conservation project funded through the World Bank. This project involved the facilitation with various stakeholders in order to produce a cultural heritage conservation and development strategy for the adjacent parts of Lesotho and South Africa. Frans was the facilitator for numerous heritage surveys and assessments during this project. This vast area included more than 2000 heritage sites. Many of these sites had to be assessed and heritage management plans designed for them. He had a major input in the drafting of the new Cultural Resource Management Plan for the Ukhahlamba Drakensberg World Heritage site in 2007/2008. A highpoint of his career was the inclusion of Drakensberg San indigenous knowledge systems, with San collaboration, into the management plans of various rock art sites in this world heritage site. He also liaised with the tourism specialist with the drafting of a tourism business plan for the area.

During April 2008 Frans accepted employment at the environmental agency called Strategic Environmental Focus (SEF). His main task was to set-up and run the cultural heritage unit of this national company. During this period he also became an accredited heritage impact assessor and he is rated by both Amafa and the South African Heritage Resources Agency (SAHRA). He completed almost 50 heritage impact assessment reports nation-wide during an 18<sup>th</sup> month period.

Frans left SEF and started his own heritage consultancy called “Active Heritage cc” in July 2009. Although mostly active along the eastern seaboard his clients also include international companies such as Royal Dutch Shell through Golder Associates, and UNESCO. He has now completed almost 600 heritage conservation and management reports for various clients since the inception of “Active Heritage cc”. Amongst these was a heritage study of the controversial fracking gas exploration of the Karoo Basin and various proposed mining developments in South Africa and proposed developments adjacent to various World Heritage sites. Apart from heritage impact assessments (HIA's) Frans also assist the National Heritage Council (NHC) through Haley Sharpe Southern Africa', with heritage site data capturing and analysis for the proposed National Liberation Route World Heritage Site and the national intangible heritage audit. In addition, he is has done background research and conceptualization of the proposed Dinosaur Interpretative Centre at Golden Gate National Park and the proposed Khoi and San Interpretive Centre at Camdeboo, Eastern Cape Province. During 2009 he also

produced the first draft dossier for the nomination of the Sehlabathebe National Park, Lesotho as a UNESCO inscribed world heritage site.

Frans was appointed as temporary lecturer in the department of Heritage and Tourism, UKZN in 2011. He is also a research affiliate at the School of Cultural and Media Studies in the same institution.

Frans's research interests include African Iron Age, paleoecology, rock art research, San ethnography, traditional healers in South Africa, and heritage conservation. Frans has produced more than forty publications on these topics in both popular and academic publications. He is frequently approached by local and international video and film productions in order to assist with research and conceptualization for programmes on African heritage and culture. He has also acted as presenter and specialist for local and international film productions on the rock art of southern Africa. Frans has a wide experience in the fields of museum and interpretive centre display and made a significant contribution to the conceptual planning of displays at the Natal Museum, Golden Horse Casino, Didima Rock Art Centre and !Khwa tu San Heritage Centre. Frans is also the co-founder and active member of "African Antiqua" a small tour company who conducts archaeological and cultural tours world-wide. He is a Thetha accredited cultural tour guide and he has conducted more than 50 tours to heritage sites since 1992.

#### **Declaration of Consultants independence**

Frans Prins is an independent consultant to Beyond Green Environmental Consultants and has no business, financial, personal or other interest in the activity, application or appeal in respect of which he was appointed other than fair remuneration for work performed in connection with the activity, application or appeal. There are no circumstances whatsoever that compromise the objectivity of this specialist performing such work.



Frans Prins

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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 1820 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 (2006).
NHRA	National Heritage Resources Act, 1999 (Act No. 25 of 1999) and associated regulations (2000)
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 first phase heritage survey of the proposed Thembatina Mining project near Utrecht identified no heritage sites or features on the footprint. The area is also not part of any known cultural landscape. There is no reason, from a general heritage perspective, why the proposed development may not proceed as planned. However, the first phase paleontology desktop assessment indicates that the area has a high fossil sensitivity. Following Amafa policy a ground survey by an accredited palaeontologist will be required. Attention is drawn to the South African Heritage Resources Act, 1999 (Act No. 25 of 1999) and the KwaZulu-Natal and Amafa Research Institute Act (Act no 5 of 2018) which, requires that operations that expose additional archaeological or historical remains should cease immediately, pending evaluation by the provincial heritage agency.

## 1 BACKGROUND INFORMATION ON THE PROJECT

**Table 1. Background information**

Consultant:	Frans Prins (Active Heritage) for Beyond Green Environmental Consultants.
Type of development:	Mining
Rezoning or subdivision:	Rezoning
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 and Amafa Research Institute Act (Act No. 5 of 2018)

### 1.1. Details of the area surveyed:

The project area is located on the western borders of Utrecht within the Amajuba District Municipality and the Emadlangeni Local Municipality (Fig 1). It is situated on a hill approximately 400m to the north of the R34. The project area covers an area of approximately 935m x 470m (Fig 2). The coordinates of the centre of the project area are: 27° 39' 10.55" S 30° 18' 23.82" E. It is essentially undeveloped land with little

evidence of anthropogenic influences. The greatest portion of the area is covered by disturbed grasslands (Figs 7 – 9).

## **1.2. Cultural Heritage legislation**

According to Section 3 (2) of the NHRA, 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
  - 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 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).”

In terms of section 3 (3) 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 the history of slavery in South Africa.”

The NHRA regulations of 2000 refer for the most part to the processes allowing for permits to be issued for the alteration, destruction or modification of heritage sites and features. These include the following:

- Protected areas
- Burial grounds and graves
- Wrecks
- Exportation of heritage objects
- Reproduction of national heritage sites
- Archaeological and palaeontological sites
- National heritage sites, provincial heritage sites, provisionally protected place, structures older than 60 years

## 2 BACKGROUND TO ARCHAEOLOGICAL HISTORY OF AREA

The greater Utrecht area has a rich archaeological and historical record. The known archaeological sites cover the entire Stone Age sequence (including rock art), the Late Iron Age and the Historical Period. The general area is also associated with Voortrekker settlement, the Anglo-Zulu War and the Anglo-Boer War. Members of the Natal Museum visited the area sporadically in the 1970's – 1990's and recorded a few archaeological sites within the foothills of the Balele Mountains and some distance from the actual town of Utrecht. However, the most systematic and thorough regional survey in the area was conducted by Gavin and Louise Anderson (Umlando Archaeological Surveys and Heritage Mapping) in 2014. They surveyed the area to the east of the town earmarked for the proposed Waaihoek Wind Energy Facility and found more than 100 heritage sites (including graves, of various periods) in an area of approximately 10 000 m<sup>2</sup> (Anderson G & Anderson L 2014). A desktop heritage survey of the area to the immediate west of the proposed mining development was conducted by Prins (Prins 2016). However, this survey did not locate any heritage or archaeological sites.

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 Utrecht area. Although some of the sites constructed by these African farmers consisted of stone walling, such as is evident at Waaihoek, 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. 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. The history of Utrecht in Natal began in

1852 when a group of Dutch Voortrekkers from the Cape settled along the Buffalo River in Natal. Andries Pretorius as a governor, disapproved of them having to settle in the area as it fell outside the proclaimed boundaries of the Transvaal. Pretorius was afraid that the British might see it as an encroachment and in the process endangering the existence of the Republic of Transvaal. In 1854 the Buffalo River Community gave the Zulu King Mpande 100 cattle in exchange of the grazing land. In 1854 the Republic of Utrecht in Natal was formed. The name place was Utrecht due to the name, which existed in Holland where the Buffalo River Community came from. A.T. Spies was elected as governor of the newly formed republic. Utrecht approached the Transvaal government for incorporation and this was done to make their stay more protected against any form of attack.

Realising that they were ignored, they approached the Lydenburg Republic trying to exploit on the differences, which were there between them and the Transvaal government. In 1855 the Transvaal government acceded to pressure and gave recognition to Utrecht's independency. In 1858 Utrecht was incorporated to the Republic of Lydenburg. In 1860 upon the incorporation of the Republic of Lydenburg, Utrecht automatically became part of the republic of Transvaal, a thing that the community had been wanting for a long time. In 1879 Utrecht served as Headquarters for both the Commander - in - Chief Lord Chelmsford and Colonel Evelyn Woods. The Old Patronage in Utrecht today serves as great tourist destination because of its historic significance and the house used to be a guesthouse for various heads of states. At the end of the South African War, Utrecht was returned to Natal (now KwaZulu-Natal)

Given its rich colonial history it is not surprising that the town of Utrecht boasts ten Provincial Heritage Sites and no less than ten historical sites (Figs 2 & 3) (Derwent 2006). The Utrecht district was also the tribal territory of more than five Amakosi (Zulu Chiefs) who played an active role in the development of the area. During a short period in history, the town was occupied by the British Army, as their headquarters under the command of Lord Chelmsford, during the South African War (1899-1902).

Heritage sites of significance in and around Utrecht include the following (Fig 3):

- The Old Cemetery Graves - resting place of well-known Voortrekkers and British soldiers;
- The Landdrost, Pos en Telegraaf kantoor – erected in 1892 (Provincial Heritage Site);

- The Dutch Reformed sandstone church (Provincial Heritage Site);
- The Old Parsonage Museum;
- The Old Republican Powder Magazine – erected in 1893;
- The Old Residency – erected in 1892 (Provincial Heritage Site);
- The Petrus Lafras Uys Monument – Petrus Lafras was one of the original settlers in this area in 1847;
- Rothman House – colonial residential architecture (Provincial Heritage Site);
- Shaw House - colonial residential architecture (Provincial Heritage Site);
- Sandstone Section of the Old Gaol;
- The Battle of Blood River site;
- The Baltes Spruit site; and
- Town Hall – erected in 1913 (Provincial Heritage Site).

All these sites are protected by provincial heritage legislation (Derwent 2006) however, none occur in the immediate environs of the study area.

### **3 BACKGROUND INFORMATION OF THE SURVEY**

#### **3.1 Methodology**

A desktop study was conducted of the archaeological databases housed in the KwaZulu-Natal Museum. Aerial photographs of the area was scrutinised. The SAHRIS website was consulted for previous heritage surveys and heritage site data covering the project area. In addition, the available archaeological and heritage literature covering the greater Utrecht area was also consulted. A ground survey following accepted archaeological methodology was conducted on the 10<sup>th</sup> January 2021. The consultant also interviewed to local residents encountered during the survey. None had any knowledge of graves or heritage sites on the footprint.

### **3.2 Restrictions encountered during the survey**

#### **3.2.1 Visibility**

Visibility may have been compromised by dense woody and grassland vegetation (Figs 7 – 9).

#### **3.2.2 Disturbance**

No disturbance of any heritage features 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

Municipality: Amajuba District Municipality, Emadlangeni Local Municipality

Towns: Utrecht

### **4.2 Description of the general area surveyed**

Although the greater Utrecht area is rich in heritage sites no formal archaeological or other heritage sites were located on the footprint. The desktop study did not indicate the existence of any archaeological (Fig 3), historical (Fig 4) or old grave sites (Fig 5) on the footprint. These results were complemented by the ground survey of the area (Table 3). The footprint is not part of any known cultural landscape although cultural landscapes and townscapes do occur elsewhere in the area.

## 5 STATEMENT OF SIGNIFICANCE (HERITAGE VALUE)

### 5.1 Rating

Not applicable as no known heritage sites 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

**Table 3. Evaluation of heritage sites on the footprint**

Significance criteria in terms of Section 3(3) of the NHRA		
	<b>Significance</b>	<b>Rating</b>
1.	<b>Historic and political significance</b> - The importance of the cultural heritage in the community or pattern of South Africa's history.	None
2.	<b>Scientific significance</b> – Possession of uncommon, rare or endangered aspects of South Africa's cultural heritage.	None.
3.	<b>Research/scientific significance</b> – Potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage.	None
4.	<b>Scientific significance</b> – Importance in demonstrating the principal characteristics of a particular class of South Africa's cultural places/objects.	None
5.	<b>Aesthetic significance</b> – Importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.	None
6.	<b>Scientific significance</b> – Importance in demonstrating a high degree of creative or technical achievement at a particular period.	None.
7.	<b>Social significance</b> – Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.	None
8.	<b>Historic significance</b> – Strong or special association with the life and work of a person, group or organization of importance in the history of South Africa.	None
9.	The significance of the site relating to the history of slavery in South Africa.	None.

## 6 PHASE ONE PALEONTOLOGICAL DESKTOP ASSESSMENT

According to the SAHRIS paleontology sensitivity map (Fig 6) the footprint is situated in an area with a very high fossil sensitivity (indicated by the colour red). The implication is that a desktop study by a qualified palaeontologist will be required before any development may proceed. A protocol of finds will also be required.

## **7 CONCLUSION AND RECOMMENDATIONS**

The study did not locate any heritage sites or features on the footprint. The area is also not part of any known cultural landscape. The project area is clear from a general heritage perspective.

However, the proposed mining area is situated in an area with a high fossil sensitivity. A ground survey by an Amafa accredited palaeontologist will be required before any development may proceed.

It must be pointed out that the provincial Heritage Act requires that operations exposing archaeological and historical residues, including old graves, should cease immediately pending an evaluation by the heritage authorities.



8 MAPS AND FIGURES



**Figure 1. 1:50 000 Topographical map showing the location of the project area (red arrow) relative to the town of Utrecht.**



**Figure 2 Google Earth Imagery showing the location of the project area (red polygon) adjacent to Utrecht.**





**Figure 3. Google Earth Imagery showing the location of known archaeological sites (purple markers) | the greater Utrecht area.**

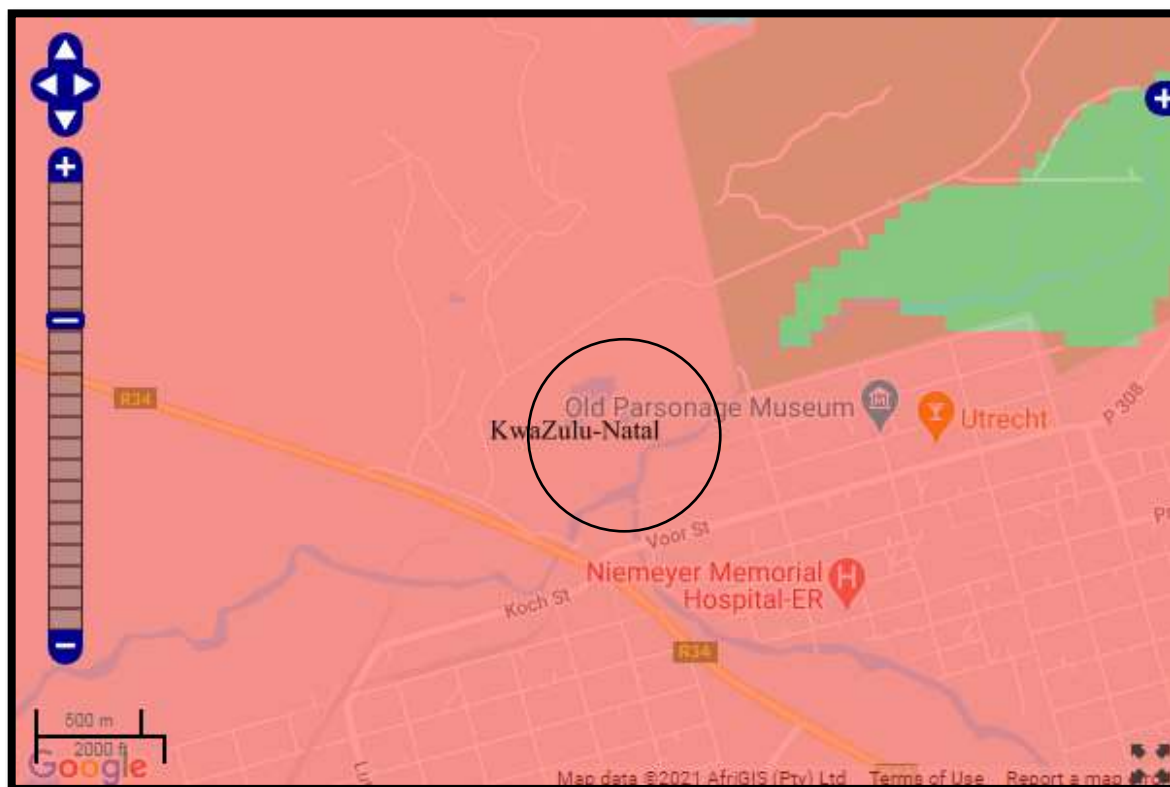


**Figure 4. Google Earth Imagery showing the location of known historical sites (red markers) in Utrecht.**



**Figure 5. Google Earth Imagery showing the location of cemeteries (red markers) within the town of Utrecht.**





Colour	Sensitivity	Required Action
RED	VERY HIGH	field assessment and protocol for finds is required
ORANGE/YELLOW	HIGH	desktop study is required and based on the outcome of the desktop study, a field assessment is likely
GREEN	MODERATE	desktop study is required
BLUE	LOW	no palaeontological studies are required however a protocol for finds is required
GREY	INSIGNIFICANT/ZERO	no palaeontological studies are required
WHITE/CLEAR	UNKNOWN	these areas will require a minimum of a desktop study. As more information comes to light, SAHRA will continue to populate the map.

**Figure 6. SAHRIS fossil sensitivity map of the project area (black polygon). The red background colour indicates that the area had a very high fossil sensitivity. A field assessment, by a qualified palaeontologist, and a protocol of finds is required.**



***Figure 7. Photograph showing the low hill earmarked for mining development adjacent to Utrecht.***



***Figure 8. The project area is characterised by grasslands and indigenous bush. There are no heritage sites.***



***Figure 9. Acacia trees on the edge of the low hill. No heritage sites were observed.***

## 9 REFERENCES

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