

Review of earlier Archaeological Heritage Study and an Archaeological Site Inspection – Current Status and Way Forward

**Hartland Development (Previously known as Hartenbos Landgoed
II) - Residential Development on a Portion of the farm Vaalevalley
219, Mossel Bay, Western Cape Province**

**Report submitted with a view to making plans to attain compliance
with the heritage / archaeological component of the Environmental
Authorisation (EA Ref: 3/6/3 – dated 18 August 2009).**

prepared for

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prepared by



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5 May 2021

1. Name, Expertise and Declaration

I, Peter Nilssen (PhD in archaeology, University of Cape Town 2000), herewith confirm that I am a Professional member - in good standing - of the Association of Southern African Professional Archaeologists (ASAPA), including the Cultural Resource Management section of the same association since 1989 (ASAPA professional member # 097). I am an accredited Principal Investigator for archaeozoology (specialist analysis), coastal, shell midden and Stone Age archaeology; Field Director for Colonial Period archaeology; and Field Supervisor for Iron Age archaeology and Rock Art. I have worked as a professional archaeologist in Cultural Resource Management since 1989 and have completed more than 200 heritage-related impact assessments and mitigation projects that were approved by provincial and national heritage authorities. My CV is available on request.

As the appointed independent specialist (archaeologist) for this project hereby declare that I:

- act as an independent specialist in this application;
- regard the information contained in this report as it relates to my specialist input/study to be true and correct;
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the NEMA, the Environmental Impact Assessment Regulations, 2014 and any specific environmental management Act;
- have and will not have no vested interest in the proposed activity proceeding;
- have disclosed, to the applicant, EAP and competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the Environmental Impact Assessment Regulations, 2014 and any specific environmental management Act;
- am fully aware of and meet the responsibilities in terms of NEMA, the Environmental Impact Assessment Regulations, 2014 (specifically in terms of regulation 13 of GN No. R. 982) and any specific environmental management Act, and that failure to comply with these requirements may constitute and result in disqualification;
- am aware that a false declaration is an offence in terms of regulation 48 of GN No. R. 982.



Signature of the specialist:

Name of company: Dr Peter Nilssen

Professional Archaeologist and Specialist Heritage Practitioner

Date: **5 May 2021**

2. Introduction

Hartland Development, previously known as Hartenbos Landgoed II, received Environmental Authorisation (EA) from the Department of Environmental Affairs and Development Planning (DEA&DP) in 2009 (EA Ref: 3/6/3 – dated 18 August 2009). After successfully appealing against the lapsed EA, construction began in 2019.

HilLand Environmental (HilLand), who are undertaking a Compliance Audit and have subsequently taken over as the Environmental Control Officer (ECO) roll from Sharples Environmental (Sharples), approached this author on 16 April 2021 to provide a quotation to undertake the required archaeological monitoring for the project, as it was apparent from the audit that the project was in non-compliance in relation to the Heritage requirements.

Among the information provided by HilLand were the relevant sections of the EA, and the heritage-related sections of the Construction Phase Environmental Management Programme (CPEMP) prepared by Sharples, which include the following:

- 5. The recommendations included in the report by MAPCARM cc dated 28 September 2005 must be implemented. Permits as mentioned in the aforementioned report must be obtained from Heritage Western Cape (HWC) before commencement of each development phase. (condition 5 of the EA 3/6/3 - 18 August 2009)
- 22. Bulk earthworks and excavations must be monitored by a professional archaeologist. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
- 22.1. If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must be immediately reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
- 22.2. If any graves or unmarked human burials are discovered, or any human remains be disturbed, exposed or uncovered during excavations and earthworks, they must be treated with respect and SAHRA must be notified immediately and must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer. (condition 22 of the EA 3/6/3 - 18 August 2009)
- Chapter 24 - Discovery and Protection of Potential Heritage Resources: An Archaeological Heritage Impact Assessment was conducted by MAPCRM cc and noted a number (of) areas and artefacts considered sensitive from a heritage and archaeological point of view. It will important to for the contractor (sic) to ensure that all recommendations included in the report compiled by MAPRCM cc dated 28 September 2005 are implemented. The necessary permits stipulated in the afore mentioned report, obtainable from Heritage Western Cape, must be applied for in advance and the relevant authorizations made available to the ECO prior to construction activities commencing.

If any heritage resources are unearthed or discovered, work in that area is to be suspended immediately. These heritage resources may include, among others, features of previous human activity, such as:

- Human remains;
- Fossil Bones;
- Stone tools / artefacts;
- Coins;
- Rock art & engravings;
- Pottery & ceramics;
- Shell middens / marine shell heaps; and
- Old structural remains.

The ECO must be notified immediately and a competent and qualified heritage specialist and/or archaeologist must be contacted to make an assessment of the feature and to give further advice and instructions. (Chapter 24 of the Construction Phase Environmental Management Programme (EIR/MSB/MS/36/SD/3/8) – March 2008)

In response to HilLand's request for a quotation to undertake the required archaeological monitoring, this author pointed out that, 1) because the original heritage study was undertaken more than 5 years ago and because it had not yet been implemented, HWC may require that the impact assessment be redone, and 2) according to the MAPCRM cc report referred to above in the EA and the CPEMP, the requirements pertaining to heritage resources relate to pre-construction mitigation measures as well as construction phase mitigation measures including archaeological monitoring (Nilssen 2005).

At this author's request, HilLand confirmed that there is no evidence that any of the recommended measures in the MAPCRM cc report in dealing with heritage resources were implemented. From the above it became clear that the Hartland Development is not currently compliant with the heritage / archaeological component of the EA for the development. With respect to the EA's conditions relating to heritage resources, HilLand requested the original record of decision for this project from HWC, but at the time of this writing they had not received documentation from HWC.

In order to assist the developer, Dalmar Beleggings (hereafter Dalmar), with their desire and need to attain compliance with the heritage / archaeological component of the EA, this author recommended conducting a review of the 2005 MAPCRM cc report and an archaeological site inspection to; 1) check the current status of the development, 2) to check if any of the previously documented heritage resources of significance were negatively impacted to date, and 3) to make recommendations, to be reviewed and responded to by HWC, on the best way forward in order to attain and maintain compliance with the heritage / archaeological component of the EA. To this end, and on behalf of Dalmar, HilLand appointed this author to conduct the review and archaeological site inspection and to make recommendations on the way forward.

HilLand and Dalmar supplied current documentation, specifications, the Site Development Plan, and the development footprint for the Hartland Development. GPS coordinates of documented heritage occurrences were taken from the original report (Nilssen 2005) so that they could be used for navigation in the field and added to the Google Earth layers for the project. Overlays of the development plan, development footprint, and documented heritage resources were created in Google Earth so that a visual inspection could be made prior to conducting the site visit (Figures 1 through 4).

Mr Duane Holiday, the site manager, was approached for access to the property after obtaining permission from Mr Andre Le Roux of Dalmar. Mr Holiday also assisted with the graphic in Figure 4 that shows the current and imminent development areas.

3. Inspection of Development Impact on Heritage Resources

3.1. Inspection of Graphic Overlay - Development Footprint, Mapped Heritage Resources & Aerial Imagery

A quick glance at Figure 3 reveals that many of the previously documented heritage occurrences fall outside the Hartland Development footprint and that a few at the south lie within an area that is already developed. Of the previously documented heritage resources, only the graves at waypoint 32 (HD32) fall within the area that is currently developed, under construction and soon to be developed (Figure 4). Although a more detailed review of the findings of the previous study (Nilssen 2005) and re-evaluation of the heritage resources are needed, it is clear that no significant heritage resources are in immediate danger of damage or destruction during the current phase of development. Nevertheless, it is strongly recommended that the aforementioned review and re-evaluation be undertaken well ahead of the next phase(s) of development.

As a result of the above, in addition to information provided by HilLand, the main thrust of the site inspection was to assess the grave site, to inspect the areas recently and currently undergoing excavation and earthworks, and to get a general sense of the current status of the property, particularly since archaeological monitoring has not yet been implemented on site.

3.2. Site Inspection

On 27 April 2021 this author met Mr Holiday at the marketing office of the Hartland Development site, which is situated between the Hartenbos and Kleinbrak Rivers north of Mossel Bay (Figures 1 through 4). Mr Holiday took me around site to point out the existing, current and imminent construction and development activities. Thereafter the site inspection was conducted independently. Figure 4 shows a close-up of the area currently under development with an overlay of the first three phases, documented heritage resources, and archaeological survey tracks. The area currently under development is shown in Plates 1 and 2.

The northern portion of the Hartland Villas was in the process of a moderate scale cut-and-fill process (Figure 4, Plate 3). A walk along an approximately 250 meter long stretch of exposed profiles and excavated areas revealed a single isolated manuport (unmodified quartzite cobble) and a single isolated piece of flaked quartzite, both *ex situ* and of indeterminate age. Such very low density occurrences or isolated specimens of Stone Age origin are common in areas known for prehistoric occupation, especially within a few kilometres of the present shoreline. Such finds are considered to be of low to no significance and generally, apart from recording and documentation, are left in place and are not worthy of formal mitigation and collection under a permit from HWC. No artefacts were seen during a cursory inspection of a recently cleared plot at the eastern extent of Phase 1 (Figure 4 and Plate 3 bottom right).

The site of the previously recorded graves is indicated in Figures 3 and 4 (occurrence 32 is presented in full below). The original waypoint (Figure 4, HD32) taken in 2005 is

approximately 20 meters NNE of the actual grave site. GPS errors of 15 to 20 meters were acceptable back in 2005 whereas GPS coordinates can be accurate to within 3 meters today.

The current status of the area containing the 5 graves is shown in Plate 4. While a detailed investigation was not done, it appears that one of the headstones has been broken since the graves were documented in 2005. Only 3 of the headstones were partially visible due to thick vegetation cover. The context and condition of the graves in 2005 compared to the current situation is evident when comparing Plates 4 and 5. The area around the graves is cleared right up to the graves allowing almost no buffer between the graves and the cleared area (Plate 5). If the graves are to be conserved in their current position, then it is recommended that they are enclosed with a more suitable fence and that a buffer of at least 2 to 3 meters is allowed between the graves and the fence. A more appropriate option may be to relocate the graves to a more suitable and quieter location on the property, but this may require research into potential living descendants or relatives and their wishes, if any (see below from the Nilssen 2005 report).

“32. S34.10054 E22.11938 (Plate 33)

Some 200 meters east of the subway under the N2, along the main gravel road into the property are five graves situated under and next to a large Rooikranz bush on the north side of the road (see Plate 5). All graves have old concrete headstones that face in a north to northeasterly direction. Three graves are capped with concrete “beds” (Plate 33 e, f & i). The only materials associated with these graves are a modern wine bottle and a broken glass container.

Only four gravestones bear inscriptions (e, f, g & j), though the one depicted in Plate 33 (a, b & c) is somewhat overgrown with grass, which may be obscuring any inscription. The following was legible on gravestones in Plate 33 (e, f, g & j) and the format used below is as text appeared on the headstones;

(e) L.H. Koen Gebore
30 st Mei 1870
Gesterwe 8 ste Feb 1956
Rus in Vrede

(f) I.E.S. Koen
Gebore 1873
Gestorwe
6 Feb 1944
Rust in Vrede

(g) Koen 1893 (additional inscriptions were not clear during inspection)

(j) Herklaas
Philipus
Smit
Gebore 3 Aug 1893
Oorlede 14 Junie 1947
Rus

More information concerning occurrence 32 may be obtained via archival/historic/anthropogenic research that should be conducted during the mitigation phase. Through this research concerted efforts must be made to locate relatives of the above-named individuals and if they so require, a reburial of the above-named individuals will

be at the expense of the developer. If no relatives can be located, then the best option may be to leave the graves undisturbed" (Nilssen 2005, pg., 11 & 12).

It was noted that the labourers cottages recorded at occurrence 33 (HD33 in Figure 4 and Plate 6) were demolished and it appears that most of the rubble was removed from site. The cottages were previously visible from the N2 highway. The below is copied verbatim from the Nilssen 2005 report.

"33. S34.10216 E22.11810 (Plate 34)

These are fairly recent labourers cottages built of modern materials including large concrete bricks and the roof is of "big six" style roof plates in fiber cement. The houses are similar to "longhouses" that are common on the west coast of the southwestern Cape with fireplaces at the northern ends of the structures. A lot of modern litter is strewn around in the vicinity of the houses including many plastic containers and other 20th and 21st century materials" (Nilssen 2005, pg., 12).

It was concluded that the labourers cottages were of low significance and that no mitigation was required (Nilssen 2015, Table 1, pg.15).

4. Conclusions & Recommendations

Although the Hartland Development is not currently compliant with the heritage / archaeological component of the Environmental Authorisation for the development, it is Dalmar's intention to rectify this situation as soon as possible.

Fortunately, a review of the previous study undertaken in 2005 and results of the archaeological site inspection undertaken for this report have revealed that, apart from development activity in very close proximity to the previously recorded grave site, no significant heritage resources were damaged, disturbed or destroyed to date. Furthermore, for the current phase of development (Figure 4), no significant heritage resources are threatened by construction activities.

Because of their vulnerable context and in order to protect them in the short to medium term, it is strongly recommended that the graves at waypoint HD32 (Figure 4) should be fenced as soon as possible and that a buffer of at least 2 to 3 meters between the graves and the fence should be observed. A decision about the future of the graves should also be made as soon as possible. It is requested that Heritage Western Cape provides input as to the best way forward in terms of relocating the graves to a more suitable site on the property, or conserving the graves *in situ* with suitable measures for maintenance and protection. It is this author's opinion, pending results of research into living descendants or relatives of the deceased, that the former option of relocation may be preferable. This issue may require further discussion between all interested and affected parties and with consideration of Section 36 of the National Heritage Resources Act (Act No.25 of 1999).

Due to the scarcity of heritage resources - noted in both the Nilssen 2005 report and during the recent site inspection - in the area currently under development (Figure 4), it is recommended that full time archaeological monitoring is not necessary but that part time monitoring involving daily site inspections by a suitably accredited professional archaeologist should be implemented when bulk excavations and earthworks are in progress. Dalmar or a representative should inform the appointed archaeologist of their excavation and earthworks

schedules to ensure that fresh earthworks are inspected for potential buried heritage resources.

Because the original archaeological heritage impact assessment was done 16 (sixteen) years ago, it is recommended that recorded heritage resources falling within the development footprint shown in Figure 3 should be revisited and re-evaluated and that a fresh assessment be made of their significance and requirements for mitigation. It is recommended that only heritage occurrences considered being of medium to high significance or that were proposed for mitigation need to be investigated and re-evaluated. Due to higher incidences of Stone Age materials in certain portions of the development footprint (see Figure 3), it may be necessary to implement full time archaeological monitoring in those areas.

Any heritage resources of high significance, but that currently fall outside the development footprint must be avoided by increased vehicular and pedestrian activity on the property. It may be necessary to revisit such sites and make appropriate arrangements for their protection and conservation.

As stated previously, the recommendations made here need to be reviewed and responded to by Heritage Western Cape in light of the current situation as well as the earlier assessment by this author in 2005. HWC is requested to give advice on the best way forward in order to attain and maintain compliance with the heritage / archaeological component of the EA.

5. Reference

Nilssen, P. 2005. Archaeological Heritage Impact Assessment - Proposed Rezoning and Subdivision of a Portion of Vaalevalley 219, Mossel Bay, Western Cape Province. MAPCRM cc, Great Brak River.

6. Figures & Plates (following pages)



Figure 1. White arrow shows the location and extent of the Hartland Development relative to Mossel Bay and Klein Brak River in the Garden Route of the Western Cape Province. Courtesy of Dalmar Beleggings and Google Earth 2021 .



Figure 2. Area enlarged from Figure 1 with the Site Development Plan for the Hartland Development overlain on a Google Earth image with the Klein Brak River visible immediately to the NE. The N2 highway runs along the NW boundary of the development site. Courtesy of Dalmar Beleggings and Google Earth 2021.

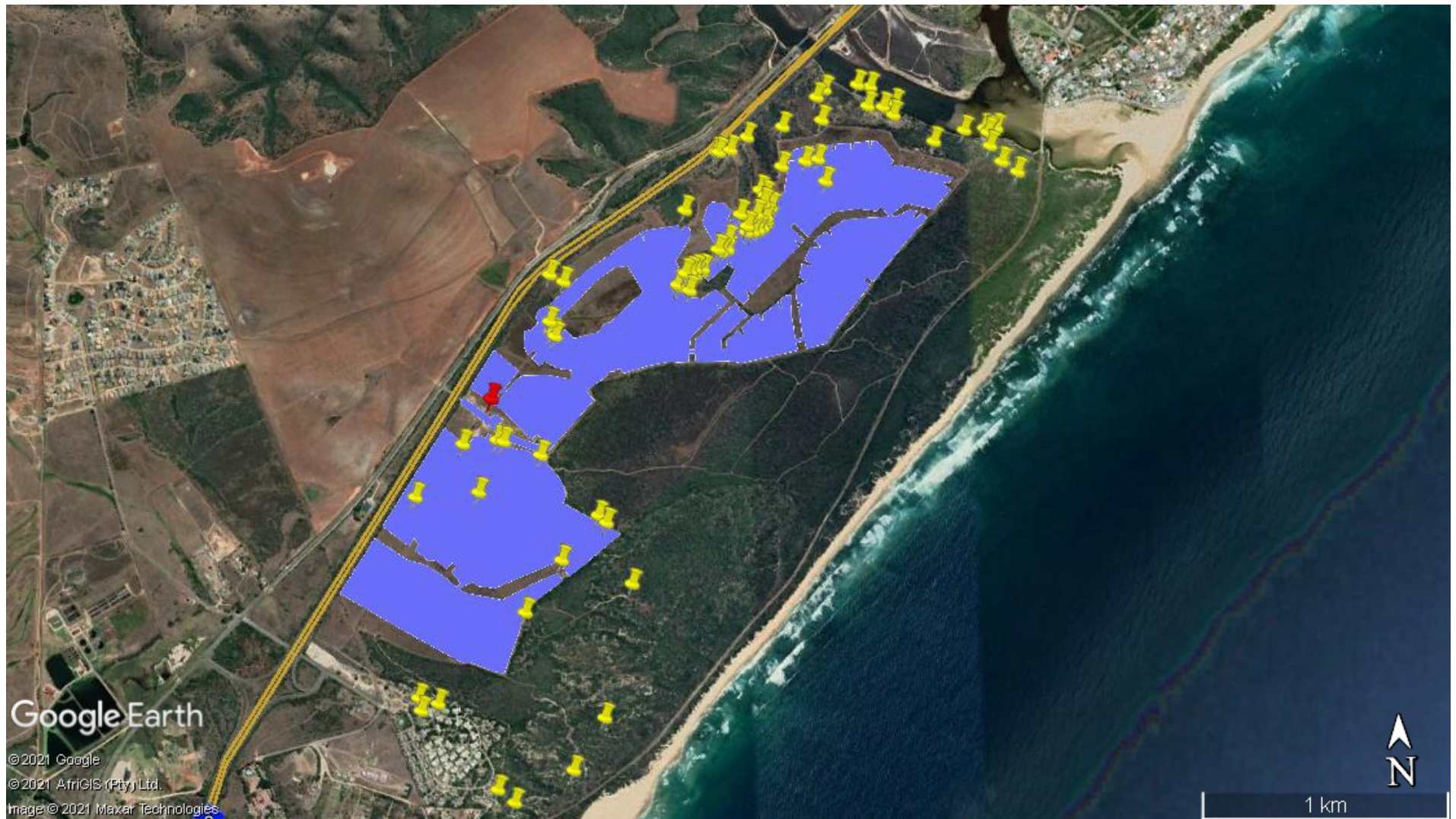


Figure 3. Area enlarged from Figure 1 showing the Hartland Development footprint in blue with heritage occurrences recorded in 2005 indicated by yellow markers (Nilssen 2005). The red marker is the location of the graves at waypoint HD32 (see Figure 4). Note that many of the documented heritage resources fall outside the Hartland Development footprint, but that a few in the south-west are in an area that is already developed. Courtesy of HilLand Environmental, Dalmar Beleggings and Google Earth 2021.



Figure 4. Enlarged from Figure 3 showing the current and imminent development phases in green (Hartland Villas, Phase 1 and Phase 3), GPS fixed tracks (red lines) of the archaeological foot survey and documented heritage resources (yellow markers, Nilssen 2005). Note that HD32 is approximately 20 meters NE of the actual location of the graves enclosed with a white circle (Plates 4 & 5). The labourers cottages were at waypoint HW33 (Plate 6). Courtesy of HilLand Environmental, Dalmar Beleggings and Google Earth 2021.



Figure 5. Same enlarged area as Figure 3, but excluding the development overlay. Existing development activities are clearly visible. Also shown are GPS fixed tracks (red lines) of the archaeological foot survey and documented heritage resources (yellow markers, Nilssen 2005).



Plate 1. This view is roughly in a south-westerly direction, taken from Phase 3 and looking over the existing and future development area of Phase 1.



Plate 2. This view is roughly in a north-easterly direction, taken from the west of the main entrance road with the gate house to the left (N2 highway visible immediately above gate house), Hartland Villas in the distant middle-left (under earthworks and excavation), and Phase 1 in the right of the image.



Plate 3. Excavations and earthworks in the north-eastern portion of the Hartland Villas phase, except for the bottom right image which shows a cleared plot at the north-eastern extent of Phase 1.



Plate 4. Context and surroundings of the grave site (bushy area indicated with white ellipse in top left image) at waypoint HD32, showing the cleared area around the graves, the gate house, and the main access road. Note that one of the headstones (Plate 5 g) is barely visible through dense vegetation (bottom right). See the context and surroundings of the grave site in 2005 in Plate 5 below.



Plate 5. "Graves in and adjacent to large Rooikranz bush at occurrence 32 (a). The gravestone to the west is not inscribed (a, b & c) while the remaining four bear inscriptions (e, f, g & j). Scale intervals are in cm" (Plate 33, Nilssen 2005, pg 46).



Plate 6. "Modern labourer's cottages at occurrence 33 viewed from the east to northeast (top and bottom left), and from the north to northwest (bottom right)" (Plate 34, Nilssen 2005, pg 47). Waypoint 33 is marked as HD33 in Figures 4 & 5.