

6 August 2015

ATT: TO WHOM IT MAY CONCERN

SAHRIS CASE ID 6899 – SAMY’S WHOLESALERS EXTENSION DEVELOPMENT, ERF 44500, KIMBERLEY, NORTHERN CAPE

HERITAGE COMPLIANCE & HERITAGE TIMELINE

On 16 October 2014 construction activities at Erf 44500, Kimberley, Northern Cape, commenced under a Provisional Authorization issued by the Sol Plaatje Municipality – Department of Strategy, Economy, Development and Planning, dated 9 October 2014 (Ref No 642/14). The Provisional Authorization was based on approval of building plans submitted to the department (SK2892/1), and valid for a 30 day period. [The Provisional Authorization has been renewed throughout the tenure of the heritage process.]

On said date (16 October 2014) development was stopped by the Northern Cape Provincial Heritage Resources Agency (NC PHRA), Ngwao-Boswa ya/jwa Kappa Bokone (NBKB) under a Cease Work Order. The Cease Work Order stated that: *‘The site in question is said to be 100% cemetery, 1870’s burial ground in Kimberley North, mostly built upon more than a Century [ago]] that was recommended for heritage site declaration in 2004.’* The Cease Work Order stipulated that a Notification of Intent to Develop (NID) be submitted and that a Heritage Impact Assessment (HIA) study be commissioned in terms of the National Heritage Resources Act, No 25 of 1999 (NHRA 1999). The Cease Work Order further stipulated that the NBKB shall: *‘... within 14 days of receipt of a notification in terms of Section 38, Subsection 1, notify the developer or applicant of the decision of the provincial Heritage Resources Authority Permit Committee as well as comments by the South African Heritage Resources Agency.’*

The NBKB Cease Work Order requirements were complied with and on 3 & 5 November 2014 the requested NID and the HIA study was submitted to the NBKB. The HIA study was compiled by Stephan Gaigher of G&A Heritage, an Association of Southern African Professional Archaeologists (ASAPA) accredited Cultural Resources Management (CRM) specialist consultancy. The study is referenced as:

- Gaigher, S. (G&A Heritage). 2014. *Heritage Impact Assessment Report for the Proposed Expansion of the Samy’s Wholesalers warehouse, Kimberley – Northern Cape Province.*

On 20 November 2014, 14 working days after submission of the NBKB required documents as per the Cease Work Order stipulation, ArchaeoMaps, an ASAPA accredited CRM specialist consultancy, was appointed to follow up on the NBKB and South African Heritage Resources Agency’s (SAHRA) comments on submitted documentation. A number of e-mail requests were forwarded to the NBKB and SAHRA by ArchaeoMaps. Two (2) formal letters were also forwarded, dated 11 & 18 December 2014 respectively. The letters, the 1st an entreaty or plea and the 2nd a notification, centred on a request for development to proceed, but for development activities to be ceased with immediate effect in the event of any archaeological or cultural heritage resources, including graves or human remains, being encountered during the course of development, and for SAHRA to be notified in the event, with the required process as per the NHRA 1999, and the NHRA Regulations 2000, to then be followed. No response was received by the NBKB or SAHRA. A notice was sent by ArchaeoMaps to SAHRA that in lack of correspondence development will commence on 5 January 2015.

On 5 January 2015 development commenced and was again stopped on 6 January 2015, under a Cease Work Order issued by SAHRA. On 5 January 2015 SAHRA issued a comment on the HIA report submitted by G&A Heritage, stating that the report did not meet SAHRA HIA requirements and SAHRA requested a 2nd HIA report to be commissioned that

would 'focus on the impact of the warehouse on the historical cemetery'. SAHRA requirements included that public consultation should form part of the HIA. ArchaeoMaps was appointed to compile the 2nd requested HIA report. At the recommendation of ArchaeoMaps a Ground Penetrating Radar (GPR) study was also commissioned, to either verify or indicate the absence of subsurface disturbance patterns across the property indicative of a cemetery or burial ground. Relevant studies submitted to SAHRA on their online application system (SAHRIS) are referenced as:

- Van Ryneveld, K. (ArchaeoMaps). 2015. *Archaeological and Cultural Heritage Impact Assessment – Sammy's Wholesalers Extension, Erf 44500, Kimberley, Sol Plaatje Municipality, Northern Cape*; and
 - Barnardt, B. (Terra Scan). 2015. *Ground Penetrating Radar Survey of Erf 44500, Corner Quinn and Lawrence Streets, Kimberley, Undertaken on behalf of the P&V Pillay family Trust, 23-24 January 2015.*
- 1) **The HIA report:** Based on archival evidence the HIA study compiled by ArchaeoMaps supported the Gaigher (2014) commented on locale of the inferred 1870's 'Black' migrant worker cemetery as *en large* being the Diamandveld Primary School property, with the school constructed in 1938/39. Archival maps dated to 1889 contained in the report indicate the development area in question (then situated just north of the railway line, with construction of the railway line between Kimberley and Cape Town known to have started in 1872 and completed in 1885) as a residential area. ArchaeoMaps posed the hypothesis that the 1889 map may well indicate formalization of an early Black residential area, with graves encountered during the course of development (2004 – Sammy's Wholesalers parking lot and 2011 – Neotel optic fibre cable development) in the general vicinity of Erf 44500, north of the railway line, being representative of traditional Black burial practice, being burial within a homestead yard. The ArchaeoMaps HIA concluded that it is highly unlikely that the 1879 reported on 'Black' migrant worker cemetery is situated at the study site.

[A residential renewal programme affected the area in the 1940's, with houses in the area dating to the 1940's. In the 1980's Quinn Street was constructed, largely following the old railway alignment. The rough 1970's / 1980's also saw the construction of the church on the old 1889 indicated 'Grewer Square'.]

The public consultation meeting was advertised on-site (at 4 places and in 3 languages; English, Afrikaans and Tswana) and in the Diamond Fields Advertiser (DFA) on 19 January 2015, with the meeting convened in the Sammy's Wholesalers receiving area on 26 January 2015. No attendees claimed to have had a direct ancestral or cultural interest in the inferred cemetery site. The meeting was however described as largely unsuccessful: The literal 'hijacking' of the meeting for Ward purposes dominated; attendees with a heritage / heritage process interest were *en large* denied the opportunity to comment or for heritage process related information to be communicated. With reference to the NHRA 1999 and the NHRA Regulations 2000 heritage process regarding the exhumation and reinternment of skeletal remains discovered during the course of development community (resident) opinion centred on a 'we don't know them, we don't care' attitude with regards to inferred individuals that may be buried at the site. It was reported on that the meeting was concluded with community interest then directed at the possibility of acquiring land for development purposes.

The HIA report warned against the use of heritage for ulterior purposes and the distribution of false or uncertain information, i.e. the making of 'any statement or representation knowing it to be false, or not knowing or believing it to be true' as per Section 51(5) of the NHRA 1999.

2) **The GPR report:** The GPR report indicated that no sub-surface disturbance was indicative of a cemetery or grave site, and that no individually scattered graves were identified. The study identified primarily structural and infrastructural disturbance, largely recorded in municipal records pertaining to the 1940's residential development concentrated in the western portion of the Erf 44500 study site.

The 2nd HIA was submitted on SAHRIS on 11 February 2015 commented on by SAHRA on 11 March 2015. The SAHRA Comment indicated that at least 3 graves were known to be situated on Erf 44500, left in situ on the property during the 2012 mitigation of the Neotel development, as reported on in a report then recently submitted to SAHRA and SAHRA requested that test excavations be done under a permit by the SAHRA Burial Ground and Graves (BGG) Unit. The referred to report was requested by ArchaeoMaps for reference purposes. The report is referenced as:

- Morris, D. & Klemp, M. (McGregor Museum). 2015. *Skeletons Found and Salvaged along Lawrence Road and at the Quinn Street Intersection, Kimberley. Preliminary Report: McGregor Museum Archaeology Department. Updated January 2014.*

[The report indicated that 8 skeletons were removed during the 2012 Neotel mitigation project, but that further skeletons were left in-situ by the project team, indicating 3 in the vicinity of the corner of Quinn and Lawrence Streets and 1 further north along Lawrence Street. Authors of the report claimed these to be representative of the inferred 1879 newspaper reported on 'Black' migrant worker cemetery site, as initially proposed by Morris in 2004 to now comprise part of the greater area, including the study site in question].

Anton Pelsler, of A. Pelsler Archaeological Consulting (APAC), an ASAPA accredited CRM specialist consultancy, with Principle Investigator (PI) accreditation status in Grave Relocation was commissioned to meet SAHRA requirements. The SAHRA BGG Unit issued a permit (SAHRA permit nr 2016) to Anton Pelsler, APAC, on 10 April 2015. The SAHRA permit included test excavation as well as mitigation of graves. Test excavation under SAHRA permit nr 2016 were conducted 4-6 May 2015, with a preliminary report submitted to the SAHRA BGG Unit and on SAHRIS on 7 May 2015. The report is referenced as:

- Pelsler, A.J. (APAC). 2015. *Interim Report – Samy's Wholesalers Extension (Samy's Wholesalers Extension Test Excavation). Test Excavation within the Western Portion of Erf 44500 (SAHRA BGG Unit Permit ID#2016 Case ID#6899).*

[The report indicated a general low distribution of late 1800's / early 1900's and rough 1940's artefacts scattered across the site. Identified artefacts included glass, ceramic, metal, bone, brick, and building rubble, amongst others. A single bone of probable human origin was identified in the western portion of the site near the 2012 Neotel mitigation alignment. The bone was described as, if of human origin, most probably related to the 2012 exhumation project, since no associated bones were found in context. The bone was further described as 'broken' but with the break not being a green or fresh break, and fairly clean, implying that it have been cleaned on a previous occasion, and thus notably cleaner than other, confirmed non-human bones reported on in the report.]

The Pelsler (2015) report recommendations included that based on test pit excavation, including test trenching within the western portion of the Erf 44500 study site and 6 test pits across the remainder of the site, all dug down to the geological basal member at approximately 1.2-1.6m below the present day surface and with development foundations excavated, to an approximate 40-50cm below the present day surface, that with cognizance to the absence of any identified graves or grave indicators, development proceed without the development being further delayed.

On 12 May 2015 the SAHRA BGG Unit issued an interim comment on the Pelsler 2015 report, accepting the contents and recommendations thereof but stating that a SAHRA final comment will be issued upon submission of the final test pit excavation report by Pelsler, under SAHRA permit no 2016.

The SAHRA BGG Unit requested final report was submitted to the SAHRA BGG Unit and on SAHRIS on 24 & 25 May 2015 respectively. The report is referenced as:

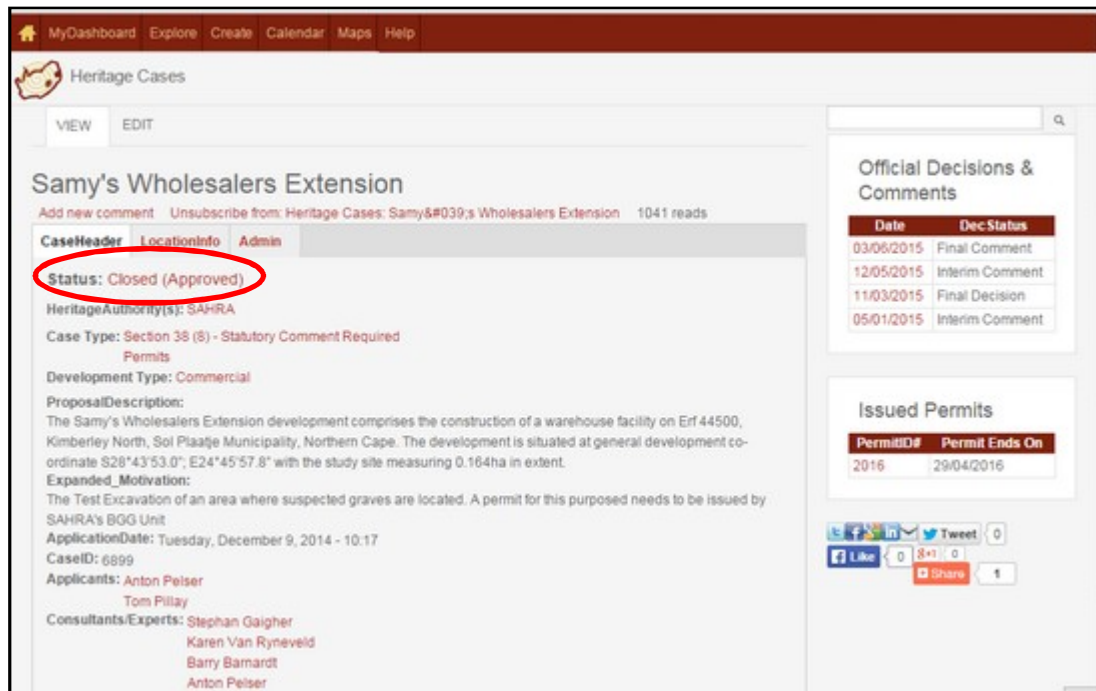
- Pelsler, A.J. & Van Ryneveld, K. (APAC). 2015. *Final Report on the Samy's Wholesalers Extension Test Excavations within the Western Portion of Erf 44500.*

[The report reiterates the findings of the heritage compliance process for the SAHRIS CaseID 6899 development on Erf 44500 including:

- ❖ Phase 2 test excavation under SAHRA permit nr 2016, during which no evidence for the site in question being a cemetery or grave site were found. Skeletal remains reported on to have been left in situ by Morris & Klemp (2015) could not be located on the Erf 44500 property.
- ❖ HIA archival evidence indicating that it is highly unlikely that the site in question formed part of the 1879 newspaper reported on 'Black' migrant worker cemetery, as inferred by Morris (2004) and Morris & Klemp (2015). HIA archival evidence indicates that the referred to cemetery is most probably underlying the Diamandveld Primary School locality, recorded in a Chief Surveyor General (CSG) record, 1889, simply as Lot 88-104. Skeletal remains discovered during the course of development in the vicinity of the Erf 44500 study site were described as most probably telling of the area having been an early Black residential area, and with burials relating to the Later Iron Age (LIA) cultural custom of burial within a homestead yard.
- ❖ GPR subsurface evidence indicating that no subsurface soil disturbance patterns reminiscent of the study site as a cemetery or grave site were found, also that no individual graves situated on the study site were identified.

Report recommendations included that development proceed as applied for based on archaeological evidence and compliance to requirements of the NHRA 1999, confirming that the site in question is not the inferred 1870's 'Black' migrant worker cemetery site and that no archaeological or cultural heritage resources, as defined and protected by the NHRA 1999, are situated on, or will be affected by development.]

The SAHRA BGG Unit comment on the final report was issued on 3 June 2015. The comment accepted and supported recommendations of the final heritage report, including that development proceed without further delay and the SAHRIS case was officially closed and development approved. Heritage requirements include archaeological monitoring during the course of development (foundation trenching). The required work will be conducted by ArchaeoMaps and a monitoring report submitted to the developer and on SAHRIS.



The screenshot shows the SAHRIS website interface for a case titled "Samy's Wholesalers Extension". The status is highlighted as "Closed (Approved)". The page includes a navigation menu, a search bar, and several sections: "Official Decisions & Comments" with a table of dates and statuses, "Issued Permits" with a table of permit IDs and end dates, and social media sharing options.

Date	Dec Status
03/06/2015	Final Comment
12/05/2015	Interim Comment
11/03/2015	Final Decision
05/01/2015	Interim Comment

PermitID#	Permit Ends On
2016	29/04/2016

[To access the case and related documentation: Log on to: www.sahra.org.za/sahris/sahris – Go to: 'Explore' – Go to: 'Cases' – In the search box type in the development reference as 'Samy's Wholesalers Extension'. Relevant heritage documentation, including specialist heritage reports and SAHRA commentary thereon can be directly downloaded from the case page.]

Yours faithfully,



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