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CaseID: 14576

Date: Monday March 23, 2020  
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## **Interim Comment**

### **In terms of Section 38(3), 38(8) of the National Heritage Resources Act (Act 25 of 1999)**

Attention: Dr David Morris  
McGregor Museum  
Atlas Street  
Kimberley, 8300

#### **Housing proposal on Erfs 5117, 5118 & 6574 in the town of Kathu.**

The McGregor Museum has submitted an Archaeological Impact Assessment (AIA) for a proposed rezoning development located on Erfs 5117, 5118, & 6574, Kathu, Northern Cape Province as per section 38(1) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

In 2015, Walker Archaeological Services was requested to assist with the process of rezoning a property adjacent to the above noted properties, and a report was produced for that purpose (not submitted to the current case).

The current report details the findings on Erfs 5117, 5118, & 6574 conducted as a section 38(1) application for the proposed housing development.

*Morris, D and Chazan, M. 2019. Archaeological Impact Assessment Phase 1 for Erfs 5117, 5118 & 6574, Kathu, Northern Cape.*

The proposed housing development will impact the Grade 1 Kathu Townlands site. The report notes a series of five (5) test trenches that were excavated through the edge of the Kathu Townlands site from which several artefacts were uncovered and collected. These artefacts included a biface, handaxes, flakes and chunks. It is noted that the collected artefacts are stored in the McGregor Museum.

Recommendations provided in the report include the following:

- Either the extent of the identified as shown in figure 16 is avoided by the proposed development, or;
- If the archaeological site cannot be avoided, sampling of the archaeological site will be required.

In an Interim Comment issued on the 13/12/2019, SAHRA requested clarity on the following points:

Our Ref:



an agency of the  
Department of Arts and Culture

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- Under which permit was the test trenching conducted?
- The APM unit would like clarity regarding the application i.e. if a letter is available from the Department of Environment and Nature Conservation (DENC) stating that the proposed development is not required to undergo a Environmental Authorisation (EA) process in terms of the National Environmental Management Act, Act 107 of 1998 (NEMA).
- Additionally, the report written in 2015 by Walker must be submitted to the case; and
- A Palaeontological Desktop Study must be conducted as the project development footprint is located in an area of moderate palaeontological sensitivity.

The applicant sent an email on the 21 February 2020 noting that they had struggled to get in contact with the Heritage Specialist to provide a response to SAHRA's request for clarity within the Interim Comment, and requested a way forward if they would be unable to provide the required information.

### Interim Comment

After an internal SAHRA discussion, the response to the email is the following:

- SAHRA has identified the permit under which the trenches appear to have been conducted under. Permit 2090 (<https://sahris.sahra.org.za/node/325632>) was issued to Steven Walker in 2015. Condition 2 of the permit has reference: "2. *This permit does not automatically approve of any housing development. It is understood that this study examines the extent of archaeological material in the archaeologically sensitive area of Kathu.*"
- The permit was issued with the understanding that a permit report would be submitted to SAHRA showing the results of the testing and would be incorporated into further impact assessment reports;
- SAHRA requires clarity regarding the development application. Please inform SAHRA if the application for the housing development was subjected to an Environmental Authorisation or NEMA application. If an EA process was followed, we require all of the NEMA documents, and if a decision was made i.e. if the EA was granted, SAHRA requires these documents for further informed comments to be issued;
- SAHRA has read the contents of the email from Steven Walker. SAHRA must highlight that Mr. Walker appears to have misunderstood the requirements of SAHRA in this regard. As highlighted by condition 2 of the issued permit above, SAHRA did not provide approval to the proposed development in 2015, and there is no record of any development application on SAHRIS, other than the permit application. SAHRA would not have waived the requirement for an impact assessment, as an impact assessment would provide relevant information in order to recommend appropriate mitigation measures;
- If the development application was not subjected to a NEMA/EA process, then SAHRA will request a

**Proposed housing development on Erfs 5117, 5118, & 6574, Kathu, Northern Cape.**

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stand-alone Archaeological Impact Assessment to be conducted taking into account the proposed development and its activities, as well as a desktop PIA as per the Interim Comment issued on Case ID 14576;

- If it is not possible to procure the 2015 report compiled by Mr. Walker in 2015, a letter noting the outstanding report and the attempts to contact Mr. Walker must be submitted to the SAHRIS application.

SAHRA awaits your response.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

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Natasha Higgitt  
Heritage Officer  
South African Heritage Resources Agency

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Phillip Hine  
Manager: Archaeology, Palaeontology and Meteorites Unit  
South African Heritage Resources Agency

**ADMIN:**

Direct URL to case: <http://www.sahra.org.za/node/531072>

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