



Letter

In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Mr Jaco Minnie
Leon Frank and Partners
Block B The Beachhead Office Park
10 Niblick Way
Somerset West
7130

Proposed Kathu Urban Development, Northern Cape

Dear Mr Minnie,

It has come to SAHRA's attention that the terms of the Cease Works Order issued on the Rooisands/Heritage Square development in Kathu were not met. The terms of the Order required the immediate cessation of activity on that site. At the time that the Cease Works Order was issued, the construction camp was the only activity on that site, and the Order was issued as a direct result of the construction camp being erected on a portion of the site that overlay part of the Kathu Townlands archaeological site.

Issuing of the Cease Works Order on 13 March 2013, furthermore, followed on from an email sent to Donovan Comerma on 15 February, after Kathryn Smuts had attended a meeting in Kathu and made a site visit to see the construction camp. The email stated the following:

"Please confirm that any development related activities have been halted as an archaeologist will need to assess the site and submit a report on the findings to SAHRA. If work has not stopped, SAHRA will issue a cease works order in terms of S. 35(5)a of the National Heritage Resources Act 25 of 1999." (hereinafter referred to as "the NHRA")

Mr Comerma followed this email with a request to set up a meeting, which was held on 20 March, at which he was informed that all work at the camp was to be halted and that it should be dismantled, under the supervision of an archaeologist.

It is disappointing now to discover that the construction camp is still in use. This is in contravention of the Cease Works Order and therefore the parties concerned are guilty of an offence in terms of section 51 (d) of the NHRA.

Furthermore, as stated in the SAHRA letter sent to Mr H. Viljoen, written in response to Mr J. Visagie's email of 21 May, and copied to Mr Minnie, Mr Markgraaff and Mr Comerma, any other work on site remains illegal as work on other parts of site was to proceed only if Mr Beaumont's work could proceed "unhindered" which it could not, and any further activities on the sensitive portion of site may only proceed upon receipt of a destruction permit, which can only be issued once the mitigation work is concluded. Mr Minnie's acceptance of the terms of this letter is clear from his email of 3 June (this correspondence is on SAHRIS and can be





provided if required.)

SAHRA therefore requests that you respond in writing by 4pm on Monday 15 June 2013 indicating why the developers and their contractors did not comply with the Cease Works Order. We furthermore request that all work on the site is immediately halted until the archaeologist you are contracting has completed their excavations on site and that they are allowed access to all parts of site without impediment. We will be in contact with the Gamagara Local Municipality and SAPS to confirm that work has ceased on site by Monday.

Please note that in terms of Section 51 (14) of the NHRA, where a court convicts a person of an offence in terms of the NHRA it may order the forfeiture of vehicles, equipment or any other things used or otherwise involved in the committing of the offence to SAHRA.

SAHRA will await your written response before determining whether to proceed with laying formal charges.

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

Yours faithfully



Kathryn Smuts
Heritage Officer: Archaeology
South African Heritage Resources Agency



Colette Scheermeyer
SAHRA Head Archaeologist
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/110399>

