

**Our Ref:**



an agency of the  
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
[www.sahra.org.za](http://www.sahra.org.za)

Enquiries: Natasha Higgitt  
Tel: 021 462 4502  
Email: [nhiggitt@sahra.org.za](mailto:nhiggitt@sahra.org.za)  
CaseID: 16378

Date: Wednesday November 03, 2021  
Page No: 1

## **Final Comment**

**In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)**

Attention: Newnite (Pty) Ltd

**Newnite (Pty) Ltd is applying to prospect for Copper, Iron, Lead, Zinc, Manganese, Nickel and Chrome on Portion 1, 2 & the Remaining extent of farm Driebooms Leegte no. 345; Portion 1, 2, 3 and the remaining extent of farm Groot Zwart Bast no.189 and Portions 3, 5 & 8 of Jagt Kolk no. 244 near Kenhardt Town, within the Kai !Garib Municipality.**

Basia Environmental Consultant has been appointed by Newnite (Pty) Ltd to conduct an Environmental Authorisation (EA) Application for proposed prospecting activities on Portion 1, 2 & the Remaining extent of farm Driebooms Leegte no. 345; Portion 1, 2, 3 and the remaining extent of farm Groot Zwart Bast no.189 and Portions 3, 5 & 8 of Jagt Kolk no. 244 near Kenhardt Town, within the Kai !Garib Municipality, Northern Cape Province (DMR Ref: NC 30/5/1/1/2/ 12737 PR).

A draft Basic Assessment Report (DBAR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The proposed prospecting right application area will cover 7 094.4861 ha and will include 15 boreholes to an approximate depth of 200 m, with equipment storage, security offices, ablution facilities and sample storage. The location of the boreholes is known and presented in Figure 10 of the BAR.

The DBAR notes that graves are located within the proposed prospecting rights application area and that the location of these graves has been noted. No assessment of the impact to heritage resources that complies with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) as required by section 38(8) of the NHRA has been submitted to SAHRA for review and comment.

In an Interim Comment issued on the 14/05/2021, SAHRA requested that a field-based assessment of the impact to heritage resources be conducted as part of the EA application process. The assessment must comply with section 38(3) of the NHRA and be inclusive of an archaeological and palaeontological assessment. Since the issuing of the Interim Comment, the requested reports have been submitted for review (05/10/2021).

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*Bamford, M. 2021. Palaeontological Impact Assessment for the proposed Prospecting Rights application on Farms Driebooms Leegte 245, Groot Zwart Bast 189 and Jagt Kolk 244, Kenhardt, Northern Cape Province.*

The proposed development area is underlain by the Dwyka Group and is overlain by the aeolian sands of the Gordonia Formation. The fossil bearing mudstone facies are not present in the development area and aeolian sands do not preserve fossils. A Fossil Chance Finds Protocol is recommended to be implemented.

*Matenga, E. 2021. Phase 1 Heritage Impact Assessment & Palaeontological Desktop Assessment for a Mine Prospecting Right Application on Portion 1, 2 & the Remaining Extent of the Farm Drieboom Leegte No 345; Portion 1, 2, 3 and the Remaining Extent of Farm Groot Zwart Bast No 189 and Portions 3, 5 & 8 of the Farm Jagt Kolk No 244 near Kenhardt Town, within the Kai !Garib Municipality, Northern Cape.*

A total of 58 heritage resources were identified within the proposed development area. These include three burial grounds of high heritage significance, surface scatters of Stone Age lithics of low to medium significance, farming infrastructure of medium significance and farmsteads of medium significance.

Recommendations provided in the report include the following:

- A 100 m no-go buffer must be adhered to around the three identified burial grounds;
- The farmsteads of medium significance will not be impacted by the proposed development;
- A Chance Finds Procedure is recommended and provided in the report.

## **Final Comment**

The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit and Burial Grounds and Graves (BGG) Unit has no objections to the proposed development;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. Further additional specific conditions are provided for the development as follows:
- If the burial sites cannot be retained in situ, a social consultation process in terms of Chapter XI of the NHRA Regulations, must be conducted to identify the descendants of the buried individuals. Upon



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agreement with the families of the deceased, grave relocation permit application must be logged on SAHRIS in terms of section 36 of the NHRA;

- 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)d – See section 51(1) of the NHRA;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
  - i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;
  - The Final BAR and EMPr must be submitted to SAHRA for record purposes;
  - The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

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

**Newnite (Pty) application for prospecting right on various portions of farm  
Driebooms Leegte, Groot Zwart Bast & Jagt Kolk**

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South African Heritage Resources Agency

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

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**ADMIN:**

Direct URL to case: <https://sahris.sahra.org.za/node/571872>  
(DMR - NC, Ref: NC 30/05/1/2/12737 PR)

**Terms & Conditions:**

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.