

Our Ref:



an agency of the  
Department of Arts and Culture

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CaseID: 20370

Date: Monday April 17, 2023  
Page No: 1

## Final Comment

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

Attention: Kimswa Mining (Pty) Ltd

**The proposed Prospecting Right combined with a Waste Licence application to prospect for Diamonds Alluvial (DA), Diamonds General (D), Diamonds in Kimberlite (DK) & Diamonds (DIA) near Douglas on the Remaining Extent of the farm De Hoek 2, the Remaining Extent of the farm Marktdrift 3, Portion 1 of the farm Roode Kop 5, Registration Division: Hopetown, Northern Cape province.**

Milnex Environmental Consultants CC have been appointed by Kimswa Mining (Pty) Ltd to undertake an Environmental Authorisation Application for proposed prospecting activities on the Remaining Extent of the farm De Hoek 2, the Remaining Extent of the farm Marktdrift 3, Portion 1 of the farm Roode Kop 5, near Douglas, Northern Cape Province (NC30/5/1/1/2/13176PR).

A Draft Environmental Impact Assessment (DEIA) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). It must be noted that SAHRA was not consulted as part of the Scoping Phase of the EA application. The proposed prospecting activities will include 250 pits (4 x 4 x 5 m each) and 80 trenches (40 x 50 x 5 m each) within an application area of 4 209.3984 ha.

No assessment of the impact to heritage resources has been conducted as per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) that complies with section 38(3) of the NHRA.

In a Final Comment issued on the 27/01/2023, it was stated that SAHRA could not endorse the proposed development as the assessment of the impact to heritage resources had not been conducted as required by section 24(4)b(iii) of NEMA and section 38(3) and 38(8) of the NHRA. SAHRA advised the Department of Mineral Resources and Energy (DMRE) to reject the application for Prospecting Activities on the Remaining Extent of the farm De Hoek 2, the Remaining Extent of the farm Marktdrift 3, Portion 1 of the farm Roode Kop 5, near Douglas, Northern Cape Province (NC30/5/1/1/2/13176PR).

Since the issuing of the Final Comment, a Palaeontological Desktop Assessment and Heritage Impact Assessment have been submitted for review (14/03/2023).

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*Butler, E. 2023. Palaeontological Desktop Assessment Kimsa Diamond Prospecting Right Application near Douglas in the Northern Cape Province*

The proposed development area is underlain by Quaternary sands, Tertiary to Quaternary calcretes with a small portion of the Allanridge Formation. It is considered that the proposed prospecting will not lead to detrimental impacts to Palaeontological heritage. A Chance Finds Protocol is recommended to be followed.

*Coetzee, F. 2023. Cultural Heritage Impact Assessment: Phase 1 Investigation for the Prospecting Right and Waste License Application to prospect for Diamonds Alluvial (DA), Diamonds General (D), Diamonds in Kimberlite (DK) and Diamonds (DIA) near Douglas on the Remaining Extent of the farm De Hoek 2, the Remaining Extent of the farm Marktsdrift 3 and Portion 1 of the farm Roode Kop 5, Thembelihle Local Municipality, Pixley ka Seme District Municipality, Northern Cape Province*

Several isolated surface scatters of Stone Age lithics of negligible significance were identified. One defined heritage resource was identified within the proposed development area. This entails a historical bridge of low heritage significance. No other heritage resources were identified within the proposed development area.

Recommendations provided in the report include the following:

- A bufferzone of 50 m should be maintained from the start of the identified historical bridge;
- A Chance Finds Procedure is recommended to be implemented.

## Final Comment

The following comments are made as a requirement in terms of section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final EIA and EMP:

- 38(4)a – The SAHRA has no objections to the proposed development;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;
- 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 (Natasha Higgitt 012 202 8660) must be alerted as per section 35(3) of the

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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/ Ngqabutho Madida 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 regarding offences;
- 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 EIA and EMPr must be submitted to the SAHRIS application for record purposes;
  - This comment must be submitted directly to the competent authority for their consideration during the decision-making process. Proof of the submission and receipt thereof must be provided to SAHRA;
  - The decision regarding the EA application and PR application must be submitted to the SAHRIS application for record purposes.

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  
Manager: Development Applications Unit  
South African Heritage Resources Agency

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**ADMIN:**

Direct URL to case: <https://sahris.sahra.org.za/node/611276>  
(DMR - NC, Ref: NC30/5/1/1/2/13176PR)

**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.