

Our Ref:



an agency of the
Department of Arts and Culture

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CaseID: 15789

Date: Tuesday December 15, 2020
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Final Comment

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

Attention: SiVEST SA (Pty) Ltd

Kudusberg Wind Farm (Pty) Ltd (hereafter referred to as “Kudusberg Wind Farm”) was issued with an Environmental Authorisation (EA) for the proposed construction of the 325MW Kudusberg Wind Energy Facility (WEF) and associated infrastructure, between Matjiesfontein and Sutherland in the Western and Northern Cape Provinces. The EA was granted on 25 March 2019 (DEFF Reference No.: 14/12/16/3/3/1/1976, and subsequently amended on 04 April 2019 to correct a minor naming error (14/12/16/3/3/1/1976/AM1). Kudusberg Wind Farm is now proposing to submit a Part 2 EA Amendment Application to split the authorised Kudusberg WEF (14/12/16/3/3/1/1976/AM1) into two (2) separate smaller WEF projects, namely the Kudusberg WEF and Oya WEF, which result in a number of technical and administrative changes. The split is being proposed to allow the projects to be suitable for numerous opportunities such as either the Renewable Energy Independent Power Producer Procurement Programme (REIPPPP), Risk Mitigation Independent Power Producer Procurement Programme (RMIPPPP), other government run procurement programmes that may arise or for sale to private entities, if enabled and/or required in the drive for energy security in South Africa. Following the split, the northern section of the authorised WEF will become the Oya WEF, while the southern section of the authorised WEF will remain known as the Kudusberg WEF (authorised under 14/12/16/3/3/1/1976/AM1). In this report, the final layout for the Oya WEF has been subject to a detailed specialist walk-through and on site micro-siting as per condition 29 of the Kudusberg EA. Furthermore, the approved EMPr authorised as part of the Kudusberg EA is being amended to each WEF and to incorporate the final layout for the Oya WEF, management plans and the walk-throughs. **Linked to Kudusberg WEF Case Application: 13208**

Sivest SA (Pty) Ltd has been appointed by Kudusberg Wind Farm (Pty) Ltd to conduct an Environmental Authorisation (EA) Amendment Application for the proposed amendments to the authorised Kudusberg Wind Energy Facility, between Matjiesfontein, Western Cape and Sutherland, Northern Cape (14/12/16/3/3/1/1976).

A draft Amendment Report has been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA) and the 2017 NEMA Environmental Impact Assessment (EIA) Regulations. The proposed amendments include splitting the authorised WEF into two smaller developments i.e. the Kudusberg WEF and the Oya WEF, and a change in layout to the development to be contained within the proposed Oya WEF and



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amendments to the authorised Environmental Management Programmes (EMPRs) for both proposed new development.

A previous SAHRIS Case has reference i.e. Case ID 13208 (<https://sahris.sahra.org.za/cases/basic-assessment-kudusberg-wind-farm-near-sutherland>). SAHRA noted no objections to the proposed development and provided conditions for the project (<https://sahris.sahra.org.za/node/519490>).

Banzai Environmental (Pty) Ltd and Katie Smuts from Rennie Scurr Andendorff has been appointed to provide heritage specialist input as part of the EA Amendment process as required by section 24(4)b(iii) of NEMA and section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). CTS Heritage was appointed to conduct walkdowns of the layout of the development as per the comments issued on SAHRIS Case ID 13208.

Lavin, J. 2020. Archaeological and Palaeontological Walkdown Report for the final layout for the proposed 86MW Oya Wind Energy Facility and associated infrastructure, between Matjiesfontein and Sutherland in the Western and Northern Cape Provinces.

*Only results pertaining to the Northern Cape section of the proposed amendments will be discussed below.

Several heritage resources were identified as part of the walkdown. These include a historical graveyard, stone kraals, stone structures, Stone Age lithics and historical midden. These resources will not be impacted by the development.

The report concluded that the recommendations provided in the 2018 HIA and the conditions provided in the Final Comment are valid and still apply to the development;

Butler, E. 2020. Part 2 Environmental Authorisation (EA) Amendment Process for the Kudusberg Wind Energy Facility (WEF) near Sutherland, Western and Northern Cape Provinces- Palaeontological Impact Assessment.

*Only results pertaining to the Northern Cape section of the proposed amendments will be discussed below.

The Northern Cape section of the new layout of the proposed Oya WEF is underlain by the Abrahamskraal formation as previously assessed in the 2018 Palaeontological Impact Assessment, and therefore the impact



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assessment remains the same. The walkdown conducted for the final layout did not identify any palaeontological resources.

Smuts, K. 2020. Kudusberg WEF Environmental Authorisation Amendment: Specialist Impact Statement.

*Only results pertaining to the Northern Cape section of the proposed amendments will be discussed below.

The report concluded that the proposed layouts of roads, turbines and associated infrastructure will only deviate slightly from the previous layout, and therefore the impact assessment remains the same. The walkdown did not identify any heritage resources within the newly proposed layout.

Lavin, J. 2020. Heritage Conservation Management Plan for the 86MW Oya Wind Energy Facility and associated infrastructure, between Matjiesfontein and Sutherland in the Western and Northern Cape Provinces.

Conservation and management requirements are provided in section 3.3. of the HMP, a detailed description of monitoring and site maintenance requirements is provided in section 4.2. of the HMP and final management recommendations are provided in section 5 of the HMP.

Final Comment

It must be noted that the following comments and conditions pertain only to the Northern Cape section of the proposed development. Heritage Western Cape must be contacted for comments on the Western Cape section of the proposed development.

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 Amendment Report and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed amendments to the authorised 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:
- The Final Comment issued on SAHRIS Case ID 13208 is valid for both the proposed Oya and new Kudusberg WEF and the conditions therein must be applied to both developments, with the exception

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of the need to conduct walkdowns and the drafting of a Heritage Management Plan (HMP) for the Oya WEF;

- The submitted HMP for the proposed Oya WEF is supported and approved;
- A HMP must be drafted for the Kudusberg WEF and submitted to SAHRA for review and comment;
- 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 Amendment report and EMPr must be submitted to SAHRA for record purposes;
- The decision regarding the EA Amendment 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
South African Heritage Resources Agency

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

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/545775>
(, Ref: 14/12/16/3/3/1/1976) (, Ref: 14/12/16/3/3/1/1976/AM1)

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.