

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
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Enquiries: Natasha Higgitt
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CaseID: 16108

Date: Wednesday April 14, 2021
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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: Warren Morse
Mulilo Total Hydra Storage (Pty) Ltd

Environmental Authorisation (EA) for the relevant PV Solar Energy facility with associated infrastructure had already been issued. It is proposed to amend the project descriptions by adding a 9.9MW Auxiliary Generator to the approved PV plant. The generator area will each affect 50m x 50m (0.25ha). The plant would be located adjacent to the central substation and within the authorised footprint area of the PV site.

Landscape Dynamics Environmental Consultants has been appointed by Mulilo Total Hydra Storage (Pty) Ltd to conduct an Environmental Authorisation (EA) Amendment Application process for the authorised Mulilo De Aar PV Plant near De Aar, Northern Cape Province (DEFF Ref Nr: 12/12/20/2499).

A Draft Motivation Report has been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA) and the NEMA Environmental Impact Assessment (EIA) Regulations. The proposed amendment will include installation of an Auxiliary Generator Set within the footprint of the authorised PV plant with a footprint of 2 500 m².

ACO Associates CC were appointed to provide heritage specialist input as part of the EA Amendment application report 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).

Gribble, J. 2020. Badenhorst Dam Solar PV 2 and PV 3 Facilities Environmental Authorisation Amendment: Specialist Impact Statement.

It is noted that the submitted heritage statement pertains to the construction of battery energy storage systems, and not the current amendment application activities i.e. SAHRIS Case ID 15493 (<https://sahris.sahra.org.za/cases/bess-ea-amendment-application-badenh-pv3>).

In an Interim Comment issued on the 24/03/2021, SAHRA requested that an application specific letter regarding the impact to heritage resources be provided as part of the EA Amendment Application. This letter can be similar to the letter submitted on the case, but it must be application specific. Additionally, as the

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proposed development footprint is located within an area of high palaeontological sensitivity as per the SAHRIS PalaeoSensitivity Map, a desktop Palaeontological Impact Assessment was requested to be compiled by a qualified palaeontologist and the report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments.

Since the issuing of the Interim Comment, a Palaeontological Letter of Recommendation for Exemption and a Heritage Letter of Recommendation of Exemption have been submitted to the SAHRIS application.

Almond, J. E. 2021. Palaeontological Heritage Resources Comment on Two Amendment Applications.

*Only the results pertaining to the Mulilo De Aar PV Plant will be discussed below.

The specialist confirms that the inclusion of the GENSET facility within the authorised PV solar farm site will not change the nature or significance of any impacts assessed in the original PIA studies and that there are no additional management outcomes or mitigation measures that would be applicable to the proposed GENSET facilities.

Orton, J. 2021. Part 2 Environmental Amendment Application: Proposed Generator Sets and New EA Holder for the Mulilo De Aar PV Facility.

The specialist has confirmed that there will be no new, increased or unexpected impacts to heritage resources as a result of the construction of the GenSet. No changes to impact assessment ratings are needed and no further heritage work is required.

The submitted email sent on the 31 March 2021 is noted and the applicant is advised of the following:

When a NEMA/EA application is being undertaken, the provisions of section 38(1) of the NHRA are not applicable. As per section 24(4)b(iii) of NEMA requires that an assessment of the impact to heritage resources must be undertaken as part of an EA process, section 38(8) of the NHRA applies. This section requires that an assessment of the impact to heritage resources be undertaken that complies with section 38(3) of the NHRA and that the comments of the heritage authority be considered during the decision-making process. The applicant is advised to recall this advice for future applications.

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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 Motivation Report and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed amendment to the authorised 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 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 Motivation Report must be submitted to the SAHRIS application 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: <https://sahris.sahra.org.za/node/558141>
(DEA, Ref: 12/12/20/2499)

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.