

Our Ref:



an agency of the
Department of Arts and Culture

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Enquiries: Natasha Higgitt
Tel: 021 202 8660
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CaseID: 21432

Date: Friday June 23, 2023
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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: Lesedi Power Company (Pty) Ltd.

The Part 2 EA Amendment application has been lodged with the Department of Forestry, Fisheries and the Environment (DFFE) (the Competent Authority) in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment (EIA) Regulations, 2014 (Regulations in terms of sections 24(5) and 44 of the NEMA, 1998), as amended on 7 April 2017 and 11 June 2021. For this EA Amendment application, a Part 2 EA Amendment process will be conducted as there has been a change in scope of the EA for the Lesedi Power Company. The Applicant, Lesedi Power Company (Pty) Ltd., has appointed EARTHnSKY Environmental (Pty) Ltd. as the independent Environmental Assessment Practitioner (EAP) to facilitate the application process. The existing Lesedi Solar Power Facility is located 4 km southeast of the Groenwater settlement and 30 km east of Postmasburg in the Northern Cape. Construction of the Lesedi Solar Power Facility commenced in November 2012, within the EA validity period (August 2011 to August 2014) and is currently operational. Full operations of the Lesedi Solar Power Facility commenced on 21 May 2014 and the facility is expected to have an operational lifespan of around 25 years. The Applicant, is applying for various amendments to its existing EA (12/12/20/1903/1, dated 23 February 2012) issued for the 75 MW Humansrus Photovoltaic (PV) 1 Solar Power Facility (referred to as Lesedi Power Project).

EarthnSky Environmental has been appointed by Oakleaf Investment Holdings 79 (RF)(Pty) Ltd (Trading as Lesedi Power Company) to conduct an Environmental Authorisation (EA) Amendment Application for the 75MW Humansrus PV 1 Solar Power Facility, near Metsimatala, Northern Cape Province (DFFE Ref: 2022-09-0038).

The EA for the development was issued on the 29/08/2011 (12/12/20/1903/1). SAHRIS Case ID 1566 (<https://sahris.sahra.org.za/cases/groenwater-solar>) has reference. SAHRA issued a Final Comment on the 21/04/2011, noting no objections to the development and provided conditions (<https://sahris.sahra.org.za/node/110321>).

A draft Amendment Report has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 NEMA Environmental Impact Assessment (EIA) Regulations. The proposed



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amendments will include to amend the size and location of the substation, to include the above ground 22kv powerlines between the northern solar field and substation, to accommodate the temporary storage of up to 300 waste solar PV panels, to align the authorised development footprint with the farm boundary, to accommodate the overburden stockpile, to include three autonomous weather stations. It is noted that the development and the amendments has been constructed and is operational.

Dr Gideon Groenewald and APelser Archaeological Consulting were appointed to provide heritage specialist input into the EA Amendment process as required by section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

Groenewald, G. 2023. Desktop Palaeontological Assessment: Independent Review of existing PIA and Addendum Document/Letter with Palaeontology Impact Assessment: The Environmental Authorisation Amendment Application for the 75 Mw Humansrus Photovoltaic (PV) 1 Solar Power Facility (Referred to as Lesedi Power Company), Northern Cape

The report notes that the results of the original PIA are valid and relevant for the proposed amendments.

Recommendations provided in the report include the following:

- The on-site manager must be informed that significant areas are underlain by rocks with a very high sensitivity for palaeontological heritage. The areas not underlain by dolomite will have a moderate sensitivity for palaeontological heritage and no fossils are expected to be found after conclusion of the development;
- The project will require a formal "Chance Find Protocol" (attached to this report) that will have to be upgraded during the implementation phase of the project;
- NOTE: It is the professional opinion of Dr Gideon Groenewald, accredited palaeontologist, that NO FURTHER mitigation is needed for Palaeontological Heritage at this site and that the operational activities of this project, as presently defined, will have no negative impact on Palaeontological Heritage, as long the recommendations of the Chance Find Protocol (attached) is adhered to;
- Recommendations for palaeontological monitoring and mitigation will have to be incorporated into the EMPr for approval by the SAHRA.

Pelser, A. 2023. RE: Desktop Independent Review and Addendum Document with Heritage Impact Assessment for the Environmental Authorisation Amendment Application for the 75 MW Humansrus

Part 2 Environmental Authorisation (EA) Amendment for the 75 MW Humansrus Photovoltaic (PV) 1 Solar Power Facility (referred to as Lesedi Power Company)

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Photovoltaic (PV) 1 Solar Power Facility (Referred to as Lesedi Power Company), Northern Cape

The previously identified heritage sites have not been impacted by the construction of the development.

Recommendations provided in the report include the following:

- To avoid any possible negative future impacts on the known and recorded sites, however, it is furthermore recommended that the proposed mitigation measures related to the sites (more specifically the Humansrus Homestead, family graveyard and related sites) by strictly adhered to;
- No maintenance activities may take place within 30m of these areas;
- Consideration of the development of a Cultural Heritage Management Plan (CHMP) and / or Grave Site Management (as required by the Competent Authority) for archaeological, cultural heritage resources of significance and must be completed (if required for operational/ maintenance activities).
- Finally, based on all the evidence obtained during the desktop study and the information provided, it is therefore recommended that Exemption from undertaking any further Phase I Heritage Impact Assessments as part of this Part 2 EA Amendment Application for the proposed 75 MW Humansrus Photovoltaic (PV1) Solar Power Facility be granted to the Applicant.

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 Amendment Report and EMPr:

- 38(4)a – The SAHRA Development Applications Unit (DAU) has no objections to the proposed development;
- 38(4)b – The recommendations of the specialists and in the EMPr are supported and must be adhered to. Further additional specific conditions are provided for the development as follows:
- The recommended CHMP must be developed and submitted to SAHRA within one year of the granting of the amendment;
- 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 021 202 8660/ nhiggitt@sahra.org.za) must be alerted as per

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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 DAU (Natasha Higgitt 021 202 8660), 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 of the NHRA regarding offences;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
- With reference to the mitigation work noted above, a qualified archaeologist must be appointed to undertake the work in terms of the permit applied for as noted above;
- 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

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/618049>
(DFFE, Ref: 2022-09-0038)

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.