

**Our Ref:**



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto:info@sahra.org.za)  
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: Sityhilelo Ngcatsha  
Tel: 0212028663  
Email: [sngcatsha@sahra.org.za](mailto:sngcatsha@sahra.org.za)  
CaseID: 19409

Date: Thursday March 30, 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: Savannah Environmental (Pty) Ltd

PO Box 148  
Sunninghill  
2157

**The development of a renewable energy facility, overhead powerline and associated infrastructure proposed by FREEGOLD HARMONY (PTY) LTD. The project entails the development of an 18MW solar PV over 36 ha of land and will be known as Harmony Joel Solar PV Facility, the facility will include a grid connection solution and other associated infrastructure. The Solar PV facility is based approximately 2.3km north of the Harmony Joel mining operations, located ~20km NorthEast of the town of Theunissen within the Masilonyana Local Municipality, and within the Lejweleputswa District Municipality, Free State Province.**

Freegold Harmony (Pty) Ltd appointed Savannah Environmental (Pty) Ltd undertake the Environmental Authorisation (EA) Application for the proposed development of Harmony Joel Solar PV Facility on Portion 0 of the Farm Leeuwbult 580 near Theunissen in the Masilonyana Local Municipality, Free State Province.

The Scoping Report was submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 NEMA Environmental Impact Assessment (EIA) Regulations. The development footprint is about 220ha and the generating capacity of the PV facility will go up to 18MW. The associated infrastructure for the development includes a grid connection.

CTS Heritage and Prof Marion Bamford were appointed to provide heritage specialist input into the EA process 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.

*Lavin, J. 2022. Heritage Screener: Proposed development of the Joel PV Facility near Welkom*

It is unlikely that significant heritage resources will be impacted by the development, however burial grounds may be present within the development area. The development area is underlain by the Adelaide Subgroup of the Beaufort Group and Quaternary Sands. There is a very small chance that fossils from the Adelaide

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Subgroup below the ground surface may be disturbed and it is recommended that a Fossil Chance Find Protocol be implemented during development. It is recommended that a Heritage Impact Assessment which assesses likely impacts to archaeological and palaeontological heritage be undertaken.

*Lavin, J. 2022. Heritage Impact Assessment: Proposed development of the 18MWac Harmony Joel Solar PV Facility, Theunissen, Free State Province*

Out of context stone artefact scatters (JL1, JL3, JL4) that are of low heritage significance were identified during the site survey. Site JL2 is a concentration of MSA-LSA artefacts that are of grade IIIC significance and site JL5 is a concentrations of artefacts with a grade IIIB significance.

#### Recommendations

- A 30m buffer is recommended to be maintained around site JL2.
- The 50m buffer is recommended to be maintained around site JL5.

*Bamford, M. 2022. Desktop Study: Palaeontological Impact Assessment for the proposed development of the Harmony Joel PV Facility, southwest of Virginia, Free State Province*

The preferred development site lies on the potentially fossiliferous Adelaide Subgroup (Beaufort Group, Karoo Supergroup) and the moderately sensitive Quaternary sands and alluvium. The area has been disturbed by farming and mining activities and no vertebrate fossils have been reported. No potential traps for Quaternary fossils are visible from the satellite imagery. A Fossil Chance Find Protocol has been attached and it should be added to the EMPr.

SAHRA issued an interim comment dated 07/09/2022 which requested that the Draft EIA document along with its appendices be submitted to the case on SAHRIS. The Draft EIA document was subsequently submitted to the development application on SAHRIS on the 24/03/2023.

#### 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 EIA and EMPr:

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- 38(4)a – The SAHRA Development Applications Unit (DAU) 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:
- Should it not be possible to avoid impacts to heritage sites, permits to mitigate the sites must be applied for from SAHRA in terms of section 35 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 (Sityhilelo Ngcatsha/Natasha Higgitt 021 202 8660) 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:
- 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 EIA 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

**Proposed development of the 18MW Harmony Joel Solar PV Facility,  
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Sityhilelo Ngcatsha  
Archaeology, Palaeontology, Meteorite Assistant  
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/604269>

**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.