



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/1/1471/AM3

Enquiries: Mr Miyelani Myambo

Telephone: (012) 399 9376 E-mail: MMyambo@environment.gov.za

Mr Carlo Amedeo Buonajuti
Eland Photovoltaic (Pty) Ltd
PO Box 786012
SANDTON
2146

Telephone Number: 072 265 0687
Email Address: ab@entropie.co.za

PER EMAIL / MAIL

Dear Mr Buonajuti

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 23 MARCH 2016 FOR THE 10MW HARMONY ELAND SOLAR ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE WITHIN THE REMAINING EXTENT OF THE FARM RIETPAN 17, THE REMAINING EXTENT OF THE FARM TOCHGEKREGEN 99 AND FARM WESSELIA 101, WITHIN THE MATJHABENG LOCAL MUNICIPALITY, FREE STATE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 23 March 2016, the amendments to the EA dated 30 May 2016 and 10 March 2021, your application for amendment of the EA received by the Department on 25 June 2021 and the acknowledgement letter dated 29 June 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 23 March 2016 as amended, as follows:

Amendment 1: Changing the wording included in Condition 14 of the original EA dated 23 March 2016 (page 07):

From:

The preferred layout plan titled "Harmony Eland PV Solar Facility Preferred Site Layout" submitted as part of the BAR is hereby approved.

Is hereby amended to:

The layout plan titled "Eland Solar PV Layout Map" submitted as part of the updated EMPr dated June 2021 is hereby approved.

MS.

Reason for the amendment:

The EMPr dated December 2015 has since been updated following detailed investigations of the footprint area by ecological and heritage specialists. The Applicant therefore requests that Condition 14 of the EA be amended such that it refers to the layout plan contained within the latest version of the EMPr, to ensure consistency and accuracy in reference to the correct EMPr (and associated layout) within the EA

Amendment 2: Changing the wording included in Condition 15 of the original EA dated 23 March 2016 (page 07):

From:

The Environmental Management Programme (EMPr) submitted as part of the application for EA is hereby approved. This EMPr must be implemented and adhered to.

Is hereby amended to:

The Environmental Management Programme (EMPr) dated June 2021 is hereby approved. This EMPr must be implemented and adhered to.

Reason for the amendment:

The Environmental Management Programme (EMPr) dated December 2015, submitted as part of the final Basic Assessment Report (BAR) was approved by the DFFE as per Condition 15 of the EA dated 23 March 2016. However, the EMPr requires that once a development layout has been designed, detailed investigations of the footprint area be conducted prior to finalisation of the layout and EMPr, and commencement of the activity. Ecological and Heritage walkthroughs of the development footprint were undertaken in 2021 and 2020, respectively, to inform the final layout and EMPr amendment. The current wording included in Condition 15 of the original EA dated 23 March 2016 (DFFE Reference: 14/12/16/3/3/1/1471) reflects approval of the draft EMPr dated December 2015, submitted as part of the application for EA. Since the draft EMPr dated December 2015 has been updated to include the conditions of the original EA, as well as the mitigation measures and recommendations proposed in the ecological and heritage walk-through reports of the final development footprint.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10 year period, your EA will be deemed to have lapsed and a new application for Environmental Authorisation will have to be lodged.

This proposed amendment letter must be read in conjunction with the EA dated 23 March 2016 as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

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In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

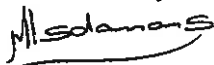
By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X447,
Pretoria,
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 14/07/2021.

cc:	Mr John Machete	Harmony Gold Mining Company Limited	E-mail: John.Machete@harmony.co.za
	Mr N Koen	Department of Economic, Small Business Development, Tourism and Environmental Affairs	E-mail: nkoen@destea.gov.za
	Mr Thabiso Tsoaeli	Matjhabeng Local Municipality	E-mail: mm@matjhabeng.co.za
	Mr Gideon Raath	Savannah Environmental (Pty) Ltd	E-mail: gideon@savannahsa.com



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Enquiries: Devinagie Bendeman Tel: 012 399 9337

Email: Vbendeman@environment.gov.za

Ms. Solomons
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 12 JULY 2021 UNTIL 23 JULY 2021.

This serves to confirm your appointment as Acting Chief Director: integrated environmental authorisations, from 12 July 2021 until 23 July 2021, whilst Mr Sabelo Malaza is on Annual I Leave.

You will act in this capacity with the full responsibilities and duties attached to the post, including the activities entrusted to the Acting Chief Director: integrated environmental authorisations by or in terms of the Acts administered by the Department.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1998), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Devinagie Bendeman

Acting Deputy Director-General: RCSM (Regulatory Compliance and Sector Monitoring)

Date: 9/07/2021



ACKNOWLEDGEMENT

I ~~ACCEPT~~ / DO NOT ACCEPT
appointment as Acting Chief
Director: integrated environmental
authorizations

Signed:

Date: 12/07/2021