



## 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:** 14/12/16/3/3/2/2230

**Enquiries:** Ms Olivia Letlalo

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Mr. Dick Berlijn  
Nyala Solar Power Plant (RF) (Pty) Ltd  
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### PER E-MAIL / MAIL

Dear Mr Berlijn

**ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED FOR THE PROPOSED NYALA SOLAR POWER PLANT ON THE REMAINING EXTENT OF THE FARM KALKOENKRANS 225, REMAINING EXTENT OF PORTION 2 OF THE FARM KALKOENKRANS NO. 225, PORTION 14 OF THE FARM KALKOENKRANS NO. 225, PORTION 3 OF THE FARM KALKOENKRANS NO. 225, PORTION 6 OF DOORNRIVIER 330 PORTION 21 OF DOORNRIVIER 33 AND PORTION 3 OF HAKKIES 695 NEAR VIRGINIA/WELKOM WITHIN THE MATJHABENG LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

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 fourteen (14) days of the date of the decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 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, 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.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 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.

*M.S.*

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@dffe.gov.za](mailto:appeals@dffe.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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za)

Yours faithfully

  
**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries, and the Environment**  
**Date: 19/07/2023**

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	Mr. M.F. Lepheana	Matjhabeng Local Municipality	Tel: 057 391 3100/3911	Email: <a href="mailto:tshidi.lenong@matjhabeng.co.za">tshidi.lenong@matjhabeng.co.za</a>
	Head of Communications: Mr. K. Moeke	Lejweleputswa District Municipality	Cell: 081 088 5134 Tel: 057 353 3094	Email: <a href="mailto:khaya@lejwe.co.za">khaya@lejwe.co.za</a>



## forestry, fisheries & the environment

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

# Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

Proposed Nyala Solar Power plant on the Remaining Extent of the Farm Kalkoenkrans 225, Remaining Extent of Portion 2 of the Farm Kalkoenkrans No. 225, Portion 14 of the Farm Kalkoenkrans No. 225, Portion 3 of the Farm Kalkoenkrans No. 225 Portion 6 of Doornrivier 330, Portion 21 of Doornrivier 33, and Portion 3 of Hakkies 695 near Virginia/Welkom within the Matjhabeng Local Municipality in the Free State Province

### Lejweleputswa District Municipality

<b>Application Register Number:</b>	14/12/16/3/3/2/2230
<b>Last amended:</b>	First issue
<b>Holder of authorisation</b>	Nyala Solar Power Plant (RF) (Pty) Ltd
<b>Location of activity:</b>	Remaining Extent of the Farm Kalkoenkrans No. 225, Remaining Extent of Portion 2 of the Farm Kalkoenkrans No. 225, Portion 14 of the Farm Kalkoenkrans No. 225, Portion 3 of the Farm Kalkoenkrans No. 225, Portion 6 of Doornrivier 330, Portion 21 of Doornrivier 330 and Portion 3 of Hakkies 695, Matjhabeng Local Municipality in the Free State Province

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities Authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

### **Nyala Solar Power Plant (RF) (Pty) Ltd**

with the following contact details –

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><b><u>Listing Notice 1, Activity 11(i)</u></b></p> <p><i>The development of facilities or infrastructure for the transmission and distribution of electricity—</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts or more</i></p> <p><i>excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is —</i></p> <p><i>(a) temporarily required to allow for maintenance of existing infrastructure,</i></p> <p><i>(b) 2 kilometres or shorter in length,</i></p> <p><i>(c) within an existing transmission line servitude; and</i></p> <p><i>(d) will be removed within 18 months of the commencement of development.</i></p>	<p>The proposed photovoltaic solar facility will transmit and distribute electricity of 132 kilovolts outside an urban area. The infrastructure for the distribution of electricity will include a power line (132kV), an on-site HV/MV substation and switching station (132kV). It is expected that generation from the facility will tie in with existing Eskom Theseus MTS 400/132/22kV substation. One grid connection corridor has been assessed, which is a 100m wide and 6km long corridor (up to 480m wide in the area surrounding the existing Eskom substation). The southern section of the grid connection corridor is to enable the construction of a new 132kV power line from the Oryx Solar Power Plant towards the Nyala Solar Power Plant. And a new 132kV power line to be constructed in the northern section of the proposed grid connection corridor towards the existing Theseus MTS 400/132/22kV substation.</p>
<p><b><u>Listing Notice 1, Activity 12(ii)(c)</u></b></p> <p><i>"The development of—</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more,</i></p> <p><i>where such development occurs—</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</i></p>	<p>Activity 12(ii)(c) is triggered based on the presence of wetlands (including seepage wetland, unchanneled valley bottom and a depression wetland) located within the grid connection corridor and in close proximity of the proposed the Nyala Solar Power Plant. The recommended buffer for the development of the power line is 15m, therefore the placement of</p>

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	<p>the pylons will be within 32m of the wetlands. The development footprint for the solar facility avoids the wetlands in close proximity with a 30m buffer. The construction laydown area of 2000 square meters, as well as some PV panels (facility footprint is a total of 2920000 square meters) will be located within 32m of the wetlands, since the wetlands were avoided with a 30m buffer for the solar facility.</p>
<p><b><u>Listing Notice 1, Activity 14</u></b></p> <p><i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</i></p>	<p>Activity 14 is triggered since the proposed development will need to develop infrastructure for the storage and handling of dangerous goods (diesel) in containers with combined capacity of 80 cubic metres. The capacity will not exceed 500 cubic metres.</p>
<p><b><u>Listing Notice 1, Activity 24(ii):</u></b></p> <p><i>The development of road with –</i></p> <p><i>(ii) a road reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 m.</i></p>	<p>The internal roads will vary between 6 and 12 meters in width. The internal roads will be 6m in width and the perimeter and access road will be up to 12m in width. The total length of internal roads will approximately be 16km.</p>
<p><b><u>Listing Notice 1, Activity 28(ii):</u></b></p> <p><i>Residential, mixed, retail, commercial, industrial, or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</i></p>	<p>Portions of the affected property have been used for grazing and the property will be re-zoned to "special" use for the proposed development. The development footprint of the solar power plant will be 292 hectares.</p>
<p><b><u>Listing Notice 1, Activity 56:</u></b></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre,</i></p>	<p>The existing access to the affected property does not have a reserve and will need to be widened by more than 6 metres.</p>

<p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres excluding where widening or lengthening occur inside urban areas</i></p>	
<p><b><u>Listing Notice 2, Activity 1:</u></b></p> <p><i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 MW or more, excluding where such development of facilities or infrastructure is for photovoltaic installations &amp; occurs.</i></p> <p><i>(a) within an urban area; or</i></p> <p><i>(b) On existing infrastructure.</i></p>	<p>The proposed photovoltaic solar facility will generate up to 150 megawatts electricity through the use of a renewable resource.</p>
<p><b><u>Listing Notice 2, Activity 15:</u></b></p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for,</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>In terms of vegetation type the site falls within the Vaal-Vet Sandy Grassland and the Highveld Alluvial Vegetation which is described by Mucina and Rutherford (2006) as Endangered and least threatened. Portions of the site has not been lawfully disturbed during the preceding ten years; therefore, more than 20 hectares of indigenous vegetation will be removed. The development footprint of the solar power plant will be 292ha in extent.</p>
<p><b><u>Listing Notice 3, Activity 4(b)(i)(ee)</u></b></p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres within</i></p> <p><i>(b) the Free State,</i></p> <p><i>(i) outside urban areas,</i></p> <p><i>(ee) within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>The internal road will be 6 meters in width and perimeter and access roads will be 12 meters in width. A section of the access road and internal roads are located within a CBA1 area as identified by the Free State Terrestrial CBA Dataset (DESTEA, 2015) obtained from SANBI. According to the information available, no bioregional plans are available for the Free State province. No confirmation could be obtained from the DESTEA whether a bioregional plan was adopted.</p>

<p><b><u>Listing Notice 3, Activity 10(b)(i)(hh)</u></b></p> <p><i>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres</i></p> <p><i>(b) in the Free State,</i></p> <p><i>(i) outside urban areas and</i></p> <p><i>(hh) areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.</i></p>	<p>The proposed development will need to develop infrastructure for the storage and handling of dangerous goods (diesel and oils) in containers with a capacity exceeding 30 but not exceeding 80 cubic metres. The project is located within the Free State Province. Furthermore, wetlands (including seepage wetland, unchanneled valley bottom and a depression wetland) are located within in proximity of the proposed Nyala Solar Power Plant. The dangerous goods will be stored within bunded areas in the laydown area and near the substation, which are located within 100m of the unchanneled valley bottom wetland.</p>
<p><b><u>Listing Notice 3, Activity 12 (b)(i)(ii)(vi)</u></b></p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation</i></p> <p><i>(b) in the Free State,</i></p> <p><i>(i) within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment of 2004,</i></p> <p><i>(ii) within critical biodiversity areas identified in bioregional plans and</i></p> <p><i>(vi) areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan</i></p>	<p>Activity 12 (b)(i)(ii)(vi) is triggered since the proposed development is located in the Free State province and portions of the site has not been lawfully disturbed during the preceding ten years and therefore indigenous vegetation is present on the site. In terms of vegetation type the site falls within the Vaal-Vet Sandy Grassland and the Highveld Alluvial Vegetation which is described by Mucina and Rutherford (2006) as Endangered and least threatened. The placement of the power line overlaps with the Vaal-Vet Sandy Grassland. A small section of the development footprint overlaps with a CBA 1 as identified by the Free State Terrestrial CBA Dataset (DESTEA, 2015) obtained from SANBI. Some PV panels and internal roads will be located in the CBA 1. According to the information available, no bioregional plans are available for the Free State province. No</p>



	<p>confirmation could be obtained from the DESTEA whether a bioregional plan was adopted. Furthermore, wetlands (including seepage wetland, unchanneled valley bottom and a depression wetland) are located in close proximity to the proposed Nyala solar Power Plant. The development footprint of the solar power plant will be 292ha (2920000 square metres) in extent. The construction laydown area of 2000 square meters, as well as some PV panels and internal roads will be located within 100m of the wetlands.</p>
<p><b><u>Listing Notice 3, Activity 14(ii)(c)(b)(i)(ff)</u></b></p> <p><i>The development of</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more, where such development occurs</i></p> <p><i>(c) within 32 metres of a watercourse, measured from the edge of a watercourse,</i></p> <p><i>(b) within the Free State,</i></p> <p><i>(i) outside urban areas within</i></p> <p><i>(ff) critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans, excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour</i></p>	<p>The development will require the construction of structures with a physical footprint of 10 square metres or more. The development footprint avoids the wetlands with the recommended 30m buffer, therefore, the development footprint is located within 32m of wetlands (including seepage wetland, unchanneled valley bottom and a depression wetland). Most of the development footprint is in an ESA1 and ESA2, with a small section located within a CBA1 as identified by the Free State Terrestrial CBA Dataset (DESTEA, 2015) obtained from SANBI. According to the information available, no bioregional plans are available for the Free State province. No confirmation could be obtained from the DESTEA whether a bioregional plan was adopted. The grid connection corridor is traversing a hillslope seep and channelled valley bottom wetland, the pylons will avoid the wetlands with the specialist recommended</p>

	buffer of 15m. Therefore, the power line pylon placement will be within 32m of the wetlands.
<p><b><u>Listing Notice 3, Activity 18 (b)(i)(ee)(hh)</u></b></p> <p><i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre (b) in the Free State</i></p> <p><i>(i) outside urban areas, within</i></p> <p><i>(ee) critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans and</i></p> <p><i>(hh) areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.</i></p>	<p>The existing access road to the site will need to be widened by more than 4 metres. The project is located within the Free State Province and outside urban areas. A section of the internal and access roads is located within a CBA1 area as identified by the Free State Terrestrial CBA Dataset (DESTE, 2015) obtained from SANBI. According to the information available, no bioregional plans are available for the Free State province. No confirmation could be obtained from the DESTE whether a bioregional plan was adopted. Wetlands (including a seepage wetland, unchanneled valley bottom and a depression wetland) are located in proximity to the proposed Nyala Solar Power Plant. The development footprint avoids the wetlands with the recommended 30m buffer; however, the development footprint and access road are located within 100m of the wetlands.</p>

as described in the final Environmental Impact Assessment (EIA) dated 25 May 2023:

Farm names and their portion numbers	21 Digit SG Codes
<b><u>Solar Power Plant</u></b>	
Remaining Extent of the Farm Kalkoenkrans No. 225	F03300000000022500000
<b><u>Power Line</u></b>	
Remaining Extent of the Farm Kalkoenkrans No. 225	F03300000000022500000
Remaining Extent of Portion 2 of the Farm Kalkoenkrans No. 225	F03300000000022500002
Portion 14 of the Farm Kalkoenkrans No. 225	F03300000000022500014
Portion 3 of the Farm Kalkoenkrans No. 225	F03300000000022500003
Portion 6 of Doornrivier 330	F03300000000033000006

Portion 21 of Doornrivier 330	F03300000000033000021
Portion 3 of Hakkies 695	F03300000000039500003

<b>Project Coordinates</b>	<b>Point</b>	<b>Latitude (y)</b>	<b>Longitude (x)</b>
	A	28° 8'54.12"S	26°44'49.96"E
	B	28° 8'47.19"S	26°45'12.70"E
	C	28° 8'37.82"S	26°45'28.86"E
	D	28° 9'2.90"S	26°46'45.06"E
	E	28° 9'27.67"S	26°46'19.14"E
	F	28° 9'35.13"S	26°46'16.42"E
	G	28° 9'22.09" S	26°45'39.71"E
	H	28° 9'30.26"S	26°45'30.77"E
	I	28° 9'30.60"S	26°45'18.13"E
	J	28° 9'17.29"S	26°45'18.41"E
	K	28° 9'14.63"S	26°45'15.72"E
	L	28° 9'14.40"S	26°44'59.63"E
	M	28° 9'9.05"S	26°44'55.89"E
	N	28° 8'59.75"S	26°44'55.90"E
<b>Battery Energy Storage System</b>	A	28° 9'15.16"S	26°46'24.32"E
	B	28° 9'18.46"S	26°46'28.31"E
	C	28° 9'24.92"S	26°46'21.62"E
	D	28° 9'21.62"S	26°46'17.58"E
<b>Access Road (Preferred)</b>	A	28° 9'51.93"S	26°45'8.90"E
	B	28° 9'51.36"S	26°45'9.86"E
	C	28° 9'54.11"S	26°45'17.68"E
	D	28° 9'54.41"S	26°45'29.75"E
	E	28° 9'53.72"S	26°45'30.80"E
	F	28° 9'48.06"S	26°45'33.17"E
	G	28° 9'54.15"S	26°45'48.82"E
	H	28° 9'41.34"S	26°45'50.42"E
	I	28° 9'36.23"S	26°46'3.72"E
	J	28° 9'35.93"S	26°46'6.75"E
	K	28° 9'35.20"S	26°46'7.92"E
	L	28° 9'31.34"S	26°46'17.53"E
	M	28° 9'29.12"S	26°46'18.34"E
<b>Substation corner coordinates</b>	A	28° 9'21.86"S	26°46'17.32"E
	B	28° 9'25.17"S	26°46'21.36"E
	C	28° 9'27.55"S	26°46'18.86"E
	D	28° 9'24.23"S	26°46'14.85"E

<b>Grid Connection Corridor</b>	A	28°10'19.51"S	26°45'31.05"E
	B	28°10'19.07"S	26°45'32.75"E
	C	28°10'19.37"S	26°45'35.03"E
	D	28°10'19.42"S	26°45'37.81"E
	E	28°10'14.05"S	26°45'58.66"E
	F	28° 9'31.12"S	26°46'13.33"E
	G	28° 9'29.09"S	26°46'18.63"E
	H	28° 9'27.68"S	26°46'19.14"E
	I	28° 9'24.31"S	26°46'22.67"E
	J	28° 9'37.71"S	26°47'32.30"E
	K	28° 9'18.44"S	26°49'27.46"E
	L	28° 9'26.11"S	26°49'57.99"E
	M	28° 9'36.71"S	26°49'52.41"E
	N	28° 9'32.04"S	26°49'36.39"E
	O	28° 9'25.87"S	26°49'38.74"E
	P	28° 9'22.64"S	26°49'27.65"E
	Q	28° 9'40.00"S	26°47'47.86"E
	R	28° 9'41.06"S	26°47'31.98"E
	S	28° 9'27.46"S	26°46'27.07"E
	T	28° 9'30.82"S	26°46'18.01"E
	U	28°10'16.09"S	26°46'1.60"E
	V	28°10'23.22"S	26°45'34.28"E

- for the proposed Nyala Solar Power plant on the Remaining Extent of the Farm Kalkoenkrans 225, Remaining Extent of Portion 2 of the Farm Kalkoenkrans No. 225, Portion 14 of the Farm Kalkoenkrans No. 225, Portion 3 of the Farm Kalkoenkrans No. 225 Portion 6 of Doornrivier 330, Portion 21 of Doornrivier 33, and Portion 3 of Hakkies 695 near Virginia/Welkom within the Matjhabeng Local Municipality in the Free State Province, hereafter referred to as "the property".

#### Technical details for the proposed facility

Component	Description / dimensions
Height of PV panels	6 meters
Area of PV Array	292 Hectares (Development footprint)
Number of inverters required	Minimum 50
Area occupied by inverter / transformer stations / substations / BESS	Central inverters+ LV/MV trafo: 20m <sup>2</sup> HV/MV substation with switching station: 15000m <sup>2</sup> BESS: 4ha

Capacity of on-site substation 132kV	132kV
Capacity of the power line 132kV	132kV
Area occupied by both permanent and construction laydown areas	Permanent Laydown Area: 292 Hectares Construction Laydown Area: ~2000m <sup>2</sup>
Area occupied by buildings	Security Room: ~60 m <sup>2</sup> Office: ~200m <sup>2</sup> Staff Locker and Changing Room: ~200m <sup>2</sup>
Battery storage facility	Maximum height: 8m Maximum volume: 1740m <sup>3</sup>
Length of internal roads	Approximately 15km
Width of internal roads	Between 6 and 12 meters
Proximity to grid connection	Approximately 6km
Grid connection corridor width	100m (up to 480m in the area surrounding the existing Eskom substation) in width.
Grid connection corridor length	Up to ~6km
Power line servitude width	32m
Height of fencing	Approximately 2.5 meters

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The proposed Nyala Solar Power plant on the Remaining Extent of the Farm Kalkoenkrans 225, Remaining Extent of Portion 2 of the Farm Kalkoenkrans No. 225, Portion 14 of the Farm Kalkoenkrans No. 225, Portion 3 of the Farm Kalkoenkrans No. 225 Portion 6 of Doornrivier 330, Portion 21 of Doornrivier 33, and Portion 3 of Hakkies 695 near Virginia/Welkom within the Matjhabeng Local Municipality in the Free State Province is approved as per the geographic coordinates cited in the table above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant, or person rendering a service to the holder of the authorisation.

4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made for the activity to be undertaken.
8. Construction must be completed within ten (10) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal**

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued,
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014,
  - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 11.4. give the reasons of the Competent Authority for the decision.

#### **Commencement of the activity**

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No.

107 of 1998, as amended 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 has been finalised.

### **Management of the activity**

13. A copy of the final site layout map must be made available for comments to the registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following:
  - 13.1. The PV development area.
  - 13.2. Position of all infrastructure e.g., panels, BESS, substations, grid connection etc.
  - 13.3. Permanent laydown area footprint.
  - 13.4. All supporting onsite infrastructure e.g., roads (existing and proposed).
  - 13.5. Substation(s) and/or transformer(s) sites including their entire footprint.
  - 13.6. The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected.
  - 13.7. All infrastructure coordinates; and
  - 13.8. All sensitive features, and all "no-go" and buffer areas as identified by various specialists.
14. The Environmental Management Programme (EMPr) submitted as part of the EIAr is not approved and must be amended to include measures as dictated by the final site lay-out map. Search and rescue plan to remove and relocate Species of Conservation Concern identified within the study area must be developed and form part of the EMPr. The EMPr must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
15. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
16. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
17. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

## Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
21. In assessing whether to grant approval of an EMPr which has been updated because of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

## Monitoring

23. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
  - 23.1. The ECO must be appointed before commencement of any authorised activities.
  - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

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- 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted, and a task schedule of tasks undertaken by the ECO.
- 23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

### **Recording and reporting to the Department**

24. All documentation e.g., audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
25. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
26. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, considering the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
27. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e., within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
29. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

### **Notification to authorities**

30. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

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### **Operation of the activity**

31. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

### **Site closure and decommissioning**

32. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

### **Specific conditions**

33. Powerline pylon positions must adhere to the buffer requirements (15m) of the wetland assessment.
34. The areas of very high and high sensitivity as identified by various specialists must be clearly demarcated as no-go areas and be considered in the design of the final development layout plan.
35. Bird flight diverters must be fitted to the grid line where it transects areas of medium and high sensitivity.
36. The placement of the two temporary laydown areas, construction camps and batching plants must be in a previously disturbed area and must be confirmed by a botanist.
37. The footprint of the development and access routes must be limited to the areas required for actual construction works.
38. A permit must be obtained from the relevant authorities for the removal or disturbance of any TOPs, Red Data listed or provincially protected species/ Species of Conservation Concern (SCC) prior construction.
39. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
40. All excavations into bedrock must be monitored by a suitably qualified palaeontologist and a report on the outcomes of the monitoring activities must be submitted to SAHRA on completion of the development of the facility.
41. Should any archaeological sites, artefacts, paleontological fossils, or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed, and the services of an accredited heritage professional obtained for an assessment of the heritage resources.
42. Hazardous substances must be stored in a bunded and designated area to avoid accidental leakage into the environment.

43. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

#### **General**

44. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 44.1. at the site of the authorised activity,
  - 44.2. to anyone on request; and
  - 44.3. Where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
45. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 19/07/2023



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Forestry, Fisheries and the Environment**

## **Annexure 1: Reasons for Decision**

### **1. Information considered in making the decision**

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the application form received on 08 November 2022, amended application form received 25 May 2023 and additional information received on 17 July 2023.
- b) The information contained in the final EIAr dated 25 May 2023.
- c) The comments received from all interested and affected parties as included in the final EIAr dated 25 May 2023.
- d) Mitigation measures as proposed in the EIAr and the EMPr for the facility and the generic EMPs included in the final EIAr dated 25 May 2023.
- e) The information contained in the specialist studies contained within the appendices of the final EIAr.

### **2. Key factors considered in making the decision**

All information presented to the Department was considered in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project ties in with the national government policies, plans, and programmes which have relevance to energy planning and production.
- c) The final EIAr dated 25 May 2023 identified all legislations and guidelines that have been considered in the preparation of the EIAr.
- d) The methodology used in assessing the potential impacts identified in the final EIAr dated 25 May 2023 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

### **3. Findings**

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the final EIAr dated 25 May 2023 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.

- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.