

Ngonyama Solar (Pty) Ltd

Registration number 2022/308072/07

South African Heritage Resources Agency
111 Harrington Street
Cape Town
8001

28 July 2022

Attention: Dr. Ragna Redelstorff [rredelstorff@sahra.org.za]
Cc: Daniel Palm [dan@evolution-africa.com]
Mark Bleloch [mbleloch@gmail.com]
Sanele Maphanga [sanele.maphanga@ibvogt.com]
Luanita Snyman-van der Walt [lvdwalt1@csir.co.za]

**RE: AMENDMENT TO SAHRA FINAL COMMENT ON THE MAXWELL SOLAR
PV 100 MW FACILITY
SAHRA reference number: 8666
DFFE reference number: 14/12/16/3/3/2/852**

To whom it may concern,

This letter serves as a request to update the South African Heritage Resources Agency (SAHRA) final comment for the proposed 29 Solar Dealesville Development cluster, near Dealesville in the Free State.

The Maxwell Solar Photovoltaic (PV) project was granted Environmental Authorisation (EA) by the National Department of Forestry, Fisheries and the Environment (DFFE) and heritage approval by SAHRA in 2016.

The following non-substantive amendments to the project's Environmental Authorisation (EA) have been undertaken in the interim:

- 14/12/16/3/3/2/852/AM1: Change the holder of the EA from "29 Solar (Pty) Ltd" to "Maxwell Solar PV (Pty) Ltd"; Extend the validity period of the EA for a further 5 years.
- 14/12/16/3/3/2/852/AM2: Change the holder of the EA from "Maxwell Solar PV (Pty) Ltd" to "Ngonyama Pty Ltd (2022/308072/07)".
- 14/12/16/3/3/2/852/AM3: Increase in electrical capacity, however this amendment application was withdrawn to include transfer of name and electrical capacity increase stipulated on a page-by-page basis of EA. No resulting changes.
- 14/12/16/3/3/2/852/AM4: application lapsed as email with additional information as requested not received by department.

- 14/12/16/3/3/2/852/AM5: Increase in electrical capacity from 100 MW to 125 MW and name transfer on page-by-page basis of EA.

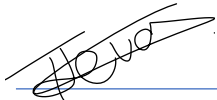
These amendments were mainly administrative in preparation for the Renewable Energy Independent Power Producer Programme (REIPPP) and did not result in any changes change to the original development footprint of the proposed solar PV facility. The electrical capacity increase within the same development footprint is made possible by advancements in solar PV technology.

It is requested that the following information be updated in the SAHRA final comment:

- The transfer of the solar project's name into the current EA holder "Ngonyama PV Solar (Pty) Ltd";
- Refer to the proposed development as "Ngonyama Solar PV" in the project title and description; and
- Increase the electrical capacity from 100 MW to 125 MW in the project title and description.

I, Tara Jevon, conducted the Part 1 Non-substantive amendments to these projects as in-house Environmental Assessment Practitioner (EAP) to the original Applicant (29 Solar (Pty) Ltd), and am therefore initiating this request for updates to the SAHRA comment.

It is noted that Luanita Snyman-van der Walt from the Council for Scientific and Industrial Research (CSIR) is registered as the EAP for these projects on the South African Heritage Resources Information System (SAHRIS). I am working with her to ensure that these changes are implemented as requested.



Signed

Tara Jevon

28 July 2022



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: 14/12/16/3/3/2/852/AM5

Enquiries: Trisha Pillay

Telephone: (012) 399 9406 **E-mail:** TPillay@dff.gov.za

Mr Daniel Palm
Ngonyama Solar (Pty) Ltd
15a Greenacres Road
Constantia
CAPE TOWN
7806

Telephone Number: (071) 482 1315
Email Address: dan@evolution-africa.com
Dan@moshesh.partners

PER EMAIL

Dear Mr Palm

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 05 SEPTEMBER 2016, AS AMENDED, FOR THE 125 MEGAWATTS (MW) NGONYAMA PHOTOVOLTAIC (PV) SOLAR FACILITY AND ITS ASSOCIATED INFRASTRUCTURE NEAR DEALESVILLE WITHIN THE TOKOLOGO LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 05 September 2016, the amendments to the EA dated 13 July 2021 and 28 March 2022, your application for an amendment of the EA received by the Department on 05 July 2022 and the acknowledgement letter dated 08 July 2022, 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 05 September 2016 as amended, as follows:

Amendment 1: Change to the details of the holder of the EA:

The details of the holder of EA are amended on page 01 and page 02:

From:

Mr Daniel Palm
Ngonyama Solar Pty Ltd (2022/308/072/07)
5th Floor Mariendahl House
Newlands on Main
11 Main Road, Newlands
CAPE TOWN
7700

Telephone Number: (071) 482 1315
Email Address: dan@evolution-africa.com
Dan@moshesh.partners"

To:

"Mr Daniel Palm
Ngonyama Solar (Pty) Ltd
15a Greenacres Road
Constantia
CAPE TOWN
7806

Telephone Number: (071) 482 1315
Email Address: dan@evolution-africa.com
Dan@moshesh.partners"

Reason for amendment:

The contact details of the Holder has changed and this needs to be reflected in the Environmental Authorisation.

Amendment 2: Change to the Holder of the EA:

The holder of the EA is amended on page 01 and page 02:

From:

"29 Solar (Pty) Ltd"

To:

"Ngonyama Solar (Pty) Ltd"

Reason for amendment:

The Holder of the EA has changed and this needs to be reflected in the Environmental Authorisation.

Amendment 3: Change to the name of the facility and an increase in generation capacity of the facility:

a) The title on page 01 of the EA is amended:

From:

"The 100 Megawatts (MW) Maxwell Photovoltaic (PV) Solar Facility and its associated infrastructure near Dealesville within the Tokologo Local Municipality in the Free State Province"

To:

"The 125 Megawatts (MW) Ngonyama Photovoltaic (PV) Solar Facility and its associated infrastructure near Dealesville within the Tokologo Local Municipality in the Free State Province"

b) The activity description on page 03 of the EA is amended:

From:

<p><u>GN R. 984: Activity 1:</u> <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more"</i></p>	<p><i>The proposed project will entail the construction of a 100 MW solar PV facility (i.e., facility for the generation of electricity from a renewable resource). The proposed solar PV facility will be constructed approximately 5 km west of Dealesville within the Tokologo Local Municipality, Free State Province. Hence the proposed project will take place outside of an urban area.</i></p>
<p><u>GN R. 984: Activity 15:</u> <i>"The clearance of an area of 20 hectares or more of indigenous vegetation"</i></p>	<p><i>The proposed 100 MW solar PV facility will have an estimated footprint of approximately 240 - 300 ha. As a result, more than 20 ha of indigenous vegetation could possibly be removed for the construction of the proposed solar PV facility.</i></p>

To:

<p><u>GN R. 984: Activity 1:</u> <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more"</i></p>	<p><i>The proposed project will entail the construction of a 125 MW solar PV facility (i.e., facility for the generation of electricity from a renewable resource). The proposed solar PV facility will be constructed approximately 5 km west of Dealesville within the Tokologo Local Municipality, Free State Province. Hence the proposed project will take place outside of an urban area.</i></p>
<p><u>GN R. 984: Activity 15:</u> <i>"The clearance of an area of 20 hectares or more of indigenous vegetation"</i></p>	<p><i>The proposed 125 MW solar PV facility will have an estimated footprint of approximately 240 - 300 ha. As a result, more than 20 ha of indigenous vegetation could possibly be removed for the construction of the proposed solar PV facility.</i></p>

45.

c) Facility name on page 04 of the EA is amended:

From:

"21 SG Code:
Maxwell PV facility"

To:

"21 SG Code:
Ngonyama PV Facility"

d) Details on page 05 of the EA is amended:

From:

"for the 100 MW Maxwell PV Solar Facility and its associated infrastructure near Dealesville within the Tokologo Local Municipality in the Free State Province, hereafter referred to as "the property"."

To:

"for the 125 MW Ngonyama PV Solar Facility and its associated infrastructure near Dealesville within the Tokologo Local Municipality in the Free State Province, hereafter referred to as "the property"."

e) The heading of the project components list on page 05 is amended:

From:

"The 100 MW Maxwell PV Facility will comprise of the following:"

To:

"The 125 MW Ngonyama PV Facility will comprise of the following:"

f) Technical Details on page 06 of the EA is amended:

From:

Component	Description/ Dimensions
PV Facility	
Capacity	100 MW
PV area	Footprint area: 240-300 ha; Height: 5 m
Number of inverters required	112
Buildings	Footprint area: 1 100m ² Height: 4 m
Laydown area	Footprint area: 40 000 m ² = 4 ha;
Roads	Width: 3 – 5 m Length: 13 km

MS.

Fencing	Electrified security fencing Height: 3 m
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To:

Component	Description/ Dimensions
PV Facility	
Capacity	125 MW
PV area	Footprint area: 240-300 ha; Height: 5 m
Number of inverters required	112
Buildings	Footprint area: 1 100m ² Height: 4 m
Laydown area	Footprint area: 40 000 m ² = 4 ha;
Roads	Width: 3 – 5 m Length: 13 km
Fencing	Electrified security fencing Height: 3 m

g) Condition 1 on page 06 of the EA is amended:

From:

"The 100 MW Maxwell PV solar project and its associated infrastructure near Dealesville within the Tokologo Local Municipality, Free State Province as described above is hereby approved."

To:

"The 125 MW Ngonyama PV solar project and its associated infrastructure near Dealesville within the Tokologo Local Municipality, Free State Province as described above is hereby approved."

Reason for amendments:

The application for the amendment is motivated as the technology has progressed and has become more efficient since the EA application in 2016. The original design module size was 360 Longi Solar (LR6-72PB-360M) and now the engineers have recommended the new 665 W Canadian Solar (BiHiKu7CS7N-665MB). The increase in power from 360 to 665 Watts is due to the increase in efficiency, an increase in module size and deployment of bifacial technology where energy is absorbed from reflection off the ground to the glass underside of the module. This improved technology allows for the increase of the contracted capacity of the facility from 100MW to 125MW without exceeding the parameters stated in the EA (PV array footprint or maximum height).

This proposed amendment letter must be read in conjunction with the EA dated 05 September 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 stipulates 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 abuses or compromises your personal information in any way.

MS

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 decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of the 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 prescribe 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 (twenty) 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

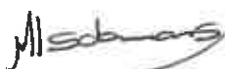
By hand: Environment House
473 Steve Biko Road
Arcadia
PRETORIA
0083 or

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.dffe.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@dffe.gov.za.

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 26/01/2022.

cc:	Brett Jordaan	Ngonyama Solar (Pty) Ltd	Email: brett@evolution-africa.com
	Modiehi Moeng	FS DARD	Email: moengm@dard.gov.za
	Kabelo Mosepele	Tokologo Local Municipality	Email: kabelomosepele@yahoo.com
	Mark Bleloch	In-house Expert	Email: mbleloch@gmail.com
	Tara Jevon	In-house Environmentalist	Email: jevontara@gmail.com



**forestry, fisheries
& the environment**

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

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia· PRETORIA
Tel(+ 27 12) 388 9000

Enquiries: Devnagie Bendeman Telephone: 012 399 9337 E-mail: vbendeman@ddfe.gov.za

Ms. Milicent Solomons
Director: Prioritized Infrastructure Projects

Dear Mrs Solomons

**APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORIZATIONS
FOR THE PERIOD OF 25 APRIL 2022 UNTIL 31 OCTOBER 2022**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated Environmental Authorizations for the period of 25 April to 31 October 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

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 1996), 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 Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms. Devnagie Bendeman
Deputy Director-General: RCSM (Regulatory Compliance and
Sector Monitoring)

Date 20 April 2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorizations

Signed:

Date:

20/04/2022



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: 14/12/16/3/3/2/852/AM2

Enquiries: Mr Jay-Jay Mpelane

Telephone: (012) 399 9404, E-mail: impelane@dffe.gov.za

Mr Daniel Palm
Ngonyama Solar Pty Ltd (2022/308/072/07)
5th Floor Mariendahl House
Newlands on Main
11 Main Road, Newlands
CAPE TOWN
7700

Telephone Number: (+27) 71 482 1315
Email Address: dan@evolution-africa.com
Dan@moshesh.partners

PER EMAIL / MAIL

Dear Mr Palm

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 5 SEPTEMBER 2016 FOR THE PROPOSED 100 MEGAWATTS (MW) MAXWELL PHOTOVOLTAIC (PV) SOLAR FACILITY AND ITS ASSOCIATED INFRASTRUCTURE NEAR DEALESVILLE WITHIN THE TOKOLOGO LOCAL MUNICIPALITY, FREE STATE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 5 September 2016, the amendment to the EA dated 13 July 2021, your application for amendment of the EA received by the Department on 10 March 2022 and the acknowledgement letter dated 23 March 2022, 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 5 September 2016 as amended, as follows:

Amendment: change of the holder of EA

From:
Maxwell Solar PV (Pty) Ltd (2021/627542/07)

To:
Ngonyama Solar Pty Ltd (2022/308/072/07)

Reasons for the abovementioned amendment:

The current authorised holder of the EA and the new proposed authorised holder of the EA are the same individuals, with the EA being moved into its own project company. It is an administrative change so that the project can comply with bidding requirements and be successful in the upcoming rounds of renewable energy

M.S

procurement. It is a requirement of the DMRE and REIPPPP that the Environmental Authorisation be in the name of the Project Company.

This amendment letter must be read in conjunction with the EA dated 5 September 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 stipulates 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 abuses or compromises your personal information in any way.

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 prescribe 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@dffe.gov.za

By hand: Environment House
473 Steve Biko Road
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@dfef.gov.za.

Yours faithfully,



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Date: 28/03/2022

Cc	Tara Jevon	Independent Practicing Environmental and GIS Analyst	E-mail: jevontara@gmail.com
	Modiehi Moeng	Department of Agriculture & Rural Development	E-mail: moengm@dard.gov.za
	Kabeio Mosepele	Tokologo Local Municipality	E-mail: kabelomosepele@yahoo.com





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: 14/12/16/3/3/2/852/AM1

Enquiries: Ms Zamalanga Langa

Telephone: (012) 399 9389 E-mail: ZLanga@environment.gov.za

Mr Daniel Palm
Maxwell Solar PV (Pty) Ltd
5th Floor Mariendahl House
Newlands on Main, Newlands
CAPE TOWN
7700

Telephone Number: 071 482 1315
Email address: dan@evolution-africa.com

PER EMAIL / MAIL

Dear Mr Palm

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 05 SEPTEMBER 2016, FOR THE 100 MEGAWATTS (MW) MAXWELL PHOTOVOLTAIC (PV) SOLAR FACILITY AND ITS ASSOCIATED INFRASTRUCTURE NEAR DEALESVILLE WITHIN THE TOKOLOGO LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 05 September 2016, your application for amendment of the EA received by the Department on 21 June 2021 and the acknowledgement email dated 01 July 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 05 September 2016, as follows:

Amendment 1: Change of the Holder of EA

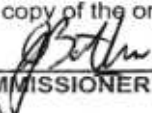
From:

"29 Solar Pty Ltd"

Is hereby amended to:

"Maxwell Solar PV (Pty) Ltd (2021/627542/07)"

Certified a true copy of the original


Ex officio COMMISSIONER OF OATHS (RSA)
CHRIS BOTHA
CERTIFIED FINANCIAL PLANNER®
1st Floor Oxford Gate
Hyde Lane, Hyde Park
2196
Date: 09/03/2022
Place: CAPE TOWN

Reason for amendment:

The current authorised holder of the EA and the new proposed holder of the EA are the same, with the EA being moved to its own project company. It is merely an administrative change so that the project can comply with bidding requirements and be successful in the upcoming rounds of renewable energy procurement. It is a requirement of the DMRE and REIPPPP that the Environmental Authorisation be in the name of the Project Company.

Amendment 2: Extension of validity of the EA by an additional five (05) years from 05 September 2021 to 05 September 2026

Condition 7 of the EA dated 05 September 2016, as amended, is thus amended as follows:

"The activity must commence within a period of ten (10) years from the date of issue of this authorisation (i.e. the authorisation lapses on 05 September 2026). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken".

Reason for amendment:

Project has been delayed due to delays in the REIPPPP, the renewable energy procurement program has started again and the project is in a good position to succeed.

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 05 September 2016

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.

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.

DFFE Reference: 14/12/16/3/3/2/852/AM1

AMENDMENT TO EA ISSUED ON 05 SEPTEMBER 2016, FOR THE 100MEGAWATTS 9MW) MAXWELL PHOTOVOLTAIC (PV) SOLAR FACILITY AND ITS ASSOCIATED INFRASTRUCTURE NEAR DEALESVILLE WITHIN THE TOKOLOGO LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE

15

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;

Certified a true copy of the original


Ex officio COMMISSIONER OF OATHS (RSA)
CHRIS BOTHA
CERTIFIED FINANCIAL PLANNER®
1st Floor Oxford Gate
Hyde Lane, Hyde Park
2196
Date: 09/03/2022
Place: CAPE TOWN

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: 13/07/2021.



forestry, fisheries & the environment

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

Certified a true copy of the original

Chris Botha
Ex officio COMMISSIONER OF OATHS (RSA)
CHRIS BOTHA
CERTIFIED FINANCIAL PLANNER®
1st Floor Oxford Gate
Hyde Lane, Hyde Park
2196
Date: 09/03/2022
Place: CAPE TOWN

Private Bag X 447· PRETORIA · 0001· Environment House · Cnr Soutpansberg & Steve Biko Roads · Pretoria Tel (+ 27 12) 399 9000

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 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: *M Solomons*

Date: 12/07/2021



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road · Arcadia · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/852

Enquiries: Ms Nonhlahla Mkhwanazi

Telephone: (012) 399 9386 **E-mail:** NMkhwanazi@environment.gov.za

Mr Daniel Palm
29 Solar (Pty) Ltd
5th Floor Mariendahl House
Newlands on Main, 11 Main Rd
Newlands
CAPE TOWN
7700

Telephone Number: (087) 820 7430
Email Address: dan@evolution-africa.com

PER EMAIL / MAIL

Dear Mr Palm

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/984/985 FOR THE 100 MEGAWATTS (MW) MAXWELL PHOTOVOLTAIC (PV) SOLAR FACILITY AND ITS ASSOCIATED INFRASTRUCTURE NEAR DEALESVILLE WITHIN THE TOKOLOGO 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 (the 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 decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an 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.

By post: Private Bag X447,
Pretoria, 0001; or

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

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

MJ

Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: (https://www.environment.gov.za/documents/forms#legal_authorisations).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 05/09/2016

cc:	Ms Surina Laurie	CSIR	E-mail: slaurie@csir.co.za
	Ms Grace Mkhosana	FS DEDTEA	E-mail: mkhosana@detea.fs.gov.za
	Mr Kelehile Mothale	Tokologo Local Municipality	E-mail kelehilem@gmail.com/ Mavusana@gmail.com



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

The 100 Megawatts (MW) Maxwell Photovoltaic (PV) Solar Facility and its associated infrastructure
near Dealesville within the Tokologo Local Municipality in the Free State Province

Lejweleputswa District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/852</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>29 Solar (Pty) Ltd</i>
Location of activity:	<i>Portion 3 of the Farm Brakfontein No. 636, Remaining Extent of the Farm Cornelia No. 1550, Remaining Extent of the Farm Doornhoek No. 37, Remaining Extent of the Farm Modderpan No. 750, Remaining Extent of the Farm Mooihoek No. 1551, Remaining Extent of the Farm Palmietfontein No. 140 and Portion 4 of the Farm Sterkfontein No. 639 within the Tokologo Local Municipality in the Free State Province</i>

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, 1998 and the EIA regulations.

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, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

29 SOLAR (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Daniel Palm

5th Floor Mariendahl House

Newlands on Main, 11 Main Rd

Newlands

CAPE TOWN

7700

Telephone Number: (072) 600 9053

Email Address: dan@evolution-africa.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 2 (GN R. 983, 984 and 985):

Activity number	Activity description
<p><u>GN R. 983 Item 28:</u> <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare."</i></p>	<p>The proposed solar PV facility will be constructed approximately 5 km west of Dealesville within the Tokologo Local Municipality, Free State Province.</p> <p>The land is currently zoned for agricultural purposes (mainly grazing). The proposed facility, which is considered to be a commercial/industrial development, will have an estimated footprint of approximately 300 ha.</p>
<p><u>GN R. 984 Item 1:</u> <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area."</i></p>	<p>The proposed project will entail the construction of a 100 MW solar PV facility (i.e. facility for the generation of electricity from a renewable resource). The proposed solar PV facility will be constructed approximately 5 km west of Dealesville within the Tokologo Local Municipality, Free State Province. Hence the proposed project will take place outside of an urban area.</p>
<p><u>GN R. 984 Item 15:</u> <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> <i>(i) The undertaking of a linear activity; or</i> <i>(ii) Maintenance purposes undertaken in accordance with a maintenance management plan."</i></p>	<p>The proposed 100 MW solar PV facility will have an estimated footprint of approximately 240 - 300 ha.</p> <p>As a result, more than 20 ha of indigenous vegetation could possibly be removed for the construction of the proposed solar PV facility.</p>
<p><u>GN R. 985 Item 12:</u> <i>"The clearance of an area of 300 square metres or</i></p>	<p>The dominant vegetation type is Least Threatened</p>

<p><i>more of indigenous vegetation except where such clearance of indigenous vegetation is prior to the publication of such a list, within an area that required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>(a) In 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</i></p>	<p>Western Free State Clay Grassland. However, remaining, intact Vaal-Vet Sandy Grassland is present on parts of the Farms Modderpan 750 and Cornelia 1550. Vaal-Vet Sandy Grassland is listed as being Endangered in section 52 of the National Environmental Management: Biodiversity Act (NEMBA). This has been confirmed by the Fauna and Flora specialist study (Digby Wells Environmental, 2016 a). However, the Fauna and Flora study also indicated that the area has been transformed to some extent by agriculture, specifically the pressures of overgrazing.</p> <p>The solar PV infrastructure components specifications triggering this activity are:</p> <ul style="list-style-type: none"> • PV area: 240 - 300 ha; • PV area: 240 - 300 ha; • Buildings: 1 100 m² = 0.3 ha ; • Laydown area: 40 000m² = 4 ha • Road width: 3-5 m
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as described in the Environmental Impact Assessment Report (EIAr) dated May 2016 at:

21 SG Code:

Maxwell PV facility

F	0	0	4	0	0	0	0	0	0	0	0	0	0	3	7	0	0	0	0	0
F	0	0	4	0	0	0	0	0	0	0	0	0	6	3	9	0	0	0	0	4
F	0	0	4	0	0	0	0	0	0	0	1	5	5	0	0	0	0	0	0	
F	0	0	4	0	0	0	0	0	0	0	0	7	5	0	0	0	0	0	0	
F	0	0	4	0	0	0	0	0	0	0	1	5	5	1	0	0	0	0	0	
F	0	0	4	0	0	0	0	0	0	0	0	1	4	0	0	0	0	0	0	
F	0	0	4	0	0	0	0	0	0	0	0	6	3	6	0	0	0	0	3	

MS

Alternative (preferred site)	Latitude	Longitude
Centre point of proposed PV area	28° 39'37.28" S	25° 39' 26.78" E

- for the 100 MW Maxwell PV Solar Facility and its associated infrastructure near Dealesville within the Tokologo Local Municipality in the Free State Province, hereafter referred to as "the property".

The 100 MW Maxwell PV Facility will comprise the following:

Solar field:

- Solar Arrays;
- Solar technology: PV;
- Mounting system technology: Horizontal Single Axis Tracking; and
- Underground 22 kV cables.

Building infrastructure:

- Offices;
- Ablution facilities;
- Operational control centre; and
- Warehouse/workshop.

Associated infrastructure:

- Access roads and internal gravel roads;
- Fencing and security;
- Operation and Maintenance Area;
- Laydown Area;
- Stormwater channels; and
- Water pipelines.

Technical details of the proposed facility:

Component	Description/ Dimensions
PV Facility	
Capacity	100 MW
PV area	Footprint area: 240 - 300 ha; Height: 5 m
Number of inverters required	112
Buildings	Footprint area: 1 100 m ² Height: 4 m
Laydown area	Footprint area: 40 000 m ² = 4 ha;
Roads	Width: 3 - 5 m Length: 13 km
Fencing	Electrified security fencing Height: 3 m

Conditions of this Environmental Authorisation

Scope of authorisation

1. The 100 MW Maxwell PV solar project and its associated infrastructure near Dealesville within the Tokologo Local Municipality, Free State Province as described above is hereby approved.
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 five (05) 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 in order for the activity to be undertaken.
8. Construction must be completed within 05 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.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

Commencement of the activity

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 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

14. A copy of the final development layout map 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 development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
 - 14.1. Position of solar facilities and its associated infrastructure;
 - 14.2. All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and its associated infrastructure;
 - 14.3. All existing infrastructure on the site, e.g. roads, buildings, substations, powerlines etc.; and
 - 14.4. All "no-go" and buffer areas.
15. Furthermore, a shapefile of the development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 or specify if an alternative scale was used. The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:

Postal Address:

Department of Environmental Affairs
Private Bag X447
Pretoria
0001

Physical address:

Department of Environmental Affairs
Environment House
473 Steve Biko
Arcadia
Pretoria

For Attention: Mr Muhammad Essop
Integrated Environmental Authorisations
Strategic Infrastructure Developments
Telephone Number: (012) 399 9406
Email Address: MEssop@environment.gov.za

16. 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 and micro-siting, and the provisions of this environmental authorisation. 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.
17. The EMPr amendment must include the following:
 - 17.1. All recommendations and mitigation measures recorded in the EIAr and specialist studies attached as part of the EIAr.
 - 17.2. The requirements and conditions of this environmental authorisation.
 - 17.3. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.

- 17.4. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
- 17.5. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- 17.6. A storm water and wash water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
- 17.7. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- 17.8. An effective monitoring system to detect any leakage or spillage of any hazardous substances during their transportation, handling, use or storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 17.9. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- 17.10. A fire management plan to be implemented during the construction and operation of the facility.
- 17.11. An environmental sensitivity map indicating environmentally sensitive areas and features identified during the EIA process.
- 17.12. The final site layout map.
- 17.13. The final site layout map superimposed (overlain) on the environmental sensitivity map. This map must reflect the approved location of the PV as stated in the EIAr and this environmental authorisation.
18. The final amended EMPr (once approved) must be implemented and strictly enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development when approved.

19. Should the holder of this environmental authorisation propose any changes to the EMPr, the holder of this environmental 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.
20. 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

21. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 28 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.
22. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
23. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. 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.
24. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. 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.
25. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

26. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the
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mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.

26.1. The ECO must be appointed before commencement of any authorised activities.

26.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

26.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

26.4. 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

27. 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.

28. 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.

29. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.

30. 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.

31. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 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.

32. 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

33. 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.

Operation of the activity

34. 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

35. 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

Conditions for non-operational aspects

36. All areas of Very High ecological sensitivity must be excluded from the development.
37. An avifauna Red Data survey must be conducted prior to the clearing of any habitat associated with the site.
38. A 200m buffer must be placed around the Palmietfontein Pan and a 100m buffer around all the other wetlands and pans.
39. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
40. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into sensitive and buffer areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
41. The footprint of the development must be limited to the areas required for actual construction works and operational activities.

42. Contractors and construction workers must be clearly informed of the no-go areas.
43. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
44. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be made available to this Department on request.
45. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
46. All areas of disturbed soil must be reclaimed using only indigenous vegetation. Reclamation activities shall be undertaken according to the EMPr.
47. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
48. No discharge of effluents or polluted water must be allowed into any rivers or wetland areas.
49. No spoil material, including stripped topsoil, must be temporarily stockpiled within 30 m of freshwater ecosystems identified to be of low or moderate conservation importance and 50 m of freshwater ecosystems identified to be of high conservation importance.
50. Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
51. No activities will be allowed to encroach into a water resource without a Water Use License being in place from the Department Water and Sanitation.
52. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
53. Disturbed areas must be rehabilitated as soon as possible after construction and no exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised to enhance the conservation of existing natural vegetation on site.
54. Workers must be made aware of the importance of not polluting rivers or wetlands and the significance of not undertaking activities that could result in such pollution, and this awareness must be promoted throughout the construction phase.
55. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuters, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.

56. All construction vehicles must adhere to a low speed limit to avoid collisions with susceptible species such as snakes and tortoises.
 57. Internal access roads must be located to minimize stream crossings. All structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
 58. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
 59. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
 60. Signage must be erected at appropriate points warning of turning traffic and the construction site.
 61. Should abnormal loads have to be transported by road to the site, a permit must be obtained from the relevant Provincial Government.
 62. The holder of this authorisation must reduce visual impacts during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques and restoring exposed soil as closely as possible to their original contour and vegetation.
 63. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act.
 64. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
 65. No unsupervised open fires for cooking or heating must be allowed on site.
 66. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
 67. The holder of this authorisation must provide sanitation facilities within the construction area and along the road so that workers do not pollute the surrounding environment. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste disposal site.
 68. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations.
 69. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
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70. Borrow materials must be obtained only from authorised and permitted sites. Permits must be kept on site by the ECO.
 71. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
 72. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
 73. A pre-construction survey of the final development footprint must be conducted to ascertain the identity and exact number of individuals of protected species affected by the proposed development. Prior to the commencement of construction, a rescue and rehabilitation operation for these species which could survive translocation must be conducted.
 74. Any vegetation clearing that needs to take place as part of maintenance activities, must be done in an environmentally friendly manner, including avoiding the use of herbicides and using manual clearing methods wherever possible.
 75. All construction vehicles must remain on properly demarcated roads. No construction vehicles should be allowed to drive over the vegetation except where no cleared roads are available. In such cases a single track should be used and multiple paths must not be formed. Where temporary access roads are created, they must be rehabilitated as outlined in the rehabilitation plan after completion of construction.
 76. Regular monitoring for erosion must take place to ensure that no erosion problems are occurring at the site as a result of the roads and other infrastructure. All erosion problems observed must be rectified as soon as possible as outlined in the erosion management plan within the EMPr.
 77. Excavations must be inspected regularly in order to rescue trapped animals.
 78. An appropriately designed and effective stormwater management system must be implemented.
 79. Kerbs and storm water channels must be designed in such a way that they can allow small animals and reptiles to move freely.
 80. Top soil and subsoil must be stockpiled separately and replaced according to the correct profile i.e. topsoil replaced last. Stockpiles must not be situated such that they obstruct natural water pathways and drainage channels.
 81. Top soil stockpiles must not exceed 2m in height, stockpiles older than 6 months must be enriched before they can be used to ensure the effectiveness of the topsoil.
 82. Any fauna directly threatened by the construction activities must be removed to a safe location by a suitably qualified person.
 83. A palaeontologist must be appointed to appraise the final development footprint and, if necessary, suggest any further measures that may be required to mitigate potential impacts.
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84. Any significant archaeological sites that cannot be avoided with a buffer of at least 20 m must be mitigated well in advance of the start of construction. It should be noted that it is permissible for transmission lines to span archaeological sites, but any associated service roads and the facility access roads must avoid them.
85. 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 must be made.
86. The collection, hunting, or harvesting of any plants or animals at the site is strictly forbidden.
87. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and should be dark-sky friendly.
88. Electric fencing must not have any strands within 30cm of the ground, which should be sufficient to allow smaller mammals, reptiles and tortoises to pass through (tortoises retreat into their shells when electrocuted and eventually succumb from repeated shocks), but still remain effective as a security barrier.
89. The recommendations of the EAP in the EIAR dated May 2016 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

Conditions for operational aspects

90. The continuous avifauna monitoring must be completed in the first 3-5 years after construction is complete as identified by the Avifauna Specialist.
 91. Road borders should be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.
 92. All declared aliens must be identified and managed in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983). There should be an alien species monitoring and eradication program to prevent encroachment of these problem plants for the duration of the operation.
 93. The washing of panels during maintenance must be done with biodegradable soaps to avoid soil contamination and poisoning of small animals.
 94. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and should be dark-sky friendly.
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95. During operation, any electrocution and collision events that occur should be recorded, including the species affected and the date. If repeated collisions occur within the same area, then, further mitigation and avoidance measures may need to be implemented.
96. The recommendations of the EAP in the EIAR dated May 2016 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

General

97. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 97.1. at the site of the authorised activity;
 - 97.2. to anyone on request; and
 - 97.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
98. 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: 05/09/2012


Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

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 request of the applicant to authorise the electricity infrastructure separately from the PV facilities. The Department included the electricity infrastructure in the Edison PV Environmental Authorisation. This facility will share the electricity infrastructure included in the Edison PV Environmental Authorisation because the applicant did not apply for permission to submit a combined application in terms of Regulation 11 (4) of the EIA Regulations, 2014.
- b) The listed activities as applied for in the application form received on 04 November 2015.
- c) The information contained in the EIAr dated May 2016.
- d) The comments received from the Department of Water and Sanitation, Eskom, Telkom, Free State Agri, Free State: Department of Police, Roads and Transport, SAHRA and interested and affected parties as included in the EIAr dated May 2016.
- e) Mitigation measures as proposed in the EIAr and the EMPr.
- f) The information contained in the specialist studies contained within the appendices of the EIAr dated May 2016 and as appears below:

Title	Prepared by	Date
Palaeontological Desktop Assessment	Palaeo Field Services	January 2016
Socio-economic Specialist Report	Dr Hugo van Zyl	March 2016
Soils and Agricultural Potential Assessment	Johann Lanz	February 2016
Aquatic Ecology Impact Assessment	Digby Wells Environmental	February 2016
Avifauna Impact Assessment	Digby Wells Environmental	February 2016
Fauna and Flora Impact Assessment	Digby Wells Environmental	February 2016
Geohydrological Assessment	Julian Conrad and Charles Peek	February 2016
Heritage Impact Assessment	ASHA Consulting (Pty) Ltd	February 2016
Visual Impact Assessment	Henry Holland	February 2016
Wetland Assessment Report	Digby Wells Environmental	February 2016

2. Key factors considered in making the decision

All information presented to the Department was taken into account 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 stems from the provision of electricity in the national grid.
- c) The EIAr dated May 2016 identified all legislation and guidelines that have been considered in the preparation of the EIAr dated May 2016.
- d) The methodology used in assessing the potential impacts identified in the EIAr dated May 2016 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 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 EIAr dated May 2016 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) The information contained in the EIAr dated May 2016 is deemed to be accurate and credible.
- e) 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.