



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

APPLICATION FORM FOR AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION

	(For official use only)
File Reference Number:	
NEAS Reference Number:	DEA/EIA/
Date Received:	

Application for authorisation in terms of the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended (the Regulations)

PROJECT TITLE

Heuningspruit PV 1 Solar Energy Facility near Koppies within the Ngwathe Local Municipality in the Free State Province

Indicate if the **DRAFT** report accompanies the application

Yes
No

PRE-APPLICATION CONSULTATION

Was a pre-application meeting held	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Date of the pre-application meeting	N/A			
Reference number of pre-application meeting held	N/A			
Was minutes compiled and submitted to the Department for approval	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

A copy of the pre-application meeting minutes must be appended to this application as **APPENDIX 1**.

Kindly note the following:

- This form must be used to apply for the Amendment of an Environmental Authorisation where this Department is the Competent Authority. An amendment includes:
 - adding, substituting, removing or changing a condition or requirement of an Environmental Authorisation, or
 - updating or changing any details or correcting a technical error.
- This form is current as of 01 September 2018. It is the responsibility of the Applicant / Environmental Assessment Practitioner (EAP) to ascertain whether subsequent versions of the form have been published or produced by the Competent Authority. The latest available Departmental templates are available at <https://www.environment.gov.za/documents/forms>.
- An application fee is applicable (refer to **Section 2**). Proof of payment must accompany this application. The application will not be processed without proof of payment unless one of the exclusions provided for in the Fee Regulations is applicable AND such information in the exclusion section of this application form has been confirmed by this Department.
- A cover letter on your company letterhead indicating the nature of this application must be appended to this form i.e. new application for Environmental Authorisation, updated application for Environmental Authorisation.
- An electronic copy (in the form of a USB) of the signed application form must be submitted together with two hardcopies (one of which must contain the original signatures of both the Applicant and EAP).
- This form must be marked **“for Attention: Chief Director: Integrated Environmental Authorisations”** and submitted to the Department at the postal or physical addresses contained in this form.
- All documentation delivered to the physical address contained in this form must be delivered during the official Departmental Officer Hours which is visible on the Departmental gate.

8. All EIA related documents (includes application forms, reports or any EIA related submissions) that are faxed; emailed; delivered to Security or placed in the Departmental Tender Box will not be accepted, only hardcopy submissions are accepted.
9. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will extend automatically when each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g. Arial 10).
10. Where applicable black out the boxes that are not applicable in the form.
11. The use of the phrase "not applicable" in the form must be done with circumspection. Where it is used in respect of material information that is required by the Competent Authority for assessing the application, this may result in the rejection of the application as provided for in the Regulations.
12. Unless protected by law, all information contained in and attached to this application, will become public information on receipt by the Competent Authority. Upon request during any stage of the application process, the Applicant / EAP must provide any registered interested and affected party with the information contained in and attached to this application.
13. Should a specialist report or report on a specialised process be submitted at any stage for any part of this application, the terms of reference for such report and declaration of interest of the specialist must also be submitted.
14. Please note that this form must be copied to the relevant Provincial Environmental Department(s).
15. Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 2**. Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form.
16. An application for Environmental Authorisation/Amendment lapses if the applicant fails to meet any of the timeframes prescribed in terms of the EIA Regulations, 2014, as amended.

Departmental Details

Postal address:

Department of Environmental Affairs
Attention: Chief Director: Integrated Environmental Authorisations
Private Bag X447
Pretoria
0001

Physical address:

Department of Environmental Affairs
Attention: Chief Director: Integrated Environmental Authorisations
Environment House
473 Steve Biko Road
Arcadia

Queries must be directed to the Directorate: Coordination, Strategic Planning and Support at:
Email: EIAAdmin@environment.gov.za

1. COMPETENT AUTHORITY

Identified Competent Authority to consider the application:
Reason(s) in terms of S24C of NEMA:

Department of Environmental Affairs
Government Notice 779 of 1 July 2016 identifies the Minister of Environmental Affairs as the Competent Authority for activities in terms of section 24(2)(a), which may not commence without environmental authorisation, and which relates to the Integrated Resources Plan (IRP) 2010-2030 and any updates thereto. As such, the amendment to the environmental authorisation for this application relates to the Heuningspruit PV 1 Solar Energy Facility Project which is related to the IRP, and therefore the Minister is the Competent Authority in this instance.

2. FEES

Applicants are required to tick the appropriate box below to indicate that either proof of payment is attached or that, in the applicant's view, an exclusion applies. Proof of payment or a motivation for exclusions must be attached as **APPENDIX 3** of this application form.

Proof of payment	Yes
Exclusion applies	

An applicant is excluded from paying fees if:

- The activity is a community-based project funded by a government grant; or
- The applicant is an organ of state.

TYPE OF EXCLUSION	Tick where applicable. Proper motivation must be attached to the application
The activity is a community-based project funded by a government grant	
The applicant is an organ of state	

FEE AMOUNT	Fee
Application for an Amendment of an Environmental Authorisation	R2 000

Department of Environmental Affairs' banking details for the payment of application fees:

<p>Payment Enquiries: Email: eiafee@environment.gov.za</p> <p>Banking details: ABSA Bank Branch code: 632005 Account number: 1044 2400 72 Current account</p> <p>Reference number: -27.450592/ 27.415272</p> <p>Status: Tax exempted</p>

3. GENERAL INFORMATION

Name of the Applicant:	Sun Mechanics (Pty) Ltd		
RSA Identity/ Passport Number:	N/A		
Name of contact person for applicant (if other):	Paul Warmeant		
RSA Identity/ Passport Number:	N/A		
Responsible position, e.g. Director, CEO, etc.:	Director		
Company/ Trading name (if any):	Sun Mechanics (Pty) Ltd		
Company Registration Number:	2013/169229/07		
BBBEE status:	N/A		
Physical address:	N/A		
Postal address:	PO Box 837, Sunvalley, Cape Town		
Postal code:	7985	Cell:	079 138 8284
Telephone:	021 789 2175	Fax:	086 691 8011
E-mail:	pwarmeant@lando.co.za		

Name of the landowner:	The trustees for the time being of the Niel Wege Family Trust		
Name of contact person for landowner (if other):	Annette Wege		
Postal address:	PO Box 6002, Kroonheuwel		
Postal code:	9501	Cell:	082 564 6160
Telephone:	N/A	Fax:	N/A
E-mail:	wege@carfone.net		

Name of Person in control of the land:	Annette Wege		
Name of contact person for person in control of the land:	Annette Wege		
Postal address:	PO Box 6002, Kroonheuwel		
Postal code:	9501	Cell:	082 564 6160
Telephone:	N/A	Fax:	N/A
E-mail:	wege@carfone.net		

In instances where there is more than one landowner, please attach a list of those landowners with their contact details as **APPENDIX 4**.

Certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 2**. Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form

Provincial Environmental Authority:	Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs		
Name of contact person:	Dr Mbulelo Nokwequ		
Postal address:	Private Bag X20801, Bloemfontein		
Postal code:	9300	Cell:	N/A
Telephone:	051 400 4924	Fax:	051 400 4732
E-mail:	nokwequm@destea.gov.za		
Local Municipality:	Ngwathe Local Municipality		
Name of contact person in (Environmental Section)	Mr Bruce Kannemeyer (Municipal Manager)		
Postal address:	PO Box 359, Parys		
Postal code:	9585	Cell:	N/A
Telephone:	056 816 2700	Fax:	056 811 2046
E-mail:	jordaanr@ngwathe.co.za	/	magualal@ngwathe.co.za

In instances where there is more than one Local/Provincial Authority involved, please attach a list of those Local/Provincial Authorities with their contact details.

4. ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) INFORMATION

Company of Environmental Assessment Practitioner:	Savannah Environmental (Pty) Ltd		
B-BBEE	Contribution level (indicate 1 to 8 or non-compliant)	2	Percentage Procurement recognition 125%
EAP name:	Shaun Taylor		
EAP Qualifications:	M.Sc. Aquatic Health		
Professional affiliation/registration:	South African Wetland Society (SAWS)		
Physical address:	1st Floor, Block 2, 5 Woodlands Drive Office Park, Woodlands Drive, Woodmead, 2192		
Postal address:	PO Box 148, Sunninghill		
Postal code:	2157	Cell:	072 779 4899
Telephone:	011 656 3237	Fax:	086 684 0547
E-mail:	shaun@savannahsa.com		

The appointed EAP must meet the requirements of Regulation 13 of GN R982 of 04 December 2014, as amended.

If appointed, the declaration of independence of the EAP and undertaking under oath or affirmation that all the information submitted or to be submitted for the purposes of the application is true and correct must be submitted as **APPENDIX 5**.

5. DETAILS OF IMPLEMENTATION OF PREVIOUS ENVIRONMENTAL AUTHORISATION

Was the activity commenced with during the validity period of the environmental authorisation? If yes, please describe the implementation of the previous environmental authorisation to date:		NO
N/A		

6. AMENDMENTS APPLIED FOR AND RELATED INFORMATION

Please indicate which of the following is relevant:

6.1. The holder of an environmental authorisation may at any time apply to the relevant Competent Authority for the amendment of the authorisation if:

(a) there is a material change in the circumstances which existed at the time of the granting of the environmental authorisation;		NO
(b) there has been a change of ownership in the property and transfer of rights and obligations must be provided for; or		NO
(c) any detail contained in the environmental authorisation must be amended, added, substituted, corrected, removed or updated.	YES	

Describe the amendments that are being applied for:
<p>The following amendments are applied for:</p> <ol style="list-style-type: none"> The details of the Holder of the Environmental Authorisation (EA) have changed. Therefore, an amendment application is submitted herein to request the amendment of the Holder of the EA to reflect the current details of the new Holder of the EA. Extension of the validity of the Environmental Authorisation (expires 27 March 2019) is requested by an additional two (02) years.

Please provide the reasons and/or a motivation for the application for amendment:							
<p>1. The Heuningspruit PV1 project is a preferred bidder under the Department of Energy under the Small Projects Renewable Energy IPP Procurement Programme. The Environmental Authorisation is required to be transferred to Heuningspruit PV1 (Pty) Ltd, which is a new special purpose project company established by CRONIMET Mining Power Solutions SA (Pty) Ltd, in its capacity as the “lead developer” of the Heuningspruit PV1 project, in accordance with the requirements of the Department of Energy under the Small Projects Renewable Energy IPP Procurement Programme. It is therefore requested that the holder of the EA be amended as follows (shown in bold font):</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="background-color: #cccccc;">Authorised Details of the Holder of the Environmental Authorisation</th> <th style="background-color: #cccccc;">Requested Amended Details of the Holder of the Environmental Authorisation</th> </tr> </thead> <tbody> <tr> <td> Mr. Paul Warmeant Sun Mechanics (Pty) Ltd P O Box 837 Sunvalley Cape Town 7985 </td> <td> Ms Sabrina Steinhauser Heuningspruit PV1 (Pty) Ltd Unit 308 The Foundry 74 Prestwich Street Cape Town 8000 </td> </tr> <tr> <td> Telephone Number: 021 789 2175 Cellphone Number: 079 138 8284 Fax Number: 086 691 8011 Email Address: pwarmeant@lando.co.za </td> <td> Telephone Number: 021 201 6988 Cellphone Number: 066 4308433 Email Address: sabrina.steinhauser@crm-ps.com </td> </tr> </tbody> </table>		Authorised Details of the Holder of the Environmental Authorisation	Requested Amended Details of the Holder of the Environmental Authorisation	Mr. Paul Warmeant Sun Mechanics (Pty) Ltd P O Box 837 Sunvalley Cape Town 7985	Ms Sabrina Steinhauser Heuningspruit PV1 (Pty) Ltd Unit 308 The Foundry 74 Prestwich Street Cape Town 8000	Telephone Number: 021 789 2175 Cellphone Number: 079 138 8284 Fax Number: 086 691 8011 Email Address: pwarmeant@lando.co.za	Telephone Number: 021 201 6988 Cellphone Number: 066 4308433 Email Address: sabrina.steinhauser@crm-ps.com
Authorised Details of the Holder of the Environmental Authorisation	Requested Amended Details of the Holder of the Environmental Authorisation						
Mr. Paul Warmeant Sun Mechanics (Pty) Ltd P O Box 837 Sunvalley Cape Town 7985	Ms Sabrina Steinhauser Heuningspruit PV1 (Pty) Ltd Unit 308 The Foundry 74 Prestwich Street Cape Town 8000						
Telephone Number: 021 789 2175 Cellphone Number: 079 138 8284 Fax Number: 086 691 8011 Email Address: pwarmeant@lando.co.za	Telephone Number: 021 201 6988 Cellphone Number: 066 4308433 Email Address: sabrina.steinhauser@crm-ps.com						
<p>A letter from Sun Mechanics confirming that the EA is to be transferred to the project company is included in APPENDIX 6. A letter confirming that Heuningspruit PV1 (Pty) Ltd is willing and able to accept all responsibility and able to adhere to all the conditions of the EA is attached in APPENDIX 6. This letter also provides confirmation of acceptance of the roles and responsibilities of the EA.</p>							

2. Condition 6 of the original EA dated 27 March 2014 states that the proposed activity must commence within a period of three (3) years from the date of issue, which would expire on 27 March 2017. The amended environmental authorisation dated 24 January 2017 extended the validity of the EA by a further two (2) years, of which expiry would be 27 March 2019. Heuningspruit PV1 (Pty) Ltd requests an extension of the validity of the EA by an additional two (2) years.

Amendment 1 of the amended Environmental Authorisation dated 24 January 2017 is requested to be amended.

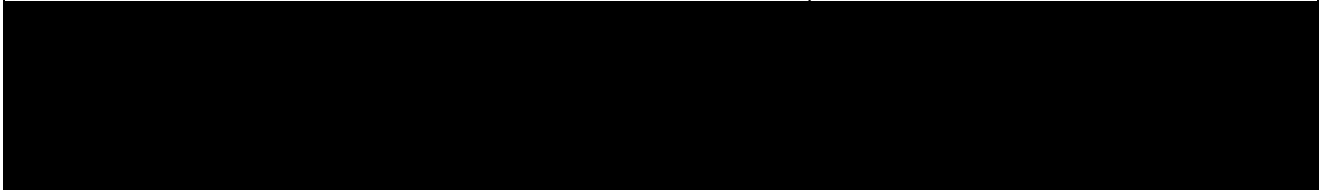
From:

“The activity must commence within a period of two (02) years from the date of expiry of the EA issued on 27 March 2014 (i.e. the EA lapses on 27 March 2019).”

To:

“The activity must commence within a period of two (02) years from the date of expiry of the amended EA issued on 24 January 2017 (i.e. the EA lapses on 27 March 2021).”

Should the amendment being requested result due to 6.1 (b) above, you are required to furnish the Department with a written undertaking that the new holder of the environmental authorisation is willing and able to assume responsibility of the environmental authorisation issued. Provide a short motivation and explanation below:



7. ENVIRONMENTAL IMPACTS

Describe any negative environmental impacts that may occur if the application for amendment is granted, amongst others information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment must be included.

1. Change details of the Holder of the Environmental Authorisation (EA)

The issuance of this amendment will not lead to the occurrence of any negative environmental impacts on the project site.

2. Extend the validity of the EA

The Heuningspruit PV1 consortium was awarded preferred bidder status under the request for qualifications and proposals dated 21 August 2013 (as amended), (Tender No. DoE004/13/14) under the Department of Energy's ("DoE's") Small Project Independent Power Producer Procurement Programme. A valid EA is required for future project development and construction purposes, most notably in order to obtain adequate construction funding for the project in the form of a term loan facility from a lender (in this case the Development Bank of Southern Africa) (the "Loan Facility"). Construction funding under the Loan Facility will only be capable of being drawn down, once all applicable conditions precedent imposed by the lender under the Loan Facility have been satisfied ("Financial Close"). A key condition precedent under construction finance agreements is that the project needs to have secured all of the necessary permits, consents and licences. In addition, for purposes of this project in particular, a condition precedent for Financial Close is that a power purchase agreement ("PPA") needs to have been signed between the project company and ESKOM, pursuant to which the project company will construct, own and operate a renewable power plant on the property under application. At this stage, the expected date of signature of the PPA (and consequently, the date of reaching Financial Close) is unknown. Therefore, the validity of the EA is requested to be extended in order to remain valid until the project has reached Financial Close and at the beginning of construction. The EA for the solar energy facility is therefore requested to be extended by an additional 2 (two) years from the date set out in the amended EA issued on 24 January 2017.

Describe any negative environmental impacts that may occur if the application for amendment is not granted.

1. Change details of the Holder of the Environmental Authorisation (EA)

If the application for amendment is not granted, there will be no negative environmental impacts. Project implementation will however be hindered if Heuningspruit PV 1 (Pty) Ltd is not the holder of the Environmental Authorisation. The project may therefore not be implemented and any benefits (as discussed in the Basic Assessment) not realised.

2. Extend the validity of the EA

No negative environmental impacts will occur if the amendment is not granted. The development may not progress and all benefits associated with the development will not be realised.

Describe any positive environmental impacts that may occur if the application for amendment is granted, amongst others information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water must be included.

The issuance of this amendment will not lead to the occurrence of any positive environmental impacts on the project site if granted.

8. AUTHORISATION FROM OTHER GOVERNMENT DEPARTMENTS

Are any permission, licenses or other authorisations required from any other departments before the requested amendments can be effected?

NO

If yes, please complete the table below.

Name of department and contact person	Authorisation required	Authorisation applied for
---------------------------------------	------------------------	---------------------------

	(Yes/ No)
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9. RIGHTS OR INTERESTS OF OTHER PARTIES

<p>In your opinion, will this proposed amendment adversely affect the rights and interests of other parties?</p>	<p>NO</p>
<p>No additional I&APs will be affected by the proposed amendment.</p> <p>The bio-physical and socio-economic impacts identified and assessed as part of the original EIA remain unchanged, and there will be no increase in the scope of the impacts associated with the proposed development. No change to the Environmental Authorisation besides the amendment of the holder of the EA being applied for. Therefore, the amendment will have no impact on the rights and interest of other interested and affected parties and will not alter the assessment of the project as presented in the EIA.</p> <p>The proposed amendment does not trigger any additional Listed Activity.</p>	

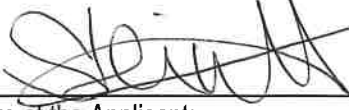
NOTE: The Department is entitled to request further information if it believes it is necessary for the consideration of the application. If the application is for a substantive amendment or if the rights or interests of other parties are likely to be adversely affected, the Department will instruct the applicant to conduct a public participation process and to conduct any investigations and assessments that it deems necessary.

10. LIST OF APPENDICES

		SUBMITTED	
APPENDIX 1	Copy of the pre-application meeting minutes		NO
APPENDIX 2	Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto or original commissioned Affidavit/Affirmation under oath	YES	
APPENDIX 3	Proof of Payment / Motivation for exclusion	YES	
APPENDIX 4	List of land owners (with contact details)		NO
APPENDIX 5	Declaration of independence of the EAP and undertaking under oath or affirmation, if appointed	YES	
APPENDIX 6	Change of Director's confirmation letter	YES	

11. DECLARATION

I, Sabrina Steinhauser, declare that I will comply with all my legal obligations in terms of this application and provide accurate information to everyone concerned in respect to this application.



Signature of the Applicant:

Heuningpsruit PV1 (Pty) Ltd

Name of Company or Organisation:

25 January 2019

Date:

**APPENDIX 1
COPY OF THE PRE-APPLICATION MEETING MINUTES**

NOT APPLICABLE

APPENDIX 2
CERTIFIED COPY/IES OF THE ENVIRONMENTAL AUTHORISATION AND ALL SUBSEQUENT AMENDMENTS
THERE TO OR ORIGINAL COMMISSIONED AFFIDAVIT/AFFIRMATION UNDER OATH

**environmental affairs**

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

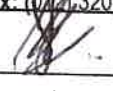
NEAS Ref: DEA/EIA/0002269/2014

DEA Reference: 14/12/16/3/3/1/1083

Enquiries: Mr Jay-Jay Mpelane

Telephone: (012) 310 3004 **Fax:** (012) 320 7539 **E-mail:** jmpelane@environment.gov.za

Mr Paul Warmeant
Sun Mechanics (Pty) Ltd
PO Box 837
SUNVALLEY
7985


Lauren Sheldon
Commissioner of Oaths: Ex Officio
Attorney of the High Court of South Africa
Unit 308, The Foundry, 74 Prestwich Street
De Waterkant, Cape Town, 8000, South Africa

**CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL**

Telephone number: (021) 789 2175
Fax number: (086) 691 8011

PER FACSIMILE / MAIL

Dear Mr Warmeant

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/546 FOR THE PROPOSED HEUNINGSPRUIT PV1 SOLAR ENERGY FACILITY NEAR KOPPIES WITHIN THE NGWATHE 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 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) 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 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 3207561;
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Building, North Tower,
Cnr. Lilian Ngoyi and Pretorius Streets,
Pretoria.

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.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

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

Tel: 012-310-3271

Email: AppealsDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully

Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement

Department of Environmental Affairs

Date: 27/3/2014

CC:	Ms Umeshree Naicker	Savannah Environmental (Pty) Ltd	Tel: (011) 656 3237	Fax: (086) 684 0547
	Mr Monde Walaza	Free State: DEDTEA	Tel: (051) 400 9417	Fax: (051) 400 9523
	Mr Norman Selai	Gwathe Local Municipality	Tel: (056) 811 2131	Fax: (056) 816 2146
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: (012) 310 3397	Fax: (012) 320 5744


Lauren Sheldon
 Commissioner of Oaths: Ex Officio
 Attorney of the High Court of South Africa
 Unit 308, The Foundry, 74 Prestwich Street
 De Waterkant, Cape Town, 8000, South Africa

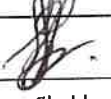
**CERTIFIED TO BE A TRUE COPY
 OF THE ORIGINAL**

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

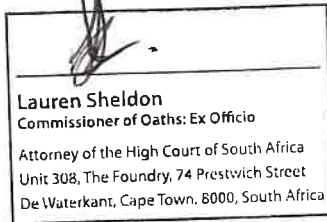
NOTES:

- An appeal against a decision must be lodged with:-**
 - the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
- An appeal lodged with:-**
 - the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
- An appeal must be:-**
 - submitted in writing;
 - accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.


 Lauren Sheldon
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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

**HEUNINGSPRUIT PV 1 SOLAR ENERGY FACILITY NEAR KOPPIES WITHIN THE NGWATHE
LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE**

FEZILE DABI DISTRICT MUNICIPALITY

Authorisation register number:	14/12/16/3//3/1/1083
NEAS reference number:	DEA/EIA/0002269/2014
Last amended:	First issue
Holder of authorisation:	Sun Mechanics (Pty) Ltd
Location of activity:	Farm Voorspoed 1508 within the Ngwathe Local Municipality near Koppies, 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.

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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 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 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

SUN MECHANICS (PTY) LTD

with the following contact details –

Mr Paul Warmeant
Sun Mechanics (Pty) Ltd
PO Box 837
SUNVALLEY
7985


Lauren Sheldon
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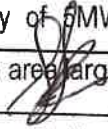

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Telephone number: none
Fax number: none
Cell number: (079) 138 8284
E-mail: pwarmeant@lando.co.za




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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1 and 3 (GN R. 544 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 1:</u> <i>"The construction of facilities or infrastructure for the generation of electricity where: (ii) The electricity generation is 10 megawatts or less but the total of the facility covers an area in excess of 1 hectare."</i></p>	<p>The proposed PV facility will have an export capacity of 5MW and will be constructed over an area larger than 1ha.</p> <div data-bbox="906 674 1230 880" style="border: 1px solid black; padding: 5px;">  Lauren Sheldon Commissioner of Oaths: Ex Officio Attorney of the High Court of South Africa Unit 308, The Foundry, 74 Prestwich Street De Waterkant, Cape Town, 8000, South Africa </div>
<p><u>GN R. 544 Item 10:</u> <i>"The construction of facilities or infrastructure for the transmission and distribution of electricity: (i) outside urban areas or industrial complexes with a capacity of more than 33kV, but less than 275kV...."</i></p>	<p>The facility will require the construction of an on-site substation and overhead power line connecting to the existing network.</p>
<p><u>GN R 544 Item 23:</u> <i>"The transformation of undeveloped, vacant or derelict land to- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares...."</i></p>	<p>The area to be developed for the solar energy facility will be outside an urban area with a footprint greater than 1 hectare and less than 20 hectare in extent.</p> <div data-bbox="922 1435 1273 1563" style="border: 2px solid red; padding: 5px; text-align: center;"> <p>CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL</p> </div>
<p><u>GN R 544 Item 39:</u> <i>"The expansion of- (v) bulk storm water outlet structures: Within a water course or within 32 meters of a watercourse, measured from the edge of a water course, where such expansion will result in an increased development footprint but excluding where such expansion will occur behind the development</i></p>	<p>There could be a need to expand existing storm water management structures.</p> <div data-bbox="1193 1883 1385 2056" style="text-align: right;">  </div>

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Listed activities	Activity/Project description
setback line....."	
<p><u>GN R 544 Item 47:</u></p> <p>"The widening of a road by more than 6 meters, or the lengthening of a road by more than 1 kilometer-</p> <p>(ii) where no reserve exist, where the existing road is wider than 8 meters.</p> <p>Excluding widening or lengthening occurring inside urban areas...."</p>	<p>There could be a need to expand an existing road.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">  Lauren Sheldon Commissioner of Oaths: Ex Officio Attorney of the High Court of South Africa Unit 308, The Foundry, 74 Prestwch Street De Waterkant, Cape Town, 8000, South Africa </div>
<p><u>GN R. 546 Item 14:</u></p> <p>"The clearance of an area of 5ha or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation....."</p> <p>(a) <u>In Free State,</u></p> <p>(i) All areas outside urban areas.</p>	<p>The establishment of the proposed 5MW facility and access roads will require the clearance of indigenous vegetation within the site.</p>

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as described in the Basic Assessment Report (BAR) dated December 2013 at:

Alternative S1 (preferred site)	Latitude	Longitude
Starting point of activity	27° 27' 02.97"S	27° 24' 53.20"E
Power line route	Latitude	Longitude
Starting point of activity	27° 26' 57.43"S	27° 24' 51.13"E
End point of the activity	27° 26' 45.60"S	27° 24' 57.13"E

- for the for the proposed construction of the Heuningspruit PV1 Solar Energy Facility near Koppies within the Ngwathe Local Municipality in the Free State Province, hereafter referred to as "the property".


The infrastructure associated with this facility include:

- Arrays of photovoltaic (PV) panels with a capacity of up to 05MW.
- Mounting structures to be either rammed steel piles or piles with pre-manufactured concrete footing to support the PV panels.



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- Cabling between the project components, to be lain underground.
- Inverters/Transformer enclosures.
- An on-site 88kV or lower voltage kV switching station.
- An overhead power line of approximately 250m in length to tie into the existing power line (Heuningspruit Rural-Syferfontien Traction 88kV Eskom power line) on site.
- Internal access roads (4 to 5 m wide).
- Fencing.
- Workshop area (20 m x 30 m) for maintenance, storage, offices and small modular water filtration or di-ionisation unit (approx. 10 X 10m).
- Parking and water storage tanks.
- Laydown area 200m².


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Conditions of this Environmental Authorisation


Scope of authorisation

1. The preferred site and the power line route alternative on the Farm Voorspoed 1508 is approved.
2. Authorisation of the activity is subject to the conditions contained in this 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 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 authorisation in terms of the regulations.
6. This activity must commence within a period of three (3) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation

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lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

- 7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
- 8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.


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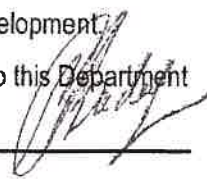
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Notification of authorisation and right to appeal

- 9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
- 10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.
- 11. The holder of the authorisation must publish a notice –
 - 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

- 12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.
- 13. The EMPr must be included in all contract documentation for all phases of the development.
- 14. Changes to the EMPr, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.

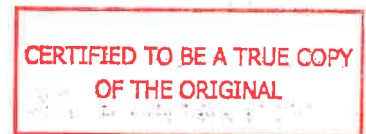


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- 15. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the BAR dated December 2013 be discovered.
- 16. The provisions of the approved EMPr including recommendations and mitigation measures in the BAR dated December 2013 and specialist studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.
- 17. The final layout map submitted as part of the EMPr is approved. This layout must be implemented and adhered to.
- 18. A shapefile of the approved 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 (please 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
Fedsure Forum Building (corner of Pretorius and Lillian Ngoyi Streets)
4th Floor South Tower
315 Pretorius Street
Pretoria
0002

For Attention: Mr Muhammad Essop
Integrated Environmental Authorisations
Telephone Number: (012) 395 1734



Department of Environmental Affairs
Environmental Authorisation Reg. No. 14/12/16/3//3/1/1083
NEAS Reference Number: DEA/EIA/0002269/2014

Fax Number: (012) 320 7539

Email Address: MEssop@environment.gov.za.

Monitoring

- 19. The applicant must appoint a suitably experienced independent 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 authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 20. The ECO must be appointed before commencement of any authorised activities.
- 21. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 22. 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. 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.
- 24. The ECO must:
 - 24.1. Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 24.2. Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
 - 24.3. 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.
 - 24.4. Keep copies of all reports submitted to the Department.
 - 24.5. Keep and maintain a schedule of current site activities including the monitoring of such activities.
 - 24.6. Obtain and keep record of all documentation, permits, licences and authorisations required by this facility.
 - 24.7. Compile a monthly monitoring report.


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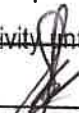
Recording and reporting to the Department

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25. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Director: Compliance Monitoring at the Department.
26. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
27. The environmental audit report 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 EMPr.
28. 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.

Commencement of the activity

29. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
30. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
31. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.


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Notification to authorities

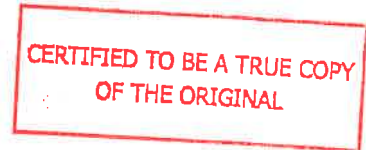
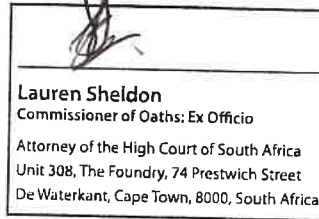
32. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the Notice of Intent to Appeal period.

Operation of the activity



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33. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.



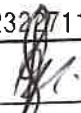
Site closure and decommissioning

34. Should the activity ever cease or become redundant, the applicant shall 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

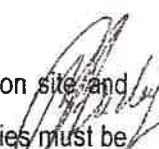
35. The footprint of the development must be limited to the areas required for actual construction works and operational activities and the areas outside of the footprint must be clearly demarcated and regarded as "no-go" areas.
36. No activities will be allowed to encroach into a water resource without a Water Use Authorisation being in place from the Department of Water Affairs.
37. 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 shall 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). Copies of all waste disposal certificates must be kept on site.
38. 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.
39. 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 87 of 1998 and from the provincial department for the destruction of species protected in terms of the specific provincial legislation.
40. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.
41. Removal of alien invasive species or other vegetation and follow-up procedures must be in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
42. The applicant must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.




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43. Construction activities must be restricted to demarcated areas to restrict impact on vegetation, birds and animals. Contractors and construction workers must be clearly informed of the no-go areas.
 44. The area around the cemetery should be demarcated with a fence and all construction activities should be located 15 meters away from the fence.
 45. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
 46. 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.
 47. Appropriate dust suppression techniques must be implemented on all exposed surfaces to minimise and control airborne dust.
 48. Erosion and loss of soil must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing actions such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
 49. Should abnormal loads have to be transported by road to the site, a permit must be obtained from the Provincial Government Free State.
 50. Only water must be used to wash solar panels to avoid environmental pollution. No potentially harmful chemicals should be used. Strict measures for the prevention of pollution involving chemicals, lubricants and fuel must be put in place. All chemicals must be correctly disposed of, and chemical spillage kits for use in the event of accidental spillage must be available on site at all times.
 51. Any security fences constructed along public roads must have reflecting devices positioned at regular intervals (every 20-30 m) along the fence, in order to make the fence more visible to nocturnal birds.
 52. Construction must include appropriate 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.
 53. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. All applicable safety standards and regulations, including for subcontractors must be enforced.
 54. The holder of this authorisation must provide sanitation facilities within the construction site and along the road so that workers do not pollute the surrounding environment. These facilities must be
- 

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removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste disposal facility.

- 55. 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, 2010.
- 56. The holder of this authorisations, contractors and sub-contractors working on site must ensure that oil, fuel and chemicals are confined to specific and secured areas throughout the construction period. These materials must be stored in a bunded area with adequate containment for potential spills and leaks.



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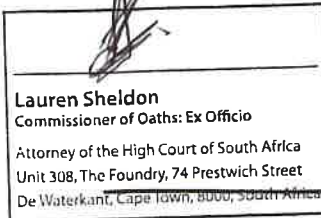
General

- 57. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The authorisation and approved EMPr must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 58. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 59. 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 applicant or his 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 applicant 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: 27 MARCH 2014



Mr Ishaam Abader
Deputy Director-General: Legal, Authorisations, Compliance and Enforcement
Department of Environmental Affairs



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Annexure 1: Reasons for Decision

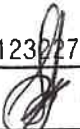
1. Information considered in making the decision

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

- a) The listed activities as applied for in the application form dated November 2013;
- b) The information contained in the BAR dated December 2013;
- c) The comments received from the Department of Water Affairs (DWA), the Department of Agriculture Forestry and Fisheries; the South African National Road Agency Limited (SANRAL), Eskom, organs of state and interested and affected parties as included in the BAR dated December 2013;
- d) Mitigation measures as proposed in the BAR dated December 2013 and the EMPr;
- e) The information contained in the specialist studies contained within Appendix D of the BAR dated December 2013 and as appears below:

Title	Prepared by	Date
Terrestrial Fauna and Flora Specialist Study for Basic Assessment.	Simon Todd Consulting	October 2013
Archaeological Impact Assessment	Heritage Contracts and Archaeological Consulting CC	November 2013
Assessment of Soils and Agricultural Potential	Dr L.G. Du Pisani	October 2013
Social Impact Assessment	Tony Barbour and Daniel Rogatsching (Environmental Consulting and Research)	November 2013
Visual Impact Assessment	Zone Land Solutions	October 2013

- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).


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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) Details provided of the qualifications of the Environmental Assessment Practitioner (EAP).
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems from the provision of electricity to the national grid in terms of the Renewable Energy Independent Power Producers Procurement Programme (RRIPPPP) as required by the Department of Energy.
- d) The BAR dated December 2013 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- e) The description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- f) The methodology used in assessing the potential impacts identified in the BAR dated December 2013 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 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 BAR dated December 2013 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 BAR dated December 2013 is accurate and credible.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process.

Department of Environmental Affairs
Environmental Authorisation Reg. No. 14/12/16/3//3/1/1083
NEAS Reference Number: DEA/EIA/0002269/2014

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.



Lauren Sheldon Commissioner of Oaths: Ex Officio Attorney of the High Court of South Africa Unit 308, The Foundry, 74 Prestwich Street De Waterkant, Cape Town, 8000, South Africa
--

CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

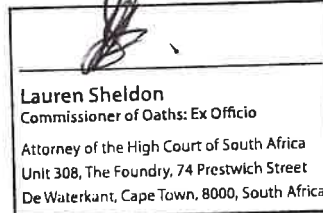
Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/1/1083/AM1

Enquiries: Mr Muhammad Essop

Telephone: (012) 399 9406 E-mail: MEssop@environment.gov.za

Mr Paul Warmeant
Sun Mechanics (Pty) Ltd
PO Box 837
SUNVALLEY
7985



Cell phone number: (079) 138 8284
E-mail Address: pwarmeant@lando.co.za

PER E-MAIL / MAIL

**CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL**

Dear Mr Warmeant

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 MARCH 2014 FOR THE HEUNINGSPRUIT PV 1 SOLAR ENERGY FACILITY NEAR KOPPIES WITHIN THE NGWATHE LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 27 March 2014 and your application for amendment of the EA received by this Department on 13 December 2016 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, has decided to amend the EA dated 27 March 2014, as follows:

Amendment 1: Amendment to extend the validity period of the EA:

The activity must commence within a period of two (02) years from the date of expiry of the EA issued on 27 March 2014 (i.e. the EA lapses on 27 March 2019). 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.

The applicant applied to extend the validity period of the EA as the development was bid into the small projects REIPPP but has not been awarded preferred bidder status. Construction will only commence if the project reaches financial close, which is unknown at this moment.

This proposed amendment letter must be read in conjunction with the EA dated 27 March 2014.

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

M.S

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

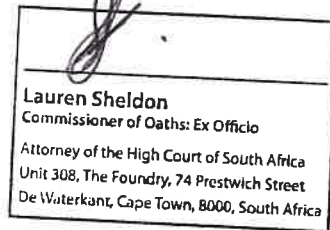
Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the 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:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za;

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



**CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL**

By post: Private Bag X447,
Pretoria,
0001;

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, 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 appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 24/01/2017

cc: Ms J Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
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**APPENDIX 3
PROOF OF PAYMENT/ MOTIVATION FOR EXCLUSION**



NOTIFICATION OF PAYMENT

To whom it may concern:

First National Bank hereby confirms that the following payment has been made:

Date Actioned : 2019-01-31
Time Actioned : 14:41:04
Trace ID : PMWQSNLF01

Payer Details

Payment From : K2015353569 SOUTH AFRICA (PTY) LTD
Amount : 2000.00

Payee Details

Recipient/Account no : ...240072
Recipient Name : Heuningspruit PV1
Bank : ABSA Bank
Branch Code : 632005
Reference : -27.450592/27.415272
Channel : INTERNET

END OF NOTIFICATION

To authenticate this Payment Notification please visit our website at <https://www.fnb.co.za>, click on Online Banking, select the "Verify Payment" option and follow the on-screen instructions

Our customer (the payer) has requested FirstRand Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. FirstRand Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

Disclaimer:

The information contained in this e-mail is confidential and may contain proprietary information. It is meant solely for the intended recipient. Access to this e-mail by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted in reliance on this, is prohibited and may be unlawful. No liability or responsibility is accepted if information or data is, for whatever reason corrupted or does not reach its intended recipient. No warranty is given that this e-mail is free of viruses. The views expressed in this e-mail are, unless otherwise stated, those of the author and not those of FirstRand Bank Limited or its management. FirstRand Bank Limited reserves the right to monitor, intercept and block e-mails addressed to its users or take any other action in accordance with its e-mail use policy. Licensed divisions of FirstRand Bank Limited are authorised financial service providers in terms of the Financial Advisory and Intermediary Services Act 37 of 2002.

**APPENDIX 4
LIST OF LAND OWNERS**

NOT APPLICABLE

**APPENDIX 5
DECLARATION OF THE EAP**

I, Shaun Taylor , declare that –

- I act as the independent environmental assessment practitioner in this application;
- I have expertise in conducting environmental impact assessments, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I will take into account, to the extent possible, the matters listed in Regulation 14 of the Regulations when preparing the application and any report relating to the application;
- I undertake to disclose to the applicant and the Competent Authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the Competent Authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the Competent Authority, unless access to that information is protected by law, in which case it will be indicated that such information exists and will be provided to the Competent Authority;
- I will perform all obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- I am aware of what constitutes an offence in terms of Regulation 48 and that a person convicted of an offence in terms of Regulation 48(1) is liable to the penalties as contemplated in Section 49B of the Act.

Disclosure of Vested Interest (delete whichever is not applicable)

- I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations.



Signature of the environmental assessment practitioner

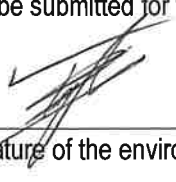
Savannah Environmental (Pty) Ltd

Name of company:

30/01/2019
Date

UNDERTAKING UNDER OATH/ AFFIRMATION

I, Shaun Taylor, swear under oath / affirm that all the information submitted or to be submitted for the purposes of this application is true and correct.



Signature of the environmental assessment practitioner

Savannah Environmental (Pty) Ltd

Name of company

30/01/2019
Date



Signature of the commissioner of oaths

COMMISSIONER OF OATHS (RSA)
Attorney Ex Officio Carmen Wilkinson

Date **160 Jan Smuts Avenue**
Rosebank 2196

30/01/2019

**APPENDIX 6
CHANGE OF DIRECTOR'S CONFIRMATION LETTER**

25 January 2019

Department of Environmental Affairs
Attention: Chief Director: Integrated Environmental Authorisations
Environment House; 473 Steve Biko Road
Arcadia

Dear Sir/Madam

APPLICATION FOR AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/546 FOR THE PROPOSED HEUNINGSPRUIT PV1 SOLAR ENERGY FACILITY (the “Facility”) NEAR KOPPIES WITHIN THE NGWATHE LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE (NEAS Reference number: DEA/EIA/0002269/2014; DEA Reference Number: 14/12/16/3/3/1/1083) (the “Environmental Authorisation”)

1. We refer to the Environmental Authorisation issued on 27 March 2014, initially applied for by Sun Mechanics (Pty) Ltd for the proposed Facility (the “**Heuningspruit PV1 Consortium**”), which validity period was subsequently amended on 24 January 2017.
2. The Heuningspruit PV1 Consortium was awarded a preferred bidder status under the request for qualifications and proposals dated 21 August 2013 (as amended), (Tender No. DoE004/13/14) under the Department of Energy’s (“**DoE’s**”) Small Project Independent Power Producer Procurement Programme (“**SPIPPP**”), see attached the letter from the DoE confirming that the Heuningspruit PV1 Consortium was awarded with preferred bidder status marked as Annexure A.
3. The Environmental Authorisation should be transferred from Sun Mechanics (Pty) Ltd to a special purpose company upon the Heuningspruit PV1 Consortium being selected as the preferred bidder. Please see attached the transfer of authorisation letter marked as Annexure B.
4. The special purpose company, which was incorporated in accordance with the requirements of the DoE under SPIPPP, namely, Heuningspruit PV1 (Pty) Ltd (the “**Project Company**”), will initiate, develop, finance, design, construct, operate, maintain and own the proposed Facility and shall assume all the relevant rights and responsibilities of the Environmental Authorisation and subsequent amendments issued for the proposed Facility.
5. We kindly request that the Department of Environmental Affairs approves the application for the amendment of the Environmental Authorisation by further extending



Heuningspruit PV1 (Pty) Ltd
Registration No. 2014/ 253289/ 07

the validity period and changing the details of the holder of the Environmental Authorisation to those details of the Project Company.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Sabrina Steinhauser", written over a horizontal line.

Sabrina Steinhauser

Director of Heuningspruit PV1 (Pty) Ltd

ANNEXURE A



energy

Department:
Energy
REPUBLIC OF SOUTH AFRICA

To: Paul Warneant
c/o Heuningspruit PV 1 Consortium
pwarneant@suncorp.co.za

PER EMAIL

Dear Sir / Madam

THE REPUBLIC OF SOUTH AFRICA - DEPARTMENT OF ENERGY

TENDER NO: DOE/004/13/14

**FOR: NEW POWER GENERATION FACILITIES UNDER THE SMALL PROJECTS
IPP PROCUREMENT PROGRAMME**

1. The Department refers to the Request for Qualification and Proposals for New Generation Capacity under the Small IPP Procurement Programme: August 2013 ("RFP"), under tender number DOE/004/13/14; and to your Bid Response submitted on 3 November 2014 as well as your response to the clarification questions issued to you on 4 March 2015.
2. Capitalised terms used in this letter shall bear the meanings given to them in the RFP, unless they are separately defined in this letter or the context dictates otherwise.
3. **Appointment as a Preferred Bidder**
 - 3.1 Following the evaluation of the Bid Responses submitted on the First Stage Two Submission Date, the Department wishes to inform you that it has selected Heuningspruit PV 1 Consortium as a Preferred Bidder in respect of its 5.00 MW Heuningspruit PV 1 Project, located in the Free State, for the

KL

supply of Solar Photovoltaic Renewable Energy to Eskom Holdings SOC Limited.

- 3.2 Accordingly, the Department hereby notifies Heuningspruit PV 1 Consortium of its appointment as a Preferred Bidder, in respect of the First Stage Two Bid Submission Phase of the Small Projects IPP Procurement Programme.
- 3.3 In order for the appointment of Heuningspruit PV 1 Consortium as a Preferred Bidder to take effect, this letter must be returned to the Project Officer, counter-signed by the duly authorised representative of Heuningspruit PV 1 Consortium, by no later than close of business on the 5th (fifth) Business Day after the date of Signature of this letter by the Department.
- 3.4 We draw your attention to the provisions of the RFP which continue to apply to Heuningspruit PV 1 Consortium as a Preferred Bidder, notwithstanding anything contained in the Bid Response of Heuningspruit PV 1 Consortium.
- 3.5 In particular, the Department wishes to confirm that:
- 3.5.1 in terms of paragraph 5.1.71 of Part A of the RFP, the terms of the draft PPA, Implementation Agreement, Direct Agreement, the Connection Agreements and the Connection Direct Agreement issued with the RFP ("**Transaction Agreements**") are not negotiable, notwithstanding anything stated by any Member, Lender, Contractor or other participant in **Heuningspruit PV 1 Consortium's** Bid Response. In addition, **Heuningspruit PV 1 Consortium**, its Members, Lenders, Contractors and any other participant in **Heuningspruit PV 1 Consortium's** Bid Response may not raise any comments in respect of or negotiate any of the terms of the Transaction Agreements, save for any comments to address errors or to provide information to the Department to enable it to prepare execution versions of your Transaction Agreements;
- 3.5.2 the execution versions of the Transaction Agreements will be provided to you by the Department on the basis of the information supplied by Heuningspruit PV 1 Consortium in its Bid Response, and shall be the basis upon which Heuningspruit PV 1 Consortium shall finalise its Project to reach Financial Close. In particular, please note that the schedules to the PPA submitted by Heuningspruit PV 1 Consortium in

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its Bid Response (pursuant to paragraph 2.2.3.1.4 of Part C of the RFP), will be used by the Department to populate and finalise the PPA prior to Financial Close. The Department accepts no responsibility and assumes no risk for delays which may be occasioned as a result of incorrect or incomplete information provided by Heuningspruit PV 1 Consortium in its Bid Response;

- 3.5.3 the Department's right to call on Heuningspruit PV 1 Consortium's Preferred Bidder Guarantee in terms of and in the circumstances set out in paragraph 23.3 of Part A of the RFP, is in no way limited by or subject to any of the conditions contained in the letters of support and/or term sheets submitted by the Lenders, providers of Equity Finance and or Corporate Finance. Therefore, notwithstanding all or any of the conditions to the provision of External Debt, Equity Finance or Corporate Finance imposed by relevant financier in the Bid Response the Department reserves fully its right to call on Heuningspruit PV 1 Consortium's Preferred Bidder Guarantee in the event that Heuningspruit PV 1 Consortium fails to reach Financial Close within the time period specified;
- 3.5.4 Heuningspruit PV 1 Consortium is reminded that the Department anticipates that financial close is estimated to be within six months from the time of announcement and that Heuningspruit PV 1 Consortium is required to meet any such timelines as may be determined by the Department;
- 3.5.5 there will be no upward movement in your Price at Financial Close, with the sole exception of an adjustment for foreign exchange rate movements, if applicable and subject to the limits provided for in paragraph 3.5.1.1 of Volume 4 of the RFP, read with Heuningspruit PV 1 Consortium's Bid Response;
- 3.5.6 there will be no upward movement in equity IRR as a result of a movement in foreign exchange rates at Financial Close against the benchmark rates set out in the RFP;
- 3.5.7 if the foreign exchange rate at Financial Close is below the benchmark rates set out in Briefing Note 5, then the Price shall be reduced appropriately to take into account the lower foreign exchange rates;

KR

- 3.5.8 subject to clauses 3.5.5, 3.5.6 and 3.5.7 above, any changes to the Financial Model and or the Price resulting from fluctuation in foreign exchange rates must be disclosed to, agreed with and effected in conjunction with the Department;
- 3.5.9 in terms of paragraph 23.4 of Part A of the RFP, the Project Company will pay a Development Fee calculated as R230 000 per MW of the within 10 Business Days of the date of signature of the Implementation Agreement, failing which the Department may call Heuningspruit PV 1 Consortium's Preferred Bidder Guarantee;
- 3.5.10 Heuningspruit PV 1 Consortium's attention is drawn to the warranties relating to Success Payments in clauses 23.1.14 and 23.1.15 of the Implementation Agreement;
- 3.5.11 any costs relating to interest rate and/or foreign exchange hedging are at Heuningspruit PV 1 Consortium's risk and there will be no subsequent impact on Price;
- 3.5.12 tax and accounting assumptions are a Preferred Bidder's risk and accordingly, there will be no impact on Price as a result of the adoption of an alternative tax or accounting treatment to that included within the Financial Model submitted as part of the Bid Response;
- 3.5.13 as indicated in paragraph 3.1.6 of Part D of the RFP, the commitments reflected in the Economic Development Scorecard will be migrated to the relevant portions of Schedule 2 to the Implementation Agreement (*Economic Development Obligations*); and
- 3.5.14 as indicated in paragraph 52.7 of Part A of the RFP, the Department reserves the right to seek additional information from Heuningspruit PV 1 Consortium in respect of its Bid Response as the Department may, in its sole discretion, determine, whether such information has been requested under this RFP or otherwise, and may, amongst other things, require the Bidder to provide the Department with supplementary information in respect of its Bid Response, if so required by the Department.

KR.

- 3.6 In order to ensure that the requirements of Regulation 9 of the Electricity Regulations on New Generation Capacity of 2011 are satisfied in respect of the Project, the Department reserves the right to negotiate with Heuningspruit PV 1 Consortium, and the appointment of Heuningspruit PV 1 Consortium as a Preferred Bidder is subject to the Department negotiating with it on whether the Project achieves value for money for the Government and the electricity consumer, as contemplated in paragraph 5.1.6 of Part A of the RFP.
- 3.7 The appointment of Heuningspruit PV 1 Consortium as a Preferred Bidder is also subject to Heuningspruit PV 1 Consortium demonstrating, pursuant to and in accordance with paragraph 13 of Part A of the RFP, to the satisfaction of the Department, that the application for all Land Use Consents and Environmental Consents required for Heuningspruit PV 1 Consortium's proposed Facility to be lawfully developed, connected to a Distribution System or Transmission System and Operated in accordance with the PPA, has been made and has progressed sufficiently so as not to delay Financial Close. The Department will communicate further with Heuningspruit PV 1 Consortium regarding the documentation and/or information that it requires pursuant to paragraph 13 of Part A of the RFP in due course. The Department shall be entitled, in its sole discretion, to terminate Heuningspruit PV 1 Consortium's status as a Preferred Bidder if Heuningspruit PV 1 Consortium fails to timeously comply with a request for documentation and/or information pursuant to paragraph 13 of Part A of the RFP, or fails to satisfy the Department that all applications contemplated in that paragraph have been made and have progressed sufficiently so as not to delay Financial Close.
- 3.8 Should Heuningspruit PV 1 Consortium fail to act in accordance with the requirements set out in clauses 3.5, 3.6 and 3.7 above at any time, the Department reserves the right to terminate the appointment of Heuningspruit PV 1 Consortium as a Preferred Bidder, and to call its Preferred Bidder Guarantee.
- 3.9 For purposes of finalising and executing the PPA, the Department has a discretion to select either the Preferred Bidder's fully indexed Price or its partially indexed Price (each as described in paragraph 2.5 of Part C of the RFP), and will communicate with Heuningspruit PV 1 Consortium in due

KR.

course on its decision in this regard.

4. Preferred Bidder Guarantee

In terms of paragraph 23.1 of Part A of the RFP, in order for Heuningspruit PV 1 Consortium to continue in the IPP Procurement Programme as a Preferred Bidder, Heuningspruit PV 1 Consortium is required to lodge a Preferred Bidder Guarantee (in the form provided in Schedule 26 of Volume 1, Part 2 of the RFP) with the Department in an amount equal to R75 000.00 (Seventy Five Thousand Rands) within 15 Business Days of receipt of this letter. The Bid Guarantee of Heuningspruit PV 1 Consortium will be returned by the Department within 15 Business Days of delivery by Heuningspruit PV 1 Consortium of its Preferred Bidder Guarantee to the Department. Should Heuningspruit PV 1 Consortium fail to provide the Preferred Bidder Guarantee in accordance with the requirements in this clause 4, the Department reserves the right to terminate the appointment of Heuningspruit PV 1 Consortium as a Preferred Bidder.

5. Proof of Application for Generation Licence

In accordance with paragraph 18.3 of Part A of the RFP, Heuningspruit PV 1 Consortium is required to submit evidence to the Department that its generation licence application, together with all the required supporting documentation, has been submitted to and received by NERSA within 14 days of being appointed as Preferred Bidder. The period of 14 days commences on the date on which this letter is returned to the Project Officer, counter-signed by the duly authorised representative of Heuningspruit PV 1 Consortium, as contemplated in clause 3.3 above. Should Heuningspruit PV 1 Consortium fail to act in accordance with this clause 5, the Department reserves the right to terminate the appointment of Heuningspruit PV 1 Consortium as a Preferred Bidder.

6. Eskom Confirmation

As a condition to the obtaining of Eskom Board approval of the PPA to be concluded between the Project Company and Eskom Holdings SOC Limited, Heuningspruit PV 1 Consortium is required to complete the letter attached hereto as Annexure A (*Confirmation regarding interests in Eskom Holdings SOC Limited*), confirming both its and its Members' interests in relation to Eskom Holdings SOC Limited. This letter must be returned to the Project Officer, signed by the duly authorised representative of the Project Company, by no later than

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close of business on the 5th (fifth) Business Day after the date of Signature of this letter by the Department.

7. Payment of budget quote fee

As indicated in paragraph 10 (Timetable for Small IPP Procurement Programme) of Part A of the RFP, Heuningspruit PV 1 Consortium is required to apply for a budget quotation from the Grid Provider and to pay the relevant budget quotation fee within 14 days of being appointed as Preferred Bidder. The period of 14 days commences on the date on which this letter is returned to the Project Officer, counter-signed by the duly authorised representative of Heuningspruit PV 1 Consortium, as contemplated in clause 3.3 above. Heuningspruit PV 1 Consortium is required to submit evidence to the Department that it has applied for a budget quote and has paid the budget quotation fee within this 14 day period. Failure to comply with this requirement will entitle the Department to terminate the appointment of Heuningspruit PV 1 Consortium as a Preferred Bidder, and to call its Preferred Bidder Guarantee.

8. Change Requests

8.1 The Department draws your attention to paragraphs 19.3 to 19.7 (inclusive) of Part A of the RFP in respect of changes to any aspect of a Bid Response of a Preferred Bidder.

8.2 As indicated in paragraph 19.3 of Part A of the RFP, **Heuningspruit PV 1 Consortium** is not permitted to change any aspect of its Bid Response without the prior written approval of the Department.

9. We look forward to the successful conclusion of your Project and to those interactions with Heuningspruit PV 1 Consortium that are necessary, and contemplated by the RFP, for that purpose. Please note that the Department may wish to engage with you about achieving early Financial Close.

KR.

SP_PV_0071_005
Solar Photovoltaic
First Stage Two Bid Submission Date

10. Please confirm the appointment of Heuningspruit PV 1 Consortium as a Preferred Bidder on the terms and conditions of this letter by having a copy of it signed and returned to the Project Officer, in accordance with clause 3.3 above.

Yours faithfully



Director-General: Department of Energy

Date: 30/9/15

KR.

Heuningspruit PV 1 Consortium hereby accepts its appointment as a Preferred Bidder in respect of the First Stage Two Submission Phase of the Small IPP Procurement Programme, and confirms its acceptance of the terms and conditions of this letter.

K. Richardson

Signature of duly authorised representative of Heuningspruit PV 1 Consortium

5 October 2015.

Date

KEITH RICHARDSON

Name

DEVELOPMENT DIRECTOR.

Designation

K.R.

ANNEXURE A

CONFIRMATION REGARDING INTERESTS IN ESKOM HOLDINGS SOC LIMITED

Date: ~~1st~~ 5 October 2016

Department of Energy
192 Visagie Street (corner Visagie Street and Paul Kruger Street)
Pretoria
0001
South Africa

THE REPUBLIC OF SOUTH AFRICA - DEPARTMENT OF ENERGY

TENDER NO: DOE/004/13/14

FOR: NEW POWER GENERATION FACILITIES UNDER THE SMALL IPP
PROCUREMENT PROGRAMME

Dear Sirs

- Heuningsspruit PVI Consortium*
1. Being duly authorised to represent and act on behalf of ~~[insert name of Preferred Bidder]~~ (the "Preferred Bidder"), hereby confirms the following:
 - 1.1 No director of the Preferred Bidder is currently, nor will be at the time of signature of the PPA, a director of Eskom Holdings SOC Limited or any of its subsidiary companies, other than as detailed below:
 - 1.1.1 ~~[insert]~~ *Not Applicable.*
 - 1.2 No director of any Member of the Preferred Bidder is currently, nor will be at the time of signature of the PPA, a director of Eskom Holdings SOC Limited or any of its subsidiary companies, other than as detailed below:
 - 1.2.1 ~~[insert]~~ *Not Applicable.*
 - 1.3 No director of Eskom Holdings SOC Limited nor any of its subsidiary companies currently have, nor will have at the time of signature of the PPA, a direct or indirect interest in the Preferred Bidder, other than as detailed below:

KR.

1.3.1 ~~[insert]~~ not applicable.

Yours faithfully

Signed: KR

Name: KEITH RICHARDSON.

For and on behalf of [Lead Member of the
Bidder or the authorised representative of a
Bidder which is a Project Company]

KR.

ANNEXURE B



SunMechanics

Sun Mechanics
Reg No: 2013/169229/07
P.O Box 837
Sunvalley 7975
Cape Town
South Africa
Cell: 0791388284
Fax: 0866918011
Email pwarmeant@lando.co.za

27 October 2014
The Department of Energy
192 Visagie Street (Corner Visagie and Paul Kruger Street)
Pretoria 0001
South Africa

Dear Sir/madam

Transfer of authorisations and permits relating to the Heuningspruit PV1 Project from Sun Mechanics Energy (Pty) Ltd to the Project Company (yet to be incorporated)

1. We refer to the Heuningspruit PV1 Project, a 5MW Solar PV Project being developed in the Free State Province (the "Project") and the Bid Response in respect of the Project pursuant to the Request for Qualification and Proposals for New Generation Capacity under the IPP Procurement Programme (Tender no: DOE/003/13/14) (the "RFP").
2. Capitalised terms in this letter shall have the meanings assigned to them in the RFP, unless they are expressly defined in this letter.
3. In terms of paragraph 2.3.3 and 2.4.1.2 of Part C (Stage 2 Qualification Criteria) of the RFP, a Selected Bidder must provide a document signed by the holder of the relevant contractual right, authorisation, title, application or other document ("the Authorisations") evidencing the holder's intention to transfer the Authorisations and all rights associated with them to the Project Company upon the Selected Bidder being selected as Preferred Bidder.
4. The Authorisations pertaining to the Project ("the Authorisations") have been granted to Sun Mechanics Energy Proprietary Limited ("Sun Mechanics").
5. Accordingly, in terms of paragraphs 2.3.3 and 2.4.1.2 of Part C (Stage 2 Qualification Criteria) of the RFP, Sun Mechanics hereby undertakes to:
 - 5.1. transfer the Authorisations and all rights associated with them to the Project Company upon the Selected Bidder being selected as Preferred Bidder; and
 - 5.2. sign and complete any documentation and generally take all steps necessary to effect the transfer of all of the Authorisations and all rights associated with them to the Project Company upon the Selected Bidder being selected as a Preferred Bidder by the Department.
6. In addition, Sun Mechanics agrees to transfer the lease option agreement over the Project Site and all rights associated to the Project Company upon the Selected Bidder being selected as Preferred Bidder.

Yours faithfully,

For and on behalf of Sun Mechanics Energy Proprietary Limited
Name: Paul Warmeant
Designation: Director