

17 March 2021

Dear Stakeholder and Interested & Affected Party,

**AMENDMENT OF ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED 10MW HARMONY ELAND
SOLAR ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE WITHIN THE MATJHABENG LOCAL
MUNICIPALITY, LEJWELEPUTSWA DISTRICT MUNICIPALITY, FREE STATE PROVINCE
(DEA Ref.No.: 14/12/16/3/3/1/1471/AM2)**

NOTICE OF AMENDED ENVIRONMENTAL AUTHORISATION ISSUED

Eland Photovoltaic (Pty) Ltd obtained Environmental Authorisation (EA) from the Department of Environment, Forestry and Fisheries¹ (DEFF) on 23 March 2016 for the 10MW Harmony Eland Solar Energy Facility and Associated Infrastructure on the farm Rietpan 17, the Remaining Extent of the Farm Tochgekregen 99 and Farm Wesselia 101 withing the Matjhabeng Local Municipality, Lejweleputswa District Municipality, Free State Province.

The applicant hereby notifies all registered interested and affected parties, as instructed by the decision issued by the Department on 10 March 2021, and in terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended, that the Department has decided to amend the EA, dated 23 March 2016.

A copy of the amended EA is attached for your perusal. This amended EA must be read in conjunction with the EA dated 23 March 2016.

NOTICE OF APPEAL PROCESS

As an interested and affected party, your attention is drawn to Chapter 2, Regulation 4(2) of Government Notice No. 993, which prescribes the appeal procedure to be followed. Should you wish to appeal the decision, or any part of the decision, by the Department, you must submit your 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 registered interested and affected parties by the applicant (i.e. Wednesday, 17 March 2021).

¹ Previously known as the Department of Environmental Affairs (DEA)

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

The Director: Appeals and Legal Review

E-mail: appeals@environment.gov.za

By hand: Environmental House
473 Steve Biko Street
Arcadia
Pretoria
0083

or

By post: Private Bag X447
Pretoria
0001

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

A copy of the Appeal Regulations is included with this notification letter.

Please note that **appeals should be submitted to the DEFF and not to the consultant** (Savannah Environmental).

Kind regards



Nicolene Venter

Public Participation and Social Consultant

Document Attached: Environmental Authorisation
National Appeals Regulations, 2014
National Appeal Amendment Regulations, 2015



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/1/1471/AM2

Enquiries: Ms Bathandwa Ncube

Telephone: (012) 399 9368 E-mail: BNcube@environment.gov.za

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

Telephone Number : 087 150 8874
Cellphone Number : 072 265 0687
Email Address : ab@entropie.co.za

PER EMAIL / MAIL

Dear Mr Buonajuti

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

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 23 March 2016, your application for amendment of the EA received by the Department on 26 January 2021 and acknowledged on 05 February 2021, refer.

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

Amendment 1: Amendment of the EA holder details

a) The line item on the cover page typed as:

Holder of authorisation:	BBEntropie (Pty) Ltd
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Is hereby amended to:

Holder of authorisation:	Eland Photovoltaic (Pty) Ltd
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b) The details of the EA holder on Page 2 of the EA, typed as:

"BBENTROPIE (PTY) LTD
(hereafter referred to as the holder of the authorisation)

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with the following contact details –

Mr Carlo Amadeo Buonajuti
BBEntropie (Pty) Ltd
 PO Box 786012
 SANDTON
 2146"

Is hereby amended to:

"Eland Photovoltaic (Pty) Ltd
 (hereafter referred to as the holder of the authorisation)

with the following contact details –

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

Reason for Amendment 1

BBEntropie (Pty) Ltd (Applicant) require to transfer all project permitting and consent obtained for the project to the project company where the Solar PV plant asset will be owned and operated for the duration of the project. The transfer of the EA to the project company is required in order for the project to reach financial close.

Amendment 2: Removal of water pipeline infrastructure

c) The amended table of the water pipeline coordinates:

Preferred Water Pipeline Route	Latitude	Longitude
Starting point	27°55'42.34"S	26°42'39.67"E
Middle point	27°55'44.08"S	26°42'39.95"E
End point	27°55'45.79"S	26°42'40.24"E

Is hereby removed from Page 4 of the EA.

d) The project infrastructure associated with the water pipeline on Page 4 of the EA typed as:

- "A water pipeline(approximately 108m), of 40cm in diameter that will transport water from the Harmony Eland Mine to the PV facility;"

Is hereby removed from Page 4 of the EA.

Reason for Amendment 2

The Applicant no longer requires the development of the water pipeline and is therefore requesting the removal thereof from the EA and the Amended EA.

Amendment 3: Amendment of overhead power line coordinates

e) The table of overhead power line coordinates authorised as:

Preferred Power line Route	Latitude	Longitude
Starting point	27°55'42.08"S	26°42'41.68"E
Middle point	27°55'42.48"S	26°42'43.20"E
End point	27°55'42.84"S	26°42'44.59"E

Is hereby amended to:

Preferred Power line Route	Latitude	Longitude
Starting point	27°55'26.94"S	26°42'19.09"E
Middle point	27°55'14.01"S	26°41'7.49"E
End point	27°54'2.12"S	26°40'44.48"E

Reason for Amendment 3

The Applicant requires a change in the coordinates authorised for the overhead power line as included in the Amended EA dated 30 May 2016 (14/12/16/3/3/1/1471/AM1). The authorised connection point for the PV Facility is the Freguls Five Substation, however the currently authorised power line co-ordinates do not connect to Freguls Five Substation. The powerline co-ordinates are therefore requested to be amended to ensure that the authorised powerline route is able to connect to the Freguls Five substation. This change will ensure that the Eland Solar Energy Facility is able to operate and evacuate the generated power to the authorised connection point (Freguls Five). The powerline will have a maximum voltage of 33kV and the pylons will not encroach within 32m of any watercourse. As such the powerline itself does not trigger any listed activities and does not require environmental authorisation. The revised powerline routing is however included for completeness of the Authorisation.

Amendment 4: Amendment of transformer capacity

- f) The project infrastructure associated with the transformer capacity on Page 4 of the EA typed as:
- "Transformers with a step-up of 11kV;"

Is hereby amended to:

- "Transformers with a step-up of up to 33kV;"

Reason for Amendment 4

The Application requires transformers with a step-up of up to 33kV for the operation of the facility. Due to technical requirements, the electricity generated by the PV Facility may need to be transformed (stepped-up) to a maximum of 33kV, to allow for efficient export of the electricity to the Freguls Five substation. The amendment will also allow for reduced line losses.

Amendment 5: Amendment of overhead distribution power line capacity and length

- g) The project infrastructure associated with the overhead distribution power line on Page 4 of the EA typed as:
- "An 11kV overhead distribution power line (approximately 82m) for the distribution of the generated power to the Freguls Five Substation;"

Is hereby amended to:

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- "An overhead distribution power line with a capacity of up to 33kV and with a length of 4962m for the distribution of the generated power to the Freguls Five Substation;"

Reason for Amendment 5

The Applicant requires an overhead power line with a capacity of up to 33kV for the operation of the facility and technical requirements. The length of the power line needs to be updated to accommodate the change of the power line coordinates which is required for completeness of the Environmental Authorisation. This change will ensure that the Eland Solar Energy Facility is able to operate and evacuate the generated power. The powerline will have a maximum voltage of 33kV and a length of 4962m and the pylons will not encroach within 32m of any watercourse. As such the powerline itself does not trigger any listed activities and does not require environmental authorisation. The revised powerline routing is however included for completeness of the Authorisation.

Amendment 6: Amendment of EMPr Condition

h) Condition 24 on Page 8 of the EA, typed as:

"24. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982."

Is hereby amended to:

"24. The holder of the authorisation may apply for an amendment of an EMPr, if such an amendment is required before an audit is required. In assessing whether to grant such an EMPr amendment, the Department will consider the processes and requirements prescribed in the EIA Regulations in effect at the time."

Reason for Amendment 6

It is noted that the requirement to provide 60 days' notice prior to the updating of the EMPr was previously stipulated in the EIA Regulations but was subsequently removed from the Regulations. This change will ensure that the EMPr can be updated according to the relevant EIA Regulations at the time.

Amendment 7: Amendment of Lighting Conditions

i) Condition 84 on Page 14 of the EA, typed as:

"84. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and must be dark-sky friendly."

Is hereby amended to:

"84. Lighting for both the construction period and through the operation of the facility must be LED, preferably yellow. All perimeter and security lighting must be attached to motion detectors unless permanent lighting is required for safety or security reasons, and should be dark-sky friendly."

j) Condition 97 on Page 15 of the EA, typed as:

"97. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and must be dark-sky friendly."

Is hereby amended to:

"97. Lighting for both the construction period and through the operation of the facility must be LED, preferably yellow. All perimeter and security lighting must be attached to motion detectors unless permanent lighting is required for safety or security reasons, and should be dark-sky friendly."

Reason for Amendment 7

LED lights are energy efficient and will reduce unnecessary energy usage on site. The substation is required to be permanently illuminated due to safety and security considerations. The site is not located in any gazetted Astronomy Geographic Advantage Area, and is not in a "dark-sky"/ light-sensitive area (the site is located within a mining area).

Amendment 8: Amendment of the Validity Period- Commencement of Authorised Activities

k) The activity must commence within a period of five (5) years from the date of expiry of the EA dated 23 March 2021, now extended to **23 March 2026**. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

Reason for Amendment 8

The applicant applied to extend the validity period of the EA to ensure that the project is compliant with the requirements of the Department of Mineral Resources and Energy's Renewable Energy Independent Power Producer Procurement ("REIPPP") Programme.

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

This proposed amendment letter must be read in conjunction with the EA dated 23 March 2016 as amended. In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

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

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

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

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

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

By email: appeals@environment.gov.za;

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

By post: Private Bag X447,
Pretoria,
0001;

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

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

Yours faithfully



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

Date: 10/03/2021

cc:	Ms J. Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
	Mr N. Koen	Free State DESBDT&EA	E-mail: nkoen@destea.gov.za
	Mr. T. Tsoaeli	Matjhabeng Local Municipality	E-mail: mm@matjhabeng.co.za

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