

26 January 2021

Dear Stakeholder and Interested and Affected Party,

**AMENDMENT OF ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED 10MW HARMONY TSHEPONG  
SOLAR ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE WITHIN THE MATJHABENG LOCAL  
MUNICIPALITY, LEJWELEPUTSWA DISTRICT MUNICIPALITY, FREE STATE PROVINCE  
(DEA Ref.No.: 14/12/16/3/3/1/1444/AM1)**

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**NOTICE OF AMENDED ENVIRONMENTAL AUTHORISATION ISSUED**

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Tshepong Photovoltaic (Pty) Ltd submitted an application for Environmental Authorisation (EA) to the Department of Environment, Forestry and Fisheries<sup>1</sup> (DEFF) on 02 December 2020 which was acknowledged by the DEFF on 09 December 2020 for the 10MW Harmony Tshepong Solar Energy Facility and Associated Infrastructure on the farm Free State Geduld 448 in the Matjhabeng Local Municipality, within the 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 13 January 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 Amendment to the EA, dated 13 January 2021.

A copy of the amended EA is attached for your perusal. This amended EA must be read in conjunction with the EA dated 08 December 2015.

**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. Tuesday, 26 January 2021).

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<sup>1</sup> 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](mailto: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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto: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: 14/12/16/3/3/1/1444/AM1

Enquiries: Ms Constance Musemburi

Telephone: (012) 399 9416 E-mail: [CMusemburi@environment.gov.za](mailto:CMusemburi@environment.gov.za)

Mr Carlo Amedeo Buonajuti  
Tshepong Photovoltaic (Pty) Ltd  
P. O. Box 786012  
**SANDTON**  
2146

Cell Number: (072) 265 0687  
Email Address: [ab@entropie.co.za](mailto:ab@entropie.co.za)

### PER MAIL / EMAIL

Dear Mr Carlo Amedeo Buonajuti

### AMENDMENT OF ENVIRONMENTAL AUTHORISATION ISSUED ON 08 DECEMBER 2015 FOR THE PROPOSED 10MW HARMONY TSHEPONG SOLAR ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE ON THE FARM FREE STATE GEDULD 448, WITHIN THE MATJHABENG LOCAL MUNICIPALITY, FREE STATE PROVINCE.

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 08 December 2015, your application for amendment of the EA received by the Department on 02 December 2020 and the acknowledgement of receipt thereof sent via email on 09 December 2020, 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 08 December 2015, as follows:

#### **Amendment 1: Extension of the validity period of the EA**

The activity must commence within a period of five (5) years from the date of expiry of the EA issued on 08 December 2015, which is now extended to 08 December 2025. If commencement of the activity does not occur within that period, the environmental authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

#### **Reason for Amendment**

Delays have been experienced in securing an Electricity Generation License from NERSA. Further to a Ministerial determination this year, the NERSA approval is anticipated in the next 12-18 months, with construction to follow.

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.

#### **Amendment 2: Change of holder of authorisation**

The applicant is proposing to amend the details to ensure that the EA lists the Applicant name correctly:

##### **From:**

*"BBEntropie (Pty) Ltd".*

##### **To:**

*"Tshepong Photovoltaic (Pty) Ltd".*

##### **Reason for Amendment**

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.

#### **Amendment 3: A change in the PV Panel description**

The Applicant is proposing the use of a tracking system for the PV panels:

##### **From:**

*"Photovoltaic (PV) panels of up to 4m in height (fixed-tilt/static technology) with a generating capacity of up to 10MW".*

##### **To:**

*"Photovoltaic (PV) panels of up to 5m in height (fixed-tilt/static or tracking technology) with a generating capacity of up to 10MW".*

##### **Reason for Amendment**

The Applicant is proposing the use of a tracking system for the PV panels. Tracking panels are a newer, more efficient technology that allow for greater capture of sunlight throughout the day, by tracking (following) the sun's movement. As a result, tracking panels are able to generate a higher energy yield compared to fixed-tilt panels, which would allow for more efficient use of the authorised footprint.

#### **Amendment 4: Removal of water pipeline infrastructure**

The Applicant no longer requires the development of the water pipeline and is therefore proposing the removal of the following from the EA.

*"A water pipeline of 40 cm in diameter that will transport water from the Tshepong Mining Shaft to the PV facility This proposed amendment letter must be read in conjunction with the EA dated 08 December 2015".*

##### **Reason for Amendment**

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

**Amendment 5: A change in the transformer capacity**

The applicant requires transformers with a step-up of up to 33kV for the operation of the facility:

**From:**

*"Transformers with a step-up of 11kV".*

**To:**

*"Transformers with a step-up of up to 33kV".*

**Reason for Amendment**

The applicant 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 Anglo Geduld Substation. The amendment will also allow for reduced line losses.

**Amendment 6: A change in the overhead distribution power line capacity**

The applicant is proposing an overhead power line with a capacity of up to 33kV for the operation of the facility:

**From:**

*"An overhead distribution powerline for the distribution of the generated power to the Anglo Geduld Substation".*

**To:**

*"An overhead distribution power line with a capacity of up to 33kV for the distribution of the generated power to the Anglo Geduld Substation".*

**Reason for Amendment**

The applicant is proposing an overhead power line with a capacity of up to 33kV for the operation of the facility and technical requirements. This change will ensure that the Tshepong Solar Energy Facility is able to operate and evacuate the generated power. 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.

**Amendment 7: Amendment of Condition 22 of the EA**

The applicant is proposing a change to the wording included in Condition 22 of the EA:

**From:**

*"The holder of the authorisation may apply for an amendment of an EMPr, if such an 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".*

**To:**

*"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

The applicant is proposing a change to the wording included in Condition 22 of the EA. This change will ensure that the EMPr can be updated according to the relevant EIA Regulations at the time. 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. Condition 22 has been amended to remove the 60-day notification requirement, so that the EMPr can be updated swiftly as /when required in response to circumstances on site.

**Amendment 8: Amendment of Conditions 84 and 98 of the EA**

The applicant is proposing a change to the wording included in Conditions 84 and 98 of the EA:

**Condition 84:**

**From:**

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

**To:**

*"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".*

**Condition 98:**

**From:**

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

**To:**

*"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

The Applicant is proposing a change to the wording included in Condition 84 and 98 of the EA. 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 directly adjacent to the existing Tshepong Mining Shaft which is lit at night).

This amendment letter must be read in conjunction with the EA dated 08 December 2020.

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

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

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

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

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

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

By email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za) :

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

By post: Private Bag X447,  
Pretoria,  
0001;

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

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at <https://www.environment.gov.za/documents/forms#legal> authorisations or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za) .

Yours faithfully



**Ms Millicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Environment, Forestry and Fisheries**  
**Date: 13/01/2021.**

Chief Directorate: Integrated Environmental Authorisations

|    |                    |                                  |                   |                              |
|----|--------------------|----------------------------------|-------------------|------------------------------|
| CC | Jo-Anne Thomas     | Savannah Environmental (Pty) Ltd | Tel: 011 656 3237 | Email: joanne@savannahsa.com |
|    | Mr N Koen          | Free State: DESTEA               | Tel: 051 400 4917 | Email: nkoen@destea.gov.za   |
|    | Mr Thabiso Tsozeli | Matjhabeng Local Municipality    | Tel: 057 391 3611 | Email: mm@matjhabeng.co.za   |





**environment, forestry  
& fisheries**

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

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: +27 96 625 1042

**Ref: CD: Integrated Environmental Authorisations**  
**Enquiries: Suzan Maphosa**  
**Tel: (012) 399-9086 Email: smaphosa@environment.gov.za**

Ms Milicent Solomons  
Director: Prioritised Infrastructure Projects

Dear Ms Solomons

**APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL  
AUTHORISATIONS FROM 11 UNTIL 22 JANUARY 2021**

I hereby inform you that you are appointed to act in the post of Chief Director: Integrated Environmental Authorizations from 11 January until 22 January 2021, whilst Mr Malaza is on annual leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Chief Director: Integrated Environmental Authorizations (Acting) during the above-mentioned period. It is required that you compile a report on the recommendations, approvals and advice you have dealt with under this delegated authority.

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

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

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

Yours sincerely

**Ms Frances Craigie**  
**ACTING DEPUTY DIRECTOR-GENERAL**  
**DATE: 8/1/2021**

**ACKNOWLEDGEMENT**

I  ACCEPT /  DO NOT ACCEPT  
The appointment as Acting Chief Director:  
Integrated Environmental Authorisations

Signed: M Solomons

Date: 11/01/2021



**Batho pele- putting people first**