

Environmental Authorisation

Authorisation register number: EMB/1(i), 11(i), 12(ii)(a)(c), 14, 19, 27, 4(b)(i)(gg), 10(b)(i)(gg)(hh), 12(b)(i), 14(ii)(a)(c)(b)(i)(hh)/22/35

Holder of Authorisation: Harmony Gold Mining Co Ltd

Location of activity: On Portion 12 of the farm Saaiplaas 771 and Portion 1 of the Farm Rustgevonden 564, in Virginia, Matjhabeng Local Municipality, Free State Province.

Project description: Activities 1(i), 11(i), 12(ii)(a)(c), 14, 19, 27 of Listing Notice 1 (GNR 327) and activities 4(b)(i)(gg), 10(b)(i)(gg)(hh), 12(b)(i), 14(ii)(a)(c)(b)(i)(hh) of Listing Notice 3 (GNR 324).

The proposed development of a 14 MW Harmony Central Plant Solar Photovoltaic (PV) Facility and related infrastructure on portion 12 of the farm Saaiplaas 771 and portion 1 of the farm Rustgevonden 564.

HEAD OF DEPARTMENT
Department of Economic,
Small Business Development,
Tourism and Environmental Affairs

06 FEB 2023

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Decision

The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA- 'the Department') is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation (EA), that the applicant must be authorised to undertake the activity specified below.

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

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

Activity authorised

By virtue of the powers conferred on it by the National Environmental Management Act ('NEMA'), Act No. 107 of 1998, as amended and GNR 326 of the 2014 Environmental Impact Assessment Regulations as amended, the Department hereby authorises –

Harmony Gold Mining Co Ltd

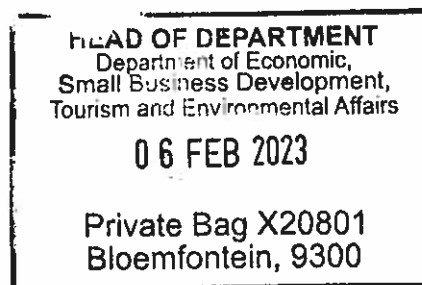
With the following contact details-

PO Box 2,
Randfontein,
Johannesburg,
South Africa
1760

Contact person: Mr. Thomas Wilson

Cell: 072 424 9045

E-mail: Thomas.Wilson@Harmony.co.za



to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1 (GNR 327) and Listing Notice 3 (GNR 324):

Activity 1(i):

“The development of facilities or infrastructure for the generation of electricity from a renewable resource where –

(i) the output is more than 10 megawatts but less than 20 megawatts;

Activity 11(ii):

The development of facilities or infrastructure for the transmission and distribution of electricity –

(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275kV or more.

Activity 12(ii)(a)(c):

The development of –

(ii) infrastructure or structures with a physical footprint of 100 square meters or more, where such development occurs –

(a) within a watercourse; or

(c) if no development setback exists, within 32 meters of a watercourse, measured from the edge of a watercourse.

Activity 14:

The development and related operation of facilities and infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.

Activity 19:

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from [(i) a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; [or]
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity 27:

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –

- (i) The undertaking of a linear activity; or
- (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.

Activity 4(b)(i)(gg):

The development of a road wider than 4 metres with a reserve of less than 13.5 metres.

b. Free State

i. Outside urban areas:

(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas.

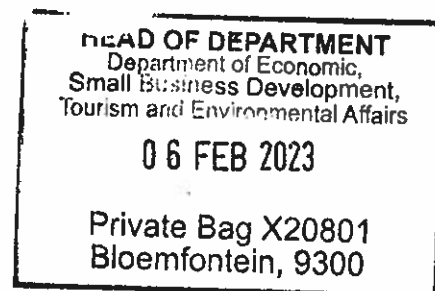
Activity 10(b)(i)(gg)(hh):

The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.

b. Free State

i. Outside urban areas:

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(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve; or

(hh) Areas within a watercourse or wetlands; or within 100 metres from the edge of a watercourse or wetland.

Activity 12(b)(i):

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

b. Free State

i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

Activity 14(ii)(a)(c)(b)(i)(hh):

The development of –

(ii) infrastructure or structures with a physical footprint of 10 square meters or more, where such development occurs –

(a) within a watercourse; or

(c) if no development setback exists, within 32 meters of a watercourse, measured from the edge of a watercourse.

b. Free State

i. Outside urban areas:

(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere or reserve.", as described in the Final Basic Assessment Report (BAR) dated 06 October 2022.

Site coordinates:

Latitude (S)

Longitude (E)

28° 2' 56.76" S

26° 52' 57.61" E

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Activity description

The Solar PV development will be known as Harmony Central Plant Solar PV Facility.

The infrastructure associated with the 14MW solar PV facility will include:

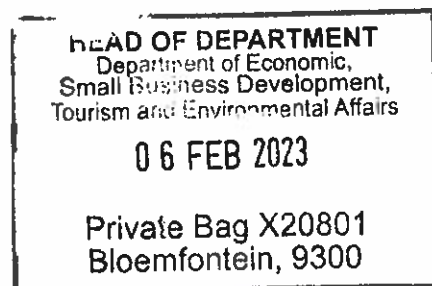
- PV modules and mounting structures.
- Inverters and transformers a SCADA room, and maintenance room.
- Cabling between the project components, to be laid underground where practical.
- Access roads, internal roads and fencing around the development area.
- Temporary and permanent laydown areas.
- Grid connection infrastructure including an on-site facility substation and a switching substation to be connected to the existing Harmony North Substation via an overhead power line (located in the southern corner of the site).

The granting of this EA is subject to the conditions set out below.

Conditions of the Environmental Authorisation

Scope of Authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this document. These conditions form part of the EA and are binding on the holder of the EA.
- 1.2 The holder of the EA shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the EA.
- 1.3 The authorised activity may only be carried out on Portion 12 of the farm Saaiplaas 771 and Portion 1 of the Farm Rustgevonden 564, Matjhabeng Local Municipality, Free State Province, as indicated above at the exact site co-ordinates.
- 1.4 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 affected.



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- 1.5 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 which may result in the holder of the EA to apply for further Authorisation in terms of NEMA (Act 107 of 1998) and the 2014 EIA Regulations as amended.
- 1.6 The holder of the EA must apply for an amendment of the EA with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
- 1.7 Commencement with one activity listed in terms of this EA constitutes commencement of all authorised activities.
- 1.8 This EA is valid for a period of 5 (five) years from the date of issue. If commencement of the activity does not occur within that period, the EA lapses and a new application for an EA must be made.
- 1.9 This EA 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 this particular activity.

Appeal of Authorisation

- 1.10 The holder of the EA must notify every registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this EA, of its decision to authorise the activity.
- 1.11 The notification referred must –
 - 1.11.1 specify the date on which the EA was issued;
 - 1.11.2 inform the registered interested and affected parties of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38559 of 12 March 2015;
 - 1.11.3 advise the registered interested and affected parties that a copy of the Authorisation will be furnished on request; and

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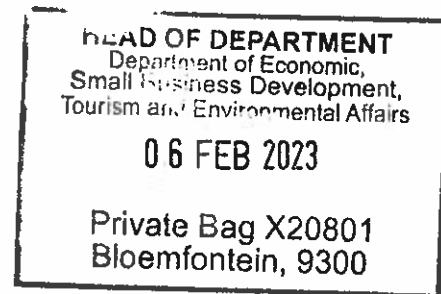
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1.11.4 give the reasons for the decision.

1.12 A person affected by the decision who wishes to appeal against the decision must lodge an appeal with the MEC of the Department of Economic, Small Business Development, Tourism and Environmental Affairs within 20 calendar days after being notified of the decision.

The appeal must be directed to:

Attention: Mr. T. Molotsi
MEC (DESTEA)
Private Bag X20801
Bloemfontein
9300
Tel: (051) 400 4810
E-mail: modisepm@destea.gov.za



- An appeal not submitted to the above mentioned address will not be regarded as valid.
- The applicant shall not commence with the proposed activity once an appeal has been lodged with the office of the MEC.

Management of the activity

1.13 The Environmental Management Programme (EMPr) submitted as part of application for an EA is hereby approved.

1.14 The provisions of the EMPr included in the Final Basic Assessment Report (BAR) are an extension to the conditions of Authorisation, and non-compliance with the conditions of the EMPr would accordingly constitute non-compliance with the conditions of this EA.

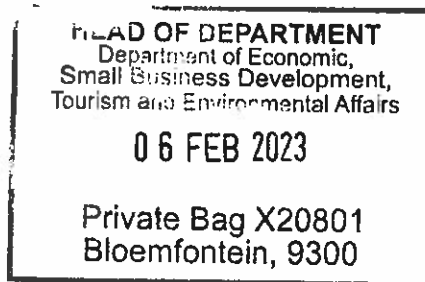
1.15 Must there be a change of ownership and/or project developer, the Department must be notified within 30 (thirty) days prior to the change itself. Conditions imposed in this EA must be made known to the new owner and/or developer.

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- 1.16 The recommendations and mitigation measures recorded in the Final Basic Assessment Report dated 06 October 2022 must be adhered to and incorporated as part of the EMPr where applicable.
- 1.17 Any updates or amendments to the EMPr must be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs and must be decided upon within a period of 30 days of the submission.

Monitoring

- 1.18 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction and operation phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this EA are implemented and to ensure compliance with the provisions of the EMPr.
- 1.19 The ECO shall be appointed before commencement of any construction activity.
- 1.20 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 1.21 The ECO shall remain employed until all rehabilitation measures, as required for implementations due to construction damage are completed and the site is ready for operation.
- 1.22 The ECO shall keep the records relating to monitoring and auditing on site and make them available for inspection to any relevant and Competent Authority in respect of this development.
- 1.23 Construction and operation of the development may be temporarily or permanently stopped for reasons of non-compliance with the conditions of this particular EA as set out in this document or any other subsequent document emanating from the conditions of this EA.



Recording and reporting to the Department

1.24 The holder of the Authorisation must submit an environmental audit report to the Department within thirty (30) days upon completion of the construction and rehabilitation activities. The environmental audit report must –

1.24.1 Be compiled in accordance with Appendix 7 of the 2014 EIA Regulations as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the EA conditions as well as the requirements of the approved EMPr.

1.24.2 Be kept on site and be made available for inspection by any relevant and competent authority in respect of this development.

Commencement of the activity

1.25 The authorised activity shall not commence within twenty (20) days after the EA has been issued by the Department to allow the appeal process to proceed accordingly.

1.26 Must you be notified by the MEC of a suspension of the EA pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.

Notification to authorities

1.27 Fourteen (14) days prior written notice must be given to the Department that the activities will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which the construction of the activities will commence, as well as a reference number.

Operation of the activity

1.28 Fourteen (14) days prior written notice must be given to the Department that the activities will commence with the operation.

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Site closure and decommissioning

- 1.29 Must the activities 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.
- 1.30 Before decommissioning of the development becomes evident a rehabilitation plan must be compiled and must be approved by this Department.

Specific conditions

- 1.31 An integrated waste management approach that is based on waste minimisation must be implemented 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) as amended.
- 1.32 An Emergency Preparedness Plan must be compiled and approved by the Resident Engineer, Safety Office and ECO before construction commences.
- 1.33 The applicant must ensure that general solid waste generated during the construction and operational phase is disposed of at the licensed waste disposal facility.
- 1.34 Before the commencement of construction, the ECO must indicate which storm water measures must be applied during the construction.
- 1.35 A storm water management plan must be compiled and implemented.
- 1.36 A 20m buffer must be implemented around the wetland features.
- 1.37 No development must be permitted within the wetland features and buffer area.
- 1.38 A 500m buffer must be implemented around the pan which has very-high avifauna sensitivity and must be regarded as a no-go area.
- 1.39 The design of the proposed PV must be of a type or similar structure as endorsed by the Eskom-EWT Strategic Partnership on Birds and Energy.

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- 1.40 Mixing of cement must be done at specifically selected areas on mortarboards or similar structures to contain surface run-off.
- 1.41 All waste materials, infrastructure, equipment, plant and other items used during the construction must be removed from the site.
- 1.42 All the parts of the infrastructure must be nest proofed and anti-perch devices placed on areas that can lead to electrocution.
- 1.43 In all instances, the application of herbicides and insecticides must be of such nature that will not cause any environmental harm.
- 1.44 Clearly demarcate the construction footprint and restrict all construction activities to within the proposed infrastructure area.
- 1.45 Indiscriminate habitat destruction must be avoided and the construction footprint, including service and support areas must be kept to a minimum.
- 1.46 The applicant must ensure the planting of vegetation barriers along the borders of the Solar PV facility in order to shield the structures from observers.
- 1.47 No burial of any foreign material must be allowed on site.
- 1.48 No materials removed from development area must be allowed to be dumped in nearby livestock farming areas.
- 1.49 Vegetation clearance must be restricted to areas where infrastructure is constructed.
- 1.50 The contractor must ensure the reduction and control construction dust using approved dust suppression techniques as and when required.
- 1.51 The applicant must ensure that no trapping, killing, or poisoning of any wildlife is allowed.
- 1.52 No boundary fence must be opened without the landowners' permission.

- 1.53 All waste must be appropriately separated, contained, and disposed of from the site to a nearby licensed Waste Disposal Facility.
- 1.54 All overhead power lines must be marked with industry standard bird flight diverters.
- 1.55 The applicant must apply for storage of solid waste with the relevant competent authority prior to commencement of the proposed activity.
- 1.56 Avoid excessively compacting the ground beneath the solar panels.
- 1.57 The applicant must ensure that cables and connections are insulated successfully to reduce electrocution risk.
- 1.58 Prior arrangements must be made with the landowners to ensure that livestock and game animals are moved to areas where they cannot be injured by vehicles traversing the area.
- 1.59 Apply bird deterrent devices to the panels for birds that may mistake the panels for open water and to prevent them from landing on the panels.
- 1.60 The applicant must ensure the use of "bird-friendly" pylon structures and bird guards.
- 1.61 White strips must be placed along the edges of the panels, to reduce similarity to water and deter birds and insects.
- 1.62 All chemicals used must be contained within the bunded storage area and shall be protected from rain and wind.
- 1.63 Chemical toilets must be cleaned and serviced regularly to prevent contamination.
- 1.64 All waste generated during operational process must be placed in the waste collection bunded area and disposed of as prescribed in the waste management plan.
- 1.65 The applicant must ensure the availability and service of firefighting equipment on the premises, as well as training of personnel.

- 1.66 Access to the proposed site must be via the existing roads.
- 1.67 No vehicles or equipment must be serviced on site.
- 1.68 The contractor must provide employees with suitable equipment to protect them from hazards being presented and that will allow them to work without risk to the health in a hazardous environment, e.g., hard hats, gloves, boots, etc.
- 1.69 Safety signs complying with SABS and SANS standards must be placed on-site in a manner clearly visible to the public.
- 1.70 Fire extinguishers must be made available at the construction site, and the labourers must be informed of their location and shown how to use them.
- 1.71 Access roads must be maintained and kept in good state of repair in order to prevent dust and loss of soil.
- 1.72 The applicant must prevent soil and groundwater contamination by ensuring that strict standards are followed and waste management practices are adhered to.
- 1.73 All recommendations of the specialist studies conducted as part of the Environmental Impact Assessment for the proposed development must be implemented.
- 1.74 A Chance Find Procedure must be developed and implemented in the event that archaeological or palaeontological resources are found.
- 1.75 If any evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during construction, South African Heritage Resource Agency (SAHRA) and archaeologist and / palaeontologist, must be informed immediately depending on the nature of the findings.

General

- 1.76 A copy of the EA must be kept at the property where the activities will be carried on. The EA 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 EA who works or undertakes work at the property.

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- 1.77 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 1.78 The applicant is responsible for compliance with the provisions for Duty-of-Care and remediation of damage contained in Section 28 and Emergency Incidents contained in Section 30 of the National Environmental Management Act, (Act no 107 of 1998).
- 1.79 The holder of the EA must notify the Department, in writing within 48 (forty-eight) hours, if any condition of this EA cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.80 Non-compliance with a condition of the EA may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the 2014 EIA Regulations as amended.
- 1.81 The Department shall not be held responsible for any damages or losses suffered by the applicant or his successor.


Approved:



Dr. M. Nokwequ

HOD: Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA)

Date:



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Annexure 1: Reasons for Decision

1. Background

The applicant, Harmony Gold Mining Co Ltd, applied for an Authorisation to commence with activities 1(i), 11(i), 12(ii)(a)(c), 14, 19, 27 of Listing Notice 1 (GNR 327) and activities 4(b)(i)(gg), 10(b)(i)(gg)(hh), 12(b)(i), 14(ii)(a)(c)(b)(i)(hh) of Listing Notice 3 (GNR 324) of the 2014 EIA Regulations as amended described in the Final Basic Assessment Report (BAR) dated 06 October 2022. The proposed development of a 14 MW Harmony Central Plant Solar Photovoltaic (PV) Facility and related infrastructure on portion 12 of the farm Saaiplaas 771 and portion 1 of the farm Rustgevonden 564, in Virginia, Matjhabeng Local Municipality, Free State Province.

The applicant appointed **Savannah Environmental (Pty) Ltd** to undertake Environmental Impact Assessment process for the activities as required by Regulation 21 of the 2014 EIA Regulations as amended.

2. Information considered in making the decision

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

- a) The listed activities as applied for in the application form received on 08 September 2022.
- b) The information contained in the Final Basic Assessment Report (BAR) dated 06 October 2022 completed by **Savannah Environmental (Pty) Ltd**.
- c) Comments received from the interested and affected parties as included in the Final BAR dated 06 October 2022.
- d) Mitigation measures as proposed in the Final Basic Assessment Report (BAR) dated 06 October 2022 and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the Final BAR dated 06 October 2022.
- f) The objectives and requirements of relevant legislation, policies and guidelines and Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

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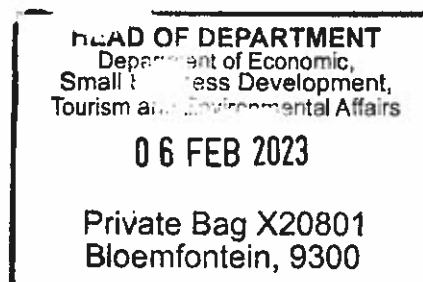
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- g) The findings of the site inspection were undertaken by Mr. Tlotliso Hanong from the department on 18 January 2023.

3. 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) indicated the EAP is competent to carry out the Environmental Impact Assessment procedures.
- b) The proposed development will benefit the local community through job creation, skills development opportunities, and training which will, in turn, assist in reducing the poverty levels that the area is currently facing, and indirectly strengthen the electricity supply for the area.
- c) The Final BAR dated 06 October 2022 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the Final BAR dated 06 October 2022 have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the 2014 EIA Regulations as amended for public involvement.
- f) Recommendations made by the EAP in the Final BAR, feasible and reasonable alternative options including the no-go were investigated as part of the assessment process.



4. Findings

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

- (a) The need for the development has been identified.
- (b) The identification and assessment of impacts are detailed in the Final BAR dated 06 October 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- (c) The procedure followed for impact assessment is adequate for the decision-making process.
- (d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- (e) EMPr measures for the pre-construction, construction, operation and rehabilitation phases of the development were proposed and included in the Final BAR and will be implemented to manage the identified environmental impacts throughout the life span of the project.
- (f) Adequate process in line with law and legislation for public participation process was undertaken and the EAP has met the minimum requirements as prescribed in the 2014 EIA Regulations as amended.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potential detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels, therefore the application is accordingly granted.

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