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department of
economic, small business development,
tourism and environmental affairs
FREE STATE PROVINCE

Environmental Authorisation

Authorisation register number: EMS/11(i),12(ii)(a)(c),14,19,24(ii),1,15,4(b)(i)(gg),10(b)(i)(gg)(hh),12(b)(i),14(ii)(a)(b)(i)(hh)/22/16

Holder of Authorisation: Free Gold Harmony (Pty) Ltd

Location of activity: On Portion 0 of the Farm Leeuwbult 580, Theunissen, Free State.

Project description: Activity 11(i),12(ii)(a)(c),14,19 and 24(ii) of Listing Notice 1 (GNR 327) and activity 1 and 15 of Listing Notice 2 (GNR 325) and activity 4(b)(i)(gg), 10(b)(i)(gg)(hh),12(b)(i) and 14(ii)(a)(b)(i)(hh) of Listing Notice 3 (GNR 324).

The proposed development of 18MW Harmony Joel Solar PV Facility.

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

11 SEP 2023

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Bloemfontein, 9300

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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 should 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 –

Free Gold Harmony (Pty) Ltd

With the following contact details-

P. O. Box 2
Randfontein
1760

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

11 SEP 2023

Private Bag X20801
Bloemfontein, 9300

Contact person: Mr. Johannes Hendrik "Henk" Nel

Contact Number: 082 554 8930

Email: HeNel@Harmony.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GNR 327), Listing Notice 2 (GNR 325) and Listing Notice 3 (GNR 324):

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Listing Notice 1 (GNR 327):

Activity 11(i):

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

- (i) Outside urban areas or industrial complex with a capacity of more than 33 but less than 275 kilovolts".

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

"The development of -

- (ii) infrastructure or structure with a physical footprint of 100 square metre or more;
- (a) within a watercourse;
- (c) if no development setback exists, within 32 metres 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".

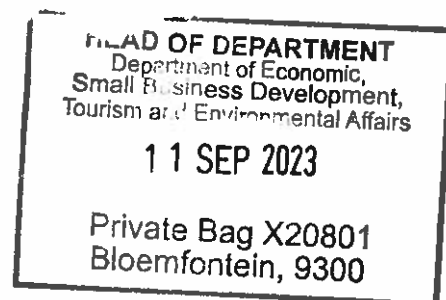
Activity 19:

" 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 a watercourse".

Activity 24(ii):

"The development of a road -

- (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres".



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Listing Notice 2 (GNR 325):

Activity 1:

"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more".

Activity 15:

"The clearance of an area of 20 hectares or more of indigenous vegetation".

Listing Notice 3 (GNR 324):

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

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

b. Free State,

(i) Outside urban areas:

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

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,

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

(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,

b. Free State,

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(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)(b)(i)(hh):

"The development of-

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

(a) within a watercourse;

b. Free State,

(i) Outside urban areas:

(hh) Areas within 10 kilometres from national parks or world heritage sites of 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve", as described in the Final Impact Assessment Report (EIAR) dated 23 May 2023.

Site coordinates:

	Latitude (S)	Longitude (E)
Northern point	28°14'53.46"	26°50'00.40"
Eastern point	28°15'05.94"	26°50'16.52"
Southern point	28°15'23.27"	26°49'47.38"
Western point	28°15'24.31"	26°49'19.86"
Centre point	28°15'16.60"	26°49'43.69"

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Activity description

Freegold Harmony (Pty) Ltd (a subsidiary of Harmony Gold Mining Company Ltd) is looking to supplement its energy supply by implementing Photovoltaic (PV) generation, aiding their transition to a more sustainable and environmentally friendly energy mix. The development of a solar photovoltaic (PV) facility with a generating capacity of up to 18MW is located 900m north east of the Harmony Joel operations, approximately ~20km north east of the town of Theunissen within the Masilonyana Local Municipality and within the Lejweleputswa District Municipality, Free State Province.

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The solar PV facility, known as Harmony Joel Solar PV Facility, will comprise of several arrays of PV panels and associated infrastructure. The project site is located on Portion 0 of the Farm Leeuwbult 580, which is owned by the mine but located outside of the mining area (the project would not impact on mining activities).

A project site considered to be technically suitable for the development of the solar PV facility, with an extent of approximately 1000ha, was identified. A development area of ~220ha was demarcated within this project site and allows an adequate footprint (~47ha) for the installation of a solar PV facility with a contracted capacity of up to 18MW, while allowing for the avoidance of environmental site sensitivities.

The infrastructure associated with the 18MW 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 and O&M buildings
- Grid connection solution including an on-site facility substation and switching substation, to be connected via an overhead power line to the Shafts 1 & 2 HJ Joel Mining Substation (located ~830m south west of the development footprint).

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.

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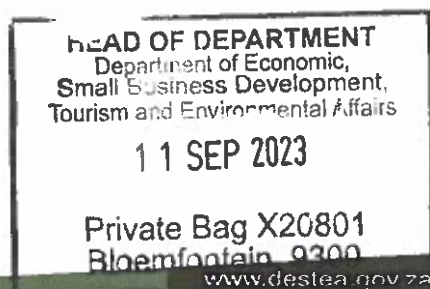
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- 1.3 The authorised activity may only be carried out on Portion 0 of the Farm Leeuwbult 580, near Theunissen, Free State, as indicated above at the exact site co-ordinates.
- 1.4 Any changes to, or deviations from, the project description set out in this Authorisation must be approved, in writing, by the Department before such changes or deviations may be affected.
- 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 10 (ten) 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 –

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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

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 should be directed to:

Attention: Ms. M. Motsumi

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 Environmental Impact Assessment Report (EIAR) are an extension to the conditions of Authorisation, and non-compliance

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with the conditions of the EMPr would accordingly constitute non-compliance with the conditions of this EA.

- 1.15 Should 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.
- 1.16 The recommendations and mitigation measures recorded in the Final Environmental Impact Assessment Report (EIAR) dated 23 May 2023 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.

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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 EMP.

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 Should 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.

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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.

Site closure and decommissioning

- 1.29 Should 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 should 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 The applicant must ensure that general solid waste generated during the construction and operational phase is disposed of at the licensed waste disposal facility.
- 1.33 The applicant must ensure that hazardous substances are stored in sealed containers within a clearly demarcated designated area.
- 1.34 Effort must be made to ensure that preventative actions are taken that any water bodies present on and around the site will not be negatively impacted by the commencement of this activity.
- 1.35 The applicant must ensure that the 30m buffer around site JL2 and 50m buffer around site JL2 is implemented.
- 1.36 The applicant must ensure that the Chance Fossil Finds Procedure is implemented for the duration of construction activities.

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- 1.37 The applicant must ensure that permit to remove and transplant the protected geophytic species, *Boophone distichia* and *Eucomis autumnalis* is obtained from the Department of Economic, Small Business Development, Tourism and Environmental Affairs, and proof of permit must be submitted to the Environmental Management Directorate prior to the commencement of the proposed development.
- 1.38 Permit to remove specimens of the protected Wild Olive Tree (*Olea europaea susp. africana*) must also be obtained from the Department of Economic, Small Business Development, Tourism and Environmental Affairs, and proof of thereof must be submitted to the Environmental Management Directorate prior to the commencement of the proposed development.
- 1.39 The applicant must ensure that comprehensive monitoring and eradication programme is implemented and that invasive plant species are removed from the area and prevented from re-establishing.
- 1.40 The applicant must ensure that storm water and erosion management plan is developed and implemented for the proposed development.
- 1.41 The applicant must ensure that dust suppression measures are undertaken during construction phase.
- 1.42 Appropriate bird diverters must be installed to minimise the potential risk of collision trauma in birds.
- 1.43 The applicant must ensure that the Doring river, associated floodplain and any wetland areas are completely excluded from the proposed development and the development must not encroach into the riparian zone of the river as delineated.
- 1.44 Where development encroaches into the riparian zone or 1:100 year floodline of the river, appropriate flood protection structures must be erected.
- 1.45 The applicant must ensure that necessary authorisations are obtained from the Department of Water and Sanitation, where any construction occurs within 500 meters from the edge of any of the delineated watercourses or wetlands in the study area.

- 1.46 The applicant must adhere to the conditions stipulated on the letter from Eskom dated 18 November 2022.
- 1.47 The applicant must adhere to the conditions stipulated on the letter from South African Heritage Resource Agency dated 30 March 2023.
- 1.48 Recommendations of the specialist assessments conducted as part of the Environmental Impact Assessment for the proposed development must be implemented.
- 1.1 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

- 1.2 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.
- 1.3 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.
- 1.4 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).
- 1.5 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.

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- 1.6 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.
- 1.7 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 of the EA: 11/09/2023

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Annexure 1: Reasons for Decision

1. Background

The applicant, Free Gold Harmony (Pty) Ltd, applied for an Environmental Authorisation to commence with activity 11(i),12(ii)(a)(c),14,19 and 24(ii) of Listing Notice 1 (GNR 327) and activity 1 and 15 of Listing Notice 2 (GNR 325) and activity 4(b)(i)(gg), 10(b)(i)(gg)(hh), 12(b)(i) and 14(ii)(a)(b)(i)(hh) of Listing Notice 3 (GNR 324) of the 2014 EIA Regulations as amended, described in the Final Environmental Impact Assessment Report (EIAR) dated 23 May 2023, as the of proposed development of 18MW Harmony Joel Solar PV Facility, Theunissen, Free State.

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 activity as applied for in the application form received on 23 May 2023.
- b) The information contained in the Final Environmental Impact Assessment Report (EIAR) dated 23 May 2023 completed by **Savannah Environmental (Pty) Ltd**.
- c) Comments received from the interested and affected parties as included in the Final Environmental Impact Assessment Report (EIAR) dated 23 May 2023.
- d) Mitigation measures as proposed in the Final Environmental Impact Assessment Report (EIAR) dated 23 May 2023 and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the Final Environmental Impact Assessment Report (EIAR) dated 23 May 2023.
- 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).
- g) The findings of the site visit were undertaken by Ms. N. Molokwane from the Department on the 14th July 2023.

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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 findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed development is to ensure reduction in the use of non-renewable resources for the generation of power, contributing to a sustainable environment and development.
- d) The Final Environmental Impact Assessment Report (EIAR) dated 23 May 2023 identified all legislation and guidelines that have been considered in the preparation of the EIAR.
- e) The methodology used in assessing the potential impacts identified in the Final Environmental Impact Assessment Report (EIAR) dated 23 May 2023 and the specialist studies have been adequately indicated.
- f) 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.
- g) Recommendations made by the EAP in the Final EIAR, feasible and reasonable alternative options including the no-go were investigated as part of the assessment process.

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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 EIAR dated 23 May 2023 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 EIAR 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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