



destea

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)/22/13

Holder of Authorisation: Freegold Harmony (Pty) Ltd

Property Description: Remaining extent of Farm Marmageli 20
Remaining extent of Farm Welkom 80

Activity Description: Activity 11 (i) 12 (ii) (a) (c) 14, 19 (ii), 28 (ii) of Listing Notice 1 (GNR 327), Activity 1 & 15 of Listing Notice 2 (GNR 325), Activity 4 (b) (i) (gg), 10 (b) (i) (gg) (hh), 12 (b) (i), 14 (ii) (a) (b) (i) (hh) of Listing Notice 3

Project Title: Proposed 30 MW Harmony One Plant Solar PV facility

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

20 APR 2023

Private Bag X20801
Bloemfontein, 9300

Chief-Directorate:
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Bloemfontein
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Environmental Quality & Protection
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Decision

The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA- 'the Department') is satisfied based on the 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'), 1998 (Act No. 107 of 1998) and GNR 326 of 8 December 2014 Environmental Impact Assessment Regulations 2014, as amended, the Department hereby authorise –

Freegold Harmony (Pty) Ltd with the following contact details-

**Randfontein Office Park
Cnr Main Reef Road and Ward Avenue
Randfontein
1759**

Contact person: 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) Activity 11 (i) 12 (ii) (a) (c) 14, 19 (ii), 28 (ii), in Listing Notice 2 (GNR 325)

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Activity 1 & 15, in Listing Notice 3 (GNR 326) Activity 4 (b) (i) (gg), 10 (b) (i) (gg) (hh), 12 (b) (i), 14 (ii) (a) (b) (i) (hh).

Activity 11: The development of facilities or infrastructure for the transmission and distribution of electricity -

(ii) Outside urban areas or industrial complexes with capacity of more than 33 but less than 275KV or more.

Activity 12: The development of-

- (i) Infrastructure or structures with a physical footprint of 100 square metres or more, where such developments occurs-
 - (a) Within a watercourse or
 - (b) 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 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 meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles, or rock of more than 10 cubic meters from-

- (i) a watercourse.

Activity 28: Residential, mixed, retail, commercial, industrial, or institutional developments where such land was used for agriculture, game, farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development-

- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.

Activity 1: The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 MW or more.

Activity 15: The clearance of an area of 20 ha or more of indigenous vegetation

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

b. Free State

i. Outside urban area

(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.

Activity 10: 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 area:

(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 wetland or within 100 metres from the edge of a watercourse or wetland.

Activity 14: 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

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 Environmental Impact Assessment Report (EIAR) dated 06 January 2023.

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Co-ordinates for the preferred alternative site are as follows:

Position:	Latitude (S):	Longitude (E):
Northern point	28°0'57.76"	26°44'43.78"
Eastern point	28°1'47.39"	26°45'20.00"
Southern point	28°2'28.68"	26°45'8.27"
Western point	28°2'3.16"	26°44'49.73"
Centre point	28°2'7.16"	26°45'10.37"

Project title

The proposed 30 MW Harmony One Plant Solar PV facility near Welkom, Free State Province.

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 forms part of the EA and are binding on the holder of the Authorisation.
- 1.2 The holder of the Authorisation 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 Authorisation.
- 1.3 The authorised activity may only be carried out on the Remaining extent of the Farm Marmageli 20 and Remaining extent of the Farm Welkom 80 near Welkom in 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 effected.
- 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 Authorisation to apply for further

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Authorisation in terms of NEMA (Act 107 Of 1998) and the 2014 EIA regulations as amended.

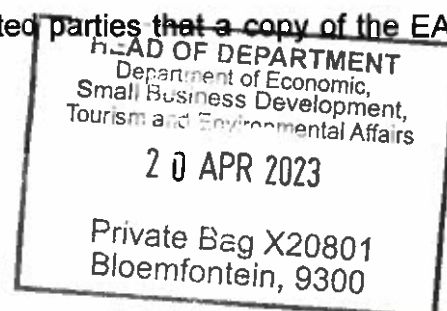
- 1.6 The holder of the EA must apply for an amendment of the EA with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
- 1.7 Commencement with one activity listed in terms of this EA constitutes commencement of all authorised activities.
- 1.8 This Environmental Authorisation is valid for a period of ten (10) years from the date of issue, within which commencement must occur.
- 1.9 If commencement does not occur within period of ten (10) years, this EA lapses and a new application for an EA must be made.
- 1.10 The development must be concluded within ten years from the date of commencement of the listed activities.
- 1.11 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

- 1.12 The holder of the Authorisation must notify the registered interested and affected parties, of the decision by the Department in writing and within 14 (fourteen) calendar days of the date of this EA, of its decision to authorise the activity.
- 1.13 The notification referred must –
 - 1.13.1 specify the date on which the EA was issued;
 - 1.13.2 inform the registered interested and affected party of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38559 of 12 March 2015.
 - 1.13.3 advise the registered interested and affected parties that a copy of the EA will be furnished on request; and
 - 1.13.4 provide the reasons for the decision.

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1.14 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 (DESTEa) within 20 calendar days after being notified of the decision.

1.15 The appeal should be directed to:

Attention: Mr. T. Molotsi

MEC (DESTEa)

Private Bag X20801

Bloemfontein

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Tel: (051) 400 4810

E-mail: modisep@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

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

1.17 The provisions of the EMPr included in the EIAR 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.

1.18 The EMPr as contained within Appendix J of the EIAR must form part of the contract with the contractors appointed to construct and maintain the solar facility in order to ensure compliance with environmental specifications and management measures.

1.19 The implementation of this EMPr for all life cycle phases of the 30 MW Harmony One Plant Solar PV facility is considered key in achieving the appropriate environmental management standards as detailed for this project and the applicant must ensure that they are implemented.

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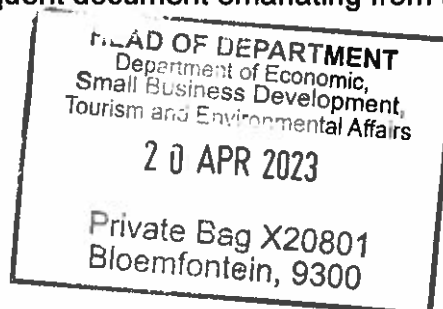
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- 1.20 Should there be a change of ownership and/or project developer, the Department must be notified within 30 (thirty) days prior to the change itself. Conditions imposed in this EA must be made known to the new owner and/or developer.
- 1.21 The recommendations and mitigation measures recorded in the EIAR dated 06 January 2023 must be adhered to and incorporated as part of the EMPr where applicable.
- 1.22 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

- 1.23 The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this EA are implemented and to ensure compliance with the provisions of the EMPr.
- 1.24 The ECO shall be appointed before commencement of any construction activity.
- 1.25 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 1.26 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.
- 1.27 The ECO shall keep the record relating to monitoring and auditing on site and make them available for inspection to any relevant person and competent authority in respect of this development.
- 1.28 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.



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Recording and reporting to the Department

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

- 1.29.1 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.
- 1.29.2 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

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

1.31 Should you be notified by the MEC of a suspension of the EA pending appeal procedures, you shall not commence with the development unless authorised by the MEC in writing.

Notification to authorities

1.32 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 reference number.

Operation of the activity

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

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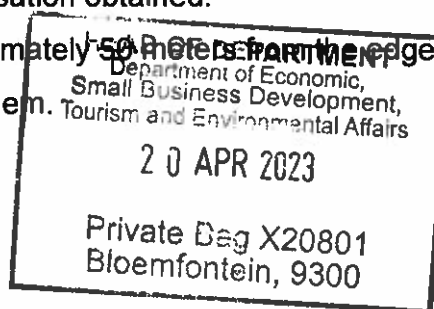
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Site closure and decommissioning

- 1.34 Should the activities ever cease or become redundant, the applicant shall undertake the required actions as prescribed by the legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.
- 1.35 Before decommissioning of the development becomes evident, a rehabilitation plan must be compiled and should be approved by this Department.

Specific conditions

- 1.36 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.
- 1.37 The identified sites of archaeological significance have the potential to provide scientific insight into the past and these areas must not be impacted by the proposed development. These sites must also be mapped on all relevant SDPs and that an on-going conservation measures are put in place in the EMPs for the development.
- 1.38 The applicant must ensure the implementation of the 30m buffer area around sites CM1, JL2 and HM4 and the 50m buffer around site JL5.
- 1.39 Should any buried archaeological resources or human remains or burials be uncovered during the course of the development activities, work must cease near these finds and the South African Heritage Resources Agency (SAHRA) must be contacted immediately in order to determine an appropriate way forward.
- 1.40 The pan wetlands on site must be excluded from the development, furthermore any activity, which occurs within regulated area of a wetland (500 meters from the edge of the wetland), should be assessed and the necessary authorisation obtained.
- 1.41 The grid connection power line situated approximately 50 meters from the edge of the pan must not contribute to any further impacts on the m.



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- 1.42 The applicant must design and implement a comprehensive storm water management system in order to manage runoff and prevent erosion, which will affect the wetland systems.
- 1.43 The storm water management systems must include design of erosion prevention structures such as soakways, attenuation areas and dissipation structures.
- 1.44 The areas regarded as CBA 1 must be excluded from the development and must be completely avoided by any associated activities.
- 1.45 The construction may affect the mammal population and care must therefore be taken to ensure none of the faunal species on site are harmed, the hunting, capturing or harming in any way of mammals on the site must not be allowed.
- 1.46 Voids and excavations may also act as pitfalls traps to fauna, these must continuously be monitored, and any trapped fauna removed and released in adjacent natural areas.
- 1.47 All areas of very high sensitivity must be excluded from the PV facility development footprint, except for the power line corridor.
- 1.48 A revised layout must be submitted for review and approval prior to commencing with construction and no development is permitted within the identified no-go areas as detailed in Figure 9.1. within the EIAR.
- 1.49 A pre-construction walk-through of the final layout, including roads and underground cables, must be undertaken before construction commences and adjusted where required to reduce impacts on species of conservation concern and habitats of concern.
- 1.50 Before construction commences individuals of listed species within the development footprint that would be affected, must be counted, marked and translocated where deemed necessary by the ecologist conducting the pre-construction walk-through survey. Permits from the relevant national and provincial authorities must be obtained before the individuals are disturbed.
- 1.51 During construction, care must be taken to ensure that noise from construction vehicles and plant equipment does not intrude on the surrounding residential areas.
- 1.52 Plant equipment such as generators, compressors, concrete mixers as well as vehicles should be kept in good operating order and where appropriate have effective exhaust mufflers.

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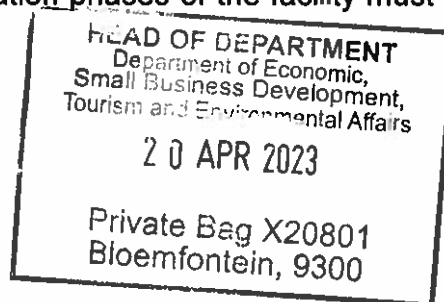


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- 1.53 The movement of construction vehicles on the site should be confined to agreed access road/s.
- 1.54 Dust suppression measures must be implemented, such as wetting on a regular basis and ensuring that vehicles used to transport sand and building materials are fitted with tarpaulins or covers.
- 1.55 A detailed site-specific eradication and management programme for alien invasive plants must be developed and implemented.
- 1.56 The applicant must implement a chance finds procedure for the rescuing of any fossils or heritage resources discovered during construction.
- 1.57 If any archaeological material or human burials are uncovered during construction activities, work in the immediate area should be halted, the find reported to the heritage authorities and inspected by an archaeologist.
- 1.58 The applicant must ensure maintenance of vegetation cover (i.e. either natural or cultivated) immediately adjacent to the actual development footprint, both during construction and operation of the proposed facility.
- 1.59 Weed control must be judiciously and continually practiced. Monitoring of weed establishment must form a prominent part of the management of the development area and should be extended into operational phase.
- 1.60 Adequate monitoring of weed establishment and their continued eradication must be maintained (Appendix B). Where category 1 and 2 weed occur, removal by the property owner according to the Conservation of Agricultural Resources Act, No. 43 of 1983 and National Environmental Management Biodiversity Act No. 10 of 2004 must be complied.
- 1.61 The applicant must monitor all rehabilitated areas for one year following the decommissioning and implement remedial actions as and when required.
- 1.62 No littering must be allowed and all litter must be removed from site, construction must be confined to the site footprint and must not encroach into adjacent areas.
- 1.63 Water required for the construction and operation phases of the facility must be sourced from the Harmony One Mining operations.

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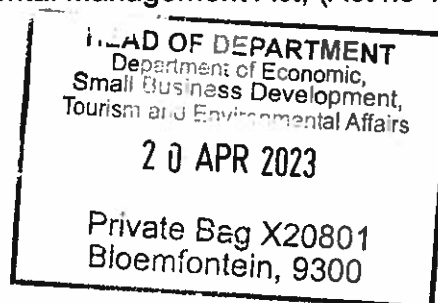
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- 1.64 Waste containers, including containers for hazardous waste will be located at easily accessible locations on site and must be taken to the appropriate nearby registered waste disposal facilities.
- 1.65 The applicant must adhere and comply with all the mitigation and management measures included in all the specialist studies conducted for the proposed 30 MW Harmony One Plant Solar facility near Welkom.
- 1.66 The applicant must adhere and comply with all the conditions set out by the Department of Water and Sanitations on their letter dated 20/9/22 and 9/12/22.
- 1.67 The applicant must also adhere and comply with the final comment made by SAHRA.
- 1.68 The applicant must adhere and comply with the comments provided by the Department of Forestry, Fisheries & the Environment on the Draft EIAR.

General

- 1.69 A copy of the EA must be kept at the property where the activity will be carried out. 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.
- 1.70 The holder of the Authorisation 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.
- 1.71 Non-compliance with a condition of this Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 1.72 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.



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1.73 The Department shall not be held responsible for any damages or losses suffered by the applicant or his successor.

Approved:

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Dr. M. Nokwe Date:

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

DEPARTMENT OF ECONOMIC, SMALL BUSINESS DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS
19 APR 2023

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Annexure 1: Reasons for Decision

1. Background

The applicant, **Freegold Harmony (Pty) Ltd**, applied for an Authorisation to commence with listed activities in Listing Notice 1 (GNR 327) Activity 11 (i) 12 (ii) (a) (c) 14, 19 (ii), 28 (ii), in Listing Notice 2 (GNR 325) Activity 1 & 15, in Listing Notice 3 (GNR 326) Activity 4 (b) (i) (gg), 10 (b) (i) (gg) (hh), 12 (b) (i), 14 (ii) (a) (b) (i) (hh) in terms of the 2014 EIA Regulations as amended also as described in the EIAR dated 06 January 2023 for the proposed 30 MW Harmony One Plant Solar PV facility near Welkom.

The applicant appointed **Savannah Environmental (Pty) Ltd** to undertake Environmental Impact Assessment process for the activity 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 -

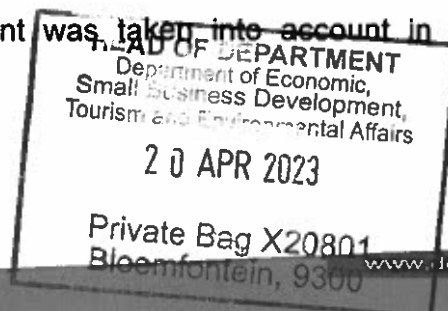
- a) The listed activities as applied for in the application form received on 08 September 2022.
- b) The information contained in the EIAR dated 06 January 2023 completed by **Savannah Environmental (Pty) Ltd**.
- c) Comments received from the interested and affected parties as included in the EIAR dated 06 January 2023.
- d) Mitigation measures as proposed in the EIAR dated 06 January 2023 and the EMPr.
- e) 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).
- f) Ms. B. Mogorosi conducted site visit on 05 April 2023 and the Department has sufficient information to make an informed decision.

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.

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A summary of the issues that 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 need for the proposed 30 MW Harmony One Plant Solar PV facility near Welkom.
- c) The EIAR dated 06 January 2023 identified all legislation and guidelines that must be considered in the preparation for the proposed solar facility.
- d) The methodology used in assessing the potential impacts identified in the EIAR dated 06 January 2023 have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as described in the 2014 EIA regulations as amended for public involvement.
- f) Recommendations made by the EAP in the EIAR, feasible and reasonable alternative options including the no-go were investigated as part of the assessment process.

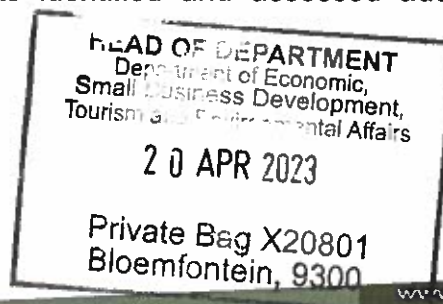
4. Findings

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

- (a) The need for the development have been identified.
- (b) The identification and assessment of impacts are detailed in the EIAR dated 06 January 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.

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- (e) EMPr measures for the pre-construction, construction and operation phases of the development were proposed and included in the EIAR and will be implemented to manage the identified environmental impacts throughout the lifespan of the project.
- (f) Adequate process in line with the law or 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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