



forestry, fisheries & the environment

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

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

DFFE Reference: 14/12/16/3/3/2/698/1

Enquiries: Ms Mathodi Mogorosi

Telephone: (012) 399 9388 E-mail: MMogorosi@dffe.gov.za

Mr Emil Unger
Postmasburg Solar PV Energy Facility 2 (Pty) Ltd
25 The Oval
Umhlali Country Club
BALLITO
4390

Telephone Number: (082) 465 9825
Email Address: emil@megatrade.co.za

PER EMAIL / MAIL

Dear Mr Unger

APPLICATION FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION (SPLITTING OF EA) ISSUED ON 25 MAY 2015 IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE 125MW POSTMASBURG SOLAR PV ENERGY FACILITY 2 ON THE REMAINDER OF THE FARM KAPSTEWEL 436 NEAR POSTMASBURG WITHIN THE TSANTSABANE LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 25 May 2015, the subsequent amendments to the EA dated 08 May 2018, 03 March 2021, 13 April 2021 and 04 October 2021 respectively, your application for amendment of the EA received on 22 October 2021, and the acknowledgement thereof on 02 November 2021 (DFFE reference: 14/12/16/3/3/2/698/AM5), refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5, Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 25 May 2015 by issuing two new EAs: the EA for the 125MW Postmasburg Solar PV Energy Facility 2 and the EA for the Postmasburg Grid connection and associated infrastructure.

The attached EA will replace the EA dated 25 May 2015 as amended for the 125MW Postmasburg Solar PV Energy Facility 2 Infrastructure. All further amendments for the 125MW Postmasburg Solar PV Energy Facility 2 must be lodged on the attached EA.

Reason for the amendment is as follows:

The amendment involves splitting the EA dated 25 May 2015 into two (2) separate components (EAs), namely: the authorised 125MW Postmasburg Solar PV Energy Facility 2 infrastructure and Independent Power Producer (IPP) portion of the on-site substation; and 2) the 132kV Postmasburg Grid connection infrastructure and the portion of the on-site substation to be ceded to Eskom. The PV facility infrastructure will remain with the current holder of the Authorisation, Postmasburg Solar PV Energy Facility 2 (Pty) Ltd.

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This splitting of the EA was requested by the Holder of the EA to allocate the rights to separate entities, and to allow for the ceding of the EA to Eskom, for the Postmasburg Grid connection Infrastructure and Eskom portion of the on-site substation, on completion of construction of the facilities. The EMPr for the facility was also split to support the separate EAs required. The splitting of the EA and associated EMPrs does not result in a change of the scope of the existing EA, nor does it increase the level or nature of the impacts which were originally assessed and considered when the initial application for EA, or subsequent amendments thereto, were made.

General

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 decision, of the Department's decision, as well as of the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 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, Act No. 4 of 2013 which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

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

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

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

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

By email: appeals@environment.gov.za;

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

By post: Private Bag X447
Pretoria
0001

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

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

Yours faithfully



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

Date: 01/12/2021

cc:	Dale Holder	Cape Environmental Assessment Practitioners	Email: dale@cape-eaprac.co.za
	Mandla Ndzili	NC: DENC	Email: mndzili@denc.gov.za
	Moses Moselane	Tsantsabane Local Municipality	Email: tsantsabane.mm@ghet.org.za





forestry, fisheries
& the environment

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

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The 125MW Postmasburg Solar PV Energy Facility 2 on the Remainder of the Farm Kapstewel 436 near Postmasburg within the Tsantsabane Local Municipality in the Northern Cape Province

ZF Mgcawu District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/698/1</i>
Last amended:	<i>Splitting and Re-Issue First Issue: 25 May 2015</i>
Holder of authorisation:	<i>Postmasburg Solar PV Energy Facility 2 (Pty) Ltd</i>
Location of activity:	<i>Remainder of the Farm Kapstewel 436; Tsantsabane Local Municipality; ZF Mgcawu District Municipality; Northern Cape Province.</i>

This authorisation 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 the activity.

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Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities 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 EIA Regulations, 2014, as amended.

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

Activities authorised

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

POSTMASBURG SOLAR PV ENERGY FACILITY 2 (PTY) LTD

(hereafter referred to as the holder of the authorisation)

with the following contact details –

Mr Emil Unger

Postmasburg Solar PV Energy Facility 2 (Pty) Ltd

25 The Oval

Umhlabi Country Club

BALLITO

4390

Telephone Number: (082) 465 9825

Email Address: emil@megatrade.co.za

to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2010 (GN R. 544, 545 & 546), (and as similarly listed in the EIA Regulations, 2014 as amended (GN R. 983, 984 and 985)):

Activity number as authorised in GN R. 544, 545 & 546	Similarly listed or specified activities in GN R. 983, 984 and 985	Activity description
<p><u>GN R. 544: Activity 10:</u> <i>“The construction of facilities or infrastructure for the transmission and distribution of electricity – (l) Outside urban areas with a capacity of more than 33 but less than 275kV;”</i></p>	<p><u>GN R. 983: Item 11(l):</u> <i>“The development of facilities or infrastructure for the transmission and distribution of electricity— (l) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.”</i></p>	<p>Facility on-site substation (the Independent Power Producer’s (IPP) portion of the on-site substation) with a capacity of up to 132kV.</p>
<p><u>GN R. 544: Activity 11:</u> <i>“The construction of: (xi) infrastructure or structures covering 50 square metres or more, where such construction occurs within a watercourse or within 32 metres of a watercourse”.</i></p>	<p><u>GN R. 983: Item 12(ii)(a)(c):</u> <i>“The development of— (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.”</i></p>	<p>The widening of an existing access road and PV mounting infrastructure within 32m of a run-off wash.</p>
<p><u>GN R. 544: Activity 18:</u> <i>“The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand or rock from (i) a watercourse;”</i></p>	<p><u>GN R. 983: Item 19:</u> <i>“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</i></p>	<p>The widening of an existing access road (to 6m), and PV Mounting Infrastructure, over a run-off wash.</p>

	<i>cubic metres from a watercourse;"</i>	
GN R. 545: Activity 1: <i>"The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more."</i>	GN R. 984: Item 1: <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more."</i>	The solar facility will have a maximum generation capacity of 125MW.
GN R. 545: Activity 15: <i>"Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20ha or more;"</i>	GN R. 984: Item 15: <i>"The clearance of an area of 20 hectares or more of indigenous vegetation."</i> And GN R. 983: Item 28 (ii) <i>"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."</i>	Development of the Postmasburg Solar PV Energy Facility 2 of approximately 225ha on vacant land, outside of the Postmasburg urban edge. The target property, was zoned Agriculture 1, with limited cattle grazing activities taking place.
GN R. 546: Activity 4: <i>"The construction of a road wider than 4 metres with a reserve less than 13.5 metres (a) In Northern Cape: (ii) All areas outside of urban areas,"</i>	The similarly listed activity (GN R. 985: Item 4) is no longer applicable, as it only applies outside urban areas in the Northern Cape, when it occurs within Protected Areas, 10km from a National Park or World Heritage	Upgrade of existing access road/s to 6m and construction of 5-wide internal roads for the construction and operation phases of the solar facility, outside the urban edge of Tsantsabane Municipal Area.

	<p>Site or 5km from any other protected area or biosphere reserve core area, NPAES focus areas, sites identified in an international convention, critical biodiversity areas, core areas in biosphere reserves, or areas seawards of the development setback line or 1km from the high-water mark of the sea - none of which occur on site.</p>	
<p><u>GN R. 546: Activity 14(3)(a)(i):</u> <i>"The clearance of an area of 5ha or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation;</i> (a) In the Northern Cape. (i) All areas outside urban areas."</p>	<p>The similarly listed activity (GN R. 985: Item 12) is no longer applicable, as it only applies outside urban areas in the Northern Cape, when it occurs within critically endangered or endangered ecosystems, critical biodiversity areas, the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, or where land was zoned open space, conservation or had an equivalent zoning - none of which occur on site.</p>	<p>Vegetation clearing for the solar panels and associated infrastructure: access roads, cable trenches, onsite substation, auxiliary buildings and Battery Energy Storage System (BESS) etc. outside of the Postmasburg urban edge. Solar Energy Plant to be constructed over an area approximately 225ha on private land. Low-growing intact vegetation will be retained as far as possible.</p>
<p><u>GN R. 546 Activity 16(iv) (a) ii:</u> <i>"The construction of:</i> (iv) Infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, (a) In the Northern Cape: (ii) Outside urban areas"</p>	<p>The similarly listed activity (GN R. 985: Item 14) is no longer applicable, as it only applies outside urban areas in the Northern Cape, when it occurs within Protected Areas or World Heritage Sites, 10km from a National Park or World Heritage Site or 5km from any other</p>	<p>The widening of an existing access road and construction of PV Mounting Infrastructure, over a run-off wash.</p>

	protected area or biosphere reserve core area, NPAES focus areas, sites identified in an international convention, sensitive areas as identified in EMFs, critical biodiversity areas or ecosystem service areas, core areas in biosphere reserves, or in areas seawards of the development setback line or 1km from the high-water mark of the sea - none of which occur on site.	
<u>GN R. 546 Activity 19(a) (ii):</u> <i>"The widening of a road by more than 4 metres or the lengthening of a road by more than 1km. (a) In the Northern Cape. (ii) All Areas outside urban areas."</i>	<u>GN R. 985: Activity 18 (g) (ii) (ii):</u> <i>"The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre. g. Northern Cape ii. Outside urban areas: (ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland;"</i>	Upgrade of existing road/s to 6m and construction of 5m wide internal roads for the construction and operation phases of the solar facility, outside the urban edge of Tsantsabane Municipal Area.

as described in the Environmental Impact Assessment Report (EIAr) dated March 2015 at:

Access Road Alternative 1	Latitude	Longitude
Starting point of activity	28° 08' 18.69" S	23° 04' 46.70" E
Middle point of activity	28° 07' 54.30" S	23° 06' 13.02" E
End point of activity	28° 07' 48.62" S	23° 06' 29.89" E

PV Layout Alternative 3	Latitude	Longitude
	28° 07' 48.41" S	23° 06' 15.22" E

- for the 125MW Postmasburg Photovoltaic Solar Energy Facility on the Remainder of the Farm Kapstewel 436 near Postmasburg within the Tsantsabane Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- Solar field of PV modules/panel arrays (fixed / tracking technology) with a maximum structure height of ± 5.5 metres;
- Mounting structures foundations to comprise of driven / rammed piles, earth-screws or rock anchors;
- Up to a maximum of ± 60 Inverter / transformer stations, including medium voltage (MV) distribution transformers, at a height of ± 3 m;
- 132kV facility on-site substation (IPP's portion of the on-site substation) of ± 60 m x 70m in size (including a power transformer/s to allow the generated power to be connected to Eskom's electricity grid);
- Auxiliary buildings, including:
 - Control building (± 31 m x 8m);
 - Office (± 22 m x 11m);
 - Two warehouses (± 50 m x 20m);
 - Canteen and visitors centre (± 30 m x 10m);
 - Staff lockers and ablution (± 22 m x 11m); and
 - Gate house/security offices (± 6 m x 6m).
- Internal electrical reticulation network (to be lain $\pm 2-4$ m underground as far as practical);
- Access road (± 6 m) and internal road/track (± 5 m wide) network;
- Laydown areas required for material and equipment (± 200 m x 137.5m);
- Rainwater tanks;
- Perimeter fencing and lighting around the solar facility; and
- Battery Energy Storage System (BESS) with a footprint of up to 3.9 hectares, within the facility footprint.

Conditions of this Environmental Authorisation

Scope of authorisation

1. Access Road Alternative 1 and PV facility Layout Alternative 3 and its associated infrastructure, to be located on the Remainder of the Farm Kapstewel 436 near Postmasburg, as per the above mentioned geographic coordinates, is approved.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. 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 and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of the first issue of the Environmental Authorisation issued on 25 May 2015 (i.e. the EA lapses on 25 May 2025). If commencement of the activity does not occur within that period, the authorisation lapses and will not be extended further. A new application for Environmental Authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal .

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in the Regulations;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

11. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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 has been finalised.

Management of the activity

12. A copy of the final development layout map must be made available for comments to registered Interested and Affected Parties and the holder of authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
 - 12.1. Compliance with the conditions of this Environmental Authorisation;
 - 12.2. Position of solar facility and its associated infrastructure;
 - 12.3. Internal roads indicating width;
 - 12.4. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables;

- 12.5. All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
 - 12.6. Substation(s) inverters and/or transformer(s) sites including their entire footprint;
 - 12.7. All existing infrastructure on the site, especially roads;
 - 12.8. Buildings, including accommodation;
 - 12.9. All 'no-go' and buffer areas; and
 - 12.10. Battery Energy Storage System (BESS).
13. The Environmental Management Programme (EMPr) submitted as part of the EIA is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting; the provisions of this environmental authorisation; and the generic EMPr for the Facility Substation Infrastructure (the IPP's portion of the on-site substation). The EMPr must be made available for comments to registered Interested and Affected Parties and the holder of authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
14. The EMPr amendment must include the following:
- 14.1. All recommendations and mitigation measures recorded in the EIA;
 - 14.2. All mitigation measures as listed in the specialist reports must be included in the EMPr and implemented;
 - 14.3. The requirements and conditions of this environmental authorisation;
 - 14.4. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken;
 - 14.5. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase;
 - 14.6. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats;
 - 14.7. A storm water and wash water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include

- the construction of design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off;
- 14.8. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion;
 - 14.9. An effective monitoring system to detect any leakage or spillage of any hazardous substances during their transportation, handling, use or storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems;
 - 14.10. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants;
 - 14.11. A fire management plan to be implemented during the construction and operation of the facility;
 - 14.12. An environmental sensitivity map indicating environmentally sensitive areas and features identified during the EIA process;
 - 14.13. Properly completed generic EMPr for the facility Substation Infrastructure (IPP's portion of the on-site substation).
 - 14.14. The final site layout map, superimposed (overlain) on the environmental sensitivity map. This map must reflect the location of the PV facility and facility on-site substation as stated in the EIAR and this environmental authorisation.
15. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
 16. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
 17. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAR be discovered.

Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
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19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
21. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

23. The holder of the authorisation must appoint an experienced 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 environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 23.1. The ECO must be appointed before commencement of any authorised activities.
 - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

24. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
25. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
26. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
27. The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 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 environmental authorisation conditions as well as the requirements of the approved EMPr.
29. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

30. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

31. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

32. Should the activity ever cease or become redundant, the holder of the authorisation must 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.

Specific conditions

33. The holder of this authorisation must take note that no temporary site camps are allowed outside the footprint of the development area as the establishment of such structures may trigger a listed activity in terms of the Environmental Impact Assessment Regulations, 2014, as amended.
34. Stockpiles must not obstruct natural water pathways and drainage channels.
35. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must 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).

General

36. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 36.1. at the site of the authorised activity;
- 36.2. to anyone on request; and
- 36.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
37. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of

non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 25 May 2015

Splitting and re-issue date: 01/12/2021



Mr Sabelo Malaza

**Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment**

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Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The information contained in the EIA dated March 2015.
- b) The comments received from the organs of state and interested and affected parties as included in the EIA dated March 2015
- c) Mitigation measures as proposed in the EIA dated March 2015 and the EMP.
- d) The information contained in the specialist studies contained within the appendices of the EIA.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act No.107 of 1998, as amended.

2. 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) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The renewable energy project will contribute to the generation of 'clean' or so-called 'green' electricity for input into the national grid to augment Eskom's power supply.
- c) The EIA dated March 2015 identified all legislation and guidelines that have been considered in the preparation of the EIA.
- d) The methodology used in assessing the potential impacts identified in the EIA dated March 2015 and the specialist studies has been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIA dated March 2015 and sufficient assessment of the key identified issues and impacts have been completed.

- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIAr dated March 2015 is deemed to be accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

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