



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0002486/2014

DEA Reference: 14/12/16/3/3/2/698

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Ms Louise Erasmus
Postmasburg Solar PV Energy Facility 2 (Pty) Ltd
P O Box 704
GREENPOINT
8000

Tel: 021 424 1189
Email: louise@rerecapital.com

PER FACSIMILE / MAIL

Dear Ms Erasmus

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546: PROPOSED 75MW POSTMASBURG SOLAR PV ENERGY FACILITY ON THE REMAINDER OF THE FARM KAPSTEWEL 436 NEAR POSTMASBURG WITHIN THE TSANTSABANE LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By post: Private Bag X447,
Pretoria, 0001; or
By hand Environment House
473 Steve Biko,
Arcadia,
Pretoria, 0083

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Appeals must be submitted in writing to:

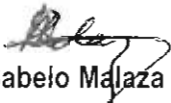
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: AppealsDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

Yours sincerely



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 25/5/2015

CC:	Mr Dale Holder	Cape EAPrac	Tel: (044) 874 0365	Email: dale@cape-eaprac.co.za
	Ms Deneo Moleko	NCDENC	Tel: 053 807 4800	Email: dmoleko@half.ncape.gov.za
	Mr Gilbert Lategan	Tsantsabane Local Municipality	Tel: 053 313 7311	Email: mm@tsantsabane.gov.za

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to appeal may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 36 of the Environmental Impact Assessment Regulations, 2010

Postmasburg Solar PV Energy Facility 2

ZF Mcgawu District Municipality

Authorisation register number:	14/12/16/3/3/2/698
NEAS reference number:	DEA/EIA/0002486/2014
Last amended:	First issue
Holder of authorisation:	Postmasburg Solar PV Energy Facility 2 (Pty) Ltd
Location of activity:	NORTHERN CAPE PROVINCE: A Portion of Remainder of Farm 436 Kapstewel with the Tsantsabane Local Municipality

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.

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 authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA Regulations, 2010.

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, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

POSTMASBURG SOLAR PV ENERGY FACILITY 2 (PTY) LTD

with the following contact details –

Ms Louise Erasmus

Postmasburg Solar PV Energy Facility 2 (Pty) Ltd

P O Box 704

GREENPOINT

8000

Tel: 021 424 1189

Email: louise@rerecapital.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 or 3 (GN R. 544, 545 and 546):

Listed activities	Activity/Project description
<p><u>GN R. 544: Activity 10:</u> <i>"The construction of facilities or infrastructure for the transmission and distribution of electricity-</i> <i>(i) Outside urban areas with a capacity of more than 33 but less than 275 kV"</i></p>	<p>A new 132kV overhead power line, of 800m-1km in length, linking the proposed on-site substation to the existing Manganore Substation.</p>
<p><u>GN R. 544: Activity 11:</u> <i>"The construction of:</i> <i>(x) infrastructure or structures covering 50 square metres or more,</i> <i>(xi) infrastructure or structures covering 50m² or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line."</i></p>	<p>The widening of an existing access road from the south (Option 2) (to 6m), and associated stormwater culvert, over 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> <i>(i) a watercourse..."</i></p>	<p>The widening of an existing access road (Option 2) (to 6m), and associated stormwater culvert, over a run-off wash.</p>
<p><u>GN R. 545: Activity 1:</u> <i>"The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more."</i></p>	<p>Solar facility will have a maximum generation capacity of 75MW.</p>
<p><u>GN R. 545: Activity 15:</u> <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 20 ha or more;</i> <i>except where such physical alteration takes place for:</i> <i>(i) linear development activities; or</i> <i>(ii) agriculture or afforestation where activity 16 in this Schedule will apply."</i></p>	<p>Development of the Postmasburg Solar PV Energy Facility 2 of approximately 225ha on vacant land, outside of the Postmasburg urban edge.</p>

Listed activities	Activity/Project description
<p><u>GN R. 546: Activity 4</u> <i>"The construction of a road wider than 4 metres with a reserve less than 13.5 metres</i> (a) <i>In Northern Cape:</i> (ii) <i>All areas outside urban areas."</i></p>	<p>Upgrade of existing access 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.</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; (3) for a linear activity. (a) In the Northern Cape.</i> (i) <i>All areas outside urban areas.</i></p>	<p>Vegetation clearing for the Solar Panels and associated infrastructure: access roads, cable trenches and onsite substation & axillary buildings 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 retained as far as possible.</p>
<p><u>GN R. 546 Item 16 (iii) & (iv) (a) ii (bb):</u> <i>The construction of</i> (iv) <i>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, excluding where such construction will occur behind the development setback line.</i> (a) <i>In the Northern Cape</i> (ii) <i>All areas outside urban areas</i></p>	<p>The widening of an existing access road (Option 2) (to 6m), and associated stormwater culvert, over a run-off wash.</p>
<p><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></p>	<p>Upgrade of existing access 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.</p>

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

Power line Alternative	Latitude	Longitude
Starting point of activity	28°07'43.62"S	23°06'28.03"E
Middle point of activity	28°07'46.12"S	23°06'19.63"E
End point of activity	28°07'48.68"S	23°06'11.19"E

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 proposed 75MW 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 ± 3.5 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;
- On-site Substation of ± 120 m x 70m in size (including a power transformer/s to allow the generated power to be connected to Eskom's electricity grid via the Manganore Substation);
- Overhead 132kV monopole transmission power line to distribute the generated electricity from the on-site substation to the existing Eskom Manganore Distribution Substation (located directly adjacent to & south east of the site). The transmission line will be a single circuit line, ± 500 m to 1km in length, with a maximum height of ± 32 m, within a servitude width of between 31m – 40m;
- 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 ± 2 -4m underground as far as practical);
- Access road (± 6 m) and internal road/track (± 5 m wide) network;

- Laydown areas required for material and equipment ($\pm 200\text{m} \times 150\text{m}$);
- Rainwater tanks; and
- Parameter fencing and lighting around the solar facility.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred $\pm 1\text{km}$ powerline aligned from the south-western corner of PV layout, south-west to the existing Manganore Substation, 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 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 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 authorisation in terms of the regulations.
6. This activity must commence within a period of three (3) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.

8. The holder of an environmental authorisation must apply for an amendment of 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.

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 12 (twelve) 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 Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 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.
11. The holder of the authorisation must publish a notice –
- 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. A copy of the final development layout map must be made available for comments by 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 facilities and its associated infrastructure;
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- 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 Connection routes (including pylon positions) to the distribution/transmission network;
 - 12.8 All existing infrastructure on the site, especially roads;
 - 12.9 Buildings, including accommodation; and,
 - 12.10 All "no-go" and buffer areas.
13. Furthermore, a shapefile of the development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 or specify if an alternative scale was used. The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to *Director: Integrated Environmental Authorisations*.
14. The Environmental Management Programme (EMPr) submitted as part of the EIAR is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting; and the provisions of this environmental authorisation. The EMPr must be made available for comments by 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.
15. The provisions of the approved EMPr are an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.
16. The EMPr amendment must include the following:
- 16.1. All recommendations and mitigation measures recorded in the EIAR.
 - 16.2. All mitigation measures as listed in the specialist reports must be included in the EMPr and implemented.
 - 16.3. The requirements and conditions of this environmental authorisation.

- 16.4. 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.
- 16.5. 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.
- 16.6. 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.
- 16.7. A storm water & 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.
- 16.8. 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.
- 16.9. 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.
- 16.10. 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.
- 16.11. A fire management plan to be implemented during the construction and operation of the facility.
- 16.12. An environmental sensitivity map indicating environmentally sensitive areas and features identified during the EIA process.

- 16.13. The final site layout map, superimposed (overlain) on the environmental sensitivity map. This map must reflect the location of the PV as stated in the EIAr and this environmental authorisation.

Monitoring

17. The applicant must appoint a suitably 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 authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 17.1. The ECO must be appointed before commencement of any authorised activities.
- 17.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 17.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 17.4. 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.
- 17.5. 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.

Recording and reporting to the Department

18. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
19. The holder of the authorisation must 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 within 30 days of completion of rehabilitation activities.
20. The environmental audit report 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 EMPr.
21. 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.

Commencement of the activity

22. The authorised activity must not commence within twenty (20) days of the date of signature of the authorisation.
23. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 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.

Notification to authorities

24. 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. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

25. 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

26. Should the activity ever cease or become redundant, the applicant 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


27. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations, 2010.
 28. Stockpiles must not obstruct natural water pathways and drainage channels.
-

29. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
30. 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 59 of 2008).

General

31. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr 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 authorisation who works or undertakes work at the property.
32. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
33. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority will not be held responsible for any damages or losses suffered by the applicant or his 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 applicant 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: 25/5/2015


Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

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 EIAR dated March 2015;
- b) The comments received from the organs of state and interested and affected parties as included in the EIAR dated March 2015;
- c) Mitigation measures as proposed in the EIAR dated March 2015 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix E of the EIAR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).

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 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 EIAR dated March 2015 identified all legislation and guidelines that have been considered in the preparation of the EIAR dated March 2015.
- d) The methodology used in assessing the potential impacts identified in the EIAR dated March 2015 and the specialist studies has been adequately indicated.
- e) The description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the activity.
- f) A sufficient public participation process was undertaken and the holder of the authorisation 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 is detailed in the EIAR dated March 2015 and sufficient assessment of the key identified issues and impacts has 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 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 activity 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 negative environmental impacts resulting from the authorised activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.