



## 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: 14/12/16/3/3/1/2455

Enquiries: Mr Lunga Dlova

Telephone: (012) 399 8524 E-mail: [LDlova@dffe.gov.za](mailto:LDlova@dffe.gov.za)

Mr Hylton Cecil Newcombe  
Sun Garden (Pty) Ltd  
Postnet Suite No 145  
Private Bag X13130  
Humewood  
PORT ELIZABETH  
6013

Telephone Number: (083) 3958179  
Email Address: [hylton@windrelic.net](mailto:hylton@windrelic.net)

PER EMAIL / MAIL

Dear Mr Newcombe

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF SUN GARDEN SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE ON A SITE LOCATED APPROXIMATELY 36KM SOUTH-EAST OF SOMERSET EAST AND 28KM SOUTH-WEST OF COOKHOUSE WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY AND THE SARAH BAARTMAN DISTRICT MUNICIPALITY IN THE EASTERN 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 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 as well as 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@dffe.gov.za](mailto:appeals@dffe.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 website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
Date: *04/03/2022*

cc:	Dayalan Govender	Eastern Cape Department of Economic Development, Environmental Affairs and Tourism (DEDEAT)	Email: <a href="mailto:Dayalan.govender@DEDEA.gov.za">Dayalan.govender@DEDEA.gov.za</a>
	Moppo Mene	Makana Local Municipality	Email: <a href="mailto:mmene@makana.gov.za">mmene@makana.gov.za</a>
	Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: <a href="mailto:joanne@savannahsa.com">joanne@savannahsa.com</a>

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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 development of Sun Garden solar PV facility and associated infrastructure on a site located approximately 36km South-East of Somerset East and 28km South-West of Cookhouse

Sarah Baartman District Municipality

Authorisation register number:	14/12/16/3/3/1/2455
Last amended:	First issue
Holder of authorisation:	Sun Garden (Pty) Ltd
Location of activity:	Eastern Cape Province: Portion 9 of the farm Britzkraal No 253, Portion 8 (a Portion of Portion 7) of the farm Britzkraal No 253, Portion 7 of the farm Britzkraal No 253, Portion 1 of farm Bothas Hoop 358, Portion 1 of Farm Bothas Hoop 358m, Remainder of Farm Draai Van Klein Visrivier 254, Portion 1 (Opmeet Fontein) of farm Gras Fonteyn No 258, Farm 434, Portion 3 (Vlak Leegte) of Farm Driefontein No 259 on Ward 6 within the Blue Crane Route Local Municipality in the Sarah Baartman District 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.

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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 –

### **SUN GARDEN (PTY) LTD**

(hereafter referred to as the holder of the authorisation)

with the following contact details –

Mr Hylton Cecil Newcombe  
Sun Garden (Pty) Ltd  
Postnet Suite No 145  
Private Bag X13130  
Humewood  
**PORT ELIZABETH**  
6013

Telephone Number: (083) 3958179  
Email Address: [hylton@windrelic.net](mailto:hylton@windrelic.net)

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, 2014 as amended:

<p>GN R327, 08 December 2014 (as amended on 07 April 2017) Listing Notice 1, Item 11 (i):</p> <p><i>"The development of facilities or infrastructure for the transmission and distribution of electricity - (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts."</i></p>	<p>The Sun Garden PV Facility will require the construction and operation of a 132/33kV on-site collector substation to be connected to a proposed 400kV Main Transmission Substation (MTS) via a 132kV overhead power line (twin turn dual circuit) to facilitate the connection of the facility to the national grid. The project site assessed for the siting of the Sun Garden PV Facility is located outside of an urban area.</p>
<p>GN R327, 08 December 2014 (as amended on 07 April 2017) Listing Notice 1, Item 12(ii)(a)(c):</p> <p><i>"The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square meters or more;</i></p> <p><i>where such development occurs –</i></p> <p><i>(a) within a watercourse or</i></p> <p><i>(c) within 32 meters of a watercourse, measured from the edge of a watercourse."</i></p>	<p>The development of the Sun Garden PV Facility will require the establishment of infrastructure (including internal access roads) with a physical footprint exceeding 100m<sup>2</sup> within a watercourse or within 32m of a watercourse identified within the project site. The development footprint of the PV facility will be ~350ha in extent.</p>
<p>GN R327, 08 December 2014 (as amended on 07 April 2017) Listing Notice 1, Item 14:</p> <p><i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic meters or more but not exceeding 500 cubic meters.</i></p>	<p>The development and operation of the Sun Garden PV Facility will require infrastructure for 120 cubic metres of storage of dangerous goods, which will include flammable and combustible liquids such as oils associated with the on-site collector substation and switching station transformers, lubricants and solvents.</p>

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<p><u>GN R327, 08 December 2014 (as amended on 07 April 2017) Listing Notice 1, Item 19:</u>  <i>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 a watercourse.</i></p>	<p>Watercourses are located within the development footprint for the facility. Therefore, during the construction phase, 10 cubic metres of rock will be removed from the watercourses for the development of the Sun Garden PV Facility and associated infrastructure.</p>
<p><u>GN R327, 08 December 2014 (as amended on 07 April 2017) Listing Notice 1, Item 24(ii):</u>  <i>The development of a road with a reserve wider than 13,5 meters, or where no reserve exists the road is wider than 8 meters.</i></p>	<p>The width of the roads at the access points will be up to 8m. The internal access roads will be up to 4.5m wide, and will have a servitude of up to 13.5m.</p>
<p><u>GN R327, 08 December 2014 (as amended on 07 April 2017) Listing Notice 1, Item 28(ii):</u>  <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></p>	<p>The Sun Garden PV Facility (considered to be an industrial development) will be constructed and operated on land currently used for agricultural purposes, mainly grazing. The development footprint considered for the establishment of the PV facility is ~350ha in extent and is located outside an urban area.</p>
<p><u>GN R325, 08 December 2014 (as amended on 07 April 2017) Listing Notice 2, Item 1:</u>  <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></p>	<p>The Sun Garden PV Facility will make use of solar energy as a renewable energy resource. The project will have a contracted capacity of up to 400MW.</p>
<p><u>GN R325, 08 December 2014 (as amended on 07 April 2017) Listing Notice 2, Item 15:</u>  <i>The clearance of an area of 20 hectares or more of indigenous vegetation.</i></p>	<p>The project will require the clearance of an area of ~350ha (equivalent to the development footprint) of vegetation. The project is proposed on a property where the predominant land use is grazing and comprises of indigenous vegetation. The project would therefore result in the clearance of an area of indigenous vegetation greater than 20ha in extent.</p>

<p><u>GN R324, 08 December 2014 (as amended on 07 April 2017) Listing Notice 3, Item 4(a)(i)(ee):</u>  <i>The development of a road wider than 4 metres with a reserve less than 13,5 metres –</i>  <i>(a) in the Eastern Cape, -</i>  <i>(i) outside urban areas, -</i>  <i>(ee) within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>The Sun Garden PV Facility will require main access roads up to 8m wide and internal access roads up to 4,5m wide. The project site is located within the Eastern Cape Province, outside of an urban area and falls within Ecological Support Area 1 (ESA1) as per the Eastern Cape Biodiversity Plan.</p>
<p><u>GN R324, 08 December 2014 (as amended on 07 April 2017) Listing Notice 3, Item 12(a)(ii)</u>  <i>The clearance of an area of 300 square metres or more of indigenous vegetation-</i>  <i>(a) in the Eastern Cape,</i>  <i>(ii) within critical biodiversity areas identified within bioregional plans.</i></p>	<p>The Sun Garden PV Facility requires the clearance of ~88.2ha of indigenous vegetation. The project site is located within the Ecological Support Area 1 (ESA1) as per the Eastern Cape Biodiversity Plan.</p>
<p><u>GN R324, 08 December 2014 (as amended on 07 April 2017) Listing Notice 3, Item 14(ii)(a)(c)(a)(i)(ff)</u>  <i>The development of (ii) infrastructure or structures with a physical footprint of 10 square metres or more, where such development occurs (a) within a watercourse, and (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse, (a) in the Eastern Cape, (i) outside urban areas and (ff) within critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>The development of the Sun Garden PV Facility will require the establishment of infrastructure (including internal access roads) with a physical footprint exceeding 10m<sup>2</sup> within a watercourse or within 32m of a watercourse identified within the project site. The development footprint of the PV facility will be ~350ha in extent. The project site is located within the Eastern Cape, outside of an urban area and within areas identified as Ecological Support Area 1 (ESA1) as identified in the Eastern Cape Biodiversity Plan.</p>
<p><u>GN R324, 08 December 2014 (as amended on 07 April 2017) Listing Notice 3, Item 18(a)(i)(ee)(ii)(KK)</u>  <i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre (a) in the Eastern Cape, (i) outside urban areas, (ee) within critical biodiversity areas as identified in systematic biodiversity</i></p>	<p>Existing roads within the project site will need to be upgraded and widened by more than 4m. The project site is located in the Eastern Cape, outside of urban areas and falls within an area defined as Ecological Support Area 1 (ESA1) as per the</p>

<p><i>plans adopted by the competent authority or in bioregional plans; (ii) in areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined and (KK) within a watercourse.</i></p>	<p>Eastern Cape Biodiversity Plan. Watercourses are present within the project site.</p>
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as described in the Basic Assessment Report (BAR) dated January 2021 at:

Attached on this Environmental Authorisation is a Sun Garden PV Facility Layout Plan as **Annexure 2**.

**SG 21 Code: Sun Garden PV Facility**

- Portion 9 of the farm Britzkraal No 253 - C0660000000025300009
- Portion 8 (a Portion of Portion 7) of the farm Britzkraal No 253 - C0660000000025300008
- Portion 7 of the farm Britzkraal No 253 - C0660000000025300007
- Portion 1 of farm Bothas Hoop 358 - C0660000000035800001
- Portion 1 of Farm Bothas Hoop 358m - C0660000000035800001
- Remainder of Farm Draai Van Klein Visrivier 254 - C0660000000025400000
- Portion 1 (Opmeet Fontein) of farm Gras Fonteyn No 258 - C0660000000025800001
- Farm 434 - C0660000000043400000
- Portion 3 (Vlak Leegte) of Farm Driefontein No 259 - C0660000000025900003

Ward: 06

Town: Cookhouse (~40km north-east); Somerset East (~46km north-west), Riebeeck East (~37km south-east), Middleton (~18km north-east), Bracefield (~10km south), Renosterfontein (~18km south-west)

Local and/or District Municipality: the Blue Crane Route Local Municipality in the Sarah Baartman District Municipality.

Province: Eastern Cape Province.

Site boundaries with UTM coordinates	Latitude	Longitude
<b>Corner 1</b>	33° 6'33.59"S	25° 41'0.30"E
<b>Corner 2</b>	33° 5'56.04"S	25° 40'46.28"E
<b>Corner 3</b>	33° 5'57.02"S	25° 41'53.34"E
<b>Corner 3</b>	33° 7'16.67"S	25° 40'52.08"E

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<b>Corner 4</b>	33° 7'17.00"S	25°40'22.18"E
<b>Onsite Substation (centre)</b>	33° 7'21.83"S	25°40'52.60"E

- for the development of Sun Garden PV solar PV facility and associated infrastructure on a site located approximately 36km South-East of Somerset East and 28km South-West of Cookhouse within the Blue Crane Route Local Municipality and the Sarah Baartman District Municipality in the Eastern Cape Province, hereafter referred to as "the property".

Details or dimensions of the proposed development footprint of the Sun Garden PV Facility

Contracted capacity of the facility	Up to 400MW
Development footprint (permanent infrastructure) area	~350ha (including all associated infrastructure)
PV panels	<ul style="list-style-type: none"> <li>» Height: ~2m from ground level (installed).</li> <li>» Up to 750 000 panels required.</li> <li>» Bifacial tracking PV technology</li> </ul>
Grid connection	A proposed 132/33kV on-site collector substation to be connected to a proposed 400kV Main Transmission Substation (MTS) located to the north-east via a new 132kV overhead power line (twin turn dual circuit line). The development of the proposed 400kV Main Transmission Substation has been assessed as part of the separate BA process in support of application for Environmental Authorisation.
Area occupied by the on-site collector substation	~1ha (a larger area of 5ha is being assessed for the placement of the infrastructure as part of the development footprint to allow for the avoidance of sensitive environmental features)
Capacity of on-site collector substation	132/33kV
Length of the power line	~12km
Capacity and circuit of the power line	132kV twin turn dual circuit
Height of the power line towers (pylons)	Up to 26m

Power line servitude width	Up to 35m
Area occupied by the Balance of Plant and the infrastructure it contains	<p>The Balance of Plant (BoP) area will be ~12ha in extent and will include the following infrastructure:</p> <ul style="list-style-type: none"><li>» Temporary laydown areas;</li><li>» A temporary concrete batching plant;</li><li>» Staff accommodation (temporary); and</li><li>» Operation and Maintenance buildings including a gate house, security building, control centre, offices, warehouses, a workshop and visitor's centre.</li></ul> <p>No permanent laydown area is required for operation. Areas affected by temporary infrastructure will be rehabilitated following the completion of the construction phase, where it is not required for the operation phase.</p>
Access and internal roads	Existing roads on the affected properties will be used where feasible and practical. The width of the roads at the access points will be up to 8m. The internal access roads will be up to 4.5m wide, and will have a servitude of up to 13.5m.
Underground cabling	Underground cabling will be installed to connect the string inverters to the central inverters and the central inverters to the on-site facility substation. The cabling will have a capacity of up to 33kV.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The development of a Sun Garden solar PV facility and associated infrastructure on a site located approximately 36km South-East of Somerset East and 28km South-West of Cookhouse within the Blue Crane Route Local Municipality and the Sarah Baartman District Municipality in the Eastern Cape Province is approved as per the geographic coordinates cited in the table above on page 06 and 07.

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 Department 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 issue of this Environmental 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.
8. Construction must be completed within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal**

10. 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.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued;
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and

11.4. give the reasons of the Competent Authority for the decision.

### **Commencement of the activity**

12. 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**

13. The site layout plans as attached as Appendix N – Sun Garden (Maps) of the BAR dated January 2022 is approved.
14. The Environmental Management Programme (EMPr) submitted as part of the BAR dated January 2022 is approved and must be implemented and adhered to.
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 BAR 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.
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 environmental audit reports 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 Department at that time.

**Specific conditions**

33. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
34. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
35. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the Fauna & Flora Specialist Impact Assessment Specialist Studies dated November 2021 must be implemented to reduce the risk of erosion and the invasion of alien species.
36. The site must be demarcated with a 30-meter no-go-buffer zone and that the graves must be avoided and left *in situ*.
37. Fossil discoveries must be protected and be reported to Eastern Cape Provincial Heritage Resources Authority.
38. 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**

39. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 39.1. at the site of the authorised activity;
- 39.2. to anyone on request; and
- 39.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
40. 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
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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: 04/03/2022



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment



## 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 listed activities as applied for in the application form received on 12 November 2021.
- b) The information contained in the BAR dated January 2022.
- c) The comments received from Eskom, the Endangered Wildlife, Department of Economic Development, environmental Affairs and Tourism, Department of Forestry, Fisheries and the Environment, Department of Mineral Resources and Energy, Eastern Cape Heritage Resources Agency, BirdLife South Africa and interested and affected parties as included in the BAR dated January 2022.
- d) Mitigation measures as proposed in the BAR and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated January 2022 and as appears below:

Title	Prepared by
Terrestrial Ecology (including fauna and flora)	Simon Todd of 3foxes Biodiversity Solutions
Avifauna (including monitoring)	Dr Steve Percival of Ecology Consulting, and Owen Davies of Arcus Consultancy Services South Africa
Bats (including monitoring)	Craig Campbell of Arcus Consultancy Services South Africa
Aquatic Impact Assessment	Dr Brian Colloty of EnviroSci
Soil, Land Use, Land Capability and Agricultural Potential	Andrew Husted of The Biodiversity Company
Heritage (including archaeology, palaeontology and cultural landscape)	Cherene de Bruyn and Wouter Fourie of PGS Heritage and Elize Butler of Banzai Environmental
Noise Impact Assessment	Morné de Jager of Enviro Acoustic Research (EAR)
Visual Impact Assessment	Lourens du Plessis of LOGIS
Traffic Impact Assessment	Iris Wink and Adrian Johnson of JG Africa
Socio-economic Impact Assessment	Matthew Keeley of Urban-Econ
EMPr	Savannah Environmental (Pty) Ltd

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## 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 need for the proposed project stems from the provision of electricity to the national grid.
- c) The BAR dated January 2022 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The location of the proposed Sun Garden PV facility.
- e) The methodology used in assessing the potential impacts identified in the BAR dated January 2022 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

## 3. Findings

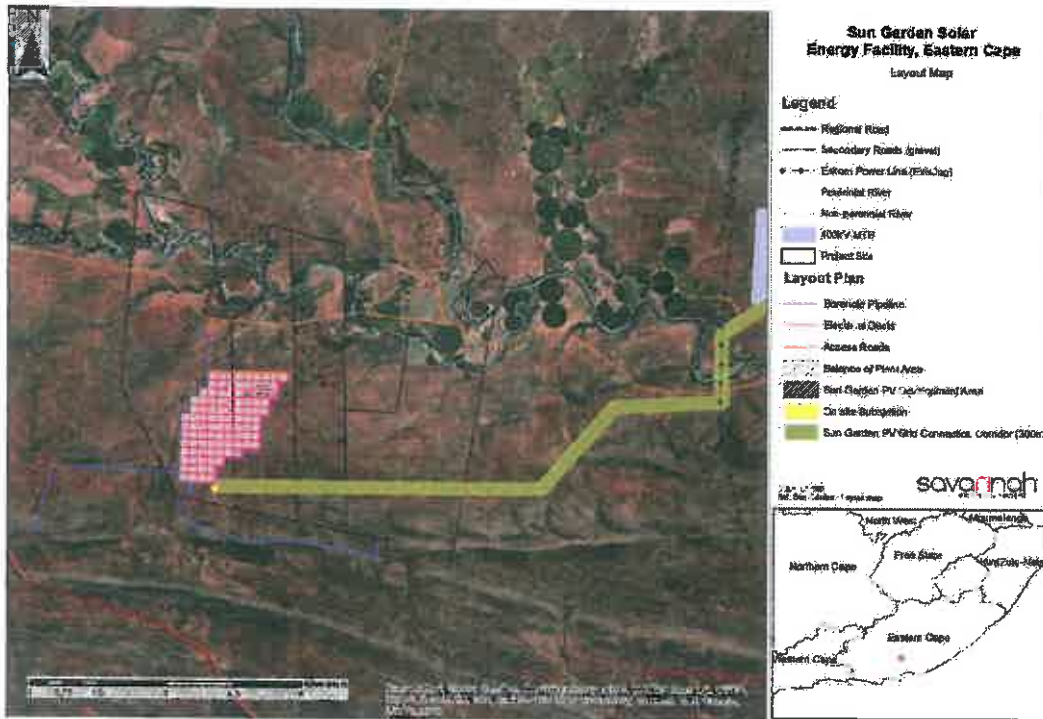
After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated January 2022 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 information contained in the BAR dated January 2022 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR 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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## Annexure 2: Sun Garden PV Facility Layout Plan



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