



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0000582/2011

DEA Reference: 12/12/20/2320/2

Enquiries: Oscar Makhale

Telephone: 012-395-1772 Fax: 012-320-7539 E-mail: omakhale@environment.gov.za


Ms. Leila Mahomed-Weideman
South Africa Mainstream Renewable Power Mierdam (Pty) Ltd
P.O. Box 45063
CLAREMONT
South Africa
7735

I hereby certify that this is an exact reproduction of the original and that there is no indication that the original has been altered by an unauthorized person.

Fax no: 021-671-5665

PER FACSIMILE / MAIL

Dear Ms. Mahomed-Weideman


COMMISSIONER OATHS
Elizabeth Enslé Bronner 9/1/8/2 Durban
4 Pencarrow Crescent, La Lucia Ridge
P O Box 1899, Umhlanga Rocks, 4320
Tel: 031 581 1626 / Fax: 031 566 2371

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.543, 544, 545 AND 546: CONSTRUCTION OF A 40MW SOLAR PHOTOVOLTAIC FACILITY ON MIERDAM FARM NEAR PRIESKA, WITHIN THE SIYATHEMBA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the final Environmental Impact Report (EIR) dated 16 May 2012 and 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 facsimile: 012 320 7561;
- By post: Private Bag X447,
Pretoria, 0001; or
- By hand: 2nd Floor, Fedsure Building, North Tower,
Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,



Pretoria.

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.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

Mr T Zwane, Senior Legal Administration Officer (Appeals), of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

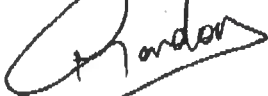
Tel: 012-310-3929

Email: tzwane@environment.gov.za

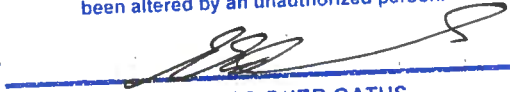
The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

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Yours sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 6 SEPTEMBER 2012


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CC:	Ms K Tucker	SIVEST	Tel: 011-798-0637	Fax: 011-803-7272
	Ms E Botes	Northern Cape Department of Environment and Nature Conservation	Tel: 053-807-7300	Fax: 053-807-7328
	Mr G Bessies	Siyathemba Local Municipality	Tel: 053-353-5300	Fax: 053-353-1386
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

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 Water and 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 Water and 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 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 against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **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.

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Environmental Authorisation

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

Construction of a 40MW Solar Photovoltaic Facility on Mierdam Farm near Prieska, within the
Siyathemba Local Municipality in the Northern Cape Province

Pixley ka Seme District Municipality

Authorisation register number:	12/12/20/2320/2
NEAS reference number:	DEA/EIA/0000582/2011
Last amended:	First issue
Holder of authorisation:	South Africa Mainstream Renewable Power Mierdam (Pty) Ltd
Location of activity:	Northern Cape Province: On Mierdam Farm; near Prieska, Siyathemba 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.

2

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:

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 –

SOUTH AFRICA MAINSTREAM RENEWABLE POWER MIERDAM (PTY) LTD

with the following contact details –

Ms. Leila Mahomed–Weideman

South Africa Mainstream Renewable Power Mierdam (Pty) Ltd

P.O. Box 45063

CLAREMONT

South Africa

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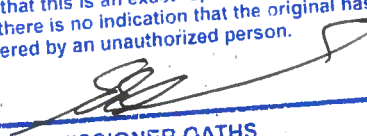
Tel: (021) 657 4040


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

Listed activities	Activity/Project description
GN R. 544 Item 10: The construction 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.	Should Eskom not allow the electricity generated at the proposed Photovoltaic (PV) plant to be fed directly into the power line that crosses the site, a new power line (either 66kV or 132kV) would need to be constructed to connect the proposed facility with the existing Kronos sub station. The proposed power line would be located outside an urban area.
GN R. 544 Item 11 (x)(xi): The construction of: (x). buildings exceeding 50 square meters in size; and (xi). infrastructure or structures covering 50 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.	The proposed PV fields and associated infrastructure will be established within a watercourse or within 32 metres from a watercourse as several ephemeral drainage lines traverse the proposed site alternatives.
GN R. 544 Item 22 The construction of a road outside urban areas. (i) with a reserve wider than 13,5 meters; and (ii) where no reserve exists where the road is wider than 8 metres.	A gravel road with a width of between 6m and 10m would need to be constructed to provide access to the proposed PV fields.
GN R. 545 Item 1 The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.	The proposed PV plant would generate more than 20 megawatts, as the facility would have a maximum output of 40 megawatts.
GN R. 545 Item 15 Physical alteration of undeveloped, vacant or derelict land	The proposed development site is predominantly vacant and the entire area



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Listed activities	Activity/Project description
for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for: (i) linear development activities.	to be transformed for the PV plant is 449 hectares.
GN R. 546 Item 13 The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for: (1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list. (2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.	The proposed development site is characterised by vacant land that is dominated by natural vegetation used for grazing. Vegetation clearing would take place over a portion of the approximate 449 hectares buildable area during the construction phase. 75% of this cleared area may constitute indigenous vegetation.

as described in the final Environmental Impact Assessment Report dated 16 May 2012 at:

PV field alternative 2	Latitude	Longitude
Middle point of the activity	30° 4.069' S	22° 19.339' E


- for the construction of a 40MW solar photovoltaic facility on Mierdam farm near Prieska, within the Siyathemba Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- A solar PV facility with a capacity to generate 40MW.
- The panel arrays of approximately 15m x 4m in area.
- Office and maintenance buildings.
- Internal access roads.



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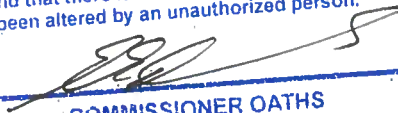
- Cables / strings to connect PV arrays to DC to AC inverters.
- On-site sub-station.
- 132kV overhead power lines to connect to an existing power line that traverses the site or Kronos sub-station.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred PV field alternative 2 is approved. Options to either connect to the existing power line that traverses the site or to construct a new overhead power line along corridor 1a or 1b are also approved. The power line option must be communicated to the Department in writing 14 days before commencement of the power line option for record-purposes.
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 activity 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.

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8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and 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. The Environmental Management Programme (EMPr) submitted as part of the application for environmental authorisation is hereby approved and must be implemented during the construction, operation and rehabilitation phases of the activity. The EMPr will be seen as a dynamic document. However, any changes to the EMPr must be submitted to the authorities for approval before implementation.
13. The EMPr must be included in all contract documentation for the construction phase of the development.


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14. The provisions of the EMPr are an extension to the conditions of the environmental authorisation and therefore non-compliance with the EMPr shall constitute non-compliance with the environmental authorisation.

Monitoring

15. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 15.1. The ECO shall be appointed before commencement of any authorised activity/ies.
- 15.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 15.3. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 15.4. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 15.5. 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

16. 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.
17. 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.
18. 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.
19. 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.



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Commencement of the activity

20. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
21. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
22. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

23. Fourteen (14) days written notice must be given to the Department that the activity will commence. 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


24. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

Site closure and decommissioning

25. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

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Specific conditions

Vegetation, wetlands and water resources

26. All PV arrays must be located at least 100m from the edge of any highly sensitive areas.
27. No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
28. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.
29. Removal of alien invasive species or other vegetation and follow-up procedures must be in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
30. The applicant must obtain a Water Use Licence from the Department of Water Affairs (DWA) prior to the commencement of the project should the applicant impact on any water resource. A copy of the license must be submitted to the Director: Integrated Environmental Authorisations at the Department.

Roads and transportation

31. Existing road infrastructure must be used as far as possible for providing access to the proposed PV arrays positions. Where no road infrastructure exists, new roads should be placed within existing disturbed areas or environmental conditions must be taken into account to ensure the minimum amount of damage is caused to natural habitats.
32. A transportation plan must be developed, particularly for the transport of PV components, main assembly cranes and other large pieces of equipment. A permit must be obtained from the relevant transport department for the transportation of all components (abnormal loads) to the sites.
33. A traffic management plan must be prepared for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted.
34. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimise impacts on local commuter, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
35. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
36. Construction vehicles carrying materials to the site should avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.



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Noise

37. The applicant must ensure that the National Noise Control Regulations and SANS10103:2008 are adhered to and reasonable measures to limit noise from the work site are implemented.
38. The applicant must ensure that the construction staff working in areas where the 8-hour ambient noise levels exceed 75dBA must wear ear protection equipment.
39. The applicant must ensure that all equipment and machinery are well maintained and equipped with silencers.

Visual resources and other infrastructures

40. A lighting engineer must be consulted to assist in the planning and placement of light fixtures in order to reduce visual impacts associated with glare and light trespass.
41. Any transmitters that are to be established, or have been established, at the site for the purposes of voice and data communication must comply with the relevant AGA regulations concerning the restriction of use of the radio frequency spectrum that applies in the area and this must be done in consultation with the Square Kilometre Array South Africa.
42. The assessment and detailed design phase of the PV facility must be done in consultation with the Square Kilometre Array South Africa.

Human health and safety

43. The movements of people employed must be managed properly as not to pose any significant impact to the Square Kilometre Array facilities during construction and operating phases of the proposed PV facilities.
44. A health and safety programme must be developed to protect both workers and the general public during construction, operation and decommissioning of the energy facility. The programme must establish a safety zone for PV components from residences and occupied buildings, roads, right-of-ways and other public access areas that is sufficient to prevent accidents resulting from the operation of the PV components.

Hazardous materials and waste management

45. An effective monitoring system must be put in place during the construction phase of the development to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. The applicant must ensure that precautionary measures



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are in place to limit the possibility of oil and other toxic liquids from entering the soil or storm water system.

46. 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 shall 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).

Excavation and blasting activities

47. Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
48. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
49. Borrow materials must be obtained only from authorized and permitted sites.
50. Anti-erosion measures such as silt fences must be installed in disturbed areas.

Historical / cultural / paleontological resources

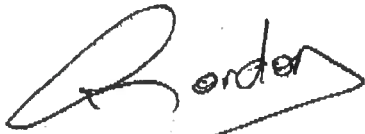
51. The discovery of previously undetected subterranean heritage remains on the terrain must be reported to the South African Heritage Resources Agency or the archaeologist.
52. The identified Stone Age open sites must be demarcated with a buffer of a radius of at least 20 meters from the centre point.

General

53. 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.
54. 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 forty eight hours (48), 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.
55. 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 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: 6 SEP 2012



Mr Mark Gordon

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs


I hereby certify that this is an exact reproduction of the original and that there is no indication that the original has been altered by an unauthorized person.



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Annexure 1: Reasons for Decision

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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 EIR dated 16 May 2012;
- b) Additional information (i.e. clarification) dated 20 July 2012, 23 July 2012 and 08 August 2012;
- c) The comments received from the Department of Agriculture, Forestry and Fisheries (DAFF), South African Heritage Resources Agency (SAHRA), Department of Water Affairs (DWA), Square Kilometre Array (SKA), and Telkom;
- d) Mitigation measures as proposed in the EIR dated 16 May 2012 and the EMP;
- e) The information contained in the specialist studies contained within Appendix 6B of the EIR dated 16 May 2012;
- f) Findings of the site visit conducted on 21 June 2012; and
- g) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 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) Details provided of the qualifications of the Environmental Assessment Practitioner (EAP).
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need and desirability of the proposed development.
- d) 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 proposed activity.
- e) Relevant legislation, guidelines and policies considered in the undertaking of the Environmental Impact Assessment process.

Department of Environmental Affairs
Environmental Authorisation Reg. No. 12/12/20/2320/2
NEAS Reference Number: DEA/EIA/0000582/2011


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- f) Identification of impacts and the methodology used in assessing those impacts.
- g) The public participation process undertaken.

3. Findings

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

- a) The need and desirability for the proposed development was clearly defined.
- b) The EIR dated 16 May 2012 adequately describes the environment that may be affected by the activity and the manner in which the physical, biological, social and cultural aspects of the environment may be affected by the proposed activity.
- c) The identification and assessment of impacts are detailed in the EIR dated 16 May 2012 and sufficient assessment of the key identified issues and impacts have been completed.
- d) Relevant specialist studies were conducted. The studies have assessed the specific impacts and recommended adequate mitigation measures.
- e) The procedure followed for impact assessment is adequate for the decision-making process.
- f) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- g) Public participation was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.
- h) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.
- i) Findings of the site visit conducted by the Department indicate no significant environmental features on site.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed 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 detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.