



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA  
Tel (+ 27 12) 399 9372

**DEA Reference:** 14/12/16/3/3/2/382/AM2

**Enquiries:** Ms Bongeka Ngcoliso

**Telephone:** (012) 399 9376 **E-mail:** [BNgcoliso@environment.gov.za](mailto:BNgcoliso@environment.gov.za)

Dr.Gideon Greyvenstein  
Ennex Solar Pty Ltd  
1 Kingswood Boulevard, Suite 200  
**GEORGE, WESTERN CAPE**  
6529

Cell Number 082 558 3917  
E-mail: [gideon@ennex.co.za](mailto:gideon@ennex.co.za).

### PER E-MAIL / MAIL

Dear Dr Greyvenstein

### APPLICATION FOR THE EXTENSION OF THE VALIDITY PERIOD OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION 75 MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE.

The Environmental Authorisation (EA) issued for the above application by this Department on 19 July 2013 and the extension of the validity period of the EA issued by the Department on 25 September 2015, refer.

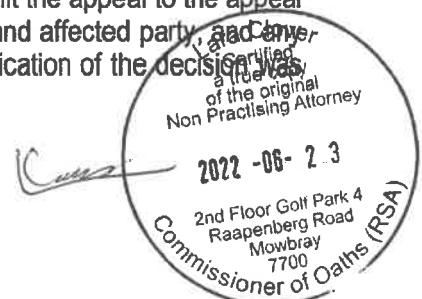
Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment (EIA) Regulations, 2014 as amended, has decided to amend the EA dated, 19 July 2013 by granting an extension of the validity period as follows:

- i. The extension of the validity period of your authorisation is extended by an additional five (5) years from the date of expiry of the EA extension issued on 25 September 2015 (i.e. the EA validity extension was until 19 July 2018). Therefore the validity period is extended to **19 July 2023** and 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 to undertake the activities.'

This letter must be read in conjunction with the EA dated 19 July 2013.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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 the 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:

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

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

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

By post: Private Bag X447,  
Pretoria,  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at:

[https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



**Mr Vusi Skosana**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 28/06/2018

cc	Ms Chantal Uys	Exigo Sustainability (Pty) Ltd	Tel: 012 751 2160	Email: <a href="mailto:chantal@exigo3.com">chantal@exigo3.com</a>
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/AM3  
Enquiries: Ms Nonhlahla Mkhwanazi  
Telephone: (012) 399 9386 E-mail: NMkhwanazi@environment.gov.za

Dr Gideon Greyvenstein  
Ennex Energy (Pty) Ltd  
1 Kingswood Boulevard  
Suite 2000  
George  
WESTERN CAPE  
6529

Telephone Number: (012) 667 4331  
Email Address: gideon@ennex.co.za

### PER EMAIL / MAIL

Dear Dr Greyvenstein

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 19 July 2013, your application for amendment of the EA received by this Department on 31 August 2015 and additional information on 14 September 2015 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the EA dated 19 July 2013 as follows:

#### Amendment 1: Amendment to the contact details of the holder of the EA:

#### From:

"Ennex Energy (Pty) Ltd"

Represented by: Dr G Greyvenstein  
PO Box 569  
Great Brakriver  
WESTERN CAPE  
0169

Cell Phone Number: (082) 558 3917  
Fax Number: (012) 349 8425  
E-mail Address: gideon@ennex.co.za



17

**To:**

"Ennex Energy (Pty) Ltd"

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 2000  
George  
**WESTERN CAPE**  
6529

Cell Phone Number: (082) 558 3917  
Fax Number: (012) 349 8425  
E-mail Address: gideon@ennex.co.za

**Amendment 2: Amendment to extend the validity period of the EA:**

The activity must commence within a period of two (02) years from the date of expiry of the EA issued on 19 July 2013 (i.e. the EA lapses on 19 July 2018). 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.

This proposed amendment letter must be read in conjunction with the EA dated 19 July 2013 as amended.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R. 993, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

An appellant must submit an 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 applicant by the competent authority.

By post: Private Bag X447,  
Pretoria,  
0001; or

By hand: Environment House  
473 Steve Biko,  
Arcadia, Pretoria,



**Appeals must be submitted in writing to:**

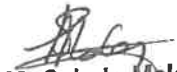
Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356  
Email: Appealsdirector@environment.gov.za

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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: ([https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations)).

Yours faithfully



Mr Sabelo Malaza  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs  
Date: 25/09/2015



Lara Clover  
Certified  
a true copy  
of the original  
Non Practising Attorney

2022-06-23

2nd Floor Golf Park 4  
Raapenberg Road  
Mowbray  
7700  
Commissioner of Oaths (RSA)





# forestry, fisheries & the environment

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

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

DFFE Reference: 14/12/16/3/3/2/3821/AM4

Enquiries: Ms Thembisile Hlatshwayo

Telephone: (012) 399 8838 E-mail: [Thlatshwayo@environment.gov.za](mailto:Thlatshwayo@environment.gov.za)

Dr G Greyvenstein  
Ennex Solar (Pty) Ltd (Reg. Nr 2012/016192/07)  
1 Kingswood Boulevard, Suite 200  
George  
WESTERN CAPE  
6529

Cell: 082 558 3917  
Email Address: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)

PER EMAIL / MAIL

Dear Dr Greyvenstein

## AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF UP TO 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 19 July 2013, the amendment to the EA dated 28 September 2015, 06 November 2015 and 28 June 2018, your application for amendment of the EA received by the Department on 05 November 2021 and the acknowledgement letter dated 11 November 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 19 July 2013, as amended as follows:

### Amendment 1: Change of Holder of Environmental Authorisation

**From:**

Inqwaba Energy (Pty) Ltd

**To:**

Ennex Solar (Pty) Ltd (Reg. Nr 2012/016192/07)

**Reason for amendment:**

The Farm Vetlaagte was originally divided into 7x portions and Environmental Authorisations were obtained in 2013 for 7x solar PV farms with different EA holders. The bidding process requires all EAs to be in the name of the bidding project company. Portion A (Ennex Solar) and Portion B (Inqwaba Energy) will form part of a single bidding process and it is therefore required that both portions have the same EA holder. The EA held by Inqwaba Energy (Pty) Ltd (Portion B), needs to be changed into the name of Ennex Solar (Pty) Ltd in order to be bid compliant.



MS

**Amendment 2: Change of the project title:**

**From:**

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN 543/544/545/548: PROPOSED CONSTRUCTION OF 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE.**

**To:**

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN 543/544/545/548: PROPOSED CONSTRUCTION OF PHOTOVOLTAIC SOLAR ENERGY FACILITY OF UP TO 75MW ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE.**

**Reason for amendment:**

Portion A (Ennex Solar) and Portion B (Inqwaba Energy) will form part of a single bidding process potentially of 100MW. At present, both Environmental Authorisations authorised PV farms of 75MW, which equals 150MW. It is therefore proposed to change the wording to read "up to 75MW" which implies that less than 75MW can be constructed whilst keeping the option for expansion to a maximum of 75MW open.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10 year period, your EA will be deemed to have lapsed and a new application for Environmental Authorisation will have to be lodged.

This proposed amendment letter must be read in conjunction with the EA dated 19 July 2013, as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (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, 2013 (Act no. 4 of 2013) which stipulates 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 abuses or compromises your personal information in any way.

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

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (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 prescribe 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.

DFFE Reference: 14/12/16/3/3/2/382/1/AM4

Amendment of the environmental authorisation issued on 19 July 2013 for the proposed construction of up to 75mw photovoltaic solar energy facility on the remaining extent of the Farm Vetlaagte 4 in De Aar, Northern Cape Province.



MS



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

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

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

By email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za);

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

By post: Private Bag X447,  
Pretoria,  
0001;

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

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

Yours faithfully

  
**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment  
Date: 23/11/2021

cc:	Annelize Grobler & Susanna Nel	Landscape Dynamics Environmental Consultants (Pty) Ltd	E-mail: <a href="mailto:info@landscapedynamics.co.za">info@landscapedynamics.co.za</a>
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DFFE Reference: 14/12/16/3/3/2/382/1/AM4

Amendment of the environmental authorisation issued on 19 July 2013 for the proposed construction of up to 75mw photovoltaic solar energy facility on the remaining extent of the Farm Vellaagte 4 in De Aar, Northern Cape Province.



*MS*

Lara Clover  
Certified  
a true copy  
of the original  
Non Practising Attorney

2022 -06- 2 3

2nd Floor Golf Park 4  
Raapenberg Road  
Mowbray  
7700  
Commissioner of Oaths (RSA)





**forestry, fisheries  
& the environment**

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

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

DFFE Reference: 14/12/16/3/3/2/382/1/AM5

Enquiries: Ms T Hlatshwayo

Telephone: (012) 399 8838 E-mail: [Thlatshwayo@environment.gov.za](mailto:Thlatshwayo@environment.gov.za)

Dr G Greyvenstein  
Ennex Solar (Pty) Ltd (Reg. Nr 2012/016189/07)  
1 Kingswood Boulevard, Suite 200  
George  
WESTERN CAPE  
6529

Cell: 082 558 3917  
Email Address: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)

PER EMAIL / MAIL

Dear Dr Greyvenstein

**CORRECTION TO THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 23 NOVEMBER 2021 FOR THE PROPOSED CONSTRUCTION OF UP TO 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

The amendment to the Environmental Authorisation (EA) issued for the above application by this Department on 23 November 2021, your letter dated 30 November 2021 and received by this Department on 30 November 2021, refer.

In terms of Regulation 27 (4) of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended this Department has decided to amend the abovementioned decision to correct a typographical error of the company registration number on page 1 of the amendment to the EA dated 23 November 2021 as follows:

The company registration number has been corrected as follows:

**From:**

***"Ennex Solar (Pty) Ltd (Reg. Nr 2012/016192/07)"***

**To:**

***"Ennex Solar (Pty) Ltd (Reg. Nr 2012/016189/07)"***



M.S

Please note that this letter must be read in conjunction with the EA dated 19 July 2013, as amended.

Yours faithfully



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

Date: 08/12/2021



cc: Annelize Grobler & Susanna Nel	Landscape Dynamics Environmental Consultants (Pty) Ltd	E-mail: info@landscape-dynamics.co.za
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DFFE Reference: 14/12/16/3/3/2/382/1/AM5

Correction to the amendment of the Environmental Authorisation issued on 23 November 2021 for the proposed construction of 75MW Photovoltaic solar energy facility on the Remaining Extent of the Farm Vedaagle 4 in De Aar, Northern Cape province





## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2662

NEAS Reference: DEA/EIA/0001526/2012/2012

DEA Reference: 14/12/16/3/3/2/382/1

Enquiries: Danie Smit

Telephone: 012-310-3659 Fax: 012-320-7539 E-mail: [DSmit@environment.gov.za](mailto:DSmit@environment.gov.za)

Dr. G Greyvenstein  
Nexergy Solar (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
WESTERN CAPE  
0169

Fax:(012) 349 8425

**PER FACSIMILE / MAIL**

Dear Dr Greyvenstein

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546: PROPOSED CONSTRUCTION OF 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to accept the EIR dated February 2013 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  
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:**

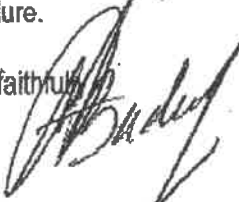
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@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.

Yours faithfully



**Mr Ishaam Abader**  
**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**

Date: 19/07/2013

CC:	Ms C Da Camara	AGES (Pty) Ltd	Tel: 012 751 2160	Fax: 086 607 2406
	Mr T Mhombeni	DE&NC	Tel: 053 631 0601	Fax: 053 631 0343
	Mr J Alexander	Emthanjeni Local Municipality	Tel: 053 632 9100	Fax: 053 631 0105
	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)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

Construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW on the remaining extent of the Farm Vetlaagte 4 in De Aar, Northern Cape Province

Pixley ka Seme District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/2/382/1
<b>NEAS reference number:</b>	DEA/EIA/0001526/2012
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	NEXERGY SOLAR (PTY) LTD
<b>Location of activity:</b>	Northern Cape Province: Emthanjeni 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.

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 –

### NEXERGY SOLAR (PTY) LTD

with the following contact details –

Dr. G Greyvenstein  
Nexergy Solar (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
WESTERN CAPE  
0169

Cell: (082) 558 3917  
Fax: (012) 349 8425  
E-mail: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)



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

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10</u>  <i>The construction of facilities or infrastructure for the Transmission and distribution of electricity-</i></p> <ul style="list-style-type: none"> <li>i. <i>Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i></li> <li>ii. <i>Inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</i></li> </ul>	<p>A new power line is to be installed at a voltage higher than 33 kilovolts but lower than 275 kilovolts, linking the solar power generation facility to the Eskom Hydra Substation.</p>
<p><u>GN R. 544 Item 11:</u>  <i>The construction of-</i></p> <ul style="list-style-type: none"> <li>i. <i>Canals;</i></li> <li>ii. <i>Channels;</i></li> <li>iii. <i>Bridges;</i></li> <li>iv. <i>Dams;</i></li> <li>v. <i>Weirs;</i></li> <li>vi. <i>Bulk storm water outlet structures</i></li> <li>vii. <i>Marinas;</i></li> <li>viii. <i>Jetties exceeding 50 square metres in size;</i></li> <li>ix. <i>Slipways exceeding 50 square metres in size;</i></li> <li>x. <i>Buildings exceeding 50 square metres in size; or</i></li> <li>xi. <i>Infrastructure or structures covering 50 square metres or more,</i></li> </ul> <p><i>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 project may involve the construction of infrastructure such as the solar panels and transformers, within 32 metres of a watercourse.</p>
<p><u>GN R. 545 Item 1:</u>  <i>The construction of facilities or infrastructure for the</i></p>	<p>The project will involve the construction of solar power generation</p>



Listed activities	Activity/Project description
generation of electricity where the electricity output is 20 megawatts or more.	facilities which will generate more than 20MW of electricity.
<p><u>GN R. 545 Item 15:</u>                      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 hectares or more;                      except where such physical alteration takes place for:</p> <ol style="list-style-type: none"> <li>i. Linear development activities; or</li> <li>ii. Agriculture or afforestation where activity 16 in this schedule will apply.</li> </ol>	The project will involve the development of a solar power generation facility which will cover more than 20 hectares of land.
<p><u>GN R. 546 Item 14:</u>                      The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <ol style="list-style-type: none"> <li>1. Purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</li> <li>2. 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;</li> <li>3. The undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</li> </ol>	The project will involve the development of a solar power generation facility which will possibly involve the clearing of vegetation of more than 5 hectares which constitute more than 75% of indigenous vegetation.

Lara Clover  
 Certified  
 a true copy  
 of the original  
 Non Practising Attorney

2022-06-29

2nd Floor Golf Park 4  
 Raapenberg Road  
 Mowbray  
 7700  
 Commissioner of Oaths (RSA)

as described in the Environmental Impact Assessment Report (EIR) dated February 2013 at:

Alternative 5	Latitude	Longitude
Middle point of activity	30°39'28.46"S	24°5'28.98"E

- for the construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW on the remaining extent of the Farm Vettaagte 4 in De Aar, Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- A new power line with a capacity of 132 kV, linking the solar power generation facilities to the existing Eskom Hydra Substation.
- A new short 132kV power line linking the power generation facilities on Portions F and G to the proposed new 132 kV line.
- Substation on Portions B, which will connect to either the existing 132 kV power lines or the proposed new 132 kV power line.
- Switching stations (SS) with transformers next to the substations, which will connect the solar facilities to the different substations.
- Cabling between the PV/TPV panels and/or CPV panels and/or dish Stirling units and switching station.
- Foundations to support the PV/TPV panels and/or CPV panels and/or dish Stirling units infrastructure.
- Internal access roads.
- Maintenance building and site offices.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred site, Activity Alternative 2 Solar Power, Technology Alternative 1 PV and CPV and the preferred Layout Alternative are 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 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 EA is hereby approved. This EMPr must be implemented and adhered to.

### Monitoring

13. 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.
  - 13.1. The ECO must be appointed before commencement of any authorised activities.
  - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 13.4. 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

14. 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.
15. 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.



16. 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.
17. 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**

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. 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.
20. 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**

21. 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**

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

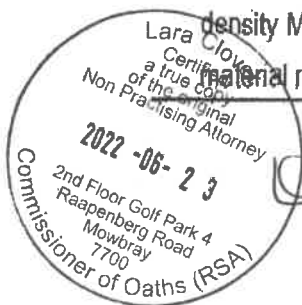


### Site closure and decommissioning

23. 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.

### Specific conditions

24. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
25. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
26. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
27. Copies of permits in respect of 26 above required must be submitted to the Department for record keeping.
28. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
29. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
30. The removal of vegetation should only occur on the footprint area of the development and not over the larger area. The clearing and damage of plant growth in these areas should be restricted to the footprint way leave area. If possible, the herbaceous layer should not be cleared prior to the construction of the plant but slashed. This is more practical considering the lower strata to be less than 1 meter in height and the solar panels to be 2.6m high. Once erected, the herbaceous layer could be kept short through slashing, which will also allow grazing in the area by small livestock and game species.
31. The ECO must demarcate all sensitive areas and be demarcated as "no go" areas.
32. All project infrastructures, i.e. solar panels, power line and substation should be located away from sensitive habitats such as waterways, known rocky outcrops or any areas considered being of bat conservation importance.
33. Sites SA01, SA02 and SA04, as described in the Final EIR dated February 2013, comprise of high density Middle Stone Age (MSA) scatters. Therefore areas containing these high densities of MSA material must be excluded from the Solar Energy Facility development as far as possible. However,





were these MSA scatters are to be directly impacted on by the development activities, the sites must be recorded within the larger cultural and social context of the sites by means of a Phase 2 Specialist Study. The Specialist should obtain the necessary permits from SAHRA for the in-situ analysis, possible collection and photography of the artefacts during the study.

34. A 100m conservation buffer zone must be maintained around Vetlaagte farmstead (Site HP01) and graveyard (Site BP01) during all phases of development and operation of the solar farm project.
35. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines, so as not to impede upon natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
36. The following Management Plans formed part of the EIR dated February 2013:
  - Plant Rescue and Protection Plan (Appendix O);
  - A Rehabilitation and Re-vegetation Plan (Appendix P);
  - An Alien Invasive Management Plan (Appendix Q);
  - Storm Water Management Plan (Appendix R);
  - Erosion Management Plan (Appendix S); and
  - Traffic Management Plan (Appendix T).

The management plans must be implemented and are considered as part of the Environmental Management Plan dated February 2013.

37. 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 site licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

#### General

38. 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.
39. 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.



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 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: 19 July 2013



Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement  
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 EIR dated February 2013;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated February 2013;
- c) Mitigation measures as proposed in the EIR dated February 2013 and the EMP;
- d) The information contained in the specialist studies contained within Appendix E to T of the EIR; and
- e) 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) The findings of all the specialist studies conducted and their recommended mitigation measures. The need for the proposed project stems from the need to contribute towards the target of 3725 MW as well as towards socio-economic and environmentally sustainable growth, and to start and stimulate the renewable industry in South Africa.
- b) The EIR dated February 2013 identified all legislation and guidelines that have been considered in the preparation of the EIR dated February 2013.
- c) The methodology used in assessing the potential impacts identified in the EIR dated February 2013 and the specialist studies have been adequately indicated.
- d) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.



### 3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIR dated February 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIR dated February 2013 is accurate and credible.
- 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 process.

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 environmental authorisation is accordingly granted.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/2/382/1/AM2

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Dr Gideon Greyvenstein  
Inqwaba Energy (Pty) Ltd  
1 Kingswood Boulevard  
Suite 200  
George  
**WESTERN CAPE**  
6529

Telephone Number: (082) 558 3917  
Email Address: gideon@ennex.co.za

### **PER EMAIL / MAIL**

Dear Dr Greyvenstein

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the above application by this Department on 28 September 2015 and your letter dated 20 October 2015, regarding the correction to the decision refer.

In terms of Regulation 27 (4) of the Environmental Impact Assessment (EIA) Regulations, 2014, this Department has decided to initiate the amendment to the abovementioned EA to correct a typographical error as follows:

#### **Amendment of a typographical error on the cover letter of the EA amendment:**

#### **From:**

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 2000  
George  
**WESTERN CAPE**  
6529

#### **To:**

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 200  
George  
**WESTERN CAPE**  
6529



This amendment letter must be read in conjunction with the EA decision issued on 19 July 2013 as amended.

Yours faithfully

  
Mr Sabelo Malaza  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs  
Date: 6/11/2015



cc:	Ms Chantal Uys	Exigo3	Email: chantal@exigo3.com
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/1/AM3  
Enquiries: Ms Samkelisiwe Dlamini  
Telephone: (012) 399 9379 E-mail: [SDlamini@environment.gov.za](mailto:SDlamini@environment.gov.za)

Dr Gideon Greyvenstein  
Inqwaba Energy (Pty) Ltd  
1 Kingswood Boulevard, Suite 200  
**GEORGE**  
WESTERN CAPE  
6529

Telephone Number: 082 558 3917  
Email Address: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)

### PER EMAIL / MAIL

Dear Dr Greyvenstein

**APPLICATION FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE.**

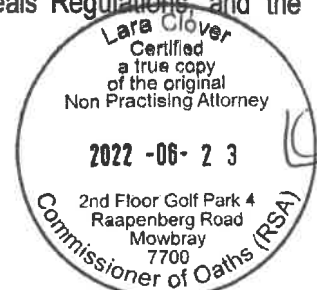
The Environmental Authorisation (EA) issued for the above application by this Department on 19 July 2013, and the application for the extension of the validity period received by this Department on 06 June 2018, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended, has decided to amend the EA dated 19 July 2013 by granting an extension of the validity period as follows:

The extension of the validity period of your authorisation is extended by an additional five (5) years from the date of expiry of the EA issued on 19 July 2013. (i.e. the EA validity was until 19 July 2018). Therefore the validity period is extended to **19 July 2023** and 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 to undertake the activities.

This letter must be read in conjunction with the EA dated 19 July 2013.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.



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:

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

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

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

By post: Private Bag X447,  
Pretoria,  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at: [https://www.environment.gov.za/documents/forms#legal authorisations](https://www.environment.gov.za/documents/forms#legal%20authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 12/07/2018



cc	Chantal Uys	Exigo Sustainability (Pty) Ltd	Tel: 012 751 2160	Email: <a href="mailto:chantal@exigo3.com">chantal@exigo3.com</a>
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# forestry, fisheries & the environment

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

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

DFFE Reference: 14/12/16/3/3/2/3821/AM4

Enquiries: Ms Thembisile Hlatshwayo

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Dr G Greyvenstein  
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1 Kingswood Boulevard, Suite 200  
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WESTERN CAPE  
6529

Cell: 082 558 3917  
Email Address: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)

PER EMAIL / MAIL

Dear Dr Greyvenstein

## AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF UP TO 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 19 July 2013, the amendment to the EA dated 28 September 2015, 06 November 2015 and 28 June 2018, your application for amendment of the EA received by the Department on 05 November 2021 and the acknowledgement letter dated 11 November 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 19 July 2013, as amended as follows:

### Amendment 1: Change of Holder of Environmental Authorisation

**From:**

Inqwaba Energy (Pty) Ltd

**To:**

Ennex Solar (Pty) Ltd (Reg. Nr 2012/016192/07)

**Reason for amendment:**

The Farm Vetlaagte was originally divided into 7x portions and Environmental Authorisations were obtained in 2013 for 7x solar PV farms with different EA holders. The bidding process requires all EAs to be in the name of the bidding project company. Portion A (Ennex Solar) and Portion B (Inqwaba Energy) will form part of a single bidding process and it is therefore required that both portions have the same EA holder. The EA held by Inqwaba Energy (Pty) Ltd (Portion B), needs to be changed into the name of Ennex Solar (Pty) Ltd in order to be bid compliant.



MS

**Amendment 2: Change of the project title:**

**From:**

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN 543/544/545/548: PROPOSED CONSTRUCTION OF 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE.**

**To:**

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN 543/544/545/548: PROPOSED CONSTRUCTION OF PHOTOVOLTAIC SOLAR ENERGY FACILITY OF UP TO 75MW ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE.**

**Reason for amendment:**

Portion A (Ennex Solar) and Portion B (Inqwaba Energy) will form part of a single bidding process potentially of 100MW. At present, both Environmental Authorisations authorised PV farms of 75MW, which equals 150MW. It is therefore proposed to change the wording to read "up to 75MW" which implies that less than 75MW can be constructed whilst keeping the option for expansion to a maximum of 75MW open.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10 year period, your EA will be deemed to have lapsed and a new application for Environmental Authorisation will have to be lodged.

This proposed amendment letter must be read in conjunction with the EA dated 19 July 2013, as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (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, 2013 (Act no. 4 of 2013) which stipulates 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 abuses or compromises your personal information in any way.

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

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (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 prescribe 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.

DFFE Reference: 14/12/16/3/3/2/382/1/AM4

Amendment of the environmental authorisation issued on 19 July 2013 for the proposed construction of up to 75mw photovoltaic solar energy facility on the remaining extent of the Farm Vetlaagte 4 in De Aar, Northern Cape Province.



MS

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

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

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

By email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za);

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

By post: Private Bag X447,  
Pretoria,  
0001;

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

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

Yours faithfully

  
**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment  
Date: 23/11/2021

cc:	Annelize Grobler & Susanna Nel	Landscape Dynamics Environmental Consultants (Pty) Ltd	E-mail: <a href="mailto:info@landscapedynamics.co.za">info@landscapedynamics.co.za</a>
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DFFE Reference: 14/12/16/3/3/2/382/1/AM4

Amendment of the environmental authorisation issued on 19 July 2013 for the proposed construction of up to 75mw photovoltaic solar energy facility on the remaining extent of the Farm Vellaagte 4 in De Aar, Northern Cape Province.



*MS*

Lara Clover  
Certified  
a true copy  
of the original  
Non Practising Attorney

2022 -06- 2 3

2nd Floor Golf Park 4  
Raapenberg Road  
Mowbray  
7700  
Commissioner of Oaths (RSA)





**forestry, fisheries  
& the environment**

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

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

DFFE Reference: 14/12/16/3/3/2/382/1/AM5

Enquiries: Ms T Hlatshwayo

Telephone: (012) 399 8838 E-mail: [Thlatshwayo@environment.gov.za](mailto:Thlatshwayo@environment.gov.za)

Dr G Greyvenstein  
Ennex Solar (Pty) Ltd (Reg. Nr 2012/016189/07)  
1 Kingswood Boulevard, Suite 200  
George  
WESTERN CAPE  
6529

Cell: 082 558 3917  
Email Address: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)

PER EMAIL / MAIL

Dear Dr Greyvenstein

**CORRECTION TO THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 23 NOVEMBER 2021 FOR THE PROPOSED CONSTRUCTION OF UP TO 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

The amendment to the Environmental Authorisation (EA) issued for the above application by this Department on 23 November 2021, your letter dated 30 November 2021 and received by this Department on 30 November 2021, refer.

In terms of Regulation 27 (4) of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended this Department has decided to amend the abovementioned decision to correct a typographical error of the company registration number on page 1 of the amendment to the EA dated 23 November 2021 as follows:

The company registration number has been corrected as follows:

**From:**

***"Ennex Solar (Pty) Ltd (Reg. Nr 2012/016192/07)"***

**To:**

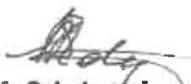
***"Ennex Solar (Pty) Ltd (Reg. Nr 2012/016189/07)"***



*M.S*

Please note that this letter must be read in conjunction with the EA dated 19 July 2013, as amended.

Yours faithfully



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

Date: 08/12/2021



cc: Annelize Grobler & Susanna Nel	Landscape Dynamics Environmental Consultants (Pty) Ltd	E-mail: info@landscape-dynamics.co.za
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DFFE Reference: 14/12/16/3/3/2/382/1/AM5

Correction to the amendment of the Environmental Authorisation issued on 23 November 2021 for the proposed construction of 75MW Photovoltaic solar energy facility on the Remaining Extent of the Farm Vedaagle 4 in De Aar, Northern Cape province





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0001527/2012/2012

DEA Reference: 14/12/16/3/3/2/382/2

Enquiries: Danië Smit

Telephone: 012-310-3659 Fax: 012-320-7539 E-mail: [DSmit@environment.gov.za](mailto:DSmit@environment.gov.za)

Dr. G Greyvenstein  
Inqwaba Energy (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
WESTERN CAPE  
0169  
Fax:(012) 349 8425

### PER FACSIMILE / MAIL

Dear Dr Greyvenstein

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546: PROPOSED CONSTRUCTION OF 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the EIR dated February 2013 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:**

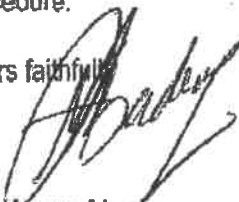
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@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.

Yours faithfully



**Mr Ishaam Abader**

**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement  
Department of Environmental Affairs**

Date:

19/07/2013



CC:	Ms C De Camara	AGES (Pty) Ltd	Tel: 012 751 2160	Fax: 086 607 2406
	Mr T Mthombeni	DE&NC	Tel: 053 631 0601	Fax: 053 631 0343
	Mr J Alexander	Emthanjeni Local Municipality	Tel: 053 632 9100	Fax: 053 631 0105
	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)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.





**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

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

Construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW on the remaining extent of the Farm Vettaagte 4 in De Aar, Northern Cape Province

Pixley ka Seme District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/2/382/2
<b>NEAS reference number:</b>	DEA/EIA/0001527/2012
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	INQWABA ENERGY (PTY) LTD
<b>Location of activity:</b>	Northern Cape Province: Emthanjeni 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.

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 –

### INGWABA ENERGY (PTY) LTD

with the following contact details –

Dr. G Greyvenstein  
Ingwaba Energy (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
WESTERN CAPE  
0169

Cell: (082) 558 3917  
Fax: (012) 349 8425  
E-mail: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)



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

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10</u></p> <p><i>The construction of facilities or infrastructure for the Transmission and distribution of electricity-</i></p> <ul style="list-style-type: none"> <li><i>i. Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i></li> <li><i>ii. Inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</i></li> </ul>	<p>A new power line is to be installed at a voltage higher than 33 kilovolts but lower than 275 kilovolts, linking the solar power generation facility to the Eskom Hydra Substation.</p>
<p><u>GN R. 544 Item 11:</u></p> <p><i>The construction of-</i></p> <ul style="list-style-type: none"> <li><i>i. Canals;</i></li> <li><i>ii. Channels;</i></li> <li><i>iii. Bridges;</i></li> <li><i>iv. Dams;</i></li> <li><i>v. Weirs;</i></li> <li><i>vi. Bulk storm water outlet structures</i></li> <li><i>vii. Marinas;</i></li> <li><i>viii. Jetties exceeding 50 square metres in size;</i></li> <li><i>ix. Slipways exceeding 50 square metres in size;</i></li> <li><i>x. Buildings exceeding 50 square metres in size; or</i></li> <li><i>xi. Infrastructure or structures covering 50 square metres or more,</i></li> </ul> <p><i>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 project may involve the construction of infrastructure such as the solar panels and transformers, within 32 metres of a watercourse.</p>
<p><u>GN R. 545 Item 1:</u></p>	<p>The project will involve the</p>



Listed activities	Activity/Project description
<i>The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</i>	construction of solar power generation facilities which will generate more than 20MW of electricity.
<p><u>GN R. 545 Item 15:</u></p> <p><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 hectares or more;</i></p> <p><i>except where such physical alteration takes place for:</i></p> <ol style="list-style-type: none"> <li><i>i. Linear development activities; or</i></li> <li><i>ii. Agriculture or afforestation where activity 16 in this schedule will apply.</i></li> </ol>	The project will involve the development of a solar power generation facility which will cover more than 20 hectares of land.
<p><u>GN R. 546 Item 14:</u></p> <p><i>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</i></p> <ol style="list-style-type: none"> <li><i>1. Purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</i></li> <li><i>2. 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;</i></li> <li><i>3. The undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</i></li> </ol>	The project will involve the development of a solar power generation facility which will possibly involve the clearing of vegetation of more than 5 hectares which constitute more than 75% of indigenous vegetation.



as described in the Environmental Impact Assessment Report (EIR) dated February 2013 at:

Alternative S1	Latitude	Longitude
Middle point of activity	30°40'1.25"S	24°5'30.93"E

- for the construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW and on the remaining extent of the Farm Vetlaagte 4 in De Aar, Northern Cape Province, hereafter referred to as "the property".

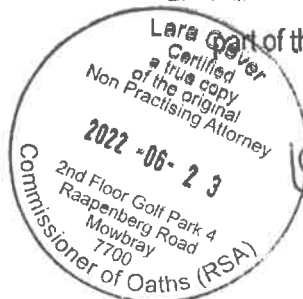
The infrastructure associated with this facility includes:

- A new power line with a capacity of 132 kV, linking the solar power generation facilities to the existing Eskom Hydra Substation.
- A new short 132kV power line linking the power generation facilities on Portions F and G to the proposed new 132 kV line.
- Substation on Portions C, which will connect to either the existing 132 kV power lines or the proposed new 132 kV power line.
- Switching stations (SS) with transformers next to the substations, which will connect the solar facilities to the different substations.
- Cabling between the PV/TPV panels and/or CPV panels and/or dish Stirling units and switching station.
- Foundations to support the PV/TPV panels and/or CPV panels and/or dish Stirling units infrastructure.
- Internal access roads.
- Maintenance building and site offices.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred site, Activity Alternative 2 Solar Power, Technology Alternative 1 PV and CPV and the preferred Layout Alternative are 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 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 EA is hereby approved. This EMPr must be implemented and adhered to.

### Monitoring

13. 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.
  - 13.1. The ECO must be appointed before commencement of any authorised activities.
  - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 13.4. 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

14. 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.





15. 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.
16. 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.
17. 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**

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. 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.
20. 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**

21. 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**

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



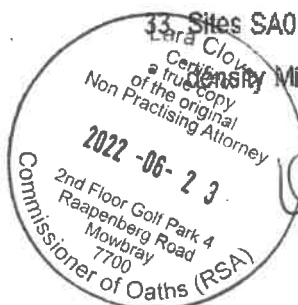
### Site closure and decommissioning

23. 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.

### Specific conditions

24. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
25. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
26. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
27. Copies of permits in respect of 26 above required must be submitted to the Department for record keeping.
28. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
29. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
30. The removal of vegetation should only occur on the footprint area of the development and not over the larger area. The clearing and damage of plant growth in these areas should be restricted to the footprint way leave area. If possible, the herbaceous layer should not be cleared prior to the construction of the plant but slashed. This is more practical considering the lower strata to be less than 1 meter in height and the solar panels to be 2.6m high. Once erected, the herbaceous layer could be kept short through slashing, which will also allow grazing in the area by small livestock and game species.
31. The ECO must demarcate all sensitive areas and be demarcated as "no go" areas.
32. All project infrastructures, i.e. solar panels, power line and substation should be located away from sensitive habitats such as waterways, known rocky outcrops or any areas considered being of bat conservation importance.

33. Sites SA01, SA02 and SA04, as described in the Final EIR dated February 2013, comprise of high density Middle Stone Age (MSA) scatters. Therefore areas containing these high densities of MSA



material must be excluded from the Solar Energy Facility development as far as possible. However, were these MSA scatters are to be directly impacted on by the development activities, the sites must be recorded within the larger cultural and social context of the sites by means of a Phase 2 Specialist Study. The Specialist should obtain the necessary permits from SAHRA for the in-situ analysis, possible collection and photography of the artefacts during the study.

34. A 100m conservation buffer zone must be maintained around Vetlaagte farmstead (Site HP01) and graveyard (Site BP01) during all phases of development and operation of the solar farm project.
35. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines, so as not to impede upon natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
36. The following Management Plans formed part of the EIR dated February 2013:
  - Plant Rescue and Protection Plan (Appendix O);
  - A Rehabilitation and Re-vegetation Plan (Appendix P);
  - An Alien Invasive Management Plan (Appendix Q);
  - Storm Water Management Plan (Appendix R);
  - Erosion Management Plan (Appendix S); and
  - Traffic Management Plan (Appendix T).

The management plans must be implemented and are considered as part of the Environmental Management Plan dated February 2013.

37. 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 site licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

### General

38. 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.

39. The holder of the authorisation must notify both the *Director: Integrated Environmental*

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.

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 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: 19 JULY 2012



Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement  
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 EIR dated February 2013;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated February 2013;
- c) Mitigation measures as proposed in the EIR dated February 2013 and the EMP;
- d) The information contained in the specialist studies contained within Appendix E to T of the EIR; and
- e) 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) The findings of all the specialist studies conducted and their recommended mitigation measures.

The need for the proposed project stems from the need to contribute towards the target of 3725 MW as well as towards socio-economic and environmentally sustainable growth, and to start and stimulate the renewable industry in South Africa.

- b) The EIR dated February 2013 identified all legislation and guidelines that have been considered in the preparation of the EIR dated February 2013.

- c) The methodology used in assessing the potential impacts identified in the EIR dated February 2013 and the specialist studies have been adequately indicated.

A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.



### 3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIR dated February 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIR dated February 2013 is accurate and credible.
- 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 process.

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 environmental authorisation is accordingly granted.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/2/AM1

Enquiries: Ms Nonhlahla Mkhwanazi

Telephone: (012) 399 9386 E-mail: NMkhwanazi@environment.gov.za

Dr Gideon Greyvenstein  
Inqwaba Energy (Pty) Ltd  
1 Kingswood Boulevard  
Suite 2000  
George  
WESTERN CAPE  
6529

Telephone Number: (012) 667 4331  
Email Address: gideon@ennex.co.za

### PER EMAIL / MAIL

Dear Dr Greyvenstein

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 19 July 2013 and your application for amendment to the EA received by this Department on 11 August 2015 and additional information on 24 August 2015 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the EA dated 19 July 2013 as follows:

#### Amendment 1: Amendment to the Holder of the EA:

#### From:

*"Inqwaba Energy (Pty) Ltd"*

Represented by: Dr G Greyvenstein  
PO Box 569  
Great Brakriver  
WESTERN CAPE  
0169

Cell Phone Number: (082) 558 3917  
Fax Number: (012) 349 8425  
E-mail Address: gideon@ennex.co.za



MS

**To:**

*"Inqwaba Energy (Pty) Ltd"*

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 2000  
George  
**WESTERN CAPE**  
6529

Cell Phone Number: (082) 558 3917  
Fax Number: (012) 349 8425  
E-mail Address: gideon@ennex.co.za

**Amendment 2: Amendment to extend the validity period of the EA:**

The activity must commence within a period of two (02) years from the date of expiry of the EA issued on 19 July 2013 (i.e. the EA lapses on 19 July 2018). 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.

**Amendment 3: Inclusion of the size of the facility**

The following must be added on page 5 of the EA:

Portion	Ha	MW	Operating Name
C	146	75	Inqwaba Energy (Pty) Ltd

This proposed amendment letter must be read in conjunction with the EA dated 19 July 2013 as amended.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R. 993, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

An appellant must submit an 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 applicant by the competent authority.

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







## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/2/382/2/AM2

Enquiries: Ms Dakalo Netshiombo

Telephone: (012) 399 8877 E-mail: DNetshiombo@environment.gov.za

Dr Gideon Greyvenstein  
Inqwaba Energy (Pty) Ltd  
1 Kingswood Boulevard  
Suite 200  
George  
WESTERN CAPE  
6529

Telephone number: (082) 558 3917  
Fax number: (012) 349 8425  
Email address: gideon@ennex.co.za

### PER EMAIL / MAIL

Dear Dr Greyvenstein

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 19 July 2013, the amendment to the EA dated 28 September 2015, your application for amendment to the EA received by this Department on 06 June 2018 and the acknowledgement letter dated 14 June 2018 refer.

Based on a review of the reasons for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations 2014, as amended, has decided to amend the EA as follows:

#### Amendment 1: Amendment to extend the validity of the EA

The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 19 July 2013 as amended (i.e. the EA lapses on 19 July 2023). 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.

The applicant applied to extend the validity period of the EA as the development was not awarded preferred bidder status in the DoE REIPPP. The applicant intends to bid this project in the DoE REIPPP future rounds.

This proposed amendment letter must be read in conjunction with the EA dated 19 July 2013 as amended.



This amendment letter must be read in conjunction with the EA decision issued on 19 July 2013 as amended.

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
Date: 6/11/2015

cc:	Ms Chantal Uys	Exigo3	Email: chantal@exigo3.com
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## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447- PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0001528/2012/2012

DEA Reference: 14/12/16/3/3/2/382/3

Enquiries: Danie Smit

Telephone: 012-310-3859 Fax: 012-320-7539 E-mail: [DSmit@environment.gov.za](mailto:DSmit@environment.gov.za)

Dr. G Greyvenstein  
Khaliphile Energy (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
**WESTERN CAPE**  
0169

Fax:(012) 349 8425

### **PER FACSIMILE / MAIL**

Dear Dr Greyvenstein

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546: PROPOSED CONSTRUCTION OF 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to accept the EIR dated February 2013 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 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: 012-310-3271

Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@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.

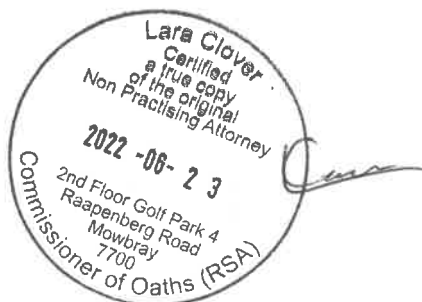
Yours faithfully

  
Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement  
Department of Environmental Affairs

Date: 19/07/2013

CC:	Ms C Da Camara	AGES (Pty) Ltd	Tel: 012 751 2160	Fax: 086 607 2406
	Mr T Mthombeni	DE&NC	Tel: 053 631 0601	Fax: 053 631 0343
	Mr J Alexander	Emthanjeni Local Municipality	Tel: 053 632 9100	Fax: 053 631 0105
	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)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

Construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW on the remaining extent of the Farm Vetlaagte 4 in De Aar, Northern Cape Province

Pixley ka Seme District Municipality

Authorisation register number:	14/12/16/3/3/2/382/3
NEAS reference number:	DEA/EIA/0001528/2012
Last amended:	First issue
Holder of authorisation:	KHALIPHILE ENERGY (PTY) LTD
Location of activity:	Northern Cape Province: Emthanjeni 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.

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 –

### **KHALIPHILE ENERGY (PTY) LTD**

with the following contact details –

Dr. G Greyvenstein  
Khaliphile Energy (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
**WESTERN CAPE**  
0169

Cell: (082) 558 3917  
Fax: (012) 349 8425  
E-mail: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)



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

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10</u></p> <p><i>The construction of facilities or infrastructure for the Transmission and distribution of electricity-</i></p> <ul style="list-style-type: none"> <li><i>i. Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i></li> <li><i>ii. Inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</i></li> </ul>	<p>A new power line is to be installed at a voltage higher than 33 kilovolts but lower than 275 kilovolts, linking the solar power generation facility to the Eskom Hydra Substation.</p>
<p><u>GN R. 544 Item 11:</u></p> <p><i>The construction of-</i></p> <ul style="list-style-type: none"> <li><i>i. Canals;</i></li> <li><i>ii. Channels;</i></li> <li><i>iii. Bridges;</i></li> <li><i>iv. Dams;</i></li> <li><i>v. Weirs;</i></li> <li><i>vi. Bulk storm water outlet structures</i></li> <li><i>vii. Marinas;</i></li> <li><i>viii. Jetties exceeding 50 square metres in size;</i></li> <li><i>ix. Slipways exceeding 50 square metres in size;</i></li> <li><i>x. Buildings exceeding 50 square metres in size; or</i></li> <li><i>xi. Infrastructure or structures covering 50 square metres or more,</i></li> </ul> <p><i>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 project may involve the construction of infrastructure such as the solar panels and transformers, within 32 metres of a watercourse.</p>

Lara Clover  
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 a true copy  
 of the original  
 Non Practising Attorney  
 2022-06-23  
 2nd Floor Golf Park 4  
 Raapenberg Road  
 Mowbray  
 7700  
 Commissioner of Oaths (RSA)





Listed activities	Activity/Project description
<p><u>GN R. 545 Item 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>The project will involve the construction of solar power generation facilities which will generate more than 20MW of electricity.</p>
<p><u>GN R. 545 Item 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 hectares or more;</i>  <i>except where such physical alteration takes place for:</i></p> <ol style="list-style-type: none"> <li><i>i. Linear development activities; or</i></li> <li><i>ii. Agriculture or afforestation where activity 16 in this schedule will apply.</i></li> </ol>	<p>The project will involve the development of a solar power generation facility which will cover more than 20 hectares of land..</p>
<p><u>GN R. 546 Item 14:</u>  <i>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</i></p> <ol style="list-style-type: none"> <li><i>1. Purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</i></li> <li><i>2. 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;</i></li> <li><i>3. The undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</i></li> </ol>	<p>The project will involve the development of a solar power generation facility which will possibly involve the clearing of vegetation of more than 5 hectares which constitute more than 75% of indigenous vegetation.</p>

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 Commissioner of Oaths (RSA)



as described in the Environmental Impact Assessment Report (EIR) dated February 2013 at:

Alternative 5	Latitude	Longitude
Middle point of activity	30°40'30.52"S	24°5'33.67"E

- for the construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW and on the remaining extent of the Farm Vellaagte 4 in De Aar, Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- A new power line with a capacity of 132 kV, linking the solar power generation facilities to the existing Eskom Hydra Substation.
- A new short 132kV power line linking the power generation facilities on Portions F and G to the proposed new 132 kV line.
- Substations on Portions D, which will connect to either the existing 132 kV power lines or the proposed new 132 kV power line.
- Switching stations (SS) with transformers next to the substations, which will connect the solar facilities to the different substations.
- Cabling between the PV/TPV panels and/or CPV panels and/or dish Stirling units and switching station.
- Foundations to support the PV/TPV panels and/or CPV panels and/or dish Stirling units infrastructure.
- Internal access roads.
- Maintenance building and site offices.



## Conditions of this Environmental Authorisation

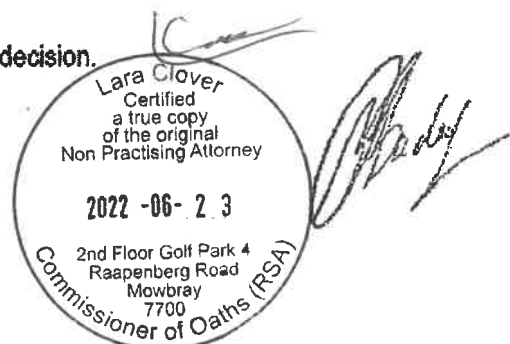
### Scope of authorisation

1. The preferred site, Activity Alternative 2 Solar Power, Technology Alternative 1 PV and CPV and the preferred Layout Alternative are 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 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 EA is hereby approved. This EMPr must be implemented and adhered to.

### Monitoring

13. 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.
  - 13.1. The ECO must be appointed before commencement of any authorised activities.
  - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 13.4. 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

14. 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.



15. 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.
16. 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.
17. 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

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. 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.
20. 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

21. 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

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



### Site closure and decommissioning

23. 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.

### Specific conditions

24. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
25. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
26. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
27. Copies of permits in respect of 26 above required must be submitted to the Department for record keeping.
28. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
29. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
30. The removal of vegetation should only occur on the footprint area of the development and not over the larger area. The clearing and damage of plant growth in these areas should be restricted to the footprint way leave area. If possible, the herbaceous layer should not be cleared prior to the construction of the plant but slashed. This is more practical considering the lower strata to be less than 1 meter in height and the solar panels to be 2.6m high. Once erected, the herbaceous layer could be kept short through slashing, which will also allow grazing in the area by small livestock and game species.
31. The ECO must demarcate all sensitive areas and be demarcated as "no go" areas.
32. All project infrastructures, i.e. solar panels, power line and substation should be located away from sensitive habitats such as waterways, known rocky outcrops or any areas considered being of bat conservation importance.

33. Sites SA01, SA02 and SA04, as described in the Final EIR dated February 2013, comprise of high density Middle Stone Age (MSA) scatters. Therefore areas containing these high densities of MSA



material must be excluded from the Solar Energy Facility development as far as possible. However, were these MSA scatters are to be directly impacted on by the development activities, the sites must be recorded within the larger cultural and social context of the sites by means of a Phase 2 Specialist Study. The Specialist should obtain the necessary permits from SAHRA for the in-situ analysis, possible collection and photography of the artefacts during the study.

34. A 100m conservation buffer zone must be maintained around Vetlaagte farmstead (Site HP01) and graveyard (Site BP01) during all phases of development and operation of the solar farm project.
35. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines, so as not to impede upon natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
36. The following Management Plans formed part of the EIR dated February 2013:
  - Plant Rescue and Protection Plan (Appendix O);
  - A Rehabilitation and Re-vegetation Plan (Appendix P);
  - An Alien Invasive Management Plan (Appendix Q);
  - Storm Water Management Plan (Appendix R);
  - Erosion Management Plan (Appendix S); and
  - Traffic Management Plan (Appendix T).

The management plans must be implemented and are considered as part of the Environmental Management Plan dated February 2013.

37. 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 site licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

#### General

38. 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.

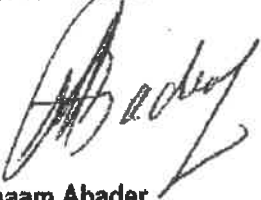
39. The holder of the authorisation must notify both the *Director: Integrated Environmental* Authorisations and the *Director: Compliance Monitoring* at the Department, in writing and within 48



(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.

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 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: 19 July 2013



Mr Ishaam Abader

**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**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 EIR dated February 2013;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated February 2013;
- c) Mitigation measures as proposed in the EIR dated February 2013 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix E to T of the EIR; and
- e) 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) The findings of all the specialist studies conducted and their recommended mitigation measures.

The need for the proposed project stems from the need to contribute towards the target of 3725 MW as well as towards socio-economic and environmentally sustainable growth, and to start and stimulate the renewable industry in South Africa.

- b) The EIR dated February 2013 identified all legislation and guidelines that have been considered in the preparation of the EIR dated February 2013.
- c) The methodology used in assessing the potential impacts identified in the EIR dated February 2013 and the specialist studies have been adequately indicated.

A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.



### 3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIR dated February 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIR dated February 2013 is accurate and credible.
- e) EMP 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 process.

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 environmental authorisation is accordingly granted.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 27 12) 322 2682

DEA Reference: 14/12/16/3/3/2/382/3/A2

Enquiries: Mr Muhammad Essop

Telephone: (012) 399 9406 Fax: (012) 320 7539 E-mail: MEssop@environment.gov.za

Mr Georgios Pergamalis  
Ukuqala Solar (Pty) Ltd  
125, Viale Regina Margherita  
Rome  
ITALY  
00198

Telephone Number: +39 06 8305 8622  
Fax Number: +39 06 8305 4030

### PER FACSIMILE / MAIL

Dear Mr Pergamalis

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 19 July 2013 and your application for amendment to the EA received by this Department on 10 July 2012 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the EA dated 19 July 2013 as follows:

#### Amendment 1: Amendment to the holder of the EA:

##### From:

The current holder of the EA:  
"Khaliphile Energy (Pty) Ltd"

Represented by: Dr. G Greyvenstein  
Khaliphile Energy (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
WESTERN CAPE  
0169

Cell: (082) 558 3917  
Fax: (012) 3498425  
E-mail: gideon@ennex.co.za



**To:**

**"Ukuqala Solar (Pty) Ltd"**

Represented by: Mr. Georgios Pergamalis  
125, Viale Regina Margherita  
Rome  
ITALY  
00198

Telephone Number: +39 06 8305 8622  
Fax Number: +39 06 8305 4030  
Cell phone Number: (072) 766 5333 or +39 3291 322817  
E-mail Address: georgios.pergamalis@enel.com

**Amendment 2: Inclusion of the size of the facility:**

The following is added on page 5 of the EA dated 19 July 2013:

Portion	Ha	MW	Operating Name
D	174	75	Ukuqala Solar (Pty) Ltd

Furthermore, this Department requires that a shapefile of the approved development layout/footprint be submitted to this Department within two (2) months from the date of this letter. 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 (please 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:

**Postal Address:**

Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

**Physical address:**

Department of Environmental Affairs  
Environment House  
Cnr of Steve Biko and Soutpansberg Road  
Pretoria  
0186

For Attention: Mr Muhammad Essop  
Integrated Environmental Authorisations  
Strategic Infrastructure Developments  
Telephone Number: (012) 399 9406  
Email Address: MEssop@environment.gov.za



This proposed amendment letter must be read in conjunction with the EA dated 19 July 2013 as amended.

**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 A DECISION**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
1. Receive decision from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive decision from Applicant/Consultant.
2. Within 12 days of date of the decision notify all IAPs of the decision and draw their attention to their right to appeal against the decision in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the decision, submit a notice of intention to appeal within 20 days of the date of the decision with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the decision, submit a notice of intention to appeal within 20 days of the date of the decision 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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.



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 Department's decision in respect of the amendment made 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 amendment decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of this decision, 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.

Please note that the Department is relocating between 11 and 31 July 2014. Any correspondence submitted as of 24 July 2014 may be submitted to the new physical address of Environment House, Cnr of Steve Biko and Soutpansberg Road, 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 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) 310 3271

Email: AppealsDirectorate@environment.gov.za

Please note that the Minister may, on receipt of appeals against the decision suspend the authorisation pending the outcome of the appeals procedure.

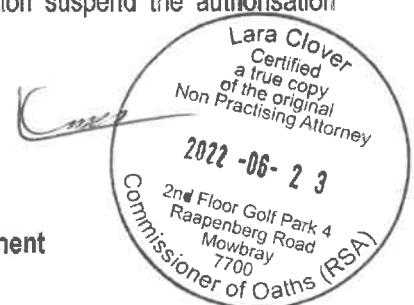
Yours faithfully,

  
Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement

Department of Environmental Affairs

Date: 31/07/2014



Cc	Ms Chantal Smith	AGES Gauteng (Pty) Ltd	Fax: (086) 607 2406
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko Road · Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/3/AM3

Enquiries: Ms Nonhlahla Mkhwanazi

Telephone: (012) 399 9386 E-mail: NMkhwanazi@environment.gov.za

Dr Gideon Greyvenstein  
Ukuqala Solar (Pty) Ltd  
1 Kingswood Boulevard  
Suite 200  
George  
**WESTERN CAPE**  
6529

Telephone Number: (082) 558 3917  
Email Address: gideon@ennex.co.za

### PER EMAIL / MAIL

Dear Dr Greyvenstein

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the above application by this Department on 28 September 2015 and your letter dated 20 October 2015, regarding the correction to the decision refer.

In terms of Regulation 27 (4) of the Environmental Impact Assessment (EIA) Regulations, 2014, this Department has decided to initiate the amendment to the abovementioned EA to correct a typographical error as follows:

### **Amendment of a typographical error on the cover letter of the EA amendment:**

#### **From:**

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 2000  
George  
**WESTERN CAPE**  
6529

#### **To:**

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 200  
George  
**WESTERN CAPE**  
6529



This amendment letter must be read in conjunction with the EA decision issued on 19 July 2013 as amended.

Yours faithfully

  
Mr Sabelo Malaza  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs  
Date: 6/11/2015

cc:	Ms Chantal Uys	Exigo3	Email: chantal@exigo3.com
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 PRETORIA 0001 Environment House 473 Steve Biko, Arcadia PRETORIA  
Tel (012) 399 9372

**DEA Reference: 14/12/16/3/3/2/382/3/AM4**

**Enquiries: Ms Thabile Sangweni**

**Telephone: (012) 399 9409 E-mail: TSangweni@environment.gov.za**

Dr Gideon Greyvenstein  
Ukuqala Solar (Pty) Ltd  
1 Kingswood Boulevard  
Suite 200  
**GEORGE**  
6529

Telephone Number: (082) 558 3917  
Email Address: gideon@ennex.co.za

### **PER EMAIL / MAIL**

Dear Dr Greyvenstein

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 19 July 2013, the amendments to the EA dated 31 July 2014, 28 September 2015 and 06 November 2015, and your application for amendment of the EA received by the Department on 06 June 2018, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 19 July 2013 as amended, as follows:

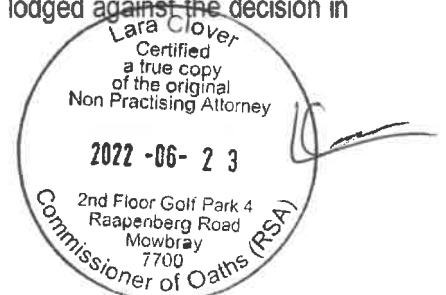
#### **Amendment 1: Amendment to extend the validity period of the EA:**

The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 19 July 2013, as amended (i.e. the EA lapses on 19 July 2023). If commencement of the activity does not occur within that period, the EA will lapse and a new application for EA must be made, provided that the activity is still listed.

The project is dependent upon the Renewable Energy Independent Power Producer Programme (REIPPP). The applicant therefore requested that the validity of the project be extended by a further 5 years as on the current timeline construction will only start after the validity of the EA has expired.

This amendment to the EA must be read in conjunction with the EA dated 19 July 2013 as amended.

In accordance with Regulation 4(2) of the NEMA, EIA Regulations, 2014 (as amended) you are instructed to notify all registered Interested and Affected Parties, in writing and within 14 (fourteen) days of the date of this amendment to the EA, of the Department's decision and that an appeal may be lodged against the decision in



terms of the NEMA, National Appeals Regulations, 2014 and the provisions regarding the submission of appeals as contained in these Regulations.

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 (twenty) 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 on the prescribed form to:

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

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

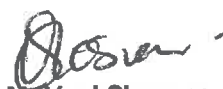
By hand: Environment House  
473 Steve Biko,  
Arcadia,  
Pretoria,  
0083; or

By post: Private Bag X447,  
Pretoria,  
0001

Please note that in terms of Section 43(7) of the NEMA, the lodging of an appeal will suspend the EA or any provision or condition attached thereto. In the instance where an appeal is lodged, the Applicant may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents by sending an e-mail to: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



**Mr Vusi Skosana**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 29/06/2018

cc	Ms Chantal Uys	Exigo Sustainability (Pty) Ltd	Email: <a href="mailto:chantal@exigo3.com">chantal@exigo3.com</a>
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0001529/2012/2012

DEA Reference: 14/12/16/3/3/2/382/4

Enquiries: Danie Smit

Telephone: 012-310-3659 Fax: 012-320-7539 E-mail: [DSmit@environment.gov.za](mailto:DSmit@environment.gov.za)

Dr. G Greyvenstein  
Ukuqala Solar (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
**WESTERN CAPE**  
0169  
Fax:(012) 349 8425

### PER FACSIMILE / MAIL

Dear Dr Greyvenstein

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546: PROPOSED CONSTRUCTION OF 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the EIR dated February 2013 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 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: 012-310-3271

Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@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.

Yours faithfully

  
Mr Ishaam Abader  
Deputy Director-General: Legal, Authorisations, Compliance and Enforcement  
Department of Environmental Affairs

Date: 19/07/2013

CC:	Ms C Da Camara	AGES (Pty) Ltd	Tel: 012 751 2160	Fax: 086 607 2406
	Mr T Mthombeni	DE&NC	Tel: 053 631 0601	Fax: 053 631 0343
	Mr J Alexander	Emthanjeni Local Municipality	Tel: 053 632 9100	Fax: 053 631 0105
	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"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

Construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW on the remaining extent of the Farm Vetlaagte 4 in De Aar, Northern Cape Province

Pixley ka Seme District Municipality

Authorisation register number:	14/12/16/3/3/2/382/4
NEAS reference number:	DEA/EIA/0001529/2012
Last amended:	First issue
Holder of authorisation:	UKUQALA SOLAR (PTY) LTD
Location of activity:	Northern Cape Province: Emthanjeni 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.

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 –

### UKUQALA SOLAR (PTY) LTD


with the following contact details –

Dr. G Greyvenstein  
Ukuqala Solar (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
WESTERN CAPE  
0169

Cell: (082) 558 3917  
Fax: (012) 349 8425  
E-mail: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)



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

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10</u></p> <p><i>The construction of facilities or infrastructure for the Transmission and distribution of electricity-</i></p> <ul style="list-style-type: none"> <li><i>i. Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i></li> <li><i>ii. Inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</i></li> </ul>	<p>A new power line is to be installed at a voltage higher than 33 kilovolts but lower than 275 kilovolts, linking the solar power generation facility to the Eskom Hydra Substation.</p>
<p><u>GN R. 544 Item 11:</u></p> <p><i>The construction of-</i></p> <ul style="list-style-type: none"> <li><i>i. Canals;</i></li> <li><i>ii. Channels;</i></li> <li><i>iii. Bridges;</i></li> <li><i>iv. Dams;</i></li> <li><i>v. Weirs;</i></li> <li><i>vi. Bulk storm water outlet structures</i></li> <li><i>vii. Marinas;</i></li> <li><i>viii. Jetties exceeding 50 square metres in size;</i></li> <li><i>ix. Slipways exceeding 50 square metres in size;</i></li> <li><i>x. Buildings exceeding 50 square metres in size; or</i></li> <li><i>xi. Infrastructure or structures covering 50 square metres or more,</i></li> </ul> <p><i>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 project may involve the construction of infrastructure such as the solar panels and transformers, within 32 metres of a watercourse.</p> <div style="text-align: right; margin-top: 20px;">  </div>
<p><u>GN R. 545 Item 1:</u></p>	<p>The project will involve the</p>



Listed activities	Activity/Project description
<p><i>The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</i></p>	<p>construction of solar power generation facilities which will generate more than 20MW of electricity.</p>
<p><u>GN R. 545 Item 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 hectares or more;</i>  <i>except where such physical alteration takes place for:</i></p> <ol style="list-style-type: none"> <li data-bbox="316 779 735 808">i. <i>Linear development activities; or</i></li> <li data-bbox="316 831 919 913">ii. <i>Agriculture or afforestation where activity 16 in this schedule will apply.</i></li> </ol>	<p>The project will involve the development of a solar power generation facility which will cover more than 20 hectares of land.</p>
<p><u>GN R. 546 Item 14:</u>  <i>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</i></p> <ol style="list-style-type: none"> <li data-bbox="316 1205 919 1384">1. <i>Purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</i></li> <li data-bbox="316 1413 919 1704">2. <i>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;</i></li> <li data-bbox="316 1727 919 1809">3. <i>The undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</i></li> </ol>	<p>The project will involve the development of a solar power generation facility which will possibly involve the clearing of vegetation of more than 5 hectares which constitute more than 75% of indigenous vegetation.</p> <div data-bbox="1023 1458 1326 1794" style="text-align: center;"> <p>Lara Clover              Certified              a true copy              of the original              Non Practising Attorney</p> <p>2022 -06- 2 3</p> <p>2nd Floor Golf Park 4              Raapenberg Road              Mowbray              7700              Commissioner of Oaths (RSA)</p> </div>

as described in the Environmental Impact Assessment Report (EIR) dated February 2013 at:

Alternative S1	Latitude	Longitude
Middle point of activity	30°40'57.26"S	24°5'55.17"E

- for the construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW and on the remaining extent of the Farm Vellaagle 4 in De Aar, Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- A new power line with a capacity of 132 kV, linking the solar power generation facilities to the existing Eskom Hydra Substation.
- A new short 132kV power line linking the power generation facilities on Portions F and G to the proposed new 132 kV line.
- Substations on Portions E, which will connect to either the existing 132 kV power lines or the proposed new 132 kV power line.
- Switching stations (SS) with transformers next to the substations, which will connect the solar facilities to the different substations.
- Cabling between the PV/TPV panels and/or CPV panels and/or dish Stirling units and switching station.
- Foundations to support the PV/TPV panels and/or CPV panels and/or dish Stirling units infrastructure.
- Internal access roads.
- Maintenance building and site offices.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred site, Activity Alternative 2 Solar Power, Technology Alternative 1 PV and CPV and the preferred Layout Alternative are 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 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 EA is hereby approved. This EMPr must be implemented and adhered to.

### **Monitoring**

13. 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.
  - 13.1. The ECO must be appointed before commencement of any authorised activities.
  - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 13.4. 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**

14. 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.



15. 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.
16. 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.
17. 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**

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. 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.
20. 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**

21. 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**

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



### Site closure and decommissioning

23. 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.

### Specific conditions

24. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.

25. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.

26. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.

27. Copies of permits in respect of 26 above required must be submitted to the Department for record keeping.

28. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.

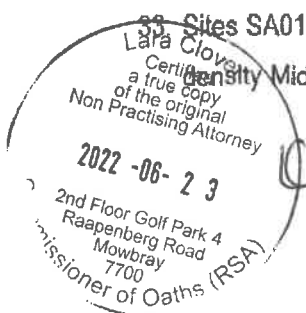
29. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.

30. The removal of vegetation should only occur on the footprint area of the development and not over the larger area. The clearing and damage of plant growth in these areas should be restricted to the footprint way leave area. If possible, the herbaceous layer should not be cleared prior to the construction of the plant but slashed. This is more practical considering the lower strata to be less than 1 meter in height and the solar panels to be 2.6m high. Once erected, the herbaceous layer could be kept short through slashing, which will also allow grazing in the area by small livestock and game species.

31. The ECO must demarcate all sensitive areas and be demarcated as "no go" areas.

32. All project infrastructures, i.e. solar panels, power line and substation should be located away from sensitive habitats such as waterways, known rocky outcrops or any areas considered being of bat conservation importance.

33. Sites SA01, SA02 and SA04, as described in the Final EIR dated February 2013, comprise of high density Middle Stone Age (MSA) scatters. Therefore areas containing these high densities of MSA



material must be excluded from the Solar Energy Facility development as far as possible. However, were these MSA scatters are to be directly impacted on by the development activities, the sites must be recorded within the larger cultural and social context of the sites by means of a Phase 2 Specialist Study. The Specialist should obtain the necessary permits from SAHRA for the in-situ analysis, possible collection and photography of the artefacts during the study.

34. A 100m conservation buffer zone must be maintained around Vetlaagte farmstead (Site HP01) and graveyard (Site BP01) during all phases of development and operation of the solar farm project.
35. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines, so as not to impede upon natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
36. The following Management Plans formed part of the EIR dated February 2013:
  - Plant Rescue and Protection Plan (Appendix O);
  - A Rehabilitation and Re-vegetation Plan (Appendix P);
  - An Alien Invasive Management Plan (Appendix Q);
  - Storm Water Management Plan (Appendix R);
  - Erosion Management Plan (Appendix S); and
  - Traffic Management Plan (Appendix T).

This management plans must be implemented and are considered as part of the Environmental Management Plan dated February 2013.

37. 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 site licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

#### General

38. 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.
39. 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.

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 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: \_\_\_\_\_

19 JULY 2012



**Mr Ishaam Abader**

**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**

**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 EIR dated February 2013;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated February 2013;
- c) Mitigation measures as proposed in the EIR dated February 2013 and the EMP;
- d) The information contained in the specialist studies contained within Appendix E to T of the EIR; and
- e) 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) The findings of all the specialist studies conducted and their recommended mitigation measures.  
The need for the proposed project stems from the need to contribute towards the target of 3725 MW as well as towards socio-economic and environmentally sustainable growth, and to start and stimulate the renewable industry in South Africa.
- b) The EIR dated February 2013 identified all legislation and guidelines that have been considered in the preparation of the EIR dated February 2013.
- c) The methodology used in assessing the potential impacts identified in the EIR dated February 2013 and the specialist studies have been adequately indicated.
- d) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.



### 3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIR dated February 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIR dated February 2013 is accurate and credible.
- 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 process.

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 environmental authorisation is accordingly granted.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+27 12) 310 3911 · Fax (+2712) 322 2682

DEA Reference: 14/12/16/3/3/2/382/4/A1

Enquiries: Mr Vincent Chauke

Telephone: (012) 310 3859 Fax: (012) 320 7539 E-mail: VChauke@environment.gov.za

Mr Georgios Pergamalis  
Ukuqala Solar (Pty) Ltd  
125, Viale Regina Margherita  
Rome  
ITALY  
00198

Telephone Number: +39 06 8305 8622  
Fax Number: +39 06 8305 4030

### PER FACSIMILE / MAIL

Dear Mr Pergamalis

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 19 July 2013 and your application for amendment to the EA received by this Department on 14 April 2014 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the EA dated 19 July 2013 as follows:

#### Amendment 1: Amendment to the holder of the EA:

The current holder of the EA:

*"Ukuqala Solar (Pty) Ltd"*

Represented by: Dr. G Greyvenstein  
Ukuqala Solar (Pty) Ltd  
PO Box 569  
Great Brakriver  
WESTERN CAPE  
0169

Cell: (082) 558 3917  
Fax: (012) 3498425  
E-mail: gideon@ennex.co.za



**Is hereby amended to:**

**"Ukuqala Solar (Pty) Ltd"**

Represented by: Mr. Georgios Pergamalis  
125, Viale Regina Margherita  
Rome  
**ITALY**  
00198

Telephone Number: +39 06 8305 8622  
Fax Number: +39 06 8305 4030  
Cell phone Number: (072) 766 5333 or +39 3291 322817  
E-mail Address: georgios.pergamalis@enel.com

Furthermore, this Department requires that a shapefile of the approved development layout/footprint be submitted to this Department within two (2) months from the date of this letter. 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 (please 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:

**Postal Address:**

Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

**Physical address:**

Department of Environmental Affairs  
Fedsure Forum Building (corner of Pretorius and Lillian Ngoyi Streets)  
4<sup>th</sup> Floor South Tower  
315 Pretorius Street  
Pretoria  
0002

For Attention: Mr Muhammad Essop  
Integrated Environmental Authorisations  
Strategic Infrastructure Developments  
Telephone Number: (012) 395 1734  
Fax Number: (012) 320 7539  
Email Address: MEssop@environment.gov.za



This proposed amendment letter must be read in conjunction with the EA dated 19 July 2013 as amended.

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 Department's decision in respect of the amendment made 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 amendment decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of this decision, 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.

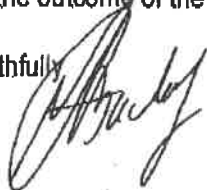
**Appeals must be submitted in writing to:**

Mr 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) 310 3271  
Email: AppealsDirectorate@environment.gov.za

Please note that the Minister may, on receipt of appeals against the decision suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully,



**Mr Ishaam Abader**  
**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**

Date: 8/07/2014



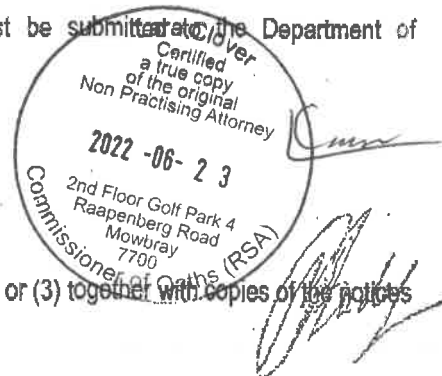
cc	Ms Chantal Smith	AGES Gauteng	Fax: (086) 607 2406
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**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A DECISION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive decision from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive decision from Applicant/Consultant.
2. Within 12 days of date of the decision notify all IAPs of the decision and draw their attention to their right to appeal against the decision in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the decision, submit a notice of intention to appeal within 20 days of the date of the decision with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the decision, submit a notice of intention to appeal within 20 days of the date of the decision 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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House 473 Steve Biko Road · Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/4/AM3

Enquiries: Ms Nonhlaha Mkhwanazi

Telephone: (012) 399 9386 E-mail: NMkhwanazi@environment.gov.za

Dr Gideon Greyvenstein  
Ukuqala Solar (Pty) Ltd  
1 Kingswood Boulevard  
Suite 200  
George  
WESTERN CAPE  
6529

Telephone Number: (082) 558 3917  
Email Address: gideon@ennex.co.za

### PER EMAIL / MAIL

Dear Dr Greyvenstein

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 28 September 2015 and your letter dated 20 October 2015, regarding the correction to the decision refer.

In terms of Regulation 27 (4) of the Environmental Impact Assessment (EIA) Regulations, 2014, this Department has decided to initiate the amendment to the abovementioned EA to correct a typographical error as follows:

#### Amendment of a typographical error on the cover letter of the EA amendment:

#### From:

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 2000  
George  
WESTERN CAPE  
6529

#### To:

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 200  
George  
WESTERN CAPE  
6529



M

This amendment letter must be read in conjunction with the EA decision issued on 19 July 2013 as amended.

Yours faithfully



Mr Sabelo Malaza  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs  
Date: 6/11/2015

cc:	Ms Chantal Uys	Exigo3	Email: chantal@exigo3.com
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Lara Clover  
Certified  
a true copy  
of the original  
Non Practising Attorney  
2022 -06- 2 3  
2nd Floor Golf Park 4  
Raapenberg Road  
Mowbray  
7700  
Commissioner of Oaths (RSA)







## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/4/AM4  
Enquiries: Herman Alberts  
Telephone: 012 399 9371 E-mail: HAlberts@environment.gov.za

Dr Gideon Greyvenstein  
Ukuqala Solar (Pty) Ltd  
P1 Kingswood Boulevard  
Suite 200  
GEORGE  
6529

Tel: (082) 558 3917  
Email: gideon@ennex.co.za

### **PER EMAIL / MAIL**

Dear Dr Greyvenstein

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF PHOTOVOLTAIC SOLAR ENERGY FACILITIES, WITH A GENERATING CAPACITY OF 75MW ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned project by the Department on 19 July 2013, the amendments to the EA issued on 08 July 2014, 31 July 2014 and 25 September 2015, and your application for the amendment of the EA received by the Department on 06 June 2018, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 19 July 2013 as amended, as follows:

#### **Amendment 1: Amendment to extend the validity period of the EA:**

The activity must commence within a period of five (05) years from the date of expiry of the EA issued 19 July 2013 (i.e. the EA will lapse on 19 July 2023). If commencement of the activity does not occur within that period, the EA will lapse and a new application for EA must be made, provided that the activity is still listed.

The project is dependent upon the Renewable Energy Independent Power Producer Programme (REIPPP). The applicant therefore requested that the validity of the project be extended by a further 5 years as on the current timeline construction will only start after the validity of the EA has expired.

This amendment to the EA must be read in conjunction with the EA dated 19 July 2013 as amended.

In accordance with Regulation 4(2) of the NEMA, EIA Regulations, 2014 (as amended) you are instructed to notify all registered Interested and Affected Parties, in writing and within 14 (fourteen) days of the date of this amendment to the EA, of the Department's decision and that an appeal may be lodged against the decision in terms of the NEMA, National Appeals Regulations, 2014 and the provisions regarding the submission of appeals as contained in these Regulations.



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 (twenty) 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 on the prescribed form to:

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

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)

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

By post: Private Bag X447,  
Pretoria,  
0001

Please note that in terms of Section 43(7) of the NEMA, the lodging of an appeal will suspend the EA or any provision or condition attached thereto. In the instance where an appeal is lodged, the Applicant may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents by sending an e-mail to: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



Mr Vusi Skosana

Acting Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs

Date: 28/06/2018



cc	Chantal Uys	Exigo Sustainability (Pty) Ltd	Email: <a href="mailto:chantal@exigo3.com">chantal@exigo3.com</a>
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**environmental affairs**

Department  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag 2447 PRETORIA 001 Environment House - 478 Steve Biko Road, Arcadia - PRETORIA  
Tel: +27 (0) 12 300 6392  
Registry: Mr Ismael Abader Telephone: 012 369 8390 E-mail: iabader@environment.gov.za

**Mr. Vusi Skosana**  
Director: Strategic co-ordination planning and support

Dear Mr. V Skosana

**APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 18 JUNE 2018 UNTIL 29 JUNE 2018 (2 WEEKS).**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated environmental authorisations for the period 18 June 2018 until 29 June 2018 whilst Mr. Sabelo Maseza is on Annual Leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1998 (Proclamation No. 21 of 1998), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Mr Ismael Abader

DDG : LACE

Date:

14/06/2018



**ACKNOWLEDGEMENT**

I ACCEPT / DO NOT ACCEPT appointment as Acting Chief Director: Integrated environmental authorizations

Signed: [Signature]

Date: 14/06/2018

Lara Clover  
Certified  
a true copy  
of the original  
Non Practising Attorney

2022 -06- 2 3

2nd Floor Golf Park 4  
Raapenberg Road  
Mowbray  
7700  
Commissioner of Oaths (RSA)





## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 27 12) 322 2682

NEAS Reference: DEA/EIA/0001530/2012/2012

DEA Reference: 14/12/16/3/3/2/382/5

Enquiries: Danie Smit

Telephone: 012-310-3659 Fax: 012-320-7539 E-mail: [DSmit@environment.gov.za](mailto:DSmit@environment.gov.za)

Dr. G Greyvenstein  
Lehasedi Energy (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
**WESTERN CAPE**  
0169

Fax:(012) 349 8425

**PER FACSIMILE / MAIL**

Dear Dr Greyvenstein

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546: PROPOSED CONSTRUCTION OF 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to accept the EIR dated February 2013 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:**

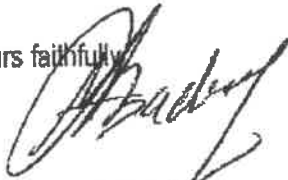
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@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.

Yours faithfully



**Mr Ishaam Abader**  
**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**

Date: 19/07/2013

CC:	Ms C Da Camara	AGES (Pty) Ltd	Tel: 012 751 2180	Fax: 086 807 2406
	Mr T Mthombeni	DE&NC	Tel: 053 631 0601	Fax: 053 631 0343
	Mr J Alexander	Emthanjeni Local Municipality	Tel: 053 632 9100	Fax: 053 631 0105
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

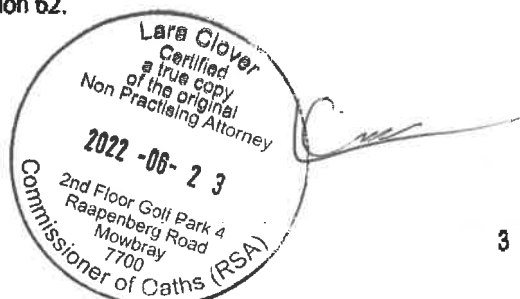


**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.





**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

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

**Construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW on the remaining extent of the Farm Vettaagte 4 In De Aar, Northern Cape Province**

**Pixley ka Seme District Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/2/382/5</i>
<b>NEAS reference number:</b>	<i>DEA/EIA/0001530/2012</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>LEHLASEDI ENERGY (PTY) LTD</i>
<b>Location of activity:</b>	<i>Northern Cape Province: Emthanjeni Local Municipality</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.





## 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 –

### LEHLASEDI ENERGY (PTY) LTD


with the following contact details –

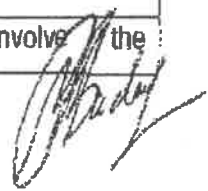
Dr. G Greyvenstein  
Lehasedi Energy (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
WESTERN CAPE  
0169

Cell: (082) 558 3917  
Fax: (012) 349 8425  
E-mail: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)



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

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10</u></p> <p><i>The construction of facilities or infrastructure for the Transmission and distribution of electricity-</i></p> <ul style="list-style-type: none"> <li><i>i. Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i></li> <li><i>ii. Inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</i></li> </ul>	<p>A new power line is to be installed at a voltage higher than 33 kilovolts but lower than 275 kilovolts, linking the solar power generation facility to the Eskom Hydra Substation.</p>
<p><u>GN R. 544 Item 11:</u></p> <p><i>The construction of-</i></p> <ul style="list-style-type: none"> <li><i>i. Canals;</i></li> <li><i>ii. Channels;</i></li> <li><i>iii. Bridges;</i></li> <li><i>iv. Dams;</i></li> <li><i>v. Weirs;</i></li> <li><i>vi. Bulk storm water outlet structures</i></li> <li><i>vii. Marinas;</i></li> <li><i>viii. Jetties exceeding 50 square metres in size;</i></li> <li><i>ix. Slipways exceeding 50 square metres in size;</i></li> <li><i>x. Buildings exceeding 50 square metres in size; or</i></li> <li><i>xi. Infrastructure or structures covering 50 square metres or more,</i></li> </ul> <p><i>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 project may involve the construction of infrastructure such as the solar panels and transformers, within 32 metres of a watercourse.</p> <div style="text-align: right; margin-top: 20px;">  </div>
<p><u>GN R. 545 Item 1:</u></p>	<p>The project will involve the</p>



Listed activities	Activity/Project description
<i>The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</i>	construction of solar power generation facilities which will generate more than 20MW of electricity.
<p><b><u>GN R. 545 Item 15:</u></b></p> <p><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 hectares or more;</i></p> <p><i>except where such physical alteration takes place for:</i></p> <ul style="list-style-type: none"> <li><i>i. Linear development activities; or</i></li> <li><i>ii. Agriculture or afforestation where activity 16 in this schedule will apply.</i></li> </ul>	The project will involve the development of a solar power generation facility which will cover more than 20 hectares of land.
<p><b><u>GN R. 546 Item 14:</u></b></p> <p><i>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</i></p> <ul style="list-style-type: none"> <li><i>1. Purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</i></li> <li><i>2. 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;</i></li> <li><i>3. The undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</i></li> </ul>	The project will involve the development of a solar power generation facility which will possibly involve the clearing of vegetation of more than 5 hectares which constitute more than 75% of indigenous vegetation.



as described in the Environmental Impact Assessment Report (EIR) dated February 2013 at:

Alternative S1	Latitude	Longitude
Middle point of activity	30°42'2.45"S	24°5'10.32"E

- for the construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 75MW and on the remaining extent of the Farm Vellaagte 4 in De Aar, Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- A new power line with a capacity of 132 kV, linking the solar power generation facilities to the existing Eskom Hydra Substation.
- A new short 132kV power line linking the power generation facilities on Portions F and G to the proposed new 132 kV line.
- Substations on Portions F, which will connect to either the existing 132 kV power lines or the proposed new 132 kV power line.
- Switching stations (SS) with transformers next to the substations, which will connect the solar facilities to the different substations.
- Cabling between the PV/TPV panels and/or CPV panels and/or dish Stirling units and switching station.
- Foundations to support the PV/TPV panels and/or CPV panels and/or dish Stirling units infrastructure.
- Internal access roads.
- Maintenance building and site offices.

## Conditions of this Environmental Authorisation

### Scope of authorisation

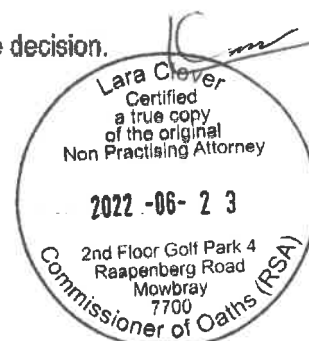
1. The preferred site, Activity Alternative 2 Solar Power, Technology Alternative 1 PV and CPV and the preferred Layout Alternative are approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding 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 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 EA is hereby approved. This EMPr must be implemented and adhered to.

### Monitoring

13. 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.
  - 13.1. The ECO must be appointed before commencement of any authorised activities.
  - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 13.4. 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

14. 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.



15. 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.
16. 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.
17. 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**

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. 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.
20. 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**

21. 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**

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

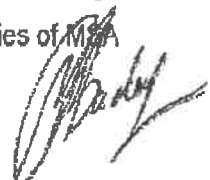


### Site closure and decommissioning

23. 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.

### Specific conditions

24. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
25. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
26. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
27. Copies of permits in respect of 26 above required must be submitted to the Department for record keeping.
28. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
29. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
30. The removal of vegetation should only occur on the footprint area of the development and not over the larger area. The clearing and damage of plant growth in these areas should be restricted to the footprint way leave area. If possible, the herbaceous layer should not be cleared prior to the construction of the plant but slashed. This is more practical considering the lower strata to be less than 1 meter in height and the solar panels to be 2.6m high. Once erected, the herbaceous layer could be kept short through slashing, which will also allow grazing in the area by small livestock and game species.
31. The ECO must demarcate all sensitive areas and be demarcated as "no go" areas.
32. All project infrastructures, i.e. solar panels, power line and substation should be located away from sensitive habitats such as waterways, known rocky outcrops or any areas considered being of bat conservation importance.
33. Sites SA01, SA02 and SA04, as described in the Final EIR dated February 2013, comprise of high density Middle Stone Age (MSA) scatters. Therefore areas containing these high densities of MSA





material must be excluded from the Solar Energy Facility development as far as possible. However, were these MSA scatters are to be directly impacted on by the development activities, the sites must be recorded within the larger cultural and social context of the sites by means of a Phase 2 Specialist Study. The Specialist should obtain the necessary permits from SAHRA for the in-situ analysis, possible collection and photography of the artefacts during the study.

34. A 100m conservation buffer zone must be maintained around Vellaagte farmstead (Site HP01) and graveyard (Site BP01) during all phases of development and operation of the solar farm project.
35. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines, so as not to impede upon natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
36. The following Management Plans formed part of the EIR dated February 2013:
  - Plant Rescue and Protection Plan (Appendix O);
  - A Rehabilitation and Re-vegetation Plan (Appendix P);
  - An Alien Invasive Management Plan (Appendix Q);
  - Storm Water Management Plan (Appendix R);
  - Erosion Management Plan (Appendix S); and
  - Traffic Management Plan (Appendix T).

The management plans must be implemented and are considered as part of the Environmental Management Plan dated February 2013.

37. 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 site licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

#### General

38. 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.
39. 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.

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 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: \_\_\_\_\_

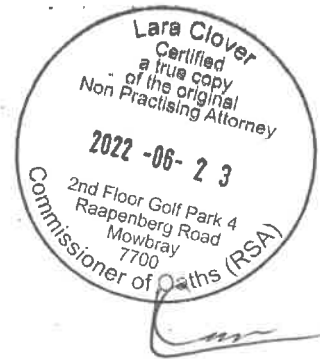
19 JULY 2013



Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement

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 EIR dated February 2013;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated February 2013;
- c) Mitigation measures as proposed in the EIR dated February 2013 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix E to T of the EIR; and
- e) 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) The findings of all the specialist studies conducted and their recommended mitigation measures.

The need for the proposed project stems from the need to contribute towards the target of 3725 MW as well as towards socio-economic and environmentally sustainable growth, and to start and stimulate the renewable industry in South Africa.

- b) The EIR dated February 2013 identified all legislation and guidelines that have been considered in the preparation of the EIR dated February 2013.
- c) The methodology used in assessing the potential impacts identified in the EIR dated February 2013 and the specialist studies have been adequately indicated.

A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.



### 3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIR dated February 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIR dated February 2013 is accurate and credible.
- 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 process.

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 environmental authorisation is accordingly granted.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House 473 Steve Biko Road · Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/5/AM2

Enquiries: Ms Nonhlahla Mkhwanazi

Telephone: (012) 399 9386 E-mail: NMkhwanazi@environment.gov.za

Dr Gideon Greyvenstein  
Lehasedi Energy (Pty) Ltd  
1 Kingswood Boulevard  
Suite 200  
George  
WESTERN CAPE  
6529

Telephone Number: (082) 558 3917  
Email Address: gideon@ennex.co.za

### PER EMAIL / MAIL

Dear Dr Greyvenstein

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 28 September 2015 and your letter dated 20 October 2015, regarding the correction to the decision refer.

In terms of Regulation 27 (4) of the Environmental Impact Assessment (EIA) Regulations, 2014, this Department has decided to initiate the amendment to the abovementioned EA to correct a typographical error as follows:

#### Amendment of a typographical error on the cover letter of the EA amendment:

#### From:

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 2000  
George  
WESTERN CAPE  
6529

#### To:

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 200  
George  
WESTERN CAPE  
6529



This amendment letter must be read in conjunction with the EA decision issued on 19 July 2013 as amended.

Yours faithfully



Mr Sabelo Malaza  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs  
Date: 6/11/2015

cc:	Ms Chantal Uys	Exigo3	Email: chantal@exigo3.com
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/5/AM3

Enquiries: Ms Bathandwa Ncube

Telephone: (012) 399 9368 E-mail: [BNcube@environment.gov.za](mailto:BNcube@environment.gov.za)

Dr. Gideon Greyvenstein  
Lehlasedi Energy (Pty) Ltd.  
1 Kingswood Boulevard  
Suite 200  
George  
**WESTERN CAPE**  
6529

Tel: 082 558 3917  
Email: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)

### PER EMAIL / MAIL

Dear Dr. Greyvenstein

### AMENDMENT OF ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE.

The Environmental Authorisation (EA) issued for the above application by this Department on 19 July 2013, and the application for amendment of the EA received by this Department on 06 June 2018, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended, has decided to amend the EA dated, 19 July 2013 as follows:

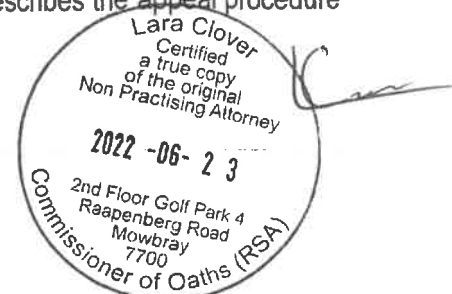
#### Amendment of the Validity Period- Commencement of Authorised Activities:

The activity must commence within a period of five (5) years from the date of expiry of the EA issued on 19 July 2013, (i.e. the EA lapses on **19 July 2023**). 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.

This letter must be read in conjunction with the EA dated 19 July 2013.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed.



An appellant must submit an 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 applicant by the competent authority.

By post: Private Bag X447,  
Pretoria, 0001; or

By hand: Environment House  
473 Steve Biko Road  
Arcadia,  
Pretoria, 0083

**Appeals must be submitted in writing to:**

Director: Appeals and Legal Review, of this Department at the above mentioned addresses. The Director: Appeals and Legal Review can also be contacted at:

Tel: (012) 399 9356  
Email: [Appealsdirector@environment.gov.za](mailto:Appealsdirector@environment.gov.za)

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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: ([https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations)).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



**Mr Vusi Skosana**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 28/06/2018

CC:	Chantal Uys	Exigo Sustainability (Pty) Ltd	Tel: 012 751 2160	Email: <a href="mailto:chantal@exigo3.com">chantal@exigo3.com</a>
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DE/A/EIA/0001531/2012/2012

DEA Reference: 14/12/16/3/3/2/382/6

Enquiries: Danie Smit

Telephone: 012-310-3659 Fax: 012-320-7539 E-mail: [DSmit@environment.gov.za](mailto:DSmit@environment.gov.za)

Mr. G Greyvenstein  
Ikusasa Energy (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
WESTERN CAPE  
0169  
Fax:(012) 349 8425

### PER FACSIMILE / MAIL

Dear Dr Greyvenstein

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546: PROPOSED CONSTRUCTION OF 30MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

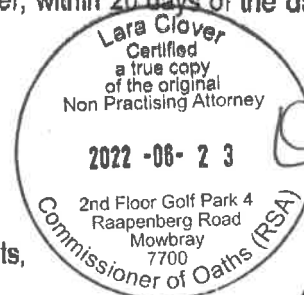
With reference to the above application, please be advised that the Department has decided to accept the EIR dated February 2013 and grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

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 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: 012-310-3271

Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@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.

Yours faithfully

  
Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement  
Department of Environmental Affairs

Date:

19/07/2013

CC:	Ms C Da Camara	AGES (Pty) Ltd	Tel: 012 751 2160	Fax: 086 607 2406
	Mr T Mthombeni	DE&NC	Tel: 053 631 0601	Fax: 053 631 0343
	Mr J Alexander	Emthanjeni Local Municipality	Tel: 053 632 9100	Fax: 053 631 0105
	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"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

Construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 30 MW on the remaining extent of the Farm Vetlaagte 4 in De Aar, Northern Cape Province

Pixley ka Seme District Municipality

Authorisation register number:	14/12/16/3/3/2/382/6
NEAS reference number:	DEA/EIA/0001531/2012
Last amended:	First issue
Holder of authorisation:	IKUSASA ENERGY (PTY) LTD
Location of activity:	Northern Cape Province: Emthanjeni 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.

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 –

### IKUSASA ENERGY (PTY) LTD

with the following contact details –

Dr. G Greyvenstein  
Ikusasa Energy (Pty) Ltd  
P.O. Box 569  
Great Brakriver  
**WESTERN CAPE**  
0169

Cell: (082) 558 3917  
Fax: (012) 349 8425  
E-mail: [gideon@ennex.co.za](mailto:gideon@ennex.co.za)



A handwritten signature in black ink, appearing to read "Lara Clover", located in the bottom right corner of the page.

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

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10</u></p> <p><i>The construction of facilities or infrastructure for the Transmission and distribution of electricity-</i></p> <ul style="list-style-type: none"> <li><i>i. Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i></li> <li><i>ii. Inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</i></li> </ul>	<p>A new power line is to be installed at a voltage higher than 33 kilovolts but lower than 275 kilovolts, linking the solar power generation facility to the Eskom Hydra Substation.</p>
<p><u>GN R. 544 Item 11:</u></p> <p><i>The construction of-</i></p> <ul style="list-style-type: none"> <li><i>i. Canals;</i></li> <li><i>ii. Channels;</i></li> <li><i>iii. Bridges;</i></li> <li><i>iv. Dams;</i></li> <li><i>v. Weirs;</i></li> <li><i>vi. Bulk storm water outlet structures</i></li> <li><i>vii. Marinas;</i></li> <li><i>viii. Jetties exceeding 50 square metres in size;</i></li> <li><i>ix. Slipways exceeding 50 square metres in size;</i></li> <li><i>x. Buildings exceeding 50 square metres in size; or</i></li> <li><i>xi. Infrastructure or structures covering 50 square metres or more,</i></li> </ul> <p><i>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 project may involve the construction of infrastructure such as the solar panels and transformers, within 32 metres of a watercourse.</p>
<p><u>GN R. 545 Item 1:</u></p>	<p>The project will involve the</p>



Listed activities	Activity/Project description
<i>The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</i>	construction of solar power generation facilities which will generate more than 20MW of electricity.
<p><u>GN R. 545 Item 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 hectares or more;</i>  <i>except where such physical alteration takes place for:</i></p> <ul style="list-style-type: none"> <li><i>i. Linear development activities; or</i></li> <li><i>ii. Agriculture or afforestation where activity 16 in this schedule will apply.</i></li> </ul>	The project will involve the development of a solar power generation facility which will cover more than 20 hectares of land.
<p><u>GN R. 546 Item 14:</u>  <i>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</i></p> <ul style="list-style-type: none"> <li><i>1. Purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</i></li> <li><i>2. 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;</i></li> <li><i>3. The undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</i></li> </ul>	The project will involve the development of a solar power generation facility which will possibly involve the clearing of vegetation of more than 5 hectares which constitute more than 75% of indigenous vegetation.



as described in the Environmental Impact Assessment Report (EIR) dated February 2013 at:

Alternative S1	Latitude	Longitude
Middle point of activity	30°41'22.97"S	24°5'59.12"E

- for the construction of Photovoltaic Solar Energy Facilities, with a generating capacity of 30MW and on the remaining extent of the Farm Vetlaagte 4 in De Aar, Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- A new power line with a capacity of 132 kV, linking the solar power generation facilities to the existing Eskom Hydra Substation.
- A new short 132kV power line linking the power generation facilities on Portions F and G to the proposed new 132 kV line.
- Substation on Portions G, which will connect to either the existing 132 kV power lines or the proposed new 132 kV power line.
- Switching stations (SS) with transformers next to the substations, which will connect the solar facilities to the different substations.
- Cabling between the PV/TPV panels and/or CPV panels and/or dish Stirling units and switching station.
- Foundations to support the PV/TPV panels and/or CPV panels and/or dish Stirling units infrastructure.
- Internal access roads.
- Maintenance building and site offices.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred site, Activity Alternative 2 Solar Power, Technology Alternative 1 PV and CPV and the preferred Layout Alternative are 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 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 EA is hereby approved. This EMPr must be implemented and adhered to.

### Monitoring

13. 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.
  - 13.1. The ECO must be appointed before commencement of any authorised activities.
  - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 13.4. 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

14. 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.



15. 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.
16. 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.
17. 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**

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. 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.
20. 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**

21. 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**

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

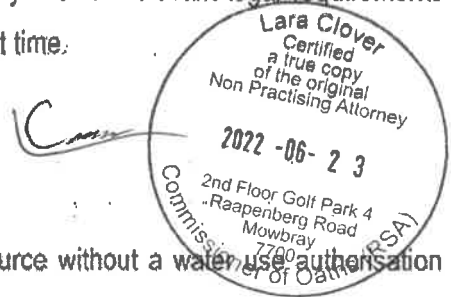


### Site closure and decommissioning

23. 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.

### Specific conditions

24. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
25. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
26. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
27. Copies of permits in respect of 26 above required must be submitted to the Department for record keeping.
28. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
29. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
30. The removal of vegetation should only occur on the footprint area of the development and not over the larger area. The clearing and damage of plant growth in these areas should be restricted to the footprint way leave area. If possible, the herbaceous layer should not be cleared prior to the construction of the plant but slashed. This is more practical considering the lower strata to be less than 1 meter in height and the solar panels to be 2.6m high. Once erected, the herbaceous layer could be kept short through slashing, which will also allow grazing in the area by small livestock and game species.
31. The ECO must demarcate all sensitive areas and be demarcated as "no go" areas.
32. All project infrastructures, i.e. solar panels, power line and substation should be located away from sensitive habitats such as waterways, known rocky outcrops or any areas considered being of bat conservation importance.
33. Sites SA01, SA02 and SA04, as described in the Final EIR dated February 2013, comprise of high density Middle Stone Age (MSA) scatters. Therefore areas containing these high densities of MSA



material must be excluded from the Solar Energy Facility development as far as possible. However, were these MSA scatters are to be directly impacted on by the development activities, the sites must be recorded within the larger cultural and social context of the sites by means of a Phase 2 Specialist Study. The Specialist should obtain the necessary permits from SAHRA for the in-situ analysis, possible collection and photography of the artefacts during the study.

34. A 100m conservation buffer zone must be maintained around Vellaagte farmstead (Site HP01) and graveyard (Site BP01) during all phases of development and operation of the solar farm project.
35. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines, so as not to impede upon natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
36. The following Management Plans formed part of the EIR dated February 2013:
  - Plant Rescue and Protection Plan (Appendix Q);
  - A Rehabilitation and Re-vegetation Plan (Appendix P);
  - An Alien Invasive Management Plan (Appendix Q);
  - Storm Water Management Plan (Appendix R);
  - Erosion Management Plan (Appendix S); and
  - Traffic Management Plan (Appendix T).

The management plans must be implemented and are considered as part of the Environmental Management Plan dated February 2013.

37. 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 site licensed in terms of section 26(1)(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

#### General

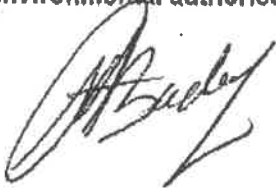
38. A copy of this authorisation and the approved EMP must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMP must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
39. 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.

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 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: 19 July 2013



**Mr Ishaam Abader**

**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**



## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

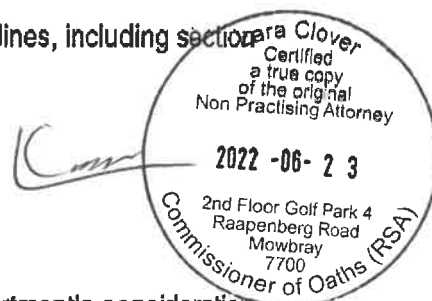
In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the EIR dated February 2013;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated February 2013;
- c) Mitigation measures as proposed in the EIR dated February 2013 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix E to T of the EIR; and
- e) 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) The findings of all the specialist studies conducted and their recommended mitigation measures.  
The need for the proposed project stems from the need to contribute towards the target of 3725 MW as well as towards socio-economic and environmentally sustainable growth, and to start and stimulate the renewable industry in South Africa.
- b) The EIR dated February 2013 identified all legislation and guidelines that have been considered in the preparation of the EIR dated February 2013.
- c) The methodology used in assessing the potential impacts identified in the EIR dated February 2013 and the specialist studies have been adequately indicated.
- d) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.



### 3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIR dated February 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIR dated February 2013 is accurate and credible.
- 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 process.

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 environmental authorisation is accordingly granted.







## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko Road · Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/6/AM1

Enquiries: Ms Nonhlahla Mkhwanazi

Telephone: (012) 399 9386 E-mail: NMkhwanazi@environment.gov.za

Dr Gideon Greyvenstein  
Lehasedi Energy (Pty) Ltd  
1 Kingswood Boulevard  
Suite 200  
George  
**WESTERN CAPE**  
6529

Telephone Number: (082) 558 3917  
Email Address: gideon@ennex.co.za

### **PER EMAIL / MAIL**

Dear Dr Greyvenstein

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the above application by this Department on 28 September 2015 and your letter dated 20 October 2015, regarding the correction to the decision refer.

In terms of Regulation 27 (4) of the Environmental Impact Assessment (EIA) Regulations, 2014, this Department has decided to initiate the amendment to the abovementioned EA to correct a typographical error as follows:

### **Amendment of a typographical error on the cover letter of the EA amendment:**

#### **From:**

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 2000  
George  
**WESTERN CAPE**  
6529

#### **To:**

Represented by: Dr Gideon Greyvenstein  
1 Kingswood Boulevard  
Suite 200  
George  
**WESTERN CAPE**  
6529



M

This amendment letter must be read in conjunction with the EA decision issued on 19 July 2013 as amended.

Yours faithfully

  
Mr Sabelo Malaza  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs  
Date: 6/11/2015

cc:	Ms Chantal Uys	Exigo3	Email: chantal@exigo3.com
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Lara Clover  
Certified  
a true copy  
of the original  
Non Practising Attorney  
2022 -06- 2 3  
2nd Floor Golf Park 4  
Raapenberg Road  
Mowbray  
7700  
Commissioner of Oaths (RSA)





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/382/6/AM3

Enquiries: Mr Thando Booï

Telephone: (012) 399 9387 E-mail: TBooi@environment.gov.za

Dr Gideon Greyvenstein  
Lehasedi Energy (Pty) Ltd  
1 Kingswood Boulevard, Suite 200  
**GEORGE**  
Western Cape  
6529

Telephone Number: (082) 558 3917  
E-mail Address: gideon@ennex.co.za

### PER EMAIL / MAIL

Dear Dr Greyvenstein

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2013 FOR THE PROPOSED CONSTRUCTION OF 30MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF THE FARM VETLAAGTE 4 IN DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 19 July 2013, the amendments to the EA dated 28 September 2015 and 06 November 2015 respectively and your application for amendment of the EA received by this Department on 06 June 2018 and acknowledged on 14 June 2018 refer.

The applicant has applied to extend the validity period of the EA dated 19 July 2013. Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations 2014, as amended, has decided to amend the EA dated 19 July 2013 as amended, as follows:

The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 19 July 2013 as amended (i.e. the EA lapses on 19 July 2023). If commencement of the activity does not occur within this period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

The applicant applied to extend the validity period of the EA as Eskom had refused to sign any further power purchase agreements as part of the Renewable Energy Independent Power Producer Programme (REIPPP), and therefore the programme has been halted and the project is dependent upon the REIPPP.

This proposed amendment letter must be read in conjunction with the EA dated 19 July 2013 as amended.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.



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: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

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

By post: Private Bag X 447,  
Pretoria,  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

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

Yours faithfully



**Mr Vusi Sikhosana**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 26/06/2018

cc:	Chantal Uys	Exigo Sustainability (Pty) Ltd	Tel: (012) 751 2160	Email: <a href="mailto:chantal@exigo3.com">chantal@exigo3.com</a>
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