



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0000529/2011

DEA Reference: 14/12/16/3/3/2/2443 (12/12/20/2443)

Enquiries: Ms Mpho Monyai

Telephone: 012-310-3938 Fax: 012-320-7539 E-mail: mmonyai@environment.gov.za

Mr Werner Engelbrecht
Biotherm Energy (Pty) Ltd
Building 1, Leslie Ave East Design Quarter District
Fourways
JOHANNESBURG
South Africa

Fax no: 086 544 5503

Tel no: 011 367 4600

PER FACSIMILE / MAIL

Dear Mr Engelbrecht

CONSTRUCTION OF THE 133MW PV SOLAR POWER GENERATION PLANT ON PORTION 6 OF THE FARM KONKOONSIES 91 AND CONNECTION TO THE SUBSTATION ON THE FARM SCUIT-KLIP NEAR POFADDER, KHAI MA LOCAL MUNICIPALITY, NAMAKWA DISTRICT, NORTHERN CAPE

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

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

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

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

By facsimile: (012) 320 4431;
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

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:

29/07/2013

CC:	Mr Brian Gardner	Escience Associates (Pty) Ltd	Tel: 053 807 7464	Fax: 053 807 7464
	Tshlo Makaudi	NDENC	Tel: 053 807 7464	Fax: 053 807 7464
	Mr Willem Andre	Khai Ma Local Municipality	Tel: 027 712 8000	Fax: 027 712 8040
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

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

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

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.





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 the 133MW PV solar power generation plant on portion 6 of the Farm
Konkoonsies 91 and connection to the substation on the farm Scuit-Klip near Pofadder,
Namakwa District, Northern Cape**

Khai Ma Local Municipality

Authorisation register number:	14/12/16/3/3/2/2443 (12/12/20/2443)
NEAS reference number:	DEA/EIA/0000529/2011
Last amended:	First issue
Holder of authorisation:	BIO THERM ENERGY (PTY) LTD
Location of activity:	NORTHERN CAPE PROVINCE: PORTION 6 OF THE FARM KONKOONSIES 91 AND THE FARM SCUIT-KLIP(SUBSTATION CONNECTION) NEAR POFADDER

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 –

BIO THERM ENERGY (PTY) LTD

with the following contact details –

Mr Werner Engelbrecht
Biotherm Energy (Pty) Ltd
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South Africa

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 & 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> (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts</p>	<p>An onsite switching station and 220 kV, power line from the switching station to the Paulputs Substation will be constructed. The Paulputs Substation connection will be at the 220kV level and the yard may require extension by Eskom.</p>
<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 proposed solar facility will have a maximum power export capacity of 133MW, however each phase will only be permitted to have a maximum export capacity of 75MW.</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> (i) linear development activities; or (ii) agriculture or afforestation where activity 16 in this Schedule will apply.</p>	<p>The proposed solar facility will be a maximum of 267 hectares in spatial extent.</p>
<p><u>GN R. 546 Item 4:</u> <i>The construction of a road wider than 4 metres with a reserve less than 13,5 metres</i> (a) In the Northern Cape (ii) Outside urban Areas.</p>	<p>Internal roads between panels as well as the access road to the site may be wider than 4 meter but less than 13.5 m.</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 vegetative cover constitutes indigenous vegetation.</i></p>	<p>The proposed development will require clearance of an area more than 5 hectares of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</p>



as described in the Environmental Impact Assessment Report (EIR) dated May 2013.

at GPS co-ordinates:

Description	Latitude (S)	Longitude (E)
133 MW PV Facility		
middle point of the facility	28°53'39.41"	19°33'54.34"
Connection power line		
start point option	28°53'16.40"	19°33'41.78"
middle point	28°53'0.20"	19°33'49.58"
end point	28°52'44.94"	19°33'54.22"
Onsite switching station		
Switch Station Point	28°53'16.40"	19°33'41.78"
Site access road		
start point option	28°53'36.31"	19°33'45.10"
middle point	28°53'43.84"	19°34'3.45"
end point	28°53'50.32"	19°34'20.91"

- construction of a 133MW PV solar plant on portion 6 of the farm Konkoonsies 91 near Pofadder, within the Khai Ma Local Municipality in the Northern Cape Province, hereafter referred to as *"the property"*.

The infrastructure associated with this facility includes:

- Foundations to support the PV panels;
- Arrays of photovoltaic (PV) panels;
- A fixed rotating structure;
- 2.5 km access road with a width of 6m wide and inside roads;
- Trenching ;
- Inverter/transformer building-- 6 m X 3 m ;
- Combined guard house/ control room 100m² ;
- 220 kV grid connection power line; and
- A small 220kV switching station for the plant, located outside the control room.



Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred alternative, photovoltaic (PV) power plant, with the co-ordinates above is hereby 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 four (04) 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.
9. A request for an extension to the validity of this authorisation must be submitted to the Department of Environmental Affairs at least six months prior to the lapsing of such.



Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. 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

13. 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

14. The applicant must appoint a suitably qualified and 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.
 - 14.1. The ECO must be appointed before commencement of any authorised activity.
 - 14.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

- 14.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 14.4. 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

15. 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.
16. 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.
17. 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.
18. 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

19. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
20. 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.
21. 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

22. 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

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

Site closure and decommissioning

24. 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

25. Vegetation clearing and construction activities must be limited to the authorised footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
26. The applicant must ensure that the continuous monitoring and removal of alien plant species is undertaken. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.
27. Removal of alien invasive species or other vegetation and follow-up procedures must be in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
28. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act no 84 of 1998 and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be submitted to the Department for record keeping.
29. All areas of disturbed soil must be reclaimed using only soil from excavations and construction activities. Reclamation activities should be undertaken as early as possible on disturbed areas.

30. No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
31. All electrical collector lines must be buried in a manner that minimizes additional surface disturbance. Underground cables must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
32. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
33. Borrow materials must be obtained only from authorized and permitted sites.
34. Appropriate dust suppression techniques must be implemented before and during surface clearing, excavation, or blasting activities, and on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, covering surfaces with straw chippings and re-vegetation of open areas.
35. Appropriate erosion mitigation storm water management measures must be implemented to prevent any potential erosion.
36. Existing drainage must not be altered, especially in sensitive areas.
37. No activities will be allowed to encroach into a water resource without a water use license being in place from the Department of Water Affairs. A comprehensive storm water management plan must be developed for the site to ensure compliance with applicable regulations and to prevent off-site migration of contaminated storm water or increased soil erosion.
38. The applicant must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences. Contractors and construction workers must be clearly informed of the no-go areas.
39. Where roads pass right next to major water bodies provision should be made for fauna such as toads to pass under the roads by using culverts or similar. Existing road infrastructure must be used as far as possible for providing access to the proposed PV solar positions. A transportation plan must be developed, particularly for the transport of PV components, and other large pieces of equipment. A permit must be obtained from the relevant transport department for the transportation of all components (abnormal loads) to the sites.
40. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuter, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time. Signage must be erected at appropriate points warning of turning traffic and the construction site.

41. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
42. Internal roads servitudes should be regularly maintained to ensure that vegetation remains short and that they therefore serve as effective firebreaks.
43. Construction staff to be provided with training in the provisions of this environmental authorisation and the implementation of the EMPr.
44. The applicant must ensure that, the construction staff working in areas where the 8-hour ambient noise levels exceed 75dBA, must wear ear protection equipment.
45. The applicant must ensure that all equipment and machinery are well maintained.
46. The applicant must provide a prior warning to the community when a noisy activity e.g. blasting is to take place. All noisy construction operations should only occur during daylight hours if possible.
47. The applicant must reduce visual impacts during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques and restoring exposed soil as closely as possible to their original contour and vegetation.
48. Lay down areas and stockyards should be located in low visibility areas and existing vegetation should be used to screen them from view where possible.
49. Night lighting of the construction sites should be minimised within the requirements of safety and efficiency.
50. A health and safety programme must be developed to protect both workers and the general public during construction, operation and decommissioning of the energy facility. The programme must establish a safety zone for PV solar from residences and occupied buildings, roads, right-of-ways and other public access areas that is sufficient to prevent accidents resulting from the operation of the PV energy facility.
51. The applicant must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act.
52. No open fires must be allowed on site.
53. Areas around fuel tanks and chemical storage sites must be bounded or contained in an appropriate manner as per the requirements of SABS 089:1999 Part 1. Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.
54. Hazardous waste such as bitumen, oils, oily rags, paint tins etc. must be disposed of at an approved hazardous waste landfill site.
55. An effective monitoring system must be put in place during the construction phase of the development to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. The applicant must ensure that precautionary measures

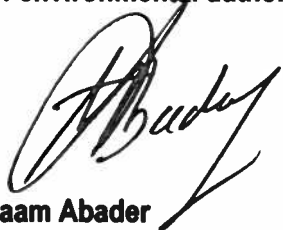
- are in place to limit the possibility of oil and other toxic liquids from entering the soil or storm water system.
56. Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Spill kits must be made available on-site for the clean-up of spills.
 57. Spoiled solar panels must be immediately stored away from direct sunlight or/and appropriately disposed of.
 58. Streams, river, pans, wetlands, dams and their catchments and other environmental sensitive areas must be protected from the direct or indirect spillage of pollutants.
 59. No dumping or temporary storage of any materials may take place outside designated and demarcated lay down areas, and these must all be located within areas of low environmental sensitivity.
 60. No chemicals must be stored nor may any vehicle maintenance occur within 350m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain or hillside wetlands.
 61. Any solid waste shall be disposed of at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
 62. Temporary ablution facilities must be provided for staff at all times during the construction phase. The ablutions must be cleaned regularly with associated waste being disposed of at a registered/permited waste site and must be removed from the site when the construction phase is completed.
 63. If there are any changes to the layout of the PV solar system, then additional survey work will be required in order to ensure that no sites are directly impacted and/or to identify the need for an excavation permit.
 64. Should any historical, cultural, paleontological resources, and graves be found, all construction activities must be suspended and an archaeologist be contacted immediately. The discovered graves must be cordoned off.

General

65. 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.

66. 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.
67. 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: 29 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 May 2013;
- b) The comments received from interested and affected parties as included in the EIR dated May 2013;
- c) Mitigation measures as proposed in the EIR dated May 2013 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix 7 of the EIR dated May 2013; 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.
- b) The EIR dated May 2013 identified all legislation and guidelines that have been considered in the preparation of the EIR dated May 2013.
- c) The methodology used in assessing the potential impacts identified in the EIR dated May 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 May 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 May 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 EIR 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:
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Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/2443/AM2

Enquiries: Ms Dikeledi Mokotong

Telephone: (012) 399 8801 **E-mail:** dmokotong@environment.gov.za

Mr Werner Engelbrecht
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JOHANNESBURG
2021

Telephone Number: (011) 367 4600
E-mail address: eiaadmin@biothermenergy.com

PER EMAIL / MAIL

Dear Mr Engelbrecht

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 JULY 2013 FOR THE CONSTRUCTION OF THE 75MW PV SOLAR POWER GENERATION PLANT ON PORTION 6 OF THE FARM KONKOONSIES 91 ON THE FARM SCUIT-KLIP NEAR POFADDER, KHAI-MA LOCAL MUNICIPALITY, NAMAKWA DISTRICT, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 29 July 2013, the amendment to the EA dated 28 September 2015, and your application for amendment of the EA received by this Department on 27 January 2016 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 29 July 2013 as follows:

Amendment 1: Amendment to the project description of the EA:

Page 01 of the EA dated 29 July 2013:

From:

"Construction of the 133MW PV solar power generation plant on portion 6 of the Farm Konkoonsies 91 and connection to the substation on the farm Scuit-Klip near Pofadder, Namakwa District, Northern Cape."

To:

"Construction of the 75MW PV solar power generation plant on Portion 6 of the Farm Konkoonsies 91 on the Farm Scuit-Klip near Pofadder, Namakwa District, Northern Cape."

Page 04 of the EA:

From:

"- construction of a 133MW PV solar plant on portion 6 of the farm Konkoonsies 91 near Pofadder, within the Khai Ma Local Municipality in the Northern Cape Province, hereafter referred to as "the property"."

To:

"- construction of a 75MW PV solar power generation plant on Portion 6 of the Farm Konkoonsies 91 near Pofadder, within the Khai Ma Local Municipality in the Northern Cape Province, hereafter referred to as "the property"."

Page 03 of the EA

From:

"An onsite switching station and 220 kV, power line from the switching station to the Paulputs Substation will be constructed. The Paulputs Substation connection will be at the 220kV level and the yard may require extension by Eskom."

To:

"An onsite switching station will be constructed. The Paulputs Substation connection will be at the 220kV level and the yard may require extension by Eskom."

The table on Page 04 of the EA:

From:

Description	Latitude (S)	Longitude (E)
133 MW PV Facility		
middle point of the facility	28°53'39.41"	19°33'54.34"
Connection power line		
start point option	28°53'16.40"	19°33'41.78"
middle point	28°53'0.20"	19°33'49.58"
end point	28°52'44.94"	19°33'54.22"
Onsite switching station		
Switch Station Point	28°53'16.40"	19°33'41.78"
Site access road		
start point option	28°53'36.31"	19°33'45.10"
middle point	28°53'43.84"	19°34'3.45"
end point	28°53'50.32"	19°34'20.91"

To:

Description	Latitude (S)	Longitude (E)
75 MW PV Facility		
Middle point of the facility	28°53'39.41"	19°33'54.34"
Site access road		
Start point option	28°53'36.31"	19°33'45.10"
Middle point	28°53'43.84"	19°34'3.45"
End point	28°53'50.32"	19°34'20.91"

Page 04 of the EA:

The following is hereby removed from Page 04 of the EA:

"220 kV grid connection power line."

Furthermore, a shapefile of the approved development layout/footprint must 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
473 Steve Biko
Arcadia
Pretoria

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 29 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.

M.S

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).

Yours faithfully


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

Date: 25/02/2016

cc: Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
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