



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

NEAS Ref: DEA/EIA/0002045/2013

DEA Reference: 14/12/16/3/3/2/586

Enquiries: Ms Thulisile Nyalunga

Telephone: (012) 399 9405 **Fax:** (012) 320 7539 **E-mail:** TNyalunga@environment.gov.za

Ms Olga Louise Erasmus
RE Capital 2 (Pty) Ltd
PO Box 704
GREENPOINT
8051

Telephone number: (021) 424 1189
Fax number: (086) 613 8886

PER FACSIMILE / MAIL

Dear Ms Erasmus

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC RENEWABLE ENERGY FACILITY AND ITS ASSOCIATED POWERLINES ON PORTION 15 OF THE FARM KAMEELDOORN NO. 271-JS AND PORTION 14 OF THE FARM KRUISRIVER NO. 270, ZEERUST, RAMOTSHERE MOILOA LOCAL MUNICIPALITY, NGAKA MODIRI DISTRICT MUNICIPALITY IN THE NORTH WEST PROVINCE

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

Please note that GN R 546, Activity 10: *"The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres"* is not authorised as part of this EA for the proposed development, as the impacts of the proposed activity has not been adequately assessed and mitigated for in the EIAr and the EMPr.

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

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

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

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

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

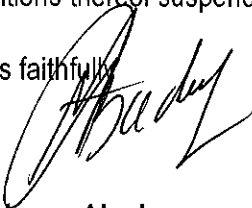
Appeals must be submitted in writing to:

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

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

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that 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: 11/08/2014

cc:	Ms Lauren Jansen	Sharples Environmental Services cc	Tel: (021) 552 8777	Fax: (086) 575 2869
	Mr Patricia Moumakwa	Ramotshere Moiloa Local Municipality	Tel: (018) 642 1081	Fax: (018) 642 3586

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 a 75MW Photovoltaic Solar Farm, a 22kV overhead power line and a new internal substation (88kV/33kV) on Portion 15 of the Farm 271-JS and on Portion 14 of the Farm Kruisriver No. 270, Zeerust, North West Province

Ngaka Modiri Mompoti District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/586</i>
NEAS reference number:	<i>DEA/EIA/0002045/2013</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Re Capital 2 (Pty) Ltd</i>
Location of activity:	<i>Portion 15 of the Farm 271-JS Portion 14 of the Farm Kruisriver No. 270 Ramotshere Moiloa Local Municipality Ngaka Modiri District Municipality North West Province</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 –

RE CAPITAL 2 (PTY) LTD

with the following contact details –

Ms Olga Louise Erasmus
Re Capital 2 (Pty) Ltd
PO Box 704

GREENPOINT

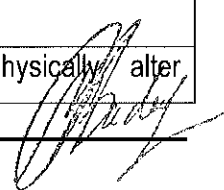
8051

Telephone number: (021) 424 1189
Fax number: (086) 613 8886
Cell phone Number: (071) 609 9395
E-mail Address: louise@rerecapital.com




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

<p><u>GN R. 544 Item 10:</u> <i>"The construction of facilities or infrastructure for the transmission and distribution of electricity:</i> (i) <i>outside urban areas or industrial complexes with a capacity of more than 33 kilovolts but less than 275 kilovolts..."</i></p>	<p>The renewable energy produced on site is proposed to be fed (via underground cables) to a new internal substation on site (88kV/33kV). A new 22kV overhead power line is then proposed from the internal substation to the existing Zeerust Substation (via a box feeder).</p>
<p><u>GN R. 544 Item 11:</u> <i>"The construction of:</i> (vi) <i>bulk storm water outlet structures</i> (xi) <i>infrastructure or structures covering 50 square meters or more</i> <i>where such construction occurs within a watercourse or within 32m 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 ecological impact assessment identified freshwater resources adjacent to the site of high conservation significance and they have therefore been avoided. As is evident from the proposed site layout plan there is a 40m buffer area from the high water mark of all freshwater resources identified by the ecological specialist.</p>
<p><u>GN R. 544 Item 18:</u> <i>"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</i> (i) <i>a watercourse."</i></p>	<p>The ecological impact assessment identified freshwater resources adjacent to the site of high conservation significance and they have therefore been avoided. As is evident from the proposed site layout plan there is a 40m buffer area from the high watermark of all freshwater resources identified by the ecological specialist</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>It is proposed to generate a total of 75MW of electricity at peak times.</p>
<p><u>GN R. 545 Item 15:</u></p>	<p>It is proposed to physically alter</p>



<p><i>"Physical alteration of undeveloped, vacant or derelict land for industrial use where the total area to be transformed is 20 hectares or more."</i></p>	<p>approximately 188.6 ha of land (currently zoned agriculture) for a photovoltaic solar plant</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> (f) In North West <i>iii. Outside urban areas, in:</i> <i>(aa) Critical Biodiversity Areas as identified in systematic biodiversity plans adopted by the Competent Authority or in bioregional plans</i> <i>(bb) Areas on the watercourse side of the development setback line or within 100m from the edge of a watercourse where no such setback line has been determined.</i></p>	<p>The GIS derived coarse scale Critical Terrestrial Biodiversity areas map (SANBI) considered the area of the Moot Plains Bushveld as a CBA1. It is proposed to construct internal roads (as per the project description) that will be between 4m and 6m wide.</p>
<p><u>GN R. 546 Item 12:</u> <i>"The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation...."</i> <i>(b) within critical biodiversity areas identified in bioregional plans.</i></p>	<p>The GIS derived coarse scale Critical Terrestrial Biodiversity areas map (SANBI) considered the area of the Moot Plains Bushveld as a CBA1. 300m² of vegetation is proposed to be removed in an area mapped as a Critical Biodiversity Area by SANBI. More than 75% of the vegetation in a 300m² area is indigenous.</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> a) In Northwest, <i>i. All areas outside urban areas.</i></p>	<p>More than 5ha of indigenous vegetation is proposed to be removed. The ecological specialist (flora and fauna) and avifauna specialist has assessed the significance of 150ha of habitat and indigenous vegetation loss. It is however proposed to have indigenous grass cover on the site in between the panels, once construction has been completed.</p>



as described in the Environmental Impact Assessment Report (EIAr) dated July 2014 at:

Alternative (preferred site)	Latitude	Longitude
Portion 15 of the Farm 271-JS and on Portion 14 of the Farm Kruisriver No .270	25° 34' 26.99" S	26° 04' 07.87" E
Power line preferred route alternative Option B		
Start	25° 34' 32.11" S	26° 04' 35.81" E
Medium	25° 34' 32.17" S	26° 04' 46.22" E
End	25° 34' 23.11" S	26° 05' 06.60" E

- for the proposed construction of a 75MW renewable energy photovoltaic solar farm, a 22kV overhead power line and a new internal substation (88kV/33kV) on Portion 15 of the Farm 271-JS and on Portion 14 of the Farm Kruisriver No. 270, Zeerust in the North West Province, hereafter referred to as "the property".

The infrastructure associated with this facility include:

- Numerous PV panel arrays with a maximum export capacity of 75MW and a maximum height of 5m;
- Mounting structures to support the solar panels;
- Internal roads with a maximum width of 6m wide;
- Underground cabling between the structures;
- Central inverters converting direct current (DC) to alternating current (AC);
- A new small internal substation (88kV/33kV) that will link to the existing Eskom 132kV Zeerust Substation;
- A 22kV power line to link the internal substation to the Zeerust Substation;
- Equipment and material storage and laydown area;
- Water storage tanks;
- Subcontractor site camps;
- Workshops and offices;
- Ablution area; and
- Waste recycling area.



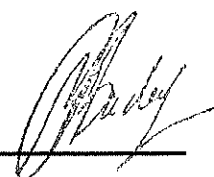
Technical details for the proposed facility:

Component	Description/ Dimensions
Location of the site	<p>Portion 15 of the Farm Kameeldoom No. 271 –JS and on Portion 14 of the Farm Kruisrivier No. 270, Zeerust</p> <p>The site earmarked for the proposed photovoltaic solar park is located just south of where the N4 and the R49 intersect, 1km from Shalimar Park and 4km from the town of Zeerust in the North West Province of South Africa. The site is located in the Ngaka Modiri Molema District Municipality and in the Ramotshere Moiloa Local Municipality.</p>
PV Panel area	158.4Ha
Site access	Access will be from the unpaved road, Jacobsdal Road.
Export capacity	75MW
Proposed technology	Photovoltaic (PV) Solar technology
Maximum height of installed panels from ground level	5m
Width of internal roads	6m width
Height of Fencing	3m

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred site alternative Area B and Area C and preferred alternative power line route Option B and associated infrastructure on Portion 15 of the Farm 271-JS and on Portion 14 of the Farm Kruisriver No. 270, Zeerust in the North West Province 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 (03) 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. A copy of the final development layout map must be made available for comments by registered Interested and Affected Parties and the applicant must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
 - 12.1 Compliance with the specific conditions of this Environmental Authorisation.
 - 12.2 Position of solar facilities and its associated infrastructure;
 - 12.3 Foundation footprint;
 - 12.4 Internal roads indicating width;
 - 12.5 Wetlands, drainage lines, rivers, stream and water crossing of roads and cables;
 - 12.6 All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
 - 12.7 Substation(s) inverters and/or transformer(s) sites including their entire footprint;
 - 12.8 Connection routes (including pylon positions) to the distribution/transmission network;
 - 12.9 All existing infrastructure on the site, especially roads;
 - 12.10 Buildings, including accommodation; and,
 - 12.11 All “no-go” and buffer areas.
13. Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (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:

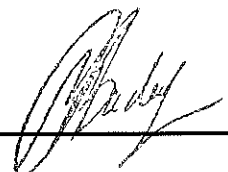
Department of Environmental Affairs
Environment House
473 Steve Biko
Arcadia
Pretoria
0083

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

14. The Environmental Management Programme (EMPr) submitted as part of the EIAr is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting; and the provisions of this environmental authorisation. The EMPr must be made available for comments by registered Interested and Affected Parties and the applicant must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
15. The EMPr is amendable and must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
16. Changes to the EMPr, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.



17. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.
18. The provisions of the approved EMPr including recommendations and mitigation measures in the EIAr and specialist studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.
19. The EMPr amendment must include the following:
 - 19.1 All recommendations and mitigation measures recorded in the EIAr.
 - 19.2 All mitigation measures as listed in the specialist reports must be included in the EMPr and implemented.
 - 19.3 The requirements and conditions of this authorisation.
 - 19.4 The final site layout map.
 - 19.5 An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
 - 19.6 A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
 - 19.7 A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
 - 19.8 A Cultural Heritage Management Plan for this site must be drafted and implemented. All the stone walled sites in the area should be demarcated and fenced in to avoid accidental damage and to ensure preservation. Heritage management plan must be approved by South African Heritage Resources Agencies prior to the operation phase and must form part of this plan.
 - 19.9 A storm water & wash water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.



- 19.10 An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- 19.11 An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 19.12 Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- 19.13 An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- 19.14 A map combining the final layout map superimposed (overlain) on the environmental sensitivity map. This map must reflect the proposed location of the PV as stated in the EIAR and this authorisation.

Environmental Control Officer (ECO) and duties

20. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
21. The ECO must be appointed before commencement of any authorised activity.
22. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of this Department.
23. The ECO must meet with the contractors to discuss the conditions of the EA and the contents of the EMPr prior to any site clearing occurring.
24. 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.
25. The ECO must:
 - 25.1 Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 25.2 Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what

rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.

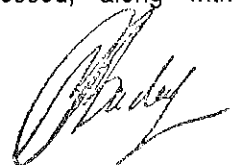
- 25.3 Keep and maintain a daily site diary.
- 25.4 Keep copies of all reports submitted to the Department.
- 25.5 Keep and maintain a schedule of current site activities including the monitoring of such activities.
- 25.6 Obtain and keep record of all documentation, permits, licences and authorisations such as waste disposal certificates, hazardous waste landfill site licences etc. required by this facility.
- 25.7 Compile a monthly monitoring report.

Recording and reporting to the Department

- 26. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
- 27. 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 this Department.

Environmental audit report

- 28. 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.
- 29. The environmental audit report must:
 - 29.1 Be compiled by an independent environmental auditor;
 - 29.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 29.3 Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
 - 29.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 29.5 Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
 - 29.6 Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed;
 - 29.7 Include a copy of this authorisation and the approved EMPr;



- 29.8 Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this authorisation; and
- 29.9 Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records and attendance records.

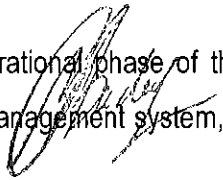
Commencement of the activity

30. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
31. 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.
32. 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.
33. The holder of this authorisation must obtain a Water Use Licence from the Department of Water Affairs (DWA) prior to the commencement of the project should the holder impact on any wetland or water resource. A copy of the license must be kept by the ECO.

Notification to authorities

34. 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. This notification period may coincide with the Notice of Intent to Appeal period, within which construction may not commence.

Operation of the activity

35. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
36. The holder of this authorisation must compile an operational EMPr for the operational phase of the activity or alternatively, if the holder has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.
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37. The EMPr must form part of the contract with the EPC Contractor appointed to construct the proposed facility, and must be used to ensure compliance with environmental specifications and management measures.

Site closure and decommissioning

38. 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

39. No development must be allowed close to the stone walled settlement sites on and around the hills and outcrops of site 12 and 13. They must be demarcated (fenced-in) and a Heritage Management Plan for the archaeological sites in the area must be drafted and be implemented. The Heritage Management Plan must be submitted to SAHRA for approval, and once approved, included into the EMPr.
40. Once the exact location or route of the powerline and towers or pylons are known, this route must be assessed through a walk down to determine if there are any impacts to stone walled remains.
41. Once Site 15 is confirmed to be a grave site and it has the potential to be impacted upon by the facility, the Heritage Management Plan to be submitted must include measures to safe guard the site.
42. The archaeology of the area must be commemorated in some form to educate and sensitize contractors and employees as well as potential visitors, regarding the importance of these sites and the value of preserving them for future generations.
43. A permit must be acquired from the South African Civil Aviation Authority for obstacles that could pose an aviation hazard.
44. The condition requirements of Eskom in their letter dated 26 May 2014 for work in or near Eskom servitudes for this site indicated, must be adhered to.
45. Development must be located on the areas of lowest sensitivity. Plant Community 3 (dense Bushveld on Reservoir Hill), 6 (Sandy Bushveld) and 7 (Watercourse zone) must all be treated as no-go zones.
46. The applicant must move the location of the site office to fall outside the boundary of Plant Community 3.
47. The applicant must ensure that the panels are far enough from habitats/vegetation regarded as sensitive.



48. The applicant must implement a 32m buffer zone for the watercourses¹ and ensure that no roads cross the watercourses.
49. A 32m buffer zone must be established on the western side along the drainage line as well as ecologically sensitive areas within the site that will be fenced off.
50. A 500m-1000m buffer zone around the reservoir at the top of the ridge must be implemented to help in reducing the visual scarring of the facility.
51. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
52. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
53. Contractors and construction workers must be clearly informed of the no-go areas.
54. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
55. 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 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 kept by the ECO.
56. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
57. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the rehabilitation plan to be included in the final EMPr.
58. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
59. Wetlands, rivers and river riparian areas must be treated as "no-go" areas and appropriately demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
60. No discharge of effluents or polluted water must be allowed into any rivers or wetland areas.

¹ "watercourse" means –

(a) a river or spring;

(b) a natural channel or depression in which water flows regularly or intermittently;

(c) a wetland, lake or dam into which, or from which, water flows; and

(d) any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998) and a reference to a watercourse includes, where relevant, its bed and banks



61. No spoil material, including stripped topsoil, must be temporarily stockpiled within 30 m of freshwater ecosystems identified to be of low or moderate conservation importance and 50 m of freshwater ecosystems identified to be of high conservation importance.
 62. Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
 63. Anti-erosion measures such as silt fences must be installed in disturbed areas.
 64. No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
 65. 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.
 66. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
 67. Disturbed areas must be rehabilitated as soon as possible after construction with locally indigenous plants to enhance the conservation of existing natural vegetation on site.
 68. Workers must be made aware of the importance of not polluting rivers or wetlands and of not undertaking activities that could result in such pollution, and this awareness must be promoted throughout the construction phase.
 69. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuters, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
 70. Internal access roads must be located to minimize stream crossings. All structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
 71. Road borders should be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.
 72. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
 73. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
 74. Signage must be erected at appropriate points warning of turning traffic and the construction site.
 75. Construction vehicles carrying materials to the site should avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
 76. Should abnormal loads have to be transported by road to the site, a permit must be obtained from the relevant Provincial Government.
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77. All construction vehicles should adhere to a low speed limit to avoid collisions with susceptible species such as snakes and tortoises.
 78. The holder of this authorisation 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.
 79. The holder of this authorisation 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.
 80. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
 81. No unsupervised open fires for cooking or heating must be allowed on site.
 82. Areas around fuel tanks must be bunded or contained in an appropriate manner as per the requirements of SABS 089:1999 Part 1.
 83. Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.
 84. Hazardous waste such as bitumen, oils, oily rags, paint tins etc. must be disposed of at an approved waste landfill site licensed to accept such waste.
 85. No dumping or temporary storage of any materials may take place outside designated and demarcated laydown areas, and these must all be located within areas of low environmental sensitivity.
 86. Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water.
 87. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Furthermore, 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.
 88. Temporary bunds must be constructed around chemical storage to contain possible spills.
 89. Spill kits must be made available on-site for the clean-up of spills.
 90. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
 91. The holder of this authorisation must provide sanitation facilities within the construction area and along the road so that workers do not pollute the surrounding environment. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste disposal site.
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92. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations, 2010.
 93. 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.
 94. Borrow materials must be obtained only from authorized and permitted sites. Permits must be kept on site by the ECO.
 95. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
 96. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
 97. A pre-construction survey of the final development footprint must be conducted to ascertain the identity and exact number of individuals of protected species affected by the proposed development. Prior to the commencement of construction, a rescue and rehabilitation operation for these species which could survive translocation must be conducted.
 98. No construction activities can commence without having obtained the necessary permits for threatened or protected species (ToPS) listed and provincially protected species within the study area.
 99. Any vegetation clearing that needs to take place as part of maintenance activities, should be done in an environmentally friendly manner, including avoiding the use of herbicides and using manual clearing methods wherever possible.
 100. All construction vehicles must remain on properly demarcated roads. No construction vehicles should be allowed to drive over the vegetation except where no cleared roads are available. In such cases a single track should be used and multiple paths should not be formed. Where temporary access roads are created, they should be rehabilitated as outlined in the rehabilitation plan after completion of construction.
 101. Regular monitoring for erosion must take place to ensure that no erosion problems are occurring at the site as a result of the roads and other infrastructure. All erosion problems observed should be rectified as soon as possible as outlined in the erosion management plan within the EMPr.
 102. Excavations must be inspected regularly in order to rescue trapped animals.
 103. An appropriately designed and effective stormwater management system must be implemented.
 104. Kerbs and storm water channels must be designed in such a way that they can allow small animals and reptiles to move freely.
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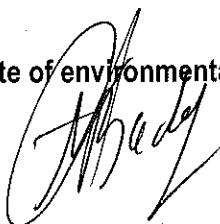
105. All declared aliens must be identified and managed in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983). There should be an alien species monitoring and eradication program to prevent encroachment of these problem plants for the duration of the operation. This should form part of the EMPr and should aim to address alien plant problems within the whole site, not just the development footprint. A rehabilitation strategy, with follow-up for at least two years after construction were completed, must also form part of the EMPr.
 106. Top soil and subsoil must be stockpiled separately and replaced according to the correct profile i.e. topsoil replaced last. Stockpiles should not be situated such that they obstruct natural water pathways and drainage channels.
 107. Top soil stockpiles must not exceed 2m in height, stockpiles older than 6 months must be enriched before they can be used to ensure the effectiveness of the topsoil.
 108. Any fauna directly threatened by the construction activities should be removed to a safe location by a suitably qualified person.
 109. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
 110. The collection, hunting, or harvesting of any plants or animals at the site is strictly forbidden.
 111. The washing of panels during maintenance must be done with biodegradable soaps to avoid soil contamination and poisoning of small animals.
 112. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and should be dark-sky friendly.
 113. Electric fencing should not have any strands within 30cm of the ground, which should be sufficient to allow smaller mammals, reptiles and tortoises to pass through (tortoises retreat into their shells when electrocuted and eventually succumb from repeated shocks), but still remain effective as a security barrier.
 114. All new power lines must be marked with bird flight diverters along their entire length. To create a net benefit, where possible, the new lines must run parallel to existing marked lines so as to reduce the collision risk posed by the older lines.
 115. The poles should be fitted with bird perches on top of the poles to draw birds, particularly vultures away from the potentially risky insulators.
 116. All pylons to be constructed should make use of "bird friendly" monopole structures, fitted with a bird perch, as per Eskom standard guidelines.
-

117. During operation, any electrocution and collision events that occur should be recorded, including the species affected and the date. If repeated collisions occur within the same area, then, further mitigation and avoidance measures may need to be implemented.
118. The recommendations of the EAP in the EIA dated July 2014 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

General

119. 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.
120. 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.
121. 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: 11 August 2014



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 listed activities as applied for in the amended application form dated July 2014;
- b) The information contained in the EIAr;
- c) The comments received from the, Eskom, the Department of Agriculture Forestry and Fisheries, the Department of Water Affairs, the Ramotshere Moiloa Local Municipality, the South African Civil Aviation Authority, Transnet, the Department of Public Works and Roads, the South African Heritage Resources Agency and the Department of Rural Environmental and Agricultural Development, and interested and affected parties as included in the EIAr;
- d) Mitigation measures as proposed in the EIAr and the EMPr;
- e) The information contained in the specialist studies contained within Annexure G of the EIAr and as appears below:

Title	Prepared by	Date
Archaeological Impact Assessment	A Pelsler Archaeological Consulting	October 2013
Vegetation and flora diversity Impact assessment	EcoAgent Ecology & Biodiversity Consultants	December 2013
Avian Impact Assessment	EcoAgent Ecology & Biodiversity Consultants	November 2013
Fauna Impact Assessment	Hennie Erasmus Environmental Consultants	N/A
Visual Impact Assessment	Landscape Architects and Environmental Planners	December 2013
Agricultural Impact Assessment	Johan Lanz	December 2013

- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).



2. Key factors considered in making the decision

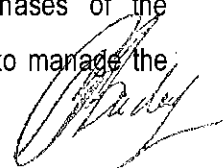
All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) Details provided of the qualifications of the Environmental Assessment Practitioner (EAP).
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems from the provision of electricity to the national grid in terms of the Renewable Energy Independent Power Producers Procurement Programme (RRIPPPP) as required by the Department of Energy.
- d) The EIA identified all legislation and guidelines that have been considered in the preparation of the EIA.
- e) The description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- f) The methodology used in assessing the potential impacts identified in the EIA and the specialist studies have been adequately indicated.
- g) 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 EIA 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 EIA is deemed to be accurate and credible.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIA 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.

A handwritten signature in black ink, appearing to be 'A. B. Dey', is located in the bottom right corner of the page.



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: 14/12/16/3/3/2/586/AM1

Enquiries: Ms Thulisile Nyalunga

Telephone: (012) 399 9405 **E-mail:** TNyalunga@environment.gov.za

Ms Olga Louise Erasmus
Re Capital 2 (Pty) Ltd
PO Box 704
GREENPOINT
8051

Telephone Number: (021) 424 1189
Fax Number: (086) 613 8886

PER FACSIMILE / MAIL

Dear Erasmus

AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 11 AUGUST 2014 FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC RENEWABLE ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE ON PORTION 15 OF THE FARM KAMEELDOORN NO. 271-JS AND PORTION 14 OF THE FARM KRUISRIVER NO. 270, ZEERUST, RAMOTSHERE MOILOA LOCAL MUNICIPALITY, NGAKA MODIRI DISTRICT MUNICIPALITY IN THE NORTH WEST PROVINCE

The Environmental Authorisation (EA) for the above application issued by this Department on 11 August 2014 and your application for amendment to the Environmental Authorisation received by this Department on 14 August 2014 refers.

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 11 August 2014 as follows:

Amendment 1: Amendment to Condition 50:

Page 15 of the EA:

From:

"A 500m-1000m buffer zone around the reservoir at the top of the ridge must be implemented to help in reducing the visual scaring of the facility."

To:

"A 100m buffer zone around the reservoir at the top of the ridge must be implemented to help in reducing the visual scaring of the facility."

Amendment 2: Amendment to include a listed activity:

The following must be included on page 04 of the EA:

“GN R.546 Item 13:

The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for....

e) In North West:

i. Outside urban areas, in:

ee) Critical biodiversity areas (Type 1 only) and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve.”

Amendment 3: Amendment to Condition 48:

Page 15 of the EA:

The applicant must implement a 32m buffer zone for the watercourses and ensure that no roads cross the watercourses.

Is hereby amended to:

The holder of the EA must construct a fence to exclude the watercourse and its 32 m buffer from the development site. No roads should cross the watercourse except if a proper bridge is constructed. Should the holder of the EA require to construct a bridge, an environmental authorisation must be obtained from the relevant competent authority prior to construction commencing, i.e. GN R. Item 11 (iii).

This proposed amendment letter must be read in conjunction with the EA dated 11 August 2014.

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

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

Appeals must be submitted in writing to:

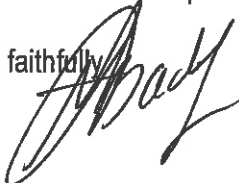
Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: AppealsDirectorate@environment.gov.za

Further, please note that the Minister may, on receipt of appeals against the amendment or conditions thereof, suspend the decision 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:

cc:	Mr Dale Holder	Cape Environmental Assessment Practitioners (Pty) Ltd	Tel: (044) 874 0365	Fax: (044) 874 0432
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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"> • 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:-

- 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;
- 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:-

- the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

3. An appeal must be:-

- submitted in writing;
- 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

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Tel (+ 27 12) 399 9372

NEAS Reference: DEA/EIA/0002623/2014

DEA Reference: 14/12/16/3/3/1/1306

Enquiries: Ms Makhosi Yeni

Telephone: (012) 399 9400 **E-mail:** MYeni@environment.gov.za

Ms Olga Louise Erasmus
Re Capital 2 (Pty) Ltd
PO Box 704
GREENPOINT
8051

Telephone number: (021) 4241189
Cell phone Number: 083 3241974
E-mail Address: louise@atlanticep.com

PER EMAIL / MAIL

Dear Ms Erasmus

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GNR. 544/546: FOR THE PROPOSED CONSTRUCTION OF A 132kV POWERLINE AND ONSITE SUBSTATION TO CONNECT THE APPROVED RE CAPITAL 2 SOLAR DEVELOPMENT TO THE NATIONAL ENERGY GRID VIA THE ESKOM ZEERUST SUBSTATION ON PORTION 15 OF THE FARM KAMEELDOORN 271 AND PORTION 14 OF THE FARM KRUISRIVER NO. 270, ZEERUST, RAMOTSHERE MOILOA LOCAL MUNICIPALITY, NGAKA MODIRI DISTRICT MUNICIPALITY IN THE NORTH WEST PROVINCE

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

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

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

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

By post: Private Bag X 447,
Pretoria,
0001; or

M.S

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

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).

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

Yours faithfully



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

Date: 25/07/2016

CC:	Mr Dale Holder	Cape Environmental Assessment Practitioners Pty Ltd	Tel: (044) 874 0432	Email: dale@cape-eaprac.co.za
	Ouma Skosana	North West DREAD	Tel: (018) 389 5156	Email: oskosana@nwpg.gov.za
	Crosby Maema	Ramotshere Moiloo Local Municipality	Tel: (018) 642 1081	Email: maema@ramotshere.gov.za

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

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of 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 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 a new substation and a single 132kV overhead power line to connect the approved RE Capital 2 Solar Development to the National Energy Grid via the Eskom Zeerust Substation

Ngaka Modiri District Municipality

Authorisation register number:	14/12/16/3/3/1/1306
NEAS reference number:	DEA/EIA/0002623/2014
Last amended:	First issue
Holder of authorisation:	Re Capital 2 (Pty) Ltd
Location of activity:	North West Province: Portion 15 of the Farm Kameeldoorn 271 and Portion 14 of the Farm Kruisriver No. 270 of Ramotshere Moiloa 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.

M.S

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 –

RE CAPITAL 2 (PTY) LTD

with the following contact details –

Ms Olga Louise Erasmus

Re Capital 2 (Pty) Ltd

P O Box 704

GREENPOINT

8051

Telephone number: (021) 424 1189

Fax number: (086) 613 8886

Cell phone Number: (071) 609 9395

E-mail Address: louise@rerecapital.com

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

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10(i):</u> <i>"The construction of facilities or infrastructure for the transmission and distribution of electricity:</i> (i) <i>outside urban areas or industrial complexes with a capacity of more than 33 kilovolts but less than 275 kilovolts..."</i></p>	<p>The construction of a 132kV overhead power line connecting the proposed on site 88kV/33kV substation to the existing Zeerust Substation.</p>
<p><u>GN R.546 Item 12 (b)</u> <i>The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation</i> (b) <i>within critical biodiversity areas identified in bioregional plans</i></p>	<p>The clearance of approximately 9600 square metres for the construction of the facility substation.</p>

as described in the Basic Assessment Report (BAR) dated 22 April 2016 at:

Preferred Site: Alternative 3 for Substation	Latitude	Longitude
	25° 34' 44.75" S	26° 04' 34.60" E
Power line: Preferred Route Alternative 3		
Start point	25° 34' 44.75" S	26° 04' 34.60" E
Medium point	25° 34' 27.26" S	26° 04' 46.99" E
End point	25° 34' 22.28" S	26° 05' 07.52" E

- for the proposed construction of a new substation and a single 132kV overhead power line to connect the approved RE Capital 2 Solar Development to the National Energy Grid via the Eskom Zeerust Substation on Portion 15 of the Farm Kameeldoorn 271 and Portion 14 of the Farm Kruisriver No. 270 in Ramotshere Moiloa Local Municipality of Ngaka Modiri District Municipality within North West Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- A 132kV power line to link the internal substation to the Zeerust Substation;
- A new substation (88kV/33kV) that will link to the existing Eskom 132kV Zeerust Substation; and
- The substation and power line must be situated within the 300m assessed corridor.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred route Alternative 3 for the 132kV power line and on site substation to connect the approved RE Capital 2 Solar Development to the National Energy Grid via the Eskom Zeerust Substation on Portion 15 of the Farm Kameeldoorn 271 and Portion 14 of the Farm Kruisriver No. 270, in Ramotshere Moiloa Local Municipality of Ngaka Modiri District Municipality within the North West Province with the above mentioned coordinates is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
6. This activity must commence within a period of five (5) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.

8. The holder of an environmental authorisation must apply for an amendment of environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
- 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
- 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. 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 shall 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 shall 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 shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 13.5. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and reporting to the Department

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. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached

thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Notification to authorities

20. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

21. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

22. 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


23. The Applicant and the contractors must ensure that designated access tracks to the proposed site and power line servitude is created such that it is aligned with existing roads on site.
24. If concentrations of historical and pre-colonial archaeological heritage material and/or human remains (including graves and burials) are uncovered during construction, all work in the immediate area affecting the findings must cease immediately and be reported to the South African Heritage Resources Agency (SAHRA) and an archaeologist must be appointed at the cost of the Proponent so that systematic and professional investigation/excavation can be undertaken.
25. 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.

26. All disturbed areas must be rehabilitated and re-seeded with indigenous plants at the end of the construction phase.
27. 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).

General

28. 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.
29. 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.
30. 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: 25/07/2016



Mr Sabelo Malaza

**Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs**

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The information contained in the BAR dated 22 April 2016;
- b) The comments received from the Department of Agriculture, Forestry and Fisheries (DAFF); Department of Rural, Environmental and Agricultural Development; and interested and affected parties as included in the BAR dated 22 April 2016;
- c) Mitigation measures as proposed in the BAR dated 22 April 2016 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the BAR; and
- e) The objectives and requirements of relevant legislations, 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 need for the proposed project stems from the provision of electricity to the national grid in terms of the Renewable Energy Independent Power Producers Procurement Programme (RRIPPPP) as required by the Department of Energy.
- c) The BAR dated 22 April 2016 identified all legislations and guidelines that have been considered in the preparation of the BAR dated 22 April 2016.
- d) The methodology used in assessing the potential impacts identified in the BAR dated 22 April 2016 and the specialist studies have been adequately indicated.
- e) 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 BAR dated 22 April 2016 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) 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: 14/12/16/3/3/2/586

Enquiries: Mr Mahlatse Shubane

Telephone: 012 399 9417 **E-mail:** Mshubane@environment.gov.za

Ms Olga Louise Erasmus
Re Capital 2 (Pty) Ltd
PO Box 51060
CAPE TOWN
8002

Telephone Number: (021) 418 2596
Email Address: louise@atlanticep.com

PER E-MAIL / MAIL

Dear Ms Erasmus

APPROVAL OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME AND FINAL LAYOUT PLAN FOR THE PROPOSED CONSTRUCTION OF A 75MW PHOTOVOLTAIC RENEWABLE ENERGY FACILITY AND ITS ASSOCIATED POWERLINES ON PORTION 15 OF THE FARM KAMEELDOORN NO. 271-JS AND PORTION 14 OF THE FARM KRUISRIVER NO. 270, ZEERUST, RAMOTSHERE MOILOA LOCAL MUNICIPALITY, NGAKA MODIRI DISTRICT MUNICIPALITY IN THE NORTH WEST PROVINCE

The Environmental Management Programme (EMPr) and the Layout Plan dated May 2016 for the abovementioned project and received by this Department on 27 July 2016, refer.

This Department hereby approves the EMPr and Layout Plan for the abovementioned project. The EMPr and Layout Plan adequately addresses all the requirements of Conditions 12, 14 and 19 of the Environmental Authorisation (EA) issued on 11 August 2014. This EMPr and Layout Plan approval must be read in conjunction with all the conditions of the EA dated 11 August 2014.

This EMPr may be amended from time to time as and when the need arises. For future amendments to this EMPr your attention is drawn to the process outlined in the EIA Regulation, 2014. Amendments to the EMPr must be approved by this Department prior to the implementation of said amendments.

Yours faithfully

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

Date: 22/08/2016

cc:	Mr Dale Holder	Cape EAPrac	Email: dale@cape-eaprac.co.za
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M.S



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: 14/12/16/3/3/1/1601

Enquiries: Ms Nonhlahla Mkhwanazi

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

Mr Andrew Melville Johnson
RE Capital 2 (Pty) Ltd
1st Floor, West Quay Building
7 West Quay Road, Waterfront
CAPE TOWN
8000

Telephone Number: (010) 595 7015
Email Address: ajohnson@terraform.com

PER E-MAIL / MAIL

Dear Mr Johnson

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/985 FOR THE 10 MW EXPANSION OF THE RE CAPITAL 2 SOLAR DEVELOPMENT ON PORTION 15 OF THE FARM KAMEELDOORN 271, ZEERUST WITHIN THE RAMOTSHERE MOILOA LOCAL MUNICIPALITY IN THE NORTH WEST PROVINCE

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

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (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 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 registered interested and affected parties by the applicant.

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

By hand: Environment House
473 Steve Biko Road,
Arcadia,
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.

MS

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).

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

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 06/10/2016

cc:	Mr Dale Holder	Cape Environmental Assessment Practitioners (Cape EAPrac)	Email: dale@cape-eaprac.co.za
	Ms Ouma Skosana	DEDECT	Email: oskosana@nwpg.gov.za



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014

The 10 MW Expansion of the RE Capital 2 Solar Facility on Portion 15 of the Farm Kameeldoorn 271,
Zeerust within the Ramotshere Moiloa Local Municipality in the North West Province

Ngaka Modiri District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1601</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>RE Capital 2 (Pty) Ltd</i>
Location of activity:	<i>Portion 15 of the Farm Kameeldoorn 271 within the Ramotshere Moiloa Local Municipality in the North West Province</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 environmental 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 No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

RE CAPITAL 2 (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Andrew Melville Johnson
1st Floor, West Quay Building
7 West Quay Road, Waterfront
CAPE TOWN
8000

Telephone Number: (010) 595 7015
Cell phone Number: (081) 038 2443
Fax Number: (010) 595 7015
Email Address: ajohnson@terraform.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983 and GN R.985):

Activity number	Activity description
<p><u>GN R. 983 Item 1:</u> <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where –</i> <i>(ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare..."</i></p>	<p>This activity is deemed to be relevant to the proposed RE Capital 2 Expansion, as the electricity generated on this expansion area will be approximately 10 megawatts and the extent of the facility will be approximately 19ha.</p>
<p><u>GN R. 983 Item 12:</u> <i>"The development of-</i> <i>(xii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <i>where such development occurs-</i> <i>(a) within a watercourse;</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse"</i></p>	<p>The proposed RE Capital 2 Expansion area includes the construction of a road and culvert with a physical footprint of approximately 600m² within 32m of a non-perennial watercourse.</p>
<p><u>GN R. 983 Item 19:</u> <i>"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</i> <i>(i) a watercourse."</i></p>	<p>The proposed RE Capital 2 Expansion area includes the construction of a road and culvert within 32m of a non-perennial watercourse. The section of road crossing the watercourse (which will include the box culverts) will be 5m wide with 1m shoulder either side.</p>
<p><u>GN R. 983 Item 27:</u> <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation."</i></p>	<p>The expansion of the RE Capital 2 solar development will require the removal of approximately 19ha of vegetation.</p>

<p><u>GN R. 985 Item 4:</u></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><i>i. Outside urban areas, in:</i></p> <p><i>(ee) Critical biodiversity areas (Terrestrial Type 1 and 2) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>The road between the authorised footprint and the proposed expansion area will have a width of approximately 4.5m.</p>
<p><u>GN R. 985 Item 12:</u></p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>(a) In North West provinces:</i></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans."</i></p>	<p>Approximately 19 hectares will be cleared of vegetation for the purposes of this expansion.</p>
<p><u>GN R. 985 Item 14:</u></p> <p><i>The development of-</i></p> <p><i>(xii) infrastructure or structures with a physical footprint of 10 square metres or more;</i></p> <p><i>Where such development occurs –</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>(e) In North West:</i></p> <p><i>i. Outside urban areas, in:</i></p> <p><i>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p>	<p>The road crossing and culvert between the exiting authorised footprint and the expansion area will cross the watercourse and the total footprint of this infrastructure will be 600m² within 32m of the watercourse.</p>

as described in the Basic Assessment Report (BAR) dated 27 July 2016 at:

21 SG Code:

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Preferred Site	Latitude	Longitude
Expansion Area North East Corner	25°34'3.62"S	26° 3'51.64"E
Expansion Area North West Corner	25°34'3.57"S	26° 3'43.04"E
Expansion Area South Western Corner	25°34'32.28"S	26° 3'29.77"E
Expansion Area South Eastern Corner	25°34'32.31"S	26° 3'34.00"E

Preferred Access route	Latitude	Longitude
Access Road beginning (i.e. where it exits the authorised footprint)	25°34'21.70"S	26° 3'42.47"E
Access Road middle	25°34'21.66"S	26° 3'41.18"E

- for the 10 MW Expansion of the RE Capital 2 Solar Facility on Portion 15 of the Farm Kameeldoom 271, Zeerust within the Ramotshere Moiloa Local Municipality in the North West Province, hereafter referred to as "the property".

The proposed RE Capital 2 Solar Facility expansion will comprise the following:

- Construction of approximately 19ha of horizontally mounted single axis PV trackers on the expansion area;
- Generation of approximately 10 Megawatts (MW) of electricity from the expansion area;
- Construction of road and cable crossing over the non-perennial drainage line;
- Construction of internal road network;
- Construction of Inverter Stations;
- Construction of perimeter fencing; and
- Construction of cabling associated with the facility.

Technical details of the proposed facility:

Component	Description/ Dimensions
Location of the site	Portion 15 of the Farm Kameeldoom, 271
Footprint of the activity	±19ha
Site access	Access will be via the already authorised RE Capital 2 Solar Facility.
Export capacity	10MW
Proposed technology	Photovoltaic (PV). Horizontal Mounted Single Axis PV Trackers.
Width of internal roads	4m

Conditions of this Environmental Authorisation

Scope of authorisation

1. The 10 MW Expansion of the RE Capital 2 Solar Facility on Portion 15 of the Farm Kameeldoom 271, Zeerust within the Ramotshere Moiloa Local Municipality in the North West Province as described above is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.

6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
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 terms of the National Appeal Regulations, 2014.

Commencement of the activity

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any

provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

14. The preferred layout plan reference "No. ZA-14-0046" submitted as part of the BAR is hereby approved.
15. The Environmental Management Programme (EMPr) submitted as part of the application for EA is hereby approved. This EMPr must be implemented and adhered to.
16. The EMPr must be implemented and strictly enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development when approved.
17. Should the holder of this environmental authorisation propose any changes to the EMPr, the holder of this environmental authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.
18. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.
19. A shapefile of the development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 or specify if an alternative scale was used. The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:

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

Frequency and process of updating the EMPr

20. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 27 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
21. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
22. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
23. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
24. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

25. The holder of the authorisation must appoint an 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 environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 25.1. The ECO must be appointed before commencement of any authorised activities.
 - 25.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 25.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 25.4. 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

26. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
27. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
28. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
29. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
30. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.

31. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

32. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

33. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

34. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

Non-operational aspects

35. No development must be allowed close to the stone walled settlement sites on and around the hills and outcrops of Site 12 and 13. They must be demarcated (fenced-in) and a Heritage Management Plan for the archaeological sites in the area must be drafted and be implemented. The Heritage Management Plan must be submitted to SAHRA for approval, and once approved, included into the EMPr.
36. No development should occur within the 1:100 year flood line.
37. All wetlands on site must be treated as "no-go" areas.
38. The footprint of the development must be limited to the areas required for actual construction works and operational activities.

39. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
40. Contractors and construction workers must be clearly informed of the no-go areas.
41. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
42. 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 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 kept by the ECO.
43. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
44. All areas of disturbed soil must be reclaimed using only indigenous vegetation.
45. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
46. Wetlands, rivers and river riparian areas must be treated as "no-go" areas and appropriately demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
47. No discharge of effluents or polluted water must be allowed into any rivers or wetland areas.
48. No spoil material, including stripped topsoil, must be temporarily stockpiled within 30 m of freshwater ecosystems identified to be of low or moderate conservation importance and 50 m of freshwater ecosystems identified to be of high conservation importance.
49. Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
50. Anti-erosion measures such as silt fences must be installed in disturbed areas.
51. No activities will be allowed to encroach into a water resource without a Water Use License being in place from the Department of Water and Sanitation (DWS).
52. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
53. Disturbed areas must be rehabilitated as soon as possible after construction and local indigenous plants must be used to enhance the conservation of existing natural vegetation on site.

54. Workers must be made aware of the importance of not polluting rivers or wetlands and the significance of not undertaking activities that could result in such pollution, and this awareness must be promoted throughout the construction phase.
55. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuters, consideration must be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
56. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
57. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
58. Signage must be erected at appropriate points warning of turning traffic and the construction site.
59. Construction vehicles carrying materials to the site must avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
60. Should abnormal loads have to be transported by road to the site, a permit must be obtained from the relevant Provincial Government.
61. All construction vehicles must adhere to a low speed limit to avoid collisions with susceptible species such as snakes and tortoises.
62. The holder of this authorisation 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.
63. The holder of this authorisation 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.
64. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
65. No unsupervised open fires for cooking or heating must be allowed on site.
66. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
67. The holder of this authorisation must provide sanitation facilities within the construction area and along the road so that workers do not pollute the surrounding environment. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste disposal site.

68. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations, 2014.
69. 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.
70. Borrow materials must be obtained only from authorized and permitted sites. Permits must be kept on site by the ECO.
71. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
72. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
73. A pre-construction survey of the final development footprint must be conducted to ascertain the identity and exact number of individuals of protected species affected by the proposed development. Prior to the commencement of construction, a rescue and rehabilitation operation for these species which could survive translocation must be conducted.
74. No construction activities can commence without having obtained the necessary permits for threatened or protected species (ToPS) listed and provincially protected species within the study area.
75. Any vegetation clearing that needs to take place as part of maintenance activities, must be done in an environmentally friendly manner, including avoiding the use of herbicides and using manual clearing methods wherever possible.
76. All construction vehicles must remain on properly demarcated roads. No construction vehicles must be allowed to drive over the vegetation except where no cleared roads are available. In such cases a single track must be used and multiple paths must not be formed. Where temporary access roads are created, they must be rehabilitated as outlined in the rehabilitation plan after completion of construction.
77. Regular monitoring for erosion must take place to ensure that no erosion problems are occurring at the site as a result of the roads and other infrastructure. All erosion problems observed must be rectified as soon as possible as outlined in the erosion management plan within the EMPr.
78. Excavations must be inspected regularly in order to rescue trapped animals.
79. An appropriately designed and effective stormwater management system must be implemented.
80. Kerbs and storm water channels must be designed in such a way that they can allow small animals and reptiles to move freely.

81. Top soil and subsoil must be stockpiled separately and replaced according to the correct profile i.e. topsoil replaced last. Stockpiles must not be situated such that they obstruct natural water pathways and drainage channels.
82. Top soil stockpiles must not exceed 2m in height, stockpiles older than 6 months must be enriched before they can be used to ensure the effectiveness of the topsoil.
83. Any fauna directly threatened by the construction activities must be removed to a safe location by a suitably qualified person.
84. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
85. The collection, hunting, or harvesting of any plants or animals at the site is strictly forbidden.
86. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and must be dark-sky friendly.
87. Electric fencing must not have any strands within 30cm of the ground, which must be sufficient to allow smaller mammals, reptiles and tortoises to pass through (tortoises retreat into their shells when electrocuted and eventually succumb from repeated shocks), but still remain effective as a security barrier.
88. The recommendations of the EAP in the BAR dated 27 July 2016 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

Operational aspects

89. A 32 meter buffer must be placed around all wetlands on site and must be treated as "no-go" areas.
90. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
91. All declared aliens must be identified and managed in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983). There must be an alien species monitoring and eradication program to prevent encroachment of these problem plants for the duration of the operation. This must form part of the EMPr and must aim to address alien plant problems within the whole site, not just the

development footprint. A rehabilitation strategy, with follow-up for at least two years after construction were completed, must also form part of the EMPr.

92. The washing of panels during maintenance must be done with biodegradable soaps to avoid soil contamination and poisoning of small animals.
93. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and must be dark-sky friendly.
94. During operation, any electrocution and collision events that occur must be recorded, including the species affected and the date. If repeated collisions occur within the same area, then, further mitigation and avoidance measures may need to be implemented.
95. The recommendations of the EAP in the BAR dated July 2016 and the specialist studies attached must be adhered to.
96. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

General

97. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 97.1. at the site of the authorised activity;
 - 97.2. to anyone on request; and
 - 97.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
98. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 06/10/2016.

Mil Solomons

Ms Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The listed activities as applied for in the application form received on 04 July 2016.
- b) The information contained in the BAR dated 27 July 2016.
- c) The comments received from all organs of state such as SAHRA, Sentech and interested and affected parties as included in the BAR dated 27 July 2016.
- d) Mitigation measures as proposed in the BAR and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated 27 July 2016 and as appears below:

Title	Prepared by	Date
Visual Impact Assessment	VRM Africa	18 April 2016
Aquatic Ecological Impact Assessment	Scherman Colloty & Associates	April 2016
Heritage Impact Assessment	A Pelsers Archaeological Consulting	April 2016
Hydrological Study	Jeffares & Green	June 2016
Ecological Study	EcoAgent Ecology and Biodiversity Assessment	December 2013

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) This expansion forms part of an already authorised renewable energy facility (Reference No. 14/12/16/3/3/2/586) that has been selected as a preferred bidder.

MS.

- d) The BAR dated 27 July 2016 identified all legislation and guidelines that have been considered in the preparation of the report.
- e) The methodology used in assessing the potential impacts identified in the BAR dated 27 July 2016 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the BAR dated 27 July 2016 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 BAR dated 27 July 2016 is deemed to be 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 phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

MS



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel(+ 27 12) 399 9372
Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: iabader@environment.gov.za

Mrs. Milicent Solomons
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 05 OCTOBER 2016 UNTIL 06 OCTOBER 2016

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 05 October 2016 until 06 October 2016 while Mr. Sabelo Malaza 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 Authorisations 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, 1996 (Proclamation No. 21 of 1996), 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. Ishaam Abader
DDG LACE

Date: 27/09/2016

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~ appointment
as Acting Chief Director: integrated
environmental authorisations

Signed: 

Date: 28/09/2016



environmental affairs

Department:
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REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/1/1601/AM1

Enquiries: Ms Nonhlahla Mkhwanazi

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

Mr Andrew Melville Johnson
RE Capital 2 (Pty) Ltd
1st Floor, West Quay Building
7 West Quay Road, Waterfront
CAPE TOWN
8000

Telephone Number: (010) 595 7015
Email Address: ajohnson@terraform.com

PER EMAIL / MAIL

Dear Mr Johnson

CORRECTION TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 06 OCTOBER 2016 FOR THE EXPANSION OF THE RE CAPITAL 2 SOLAR DEVELOPMENT ON PORTION 15 OF THE FARM KAMEELDOORN 271, ZEERUST WITHIN THE RAMOTSHERE MOILOA LOCAL MUNICIPALITY IN THE NORTH WEST PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 06 October 2016 and your correspondence dated 10 October 2016 regarding the proposed correction to the decision refer.

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

Condition 36 is hereby amended in the EA issued on 06 October 2016:

From:

No development should occur within the 1:100 year floodline.

To:

No PV panels should be placed within the 1:100 year floodline.

This amendment letter must be read in conjunction with the EA decision issued on 06 October 2016.

Yours faithfully


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

Date: 03/11/2016

cc:	Mr Dale Holder	Cape Environmental Assessment Practitioners (Cape EAPrac)	Email: dale@cape-eaprac.co.za
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M.S



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/1/1601/AM2

Enquiries: Mr Muhammad Essop

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

Mr Andrew Melville Johnson
RE Capital 2 (Pty) Ltd
1st Floor, West Quay Building
7 West Quay Road, Waterfront
CAPE TOWN
8000

Telephone Number: (010) 595 7015
Email Address: ajohnson@terraform.com

PER EMAIL / MAIL

Dear Mr Johnson

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 06 OCTOBER 2016 FOR THE 10 MW EXPANSION OF THE RE CAPITAL 2 SOLAR FACILITY ON PORTION 15 OF THE FARM KAMEELDOORN 271, ZEERUST WITHIN THE RAMOTSHERE MOILOA LOCAL MUNICIPALITY IN THE NORTH WEST PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 06 October 2016, the amendment to the EA dated 03 November 2016 and your application for amendment of the EA received on 07 December 2016, refer.

The applicant wishes to amend the EA for the abovementioned project as follows:

- Amend the 21 Digit SG Code as listed in the EA;
- Amend the coordinates of the authorised access road;
- Amend the coordinates of the authorised development footprint and,
- Include GN R. 983 Item 28 into the EA.

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, has decided to amend the EA dated 06 October 2016 as amended as follows:

Amendment 1: Amendment to the 21 Digit SG code:

Page 05 of the EA:

T	0	J	0	0	0	0	0	0	0	0	0	2	7	1	0	0	0	0	1	5
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Is hereby amended to:

T	0	J	P	0	0	0	0	0	0	0	0	2	7	1	0	0	0	1	5
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MS

The applicant applied to correct the details of the 21 SG code as it was recorded incorrectly in the EA. This is a Part 1 amendment and has no change on scope and is hereby granted.

Amendment 2: Amendment to the co-ordinates of the authorised development:

The tables on page 05 of the EA:

Preferred Site	Latitude	Longitude
Expansion Area North East Corner	25°34'3.62"S	26° 3'51.64"E
Expansion Area North West Corner	25°34'3.57"S	26° 3'43.04"E
Expansion Area South Western Corner	25°34'32.28"S	26° 3'29.77"E
Expansion Area South Eastern Corner	25°34'32.31"S	26° 3'34.00"E

Is hereby amended to:

Preferred Site	Latitude	Longitude
North West Corner	25° 34'04.51997"S	26° 03'43.25830"E
North East Corner	25° 34'04.57496"S	26° 03'51.84933"E
South East Corner	25° 34'33.27520"S	26° 03'34.24266"E
South West Corner	25° 34'33.24794"S	26° 03'30.00347"E

and

Preferred Access route	Latitude	Longitude
Access Road beginning (i.e. where it exits the authorised footprint)	25°34'21.70"S	26° 3'42.47"E
Access Road middle	25°34'21.66"S	26° 3'41.18"E

Is hereby amended to:

Preferred Access route	Latitude	Longitude
Access Road beginning (i.e. where it exits the authorised footprint)	25° 34'23.20"S	26° 03'37.58"E
Access Road Middle	25° 34'23.25"S	26° 03'43.72"E
Access Road End (where it enters the expansion area)	25° 34'23.28"S	26° 03'47.37"E

The applicant applied to correct the details of the authorised development footprint and preferred access road of the activity which were contained in the initial application. It must be noted that the original application form omitted to include the access road end point. Additionally, due to detailed surveying, more accurate co-ordinates were determined, as the original coordinates were determined using google earth imagery. This is a Part 1 amendment and has no change on scope as the development footprint and access road remain in the same position as previously assessed and is hereby granted.

Amendment 3: Amendment to include a listed activity into the EA:

The applicant wishes to amend the EA to include GN R. 983 Item 28 to the list of activities authorised as part of the development.

Based on a review of the application for amendment as indicated above and the supporting documentation to amend the above EA, this Department, in terms of Regulation 33(1) of the Environmental Impact Assessment

Regulations, 2014, has decided not to amend the EA dated 06 October 2016 as amended. The reasons for the decision are provided below:

Following a review of the application for amendment of the EA received on 07 December 2016 and the supporting motivation provided, the Department is of the view that the amendment process cannot be followed to include specific activities that were not assessed and applied for in the Environmental Impact Assessment Process.

This Department did not receive an amended application form and the final Basic Assessment Report (prepared by Cape Environmental Assessment Practitioners (Pty) Ltd and dated 27 July 2016) did not include Activity 28(ii) of GNR 983. As such, this Department is of the opinion that the activity in question was not applied for whilst the EAP states that the impacts was assessed since the change in land use was assessed in the BAR. In view of the above, this Department will not consider the application for amendment.

This Department advises that the applicant submits a new application for Environmental Authorisation. Please note that the Department of Environmental Affairs may not be the competent authority and the application must be lodged with the respective competent authority. Should this Department not be the relevant competent authority, a request for delegation for the Department of Environmental Affairs to process the application can be requested from the respective competent authority.

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.

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:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: 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 or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



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

Date: 11/01/2017

cc:	Mr Dale Holder	Cape Environmental Assessment Practitioners (Pty) Ltd	Email: dale@cape-eaprac.co.za
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