



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

THE SASOL COMMERCIAL 75MW PHOTOVOLTAIC (PV) / CONCENTRATED PHOTOVOLTAIC
(CPV) FACILITY ON FARM VAN ROOI'S VLEY 447 AND 448 NEAR UPINGTON, NORTHERN CAPE
PROVINCE

Siyanda District Municipality

Authorisation register number:	14/12/16/3/2/336
NEAS reference number:	DEA/EIA/0001194/2012
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Sasol New Energy Holdings (Pty) Ltd</i>
Location of activity:	<i>NORTHERN CAPE PROVINCE: Within the Kai! Garib Local Municipality</i>

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

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

SASOL NEW ENERGY HOLDINGS PTY (LTD) (SNE)

with the following contact details –

Mr Shane Pillay
Sasol New Energy Holdings Pty (Ltd)
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JOHANNESBURG
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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 or 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10:</u></p> <p><i>The construction of facilities or infrastructure for the transmission and distribution of electricity -</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;</i></p>	<p>The capacity of the transmission line will be 132 kilovolts.</p>
<p><u>GN R. 544 Item 11:</u></p> <p><i>The construction of: (i) canals; (ii) channels; (iii) bridges; (iv) dams (v) weirs; (x) buildings exceeding 50 square metres in size; or (xi) infrastructure or structures covering 50 square metres or more; where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</i></p>	<p>Project infrastructure may be constructed within 32 meters of the drainage lines which occur on the site.</p>
<p><u>GN R. 545 Item 1:</u></p> <p><i>The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</i></p>	<p>The facility will have an electricity output of approximately 75MW</p>
<p><u>GN R. 545 Item 15:</u></p> <p><i>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for:</i></p> <p><i>(i) linear development activities; or</i></p> <p><i>(ii) agriculture or afforestation where activity 16 in this Schedule will apply.</i></p>	<p>The development will have a footprint of approximately 200ha. The facility will be located on Farm Van Rooi's Vley 447 & 448, outside the urban edge.</p>

as described in the Environmental Impact Report dated March 2013 at:



Alternative S1	Latitude	Longitude
Middle point of activity	28° 26' 21" S	21° 0' 50" E

- for the proposed commercial photovoltaic (PV) and/or concentrated photovoltaic (CPV) facility of approximately 75 MW on Farm Van Rooi's Vley 447 and 448. The site is approximately 25km west of Upington and 26km north of Keimoes, and is located within the Kai! Garib Local Municipality, within the Siyanda District Municipality, Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- A solar field consisting of a PV or CPV solar panel array, or a combination of both technologies. For either PV or CPV technology, the overall footprint will remain the same. The height of the panels will be no higher than 8 meters;
- Connection infrastructure in the form of a 132kV transmission line, inverters and connection to the proposed Eskom Transmission substation on the adjacent Farm Olyvenhouts (the site of Eskom's recently authorised CSP facility). Connection to the substation location will be via underground cables along the site's eastern boundary and via overhead transmission lines from the proposed site boundary to the proposed substation.
- Internal access roads, which will be constructed as a network of gravel roads. These roads will be kept to a minimum and will provide for a 5 m wide gravel external boundary road and a 5 m wide gravel road between the solar field and the 'common area'.
- A control room and administrative office blocks. The office complex will consist of offices, a conference room, a meeting room, ablutions and refreshment facilities.
- Security infrastructure. Security offices and facilities will be provided at the entrance gate and will serve as a security access control point. The project site will have a 3 m high demarcation fence and will have a patrol zone, cleared of vegetation, approximately 3 m wide, on the inside of the fence.

The total footprint for the facility is 200ha.

Conditions of this Environmental Authorisation

Scope of authorisation

1. Authorisation is granted for the construction of a 75MW Photovoltaic (PV) and/or Concentrated Photovoltaic facility with coordinates as indicated above and associated infrastructure within the project footprint of 200ha.
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 years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

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

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.

Monitoring

13. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
 - 13.1. The ECO must be appointed before commencement of any authorised activity/ies.

- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 13.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
17. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Commencement of the activity

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

Notification to authorities

21. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

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

Site closure and decommissioning

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

Specific conditions

24. Pans and large/major drainage lines which occur on or near the development footprint must be demarcated, along with appropriate buffers, by a qualified surface water/wetland ecologist prior to construction. These pans and large/major drainage lines must be treated as no-go areas – no construction is to be allowed in these areas. The particular “large/major drainage lines” referred to in this condition, which require demarcation, must be determined by the specialist.
25. A final walk through of the power line route must be undertaken by a qualified ecologist and qualified heritage specialist, prior to construction, to identify sensitive areas / features that in the opinion of these specialists require protection and must therefore not be destroyed by the activity. The power line must be routed to avoid these sensitive areas / features.
26. A final layout plan, which includes the no-go areas and the preferred power line route as agreed to by the ecologist and heritage specialist (as per conditions 24 and 25 above), must be

- submitted to this Department for approval prior to construction. Once approved, the final layout plan must be attached in the approved EMPr.
27. The spans of the overhead power lines that cross "major drainage lines" (as determined by the wetland specialist in condition 24 above) and skirt water bodies must be marked with Bird Flight Diverters, five metres apart, alternating black and white.
 28. Vegetation clearing must be limited to the development footprint (including the construction camp and temporary lay down areas).
 29. The final development footprint must be searched by a qualified ecologist, prior to construction, for any important species (both flora and fauna) which in the opinion of that specialist requires search and rescue (i.e. the relocation of those species to a safer environment.)
 30. All protected trees within the development footprint must be marked and their location recorded (GPS).
 31. Permits must be obtained from the relevant authorities prior to the removal or destruction of any indigenous protected and endangered plant and animal species. This includes the requirement for obtaining Threatened or Protected Species (TOPS) permits, prior to undertaking a restricted activity on any TOPS specie listed in terms of the National Environmental Management Biodiversity Act (Act 10 of 2004).
 32. An alien clearing programme must be developed and implemented to ensure that alien invasive plants present on the development footprint are removed in terms of CARA. Regular monitoring as part of the EMPr must be undertaken to prevent the spreading of alien invasive plants in the development footprint.
 33. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
 34. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
 35. The recent historical site identified at 28°26.945'S, 21°00.142'E (Site 1) must be temporarily fenced off before construction and for the duration of the construction period. The fence should be erected 10m from the perimeter of this historical Site 1, with no construction or development allowed within the fenced off area. If this historical Site 1 cannot be avoided, a Phase 1b assessment must be undertaken and the appropriate permits obtained from the relevant Heritage Resources Authority in terms of section 35 of the National Heritage Resources Act (Act 25 of 1999).

36. Detailed recording of all Stone Age occurrences within the development footprint must be undertaken by a qualified Stone Age archaeologist and mitigation in the form of a systematic collection of a representative sample must be undertaken before trenching and any other earth-moving activity begins. The distribution of artefacts to be collected must be recorded and shot in with the aid of a surveying instrument, and a photographic record must be established immediately before, during and after mitigation. Phase 2 mitigation permits must be obtained from SAHRA in terms of Section 35 of the National Heritage Resources Act (Act 25 of 1999) before undertaking this mitigation activity.
37. If any new evidence of archaeological sites or artefacts, palaeontological fossils, graves or other heritage resources are found during development or construction, SAHRA and a professional archaeologist and/or palaeontologist, depending on the nature of the finds, must be alerted immediately.
38. A shapefile of the approved development layout/footprint must be submitted to this Department prior to commencement of the construction phase. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title.

The shape file must be submitted to:

Postal Address:

Department of Environmental Affairs

Private Bag X447

Pretoria

0001

Physical address:

Department of Environmental Affairs

Fedsure Forum Building (corner of Pretorius and Lillian Ngoyi Streets)

4th Floor South Tower

315 Pretorius Street

Pretoria
0002

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

General

39. 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.
40. 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.
41. 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: 30 OCTOBER 2013


Mr Ishaam Abader

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

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The information contained in the EIR dated March 2013 and the additional information dated 14 August 2013;
- b) The comments received from the //Khara Hais Municipality, the Department of Agriculture Forestry and Fisheries, the South African Heritage Resources Agency, organs of state and interested and affected parties.
- c) Mitigation measures as proposed in the EIR dated March 2013 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix 7-16 of the EIR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

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

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) Sasol is a significant producer and consumer of electricity and has therefore chosen (through its subsidiary SNE) to focus on cleaner generation options, such as this facility, for both internal consumption as well as grid connected applications. The facility will contribute towards meeting the goals of the Department of Energy's Integrated Energy Plan.
- c) The EIR dated March 2013 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the EIR dated March 2013.
- d) The methodology used in assessing the potential impacts identified in the EIR dated March 2013 and the specialist studies has 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 EIR dated March 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) According to the independent EAP, the information contained in the EIR dated March 2013 is accurate and credible.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

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

