



forestry, fisheries & the environment

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

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

DFFE Reference: 14/12/16/3/3/2/305/1

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Mr Reginald Niemand
ENGIE Genoegsaam (Pty) Ltd.
Building 1 Country Club Estate
21 Woodlands Drive
WOODMEAD
2191

Telephone Number : 021 685 9377
Fax Number : 021 685 9591
Email Address : reggie.niemand@engie.com

PER EMAIL / MAIL

Dear Mr Niemand

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE CONSTRUCTION OF THE 90MW GENOEGSAAM PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON THE REMAINING EXTENT OF PORTION 15 OF THE FARM ZEEVEN FONTEYN NO. 254 IN THE INXUBA YETHEMBA LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE.

The Environmental Authorisation (EA) issued for the above-mentioned application by this Department on 18 June 2013, the EA amendments dated 28 September 2015, 11 April 2016, 09 May 2016, 23 March 2016 and 02 August 2021, your application for amendment of the EA received on 21 September 2021, the acknowledgement thereof dated 01 October 2021, and additional information received on 15 October 2021 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5, Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 18 June 2013 as amended, by issuing a new EA.

The attached EA replaces the previous EA (DFFE reference: 14/12/16/3/3/2/305) dated 18 June 2013 as amended. All further amendments must be lodged on the attached EA.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

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

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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

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

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

By email: appeals@environment.gov.za,

By hand: Environment House
473 Steve Biko Road
Arcadia
PRETORIA
0083; or

By post: Private Bag X447
PRETORIA
0001

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

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

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 15/11/2021

cc:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	E-mail: joanne@savannahsa.com
	Mr Xolela Msweli	Inxuba Yethemba Local Municipality	Email: xwmsweli@iym.gov.za



forestry, fisheries & the environment

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

Environmental Authorisation

In terms of Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014, as amended

**CONSTRUCTION OF THE 90MW GENOEGSAAM PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY AND
ASSOCIATED INFRASTRUCTURE ON THE REMAINING EXTENT OF PORTION 15 OF THE FARM
ZEEVEN FONTEYN NO. 254 IN THE INXUBA YETHEMBA LOCAL MUNICIPALITY, EASTERN CAPE
PROVINCE.**

CHRIS HANI DISTRICT MUNICIPALITY

Authorisation register number:	14/12/16/3/3/2/305/1
Last amended:	<i>Splitting and Re-Issue</i> First Issue: 18 June 2013
Holder of authorisation:	ENGIE Genoegsaam (Pty) Ltd.
Location of activity:	<i>Remaining Extent of Portion 15 of the Farm Zeeven Fonteyn No. 254; Inxuba Yethemba Local Municipality, within the Chris Hani District Municipality, Eastern Cape 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, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

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, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2010, the Department hereby authorises –

ENGIE GENOEGSAAM (PTY) LTD.

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

with the following contact details –

Mr Reginald Niemand
ENGIE Genoegsaam (Pty) Ltd.
Building 1 Country Club Estate
21 Woodlands Drive

WOODMEAD

2191

Telephone Number: 021 685 9377
Fax Number: 021 685 9591
Email Address: reggie.niemand@engie.com

- to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 (GN R544, 545, and 546) of the EIA Regulations, 2010:

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 proposed construction of DC-AC current inverters and transformers and the Independent Power Producer (IPP) portion of the on-site 132kV substation to transmit and distribute the electricity generated. The proposed activities are planned to be undertaken on a farm outside any urban area or industrial complex.</p>
<p><u>GN R. 544 Item 13:</u></p> <p><i>The construction of facilities or infrastructure for the storage, or for the storage and handling, of dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres</i></p>	<p>The construction of the PV solar power plant and associated substation requires a storage area for oil and hydrocarbons. The expected capacity of the proposed storage area is 80m³ and will not exceed 500m³.</p>
<p><u>GN R. 544 Item 22:</u></p> <p><i>The construction of a road, outside urban areas,</i></p> <p>(ii) <i>where no reserve exists where the road is wider than 8 meters</i></p>	<p>The proposed PV solar power plant requires the construction of access roads to the site and between the solar PV panels for maintenance purposes. There is no road reserve and it is expected that the proposed roads may be wider than 8 meters.</p>
<p><u>GN R. 544 Item 23:</u></p> <p><i>The transformation of undeveloped, vacant or derelict land to –</i></p> <p>(ii) <i>Residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares</i></p>	<p>The proposed development would result in the transformation of undeveloped land outside an urban area for industrial use, in particular, power generation. The total area to be transformed is expected to be between 1 and 20 hectares</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 construction of PV solar power plant is proposed for the generation of electricity with an estimated power output of more than 20 megawatts.</p>

Listed activities	Activity/Project description
GN R. 545 Item 15: <i>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more.</i>	The proposed development would result in the physical alteration of undeveloped land for industrial use, in particular, power generation, where the total area to be transformed is 20 ha or more.
GN R. 546 Item 14: <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) <i>In Eastern Cape</i> (i) <i>All areas outside urban areas</i>	The proposed PV solar power plant requires an area of more than 5 hectares of the farm and will therefore involve the removal of indigenous vegetation which covers 75% or more of the area required for the proposed development.

as described in the Environmental Impact Assessment Report (EIAR) dated November 2012 at:

- Remaining Extent of Portion 15 of the Farm Zeeven Fonteyn No. 254

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Coordinates:

Preferred Site	Latitude	Longitude
1.	31°45'34.31" S	25°19'0.54" E
2.	31°47'20.57" S	25°19'3.88" E
3.	31°47'21.63" S	25°18'59.95" E
4.	31°45'18.95" S	25°15'35.26" E
5.	31°46'24.34" S	25°19'10.64" E
6.	31°47'15.36" S	25°17'26.38" E
Battery Energy Storage System (BESS)	Latitude	Longitude
BS1 (Top left corner)	31°45'42.41"S	25°18'14.05"E
BS2 (Top right corner)	31°45'42.45"S	25°18'19.96"E
BS3 (Bottom left corner)	31°45'45.59"S	25°18'13.93"E
BS4 (Bottom right corner)	31°45'45.69"S	25°18'19.96"E

for the construction of the 90MW Genoegsaam Photovoltaic (PV) Solar Energy Facility and associated infrastructure on the Remaining Extent of Portion 15 of the Farm Zeeven Fonteyn No. 254 in the Inxuba Yethemba Local Municipality, Eastern Cape Province, hereafter referred to as "the property."

The infrastructure associated with this facility includes:

- PV solar panels/modules (arranged in arrays);
- PV module mountings;
- DC-AC current inverters and transformers;
- An on-site 132kV Independent Power Producer (IPP) substation to facilitate the grid connection;
- A Battery Energy Storage System (BESS) with a footprint of up to ~1.5ha, within the authorised footprint of the solar facility.
- On-site buildings (including an operation control centre, office, ablutions and a guard house);
- Access roads and internal road network; and
- Ancillary infrastructure.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The construction of the 90MW Genoegsaam Photovoltaic (PV) Solar Energy Facility and associated infrastructure on the Remaining Extent of Portion 15 of the Farm Zeeven Fonteyn No. 254 in the Inxuba Yethemba Local Municipality, Eastern Cape Province, as per the preferred Genoegsaam site layout alternative 2 with associated infrastructure 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 servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised must 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 ten (10) years from the date of issue of the original environmental authorisation issued on 18 June 2013 (i.e. the EA lapses on 18 June 2023). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
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 14 (fourteen) 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 the National Appeal Regulations, 2014;
 - 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.

Commencement of the activity

11. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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

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.
13. The EMPr 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.
14. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
15. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAR be discovered.

Frequency and process of updating the EMPr

16. The EMPr must be updated wherever the findings of the environmental audit reports, contemplated in Condition 23 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.
17. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
18. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. 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.
19. 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 the EIA Regulations, 2014 as amended. 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.
20. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure

plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

21. The holder of the authorisation must appoint an experienced 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.
 - 21.1. The ECO must be appointed before commencement of any authorised activities.
 - 21.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 21.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 21.4. 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

22. 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.
23. 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.
24. 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 the EIA Regulations, 2014 as amended.
25. 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.
26. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended 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.

27. 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

28. 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

29. 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

30. 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

31. Given the potential sensitivity of the site, pre-construction surveys must be conducted to delineate all sensitive areas at the site as well as locate listed plant species for search and rescue.
32. Vegetation transformation must be kept to a minimum and any bare areas resulting from construction activities should be vegetated with local species.

General

33. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-

- a. at the site of the authorised activity;
 - b. to anyone on request; and
 - c. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
34. 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: 15/11/2021



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

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 November 2012;
- b) The comments received from organs of state and interested and affected parties as included in the EIR dated November 2012;
- c) Mitigation measures as proposed in the EIR dated November 2012 and the EMPr;
- d) The information contained in the specialist studies contained within the EIR;
- e) Findings of the site visit conducted on 25 February 2013; and
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).

2. Key factors considered in making the decision

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

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The EIR dated November 2012 identified all legislation and guidelines that have been considered in the preparation of the EIR dated November 2012.
- c) The methodology used in assessing the potential impacts identified in the EIR dated November 2012 and the specialist studies has been adequately indicated.
- d) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

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

- a) The identification and assessment of impacts is detailed in the EIR dated November 2012 and sufficient assessment of the key identified issues and impacts has 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 EAP has indicated that the information contained in the EIR dated November 2012 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the 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.

