

EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

SAHRA
PO Box 4637
Cape Town
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24 January 2013

SAHERITAGE RESOURCES AGENCY
RECEIVED
30 JAN 2013

Dear Ms Mary Lesife

NOTICE OF A POSITIVE ENVIRONMENTAL AUTHORIZATION ISSUED IN TERMS OF THE FOLLOWING APPLICATION: Application For Authorization In Terms Of The National Environmental Management Act, 1998: GN R. 543/544546 : Construction of Karen Energy Keimoes Concentrated Photovoltaic Energy Facility on Erf 666, keimoes Northern Cape Province

Outcome: ENVIRONMENTAL AUTHORIZATION GRANTED

Date of decision: 2013-01-22

Date of Issue: 2013-01-23

DEA Ref no. 12/12/20/2518

NEAS Ref. DEA/EIA/0001498/2012

EnviroAfrica, on behalf of Karen Energy Keimoes (Pty) Ltd, would like to inform you that an Environmental Authorisation has been issued on the 22nd January 2013 for the proposed construction of Karen Energy Keimoes Concentrated Photovoltaic Energy Facility on Erf 666, Keimoes Northern Cape Province

Attached, please find a copy of the Authorization stating:

- the reasons for the decision in Annexure 1;

Also note that in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F of the Environmental Authorization (attached), all registered interested & affected parties have the right to appeal the decision. Please note that a notice of intent to appeal must reach the Minister within 20 (twenty) calendar days of the date of the decision (please note that addresses for appeals and methods to be used are described in Section F (page 7-8 of the Environmental Authorization).

If you need any additional information please call Bernard or Jerry on 021-851 1616.

Kind regards


Bernard de Witt
EnviroAfrica cc

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environmental affairs

Department
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEAEIA/0001498/2012

DEA Reference: 12/12/20/2518

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Mr Janse van Rensburg
Keren Energy Keimoes (Pty) Ltd
P.O. Box 73
SOMERSET MALL
7135

Fax No: 021-853-0269

PER FACSIMILE / MAIL

Dear Mr van Rensburg

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.543/544/546: CONSTRUCTION OF KAREN ENERGY KEIMOES CONCENTRATED PHOTOVOLTAIC SOLAR ENERGY FACILITY ON ERF 686, KEIMOES NORTHERN CAPE 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 facsimile: 012 320 7561;

By post: Private Bag X447,

Pretoria, 0001; or

By hand:

2nd Floor, Fedsure Building, North Tower,

Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,
Pretoria.

D.

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: • 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, • 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.

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 –

KEREN ENERGY KEIMOES (PTY) LTD

with the following contact details –

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Keren Energy Keimoes (Pty) Ltd
P.O. Box 73
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7135

Tel: 021-853-0269

Fax: 021-853-0269

Cell: 073-700-0305

E-mail: tuskker@absamail.co.za

- Additional temporary access roads;
- Trenches for underground cabling;
- The construction staging area;
- Maintenance shed/ workshop; and
- A switch panel for the connection to the power grid.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The proposed 10MW PV solar energy facility with coordinates above and total footprint of 20ha, preferred crystalline PV technology and final site layout plan is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person, acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
6. This activity must commence within a period of three (3) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPt.

- 14.1. The ECO shall be appointed before commencement of any authorised activity/ies.
- 14.2. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
- 14.3. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 14.4. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 14.5. 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

15. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Director: Compliance Monitoring at the Department.

16. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.

17. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPt.

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

Commencement of the activity

19. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
20. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

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: 22 January 2013



Mr Mark Gordon

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

- e) The methodology used in assessing the potential impacts identified in the BAR dated May 2012 and Addendum to the BAR dated September 2012 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, 2010 for public involvement.

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 application is accordingly granted.