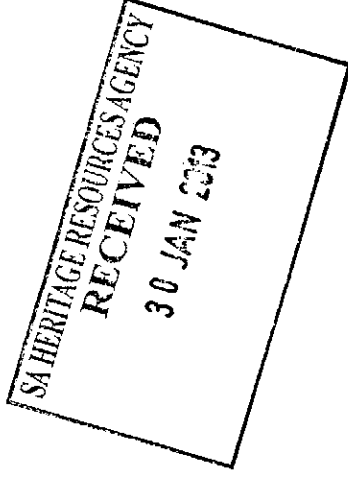


EnviroAfrica

Environmental Planning and Impact Assessment Consultants
 Omgewingsbeplanning en Impakbeoordeling Konsultante

24 January 2013



SAHRA
 PO Box 4637
 Cape Town
 8000

Dear Ms Mary Leslie

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. 543/544: Proposed Establishment of 10MW Roma Energy Danielskuil Solar Plant on Erf 753, Danielskuil, Northern Cape Province*

Outcome: ENVIRONMENTAL AUTHORIZATION GRANTED

Date of decision: 2013-01-21

Date of issue: 2013-01-22

DEA Ref no. 14/12/16/3/3/1/1/473

NEAS Ref. DEA/EIA/0000999/2012

EnviroAfrica, on behalf of Roma Energy Danielskuil (Pty) Ltd, would like to inform you that an Environmental Authorisation has been issued on the 21st January 2013 for the proposed construction of a 10MW Roma Energy Solar Plant on Erf 753, Danielskuil, 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

P.O.Box 5367

HELDERBERG 7135

Tel: (021) 851 1616

Fax: (086) 512 0154

e-mail: admin@enviroafrica.co.za

29 St James Rd
 Somerset West

CK 97 46008/23



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEAEIA/0000999/2012

DEA Reference: 14/12/16/3/3/1473

Enquiries: Nyiko Nkosi

Telephone: 012-395 -1694 Fax: 012-320-7539 E-mail: nkosi@environment.gov.za

Mr R R Janse van Rensburg
Roma Energy Danielskuiil (Pty) Ltd
P.O. Box 73
SOMERSET MALL
7135

Fax no: 021 853 0269

PER FACSIMILE / MAIL

Dear Mr Janse van Rensburg

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544: PROPOSED ESTABLISHMENT OF 10MW ROMA ENERGY DANIELSKUIIL SOLAR PLANT ON ERF 753, DANIELSKUIIL, 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 email: AppealsDirectorate@environment.gov.za
- 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.

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.

From: 0123201781

To: 0865120154

22/01/2013 11:11

#173 P.005/014

Department of Environmental Affairs
Environmental Authorisation Reg. No. 14/12/16/3/3/1/473
NEAS Reference Number: DEAEIA/0000999/2011

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 –

ROMA ENERGY DANIELSKUIL (PTY) LTD

with the following contact details –

Mr. R R Janse van Rensburg
Roma Energy Danielskuil (Pty) Ltd
P.O. Box 73
SOMERSET MALL
7135

Tel: (021) 8530269
Fax: (021) 8530269
Cell: (073) 7000305
E-mail: tusker@absamail.co.za

Department of Environmental Affairs
Environmental Authorisation Reg. No. 14/12/16/3/3/1/473
NEAS Reference Number: DEAEIA/0000999/2011

- 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 construction of 10MW Roma Energy Danielskuil solar plant consisting of CPV technology on Erf 753 Danielskuil, Kgatelopele Local Municipality, Northern Cape province 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 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.

Department of Environmental Affairs
Environmental Authorisation Reg. No. 14/12/16/3/3/1/473
NEAS Reference Number: DEAJEIA/0000989/2011

commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations

- 12.6. 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.

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 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 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.

Department of Environmental Affairs
Environmental Authorisation Reg. No. 14/12/16/3/3/1/473
NEAS Reference Number: DEA/EJA/000999/2011

Specific conditions

24. A permit must be obtained for the removal or destruction of protected plant species and copies of permit must be submitted to the Department for record keeping.
25. Archaeological Impact Assessment must be conducted prior to the commencement of the proposed Development and submitted to SAHRA for approval. copy of the approval from SAHRA must be submitted to the Department for record keeping.
26. 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.
27. Visual Impact of the perimeter fence of the solar plant facing the residential areas must be mitigated or softened with vegetation.
28. Any further extension of this proposed project should be reviewed in terms of Subdivision of Agricultural Land Act, 70 (Act 70 of 1970).
29. Water needed for maintenance of the site must not be sourced from existing water allocated to the site or nearby farm portions as it will negatively impact on agricultural production.
30. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. 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

31. 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.
32. 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.
33. 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

Department of Environmental Affairs
Environmental Authorisation Reg. No. 14/12/16/3/3/1/473
NEAS Reference Number: DEA/EIA/000999/2011

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 May 2012;
- b) The comments received from the SKA South Africa, Department of Agriculture and Land reform, Civil Aviation authority, SAHRA, Eskom, Department of Agriculture Forest and Fisheries and interested and affected parties as included in the BAR dated May 2012;
- c) Mitigation measures as proposed in the BAR dated May 2012 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 legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

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

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the desire to stimulate the regional economy, contribute to network integration and to reduce the dependence on non-renewable fossil fuel resources in the surrounding area. It would also improve reliability, ensure future sustainable energy use and reduce the carbon dioxide emissions in the area.
- c) The BAR dated May 2012 identified all legislation and guidelines that have been considered in the preparation of the BAR dated May 2012.
- d) The methodology used in assessing the potential impacts identified in the BAR dated May 2012 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.