



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0001268/2012

DEA Reference: 14/12/16/3/3/2/354

Enquiries: Jay-Jay Mpelane

Telephone: 012-310-3004 Fax: 012-320-7539 E-mail: jmpolane@environment.gov.za

Mr Neil van Heek
Klip Gat Solar Energy (Pty) Ltd
PO Box 2505
SUNNINGHILL
2072

Fax no: 086-719-4531

PER FACSIMILE / MAIL

Dear Mr Van Heek

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.544/545/546: PROPOSED KLIP GAT SOLAR ENERGY FACILITY (75MW) NEAR NOUPOORT, EMTHANGENI LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the environmental impact report (EIR) dated January 2013 and 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: 0123207561;
- By post: Private Bag X447,
Pretoria, 0001; or
- By hand: 2nd Floor, Fedsure Building, North Tower,
Cnr. Lilian Ngoyi and Pretorius Streets,
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.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties; for record purposes.

Appeals must be submitted in writing to:

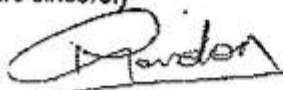
Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

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 sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 02 July 2013

CC:	Ms U Naicker	Savannah Environmental (Pty) Ltd	Tel: 011-656-3237	Fax: 086-684-0547
	Mr E Botes	Northern Cape: DENC	Tel: 053-807-7300	Fax: 053-807-7367
	Mr I Visser	Emthangeni Local Municipality	Tel: 053-632-9100	Fax: 053-631-0105
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

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 appeal 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

Klip Gat Solar Energy Facility (75mw) near Noupoort, Emthangeni Local Municipality in the
Northern Cape Province

Pixley Ka Seme District Municipality

Authorisation register number:	14/12/16/3/3/2/354
NEAS reference number:	DEA/EIA/0001268/2012
Last amended:	First issue
Holder of authorisation:	Klip Gat Solar Energy (Pty) Ltd
Location of activity:	Northern Cape Province on Portion 2 of the farm Klip Gat 80 within the jurisdiction of Emthangeni 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.

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 –

KLIP GAT SOLAR ENERGY (PTY) LTD

with the following contact details –

Mr Neil van Heek

Klip Gat Solar Energy (Pty) Ltd

PO Box 2505

SUNNINGHILL

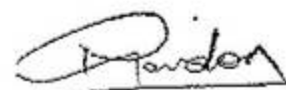
2072

Tel: 011-234-1603

Fax: 086-719-4531

Cell: 072-241-8112

E-mail: neil@terra-solar.co.za

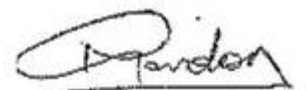


to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1 and 2 (GN R. 544 and 545):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10 (i):</u> The construction of facilities or infrastructure for the transmission and distribution of electricity - (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>The facility will require the construction of a 132 kV overhead distribution power line to connect into the existing Linde/Carolus power line.</p>
<p><u>GN R. 545 Item 1:</u> The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</p>	<p>The PV facility will have a generation capacity of up to 75MW.</p>
<p><u>GN R. 545 Item 15:</u> 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) linear development activities; or (ii) agriculture or afforestation where activity 16 in this Schedule will apply.</p>	<p>The PV facility will occupy an area greater than 20 hectares for commercial electricity generation which will be sold to Eskom.</p>

as described in the Environmental Impact Report (EIR) dated January 2013 at:

Site Alternative	Latitude	Longitude
Middle point of activity	31°04'9.28"S	24°46'15.96"E



- for the proposed 75 MW Klip Gat Solar Energy Facility on Portion 2 of the farm Klip Gat 80 approximately 20 km north-west of Noupoot, within the jurisdiction of the Emthangeni Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

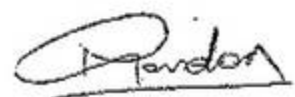
The infrastructure associated with this facility includes:

- An array of photovoltaic (PV) panels either static or tracking and up to 4m in height.
- Mounting structure to be either rammed steel piles or piles with pre-manufactured concrete footings to support the PV panels.
- Cabling (1-2 m deep) between the project components, to be lain underground where practical.
- Invertors (transformers) between the arrays.
- A new on-site substation (200m x 200m in extent) to evacuate the power from the facility into the Eskom grid via the Linde-Carolus 132 kV power line which traverses the site.
- The substation is proposed to be connected to a loop-in loop-out power line to the existing Linde-Carolus 132 kV power line. The power line will be up to 500m in length with servitude of 36m.
- Internal access roads (up to 5m wide) and fencing (up to 3m in height).
- Offices (200m X 200m) area for maintenance, storage, and offices.
- During construction (temporary infrastructure) such as a laydown area will also be required. The temporary construction laydown area will occupy an area of 157ha.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The site alternative with the abovementioned coordinates and the preferred location for the office 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 (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.

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



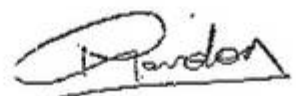
regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the EIR dated January 2013 is approved and must be implemented and adhered to.
13. 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.
14. Changes to the EMPr, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.
15. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the EIR be discovered.
16. The provisions of the approved EMPr including recommendations and mitigation measures in the EIR dated January 2013 and specialist' studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.

Environmental Control Officer (ECO) and duties

17. 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.
18. The ECO must be appointed before commencement of any authorised activity.
19. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
20. 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.
21. The ECO must:
 - 21.1 Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 21.2 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.

- 21.3 Keep and maintain a daily site diary.
- 21.4 Keep copies of all reports submitted to the Department.
- 21.5 Keep and maintain a schedule of current site activities including the monitoring of such activities.
- 21.6 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.
- 21.7 Compile a monthly monitoring report.

Recording and reporting to the Department

22. 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.
23. 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.

Environmental audit report

24. The holder of the authorisation must submit an environmental audit report to the Department within 30 (thirty) days of completion of the construction phase (i.e. within 30 (thirty) days of site handover) and within 30 (thirty) days of completion of rehabilitation activities.
 25. The environmental audit report must:
 - 25.1 Be compiled by an independent environmental auditor;
 - 25.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 25.3 Evaluate compliance with the requirements of the approved EMP and this environmental authorisation;
 - 25.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 25.5 Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
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- 25.6 Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed;
- 25.7 Include a copy of this authorisation and the approved EMPr;
- 25.8 Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this authorisation; and
- 25.9 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

26. The authorised activity shall not commence within 20 (twenty) days of the date of signature of the authorisation.
27. 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.
28. 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.
29. 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

30. 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



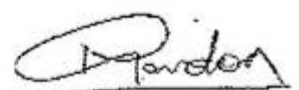
31. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
32. The holder of this authorisation must compile an operational EMPr for the operational phase of the activity or alternatively, if the holder has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

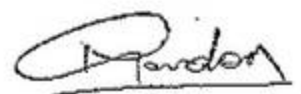
33. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

34. The footprint of the development must be limited to the areas required for actual construction work and operational activities and the areas outside of the footprint must be clearly demarcated and regarded as "no-go" areas.
35. 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.
36. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
37. The holder of the authorisation must consult a lighting engineer to assist in the planning and placement of light fixtures in order to reduce the impacts associated with glare and light trespass.
38. 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 No. 59 of 2008). Copies of all waste disposal certificates must be kept on site by the ECO.
39. 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 species listed in the National Forest Act 87 of 1998 and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of these permits must be kept on site by the ECO.



40. Removal of alien invasive species or other vegetation and follow-up procedures must be in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
41. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.
42. The applicant must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.
43. Construction activities must be restricted to demarcated areas to restrict impact on vegetation, birds and animals. Contractors and construction workers must be clearly informed of the no-go areas.
44. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
45. 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.
46. Appropriate dust suppression techniques must be implemented on all exposed surfaces to minimise and control airborne dust. Such measures must include wet suppression, chemical stabilization, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
47. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. All applicable safety standards and regulations, including for subcontractors must be enforced.
48. 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.
49. The holder of this authorisation must provide sanitation facilities within the construction camps 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.
50. 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.
51. The holder of this authorisations, contractors and sub-contractors working on site must ensure that oil, fuel and chemicals are confined to specific and secured areas throughout the



- construction period. These materials must be stored in a bunded area with adequate containment for potential spills and leaks.
52. 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.
 53. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities. If possible, construction should be scheduled to take place within the post-harvest, pre planting season, when fields are lying fallow.
 54. Construction must include 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.
 55. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the rehabilitation plan.
 56. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
 57. The final development area should be surveyed for species suitable for search and rescue, which should be translocated prior to the commencement of construction.
 58. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuter, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
 59. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
 60. Signage must be erected at appropriate points warning of turning traffic and the construction site.
 61. 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.
 62. A health and safety programme must be developed to protect both workers and the general public during construction, operation and decommissioning of the energy facility.
 63. 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.
 64. Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water.
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65. Construction managers/foremen must be informed before construction starts on the possible types of heritage sites and cultural material they may be encountered and the procedures to follow when they find sites.

General

66. 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.
67. 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.
68. 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: 02 July 2013



Mr Mark Gordon
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 EIR dated January 2013;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated January 2013;
- c) Mitigation measures as proposed in the EIR dated January 2013 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix E of the EIR;
- e) Findings of the site visit conducted on 30 April 2013; and
- 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) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The EIR dated January 2013 identified all legislation and guidelines that have been considered in the preparation of the EIR dated January 2013.
- 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 (REIPPPP) and the provision of electricity from Independent Power Producers (IPPs) as required by the Department of Energy.
- d) The methodology used in assessing the potential impacts identified in the EIR dated January 2013 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 procedure followed for impact assessment is adequate for the decision-making process.
- b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- c) The information contained in the EIR dated January 2013 is accurate and credible.
- d) 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 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.

