



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/000217/2011

DEA Reference: 12/12/20/2170/1

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Mr. Robert Wellington Gumede
Rotifield (Pty) Ltd
PO Box 972
GALLO MANOR
2051

Fax: 011 548 0001

PER FACSIMILE / MAIL

Dear Mr. Gumede

AMENDMENT OF ENVIRONMENTAL AUTHORISATION: CONSTRUCTION OF 75 MW OLYVEN KOLK PHOTOVOLTAIC POWER PLANT ON THE REMAINING PORTION 14 (A PORTION OF PORTION 4) OF THE FARM OLYVEN KOLK WITHIN THE SIYANDA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The Department's decision on the above application issued on 01 March 2012 and your correspondence dated 02 November 2012 refers.

Based on a review of the reason for requesting an amendment to the above authorisation, the Department, in terms of regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to split and amend the environmental authorisation (EA) dated 01 March 2012 into three components.

- Construction of 75 MW Olyven Kolk Farm 2 Photovoltaic Power Plant on the Remaining Portion 14 (a Portion of Portion 4) of the farm Olyven Kolk within the Siyanda District Municipality, Northern Cape Province. **(Ref number 12/12/20/2170/1)**
- Construction of 75 MW Olyven Kolk Farm 3 Photovoltaic Power Plant on the Remaining Portion 14 (a Portion of Portion 4) of the farm Olyven Kolk within the Siyanda District Municipality, Northern Cape Province. **(Ref number 12/12/20/2170/2)**
- Construction of 40 MW Olyven Kolk Farm 4 Photovoltaic Power Plant on the Remaining Portion 14 (a Portion of Portion 4) of the farm Olyven Kolk within the Siyanda District Municipality, Northern Cape Province. **(Ref number 12/12/20/2170/3)**

With the following contact details:

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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 Department's decision in respect of the amendment made 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 amendment 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.

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:

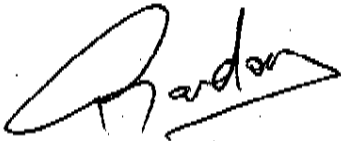
Mr T Zwane, Senior Legal Administration Officer (Appeals), of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

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: 25/01/2013

CC:	Ms. Tania Swanepoel	ERM	Tel: 021 702 9100	Fax: 021 701 7900
	Mr. Moleko Deneo	Northern Cape DEA & NC	Tel: 053-807-7430	Fax: 053-831-3530
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561
	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 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

Construction of 75MW Olyven Kolk Farm 2 Photovoltaic Power Plant on the Remaining Portion 14 (a Portion of Portion 4) of the farm Olyven Kolk within the Siyanda District Municipality, Northern Cape Province

Siyanda District Municipality

Authorisation register number:	<i>12/12/20/2170/1</i>
NEAS reference number:	<i>DEA/EIA/0000217/2011</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Rotifield Pty Ltd</i>
Location of activity:	<i>NORTHERN CAPE PROVINCE: on Remaining Portion 14 (a Portion of Portion 4) of the farm Olyven Kolk No. 187 within the Siyanda District Municipality</i>

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

Decision

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

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

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

Activities authorised

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

ROTIFIELD PTY LTD

with the following contact details –

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1 and 3 (GN R. 544 & 545).

Listed activities	Activity/Project description
<i>GN R. 544 Item 1(i):</i>	The construction of facilities or infrastructure for the generation of electricity where: (i) the electricity output is more than 10 megawatts but less than 20 megawatts
<i>GN R. 544 Item 10(i):</i>	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
<i>GN R. 544 Item 11:</i>	The construction of infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.
<i>GN R. 544 Item 24:</i>	The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning.
<i>GN R. 545 Item 1:</i>	The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.
<i>GN R. 545 Item 8:</i>	The construction of facilities or infrastructure for the transmission and distribution of

Listed activities	Activity/Project description
	electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.
GN R. 545 Item 15:	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.

as described in the Environmental Impact Report (EIR) dated December 2011 at:

Power line corridor	Latitude	Longitude
Starting point of activity	29° 29' 50.79" S	20° 48' 43.08"E
Middle point of activity	29° 30' 7.74" S	20° 48' 43.14"E
End point of activity	29° 30' 45.15" S	20° 48' 54.84"E

- for the construction of 75MW Olyven Kolk Farm 2 Photovoltaic Power Plant on the Remaining Portion 14 (a Portion of Portion 4) of the farm Olyven Kolk No. 187 within the Siyanda District Municipality, Northern Cape Province, hereafter referred to as "the property".

The proposed development includes the installation and operation of solar panels (PV arrays) with a projected output of up to 75 megawatts (MW) to be constructed in phases over time. It is intended that the electricity generated by the proposed facility will feed into the national electrical grid network.

The proposed solar power plant will consist of the following key components:

- PV solar panels/modules (arranged in arrays);
- PV module mountings;
- DC-AC current inverters; and
- Underground cabling.

In addition, associated infrastructure will be required such as a temporary construction camp, offices and control building, meteorological building and access roads.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The construction of the 75 MW Olyven Kolk Farm 2 Solar Power Plant and its associated infrastructure on Portion 14 (a Portion of Portion 4) of the farm Olyven Kolk No. 187 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 on page 4 of this EA.
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. A copy of the final site layout plan must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout plan. The site layout plan must indicate the following:
 - 12.1 Positions of solar facilities;
 - 12.2 Foundation footprint;

- 12.3 Permanent laydown area footprint;
 - 12.4 Construction period laydown footprint;
 - 12.5 Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
 - 12.6 Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - 12.7 The location of Heritage sites;
 - 12.8 Sub-station(s) and/or transformer(s) sites including their entire footprint;
 - 12.9 Cable routes and trench dimensions (where they are not along internal roads);
 - 12.10 Connection routes (including pylon positions) to the distribution/transmission network;
 - 12.11 Cut and fill areas at turbine sites along roads and at sub-station/transformer sites indicating the expected volume of each cut and fill;
 - 12.12 Borrow pits;
 - 12.13 Spoil heaps (temporary for topsoil and subsoil and permanently for excess material);
 - 12.14 All existing infrastructure on the site, especially roads;
 - 12.15 Buildings including accommodation; and
 - 12.16 All "no-go" areas.
13. The Environmental Management Programme (EMPr) submitted as part of the Application for EA must be amended to include measures as dictated by the final site lay-out plan and micro-siting; and the provisions of this environmental authorisation. The EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
 14. 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.
 15. Changes to the EMPr, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.
 16. The Department reserves the right to request amendments to the EMPr should any impacts that were not anticipated or covered in the EIR be discovered.
 17. The provisions of the approved EMPr including the mitigation measures identified in the EIR and specialist' studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.

18. The EMPr amendment must include the following:
- 18.1 All recommendations and mitigation measures recorded in the EIR dated December 2011.
 - 18.2 The requirements and conditions of this authorisation.
 - 18.3 The final site layout plan.
 - 18.4 An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
 - 18.5 A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
 - 18.6 A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
 - 18.7 A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
 - 18.8 A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of 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.
 - 18.9 An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
 - 18.10 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.

- 18.11 Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- 18.12 An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- 18.13 A map combining the final layout plan superimposed (overlain) on the environmental sensitivity map.

Environmental Control Officer (ECO) and duties

- 19. 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.
- 20. The ECO must be appointed before commencement of any authorised activity.
- 21. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 22. 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.
- 23. The ECO must:
 - 23.1 Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 23.2 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.
 - 23.3 Keep and maintain a daily site diary.
 - 23.4 Keep copies of all reports submitted to the Department.
 - 23.5 Keep and maintain a schedule of current site activities including the monitoring of such activities.

- 23.6 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.
- 23.7 Compile a monthly monitoring report.

Environmental audit report

- 24. 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.
- 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 EMPr 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;
 - 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 twenty (20) 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.

Notification to authorities

29. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period, within which construction may not commence.

Operation of the activity

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

Site closure and decommissioning

31. Should the activity ever cease or become redundant, the holder of this authorisation 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

32. 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.
33. Those areas associated with the core of the drainage areas are deemed to be of high ecological sensitivity and should not be developed in order to prevent the ecological degradation of the site as well as maintaining the ecological connectivity of the site.

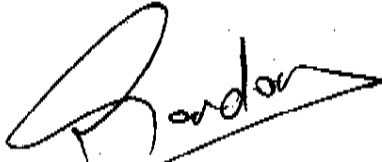
34. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
35. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
36. Construction activities and structures must include design measures that allow movement of storm water along drainage lines so as not to impede natural surface and subsurface flows.
37. A lighting engineer must be consulted to assist in the planning and placement of light fixtures in order to reduce visual impacts associated with glare and light trespass.
38. Hazardous and flammable substances must be stored and used in compliance with the applicable regulations and safety instructions. Furthermore, no chemicals must be stored nor any vehicle maintenance must occur within 350m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain, or hillside wetlands.
39. Should any heritage remains be exposed during excavation, these must immediately be reported to the provincial Heritage Resource Authority of the Northern Cape or SAHRA.
40. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options 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). Copies of all waste disposal certificates must be kept on site.

General

41. 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.
42. The holder of the authorisation must notify both the *Director: Environmental Impact Evaluation* 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.

43. 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: 25/01/2013



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 December 2011;
- b) Mitigation measures as proposed in the EIR dated December 2011 and the EMPr;
- c) The information contained in the specialist studies contained within Appendix F to Appendix J of the EIR.
- d) The objectives and requirements of relevant environmental 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 the specialist studies conducted, issued identified and recommended mitigation measures which were deemed to be acceptable.
- b) The need for the proposed project stems from the provision of electricity to the national grid in terms of the REFIT programme and the provision of electricity from Independent Power Producers as required by the Department of Energy.
- c) The EIR dated December 2011 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the report.
- d) The methodology used in assessing the potential impacts identified in the EIR dated December 2011 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. Conclusions

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

- a) The identification and assessment of impacts are detailed in the EIR dated December 2011 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) All environmental legal and procedural requirements have been met.
- e) According to the independent EAP, the information contained in the EIR dated December 2011 is accurate and credible.
- f) 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 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.

