

6 April 2023

INTERESTED AND AFFECTED PARTY

Dear Sir/Madam

BASIC ASSESSMENT PROCESS FOR THE PROPOSED DEVELOPMENT OF A SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE AT THE SISHEN IRON ORE MINE, NORTHERN CAPE: NOTIFICATION OF THE DECISION TO GRANT AN ENVIRONMENTAL AUTHORISATION (DAEARDLR REFERENCE: NC/BA/14/JTG/JKAM/KAT2/2022)

1. BACKGROUND

On behalf of the Sishen Iron Ore Company (Pty) Ltd (SIOC), notice is hereby given that on 27 March 2021, the Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (DAEARDLR) **granted and issued** an Environmental Authorisation (EA) to SIOC for the Proposed Development of a Solar PV Facility and Associated Infrastructure at the Sishen Iron Ore Mine (hereafter referred to as The Project). The activities will be located on portion 2 and the Remaining Extent of the Farm Sacha 468 and portion 1 and Remaining Extent of the Farm Sims 462, in Ward 5 of the Gamagara Local Municipality and John Taolo Gaetsewe District Municipality in the Northern Cape Province.

The EA was issued in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (Government Notice Regulations [GN R] 982 of 2014) (EIA Regulations, 2014) and the Government Notice Regulations [GN R] 983 of 2014 (EIA Regulations Listing Notice 1) promulgated under the National Environmental Management Act, 1998 (No. 107 of 1998) (NEMA). The following activities are authorised as part of the EA:

- EIA Regulations Listing Notice 1, Activity 11 (*construction and operation of internal distribution electrical infrastructure and the development of either underground or overhead transmission infrastructure*);
- EIA Regulations Listing Notice 1, Activity 12 (*crossing of watercourses and development within 100 metres of drainage lines*);
- EIA Regulations Listing Notice 1, Activity 14 (*storage and handling of dangerous goods*);
- EIA Regulations Listing Notice 1, Activity 19 (*crossing of watercourses and development within 100 metres of drainage lines where the physical footprint exceeds 100 square metres*);
- EIA Regulations Listing Notice 1, Activity 21 (*requirement for a section 102 EMPr amendment due to changes to the mine's integrated EMPr*);
- EIA Regulations Listing Notice 1, Activity 24 (*development of internal access and maintenance roads*); and
- EIA Regulations Listing Notice 1 Activity 56 (*upgrade of an existing road*).



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Directors: R Hounsoms, F Fredericks, D Junak

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2. OVERVIEW

A copy of the EA is enclosed in this letter and outlines the reasons for decision (Annexure A). The EA was issued by the DAEARDLR on 27 March 2023. Your attention is drawn to your right to lodge a formal appeal against the decision in terms of the National Appeal Regulations, 2014 (GN R 993 of 2014) (National Appeal Regulations, 2014).

Should you wish to appeal the DAEARDLR's decision, your appeal must be lodged in terms of Chapter 2 of the National Appeal Regulations, 2014 within 20 calendar days from the date of this notification (i.e., 20 calendar days from 6 April 2023). An appeal must be submitted in writing to The Member of the Executive Council of the Department of Agriculture, Environment Affairs, Rural Development and Land Reform.

A prescribed appeal form, as well as assistance regarding the appeal process, is obtainable from the office of the Appeal Authority at: Email: Appeals@dffe.gov.za. The procedure pertaining to the administration and processing of appeals in terms of the National Appeal Regulations, 2014 is outlined in Annexure B.

The contact details of the Applicant are provided as reference below.

Sishen Iron Ore Company (Pty) Ltd	
Attention:	Thuso Mathulwe
Telephone:	012 683 7242
Email:	thuso.mathulwe@angloamerican.com
Postal address:	PO Box 9679, Centurion, 0046

An appeal must be lodged by means of the method as prescribed below.

Department of Agriculture, Environment Affairs, Rural Development and Land Reform (in writing)	
Attention:	The Member of the Executive Council
Facsimile:	(053) 832 1026
By post:	Private Bag X6102 Kimberley 8300

You are also kindly requested to provide a copy of the appeal and all supporting documents to the Department of Forestry, Fisheries, and the Environment, the Appeals Administrator, and SLR, as per the methods prescribed below.

Department of Forestry, Fisheries, and the Environment	
Attention:	Directorate Appeals and Legal Review The Minister of Department of Environmental Affairs
By post:	Private Bag X447, Pretoria, 0001
By hand:	Environmental House, Corner of Steve Biko and Soutpansberg Street Arcadia, Pretoria, 0083
Facsimile:	012 359 3609
Email:	Appeals@dffe.gov.za
Department of Forestry, Fisheries, and the Environment (in Word format via e-mail)	
Attention:	Appeals Administrator Mr Ziyaad Hassam
Email:	zhassam@environment.gov.za.
SLR Consulting (South Africa) (Pty) Ltd (in Word format via e-mail)	
Attention:	Mrs. M. Medallie Associate Environmental Consultant
Email:	KIOSolarPVSishen@slrconsulting.com

We thank you for your interest in this matter. Please do not hesitate to contact the undersigned should you have any queries in this regard.

Yours sincerely



Mavisha Nariansamy (Pr.Sci.Nat)
Senior Environmental Consultant
SLR CONSULTING (SOUTH AFRICA) (PTY) LTD



Marline Medallie
Associate Environmental Consultant

ANNEXURE A: COPY OF THE ENVIRONMENTAL AUTHORISATION



agriculture, environmental affairs,
rural development and land reform

Department:
agriculture, environmental affairs,
rural development and land reform .
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

SASKO Building
90 Long Street
Private Bag X6102
Kimberley
8300

Tel. 053-8077300
Fax: 053-8077328

Enquiries :
Dipattliso : Ms N Mokonopi
Imibuzo :
Navrae :

Reference : NC/BA/14/JTG/JKAM/KAT2/2022
Tshupelo :
Isalathiso :
Verwsina :

Date :
Leshupelo:
Umhla : 27th March 2023
Datum :

SISHEN IRON ORE COMPANY (PTY) Ltd

Thokozane Hlope
Private Bag X 9679
Centurion
0046

EMAIL: thokozani.hlope@angloamerican.com

Dear Sir/Madam

THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO. 11, (i) ACTIVITY NO. 12 (i), ACTIVITY NO. 14, ACTIVITY NO. 19, ACTIVITY NO. 21, ACTIVITY NO. 24 (i), ACTIVITY NO. 56 (i)(ii) OF GN. R.327 OF 07 APRIL 2017: THE PROPOSED DEVELOPMENT OF A SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE AT THE SISHEN IRON ORE MINE KATHU: GAMAGARA LOCAL MUNICIPALITY, LOCAL MUNICIPALITY, JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY, NORTHERN CAPE.

By virtue of power conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014. **THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO. 11, (i) ACTIVITY NO. 12 (i), ACTIVITY NO. 14, ACTIVITY NO. 19, ACTIVITY NO. 21, ACTIVITY NO. 24 (i), ACTIVITY NO. 56 (i)(ii) OF GN. R.327 OF 07 APRIL 2017: THE PROPOSED DEVELOPMENT OF A SOLAR PV FACILITY AND ASSOCIATED INFRASTRUCTURE AT THE SISHEN IRON ORE MINE KATHU: GAMAGARA LOCAL MUNICIPALITY, JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY, NORTHERN CAPE.**

A detail description of the activity is given in the **Final Basic Assessment Report Dated October 2022**, subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit 06/2022

Your attention is drawn to chapter 2 of the National Appeal Regulation which regulates appeal procedures. Should you/ any person affected by this decision wish to appeal any aspect of the prescribed in regulation 4 of the National Appeal Regulations 2014, with the Member of the

Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 8077328
By post: Private Bag X 6102, Kimberley, 8300 or
By hand: 90 Long Street, Kimberley, 8300

Should you decide to appeal, you must serve a copy of your 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.

Yours Faithfully



**MR. B FISHER: DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF AGRICULTURE ENVIRONMENTAL AFFAIRS, RURAL
DEVELOPMENT & LAND REFORM**

DATE OF DECISION:

27 March 2023

**Cc: SLR CONSULTING (SOUTH AFRICA) (PTY) LTD
MRS MARLINE MADELINE
Email: mmedalie@slrconsulting.com**



agriculture, environmental affairs,
rural development and land reform

Department:
agriculture, environmental affairs,
rural development and land reform .
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

ENVIRONMENTAL AUTHORISATION

**in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the
Environmental Impact Assessment Regulations, 2014**

**Authorisation Register
Number:**

PERMIT 06/2023

Reference Number:

NC/BA/14/JTG/KAT2/2022

/

Last Amended:

N/A

Holder of Authorisation:

Sishen Iron ore Company (Pty) Ltd

Location of activity:

**Farm Sacha 468: Portion 2 and remaining extent farm
Sims 462: Portion 1. Farm Sacha 468 and Farm Sims 462,
Ward 5, Kathu, Gamagara Local Municipality, John Taolo
Gaetsewe District Municipality, Northern Cape Province.**

DEFINITIONS

"Activity" means an activity identified in any notice published by the Minister or MEC in terms of section 24D (1) (a) of the Act as a listed activity or specified activity;

"Proponent" means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted;

"Application" means an application for an -

- (a) environmental authorization in terms of Chapter 4 of the 2014 Environmental Impact Assessment regulations;
- (b) amendment to an environmental authorisation in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;
- (c) amendment to an EMPr in terms of Chapter 5 the 2014 Environmental Impact Assessment regulations;
- (d) amendment of a closure plan in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

"Basic Assessment Report" means a report contemplated in regulation 19 of the 2014 Environmental Impact Assessment regulations;

"Environmental Impact Assessment Report" means a report contemplated in regulation 23 of the 2014 Environmental Impact Assessment regulations;

"Plan of Study for Environmental Impact Assessment" means a study contemplated in regulation 22 which forms part of a scoping report and sets out how an environmental impact assessment will be conducted;

"Scoping Report" means a report contemplated in regulation 21 of the 2014 Environmental Impact Assessment regulations;

"EAP" means an Environmental Assessment Practitioner as defined in section 1 of the Act;

"EMPr" means an environmental management programme contemplated in regulations 19 and 23 of the 2014 Environmental Impact Assessment regulations;

"Registered Interested and Affected Party" in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

"Public Participation Process" means the process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific activity;

"Department" means the Northern Cape Department of Environment and Nature Conservation; and

"The Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

The proposed development of a Solar PV facility and associated infrastructure at the Sishen Iron Ore Mine Kathu: Gamagara Local Municipality, John Taolo Gaetsewe District Municipality.

GN R.983 (Listing Notice 1)

Activity 11

The development 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.

GN R.983 (Listing Notice 1)

Activity 12

The development of-

- (ii) infrastructure or structure with a physical footprint of 100 square metres or more; where such development occurs-
- (c) if no development setback exists, within 32 meters of a watercourse, measured from the edge of a watercourse.

GN R.983 (Listing Notice 1)

Activity 14

The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic meters or more but not exceeding 500cubic metres.

GN R.983 (Listing Notice 1)

Activity 19

The infilling or depositing of any material of more than cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10cubic metres from a watercourse.

GN R.983 (Listing Notice 1)

Activity 21 D

Any activity including the operation of that activity which requires an amendment or variation to a right or permit in terms of section 102 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity contained in this Listing Notice or in Listing Notice 3 of 2014, required for such amendment.

GN R.983 (Listing Notice 1)

Activity 24

The development of a road-

- (i) for which an environmental authorization was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or Activity 18 in Government Notice 545 of 2010; or

- (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 meters.

GN R.983 (Listing Notice 1)

Activity 56

The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 Kilometre-

- (i) where the existing reserve is wider than 13,5 meters; or
- (ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas.

The proposed development of a Solar PV facility and associated infrastructure at the Sishen Iron Ore Mine Kathu: Gamagara Local Municipality, John Taolo Gaetsewe District Municipality, Northern Cape. With the following coordinates;

(Latitude (S) 27° 41' 54.455" Longitude (E) 22° 58' 33.494")

(Latitude (S) 27° 42' 11.021" Longitude (E) 22° 59' 29.172")

(Latitude (S) 27° 42' 11.699" Longitude (E) 22° 59' 29.444")

(Latitude (S) 27° 42' 33.635" Longitude (E) 22° 58' 37.766")

(Latitude (S) 27° 42' 33.560" Longitude (E) 22° 58' 43.971")

(Latitude (S) 27° 43' 33.686" Longitude (E) 22° 59' 27.655")

(Latitude (S) 27° 42' 36.69" Longitude (E) 23° 58' 40.51")

(Latitude (S) 27° 42' 31.17" Longitude (E) 23° 58' 31.11")

Hereafter referred to as "the property".

The granting of this Environmental Authorisation is subject to the conditions set out below.

CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation **must** be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activities which are authorized **must** only be carried out at the property indicated above.
4. 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.
5. 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 activities.

General conditions:

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorized 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.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. The holder of the authorisation must notify the Department, in writing and within 24 (Twenty-Four) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. 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 regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activities **must** not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Forestry and Fisheries, National Department of Agriculture, Land Reform and Rural Development, Department of Housing & Local

Government, Department of Water and Sanitation, Department of Mineral Resources, Department of Transport, Roads & Public Works, Department of Sports, Arts & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).

12. The activities, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. **Seven (7) days** written notice must be given to the Department before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following condition described herein:
 - i. Condition: 11
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Environmental Management Inspectors employed by the Department shall be given access to the property as described above (see detailed description of the activities) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorization. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
16. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's basic assessment report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
17. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
18. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor 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 approval as set out in this document or any other subsequent document emanating from these conditions of approval.
19. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
20. The applicant must apply the principle of best practicable environmental option for all technologies used/implemented during construction and operation phase.

Appeal of authorisation:

21. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.
22. Your attention is drawn to Chapter 2 of Government Notice No. R993, which prescribes the appeal procedure to be followed.

Management of activity:

23. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented. (Alternatively, if further changes are required to the EMPr as a result of the authorisation, this condition must be modified).
24. Ensure that all "NO-GO" areas are clearly defined and adequately demarcated.
25. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorization.

Monitoring

26. The EMPr must be strictly enforced during all phases of the project.
27. Changes to the EMPr, which are environmentally defensible, must be submitted to this Department for acceptance before such changes are effected.
28. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the Scoping and Environmental Impact Assessment Report.
29. A spillage plan must be implemented and strictly enforced during construction phase.

Environmental Control Officer (ECO) and Duties

30. 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.
31. The ECO must be appointed before commencement of any authorised activity.
32. The ECO must meet with the contractors to discuss the conditions of the **Environmental Authorisation** and the contents of the EMPr prior to commencement of activities.
33. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
34. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

35. 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.
36. 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.
37. Photographs must be taken (before, during and immediately after construction as a visual reference).

Recording and Reporting to the Department

38. 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.
39. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Monitoring Compliance and Enforcement section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.
40. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaints; register must be kept up to date for inspection by the Department. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

Environmental audit report

41. The holder of the authorization must submit an environmental audit report to the Department within 30 days of completion of the construction phase and within 30 days of completion of rehabilitation activities.
42. The Environmental audit report must:
 - Be compiled by an independent environmental auditor;
 - 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.
 - Include measures to be implemented to attend to any non-compliances.
 - Include copies of any approvals granted by other authorities relevant to the department for the reporting period.
 - Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring that they are appropriately addressed.
 - Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records.

Operation of the activity

43. Seven (7) 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.
44. Any waste generated during construction and operation phase must be disposed of at a waste disposal site licensed for such waste.
45. No on-site burning or burying of solid waste is permitted.
46. The construction area must be demarcated, no construction or dumping activities should be allowed outside the proposed footprint.
47. The Holder of this Environmental Authorization must ensure construction and operation adheres to the National Water Act; Part 4 Section 19: Pollution Prevention and Part 5 Section 20 Emergency Incidents.
48. The Holder of this Environmental Authorization must ensure construction and operation adheres to Government Notice No. 36784; No. R. 634: Department of Environment Forestry and Fisheries; National Environmental Management Waste Act; 2008 (Act No.59 of 2008); Waste Classification and Management Regulations.
49. The Holder of this Environmental Authorisation must ensure that all activities associated with the proposed project take into account Integrated Environmental Management by ensuring that development is socially, environmental and economically sustainable.
50. The holder of this authorization must carry out regular inspections to detect leakages from the fuel tanks.
51. Any spillages of diesel and oil must be reported and cleared up immediately. In the event of oil or diesel spills, the contaminated soil must be placed in a waste skip and disposed-off at a licensed land fill site for such material.
52. The holder of this Environmental Authorization must ensure that soil compaction is limited to the proposed footprint of the activity.
53. Dust control measures must be implemented during clearing phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).
54. Develop and implement a stormwater management plan to prevent erosion and the associated sedimentation of wetlands.
55. If any new evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during development or construction, SAHRA and an archaeologist and/or palaeontologist, depending on the nature of the resources found, must be alerted immediately.
56. Vegetation clearing must be limited to the required footprint.
57. Proper measures to prevent/reduce the risk of erosion and the invasion of alien species must be strictly implemented.
58. The protected trees occurring on site must not be destroyed but they must be incorporated within the development layout plan.

59. The destruction/ or disturbance of individual protected trees must be avoided during the construction of the proposed development. Alternatively, a permit for the removal of any protected species must be applied for and granted by the relevant authority.
60. The necessary flora permits must be applied for and granted by the Northern Cape Department of Environment and Nature Conservation for all plant species protected under the Northern Cape Nature Conservation Act, 2009 (Act No. 9 of 2009) should they be found existing on site.
61. A storm water system must be incorporated into the construction and operation plans of the proposed activity.
62. The spreading of declared weedy and alien invasive plant species must be controlled and monitored at all times.
63. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
64. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the rehabilitation plan to be included in the final EMPr.
65. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
66. All mitigation measures detailed in the Environmental Management Programme report must be implemented.
67. Precautionary principles must be followed as people's lives depend on the project.
68. The central waste collection point must be specific- where it will be situated to ensure that no soil or underground water contamination takes place this should be done at least on weekly basis.

Site Closure and Decommissioning:

69. Should the proposed activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority.
70. All areas disturbed by the project must be rehabilitated to their original or better condition.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the authorization, an application for amendment to extend the validity period must be launched at least three (3) months prior to the expiry date of the validity period. 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.

APPEAL

An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

Appeals must be submitted in writing to:

The Member of the Executive Council
Ministry of the department of agriculture, environmental affairs,
rural development and land reform
Private Bag X6102
Kimberley
8300
Fax: (053) 832 1026

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.



MR. B. FISHER

**DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF AGRICULTURE, ENVIRONMENTAL AFFAIRS,
RURAL DEVELOPMENT AND LAND REFORM**

DATE OF ENVIRONMENTAL AUTHORISATION:

27 March 2023

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant **Sishen Iron Ore Company (Pty) Ltd** applied for authorization to carry on the following activity –

The proposed development of a Solar PV facility and associated infrastructure at the Sishen Iron Ore Mine Kathu: Gamagara Local Municipality, John Taolo Gaetsewe District Municipality.

GN R.983 (Listing Notice 1)

Activity 11

The development of facilities or infrastructure for the transmission and distribution of electricity-

- (iii) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.

GN R.983 (Listing Notice 1)

Activity 12

The development of-

- (iv) infrastructure or structure with a physical footprint of 100 square metres or more; where such development occurs-

(c) if no development setback exists, within 32 meters of a watercourse, measured from the edge of a watercourse.

GN R.983 (Listing Notice 1)

Activity 14

The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic meters or more but not exceeding 500cubic metres.

GN R.983 (Listing Notice 1)

Activity 19

The infilling or depositing of any material of more than cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10cubic metres from a watercourse.

GN R.983 (Listing Notice 1)

Activity 21 D

Any activity including the operation of that activity which requires an amendment or variation to a right or permit in terms of section 102 of the Mineral and Petroleum Resources Development Act, as well as any other applicable activity contained in this Listing Notice or in Listing Notice 3 of 2014, required for such amendment.

GN R.983 (Listing Notice 1)

Activity 24

The development of a road-

- (iii) for which an environmental authorization was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or Activity 18 in Government Notice 545 of 2010; or
- (iv) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 meters.

GN R.983 (Listing Notice 1)

Activity 56

The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 Kilometre-

- (iii) where the existing reserve is wider than 13,5 meters; or
- (iv) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas.

The proposed development of a Solar PV facility and associated infrastructure at the Sishen Iron Ore Mine Kathu: Gamagara Local Municipality, John Taolo Gaetsewe District Municipality, Northern Cape. With the following coordinates;

(Latitude (S) 27° 41' 54.455" Longitude (E) 22° 58' 33.494")

(Latitude (S) 27° 42' 11.021" Longitude (E) 22° 59' 29.172")

(Latitude (S) 27° 42' 11.699" Longitude (E) 22° 59' 29.444")

(Latitude (S) 27° 42' 33.635" Longitude (E) 22° 58' 37.766")

(Latitude (S) 27° 42' 33.560" Longitude (E) 22° 58' 43.971")

(Latitude (S) 27° 43' 33.686" Longitude (E) 22° 59' 27.655")

(Latitude (S) 27° 42' 36.69" Longitude (E) 23° 58' 40.51")

(Latitude (S) 27° 42' 31.17" Longitude (E) 23° 58' 31.11")

The applicant appointed **SLR Consulting (SOUTH AFRICA) (Pty) Ltd** to undertake the Basic Assessment Process.

2. Information considered in making the decision.

In reaching its decision, the Department took, *inter alia*, the following into consideration –

- a) The Environmental Assessment Practitioner (EAP) complied with Regulation 19 of 04 December 2014.
- b) Public participation followed is in line with Regulation 41 of 04 December 2014 and proof was Submitted together with the Basic Assessment Report dated May 2022.
- c) The information contained in the Basic Assessment Report submitted in 03 November 2022 by the Environmental Assessment Practitioner.

- d) The comments received from interested and affected parties as included in the Basic Assessment Report.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), The Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) and the Northern Cape Conservation Act, 2009 (Act No. 9 of 2009).
- f) A site visit conducted on the March 2023 between Miss Naomi Mokonopi (Agriculture, Environmental Affairs, Rural Development & Land Reform) and Gideon Krynauw (Project Manager)

3. 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 EAP who prepared the report has the expertise to carry out the Basic Assessment Procedure.
- b) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic, and cultural aspects.
- c) Basic Assessment identified all legislation and guidelines it considered in preparing the report.
- d) The EAP took into account comments from interested and affected parties and incorporated them into making the Basic Assessment Report.
- e) The need and desirability for the proposed activity.

4. Findings

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

- a) The identification and assessment of impacts are detailed in the Basic Assessment Report dated November 2022.
- b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- c) The procedure followed for impact assessment is adequate for decision-making process.
- d) All issues emanating from interested and affected parties had no objective to the project.

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

ANNEXURE B: NATIONAL APPEAL REGULATIONS, 2014 (GN R 993 OF 2014) – CHAPTER 2

APPEAL SUBMISSION

- 1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered I&AP and any organ of state with interest in the matter, within 20 days from:
 - a. the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
 - b. the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- 2) An appeal submission must be -
 - c. (a) submitted in writing in the form obtainable from the appeal administrator; and
 - d. (b) accompanied by -
 - i. a statement setting out the grounds of appeal; and
 - ii. supporting documentation which is referred to in the appeal submission; and a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

RESPONDING STATEMENT

The Applicant, the decision-maker, I&APs, and organs of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

APPEAL PANEL

- 1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.
- 2) The appeal panel contemplated in sub regulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances.
- 3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.

RECOMMENDATIONS AND DECISIONS ON APPEALS

- 1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in Regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- 2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- 3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- 4) The decision contemplated in sub regulation (3) must contain written reasons for the decision.

COMMUNICATION

- 1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- 2) In order to meet the time periods determined in these regulations, the person referred to in sub regulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.