



## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

**NEAS Reference:** DEA/EIA/0000782/2011

**DEA Reference:** 12/12/20/2600

**Enquiries:** Jay-Jay Mpelane

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

Ms Jade Feinberg  
Khoi-Sun Development (Pty) Ltd  
Suite 103  
Dixon Street  
**CAPE TOWN**  
8001

Tel no: 021 418 3940

Fax no: 086 297 7280

### **PER FACSIMILE / MAIL**

Dear Ms Feinberg

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543, 544, 545 AND 546: PROPOSED CONSTRUCTION OF THE KHOI-SUN SOLAR DEVELOPMENT ON A PORTION OF FARM 426 SKUITDRIFT, SIYANDA DISTRICT MUNICIPALITY, 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 March 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: 012 320 7561;

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:**

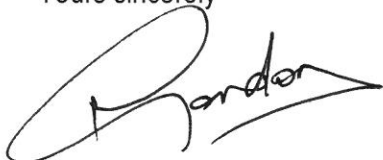
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: [AppealsDirectorate@environment.gov.za](mailto: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:** 26 June 2013

CC:	Ms Dale Holder	Cape Environmental Assessment cc	Tel: 044-874-0365	Fax: 044-874-0432
	Ms Anga Yaphi	Northern Cape: DENC	Tel: 054-332-2885	Fax: 054-331-1155
	Mr J Mackay	Kai-Garib Municipality	Tel: 054-431-6300	Fax: 086-576-5114 or Fax: 054-461-6401
	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)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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:-**

- 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;
- 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:-**

- the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

**3. An appeal must be:-**

- submitted in writing;
- 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 the Khoi-Sun Solar Development on a portion of Farm 426 Skuitdrift, Siyanda

District Municipality, Northern Cape Province

Siyanda District Municipality

<b>Authorisation register number:</b>	<i>12/12/20/2600</i>
<b>NEAS reference number:</b>	<i>DEA/EIA/0000782/2011</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Khoi-Sun Development (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Northern Cape Province: within the jurisdiction of the Siyanda District Municipality near Upington.</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 –

### **KHOI-SUN DEVELOPMENT (PTY) LTD**

with the following contact details –

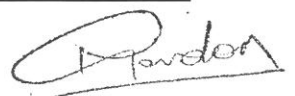
Ms Jade Feinberg  
Khoi-Sun Development (Pty) Ltd  
Suite 103  
Dixon Street  
**Cape Town**  
8001

Tel: 021 418 3940

Fax: 086 297 7280

Cell: 083-645-0202

E-mail: [j.feinberg@buildingenergy.it](mailto:j.feinberg@buildingenergy.it)





to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 and 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 1: (i) &amp; (ii)</u></p> <p>The construction of facilities or infrastructure for the generation of electricity where:</p> <p>i. the electricity output is more than 10 megawatts but less than 20 megawatts; or</p> <p>ii. the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare.</p>	<p>Construction of Khoi-Sun Development with a maximum capacity of 75MW. The total area to be affected by the development will be approximately 210ha.</p>
<p><u>GN R. 544 Item 10: (i)</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity -</p> <p>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>New overhead power line linking the proposed on-site substation/operation building to the existing Schuitdrift Substation.</p>
<p><u>GN R. 544 Item 11: (xi)</u></p> <p>The construction of:</p> <p>(xi) infrastructure or structures covering 50 square metres or more:</p> <p>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.</p>	<p>The possible construction of roads/tracks &amp; PV arrays across the on-site drainage systems. Stabilisation of stream/drainage line bed &amp; banks may be required.</p>
<p><u>GN R. 544 Item 18: (i)</u></p> <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</p> <p>(i) a watercourse;</p>	<p>The possible construction of roads/tracks &amp; PV arrays across the on-site drainage systems. Stabilisation of stream/drainage line bed &amp; banks may be required.</p>
<p><u>GN R. 544 Item 22: (i) &amp; (ii)</u></p> <p>The construction of a road, outside urban areas,</p> <p>(i) with a reserve wider than 13,5 meters or,</p> <p>(ii) where no reserve exists where the road is wider than 8 metres.</p>	<p>Construction of access and internal roads for the solar facility for construction and operation phases outside the urban edge of Kai-Garib</p>

Listed activities	Activity/Project description
<p><u>GN R. 545 Item 1:</u></p> <p>The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</p>	<p>Khoi-Sun Solar Development will have a maximum capacity of 75MW.</p>
<p><u>GN R. 545 Item 8:</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.</p>	<p>New overhead power line linking the proposed on-site substation/operation building to the existing Schuitdrift Substation.</p>
<p><u>GN R. 545 Item 15:</u></p> <p>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.</p>	<p>Development of the Khoi-Sun Solar Development of approximately 210ha on vacant land, outside of the Kai-Garib urban edge.</p>
<p><u>GN R. 546 Item 4: (a) (ii) (gg)</u></p> <p>The construction of a road wider than 4 metres with a reserve less than 13,5 metres:</p> <p><b>(a) In Northern Cape provinces:</b></p> <p>ii. Outside urban areas, in:</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve;</p>	<p>Construction of access and internal roads wider than 4 metres for solar facility, outside the Kai-Garib urban edge.</p>
<p><u>GN R. 546 Item 14: (a) (i)</u></p> <p>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p><b>a) In Northern Cape:</b></p> <p>i. All areas outside urban areas.</p>	<p>Vegetation clearing for the Solar Panels and associated infrastructure: access road, cable trenches and on-site substation &amp; axillary buildings etc. outside of the Kai-Garib urban edge. Solar Energy Plant to be constructed over an area approximately 210ha on private land. Intact vegetation to be avoided by solar facility as far as possible.</p>

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

	Latitude	Longitude
Centre of the development envelope	28°36'20.94"S	19°45'48.86"E

- for the proposed construction of a 75MW Photovoltaic Solar Energy Facility (PVSEF) on the Farm 426 Skuitdrift within the jurisdiction of the Siyanda District Municipality near Upington, Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with the proposed Khoi-Sun Development includes:

- Solar photovoltaic panels with a feed-in capacity of 75MW (megawatts) Alternating Current (AC) / >90MW Direct Current (DC);
- Approximately 75 x inverter stations (built within transport containers of approximately 25m<sup>2</sup>);
- On-site substation (approximately 20m x 20m)(including a feed-in transformer to allow the generated power to be connected to Eskom's electricity grid);
- An overhead transmission power line to distribute the generated electricity from the on-site substation to the existing Schuitdrift Eskom Substation (approximately 200m to the south-east);
- Auxiliary buildings, including:
  - administration / office & security (gate house),
  - control room & workshop,
  - visitor centre,
  - ablution / change room and
  - Warehouse / storeroom.
- a laydown area of approximately 3ha;
- an internal electrical reticulation network (underground cabling);
- an access road and internal road / track network;
- 10 x 10kLt rainwater tanks; and
- Electrified perimeter fencing around the solar facility.

## Conditions of this Environmental Authorisation

### Scope of authorisation



1. The preferred site located on a portion of Farm 426 Skuitdrift with layout alternative 5 as described in the EIR dated March 2013 is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
6. This activity must commence within a period of three (3) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

#### **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;

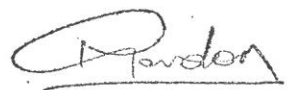
- 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
- 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
  - 11.1. informing interested and affected parties of 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 March 2013 is hereby approved. This EMPr must be implemented and adhered to. 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.
13. Changes to the EMPr, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.
14. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the EIR dated March 2013 be discovered.
15. The provisions of the approved EMPr including recommendations and mitigation measures in the EIR dated March 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**

16. 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.
  17. The ECO must be appointed before commencement of any authorised activity.
  18. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
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19. 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.
20. The ECO must:
  - 20.1 Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
  - 20.2 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.
  - 20.3 Keep and maintain a daily site diary.
  - 20.4 Keep copies of all reports submitted to the Department.
  - 20.5 Keep and maintain a schedule of current site activities including the monitoring of such activities.
  - 20.6 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.
  - 20.7 Compile a monthly monitoring report.

### **Recording and reporting to the Department**

21. 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.
22. 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**

23. 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.
  24. The environmental audit report must:
    - 24.1 Be compiled by an independent environmental auditor;
-

- 24.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
- 24.3 Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
- 24.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
- 24.5 Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
- 24.6 Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed;
- 24.7 Include a copy of this authorisation and the approved EMPr;
- 24.8 Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this authorisation; and
- 24.9 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**

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

- 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. 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.
31. 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**

32. 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**

33. Anti-collision devices such as bird flappers must be installed where power-lines crosses avifaunal corridors e.g. wetlands, roosting sites etc. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
34. 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.
35. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
36. 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.
37. A buffer zone of 50 metres must be established around the base of each koppie. No construction activities will be allowed within this buffer zone. The ECO should be made aware of the presence of archaeological resources there, so that their safeguarding can be ensured during construction.



38. A buffer zone of at least 20 metres must be established around graves that are younger than 60 years. No construction activities will be allowed within this buffer zone.
39. 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.
40. 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 plants 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.
41. 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).
42. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
43. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.
44. The applicant must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.
45. 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.
46. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
47. 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.
48. 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.

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.

## General

54. 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.
55. 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.
56. 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: 26 June 2013.

A handwritten signature in black ink, appearing to read 'Mark Gordon', with a large, sweeping initial 'M'.

**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 March 2013;
- b) The comments received from the Department of Water Affairs, the South African Heritage Resources Agency, the South African National Roads Agency SOC Limited, the Department of Agriculture, Forestry & Fisheries, the South African Square Kilometre Array, the Department of Agriculture, Land Reform & Rural Development, Eskom, the South African Civil Aviation Authority and interested and affected parties as included in the EIR dated March 2013;
- c) Mitigation measures as proposed in the EIR dated March 2013 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D 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 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.
- c) The EIR dated March 2013 identified all legislation and guidelines that have been considered in the preparation of the EIR dated March 2013.
- d) The methodology used in assessing the potential impacts identified in the EIR dated March 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 identification and assessment of impacts are detailed in the EIR dated March 2013 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) The information contained in the EIR dated March is accurate and credible.
- e) EMPr 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.