



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference:DEA/EIA/0000251/2011

DEA Reference: 12/12/20/2264

Enquiries: Ms Thulisile Portia Nyalunga

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AES Solar Energy Ltd
Mr Geoffrey Hainebach
Suite A206 Gatehouse Building
Black River Park
Fir Street
Observatory
CAPE TOWN
7925

Fax no: 086 545 7076

PER FACSIMILE / MAIL

Dear Mr Hainebach

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543 AND 544: PROPOSED CONSTRUCTION OF THE 10MW OLYVEN KOLK PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY ON THE REMAINING PORTION OF PORTION 14 (A PORTION OF PORTION 4) OF THE FARM OLYVEN KOLK NO. 187 WITHIN THE SIYANDA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.

With reference to the above application, please be advised that the Department has decided to accept the Final Basic Assessment Report (BAR) dated December 2011 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,

By hand: Pretoria, 0001; or
2nd Floor, Fedsure Building, North Tower,
cnr. 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: Environmental Impact Evaluation*) 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: tzwane@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 Ishaam Abader
Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

Date: 01/08/2012

CC:	Ms I Evans	Environmental Resource Management	Tel: 021 702 9100	Fax: 021 701 7900
	MsD Moleko	DTEC	Tel: 053 807 4800	Fax: 053 831 3530
	Mr E Ngxanga	Siyanda Local Municipality	Tel: 054 337 2868	Fax: 054 337 2888
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

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

Proposed AES Solar Energy Ltd 10 MW Olyven Kolk Photovoltaic Solar Energy Facility on the Remaining portion of Portion 14 (a portion of Portion 4) of the farm Olyven Kolk No. 187 in the Northern Cape Province

Siyanda District Municipality

Authorisation register number:	12/12/20/2264
NEAS reference number:	DEA/EIA/0000251/2011
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>AES Solar Energy Ltd</i>
Location of activity:	<i>NORTHERN CAPE PROVINCE: On the Remaining portion of Portion 14 (a portion of Portion 4) of the farm Olyven Kolk No. 187 within the Kai Garib Local 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 –

AES SOLAR ENERGY LTD

with the following contact details –

Mr Geoffrey Hainebach
AES Solar Energy Ltd
Suite A206 Gatehouse Building
Black River Park
Fir Street
Observatory

CAPE TOWN

7925

Tel no: 021 447 1887

Fax no: 086 545 7076

Cell no: 086 545 7076

E-mail: Geoff.hainebach@texforce.co.za

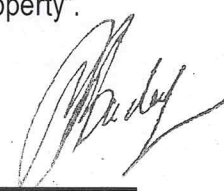
to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notices 1 (GN R. 544):

Listed activities	Activity/Project description
GN R. 544 Item 1:	<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>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: (xi) 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>

as described in the Basic Assessment Report (BAR) dated November 2011 at:

Alternative S1	Latitude	Longitude
On the Remaining portion of Portion 14 (a portion of Portion 4) of the farm Olyven Kolk No. 187	29° 30' 0.55"S	20° 48' 5.91"E

- for the proposed construction of the 10 MW Photovoltaic (PV) Solar Energy Facility on a site located on the Remaining portion of Portion 14 (a portion of Portion 4) of the farm Olyven Kolk No. 187 within the Siyanda District Province in the Northern Cape Province, hereafter referred to as “the property”.



The associated infrastructure for the proposed development includes:

- PV solar panels/modules (arranged in arrays) 1.2 m in length and 0.6 m in width with an output of 80 W each.
- PV module mounted on fixed structures, approximately 2.5 m in height from the ground.
- An overhead 132 kV power line which is approximately 400 m in length which will be fed into the national grid at the Eskom Aries Substation.
- Access roads and internal paths.
- Underground cables.
- One or more permanent meteorological stations.
- A small site office and storage facility, including security and ablution facilities.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred site alternative on the Remaining portion of Portion 14 (a portion of Portion 4) of the farm Olyven Kolk No. 187 within the Siyanda District Province in the Northern Cape Province is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described on page 3 of this authorisation.
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. Existing infrastructure must be used as far as possible e.g. roads. The layout plan must indicate the following:
- 12.1 The position of solar facilities and the associated infrastructure;
 - 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 Heritage sites that will be affected by the facility and associated infrastructure;
 - 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 panel 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 Application for EA must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the BAR dated November 2011 must be incorporated as part of the EMPr. Once approved, the EMPr must be implemented and adhered to.
14. The EMPr amendment must include the following:
- 14.1. All recommendations and mitigation measures recorded in the BAR dated November 2011.
 - 14.2. The requirements and conditions of this authorisation.



- 14.3. The final site layout plan.
- 14.4. 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.
- 14.5. 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.
- 14.6. 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.
- 14.7. 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.
- 14.8. 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.
- 14.9. 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.
- 14.10. 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.
- 14.11. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.

- 14.12. A map combining the final layout plan superimposed (overlain) on the environmental sensitivity map.
- 14.13. 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.
15. 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.
16. Changes to the EMPr, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.
17. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the BAR be discovered.
18. The provisions of the approved EMPr including recommendations and mitigation measures in the BAR and specialist' studies shall be an extension of the conditions of this EA and therefore non-compliance with them would constitute noncompliance with the EA.

Monitoring

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 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 pertaining to this authorisation.
 - 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

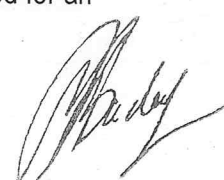
30. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

Site closure and decommissioning

31. Should the activity ever cease or become redundant, the 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

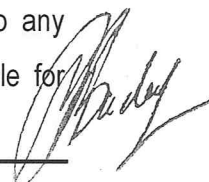
32. Should any archaeological sites or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.



33. The holder of this authorisation must obtain a permit from the Department of Agriculture, Fisheries and Forestry (DAFF) for the removal/damage/cutting or pruning of protected tree species as per National Forest Act, 1998 (Act No 84 of 1998) prior to the commencement of construction activities.
34. The holder of this authorisation must obtain a Water Use Licence Authorisation (WULA) 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 WULA must be submitted to the Director: Environmental Impact Evaluation at the Department.
35. A Veld Management Plan must be compiled for the PV facility according to the Conservation of Agricultural Resources Act 43 of 1983 (CARA) and this plan must be submitted to DAFF for their approval, prior to construction.
36. 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.
37. Night lighting of the construction sites must be restricted to only what is required for the safe and efficient management of the activity. Lighting for both the construction period and through the operation of the facility must be of the low pressure sodium type. All perimeter and security lighting must be attached to motion detectors.
38. No construction activities and infrastructure are allowed within a 1 km radius of the Martial Eagle nest site and within a 500 m radius of the Lanner Falcon nest site.
39. 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 350 m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain, or hillside wetlands.
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 requiring disposal 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.

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: 01 MARCH 2012



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection

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 BAR dated November 2011;
- b) No comments received from the organs of state and interested and affected parties as included in the BAR dated November 2011;
- c) Mitigation measures as proposed in the BAR dated November 2011 and the EMPr;
- d) The information contained in the specialist study contained within Appendix D of the BAR; and
- e) 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 all the specialist studies conducted, issues identified and recommended mitigation measures which were deemed to be acceptable.
- b) The need and desirability of the proposed development.
- c) The BAR dated November 2011 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the BAR dated November 2011.
- d) The methodology used in assessing the potential impacts identified in the BAR dated November 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 BAR dated November 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) 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 application is accordingly granted.

