



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/2645/2

Enquiries: Ms Adika Rambally

Tel: 012 399 9386 E-mail: ARambally@environment.gov.za

Mr Andrew Melville Johnson
Greefspan PV Power Plant No. 2 (RF) (Pty) Ltd
PO Box 22
PARKLANDS
2121

Telephone Number: (010) 595 3333
Email Address: ajohnson@sunedison.com

PER EMAIL / MAIL

Dear Mr Johnson

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 06 SEPTEMBER 2012 FOR THE CONSTRUCTION AND OPERATION OF THE 55MW GREEFSPAN PV POWER PLANT NO. 2 AND ITS ASSOCIATED INFRASTRUCTURE SITUATED ON THE FARM DE RUST, A PART OF THE REMAINDER OF PORTION 1 OF THE FARM KWARTELSPAN NO. 25, DOUGLAS, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 06 September 2012, your application for an amendment of the EA received on 25 August 2017, the final report received on 22 November 2017, the amended application for amendment of the EA received on 16 March 2018 and additional information received up to 22 March 2018, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5, Regulation 27(2) (a) of the National Environmental Management Act, Act Number 107 of 1998 (as amended) (NEMA), Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) (the Regulations), has decided to amend the EA dated 06 September 2012 as amended, by issuing a new EA.

The attached EA will replace the EA dated 06 September 2012 as well as the subsequent amendments. All further amendments must be lodged on the attached EA.

In terms of Regulation 4(2) of 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 EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

Should any person wish to lodge an appeal against this decision, he/she must submit the 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 (twenty) days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By Email: appealsdirector@environment.gov.za

By Hand: Environment House
473 Steve Biko Street
Arcadia
Pretoria
0083

By Post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the NEMA the lodging of an appeal will suspend the EA 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.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 03/04/2018

| | | | |
|-----|-----------------|--------------------------------------|---|
| CC: | Ms Irme Van Zyl | Van Zyl Environmental Consultants cc | Email: ibvanzyl@telkomsa.net |
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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 27(2) (a) of the Environmental Impact Assessment Regulations, 2014

The construction and operation of the 55MW Greefspan PV Power Plant No. 2 and its associated infrastructure on the Farm De Rust, a part of the Remainder of Portion 1 of the Farm Kwartelspan No. 25, Douglas, Northern Cape Province

Pixley Ka Seme District Municipality

| | |
|--------------------------------------|--|
| Application Reference Number: | 12/12/20/2645/2 |
| Last Amended: | <i>Second Issue</i> |
| Holder of Authorisation: | <i>Greefspan PV Power Plant No. 2 (RF) (Pty) Ltd</i> |
| Location of Activity: | Remainder of Portion 1 of the Farm Kwartelspan No. 25, Douglas, Pixley Ka Seme District Municipality Northern Cape Province |

This environmental 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.

M.S

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 activity specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the Environmental Impact Assessment (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 and the EIA Regulations the Department hereby authorises -

Greefspan PV Power Plant No. 2 (RF) (Pty) Ltd -

with the following contact details –

Mr Andrew Melville Johnson
Greefspan PV Power Plant No. 2 (RF) (Pty) Ltd
PO Box 22
PARKLANDS
2121

Telephone Number: (010) 595 3333
Email Address: ajohnson@sunedison.com

to undertake the following activities (hereafter referred to as "the activities") indicated in GN R. 983 and GN R. 984 of the EIA Regulations, 2014 as amended:

| Activity number | Activity description |
|---|--|
| <p><i>GN R. 983 Activity 11(i):</i> <i>The development of facilities or infrastructure for the transmission and distribution of electricity-</i> <i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts</i></p> | <p>Onsite cabling (internal, underground) will be required to connect the solar panels to the onsite substation. The voltage of the cabling may exceed 33kV.</p> |
| <p><i>GN R. 983 Activity 12(ii)(c):</i> <i>The development of-</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <i>where such development occurs-</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</i></p> | <p>Infrastructure or structures with a physical footprint of 100 square meters or more may be erected within 32 metres of drainage channels.</p> |
| <p><i>GN R. 983 Activity 24(ii):</i> <i>The development of a road-</i> <i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres</i></p> | <p>An access road approximately 10 metres wide may be constructed.</p> |
| <p><i>GN R. 983 Activity 28(ii):</i> <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare</i></p> | <p>The construction and operation of the planned 55MW PV power station could be classified as commercial and/or industrial activities and will require an area of approximately 100 hectares of agricultural land.</p> |

| Activity number | Activity description |
|---|---|
| <p><i>GN R. 983 Activity 36(i)(ii):</i> <i>The expansion of facilities or structures for the generation of electricity from a renewable resource where-</i> <i>(i) the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint; or</i> <i>(ii) regardless the increased output of the facility, the development footprint will be expanded by 1 hectare or more</i></p> | <p>A 10MW PV power station has already been authorised and constructed at Greefspan Substation. Construction of the 55MW PV power station could constitute an expansion of more than 10MW and more than 1 hectare as the applicant is the same parent company, and the site is located outside an urban area.</p> |
| <p><i>GN R. 983 Activity 56(ii):</i> <i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-</i> <i>(ii) where no reserve exists, where the existing road is wider than 8 metres</i></p> | <p>The 10 metre wide access road authorised for the 10MW PV power station may need to be lengthened by more than 1 km to provide access for trucks to offload construction equipment nearer to the site that is currently being applied for and the site is located outside an urban area.</p> |
| <p><i>GN R. 984 Activity 1:</i> <i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more</i></p> | <p>The electricity output of the planned PV power station would be 55MW and the site is located outside an urban area.</p> |
| <p><i>GN R. 984 Activity 15:</i> <i>The clearance of an area of 20 hectares or more of indigenous vegetation</i></p> | <p>The planned 55MW PV power station will require an area of approximately 160 hectares of indigenous vegetation to be cleared.</p> |

This project has been downgraded from a full Scoping Environmental Impact Report to a Basic Assessment Process on 12 January 2012.

M.S

as described in the Basic Assessment Report (BAR) dated June 2012 and subsequent reports received in respect of the application for amendment of Environmental Authorisation (Reference: 12/12/20/2645/AM4) up to 19 March 2018 at:

| Alternative S1 | Latitude | Longitude |
|-------------------|-------------|-------------|
| Site Centre Point | 29°23.241'S | 23°18.395'E |

- for the proposed construction and operation of the 55MW Greefspan PV Power Plant No. 2 and its associated infrastructure on the Farm De Rust, a part of the Remainder of Portion 1 of the Farm Kwartelspan No. 25, Douglas in the Northern Cape Province, hereafter referred to as "the property".

The development will have a footprint of approximately 6400m² and will include the following components:

- PV modules;
- Lighting protection systems, including masts of up to 25m;
- Any equipment and upgrades or expansions required to the substation;
- Internal service roads (5m) and where required an access road;
- Small administrative, control and security buildings (300-400m²);
- Ablution facilities;
- Workshops, storerooms and laydown areas;
- Perimeter fencing and security systems 10m from nearest PV modules;
- Area lighting (movement activated);
- Small parking area; and
- Internal reticulation approximately 500mm below ground.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The construction and operation of the 55MW Greefspan PV Power Plant No. 2 and its associated infrastructure on the Farm De Rust, a part of the Remainder of Portion 1 of the Farm Kwartelspan No. 25, Douglas, in the Northern Cape Province as described above is hereby approved.

2. Authorisation of the activity is further subject to the conditions contained in this environmental 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 environmental 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 environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental 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.
8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

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 14 (fourteen) 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 environmental authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;

- 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
- 10.4. provide 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 terms of the National Appeal Regulations, 2014.

Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 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 has been finalised.

Management of the activity

13. The Environmental Management Programme (EMPr) dated November 2017 and received by this Department on 22 November 2017 is approved and must be implemented and strictly enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development.
14. Should the holder of this authorisation propose any changes to the EMPr, the holder 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 at that time.
15. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

Frequency and process of updating the EMPr

16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the

- undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
17. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
 18. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
 19. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 20. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

21. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 21.1. The ECO must be appointed before commencement of any authorised activities.
 - 21.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 21.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 21.4. 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.

Recording and reporting to the Department

22. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
23. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
24. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the approved EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
25. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
26. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 and must 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 approved EMPr.
27. 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.

Notification to authorities

28. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. 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.

Operation of the activity

29. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity's operational phase.

Site closure and decommissioning

30. Should the activity ever cease or become redundant, the holder of the authorisation 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 at that time.

Specific conditions

31. The PV power station must be located 60m from the R 357.
32. If an electrical fence is used, the electric fence contractor must consult an ecologist to discuss the configurations of the fence.
33. No activities shall be allowed to encroach into a water resource without a Water Use License Authorisation (WULA) being in place from the Department of Water Affairs (DWA).
34. The applicant must obtain a wayleave from the Department of Roads and Public Works prior to construction.
35. A permit must be obtained from all relevant provincial nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
36. Copies of permits in respect of condition 35 above required must be submitted to the Department for record keeping.
37. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
38. 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.
39. Construction must include appropriate design measures that allow surface and sub-surface movement of water along drainage lines so as not to impede natural surface and sub-surface flows. Drainage measures must promote the dissipation of storm water run-off.
40. 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 59 of 2008).

General

41. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying -
- 41.1. at the site of the authorised activity;
 - 41.2. to anyone on request; and
 - 41.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
42. 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 holder of the authorisation or his/her 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 holder of the authorisation 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: 03/04/2018



Mr Sabelo Malaza

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 BAR dated 05 June 2012.
- b) The comments received from the Department of Water Affairs, the Siyancuma Local Municipality, SAHRA, Telkom, DAFF (Forestry), Rockwell Diamonds and, interested and affected parties as included in the BAR dated 05 June 2012.
- c) Mitigation measures as proposed in the BAR dated 05 June 2012 and the EMPr.
- d) The information contained in the specialist studies contained within Appendix D of the BAR.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- f) The motivation provided in the application form for amendment of the EA received on 25 August 2017, the final report received on 22 November 2017, the amended application form for amendment of the EA received on 16 March 2018 and additional information received up to 22 March 2018.

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) PV technology exploits the most abundant source of free power from the sun and has potential to meet almost all of mankind's energy needs.
- c) The Siyancuma Local Municipality confirmed that there is water available for the construction of the Greefspan PV Power Station and associated infrastructure.
- d) The study areas for the Greefspan PV Power Station falls within a vegetation type categorised as least threatened.

- e) The construction of the Greefspan PV Power Station has been approved by Eskom in term of Section 22 of the Electronic Communications Act, No. 36 of 2005.
- f) The BAR dated 05 June 2012 identified all legislation and guidelines that have been considered in the preparation of the BAR dated 05 June 2012.
- g) The methodology used in assessing the potential impacts identified in the BAR dated 05 June 2012 and the specialist studies have been adequately indicated.
- h) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations.

3. Conclusion

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 05 June 2012 and sufficient assessment of the key identified issues and impacts have been completed.
- b) If properly maintained the Photovoltaic power station is expected to have a lifespan of approximately 25 years.
- c) The proposed project will be situated in close proximity to the Greefspan Substation.
- d) The site can be accessed via the R357 provincial road through the already authorised Greefspan I roads ((12/12/20/1942 & DEAT/EIA/12807/2011).
- e) The Eskom Greefspan Substation has the grid capacity to accept the electricity that will be generated by the Greefspan Photovoltaic Power Station.
- f) The length of the evacuation lines to the Greefspan Substation would be less than 200m and would follow the existing servitude of the existing Eskom transmission lines to the Greefspan Substation.
- g) The procedure followed for impact assessment is adequate for the decision-making process.
- h) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- i) The information contained in the BAR dated 05 June 2012 is accurate and credible.
- j) 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.
- k) The motivation provided in the application form for amendment of the EA received on 25 August 2017, the final report received on 22 November 2017, the amended application form for

amendment of the EA received on 16 March 2018 and additional information received up to 22 March 2018.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised 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 authorised activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.