



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA ·0001· Environment House ·473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/2/2027

Enquiries: Mr Herman Alberts

Telephone: (012) 399 9371 E-mail: HAlberts@environment.gov.za

Mr Adriaan Botha
Kotulo Tsatsi Energy (Pty) Ltd
2 Michelin Street
VANDEBIJLPARK
1900

Telephone Number: (016) 986 0691
Email Address: AttieBotha@KotuloTsatsiEnergy.com

PER EMAIL / MAIL

Dear Mr Botha

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED KOTULO TSATSI ENERGY PV1 FACILITY IN THE NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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 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:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

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 appeals@environment.gov.za.

Yours faithfully



Mr Vusi Skosana

**Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment**

Date: 27 July 2021

cc:	Pieter Janeke	Dotcom Trading 849 cc	Email: pjaneke@pbd.co.za
	Bryan Fisher	NC: DAEARDLR	Email: Bfisher@ncpg.gov.za
	Jl Swartz	Hantam Local Municipality	Email: Jiswartz@hantam.gov.za
	Karen Jodas	Savannah Environmental (Pty) Ltd	Email: karen@savannahsa.com



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The 200MW Kotulo Tsatsi Energy PV1 Facility in the Namakwa District Municipality,

Northern Cape Province

Namakwa District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/2027</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Kotulo Tsatsi Energy (Pty) Ltd</i>
Location of activity:	<i>Portion 3 of Farm Styns Vley 280; Hantam Local Municipality; Namakwa District Municipality; Northern Cape Province.</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 Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

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, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

KOTULO TSATSI ENERGY (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Adriaan Botha

Kotulo Tsatsi Energy (Pty) Ltd

2 Michelin Street

VANDEBIJLPARK

1900

Telephone Number: (016) 986 0691
Cell Number: (082) 824 1684
Fax Number: (016) 986 0497
Email Address: AttieBotha@KotuloTsatsiEnergy.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><u>Listing Notice 1 Item 11:</u></p> <p><i>"The development of facilities or infrastructure for the transmission and distribution of electricity –</i></p> <p>(i) <i>outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kV."</i></p>	<p>The project entails the construction of a new 132kV power line and on-site substation to evacuate electricity generated by the project into the national electricity grid via an already authorised substation and switching station. The power line and on-site substation will have a capacity of more than 33kV and will be located outside of an urban area.</p>
<p><u>Listing Notice 1 Item 12:</u></p> <p><i>"The development of—</i></p> <p>(ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p>(c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse."</i></p>	<p>The construction and operation of the solar PV facility and associated infrastructure will occur within 32m of an ephemeral drainage line located directly outside and along the north-western boundary of the development envelope. The infrastructure will have a physical footprint of more than 100 square metres.</p>
<p><u>Listing Notice 1 Item 14:</u></p> <p><i>"The development and related operation of facilities and infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres."</i></p>	<p>Dangerous goods such as fuel will be required to be stored and handled on site. The combined capacity of storage containers will be more than 80 cubic metres but will not exceed 500 cubic metres during the construction and operation phases.</p>

<p><u>Listing Notice 1 Item 24:</u></p> <p><i>"The development of a road—</i> <i>(ii) with a reserve wider than 13,5 meters, or</i> <i>where no reserve exists where the road is wider than</i> <i>8 metres."</i></p>	<p>The construction of the solar PV facility will require the construction of new access roads up to 8m in width to provide access to the facility.</p>
<p><u>Listing Notice 1 Item 28:</u></p> <p><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>(iii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare."</i></p>	<p>The total area of land to be developed for the solar PV facility is larger than 1 hectare. The site is currently used for agricultural purposes. The total extent of the development envelope is ~847ha.</p>
<p><u>Listing Notice 2 Item 1:</u></p> <p><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 project comprises a renewable energy generation facility, which will utilise photovoltaic (PV) technology and will have a generation capacity of up to 200MW. The development is located outside of an urban area.</p>
<p><u>Listing Notice 2 Item 15:</u></p> <p><i>"The clearance of an area of 20ha or more of indigenous vegetation."</i></p>	<p>The facility is located on agricultural land where the predominant land use is livestock grazing and is therefore likely to comprise indigenous vegetation. The project would therefore result in the clearance of an area of land greater than 20ha of indigenous vegetation.</p>
<p><u>Listing Notice 3 Item 4:</u></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</i> <i>(g) In the Northern Cape:</i> <i>(ii) Outside urban areas</i></p>	<p>The construction of the solar PV facility will require the construction of new access roads up to 8m in width to provide access to the facility. The development area is located outside of any urban areas and contains areas identified as CBA 1 and CBA 2 as per the Namakwa Bioregional Plan Draft 1,</p>

<p><i>(ee) within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>published in 2010 by the Namakwa District Municipality.</p>
<p><u>Listing Notice 3 Item 10:</u></p> <p><i>"The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic meters,</i></p> <p><i>(g) in the Northern Cape,</i></p> <p><i>(ii) in areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland and</i></p> <p><i>(iv) outside urban areas and</i></p> <p><i>(ee) within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>Dangerous goods such as fuel will be required to be stored and handled on site. The combined capacity of storage containers will be more than 80 cubic metres but will not exceed 500 cubic metres during the construction and operation phases. The construction and operation of the solar PV facility and associated infrastructure will occur within 32m of an ephemeral drainage line located directly outside and along the north-western boundary of the development envelope. The development area contains areas identified as CBA 1 and CBA 2 as per the Namakwa Bioregional Plan Draft 1, published in 2010 by the Namakwa District Municipality.</p>
<p><u>Listing Notice 3 Item 12:</u></p> <p><i>"The clearance of an area of 300 square meters or more of indigenous vegetation,</i></p> <p><i>(g) in the Northern Cape,</i></p> <p><i>(ii) within critical biodiversity areas identified in bioregional plans."</i></p>	<p>The project would result in the clearance of an area of land greater than 20ha of indigenous vegetation. The development area contains areas identified as CBA 1 and CBA 2 as per the Namakwa Bioregional Plan Draft 1, published in 2010 by the Namakwa District Municipality.</p>
<p><u>Listing Notice 3 Item 14:</u></p> <p><i>"The development of</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more where such development occurs</i></p> <p><i>(a) within a watercourse, or</i></p> <p><i>(c) within 32 meters of a watercourse, measured from the edge of a watercourse, in</i></p> <p><i>(g) the Northern Cape,</i></p>	<p>The construction and operation of the solar PV facility and associated infrastructure will occur within 32m of an ephemeral drainage line located directly outside and along the north-western boundary of the development envelope. The infrastructure will have a physical footprint of more than 10 square metres. The development area contains areas identified as CBA 1 and CBA 2 as per the Namakwa Bioregional Plan</p>

<p>(ii) outside urban areas, (ff) within critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</p>	<p>Draft 1, published in 2010 by the Namakwa District Municipality.</p>
<p><u>Listing Notice 3 Item 18:</u> "The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre, (g) in the Northern Cape, (ii) outside urban areas, within (ee) within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans, and within (ii) a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland."</p>	<p>The Soafskolk Road may need to be widened by more than 4m for the construction phase of the PV facility. The development area contains areas identified as CBA 1 and CBA 2 as per the Namakwa Bioregional Plan Draft 1, published in 2010 by the Namakwa District Municipality. The construction and operation of the solar PV facility and associated infrastructure will occur within 32m of an ephemeral drainage line located directly outside and along the north-western boundary of the development envelope.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated April 2021 at:

SG 21 Code

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Site Coordinates:

	Latitude	Longitude
Centre Point	29°48'43.07"S	20°36'1.68"E
Northern Point	29°46'50.19"S	20°35'48.19"E
Eastern Point	29°49'21.61"S	20°37'49.70"E
Southern Point	29°50'16.81"S	20°35'44.97"E
Western point	29°49'15.08"S	20°34'30.03"E

- for the 200MW Kotulo Tsatsi Energy PV1 Facility in the Namakwa District Municipality, Northern Cape Province, hereafter referred to as "the property".

The facility will comprise the following:

- Solar PV array footprint comprising of:
 - PV modules and mounting structures
 - Inverters and transformers
 - Integrated Energy Storage System (IESS)
 - Cabling between the project components
 - Internal access roads
- Access roads, internal distribution roads and fencing around the development footprint.
- Admin block comprising of:
 - Site offices and maintenance buildings, including workshop areas for maintenance and storage
 - Assembly plant
 - Laydown areas

Conditions of this Environmental Authorisation

Scope of authorisation

1. The Kotulo Tsatsi Energy PV1 Facility and its associated infrastructure in the Namakwa District Municipality, Northern Cape Province is approved as per the geographic coordinates cited in the table above.
2. Authorisation of the activity is 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 ten (10) 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. Construction must be completed within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. 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.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the Competent Authority for the decision.

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, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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 layout plan attached as Figure 10.2 of the EIAr dated April 2021 is approved and must be implemented and adhered to.
14. The Environmental Management Programme (EMPr) submitted as part of the EIAr dated April 2021 is approved and must be implemented and adhered to.
15. The EMPr 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 approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.
17. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 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.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. 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.
21. 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 the EIA Regulations, 2014 as amended. 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.
22. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. 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

23. The holder of the authorisation must appoint an experienced 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.
 - 23.1. The ECO must be appointed before commencement of any authorised activities.
 - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 23.4. 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

24. 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.
25. 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.
26. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
27. 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.

28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended 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.
29. 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

30. 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

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

Site closure and decommissioning

32. 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

33. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
34. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
35. A 32 meter buffer must be placed around all wetlands.

36. 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.
 37. Before the clearing of the site, the appropriate permits must be obtained from the relevant authority for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be kept by the ECO.
 38. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
 39. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
 40. Wetlands, rivers and river riparian areas must be treated as "no-go" areas and appropriately demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
 41. Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
 42. No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
 43. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
 44. Internal access roads must be located to minimize stream crossings. All structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
 45. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
 46. All construction vehicles should adhere to a low speed limit to avoid collisions with susceptible species such as snakes and tortoises.
 47. No unsupervised open fires for cooking or heating must be allowed on site.
 48. 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. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
 49. The holder of this authorisation must provide sanitation facilities within the construction area 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.
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50. 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, 2014 as amended.
51. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
52. Borrow materials must be obtained only from authorized and permitted sites. Permits must be kept on site by the ECO.
53. A pre-construction survey of the final development footprint must be conducted to ascertain the identity and exact number of individuals of protected species affected by the proposed development. Prior to the commencement of construction, a rescue and rehabilitation operation for these species which could survive translocation must be conducted.
54. No construction activities can commence without having obtained the necessary permits for threatened or protected species (ToPS) listed and provincially protected species within the study area.
55. All construction vehicles must remain on properly demarcated roads. No construction vehicles should be allowed to drive over the vegetation except where no cleared roads are available. In such cases a single track should be used and multiple paths should not be formed. Where temporary access roads are created, they should be rehabilitated as outlined in the rehabilitation plan after completion of construction.
56. Any fauna directly threatened by the construction activities should be removed to a safe location by a suitably qualified person.
57. 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.
58. The collection, hunting, or harvesting of any plants or animals at the site is strictly forbidden.
59. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors and should be dark-sky friendly.
60. Electric fencing should not have any strands within 30cm of the ground, which should be sufficient to allow smaller mammals, reptiles and tortoises to pass through (tortoises retreat into their shells when electrocuted and eventually succumb from repeated shocks), but still remain effective as a security barrier.
61. All declared aliens must be identified and managed in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983). There should be an alien species monitoring and eradication program to prevent encroachment of these problem plants for the duration of the operation. This should

form part of the EMPr and should aim to address alien plant problems within the whole site, not just the development footprint. A rehabilitation strategy, with follow-up for at least two years after construction were completed, must also form part of the EMPr.

62. The washing of panels during maintenance must be done with biodegradable soaps to avoid soil contamination and poisoning of small animals.
63. The recommendations of the EAP in the final EIAR dated April 2021 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

General

64. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 64.1. at the site of the authorised activity;
 - 64.2. to anyone on request; and
 - 64.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
65. 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: 27 July 2021



Mr Vusi Skosana

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

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 listed activities as applied for in the application form received on 26 October 2020.
- b) The information contained in the EIAr dated April 2021.
- c) The comments received from Telkom SOC Ltd, the DFFE: Directorate Biodiversity and Conservation, SAHRA, Eskom and interested and affected parties as included in the EIAr dated April 2021.
- d) Mitigation measures as proposed in the EIAr and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the EIAr dated April 2021 and as appears below:

Title	Prepared by	Date
Fauna & Flora Specialist Study	3Foxes Biodiversity Solutions	March 2021
Avian Impact Assessment	Birds & Bats Unlimited Environmental Consultants	January 2021
Freshwater Resource Study	Nkurenkuru Ecology & Biodiversity	March 2021
Agricultural Compliance	The Biodiversity Company	December 2020
Heritage Impact Assessment	CTS Heritage	January 2021
Visual Impact Assessment	Logis	March 2021
Social Impact Assessment	Savannah Environmental (Pty) Ltd	January 2021

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.
- c) The EIAr dated April 2021 identified all legislation and guidelines that have been considered in the preparation of the EIAr.
- d) The location of the proposed energy facility.
- e) The methodology used in assessing the potential impacts identified in the EIAr dated April 2021 and the specialist studies have been adequately indicated.

- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended 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 EIAr dated April 2021 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 information contained in the EIAr dated April 2021 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr and will be implemented to manage the identified environmental impacts during the construction phase.

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



forestry, fisheries & the environment

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Forestry, Fisheries and the Environment
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Mr. Vusi Skosana

Director: Strategic co-ordination planning and support

Dear Mr. Vusi Skosana

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 26 JULY 2021 UNTIL 3rd AUGUST 2021.

This serves to confirm your appointment as Acting Chief Director: integrated environmental authorisations, from 26 July 2021 until 3rd August 2021, whilst Mr Sabelo Malaza is on Annual Leave.

You will act in this capacity with the full responsibilities and duties attached to the post, including the activities entrusted to the Acting Chief Director: integrated environmental authorisations by or in terms of the Acts administered by the Department.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Devinagie Bendeman

Acting Deputy Director-General: RSCM (Regulatory Compliance and Sector Monitoring)

Date: 9/07/2021



ACKNOWLEDGEMENT

I ~~DO NOT~~ ACCEPT
appointment as Acting Chief
Director: integrated environmental
authorizations

Signed:

Date: 14 July 2021