



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: 14/12/16/3/3/2/2246

Enquiries: Ms Olivia Letlalo

Telephone: (012) 399 8815 **E-mail:** oletlalo@dff.gov.za

Mr. Du Toit Malherbe
Kudu Solar Facility 3 (Pty) Ltd
Unit B1, Mayfair Square, Century Way, Century City
CAPE TOWN
7441

Telephone Number: 021 276 3620

Cell phone Number: 060 383 8058

Email Address: Du-Toit.Malherbe@abo-wind.com, Petrus.Scheepers@abo-wind.com

PER E-MAIL / MAIL

Dear Mr. Du Toit Malherbe

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED FOR THE PROPOSED 50 MEGAWATTS (MW) KUDU SOLAR FACILITY 3 ON THE REMAINING EXTENT OF PORTION 3 OF THE FARM BAS BERG NO. 88, WITHIN RENOSTERBERG LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY IN THE 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 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 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@dffe.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@dffe.gov.za

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment
Date: 06/09/2023

cc:	Paul Lochner	Council for Scientific and Industrial Research (CSIR)	Tel: 021 888 2486/2400	Email: PLochner@csir.co.za RAbed@csir.co.za
	Natalie Uys, Elsabè Swart Samantha De la Fontaine	Department of Agriculture, Environmental Affairs, Rural Development and Land Reform	Tel: 053 8077300/7474	Email: nuys.denc@gmail.com elsabe.dtec@gmail.com sdelafontaine@gmail.com
	Mr. Kgabaganyo Matolong	Renosterberg Local Municipality	Tel: 053 6630041	Email: renosterberg_mun@xsinet.co.za xolisam@renosterberg.gov.za asandrewsamson@gmail.com xolisamathiso95@gmail.com monicaw@renosterberg.gov.za



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 09 December 2022, amended application form received 13 July 2023.
- b) The information contained in the final EIAr dated July 2023.
- c) The comments received from all interested and affected parties as included in the final EIAr dated July 2023.
- d) Mitigation measures as proposed in the EIAr and the EMPr for the facility and the generic EMPs included in the final EIAr dated July 2023.
- e) The information contained in the specialist studies contained within the appendices of the final EIAr.

2. Key factors considered in making the decision.

All information presented to the Department was considered 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 ties in with the national government policies, plans, and programmes which have relevance to energy planning and production.
- c) The final EIAr dated July 2023 identified all legislations and guidelines that have been considered in the preparation of the EIAr.
- d) The methodology used in assessing the potential impacts identified in the final EIAr dated July 2023 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, 2014 as amended for public involvement.

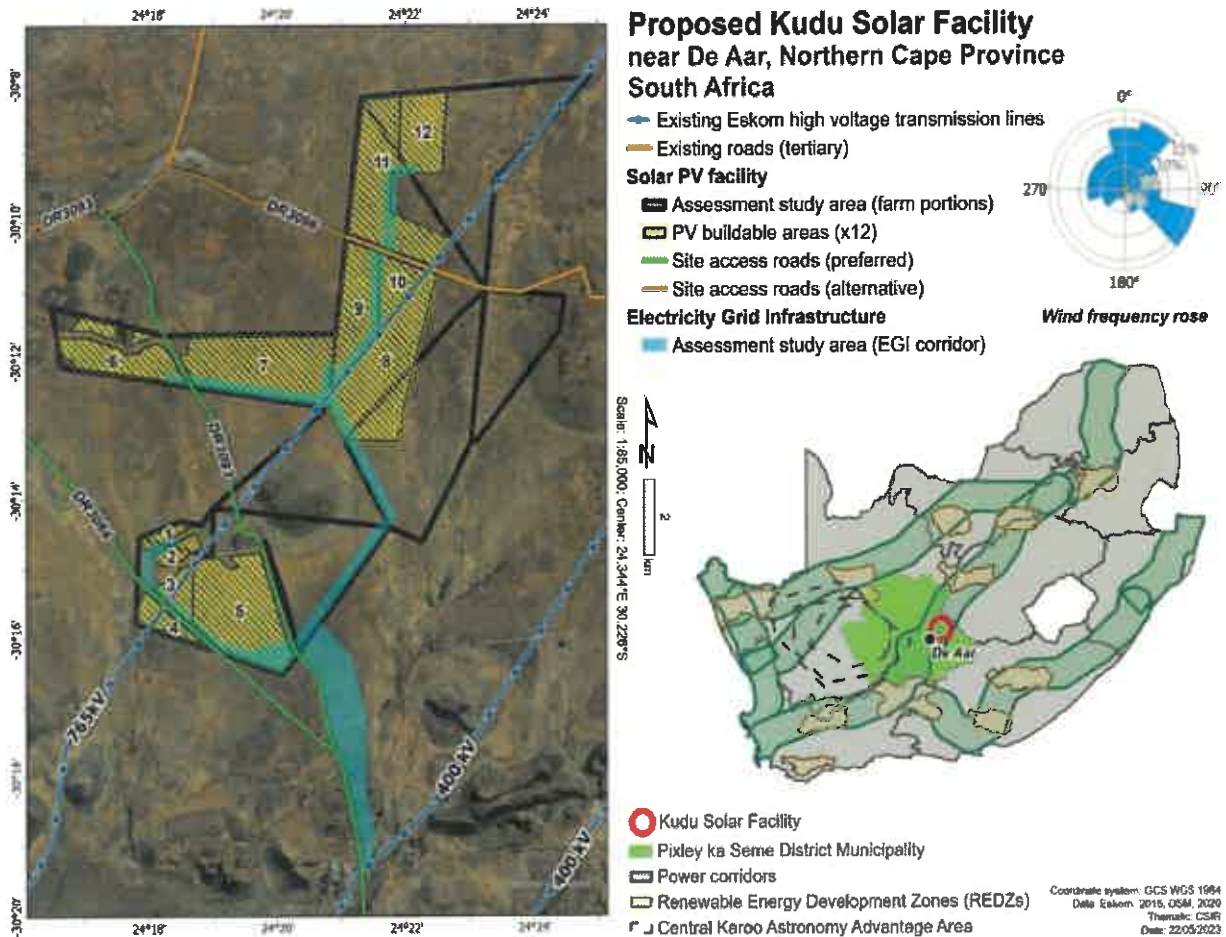
3. Findings

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 final EIAr dated July 2023 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) 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.



Locality Map of the Proposed Kudu Projects.

Note that the EGI Projects are not part of the current application and report. The EGI Projects will be considered separately at a later stage. The EGI corridor indicated in this Figure is indicative.

Figure 1: Locality map

MS