



environmental affairs

Department
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEAT/EIA/0000808/2011

DEA Reference: 12/12/20/2230

Enquiries: Toinette vd Merwe

Telephone: 012-395-1762 Fax: 012-320-7539 E-mail: tvandermerwe@environment.gov.za

Mr Sterenberg Bester
NetWork \$28 Energy (Pty) Ltd
PO Box 54
MARCHAND
8873

Fax no: 011-684-2919

PER FACSIMILE / MAIL

Dear Mr Bester

ACCEPTANCE AND ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R543, GN R544 AND GN R545: PROPOSED CONSTRUCTION OF A 200MW PHOTOVOLTAIC (SOLAR POWER) FACILITY ON THE FARM GEELKOP, FARM NO 456, KENMOES, NORTHERN CAPE

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

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedure Building, North Tower,
Cnr. Lilian Ngoyi (previously 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: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

Mr 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 activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 05 July 2012

CC:	Ms J Thomas	Savannah Environmental (Pty) Ltd	Tel: 011-234-6621	Fax: 088-684-0547
	Mr K Manyatsha	Department of Environment and Nature Conservation	Tel: 054-332-2885	Fax: 053-831-3530
	Mr/Ms B Brand	Kailash Local Municipality	Tel: 054-431-6300	Fax: 054-431-6301
	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: • 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, • 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.

Pardon



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

Construction of a 200MW photovoltaic facility on Farm Geelkop, Farm No 456, Keimoes,
Northern Cape Province

Siyanda District Municipality

Authorisation register number:	12/12/20/2230
NEAS reference number:	DEA/EIA/808/2011
Last amended:	First issue
Holder of authorisation:	NetWorx S28 Energy (Pty) Ltd
Location of activity:	NORTHERN CAPE PROVINCE: Farm No 456, Farm Geelkop, Keimoes

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 –

NETWORK S28 ENERGY (PTY) LTD

with the following contact details –

Mr Sterrenberg Bester
NetWorx S28 Energy (Pty) Ltd
PO Box 54
MARCHAND
8873

Fax: (011) 684 2919
Cell: (078) 815 8367
E-mail: sterren@vodamail.co.za



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

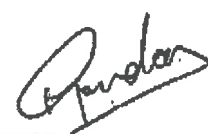
Listed activities	Activity/Project description
GN R544 Item 10	The construction of facilities or infrastructure for the transmission and distribution of electricity – (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.
GN R544 Item 13	The construction of facilities or 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 but not exceeding 500 cubic metres
GN R544 Item 22	The construction of a road, outside urban areas, (i) ... (ii) where no reserve exists where the road is wider than 8 metres.
GN R545 Item 1	The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.
GN R545 Item 15	Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for: (i) linear development activities; or (ii) agriculture or afforestation where activity 16 in this Schedule will apply.

as described in the Environmental Impact Assessment Report (EIR) dated January 2012 at:

- Project S-Kol, with a maximum generating capacity of 200MW, proposed to take place on the Farm No 456, Farm Geelkop and located approximately 10km north-east of Keimoes in the Northern Cape. The project will be developed in three phases: Phase 1 - 30MW; Phase 2 – addition of 70MW to increase the capacity to 100MW; Phase 3 – addition of 100MW to increase the capacity to 200MW.

The project infrastructure will consist of the following components:

- a) The Photovoltaic facility will comprise of numerous arrays of Photovoltaic panels, which will be linked together to form individual "strings".



- b) An inverter situated at the end of each "string" in order to switch the power from direct current (DC) to alternating current (AC).
- c) Underground cabling of 33kV in order to distribute the power to a central on-site substation.
- d) A transformer together with the on-site substation to step-up the power from 33kV to 132kV, to be distributed between the plant and the Eskom grid.
- e) Connection of the Photovoltaic facility to the power distribution grid. An existing 132kV distribution line, which connects the Oranje Substation at Upington and the Oasis Substation at Keimoes, is located in the southern portion of the site. It is proposed that a new 132kV powerline will be built from the on-site substation to connect with the existing powerline.
- f) No new access roads to the sited are proposed. Only internal access roads for construction and maintenance purposes will be constructed.
- g) Maintenance, security buildings, and a workshop.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The proposed activity located on the Farm Geelkop, Farm No 456, Keimoes, and described above, is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.



6. This activity must commence within a period of three (3) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
 - 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.



Monitoring

13. The applicant must appoint an experienced 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 mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 13.1. The ECO must be appointed before commencement of any authorised activity/ies.
- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 13.4. 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.
- 13.5. 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.

Recording and reporting to the Department

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
15. 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.
16. The environmental audit report 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 EMPr.

Commencement of the activity

17. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.



18. 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, of any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
19. 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

20. 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 occur.

Operation of the activity

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

Site closure and decommissioning

22. 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

23. Demarcating of all sensitive environmental features as 'no-go' areas must be done prior to site establishment by the ECO and relevant specialists (Heritage, Ecological, Visual and Geological).
24. Only indigenous plants of the area may be utilised for rehabilitation purposes.
25. Permit/s must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.



26. Copies of permits mentioned above required must be submitted to the Department for record keeping.
27. Should any protected trees be removed from site it must be transplanted in a suitable adjacent natural areas where they will not be disturbed further. The transplanting of all protected species must be done in consultation with the relevant nature conservation agencies and a qualified botanist.
28. A 100m buffer of natural vegetation must be established around the development site to serve as visual screen for the development.
29. Topsoil must be appropriately located to serve as a visual screen during the construction phase of the development.
30. Topsoil must be covered during rain events to avoid soil compaction.
31. An application must be lodged site for a destruction permit in terms of section 35 of the National Heritage Resources Act, Act 25 of 1999, prior to impacting on the Stone Age site.
32. All concrete batching is to take place on non-permeable sheeting to avoid leaching into the ground.
33. All Haul vehicles must be covered at all times with tarpaulins when traveling to and from site when it contains material removed or taken to the site to minimise dust associated impacts.
34. The construction camp site must be fenced for the duration of the construction phase.
35. The photovoltaic facility must be fenced with at least a 2.1m fence to ensure that cattle are kept out.
36. No chemical detergents may be used for cleaning purposes of the photovoltaic panels and associated infrastructure.
37. Bird friendly towers and flight path diverters must be installed in consultation with an Ornithologist.
38. Construction must include 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.
39. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
40. If any heritage resources of significance are exposed during the implementation of the project, SAHRA should be notified immediately, all construction activities must be stopped and an accredited archaeologist should be notified to determine appropriate mitigation measures of the discovered finds. This may include obtaining the necessary authorisation (permits) from SAHRA to conduct the mitigation measures.



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: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
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: 05 July 2012



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the EIR dated January 2012;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated January 2012;
- c) Mitigation measures as proposed in the EIR dated January 2012 and the EMP;
- d) The information contained in the specialist studies contained within Appendix E, F, G H and I of the EIR;
- e) Findings of the site visit conducted on 14 May 2012; and
- f) 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 findings 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 electricity shortages prevalent in the country and the proposed development will contribute to and strengthen the existing energy grid for the area. In addition, the proposed project will aid in achieving the 2013 renewable energy target as well as the goal of a 30% share of all new power generation being derived from independent power producers (IPPs).
- c) The EIR dated January 2012 identified all legislation and guidelines that have been considered in the preparation of the EIR dated January 2012.
- d) The methodology used in assessing the potential impacts identified in the EIR dated January 2012 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 EIR dated January 2012 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) According to the independent EAP, the information contained in the EIR dated January 2012 is accurate and credible.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR 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.

