



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/1/1752

Enquiries: Mr Dakalo Netshiombo

Telephone: (012) 399 8877 E-mail: [DNetshiombo@environment.gov.za](mailto:DNetshiombo@environment.gov.za)

Mr Cornelius Weyers Janse van Rensburg  
Keren Energy Disselfontein (Pty) Ltd  
PO Box 73  
**SOMERSET MALL**  
7137

Telephone Number: (082) 631 7496  
E-mail Address: [weyers@kerenenergy.com](mailto:weyers@kerenenergy.com)

### **PER E-MAIL / MAIL**

Dear Weyers Janse van Rensburg

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982 AND 985 FOR THE PROPOSED KEREN ENERGY DISSELFONTEIN SOLAR PLANT ON FARM DISSELFONTEIN 77, WITHIN THE THEMBELIHLE LOCAL 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, (the Regulations), as amended 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 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](mailto:appealsdirector@environment.gov.za)

MS

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

By post: Private Bag X 447,  
Pretoria,  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, 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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



Ms Millicent Solomons

Acting Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs

Date: 17/11/2017.

cc:	Mr B de Witt	Enviro Africa CC	Tel: 021 8511616	Email: <a href="mailto:bernard@enviroafrica.co.za">bernard@enviroafrica.co.za</a>
	Ms E Botes	Northern Cape Province: Department of Environment and Nature Conservation	<a href="tel:0538077300">Tel: 053 8077300</a>	Email: <a href="mailto:bbotes@gmail.com">bbotes@gmail.com</a>
	Mr M Mogale	Thembelihle Local Municipality	<a href="tel:05320300058">Tel: 053 2030005/8</a>	Email: <a href="mailto:mmogale@thembelihlemunicipality.gov.za">mmogale@thembelihlemunicipality.gov.za</a>



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# **Environmental Authorisation**

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

**The proposed Keren Energy Disselfontein Solar Plant on the Farm Disselfontein 77, within the  
Thembelihle Local Municipality, Northern Cape Province**

**Pixley ka Seme District Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/1752</i>
<b>Last amended:</b>	<i>Second issue</i>
<b>Holder of authorisation:</b>	<i>Keren Energy Disselfontein (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Portion 8 of the Remainder of the Farm Disselfontein 77 within Thembelihle Local Municipality in 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.

*MS.*

## 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 –

### **KEREN ENERGY DISSELFONTEIN (PTY) LTD**

with the following contact details –

Mr Cornelius Weyers Janse van Rensburg

Keren Energy Disselfontein (Pty) Ltd

PO Box 73

**SOMERSET MALL**

7137

Cell phone Number: (082) 631 7496

Fax Number: (086) 267 6181

Email Address: weyers@kerenenergy.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983)), as amended:

Activity number	Activity description
<p><u>GN R. 983 Activity 1:</u></p> <p><i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where –</i></p> <p><i>(ii) The output of 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare</i></p> <p><i>excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area</i></p>	<p>The development of a solar photovoltaic array with an electricity output of less than 10MW and with a footprint not exceeding 20ha will be developed on the Farm Disselfontein 77, 21km west of Hope Town in the Northern Cape. The development's actual maximum contracted electricity generation capacity is 5 MW with a maximum electricity generation nameplate capacity of 5.75MW.</p>
<p><u>GN R. 983 Activity 12:</u></p> <p><i>"The development of—</i></p> <p><i>(xii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse."</i></p>	<p>Two watercourses (intermittent natural drainage lines) exist, one within the proposed site to the north-west and the other just outside the Eastern corner/boundary of the proposed site</p>
<p><u>GN R. 983 Activity 27:</u></p> <p><i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation</i></p>	<p>Partial clearance of the 20ha site will be required</p>

as described in the Basic Assessment Report (BAR) dated July 2017 at:

Farm Name: Disselfontein 77, Portion 8

21 Digit SG code:

C	0	3	3	0	0	0	0	0	0	0	0	0	0	0	7	7	0	0	0	0	8
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**Preferred site:**

Lay-out alternative	Latitude	Longitude
North-West Corner (corner D)	29°28'25.44"S	23°54'50.91"E
North-East Corner (corner E)	29°28'28.13"S	23°54'34.51"E
South-West Corner (corner C)	29°28'45.36"S	23°54'45.57"E
South-East Corner (corner B)	29°28'39.76"S	23°54'55.4"E
<b>Site alternative</b>	29°28'36.86"S	23°54'47.44"E

- for the proposed Keren Energy Disselfontein Solar Plant on the Farm Disselfontein 77, within the Thembelihle Local Municipality, Northern Cape Province hereafter referred to as "the property".

The PV facility will comprise the following:

- Solar arrays which would generate approximately 5MW and cover an area of 10ha within the total 20ha site;
- 20ha demarcated footprint, surrounded by a perimeter fire access road and fence;
- Fenced construction staging area;
- A 3m X 6m maintenance shed;
- Three inverter-transformer stations on concrete pads;
- A switch panel for connection to the power grid; and
- An office with septic tank ablutions footprint of approximate 450m<sup>2</sup>.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred lay-out Alternative 1 and preferred site alternative for the proposed Keren Energy Disselfontein solar plant on the Farm Disselfontein 77, within the Thembelihle Local Municipality, Northern Cape Province with the above coordinates is approved.
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 must 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 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. give the reasons of the competent authority for the decision.

### **Commencement of the activity**

11. 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**

12. The Layout Plan that was integrated as part of the submitted BAR dated July 2017 is approved.
13. The Environmental Management Programme (EMPr) that was integrated as part of the BAR dated July 2017 is approved.
14. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the 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 24 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 may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

### **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 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 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. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) 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 made available on request.

32. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work must be stopped immediately and the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
33. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
34. No exotic plants must be used for rehabilitation purposes, only indigenous plants of the area must be utilised.
35. The applicant must ensure the use of existing roads on site at all times during construction and operation phases of the proposed development.
36. Vegetation clearing must be kept to an approved footprint of the proposed development.
37. Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008). No waste material may be left on site after construction.

#### **General**

38. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 38.1. at the site of the authorised activity;
  - 38.2. to anyone on request; and
  - 38.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
39. 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: 17/11/2017



Ms Milicent Solomons

Acting 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 listed activities as applied for in the application form received on 30 March 2017.
- b) The information contained in the BAR dated July 2017 and received by the Department on 31 July 2017.
- c) The comments received from the organ of state and interested and affected parties as included in the BAR dated July 2017.
- d) Mitigation measures as proposed in the BAR dated July 2017 and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated July 2017.

### 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 BAR dated July 2017 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- c) The need for the proposed project stems from the provision of electricity to the national grid.
- d) The methodology used in assessing the potential impacts identified in the BAR dated July 2017 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 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 BAR dated July 2017 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 BAR 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.

MS



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia· PRETORIA  
Tel(+27 12) 399 9372  
Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: iabader@environment.gov.za

Mrs. Milicent Solomons  
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

### APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 16 NOVEMBER 2017 UNTIL 17 NOVEMBER 2017

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 16 November 2017 until 17 November 2017 while Mr. Sabelo Malaza is on Annual Leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

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 Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

  
Mr. Ishaam Abader

DDG: LACE

Date:

15/11/2017

#### ACKNOWLEDGEMENT

I ACCEPT / DO NOT ACCEPT appointment  
as Acting Chief Director: integrated  
environmental authorisations

Signed: M. Sdomang

Date: 16/11/2017.