



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/1/1854

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Mr Cornelius Weyers Janse van Rensburg
Roma Energy Vanrhynsdorp (Pty) Ltd
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SOMERSET MALL
7137

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PER E-MAIL / MAIL

Dear Mr van Rensburg

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983: PROPOSED VANRHYNSDORP SOLAR PHOTOVOLTAIC (PV) FACILITY ON THE REMAINDER OF THE FARM DE DUINEN NO. 258, NEAR VANRHYNSDORP WITHIN MATZIKAMA LOCAL MUNICIPALITY IN THE WESTERN 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), 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:

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

By email: appealsdirector@environment.gov.za;

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

M.S

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 or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



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

Date: 8/05/2018

CC:	Bernard De Witt	Enviro Africa CC (Pty) Ltd	Tel: (021) 851 1616	Email: admin@enviroafrica.co.za
	Ms M. Schippers	Western Cape: DEADP	Tel: (021) 483 8349	Email: enquiries.eadp@westerncape.gov.za
	Mr B. Smit	Matzikama Local Municipality	Tel: (027) 201 3481	Email: bsmit@matzikamamun.co.za



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 Vanrhynsdorp Solar Photovoltaic (PV) Facility on Remainder of Farm De Duinen no. 258,
near Vanrhynsdorp within Matzikama Local Municipality in the Western Cape Province

West Coast District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1854</i>
Last amended:	<i>Second issue</i>
Holder of authorisation:	<i>Roma Energy Vanrhynsdorp (Pty) Ltd</i>
Location of activity:	<i>De Duinen no. 258, Matzikama Local Municipality, Western 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 –

ROMA ENERGY VANRHYNSDORP (PTY) LTD

with the following contact details –

Mr Cornelius Weyers Janse van Rensburg
Roma Energy Vanrhynsdorp (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:

Listed activities	Activity/Project description
<p><u>GN R. 983 Activity 1(ii):</u> <i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where –</i> <i>(ii) The output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1ha</i></p> <p><i>excluding where such development facilities or infrastructure is for photovoltaic installations and occurs-</i></p> <p><i>(a) within an urban area; or</i> <i>(b) on existing infrastructure.</i></p>	<p>A solar photovoltaic array with an electricity output of less than 10MW and a footprint greater than 1ha but not exceeding 20ha will be developed. The development will supply 5MW of electricity to the national grid (actual grid electricity capacity) but has nameplate capacity of 5.75 MW.</p>
<p><u>GN R. 983 Activity 27:</u> <i>Clearance of an area of 1ha or more but less than 20ha of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i></p> <p><i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>Clearance of vegetation within the 20ha demarcated footprint on the site will be required.</p>

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

Farm Name: De Duinen No. 258

21 Digit SG code:

C	0	7	8	0	0	0	0	0	0	0	0	0	2	5	8	0	0	0	0	0
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Preferred Lay-out alternative	Latitude	Longitude
Northern Corner	31°34'33.76"S	18°44'48.65"E
Western Corner	31°34'40.32"S	18°44'36.86"E
Southern Corner	31°34'55.51"S	18°44'46.37"E
Eastern Corner	31°34'49.53"S	18°44'58.35"E
Preferred Site alternative	31°34'46.02"S	18°44'46.91"E

- for the proposed construction of the Vanrhynsdorp Solar Photovoltaic (PV) Facility on the remainder of the farm De Duinen No. 258, within the Matzikama Local Municipality in Western Cape Province hereafter referred to as "the property".

The project entails the establishment of an array of crystalline solar photovoltaic (PV) modules, together with associated infrastructure for the generation of 5MW of electricity. The total development footprint including other infrastructure will occupy more than 10ha, but less than 20ha. The proposed development will comprise of 18540 array of poly-crystalline solar PV modules grouped into tables or panels of 20 modules each. The PV tables will be raised approximately 500mm above ground level and will have single axis tracking systems allowing the generation of approximately 5MW which will be evacuation to the national electricity grid.

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 (within the 20ha total site area);
- A 3m X 6m maintenance shed (within the 20ha total site area);
- Three inverter-transformer stations on concrete pads (which form part of the 10ha footprint of the actual solar array);
- A switch panel for connection to the power grid; and
- An office with septic tank ablutions (footprint of approximate 450m²)

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred Lay-out Alternative 1, preferred Technology Alternative and preferred Site Alternative, for the proposed construction of the Vanrhynsdorp Solar Photovoltaic (PV) Facility on the remainder of the farm De Duinen No. 258, within the Matzikama Local Municipality of the West Coast District in Western 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 may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the 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. 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 December 2017 is approved.
13. The Environmental Management Programme (EMPr) that was integrated as part of the BAR dated December 2017 is approved. The EMPr must be implemented and adhered to.

Frequency and process of updating the EMPr

14. 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.
15. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
16. 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.
17. 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.
18. 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

19. 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.
 - 19.1. The ECO must be appointed before commencement of any authorised activities.
 - 19.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 19.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 19.4. 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

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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

26. 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

27. 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

28. 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

29. 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, Act no 84 of 1998, 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.
30. Vegetation clearing must be kept to an approved footprint of the proposed development.
31. No exotic plants must be used for rehabilitation purposes, only indigenous plants of the area must be utilised.
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. 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 must be left on site after construction.

General

34. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 34.1. at the site of the authorised activity;
 - 34.2. to anyone on request; and
 - 34.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
35. 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: 8/05/2018



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

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The listed activities as applied for in the application form received on 14 November 2017.
- b) The information contained in the BAR dated December 2017 and received by the Department on 18 January 2018.
- c) The comments received from the organ of state interested and affected parties as included in the BAR dated December 2017.
- d) Mitigation measures as proposed in the BAR and the EMPr received by the Department on 18 January 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 December 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 December 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 December 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 proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the BAR. The Mitigation measures 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.