



# 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

**DEA Reference:** 14/12/16/3/3/2/2369

**Enquiries:** Ms Constance Musemburi

**Telephone:** (012) 399 9416 **E-mail:** [CMusemburi@dfre.gov.za](mailto:CMusemburi@dfre.gov.za)

Ms. Mercia Grimbeek  
Koraqua III Solar (RF) Pty Ltd  
Suite 104  
Albion Springs  
183 Main Road  
**RONDEBOSCH**  
7700

Telephone Number: 021 207 2185  
Cell phone Number: 071 752 8033  
Email Address: [mercia.grimbeek@enertrag.com](mailto:mercia.grimbeek@enertrag.com)

## PER E-MAIL / MAIL

Dear Ms Grimbeek

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF KORAQUA III SOLAR ENERGY FACILITY (SEF) AND ASSOCIATED INFRASTRUCTURE, NORTHERN CAPE PROVINCE.**

With reference to the above application and the Appeal Decision LSA245997, LSA245999, LSA246000, LSA246001 dated 07 October 2024, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

**This authorisation is suspensive on the compliance with the conditions 31-33; failure to comply with these conditions will result in the environmental authorisation being considered null and void.**

In terms of Regulation 4(2) of the NEMA EIA Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the decision.

In terms of the Promotion of Administrative Justice Act, 2000 (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, 2013 (Act no. 4 of 2013) which stipulates that the Competent Authority should conduct itself in a responsible manner when



**Batho pele-** putting people first

The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.

*MS*

collecting, processing, storing and sharing an individual or another entity's personal information by holding the Competent Authority accountable should the Competent Authority abuses or compromises your personal information in any way.

**Please note, this decision must be read in conjunction with the Appeal Decision LSA245997, LSA245999, LSA246000, LSA246001 dated 07 October 2024, issued by the Honourable Minister.**

Yours faithfully

  
**Dr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries & the Environment**  
Date: *02/12/2024*

CC	Jana de Jager	Jones & Wagener Consultants	Email: <a href="mailto:jana@jaws.co.za">jana@jaws.co.za</a>
	Olebile Seshupo	Northern Cape DAEARD&LR	Email: <a href="mailto:olebileseshupo@gmail.com">olebileseshupo@gmail.com</a>
	GH (Heinrich) Mathobela	Tsantsabane Local Municipality	Email: <a href="mailto:mmsec@tsantsabane.gov.za">mmsec@tsantsabane.gov.za</a>
		Tsantsabane Local Municipality	Email: <a href="mailto:mm@tsantsabane.gov.za">mm@tsantsabane.gov.za</a>



## 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 DEVELOPMENT OF KORAQUA III SOLAR ENERGY FACILITY (SEF) AND ASSOCIATED INFRASTRUCTURE, NORTHERN CAPE PROVINCE

#### ZF MGCAWU DISTRICT MUNICIPALITY

<b>Authorisation register number:</b>	14/12/16/3/3/2/2369
<b>Last amended:</b>	Second issue
<b>Holder of authorisation:</b>	Koraqua III Solar (RF) Pty Ltd
<b>Location of activity:</b>	On Remaining Extent (RE) of Portion 0 of Farm No. 470, within the Tsantsabane Local Municipality, ZF Mgcawu District Municipality, Northern Cape Province

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 –

### **KORAQUA III SOLAR (RF) PTY LTD**

with the following contact details –

Ms. Mercia Grimbeek

Koraqua III Solar (RF) Pty Ltd

Suite 104

Albion Springs

183 Main Road

**RONDEBOSCH**

7700

Telephone Number: 021 207 2185

Cell phone Number: 071 752 8033

Email Address: [mercia.grimbeek@enertraq.com](mailto:mercia.grimbeek@enertraq.com)

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

Activity number	Activity description
<u>Listing Notice 1</u>	
<u>Listing Notice 1, Item 11(i):</u> <i>The development 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;</i>	The Facility is located outside urban areas. Furthermore, internal distribution electrical infrastructure required to connect the respective electrical components related to the Facility, and the onsite substation, including cabling (buried or overhead) will be between 33kV and 132kV. The onsite substation will be rated 33/132kV whereas internal cabling will be up to 33kV.
<u>Listing Notice 1, Item 12(ii) (a)(c):</u> <i>The development of— (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i>	The development of the Facility will exceed a footprint of 100m <sup>2</sup> within the delineated footprint, and within 32m from the edge of non-perennial watercourses.
<u>Listing Notice 1, Item 14:</u> <i>The development and related operation 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 cubic metres or more but not exceeding 500 cubic metres.</i>	Storage of fuel, oil and other chemicals on site will trigger this activity. The volumes are not known but will have a combined capacity of between 80 and 500 m <sup>3</sup> .
<u>Listing Notice 1, Item 19:</u> <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal</i>	Solar PV and associated infrastructure, internal access roads and stormwater control infrastructure, as well as electrical cabling

Activity number	Activity description
<i>or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i>	required to connect the various components of the Facility will collectively require the excavation, infilling or removal of soil exceeding 10m <sup>3</sup> from delineated watercourses on site.
<p><u>Listing Notice 1, Item 24 (ii):</u></p> <p><i>The development of a road—</i></p> <p><i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres</i></p>	<p>The access and internal roads associated with the Facility will be up to 12 m and 10 m respectively, to be placed with a corridor of up to 20 m width to accommodate cable trenches, stormwater channels and turning circle/bypass areas where necessary, therefore exceeding the 8 m threshold specified.</p>
<p><u>Listing Notice 1, Item 28(ii):</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></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p>	<p>The current land use of the proposed farm on which the project is proposed is agriculture. The development is outside an urban area and the development footprint is more than 1 ha.</p>
<p><u>Listing Notice 1, Item 56:</u></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-</i></p> <p><i>(i) where the existing reserve is wider than 13,5 meters;</i></p> <p><i>or</i></p> <p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres;</i></p> <p><i>excluding where widening or lengthening occur inside urban areas.</i></p>	<p>The Facility is located within a rural area. Transport of large infrastructure components related to the facility will require the widening of existing access and/or internal roads where no reserve exists and where such road is wider than 8 metres. Similarly, access road upgrades required for the Facility's entrance and associated roads will require widening of a road with existing reserve in excess of 13.5m by up to 14m.</p>

Activity number	Activity description
<u>Listing Notice 2</u>	
<u>Listing Notice 2, Item 1</u> <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>	The KORAQUA I, II, III and V facilities will consist of solar panels with a capacity of up to 150MW each, allowing for up to 150MW export from the Facility.
<u>Listing Notice 2, Item 15</u> <i>The clearance of an area of 20 hectares or more of indigenous vegetation.</i>	The development of the Facility will require the clearance of more than 20 ha of vegetation.
<u>Listing Notice 3</u>	
<u>Listing Notice 3, Item 10(g)(ii) (iii)(ee):</u> <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> <i>g. Northern Cape</i> <i>ii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland;</i>	The Facility will require storage and handling of a dangerous goods, including fuel, cement and chemical storage onsite up to but not exceeding 500 m <sup>3</sup> , located within 100m from the edge of a watercourse or wetland.
<u>Listing Notice 3, Item 18(g)(ii)(ee)(ii)</u> <i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i> <i>g. Northern Cape</i> <i>ii. Outside urban areas:</i> <i>(ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or</i>	Transport of large infrastructure components related to the facility will require the widening of existing access and/or internal roads by up to 14m, and lengthening collectively exceeding 1km in length, thereby exceeding the threshold values and triggering this activity, collectively located within the delineated extent, or within 100 metres from the edge of a watercourse or wetland on site.

as described in the Environmental Impact Assessment Report (EIAR) dated March 2024 at:

## 21 Digit SG Codes

Farm Description	21 Digit Surveyor General Code
Remaining Extent (RE) of Portion 0 of Farm No. 470	C03100000000047000000

## Coordinates

Coordinates of the boundary of the property or properties:	Latitude (S)	Longitude (E)
1	28°19'28.96"S	1 23°17'33.06"E
2	28°20'45.10"S	23°19'55.92"E
3	28°20'46.15"S	23°19'56.07"E
4	28°22'56.52"S	23°17'58.05"E
5	28°21'42.90"S	23°15'59.47"E
6	28°21'41.91"S	23°15'59.82"E

Substation & BESS Complex Coordinates	Latitude (S)	Longitude (E)
	28°21'28.68"S	23°17'37.75"E

-The Koraqua III Solar Energy Facility (SEF) serves part of the Koraqua Solar PV Cluster, comprising Koraqua I, II, III IV and V SEF's. The Koraqua Solar PV Cluster forms part of a larger cluster of projects, collectively referred to as the Taaibosch Puts Energy Cluster.

The proposed infrastructure for Koraqua III includes the following:

INFRASTRUCTURE	DESCRIPTION / DIMENSIONS
Contracted capacity	Up to 150 MW
BESS capacity	Up to 150 MW / 600 MWh
Proposed technology	Solar PV facility and associated infrastructure, including a BESS
Height of PV modules	Maximum combined height of up to 10m
Estimated Development Area	Project lease Area: Approximately 2 104ha Development Footprint: Koraqua III approximately 179.27 ha
Battery array height	Up to 10 m
On-site substation and BESS complex area	Up to 8 ha



INFRASTRUCTURE	DESCRIPTION / DIMENSIONS
BESS Technology	Lithium Battery Technologies, such as Lithium Iron Phosphate, Lithium Nickel Manganese Cobalt oxides
Construction laydown areas (each)	Approximately 4 ha
Permanent laydown area	2 x 2ha laydowns per site
O&M building area	Part of the construction laydown area
Width of internal access roads	Access roads of up to 12 m and internal roads of up to 10 m, including turning circle/bypass areas of up to 20 m. The roads and cables will be positioned within a 20 m wide corridor.
Length of internal access roads	up to 25km per SEF, up to total 125km
Site access	Unnamed gravel road between Danielskuil and Griekwastad
Height of substation fencing	Approximately 2.4 m high
Type of fencing	Galvanized steel or similar

-for the Koraqua III Solar Energy Facility (SEF) and associated infrastructure, Northern Cape Province, hereafter referred to as "the property".

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The development of the up to 150MW Koraqua III Solar Energy Facility (SEF) and associated infrastructure, Northern Cape Province, is approved and must be implemented 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 must 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. The continuation of any such activities after the above-mentioned period has lapsed may trigger one or more listed and/or specified activities, including activity 32 of Listing Notice 1. Such continuation without the required environmental authorisation will constitute an offence or offences in terms of section 49A(1)(a) read with section 24F(1)(a) of National Environmental Management Act (NEMA).

### **Notification of authorisation**

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. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.3. give the reasons of the Competent Authority for the decision.

### **Management of the activity**

11. The Environmental Management Programme (EMPr) submitted as part of the Final EIAR dated March 2024 (Appendix H including appendices) is approved and must be implemented and adhered to.
12. Part C of the generic Environmental Management Programme (EMPr) for the substation, submitted as part of the EIAR dated March 2024 (Appendix H), is approved, and must be implemented and adhered to.
13. The EMPrs (for the PV facility and the generic EMPr for the substation) must be implemented and strictly enforced during all phases of the project. They must be seen as dynamic documents and must be included in all contract documentation for all phases of the development.
14. Changes to the approved EMPr must be submitted in accordance with 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 EIAR 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 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.
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 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.
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 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.
20. 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

21. 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.
  - 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, considering the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
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 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.
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. 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**

### **Condition 31 to 33 are suspensive conditions**

#### Biodiversity Offset Requirements

31. The Biodiversity Offset Report compiled by Dr N. Birch - Ecological Management Services, dated March 2024, must be revised to contain the components specified in Chapter 7.6.1 of the National Biodiversity Offset Guideline (2023) published in terms of S24J of the NEMA Act 107 of 1998, as amended, and to meet the following criteria:-
- 31.1. A Biodiversity Offset Report to manage actions to be taken at a biodiversity offset site to achieve and maintain specific conservation outcomes in the long term and specifying suitable offset receiving areas as well as the total loss of biodiversity versus the net gain must be developed.
  - 31.2. The extent of loss of sensitive habitat must quantified in the Biodiversity Offset Report in order to determine the correct spatial extent of the area to be offset and to determine appropriate candidate areas for the offset to be implemented.
  - 31.3. The Biodiversity Offset Report must consider any other considerations which are relevant to determining the size and characteristics of the biodiversity offset (for example, impacts on species of conservation concern with specific habitat requirements, impacts on ecological corridors and connectivity in the landscape, and impacts on important ecological infrastructure), and how the size of offset is to be adjusted to take these considerations into account.
  - 31.4. The offset site:
    - 31.4.1. must match or exceed the ecological health and biodiversity of the area affected by the proposed development and contain viable populations of the majority of impacted species.
    - 31.4.2. must be adjacent to an existing Protected Area, or at a minimum, facilitate ecological connectivity in the region.
    - 31.4.3. must not be located in Protected Areas.

- 31.4.4. must be situated within the Kuruman Mountain Bushveld, the Olifantshoek Plains Thornveld, and the Ghaap Plateau Vaalbosveld vegetation types, or a combination thereof.
- 31.4.5. must preferably fall within the Griqualand West Centre of Endemism, as delineated in the study conducted by Frisby, A.W. (2016), titled 'Redefining the Griqualand West Centre of Endemism'.
- 31.4.6. must align with priority areas outlined in spatial biodiversity plans, such as Critical Biodiversity Areas, Ecological Support Areas, Freshwater Ecosystem Priority Areas, and focus areas designated for protected area expansion. Alternatively, it must be a combination of these identified priority areas.
- 31.4.7. must contain comparable densities of protected tree species, most notably the Wild Olive tree (*Olea europea* subsp. *africana*).
- 31.4.8. must contain habitat for the Black-footed Cat (*Felis nigripes*) and Giant Bullfrog (*Pyxicephalus adspersus*), most notably pans, ephemeral watercourses and substantial rocky outcrops.
- 31.4.9. must be safe from foreseeable future groundwater impacts.
- 31.4.10. must be free of land claims, and potential land use conflicts.
- 31.4.11. must be available for declaration as a (or part of a) protected area in terms of Section 20 or Section 23 of the National Environmental Management Protected Areas Act No. 57 of 2003, as amended, for a period of at least 99 years.
- 31.4.12. must be secured collectively for the Taaibosch Puts Energy cluster.
- 31.4.13. The biodiversity offset site must be secured by requesting the Minister, or the Member of the Council of the Northern Cape Province, responsible for the environment to declare the area as a (or as part of a) nature reserve, national park or protected environment (in that order of preference) in terms of NEMPAA. Only if the relevant political office holder refuses the request in writing, can the biodiversity offset site be secured by the registration of a conservation servitude.

32. The revised Biodiversity Offset Report must, as a minimum, specify the following:

- 32.1. That the mitigation hierarchy, including due consideration of project alternatives to avoid or minimise impacts, has been appropriately applied before considering biodiversity offsetting.
- 32.2. A justification as to why a biodiversity offset is required under the circumstances, and where relevant, why the "no-go" option is not recommended.

- 32.3. The degree of risk that residual negative impacts cannot be offset (i.e. residual negative impacts on irreplaceable biodiversity and/or major constraints on finding suitable biodiversity offset sites to meet the offset requirements) and how the risk is to be addressed or mitigated.
  - 32.4. A measure of significant residual negative biodiversity impacts which must be offset.
  - 32.5. The applicable biodiversity offset ratios for impacted ecosystems.
  - 32.6. Contribute to the long-term protection of biodiversity priority areas and improve their ecological condition and functioning, thereby resulting in tangible and measurable positive outcomes for biodiversity conservation in the region.
  - 32.7. Include an explicit statement on the required size of the biodiversity offset to remedy the residual negative biodiversity impacts, applying the basic offset ratio and adjustments as appropriate.
  - 32.8. Include a portfolio of candidate biodiversity offset sites, including the likelihood of each site's availability and feasibility.
  - 32.9. Include a description of the biodiversity offset site, and the reasons for the selection of that site from the portfolio of candidate biodiversity offset sites must be included.
  - 32.10. Include the required biodiversity outcomes on the biodiversity offset site.
  - 32.11. Include management measures that would need to be employed as part of the biodiversity offset for a defined period, for which the applicant would be responsible. It is recommended in this guideline that this period is not less than 30 years, and is longer if the impacting activity, or activities, will last beyond 30 years.
33. The revised Biodiversity Offset Report detailing the proposed offset intervention that meets the above criteria as well as the National Biodiversity Offset Guidelines (2023), must be submitted to the Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (DAEARDLR), SANParks, any other relevant stakeholders, the Department of Forestry, Fisheries and the Environment (DFFE): Directorate: Biodiversity and Conservation, DFFE: Chief Directorate: Integrated Environmental Authorisations as well as the DFFE: Directorate: Protected Areas Planning and Management for review and comment. The holder of this EA must consider such comments and incorporate them where possible. The final Biodiversity Offset Report, incorporating the amendments based on the received comments, must be submitted to the DFFE: Chief Directorate: Integrated Environmental Authorisations for written approval before the activity can commence. The final Biodiversity Offset Report submitted for consideration must –
- 33.1. Provide sufficient detail to properly inform a decision on whether the offset will adequately and sustainably counterbalance the impact;
  - 33.2. Be structured in a way that facilitates its inclusion in the Environmental Management Programme;
  - 33.3. Provide a description of, and contact details for, all the parties required to ensure the efficient and effective implementation of the offset;



- 33.4. Provide evidence that all the parties required to ensure the success of the offset fully understand their role in the offset and their willingness to fulfil this role;
- 33.5. Provide signed legal agreements between the applicant/implementing party and the management authority that will manage the offset site, indicating that they support the draft agreement in principle, any dispute between the EA holder and the implementing party must be referred to arbitration for an arbitration award.
- 33.6. Provide evidence of suitable resource provision (human, financial and/or technical resources) for, and contractual commitment to, implementing the offset including: (i) Land acquisition – the probable costs of acquiring or securing a sufficient area of suitable land, including transaction costs; (ii) Protection – the costs associated with obtaining formal protection, including advertising and public participation costs; (iii) Restoration and maintenance - the costs of restoration and management of the offset area for a period of no less than thirty (30) years, including the costs of any environmental impact assessment required for restoration works where applicable; and (iv) Compliance monitoring and reporting – the costs of monitoring and auditing performance and compliance for a period of no less than thirty (30) years.
- 34. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
- 35. Any solid waste 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).

## **General**

- 36. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
  - 36.1. at the site of the authorised activity;
  - 36.2. to anyone on request; and
  - 36.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.

37. 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: 02/12/2004



Dr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries & 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 amended application form received on 25 July 2023.
- b) The information contained in the final Environmental Impact Assessment Report (EIAR) dated March 2024.
- c) The comments and inputs received from interested and affected parties (I&APs) included in the EIAR dated March 2024.
- d) The information contained in the specialist studies contained within the appendices of the EIAR dated March 2024. and as appears below:

Specialist Report	Company	Date
Terrestrial Fauna and Flora Baseline and Impact Assessment	Susan Abell, Dr N Cronk, Tyron Clark - Jones & Wagener	09 October 2023
Terrestrial Fauna and Flora Baseline and Impact Assessment - Addendum	Susan Abell, Dr N Cronk, Tyron Clark - Jones & Wagener	05 March 2024
Biodiversity Offset Report for the Koraqua I –V	Dr N. Birch - Ecological Management Services	March 2024
Avifaunal Impact Assessment Report	Albert Froneman - AfriAvian Environmental	September 2023
Avifaunal Impact Assessment Report – Addendum	Albert Froneman - AfriAvian Environmental	27 October 2023
Freshwater Ecosystem Baseline and Impact Assessment	Byron Grant - Ecology International (Pty) Ltd	September 2023
Freshwater Ecosystem Baseline and Impact Assessment – Addendum Letter	Byron Grant - Ecology International (Pty) Ltd	31 October 2023
Soil And Agricultural Impact Assessment	Konrad Kruger - Jones & Wagener	August 2023
Soil And Agricultural Impact Assessment – Addendum Letter	Konrad Kruger - Jones & Wagener	23 October 2023

Specialist Report	Company	Date
Heritage & Palaeontology	Jenna Lavin - CTS Heritage	March 2022 Updated August 2023
Heritage & Palaeontology – Addendum Letter	Jenna Lavin - CTS Heritage	20 October 2023
Visual Impact Assessment	Konrad Kruger - Jones & Wagener	September 2023
Visual Impact Assessment – Addendum Letter	Konrad Kruger - Jones & Wagener	23 October 2023
Socio-Economic	Dr Hugo van Zyl, James Kinghorn - Independent Economic Researchers	September 2023
Traffic Impact Assessment	Eben Kotze - EDL Engineers	July 2023
Desktop Geotechnical	K Singh - JG Afrika	March 2022
Hydrogeology	Divan Bosman, Altus Huisamen - J&W	June 2022
Risk Assessment	Debbie Mitchell - iSHEcon	13 September 2023

- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- f) The Appeal Decisions from the Minister - LSA245997, LSA245999, LSA246000, LSA246001 issued on the 07 October 2024.

## 2. Key factors considered in making the decision

All information presented to the Competent Authority was considered in the Competent Authority's consideration of the application. A summary of the issues which, in the Competent Authority's view, were of the most significance is set out below.

- a) The Appeal Decisions from the Minister - LSA245997, LSA245999, LSA246000, LSA246001 issued on the 07 October 2024.

After consideration of the information and factors listed above, especially in accordance with the Appeal Decision from the Minister as referenced 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.

## Annexure 2: Locality Plan



Figure 1-1: Overview of the regional location of the Koraqua I-V SEFs cluster.