



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/2/871/1

Enquiries: Ms Masina Litsoane

Telephone: (012) 399 9375 E-mail: [MLitsoane@environment.gov.za](mailto:MLitsoane@environment.gov.za)

Mr Matteo Giulio Luigi Maria Brambilla  
Sol Invictus 4 (Pty) Ltd  
Postnet Suite 150  
Private Bag X3  
**ROGGEBAAI**  
8012

Telephone Number: (021) 418 3940  
Cell Phone Number: (060) 605 2848  
Email Address: [d.pasi@buildingenergy.it](mailto:d.pasi@buildingenergy.it)

### PER EMAIL / MAIL

Dear Mr Brambilla

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (EA) ISSUED ON 22 SEPTEMBER 2016: PROPOSED SPLITTING OF EA: 75MW SOL INVICTUS 4 PHOTOVOLTAIC (PV) FACILITY AND ITS ASSOCIATED INFRASTRUCTURE, SOUTH WEST OF AGGENEYS, NORTHERN CAPE PROVINCE**

With reference to the above EA amendment application, please be advised that the Department has decided to split EA issued on 22 September 2016. The environmental authorisation (EA) and reasons for the decision are attached herewith.

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 Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

*MS*

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](mailto:appealsdirector@environment.gov.za)

By hand: Environment House

473 Steve Biko,  
Arcadia,  
Pretoria,  
0083; or

By post: Private Bag X447,  
Pretoria,  
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](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



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

Date: 08/09/2019

CC:	Ms K Jodas	Savannah Environmental (Pty) Ltd	E-mail: <a href="mailto:karen@savannahsa.com">karen@savannahsa.com</a>
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## **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 construction of the 75MW Sol Invictus 4 PV Solar Facility and its associated infrastructure within the Nama Khoi Local Municipality, south west of Aggeneys in the Northern Cape Province

### **Namakwa District Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/2/871/1</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Sol Invictus 4 (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Portion 5 of the Farm Ou Taaibosmond No. 66 Nama- Khoi Local Municipality Namakwa District Municipality 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, 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, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014, as amended the Department hereby authorises –

### **SOL INVICTUS 4 (PTY) LTD**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Matteo Giulio Luigi Maria Brambilla  
Sol Invictus 4 (Pty) Ltd  
Postnet Suite 150  
Private Bag X3  
**ROGGEBAAI**  
8012

Telephone Number: (021) 418 3940  
Cell Phone Number: (060) 605 2848  
Email Address: [d.pasi@buildingenergy.it](mailto:d.pasi@buildingenergy.it)

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 (GN R. 983, 984 and 985, as amended):

Activity number	Activity description
<p><u>GN R. 983: Activity 11:</u></p> <p><i>"The development of facilities or infrastructure for the transmission and distribution of electricity-</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts"</i></p>	<p>The facility will require the construction of an onsite substation and an overhead distribution powerline outside an urban area, with a capacity of less than 275kV.</p>
<p><u>GN R. 983: Activity 24:</u></p> <p><i>"The development of</i></p> <p><i>(ii) a road 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 facility will require the construction of new internal access roads within the site which will be wider than 8m in width (up to 13m in width), to be constructed outside urban areas.</p>
<p><u>GN R. 983: Activity 28:</u></p> <p><i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agricultural 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>Total area of land to be developed for the facility (special use or light industrial use) is larger than 1 hectare and will occur outside an urban area. The area required for the development is 913 ha and the development footprint will be 450 ha.</p>
<p><u>GN R. 984: Activity 1:</u></p> <p><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></p>	<p>The PV facility will generate an electricity output of more than 20MW.</p>
<p><u>GN R. 984: Activity 15:</u></p> <p><i>"The clearance of an area of 20 hectares or more of indigenous vegetation"</i></p>	<p>The development footprint for the proposed PV facility is 450 hectares (infrastructure and associated areas). The clearing of more than 20 hectares of indigenous vegetation will be undertaken during construction of the facility.</p>

<p><u>GN R. 985: Activity 4:</u></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</i></p> <p><i>(a) in Northern Cape Province:</i></p> <p><i>(ii) Outside urban areas, in:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas"</i></p>	<p>Internal access roads wider than 4 metres (between 8 to 13 metres) with a reserve less than 13.5 metres will be constructed during construction of the facility. The development site is located outside urban areas, in a National Protected Area Expansion Strategy Focus Area.</p>
<p><u>GN R. 985: Activity 10:</u></p> <p><i>"The development 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 metres;</i></p> <p><i>(a) In Northern Cape province:</i></p> <p><i>(ii) Outside urban areas, in</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas"</i></p>	<p>The construction of the facility will require facilities or infrastructure for the storage, or storage and handling of a dangerous good (fuel, lubricants, etc.), where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres. The capacity will be between 30 and 80 cubic metres. The site is located outside urban areas in a National Protected Area Expansion Strategy Focus Area.</p>
<p><u>GN R. 985: Activity 18:</u></p> <p><i>"The widening of a road by more than 4 metres or lengthening of a road by more than 1 km</i></p> <p><i>(a) In Northern Cape province:</i></p> <p><i>(ii) outside urban areas, in:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Area."</i></p>	<p>The facility will require the widening of existing access roads to access the site and will be wider than 4 metres (between 8 to 13 metres). The development site is located outside urban areas in a National Protected Area Expansion Strategy Focus Area.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated October 2018 at:

**21 SG Code:**

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**Site Coordinates:**

	Latitude	Longitude
NW Corner	29° 18' 33.05" S	18° 36' 53.20" E
NE Corner	29° 18' 34.15" S	18° 38' 04.64" E

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SW Corner	29° 19' 07.90" S	18° 36' 52.22" E
SE Corner	29° 19' 09.16" S	18° 38' 03.87" E

**220 kV Powerline:**

	Latitude	Longitude
Start Point	29° 18' 34.915" S	18° 37' 11.100" E
250m	29° 18' 34.750" S	18° 37' 01.838" E
500m	29° 18' 34.584" S	18° 36' 52.571" E
750m	29° 18' 34.419" S	18° 36' 43.309" E
1000m	29° 18' 38.604" S	18° 36' 37.319" E
1250m	29° 18' 46.243" S	18° 36' 33.895" E
1500m	29° 18' 53.881" S	18° 36' 30.471" E
1750m	29° 19' 01.524" S	18° 36' 27.045" E
2000m	29° 19' 09.170" S	18° 36' 23.618" E
2250m	29° 19' 17.068" S	18° 36' 22.170" E
2500m	29° 19' 24.807" S	18° 36' 24.284" E
2750m	29° 19' 32.299" S	18° 36' 27.839" E
3000m	29° 19' 39.790" S	18° 36' 31.394" E
3250m	29° 19' 47.282" S	18° 36' 34.949" E
3750m	29° 19' 55.163" S	18° 36' 36.206" E
4000m	29° 20' 03.274" S	18° 36' 36.017" E
4250m	29° 20' 11.393" S	18° 36' 35.827" E
4500m	29° 20' 19.513" S	18° 36' 35.638" E
4750m	29° 20' 27.253" S	18° 36' 37.754" E
5000m	29° 20' 34.793" S	18° 36' 41.332" E
5250m	29° 20' 42.338" S	18° 36' 44.913" E
5500m	29° 20' 49.937" S	18° 36' 48.519" E
End Point	29° 21' 03.372" S	18° 36' 54.896" E

**Associated infrastructure:**

	Latitude	Longitude
NW Corner	29° 18' 33.05" S	18° 36' 53.23" E
NE Corner	29° 18' 33.70" S	18° 37' 28.77" E
SW Corner	29° 18' 41.58" S	18° 36' 53.02" E
SE Corner	29° 18' 42.20" S	18° 37' 28.56" E

- for the construction of the 75MW Sol Invictus 4 PV Solar Facility and its associated infrastructure within the Nama Khoi Local Municipality, south west of Aggeneys in the Northern Cape Province, hereafter referred to as "the property".

The project components for the Sol Invictus 4 PV Solar Facility include:

- Arrays of PV panels with a contracted capacity of up to 75 MW;
- Mounting structures to support the PV panels;
- Cabling between the project components;
- On-site inverters to convert the power from a direct current to an alternating current;
- On-site substation;
- Battery storage mechanism with a storage capacity of 300 MWh;
- 33/220kV transformer;
- 220kV double circuit powerline;
- Temporary laydown areas;
- Batching plant;
- Internal access roads and fencing around the development site;
- Site offices; and
- Workshop areas for maintenance and storage.

Technical details of the proposed facility:

Component	Description/ Dimensions
Location of the site	South west of Aggeneys on Portion 5 of the Farm Ou Taaisbosmond 66.
Development footprint	700 ha



Preferred Site access	Via an existing farm gravel road which will be upgraded to allow for access off and onto the N14. Internal access roads for the facility will be established.
Export capacity	75MW
Proposed technology	Static or tracking photovoltaic
Structure height	5 m
Width of internal roads	8 to 13 metres

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The construction of the proposed Sol Invictus 4 PV Solar Facility and its associated infrastructure within the Nama Khoi Local Municipality, south west of Aggeneys in the Northern Cape Province as described above is hereby approved.
2. A new 220 kV double circuit powerline from the PV substation will loop in and loop out of the Aggeneys-Nama 220 kV powerline that runs to the Aggeneys Substation.
3. 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.
4. 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.
5. The activities authorised may only be carried out at the property as described above.
6. 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.
7. 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.

8. This activity must commence within a period of three (03) 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.
9. Construction must be completed within five (05) years of the commencement of the activity on site.
10. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal**

11. 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.
12. The notification referred to must –
  - 12.1. specify the date on which the authorisation was issued;
  - 12.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 12.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 12.4. give the reasons of the competent authority for the decision.
13. The holder of the authorisation must publish a notice –
  - 13.1. informing interested and affected parties of the decision;
  - 13.2. informing interested and affected parties where the decision can be accessed; and
  - 13.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

#### **Commencement of the activity**

14. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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**

15. A copy of the final development layout map must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
- 15.1. Position of solar facilities and its associated infrastructure (including batching plant);
  - 15.2. All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and its associated infrastructure;
  - 15.3. All existing infrastructure on the site, e.g. roads, buildings, substations, powerlines etc.; and,
  - 15.4. All "no-go" and buffer areas.
16. Furthermore, a shapefile of the development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 or specify if an alternative scale was used. The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:

### **Postal Address:**

Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

### **Physical address:**

Department of Environmental Affairs  
Environment House  
473 Steve Biko  
Arcadia

Pretoria

For Attention: Mr Muhammad Essop

Integrated Environmental Authorisations

Strategic Infrastructure Developments

Telephone Number: (012) 399 9406

Email Address: [MEssop@environment.gov.za](mailto:MEssop@environment.gov.za)

17. The Environmental Management Programme (EMPr) submitted as part of the EIAr is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting, and the provisions of this environmental authorisation. The EMPr must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
18. The amended EMPr must include the following:
  - 18.1. All recommendations and mitigation measures recorded in the EIAr and specialist studies attached as part of the EIAr.
  - 18.2. The requirements and conditions of this environmental authorisation.
  - 18.3. A battery monitoring and risk management plan to be implemented to monitor the state and integrity of the battery storage facility and to respond to any incidents or events that may be caused by the battery storage facility.
  - 18.4. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
  - 18.5. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
  - 18.6. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
  - 18.7. A storm water and wash water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include

- the construction of 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.
- 18.8. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- 18.9. A monitoring system to detect any leakage or spillage of any hazardous substances during their transportation, handling, use or storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 18.10. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- 18.11. A fire management plan to be implemented during the construction and operation of the facility.
- 18.12. An environmental sensitivity map indicating environmentally sensitive areas and features identified during the EIA process.
- 18.13. The final site layout map.
- 18.14. The final site layout map superimposed (overlaid) on the environmental sensitivity map. This map must reflect the approved location of the PV as stated in the EIAr and this environmental authorisation.
19. The final amended EMPr (once approved) must be implemented and strictly enforced during all phases of the project and it must be seen as a dynamic document that must be included in all contract documentation for all phases of the development.
20. Should the holder of this environmental authorisation propose any changes to the EMPr, the holder of this environmental 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.
21. 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**

22. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 29 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.

23. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
24. 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.
25. 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.
26. 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

27. 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.
  - 27.1. The ECO must be appointed before commencement of any authorised activities.
  - 27.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 27.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 27.4. 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**

28. 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 at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
29. 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 at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
30. 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 R982 of 04 December 2014, as amended.
31. The holder of the authorisation must, in addition, submit an 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.
32. 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.
33. 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**

34. 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**

35. 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**

36. 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**

#### Conditions for non-operational aspects

37. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
38. Clearing of vegetation must be restricted to clearing of areas for development of service infrastructure.
39. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
40. Contractors and construction workers must be clearly informed of the no-go areas.
41. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
42. 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 to this Department on request.
43. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
44. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the Environmental Management Programme (EMPr).
45. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
46. Wetlands, rivers and river riparian areas must be treated as "no-go" areas and appropriately demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the Environmental Control Officer (ECO), except for rehabilitation work in these areas.



47. No discharge of effluents or polluted water must be allowed into any rivers or wetland areas.
  48. No spoil material, including stripped topsoil, must be temporarily stockpiled within 30 m of freshwater ecosystems identified to be of low or moderate conservation importance and 50 m of freshwater ecosystems identified to be of high conservation importance.
  49. Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
  50. Anti-erosion measures such as silt fences must be installed in disturbed areas.
  51. No activities will be allowed to encroach into a water resource without a water use license being in place from the Department Water and Sanitation.
  52. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
  53. Disturbed areas must be rehabilitated as soon as possible after construction and only local indigenous plants must be used to enhance the conservation of existing natural vegetation on site.
  54. Workers must be made aware of the importance of not polluting rivers or wetlands and the significance of not undertaking activities that could result in such pollution, and this awareness must be promoted throughout the construction phase.
  55. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuters, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
  56. Signage must be erected at appropriate points warning of turning traffic and the construction site.
  57. Internal access roads must be located to minimize stream crossings. All structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
  58. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
  59. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
  60. Construction vehicles carrying materials to the site should avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
  61. Should abnormal loads have to be transported by road to the site, a permit must be obtained from the relevant Provincial Government.
  62. All construction vehicles should adhere to a low speed limit to avoid collisions with susceptible species such as snakes and tortoises.
  63. The holder of this authorisation must reduce visual impacts during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques and restoring exposed soil as closely as possible to their original contour and vegetation.
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64. The holder of this authorisation must train safety representatives, managers and workers in relation to workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act.
65. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
66. No unsupervised open fires for cooking or heating must be allowed on site.
67. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
68. The holder of this authorisation must provide sanitation facilities within the construction area and along the road so that workers do not pollute the surrounding environment. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste disposal site.
69. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations.
70. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
71. Borrow materials must be obtained only from authorised and permitted sites. Permits must be kept on site by the ECO.
72. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
73. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
74. A pre-construction survey of the final development footprint must be conducted to ascertain the identity and exact number of individuals of protected species affected by the proposed development. Prior to the commencement of construction, a rescue and rehabilitation operation for these species which could survive translocation must be conducted.
75. No construction activities can commence without having obtained the necessary permits for threatened or protected species (ToPS) listed and provincially protected species within the study area.

76. Any vegetation clearing that needs to take place as part of maintenance activities, should be done in an environmentally friendly manner, including avoiding the use of herbicides and using manual clearing methods wherever possible.
77. All construction vehicles must remain on properly demarcated roads. No construction vehicles should be allowed to drive over the vegetation except where no cleared roads are available. In such cases a single track should be used and multiple paths should not be formed. Where temporary access roads are created, they should be rehabilitated as outlined in the rehabilitation plan after completion of construction.
78. Regular monitoring for erosion must take place to ensure that no erosion problems are occurring at the site as a result of the roads and other infrastructure. All erosion problems observed should be rectified as soon as possible as outlined in the erosion management plan within the EMPr.
79. Excavations must be inspected regularly in order to rescue trapped animals.
80. An appropriately designed and effective stormwater management system must be implemented.
81. Kerbs and storm water channels must be designed in such a way that they can allow small animals and reptiles to move freely.
82. Top soil and subsoil must be stockpiled separately and replaced according to the correct profile i.e. topsoil replaced last. Stockpiles must not be situated such that they obstruct natural water pathways and drainage channels.
83. Top soil stockpiles must not exceed 2m in height, stockpiles older than 6 months must be enriched before they can be used to ensure the effectiveness of the topsoil.
84. Any fauna directly threatened by the construction activities must be removed to a safe location by a suitably qualified person.
85. The final layout plan must indicate the location of the batching plant.
86. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, 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.
87. The collection, hunting, or harvesting of any plants or animals at the site is strictly forbidden.
88. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and should be dark-sky friendly.
89. Electric fencing must not have any strands within 30cm of the ground, which should be sufficient to allow smaller mammals, reptiles and tortoises to pass through (tortoises retreat into their shells when electrocuted and eventually succumb from repeated shocks), but still remain effective as a security barrier.

90. The fuel required for on-site construction vehicles and equipment must be secured in a temporary bunded facility within the construction camp to prevent leakages and soil contamination.
91. The recommendations of the EAP in the EIAR dated October 2018 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

Conditions for operational aspects

92. Road borders should be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.
93. All declared aliens must be identified and managed in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983). There should be an alien species monitoring and eradication program to prevent encroachment of these problem plants for the duration of the operation.
94. The washing of panels during maintenance must be done with biodegradable soaps to avoid soil contamination and poisoning of small animals.
95. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and should be dark-sky friendly.
96. All new powerlines must be marked with bird flight diverters along their entire length. To create a net benefit, where possible, the new lines must run parallel to existing marked lines so as to reduce the collision risk posed by the older lines.
97. The poles should be fitted with bird perches on top of the poles to draw birds, particularly vultures away from the potentially risky insulators.
98. All pylons to be constructed should make use of "bird friendly" monopole structures, fitted with a bird perch, as per Eskom standard guidelines
99. During operation, any electrocution and collision events that occur should be recorded, including the species affected and the date. If repeated collisions occur within the same area, then, further mitigation and avoidance measures may need to be implemented.
100. The recommendations of the EAP in the EIAR dated October 2018 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

## General

101. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 101.1. at the site of the authorised activity;
  - 101.2. to anyone on request; and
  - 101.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
102. 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: 08/02/2018

  
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 18 November 2015 and EA issued on 22 September 2016.
- b) The information contained in the EA amendment application received 14 December 2018, EIAr and motivation report dated October 2018.
- c) The comments received from the Nama-Khoi Local Municipality, the Khai-Ma Local Municipality, the Northern Cape Department of Environment and Nature Conservation, the Department of Agriculture, Forestry and Fisheries, the Department of Water and Sanitation, the South African Heritage Resources Agency, the South African National Roads Agency Limited, the Department of Rural Development and Land Reform, Telkom, SKA South Africa and interested and affected parties as included in the EIAr and motivation report dated October 2018.
- d) Mitigation measures as proposed in the EIAr and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the EIAr and motivation report dated October 2018 and as appears below:

Title	Prepared by	Date
Fauna & Flora Ecological Impact Assessment	Simon Todd Consulting	April 2016
Avifaunal Impact Assessment	Dr DJ van Niekerk	April 2016
Visual Impact Assessment	Afzelia Environmental Consultants	February 2016
Heritage Impact Assessment	ASHA Consulting (Pty) Ltd	April 2016
Social Impact Assessment	Savannah Environmental (Pty) Ltd	April 2016

### 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 need for the proposed project stems from the provision of electricity in the national grid.

- f) The EIAr and motivation report dated October 2018 identified all legislation and guidelines that have been considered in the preparation of the EIAr and motivation report dated October 2018.
- c) The methodology used in assessing the potential impacts identified in the EIAr and motivation report dated October 2018 and the specialist studies have been adequately indicated.
- d) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014, as amended for public involvement.

### **3. Findings**

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the EIAr dated and motivation report dated October 2018 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) The information contained in the EIAr dated and motivation report dated October 2018 is deemed to be accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.