

## NOTIFICATION & BACKGROUND INFORMATION DOCUMENT (BID)



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September 29, 2021

### **Application for Environmental & Water Use Authorisation for the Soventix Unilever 3.6MWp Solar Photo-Voltaic Plant, Boksburg, City of Ekurhuleni Metropolitan Municipality, East Rand, Gauteng Province.**

#### **PURPOSE OF THIS DOCUMENT**

The purpose of this document is to provide notification and background information on the proposed project and to provide for comments and contributions from stakeholders, with regards to potential environmental and water use impacts – which includes (but is not limited to): ecological, social, economic, physical, aesthetic, etc.

When an applicant proposes to undertake Section 21 water uses in terms of the National Water Act (NWA, Act 36 of 1998) or a Listed Activity in terms of the Environmental Impact Assessment (EIA) Regulations (2014) under the National Environmental Management Act (NEMA, Act 107 of 1998) as amended, application must be made for authorisation. The applications must be supported by a report, which has been compiled following an assessment process.

**Ecoleges**, as an independent Environmental Consultant, has been appointed to manage the Public Participation Process (PPP) as part of both the Water Use and Environmental Authorisation processes. Water use authorisation is proposed via registration against General Authorisation (GA) for sections 21 (c) & (i) water uses as per Government Notice No. 509 of 26 August 2016 in terms of Section 39 of the National Water Act (Act 36 of 1998). The Environmental Authorisation is to be undertaken via a Basic Assessment (BA) process in accordance with Regulations 19 & 20 of the EIA Regulations, 2014 promulgated in terms of section 24(5) and 44 of the National Environmental Management Act (Act 107 of 1998), as amended. While the General Authorisation process is not governed by any formal PPP, the Environmental Authorisation PPP must be undertaken in accordance with Chapter 6 of the Environmental Impact Assessment Regulations (GG No. 40772, GN No. 326, 07 April 2017) and section 47D of the National Environmental Management Act (Act 107 of 1998), as amended, and taking into consideration *inter alia* the Public Participation 2017 Guideline Document (DEA, 2017).

The GA registration will be submitted to and reviewed by the relevant Responsible Authority, namely the Department of Water and Sanitation (DWS), and the BA will be submitted for consideration to the Gauteng Department of Agriculture and Rural Development (GDARD) as the Competent Authority.

## APPLICABLE LEGISLATION

### Water Use

A General Authorisation registration is required for development within the Regulated Area of a watercourse which is defined in GN No. 509, 26 August 2016 as:

- (a) The outer edge of the 1 in 100 year flood line and /or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam;
- (b) In the absence of a determined 1 in 100 year flood line or riparian area the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the Act); or
- (c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.**

A National Freshwater Ecosystem Priority Area (NFEPA): Wetland is located within 500m of the development site which will not be directly affected by the development or operation of the facility.

Table 1: Water uses which will be authorised via registration against General Authorisation (GN No. 509, 26 August 2016) for Section 21 (c) & (i).

<b>Section 21(c)</b>	impeding or diverting the flow of water in a watercourse.
<b>Section 21(i)</b>	altering the bed, banks, course or characteristics of a watercourse.

### Environmental Authorisation

An Environmental Authorisation (EA) is required for the development of a solar PV facility and associated activities as per the relevant Listed Activities in Listing Notice 1 (Table 2) and Listing Notice 3 (Table 3).

Table 2: Listed Activities in Listing Notice 1 (GG No. 38282, GN No. R. 983, 4 December 2014) as amended, relevant to the development of the solar PV facility.

<b>Listed Activity 19</b>	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.
<b>Listed Activity 27</b>	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

	(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.
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Table 3: Listed Activities in Listing Notice 3 (GG No. 38282, GN No. R. 985, 4 December 2014) as amended, relevant to the development of the solar PV facility.

<b>Listed Activity 4</b>	The development of a road wider than 4 metres with a reserve less than 13,5 metres. c. Gauteng iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004).
<b>Listed Activity 12</b>	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. c. Gauteng ii. Within Critical Biodiversity Areas or Ecological Support Areas identified in the Gauteng Conservation Plan or bioregional plans.
<b>Listed Activity 14</b>	The development of — (ii) infrastructure or structures with a physical footprint of 10 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 has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour. c. Gauteng iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; v. Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004).

## PURPOSE OF THE PROJECT

The overall objective is to undertake and complete a robust and defensible GA and BA process that will serve to inform the DWS & GDARD's decision on the acceptability of the proposed project.

## PROJECT DESCRIPTION

The development of a 3.6MWp Solar PV plant adjacent to the Unilever Boksburg factory and associated infrastructure including vehicle service tracks, operations area, lighting and fencing.

## DESCRIPTION OF TASKS

- Development of a Public Participation Plan in accordance with the Disaster Management Act (Act 57 of 2002): Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences, dated 05 June 2020. This plan will include:
  - Placing an advertisement in the Ekurhuleni News,
  - Stakeholders, including landowners and land occupiers of neighbouring properties, other interested & affected parties, including the relevant authorities; will be notified of the proposed development in writing, and
  - Notice boards advertising the applications will be placed on the boundary of the site and other locations conspicuous to the public,
  - The plan will be done in light and adherence to the Protection of Personal Information Act (POPIA, Act 4 of 2013).

## LOCATION

The proposed development is located on erven 757 & 758 of Boksburg East and portions 189 and remainder of 127 of Farm Vogelfontein 84 IR, with the approximate centre point of the development at -26.217528° 28.265881°, City of Ekurhuleni Metropolitan Municipality, East Rand region of Gauteng Province, South Africa.

The proposed development footprint is located within an Ecological Support Area (ESA) in terms of the Gauteng Conservation Plan, nearby an NFEPA Wetland (see Figure 1), partially within a Critical Biodiversity Area (CBA) in terms of the Ekurhuleni Bioregional Plan and within a Nationally Threatened Ecosystem (Vulnerable).

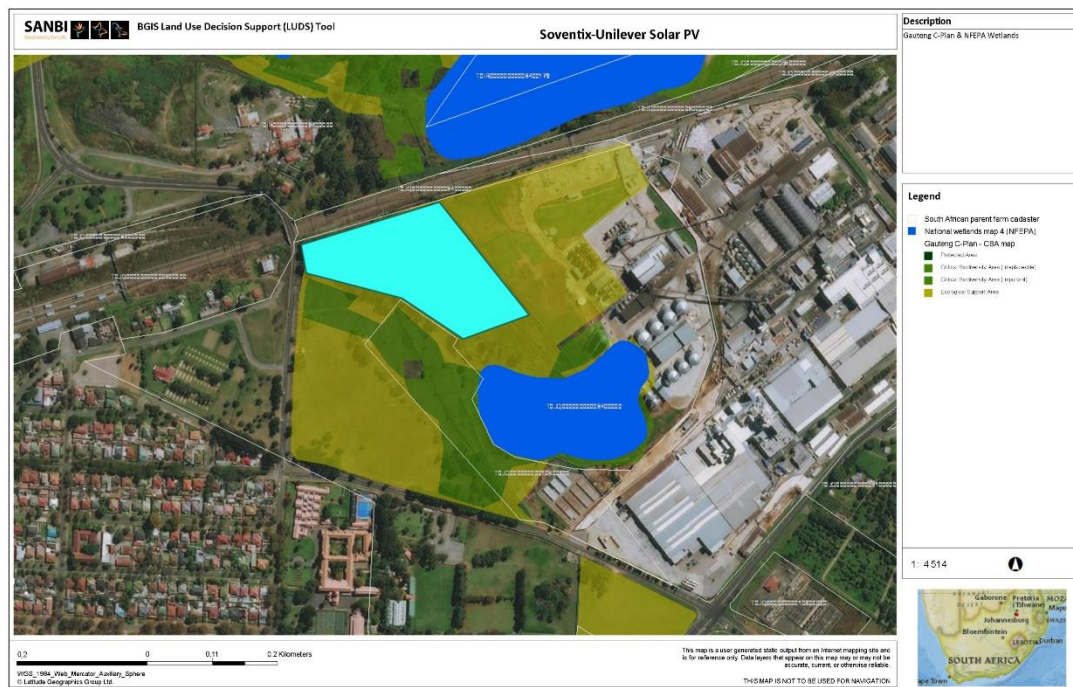


Figure 1: Proposed footprint of the solar PV facility adjacent to the Unilever Boksburg Factory in light of the Gauteng Conservation Plan biodiversity sensitivities and nearby NFEPA Wetland.

## ANTICIPATED ISSUES

Environmental issues that will be addressed in the reports include the following:

- Agricultural Impacts,
- Landscape/Visual Impacts,
- Archaeological and Cultural Heritage Impacts,
- Palaeontology Impacts,
- Terrestrial Biodiversity Impacts including Animal (incl. Avifauna) and Plant Species,
- Aquatic Biodiversity Impacts,
- Socio-Economic Impacts, and
- Civil Aviation Impacts.

### **YOUR COMMENTS PLEASE!**

Your comments on the proposed project, the public participation process, and issues needing investigation, will assist the technical studies and the authorities in their consideration of the relevant environmental and social aspects.

You are invited to register as an Interested and Affected Party (I&AP) and to assist us in:

- identifying possible impacts of the proposed development on the environment,
- making suggestions for mitigation and/or alternatives, and
- considering the “Need and Desirability”.

## Mitigations

Mitigation measures will be developed for the anticipated issues. Stakeholders are however welcome to comment on these issues and provide additional observations.

NEMA and the EIA Regulations call for a hierarchical approach to impact management (Table 4).

Table 4: The Impact Mitigation Hierarchy.

- *Firstly*, alternatives must be investigated to avoid negative impacts altogether.
- *Secondly*, after it has been found that the negative impacts cannot be avoided, alternatives must be investigated to reduce (mitigate and manage) unavoidable negative impacts to acceptable limits.
- *Thirdly*, alternatives must be investigated to remediate (rehabilitate and restore).
- *Fourthly*, unavoidable impact that remain after mitigation and remediation must be compensated for through investigating options to offset the negative impacts.
- While *throughout*, alternatives must be investigated to optimise positive impact.

## Alternatives

Consideration of “Alternatives” is one element of the BA process. Its role is to provide a framework for sound decision-making based on the principle of sustainable development.

Alternatives should be identified as early as possible in the project cycle.

Ecoleges not only welcomes stakeholders’ input/suggestions, but also urges the public to submit possible alternatives.

It is important to note that an alternative is defined as a different means of meeting the general purpose and requirements of the activity, which may include alternatives to-

- (a) the property on which or location where it is proposed to undertake the activity,
- (b) the type of activity to be undertaken,
- (c) the design or layout of the activity,
- (d) the technology to be used in the activity,
- (e) the operational aspects of the activity, and
- (f) the option of not implementing the activity.

When submitting alternatives, the recommended alternative must be:

- Practicable,
- Feasible,
- Relevant,
- Reasonable and
- Viable.

### Need & Desirability

According to Regulation 13(1)(b) and 13(1)(e) read together with Regulation 18 of the amended EIA Regulations, 2014, EAPs and specialists must have knowledge of any guidelines that have relevance to the proposed activity and have regard to the need for and desirability of the undertaking of the proposed activity.

Considering that 'Need and Desirability' is determined by considering the broader societal/community needs and public interests, that is NOT the needs of the applicant/developer, we encourage you to also consider the Guideline on Need and Desirability published by DEA (2017) to help you identify key issues in respect of the need for and desirability of undertaking the proposed activity/development. The guideline is freely available on the web. However, we have also prepared a YouTube video that explains the intended concept of Need and Desirability (<https://www.youtube.com/channel/UC0iHr-zE4TPzwhZjzoTPQMw>).

The aim of EIA process is to find that (reasonable and feasible) alternative that will ensure sustainable development. Consistent with the aforesaid aim and purpose of EIA, the concept of "need and desirability" relates to, amongst others, the nature, scale and location of development being proposed, as well as the wise use of land.

Strictly speaking, "need" primarily refers to time and "desirability" refers to place, e.g. is this the right time and is it the right place for locating the type of land-use/activity being proposed? However, "need and desirability" are interrelated and the two components collectively can be considered in an integrated and holistic manner by engaging the **Questions** provided in the guideline document. The questions are divided into two broad categories relating to ecological sustainability (e.g. how the development will impact on ecosystems and biological diversity) and justifiable economic and social development.

We suspect the ecological category of questions address desirability and whether it is the right place, while the economic and social category of questions addresses broader societal needs, and whether this is the right time.

Need and desirability is like a drawstring that pulls the assessment process together to decide on the best option. When the sum of the impacts (evaluated during the impact assessment) is considered holistically through the lens of Need and Desirability, that is by presenting them within the framework of questions posed by the guideline, then Need and Desirability becomes the overall impact summary to determine if the proposed activity is the best option or to decide on the fate of the application.

When collectively considering ecological, social and economic impacts it is important to remember that while there might be some trade-offs between the considerations, all development must, in terms of Section 24 of the Constitution, be ecologically sustainable, while economic and social development must be justifiable. Consequently, there are specific “trade-off rules that apply, namely environmental integrity may never be compromised, and the social and economic development must take a certain form and meet certain specific objectives for it to be considered justifiable.

## REGISTRATION

To ensure that you are registered as an interested and/or affected party, please complete the enclosed REGISTRATION AND COMMENT SHEET and forward it to the address, fax or email provided below.

### Postal Address:

P.O. Box 516  
Machadodorp  
1170

**Fax:** 086 697 9316

**E-mail:** [info@ecoleges.co.za](mailto:info@ecoleges.co.za) or [justin@ecoleges.co.za](mailto:justin@ecoleges.co.za)

## ENQUIRIES

Please do not hesitate to visit us at our office or give us a call should you have any further queries or concerns regarding the listed activity(ies) or development that is being proposed.

### Physical address (Office):

2 Generaal Street  
Machadodorp  
1170

**Cell:** 083 644-7179 (office) or 082 451 5608 (Justin Bowers)

# REGISTRATION AND COMMENT SHEET

## UNILEVER SOLAR PV PLANT

ECOLEGES REFERENCE: 2021\_006P

Title: \_\_\_\_\_ Name: \_\_\_\_\_

Surname: \_\_\_\_\_

Company Name / Interest Group: \_\_\_\_\_

Postal or Residential Address: \_\_\_\_\_

Town / City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Tel: (\_\_\_\_\_) \_\_\_\_\_

Cell: \_\_\_\_\_

Fax: (\_\_\_\_\_) \_\_\_\_\_

E-mail address: \_\_\_\_\_

A registered interested and affected party is entitled to object and comment, in writing, on all written submissions including draft reports made to the competent authority provided that - (c) the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application. Please supply such information in the space provided below.

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Please indicate with an **X** whether you would like to be kept informed of the GA & BA process.

YES, I would like to be kept informed	
NO, I am not interested	

If "YES", how would you like to be informed? (please mark the appropriate block with an **"X"**)

E-mail	
Fax	



This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Please be assured that your comments will form part of the final document to be submitted to the decision-making authority and that your personal details and views will not be shared with any third party, as adherence to the POPIA.

Please complete and return this Registration and Comment sheet  
**within 30 days of the date of this notice.**