

NOTIFICATION & BACKGROUND INFORMATION DOCUMENT (BID)



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Application for Environmental & Water Use Authorisation for the proposed Soventix 1.8MWp Solar Photovoltaic Plant on a 2.2ha site at the Element Six facility, Daggafontein, Springs, City of Ekurhuleni Metropolitan Municipality, Gauteng Province, South Africa.

PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide background information on the proposed project and associated environmental and water use authorisations, and to provide for objections, 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.

Ecoleges has been appointed, in its capacity as an independent Registered Environmental Assessment Practitioner (Reg. EAP), 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 (NEMA, 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.

PROJECT DESCRIPTION

The development of a 1.8MWp (Mega Watt peak) Solar Photovoltaic (PV) plant on open ground within the Element Six facility in Daggafontein, and associated infrastructure including transformers, vehicle service tracks, operations area, lighting and fencing.

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.**

Wetlands identified in the City of Ekurhuleni Metropolitan Municipality 2020 Bioregional Plan are 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).

Section 21(c)	impeding or diverting the flow of water in a watercourse.
Section 21(i)	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 Specified Activities in 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.

Listed Activity 11	The development of facilities or infrastructure for the generation of electricity from a renewable resource where— (i) the electricity output is more than 10 megawatts but less than 20 megawatts; or (ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare; excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs— (a) within an urban area; or (b) on existing infrastructure.
Listed Activity 27	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.

Table 3: Specified 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.

<p>Listed Activity 12</p>	<p>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.</p> <p>c. Gauteng</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within Critical Biodiversity Areas or Ecological Support Areas identified in the Gauteng Conservation Plan or bioregional plans; or</p> <p>iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.</p>
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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.

LOCATION

The proposed location is on erf 256 Nuffield Township, Registration Division I.R., with the approximate GPS co-ordinates of the centre point at 26°17'46.79"S, 28°27'31.00"E, in the City of Ekurhuleni Metropolitan Municipality, Springs region of Gauteng Province, South Africa (Figure 1).



Figure 1. The proposed 2.2ha site (green polygon) for a 1.8MW Solar PV plant at the Element Six facility, Gauteng Province. Bioregional plan wetlands (light green polygons) occur to the south-west and north-east of the site. The orange polygon indicates a purported NFEPA wetland which has since been confirmed to be erroneous.

DESCRIPTION OF TASKS

- An advertisement will be placed in the Ekurhuleni News newspaper,
- 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 in and around the site.

ANTICIPATED ISSUES

Environmental issues that may be addressed in the reports could include the following:

1. Terrestrial Biodiversity Compliance Statement,
2. Plant Species Compliance Statement,
3. Animal Species Compliance Statement,
4. Aquatic Biodiversity Compliance Statement, including Risk Assessment for GA registration,
5. Archaeology & Cultural History Exemption Letter,
6. Agriculture Compliance Statement,
7. Civil Aviation Compliance Statement,
8. Palaeontology Exemption Letter; and
9. Visual Impact Compliance Statement.

YOUR COMMENTS PLEASE!

Your comments on the proposed projects, 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 (2014) as amended, call for a hierarchical approach to impact management.

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 the BA process is to find that (reasonable and feasible) alternative that will ensure sustainable development. Consistent with the aforesaid aim and purpose of BA, 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 or shannon@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):

3 Generaal Street
Machadodorp
1170

Cell: 083 644-7179 (office)

Please be assured that your comments will form part of the documents to be submitted to the decision-making authority.

Please complete and return the below Registration and Comment Sheet and/or POPIA Consent Form at your earliest convenience:

Note: To withdraw your consent at any time please email us directly, and we will immediately delete your information from our records. Thank you.

**REGISTRATION AND COMMENT SHEET
ELEMENT SIX SOLAR PV PLANT
ECOLEGES REFERENCE: 2022_012P**

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.

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	

COMMENTS: (If you require more space than that which is provided, please attach additional pages)



POPIA CONSENT FORM

Kindly be advised that should you receive unsolicited correspondence directly from us, and you are (i) an occupier, owner or person in control of the site or any alternative site where the activity is to be undertaken, (ii) an owner, person in control or occupier of land adjacent to the site or any alternative site where the activity is to be undertaken, (iii) the municipal councillor of a ward, (iv) any organisation of ratepayers that represents the community, (v) a municipality, (vi) any organ of state having jurisdiction in respect of any aspect of the activity, or (vii) any other party as required by the competent authority, then we were required to give you notice in terms of EIA Regulation 41(2), and had to therefore derive your information, including name, contact details and address, from a public record. Alternatively, you may have been referred to us. If you are not an organ of state, did not submit written comments or attend meetings, did not request in writing for your name to be placed on the register, then we are not obligated in terms of EIA Regulation 42 to retain a record of your personal information in a register of interested and affected parties, and as such, must obtain proof of consent provided by yourself. To this effect, kindly confirm your consent by ticking the boxes below.

- I, in my capacity as the data subject, give consent to ecoleges, in its capacity as the responsible party, to process my personal information for purposes of pursuing its legitimate interests or those of a third party to whom the information is supplied, but limited to (1) the submission of reports or plans for comment, (2) transferring the same information to a third party, including registered interested and affected parties, the competent authority and applicant or holder of the environmental authorisation, (3) submitting a copy of an appeal against a decision to grant or refuse environmental authorisation, and/or (4) submission of environmental audit reports (containing recommendations for amending the EMP) for comment.
- I hereby acknowledge that only the minimum personal information that is required to be processed for the purpose of the EIA Regulations (2014) will be processed, including my name, contact details, address, and disclosure on any direct business, financial, personal, or other interest which that party may have in the approval or refusal of the application.
- I hereby confirm that the personal information, which I shall provide is mine, and that it is complete, accurate, not misleading and updated.
- I hereby acknowledge that my personal information is being collected explicitly for public participation processes associated with this project.
- Irrespective of the decision to grant or refuse an environmental authorisation, and irrespective of whether the scope of the authorisation includes operational or development aspects only, I hereby give consent to ecoleges to retain my records indefinitely for historical and/or research purposes.
- I understand, upon submitting my personal information to ecoleges, that it will be saved on their server, which meets the various conditional "Minimum Security Requirements" of their Cyber Insurance company, including *inter alia* firewalls to restrict access to digitally stored sensitive information, anti-virus software implemented on all desktops, laptops and sensitive systems, password controls implemented on sensitive systems, etc.

I understand that ecoleges shall inform me when there are reasonable grounds to believe that my personal information has been accessed or acquired by any unauthorised person.

I have read and understand my [Section 5 Rights](#) as a data subject including *inter alia*, the right to -

- request access to my personal information,
- request information about the identity of all third parties,
- request ecoleges to correct, update, destroy or delete my personal information, and
- lodge a complaint in writing to the [Information Regulator](#) if in my opinion the processing of information is not reasonable.

For more information about the Protection of Personal Information Act, 2013 (POPIA), which commenced on 01st July 2020, it is available at the following link: www.popia.co.za

Your participation in the Public Participation Process (PPP) is voluntary, but it is mandatory in terms of Regulation 42 and 43(1) of the amended EIA Regulations (2014) that we receive the relevant personal information for us to register you as an Interested and Affected Party, and for you to be entitled to comment, in writing, on all reports or plans that we submit to you, respectively.

Failure to supply the information or incomplete information may impact your eligibility as a registered Interested and Affect Party.