



# environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/1/2126

Enquiries: Ms Mmamohale Kabasa

Telephone: (012) 399 9420 E-mail: MKabasa@environment.gov.za

Mr Jan Fourie  
Kenhardt Solar PV Project 5 (Pty) Ltd  
2<sup>nd</sup> Floor North Wing  
3 Dock Road  
Waterway House  
V&A Waterfront  
CAPE TOWN  
8001

Cellphone Number: (072) 810 2006  
Email Address: Jan.Fourie@scatecsolar.com

## PER EMAIL / MAIL

Dear Mr Fourie

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED 115MW KENHARDT PV5 SOLAR ENERGY FACILITY AND A 10KM 132KV POWER LINE NORTH-EAST OF THE TOWN OF KENHARDT WITHIN THE IKHEIS LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, 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, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 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, 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.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 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.

M.S

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: [appeals@environment.gov.za](mailto:appeals@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 [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Environment, Forestry and Fisheries

Date: 13/08/2020

cc:	K Stroebel	CSIR	Email: <a href="mailto:kstroebel@csir.co.za">kstroebel@csir.co.za</a>
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## environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The 115MW Kenhardt PV5 Solar Energy Facility and 10km 132kV power line north-east of the town of Kenhardt within the !Kheis Local Municipality in the Northern Cape Province

### ZF Mgcawu District Municipality

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/2126</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Kenhardt Solar PV Project 5 (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Remainder of farm Onder Rugzeer Number 168 Portion 3 of the Farm Gemsbok Bult 120 Remainder of Boven Rugzeer 169 Portion 4 of Onder Rugzeer Farm 168 !Kheis Local Municipality ZF Mgcawu 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.

*M.S*

## 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), as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

### **KENHARDT SOLAR PV PROJECT 5 (PTY) LTD**

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

with the following contact details –

Mr Jan Fourie  
Kenhardt Solar PV Project 5 (Pty) Ltd  
2<sup>nd</sup> Floor North Wing  
3 Dock Road  
Waterway House  
V&A Waterfront  
**CAPE TOWN**  
8001

Cellphone Number: (072) 810 2006

Email Address: Jan.Fourie@scatecsolar.com

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

Activity number	Activity description
<p><u>Listing Notice 1, Item 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 kV."</i></p>	<p>The proposed project will entail the construction and installation of an overhead 132kV power line from the PV facility to the Eskom Nieuwehoop Substation, as well as an on-site substation at the PV facility. The proposed project will take place outside of an urban area.</p>
<p><u>Listing Notice 1, Item 12:</u></p> <p><i>"The development of—</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse."</i></p>	<p>The proposed solar PV facility will be constructed on the Remaining Extent of Onder Rugzeer Farm 168, approximately 80km south of Upington and 30km north-east of Kenhardt within the !Kheis Local Municipality, Northern Cape Province. Hence the proposed project will take place outside of an urban area.</p> <p>The proposed 115MW Solar PV facility (i.e. Kenhardt PV5) will entail the construction of building infrastructure and structures (such as the solar field, offices, workshop, ablution facilities, on-site substation, laydown area and security enclosures etc.). The infrastructure and structures are expected to exceed a footprint of 100m<sup>2</sup> and some may occur within small drainage features and 32m of the watercourses.</p>

<p><u>Listing Notice 1, Item 19:</u></p> <p><i>"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</i></p> <p><i>(i) a watercourse."</i></p>	<p>The proposed project may entail the excavation, removal and moving of more than 10m<sup>3</sup> of soil, sand, pebbles or rock from the nearby watercourses. The proposed project may also entail the infilling of more than 5m<sup>3</sup> of material into the nearby watercourses. Construction of the internal gravel access road and/or the potential construction of infrastructure within drainage features may require the removal of material. Details of the infilling of and excavations from the drainage features will be confirmed during the detailed design phase.</p>
<p><u>Listing Notice 1, Item 28:</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 proposed project will take place outside of an urban area, on several farm portions. It is understood that the land is currently used for agricultural purposes. The proposed 115MW solar PV facility (i.e. Kenhardt PV5) which is considered to be a commercial/industrial development, will have an estimated footprint of approximately 250ha. The proposed project will also entail the construction of an on-site substation, and power line (including towers and pylons). This will constitute infrastructure with a physical footprint of more than 1ha.</p>
<p><u>Listing Notice 1, Item 47:</u></p> <p><i>"The expansion of facilities or infrastructure for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase."</i></p>	<p>The proposed project will include associated electrical infrastructure at the Eskom Nieuwehoop Substation (including but not limited to feeders, Busbars, transformer bay and extension to the platform at the Eskom Nieuwehoop Substation).</p>
<p><u>Listing Notice 1, Item 56:</u></p> <p><i>"The widening of a road by more than 6m, or lengthening of a road by more than 1km-</i></p>	<p>In terms of access, the proposed project site can be accessed via an existing gravel road (an unnamed farm road) and the existing Transnet Service Road</p>

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<p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres."</i></p>	<p>(private). Both access routes will be considered and included in the proposed project. The R27 extends from Keimoes (in the north) to Vredendal in the south. The R27 is 6m wide and falls within a 45m road reserve. The Transnet Service Road can be accessed from the R27. The existing gravel road (an unnamed farm road) can be accessed from the R383 Regional Road also via the R27 National Road. The Transnet Service Road and unnamed farm road are both 7-8m wide, however in certain sections, the unnamed farm road is believed to be about 2-3m wide.</p> <p>Should the Transnet Service Road not be used for access, then the unnamed farm gravel road will be used. This farm road, however, will need to be upgraded and widened by more than 6m (where required).</p>
<p><u>Listing Notice 2, Item 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 proposed project will entail the construction of a 115MW Solar PV facility (i.e. facility for the generation of electricity from a renewable resource). The proposed project will take place outside of an urban area.</p> <p>Note that GN 114 states that applications for EA for large scale wind and solar PV energy facilities, when such facilities trigger Activity 1 of Listing Notice 2 of 2014 of the 2014 NEMA EIA Regulations (as amended) and any other listed and specified activities necessary for the realisation of such facilities, and where the entire proposed facility is to occur in such REDZs, must follow a BA Process, in order to obtain EA.</p>

Listing Notice 2, Item 15:

*"The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for:*

*(i) the undertaking of a linear activity."*

The proposed 115MW solar PV facility will have an estimated footprint of approximately 250ha. As a result, more than 20ha of indigenous vegetation would be removed for the construction of the proposed solar PV facility.

Note that GN 114 states that applications for EA for large scale wind and solar PV energy facilities, when such facilities trigger Activity 1 of Listing Notice 2 of 2014 of the 2014 NEMA EIA Regulations (as amended) and any other listed and specified activities necessary for the realisation of such facilities, and where the entire proposed facility is to occur in such REDZs, must follow a BA Process, in order to obtain EA.

Listing Notice 3, Item 18:

*"The widening of a road by more than 4 meters, or the lengthening of a road by more than 1 kilometre:*

*g) In the Northern Cape:*

*ii. Outside Urban Areas*

*(ii) Areas within a watercourse or wetland, or within 100m from the edge of a watercourse or wetland."*

In terms of access, the proposed project site can be accessed via an existing gravel road (an unnamed farm road) and the existing Transnet Service Road (private). Both access routes will be considered and included in the proposed project. The R27 extends from Keimoes (in the north) to Vredendal in the south.

The R27 is 6m wide and falls within a 45m road reserve. The Transnet Service Road can be accessed from the R27. The existing gravel road (an unnamed farm road) can be accessed from the R383 Regional Road also via the R27 National Road. The Transnet Service Road and unnamed farm road are both 7-8m wide, however in certain sections, the unnamed farm road is believed to be about 2-3m wide.



	<p>Should the Transnet Service Road not be used for access, then the unnamed farm gravel road will be used. This farm road, however, will need to be upgraded and widened by more than 6m (where required). Exact specifications of the widening and upgrading of the unnamed farm gravel road will be confirmed during the detailed design phase. The proposed gravel road widening may occur within 100m of the edge of the minor drainage features.</p> <p>The proposed project will take place approximately 80km south of Upington and 30km north-east of Kenhardt within the !Kheis Local Municipality, Northern Cape Province. Hence the proposed project will take place outside of an urban area.</p>
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as described in the Basic Assessment Report (BAR) dated June 2020 at:

**SG 21 Digit Code:**

Farm Description	21 Digit Surveyor General Code
Remainder of Farm Onder Rugzeer 168	C03600000000016800000
Portion 3 of the Farm Gemsbok Bult 120	C03600000000012000003
Remainder of Boven Rugzeer 169	C03600000000016900000
Portion 4 of Onder Rugzeer Farm 168	C03600000000016800004

**Coordinates: Solar Field**

Point	Latitude	Longitude
A	29°12'19.40"S	21°17'59.68"E
B	29°13'34.55"S	21°18'9.96"E
C	29°13'34.03"S	21°17'51.46"E
D	29°13'27.08"S	21°17'38.87"E
E	29°13'2.57"S	21°17'34.48"E
F	29°13'2.17"S	21°17'15.94"E

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G	29°12'22.55"S	21°17'9.56"E
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**Coordinates for the 10km 132kV power line corridor:**

Point	Latitude	Longitude
A	29°12'41.19"S	21°18'0.32"S
B	29°11'1.87"S	21°18'43.61"S
C	29°9'1.60"S	21°18'0.32"S

- for the 115MW Kenhardt PV5 Solar Energy Facility and 10km 132kV power line north-east of the town of Kenhardt within the !Kheis Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

Infrastructure associated with the facility:

- Solar field, comprising solar arrays with a maximum height of 10m and maximum footprint of 250ha (details provided below), including the following:
  - PV Modules;
  - Single Axis Tracking structures (aligned north-south), Fixed Axis Tracking (aligned east-west), Dual Axis Tracking (aligned east-west and north-south), Fixed Tilt Mounting Structure or Bifacial Solar Modules (all options will be considered in the design);
  - Solar module mounting structures comprised of galvanised steel and aluminium; and
  - Foundations which will likely be drilled and concreted into the ground.
- Building Infrastructure
  - Offices (maximum height 7m and footprint of 1000m<sup>2</sup>);
  - Operational and maintenance control centre (maximum height 7m and footprint 500m<sup>2</sup>);
  - Warehouse/workshop (maximum height 7m and footprint 500m<sup>2</sup>);
  - Ablution facilities (maximum height 7m and footprint 50m<sup>2</sup>);
  - 24 converter/inverter stations (height from 2.5m to 7m (maximum) and footprint 2500m<sup>2</sup>);
  - On-site substation building (footprint 20 000m<sup>2</sup>); and
  - Guard houses (height 3m, footprint 40m<sup>2</sup>).
- Associated Infrastructure
  - 132kV overhead power line to connect to the existing Eskom Nieuwehoop Substation to be located within a corridor of approximately 300m – 1000m wide. The specific power line will have the following specifications:
    - Height = 22.5m to 30m.

- The servitude for the 132kV power line will be 31m wide. Note that the entire servitude will not be cleared of vegetation. Vegetation clearance within the servitude will be undertaken in compliance with relevant standards and specifications.
- Length from site to grid connection = approximately 10-12km.
- Associated electrical infrastructure at the Eskom Nieuwehoop Substation (including but not limited to feeders, Busbars, transformer bay and extension to the platform at the Eskom Nieuwehoop Substation);
- On-site substation;
- Internal 33kV power lines/underground cables (either underground to maximum depth of 1.6m or above ground with height of 9m);
- Underground low voltage cables or cable trays (underground to maximum depth of 1.4m);
- Access roads: Maximum 8m wide. Total length of internal gravel and perimeter roads length: Approximately 20 000m;
- Internal gravel roads (width of 4m);
- Fencing (at least 2.6 – 3m high) - Access points will be managed and monitored by an appointed security service provider. The type of fencing will either be of palisade, mesh type or a fully electrified option;
- Panel maintenance and cleaning area;
- Stormwater channels (Details to be confirmed once the Engineering, Procurement and Construction (EPC) contractor has been selected and the design is finalised. A detailed stormwater management plan would need to be developed); and
- Temporary work area during the construction phase (i.e. laydown area of maximum 5ha).

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The 115MW Kenhardt PV5 Solar Energy Facility and 10km 132kV power line north-east of the town of Kenhardt within the !Kheis Local Municipality in the Northern Cape Province, as described above is hereby approved.
  2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
  3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not
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limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.

4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of 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.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

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

10. 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.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued;
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 11.4. give the reasons of the Competent Authority for the decision.

### **Commencement of the activity**

12. 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**

13. The site layout plans as attached as Appendix B (Facility Illustrations) of the BAR dated June 2020 is approved.
14. The Environmental Management Programme (EMPr) submitted as part of the BAR dated June 2020 is approved and must be implemented and adhered to.
15. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
16. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
17. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

### **Frequency and process of updating the EMPr**

18. 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.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. 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.

21. 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 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.
22. The holder of the authorisation may 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 GN R.982, 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**

23. 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.
24. The ECO must be appointed before commencement of any authorised activities.
25. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
26. 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. 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.
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 R. 982, as amended.
31. 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.
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**

37. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
38. 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.
39. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the EMPr.
40. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
41. Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
42. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
43. 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.
44. 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.
45. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
46. 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.
47. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant legislation.
48. 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).
49. 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.



50. 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.
51. Borrow materials must be obtained only from authorised and permitted sites. Permits must be kept on site by the ECO.
52. 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.
53. 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.
54. Any fauna directly threatened by the construction activities should be removed to a safe location by a suitably qualified person.
55. 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.
56. Electric fencing should 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.
57. 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.
58. The washing of panels during maintenance must be done with biodegradable soaps to avoid soil contamination and poisoning of small animals.
59. 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.
60. 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.

**General**

61. The recommendations of the EAP in the BAR dated June 2020 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.
62. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 62.1. at the site of the authorised activity;
  - 62.2. to anyone on request; and
  - 62.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
63. 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: 13/08/2020



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environment, Forestry and Fisheries**

## **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 24 January 2020.
- b) The information contained in the BAR dated June 2020.
- c) The comments received from interested and affected parties as included in the BAR dated June 2020.
- d) Mitigation measures as proposed in the BAR and the EMPr dated June 2020.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated June 2020.

### **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 to the national grid.
- c) The BAR dated June 2020 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the BAR dated June 2020 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014, 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 BAR dated June 2020 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 information contained in the BAR dated June 2020 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.

- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR 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, Act No. 107 of 1998, as amended, and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.