



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

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

**DFFE Reference:** 14/12/16/3/3/1/2323/1

**Enquiries:** Ms Constance Musemburi

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

Mr. Warren Morse  
Mulilo Total Hydra Storage (Pty) Ltd  
PO Box 548  
**HOWARD PLACE**  
7450

**Tel:** (021) 685 3240  
**E-mail:** [Warren@mulilo.com](mailto:Warren@mulilo.com)

### PER EMAIL / MAIL

Dear Mr. Morse

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED DEVELOPMENT OF THE MULILO TOTAL HYDRA STORAGE PROJECT: GRID INTERCONNECTION AND ASSOCIATED INFRASTRUCTURE, NEAR DE AAR, EMTHANJENI LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.**

The Environmental Authorisation (EA) issued for the above-mentioned application by this Department on 30 June 2021, your application for amendment of Split of the EA received on 23 June 2023, the acknowledgement letter dated 03 July 2023 and the additional information received by the Department on 07 July 2023, refer.

Based on a review of the reason for requesting an amendment to split the above EA, this Department, in terms of Chapter 5, Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 30 June 2021 by issuing a new EA.

**The attached EA will replace the EA dated 30 June 2021.** All further amendments must be lodged on the attached EA with the new above-mentioned reference number.

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 fourteen (14) days of the date of the 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 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.

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@dfpe.gov.za](mailto:appeals@dfpe.gov.za)

By hand: Environment House  
473 Steve Biko Road  
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.dfpe.gov.za/documents/forms#legal\\_authorisations](https://www.dfpe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dfpe.gov.za](mailto:appeals@dfpe.gov.za).

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries & the Environment**  
Date: 02/08/2023

cc:	Ashlin Bodasing	Arcus Consultancy Services South Africa (Pty) Ltd	Email: <a href="mailto:Ashlin.Bodasing@arcusconsulting.co.za">Ashlin.Bodasing@arcusconsulting.co.za</a> Email: <a href="mailto:deaar@arcusconsulting.co.za">deaar@arcusconsulting.co.za</a>
	Mr B Fisher	Northern Cape: DAERDLF	Email: <a href="mailto:bfisher@ncpp.gov.za">bfisher@ncpp.gov.za</a>
	Mr Francois Tal'aard	Emthanjeni Local Municipality	Email: <a href="mailto:tallies@emthanjeni.co.za">tallies@emthanjeni.co.za</a>



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

**PROPOSED DEVELOPMENT OF THE MULILO TOTAL HYDRA STORAGE PROJECT:  
GRID INTERCONNECTION AND ASSOCIATED INFRASTRUCTURE NEAR DE AAR, EMTHANJENI  
LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.**

**PIXLEY KA SEME DISTRICT MUNICIPALITY**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/2323/1</i>
<b>Last amended:</b>	<i>Second issue</i>
<b>Holder of authorisation:</b>	<i>Mulilo Total Hydra Storage (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Within 4 and 6 of the Emthanjeni Local Municipality, in the 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.

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the NEMA EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

### **MULILO TOTAL HYDRA STORAGE (PTY) LTD**

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

with the following contact details –

Mr Warren Morse

Mulilo Total Hydra Storage (Pty) Ltd

PO Box 548

**HOWARD PLACE**

7450

Tel: (021) 685 3240

E-mail: [Warren@mulilo.com](mailto:Warren@mulilo.com)



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

Activity number	Activity description
<p><u>Listing Notice 1, Item 11:</u> <i>The development of facilities or infrastructure for the transmission and distribution of electricity (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts</i></p>	<p>The proposed development will require the construction of a power line of up to 132kV capacity</p>
<p><u>Listing Notice 1, Item 12:</u> <i>The development of-</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs</i> <i>(a) within a watercourse;</i> <i>(c) if no development setback exists within 32 m of a watercourse, measured from the edge of a watercourse.</i></p>	<p>Infrastructure such as the access road and overhead powerline (OHPL) will be situated within 32m of a watercourse, measured from the edge of a watercourse.</p>
<p><u>Listing Notice 1, Item 14:</u> <i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres."</i></p>	<p>The proposed switching station will require the use of diesel/gas/transformer oils/other hazardous substances during the construction and operational phase.</p>
<p><u>Listing Notice 1, Item 19:</u> <i>The infilling or depositing of any material of more than 10 cubic metres into or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic meters from a watercourse.</i></p>	<p>The project will require dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic meters from a watercourse</p>
<p><u>Listing Notice 1, Item 24:</u> <i>The development of a road</i> <i>(ii) with a reserve wider than 13,5 meters or where no reserve exists where the road is wider than 8 meters</i></p>	<p>The construction of the access road to the switching station is proposed to be 12m wide. The OHPL service roads will be 6m wide.</p>

Activity number	Activity description
<p><u>Listing Notice 1, Item 27:</u></p> <p><i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of vegetation is required for</i></p> <p><i>(i) the undertaking of a linear activity</i></p>	<p>The development of the switching station and the infrastructure associated with the OHPL that is linear will require clearing of more than 1 hectare of indigenous vegetation but less than 20 hectares.</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>Construction of the switching station and access road will change the land use from agriculture to mixed - agriculture and electricity transmission. The proposed development is outside an urban area and has a footprint that will exceed 1ha.</p>
<p><u>Listing Notice 1, Item 48</u></p> <p><i>The expansion of-</i></p> <p><i>Infrastructure or structures where the physical footprint is expanded by 100 square metres or more; where such expansion 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>Infrastructure or structures will be expanded within 32m of a watercourse. The culmination of these expansions exceeds 100m square meters.</p>
<p><u>Listing Notice 1, Item 56:</u></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-</i></p> <p><i>(i) where the existing reserve is wider than 13.5 meters;</i></p> <p><i>or (ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas.</i></p>	<p>Existing farm access roads will need to be widened or lengthened. These roads will have no road reserve and will be wider than 8m in some parts.</p>
<p><u>Listing Notice 3, Item 4</u></p> <p><i>metres with a reserve less than 13,5 metres</i></p> <p><i>(g) Northern Cape</i></p> <p><i>(ii) Outside urban areas</i></p>	<p>The proposed OHPL and switching station fall within an ESA. Majority of the proposed access road falls within a CBA 2. Further the proposed</p>

Activity number	Activity description
<p><i>(bb) National Protected Area Expansion Strategy Focus Area</i></p> <p><i>(ee) Critical Biodiversity Areas identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</i></p>	<p>development falls within a NPAES. Internal access roads will be constructed, which will wider than 4 m. The proposed access road will need to be upgraded to ensure safe transport of equipment to site and this may be widened by more than 4 meters as well. The project falls outside of an urban area.</p>
<p><u>Listing Notice 3, Item 10:</u></p> <p><i>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</i></p> <p><i>(g) Northern Cape</i></p> <p><i>(ii) Outside urban areas</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Area</i></p> <p><i>(ee) Critical Biodiversity Areas identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</i></p>	<p>The proposed OHPL and switching station fall within an ESA. Majority of the proposed access road falls within a CBA 2. Further the proposed development falls within a NPAES.</p> <p>The proposed switching station is likely to require the use of diesel/gas transformer oils/other hazardous substances during the operational phase.</p>
<p><u>Listing Notice 3, Item 14:</u></p> <p><i>The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 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 has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>(g) Northern Cape</i></p> <p><i>(ii). Outside urban areas:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas;</i></p>	<p>The proposed OHPL and switching station fall within an ESA. Majority of the proposed access road falls within a CBA 2. This ESA is largely due to the presence of the Platberg-Karoo Conservancy IBA. Further the proposed development falls within a NPAES. Infrastructure such as the access roads (internal and external) will be situated within 32m of a watercourse, measured from the edge of a watercourse.</p>

Activity number	Activity description
<p>(ff) <i>Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</i></p>	
<p><u>Listing Notice 3, Item 18:</u>  <i>The widening of a road by more than 4 metres or the lengthening of a road by more than 1 kilometre</i>                      (g) <i>Northern Cape</i>                      (bb) <i>National Protected Area Expansion Strategy Focus areas:</i>                      (ee) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>The proposed OHPL and switching station fall within an ESA. Majority of the proposed access road falls within a CBA 2. This ESA is largely due to the presence of the Platberg-Karoo Conservancy IBA. Further the proposed development falls within a NPAES.</p> <p>It will be the case that existing roads will need to be widened or lengthened within a ESAs during construction of the access road.</p>
<p><u>Listing Notice 3, Item 23:</u>  <i>The expansion of,—</i>                      (ii) <i>infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs—</i>                      (a) <i>within a watercourse;</i>                      (c) <i>if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i>                      (g) <i>Northern Cape</i>                      ii. <i>Outside urban areas</i>                      (bb) <i>National Protected Area Expansion Strategy Focus areas:</i>                      (ee) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</i></p>	<p>The proposed OHPL and switching station fall within an ESA. Majority of the proposed access road falls within a CBA 2. This ESA is largely due to the presence of the Platberg-Karoo Conservancy IBA. Further the proposed development falls within a NPAES.</p> <p>The construction of the OHPL will include the expansion of existing infrastructure such as roads that are located within 32m of a watercourse and ESAs.</p>



as described in the Final Basic Assessment Report (FBAR) dated May 2021 at:

**SG 21 Code**

Component	Details		
<b>Affected Farm Portions and SG Codes</b>	<b>Portion</b>	<b>Farm Number</b>	<b>21 SG Code</b>
	1	5	C0300000000000500001
	3	5	C0300000000000500003
	1	137	C03000000000013700001
	0	144	C03000000000014400000
	0 (RE)	4	C0300000000000400000
	1 (RE)	180	C03000000000018000001
	55	180	C03000000000018000055
	56	180	C03000000000018000056
	7	180	C03000000000018000007
	61	180	C03000000000018000061
<b>Switching Station Corner Coordinates</b>	<b>Corner</b>	<b>Latitude</b>	<b>Longitude</b>
	North	30°40'39.21"S	24°3'59.48"E
	East	30°40'39.23"S	24°4'3.34"E
	South	30°40'44.17"S	24°4'3.36"E
	West	30°40'44.18"S	24°3'59.47"E

- the proposed development of the Mulilo Total Hydra Storage Project: Grid Interconnection and associated infrastructure, near De Aar, Emthanjeni Local Municipality, Northern Cape Province, hereafter referred to as "the property."

The proposed overhead powerline (OHPL) which will evacuate electricity generated from the Mulilo Total Hydra Storage Project will be approximately 0.5km in length, with a capacity of up to 132kV. The proposed OHPL will LILO ("Loop in Loop Out") onto the Du Plessis Dam Solar PV1 – Hydra MTS OHPL. A single track service road will be required for the construction and maintenance of the OHPL and will run directly below the OPHL. The OHPL is to be strung with twin tern conductor and the technology will be that of bird friendly steel monopole structures with a maximum height of 25m.

The components of the proposed development will include:

- Designing and construction of approximately 0.5 km of single circuit 132 kV OHPL, between the Hydra MTS and Mulilo Total Hydra Storage Project;
- The OHPL is to be strung with twin tern conductor;
- Preferred technology to be that of bird friendly steel monopole structures. These are to be used with a maximum height of 25m.
- Telecommunication via fibre optic is required on the 0.5 km HV Line.

Associated infrastructure will include:

- Foundations and insulators;
- Existing access roads and jeep tracks; and
- Line and servitude clearances to meet the statutory requirements.

MTHS Self-Build Associated Infrastructure:

This associated infrastructure forms part of the Grid Interconnection Project to be handed over to Eskom for commissioning responsibility.

Switching Station Access Road:

An approximately 6km long, 12 m wide access road is required for construction and maintenance of the self-build switching station. Access begins off the N10 highway and terminates at the self-build switching station. An approximately 6m service road continues along the proposed OHPL route within the servitude.

Self-Build Switching Station:

A 132kV, double busbar switching station, will be constructed at the Mulilo Total Hydra Storage Project site. The switching station is named the Mulilo Cluster 1 Switching Station and will house the required metering and protection equipment inside various substation buildings. In addition, there will be spatial provision to establish at least four additional outgoing feeder bays with access to the property for at least two additional incoming line bays to cater for future expansions. The switching station will eventually contain six bays but would start with the initial two bays as required by the Mulilo Total Hydra Storage project. The total footprint will be approximately 100 m x 100 m for the 2-bay phase, increasing to 200 m x 100 m for six bays and with a maximum height of 25m.

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The proposed development of the Mulilo Total Hydra Storage Project: Grid Interconnection and associated infrastructure, near De Aar, Emthanjeni Local Municipality in the Northern Cape Province, is approved as per the geographic coordinates cited in the table above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised must only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

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

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.

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

### **Commencement of the activity**

11. The authorised activity must 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**

12. The site locality map attached as Appendix 7 of the FBAR dated May 2021 is approved.
13. The Environmental Management Programme (EMPr) submitted as Appendix B of the FBAR dated May 2021 is approved and must be implemented and adhered to.
14. The Department herewith approve the generic EMPr which is applicable to the current stage of development. Should there be a need to effect any substantial changes to the approved generic EMPr, such changes must be submitted to this Department for approval prior implementation. The requirements of the approved generic EMPr forms part of the conditions of the EA and must be implemented as such.
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 FBAR 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 28 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 the NEMA EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
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 the NEMA EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the NEMA EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

## Monitoring

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.
  - 23.1. The ECO must be appointed before commencement of any authorised activities.
  - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

- 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 23.4. 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**

24. 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.
25. 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.
26. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, considering the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
27. 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.
28. 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.
29. 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**

30. 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**

31. 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**

32. 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**

33. Vegetation clearing must be limited to the required footprint for actual construction works and operational activities. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
34. No exotic plants must be used for rehabilitation purposes.
35. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction, work in the immediate vicinity of the find must be stopped, SAHRA must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources to be made.
36. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
37. Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008). No waste material may be left on site after construction.
38. The recommendations of the EAP in the FBAR 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**

39. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 39.1. at the site of the authorised activity;
  - 39.2. to anyone on request; and

39.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.

40. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 02/08/2023



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



## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision.

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the application form received on 01 April 2021.
- b) The information contained in the FBAR dated May 2021.
- c) Mitigation measures as proposed in the FBAR and the EMPr.
- d) The information contained in the specialist studies/compliance statements contained within the appendices of the FBAR dated May 2021 and as appears below:

Title	Prepared by	Date
Agricultural and Soil Impact Statement	Johann Lanz	01 December 2020
Terrestrial Biodiversity Compliance Statement	Arcus Consultancy Services South Africa (Pty) Limited	February 2021
Flora & Fauna Impact Assessment Report	Arcus Consultancy Services South Africa (Pty) Limited	December 2020:
Heritage Impact Assessment	ACO Associates	02 December 2020:
Avifauna Impact assessment	Arcus Consultancy Services South Africa (Pty) Limited	December 2020:
Aquatic Impact Assessment	EnviroSci (Pty) Ltd	15 February 2021

### 2. Key factors considered in making the decision.

All information presented to the Department was considered 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, the specialist confirmation letters and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) The FBAR dated May 2021 identified all legislation and guidelines that have been considered in the preparation of the FBAR.
- d) The location of the proposed development.
- e) The methodology used in assessing the potential impacts identified in the FBAR dated May 2021 and the specialist studies have been adequately indicated.

- f) 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 FBAR dated May 2021 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 FBAR dated May 2021 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 FBAR 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.