



# 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:** 14/12/16/3/3/1/2655

**Enquiries:** Coenrad Agenbach

**Telephone:** (012) 399 9403 **E-mail:** CAgenbach@dffe.gov.za

Mr Dick Berlijn  
Paleso Solar Power Plant (RF) (Pty) Ltd  
PO Box 785553  
**SANDTON**  
2146

**Telephone Number:** (001) 500 3680  
**Email Address:** berlijn@subsolar.co.za

## PER E-MAIL

Dear Mr Berlijn

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF THE MERCURY 132KV SUBSTATION, OVERHEAD POWER LINE AND INTERNAL ACCESS ROADS NORTHEAST OF THE TOWN OF VILJOENSKROON WITHIN THE MOQHAKA LOCAL MUNICIPALITY IN THE FREE STATE 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 fourteen (14) 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 EIA Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) which stipulate 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 abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes 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 twenty (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: [appealsdirectorate@dffe.gov.za](mailto:appealsdirectorate@dffe.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.dffe.gov.za/documents/forms#legal\\_authorisations](https://www.dffe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirectorate@dffe.gov.za](mailto:appealsdirectorate@dffe.gov.za).

Yours faithfully



**Ms Milicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Date: 21/02/2023 .**

cc:	Ms L De Lange	Environamics CC	Email: <a href="mailto:christia@environemics.co.za">christia@environemics.co.za</a> ; <a href="mailto:lisa@environamics.co.za">lisa@environamics.co.za</a>
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## 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

**THE DEVELOPMENT OF THE MERCURY 132KV SUBSTATION, OVERHEAD POWER LINE AND  
INTERNAL ACCESS ROADS NORTH-EAST OF THE TOWN OF VILJOENSKROON WITHIN THE  
MOQHAKA LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE**

**Fezile Dabi District Municipality**

<b>Authorisation register number:</b>	14/12/16/3/3/1/2655
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Paleso Solar Power Plant (RF) (Pty) Ltd
<b>Location of activity:</b>	Portion 23 of the farm Pretorius Kraal No. 53 Portion 24 of the farm Pretorius Kraal No. 53 The Remaining Extent of the farm Pretorius Kraal No. 53 The Remaining Extent of the Farm Grootdraai No. 468 The Remaining Extent of Portion 1 of the Farm Grootdraai No. 468 The Farm Mispah No. 274 The Farm Kleinfontein No. 472 The Farm Chrystalkop No. 69 The Remaining Extent of the Farm Doornkom-West No. 446

	<p><i>The Farm Edom No. 277</i></p> <p><i>The Farm Moab No. 279</i></p> <p><i>Portion 1 of the Farm Zuiping No. 394</i></p> <p><i>Portion 3 of the Farm Zuiping No. 394</i></p> <p><i>Portion 4 of the Farm Zuiping No. 394</i></p> <p><i>Portion 5 of the Farm Zuiping No. 394</i></p> <p><i>The Remaining Extent of the Farm Zuiping No. 394</i></p> <p><i>Portion 2 of the Farm Zaaiplaats No. 190</i></p> <p><i>Portion 3 of the Farm Zaaiplaats No. 190</i></p> <p><i>Moqhaka Local Municipality;</i></p> <p><i>Fezile Dabi District Municipality;</i></p> <p><i>Free State Province</i></p>
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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 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 –

### **PALESO SOLAR POWER PLANT (RF) (PTY) LTD**

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

with the following contact details –

Mr Dick Berlijn

PO Box 785553

**SANDTON**

2146

Telephone Number: (001) 500 3680

Cell Number: (074) 248 8488

Email Address: [berlijn@subsolar.co.za](mailto:berlijn@subsolar.co.za)

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 development of a 132kV double circuit power line (and a 132kV collector substation) is required to enable the connection of the authorised Paleso, Siyanda and Ngwedi SPPs (DFFE ref.: 14/12/16/3/3/1/2365, 14/12/16/3/3/1/2369 and 14/12/16/3/3/1/2535), to the national grid network. A 150m wide (to 800m wide in some instances) and ~11km long grid connection corridor is being assessed for the placement of the power line route and substation. The power line is proposed to connect into the existing Mercury MTS Substation.</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 power line requires the development of a service road and pylon infrastructure which will exceed 100 square meters in extent. Surface water features, including wetlands, are present within the grid connection corridor that will need to be crossed by the service road.</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 power line requires the development of a service road. Surface water features, including wetlands, are present within the grid connection corridor that will need to be crossed by the service road. This will require the removal and moving of soils of more than 10 cubic meters.</p>

<p><u>Listing Notice 1 Item 27:</u></p> <p><i>"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></p> <p><i>(i) the undertaking of a linear activity."</i></p>	<p>The development of the 132kV collector substation proposed as part of the project will require the clearance of 2.5 hectares of indigenous vegetation.</p>
<p><u>Listing Notice 3 Item 4:</u></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres, in the</i></p> <p><i>(b) Free State Province,</i></p> <p><i>(i) outside urban areas, within</i></p> <p><i>(ee) a Critical biodiversity area as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans and (gg) areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas"</i></p>	<p>A service road with a width of approximately 5 metres will be required during the construction and operational phase of the project. The road is located within 5km of a protected area as identified in terms of NEMPAA. The power line route traverses a section of the Mispha Game Farm as per the South Africa Protected Area Database (SAPAD) of the Department of Forestry, Fisheries and the Environment.</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, in</i></p> <p><i>(b) the Free State Province,</i></p> <p><i>(i) outside urban areas, within</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any</i></p>	<p>The collector substation and power line will require the infrastructure for the storage and handling of dangerous goods, with a combined capacity of 80 cubic metres. The project is located in the Free State Province and outside urban areas. Surface water features, including wetlands, are present within the grid connection corridor as well as a CBA 1. The power line and the collector substation are located within 5km of a protected area as identified in terms of NEMPAA. The power line route traverses a section of the Mispha Game Farm as per the South Africa Protected Area Database (SAPAD) of the</p>

<p><i>other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve;</i>  <i>(hh) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; or”</i></p>	<p>Department of Forestry, Fisheries and the Environment.</p>
<p><u>Listing Notice 3 Item 12:</u>  <i>“The clearance of an area of 300 square meters or more of indigenous vegetation in the</i>  <i>(b) Free State Province,</i>  <i>(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,</i>  <i>(ii) within a Critical biodiversity area as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans and</i>  <i>(iv) areas within a watercourse or wetland; or within 100 metres from the edge of watercourse or wetland.”</i></p>	<p>The power line, substation and the associated service road will require more than 300 square meters of vegetation clearance within a vegetation type classified as endangered. Surface water features, including wetlands, are present within the grid connection corridor that will need to be crossed by the service road. A portion of the grid connection corridor is located within a CBA1.</p>
<p><u>Listing Notice 3 Item 14:</u>  <i>“The development of</i>  <i>(xii) infrastructure or structures with a physical footprint of 10 square metres or more where such development occurs</i>  <i>(a) within a watercourse; in the</i>  <i>(b) Free State Province,</i>  <i>(i) outside urban areas, within</i>  <i>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans and</i></p>	<p>The power line requires the development of a service road and pylon infrastructure which will exceed 100 square meters in extent. Surface water features, including wetlands, are present within the grid connection corridor that will need to be crossed by the service road. The project is located in the Free State Province and outside urban areas. The connection corridor is located within a CBA 1, ESA 1 and ESA 2. The power line and the two collector substations are located within 5km of a protected area as identified in terms of NEMPAA. The power line route traverses a</p>



<i>(hh) Areas within 10 kilometres from national parks or; world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve."</i>	section of the Mispha Game Farm as per the South Africa Protected Area Database (SAPAD) of the Department of Forestry, Fisheries and the Environment.
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as described in the Basic Assessment Report (BAR) dated 13 December 2022 at:

**SG 21 Codes**

F	0	3	6	0	0	0	0	0	0	0	0	0	4	6	8	0	0	0	0	0
F	0	3	6	0	0	0	0	0	0	0	0	0	4	6	8	0	0	0	0	1
F	0	3	6	0	0	0	0	0	0	0	0	0	0	5	3	0	0	0	2	3
F	0	3	6	0	0	0	0	0	0	0	0	0	0	5	3	0	0	0	2	4
F	0	3	6	0	0	0	0	0	0	0	0	0	0	5	3	0	0	0	0	0
F	0	3	6	0	0	0	0	0	0	0	0	0	2	7	4	0	0	0	0	0
F	0	3	6	0	0	0	0	0	0	0	0	0	4	7	2	0	0	0	0	0
F	0	3	6	0	0	0	0	0	0	0	0	0	0	6	9	0	0	0	0	0
F	0	3	6	0	0	0	0	0	0	0	0	0	4	4	6	0	0	0	0	0
F	0	3	6	0	0	0	0	0	0	0	0	0	2	7	7	0	0	0	0	0
F	0	3	6	0	0	0	0	0	0	0	0	0	2	7	9	0	0	0	0	0
F	0	3	6	0	0	0	0	0	0	0	0	0	3	9	4	0	0	0	0	1
F	0	3	6	0	0	0	0	0	0	0	0	0	3	9	4	0	0	0	0	3
F	0	3	6	0	0	0	0	0	0	0	0	0	3	9	4	0	0	0	0	4
F	0	3	6	0	0	0	0	0	0	0	0	0	3	9	4	0	0	0	0	5
F	0	3	6	0	0	0	0	0	0	0	0	0	3	9	4	0	0	0	0	0
F	0	3	6	0	0	0	0	0	0	0	0	0	1	9	0	0	0	0	0	2
F	0	3	6	0	0	0	0	0	0	0	0	0	1	9	0	0	0	0	0	3

<b>Power line corridor</b>		
<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>
A	26° 59' 47.35"S	26° 43' 57.17"E
B	26° 59' 54.05"S	26° 44' 14.58"E
C	26° 59' 59.09"S	26° 44' 06.00"E
D	27° 00' 24.51"S	26° 44' 26.82"E

E	27° 00' 22.40"S	26° 44' 35.12"E
F	27° 00' 30.95"S	26° 44' 42.87"E
G	26° 59' 17.06"S	26° 46' 17.26"E
H	26° 59' 06.33"S	26° 47' 20.71"E
I	26° 59' 52.03"S	26° 47' 55.92"E
J	27° 00' 05.09"S	26° 48' 45.94"E
K	27° 00' 01.17"S	26° 49' 07.84"E
L	27° 00' 09.36"S	26° 49' 09.47"E
M	27° 00' 18.96"S	26° 47' 57.36"E
N	26° 59' 56.18"S	26° 47' 53.46"E
O	26° 59' 16.88"S	26° 47' 22.04"E
P	26° 59' 23.10"S	26° 46' 24.31"E
Q	27° 00' 53.10"S	26° 44' 27.12"E
R	27° 00' 28.91"S	26° 44' 00.69"E
S	27° 00' 30.19"S	26° 43' 54.37"E

<b>Collector Substation 1 coordinates</b>		
<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>
A	27° 00' 22.20"S	26° 43' 49.23"E
B	27° 00' 22.47"S	26° 43' 56.62"E
C	27° 00' 28.79"S	26° 43' 56.35"E
D	27° 00' 28.44"S	26° 43' 48.80"E

- for the development of the Mercury 132kV Substation, overhead power line and internal access roads north-east of the town of Viljoenskroon within the Moqhaka Local Municipality in the Free State Province, hereafter referred to as "the property".

The facility will comprise the following:

- 11km, 32m height 132kV single circuit/double circuit overhead power line with a 32m servitude;
- 132kV collector substation (up to 2.5 hectares); and
- Service road up to 5m wide.

Technical details of the Gridline:

<b>Component</b>	<b>Description/ Dimensions</b>
Location of the site	The town of Viljoenskroon is located approximately 27km south-east of the proposed development.
Site access	The site can be directly accessed from the Stokkiesdraai Road.
Proposed technology	132kV single/double circuit transmission line and collector substation
Height of power line	32m
Length of power line	±11km
Servitude width	32m
Collector substation footprint	2.5 hectares
Service road	Twin track gravel road up to 5m wide

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The development of the Mercury 132kV Substation, overhead power line and internal access roads north-east of the town of Viljoenskroon within the Moqhaka Local Municipality in the Free State 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 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.
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## Management of the activity

13. A final site layout plan for the 11km 132kV Mercury Power Line, substation and all associated infrastructure, as determined by the detailed engineering phase and micro-siting of the power line route and pylon structures, and all mitigation measures as dictated by the final site layout plan, must be submitted to the Department for approval prior to construction. A copy of the final site layout map must be made available for comments to registered Interested and Affected Parties and the holder of this Environmental Authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following:
  - 13.1. The position of the substation (indicating the Independent Power Producer's Section and Eskom's section, if applicable);
  - 13.2. The final delineation of the centreline of the power line within the approved corridor;
  - 13.3. The specific position of the pylon structures and foundation footprints;
  - 13.4. All existing infrastructure on the site, especially roads;
  - 13.5. All heritage/palaeontology sites identified as significant;
  - 13.6. All associated infrastructure within the assessed study area, including the service road, the expanded sections of the existing roads and bridges, O&M buildings, including the dangerous goods facility, and temporary laydown areas. The dimensions of the structures must be indicated;
  - 13.7. All sensitive environmental features that will be affected by the transmission power line;
  - 13.8. All watercourse areas (inclusive of buffers); and
  - 13.9. All "no-go" and buffer areas.
14. Part C (Site Specific Environmental Attributes) of the generic Environmental Management Programmes (EMPrs) for the 11km 132kV Mercury Power Line, substations and all associated infrastructure, submitted as part of the final BAR dated 13 December 2022, is not approved. Part C must be amended to include measures as dictated by the final site lay-out map and micro-siting, and the provisions of this Environmental Authorisation. Part C of the generic EMPrs must be made available for comments to registered Interested and Affected Parties and the holder of this Environmental Authorisation must consider such comments. Once amended, the generic EMPrs must be submitted to the Department for written approval of Part C prior to commencement of the activity. Part C of the generic EMPrs must be amended to include the following:
  - 14.1. The requirements and conditions of this Environmental Authorisation;
  - 14.2. Measures as dictated by the final site lay-out map and micro-siting;

- 14.3. All recommendations and mitigation measures recorded in the BAR and the specialist reports as included in the final BAR dated 13 December 2022;
- 14.4. All recommendations and mitigation measures to be implemented for the operational phase of the dangerous goods facility;
- 14.5. An effective monitoring system to detect any leakage or spillage of any hazardous substances during their transportation, handling, use or storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems;
- 14.6. A fire management plan to be implemented during the construction and operation of the facility;
- 14.7. A re-vegetation and habitat rehabilitation plan. The plan must provide for restoration to be undertaken as soon as possible after completion of construction activities, to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- 14.8. An aquatic rehabilitation and monitoring plan, particularly for watercourse features that will be infilled and/or excavated;
- 14.9. A stormwater management plan; and
- 14.10. The final site layout map.
15. The final amended EMPs (once approved) 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 EMPs must be submitted in accordance to the EIA Regulations applicable at the time.
17. The Department reserves the right to amend the approved EMPs should any impacts that were not anticipated or covered in the BAR be discovered.

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

18. The EMPs must be updated where the findings of the environmental audit reports, contemplated in Condition 25 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the Environmental Authorisation or EMP.
19. The updated EMP must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMP must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMP 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 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 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 EMPrs.
  - 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, taking into account 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

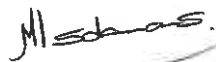
33. A pre-construction walk-through of the development footprint of all infrastructure for species of conservation concern that would be affected and that can be translocated must be undertaken by an ecologist prior to the commencement of the construction phase. Permits from the relevant national and provincial authorities, i.e., the Department of Agriculture, Environmental Affairs, Rural Development and Land Reform, and the Department of Forestry, Fisheries and Environment (DFFE), must be obtained before the individuals are disturbed.
34. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
35. 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.
36. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the EMPr.
37. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
38. 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).
39. 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.
40. Borrow materials must be obtained only from authorised and permitted sites. Permits must be kept on site by the ECO.
41. 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.
42. 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.

43. The recommendations of the EAP in the BAR dated 13 December 2022 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

44. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPs, must be made available for inspection and copying-
- 44.1. at the site of the authorised activity;
  - 44.2. to anyone on request; and
  - 44.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
45. 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: 21/02/2023.



**Ms Millicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations  
Department of Forestry, Fisheries and 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 26 October 2022.
- b) The information contained in the BAR dated 13 December 2022.
- c) The comments received from interested and affected parties as included in the BAR dated 13 December 2022.
- d) Mitigation measures as proposed in the BAR and the EMPs.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated 13 December 2022 and as appears below:

Title	Prepared by	Date
Terrestrial Biodiversity Assessment	The Biodiversity Company	August 2022
Wetland Baseline and Risk Assessment	The Biodiversity Company	August 2022
Avifaunal Impact Assessment	The Biodiversity Company	August 2022
Visual Impact Assessment	Donaway Environmental	August 2022
Heritage Impact Assessment	J van Schalkwyk Heritage Consultant	August 2022
Paleontological Assessment	Banzai Environmental (Pty) Ltd	December 2022
Agricultural Impact Assessment	The Biodiversity Company	August 2022

### 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 132kV double circuit power line (and a 132kV collector substation) is required to enable the connection of the authorised Paleso, Siyanda and Ngwedi SPPs (DFFE ref.: 14/12/16/3/3/1/2365, 14/12/16/3/3/1/2369 and 14/12/16/3/3/1/2535), to the national grid network.

- c) The BAR dated 13 December 2022 identified all legislation 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 13 December 2022 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 13 December 2022 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 13 December 2022 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, 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.



# forestry, fisheries & the environment

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

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Enquiries: Devnagie Bendeman Telephone: 012 399 9337 E-mail: vbendeman@dffe.gov.za

Ms. Milicent Solomons  
Director: Priority Infrastructure Projects

Dear Ms. Solomons

## APPOINTMENT AS CHIEF DIRECTOR: INTERGRATED ENVIRONMENTAL AUTHORISATIONS (ACTING), FROM 01 FEBRUARY UNTIL 28 FEBRUARY 2023

I hereby inform you that I have decided to appoint you as Acting Chief Director: Intergrated Environmental Authorisations from 01 February until 28 February 2023.

All correspondence and other documents that are usually signed by the Chief Director: Intergrated Environmental Authorisations during must be signed under Acting Chief Director: Intergrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1998), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

  
Ms. Devnagie Bendeman

Deputy Director-General: Regulatory Compliance and Sector Monitoring

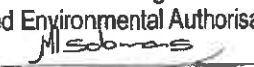
Date: 31 January 2023



*Batho pele* - putting people first

The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others

### ACKNOWLEDGEMENT

I  ACCEPT /  DO NOT ACCEPT  
appointment as Acting Chief Director:  
Intergrated Environmental Authorisations  
Signed: 

Date: 31 January 2023