



# 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:** 14/12/16/3/3/2/2130

**Enquiries:** Ms Constance Musemburi

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Ms Mercia Grimbeek  
Hendrina North Wind Energy Facility (RF) (Pty) Ltd  
Suite 104  
Albion Springs  
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7700

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## PER EMAIL / MAIL

Dear Ms Grimbeek

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: THE PROPOSED DEVELOPMENT OF HENDRINA RENEWABLE ENERGY COMPLEX: NORTH WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE, MPUMALANGA 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 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@dfre.gov.za](mailto:appeals@dfre.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.dfre.gov.za/documents/forms#legal\\_authorisations](https://www.dfre.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dfre.gov.za](mailto:appeals@dfre.gov.za).

Yours faithfully



**Ms Milicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
Date: 07/12/2022,

cc:	Dineo Tswai	Mpumalanga: DARDLEA	Email: <a href="mailto:dtswai@mpg.gov.za">dtswai@mpg.gov.za</a>
	M. Thembu	Steve Tshwete Local Municipality (MP313)	Email: <a href="mailto:thembim@stlm.gov.za">thembim@stlm.gov.za</a>
	Lelani Claassen	Cabanga Concepts CC	Email: <a href="mailto:lelani@cabangaenvironmental.co.za">lelani@cabangaenvironmental.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

**THE PROPOSED DEVELOPMENT OF HENDRINA RENEWABLE ENERGY COMPLEX: NORTH WIND  
ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE, MPUMALANGA PROVINCE**

**NKANGALA DISTRICT MUNICIPALITY**

<b>Authorisation register number:</b>	14/12/16/3/3/2/2130
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Hendrina North Wind Energy Facility (RF) (Pty) Ltd
<b>Location of activity:</b>	Within Ward 3 and 4 in the Steve Tshwete Local Municipality; Nkangala District Municipality; within the Mpumalanga Province.

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, based on 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 –

### **HENDRINA NORTH WIND ENERGY FACILITY (RF) (PTY) LTD**

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

with the following contact details –

Ms Mercia Grimbeek

Hendrina North Wind Energy Facility (RF) (Pty) Ltd

Suite 104

Albion Springs

183 Main Road

**RONDEBOSCH**

7700

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[mercia.grimbeek@enertrag.com](mailto:mercia.grimbeek@enertrag.com)

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

Activity number	Activity description
<u>Listing Notice 1</u>	
<p><u>Listing Notice 1, Item 11:</u>  <i>The development of facilities or infrastructure for the transmission and distribution of electricity—</i>  <i>(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 entail that construction of an onsite substation. The on-site substation will act as a collector substation and will receive power generated by the Hendrina North WEF. The onsite substation associated with this Project will be outside urban areas and will have a capacity of 132kV.</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;</i>  <i>where such development occurs-</i>  <i>(a) within a watercourse;</i>  <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 development will entail the development of infrastructure or structures with a physical footprint exceeding 100m<sup>2</sup>, within watercourses (including drainage lines and wetlands) and within 32m of watercourses.</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 development will entail storage of chemicals associated with the construction and maintenance of the proposed development which includes diesel, cement, paints, lubricants, and these will exceed 80m<sup>3</sup> collectively but not exceed 500m<sup>3</sup>.</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</i></p>	<p>The proposed development will entail the upgrade of existing roads, and construction of new access roads and underground</p>

Activity number	Activity description
<i>dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i>	cables which will require the infilling and excavation of material exceeding 10m <sup>3</sup> from watercourses.
<u>Listing Notice 1, Item 24:</u> <i>The development of a road— (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i>	The proposed development will entail the development of internal access roads will be 8m to 10m wide, increasing to 15m to allow for large component transport in specific locations.
<u>Listing Notice 1, Item 26:</u> <i>Residential, retail, recreational, tourism, commercial or institutional developments of 1 000 square metres or more, on land previously used for mining or heavy industrial purposes;</i>	The proposed development is regarded as a commercial development Portions of the development site have been / are being undermined thus the land was previously used for mining.
<u>Listing Notice 1, Item 28:</u> <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: (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i>	The development area falls outside an urban area and the total land that will be affected exceeds 1ha. The proposed development is considered a commercial development. Parts of the development site are used for agriculture (dryland crops and livestock grazing).
<u>Listing Notice 1, Item 30:</u> <i>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</i>	The proposed development entails the undertaking of listed activities in specified geographical areas and is thus regarded an activity identified in terms of section 53(1) of the NEMBA.
<u>Listing Notice 1, Item 48:</u> <i>The expansion of—</i>	The proposed development will entail the expansion of existing road infrastructure, by more than 100m <sup>2</sup> , within watercourses (wetlands and drainage lines) and within 32m of watercourses.

Activity number	Activity description
<p>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more;</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</p>	
<p><u>Listing Notice 1, Item 56:</u></p> <p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—</p> <p>(i) where the existing reserve is wider than 13,5 meters; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 metres;</p>	<p>Roads associated with the proposed development will have a width of 8- 10m, increasing up to 15m on bends and to allow for the transport of large components to the site.</p> <p>Several farm roads and existing provincial roads that are used to access the proposed development have no existing road reserves, are presently wider than 8m, and will require widening to 15m in places (total widening of 7m). Some of the existing roads will also require lengthening of more than 1km to connect the various turbines project components.</p>
<p><u>Listing Notice 2</u></p>	
<p><u>Listing Notice 2, Item 1</u></p> <p>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for PV installations and occurs</p> <p>(a) within an urban area or;</p> <p>(b) on existing infrastructure.</p>	<p>The Project will involve the generation of electricity from a renewable resource (wind) outside of an urban area. The turbines will have an installed capacity of up to 200MW.</p>

Activity number	Activity description
<p><u>Listing Notice 2, Item 15</u></p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for:</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development will occupy approximately 200ha of land. The total indigenous vegetation to be cleared by the Project's infrastructure is approximately 35ha.</p>
<p><u>Listing Notice 3</u></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.</i></p> <p><i>f. Mpumalanga</i></p> <p><i>i. Outside urban areas:</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>Project access roads and the upgrading of existing farm roads will take place within Critical Biodiversity Areas. Roads will have a width of 8m to 10m, however, this increases up to 15m on bends. The proposed site is outside 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>f. Mpumalanga</i></p> <p><i>i. Outside urban areas:</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans</i></p>	<p>The proposed site is outside urban areas and within Critical Biodiversity Areas and delineated Wetlands and/or their 100m regulated zones. The combined capacity of the chemicals that are located within the CBAs or within 100 m from a watercourse or wetland, associated with the construction and operation of the facility on site, will not exceed 80m<sup>3</sup>.</p>



Activity number	Activity description
<p><i>adopted by the competent authority or in bioregional plans;</i></p> <p><i>(hh) Areas within a watercourse or wetland, or within 100 metres of a watercourse or wetland;</i></p>	
<p><u>Listing Notice 3, Item 12:</u></p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>f. Mpumalanga</i></p> <p><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></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;;</i></p>	<p>The proposed development footprint is approximately 100ha, with various turbines, laydown areas and construction camps being proposed on areas where the topsoil has not been lawfully disturbed during the preceding ten years and containing vegetation occurring naturally in the area. The total development footprint that will affect indigenous vegetation is approximately 35ha (i.e. more than 300m<sup>2</sup>). The site is located in Mpumalanga, within Eastern Highveld Grassland vegetation type and CBAs identified in the MBSP (MTPA, 2014).</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>f. Mpumalanga</i></p> <p><i>i. Outside urban areas:</i></p>	<p>The proposed development will entail the development of infrastructure and structures exceeding 10m<sup>2</sup> in size. Parts of the development will occur within wetlands and drainage lines (for road and cable crossings) and within 32m of drainage lines and wetlands delineated on the site. The proposed development falls outside of urban areas. Areas of the Site have been identified as CBAs in terms of the MBSP (MTPA, 2014).</p>

Activity number	Activity description
<p><i>(ff) 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 four (4) meters, or the lengthening of a road by more than one (1) kilometre:</i>  <i>f. Mpumalanga</i>  <i>i. Outside urban areas</i>  <i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p>	<p>Roads associated with the proposed development will have a width of 8- 10m, increasing up to 15m on bends and to allow for the transport of large components to the site. Several farm roads and existing provincial roads that are used to access the proposed development have no existing road reserves, are presently wider than 8m, and will require widening to 15m in places (total widening of 7m). Some of the existing roads will also require lengthening of more than 1km to connect the various turbines project components.</p>
<p><u>Listing Notice 3, Item 23:</u>  <i>The expansion of—</i>  <i>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs—</i>  <i>(a) within a watercourse;</i>  <i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse</i>  <i>f. Mpumalanga</i>  <i>i. Outside urban areas:</i>  <i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p>	<p>Transport of large infrastructure components related to the proposed development will require the expansion of existing access and internal roads, culverts and similar drainage crossing infrastructure collectively exceeding 10m<sup>2</sup> or more beyond existing roads or road reserves. Areas of the Site have been identified as CBAs in terms of the MBSP (MTPA, 2014). Some of this infrastructure, specifically where roads are required to cross wetlands and/or drainage lines, or pass in close proximity to these features, will result in the expansion of infrastructure, within a watercourse or within 32m of a watercourse, in Mpumalanga, outside urban areas and within CBAs.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated August 2022 at:

**Farm Portions and SG Code**

Parent Farm	Farm No	Portion No	SG Code
Hartebeestkuil	185 IS	2	T0IS00000000018500002
Hartebeestkuil	185 IS	3	T0IS00000000018500003
Hartebeestkuil	185 IS	4	T0IS00000000018500004
Uitgezocht 194 IS	194 IS	4	T0IS00000000019400004
Dunbar	189 IS	Part of Portion 0	T0IS00000000018900000
Dunbar	189 IS	Part of Portion 1	T0IS00000000018900001
Dunbar	189 IS	Part of Portion 3	T0IS00000000018900003
Dunbar	189 IS	Portion 4	T0IS00000000018900004
Dunbar	189 IS	Part of Portion 5	T0IS00000000018900005
Dunbar	189 IS	Part of Portion 6	T0IS00000000018900006
Weltevreden	193 IS	Part of Portion 14	T0IS00000000019300014
Weltevreden	193 IS	Part of Portion 15	T0IS00000000019300015
Weltevreden	193 IS	Part of Portion 16	T0IS00000000019300016
Weltevreden	193 IS	Part of Portion 17	T0IS00000000019300017

- for the proposed Hendrina Renewable Energy Complex: North Wind Energy Facility and associated infrastructure, within Ward 3 and 4 of the Nkangala District Municipality in the Mpumalanga Province, hereafter referred to as "the property".

The proposed development entails the development of the Hendrina North Wind Energy Facility (WEF) and associated infrastructure, including sub-station (IPP Portion) and Battery Energy Storage System (BESS), Operations and Maintenance (O&M) Building, Roads and Cables and temporary construction camps and laydown areas.

Components of the proposed development entail the following:

Facility Name:	Hendrina North Wind Energy Facility and Associated Infrastructure
Applicant:	Hendrina North Wind Energy Facility (RF) Pty Ltd
Municipalities:	Steve Tshwete Local Municipality of the Nkangala District Municipality
Extent:	3,600 ha
Buildable area:	Approximately 200 ha
Capacity:	Up to 200MW

Number of turbines:	Up to 27
Turbine hub height:	Up to 200m
Rotor Diameter:	Up to 200m
Foundation:	Approximately 25m <sup>2</sup> diameter x 3m deep – 500 m <sup>3</sup> – 650m <sup>3</sup> concrete. Excavation approximately 1000m <sup>2</sup> , in sandy soils due to access requirements and safe slope stability requirements.
Operations and Maintenance (O&M) building footprint:	Located near the substation. Conservancy tanks with portable toilets. Typical areas include: - Operations building – 20m x 10m = 200m <sup>2</sup> - Workshop – 15m x 10m = 150m <sup>2</sup> - Stores - 15m x 10m = 150m <sup>2</sup>
Construction camps:	Typical area 100m x 50m = 5000m <sup>2</sup> . Sewage: Conservancy tanks and portable toilets.
Temporary laydown or staging areas:	Typical area 220m x 100m = 22000m <sup>2</sup> . Laydown area could increase to 30 000m <sup>2</sup> for concrete towers, should they be required. Will include diesel, cement and chemical storage, as well as a small workshop area.
Cement batching plants (temporary):	Gravel and sand will be stored in separate heaps whilst the cement will be contained in a silo. The footprint will be up to 0.5ha. Maximum height of the silo will be 20m.
Internal Roads:	Internal roads will have a width of 8 - 10m, increasing up to 15m for turning circle/bypass areas to allow for larger component transport. Length of internal road – Up to 60km.
Cables:	The medium voltage collector system will comprise of cables up to and including 33kV that run underground, except where a technical assessment suggests that overhead lines are required, connecting the turbines to the onsite substation (IPP Portion).
On-site substation and battery energy storage system (BESS):	Total footprint will be up to 3ha in extent. The substation will consist of feeder bays, transformers, switching station electrical equipment (bus bars, metering equipment, switchgear, etc), control building, workshop, telecommunication infrastructure, and access roads. The substation will include an area with a subterranean earthing mat onto which a concrete plinth will be constructed. Substation capacity will be 132kV.

	<p>The associated BESS storage capacity will be up to 100MW/400MWh with up to four hours of storage. It is proposed that solid state batteries will be used. Solid state batteries consist of multiple battery cells that collectively form modules. Modules are assembled within shipping containers and delivered to the proposed site. The main components of the BESS include the batteries, power conversion system and transformer which will all be stored in various rows of containers.</p>
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## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred layout as illustrated in Plan 4 in Annexure 2, the preferred alternative 1 for the substation and BESS locations for the proposed Hendrina North Wind Energy Facility and associated infrastructure within Ward 3 and 4 of the Steve Tshwete Local Municipality; in the Mpumalanga province, is approved as per the Farm Portions 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 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 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**

13. The final layout plan for the proposed Hendrina North Wind Energy Facility and associated infrastructure, as determined by the detailed engineering phase and micro-siting of the wind turbines, and all mitigation measures as dictated by the final layout plan, must be submitted to the Department for approval prior to construction. A copy of the final 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 plan 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 plan. Existing infrastructure must be used as far as possible e.g., roads. The layout plan must indicate the following:

- 13.1. The position of the substation and the BESS;
  - 13.2. The specific position of the turbines;
  - 13.3. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables;
  - 13.4. All sensitive features e.g. Critical Biodiversity Areas, Ecological Support Areas, heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
  - 13.5. All existing infrastructure on the site, such as roads; and,
  - 13.6. All “no-go” and buffer areas.
14. The Generic Environmental Management Programmes (EMPr's) for the power line, the substation and all associated infrastructure, specifically Part C (Site Specific Environmental Attributes), submitted as Appendix I of the EIAR dated August 2022, is not approved. Part C of the respective EMPrs 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. Measures as dictated by the final site lay-out map and micro-siting of the turbines;
  - 14.2. Heritage Chance Find Procedure;
  - 14.3. Pre-construction heritage, red list avifauna, protected fauna and flora walkdown of final turbine positions;
  - 14.4. Plant Search Rescue and Relocation Plan
  - 14.5. Alien Invasive Plant Management Plan;
  - 14.6. Stormwater management plan
  - 14.7. Rehabilitation Management Plan;
  - 14.8. A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off;

- 14.9. The requirements and conditions of this Environmental Authorisation;
- 14.10. All recommendations and mitigation measures recorded in the EIAR and the specialist reports as included in the final EIAR dated August 2022; and
- 14.11. The final site layout plan.
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 with 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 EIAR 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 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 because 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 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.

8.3.

## 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. An appropriately suitably qualified Terrestrial Ecologist and a Heritage Specialist must be present for the 'walk-through' of the approved development site, to identify turbine placements that avoid sensitive vegetation, sensitive sites and watercourses.
34. Once the final walkthrough by the relevant specialists have been completed, the final adjustments to the layout plan must be made based on the specialist micro-siting recommendations. Any No-Go Areas within the development sites or servitudes shall be clearly indicated on maps and included with the micro-siting reports and attached to the Generic EMPr's.
35. The 'No-Go area' maps (Appendix E: Maps) must be strictly adhered to. These areas and their respective buffers must be avoided as recommended by the relevant specialist studies.

36. 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.
37. Heritage:
  - 37.1. All known or suspected burial sites must be clearly demarcated and monitored for the duration of the construction.
  - 37.2. A final heritage walkthrough must be conducted prior to development to identify and mitigate potential impacts to heritage resources
  - 37.3. The walk down report must be submitted to SAHRA for comment prior to construction. No construction may commence without comments from SAHRA in this regard.
38. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping. Copies of the permit/s must be included in the final EMPr to be submitted to this Department for approval before commencement of construction activities.
39. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
40. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
41. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
42. Any solid waste 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).
43. Erosion prevention measures (e.g. grassing) should be implemented along all concrete surface areas (including the foundations of the transmission tower pylons and the substations) where there may be an increase in erosion and sediment being deposited downstream.

## **General**

44. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, 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: 01/12/2022



**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 amended application form received on 25 August 2022.
- b) The information contained in the EIAR dated August 2022.
- c) The comments received from interested and affected parties as included in the EIAR dated August 2022.
- d) Mitigation measures as proposed in the EIAR dated August 2022 and the generic EMP's.
- e) The information contained in the specialist studies contained within the appendices of the EIAR dated August 2022 and as appears below:

Title	Prepared by	Date
Site Sensitivity Verification and Agricultural Agro-Ecosystem Specialist Assessment	Johan Lanz	23 May 2022
Surface Water (Hydrology) Assessment Report	Shangoni Management Services (Pty) Ltd - Ockie Scholtz	31 May 2022
Geohydrological Impact Assessment	Shangoni Aquiscience - Ockie Scholtz	16 May 2022
Wetland and Aquatic Ecology Impact Assessment	Stephen Burton	June 2022
Terrestrial Biodiversity Assessment	David Hoare Consulting (Pty) Ltd - Dr David Hoare	12 June 2022
Terrestrial Plant Species Assessment	David Hoare Consulting (Pty) Ltd - Dr David Hoare	8 June 2022
Terrestrial Animal Biodiversity Assessment	David Hoare Consulting (Pty) Ltd - Dr David Hoare	6 June 2022
Avifaunal Impact Assessment	Chris van Rooyen Consulting	April 2022
Visual Impact Assessment	SIVEST SA (Pty) Ltd - Kerry Schwartz	8 April 2022
Socio-Economic Impact Assessment	Urban-Econ Development Economists - Pierre van Jaarsveld	May 2022
Heritage Impact Assessment	Beyond Heritage - Jaco van der Walt	May 2022
Palaeontological Impact Assessment	Professor Marion Bamford - PhD (Palaeobotany)	17 May 2022
Transport Study	JG Afrika (Pty) Ltd - Iris Wink	May 2022

<b>Title</b>	<b>Prepared by</b>	<b>Date</b>
Geotechnical Desktop Study	SLR Consulting (South Africa) (Pty) Ltd - Muhammad Osman	June 2022
Civil Aviation Compliance Statement	Cabanga Environmental	1 July 2022
Site Sensitivity Verification: RFI Theme	Cabanga Environmental	1 July 2022
Site Sensitivity Verification: Defence Theme	Cabanga Environmental	9 July 2022
Wake Effect Statement	ENERTRAG Project Developer- Ms. Sandhisha Jay Narain	05 July 2022
Generic EMP: Substation	Cabanga Environmental	August 2022
North WEF EMP	Cabanga Environmental	August 2022

## 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 and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) The EIAR dated August 2022 identified all legislation and guidelines that have been considered in the preparation of the EIAR.
- d) The location of the proposed Wind Energy Facility in relation to the Hendrina Renewable Energy Complex.
- e) The methodology used in assessing the potential impacts identified in the EIAR dated August 2022 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

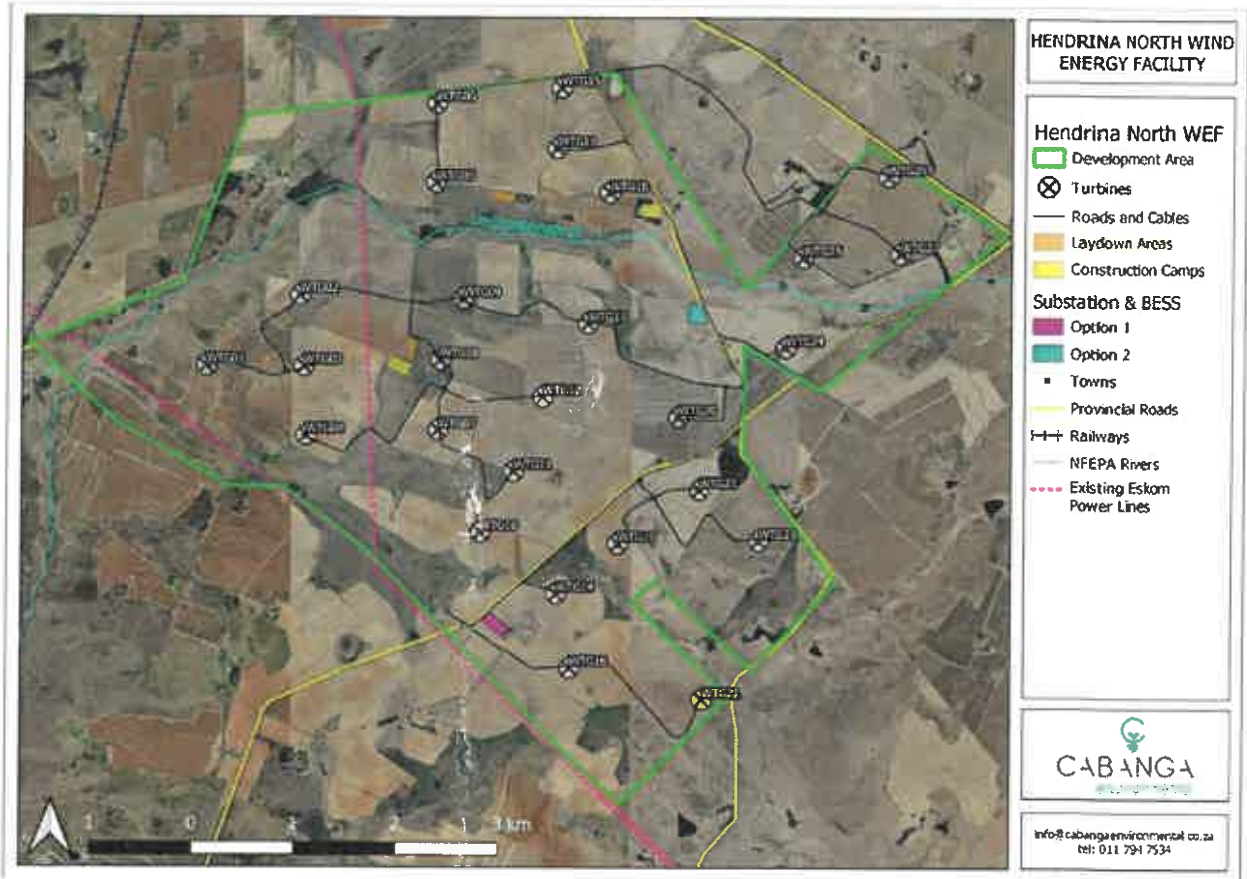
After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the EIAR dated August 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 EIAR dated August 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 EIAR dated August 2022 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.

## Annexure 2: Layout Map



Plan 4: North WEF Layout Map





## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
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Ms. Milicent Solomons  
Director: Prioritised Infrastructure Projects

Dear Ms. Solomons

### APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 01 NOVEMBER 2022 – 16 DECEMBER 2022

I hereby inform you that I have decided to appoint you as Acting Chief Director: Integrated Environmental Authorizations, for the period of 01 November 2022 – 16 December 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated 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 1996), 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 Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms. Devinagie Bendeman  
Deputy Director-General: RCSM (Regulatory Compliance and  
Sector Monitoring)

Date: 31 October 2022

#### ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~  
appointment as Acting Chief  
Director: Integrated Environmental  
Authorisations

Signed:

Date: 31/10/2022.