



# 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:** 14/12/16/3/3/1/2691

**Enquiries:** Mr Wayne Hector

**Telephone:** (012) 399 9410 **E-mail:** [Whector@dfffe.gov.za](mailto:Whector@dfffe.gov.za)

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

**Telephone Number:** +27 01 500 3680  
**Cell Number:** +34 711 017 280  
**Email address:** [berlijn@subsolar.co.za](mailto:berlijn@subsolar.co.za)

## PER EMAIL / MAIL

Dear Mr Berlijn

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: THE DEVELOPMENT OF A 300MW HIGHVELD SOLAR POWER PLANT NEAR WITBANK, 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.

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Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

**Appeals must be submitted in writing in the prescribed form to:**

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appeals@dfpe.gov.za](mailto:appeals@dfpe.gov.za)

By hand: Environment House  
473 Steve Biko Road  
Arcadia  
**PRETORIA**  
0083; or

By post: Private Bag X447  
**PRETORIA**  
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Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.dfpe.gov.za/documents/forms#legal\\_authorisations](https://www.dfpe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dfpe.gov.za](mailto:appeals@dfpe.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries & the Environment**  
Date: 10/05/2023

cc:	Ms Lisa de Lange	Environamics CC	E-mail: <a href="mailto:lisa@environamics.co.za">lisa@environamics.co.za</a>
		Environamics CC	E-mail: <a href="mailto:christia@environamics.co.za">christia@environamics.co.za</a>
	Ms. N.S. Masoka	Mpumalanga: DREAD	E-mail: <a href="mailto:oskosana@nwdp.gov.za">oskosana@nwdp.gov.za</a>
	Mr. Vellie Castro Makedama	eMalahieni Local Municipality	E-mail: <a href="mailto:Makedamav@emalahienilm.gov.za">Makedamav@emalahienilm.gov.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 A 300MW HIGHVELD SOLAR POWER PLANT NEAR WITBANK,  
MPUMALANGA PROVINCE.**

**NKANGALA DISTRICT MUNICIPALITY**

<b>Authorisation register number:</b>	14/12/16/3/3/1/2691
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Highveld Solar Power Plant (RF) (Pty) Ltd
<b>Location of activity:</b>	Within Farm Kleinwater 17/301; Farm Kromdraai RE/2/279; Farm Kromdraai RE/15/279; Farm Kromdraai 47 (Portion of Portion 34)/279; Farm Kromdraai 48 (Portion of Portion 35)/279 of Ward 11 of the eMalahleni Local Municipality, 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.

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## 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 –

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

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

with the following contact details –

Mr. Dick Berlijn  
Highveld Solar Power Plant (RF) (Pty) Ltd  
PO Box 785553

### **SANDTON**

2146

Telephone Number: +2701 500 3680  
Cell Number: + 34 711 017 280  
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>  <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 development of photovoltaic solar facility will transmit and distribute electricity of 132kV outside an urban area. The infrastructure for the distribution of electricity will include a power line (132 kV), an on-site HV/MV substation (130 MVA, High Voltage:88/132kV, Medium Voltage: 33kV) and switching station. The power line will connect to the existing Eskom Vulcan 400kV MTS Substation.</p>
<p><u>Listing Notice 1, Item 12:</u>  <i>The development of—</i>  <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—</i>  <i>(a) within a watercourse;</i>  <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p>	<p>The proposed development will occur within 32m of the 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 require infrastructure for the storage and handling of dangerous goods such as diesel in containers with combined capacity of 80 cubic metres. The dangerous goods will be stored in a bunded area within the construction site during the construction phase. During the operational phase, the dangerous goods will be stored in a bunded area within the operations and maintenance areas. The dangerous goods to be stored on site relates to diesel/petrol and oil.</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 a watercourse;</i></p>	<p>The proposed development will be located within watercourse and will require the removal of more than 10 cubic meters of rock from the watercourse.</p>
<p><u>Listing Notice 1, Item 24:</u></p> <p><i>The development of a road</i></p> <p><i>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</i></p> <p><i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; but excluding a road –</i></p> <p><i>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</i></p> <p><i>(b) where the entire road falls within an urban area; or</i></p> <p><i>(c) which is 1 kilometre or shorter.</i></p>	<p>The proposed roads will vary between 4 and 12 meters in width. The internal roads will be up to 6m in width, the perimeter road will be up to 8m in width and the access road will be up to 12 m in width.</p>
<p><u>Listing Notice 1, Item 28:</u></p> <p><i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p>	<p>Portions of the affected farm has been previously used for grazing and the property will be re-zoned to "special" use. The development footprint of the solar power plant will be 469 hectares.</p>
<p><u>Listing Notice 1, Item 56</u></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre</i></p> <p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres.</i></p>	<p>The existing access to the affected property will be widened by more than 6 metres.</p>

<p><u>Listing Notice 2, Item 1:</u></p> <p><i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for PV installations and occurs</i></p> <p><i>(a) within an urban area or;</i></p> <p><i>(b) on existing infrastructure.</i></p>	<p>The proposed photovoltaic solar facility will generate up to 300 megawatts electricity through the use of a renewable resource.</p>
<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>(i) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The site falls within the Rand Highveld Grasslands (Gm11) and majority of the grid connection corridor falls within the Eastern Highveld Grasslands (Gm12) which is described by Mucina and Rutherford (2006) as 'endangered'. More than 20 hectares of indigenous vegetation will be removed. The development footprint of the solar power plant will be 469 hectares.</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) in the Mpumalanga province,</i></p> <p><i>(i) outside urban areas and 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>The proposed roads will vary between 4 and 12 meters in width. The internal roads will be up to 6m in width, the perimeter road will be up to 8m in width and the access road will be up to 12 m in width. The site falls outside of an urban area but a portion of the PV development footprint and grid connection corridor falls within CBA 2 as identified in the Mpumalanga 2015 Bioregional Plan.</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) in the Mpumalanga Province</i></p> <p><i>(i) outside urban areas and within</i></p> <p><i>(ee) Critical Biodiversity Areas as identified in systematic biodiversity plans adopted by the competent authority or</i></p>	<p>The proposed development will need to develop infrastructure for the storage and handling of dangerous goods (diesel) in containers with a combined capacity of 80 cubic metres. The dangerous goods will be stored in a bunded area within the construction site during the construction phase. During the operational phase, the dangerous goods will be stored in a bunded area within the operations and maintenance areas. The dangerous goods to be stored on site relates to</p>

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<p><i>in bioregional plans and (hh) Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland</i></p>	<p>diesel/petrol and oil. The project is located within the Mpumalanga Province and falls outside of an urban area, but a portion of the PV development footprint and a portion of the grid connection corridor falls within a CBA 2 as identified in the Mpumalanga 2015 Bioregional Plan. Furthermore, nine wetland features were identified within the 100 meters of the proposed development which includes channelled valley bottoms, unchannelled valley bottoms and hillslope seep wetlands.</p>
<p><u>Listing Notice 3, Item 12:</u>  <i>The clearance of an area of 300 square metres or more of indigenous vegetation</i>  <i>(f) in the Mpumalanga</i>  <i>(ii) 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 and</i>  <i>(iii) within critical biodiversity areas identified in bioregional plans.</i></p>	<p>The proposed development is located in the Mpumalanga province and the vegetation on site is classified as being 'endangered.' Portions of the site have not been lawfully disturbed during the preceding ten years. A portion of the PV development footprint and grid connection corridor falls within a CBA 2 as identified in the Mpumalanga 2015 Bioregional Plan.</p>
<p><u>Listing Notice 3, Item 14:</u>  <i>The development of</i>  <i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more where such development occurs</i>  <i>(a) within a watercourse; or</i>  <i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; in the</i>  <i>(f) Mpumalanga Province,</i>  <i>(i) outside urban areas, within</i></p>	<p>The grid connection corridor crosses a channelled valleybottom wetland. The power line pylons associated with the line will be located either within 32 meters or within the feature itself and will have a footprint of more than 10 square meters. The service road associated with the power line will also need to cross the watercourse. The proposed development is located in the Mpumalanga province, outside of an urban area. A portion of the PV development footprint falls within CBA 2 and ESA 2, and the grid connection corridor falls within a CBA 2 as identified in the Mpumalanga 2015 Bioregional Plan.</p>



<p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	
<p><u>Listing Notice 3, Item 18:</u> The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre (f) in the Mpumalanga (i) outside urban areas, within (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>The existing access road to the site will need to be widened by more than 4 metres. The proposed development is located in the Mpumalanga province, outside of an urban area. A portion of the PV development footprint and grid connection corridor falls within a CBA 2 as identified in the Mpumalanga 2015 Bioregional Plan</p>

as described in the final Basic Assessment Report (BAR) dated 16 March 2023 at:

**Farm Portions and SG Code**

Property Description	21-digit code
<b>Solar Power Plant</b>	
Portion 15 of the Farm Goedgenoeg No. 433	T0IP00000000043300015
Portion 19 of the Farm Goedgenoeg No. 433	T0IP00000000043300019
Portion 45 of the Farm Goedgenoeg No. 433	T0IP00000000043300045
Portion 46 of the Farm Goedgenoeg No. 433	T0IP00000000043300046
<b>Power Line</b>	
Portion 89 of the Farm No. 433 -	T0IP00000000043300089
Portion 27 of the Farm No. 433 -	T0IP00000000043300027

**Coordinates**

Coordinates of the Solar Power Plant	Latitude (S)	Longitude (E)
A	26°58'49.64"S	26°36'9.82"E
B	26°59'9.99"S	26°34'37.46"E
C	27° 0'6.98"S	26°35'50.99"E
D	27° 0'5.98"S	26°35'56.04"E
E	27° 0'4.77"S	26°35'59.76"E

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F	27° 0'1.57"S	26°36'5.44"E
G	26°59'57.47"S	26°36'10.26"E
H	26°59'54.22"S	26°36'12.88"E
I	26°59'37.43"S	26°36'21.85"E
J	26°59'27.62"S	26°36'8.42"E
K	26°58'27.75"S	26°36'16.19"E
L	26°58'18.78"S	26°36'7.38"E

Coordinates of the Power Line	Latitude (S)	Longitude (E)
1	26°59'36.72"S	26°36'19.81"E
2	26°59'39.90"S	26°36'27.33"E
3	26°59'25.99"S	26°36'59.04"E
4	26°59'28.06"S	26°37'1.45"E
5	26°59'54.88"S	26°37'1.52"E
6	26°59'54.88"S	26°36'47.83"E
7	26°59'49.75"S	26°36'47.71"E
8	26°59'49.69"S	26°36'57.71"E
9	26°59'30.04"S	26°36'57.78"E
10	26°59'44.75"S	26°36'27.27"E
11	26°59'40.56"S	26°36'17.81"E

BESS Coordinates:	Latitude (S)	Longitude (E)
A	26°59'41.22"S	26°36'18.96"E
B	26°59'38.80"S	26°36'13.18"E
C	26°59'38.73"S	26°36'10.23"E
D	26°59'45.43"S	26°36'10.17"E
E	26°59'45.47"S	26°36'16.72"E

Substation Coordinates	Latitude (S)	Longitude (E)
A	26°59'35.53"S	26°36'14.87"E
B	26°59'37.62"S	26°36'19.75"E
C	26°59'40.51"S	26°36'18.20"E
D	26°59'38.44"S	26°36'13.29"E

Coordinates of Access Roads	Latitude (S)	Longitude (E)
1	26°59'54.76"S	26°36'15.72"E
2	26°59'54.12"S	26°36'14.11"E
3	26°59'53.31"S	26°36'12.52"E

- for the development of a 300MW Highveld Solar Power Plant near Witbank, within Farm Kleinwater 17/301; Farm Kromdraai RE/2/279; Farm Kromdraai RE/15/279; Farm Kromdraai 47 (Portion of Portion 34)/279; Farm Kromdraai 48 (Portion of Portion 35)/279 of Ward 11 of the eMalahleni Local Municipality, Mpumalanga Province, hereafter referred to as "the property".

The proposed development entails the development of up to 300MW electrical power through the operation of photovoltaic (PV) panels. The total development footprint of the project will be approximately 469 hectares (including supporting infrastructure on site, however excluding the overhead power line) within the 673 hectares identified and assessed as part of the Basic Assessment process, which is located within the affected properties.

The proposed development entails the following infrastructure to be developed:

- PV Panels and associated infrastructure (i.e. inverters, BESS, etc.);
- Power line – 132 kV;
- On- site Substation – 130 MVA (High Voltage – 132 kV; Medium Voltage – 33 kV);
- Battery Energy Storage Facility;
- Supporting Infrastructure (i. e. office buildings);
- Roads;
- Fencing; and
- Associated infrastructure

The technical components of the proposed facility would comprise the following:

Component	Description / dimensions
Height of PV panels	6 meters
Area of PV Array	469 hectares (Development footprint) 673 hectares (EIA Footprint – area assessed)
Number of inverters required	Minimum 40

Area occupied by inverter / transformer stations / substations / BESS	Central inverters+ LV/MV trafo: 750 m <sup>2</sup> HV/MV substation with switching station: 15 000 m <sup>2</sup> or 1.5ha BESS: 40 000 m <sup>2</sup> or 4ha
Capacity of on-site substation	132kV
Capacity of the power line	132kV
Area occupied by both permanent and construction laydown areas	Permanent Laydown Area: 469ha Construction Laydown Area: 5.74ha
Area occupied by buildings	Security Room: approximately 163 m <sup>2</sup> O&M and laydown area 1: 1.5 ha O&M and laydown area 2: 3.74 ha O&M and laydown area 3: 0.5 ha
Battery storage facility	Maximum height: 8m Maximum volume: 1740 m <sup>3</sup>
Length of internal roads	Approximately 16 km
Width of internal roads	Between 4 and 6 meters
Grid connection corridor width	Up to 250m, with some areas approximately 690m wide
Grid connection corridor length	5.3 km
Power servitude width	32m
Height of fencing	Approximately 2.5 meters

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The development of 300MW Highveld Solar Power Plant near Witbank, within Farm Kleinwater 17/301; Farm Kromdraai RE/2/279; Farm Kromdraai RE/15/279; Farm Kromdraai 47 (Portion of Portion 34)/279; Farm Kromdraai 48 (Portion of Portion 35)/279 of Ward 11 of the eMalahleni Local Municipality, Mpumalanga Province, is approved as per the farm portions and coordinates cited in the table above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.

3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised must only be conducted 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 amended layout map attached as Figure I of the final BAR dated 16 March 2023 is hereby approved.
14. The Environmental Management Programme (EMPr) and the Generic Environmental Management Programme (GEMPr) submitted as part of the final BAR dated 16 March 2023 is approved and must be implemented and adhered to.
15. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
16. Changes to the approved EMPr must be submitted in accordance 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 basic assessment 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.

### **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. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
34. 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.
35. All declared aliens must be identified and managed in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).
36. Anti-collision devices that are bird friendly must be installed where the power line cross avifaunal corridors.
37. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be used.
38. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the final BAR dated 16 March 2023 must be implemented to reduce the risk of erosion and the invasion of alien species.
39. 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.
40. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. 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).
41. All recommendations and mitigation measure as recommended in the specialist studies must be adhered to and included in the EMPr.

### **General**

42. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 42.1. at the site of the authorised activity;
  - 42.2. to anyone on request; and
  - 42.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
43. 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: 10/08/2023



**Mr Sabelo Malaza**

**Chief Director, Integrated Environmental Authorisations**

**Department of Forestry, Fisheries & the Environment**

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

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

- a) The listed activities as applied for in the amended application form received on 16 March 2023.
- b) The information contained in the final BAR dated 16 March 2023.
- c) The comments received from interested and affected parties as included in the final BAR dated 16 March 2023.
- d) Mitigation measures as proposed in the final BAR dated 16 March 2023, the EMPr and the generic EMPrs.
- e) The information contained in the specialist studies contained within the appendices of the final BAR dated 16 March 2023 and as appears below:

Title	Prepared by	Date
Terrestrial Ecology Impact Assessment	The Biodiversity Company	November 2022
Visual Impact Assessment	Donaway Environmental	October 2022
Socio-Economic Impact Assessment -	Donaway Environmental	October 2022
Heritage Impact Assessment	J A van Schalkwyk (D Litt et Phil)	November 2022
Palaeontological Impact Assessment	Banzai Environmental	2022-
Avifaunal Impact Assessment	The Biodiversity Company	October 2022
Wetland Impact Assessment	The Biodiversity Company)	November 2022
Agricultural Impact Assessment	The Biodiversity Company	November 2022
Traffic Impact Assessment	iWink Consulting (Pty) Ltd	December 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 final BAR dated 16 March 2023 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 final BAR dated 16 March 2023 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 final BAR dated 16 March 2023 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 final BAR dated 16 March 2023 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 final BAR dated 16 March 2023 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.