



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/1534

Enquiries: Ms Thabile Sangweni

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Mr Andrew Melville Johnson
Bokamoso Energy (RF) (Pty) Ltd
2nd Floor Global House
28 Sturdee Avenue
ROSEBANK
2196

Telephone Number: (010) 595 3333
Email Address: ajohnson@sunedison.com

PER E-MAIL / MAIL

Dear Mr Johnson

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/985 FOR THE 400M LONG 132 KV OVERHEAD POWERLINE AND 35M TALL RADIO COMMUNICATION MAST AND ASSOCIATED INFRASTRUCTURE WITHIN THE MATLOSANA LOCAL MUNICIPALITY IN NORTH WEST 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 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an 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.

By post: Private Bag X447,
Pretoria, 0001; or

By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria, 0083

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

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Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website:
(https://www.environment.gov.za/documents/forms#legal_authorisations).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 10/04/2016

cc:	Ms. Marelie Giesel	Environamics	Email: admin@environamics.co.za
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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

132 kV overhead powerline, radio communication mast and associated infrastructure near
Leeudoringstad within the Matlosana Local Municipality in the North West Province

Dr Kenneth Kaunda District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1534</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Bokamoso Energy (RF) (Pty) Ltd</i>
Location of activity:	<i>Farm Matjesspruit 145 Leeudoringstad Matlosana Local Municipality Dr Kenneth Kaunda District Municipality North West Province</i>

This environmental 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, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

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

Activities authorised

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

BOKAMOSO ENERGY (RF) (PTY) LTD

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

with the following contact details –

Mr Andrew Melville Johnson

2nd Floor Global House

28 Sturdee Avenue

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2196

Telephone Number: (010) 595 3333

Cell phone Number: (083) 854 1986

Email Address: ajohnson@sunedison.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983) and Listing Notice 3 (GN R. 985):

Activity number	Activity description
<p><u>GN R. 983 Item 11:</u> <i>"The development of facilities or infrastructure for the transmission and distribution of electricity outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kV."</i></p>	<p>This activity is triggered since a 132 kV powerline would be constructed (400m in length) outside an urban area to connect the authorised Bokamoso Solar Energy Facility to the Harrisburg-Leeubos powerline.</p>
<p><u>GN R. 983 Item 27:</u> <i>"The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation."</i></p>	<p>This activity is triggered since more than 1 hectare of indigenous vegetation will be removed.</p>
<p><u>GN R. 985 Item 3:</u> <i>"The development of masts of any material or type used for radio transmission purposes where the mast –</i> <i>(b) Will exceed 15 metres in height</i> <i>(e) In North West</i> <i>(i) Outside urban areas, in</i> <i>(ee) critical biodiversity areas as identified in bioregional plans."</i></p>	<p>This activity is triggered since a 35m tall radio communication mast will be constructed for communication to the solar facility.</p>
<p><u>GN R. 985 Item 4:</u> <i>"The development of a road wider than 4 metres with a reserve less than 13.5 metres</i> <i>(e) In North West</i> <i>(ii) Outside urban areas in</i> <i>(ee) critical biodiversity areas as identified in bioregional plans."</i></p>	<p>An internal site road network to provide access to the associated infrastructure will be required. All site roads will require a width of ~ 4m. Therefore this activity is triggered since the site is located outside an urban area and within a critical biodiversity area namely the Vaal-Vet Sandy Grassland vegetation type.</p>
<p><u>GN R. 985 Item 12:</u> <i>"The clearance of an area of 300 square metres or more of indigenous vegetation –</i></p>	<p>This activity is triggered since more than 300 square metres of indigenous vegetation will be</p>

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<i>(ii) Within critical biodiversity areas identified in bioregional plans in the North West Province."</i>	cleared for the powerline pylon footprints and access road. The powerline corridor is situated within a critical biodiversity area namely the Vaal-Vet Sandy Grassland vegetation type.
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as described in the Basic Assessment Report (BAR) dated March 2016 at:

35 metre tall Radio Communication Mast	Latitude	Longitude
	27°9'24.52"S	26°24'1.33"E

Powerline Route Alternative S1 (preferred)	Latitude	Longitude
Start point	27°09'25.75"S	26°23'59.63"E
Middle point	27°09'21.97"S	26°23'55.86"E
End point	27°09'17.63"S	26°23'52.03"E

- for the construction of a 400-metre-long 132 kV overhead powerline and a 35 metre tall radio communication mast and associated infrastructure near Leeudoringstad within the Matlosana Local Municipality in the North West Province, hereafter referred to as "the property".

The development will entail the following infrastructure:

- A 400 metre long 132 kV overhead powerline;
- A 35-metre-tall radio mast antenna; and
- Service/construction road.

Technical details of the proposed facility:

Component	Description/ Dimensions
Location of the site	Farm Matjesspruit 145
SG Code	T0HP00000000014500000
Length of Powerline	400m
Export capacity	132 kV
Height of Radio Communication Mast	35 m
Width of internal roads	5m

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Conditions of this Environmental Authorisation

Scope of authorisation

1. A 400-metre-long 132 kV overhead powerline and a 35 metre tall radio communication mast and associated infrastructure near Leeudoringstad within the Matlosana Local Municipality in the North West Province, are approved as per the geographic coordinates 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 five (05) 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 5 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 environmental 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. provide the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

Commencement of the activity

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 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

14. A copy of the final development layout map must be made available for comments by registered Interested and Affected Parties and the applicant 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:

- 14.1. Position of the radio mast and its associated infrastructure;
 - 14.2. Connection routes (including pylon positions) to the distribution/transmission network;
 - 14.3. Foundation footprint;
 - 14.4. Internal roads indicating width;
 - 14.5. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables;
 - 14.6. All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
 - 14.7. All existing infrastructure on the site, especially roads; and,
 - 14.8. All "no-go" and buffer areas.
15. The Environmental Management Programme (EMPr) submitted as part of the BAR is not approved and 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. The EMPr must be made available for comments by registered Interested and Affected Parties and the applicant must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
 16. The EMPr is amendable and 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.
 17. Changes to the EMPr, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.
 18. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the BAR be discovered.
 19. The provisions of the approved EMPr including recommendations and mitigation measures in the BAR and specialist studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.
 20. The EMPr amendment must include the following:
 - 20.1. All recommendations and mitigation measures recorded in the BAR.
 - 20.2. All mitigation measures as listed in the specialist reports must be included in the EMPr and implemented.
 - 20.3. The requirements and conditions of this authorisation.
 - 20.4. The final site layout map.
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Frequency and process of updating the EMPr

21. 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.
22. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
23. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
24. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. 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.
25. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

26. The holder of the authorisation must appoint an experienced independent 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.
 - 26.1. The ECO must be appointed before commencement of any authorised activities.
 - 26.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

26.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.

26.4. 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

27. 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.

28. 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.

29. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.

30. The holder of the authorisation must, in addition, submit an environmental audit report 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.

31. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 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.

32. 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 the development.

Notification to authorities

33. 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

34. 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

35. 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

Conditions for Non-operational aspects

36. A 30-meter buffer must be placed around the wetland.
37. Anti-collision devices such as bird flappers must be installed where the powerline crosses avifaunal corridors. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
38. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
39. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of any indigenous protected and endangered plant and animal species if required.
40. Ablution facilities must be placed outside of the 1:100 year floodline of a watercourse.
41. No exotic plants may be used for rehabilitation purposes. Only indigenous plants occurring within a ten (10) kilometre radius of the development site must be utilised.
42. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
43. 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.
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44. 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.
45. Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008). No waste material may be left on site after construction.
46. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) must be alerted immediately, and a professional archaeologist or palaeontologist, must be contacted to inspect the findings.

General

47. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 47.1. at the site of the authorised activity;
 - 47.2. to anyone on request; and
 - 47.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
48. 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: 10/06/2016


Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

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 19/02/2016;
- b) The information contained in the BAR dated March 2016;
- c) The comments received from the North West Department of Rural, Environment and Agricultural Development and interested and affected parties as included in the BAR dated March 2016;
- d) Mitigation measures as proposed in the BAR and the EMPr;
- e) The information contained in the specialist studies contained within the appendices of the BAR dated March 2016 and as appears below:

Title	Prepared by	Date
Heritage Impact Assessment	J Van Schalkwyk	September 2013
Visual Impact Assessment	Phala Environmental Consultants	November 2015
Ecological Fauna and Flora Habitat Survey	Anthene Ecological CC	October 2013
Geotechnical Report	Tinus Grobler	September 2014

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 aim of the project is to connect the authorised Bokamoso Solar Energy Facility with the Harrisburg-Leeubos powerline.
- c) The BAR dated March 2016 identified all legislation and guidelines that have been considered in the preparation of the BAR dated March 2016.
- d) The methodology used in assessing the potential impacts identified in the BAR dated March 2016 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 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 March 2016 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 proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated March 2016 is deemed to be accurate and credible.
- 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.