



## environmental affairs

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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

**DEA Reference:** 14/12/16/3/3/2/1086

**Enquiries:** Bongeka Mtyana

**Telephone:** 012-399-9376 **E-mail:** [BMtyana@environment.gov.za](mailto:BMtyana@environment.gov.za)

Mr. Robert Wagener  
ABO Wind Hotazel PV (Pty) Ltd  
101, Block A, West Quay Building, 7 West Quay Building, Waterfront  
**CAPE TOWN**  
8000  
Tel: (021) 418 2596  
Cell: (084) 401 9015  
E-mail: [david@atlanticep.com](mailto:david@atlanticep.com).

### **PER E-MAIL / MAIL**

Dear Mr Wagener

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: GN R982, 983 and 984, AS AMENDED: PROPOSED CONSTRUCTION OF HOTAZEL SOLAR AND ASSOCIATED INFRASTRUCTURE WITHIN JOE MOROLONG LOCAL MUNICIPALITY IN THE NORTHERN CAPE 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 14 (fourteen) days of the date of the EA, of the Department's 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, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which 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, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which 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.

M.S

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: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

By hand: Environment House  
473 Steve Biko  
Arcadia  
Pretoria  
0083; or

By post: Private Bag X447  
Pretoria  
0001

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

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

Yours faithfully



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

Date: 30/05/2019

CC:	Mr. T Mac Donald Bloom	Joe Morolong Local Municipality	Tel: 053 773 9300	Email: <a href="mailto:registry@joemorolong.gov.za">registry@joemorolong.gov.za</a>
	Mr.P Jansen	Land owner	Tel: 082 319 6095	Email: <a href="mailto:pac.jansen@vodamail.co.za">pac.jansen@vodamail.co.za</a>
	Mr D Holder	EAP	Tel:044 874 0365	Email: <a href="mailto:dale@cape-eaprac.co.za">dale@cape-eaprac.co.za</a>





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

Construction of Hotazel Solar and associated infrastructure within Joe Morolong Local Municipality in the Northern Cape Province

John Taolo Gaetsewe District Municipality

<b>Authorisation register number:</b>	<i>14/12/16/3/3/2/1086</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>ABO Wind Hotazel PV (PTY) LTD</i>
<b>Location of activity:</b>	<i>NORTHERN CAPE PROVINCE: Within Joe Morolong Local Municipality</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.

*M.S*

## Decision

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

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

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

## Activities authorised

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

### **ABO WIND HOTAZEL PV (PTY) LTD**

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

with the following contact details –

Mr. Robert Wagener

*ABO Wind Hotazel PV (Pty) Ltd*

101, Block A, West Quay Building, 7 West Quay Building, Waterfront

**CAPE TOWN**

8000

Tel: (021) 418 2596

Cell: (084) 401 9015

E-mail: [david@atlanticep.com](mailto:david@atlanticep.com)

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 2, as amended (GN R983 and R984, as amended):

Listed activities	Activity/Project description
<p><u>GN R983 Item 11 as amended (Listing Notice 1):</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 Hotazel Solar facility will connect to the national Eskom grid via the Eskom Hotazel Substation. The proposed distribution infrastructure includes the construction of an on-site Substation and a 132kV OHL from the on-site substation.</p>
<p><u>GN R983 Item 28 as amended (Listing Notice 1):</u>  <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:</i>  <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i>  <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The area is currently utilised for limited agricultural purposes. The construction of a Solar Energy Facility is considered as commercial use.</p>
<p><u>GN R983 Activity 24 as amended (Listing Notice 1):</u>  <i>The Development of a road –</i>  <i>(ii) with a reserve wider than 13.5m or where no road reserve exists where the road is wider than 8m.</i></p>	<p>The current proposal is to upgrade the existing access roads to up to 8m, however the road prism inclusive of side drain will exceed the 8m threshold of this activity.</p>
<p><u>GN R983 Activity 56 as amended (Listing Notice 1):</u>  <i>The widening of a road by more than 6 metres, or the</i></p>	<p>The proposed access roads utilise existing accesses to this portion of land. The</p>

Listed activities	Activity/Project description
<i>lengthening of a road by more than 1 kilometre – (ii) where no reserve exists, where the existing road is more than 8 metres</i>	lengthening of these access roads by more than 1km may be required, at the access from the R31 will be lengthened to a point where it enters the laydown area.
<u>GN R984 Activity 1 as amended (Listing Notice 2):</u> <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 photovoltaic installations and occurs within an urban area.</i>	The proposed Hotazel Solar facility will have a maximum generation Capacity of 100 megawatts (AC) and as such exceeds the threshold defined in this activity
<u>GN R984 Activity 15 as amended (Listing Notice 2):</u> <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) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i>	The proposed Hotazel Solar facility will have a maximum footprint of 275ha and as such exceeds the threshold defined in this activity.

as described in the Environmental Impact Assessment Report (EIAr) dated 29 March 2019 at:

Farm Name: Farm York A 279

21 Digit SG code:

C	0	4	1	0	0	0	0	0	0	0	0	0	0	2	7	0	0	0	0	0
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Layout Alternative 2 (Preferred)	Latitude	Longitude
North-West Corner	27°13'22.47"S	22°58'21.61"E
North-East Corner	27°12'26.34"S	22°59'43.30"E
South-West Corner	27°13'45.51"S	22°58'52.73"E
South-East Corner	27°13'11.50"S	22°59'55.00"E

Powerline alternative D (Preferred LILO)	Latitude	Longitude
Start	27°13'27.36"S	22°59'20.92"E
Middle	27°13'25.54"S	22°59'22.93"E
End	27°12'21.31"S	22°57'27.45"E

the location indicated in the locality plan, attached as Annexure 2 of this authorisation

- for the construction of the Hotazel Solar and associated infrastructure on the remaining Extent of the farm York A 279, in the District of Hotazel in the Northern Cape Province.

Technical details of preferred alternative:

Component	Description/ Dimensions
Location of the site	Approximately 3km South East of Hotazel
PV Panel area	250 ha with a total project footprint of approximately 275 ha
Preferred Site access	Access to the site will be at one of the existing access points from the R31
Export capacity	100 MW
Proposed technology	PV with fixed, single or double axis tracking technology.
Height of installed panels from ground level	PV Structures not more than 4m
Width and length of internal roads	Access Road - width: 8m+, length: ± 1 km Secondary internal roads – width: mm, length: ± 15 km

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The construction of the Hotazel Solar and associated infrastructure on the remaining Extent of the farm York A 279, in the District of Hotazel in the Northern Cape Province is approved as per the geographic coordinates cited in the table above on page 4 and 5.
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. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

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

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
  10. The notification referred to must –
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- 10.1. specify the date on which the authorisation was issued;
- 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
- 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
- 10.4. give the reasons of the Competent Authority for the decision.

#### **Commencement of the activity**

11. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

#### **Management of the activity**

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and strictly adhered to.

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

13. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 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.
14. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
15. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R982 of 04 December 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.

16. 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 R982 of 04 December 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.
17. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R982 of 04 December 2014, as amended.

### **Monitoring**

18. 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.
  - 18.1. The ECO must be appointed before commencement of any authorised activities.
  - 18.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 18.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 18.4. 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**

19. 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 at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
20. 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 at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).

21. 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 R982 of 04 December 2014, as amended.
22. The holder of the authorisation must, in addition, submit an 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.
23. 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.
24. 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**

25. 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**

26. 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**

27. 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

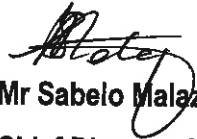
28. You are required to adhere to Eskom's requirements regarding the construction of the proposed project in relation to Eskom's existing infrastructure and demarcation in Eskom's identified property.
29. A 20m buffer must be implemented around the identified Stone Age artefacts, however should these identified Stone Age Artefacts not be possible to avoid during the final route selection for the pylon positions, the holder of the authorisation must conduct a Phase 2 Heritage Impact Assessment (HIA) to document the sites, and a destruction permit from SAHRA must be obtained prior to commencement of construction activities.
30. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
31. The holder of the authorisation is required to inform the Department of Environment and Nature Conservation (DENC), Department of Agriculture, Forestry and Fisheries (DAFF) and this Department should the removal of protected species, medicinal plants and "data deficient" plant species be required and a copy of such permit/s must be submitted to the Department for record keeping.

### **General**

32. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 32.1. at the site of the authorised activity;
- 32.2. to anyone on request; and
- 32.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
33. 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:** 30/05/2019



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

*M.S*

## 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 information contained in the EIAr dated 29 March 2019;
- b) The comments received from South African Heritage Resources Agency and interested and affected parties as included in the EIAr dated 29 March 2019;
- c) Mitigation measures as proposed in the EIAr dated 29 March 2019 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the EIAr; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act No.107 of 1998, as amended.

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

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed solar facility will contribute electricity to the constrained Northern Cape and National need.
- c) electrical network, contributing to a provincial and national need
- d) The EIAr dated 29 March 2019 identified all legislation and guidelines that have been considered in the preparation of the EIAr dated 29 March 2019.
- e) The methodology used in assessing the potential impacts identified in the EIAr dated 29 March 2019 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 29 March 2019 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 EIAR dated 29 March 2019 is accurate and credible.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAR 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, Act No. 107 of 1998, as amended, 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: Locality Plan

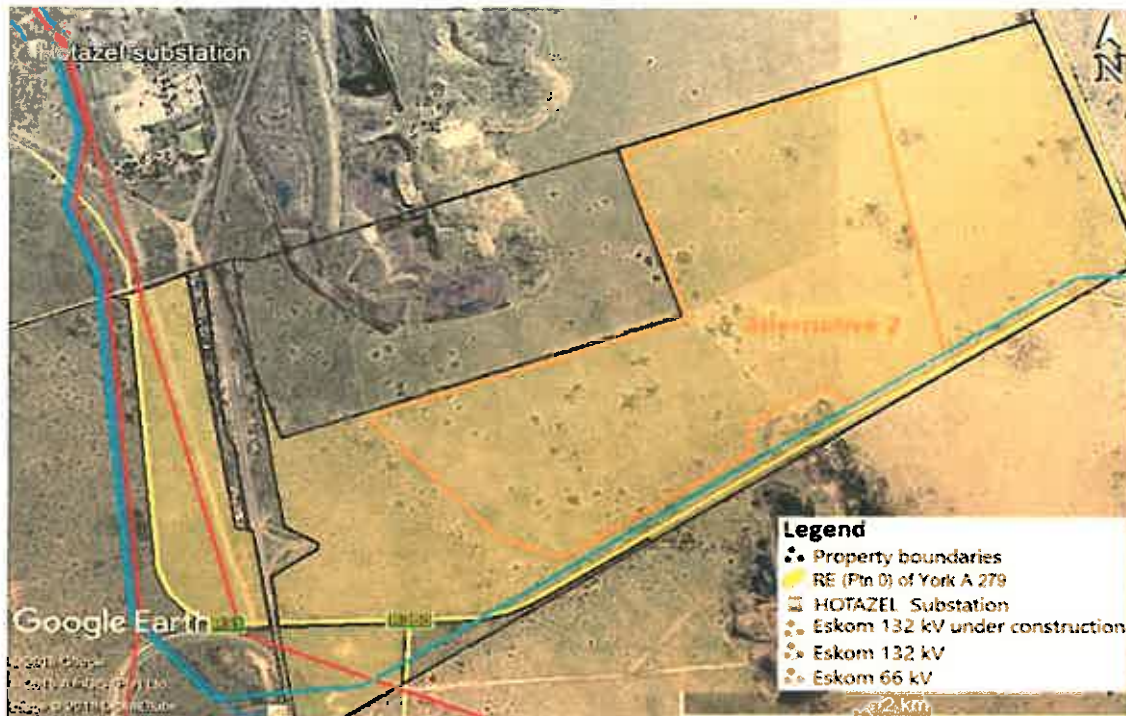


Figure 1: Preferred Layout

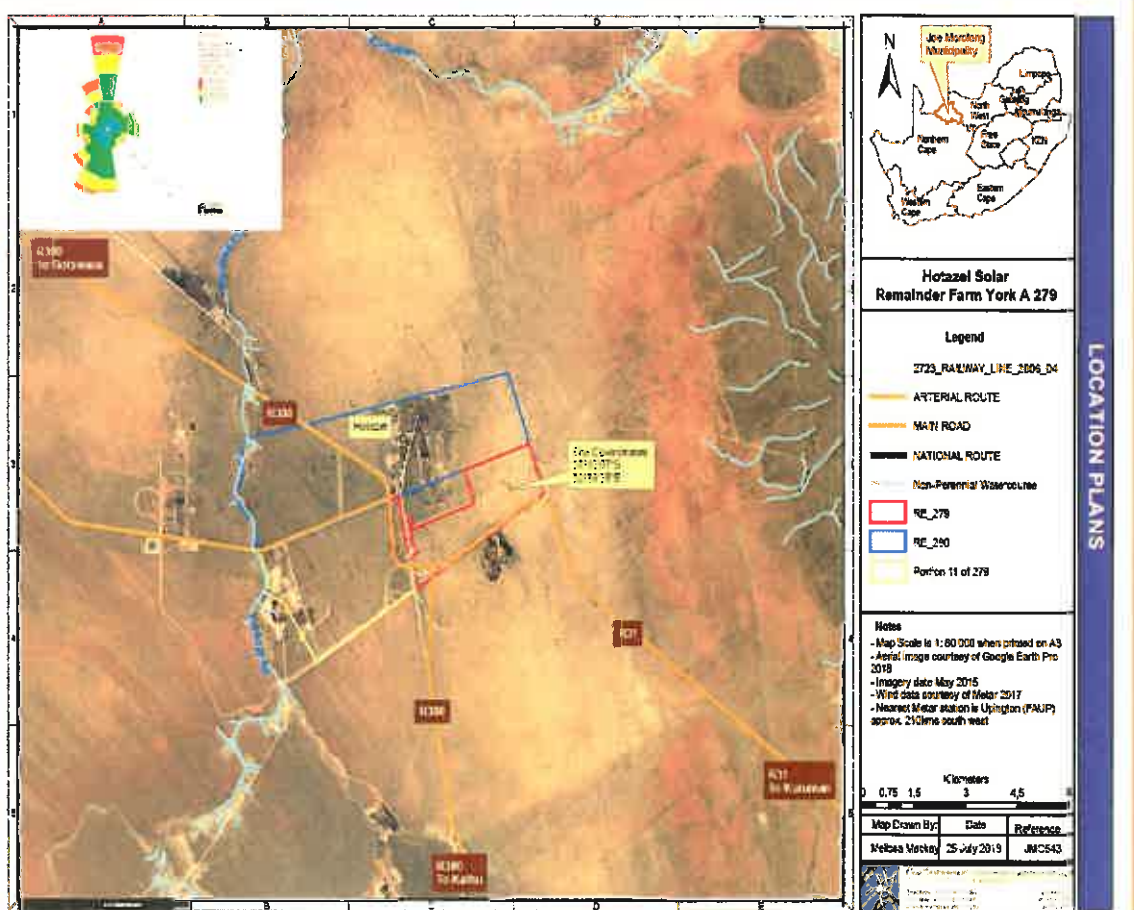


Figure 2: Locality map