



# environmental affairs

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

Private Bag X 447- PRETORIA · 0001- Environment House · 473 Steve Biko Road · Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

**DEA Reference:** 14/12/16/3/3/2/684

**Enquiries:** Mr Herman Alberts

**Telephone:** (012) 399 9371 **E-mail:** HAlberts@environment.gov.za

Mr Peter Venn  
Emoyeni Wind Farm Project (Pty) Ltd  
Postnet Suite  
Private Bag X26  
**CAPE TOWN**  
7966

Telephone number: (021) 701 1292  
Email Address: peter.venn@windlab.com

## **PER EMAIL / MAIL**

Dear Mr Venn

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: 543/544/545/546: FOR THE PROPOSED PHASE 1 UMSINDE EMOYENI WIND ENERGY FACILITY GRID CONNECTION NEAR MURRAYSBURG, WESTERN 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 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) 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.

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:

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

*M.S*

By post: Private Bag X447,  
Pretoria, 0001;

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, 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 sincerely



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

Date: 06/09/2018

cc:	Ms A Bodasing	Arcus Renewable Energy Consulting Ltd	Email: AshlinB@arcusconsulting.co.za
	Mr K Munro	WC DEADP	Email:kobus.munro@westerncape.gov.za
	Ms D Moleko	NC DENC	Email:dmoleko@ncpg.gov.za

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

1. **An appeal must be:-**
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

Phase 1 of the Umsinde Emoyeni wind energy facility grid connection near Murraysburg, Western Cape  
Province

Central Karoo District Municipality and Pixley Ka Seme District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/2/684
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Emoyeni Wind Farm Project (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Remainder of Farm 28; Portion 1 of Farm 29; Farm Klein Los Kop 5; Remainder and Portion 3 of Farm Driefontein 8; Farm Riet Poort 9; Portion 3 of Farm Badfontein; Remainder and Portion 2 of Farm Schietkuil 3; Remainder, Remainder of Portion 2 and Portion 2, Portion 3 of Farm Leeuwenfontein 6; Portion 2 and Portion 4 of Farm Allemansfontein 7; Remainder, Portion 2, 3, 4 and remainder of Portion 1 of the Farm De Hoop 30; Portion 1 of the Farm Matjeskloof 27; The Farm Voetpad 51; Portion 3, 4, 7, 10 and Remainder of Portion 2, of Farm</i>

*M.S*

*Driefontein 26; Portion 1 of the Farm Middelvaly 52;  
Portion 1 and Remainder of the Farm Klein  
Driefontein 152; Farm Rhenosterfontein 50; Portion  
2 and 7 of Farm Witteklip 32; Portion 2 of Farm  
Swavel Kranse 28; Remainder, Portion 1, 3, 4, 6, 7  
and Remainder of Portion 2 of Farm Klipplaat 109;  
Beaufort West and Ubuntu Local Municipalities;  
Western Cape Province*

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## Decision

The Department is satisfied, 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, 2010 the Department hereby authorises –

### **EMOYENI WIND FARM PROJECT (PTY) LTD**

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

with the following contact details –

Mr Peter Venn  
Postnet Suite  
Private Bag X26  
**CAPE TOWN**  
7966

Telephone Number: (021) 701 1292  
Cell phone Number: (083) 689 3063  
Fax Number: (021) 702 4052  
Email Address: peter.venn@windlab.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 (GN R. 544, 545 & 546):

Activity number	Activity description
<p><u>GN R.544: Activity: 10</u></p> <p><i>The construction of facilities or infrastructure for the transmission and distribution of electricity –</i></p> <p><i>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kV.</i></p>	<p>The grid connection will require the installation of 132 kV overhead lines. The proposed development is outside urban areas.</p>
<p><u>GN R.545: Activity 8:</u></p> <p><i>The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kV or more, outside an urban area or industrial complex.</i></p>	<p>A 400 kV line will be required at least as a new turn-in from the Gamma substation to an existing Eskom 400 kV line.</p>
<p><u>GN R.545: Activity 15:</u></p> <p><i>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, Recreational, industrial or institutional use where the total area to be transformed is 20 ha or more.</i></p>	<p>The footprint of the substation compound will be 5 hectares, but the servitude to be cleared can be 457 hectares.</p>
<p><u>GN R.546: Activity 12:</u></p> <p><i>The clearance of an area of 300 m<sup>2</sup> or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</i></p> <p><i>(b) Within critical biodiversity areas identified in bioregional plans</i></p>	<p>The 73 m wide servitude could run a short distance (~3 km) through a critical biodiversity area as identified in the flora and fauna specialist study.</p>
<p><u>GN R.546: Activity 13:</u></p> <p><i>The clearance of an area of 1 ha or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation in</i></p> <p><i>(a) critical biodiversity areas and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority</i></p>	<p>The site covers a small portion that falls within the Karoo Escarpment Grassland (NPAESFA) of the Western Cape Province. The servitude will run through critical biodiversity areas and ecological support areas.</p>

<i>(b) National Protected Area Expansion Strategy</i> <i>Focus Areas</i>	
<p><u>GN R.546: Activity 14:</u> <i>The clearance of an area of 5 ha or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation:</i></p> <p><i>(a) In the Northern Cape and Western Cape:</i></p> <p><i>i. All areas outside urban areas.</i></p>	<p>The site falls outside of urban areas. Clearance of vegetation will be required for construction of the turbine foundations, hardstands, substation and road network in areas with 75 % or more of indigenous vegetation and this will exceed 5 ha.</p>

In terms of Regulation 53 (3) of 2014 Regulations, the competent authority hereby authorise activities which are similarly listed in terms of the 2014 Regulations and are as follows:

<b>Activity number</b>	<b>Activity description</b>
<p><u>GN R.983: Activity 11</u> <i>The construction of facilities or infrastructure for the transmission and distribution of electricity –</i></p> <p><i>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275kV</i></p>	<p>The grid connection will require the installation of 132kV overhead lines. The proposed development is outside urban areas.</p>
<p><u>GN R.983: Activity 27:</u> <i>The clearance of an area of 1 hectares or more but less than 20 hectares of indigenous vegetation...</i></p>	<p>The substation compound cover 5 hectares that will be transformed. The servitude is a linear activity.</p>
<p><u>GN R.983: Activity 28:</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></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>The majority of the proposed development site is currently used for agriculture, lies outside an urban area and the land to be developed will be bigger than 1 hectare.</p>
<p><u>GN R.984: Activity 9:</u> <i>The development of facilities or infrastructure for transmission and distribution of electricity with a capacity of 275 kilovats or more, outside an urban area or industrial complex.</i></p>	<p>A 400kV line will be required at least as a new turn-in from the Gamma substation to an existing Eskom 400kV line</p>



<p><b>GN R.985: Activity 12:</b>  <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan</i></p> <p><i>(a) In Western Cape Province</i>  <i>(ii) Within critical biodiversity areas identified in bioregional plans</i></p> <p><i>(b) Northern Cape Province</i>  <i>(ii) Within critical biodiversity areas identified in bioregional plans</i></p>	<p>The 73m wide servitude will run a short distance (up to 3 km) through a critical biodiversity area.</p>
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as described in the Environmental Impact Assessment (EIA) dated January 2018 at:

**Site Coordinates:**

Power line coordinates	Latitude	Longitude
Start	31°52' 06.8124"S	24°00' 36.7308"E
Middle	31°47' 46.1292"S	23°49' 38.4528"E
End	31°42' 37.6272"S	23°38' 58.7904"E

- for the Phase 1 Umsinde Emoyeni wind energy facility grid connection near Murraysburg, Western Cape Province, hereafter referred to as "the property".

**Technical details of the proposed grid connection:**

Component	Description/ Dimensions
Area occupied by transformer stations/ substation	200 x 250 m single storey substation compound
Capacity of on-site substation	33/132 kV
Area occupied by both permanent and construction laydown areas	9 000 m <sup>2</sup>
Areas occupied by buildings	200 m x 250 m
Type of fencing	Galvanised weldmesh around substation; may have security fencing around the substation

Transmission line	Power lines from the on-site substation to Gamma / Ishwati substation would be 132 kV lines (single or double string) on single pole pylon (wooden, steel or concrete).
Servitude corridor	73 m width Length to Phase 2: 9.4 km (= 68.6 ha) Length to Gamma: 62.6 km (= 457 ha) Length to Ishwati: 38.6 km (= 282 ha)

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. Phase 1 of the Umsinde Emoyeni wind energy facility grid connection near Murraysburg, Western Cape Province as described above is hereby approved.
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 12 (twelve) 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, 2010;
  - 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.
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, 2010.

### **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, 2010. 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. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
  - 14.1. Position of solar facilities and its associated infrastructure;
  - 14.2. Internal roads indicating width and length;
  - 14.3. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables;
  - 14.4. All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
  - 14.5. Substation(s) inverters and/or transformer(s) sites including their entire footprint;
  - 14.6. Cable routes and trench dimensions (where they are not along internal roads);
  - 14.7. All existing infrastructure on the site, especially roads;
  - 14.8. Buildings, including accommodation; and,
  - 14.9. All "no-go" and buffer areas.
15. Furthermore, a shapefile of the development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 or specify if an alternative scale was used. The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:

**Postal Address:**

Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

**Physical address:**

Department of Environmental Affairs  
Environment House  
473 Steve Biko  
Arcadia  
Pretoria

For Attention: Mr Muhammad Essop  
Integrated Environmental Authorisations  
Strategic Infrastructure Developments  
Telephone Number: (012) 399 9406  
Email Address: MEssop@environment.gov.za

16. The Environmental Management Programme (EMPr) submitted as part of the EIAr 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 holder of this environmental authorisation 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.
17. The EMPr amendment must include the following:
  - 17.1 The requirements and conditions of this authorisation.
  - 17.2 All recommendations and mitigation measures recorded in the EIAr and specialist studies attached as part of the EIAr.
  - 17.3 An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
  - 17.4 A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
  - 17.5 A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of

- construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- 17.6 A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
- 17.7 A storm water and wash water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
- 17.8 An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- 17.9 An effective monitoring system to detect any leakage or spillage of any hazardous substances during their transportation, handling, use or storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 17.10 Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- 17.11 A fire management plan to be implemented during the construction and operation of the facility.
- 17.12 An environmental sensitivity map indicating environmentally sensitive areas and features identified during the EIA process.
- 17.13 The final site layout map.
- 17.14 The final site layout map superimposed (overlain) on the environmental sensitivity map. This map must reflect the approved location of the PV as stated in the EIA and this environmental authorisation.

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

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 26 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 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.
21. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of 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.
22. 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**

23. 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.
  - 23.1. The ECO must be appointed before commencement of any authorised activities.
  - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

### **Recording and reporting to the Department**

24. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
25. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
26. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
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, 2010 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. All power lines, substations and associated infrastructure must be kept out of "no-go" areas and includes high ecological sensitive areas and high bird and bat sensitive areas.
34. Activities which require a Water Use License must not be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
35. The facility must be designed to discourage the use of infrastructure components as perching or roosting substrates by birds and bats.
36. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors (e.g. grasslands, rivers, wetlands, and dams). 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. Additional areas of high sensitivity along the preferred alignment must also be identified by the avifaunal specialist for the fitment of anti-collision devices. These devices must be according to Eskom's Transmission and EWT's Guidelines.
37. A pre-construction walk through on the selected power line alignment by a bat specialist, avifaunal specialist and ecologist, must be conducted to ensure that the micro-siting of the turbines has the least possible impact, there are no nests sites of priority species on or close to the construction corridor, and all protected plant species impacted are identified.
38. A botanist must be appointed to perform a final walkthrough of the alignment to identify sensitive plant species, and assist in identifying the areas that require protection once final pylon positions are pegged.
39. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.

40. Copies of all permits required for the construction of the proposed must be submitted to the Department for record keeping.
41. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may 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 appropriate 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.
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. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

#### **General**

45. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 45.1. at the site of the authorised activity;
  - 45.2. to anyone on request; and
  - 45.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
46. 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: 06/09/2016



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 08 April 2010;
- b) The information contained in the EIAr dated January 2018;
- c) The comments received from the Nama Karoo Trust, BirdLife SA, South African National Roads Agency, Eskom Holdings SOC Limited, South African Heritage Resources Agency, Telkom SA SOC Ltd, Ministry of Water and Environmental Affairs, Ministry of Local Government, Environmental Affairs and Development Planning, Square Kilometre Array, Department of Mineral Resources, Department of Cultural Affairs and Sports and interested and affected parties as included in the EIAr dated January 2018;
- d) Mitigation measures as proposed in the EIAr and EMPr dated January 2018;
- e) The information contained in the specialist studies submitted as part of the EIAr dated January 2018, as well as the subsequent addendums and as appears below:

Title	Prepared by	Date
Visual Impact Assessment	Bernard Oberholzer	September 2015 February 2018
Ecological Impact Assessment	Simon Todd	October 2015 January 2018
Bat Impact Assessment	Inkululeko Wildlife Services	November 2015 February 2018
Aquatic Assessment	Scherman Colloty & Associates	October 2015 January 2018
Avifaunal Impact Report	Arcus Consultancy Services	September 2015 January 2018
Soil, Land Use, Land Capability & Agriculture Potential Survey	J.H. van der Waals	October 2015 February 2018
Heritage Impact Assessment	ACO Associates cc	February 2018
Environmental Noise Impact	Enviro Acoustics Research	January 2018
Social Impact Assessment	Tony Barbour	December 2015

		February 2018
Path Loss Test Report	Interference Testing and Consultancy Services (Pty) Ltd	
Transport Risk Assessment	Jeffares & Green	September 2013

## 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) Details provided of the qualifications of the Environmental Assessment Practitioner (EAP).
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) Description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- d) The EIAr dated January 2018 identified all legislation and guidelines that have been considered in the preparation of the EIAr.
- e) The methodology used in assessing the potential impacts identified in the EIAr dated January 2018 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, 2010 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 January 2018 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 January 2018 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 EIAr and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.