



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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

DFFE Reference: 14/12/16/3/3/1/2736

Enquiries: Ms Olivia Letlalo

Telephone: (012) 399 8815 E-mail: oletlalo@dfpe.gov.za

Mr Warren Morse
Hormah Solar PV1 (Pty) Ltd
Postnet Suite #53
Private Bag X 21
HOWARD PLACE
7450

Telephone Number: 021 685 3240
Cell phone Number: 083 760 9586
Email Address: warren@mulilo.com

PER E-MAIL / MAIL

Dear Mr Morse

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED FOR THE PROPOSED HORMAH SOLAR PHOTOVOLTAIC (PV) 1 ON PORTION 2 OF THE FARM HORMAH NO 276, VILJOENSKROON WITHIN THE MOQHAKA LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulate 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 abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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

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

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

By email: appeals@dfef.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 or request a copy of the documents at appeals@dfef.gov.za

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment
Date: 11/07/2023

cc:	Susanna Nel and Annelize Erasmus	Landscape Dynamics Environmental Consultants (Pty) Ltd	Cell: 082 566 4530/ 082 888 4060	Email: info@landscapedynamics.co.za
	Ms Grace Mkhosana	DESTEA	Tel: 051 400 48127 Cell: 082 789 4611	Email: mkhosana@destea.gov.za
	MManager Mncedisi Simon Mqwathi care of Seithati Monyaki (Acting).	Moqhaka Local Municipality (LM)	Tel: 056 216 9125/9377/9378	Email: mms@moqhaka.gov.za



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

The proposed Hormah Solar PV1 on Portion 2 of the Farm Hormah No 276, Viljoenskroon, within the Moqhaka Local Municipality in the Free State Province

Fezile Dabi District Municipality

Application Register Number:	<i>14/12/16/3/3/1/2736</i>
Applicant:	<i>Hormah Solar PV (Pty) Ltd</i>
Location of activity:	<i>Portion 2 of the farm Hormah No 276, Ward 2, Viljoenskroon, within Moqhaka Local Municipality in the Free State Province</i>

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

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Decision

The Department is satisfied, 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 –

Hormah Solar PV1 (Pty) Ltd

with the following contact details –

Mr Warren Morse

Postnet Suite #53

Private Bag X 21

HOWARD PLACE

7450

Telephone Number: 021 685 3240

Cell phone Number: 083 760 9586

Email Address: warren@mulilo.com

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><u>Listing Notice 1, Activity 11(i):</u> <i>"The development of facilities or infrastructure for the transmission and distribution of electricity— (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts".</i></p>	<p>A 132kV substation will be constructed. This substation will not be handed over to Eskom after construction and forms part of the project components of this solar PV facility.</p>
<p><u>Listing Notice 1, Activity 24(ii):</u> <i>The development of a road— (ii) where no reserve exists where the road is wider than 8 metres.</i></p>	<p>Access and internal roads of wider than 8m and longer than 1km will be constructed outside of an urban area. The main access road will be approximately 2.5km in length.</p>
<p><u>Listing Notice 1, Activity 28(ii):</u> <i>Residential, mixed, retail, commercial, industrial, or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</i></p>	<p>The up to 120MW solar PV facility will be constructed on land of approximately 198ha outside of an urban area on land which was previously used for agriculture.</p>
<p><u>Listing Notice 1, Activity 56(ii):</u> <i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre— (i) where the existing reserve is wider than 13,5 meters; or (ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas.</i></p>	<p>Existing roads of wider than 8m will be widened by 6m or more outside of an urban area</p>
<p><u>Listing Notice 2, Activity 1:</u> <i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20MW or more,</i></p>	<p>An up to 120MW solar PV facility will be constructed outside of an urban area.</p>

<p><i>excluding where such development of facilities or infrastructure is for photovoltaic installations & occurs.</i></p> <p><i>(a) within an urban area; or</i></p> <p><i>(b) on existing infrastructure.</i></p>	
<p><u>Listing Notice 2, Activity 15:</u></p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for,</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>Indigenous vegetation of more than 20 hectares will be removed within the total project area, which is approximately 198 hectares in size.</p>
<p><u>Listing Notice 3, Activity 4(b)(i)(ee)(gg)</u></p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><i>b. Free State</i></p> <p><i>i. Outside urban areas:</i></p> <p><i>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA</i></p>	<p>Roads wider than 4m will be developed and, according to the Protected Areas Register (DFFE data base) the Mispah Game Farm (Nature Reserve) is situated approximately 4.7km north of the Hormah Solar PV1 site.</p>
<p><u>Listing Notice 3, Activity 10(b)(i)(ee)(gg)</u></p> <p><i>The development and related operation of facilities or infrastructure, for the storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</i></p> <p><i>b. Free State</i></p> <p><i>i. Outside urban areas</i></p> <p><i>(gg) 5 kilometres from any other protected area identified in terms of NEMPAA.</i></p>	<p>Storage of dangerous goods with a combined capacity of less than 80m³ is required. The site falls outside of an urban area. According to the Protected Areas Register (DFFE data base) the Mispah Game Farm (Nature Reserve) is situated approximately 4.7km north of the Hormah Solar PV1 site.</p>
<p><u>Listing Notice 3, Activity 12(b)(i)(ii)</u></p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of vegetation is required for maintenance</i></p>	<p>More than 300m² of indigenous vegetation will be removed and the site is located within the endangered Vaal-Vet Sandy Grassland vegetation type.</p>

<p><i>purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>b. In the Free State</i></p> <p><i>i. Within any critically endangered ecosystem listed in terms of section 52 of the NEMBA.</i></p>	
<p><u>Listing Notice 3, Activity 18(b)(i)(ee)(gg)(hh)</u></p> <p><i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i></p> <p><i>b. Free State</i></p> <p><i>i. Outside urban areas:</i></p> <p><i>(gg) Areas within 5 kilometres from any other protected area identified in terms of NEMPAA;</i></p>	<p>Existing access roads will be widened by more than 4 meters and lengthened by more than 1km. According to the Protected Areas Register (DFFE data base) the Mispah Game Farm (Nature Reserve) is situated approximately 4.7km north of the Hormah Solar PV1 site.</p>

as described in the final Basic Assessment Report (BAR) dated May 2023:

21 Digit SG Codes

F	0	3	6	0	0	0	0	0	0	0	0	0	2	7	6	0	0	0	0	2
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Co-ordinate Points of the Hormah PV1 Development Site

Point	Latitude	Longitude
Hormah PV1 site Corner Points		
North-western corner	27°02'34.80"S	26°46'51.72"E
North-eastern corner	27°02'35.91"S	26°48'38.91"E
South-eastern corner	27°03'00.46"S	26°48'43.05"E
South-western corner	27°03'01.73"S	26°47'02.94"E
IPP Substation Corner Points		
North-Western Corner	27° 2'37.34"S	26°48'30.30"E
North-Eastern Corner	27° 2'37.32"S	26°48'33.87"E
South-Eastern Corner	27° 2'40.52"S	26°48'33.95"E
Western point	27° 2'40.57"S	26°48'30.26"E
Operations and Maintenance Buildings		
North-Western corner	27° 2'37.36"S	26°48'26.65"E
North-Eastern corner	27° 2'37.34"S	26°48'30.30"E
South-Eastern corner	27° 2'40.57"S	26°48'30.26"E
South-Western corner	27° 2'40.57"S	26°48'30.26"E

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BESS Area		
North-Western corner	27° 2'41.24"S	26° 48'27.46"E
North-Eastern corner	27° 2'41.22"S	26° 48'38.87"E
South-Eastern corner	27° 2'46.02"S	26° 48'39.76"E
South-Western corner	27° 2'46.04"S	26° 48'27.52"E
Diesel storage		
North-Western corner	27° 2'41.18"S	26° 48'30.29"E
North-Eastern corner	27° 2'41.16"S	26° 48'32.07"E
South-Eastern corner	27° 2'42.82"S	26° 48'32.07"E
South-Western corner	27° 2'42.81"S	26° 48'30.28"
Laydown area		
North-Western corner	27° 2'46.04"S	26° 48'27.52"E
North-Eastern corner	27° 2'46.02"S	26° 48'39.76"E
South-Eastern corner	27° 2'49.76"S	26° 48'27.52"E
South-Western corner	27° 2'49.74"S	26° 48'40.28"E
Main internal access road		
Entrance of the R76	27° 3'0.57"S	26° 47'48.54"E
Turning point at the south-eastern corner of the PV site	27° 2'58.68"S	26° 48'40.86"E
End point at the O&M buildings	27° 2'40.81"S	26° 48'26.32"E

- for the proposed Hormah Solar PV1 on Portion 2 of the farm Hormah No 276, Viljoenskroon within the Moqhaka Local Municipality in the Free State Province, hereafter referred to as "the property".

Infrastructure associated with the Hormah Solar PV1 Facility will include the following:

Infrastructure	Specifications
Solar PV Array	The Solar PV Array includes the following components: <ul style="list-style-type: none"> ▪ Bifacial PV Modules ▪ Mounting structures using single axis tracking technology ▪ Inverters ▪ Combiner boxes ▪ Transformers ▪ Cabling between panels
Development footprint	198 hectares

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<p>Onsite 132 kV Independent Power Producer (IPP) Substation</p>	<p>The IPP Substation includes the following components:</p> <ul style="list-style-type: none"> ▪ HV Step-up transformer ▪ MV Interconnection building ▪ Total area approximately 100m x 100m (1ha)
<p>Access and internal roads</p>	<ul style="list-style-type: none"> ▪ Access is required for the purpose of the Hormah Solar PV1 directly off the R76, up to approximately 8m wide. ▪ Existing internal farm roads to be utilised where possible, re-graveling of roads to take place if required by the provincial roads authority. ▪ Internal roads to be constructed up to 6m wide.
<p>Laydown area</p>	<ul style="list-style-type: none"> ▪ A temporary construction site area of approximately 4ha adjacent to BESS will be required. ▪ All temporary infrastructure will be rehabilitated following the completion of the construction phase, where it is not required for the operation phase.
<p>Battery Energy Storage System (BESS)</p>	<ul style="list-style-type: none"> ▪ Solid State Batteries (SSB) is the preferred battery technology. ▪ The SSB will make use of Lithium-Ion chemistries. ▪ The BESS containers are centralised into one area. ▪ It will be constructed on approximately 4.5ha.
<p>Storage of Dangerous Goods</p>	<ul style="list-style-type: none"> ▪ Storage of dangerous goods (Including lubrications, oils, paints, fuel/diesel, etc.) with a combined capacity of less than 80 cubic metres is required. ▪ Diesel/fuel is generally required for the following purposes: <ul style="list-style-type: none"> - During construction for construction vehicles as well as generators for the construction camp and commissioning whilst waiting for the Eskom grid connection works to be completed. - During operations, diesel is required for vehicles at the PV plant as well as for backup diesel generators at the substation. The generators supply auxiliary power to the substation's protection and communications systems, should there be outages on the grid. This is an Eskom requirement together with a battery room at the substations to act as UPS for these critical systems.
<p>Ancillary facilities</p>	<ul style="list-style-type: none"> ▪ Operations and Maintenance Building ▪ Site offices ▪ Construction camps ▪ Storage warehouse

	<ul style="list-style-type: none">▪ Workshop▪ Guard house▪ Ablutions with conservancy tanks▪ During the construction phase, temporary sanitation facilities will be provided (i.e., chemical toilets) and these toilets will be regularly serviced by a licensed company.
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Conditions of this Environmental Authorisation

Scope of authorisation

1. The proposed Hormah Solar PV1 on Portion 2 of the Farm Hormah No 276, Viljoenskroon within the Moqhaka Local Municipality in the Free State Province is approved as per the geographic coordinates cited in the table above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant, or person rendering a service to the holder of the authorisation.
4. The activities authorised 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 ten (10) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made for the activity to be undertaken.
8. Construction must be completed within ten (10) 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.

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Notification of authorisation and right to appeal

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

Commencement of the activity

12. The authorised activity 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

13. The Hormah Solar PV1 facility: Layout Map dated 10 February 2022 attached as Figure 5 into the final BAR is not approved.
14. A copy of the final site layout map must be made available for comments to the registered interested and Affected Parties and the holder of this environmental authorisation 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. The position of the solar PV panels.
 - 14.2. All associated infrastructure (new and existing).
 - 14.3. The 132kV IPP Substation.

- 14.4. Access and internal roads.
 - 14.5. Laydown area.
 - 14.6. Battery Energy Storage System (BESS).
 - 14.7. Storage of Dangerous Goods.
 - 14.8. Operations and Maintenance Building.
 - 14.9. Site Offices.
 - 14.10. Construction camps.
 - 14.11. Storage Warehouse.
 - 14.12. Workshop.
 - 14.13. Guard House.
 - 14.14. Ablutions with conservancy tanks; and
 - 14.15. All sensitive features, and all "no-go" and buffer areas as identified by various specialists i.e., vegetation units 2 and 5, aquatic buffer of 20m and 100m, heritage sites buffer of 20m around VK4 site, 40m around CVK100 site, and 100m around CVK101 site and 15m development buffer from the roads.
15. The Environmental Management Programme (EMPr) for the PV facility and the unsigned generic EMPr for the on-site substation submitted as part of the BAR are not approved and must be amended to include measures as dictated by the final site lay-out map and the update of risk assessment on BESS technology. The Stakeholder Engagement Plan (SEP) and Community Health, Safety and Security Plan (CHSSP) must be appended to the EMPr. The EMPr must include the heritage management plan for burials and pre-construction archaeological walkdown to identify unmarked or hidden burials. 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.
 16. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
 17. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
 18. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

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Frequency and process of updating the EMPr

19. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 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.
20. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
21. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
22. In assessing whether to grant approval of an EMPr which has been updated because of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
23. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

24. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 24.1. The ECO must be appointed before commencement of any authorised activities.
 - 24.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

- 24.3. The ECO must keep record of all activities on site, problems identified, transgressions noted, and a task schedule of tasks undertaken by the ECO.
- 24.4. 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

25. 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.
26. 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.
27. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, considering the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
28. 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.
29. 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.
30. 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

31. 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

32. 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

33. 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

34. The highly sensitive areas as identified by botanical and heritage specialists must be clearly demarcated as no-go areas.
35. Migratory fences must be erected adjacent to the conserved wetlands, seasonal stream and its buffer zones.
36. A 15m development exclusion buffer of the farm roads as a non-development buffer outside of the 1.2km distance from the Mercury Substation must be implemented.
37. The footprint of the development and access routes must be limited to the areas required for actual construction works.
38. A permit must be obtained from the relevant authorities for the removal or disturbance of any TOPs, Red Data listed or provincially protected species prior construction.
39. An on-going alien vegetation removal programmes as well as the rehabilitation and revegetation of the seasonal wetlands and seasonal stream's buffer zones must be implemented.
40. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
41. Should any archaeological sites, artefacts, paleontological fossils, or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed, and the services of an accredited heritage professional obtained for an assessment of the heritage resources.
42. Hazardous substances must be stored in a bunded and designated area to avoid accidental leakage into the environment.
43. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must

be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

General

44. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 44.1. at the site of the authorised activity,
 - 44.2. to anyone on request; and
 - 44.3. Where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
45. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 11/07/2023



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The listed activities as applied for in the application form received on 31 March 2023, and the amended application form received 19 May 2023.
- b) The information contained in the final BAR dated May 2023.
- c) The information contained in the email of 22 June 2023 confirming the engagement with the Protected Area management authority and dated 23 June 2023 confirming the location of the Protected Area and the development footprint.
- d) The comments received from all interested and affected parties as included in the final BAR dated May 2023.
- e) Mitigation measures as proposed in the EMPr for the facility and the generic EMPs included in the final BAR dated May 2023.
- f) The information contained in the specialist studies contained within the appendices of the final BAR.

2. Key factors considered in making the decision

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

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project ties in with the national government policies, plans, and programmes which have relevance to energy planning and production.
- c) The final BAR dated May 2023 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the final BAR dated May 2023 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the final BAR dated May 2023 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) 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