



## **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:** 14/12/16/3/3/1/2076

**Enquiries:** Mr Jay-Jay Mpelane

**Telephone:** 012-399-9404, **E-mail:** jmpelane@environment.gov.za

Mr Sheldon Vandrey  
Hartebeesthoek Wind Power (Pty) Ltd  
P.O Box 71664  
Port Elizabeth  
6001

Tel number: (041) 506 4200  
Email address: Sheldon.vandrey@edf-re.co.za

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

Dear Mr Vandrey.

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: GN R982/983/985, AS AMENDED: PROPOSED ELECTRICAL GRID CONNECTION AND ASSOCIATED INFRASTRUCTURE FOR THE SAN KRAAL SPLIT 1, HARTEBEESTHOEK EAST, PHEZUKOMOYA SPLIT 1, AND HARTEBEESTHOEK WEST WIND ENERGY FACILITIES, EASTERN AND NORTHERN CAPE PROVINCES**

With reference to the above application, please be advised that the Department has decided to grant environmental 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, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

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

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

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

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

**By email:** [appeals@environment.gov.za](mailto:appeals@environment.gov.za);

**By hand:** Environment House  
473 Steve Biko Road  
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 [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully,

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

Date: 17/06/2020

<b>CC:</b>	Ashlin Bodasing	Arcus Consultancy Services South Africa (Pty) Ltd	Tel: +27 (0) 21 412 1529	Email: <a href="mailto:AshlinB@arcusconsulting.co.za">AshlinB@arcusconsulting.co.za</a>
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

CONSTRUCTION OF ELECTRICAL GRID CONNECTION AND ASSOCIATED INFRASTRUCTURE FOR  
THE SAN KRAAL SPLIT 1, HARTEBEESTHOEK EAST, PHEZUKOMOYA SPLIT 1, AND  
HARTEBEESTHOEK WEST WIND ENERGY FACILITIES, EASTERN AND NORTHERN CAPE PROVINCES

PIXLEY KA SEME DISTRICT MUNICIPALITY AND CHRIS HANI DISTRICT MUNICIPALITY

<b>Authorisation register number:</b>	14/12/16/3/3/1/2076
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Hartebeesthoek Wind Power (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Northern Cape Province: Located approximately 10km south of the town of Noupoot within Umsobomvu Local Municipality.</i>  <i>Eastern Cape Province: Located near Middelburg and Colesberg within Inxuba Yethemba 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.

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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 –

### **HARTEBEESTHOEK WIND POWER (PTY) LTD**

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

With the following contact details –

Mr Sheldon Vandrey  
Hartebeesthoek Wind Power (Pty) Ltd  
P.O Box 71664  
Port Elizabeth  
6001

Tel number: (041) 506 4200  
Email address: Sheldon.vandrey@edf-re.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3, as amended (GN R983 and R985, as amended):

Listed activities	Activity/Project description
<p><b><u>GN R983 Item 11 (i)</u></b></p> <p>The development of facilities or infrastructure for the transmission and distribution of electricity:</p> <p>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>132 kilovolt overhead power lines will be installed to transfer electricity from the on-site substation(s) to the proposed Eskom Hydra D Substation.</p>
<p><b><u>GN R983 Item 12 (ii)</u></b></p> <p>The development of –</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs,</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p>	<p>Infrastructure such as roads is proposed within 32m of a watercourse. The cumulative footprint of all proposed development within 32m of a watercourse will exceed 100 square metres.</p>
<p><b><u>GN R983 Item 19</u></b></p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p>	<p>Construction of the proposed development could include the excavation of soil in watercourses/drainage line areas, and infilling/deposition will exceed 5 cubic metres and in some instances exceed 10 cubic metres.</p>
<p><b><u>GN R983 Item 27</u></b></p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.</p>	<p>The infrastructure associated with the overhead power line will require clearing of more than 1 hectare of indigenous vegetation but less than 20 hectares.</p>
<p><b><u>GN R983 Item 28 (ii)</u></b></p> <p>Residential, mixed, retail, commercial, industrial or</p>	<p>Construction of the proposed development will change the land use from agriculture to mixed -</p>

Listed activities	Activity/Project description
<p>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:</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</p>	<p>agriculture and electricity transmission. The proposed development is outside an urban area and has a footprint that will exceed 1ha.</p>
<p><b><u>GN R985 Item 4</u></b></p> <p>The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</p> <p><b>(a) Eastern Cape:</b></p> <p>i. Outside urban areas, in:</p> <p>(bb) National Protected Area Expansion Strategy Focus Areas,</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p><b>(g) Northern Cape:</b></p> <p>i. Areas outside urban areas; in:</p> <p>(bb) National Protected Area Expansion Strategy Focus Areas,</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>Internal and external access roads will be constructed, which are wider than 4m. The site falls outside of an urban area and contains indigenous vegetation.</p>
<p><b><u>GN R985 Item 14</u></b></p> <p>The development of –</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs –</p> <p>(a) within a watercourse; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; <u>excluding</u> the development of</p>	<p>Bridges and infrastructure associated with the overhead power line will be constructed within 32m of a watercourse(s). The site lies outside of an urban area and contains indigenous vegetation.</p>

Listed activities	Activity/Project description
<p>infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour:</p>	
<p><b><u>GN R985 Item 23</u></b>  <i>The expansion of—</i>                      (ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs—                      (a) within a watercourse;                      (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;  <b>a. Eastern Cape:</b>                      Outside urban areas:                      bb) National Protected Area Expansion Strategy Focus areas;                      (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.  <b>g. Northern Cape:</b>                      ii. Outside urban areas:                      (bb) National Protected Area Expansion Strategy Focus areas;                      (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>The construction of the overhead power line will include the expansion of existing bridges over watercourses. The site lies outside of any urban area, and parts of the site fall within a Critical Biodiversity Area.</p>

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- As described in the Basic Assessment Report (BAR) dated December 2019, the farms and portions that will be affected by the proposed electrical grid infrastructure are as follows:

**21 Digit Surveyor General Code:**

21 SG Code			
RE 181	C02100000000018100000	3/1	C0480000000000100003
15/182	C02100000000018200015	2/11	C04800000000001100002
3/182	C02100000000018200003	12/1	C0480000000000100012
46/182	C02100000000018200046	RE/117	C03000000000011700000
14	C0480000000001400000	1/117	C03000000000011700001
RE/13	C0480000000001300000	RE/118	C03000000000011800000
1/11	C0480000000001100001	4/11	C0480000000001100004
47/182	C02100000000018200047	RE/11	C0480000000001100000
2	C0480000000000200000	RE/ 8/11	C0480000000001100008
RE/13/1	C0480000000000100013	5	C0480000000000500000
RE/182	C02100000000018200000	RE/6	C0480000000000600000
RE/1/1	C0480000000000100001	3/8	C0480000000000800003
RE/11/1	C0480000000000100011	4/8	C0480000000000800004
18/1	C0480000000000100018		

**Coordinates**

Infrastructure	Start coordinates		Middle coordinates		End coordinates	
	Start Latitude	Start Longitude	Mid Latitude	Mid Longitude	End Latitude	End Longitude
HBH Corridor	31°15'01"S	025°00'59"E	31°19'15"S	024°55'29"E	31°21'18"S	024°49'32"E
A	31°15'51"S	025°01'56"E	31°15'25"S	025°01'30"E	31°14'58"S	025°01'04"E
B	31°21'18"S	024°49'32"E	31°16'57"S	024°54'32"E	31°14'59"S	025°00'54"E
C	31°15'01"S	025°00'59"E	31°19'15"S	024°55'29"E	31°21'18"S	024°49'32"E
D	31°21'15"S	024°49'30"E	31°18'11"S	024°52'42"E	31°15'09"S	024°55'40"E
E	31°14'54"S	025°01'00"E	31°15'17"S	025°00'15"E	31°15'39"S	024°59'29"E
F	31°15'32"S	024°59'09"E	31°15'31"S	024°59'12"E	31°15'00"S	024°55'35"E
G	31°15'00"S	024°55'34"E	31°15'23"S	024°56'42"E	31°15'16"S	024°57'52"E
H	31°14'13"S	025°02'25"E	31°14'35"S	025°01'46"E	31°14'57"S	025°01'06"E
J	31°13'34"S	025°02'40"E	31°14'17"S	025°01'46"E	31°14'48"S	025°01'01"E

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- for the proposed construction of electrical grid connection and associated infrastructure for the San Kraal Split 1, Hartebeesthoek East, Phezukomoya split 1, and Hartebeesthoek West Wind Energy Facilities in the Eastern and Northern Cape provinces.

The proposed project components includes the following:

- The proposed establishment of a 132kV overhead power line (OHL) (HBH Corridor), which was not assessed as part of the original San Kraal WEF and Phezukomoya WEF. The HBH Corridor will transfer electricity from the authorised San Kraal Substation to the proposed SK-PH collector substation or directly to the proposed Eskom Hydra D Substation.
- A new proposed SK-PH collector substation which will be located within an approved corridor (i.e. of the authorised Phezukomoya WEF). This substation will collect electricity, of all the proposed WEFs, which will be transferred via a single 132kV line to the proposed Eskom Hydra D Substation.
- A proposed expansion to the authorised San Kraal Substation, to facilitate the power generated by the proposed projects.
- San Kraal Split 1 132kV proposed step-up substation, which will be located approximately 2.0km NE of the approved San Kraal Substation.
- Hartebeesthoek (HBH) East on-site substation, located approximately 2.3km SW of the San Kraal Substation.
- Phezukomoya Split 1 Substation, located to the east of the approved Phezukomoya Substation.
- A slight move of the authorised Phezukomoya Switching Station, located approximately 2.5km SE of the San Kraal Substation for the proposed Hartebeesthoek (HBH) West WEF.
- A new temporary batching plant 2 for the Phezukomoya Split 1 WEF.
- New access points, namely A and B which will provide access to the proposed WEFs and Access Point C which will be used for grid access once the line is built.
- The proposed establishment of up to eight 132kV overhead power lines (OHL) dependent on which WEF project phase goes ahead first, and the best possible evacuation on figuration (located within the approved Phezukomoya and San Kraal WEF sites). The OHLs proposed are required to transfer the electricity generated by the new proposed WEFs on-site substations to the authorised Phezukomoya and/or San Kraal Substation.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The proposed electrical grid connection and associated infrastructure for the San Kraal Split 1, Hartebeesthoek east, Phezukomoya Split 1, and Hartebeesthoek West Wind Energy Facilities in the Eastern and Northern Cape Provinces are 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 must 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 the EA will not be extended further, 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 –
  - 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 must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

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 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.
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### **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**

28. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors, as recommended by the specialist. 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.
29. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
30. 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).
31. Any substantial archaeological sites (i.e. dense artefact clusters or stratified deposits) encountered during construction work must be reported by staff, and contractors to the responsible Environmental Control Officer, who must ensure that finds are safeguarded in situ. The responsible heritage management authority (SAHRA for the Northern Cape or the Eastern Cape Provincial Heritage Resources Authority (ECPHRA) for the Eastern Cape) must be notified of any finds immediately so that appropriate mitigation action can be taken by a professional archaeologist.
32. In the event of human remains being found on during construction activities, work in the vicinity of the remains must cease immediately, SAHRA or the ECPHRA must be informed of the discovery, and the remains must be removed by an archaeologist under a permit from SAHRA or the ECPHRA.
33. Vegetation clearing must occur in a phased manner in accordance with the construction programme to minimise erosion and/or run-off. Furthermore, vegetation clearing must be kept to an absolute minimum and must be limited to the footprint of the proposed development in order to minimise habitat loss and erosion.
34. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping.
35. All construction camps, lay down areas, batching plants and any stores should be located more than 50m from any demarcated watercourses.
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36. No power line towers, substations and construction camps must be placed within the delineated watercourses as well as their respective buffers without obtaining the required approvals from the relevant competent authority.

### **General**

37. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-

37.1. at the site of the authorised activity;

37.2. to anyone on request; and

37.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.

38. 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: 17/06/2020

  
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 information contained in the BAR dated December 2019;
- b) The comments received from SAHRA and interested and affected parties as included in the BAR dated December 2019;
- c) Mitigation measures as proposed in the BAR dated December 2019 and the EMPr;
- d) The information contained in the specialist studies contained within Volume II of the BAR; 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 project stems from transferring the generated electricity from proposed split(s) of the authorised San Kraal WEF and Phezukomoya WEF to the national grid ('Grid Infrastructure').
- c) The BAR dated December 2019 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the BAR dated December 2019 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 BAR dated December 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 BAR dated December 2019 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 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.





# forestry, fisheries & the environment

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

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DFFE Reference: 14/12/16/3/3/1/2076/1

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Mr Sheldon Vandrey  
San Kraal Wind Power (Pty) Ltd  
Waterfront Business Park, Building 5 – Ground Floor  
1204 Humerail Road  
Humerail  
PORT ELIZABETH  
6001

Telephone Number: (041) 506 4200  
Email Address: sheldon.vandrey@edf-re.co.za

## PER EMAIL

Dear Mr Vandrey

### **APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE ELECTRICAL GRID CONNECTION AND ASSOCIATED INFRASTRUCTURE REQUIRED FOR THE SAN KRAAL SPLIT 1 WIND ENERGY FACILITY, EASTERN AND NORTHERN CAPE PROVINCES**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 17 June 2020, your application for amendment of the EA received on 10 August 2021, the acknowledgement letter dated 19 August 2021 and the additional information received on 02 September 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5, Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 17 June 2020 by issuing a new EA.

**The attached EA will replace the EA dated 17 June 2020 as amended. All further amendments must be lodged on the attached EA.**

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 decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

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

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@environment.gov.za](mailto:appeals@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 [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully



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

Date: 29/09/2021

cc:	Dineo Moleko	NC: DENC	Email: <a href="mailto:dmoleko@ncppg.gov.za">dmoleko@ncppg.gov.za</a>
	Amos Mpela	Umsobomvu Local Municipality	Email: <a href="mailto:mpela@umsobomvumun.co.za">mpela@umsobomvumun.co.za</a>
	Siyabonga Gqalangile	EC: DFEDEAT	Email: <a href="mailto:Siyabonga.Gqalangile@dedea.gov.za">Siyabonga.Gqalangile@dedea.gov.za</a>
	Ashlin Bodasing	Arcus Consultancy Services South Africa	Email: <a href="mailto:ashlinb@arcusconsulting.co.za">ashlinb@arcusconsulting.co.za</a>





# forestry, fisheries & the environment

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

## Environmental Authorisation

In terms of Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014, as amended

**Electrical Grid Connection and Associated Infrastructure required for the San Kraal Split 1 Wind Energy Facility, Eastern and Northern Cape Provinces**

**Pixley Ka Seme District Municipality and Chris Hani District Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/2076/1</i>
<b>Last amended:</b>	<i>Splitting and Re-Issue First Issue: 17 June 2020</i>
<b>Holder of authorisation:</b>	<i>San Kraal Wind Power (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Northern Cape Province: Located approximately 10km south of Noupoort within the Umsobomvu Local Municipality;  Eastern Cape Province: Located near Middelburg and Colesberg within the Inxuba Yethemba Local Municipality</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 –

### **SAN KRAAL WIND POWER (PTY) LTD**

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

with the following contact details –

Mr Sheldon Vandrey  
Waterfront Business Park, Building 5 – Ground Floor  
1204 Humerail Road  
Humerail  
**PORT ELIZABETH**  
6001

Telephone Number: (041) 506 4200  
Email Address: sheldon.vandrey@edf-re.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3, as amended (GN R983 and R985, as amended):

Listed activities	Activity/Project description
<p><b><u>Listing Notice 1 Item 11 (i)</u></b></p> <p><i>"The development 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 kilovolts."</i></p>	<p>132 kilovolt overhead power lines will be installed to transfer electricity from the on-site substation(s) to the proposed Eskom Hydra D Substation.</p>
<p><b><u>Listing Notice 1 Item 12 (ii)</u></b></p> <p><i>"The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs,</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;"</i></p>	<p>Infrastructure such as roads is proposed within 32m of a watercourse. The cumulative footprint of all proposed development within 32m of a watercourse will exceed 100 square metres.</p>
<p><b><u>Listing Notice 1 Item 19</u></b></p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;"</i></p>	<p>Construction of the proposed development could include the excavation of soil in watercourses/drainage line areas, and infilling/deposition will exceed 5 cubic metres and, in some instances, exceed 10 cubic metres.</p>
<p><b><u>Listing Notice 1 Item 27</u></b></p> <p><i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation."</i></p>	<p>The infrastructure associated with the overhead power line will require clearing of more than 1 hectare of indigenous vegetation but less than 20 hectares.</p>
<p><b><u>Listing Notice 1 Item 28 (ii)</u></b></p> <p><i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes, or afforestation on or after 01 April 1998 and where such development:</i></p>	<p>Construction of the proposed development will change the land use from agriculture to mixed - agriculture and electricity transmission. The proposed development is outside an urban area and has a footprint that will exceed 1ha.</p>

Listed activities	Activity/Project description
<p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare."</i></p>	
<p><b><u>Listing Notice 3 Item 4</u></b></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</i></p> <p><b>(a) Eastern Cape:</b></p> <p><i>i. Outside urban areas, in:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Areas,</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><b>(g) Northern Cape:</b></p> <p><i>i. Areas outside urban areas; in:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Areas,</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>Internal and external access roads will be constructed, which are wider than 4m. The site falls outside of an urban area and contains indigenous vegetation.</p>
<p><b><u>Listing Notice 3 Item 14</u></b></p> <p><i>"The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs –</i></p> <p><i>(a) within a watercourse; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; <u>excluding</u> the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour."</i></p>	<p>Bridges and infrastructure associated with the overhead power line will be constructed within 32m of a watercourse(s). The site lies outside of an urban area and contains indigenous vegetation.</p>



Listed activities	Activity/Project description
<p><b><u>Listing Notice 3 Item 23</u></b></p> <p><i>“The expansion of—</i>  <i>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs—</i>  <i>(a) within a watercourse;</i>  <i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i>  <b>a. Eastern Cape:</b>  <i>Outside urban areas:</i>  <i>bb) National Protected Area Expansion Strategy Focus areas;</i>  <i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i>  <b>g. Northern Cape:</b>  <i>ii. Outside urban areas:</i>  <i>(bb) National Protected Area Expansion Strategy Focus areas;</i>  <i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.”</i></p>	<p>The construction of the overhead power line will include the expansion of existing bridges over watercourses. The site lies outside of any urban area, and parts of the site fall within a Critical Biodiversity Area.</p>

as described in the Basic Assessment Report (BAR) dated December 2019 and the split matrix report dated September 2021 at:

**21 Digit Surveyor General Codes:**

Farm Number	21 SG Code	Farm Number	21 SG Code
RE 181	C02100000000018100000	3/1	C0480000000000100003
15/182	C02100000000018200015	2/11	C04800000000001100002
3/182	C02100000000018200003	12/1	C0480000000000100012

46/182	C02100000000018200046	RE/117	C03000000000011700000
14	C04800000000001400000	1/117	C03000000000011700001
RE/13	C04800000000001300000	RE/118	C03000000000011800000
1/11	C04800000000001100001	4/11	C04800000000001100004
47/182	C02100000000018200047	RE/11	C04800000000001100000
2	C04800000000000200000	RE/ 8/11	C04800000000001100008
RE/13/1	C04800000000000100013	5	C04800000000000500000
RE/182	C02100000000018200000	RE/6	C04800000000000600000
RE/1/1	C04800000000000100001	3/8	C04800000000000800003
RE/11/1	C04800000000000100011	4/8	C04800000000000800004
18/1	C04800000000000100018		

**Coordinates of the HBH Corridor:**

Infrastructure	Start coordinates		Middle coordinates		End coordinates	
	Start Latitude	Start Longitude	Mid Latitude	Mid Longitude	End Latitude	End Longitude
HBH Corridor	31°15'01"S	025°00'59"E	31°19'15"S	024°55'29"E	31°21'18"S	024°49'32"E
A	31°15'51"S	025°01'56"E	31°15'25"S	025°01'30"E	31°14'58"S	025°01'04"E
B	31°21'18"S	024°49'32"E	31°16'57"S	024°54'32"E	31°14'59"S	025°00'54"E
C	31°15'01"S	025°00'59"E	31°19'15"S	024°55'29"E	31°21'18"S	024°49'32"E
D	31°21'15"S	024°49'30"E	31°18'11"S	024°52'42"E	31°15'09"S	024°55'40"E
E	31°14'54"S	025°01'00"E	31°15'17"S	025°00'15"E	31°15'39"S	024°59'29"E
F	31°15'32"S	024°59'09"E	31°15'31"S	024°59'12"E	31°15'00"S	024°55'35"E
G	31°15'00"S	024°55'34"E	31°15'23"S	024°56'42"E	31°15'16"S	024°57'52"E
H	31°14'13"S	025°02'25"E	31°14'35"S	025°01'46"E	31°14'57"S	025°01'06"E
J	31°13'34"S	025°02'40"E	31°14'17"S	025°01'46"E	31°14'48"S	025°01'01"E

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**Coordinates of the other infrastructure**

Infrastructure	North East coordinates		South West coordinates	
	Latitude	Longitude	Latitude	Longitude
SK-PH collector substation	31.3038835S	24.879562E	31.3077022S	24.8792846E
Substation and OMS Area Expansion	31.2498435S	25.0141775E	31.2522601S	25.0203529E
Phezukomoya Split 1 substation	31.2530301S	24.9627844E	31.2555839S	24.9660476E
Switching Station	31.2603375S	24.9901678E	31.2612556S	24.9911984E
Batching Plant 2 and Lay Down Area	31.2734887S	24.92595E	31.274342S	24.9303926E

Infrastructure	South East coordinates		North West coordinates	
	Latitude	Longitude	Latitude	Longitude
SK-PH collector substation	31.305912S	24.8816471E	31.3056738S	24.8771996E
Substation and OMS Area Expansion	31.2521864S	25.0141174E	31.2499133S	25.0204216E
Phezukomoya Split 1 substation	31.2557042S	24.9630326E	31.2529597S	24.9659961E
Switching Station	31.2612392S	24.9901487E	31.2603539S	24.9912175E
Batching Plant 2 and Lay Down Area	31.275837S	24.9277082E	31.2720188S	24.9285475E

**Coordinates for the access points:**

Infrastructure	Centre Point	
	Latitude	Longitude
Access Point A	31.2782344S	24.9405667E
Access Point B	31.2647104S	24.9440725E
Access Point C	31.3000247S	24.8873085E

- for the electrical grid connection and associated infrastructure required for the San Kraal Split 1 Wind Energy Facility, Eastern and Northern Cape Provinces, hereafter referred to as "the properties".

The project components includes:

- The proposed establishment of a 132kV overhead power line (OHL) (HBH Corridor), which was not assessed as part of the original San Kraal WEF and Phezukomoya WEF. The HBH Corridor will transfer electricity from the authorised San Kraal Substation to the proposed SK-PH collector substation or directly to the proposed Eskom Hydra D Substation.
- A new proposed SK-PH collector substation which will be located within an approved corridor (i.e. of the authorised Phezukomoya WEF). This substation will collect electricity, of all the proposed WEFs, which will be transferred via a single 132kV line to the proposed Eskom Hydra D Substation.
- A proposed expansion to the authorised San Kraal Substation, to facilitate the power generated by the proposed projects.
- San Kraal Split 1 132 kV proposed step-up substation, which will be located approximately 2.0 km NE of the approved San Kraal substation.
- A new temporary batching plant 2 for the Phezukomoya Split 1 WEF.
- New access points, namely A and B which will provide access to the proposed WEFs and Access Point C which will be used for grid access once the line is built.
- The proposed establishment of up to eight 132kV overhead power lines (OHL) dependent on which WEF project phase goes ahead first, and the best possible evacuation on figuration (located within the approved Phezukomoya and San Kraal WEF sites). The OHLs proposed are required to transfer the electricity generated by the new proposed WEFs on-site substations to the authorised Phezukomoya and/or San Kraal Substation.

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The construction of the proposed electrical grid connection and associated infrastructure for the San Kraal Split 1 Wind Energy Facility in the Eastern and Northern Cape Provinces are 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 must 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 the original Environmental Authorisation issued on 17 June 2020 (i.e. the EA lapses on 17 June 2030). If commencement of the activity does not occur within that period, the authorisation lapses and the EA will not be extended further, 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 –
  - 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 must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of

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

### **Management of the activity**

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 20 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 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**

28. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors, as recommended by the specialist. 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.
29. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
30. 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).
31. Any substantial archaeological sites (i.e. dense artefact clusters or stratified deposits) encountered during construction work must be reported by staff, and contractors to the responsible Environmental Control Officer, who must ensure that finds are safeguarded in situ. The responsible heritage management authority



(SAHRA for the Northern Cape or the Eastern Cape Provincial Heritage Resources Authority (ECPHRA) for the Eastern Cape) must be notified of any finds immediately so that appropriate mitigation action can be taken by a professional archaeologist.

32. In the event of human remains being found on during construction activities, work in the vicinity of the remains must cease immediately, SAHRA or the ECPHRA must be informed of the discovery, and the remains must be removed by an archaeologist under a permit from SAHRA or the ECPHRA.
33. Vegetation clearing must occur in a phased manner in accordance with the construction programme to minimise erosion and/or run-off. Furthermore, vegetation clearing must be kept to an absolute minimum and must be limited to the footprint of the proposed development in order to minimise habitat loss and erosion.
34. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping.
35. All construction camps, lay down areas, batching plants and any stores should be located more than 50m from any demarcated watercourses.
36. No power line towers, substations and construction camps must be placed within the delineated watercourses as well as their respective buffers without obtaining the required approvals from the relevant competent authority.

## **General**

37. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 37.1. at the site of the authorised activity;
  - 37.2. to anyone on request; and
  - 37.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
38. 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: 29/09/2021



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisation**

**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 information contained in the BAR dated December 2019;
- b) The comments received from SAHRA and interested and affected parties as included in the BAR dated December 2019;
- c) Mitigation measures as proposed in the BAR dated December 2019 and the EMPr;
- d) The information contained in the specialist studies contained within Volume II of the BAR; 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 information presented in the application for amendment received on 10 August 2021.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems from transferring the generated electricity from proposed split(s) of the authorised San Kraal WEF and Phezukomoya WEF to the national grid ('Grid Infrastructure').
- d) The BAR dated December 2019 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- e) The methodology used in assessing the potential impacts identified in the BAR dated December 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 BAR dated December 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 BAR dated December 2019 is deemed to be accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 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.



# 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: 14/12/16/3/3/1/2076/2

Enquiries: Herman Alberts

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Mr Sheldon Vandrey  
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Waterfront Business Park, Building 5 – Ground Floor  
1204 Humerail Road  
Humerail  
**PORT ELIZABETH**  
6001

Telephone Number: (041) 506 4200  
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## PER EMAIL

Dear Mr Vandrey

### **APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE ELECTRICAL GRID CONNECTION AND ASSOCIATED INFRASTRUCTURE REQUIRED FOR THE PHEZUKOMOYA SPLIT 1 WIND ENERGY FACILITY, EASTERN AND NORTHERN CAPE PROVINCES**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 17 June 2020, your application for amendment of the EA received on 10 August 2021, the acknowledgement letter dated 19 August 2021 and the additional information received on 02 September 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5, Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 17 June 2020 by issuing a new EA.

**The attached EA will replace the EA dated 17 June 2020 as amended.** All further amendments must be lodged on the attached EA.

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 decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

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

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@environment.gov.za](mailto:appeals@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 [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment  
Date: 29/09/2021

cc:	Dineo Moleko	NC: DENC	Email: <a href="mailto:dmoleko@ncpg.gov.za">dmoleko@ncpg.gov.za</a>
	Amos Mpela	Umsobomvu Local Municipality	Email: <a href="mailto:mpela@umsobomvumun.co.za">mpela@umsobomvumun.co.za</a>
	Siyabonga Gqalangile	EC: DFEDEAT	Email: <a href="mailto:Siyabonga.Gqalangile@dedea.gov.za">Siyabonga.Gqalangile@dedea.gov.za</a>
	Ashlin Bodasing	Arcus Consultancy Services South Africa	Email: <a href="mailto:ashlinb@arcusconsulting.co.za">ashlinb@arcusconsulting.co.za</a>





# forestry, fisheries & the environment

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

## Environmental Authorisation

In terms of Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014, as amended

**Electrical Grid Connection and Associated Infrastructure required for the Phezukomoya Split 1 Wind Energy Facility, Eastern and Northern Cape Provinces**

**Pixley Ka Seme District Municipality and Chris Hani District Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/2076/2</i>
<b>Last amended:</b>	<i>Splitting and Re-Issue First Issue: 17 June 2020</i>
<b>Holder of authorisation:</b>	<i>Phezukomoya Wind Power (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Northern Cape Province: Located approximately 10km south of Noupoort within the Umsobomvu Local Municipality;  Eastern Cape Province: Located near Middelburg and Colesberg within the Inxuba Yethemba Local Municipality</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.

## 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 –

### **PHEZUKOMOYA WIND POWER (PTY) LTD**

(hereafter referred to as the holder of the authorisation)

with the following contact details –

Mr Sheldon Vandrey  
Waterfront Business Park, Building 5 – Ground Floor  
1204 Humerail Road  
Humerail  
**PORT ELIZABETH**  
6001

Telephone Number: (041) 506 4200  
Email Address: sheldon.vandrey@edf-re.co.za



to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3, as amended (GN R983 and R985, as amended):

Listed activities	Activity/Project description
<p><b><u>Listing Notice 1 Item 11 (i)</u></b></p> <p><i>"The development 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 kilovolts."</i></p>	<p>132 kilovolt overhead power lines will be installed to transfer electricity from the on-site substation(s) to the proposed Eskom Hydra D Substation.</p>
<p><b><u>Listing Notice 1 Item 12 (ii)</u></b></p> <p><i>"The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs,</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;"</i></p>	<p>Infrastructure such as roads is proposed within 32m of a watercourse. The cumulative footprint of all proposed development within 32m of a watercourse will exceed 100 square metres.</p>
<p><b><u>Listing Notice 1 Item 19</u></b></p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;"</i></p>	<p>Construction of the proposed development could include the excavation of soil in watercourses/drainage line areas, and infilling/deposition will exceed 5 cubic metres and, in some instances, exceed 10 cubic metres.</p>
<p><b><u>Listing Notice 1 Item 27</u></b></p> <p><i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation."</i></p>	<p>The infrastructure associated with the overhead power line will require clearing of more than 1 hectare of indigenous vegetation but less than 20 hectares.</p>
<p><b><u>Listing Notice 1 Item 28 (ii)</u></b></p> <p><i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes, or afforestation on or after 01 April 1998 and where such development:</i></p>	<p>Construction of the proposed development will change the land use from agriculture to mixed - agriculture and electricity transmission. The proposed development is outside an urban area and has a footprint that will exceed 1ha.</p>

Listed activities	Activity/Project description
<p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare."</i></p>	
<p><b><u>Listing Notice 3 Item 4</u></b></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</i></p> <p><b>(a) Eastern Cape:</b></p> <p><i>i. Outside urban areas, in:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Areas,</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><b>(g) Northern Cape:</b></p> <p><i>i. Areas outside urban areas; in:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Areas,</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>Internal and external access roads will be constructed, which are wider than 4m. The site falls outside of an urban area and contains indigenous vegetation.</p>
<p><b><u>Listing Notice 3 Item 14</u></b></p> <p><i>"The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs –</i></p> <p><i>(a) within a watercourse; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; <u>excluding</u> the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour:"</i></p>	<p>Bridges and infrastructure associated with the overhead power line will be constructed within 32m of a watercourse(s). The site lies outside of an urban area and contains indigenous vegetation.</p>

Listed activities	Activity/Project description
<p><b><u>Listing Notice 3 Item 23</u></b></p> <p><i>"The expansion of—</i></p> <p><i>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><b>a. Eastern Cape:</b></p> <p><i>Outside urban areas:</i></p> <p><i>bb) National Protected Area Expansion Strategy Focus areas;</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p> <p><b>g. Northern Cape:</b></p> <p><i>ii. Outside urban areas:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas;</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>The construction of the overhead power line will include the expansion of existing bridges over watercourses. The site lies outside of any urban area, and parts of the site fall within a Critical Biodiversity Area.</p>

as described in the Basic Assessment Report (BAR) dated December 2019 and the split matrix report dated September 2021 at:

**21 Digit Surveyor General Codes:**

Farm Number	21 SG Code	Farm Number	21 SG Code
RE 181	C02100000000018100000	3/1	C0480000000000100003
15/182	C02100000000018200015	2/11	C0480000000001100002
3/182	C02100000000018200003	12/1	C048000000000100012

46/182	C02100000000018200046	RE/117	C03000000000011700000
14	C04800000000001400000	1/117	C03000000000011700001
RE/13	C04800000000001300000	RE/118	C03000000000011800000
1/11	C04800000000001100001	4/11	C04800000000001100004
47/182	C02100000000018200047	RE/11	C04800000000001100000
2	C04800000000000200000	RE/ 8/11	C04800000000001100008
RE/13/1	C04800000000000100013	5	C04800000000000500000
RE/182	C02100000000018200000	RE/6	C04800000000000600000
RE/1/1	C04800000000000100001	3/8	C04800000000000800003
RE/11/1	C04800000000000100011	4/8	C04800000000000800004
18/1	C04800000000000100018		

**Coordinates of the HBH Corridor:**

Infrastructure	Start coordinates		Middle coordinates		End coordinates	
	Start Latitude	Start Longitude	Mid Latitude	Mid Longitude	End Latitude	End Longitude
HBH Corridor	31°15'01"S	025°00'59"E	31°19'15"S	024°55'29"E	31°21'18"S	024°49'32"E
A	31°15'51"S	025°01'56"E	31°15'25"S	025°01'30"E	31°14'58"S	025°01'04"E
B	31°21'18"S	024°49'32"E	31°16'57"S	024°54'32"E	31°14'59"S	025°00'54"E
C	31°15'01"S	025°00'59"E	31°19'15"S	024°55'29"E	31°21'18"S	024°49'32"E
D	31°21'15"S	024°49'30"E	31°18'11"S	024°52'42"E	31°15'09"S	024°55'40"E
E	31°14'54"S	025°01'00"E	31°15'17"S	025°00'15"E	31°15'39"S	024°59'29"E
F	31°15'32"S	024°59'09"E	31°15'31"S	024°59'12"E	31°15'00"S	024°55'35"E
G	31°15'00"S	024°55'34"E	31°15'23"S	024°56'42"E	31°15'16"S	024°57'52"E
H	31°14'13"S	025°02'25"E	31°14'35"S	025°01'46"E	31°14'57"S	025°01'06"E
J	31°13'34"S	025°02'40"E	31°14'17"S	025°01'46"E	31°14'48"S	025°01'01"E

**Coordinates of the other infrastructure:**

Infrastructure	North East coordinates		South West coordinates	
	Latitude	Longitude	Latitude	Longitude
SK-PH collector substation	31.3038835S	24.879562E	31.3077022S	24.8792846E
Substation and OMS Area Expansion	31.2498435S	25.0141775E	31.2522601S	25.0203529E
Phezukomoya Split 1 substation	31.2530301S	24.9627844E	31.2555839S	24.9660476E
Switching Station	31.2603375S	24.9901678E	31.2612556S	24.9911984E
Batching Plant 2 and Lay Down Area	31.2734887S	24.92595E	31.274342S	24.9303926E

Infrastructure	South East coordinates		North West coordinates	
	Latitude	Longitude	Latitude	Longitude
SK-PH collector substation	31.305912S	24.8816471E	31.3056738S	24.8771996E
Substation and OMS Area Expansion	31.2521864S	25.0141174E	31.2499133S	25.0204216E
Phezukomoya Split 1 substation	31.2557042S	24.9630326E	31.2529597S	24.9659961E
Switching Station	31.2612392S	24.9901487E	31.2603539S	24.9912175E
Batching Plant 2 and Lay Down Area	31.275837S	24.9277082E	31.2720188S	24.9285475E

**Coordinates for the access points:**

Infrastructure	Centre Point	
	Latitude	Longitude
Access Point A	31.2782344S	24.9405667E
Access Point B	31.2647104S	24.9440725E
Access Point C	31.3000247S	24.8873085E

- for the electrical grid connection and associated infrastructure required for the Phezukomoya Split 1 Wind Energy Facility, Eastern and Northern Cape Provinces, hereafter referred to as "the properties".

The project components includes:

- The proposed establishment of a 132kV overhead power line (OHL) (HBH Corridor), which was not assessed as part of the original San Kraal WEF and Phezukomoya WEF. The HBH Corridor will transfer

electricity from the authorised San Kraal Substation to the proposed SK-PH collector substation or directly to the proposed Eskom Hydra D Substation.

- A new proposed SK-PH collector substation which will be located within an approved corridor (i.e. of the authorised Phezukomoya WEF). This substation will collect electricity, of all the proposed WEFs, which will be transferred via a single 132kV line to the proposed Eskom Hydra D Substation.
- A proposed expansion to the authorised San Kraal Substation, to facilitate the power generated by the proposed projects.
- Phezukomoya Split 1 Substation, located to the east of the approved Phezukomoya Substation.
- A slight move of the authorised Phezukomoya Switching Station, located approximately 2.5km SE of the San Kraal Substation for the proposed Hartebeesthoek (HBH) West WEF.
- A new temporary batching plant 2 for the Phezukomoya Split 1 WEF.
- New access points, namely A and B which will provide access to the proposed WEFs and Access Point C which will be used for grid access once the line is built.
- The proposed establishment of up to eight 132kV overhead power lines (OHL) dependent on which WEF project phase goes ahead first, and the best possible evacuation on figuration (located within the approved Phezukomoya and San Kraal WEF sites). The OHLs proposed are required to transfer the electricity generated by the new proposed WEFs on-site substations to the authorised Phezukomoya and/or San Kraal Substation.

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The construction of the electrical grid connection and associated infrastructure required for the Phezukomoya Split 1 Wind Energy Facility in the Eastern and Northern Cape Provinces are 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 must 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 the original Environmental Authorisation issued on 17 June 2020 (i.e. the EA lapses on 17 June 2030). If commencement of the activity does not occur within that period, the authorisation lapses and the EA will not be extended further, 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 –
  - 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 must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of

1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

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 20 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 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**

28. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors, as recommended by the specialist. 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.
29. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
30. 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).
31. Any substantial archaeological sites (i.e. dense artefact clusters or stratified deposits) encountered during construction work must be reported by staff, and contractors to the responsible Environmental Control Officer, who must ensure that finds are safeguarded in situ. The responsible heritage management authority (SAHRA for the Northern Cape or the Eastern Cape Provincial Heritage Resources Authority (ECPRHA) for the Eastern Cape) must be notified of any finds immediately so that appropriate mitigation action can be taken by a professional archaeologist.

32. In the event of human remains being found on during construction activities, work in the vicinity of the remains must cease immediately, SAHRA or the ECPHRA must be informed of the discovery, and the remains must be removed by an archaeologist under a permit from SAHRA or the ECPHRA.
33. Vegetation clearing must occur in a phased manner in accordance with the construction programme to minimise erosion and/or run-off. Furthermore, vegetation clearing must be kept to an absolute minimum and must be limited to the footprint of the proposed development in order to minimise habitat loss and erosion.
34. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping.
35. All construction camps, lay down areas, batching plants and any stores should be located more than 50m from any demarcated watercourses.
36. No power line towers, substations and construction camps must be placed within the delineated watercourses as well as their respective buffers without obtaining the required approvals from the relevant competent authority.

#### **General**

37. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 37.1. at the site of the authorised activity;
  - 37.2. to anyone on request; and
  - 37.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
38. 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: 20/09/2021



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisation**

**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 information contained in the BAR dated December 2019;
- b) The comments received from SAHRA and interested and affected parties as included in the BAR dated December 2019;
- c) Mitigation measures as proposed in the BAR dated December 2019 and the EMPr;
- d) The information contained in the specialist studies contained within Volume II of the BAR; 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 information presented in the application for amendment received on 10 August 2021.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems from transferring the generated electricity from proposed split(s) of the authorised San Kraal WEF and Phezukomoya WEF to the national grid ('Grid Infrastructure').
- d) The BAR dated December 2019 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- e) The methodology used in assessing the potential impacts identified in the BAR dated December 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 BAR dated December 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 BAR dated December 2019 is deemed to be accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 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.



# 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: 14/12/16/3/3/1/2076/3

Enquiries: Herman Alberts

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

Mr Sheldon Vandrey  
Hartebeesthoek Wind Power (Pty) Ltd  
Waterfront Business Park, Building 5 – Ground Floor  
1204 Humerail Road  
Humerail  
**PORT ELIZABETH**  
6001

Telephone Number: (041) 506 4200  
Email Address: sheldon.vandrey@edf-re.co.za

## PER EMAIL

Dear Mr Vandrey

### **APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE ELECTRICAL GRID CONNECTION AND ASSOCIATED INFRASTRUCTURE REQUIRED FOR THE HARTEBEESTHOEK EAST WIND ENERGY FACILITY AND HARTEBEESTHOEK WEST WIND ENERGY FACILITY, EASTERN AND NORTHERN CAPE PROVINCES**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 17 June 2020, your application for amendment of the EA received on 10 August 2021, the acknowledgement letter dated 19 August 2021 and the additional information received on 02 September 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5, Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 17 June 2020 by issuing a new EA.

**The attached EA will replace the EA dated 17 June 2020 as amended.** All further amendments must be lodged on the attached EA.

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 decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

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

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@environment.gov.za](mailto:appeals@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 [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
**Date: 29/09/2021**

cc:	Dineo Moleko	NC: DENC	Email: <a href="mailto:dmoleko@ncpg.gov.za">dmoleko@ncpg.gov.za</a>
	Amos Mpela	Umsobomvu Local Municipality	Email: <a href="mailto:mpela@umsobomvumun.co.za">mpela@umsobomvumun.co.za</a>
	Siyabonga Gqalangile	EC: DFEDEAT	Email: <a href="mailto:Siyabonga.Gqalangile@dedea.gov.za">Siyabonga.Gqalangile@dedea.gov.za</a>
	Ashlin Bodasing	Arcus Consultancy Services South Africa	Email: <a href="mailto:ashlinb@arcusconsulting.co.za">ashlinb@arcusconsulting.co.za</a>





# forestry, fisheries & the environment

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

## Environmental Authorisation

In terms of Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014, as amended

Electrical Grid Connection and Associated Infrastructure required for the Hartebeesthoek East Wind Energy Facility and Hartebeesthoek West Wind Energy Facility, Eastern and Northern Cape Provinces

Pixley Ka Seme District Municipality and Chris Hanl District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/1/2076/3
<b>Last amended:</b>	<i>Splitting and Re-Issue</i> <i>First Issue: 17 June 2020</i>
<b>Holder of authorisation:</b>	<i>Hartebeesthoek Wind Power (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Northern Cape Province: Located approximately 10km south of Noupoort within the Umsobomvu Local Municipality;</i>  <i>Eastern Cape Province: Located near Middelburg and Colesberg within the Inxuba Yethemba Local Municipality</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 –

### **HARTEBEESTHOEK WIND POWER (PTY) LTD**

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

with the following contact details –

Mr Sheldon Vandrey  
Waterfront Business Park, Building 5 – Ground Floor  
1204 Humerail Road  
Humerail  
**PORT ELIZABETH**  
6001

Telephone Number: (041) 506 4200  
Email Address: sheldon.vandrey@edf-re.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3, as amended (GN R983 and R985, as amended):

Listed activities	Activity/Project description
<p><b><u>Listing Notice 1 Item 11 (i)</u></b></p> <p><i>"The development 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 kilovolts."</i></p>	<p>132 kilovolt overhead power lines will be installed to transfer electricity from the on-site substation(s) to the proposed Eskom Hydra D Substation.</p>
<p><b><u>Listing Notice 1 Item 12 (ii)</u></b></p> <p><i>"The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs,</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;"</i></p>	<p>Infrastructure such as roads is proposed within 32m of a watercourse. The cumulative footprint of all proposed development within 32m of a watercourse will exceed 100 square metres.</p>
<p><b><u>Listing Notice 1 Item 19</u></b></p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;"</i></p>	<p>Construction of the proposed development could include the excavation of soil in watercourses/drainage line areas, and infilling/deposition will exceed 5 cubic metres and, in some instances, exceed 10 cubic metres.</p>
<p><b><u>Listing Notice 1 Item 27</u></b></p> <p><i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation."</i></p>	<p>The infrastructure associated with the overhead power line will require clearing of more than 1 hectare of indigenous vegetation but less than 20 hectares.</p>
<p><b><u>Listing Notice 1 Item 28 (ii)</u></b></p> <p><i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes, or afforestation on or after 01 April 1998 and where such development:</i></p>	<p>Construction of the proposed development will change the land use from agriculture to mixed - agriculture and electricity transmission. The proposed development is outside an urban area and has a footprint that will exceed 1ha.</p>

Listed activities	Activity/Project description
<p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare."</i></p>	
<p><b><u>Listing Notice 3 Item 4</u></b></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</i></p> <p><b>(a) Eastern Cape:</b></p> <p><i>i. Outside urban areas, in:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Areas,</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><b>(g) Northern Cape:</b></p> <p><i>i. Areas outside urban areas; in:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Areas,</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>Internal and external access roads will be constructed, which are wider than 4m. The site falls outside of an urban area and contains indigenous vegetation.</p>
<p><b><u>Listing Notice 3 Item 14</u></b></p> <p><i>"The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs –</i></p> <p><i>(a) within a watercourse; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; <u>excluding</u> the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour:"</i></p>	<p>Bridges and infrastructure associated with the overhead power line will be constructed within 32m of a watercourse(s). The site lies outside of an urban area and contains indigenous vegetation.</p>

Listed activities	Activity/Project description
<p><b><u>Listing Notice 3 Item 23</u></b></p> <p><i>"The expansion of—</i></p> <p><i>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><b>a. Eastern Cape:</b></p> <p><i>Outside urban areas:</i></p> <p><i>bb) National Protected Area Expansion Strategy Focus areas;</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p> <p><b>g. Northern Cape:</b></p> <p><i>ii. Outside urban areas:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas;</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>The construction of the overhead power line will include the expansion of existing bridges over watercourses. The site lies outside of any urban area, and parts of the site fall within a Critical Biodiversity Area.</p>

as described in the Basic Assessment Report (BAR) dated December 2019 and the split matrix report dated September 2021 at:

**21 Digt Surveyor General Codes:**

Farm Number	21 SG Code	Farm Number	21 SG Code
RE 181	C02100000000018100000	3/1	C04800000000000100003
15/182	C02100000000018200015	2/11	C04800000000001100002
3/182	C02100000000018200003	12/1	C0480000000000100012

46/182	C02100000000018200046	RE/117	C03000000000011700000
14	C04800000000001400000	1/117	C03000000000011700001
RE/13	C04800000000001300000	RE/118	C03000000000011800000
1/11	C04800000000001100001	4/11	C04800000000001100004
47/182	C02100000000018200047	RE/11	C04800000000001100000
2	C04800000000000200000	RE/ 8/11	C04800000000001100008
RE/13/1	C04800000000000100013	5	C04800000000000500000
RE/182	C02100000000018200000	RE/6	C04800000000000600000
RE/1/1	C04800000000000100001	3/8	C04800000000000800003
RE/11/1	C04800000000000100011	4/8	C04800000000000800004
18/1	C04800000000000100018		

**Coordinates of the HBH Corridor:**

Infrastructure	Start coordinates		Middle coordinates		End coordinates	
	Start Latitude	Start Longitude	Mid Latitude	Mid Longitude	End Latitude	End Longitude
HBH Corridor	31°15'01"S	025°00'59"E	31°19'15"S	024°55'29"E	31°21'18"S	024°49'32"E
A	31°15'51"S	025°01'56"E	31°15'25"S	025°01'30"E	31°14'58"S	025°01'04"E
B	31°21'18"S	024°49'32"E	31°16'57"S	024°54'32"E	31°14'59"S	025°00'54"E
C	31°15'01"S	025°00'59"E	31°19'15"S	024°55'29"E	31°21'18"S	024°49'32"E
D	31°21'15"S	024°49'30"E	31°18'11"S	024°52'42"E	31°15'09"S	024°55'40"E
E	31°14'54"S	025°01'00"E	31°15'17"S	025°00'15"E	31°15'39"S	024°59'29"E
F	31°15'32"S	024°59'09"E	31°15'31"S	024°59'12"E	31°15'00"S	024°55'35"E
G	31°15'00"S	024°55'34"E	31°15'23"S	024°56'42"E	31°15'16"S	024°57'52"E
H	31°14'13"S	025°02'25"E	31°14'35"S	025°01'46"E	31°14'57"S	025°01'06"E
J	31°13'34"S	025°02'40"E	31°14'17"S	025°01'46"E	31°14'48"S	025°01'01"E

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**Coordinates of the other infrastructure:**

Infrastructure	North East coordinates		South West coordinates	
	Latitude	Longitude	Latitude	Longitude
SK-PH collector substation	31.3038835S	24.879562E	31.3077022S	24.8792846E
Substation and OMS Area Expansion	31.2498435S	25.0141775E	31.2522601S	25.0203529E
Phezukomoya Split 1 substation	31.2530301S	24.9627844E	31.2555839S	24.9660476E
Switching Station	31.2603375S	24.9901678E	31.2612556S	24.9911984E
Batching Plant 2 and Lay Down Area	31.2734887S	24.92595E	31.274342S	24.9303926E

Infrastructure	South East coordinates		North West coordinates	
	Latitude	Longitude	Latitude	Longitude
SK-PH collector substation	31.305912S	24.8816471E	31.3056738S	24.8771996E
Substation and OMS Area Expansion	31.2521864S	25.0141174E	31.2499133S	25.0204216E
Phezukomoya Split 1 substation	31.2557042S	24.9630326E	31.2529597S	24.9659961E
Switching Station	31.2612392S	24.9901487E	31.2603539S	24.9912175E
Batching Plant 2 and Lay Down Area	31.275837S	24.9277082E	31.2720188S	24.9285475E

**Coordinates for the access points:**

Infrastructure	Centre Point	
	Latitude	Longitude
Access Point A	31.2782344S	24.9405667E
Access Point B	31.2647104S	24.9440725E
Access Point C	31.3000247S	24.8873085E

- for the electrical grid connection and associated infrastructure required for the Hartebeesthoek East Wind Energy Facility and Hartebeesthoek West Wind Energy Facility, Eastern and Northern Cape Provinces, hereafter referred to as "the properties".

**The project components includes:**

- The proposed establishment of a 132kV overhead power line (OHL) (HBH Corridor), which was not assessed as part of the original San Kraal WEF and Phezukomoya WEF. The HBH Corridor will transfer

electricity from the authorised San Kraal Substation to the proposed SK-PH collector substation or directly to the proposed Eskom Hydra D Substation.

- A new proposed SK-PH collector substation which will be located within an approved corridor (i.e. of the authorised Phezukomoya WEF). This substation will collect electricity, of all the proposed WEFs, which will be transferred via a single 132kV line to the proposed Eskom Hydra D Substation.
- A proposed expansion to the authorised San Kraal Substation, to facilitate the power generated by the proposed projects.
- Hartebeesthoek (HBH) East on-site substation, located approximately 2.3 km SE of the San Kraal substation.
- A slight move of the authorised Phezukomoya Switching Station, located approximately 2.5km SE of the San Kraal Substation for the proposed Hartebeesthoek (HBH) West WEF.
- A new temporary batching plant 2 for the Phezukomoya Split 1 WEF.
- New access points, namely A and B which will provide access to the proposed WEFs and Access Point C which will be used for grid access once the line is built.
- The proposed establishment of up to eight 132kV overhead power lines (OHL) dependent on which WEF project phase goes ahead first, and the best possible evacuation on figuration (located within the approved Phezukomoya and San Kraal WEF sites). The OHLs proposed are required to transfer the electricity generated by the new proposed WEFs on-site substations to the authorised Phezukomoya and/or San Kraal Substation.

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The proposed electrical grid connection and associated infrastructure for the Hartebeesthoek East and Hartebeesthoek West Wind Energy Facilities in the Eastern and Northern Cape Provinces are 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 must 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 the original Environmental Authorisation issued on 17 June 2020 (i.e. the EA lapses on 17 June 2030). If commencement of the activity does not occur within that period, the authorisation lapses and the EA will not be extended further, 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 –
  - 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 must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of

1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

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 20 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 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**

28. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors, as recommended by the specialist. 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.
29. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
30. 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).
31. Any substantial archaeological sites (i.e. dense artefact clusters or stratified deposits) encountered during construction work must be reported by staff, and contractors to the responsible Environmental Control Officer, who must ensure that finds are safeguarded in situ. The responsible heritage management authority (SAHRA for the Northern Cape or the Eastern Cape Provincial Heritage Resources Authority (ECPRHA) for the Eastern Cape) must be notified of any finds immediately so that appropriate mitigation action can be taken by a professional archaeologist.

32. In the event of human remains being found on during construction activities, work in the vicinity of the remains must cease immediately, SAHRA or the ECPHRA must be informed of the discovery, and the remains must be removed by an archaeologist under a permit from SAHRA or the ECPHRA.
33. Vegetation clearing must occur in a phased manner in accordance with the construction programme to minimise erosion and/or run-off. Furthermore, vegetation clearing must be kept to an absolute minimum and must be limited to the footprint of the proposed development in order to minimise habitat loss and erosion.
34. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping.
35. All construction camps, lay down areas, batching plants and any stores should be located more than 50m from any demarcated watercourses.
36. No power line towers, substations and construction camps must be placed within the delineated watercourses as well as their respective buffers without obtaining the required approvals from the relevant competent authority.

#### **General**

37. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 37.1. at the site of the authorised activity;
  - 37.2. to anyone on request; and
  - 37.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
38. 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: 29/09/2021



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisation  
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 information contained in the BAR dated December 2019;
- b) The comments received from SAHRA and interested and affected parties as included in the BAR dated December 2019;
- c) Mitigation measures as proposed in the BAR dated December 2019 and the EMPr;
- d) The information contained in the specialist studies contained within Volume II of the BAR; 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 information presented in the application for amendment received on 10 August 2021.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems from transferring the generated electricity from proposed split(s) of the authorised San Kraal WEF and Phezukomoya WEF to the national grid ('Grid Infrastructure').
- d) The BAR dated December 2019 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- e) The methodology used in assessing the potential impacts identified in the BAR dated December 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 BAR dated December 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 BAR dated December 2019 is deemed to be accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 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.