



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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

**DEA Reference:** 14/12/16/3/3/2/837

**Enquiries:** Mr Herman Alberts

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

Mr Mitchell Hodgson  
Scatec Solar SA 330 (Pty) Ltd  
Unit 109B, the Foundry  
75 Prestwich Street, Green Point  
**CAPE TOWN**  
8005

Telephone Number: (087) 702 5868  
Email Address: Mitchell.hodgson@scatecsolar.com

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

Dear Mr Hodgson

### **RE-ISSUE OF THE ENVIRONMENTAL AUTHORISATION BASED ON THE APPEAL DECISION DATED 16 MARCH 2017 FOR THE CONSTRUCTION OF THE 75MW SOLAR PHOTOVOLTAIC FACILITY (KENHARDT PV1) ON THE REMAINING EXTENT OF ONDER RUGZEER FARM 168, NORTH-EAST OF KENHARDT, NORTHERN CAPE PROVINCE**

With reference to the above application, please be advised that based on the appeal decision dated 16 March 2017, the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

**The attached EA will replace the EA refusal dated 04 August 2016. Please note that all further amendments must be lodged on the attached EA.**

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

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

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:**

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

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

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

By post: Private Bag X447,  
Pretoria,  
0001;

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

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

Yours faithfully



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

Date: 07/08/2017

cc:	Ms Surina Laurie	Council for Scientific and Industrial Research	Surina Laurie
	Ms A Yahphi	Northern Cape: DENC	E-mail: <a href="mailto:nyaphi@ncpg.gov.za">nyaphi@ncpg.gov.za</a>
	HT Scheepers	IKheis Local Municipality	E-mail: <a href="mailto:eresascheepers@vodamail.co.za">eresascheepers@vodamail.co.za</a>



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

The 75MW Solar Photovoltaic Facility (Kenhardt PV1) on the Remaining Extent of Onder Rugzeer Farm  
168, north-east of Kenhardt, Northern Cape Province

ZF Mgcawu District Municipality

<b>Authorisation register number:</b>	<i>14/12/16/3/3/2/837</i>
<b>Last amended:</b>	<i>Second issue</i>
<b>Holder of authorisation:</b>	<i>Scatec Solar SA 330 (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Remaining Extent of Farm Onder Rugzeer 168 !Kheis Local Municipality ZF Mgcawu District Municipality Northern Cape Province</i>

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

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## Decision

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

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

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

## Activities authorised

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

### **SCATEC SOLAR SA 330 (PTY) LTD**

with the following contact details –

Mr Mitchell Hodgson  
Unit 109B, The Foundry  
75 Prestwich Street, Green Point  
**CAPE TOWN**  
8005

Telephone Number: (087) 702 5868  
Fax Number: (086) 560 3828  
Cell phone Number: (072) 810 2006  
E-mail Address: Mitchell.hodgson@scatecsolar.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 (GN R. 983, 984 and 985):

Activity number	Activity description
<p><u>GN R. 983 Item 12 (x) and (xii):</u></p> <p><i>"The development of:</i></p> <p><i>(x) buildings exceeding 100 square metres in size;</i></p> <p><i>(xii) 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>b) in front of a development setback; or</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>The proposed 75MW solar PV facility will entail the construction of building infrastructure and structures (such as the solar field, offices, workshop/warehouse, ablution facilities, operational and maintenance control centre, on-site substation, laydown area and security enclosures, as well as the widening of the access road etc.). Therefore, infrastructure associated with the proposed project may occur within the minor drainage lines or within 32m of the edge of the minor (and major) drainage lines.</p>
<p><u>GN R. 983 Item 19 (i):</u></p> <p><i>"The infilling or depositing of any material of more than 5m<sup>3</sup> into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5m<sup>3</sup> from –</i></p> <p><i>(i) A watercourse."</i></p>	<p>The proposed project may entail the excavation, removal and moving of more than 5m<sup>3</sup> of soil, sand, pebbles or rock from the nearby watercourses. The proposed project may also entail the infilling of more than 5m<sup>3</sup> of material into the nearby watercourses.</p>
<p><u>GN R. 983 Item 28 (ii):</u></p> <p><i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(i) Will occur outside an urban area, where the total land to be developed is bigger than 1 hectares."</i></p>	<p>The proposed project will take place on the Remaining Extent of Onder Rugzeer Farm 168, north-east of Kenhardt in the Northern Cape. It is understood that the land is currently used for agricultural purposes (mainly grazing).</p>
<p><u>GN R. 983 Item 56 (i):</u></p> <p><i>"The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre:</i></p>	<p>In terms of access, the proposed project site can be accessed via an existing gravel road and the existing Transnet Service Road (private). Both access routes</p>

<p><i>(i) where no reserve exists, where the existing road is wider than 8 metres"</i></p>	<p>will be considered and included in the proposed project. Discussions are being held with Transnet and the Project Applicant regarding the potential use of the Transnet Road and associated specific requirements. However, should the Transnet Service Road not be used for access, then the unnamed farm gravel road will be used. This farm road, however, will need to be upgraded and widened by more than 6m (where required).</p>
<p><u>GN R. 984 Item 1:</u>  <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area."</i></p>	<p>The proposed project will entail the construction of a 75MW solar PV facility (i.e. facility for the generation of electricity from a renewable resource). The proposed project will be constructed on the Remaining Extent of Onder Rugzeer Farm 168, approximately 80km south of Upington and 30km north-east of Kenhardt within the !Kheis Local Municipality, Northern Cape Province. Hence the proposed project will take place outside of an urban area.</p>
<p><u>GN R. 984 Item 15:</u>  <i>"The clearance of an area of 20 hectares or more of indigenous vegetation."</i></p>	<p>The proposed 75MW solar PV facility will have an estimated footprint of approximately 250ha. As a result, more than 20ha of indigenous vegetation could possibly be removed for the construction of the proposed solar PV facility.</p>
<p><u>GN R. 985 Item 18 (a) (ii) and (iii):</u>  <i>"The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre. In Free State, Limpopo, Mpumalanga and Northern Cape provinces:                  (ii) outside urban areas and                  (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a</i></p>	<p>In terms of access, the proposed project site can be accessed via an existing gravel road and the existing Transnet Service Road (private). Both access routes will be considered and included in the proposed project. Discussions are being held with Transnet and the Project Applicant regarding the potential use of the Transnet Road and associated specific</p>

<p><i>watercourse where no such setback line has been determined."</i></p>	<p>requirements. However, should the Transnet Service Road not be used for access, then the unnamed farm gravel road will be used. This farm road, however, will need to be upgraded and widened by more than 6m (where required).</p>
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as described in the Environmental Impact Assessment Report (EIAR) dated April 2016 at:

**21 SG Code:**

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**Site Coordinates:**

	Latitude	Longitude
A – North East	29°09' 49.47"S	21°18' 18.73"E
B – South West	29°12' 58.77"S	21°16' 24.64"E
C – South-South West	29°13' 4.08"S	21°16' 28.50"E
D - South	29°11' 35.89"S	21°17' 47.39"E
E – East	29°10' 49.56"S	21°18' 42.75"E

- for the 75MW Solar Photovoltaic Facility (Kenhardt PV1) on the Remaining Extent of Onder Rugzeer Farm 168, north-east of Kenhardt in the Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- Solar field;
- Building infrastructure;
- Associated electrical infrastructure at the Eskom Nieuwehoop Substation;
- On-site substation;
- 33kV internal transmission lines/underground cables;
- Underground low voltage cables or cable trays;
- Access roads and internal gravel roads;
- Fencing;
- Panel maintenance and cleaning area;
- Stormwater channels;

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- Water pipelines; and,
- Temporary work area during the construction phase (i.e. laydown area).

Technical details of the proposed facility:

Component	Description/ Dimensions
Location of the site	Remaining Extent of Onder Rugzeer Farm 168
Development footprint	250 hectares
Preferred Site access	An existing gravel road which can be accessed from the R383 Regional Road via the R27 National Road.
Export capacity	75MW
Proposed technology	Photovoltaic Solar
Structure height	< 10 m
Width of internal roads	< 4 m

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The 75MW Solar Photovoltaic Facility (Kenhardt PV1) on the Remaining Extent of Onder Rugzeer Farm 168, north-east of Kenhardt in the Northern Cape Province as described above is hereby approved.
2. Environmental Authorisation is granted on condition that not more than 6 approved facilities in the project area are awarded preferred bidder status by the Department of Energy (DoE).
3. Authorisation of the activity is further 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.
4. 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.
5. The activities authorised may only be carried out at the property as described above.
6. 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.

7. 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.
8. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

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

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued;
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
  - 12.1. informing interested and affected parties of the decision;
  - 12.2. informing interested and affected parties where the decision can be accessed; and
  - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

### **Commencement of the activity**

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

14. A copy of the final development layout map must be made available for comments by registered Interested and Affected Parties and the holder of this authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
  - 14.1. Position of solar facilities and its associated infrastructure;
  - 14.2. All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and its associated infrastructure;
  - 14.3. All existing infrastructure on the site, e.g. roads, buildings, substations, powerlines etc.; and,
  - 14.4. All "no-go" and buffer areas.
15. Furthermore, a shapefile of the development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 or specify if an alternative scale was used. The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title.

The shape file must be submitted to:

**Postal Address:**

Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

**Physical address:**

Department of Environmental Affairs  
Environment House  
473 Steve Biko  
Arcadia  
Pretoria

For Attention: Mr Muhammad Essop

Integrated Environmental Authorisations

Strategic Infrastructure Developments

Telephone Number: (012) 399 9406

Email Address: MEssop@environment.gov.za

16. The Environmental Management Programme (EMPr) submitted as part of the EIAr is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting, and the provisions of this environmental authorisation. The EMPr must be made available for comments by registered Interested and Affected Parties and the holder of this authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
  17. The EMPr amendment must include the following:
    - 17.1. All recommendations and mitigation measures recorded in the EIAr and specialist studies attached as part of the EIAr.
    - 17.2. An Electromagnetic Control (EMC) Plan, which identifies potential risk, mitigation measures and appropriate test and acceptable procedures during the design and construction of this facility. The EMC Plan must be made available to Square Kilometre Array South Africa (SKA-SA) for acceptance.
    - 17.3. The requirements and conditions of this environmental authorisation.
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- 17.4. The findings and subsequent mitigation measures arising from the EMC plan.
  - 17.5. Adequate mitigation measures to minimize the water body effect/polarised light from the photovoltaic facility. These mitigation measures must be recommended by a suitably qualified ornithologist and must be made available to BirdLife SA for comments and support.
  - 17.6. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
  - 17.7. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
  - 17.8. A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
  - 17.9. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
  - 17.10. A storm water and wash water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
  - 17.11. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
  - 17.12. A post construction avifaunal monitoring plan that is in line with Birdlife's most recent guideline.
  - 17.13. An effective monitoring system to detect any leakage or spillage of any hazardous substances during their transportation, handling, use or storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
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- 17.14. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
  - 17.15. A fire management plan to be implemented during the construction and operation of the facility.
  - 17.16. An environmental sensitivity map indicating environmentally sensitive areas and features identified during the EIA process.
  - 17.17. The final site layout map.
  - 17.18. The final site layout map superimposed (overlain) on the environmental sensitivity map. This map must reflect the approved location of the PV facility as stated in the EIAR and this environmental authorisation.
18. The final amended EMPr (once approved) must be implemented and strictly enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development when approved.
  19. Should the holder of this authorisation propose any changes to the EMPr, the holder 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.
  20. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAR be discovered.

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

21. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 28 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
22. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
23. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
24. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to

ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.

25. The holder of this authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

### **Monitoring**

26. The holder of this authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
- 26.1. The ECO must be appointed before commencement of any authorised activities.
- 26.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 26.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 26.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

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

27. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
28. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
29. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.

30. The holder of the authorisation must, in addition, submit 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.
31. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
32. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Notification to authorities**

33. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

#### **Operation of the activity**

34. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

#### **Site closure and decommissioning**

35. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

#### **Specific conditions**

36. An Electromagnetic Control (EMC) Plan, which identifies potential risk, mitigation measures and appropriate test and acceptable procedures during the design and construction of this facility must be developed. The EMC Plan must be made available by the holder of the environmental authorisation to

- the Square Kilometre Array South Africa (SKA-SA) for acceptance and must be included in the EMPr to be submitted to this Department for approval prior to construction.
37. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
  38. All equipment and infrastructure must comply with the Radio Astronomy Protection Levels Regulations. Transmitters established for the purposes of voice and data communication must also comply with the relevant regulations concerning the restriction of use of the radio frequency spectrum that applies in the area concerned.
  39. Clearing of vegetation must be restricted to clearing of areas for development of service infrastructure.
  40. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
  41. Contractors and construction workers must be clearly informed of the no-go areas.
  42. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
  43. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be made available to this Department on request.
  44. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
  45. All areas of disturbed soil must be reclaimed using only indigenous vegetation. Reclamation activities shall be undertaken according to the EMPr.
  46. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
  47. Wetlands, rivers and river riparian areas must be treated as "no-go" areas and appropriately demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
  48. No discharge of effluents or polluted water must be allowed into any rivers or wetland areas.
  49. Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
  50. Anti-erosion measures such as silt fences must be installed in disturbed areas.
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51. No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
  52. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
  53. Disturbed areas must be rehabilitated as soon as possible after construction and local indigenous plants must be used to enhance the conservation of existing natural vegetation on site.
  54. Workers must be made aware of the importance of not polluting rivers or wetlands and the significance of not undertaking activities that could result in such pollution, and this awareness must be promoted throughout the construction phase.
  55. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuters, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
  56. Internal access roads must be located to minimize stream crossings. All structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
  57. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
  58. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
  59. Signage must be erected at appropriate points warning of turning traffic and the construction site.
  60. Construction vehicles carrying materials to the site should avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
  61. Should abnormal loads have to be transported by road to the site, a permit must be obtained from the relevant Provincial Government.
  62. All construction vehicles should adhere to a low speed limit to avoid collisions with susceptible species such as snakes and tortoises.
  63. The holder of this authorisation must reduce visual impacts during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques and restoring exposed soil as closely as possible to their original contour and vegetation.
  64. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act.
  65. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
  66. No unsupervised open fires for cooking or heating must be allowed on site.
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67. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
  68. The holder of this authorisation must provide sanitation facilities within the construction area and along the road so that workers do not pollute the surrounding environment. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste disposal site.
  69. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations.
  70. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
  71. Borrow materials must be obtained only from authorised and permitted sites. Permits must be kept on site by the ECO.
  72. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
  73. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
  74. A pre-construction survey of the final development footprint must be conducted to ascertain the identity and exact number of individuals of protected species affected by the proposed development. Prior to the commencement of construction, a rescue and rehabilitation operation for these species which could survive translocation must be conducted.
  75. No construction activities can commence without having obtained the necessary permits for threatened or protected species (ToPS) listed and provincially protected species within the study area.
  76. Any vegetation clearing that needs to take place as part of maintenance activities, should be done in an environmentally friendly manner, including avoiding the use of herbicides and using manual clearing methods wherever possible.
  77. All construction vehicles must remain on properly demarcated roads. No construction vehicles should be allowed to drive over the vegetation except where no cleared roads are available. In such cases a single track should be used and multiple paths should not be formed. Where temporary access roads are created, they should be rehabilitated as outlined in the rehabilitation plan after completion of construction.
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78. Regular monitoring for erosion must take place to ensure that no erosion problems are occurring at the site as a result of the roads and other infrastructure. All erosion problems observed should be rectified as soon as possible as outlined in the erosion management plan within the EMPr.
79. Excavations must be inspected regularly in order to rescue trapped animals.
80. An appropriately designed and effective stormwater management system must be implemented.
81. Kerbs and storm water channels must be designed in such a way that they can allow small animals and reptiles to move freely.
82. Top soil and subsoil must be stockpiled separately and replaced according to the correct profile i.e. topsoil replaced last. Stockpiles should not be situated such that they obstruct natural water pathways and drainage channels.
83. Top soil stockpiles must not exceed 2m in height, stockpiles older than 6 months must be enriched before they can be used to ensure the effectiveness of the topsoil.
84. Any fauna directly threatened by the construction activities should be removed to a safe location by a suitably qualified person.
85. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
86. The collection, hunting, or harvesting of any plants or animals at the site is strictly forbidden.
87. Lighting for both the construction period and through the operation of the facility must be of low-pressure sodium type, preferably yellow. All perimeter and security lighting must be attached to motion detectors, and should be dark-sky friendly.
88. Electric fencing should not have any strands within 30cm of the ground, which should be sufficient to allow smaller mammals, reptiles and tortoises to pass through (tortoises retreat into their shells when electrocuted and eventually succumb from repeated shocks), but still remain effective as a security barrier.
89. The recommendations of the EAP in the EIAR dated April 2016 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

### **General**

90. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the

instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

91. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 91.1. at the site of the authorised activity;
  - 91.2. to anyone on request; and
  - 91.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
92. 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: 09/08/2017

  
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 application form submitted on 02 October 2015 and acknowledged by the Department on 23 October 2016.
- b) The information contained in the Environmental Impact Assessment Report (EIAR) dated April 2016 and received by this Department on 18 April 2016.
- c) The comments received during the Scoping and EIA phases of the application and submitted as part of the EIAR dated April 2016.
- d) Mitigation measures as proposed in the EIAR dated April 2016 and the EMPr submitted as part of the EIAR dated April 2016.
- e) Specialist studies submitted as part of the EIAR dated April 2016 and received by this Department on 18 April 2016.
- f) The initial refusal of Environmental Authorisation dated 04 August 2016 and the subsequent appeal decision by the Minister dated 16 March 2017.
- g) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

### 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 EIAR dated April 2016 identified all legislation and guidelines that have been considered in the preparation of the EIAR dated April 2016.
- b) A sufficient Public Participation Process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.
- c) The findings of all the specialist studies conducted as part of the EIA process and their recommended mitigation measures.
- d) The appeals decision against the initial refusal of Environmental Authorisation dated 04 August 2016.

### 3. Findings

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

- a) The procedures followed for impact assessment is deemed adequate for the decision-making process.
- b) The Minister has decided to uphold the appeal against the initial refusal of Environmental Authorisation dated 04 August 2016 and grant approval of the project.
- c) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAR and must be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.