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**NEAS REFERENCE NUMBER:** WCP/EIA/0001315/2023  
**DATE OF ISSUE:** 06 NOVEMBER 2023

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED 9-MEGAWATT PHOTOVOLTAIC SOLAR PLANT ON ERF 2819 AND ACCESS ROAD OVER ERVEN 13897 AND REMAINDER ERF 325, GEORGE

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below in respect of **the preferred alternative**, described in the Final Basic Assessment Report ("FBAR") (Ref: 04/GS/09/22), dated 4 October 2023, as prepared and submitted by the appointed environmental assessment practitioner ("EAP"), Mr. Michael Bennet (EAPASA No: 2021/3163), and assisted by Candidate EAP, Ms. Carla Swanepoel (EAPASA No: 2021/3267) of *Sharpley Environmental Services cc*.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager  
% The Director: Electrotechnical Services  
THE GEORGE MUNICIPALITY  
PO Box 19  
GEORGE  
6530

Attention: Mr. Kobus Wilken

E-mail: [lbotha@george.gov.za](mailto:lbotha@george.gov.za)

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the Holder**").

## B. LIST OF ACTIVITY/IES AUTHORISED

Listed Activities	Activity/Project Description
<b>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)</b>	
<p>Activity Number: <b>1</b> Activity Description:</p> <p>The development of facilities or infrastructure for the generation of electricity from a renewable resource where—</p> <ul style="list-style-type: none"> <li>(i) the electricity output is more than 10 megawatts but less than 20 megawatts; or</li> <li>(ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare;</li> </ul> <p>excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs—</p> <ul style="list-style-type: none"> <li>(a) within an urban area; or</li> <li>(b) on existing infrastructure.</li> </ul>	<p>The proposed development of a 9-Megawatt photovoltaic solar plant approximately 14ha in extent on Erf 2819 in Pacaltsdorp, George.</p>
<p>Activity Number: <b>11</b> Activity Description:</p> <p>The development of facilities or infrastructure for the transmission and distribution of electricity—</p> <ul style="list-style-type: none"> <li>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</li> <li>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;</li> </ul> <p>excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is—</p> <ul style="list-style-type: none"> <li>(a) temporarily required to allow for maintenance of existing infrastructure;</li> <li>(b) 2 kilometres or shorter in length;</li> <li>(c) within an existing transmission line servitude; and</li> <li>(d) will be removed within 18 months of the commencement of development.</li> </ul>	<p>The proposed photovoltaic solar plant includes facilities and / or infrastructure to step up the 11 kilovolts to 66 kilovolts in order to connect to the existing 66 kilovolt overhead line.</p>
<p>Activity Number: <b>12</b> Activity Description:</p> <p>The development of—</p>	<p>It is proposed to develop a 4m-wide access road to the proposed photovoltaic solar plant, which will cross watercourses.</p>

<p>(iii) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(iv) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(e) within a watercourse;</p> <p>(f) in front of a development setback; or</p> <p>(g) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p>Activity Number: <b>19</b></p> <p>Activity Description:</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>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p>	<p>The proposed access road to the photovoltaic solar plant crosses watercourses which will require the removing, moving and / or infilling of more than 10m<sup>3</sup> soil within the watercourses.</p>

<p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
<p>Activity Number: <b>27</b> Activity Description:</p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> <li>(i) the undertaking of a linear activity; or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</li> </ul>	<p>The development of the proposed photovoltaic solar plant will require the clearance of ca. 15.2ha of indigenous vegetation as defined in the EIA Regulations, 2014.</p>
<p><b>Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014 (as amended)</b></p>	
<p>Activity Number: <b>4</b> Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> <li>i. Areas zoned for use as public open space or equivalent zoning;</li> <li>ii. Areas outside urban areas; <ul style="list-style-type: none"> <li>(aa) Areas containing indigenous vegetation;</li> <li>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined;</li> </ul> </li> <li>or</li> <li>iii. Inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for conservation use; or</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</li> </ul> </li> </ul>	<p>Access to the proposed photovoltaic solar plant will be obtained via a new proposed 4m-wide access road from Pioneer Street over Erf 13897 and the Remainder of Erf 325.</p>
<p>Activity Number: <b>12</b> Activity Description:</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> <li>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004</li> </ul>	<p>The proposal will require the clearance of ca. 140 000m<sup>2</sup> of indigenous vegetation as defined in the EIA Regulations, 2014 (as amended). The ecosystem on the proposed site has been mapped as Garden Route Granite Fynbos which has a gazetted conservation status of Critically Endangered.</p>

<ul style="list-style-type: none"> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</li> <li>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</li> <li>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</li> </ul>	
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The abovementioned list is hereinafter referred to as **"the listed activities"**.

The Holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The proposal entails the development of a 9-Megawatt photovoltaic ("PV") solar plant on Erf 2819 in Pacaltsdorp, George. In order to achieve this the George Municipality intends to clear approximately 15.2ha of indigenous vegetation. The proposal also includes the development / installation of associated infrastructure, including facilities and / or infrastructure to step up the 11 kilovolts to 66 kilovolts in order to connect to the existing 66 kilovolt overhead line and the development of a 4m-wide access road over Erf 13897 and the Remainder of Erf 325 which will cross watercourses. The proposed solar plant will include the following:

- Photovoltaic solar panel array covering an area of ca. 14ha;
- Low Voltage plant;
- Medium Voltage plant;
- 66/11 kilovolts step-up substation;
- Connection to the existing 66kV overhead powerline to Proefplaas Substation.
- Access and internal roads; and
- Future battery energy storage system.

The proposal will be implemented in accordance with the Site Layout Plan (Drawing No: 22063-E-301 (Rev A), Date: 9 May 2023) drafted by Lyners Consulting Engineers (see Annexure 2 of this Environmental Authorisation). The watercourse crossings will be implemented approximate to the typical design drawing (Drawing No: STW/R-100) drafted by Lyners Consulting Engineers (refer to Annexure 3 of this Environmental Authorisation).

## C. SITE DESCRIPTION AND LOCATION

The proposed photovoltaic solar plant will be located on Erf 2819 in Pacaltsdorp, George. Access to the site will be obtained from Pioneer Street in the Pacaltsdorp Industrial Area, over Erven 13897 and Remainder of Erf 325.

Coordinates of the photovoltaic solar plant:

Point	Latitude (S)			Longitude (E)		
North-eastern corner	34°	00'	10.05"	22°	25'	39.00"
South-eastern corner	34°	00'	16.34"	22°	25'	40.42"
South-western corner	34°	00'	25.75"	22°	25'	21.05"
North-western corner	34°	00'	16.83"	22°	25'	15.50"
Middle	34°	00'	15.53"	22°	25'	33.60"

Coordinates of the access road:

Point	Latitude (S)			Longitude (E)		
Start (End of Pioneer Street)	33°	59'	57.21"	22°	26'	04.61"
+100m	33°	59'	58.55"	22°	26'	01.10"
+100m	33°	59'	59.82"	22°	25'	57.58"
+100m	34°	00'	02.65"	22°	25'	55.63"
+100m	34°	00'	05.30"	22°	25'	53.55"
+100m	34°	00'	06.86"	22°	25'	50.11"
+100m	34°	00'	07.45"	22°	25'	46.34"
+100m	34°	00'	08.65"	22°	25'	42.72"
End (Solar plant access gate)	34°	00'	10.05"	22°	25'	39.00"

SG digit codes:

Property	Surveyor General 21-digit Code
Erf 2819	C02700070000281900000
Erf 13897	C02700020001389700000
Remainder of Erf 325	C02700070000032500000

Refer to Annexure 1 for the Locality Plan of this Environmental Authorisation.

The above is hereinafter referred to as "**the site**".

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Mr. Michael Bennett  
EAPASA No: 2021/3163  
E-mail: [michael@sescc.net](mailto:michael@sescc.net)  
Assisted by: Ms. Carla Swanepoel  
EAPASA No: 2021/3267

Sharples Environmental Services cc

## E. CONDITIONS OF AUTHORISATION

### ***Scope and Validity Period of authorisation***

1. This Environmental Authorisation is granted for the period from date of issue until **30 November 2028** (validity period), during which period the Holder must ensure that the—
  - (a) physical implementation of all the authorised listed activities is started with and concluded;
  - (b) construction monitoring and reporting requirements are undertaken and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
  - (c) post construction rehabilitation and monitoring requirements is undertaken and completed; and
  - (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in respect of the preferred alternative described in the FBAR, dated 4 October 2023, on the site as described in Section C above.

This Environmental Authorisation is for the implementation of ***the preferred alternative*** which entails:

The proposal entails the development of a 9-Megawatt photovoltaic ("PV") solar plant on Erf 2819 in Pacaltsdorp, George. In order to achieve this the George Municipality intends to clear approximately 15.2ha of indigenous vegetation. The proposal also includes the development / installation of associated infrastructure, including facilities and / or infrastructure to step up the 11 kilovolts to 66 kilovolts in order to connect to the existing 66 kilovolt overhead line and the development of a 4m-wide access road over Erf 13897 and the Remainder of Erf 325 which will cross watercourses. The proposed solar plant will include the following:

- Photovoltaic solar panel array covering and area of ca. 14ha;
- Low Voltage plant;
- Medium Voltage plant;
- 66/11 kilovolts step-up substation;
- Connection to the existing 66kV overhead powerline to Proefplaas Substation.
- Access and internal roads; and
- Future battery energy storage system.

The proposal will be implemented in accordance with the Site Layout Plan (Drawing No: 22063-E-301 (Rev A), Date: 9 May 2023) drafted by Lyners Consulting Engineers (see Annexure 2 of this Environmental Authorisation). The watercourse crossings will be implemented approximate to the



typical design drawing (Drawing No: STW/R-100) drafted by Lyners Consulting Engineers (refer to Annexure 3 of this Environmental Authorisation).

3. This Environmental Authorisation may only be implemented in accordance with the approved Environmental Management Programme ("EMPr").
4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

#### **Notification and administration of appeal**

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1. the decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 3;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date when the decision was issued.
  - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
  - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 6.4. provide the registered I&APs with the:
    - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
    - 6.4.2. name of the responsible person for this Environmental Authorisation,
    - 6.4.3. postal address of the Holder,
    - 6.4.4. telephonic and fax details of the Holder,
    - 6.4.5. e-mail address, if any, of the Holder,
    - 6.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
  - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.
  - 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided *i.e.*, the listed activities, including site preparation, must not commence until the appeal is decided.

#### **Written notice to the Competent Authority**

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site.
  - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.



7.2. The notice must also include proof of compliance with the following conditions described herein:

**Condition no.: 6, 11 and 18.1**

8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

**Management of activity/activities**

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is herewith **approved**.
10. The approved EMPr must be included in all contract documentation for all phases of implementation.

**Monitoring**

11. The Holder must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
12. The ECO must–
- 12.1. be appointed prior to commencement of any works (i.e., removal and movement of soil and / or rubble or construction activities commencing;
  - 12.2. ensure compliance with the EMPr and the conditions contained herein;
  - 12.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
  - 12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
13. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
14. Access to the site (referred to in Section C) must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

**Environmental Auditing**

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid, ensure that —
- 15.1. compliance with the conditions of the environmental authorisation and the EMPr, is audited; and
  - 15.2. an Environmental Audit Report is submitted to the Competent Authority within six (6) months of completion of the development activities (construction phase), during which period the post construction rehabilitation and monitoring requirements must be concluded too.

**Note:** Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements.

16. The Environmental Audit Report, must –

- 16.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
- 16.2. provide verifiable findings, in a structured and systematic manner, on–
  - 16.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
  - 16.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 16.3. identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.4. evaluate the effectiveness of the EMPr;
- 16.5. identify shortcomings in the EMPr;
- 16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 16.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 16.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
- 16.9. include a photographic record of the site applicable to the audit; and
- 16.10. be informed by the ECO reports.

17. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

**Specific Conditions**

18. The physical alteration of land comprising of Erf 2819; a portion of Erf 13897 and a portion of Remainder of Erf 325, George, must be restricted to the “development footprint” as depicted on the site development plan (“SDP”) in Annexure 2 attached to this Environmental Authorisation.

Further to the above:

- 18.1. Prior to the commencement of the physical implementation of any activities, the development footprint within the site must be clearly demarcated, preferably fenced-off.
- 18.2. No vegetation or land may be disturbed outside the perimeter of the site, unless such activities are authorised by the competent authority.
- 18.3. For the period during which the environmental authorisation and EMPr remain valid, a buffer area must be established around the wetlands which have been identified on the respective

properties, and such buffer area must be demarcated and maintained as a no-development and no-go area. However, the latter restriction does not apply to the development of the road within the approved access corridor.

The buffer areas, as measured from the edge of the respective wetlands, must be at least—

- (a) 20-metres wide around the wetlands identified as “natural wetland”; and
- (b) 15-metres wide around the identified artificial wetlands.

- 18.4. The holder must take all the required steps to prevent or minimise harm to biodiversity on the remainder of the site.

Further to the above, the Holder must—

- (a) take steps to control and eradicate any listed invasive plant species occurring on the site and to prevent these species from spreading;
- (b) implement the Municipality's invasive species monitoring, control and eradication plan which must be part of the municipal integrated development plan (IDP); however, where no such plan is already in place, the Holder must compile and implement an Invasive Species Eradication and Management Plan for the remainder of the site that will not be developed for the purpose of the photovoltaic solar plant.

**Note:** In terms of the provisions of the National Environmental Management: Biodiversity Act, 2004 (Act no.10 Of 2004), the Invasive Species Control Plan should be submitted to the National Department of Forestry, Fisheries and the Environment: Branch - Biosecurity (“DFFE: Biosecurity”) for consideration and agreement.

- (c) on conclusion of the listed activities demonstrate that substantial physical progress has been made regarding the control and eradication of the listed invasive species occurring on the remainder of the site which will not be developed for the purpose of the photovoltaic solar plant. For example a map and photographic evidence of the areas cleared of listed invasive species should be provided.

19. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

## **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.

## **Amendment of Environmental Authorisation and EMPr**

2. If the Holder does not start with the listed activities and exceed the thresholds of the listed activities within the period referred to in Section G, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

### **Note:**

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
  - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

**Note:** An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
  - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
  - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

## **Compliance with Environmental Authorisation and EMPr**

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is subject to compliance with all the peremptory conditions (6 and 11). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

## **G. APPEALS**

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator;
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker *i.e.* the Competent Authority that issued the decision; and
  - 1.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:  
[Zaahir.Toefy@westerncape.gov.za](mailto:Zaahir.Toefy@westerncape.gov.za);  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za); and copied to  
[DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@westerncape.gov.za)
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker *i.e.*, the Competent Authority that issued the decision.
  - 2.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:  
[Zaahir.Toefy@westerncape.gov.za](mailto:Zaahir.Toefy@westerncape.gov.za); and copied to  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za);  
[DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@westerncape.gov.za)
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or  
By hand: Appeal Administrator  
Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <https://www.westerncape.gov.za/eadp/resource-library/forms>.

## H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

---

**DIRECTOR: DEVELOPMENT MANAGEMENT**

**WESTERN CAPE GOVERNMENT: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 06 NOVEMBER 2023**

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:** 16/3/3/1/D2/44/0016/23

**NEAS REFERENCE NUMBER:** WCP/EIA/0001315/2023

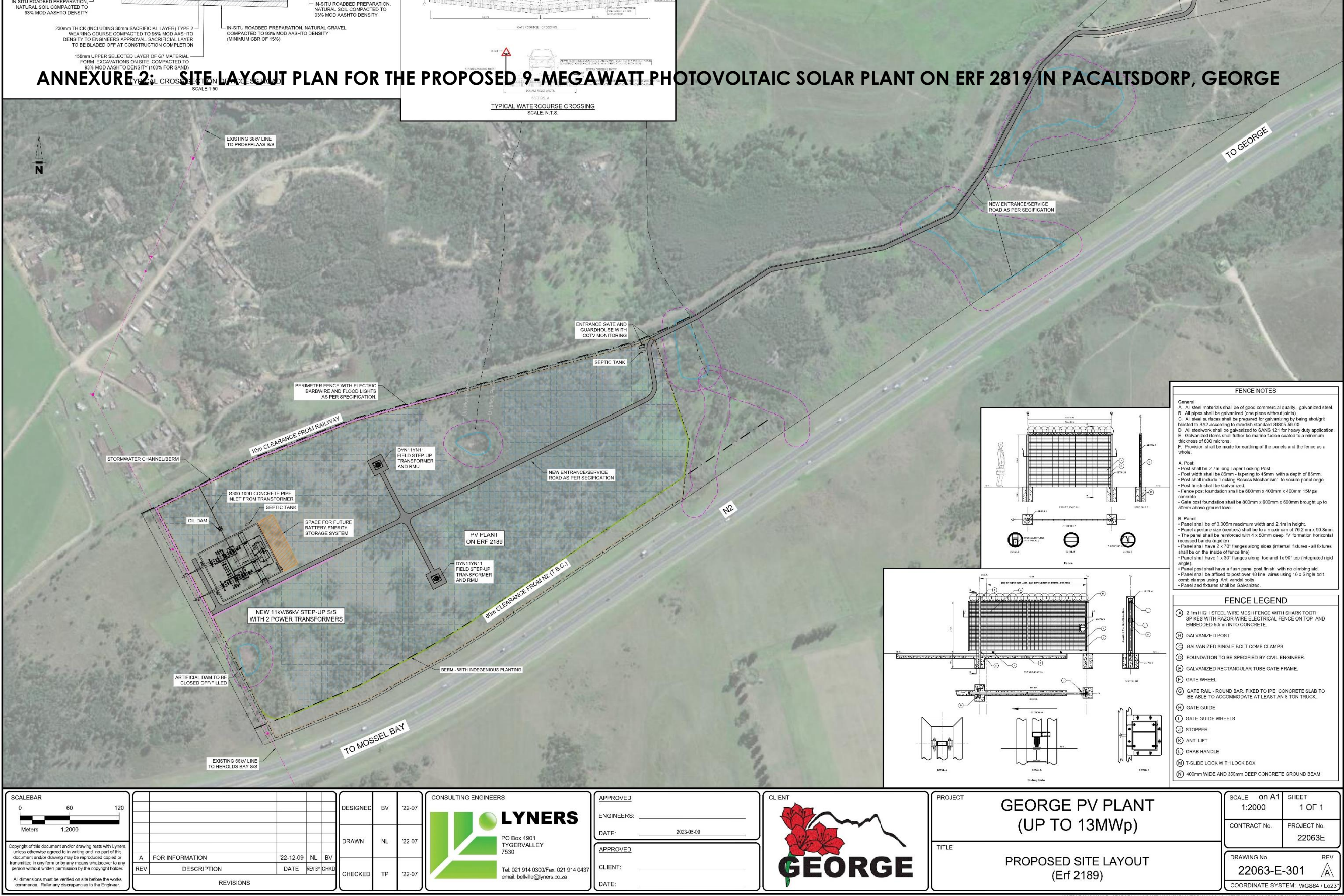


ANNEXURE 1: LO CALITY MAP





ANNEXURE 2: SITE LAYOUT PLAN FOR THE PROPOSED 9-MEGAWATT PHOTOVOLTAIC SOLAR PLANT ON ERF 2819 IN PACALTSDORP, GEORGE



SCALEBAR  
0 60 120  
Meters 1:2000

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All dimensions must be verified on site before the works commence. Refer any discrepancies to the Engineer.

REV	DESCRIPTION	DATE	REV BY	CHKD
A	FOR INFORMATION	'22-12-09	NL	BV
REVISIONS				

DESIGNED	BV	'22-07
DRAWN	NL	'22-07
CHECKED	TP	'22-07

CONSULTING ENGINEERS

**LYNERS**

PO Box 4901  
TYGERVALLEY  
7530

Tel: 021 914 0300/Fax: 021 914 0437  
email: bellville@lyniers.co.za

APPROVED

ENGINEERS: \_\_\_\_\_

DATE: 2023-05-09

APPROVED

CLIENT: \_\_\_\_\_

DATE: \_\_\_\_\_



PROJECT

**GEORGE PV PLANT  
(UP TO 13MWp)**

TITLE

**PROPOSED SITE LAYOUT  
(Erf 2189)**

SCALE: ON A1  
1:2000

SHEET  
1 OF 1

CONTRACT No.  
22063E

PROJECT No.  
22063E

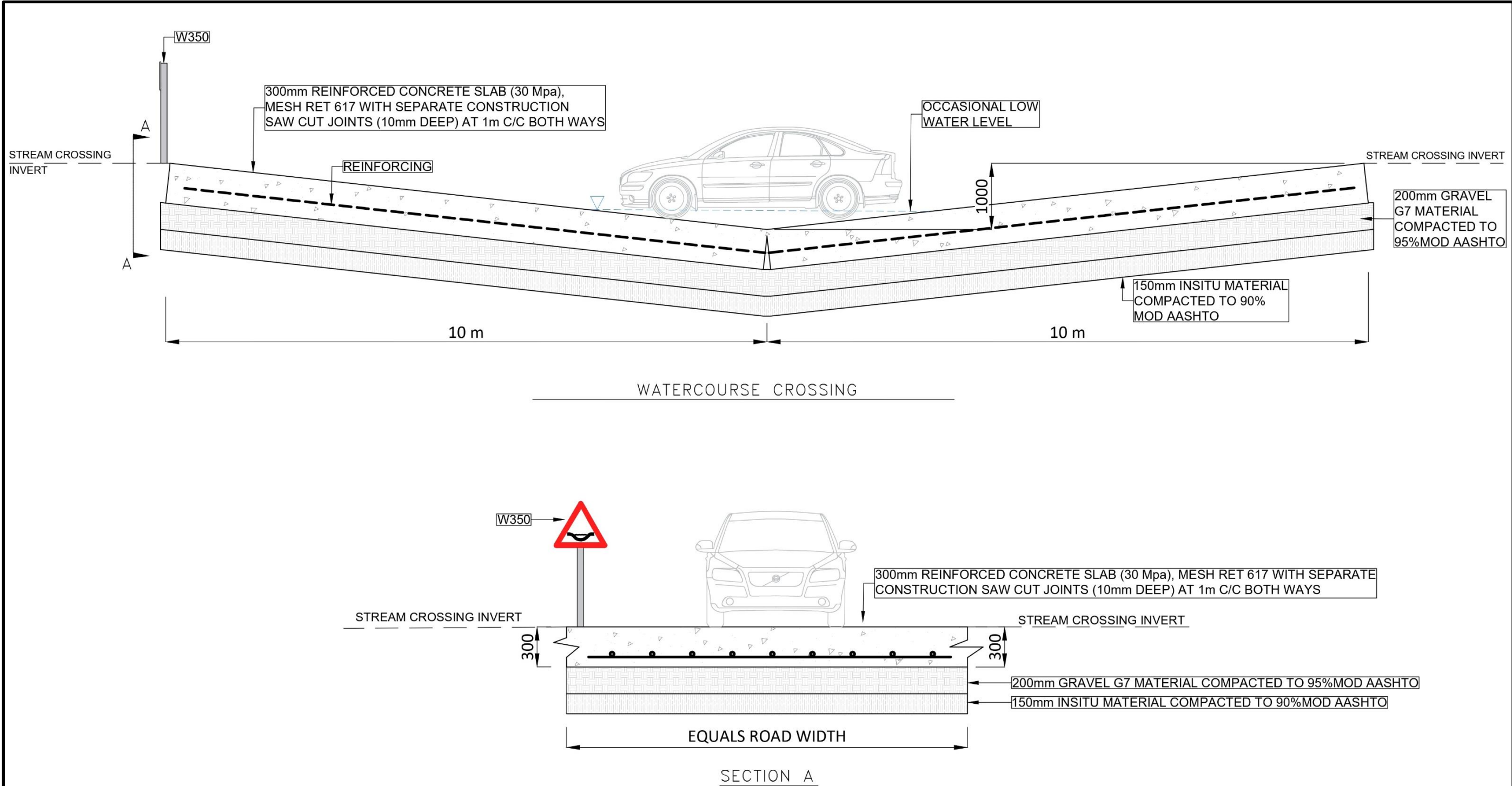
DRAWING No.  
22063-E-301

REV  
A

COORDINATE SYSTEM: WGS84 / Lo23



ANNEXURE 3: PROPOSED DESIGN FOR THE WATERCOURSE CROSSINGS ALONG THE ACCESS ROAD



CONSULTING ENGINEERS

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PROJECT

**TYPICAL WATERCOURSE CROSSING**

SCALE

N.T.S

DRAWING No.

STE/R-100

## ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form, received on 19 July 2023, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 9 October 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR submitted on 9 October 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.

No site visits were conducted during the course of this application process. The relevant officials are familiar with the property and surrounding area. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

### 1. Other relevant legislative considerations

#### ■ *National Water Act, 1998 (Act No. 36 of 1998)*

According to the information contained in the BAR and the supporting documents, there are aquatic features on the on the property and on the site. Some of the features, two drainage lines and a wetland are directly impacted by the proposed upgrade of the access road and associated development of formal water crossings. Furthermore, there are artificial wetlands on the solar site as well. Therefore, the proposed solar plant and associated infrastructure are located within the regulated area of a watercourse for Section 21(c) and (i) water uses as defined in Notice No. 509 of 2016 (Government Gazette No. 40229 of 26 August 2016).

An application for Water Use Authorisation was submitted to the relevant authority, the Breede-Olifants Catchment Management Agency ("BOCMA"). In this regard the Department is satisfied that the information that has been submitted to the BOCMA had been adequately incorporated in the BAR. Furthermore, a General Authorisation (Ref: WU31963) in terms of Section 21(c) and (i) of the National Water Act, Act 36 of 1998, was confirmed by the Department of Water and Sanitation on 2 October 2023.

#### ■ *National Environmental Management: Biodiversity Act, 2004 (Act no.10 Of 2004) ("NEMBA")*

The provisions of the NEMBA to prevent or minimise harm to biodiversity on the site, as well as the monitoring, control and eradication listed invasive species has been considered and integrated in this decision.

## 2. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the two alternative sites for the period 8 June to 12 July 2023;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 7 June 2023 and reminders sent on 21 June 2023;
- the placing of a newspaper advertisement in the "George Herald" on 8 June 2023; and
- making the pre-application BAR available to I&APs for public review and comment from 8 June to 12 July 2023, and the Draft Basic Assessment Report available to I&APs for public review and comment from 17 August to 20 September 2023. The reports were made available on the EAP's website at <https://sescc.net/eia-report/pre-application-basic-assessment-report-for-the-proposed-photovoltaic-solar-plant-on-preferred-erf-2819-with-access-road-crossing-erf-13897-and-erf-re-325-george-western-cape-province/>.

All the comments and issues raised by the respective *Organs of State* and *Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

## 3. Alternatives

### Alternative A - Erf 2819: Preferred Alternative ("Herewith Approved")

This alternative entails the proposed development of a 9-Megawatt photovoltaic solar plant and associated infrastructure on Erf 2819 (ca. 24ha in extent) in Pacaltsdorp, George. The implementation of the requires the clearance of approximately 15.2ha of indigenous vegetation. The proposal also includes the development / installation of associated infrastructure, including facilities and / or infrastructure to step up the 11 kilovolts to 66 kilovolts in order to connect to the existing 66 kilovolt overhead line and the development of a 4m-wide access road over Erf 13897 and the Remainder of Erf 325 which will cross watercourses. The proposed solar plant will include the following:

- Photovoltaic solar panel array covering an area of ca. 14ha;
- Low Voltage plant;
- Medium Voltage plant;
- 66/11 kilovolts step-up substation;
- Connection to the existing 66kV overhead powerline to Proefplaas Substation.
- Access and internal roads; and
- Future battery energy storage system.

The proposal will be implemented in accordance with the Site Layout Plan (Drawing No: 22063-E-301 (Rev A), Date: 9 May 2023) drafted by Lyners Consulting Engineers (see Annexure 2 of this Environmental Authorisation). The watercourse crossings will be implemented approximate to the typical design drawing (Drawing No: STW/R-100) drafted by Lyners Consulting Engineers (refer to Annexure 3 of this Environmental Authorisation).

This is the applicant's preferred alternative due to the following:

- it is located in close proximity to the existing 66kV overhead powerline to Proefplaas Substation to which it will connect; and
- low soil potential, relatively small size of the property and lack of agricultural infrastructure.

#### Alternative B: Portion 37 of the Farm Hansmoeskraal No. 202

This alternative entails the proposed development of a 9-Megawatt photovoltaic solar plant and associated infrastructure on Portion 37 of the Farm Hansmoeskraal No. 202 (ca. 88ha in extent) in Pacaltsdorp, George. The implementation of this proposal requires the loss of approximately 16ha of agricultural land.

- Photovoltaic solar panel array covering an area of ca. 14ha;
- Low Voltage plant;
- Medium Voltage plant;
- 66/11 kilovolts step-up substation;
- Connection to the existing 66kV overhead powerline to Proefplaas Substation.
- internal roads; and
- Future battery energy storage system.

The proposal will be implemented in accordance with the Site Layout Plan (Drawing No: 22063-E-301B (Rev A), Date: 30 March 2023) drafted by Lyners Consulting Engineers.

This is NOT the applicant's preferred alternative due to the following:

- the alternative requires a new overhead powerline extension and registration of a new electrical servitude; and
- the alternative will lead to the loss of land currently utilised for a productive agricultural use.

#### Alternative C: Remainder of Erf 325 (near Outeniqua Wastewater Treatment Works (Not assessed))

An alternative on the Remainder of Erf 325, near the Outeniqua Wastewater Treatment Works ("WWTW") was also identified by the applicant. However, the site was not assessed due to the proximity to the WWTW and existing powerlines and roads across the site. Furthermore, the ca. 10.2ha size of the site was not considered adequate by the applicant for optimal electricity generation.

#### "No-Go" Alternative

The "No-Go" Alternative is the option of not developing the proposed 9-Megawatt photovoltaic solar plant. This will result in the George Municipality not being able to supplement the existing coal-generated electrical supply with renewable electricity and reduce reliance on the coal-generated electricity. Furthermore, the municipality intends to alleviate the pressures of loadshedding during the operational phase of the proposed solar plant. Therefore, this is not the applicant's preferred alternative.

## **4. Impact Assessment and Mitigation Measures**

### *4.1 Activity need and desirability*

According to the applicant South Africa's energy resources are currently under pressure resulting in loadshedding being implemented to prevent system collapse. Loadshedding has had a significant impact on all sectors of the economy. With the proposal 9-Megawatt photovoltaic solar plant, the applicant aims to reduce loadshedding or at least reduce the stage of loadshedding within George and the surrounding areas during the daytime. The proposed facility also makes provision for a future

battery energy storage system which will be able to store the generated energy during night-time and overcast days.

According to the applicant the proposed plant is in line with the National Department of Energy's Integrated Resource Plan 2010-2030 which was developed with the aim of providing a long-term, cost-effective strategy to meet electricity demand in South Africa. This plan aligns with the objectives of the National Government to increase electricity supply from renewable resources.

The Western Cape Provincial Spatial Development Framework (2014) ("WCPSPDF") indicates that energy diversification and efficiency must be pursued in order for the Western Cape to transition to a low carbon, sustainable energy future; and to delink economic growth from energy use. Furthermore, the WCPSPDF indicates that energy generation at scale must be encouraged and supported in order to mitigate climate change.

With due consideration of the above, the Department is satisfied that the applicant has adequately addressed the need and desirability of the proposed photovoltaic plant.

#### 4.2 Aquatic impacts

A description of the aquatic related issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

In this regard, the impact of the proposed photovoltaic plant and its associated infrastructure on the aquatic environment was assessed in the BAR, which was informed by Freshwater Assessment. According to the information the proposed plant and the associated infrastructure will impact on two non-perennial drainage lines which originate on Erf 2819 and exists the property in a northerly direction. The proposed photovoltaic plant will not impact these watercourses directly, but the proposed access road to the proposed plant will cross these features. According to the information these drainage lines are poorly developed and have likely been formed as a result of historical disturbances (e.g. agriculture) across the site. According to the information, due to a lack of defined bed and banks, these drainage lines are not defined as watercourses, but they are natural areas of drainage and have become more prominent due to increased inputs of stormwater from the N2 National Road.

There also are five wetlands present on the property, with only one being considered as being natural. The vegetation in these wetlands consists of *Cliffortia orodata*, *C. strobilifera*, *Juncus effusus*, etc. Two artificial wetlands are located on the site for the proposed plant, while the remaining 2 and the natural wetland are affected by the proposed upgrade of the access road. In this regard, the crossings proposed at the drainage lines are low water crossings which, according to the BAR, will allow low base flows to pass over the road unimpeded.

In order to address the impact of the proposed activities, buffer areas have been established around the drainage lines, which apply to the photovoltaic array only as the access road crosses the drainage lines and / or buffers. For the natural wetland a 20m buffer area has been established and for the artificial wetlands and drainage lines, 15m buffer areas were established. These have been incorporated in the Site Layout Plan for the proposed photovoltaic plant in order to mitigate the impact on the aquatic features.

Furthermore, an application for Water Use Authorisation in terms of Sections 21 (c) and (i) of the National Water Act, Act 36 of 1998 was submitted to the relevant authority. The outcome of the assessment suggested that the impact on water resources is considered low. The General Authorisation was subsequently confirmed on 2 October 2023.



In light of the above, the Department is satisfied that the applicant has adequately demonstrated that the proposed will not have a significant impact on the aquatic features subject to the implementation if the proposed mitigation measures and recommendations in the EMP are implemented and adhered to.

#### 4.3 Terrestrial biodiversity aspects

Descriptions of the biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

The site is located in the coastal fynbos environment on the Southern Coastal Plain. According to relevant GIS data the ecosystem has been mapped as Garden Route Granite Fynbos, which according to the Revised National List of Ecosystems that are threatened and in need of protection (Government Notice No. 2747 of 18 November 2022) has a conservation status of Critically Endangered. According to the BAR the property was previously cultivated but has been laying fallow for several years. A few scattered indigenous species which are typical fynbos species, *inter alia*, *Helichrysum odoratissimum*, *Erica quadrangularis*, *Achyranthemum paniculatum* and *Gnidia squarrosa* are present on the site; however, the vegetation comprises largely of invasive *Acacia mearnsii* (black wattle) which has changed the character to woodland. The information provided by the applicant indicates that the vegetation associates poorly with the mapped ecosystem as only one important taxon, namely *Achyranthemum paniculatum*, was recorded at the site.

The proposed site has been incorporated as part of a Critical Biodiversity Area: Terrestrial 2, due to degradation by previous agricultural activities and failure to management and / or eradicate invasive alien species. In this regard, it is recommended that the applicant compile an invasive alien control and eradication plan to manage the alien species on the remainder of the property. Such a plan must be submitted to the National Department of Forestry, Fisheries and the Environment: Branch - Biosecurity for consideration and agreement.

As a result of the degraded nature of the site and high levels of alien infestation, the habitat for fauna is of poor quality and only supports generalist species and species diversity is considered low. According to the information in the BAR some common bird species were recorded during the survey; however, no faunal Species of Conservation Concern were recorded on site.

With due consideration of the above, this Department is of the considered opinion that the applicant has adequately addressed the biodiversity related aspects and that the proposed photovoltaic plant will not have a significant impact on the terrestrial biodiversity.

#### 4.4 Heritage / Archaeological Aspects

A description of the heritage and archaeological related issues and risks were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

In this regard, a Heritage Impact Assessment ("HIA") was undertaken to inform the BAR. According to the information the proposed photovoltaic plant and associated infrastructure will not impact on any heritage and / or archaeological resources. Furthermore, according to the information the site is located on the Maalgaten Granite (part of the George Pluton, Cape Granite Suite) which is entirely unfossiliferous. Therefore, the proposed photovoltaic plant and associated infrastructure will not impact on any palaeontological features. The implementation of the proposal therefore does not require any mitigation in terms of the heritage related aspects.



The information was provided to Heritage Western Cape which issued its Final Comment (Case No: HWC22112209AM1122) on 22 June 2023, indicating that the findings of the HIA are endorsed. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

#### 4.5 Other impacts

No other significant visual dust, noise and odour impacts have been identified.

### 5. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. The environmental authorisation's validity period has been granted for a period of ca. five (5) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit reports for the construction phase. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.

Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

### 6. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

### 7. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that, except for the activity that has been refused, the proposed listed activities, will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

----- END -----