



**Western Cape
Government**
Environmental Affairs and
Development Planning

Directorate: Land Management
Region 2

REFERENCE NUMBER: 16/3/1/5/F2/2/3007/14
ENQUIRIES: MS. K. ADRIAANSE

DATE OF ISSUE: 06 JUN 2014

The Director
Electra Capital (Pty) Ltd.
P.O. Box 704

GREENPOINT
8000

Attention: Ms. L. Erasmus

Tel: (021) 424 1189
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Dear Madam

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 07 MAY 2013 (REF. NO. 16/3/1/2/F2/2/3047/12 AND THE EXEMPTION REF. NO. 16/3/1/4/F2/2/3048/12) FOR THE PROPOSED 75MW PHOTOVOLTAIC SOLAR PLANT AND ASSOCIATED INFRASTRUCTURE ON FARM NO. 400, BERGVALEY, CEDERBERG.

With reference to your application, find below the amended environmental authorisation in respect of this application.

A. BACKGROUND INFORMATION

1. An application for environmental authorisation for the establishment of a 65MW photovoltaic solar plant and associated infrastructure on Farm No. 400, Bergvaley, Cederberg was submitted to this Department on 20 June 2012. A Scoping and Environmental Impact Assessment Reporting process was followed in this regard. Subsequent to the process, an environmental authorisation ("EA") was issued by this Directorate on 07 May 2013 (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) in this regard;
2. On 30 May 2013, an application for the non-substantive amendment of the description of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) was received by this Department. An amended EA was issued by this Directorate on 20 June 2013 (Ref. No. 16/3/1/5/F2/2/3018/13);
3. On 02 August 2013, an application for the non-substantive amendment of the description of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) was received by this Department. An amended EA was issued by this Directorate on 26 August 2013 (Ref. No. 16/3/1/5/F2/2/3026/13); and

4. Furthermore, on 25 April 2014 an application for a non-substantive amendment to the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) was received by this Department. The amendment entails the following:
 - 4.1. Changes to the activity description;
 - 4.2. The removal of conditions;
 - 4.3. The addition of conditions; and
 - 4.4. The approval of the revised Environmental Management Programme.

B. AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION:

With reference to the abovementioned application, the competent authority has decided, in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations as defined in GN No. R. 543 of 18 June 2010, to amend the Environmental Authorisation ("EA") issued on 07 May 2013 (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) as follows –

1. Section A (Activity Description) and the preferred alternative of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) states:

"The proposed development entails the clearance of indigenous vegetation for the construction of a 65 MegaWatt ("MW") Photovoltaic ("PV") solar plant on Farm No. 400, Bergvaley, Cederberg. The site is situated on either side of the R365.

The proposed development will include the following components:

- PV panel arrays with a maximum height of approximately 5m;
- A sun tracking system will be installed on each panel;
- Internal roads (minor gravel roads);
- Inverters and cabins;
- An internal substation to link to the existing Paleisheuwel substation;
- Two overhead 132kV powerlines which will cross the R365;
- An equipment laydown area;
- A workshop and storage area;
- A security fence around the solar park with a guarded security point; and
- Associated infrastructure.

Both the mounting system alternatives considered, namely the deep screw system or a small concrete foundation block may be implemented.

Approximately 30cm of topsoil will be removed during the construction phase and used to create a berm.

Access will be gained off the R365. All internal roads will not exceed 4m in width.

Approximately 10 water storage tanks will be installed to store water on site. Each tank will have a capacity of approximately 10 000L. Water will be obtained from a borehole situated on the property."

This is hereby replaced with the following:

"The proposed development entails the clearance of indigenous vegetation for the construction of a 75 MegaWatt ("MW") Photovoltaic ("PV") solar plant on Farm No. 400, Bergvaley, Cederberg. The site is situated on either side of the R365.

The proposed development will include the following components:

- PV panel arrays with a maximum height of approximately 5m;
- Internal roads (minor gravel roads);

- Inverters and cabins;
- An internal substation to link to the existing Paleisheuwel substation;
- An underground 33kV powerline which will cross the R365;
- An equipment laydown area;
- A workshop and storage area;
- A security fence around the solar park with a guarded security point; and
- Associated infrastructure.

Both the mounting system alternatives considered, namely the deep screw system or a small concrete foundation block may be implemented.

A minimum of approximately 10cm of topsoil will be removed during the construction phase and used to create a berm.

Access will be gained off the R365. All internal roads will not exceed 4m in width.

A maximum of approximately 100 000L of water will be stored in water storage tanks which will be located on the site. Water will be obtained from a borehole situated on the property or as per written agreement with the Local Authority."

2. Condition 8 of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) states:

"8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved on condition that the following amendments are made to the EMP, and must be implemented.

8.1. An alien vegetation control programme must be developed and implemented.

8.1.1. this must be undertaken by a suitably qualified horticulturalist/botanist; and

8.1.2. the alien vegetation control programme must exclude the removal of the existing pine trees as these trees act as a visual screen along the R365.

8.2. The manner and frequency for updating the EMP must be done as follows:

8.2.1. an application for amendment to the EMP must be submitted to the competent authority if any further amendments are to be made to the EMP, other than those mentioned above, and this may only be implemented once the amended EMP has been authorised by the competent authority."

This is hereby replaced with the following:

"8. The draft Environmental Management Programme ("EMP") dated 22 April 2014 is hereby approved on condition that the following amendments are made to the EMP, and must be implemented.

"8.1. A vegetation management programme must be developed and implemented prior to the commencement of the construction phase.

8.1.1. this must be undertaken by a suitably qualified person;

8.1.2. the vegetation management programme must include inter alia the following:

8.1.2.1. the "No-Go" areas identified in the Botanical Assessment (dated 31 October 2012);

8.1.2.2. the clearance of vegetation for the establishment of the solar plant;

8.1.2.3. a plan for all other areas on the property that must be burned (identified in consultation with the relevant authorities);

- 8.1.2.4. *an alien vegetation control programme which excludes the removal of the existing pine trees as these trees act as a visual screen along the R365;*
- 8.1.2.5. *a rehabilitation programme. The rehabilitation programme must identify suitable indigenous vegetation (which is indigenous in the area) which must be planted between the PV solar panels once they are installed to minimise potential erosion impacts. This must be completed before the facility becomes operational; and*
- 8.1.2.6. *the revised site layout (dated 04 April 2014).*

8.2. *The manner and frequency for updating the EMP must be done as follows:*

- 8.2.1. *an application for amendment to the EMP must be submitted to the competent authority if any further amendments are to be made to the EMP, other than those mentioned above, and this may only be implemented once the amended EMP has been authorised by the competent authority."*

3. Condition 18 of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) is hereby removed.

4. Condition 20 of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) states:

"20. Adequate ablution facilities must be provided for staff on site during all phases of the proposed development. The ratio of 15 people per ablution facility must not be exceeded."

This is hereby replaced with the following:

"20. Adequate ablution facilities must be provided for staff on site during all phases of the proposed development. The ratio of 30 people per ablution facility must not be exceeded."

5. Condition 21 of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) is hereby removed.

Find attached herewith a copy of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12), the first amendment to the EA (Ref. No. 16/3/1/5/F2/2/3018/13) and the second amendment to the EA (Ref. No. 16/3/1/5/F2/2/3026/13).

C. REASONS FOR THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATION:

1. The information contained in the application form for the amendment of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) dated 22 April 2014 and received by this Department on 25 April 2014, was considered;

2. Motivation for the amendment

2.1. To reduce the financial implications of installing two 132kV aboveground powerlines, it was indicated that a 33kV underground powerline would be adequate to service the proposed solar plant. By installing the powerline underground, the potential impacts on birds will be eliminated. The activity description and preferred alternative was therefore amended accordingly;

2.2. The number of water storage tanks required on the site is unknown. Therefore, the number of water storage tanks in the activity description has been removed;

- 2.3. The requirements of Condition 18 will be included in the Environmental Management Programme to address the potential biophysical impacts associated with the proposed development;
- 2.4. Providing 1 ablution facility for every 15 staff was not deemed feasible by the applicant due to financial implications. The ratio of 1 ablution facility for every 30 staff was deemed feasible as this is in accordance with the requirements of the Occupational Health and Safety Act, Construction Regulations, 2014; and
- 2.5. Given that the powerline will be located underground, no impacts on birds are anticipated. Therefore, Condition 21 of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) has been removed;
3. The amendment is non-substantive as the proposed change will not result in significant negative environmental impacts;
4. The environment and the rights and interests of other parties are not likely to be adversely affected by this decision; and
5. The conditions of the EA (Ref. No. 16/3/1/2/F2/2/3047/12 and the Exemption Ref. No. 16/3/1/4/F2/2/3048/12) will remain unchanged and valid.

D. CONDITIONS:

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

1. An appellant must –
 - 1.1. Submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.1.1. if the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted the notice with the Minister, with—
 - (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister and where and for what period the appeal submission will be available for inspection by such person or organ of state.
 - 1.1.2. if the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with—
 - (a) a copy of the notice lodged with the Minister and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
 - 1.2. Submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal;
 - 1.3. That a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister; and
 - 1.4. If a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.

2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. All notice of intention to appeal and appeal forms must be submitted in hard copy by means of one of the following methods:

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: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

PLEASE NOTE: NO appeal, responding and answering statement may be lodged by e-mail.

4. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

Western Cape Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his 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 developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Yours faithfully



ZAHIR TOEFY

DIRECTOR: LAND MANAGEMENT (REGION 2)

DATE OF DECISION: 06/06/2014

Copies to: (1) Ms. L. Jansen (Sharples Environmental Services cc)
(2) Mr. G. Smit/ Mr. A. Booysen (Cederberg Municipality)

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