



REFERENCE NUMBER: 16/3/3/1/F4/20/3030/22
NEAS REFERENCE NUMBER: WCP/EIA/0001161/2022
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: **16 March 2023**

The Director
Lucky Star Limited
Oceana House
7th Floor, 25 Jan Smuts
Foreshore
CAPE TOWN
8001

For Attention: Mr. S. Salie

Tel: (021) 415 8600
Email: karenk@oceana.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A 10 MW SOLAR PHOTOVOLTAIC FACILITY AND ASSOCIATED INFRASTRUCTURE ON PORTION 4 OF FARM DUYKER EILAND NO. 6, ERF 7 AND ERF 8, ST HELENA BAY (PROJECT AURORA).

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the Environmental Authorisation below.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Ms. K. Armstrong (SRK Consulting South Africa (Pty) Ltd)
(2) Ms. N. Duarte (Saldanha Bay Municipality)

Email: karmstrong@srk.co.za
Email: Nazeema.Duarte@sbm.gov.za

REFERENCE NUMBER: 16/3/3/1/F4/20/3030/22

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A 10 MW SOLAR PHOTOVOLTAIC FACILITY AND ASSOCIATED INFRASTRUCTURE ON PORTION 4 OF FARM DUYKER EILAND NO. 6, ERF 7 AND ERF 8, ST HELENA BAY (PROJECT AURORA).

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR") dated November 2022.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
% Mr. S. Salie
Lucky Star Limited
Oceana House
7th Floor, 25 Jan Smuts
Foreshore
CAPE TOWN
8001

Tel: (021) 415 8600
Email: karenk@oceana.co.za

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity / Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 1 Activity Description:</p> <p><i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where—</i></p> <p><i>(i) the electricity output is more than 10 megawatts but less than 20 megawatts; or</i></p> <p><i>(ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare;</i></p> <p><i>excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs—</i></p> <p><i>(a) within an urban area; or</i> <i>(b) on existing infrastructure</i></p> <p>Activity Number: 27 Activity Description:</p> <p><i>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—</i></p> <p><i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development of a 10MW solar photovoltaic facility on Portion 4 of Farm Duyker Eiland No. 6, Erven 7 and 8, St Helena Bay will result in the generation of 10 megawatts of electricity from a renewable resource where the development footprint is approximately 18.5ha in extent.</p> <p>The proposed development of a 10MW solar photovoltaic facility on Portion 4 of Farm Duyker Eiland No. 6, Erven 7 and 8, St Helena Bay will result in the clearance of more than 1ha of indigenous vegetation i.e. approximately 18.5ha in extent.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 4 Activity Description:</p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><u>i Western Cape</u></p> <p><i>(i) Western Cape</i></p> <p><i>i. Areas zoned for use as public open space or equivalent zoning;</i></p> <p><i>ii. Areas outside urban areas;</i></p> <p><i>(aa) Areas containing indigenous vegetation;</i></p> <p><i>(bb) Areas on the estuary side of the development setback line or in an</i></p>	<p>The proposed development of a 10MW solar photovoltaic facility on Portion 4 of Farm Duyker Eiland No. 6, Erven 7 and 8, St Helena Bay will result in the development of roads approximately 5m in width and located outside an urban area on areas containing indigenous vegetation.</p>

Listed Activity	Activity / Project Description
<p style="text-align: center;"><i>estuarine functional zone where no such setback line has been determined; or</i></p> <p>iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	

The abovementioned 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 proposed development:

The authorised development entails the development of a 10MW solar photovoltaic facility and associated infrastructure on Portion 4 of Farm Duyker Eiland No. 6 and Erven 7 and 8, St Helena Bay.

The proposed development will comprise of following components:

- Solar Photovoltaic (“SPV”) facility:

The SPV facility will be located on Portion 4 of Farm Duyker Eiland No. 6, St. Helena Bay and will consist of photovoltaic panels mounted onto a single-axis tracking structure, which will be aligned and mounted in a north-south orientation toward the sun for optimum energy production.

String invertors will be positioned directly below the photovoltaic panels to convert direct-current from solar panels to alternating current.

- Powerlines:

Two 11kV powerlines will be developed. Powerline 1 will connect the new substation to the neighbouring Lucky Star Cannery and Powerline 2 will connect the new substation to Eskom's Oceana mini substation on Concorde Drive to feed into the Eskom grid. Powerline 2 and a portion of Powerline 1 will be located on Portion 4 of Farm Duyker Eiland No. 6 and the remainder of Powerline 1 will be located on Erven 7 and 8, St Helena Bay. A 22m powerline servitude will be established on Portion 4 Farm Duyker Eiland No. 6 and 2m wide powerline servitude will be established on Erven 7 and 8, St Helena Bay.

The powerlines will be a combination of underground and aboveground routing.

- Associated infrastructure:

- Access:

An access road of approximately 155m in length and 5m wide will be developed off Concorde Drive. Internal access roads will also be developed.

- Services:

Internal potable water reticulation pipelines approximately 250m in length with a maximum diameter of approximately 160mm will be developed to provide water to the proposed development. Internal sewerage reticulation pipelines approximately 300m in length with a maximum diameter of approximately 160mm will be developed and will connect the proposed development to an on-site conservancy tank. The conservancy tank will have a capacity of approximately 6kl and will be located approximately 200m south of the SPV facility. Sufficient,

spare and unallocated capacity to service the proposed development has been confirmed by the Local Authority.

An overland stormwater system will be developed to convey stormwater from the internal road network to evaporation channels located adjacent to the roads.

- Auxiliary services:

A step-up / primary 11kV electrical substation (800V – 11kV) will be established on site to connect Powerlines 1 and 2 to the Lucky Star Cannery and the Eskom substation. A perimeter fence with motion-controlled lighting will be installed for safety and security purposes. Buildings for offices, ablution blocks, storerooms, switch room will be developed.

The total development footprint will be approximately 18.5 hectares in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion 4 of Farm Duyker Eiland No. 6 and Erven 7 and 8, St. Helena Bay.

The 21-digit Surveyor General codes are:

Portion 4 of Farm Duyker Eiland No. 6, St. Helena Bay	C0460000000000600004
Erf 7, St. Helena Bay	C04600130000000700000
Erf 8, St. Helena Bay	C04600130000000800000

The central co-ordinate for the proposed development is:

Middle (Point) of SPV facility	34° 43' 27.23" South	17° 58' 05.39" East
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Co-ordinates for the proposed Powerline 1

Start	32° 43' 31.83" South	17° 58' 12.72" East
Middle	32° 43' 32.02" South	17° 58' 28.07" East
End	32° 43' 24.51" South	17° 58' 32.76" East

Co-ordinates for the proposed Powerline 2

Start	32° 43' 32.28" South	17° 58' 12.21" East
Middle	32° 43' 34.20" South	17° 58' 17.86" East
End	32° 43' 37.44" South	17° 58' 18.09" East

Co-ordinates for the proposed access road

Start	32° 43' 27.01" South	17° 58' 16.13" East
Middle	32° 43' 27.01" South	17° 58' 12.29" East

Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

SRK Consulting (South Africa) (Pty) Ltd.
% Ms. K. Armstrong
Postnet Suite #206
Private Bag X18
RONDEBOSCH
7701

Tel: (021) 659 3060
Email: karmstrong@srk.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above and in the BAR dated November 2022 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
3. 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.
 4. 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.

Written notice to the Competent Authority

5. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of the development activity.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10, 14.2, 17 and 18.

Notification and administration of appeal

6. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 6.1. Notify all registered Interested and Affected Parties (“I&APs”) of –
 - 6.1.1. the outcome of 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 F below;
 - 6.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4. Provide the registered I&APs with:
 - 6.4.1. The name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. The name of the responsible person for this Environmental Authorisation;
 - 6.4.3. The postal address of the holder;
 - 6.4.4. The telephonic and fax details of the holder;
 - 6.4.5. The e-mail address, if any, of the holder; and
 - 6.4.6. The 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 National Appeal Regulations, 2014 (as amended).
7. The listed activities, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. 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.

Management of activity

8. The Environmental Management Programme (“EMPr”) (compiled by in SRK Consulting and dated November 2022) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all relevant contract documentation for the applicable phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer (“ECO”), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.

12. Access to the site referred to in Section C above 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.

Auditing

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 13.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activities and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of the environmental audit.
 - 13.2. An Environmental Audit Report must be submitted to the Competent Authority every two (2) years for the duration of the development/construction phase.
 - 13.3. A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of the completion of the construction phase.
 - 13.4. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request.

Specific Conditions

14. In accordance with the Heritage Impact Assessment (compiled by ACO Associates CC and dated August 2022) as endorsed by Heritage Western Cape's final comment (dated 04 November 2022), and as included in the EMPr, the following mitigation measures must be implemented:
 - 14.1. In respect of palaeontological resources, Heritage Western Cape's procedure, Chance Finds of Palaeontological Material must be implemented during all construction-related development activities.
 - 14.2. Three areas of archaeological shell scatter within the Solar Photovoltaic development footprint must be sampled and tested for buried archaeology by a suitably qualified archaeologist prior to the commencement of any vegetation clearance or construction / development activities on the site.
 - 14.3. The disused runway / airstrip and associated features must be avoided and preserved as far as possible, and any impacts on these features as a result of the proposed development must be mitigated.
 - 14.4. Should any heritage and human remains be disturbed, exposed or uncovered during excavations and earthworks for the Solar Photovoltaic facility, work in the vicinity must cease immediately, the remains made secure, preferably in situ and the respective archaeologist and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape notified immediately. Buried remains should not be removed until inspected by an archaeologist. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings;

and/or graves or unmarked human burials including grave goods and/or associated burial material.

15. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate.
16. Surface, storm or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
17. The site must be clearly demarcated prior to the commencement of the development activities. The development footprint of the proposed development must be limited to the demarcated area.
18. In accordance with the Plant Species Compliance Statement (compiled by Capensis and dated December 2021), and as included in the EMPr, should any hedgehoglily (i.e. *Massonia depressa*) plants be located within the development footprint, the aforementioned plant must be translocated to a suitable receptor site by a suitably qualified and experienced person. A search and rescue of the aforementioned plant must therefore be undertaken by a suitably qualified and experienced person prior to the commencement of any land clearing activities.
19. In accordance with the recommendation provided in the Visual Impact Assessment (compiled by SRK Consulting and dated 14 February 2022), and as included in the EMPr, the planting of tall vegetation must be planted along the boundary of the site to form a visual screen upon completion of the site clearance activities in preparation for the development of solar panels.
 - 19.1. The establishment and maintenance of the visual screen must be reported on as part of the environmental audit reports to be submitted to the competent authority.
20. All other recommendations contained in the Terrestrial Biodiversity and Avifaunal Impact Assessment (compiled by Cossypha Ecological and dated May 2022) must be implemented.
21. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be implemented instead.
22. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

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 activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an

application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

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; and
 - 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.
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.
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 form/s must be submitted by means of one of the following methods:
 - By post: Attention: Marius Venter
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 M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: DEADP.Appeals@westerncape.gov.za

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 16 MARCH 2023

Copies to: (1) Ms. K. Armstrong (SRK Consulting South Africa (Pty) Ltd)
(2) Ms. N. Duarte (Saldanha Bay Municipality)

Email: Karmstrong@srk.co.za

Email: Nazeema.Duarte@sbm.gov.za

ANNEXURE 1: LOCALITY PLAN

Proposed site on Portion 4 of Farm Duyker Eiland No. 6 and Erven 7 and 8 St. Helena Bay.



ANNEXURE 2: SITE DEVELOPMENT PLAN

Site Development Plan for the proposed development of a 10 MW Solar Photovoltaic Facility and associated infrastructure on Portion 4 of Farm Duyker Eiland No. 6 and Erven 7 and 8, St Helena Bay.



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, *inter alia*, the following into consideration:

- a) The information contained in the Application Form dated 17 June 2022 and received by the Competent Authority on 20 June 2022, the BAR and EMPr dated November 2022 and received by the Competent Authority on 07 November 2022, the additional information received by the Competent Authority on 10 November 2022 and 15 March 2023;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions;
- 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 interested and affected parties and the responses to these, included in the BAR dated November 2022 and subsequent additional information on 07 November 2022 and 15 March 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site visit was conducted by officials of this Directorate on 01 December 2022.

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 which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the boundary of the proposed site where the listed activities are to be undertaken on 15 June 2022 and public areas adjacent to the site i.e. the Die Agterbaaier Superette, and the Lucky Star Security entrance/ reception;
- the placing of a newspaper advertisement in the 'Weslander' on 16 June 2022;
- giving written notice to the occupiers of land adjacent to the site where the listed activities are to be undertaken and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 20 June 2022;
- Making the draft BAR available to I&APs for public review from 20 June 2022 to 20 July 2022;
- Making the revised draft BAR available to I&APs for public review from 05 September 2022 to 05 October 2022;
- A public open day held on 06 July 2022, a focus group meeting and site visit held on 27 July 2022;
- Providing an additional round of public review and comment on the revised and endorsed heritage impact assessment report (dated August 2022) to I&APs from 7 November 2022 to 06 December 2022;
- A hard copy of the BAR was made available at the St. Helena Public Library and electronically on the Environmental Assessment Practitioner's website.

The comments obtained throughout the three rounds of public participation / stakeholder engagement as part of the environmental impact assessment process were related to, *inter alia*, safety hazards, climate change impacts, weather conditions, property values, fire risk, visual intrusion (visual absorption capacity), glint and glare, lake effect, island effect, noise, dust, radiation exposure, illumination and heritage and cultural concerns. The responses provided throughout the stakeholder engagement process is deemed adequate and satisfactory.

In support of the decision-making process with respect to the proposed development, cognizance is taken of the fact that comments were reasonably accommodated and responded to by the EAP, although these comments were unrelated to the content (i.e. amended and endorsed Heritage Impact Assessment) available for review during the final public review period. This provided for the demonstration of transparency and inclusivity and therefore affirms that the environmental impact assessment process undertaken has fulfilled its purpose in ensuring that stakeholders / I&APs have been provided with adequate and appropriate opportunity to comment and raise issues with respect to the proposed development.

All concerns raised by I&APs were responded to and addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMP to adequately address concerns raised.

2. Alternatives

No site, property, activity, design or layout, technology or operational alternatives were assessed as part of the environmental impact assessment process since alternatives were determined to be impractical as part of a formal feasibility assessment prior to the EIA process. According to the BAR, it was indicated that a feasibility study conducted prior to the undertaking of the EIA included the assessment of an alternative site (approximately 20ha to the south of Concorde Dive on Portion 4 of Farm Duyker Eiland No. 6, St. Helena Bay) and was found unfavourable since low-yield power fixed tilt system technology would be required. In addition, the extended distance to grid connections and undulating topography would increase construction costs and entail a 15-18% lower yielding solar photovoltaic facility. Therefore, these alternatives were considered but not assessed. The feasibility assessment considered alternatives such as biomass, biogas, wind, rooftop SPV facilities and SPV mounting technologies. In addition, the EA holder considered the development of the proposed two powerlines either overhead or underground / sub-merged (preferred). The positive impacts of the preferred powerline development include the reduction in visual clutter, the avoidance of avifaunal collision and less maintenance, but will result in additional vegetation clearance. The preferred site is owned and controlled by the EA holder and is within proximity to the end-use facility i.e. Lucky Star Cannery and Eskom's Oceana mini-substation on Concorde Drive.

The Preferred Alternative and the "No-Go" Alternative were therefore assessed as follows:

Preferred Alternative - herewith authorised

The Preferred Alternative entails the development of a 10MW solar photovoltaic facility and associated infrastructure on Portion 4 of Farm Duyker Eiland No. 6 and Erven 7 and 8, St Helena Bay.

The proposed development will comprise of following components:

- Solar Photovoltaic ("SPV") facility:

The SPV facility will be located on Portion 4 of Farm Duyker Eiland No. 6, St. Helena Bay and will consist of photovoltaic panels mounted onto a single-axis tracking structure, which will be aligned and mounted in a north-south orientation toward the sun for optimum energy production.

String invertors will be positioned directly below the photovoltaic panels to convert direct-current from solar panels to alternating current.

- Powerlines:

Two 11kV powerlines will be developed. Powerline 1 will connect the new substation to the neighbouring Lucky Star Cannery and Powerline 2 will connect the new substation to Eskom's Oceana mini substation on Concorde Drive to feed into the Eskom grid. Powerline 2 and a portion

of Powerline 1 will be located on Portion 4 of Farm Duyker Eiland No. 6 and the remainder of Powerline 1 will be located on Erven 7 and 8, St Helena Bay. A 22m powerline servitude will be established on Portion 4 Farm Duyker Eiland No. 6 and 2m wide powerline servitude will be established on Erven 7 and 8, St Helena Bay.

The powerlines will be a combination of underground and aboveground routing.

- Associated infrastructure:

- Access:

An access road of approximately 155m in length and 5m wide will be developed off Concorde Drive. Internal access roads will also be developed.

- Services:

Internal potable water reticulation pipelines approximately 250m in length with a maximum diameter of approximately 160mm will be developed to provide water to the proposed development. Internal sewerage reticulation pipelines approximately 300m in length with a maximum diameter of approximately 160mm will be developed and will connect the proposed development to an on-site conservancy tank. The conservancy tank will have a capacity of approximately 6kl and will be located approximately 200m south of the SPV facility. Sufficient, spare and unallocated capacity to service the proposed development has been confirmed by the Local Authority.

An overland stormwater system will be developed to convey stormwater from the internal road network to evaporation channels located adjacent to the roads.

- Auxiliary services:

A step-up / primary 11kV electrical substation (800V – 11kV) will be established on site to connect Powerlines 1 and 2 to the Lucky Star Cannery and the Eskom substation. A perimeter fence with motion-controlled lighting will be installed for safety and security purposes. Buildings for offices, ablution blocks, storerooms, switch room will be developed.

The total development footprint will be approximately 18.5 hectares in extent.

The proposed solar photovoltaic facility was deemed the Preferred Alternative as the development is the most suitable from a feasibility and sustainability perspective. Although the Preferred Alternative will result in the clearance of indigenous vegetation and will be visually intrusive, the proposed site is disturbed and transformed. The proposed development is in line with the Western Cape Provincial Spatial Development Framework in that it contributes to the province's strategic objectives and policies, particularly energy diversification and energy efficiency for the transition to a low carbon economy. In addition, the proposed development takes cognizance of the recommendations of the various specialist assessments undertaken for the proposed development and the design and location of the proposed development has responded accordingly.

"No-Go" Alternative

The "No-Go" alternative entails maintaining the "status quo", i.e. not developing a 10 MW solar photovoltaic facility and associated infrastructure on Portion 4 of Farm Duyker Eiland No. 6 and Erven 7 and 8, St. Helena Bay. Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the application of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the "No-Go" alternative was not preferred.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned agriculture and is located outside an urban area in terms of the NEMA EIA Regulations, 2014 (as amended). The proposed development is aligned with the Western Cape Provincial Spatial Development Framework ("PSDF") in that it contributes to the province's strategic objectives and policies, particularly energy diversification and energy efficiency for the transition to a low carbon economy. The proposed development provides for a sustainable energy future and a sustainable energy producer. The proposed development is in further support of the PSDF in that it increases accessibility to electricity by reducing power demand on Eskom for spare capacity to be redirected.

In terms of the Saldanha Bay Municipality's Spatial Development Framework, a portion of the site is identified as "New Development Area" for residential purposes. However, the current zoning of the site allows for the development of renewable energy structures as a consent use in terms of the relevant planning legislation applicable. In terms of the Greater Saldanha Environmental Management Framework ("EMF"), the site is identified Environmental Management Zone (EMZ 1") 1: Urban Conservation Zone. Areas identified as EMZ 1 are areas of irreplaceable biodiversity and resources within the urban area and requires ground-truthing by relevant specialists. In addition, the site is mapped as Critical Biodiversity Area and an Ecological Support Area. A Plant Species Compliance Statement (undertaken by Capensis and dated December 2021) and a Terrestrial Biodiversity and Avifaunal Impact Assessment (undertaken by Cossypha Ecological and dated May 2022) were undertaken. The site was confirmed to be disturbed and degraded with no remnants of the indigenous vegetation (i.e. Saldanha Granite Strandveld) present on the proposed site. In addition, no species of conservation concern were identified on the site. The proposed development is therefore in line with the EMF.

Further, the proposed development is aligned with the Integrated Resource Plan for Electricity (2010-2030) and Western Cape Green Economy Strategy Framework (2013) where a contribution to the reduction in greenhouse gases, diversified energy generation and investment in green growth is achieved. In addition, achieving the security of power supply will result in operational productivity being stabilised and maintained and prolonged employment / job security.

The West Coast District Municipality have expressed its support of the proposed development (in their comment dated 03 August 2022) provided that social health services in terms of waste management, domestic water supply and general good housekeeping practices are provided and maintained throughout all phases of the proposed development.

3.2. Agricultural Impacts

According to the Screening Report (dated 08 February 2022), the proposed site is located within a medium sensitivity area from an agricultural perspective, which was disputed by the EAP. An Agricultural Compliance Statement (compiled by SK Consulting and dated 02 June 2022) was therefore compiled.

The findings of the specialist indicated that the site is of a low to insignificant / negligible sensitivity from an agricultural perspective given the proposed site has not been used for agricultural purposes for more than twenty years and would therefore not constitute a loss in agricultural productive land. Further to this, the specialist noted that although the property is zoned for agricultural purposes, the proposed site is not earmarked for any agricultural development given its location. The specialist has provided recommendations for inclusion in the EMP with respect to the protection of agricultural resources in surrounding areas.

The Western Cape Government: Department of Agriculture indicated (in their correspondence dated 22 November 2022) that they have no objection to the proposed development and provided recommendations with respect to stormwater management, erosion control during

construction and the unrestrictive operations to be maintained. These recommendations have been included in the EMPr.

3.3. Biodiversity Impacts

According to the Screening Report (dated 08 February 2022), the site was deemed to be located within a medium sensitivity area from a plant species perspective, a very high sensitivity area from a terrestrial biodiversity perspective and a high sensitivity area from an animal species perspective.

A Plant Species Compliance Statement (compiled by Capensis and dated December 2021) was conducted. Although the site is mapped to contain Saldanha Granite Strandveld, which is classified as a Critically Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2022, the specialist indicated that the site is disturbed and degraded with no remnants of the critically endangered ecosystem. In addition, no species of conservation concern or sensitive species were observed on site. A high number of common hedgehoglily (*Massonia depressa*), classified as Least Concern, were observed during the site assessment with the recommendation for the translocation thereof to a suitable receptor site prior to site development. The botanist confirmed the site to be of low sensitivity and no development constraints were identified from a plant species perspective.

In accordance with the Terrestrial Animal Species Compliance Statement (compiled by Cossypha Ecological and dated May 2022), the faunal specialist has indicated that the north-western portion of the proposed site contains moderately sensitive habitat conditions with remnant and fragmented Saldanha Granite Strandveld. This area is recommended to be avoided by the proposed development and that development be confined to the south-eastern portion of the Portion 4 of Farm Duyker Eiland No. 6, St. Helena Bay which is deemed a degraded area. The specialist indicated that it is unlikely that any species of conservation concern would be located on the proposed site.

A Terrestrial Biodiversity and Avifaunal Impact Assessment (compiled by Cossypha Ecological and dated May 2022) was undertaken. The specialist indicated that the mid to southern section so the site show evidence of past cultivation and few elements of strandveld re-establishment. The mid to southern section was therefore deemed to be of low ecological sensitivity. The north-western section of the site was indicated to be less disturbed and contained remnant indigenous vegetation. The specialist therefore advised that the north-western portion of the site be avoided. The eastern section of the site is highly disturbed and considered to be of very low ecological sensitivity. No Species of Conservation Concern were observed by the specialist.

The location and layout of the solar PV facility was informed by preliminary sensitivity mapping for the study area and placed within areas of low and very low sensitivity. The risk of collision and / or electrocution of avifauna with associated overhead powerlines has been discussed by the specialist in context of sea fog, which is experienced in the area from time to time as well as the "lake effect" of the proposed development.

The specialist concluded that the proposed development will have a low impact on avifaunal species with the implementation of the recommendations provided by the ecological specialist. The overall ecological impact assessment of the proposed development was rated as very low to insignificant / negligible post-implementation of mitigation measures from an ecological perspective. The recommendations of the specialist have been included as a condition set in this Environmental Authorisation and in the EMPr.

In addition, CapeNature is in support of the Terrestrial Biodiversity and Avifaunal Impact Assessment and findings of the Plant Species Compliance Statement in accordance with their correspondences dated 04 August 2022 and 04 October 2022.

3.4. Freshwater Impacts

According to the Screening Report (dated 08 February 2022), the proposed site is located within a low sensitivity area from an aquatic biodiversity perspective. An Aquatic Compliance Statement (compiled by Kimberley van Zyl and dated January 2022) was undertaken and confirmed the findings of the Screening Report (dated 08 February 2022). The Freshwater specialist confirmed that proposed site is disturbed and that there is no indication of any aquatic features / watercourses within the proposed site or within 500m proximity thereof. Furthermore, no delineated aquatic biodiversity and Species of Conservation Concern was observed on the proposed site. Therefore, no recommendations with respect to mitigation measures have been proposed by the freshwater specialist. No concerns regarding the aquatic compliance statement was highlighted by the Department of Water and Sanitation and confirmed that no water use authorisation is required in accordance with their correspondence dated 19 July 2022.

3.5. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape (HWC) on 21 November 2021. Heritage Western Cape indicated in their comment (dated 17 December 2021) that since there was reason to believe that the proposed development will impact on heritage resources, a Heritage Impact Assessment that satisfies the provisions of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. A Heritage Impact Assessment ("HIA") (compiled by ACO Associates CC and dated August 2022) was undertaken for the proposed development.

The HIA revealed that although a largely ruinous aircraft landing strip and an associated Quonset hut-type infrastructure is present on the site, likely developed between 1964 and 1971, it does not require protection in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). However, the heritage specialist has recommended that the ruinous disused airstrip be avoided and preserved as far as possible.

The heritage specialist further indicated that shell scatter in varying density and extent have been noted during the assessment and consist of black mussel and various limpet species. Late Stone Age lithics i.e. mostly flakes and chunks have been noted in the northern half of the property outside of the proposed development footprint. The finds indicate that the site may be underlain by a large number of fairly small, discrete archaeological sites and has therefore provided recommendation that three areas of shell scatter within the development footprint must be sampled and tested for buried archaeology by a suitably qualified archaeologist prior to commencement of clearance and development activities. This has been included as a condition set in this Environmental Authorisation and in the EMPr.

It must be noted that potential impacts of the proposed development on palaeontological and archaeological resources, historical sites, the built environment, cemeteries and graves, intangible heritage and cultural landscape will be mitigated by the implementation of the recommended mitigation measures provided by the heritage specialist, as endorsed by HWC (in their comment dated 28 June 2022) and included in the EMPr.

A Focus Group Meeting was held on 03 August 2022 between the proponent, the EAP and key members of the West Coast Griqua Bloodline Council ("WCGBC") to further capture the heritage and cultural related concerns pertaining to the proposed site. The WCGBC provided indigenous historical information (such as a 1497 Portuguese battle, land claim, which form part of a Crown grant etc.) which was subsequently included into a revised HIA. The heritage specialist has indicated that no evidence was found to support claims of a historic 1497 Portuguese battlefield on site, nor that the land forms part of the 19th century Crown Grant to the local indigenous people i.e. First Nations Group. In addition, no additional evidence from the I&APs have been provided to substantiate such claims. However, the heritage specialist has noted that observations of shell midden material on the site and in consideration of pre-colonial burial sites within the wider vicinity, the presence of human burials is possible. As previously noted, the already endorsed HIA

(dated June 2022) (as indicated in HWC's comment dated 28 June 2022) was thereafter revised to incorporate the additional cultural heritage information provided by the WCGBC. It must be noted that the inclusion of the additional cultural information, it did not result in the change of the outcome of the assessment and the revised HIA (dated August 2022) was endorsed by the HWC (in their comment dated 04 November 2022).

Furthermore, the heritage specialist has indicated that with implementation of the Heritage Western Cape procedure for reporting Chance Finds of Palaeontological Material will reduce the initial assessment of medium negative to a low positive impact from a palaeontological perspective. Similarly, the initial impact assessment of archaeological impact was rated as high negative and with the implementation of recommended mitigation measures will result in a low positive impact from an archaeological perspective. Therefore, the recommendations and mitigation measures provided by the heritage specialist are included in the EMPr.

The overall impact on the cultural landscape with the implementation of recommended mitigation measures is deemed to be of low negative impact.

In accordance with correspondence from Heritage Western Cape (dated 04 November 2022) the findings and recommendations of the heritage and paleontological specialist have been included as a condition set in this Environmental Authorisation and in the EMPr.

3.6. Visual Impacts

A Visual Impact Assessment (compiled by SRK Consulting and dated March 2022) was undertaken since the proposed site is located between agricultural development and urban development.

The visual specialist provided recommendations with respect to, *inter alia*, the landscape planning, which includes the planting of tall indigenous trees as a buffering tree line and further screening effects with use of existing relief / topography. The specialist deemed that potential visual impacts on motorists is considered to be of low sensitivity given their transient nature with an overall moderate sensitivity in light of the high number of receptors in the fore and middle ground. However, a low to very low significance of visual impact is noted by the specialist for the construction phase of the proposed development post implementation of mitigation measures. It was noted that the potential visual intrusion of the proposed associated powerlines has been deemed to be of low significance by the visual specialist without mitigation. However, to reduce visual intrusiveness of the proposed development and any potential avifaunal collision, trenched / sub-surface powerlines are preferred.

Potential nightglow has been rated as low with the implementation of mitigation measures. Most importantly, the visual specialist has confirmed that no glare (zero minutes of glare) is anticipated to be experienced by any of the modelled receptors, and that glint is possible (not modelled) for passing receptors such as motorists (having line of sight) with a very low to insignificant rated impact post mitigation implementation. The impact on sense of place within the municipal area of Saldanha Bay has been rated as a low cumulative impact and the overall visual impacts of the proposed development are acceptable from a visual perspective. The recommendations provided by the visual specialist have been included in the EMPr.

Concerns raised by I&APs with respect to the potential visual intrusiveness of the proposed development and glare impacts have been adequately responded to by the inclusion of mitigation measures for potential impacts such as glint and glare of the SPV facility in the EMPr. Recommendations and mitigation measures include, *inter alia*, the consolidation of the SPV facility in one cluster, the planting of tall vegetation, the appropriate colour camouflaging of perimeter fencing and buildings and appropriate directional lighting. It is noted that the glare analysis (dated 21 January 2022) has revealed that no green or yellow glare and zero minutes of glare to the nine modelling receptor points can be expected from the development of the proposed SPV facility on Portion 4 of Farm Duyker Eiland No. 6, St. Helena Bay.

3.7. Geotechnical impacts

A geotechnical desktop survey (compiled by SRK Consulting and dated 14 February 2022) was undertaken and revealed that the proposed site is located within deposited sandy quaternary soils, which overlay granite bedrock. Weathering within the area results in exposed hard rock boulder outcrop formations or extensive domes of granite. Evidence of such is exposed formations located in the adjacent southern areas where granite outcrops appear but also small, isolated outcrops and sub-outcrops within the central location of the proposed site.

The suitability of the site and the determination of the method for founding the proposed panels is to be confirmed by an invasive / intrusive geotechnical investigation involving grid test pits. The geotechnical desktop survey has conclusively indicated that although the depth to the underlying granite bedrock is unknown and the fact that the central portion of the site contains isolated granite outcrops, the likelihood of installation of driven posts is high given the predominantly thick sandy profile of the site.

3.8. Socio-economic Impacts

The proposed development is anticipated to reduce carbon economic dependency by investing in clean renewable energy. The potential socio-economic benefits associated with this transition to the proposed Solar Photovoltaic Facility is expected to reduce carbon emissions / carbon footprint, increase job security, and alleviate social costing.

The proposed development is expected to contribute to the social and economic aspects of the regional area by providing temporary employment relief during the construction phase.

3.9. Services

An Engineering Services Report (compiled by Nortje and De Villiers Consulting Engineers CC and dated 23 August 2022), detailing the services required for the proposed development, was undertaken. Parameters with respect to the requirements for access roads, stormwater management, potable water demand, sewer reticulation and sewage discharge were estimated.

Confirmation of the provision of sufficient capacity for the supply of potable water and effluent disposal services from the local authority has been provided in their correspondence dated 19 August 2022 and 08 November 2022 as an interim measure until the completion of the nearest pump station that will be routed to the Britannia Bay Waste Water Treatment Plant. The interim measure entails the development of an internal sewer network outfall into a 6kl conservancy tank that will be serviced / decanted by the local municipality.

The proposed development will consist of on-site stormwater management with a series of stormwater detention pond within the internal road reserves.

Confirmation of sufficient capacity with respect to solid waste management has been confirmed by the local authority in their correspondence dated 15 February 2023.

The proposed development will require limited electricity that will be sourced from the new proposed substation which forms part of the proposed development.

3.10. Dust and Noise Impacts

Recommendations have been provided by this Department's Directorate: Air Quality Management (in their comment dated 19 July 2022), with respect to measures for dust monitoring and the prevention of fugitive dust, construction activities be limited on days where there is extremely high winds and that during all phases of development, compliance is upheld with the

National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), National Dust Control Regulations.

With respect to noise mitigation at the proposed site, this Department's Directorate: Air Quality Management (in their comment dated 19 July 2022) recommended that noise monitoring is conducted during construction and mitigation measures are implemented for minimisation of noise emissions. The stakeholder further indicated that all proposed activities must comply with the Western Cape Noise Control Regulations Provincial Notice 200/2013.

Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential agricultural impacts
- Potential biodiversity impacts;
- Potential botanical impacts;
- Potential freshwater impacts;
- Potential heritage impacts;
- Potential visual impacts;
- Potential geotechnical impacts; and
- Potential dust and noise impacts during the construction phase.

Positive impacts include:

- Employment opportunities during construction of the proposed development;
- Archaeological finds;
- Transition to cleaner energy;
- Increased operational stability for Lucky Star Cannery operations;
- Prolonged job security;
- Reduction in carbon derived energy – reduction in carbon taxes;
- Economic gain for the applicant.

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.

Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that 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.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

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