



**REFERENCE:** 16/3/3/1/A1/2/3051/21  
**NEAS REFERENCE:** WCP/EIA/0000988/2021  
**DATE:** 12 April 2022

The Municipal Manager  
The City of Cape Town  
Sustainable Energy Markets and Climate Change Department  
Private Bag X6  
**BELLVILLE**  
7535

**Attention: Mr. Marlyn Hendricks**

Tel: 021 400 9423

Cell: 073 659 1161

E-mail: marlyn.hendricks@capetown.gov.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 SOLAR PHOTOVOLTAIC FACILITY ON ERVEN 18046 AND 18056, PORTIONS OF ERVEN 2, 3, 19 AND THE REMAINDER OF ERF NO. 26, ATLANTIS.**

1. With reference to the above application, the Department hereby notifies you of its decision to grant the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**Zaahir Toefy**

Digitally signed by Zaahir

Toefy

Date: 2022.04.12 13:00:28

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**MR ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copies to:

(1) Ms. Bonte Edwards/ Ms. B. Madonsela (JG Afrika (Pty) Ltd)

E-mail: edwardsb@jgafrika.com/ madonselab@jgafrika.com

(2) Mr. M. Theron (City of Cape Town: ERM)

E-mail: morne.theron@capetown.gov.za

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## 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 SOLAR PHOTOVOLTAIC FACILITY ON ERVEN 18046 AND 18056, PORTIONS OF ERVEN 2, 3, 19 AND THE REMAINDER OF ERF NO. 26, ATLANTIS.

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 Layout Alternative 1, described in the Basic Assessment Report ("BAR"), dated December 2021.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

#### A. DETAILS OF THE HOLDER OF this Environmental Authorisation

The City of Cape Town  
c/o Mr. Marlyn Hendricks  
Sustainable Energy Markets and Climate Change Department  
Private Bag X6  
**BELLVILLE**  
7535

Tel: 021 400 9423

E-mail: [marlyn.hendricks@capetown.gov.za](mailto:marlyn.hendricks@capetown.gov.za)

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

**B. AUTHORISED ACTIVITIES**

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 27</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;</i>  <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development will result in the clearance of more than 1ha of indigenous vegetation.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p><i>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.</i></p> <p><b>i. Western Capei.</b> <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;</i></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>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;</i></p> <p><i>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</i></p> <p><i>v. On land designated for protection or conservation purposes in an</i></p>	<p>The proposed development will result in the clearance of more than 300m<sup>2</sup> of critically endangered Atlantis Sand Fynbos and endangered Cape Flats Dune Strandveld.</p>

<i>Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i>	
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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 relating to the development:

The proposed development entails the clearance of indigenous vegetation for the installation of 24 500 - 25 500 Fixed-tilt solar PV modules for the development of a 10 MW Solar Photovoltaic (“PV”) Plant and associated infrastructure on Erven 18046 and 18056, Wesfleur, and portions of Erven 2, 3,19 and the Remainder of Erf No. 26, Atlantis. The loss of indigenous vegetation will be compensated for by the Atlantis Industrial Incentives Scheme, which is a mechanism used to mitigate biodiversity loss and to facilitate development within the urban and industrial areas of Atlantis. This is achieved by an offsite biodiversity offset through the land banking component of the afore-mentioned scheme.

The proposed development is comprised of the following additional components:

- Two inverter and transformer stations;
- A guardhouse;
- A substation building;
- An Operations and Maintenance building with a small storeroom/warehouse;
- Perimeter fencing;
- An underground cable from the PV plant to a City of Cape Town substation, which will be installed in the road reserve; and
- Associated infrastructure (internal roads, etc.)

The total development footprint will be approximately 15 hectares in extent.

Access to the site will be gained via Thomas Williams Crescent, which will be extended.

### C. SITE DESCRIPTION AND LOCATION

The site is a greenfield site, located on the border of Atlantis Industria, approximately 55 km northeast of Cape Town City Centre. The site is flanked by the R307 (Dassenberg Road) on the western edge, Mamre Road on the eastern edge, Thomas Williams Crescent to the south, and Bon Aventura Avenue to the north. The entrance to the site will be from Thomas William Crescent.

The site co-ordinates:

Latitude (S)	33°	34'	32.67"
Longitude (E)	18°	28'	56.53"

The SG digit codes for the erven where the listed activities will occur:

Erf No. 18046, Wesfleur	C01600600001804600000
Erf No. 18056, Wesfleur	C01600600001805600000
RE/26, Atlantis	C01600870000000260000
Erf No. 2, Atlantis	C01600870000000200000

Erf No. 3, Atlantis	C0160087000000300000
Erf No. 19, Atlantis	C01600870000001900000

The above is hereinafter referred to as “**the site**”.

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

JG Afrika (Pty) Ltd  
c/o Ms. Boipelo Madonsela  
P. O. Box 38561

##### **PINELANDS**

7430

Tel.: 021 530 1800

E-mail: madonselab@jgafrika.com

#### 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 the BAR dated December 2021 on the site as described in Section C above.
2. Authorisation for the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. 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 activity during which period the authorised listed activities for the construction phase, must be concluded.
4. The authorised activity must only be carried out at the site described in Section C above in terms of the approved “Environmental Management Programme” (“EMPr”).
  5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be 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 such 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.

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

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
  - 6.1. notify all registered Interested and Affected Parties of –
    - 6.1.1. the outcome of the application;
    - 6.1.2. the reasons for the decision;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date of issue of the decision;
  - 6.2. draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
  - 6.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
  - 6.4. provide the registered Interested and Affected Parties with:
    - 6.4.1. the 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;
    - 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

## **Commencement**

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activities, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

## **Written notice to the competent authority**

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
  - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 9.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 14.

## **Management of activities**

10. The draft EMPr (dated December 2021) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

### **Monitoring**

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must–

- 14.1. be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2. ensure compliance with the EMPr and the conditions contained herein; and
- 14.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

### **Environmental audit reports**

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid-
  - 15.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited; submit at least two environmental audit reports to the competent authority during the construction phase.
  - 15.2. The holder must submit the first audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
  - 15.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).
17. In addition to the above, the environmental audit report, must –
  - 17.1. provide verifiable findings, in a structured and systematic manner, on–
    - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
    - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
  - 17.2. identify and assess any new impacts and risks as a result of undertaking the activity;
  - 17.3. evaluate the effectiveness of the EMPr;
  - 17.4. identify shortcomings in the EMPr;

- 17.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 17.6. 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;
  - 17.7. include a photographic record of the site applicable to the audit; and
  - 17.8. be informed by the ECO reports.
18. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

### **Specific conditions**

- 19. The total area to be cleared, must be deducted from the land banking component of the Atlantis Industrial Incentives Scheme to mitigate the loss of the indigenous vegetation at a ratio of 1:1.
- 20. Surface and 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.
- 21. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
- 22. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape ("HWC"). Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

## **F. RECOMMENDATION**

This Directorate recommends the following:

- 1. Employment opportunities should as far as possible be provided to the local Atlantis community.

## **G. 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. If the holder does not commence with the listed activities within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the 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.

3. The holder must submit an application for amendment of the Environmental Authorisation 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.
  - 3.1. 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.
4. The manner and frequency for updating the EMPr is as follows:
  - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

## **H. 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 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 Interested and Affected Parties, 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 Interested and Affected Parties –
  - 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 Interested and Affected Party, 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 Interested and Affected Party 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 address listed below:

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 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 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 Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## I. 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

**Zaahir  
Toefy**

Digitally signed by  
Zaahir Toefy  
Date: 2022.04.12  
13:00:50 +02'00'

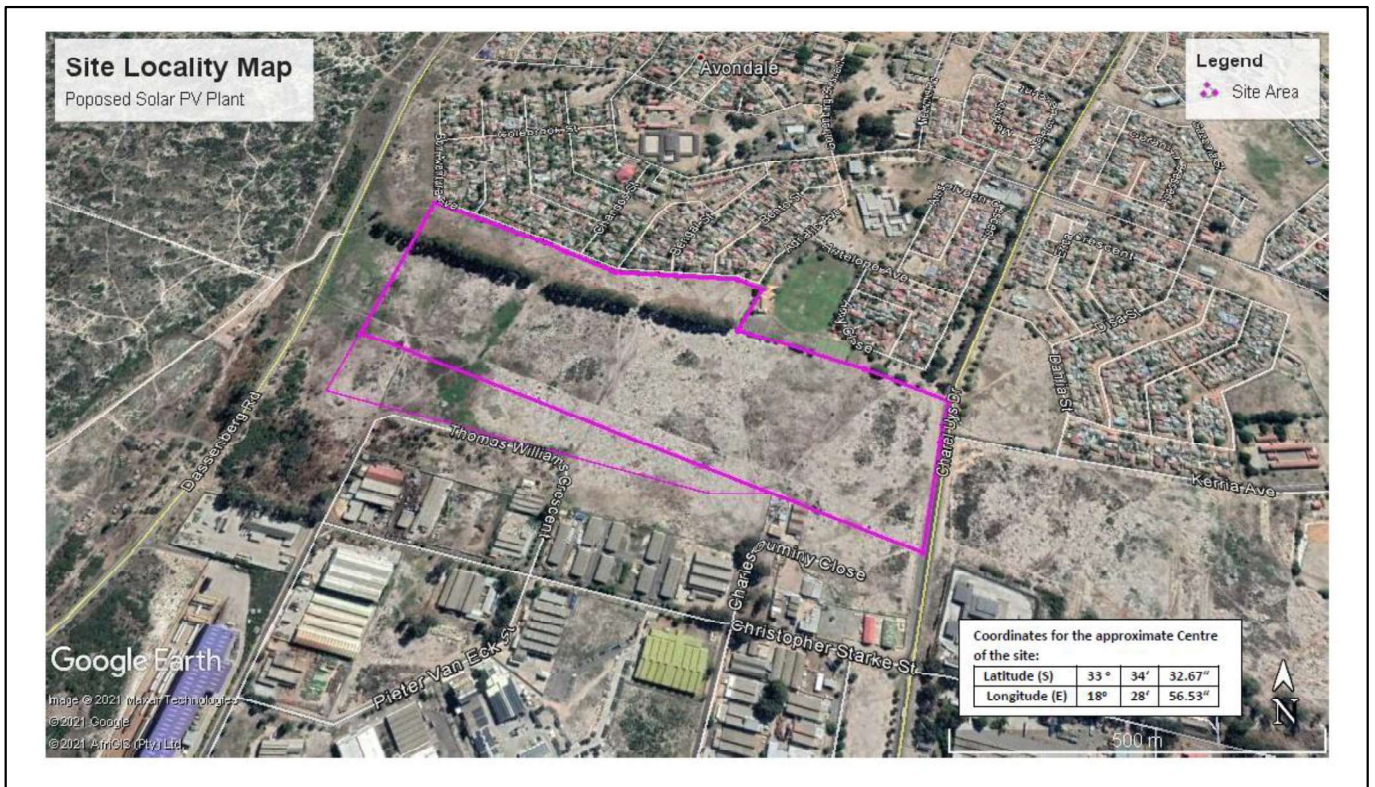
**MR ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 12 APRIL 2022**

Copies to:

(1) Ms. Bonte Edwards/ Ms. B. Madonsela (JG Afrika (Pty) Ltd) E-mail: [edwardsb@jgafrika.com](mailto:edwardsb@jgafrika.com)/ [madonselab@jgafrika.com](mailto:madonselab@jgafrika.com)  
(2) Mr. M. Theron (City of Cape Town: ERM) E-mail: [morne.theron@capetown.gov.za](mailto:morne.theron@capetown.gov.za)

# ANNEXURE 1: LOCALITY MAP



**Figure 1:** Site area where the proposed development will be constructed indicated in purple.



## 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 dated October 2021 and received by this Department on 4 October 2021, the final BAR dated December 2021 and received by this Department on 3 December 2021, the EMPr submitted together with the final BAR on 3 December 2021 and the revised application form received on 15 March 2022;
- 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 NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated December 2021.

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. Public Participation

The public participation process included:

- identification of and engagement with Interested and Affected Parties ("I&APs");
- fixing notices at conspicuous locations along the site boundary as well as other strategic locations where the listed activities will be undertaken;
- the placing of a newspaper advertisement in the "Weskus Nuus" newspaper on 17 August 2021;
- the pre-application draft BAR was made available for public review from 26 August 2021 until 27 September 2021;
- the distribution of information sheets to adjacent property owners, e-mail notifications were utilised to notify all potential and registered I&APs including the municipality, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the report with reminders sent to submit comments; and
- the draft BAR was made available to I&APs for public review and comment from 15 October 2021 until 15 November 2021.

### 2. Alternatives

No other site alternatives were investigated and considered for the proposed construction of a 10 MW Solar PV Plant and associated infrastructure on Erven 18046 and 18056, Wesfleur, portions of Erven 2, 3,19 and the Remainder of Erf 26, Atlantis.

A site selection process was undertaken by the City of Cape Town, and the following factors informed the selection of the preferred site alternative:

- Geotechnical aspects;
- Land use aspects such as zoning, spatial transformation areas;
- Accessibility of the site;
- Terrestrial and aquatic biodiversity impacts; and
- Proximity to a CCT owned electrical substation and electricity supply authority.

The alternatives investigated were Technology and/or Layout Alternatives (i.e., route and alignment alternatives) and the "No-go" Alternative.

### Layout Alternative 1 (preferred and herewith authorised)

The alternative entails the installation of 24 500 - 25 500 Fixed-tilt solar PV modules for the development of a 10 MW Solar PV Plant and associated infrastructure on Erven 18046 and 18056, Wesfleur, and portions of Erven 2, 3,19 and the Remainder of Erf No. 26, Atlantis.

The preferred alternative is comprised of the following additional components:

- Two inverter and transformer stations;
- A guardhouse;
- A substation building;
- An Operations and Maintenance building with a small storeroom/warehouse;
- Perimeter fencing;
- An underground cable from the PV plant to a City of Cape Town substation; and
- Associated infrastructure (access roads, etc.).

The total development footprint will be approximately 15 hectares in extent.

This alternative is preferred as it entails the clearance of indigenous vegetation of a less expansive area of land and incorporates a wetland buffer area, as recommended by the freshwater specialist. To mitigate disturbance of the wetland habitat for Layout Alternative 1, the Aquatic specialist has stipulated the requirement for the implementation of a 15m buffer around the wetland in order for the wetland to be avoided by the proposed development activities. This has been incorporated in the preferred site layout plan.

### (Technology) Layout Alternative 2

This alternative entails installation of 20 000 – 25 000 Tracker solar PV modules to produce 10 MW of electricity and associated infrastructure. Although the electricity output and the proposed development is similar to Layout Alternative 1, this alternative is not preferred as the tracking system of the tracker panels requires more space, will result in the clearance of a larger area of indigenous vegetation (approximately 22ha) and encroach on the wetland habitat located on site.

### "No-Go" Alternative (Rejected)

The "no-go" alternative implies that the "status quo" would remain. This alternative is not preferred as the proposed development of the solar PV facility, is a positive utilisation of undeveloped land and provides the City of Cape Town with the opportunity to expand on renewable energy generation with the provision of cleaner sources of electricity.

## **3. Impact Assessment and Mitigation measures**

### 3.1 Need and Desirability

The proposed development forms a component of the City of Cape Town's approach to reduce the City's reliance on energy derived from fossil fuel generation. Renewable energy sources such as solar PV facilities contributes to the City's efforts to mitigate the effects of climate change. Diversifying the distribution of electricity from various sources increases the assurance of electricity supply, as the country faces ongoing disruption due to its reliance on electricity generated from its current sources. The proposed development is aligned with the provisions of the National Development Plan (2011) which promotes sustainable and inclusive development by contributing to the improvement of infrastructure, job creation and the transition to a low carbon economy.

### 3.2 Planning Context

The site is zoned Rural and requires the rezoning of the property to accommodate the proposed solar PV facility. Although the proposed development will result in the loss of indigenous vegetation, it promotes economic development and opportunities as per the City of Cape Town Integrated Development Plan (2020-2021) and the Blaauwberg District Plan (2012). The Blaauwberg Environmental Management Framework (dated 2012) identifies the site as an Other Natural Area, but the proposed development does not fall within the undesirable categories. Only the

vegetation within the footprint of the solar panels will be removed and the remaining extent of the site will be left undisturbed. The broad-based principles relating to the protection of the environment will be achieved through the implementation of measures such as the search and rescue operations and the biodiversity offset.

### 3.3 Aquatic impacts

An Aquatic Specialist Assessment dated March 2021 was undertaken by BlueScience. Based on the findings of the assessment, it is noted that the proposed development falls within a wider area considered of Very High Aquatic Biodiversity Sensitivity due to the fact that there are wetlands on site that have been mapped as Aquatic Critical Biodiversity Areas. The freshwater features delineated on site are comprised of dune slack wetlands and were found to be in a moderately modified ecological condition and according to the freshwater specialist, is considered to be of moderate to low ecological importance and sensitivity. The preferred alternative (herewith authorised) incorporates the 15m buffer around the wetlands which will be demarcated as a “no-go” area prior to the commencement of construction activities. Impact management actions based on the freshwater specialist’s recommendations regarding the potential impact of runoff emanating from the facility have been included in the EMPr.

### 3.4 Botanical Impacts

The proposed development will result in the clearance of indigenous vegetation. A Botanical Assessment dated May 2021 was undertaken by Bergwind Botanical Surveys and Tours. According to the findings of the assessment, the indigenous vegetation on site is comprised of critically endangered Atlantis Sand Fynbos and endangered Cape Flats Dune Strandveld. Although the condition of the indigenous vegetation on site is invaded by woody and herbaceous alien invasive plant species, the proposed development would result in the loss of indigenous vegetation that is no longer well-represented along the Cape West Coast.

The loss of indigenous vegetation will be compensated by the Atlantis Industrial Incentives Scheme, which is a mechanism used to mitigate biodiversity loss and to facilitate development within the urban and industrial areas of Atlantis. This is achieved by an offsite biodiversity offset through the land banking component of the afore-mentioned scheme. A biodiversity offset will be implemented, as confirmed in the City of Cape Town’s correspondence dated 28 May 2021. The biodiversity offset as well as the search and rescue operation (material and topsoil) will help to compensate for the Atlantis Sand Fynbos and Cape Flats Dune Strandveld that will be cleared as a result of the proposed development.

CapeNature in their correspondence dated 16 November 2021, indicated that it is evident the mitigation hierarchy has been applied in the site selection and the relevant avoidance and mitigation measures have been identified and specified by the freshwater and botanical specialists. CapeNature agrees that the Atlantis Land Bank should be used to compensate for the loss of indigenous vegetation as a result of the proposed development.

### 3.5 Noise Impacts

Three potential noise sources for the proposed development have been identified by Element Consulting engineers, which are the two inverter stations and one transformer/ substation. The engineers indicated that the transformer and inverter stations will be located in the centre of the proposed solar PV facility, which is approximately 160 –220m south of the residential area. It is further noted that the preferred layout alternative of Fixed-tilt solar PV modules does not generate mechanical noise. The recommendations made by the City of Cape Town: Specialised Environmental Health Services (Noise Control Unit) have been incorporated within the final BAR and the relevant sections within the EMPr.

### 3.6 Visual Impacts

The proposed development is located adjacent to a transport route between a residential area to the north and an industrial area to the south, on an undeveloped and vegetated parcel of land. A Visual Impact Assessment dated April 2021 was undertaken by Megan Anderson, a Landscape Architect. Based on the findings of the assessment it is noted with the implementation

of the mitigation measures proposed by the specialist, the visual impact significance rating can be reduced to a low negative. The specialist recommended mitigation measures have been included in the EMPr.

### 3.7 Dust impacts

Construction activities (mainly construction vehicles transporting materials to the site) will generate noise and associated volumes of dust during weekly construction hours. The EMPr includes dust and noise control measures that will be implemented on site and at areas of high dust generation.

The development will result in negative and positive impacts

#### **Negative impacts:**

- Loss of indigenous vegetation; and
- Visual impacts for receptors surrounding the site.

#### **Positive impacts:**

- Generation of electricity from renewable energy resources;
- Optimal use of available land; and
- The development will provide temporary employment opportunities.

## **4. 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.

## **5. 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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