



# forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

## APPLICATION FORM FOR AMENDMENT OF AN ENVIRONMENTAL MANAGEMENT PROGRAMME IN TERMS OF REGULATION 37 OF THE EIA REGULATIONS, 2014, AS AMENDED

Application for amendment to the EMP in terms of the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended (the Regulations)

### PROJECT TITLE

**Proposed construction and operation of the 65.9 MW Tutuka Solar PV Facility and its associated infrastructure, near Standerton, Mpumalanga**

Indicate if the **DRAFT** report accompanies the application

Yes

No

### PRE-APPLICATION CONSULTATION

Was a pre-application meeting held	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Date of the pre-application meeting	12 April 2022			
Reference number of pre-application meeting held	2022-03-0032			
Was minutes compiled and submitted to the Department for approval	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

A copy of the pre-application meeting minutes must be appended to this application as **APPENDIX 1**.

**Refer to the minutes of the Pre-Application Meeting in Appendix 1.**

### Kindly note the following:

1. This form must be used to apply for the Amendment of an Environmental Management Programme in terms of Regulation 37 where this Department is the Competent Authority.
2. This form is current as of April 2021. It is the responsibility of the Applicant/Environmental Assessment Practitioner (EAP) to ascertain whether subsequent versions of the form have been published or produced by the Competent Authority. The latest available Departmental templates are available at <https://www.environment.gov.za/documents/forms>.
3. An application fee is applicable (refer to **Section** Error! Reference source not found.). Proof of payment must accompany this application. The application will not be processed without proof of payment unless one of the exclusions provided for in the Fee Regulations is applicable AND such information in the exclusion section of this application form has been confirmed by this Department.
4. A cover letter on your company letterhead indicating the nature of this application must be appended to this form i.e. application for amendment of the Environmental Management Programme.
5. An electronic copy of the signed application form must be submitted of both the Applicant and EAP.
6. This form must be marked **“for Attention: Chief Director: Integrated Environmental Authorisations”** and submitted to the Department at the format as prescribed in the process to upload documents form.
7. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will extend automatically when each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g. Arial 10).
8. Where applicable black out the boxes that are not applicable in the form.

9. The use of the phrase “not applicable” in the form must be done with circumspection. Where it is used in respect of material information that is required by the Competent Authority for assessing the application, this may result in the rejection of the application as provided for in the Regulations.
10. Unless protected by law, all information contained in and attached to this application, will become public information on receipt by the Competent Authority. Upon request during any stage of the application process, the Applicant / EAP must provide any registered interested and affected party with the information contained in and attached to this application.
11. Should a specialist report or report on a specialised process be submitted at any stage for any part of this application, the terms of reference for such report and declaration of interest of the specialist must also be submitted.
12. Please note that this form must be copied to the relevant Provincial Environmental Department(s).
13. Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX** . Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form.
14. Certified copy/ies of the Environmental Management Programme and all subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 4**.
15. Certified copy/ies of environmental audit reports, if applicable must be attached to this application as **APPENDIX 5**.
16. Should a certified copy/ies of the documents referred to under point 15, 16 and 17 above not be available, an original commissioned Affidavit/Affirmation under oath undertaken by the Applicant must be appended to this application form.
17. An application for the Amendment of an Environmental Management Programme lapses if the applicant fails to meet any of the timeframes prescribed in terms of the EIA Regulations, 2014, as amended.

#### Departmental Details

**Online Submission:**

EIAapplications@environment.gov.za or <https://sfiler.environment.gov.za:8443/>.

**Please read the process for uploading files to determine how files are to submitted to this Department**

**Physical address:**

Department of Forestry, Fisheries and the Environment  
Attention: Chief Director: Integrated Environmental Authorisations  
Environment House  
473 Steve Biko Road  
Arcadia

Queries must be directed to the Directorate: Coordination, Strategic Planning and Support at:  
Email: EIAAdmin@environment.gov.za

## 1. COMPETENT AUTHORITY

Identified Competent Authority to consider the application:	<b>National Department of Forestry, Fisheries and Environment (DFFE)</b>
Reason(s) in terms of S24C of NEMA:	<b>As advised by the Minister, all applications regarding renewal energy are to be submitted to National DFFE. In addition, the Applicant, Eskom is a State-Owned Company (SOC) and will therefore apply to DFFE.</b>

## 2. GENERAL INFORMATION

Name of the Applicant:	<b>Eskom Holdings SOC Ltd</b>		
RSA Identity/ Passport Number:	<b>N/A</b>		
Name of contact person for applicant (if other):	<b>Ms. Deidre Herbst</b>		
RSA Identity/ Passport Number:	<b>Not Applicable, as not private application</b>		
Responsible position, e.g. Director, CEO, etc.:	<b>Generation Environmental Manager</b>		
Company/ Trading name (if any):	<b>Not Applicable, as not private application</b>		
Company Registration Number:	<b>2002/015527/30</b>		
BBBEE status:	<b>n/a State Owned Entity</b>		
Physical address:	<b>Megawatt Park, Maxwell Drive, Sunninghill, Sandton</b>		
Postal address:	<b>P.O. Box 1091, Johannesburg, 2001</b>		
Postal code:	<b>2001</b>	Cell:	<b>083 660 1147</b>
Telephone:	<b>011 800 3501</b>	Fax:	<b>086 660 6092</b>
E-mail:	<b>HerbstDL@eskom.co.za</b>		
Name of the landowner:	<b>Eskom Holdings SOC Ltd (Tutuka Power Station)</b>		
Name of contact person for landowner (if other):	<b>Mr. Sello Mametja</b>		
Postal address:	<b>Private Bag X2016, Standerton</b>		
Postal code:	<b>2430</b>	Cell:	<b>072 251 9929</b>
Telephone:	<b>017 749 5700</b>	Fax:	<b>017 749 5736</b>
E-mail:	<b>mametjsj@eskom.co.za</b>		
Name of Person in control of the land:	<b>Mr. Sello Mametja (General Manager)</b>		
Name of contact person for person in control of the land:	<b>Mr. Sello Mametja (General Manager)</b>		
Postal address:	<b>Private Bag X2016, Standerton</b>		
Postal code:	<b>2430</b>	Cell:	<b>072 251 9929</b>
Telephone:	<b>017 749 5700</b>	Fax:	<b>017 749 5736</b>
E-mail:	<b>mametjsj@eskom.co.za</b>		

In instances where there is more than one landowner, please attach a list of those landowners with their contact details as **APPENDIX 6**.

Unless the application is in respect of linear activities or Strategic Infrastructure Projects as contemplated in the Infrastructure Development Act (Act No. 23 of 2014) and where the landowner is not the applicant, written consent of landowner/s must be submitted and attached as Error! Reference source not found..

Provincial Environmental Authority:	<b>Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (DARDLEA)</b>		
Name of contact person:	<b>Dr. A de Lange</b>		
Postal address:	<b>Private Bag X11219, Mbombela, 1200</b>		
Postal code:	1200	Cell:	<b>n/a</b>
Telephone:	<b>013 766 6068</b>	Fax:	<b>013 766 8429</b>
E-mail:	<b>adelange@mpg.gov.za</b>		

Local Municipality:	<b>Lekwa Local Municipality</b>		
Name of contact person in (Environmental Section)	<b>Ms. Moipone Mphahlele</b>		
Postal address:	<b>P.O. Box 66, Standerton, 2430</b>		
Postal code:	2430	Cell:	<b>n/a</b>
Telephone:	<b>(017) 714 6102</b>	Fax:	<b>017 712 6808</b>
E-mail:	<b>mmmphahlele06@gmail.com</b>		

In instances where there is more than one Local/Provincial Authority involved, please attach a list of those Local/ Provincial Authorities with their contact details as **APPENDIX 7**.

### 3. ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) INFORMATION

Company of Environmental Assessment Practitioner:	<b>Zitholele Consulting (Pty) Ltd</b>		
B-BBEE	Contribution level (indicate 1 to 8 or non-compliant)	<b>1</b>	Percentage Procurement recognition <b>135%</b>
EAP name:	<b>Ms. Natasha Lalie</b>		
EAPASA Registration Number	<b>2021/3611</b>		
EAP Qualifications:	<b>MSc. Environment and Society BSc. Hons (Geography) BSc. Botany and Geography</b>		
Professional affiliation/registration:	<b>Registered Environmental Assessment Practitioner (EAP) with Environmental Assessment Association of South Africa (EAPASA) Registration No. 2021/3611. Member of International Association for Impact Assessment – South Africa (IAIASa)</b>		
Physical address:	<b>Building 1, Maxwell Office Park, Magwa Crescent West, Waterfall City, Midrand, 1685</b>		
Postal address:	<b>P.O. Box 6002 Halfway House 1685</b>		
Postal code:	1685	Cell:	<b>082 828 6832</b>
Telephone:	<b>011 207 2060</b>	Fax:	<b>086 674 6121</b>
E-mail:	<b>natashal@zitholele.co.za</b>		

The appointed EAP must meet the requirements of Regulation 13 of GN R982 of 04 December 2014, as amended.

If appointed, the declaration of independence of the EAP and undertaking under oath or affirmation that all the information submitted or to be submitted for the purposes of the application is true and correct must be submitted as **APPENDIX 8**.

**4. DETAILS OF IMPLEMENTATION OF PREVIOUS ENVIRONMENTAL AUTHORISATION/ENVIRONMENTAL MANAGEMENT PROGRAMME**

Was the activity commenced with during the validity period of the environmental authorisation? If yes, please describe the implementation of the Environmental Authorisation and previous Environmental Management Programme to date:		<b>NO X</b>
<p><b>The activity has not commenced. The Department requires the Applicant to finalise the EMPr according to the conditions of the EA for approval by the Department prior to commencement of construction activities.</b></p> <p>The original EA (DEA Reference No: 14/12/16/3/3/2/754) is dated 12 October 2016. An extension for the validity period of the EA was obtained in July 2021 and the EA is valid until July 2026 (i.e. a further five (5) years).</p>		

**5. AMENDMENTS APPLIED FOR, AND RELATED INFORMATION**

**PLEASE NOTE THAT THE AMENDMENTS BEING APPLIED FOR CAN ONLY FALL WITHIN THE AMBITS OF REGULATION 37.**

Describe the amendments that are being applied for:	
The EMPr has been amended to include the following, as per the conditions of the EA. <u>Note that the amendments to the EMPr are underlined in the report.</u>	
Conditions of the EA	Section of Amendment EMPr that addresses the Condition
15.1 All recommendations and mitigation measures recorded in the EIR and Specialist Studies attached as part of the EIR.	Section 9: Objective (c) – Mitigation table  Section 7: Objective (h) Mitigation Table  Section 7: Objective (i) Mitigation Table  Section 7: Objective (p) Mitigation Table  Section 8: Objective (a) Mitigation Table regarding avifaunal monitoring  Section 9: Objective (a) table dealing with project components, potential impacts and activity  Section 9: Objective (a) Mitigation Table regarding avifaunal monitoring  Section 10: Objective (c) regarding funding
15.2 The requirements and conditions of the EA.	
<i>Note that the Specific Conditions in the EA that are included in the amended EMPr are underlined and italicised.</i>	
No. 35	Section 6: Objective (a) Mitigation Table Page 37
No. 36	Section 6: Objective (a) Mitigation Table Page 37
No. 37	Section 6: Objective (a) Mitigation Table Page 37
No. 38	Section 7.4.3
No. 39	Section 2 (Impacts on ecology occurring on the site)  Section 6: Objective (a) Mitigation Table
No. 40	Section 5 (Table 5-1) Page 24  Section 6: Objective (c) Mitigation Table Page 47
No. 41	Section 7: Objective (i) Mitigation Table Page 74
No. 42	Section 6: Objective (a) Mitigation Table Page 42
No. 43	Section 7: Objective (i) Mitigation Table Page 77

No. 44	Section 7: Objective (f) Mitigation Table Page 68
No. 45	Section 6: Objective (a) Mitigation Table Page 42
No. 46	Section 7: Objective (f) Mitigation Table Page 68  Section 2 (Table 2-1) Page 11/12  Section 5 (Table 5-1) Page 32/33
No. 47	Section 7: Objective (l) Mitigation Table Page 85
No. 48	Section 7: Objective (n) Mitigation Table Page 91
No. 49	Section 6: Objective (a) Mitigation Table Page 36
No. 50	Section 7: Objective (i) Mitigation Table Page 77/78
No. 51	Section 7: Objective (i) Mitigation Table Page 74
No. 52	Section 7: Objective (h) Mitigation Table Page 71 Section 9: Objective (d) Mitigation Table Page 126
No. 53	Section 7: Objective (m) Mitigation Table
No. 54	Section 9: Objective (a) Mitigation Table Page 121
No. 55	Section 9: Objective (c) Mitigation Table Page 125
No. 56	Section 5 (Table 5-1) Page 29  Section 7: Objective (l) Mitigation Table Page 85/86
No. 57	Section 8: Objective (a) Mitigation Table Page 111  Section 7: Objective (i) Mitigation Table Page 75
No. 58	Section 7: Objective (i) Mitigation Table
No. 59	Section 7: Objective (p) Mitigation Table Page 98
No. 60	Section 9: Objective (a) Mitigation Table Page 121
No. 61	Section 7: Objective (m) Mitigation Table Page 90
No. 62	Section 7: Objective (a) Mitigation Table Page 55
No. 63	Refer to the Generic EMPr for the Powerline
No. 64	Refer to the Generic EMPr for the Powerline
No. 65	Refer to the Disclaimer in the EMPr
15.3 An Alien Invasive Management Plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.	The Plan has been updated and is included as Appendix D of the amended EMPr.  Section 7: Objective (l) and the Mitigation Tables
15.4 A Plant Rescue and Protection Plan which allows for the maximum transplant of conservation important species from the area to be transformed.	The Plan has been updated and is included as Appendix F of the amended EMPr.  Section 2 dealing with Impacts on Ecology occurring on the site  Section 6: Objective (a) Mitigation Tables  Section 7: Objective (j) explaining the occurrence of Protected Plant species on site.
15.5 A Re-Vegetation and Habitat Rehabilitation Plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.	The Plan has been updated and is included as Appendix E of the amended EMPr.  Section 7: Objective (j) Mitigation table explaining that Appendix E must be referred to.  Section 8: Objective (a) Mitigation Measures table.
15.6 A Stormwater and Wash Water Management Plan to be implemented during the construction and operation of the facility. The Plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The Plan must include the construction of design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface	Section 6: Objective (a) Mitigation Measures table.  Section 6: Paragraph below Objective (c) heading  Section 7: Objective (o) Mitigation table  Section 9: Objective (c) Mitigation table

flows. Drainage measures must promote the dissipation of storm water run-off.	
15.7 An erosion management Plan for monitoring and rehabilitating erosion events associated with the facility. Erosion mitigation must form part of this Plan to prevent and reduce the risk of any potential erosion.	Section 7: Objective (b) Mitigation table deals with erosion management  Section 7: Objective (j) deals with implementation of the Erosion Management Plan  Section 9: Objective (c) Mitigation table deals with erosion management
15.8 An effective monitoring system to detect any leakage or spillage of any hazardous substances during their transportation, handling, use or storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or stormwater systems.	Section 7: Objective (o) Mitigation table
15.9 Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments and other environmental sensitive areas from construction impacts including direct or indirect spillage of pollutants.	Mitigation Target in Section 7L Objective (o) and the mitigation tables.
15.10 A Fire Management Plan to be implemented during the construction and operation of the facility.	Section 7: Objective (e) Mitigation table  Section 9: Objective (e) Mitigation table
15.11 An Environmental Sensitivity Map indicating environmentally sensitive areas and features identified during the EIR process.	Figure 2-2
15.12 The Final Site Layout Map	Figure 2-3
15.13 The Final Site Layout Map superimposed (overlain) on the Environmental Sensitivity Map. This map must reflect the approved location of the PV as stated in the EIR and the EA.	Figure 2-2
16. The Final amended EMPr (once approved) must be implemented and strictly enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development when approved.	Refer to the Disclaimer in the EMPr
17. Should the holder of the EA propose changes to the EMPr, the holder of the EA must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.	Refer to the Disclaimer in the EMPr
18. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIR be discovered.	Refer to the Disclaimer in the EMPr

Please provide the reasons and/or a motivation for the application for amendment:

**As per the EA dated 12 October 2016, the draft EMPr that was submitted with the Final Environmental Impact Report (EIR) dated July 2016 was not approved and DFFE requested that the EMPr be amended as dictated by the final Site Layout Map and micro-siting, and the provisions of the EA.**

**The EMPr has been amended in line with the above requirements and the conditions of the EA, and has been made available for public review and comment for a 30-day period, by Interested and Affected Parties (I&APs). Subsequent to the review period, the EMPr will be finalised and will be submitted to the Department for written approval prior to commencement of the activity. Once approved, the EMPr must be implemented and adhered to.**

## 6. ENVIRONMENTAL IMPACTS

Describe any negative environmental impacts that may occur if the application for amendment of the Environmental Management Programme is granted, amongst others information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment must be included.
<b>The impacts on the receiving biophysical and socio-economic environment were assessed extensively during the EIR phase of the project and reported on in the Final EIR that was submitted to the DFFE in 2016. The project scope of work has not changed and therefore the impacts identified during the EIR phase are still relevant and there are no changes/increases in the identified impacts.</b>
The negative impacts of proposed development are as follows: <ul style="list-style-type: none"> <li>• Impacts on surface water resources</li> <li>• Impacts on ecology</li> <li>• Impacts on avifauna</li> <li>• Impacts on soils, land capability and agricultural potential</li> <li>• Impacts on heritage and palaeontological resources</li> <li>• Impacts on visual quality of the area</li> <li>• Socio-economic impacts</li> </ul>
<b>Provided that the mitigation measures as outlined in the amendment EMPr are adhered to, the negative impacts that were identified will be minimised on the receiving environment.</b>

Describe any negative environmental impacts that may occur if the application for amendment is not granted.
<b>If the application for amendment of the EMPr is not granted, the proposed construction activities will not be able to commence at the site and construction-related impacts will not take place. The status quo of the sites earmarked for the proposed solar PV facility will remain. The invasion of alien plant species will continue to occur.</b>

Describe any positive environmental impacts that may occur if the application for amendment is granted, amongst others information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water must be included.
<b>Positive environmental impacts includes the following:</b> <ul style="list-style-type: none"> <li>• Employment and skills development during the construction phase for the local community.</li> <li>• Alien plant species will be removed in open space areas of the site and will be rehabilitated and revegetated to indigenous vegetation.</li> <li>• Establishment of renewable energy infrastructure is a key growth sector by the local municipality and also represents an investment in clean (<i>no emissions and no waste generated</i>), renewable energy infrastructure, which given the challenges by climate change, represents a positive social benefit for society as a whole.</li> <li>• Reduction of the carbon footprint at the Tutuka Power Station as Eskom will diversify their energy mix.</li> <li>• Solar PV has the benefit of not requiring large amounts of water during the power production cycle.</li> </ul>

## 7. AUTHORISATION FROM OTHER GOVERNMENT DEPARTMENTS

Are any permission, licenses or other authorisations required from any other departments before the requested amendments can be effected?	NO X
---	---------

If yes, please complete the table below.

Name of department and contact person	Authorisation required	Authorisation applied for (Yes/ No)
n/a		



## 8. RIGHTS OR INTERESTS OF OTHER PARTIES

In your opinion, will this proposed amendment adversely affect the rights and interests of other parties?		NO X
<p><b>Please provide a detailed motivation of your opinion.</b></p> <p>The Public Participation Process undertaken during the Scoping and Environmental Impact Reporting (S&amp;EIR) process was undertaken in an open and transparent manner meeting the requirements of Chapter 6 of the Environmental Impact Assessment (EIR) Regulations of 2014 (as amended).</p> <p>The proposed solar facility and associated infrastructure will occur within the authorised footprints of the EA as per the Final Site Layout Plan, therefore, no additional impacts to those identified during the EIR process are foreseen.</p> <p>In terms of Section 32(1)(iv) of the EIA Regulations, any changes to the EMPr must be submitted to the Competent Authority and in terms of Section 32(1)(b) the amended EMPr must be made available for public review and comment for 30 days. The amended EMPr has been made available for public review and comment from 19 July 2022 to 22 August 2022. Newspaper advertisements, site notices and notification letters were used a methods of notifying the public of the availability of the amended EMPr for public review and comment.</p> <p>In light of the above legislative requirements and the intent of the Promotion of Administrative Justice Act (PAJA, Act 3 of 2000), the I&amp;APs that were registered during the S&amp;EIR process, will be notified of the availability of the amended EMPr for public review and comment. The above methods of notification will further ensure that no rights or interests of other parties are affected.</p>		

**NOTE: The Department is entitled to request further information if it believes it is necessary for the consideration of the application. If the application is for a substantive amendment, or if the rights or interests of other parties are likely to be adversely affected, the Department will instruct the applicant to conduct a public participation process and to conduct any investigations and assessments that it deems necessary.**

## 9. LIST OF APPENDICES

		SUBMITTED	
APPENDIX 1	Copy of the pre-application meeting minutes	YES X	
APPENDIX 2 Error! Reference source not found.	Proof of Payment/Motivation for exclusion	YES X	
APPENDIX 3	Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto or original commissioned Affidavit/Affirmation under oath	YES X	
APPENDIX 4	Certified copy/ies of the Environmental Management Programme and all subsequent Amendments thereto or original commissioned Affidavit/Affirmation under oath		NO X
APPENDIX 6	Certified copy/ies of the Environmental Audit Reports or original commissioned Affidavit/Affirmation under oath		NO X
APPENDIX 6	List of land owners (with contact details)		NO X
APPENDIX 6	List of Local/Provincial Authorities (with contact details)	YES X	
APPENDIX 8	Declaration of independence of the EAP and undertaking under oath or affirmation, if appointed	YES X	

**10. DECLARATION**

I, Ms. Deidre Herbst, declare that I will comply with all my legal obligations in terms of this application and provide accurate information to everyone concerned in respect to this application.



---

Signature of the Applicant:

**Eskom Holdings SOC Ltd**

---

Name of Company or Organisation:

08 July 2022

---

Date: