

**REFERENCE:** 16/3/3/1/C1/6/0024/22  
**ENQUIRIES:** Dorien Werth  
**DATE OF ISSUE:** 20 February 2023

## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A RADIO MAST AT THE KORING MAIN TRANSMISSION SUBSTATION ON PORTION 7 OF THE FARM HAMELKRAAL NO.16, LAINGSBURG, WESTERN CAPE**

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

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 02 December 2022 as prepared and submitted by Cornerstone Environmental Consultants (Pty) Ltd, the appointed Environmental Assessment Practitioner ("EAP").

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

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

SUTHERLAND WIND FARM (PTY) LTD  
% Mr. Eugene Marais  
4<sup>th</sup> Floor Mariendahl House  
Newlands on Main,  
**Claremont**  
7708

Tel: 073 871 5781  
Email: [Eugene.Marais@mainstreamrp.com](mailto:Eugene.Marais@mainstreamrp.com)

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

**B. LIST OF ACTIVITIES AUTHORISED**

Listed Activities	Activity/Project Description
<b>Environmental Impact Assessment Regulations Listing Notice 3 Government Notice No. 324 of 7 April 2017</b>	
<p>Activity Number: <b>3</b> Activity Description:</p> <p>The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower—</p> <ul style="list-style-type: none"> <li>(i) is to be placed on a site not previously used for this purpose; and</li> <li>(ii) will exceed 15 metres in height—</li> </ul> <p>but excluding attachments to existing buildings and masts on rooftops.</p> <p><b>i. Western Cape</b></p> <ul style="list-style-type: none"> <li>i. All areas outside urban areas;</li> <li>ii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas; or Areas zoned for use as public open space or equivalent zoning within urban areas.</li> </ul>	<p>The proposal is for the development of a 90-metre-high Radio mast with a development footprint of approximately 47.28 square metres on Portion 7 of the Farm Hamelkraal No. 16, Laingsburg Registration Division.</p>

The abovementioned list is hereinafter referred to as “**the listed activity**”.

The Holder is herein authorised to undertake the following alternative (Preferred Alternative) that includes the listed activities as it relates to the development and development footprint area:

The Preferred Alternative entails the development of a 90-metre-high Radio mast with associated infrastructure at the Koring MTS on Portion 7 of the Farm Hamelkraal No. 16, Laingsburg RD. The proposed mast will establish a point-to-point communication link between Eskom infrastructure for relaying data for tele-control and tele-protection. The design of the mast will be a tapered, steel self-supporting lattice-type radio mast with a 2.5m<sup>2</sup> antenna load at the top of the mast. The total development footprint of the proposal is 47.28 square metres.

A final design plan must be submitted to this Directorate as part of the Environmental Management Programme (EMPr).

### C. SITE DESCRIPTION AND LOCATION

The proposed mast will be located on the site of the already authorised Koring Main Transfer Station on Portion 7 of the Farm Hamelkraal No. 16, Laingsburg Rd located approximately 23km south of the town Sutherland, and 50km north of the town Laingsburg and is located within the Laingsburg Municipal Area. The MTS site can be accessed using the service roads authorised for the powerline routes.

Site Coordinates

ALTERNATIVE 1 (PREFERRED):

Latitude (S)			Longitude (E)		
32°	42'	44.08"	21°	15'	35.15"

SG Digit codes of the Farm: CO4300000000001600007

Refer to the Locality Map in Annexure 1 and Site Layout Plan in Annexure 2 of this Environmental Authorisation.

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

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

Cornerstone Environmental Consultants (PTY) Ltd.  
Mr Pieter de Villiers  
PO Box 12606  
Die Boord  
Stellenbosch  
7613

Tel: (021) 887 9099

Email: [pieter@cornerstoneenviro.co.za](mailto:pieter@cornerstoneenviro.co.za)

### E. CONDITIONS OF AUTHORISATION

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

1. This Environmental Authorisation is granted for the period from the date of issue until **31 January 2033**.
2. The holder of this environmental authorisation must commence with the listed activity and conclude the development activity (construction phase activities) by **31 January 2033**. All

rehabilitation must be completed by the said date, as well as the post-construction rehabilitation and monitoring requirements.

Should the authorised activity not be concluded by said date, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

3. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 02 December 2022 on the site as described in Section C above.

The Holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development and development footprint area:

The proposal entails the development of a 90-metre-high Radio mast with associated infrastructure on Portion 7 of the Farm Hamelkraal No. 16, Laingsburg Rd. The total development footprint of the proposal is 47.28 square metres. The design of the mast will be a tapered, steel self-supporting lattice-type radio mast with a 2.5m<sup>2</sup> antenna load at the top of the mast. The total development footprint of the proposal is 47.28 square metres. A final design plan must be submitted to this Directorate as part of the EMPr.

4. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
5. 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.
6. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

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

7. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1 the decision reached on the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued.

- 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 7.4 provide the registered I&APs with the:
  - 7.4.1 name of the Holder (entity) of this Environmental Authorisation,
  - 7.4.2 name of the responsible person for this Environmental Authorisation,
  - 7.4.3 postal address of the Holder,
  - 7.4.4 telephonic and fax details of the Holder,
  - 7.4.5 e-mail address, if any, of the Holder,
  - 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).

### **Commencement**

8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
9. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

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

10. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
  - 10.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 10.2 The notice must also include proof of compliance with the following conditions described herein: **Conditions: 7, 8, 11 & 13-**

### **Management of activity**

11. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted for approval to the Competent Authority:
  - 11.1 The amended EMPr must –
    - 11.1.1 provide that ECO monthly compliance monitoring reports **must** be submitted to this Directorate on a monthly basis.
    - 11.1.2 Incorporate all the conditions given in this Environmental Authorisation;
    - 11.1.3 Include the final design plan.

11.2 The amended EMPr must be submitted to the Competent Authority prior to the construction activities commencing on site.

12. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

13. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases.

14. The ECO must–

- 14.1 be appointed prior to commencement of any works (i.e. removal and movement of soil);
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.

15. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.

16. Access to the site 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**

17. The Holder must, for the period during which the environmental authorisation; and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and provisions of the EMPr, is audited.

18. The frequency of auditing of compliance with the conditions of the environmental authorisation and compliance with the provisions of the EMPr, must adhere to the following programme:

- 18.1 During the period which the activities have been commenced with on site and post construction rehabilitation and monitoring requirements have been completed, the Holder must ensure annual environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted annually to the Competent Authority.

- 18.2 A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within three (3) months of completion of the post construction rehabilitation and monitoring requirements.
19. The Environmental Audit Report(s), must –
- 19.1 be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
  - 19.2 provide verifiable findings, in a structured and systematic manner, on–
    - 19.2.1 the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
    - 19.2.2 the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
  - 19.3 identify and assess any new impacts and risks as a result of undertaking the activity;
  - 19.4 evaluate the effectiveness of the EMPr;
  - 19.5 identify shortcomings in the EMPr;
  - 19.6 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 19.7 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
  - 19.8 indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
  - 19.9 include a photographic record of the site applicable to the audit; and
  - 19.10 be informed by the ECO reports.
- 20 The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

### **Specific Conditions**

- 21 Species of Conservation Concern must be rescued and translocated to an appropriately suitable habitat, before construction activities commence.
- 22 Concrete or cement mixing is not permitted within 100m of the watercourses.

- 23 A bunded area around the cement mixing area must be established in such a way that cement slurry will not run off into the surrounding environment.
- 24 Concrete works must be carefully controlled and no concrete may be spilled into the watercourses.
- 25 A 100m buffer around the freshwater resource feature to the north-west and north of the new development footprint must be strictly applied, apart from the small section of buffer area that extends into the north-western corner of the MTS footprint.
- 26 A final design plan of the structures and the specific method statements for the maintenance works must be submitted to the Competent Authority, prior to commencement of the maintenance activities. This final design plan and detailed method statements for maintenance must be included in the amended EMPr that must be submitted to the competent authority.
- 27 Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

## **F. GENERAL MATTERS**

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

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

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

Where a validity period has been specified for operational aspects, the onus is on the Holder to ensure the activities are always undertaken in terms of a valid environmental authorisation.



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

**Note:**

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

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

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

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

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

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

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

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

6. Non-compliance with a condition of this environmental authorisation or any provision of the EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 8, 11 and 13). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

## **G. APPEALS**

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

- 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
- 2.2 Submit a copy of the appeal to the holder of the decision and any registered I&AP including any Organ of State with an interest in the matter; and
- 2.3 Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:

[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za) and copied to

[DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@westerncape.gov.za)

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

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

By facsimile:           (021) 483 4174; or

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

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

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

**WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 20 FEBRUARY 2023

Copy:

Pieter de Villiers

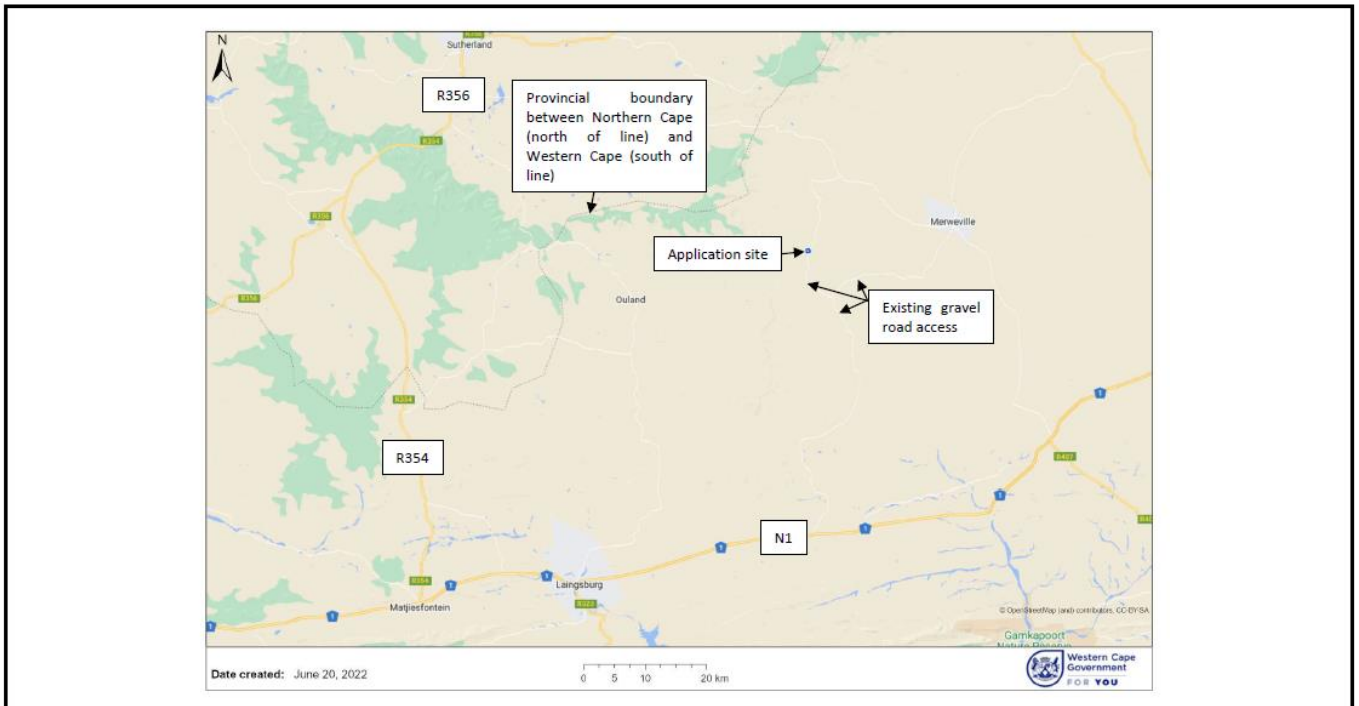
Cornerstone Environmental Consultants (Pty) Ltd.

Email: [pieter@cornerstoneenviro.co.za](mailto:pieter@cornerstoneenviro.co.za)

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:** 16/3/3/1/C1/6/0024/22  
**NEAS REFERENCE:** WCP/EIA/0001166/2022

## ANNEXURE 1: LOCALITY MAP



### Appendix A1: Locality Map

**BASIC ASSESSMENT PROCESS: THE PROPOSED DEVELOPMENT OF A MAST AT THE KORING MAIN TRANSMISSION SUBSTATION ON PORTION 7 OF THE FARM HAMEL KRAAL NO. 16, LAINGSBURG REGISTRATION DIVISION, WESTERN CAPE**

Scale: As per CapeFarmMapper Image



Postal: PO Box 12606, Die Boord,  
Stellenbosch, 7613  
Tel: 021 887 9099  
Email: [info@cornerstoneenviro.co.za](mailto:info@cornerstoneenviro.co.za)  
Web: [www.cornerstoneenviro.co.za](http://www.cornerstoneenviro.co.za)

## ANNEXURE 2: SITE LAYOUT MAP



### Appendix J: Site Layout Map

**BASIC ASSESSMENT PROCESS: THE PROPOSED DEVELOPMENT OF A MAST AT THE KORING MAIN TRANSMISSION SUBSTATION ON PORTION 7 OF THE FARM HAMEL KRAAL NO. 16, LAINGSBURG REGISTRATION DIVISION, WESTERN CAPE**

Scale: As per GoogleEarth Image



Postal: PO Box 12606, Die Boord,  
Stellenbosch, 7613  
Tel: 021 887 9099  
Email: [info@cornerstoneenviro.co.za](mailto:info@cornerstoneenviro.co.za)  
Web: [www.cornerstoneenviro.co.za](http://www.cornerstoneenviro.co.za)



### **ANNEXURE 3: REASONS FOR THE DECISION**

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

- a) The information contained in the Application Form received on 15 September 2022, the Final Basic Assessment Report (FBAR) and EMPr dated 02 December 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 National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 02 December 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

The Department had sufficient information at its disposal to understand the environmental and spatial context. 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. Need & Desirability**

The authorised Rietrug Wind Energy Facility (WEF), Sutherland WEF, Sutherland 2 WEF, associated Grid Expansion and Koring Main Transmission Station (MTS) are collectively known as the "Sutherland Cluster". The applicant (Sutherland Wind Farm (Pty) Ltd.) proposes to develop a radio mast at the Koring MTS to establish a point-to-point communication link between Eskom infrastructure for relaying data for tele-control and tele-protection of the Grid and effective management of the transmission of electricity at the Koring Main Transfer Station (MTS).

The FBAR submits that the radio mast will be placed on the already authorised, relocated MTS development footprint (EA: 14/12/16/3/3/1/2077). The site has been approved for the development of the MTS and no new development footprint will be created as a result of the radio mast. By the time that the radio mast will be constructed, the MTS footprint would have already been disturbed and many of the identified impacts would have been realised. The Competent Authority is therefore of the opinion that the time and place factor of need and desirability is duly satisfied.

#### *Integrated Development Plan (IDP)*

The Laingsburg Draft Integrated Development Plan (Laingsburg Draft IDP, 2022) requires that one of the strategic objectives of the Laingsburg local municipal area would be to improve its electricity service and provision. Additionally, the IDP explains that "Local Government plays a very important role in the provision of electricity. Section of the Constitution places the responsibility on municipalities to ensure the provision of services to communities in a sustainable manner for economic and social support" (Laingsburg IDP, pg. 102). The

Sutherland Cluster will contribute to electricity supply within the Laingsburg local municipal area and the proposed development of a mast on Portion 7 of the Farm Hamel Kraal No. 16, Laingsburg RD, will enable a point-to-point communication link to enable communication for tele-control and tele-protection of the Koring substation and equipment on the national grid by Eskom. Therefore, the proposed development is well-aligned with the Laingsburg IDP.

#### *Spatial Development Framework (SDF)*

The Laingsburg Final Draft Spatial Development Framework (Laingsburg Final Draft SDF, 2012) presents the three main attributes the Municipality has to build its future on: agriculture, transport and tourism. "Agriculture, although declining in economic growth and employment terms, remains the most important sector in the municipal economy." (Laingsburg SDF, pg. 181). However, the Laingsburg SDF goes on to address the importance of access to electricity, "Access to basic services within South Africa is a basic human right. It is also an indication of the quality of life of the inhabitants in the country. The extent of human development within a municipality is largely influenced by access to housing and associated basic services such as water, electricity, sanitation and refuse removal, with high access levels implying better human development and vice versa." (Laingsburg SDF, pg. 137). Furthermore, with regards to power cuts, the SDF argues that "Some people are using renewable energy and solar energy as an appropriate alternative, which could be used locally." The proposed development forms part of the greater Sutherland Cluster project and the approved renewable electricity supply. Without the development of the radio mast, Eskom would be unable to ensure tele-control of the Grid and effective management of the transmission of electricity at the Koring MTS. Therefore, the proposed development is well-aligned with the Laingsburg SDF.

## **2. Public Participation**

A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the NEMA EIA Regulations 2014 for public involvement. The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the proposed sites on 13 June 2022;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 26 September 2022;
- the draft BAR was made available for comment from 26 September 2022 until 26 October 2022;
- the placing of a newspaper advertisement in the '*Oudtshoorn Courant*' on 22 September 2022; and

The following Organs of State provided comment on the proposal:

- *Department Forestry, Fisheries and Environment*
- *CapeNature*



- Breede Gouritz Catchment Management Agency (BGCMA); and
- Land Use Management
- Department Agriculture, Land Reform & Rural Development

The Department Forestry, Fisheries and Environment states that the proposed development will not pose significant impacts if stringent mitigation measures are implemented. Therefore, the proposed development is supported provided that the mitigation measures proposed are implemented.

Cape Nature stated that the radio mast will be developed within an area that will be disturbed by the MTS, which already has Environmental Authorisation. Therefore, the proposed activity will be developed within an already disturbed footprint and is also proposed outside any CBA and ESA.

The Breede Gouritz Catchment Management Agency (BGCMA) provided mitigation measures to be implemented. These mitigation measures will be included in the Environmental Management Program.

Land Use Management stated that they have no objection against the application on condition that the proposed development does not have a negative impact on the day-to-day agriculture activities on the farm portion during the construction phase and that the mitigation measures associated with onsite soil erosion are implemented and monitored.

The Department Agriculture, Land Reform & Rural Development stated that they have no objection to the proposed development provided that their recommendations are taken into account.

#### ● Comments from Interested and Affected Parties:

An objection to the proposed development was submitted by a registered Interested and Affected Party.

All the comments and issues raised by the respective Organs of State were captured in the Basic Assessment Report and adequately responded to by the EAP. The Competent Authority is satisfied with the responses obtained from the EAP as to how the potential issues and concerns will be addressed and the additional consultation with Organs of State.

### 3. Alternatives

#### Preferred Site Alternative (Herewith Approved):

The preferred site for the proposed development of a radio mast falls within the authorised Koring Main Transmission Station (MTS) footprint on Portion 7 of the Farm Hamelkraal No 16,

Laingsburg RD. This preferred site alternative will be placed in the already authorised, relocated MTS development footprint, thus has the site been approved for development of the MTS. Therefore, no new development footprint will be created as a result of the construction of the radio mast. The preferred site alternative is classified as much more homogenous than the previously authorised MTS site and is dominated by mostly gravel and sandy plains with a few low outcrops.

#### Site Alternative:

The previous authorised location of the MTS was the only other site alternative that was previously investigated. The previous authorised site was deemed to be unsuitable as it was located upon steep terrain that would be unsuitable for construction and would require extreme amounts of earthworks. This original MTS site would have furthermore hindered the connection of other renewable energy projects in the future.

#### "No-Go" Alternative

According to the FBAR this alternative assumes that the proposed project will not go ahead, therefore it is the option of not constructing the proposed radio mast. This alternative will result in no environmental impacts on the site or surrounding local area – providing the baseline against which other alternatives are compared and considered throughout this report. Not constructing the mast will result in negative implications for the proposed MTS and its associated WEFs, because there will be no means of establishing a communication link for Eskom to tele-control and tele-protect the Koring MTS and its electrical infrastructure on the national grid.

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

Various specialist studies have been done as part of the original assessments for the Sutherland Cluster Projects. The proposed mast will be located on the Koring Main Transfer Station, which is already authorised (14/12/16/3/3/1/2077). These specialist assessments were considered with updated comment by the respective specialists.

### 4.1 Biophysical Impacts

According to the FBAR the proposed development of a radio mast will not fall within a Critical Biodiversity Area (CBA), Ecological Support Area (ESA), or Other Natural Area (ONA), and it is not located within a protected area. The proposed development site contains indigenous vegetation, which has been completely mapped as Gamka Karoo vegetation. This vegetation type has been gazetted in 2011 as having a 'Least Concerned' threat status. The botanical review of the new MTS site confirmed the vegetation type on the project site is located within a low sensitive area. With effective implementation of the recommended mitigation measures provided within the Terrestrial Ecological Impact Assessment (Todd, 2019). The proposed construction of a radio mast on the MTS footprint will have no additional impact or influence on any of the mentioned biodiversity features. The Competent Authority is of the

opinion that the proposal will not have a significant negative impact on the biophysical receiving environment and can therefore be supported.

#### 4.2 Freshwater

According to the FBAR there are no water courses which transect the application site, however, there are several non-perennial tributaries which surround the application site, the nearest of which is the tributary that runs past the north-western corner of the site. There are also two artificial wetlands situated more than 250 meter south of the application site. However, it is noted that a Water Use License was applied for. Due to the distance of the MTS site to freshwater resources features within the surrounding area, indirect impacts will be reduced. The proposed construction of a radio mast on the MTS footprint will have no additional impact or influence on any of the identified watercourses, the Competent Authority is in agreement with the this.

#### 4.3 Geographical

Based on the FBAR the proposed site has been described by the Botanist (Nkurenkuru Ecology and Biodiversity 2021) as homogenous and is dominated by mostly gravel and sandy plains with a few low outcrops. Additionally, no plant Species of Conservation Concern (SCC) were recorded during the site visit within the MTS location, and the Botanist argued that it is highly unlikely that the development on the MTS site would have significant impact on such species. It is therefor not anticipated that geographical aspects would be affected by, or would affect, the proposed development. The proposal is supported by the Competent Authority.

#### 4.4 Heritage

A Heritage Impact Assessment (HIA), consisting of heritage and palaeontological assessment, was undertaken during the MTS BA process by Dr Jayson Orton of ASHA Consulting (Pty) Ltd. and Dr. John Almond of Natura Viva (2019). For the relocation of the MTS site, a new HIA was undertaken by ASHA Consulting in 2021 and a Palaeontological Assessment was conducted by Dr. John Almond in 2021. A NID was submitted to Heritage Western Cape (HWC), in terms of Section 38(8) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) by ASHA Consulting (Pty) Ltd. on 7 July 2021 for the relocated MTS site, and thus no further NID was deemed necessary for submission for this application and the Competent Authority is in agreement hereof.

#### 4.5 Terrestrial Biodiversity

The Terrestrial Ecological Impact Assessment indicated that there would be a small extent of habitat loss for sensitive species at the MTS site (including the tortoise species of concern found in the area) because of construction and operational phase disturbance. However, the specialist confirmed that this would be a very small area that would not compromise the local population to any degree and a long-term significant impact is not likely. The terrestrial ecology review by Nkurenkuru Ecology and Biodiversity in 2021 confirmed this view. In addition to this, the application site presented a lack of preferential/suitable habitat, and therefore

most of the SCC are unlikely to inhabit the application site, apart from the Karoo Padloper - *Homopus boulengeri*, 'Near Threatened'. Additionally, it was argued that the relocation of the MTS site would have no effect on the findings of the Avifauna assessment undertaken as it falls within the authorised 500m grid connection corridor, which had been assessed as part of the original BA process. Therefore, no new Avifaunal assessment was undertaken for the MTS application. The radio mast will be constructed on the footprint of the MTS and will therefore have no additional influence or impact on the above-mentioned findings of Avifauna.

#### 4.6 Other Impacts

No other impacts of significance are anticipated for the area that has been authorised in this Environmental Authorisation.

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

The environmental authorisation has been granted for a period of ten (10) years, during which period the construction (non-operational) phase must commence and be concluded. The final environmental audit must be submitted to the Competent Authority within three (3) months of completion of the post construction rehabilitation and monitoring requirements, and within the validity period of the environmental authorisation. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

### 6. **National Environmental Management Act Principles**

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

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

## 7. Conclusion

After consideration of the information and factors listed above, the Competent Authority made the following findings:

- (a) The identification and assessment of impacts in the FBAR dated 02 December 2022 is deemed sufficient with regards to the assessment of the key identified issues and impacts.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The proposed mitigation measures in the EMPr for the pre-construction, construction and rehabilitation phases of the development is considered adequate.

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

----- **END** -----