

REFERENCE: 16/3/3/1/C1/6/0030/22
NEAS REFERENCE: WCP/EIA/0001194/2022
DATE OF ISSUE: 11 MAY 2023

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION (EA) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CONCRETE TOWER FACILITY ON A PORTION OF THE FARM NUWERUS NO. 284, LAINGSBURG LOCAL MUNICIPALITY, CENTRAL KAROO DISTRICT MUNICIPALITY

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 24 January 2023 as prepared and submitted by CEN Integrated Environmental Management Unit, 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

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% Sphila Maphumulo
The Towers
South, 7th Floor
2 Heerengracht Str,
Cape Town
8001

Cell: 060 962 9249
Tell: 021 464 0200
E-mail: nmaphumulo@nordex-online.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
Environmental Impact Assessment Regulations Listing Notice 1 (Government Notice No. 326 of 7 April 2017)	
<p>Activity Number: 19 Activity Description:</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.</p>	<p>The new internal access road will cross 2 watercourses to accommodate the trucks transporting the concrete wind tower sections. It is anticipated that 10m³ or more material will be infilled or removed.</p>
<p>Activity Number: 27 Activity Description:</p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>The site area to be cleared of indigenous vegetation is approximately 12 hectares in extent.</p>
<p>Activity Number: 28 Activity Description:</p> <p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes. <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The site area to be developed is approximately 12 hectares in extent and is located outside the urban area. The site is zoned as agriculture and utilised for sheep grazing with a portion previously utilized for agricultural crops.</p>

Environmental Impact Assessment Regulations Listing Notice 3 (Government Notice No. 324 of 7 April 2017)	
<p>Activity Number: 4 Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <ul style="list-style-type: none"> (i) Western Cape, (ii) Areas outside urban areas, (aa) Areas containing indigenous vegetation 	<p>The new internal access road will be approximately 750m in length and 8m in width. The site is located outside the urban area and consists of indigenous vegetation.</p>
<p>Activity Number: 12 Activity Description:</p> <p>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.</p> <p>i. Western Cape</p> <p>(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;</p> <p>(ii). Within critical biodiversity areas identified in bioregional plans;</p> <p>(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;</p> <p>(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</p> <p>(v). On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>The site area to be cleared of indigenous vegetation is approximately 12 hectares in extent. The site is located within a CBA in terms of the Western Cape Biodiversity Framework (2014) and Western Cape Biodiversity Spatial Plan (2017).</p>
<p>Activity Number: 14 Activity Description:</p> <p>The development of –</p>	<p>The new internal access road will cross 2 watercourses and 32m thereof. It is anticipated that a footprint across the watercourses will be 960m² and 720m². The new internal access road is located outside urban areas in a CBA and</p>

<p>dams or weirs, where the dam or weir including infrastructure and water surface area exceeds 10 square metres; or infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>within a watercourse; in front of a development setback; or if no development setback has been adopted within 32 metres of a watercourse, measured from the edge of a watercourse.</p> <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i. Western Cape</p> <p>i. Outside urban areas:</p> <p>(aa) a protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</p>	<p>ESA in terms of the Western Cape Biodiversity Framework (2014) and Western Cape Biodiversity Spatial Plan (2017).</p>
<p>Activity Number: 18 Activity Description:</p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>(i) Western Cape</p> <p>(i) Areas zoned for use as public open space or equivalent zoning;</p> <p>(ii) All areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p>	<p>The existing main access road will be required to be upgraded/widened by more than 4m. The site is located outside urban areas and consists of indigenous vegetation</p>

<p><i>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i></p> <p><i>(iii) Inside urban areas:</i></p> <p><i>(aa) Areas zoned for conservation use; or</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	
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The abovementioned list is hereinafter referred to as “**the listed activity**”.

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

The clearance of approximately twelve (12) hectares of indigenous vegetation for the construction and operation of a concrete tower facility that will manufacture concrete towers for developing windfarms on the Farm Nuwerus No. 284 (“the property”) near Matjiesfontein. The proposal also includes the development of a cover tent, storage yard, batching plant, laboratory, water treatment system, aggregates shed, water tanks (reservoirs), warehouse, auxiliary installations, associated access road and an internal access road. The site development plan is attached to this EA as Annexure 2.

C. SITE DESCRIPTION AND LOCATION

The proposed construction and operation of a concrete tower facility that will manufacture concrete towers for developing windfarms on Farm Nuwerus No. 284 near Matjiesfontein, Laingsburg Local Municipality. Access to the property can be obtained from the R354 (Matjiesfontein – Sutherland Road) and from the Fortuin Road.

Site Coordinates:

Position:	Latitude (South)	Longitude (East)
MAIN ACCESS ROAD FROM R354		
Starting point co-ordinates	32° 59' 0.07"	20° 33' 44.91"
Middle point co-ordinates	32° 58' 59.26"	20° 33' 39.96"
End point co-ordinates	32° 58' 58.53"	20° 33' 35.14"
INTERNAL ACCESS ROAD – ALTERNATIVE 1		
Starting point co-ordinates	32° 59' 0.59"	20° 33' 24.42"
Middle point co-ordinates	32° 59' 8.10"	20° 33' 16.58"
End point co-ordinates	32° 59' 19.52"	20° 33' 14.03"

SG digit code: C04300000000028400000

Refer to Annexure 1: Locality Plan of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

CEN Integrated Environmental Management Unit (CEN IEM Unit)
% Ms. Lucille Behrens,
65 Van Der Walt Street,
Middelburg
Eastern Cape
5900

Cell: 082 922 1645
Email: lucille@environmentcen.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 October 2028**, the date on which all the listed activities, including post construction, operation, decommissioning/rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

Failing which, 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).

2. The Holder is authorised to undertake the listed activity specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 24 January 2023 on the site as described in Section C above.
3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. 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.
5. Any changes to, or deviations from the scope of the preferred 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

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;

- 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
- 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 6.4. provide the registered I&APs with the:
- 6.4.1. 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, of the Holder,
 - 6.4.6. 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).
- 6.5. 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.
- 6.6. 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

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
- 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 10, 12 and 20
8. Seven calendar days' written notice must be given to the Competent Authority on completion of the clearance activities.

Management of activity

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to include the following aspects and resubmitted for approval, prior to the commencement of the activities:
- 9.1. The EMPr must be amended to incorporate the following —
 - 9.1.1. The conditions of this environmental authorisation and the following submitted to this Directorate, before commencement of the construction activities.
 - 9.1.2. All ECO compliance monitoring reports must be submitted to this Directorate on a monthly basis during the construction phase and quarterly during the operational phase.
 - 9.1.3. A map which clearly indicates the demarcated no-go areas.

- 9.1.4. Alien Invasive Management Plan to control alien invasion on the neighbouring areas outside the site development plan approved by this Directorate, prior to the commencement of the clearance activities.
 - 9.1.5. Stormwater / surface run-off management plant must be developed be submitted to this Directorate, before commencement of construction activities.
 - 9.1.6. The methodology that will be implemented for the clearance of indigenous vegetation.
 - 9.1.7. Auditing schedule detailing when environmental audits will be undertaken for the duration that the Environmental Authorisation is valid.
10. The amended EMPr must be submitted to the Competent Authority for approval, prior to the construction activities commencing on site.
 11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), prior to commencement of any works (i.e., removal and movement of soil) and for the duration of the clearance and rehabilitation phases of the implementation contained herein.
13. The ECO must–
 - 13.1. be appointed prior to commencement of any works (i.e. removal and movement of soil);
 - 13.2. ensure compliance with the EMPr and the conditions contained herein;
 - 13.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 13.4. remain employed until all development activities are concluded, and the post development/implementation rehabilitation and monitoring requirements are finalised.
14. 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.
15. Access to the site referred to in Section C 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

16. The Holder must, for the period during which the environmental authorisation and EMPr remain valid, ensure that compliance with the conditions of the environmental authorisation and the EMPr, is audited.
17. The frequency of auditing compliance with the conditions of the environmental authorisation and provisions of the EMPr, must adhere to the following programme:

17.1. Submit a final audit report to the Competent Authority within six (6) months of completion of the decommissioning/rehabilitation activities, but not later than 31 July 2028.

18. The Environmental Audit Report(s), must –

18.1. 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;

18.2. provide verifiable findings, in a structured and systematic manner, on–

18.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and

18.2.2. 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.

18.3. identify and assess any new impacts and risks as a result of undertaking the activity;

18.4. evaluate the effectiveness of the EMPr;

18.5. identify shortcomings in the EMPr;

18.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

18.7. 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;

18.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;

18.9. indicate the date on which the decommissioning and closure phase was commenced with;

18.10. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;

18.11. include a photographic record of the site applicable to the audit; and

18.12. be informed by the ECO reports.

19. 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

20. The No-Go areas must be physically and clearly demarcated, prior to any earthworks commencing. This area may not be used to store any materials. All construction related activities such as materials storage and site camp establishment must occur within the authorised footprint (the preferred alternative in Annexure 1).

21. A Plant Search and Rescue Operation must be undertaken by a suitable qualified botanical specialist prior to the commencement of construction activities. All rescued plants must be carefully removed and transplanted at a suitable site within in the same habitat type.

22. Areas to be cleared must be clearly demarcated before any clearing of vegetation commences.
23. 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.

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.

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 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-development 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. 6, 10, 12 and 20). 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.

F. 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:

Zaahir.Toefy@westerncape.gov.za and copied to

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:

Zaahir.Toefy@westerncape.gov.za and copied to

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

8th 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

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 or URL <http://www.westerncape.gov.za/eadp>.

G. 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: 11 MAY 2023

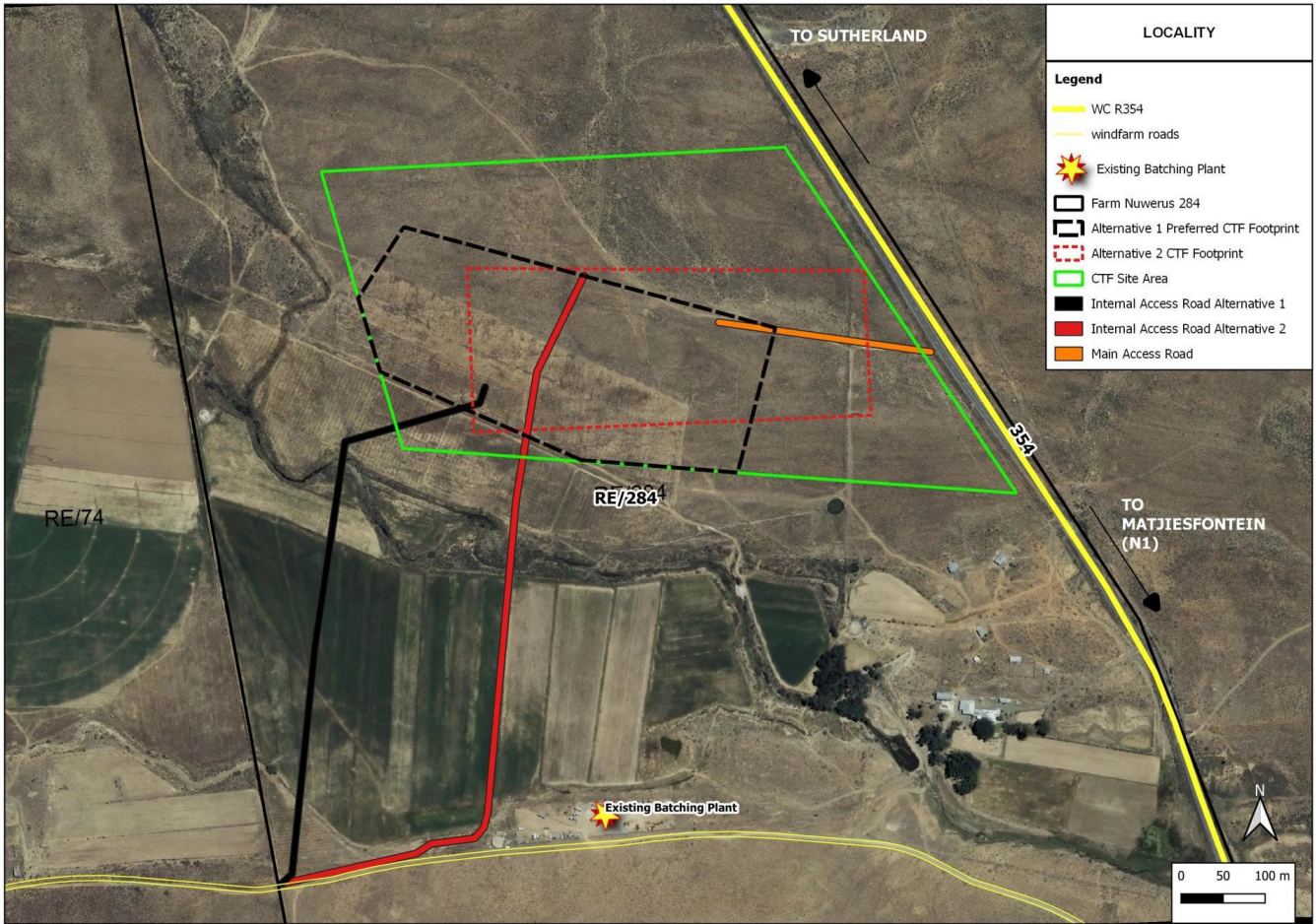
Copied to: EAP: Lucille Behrens

E-mail: lucille@environmentcen.co.za

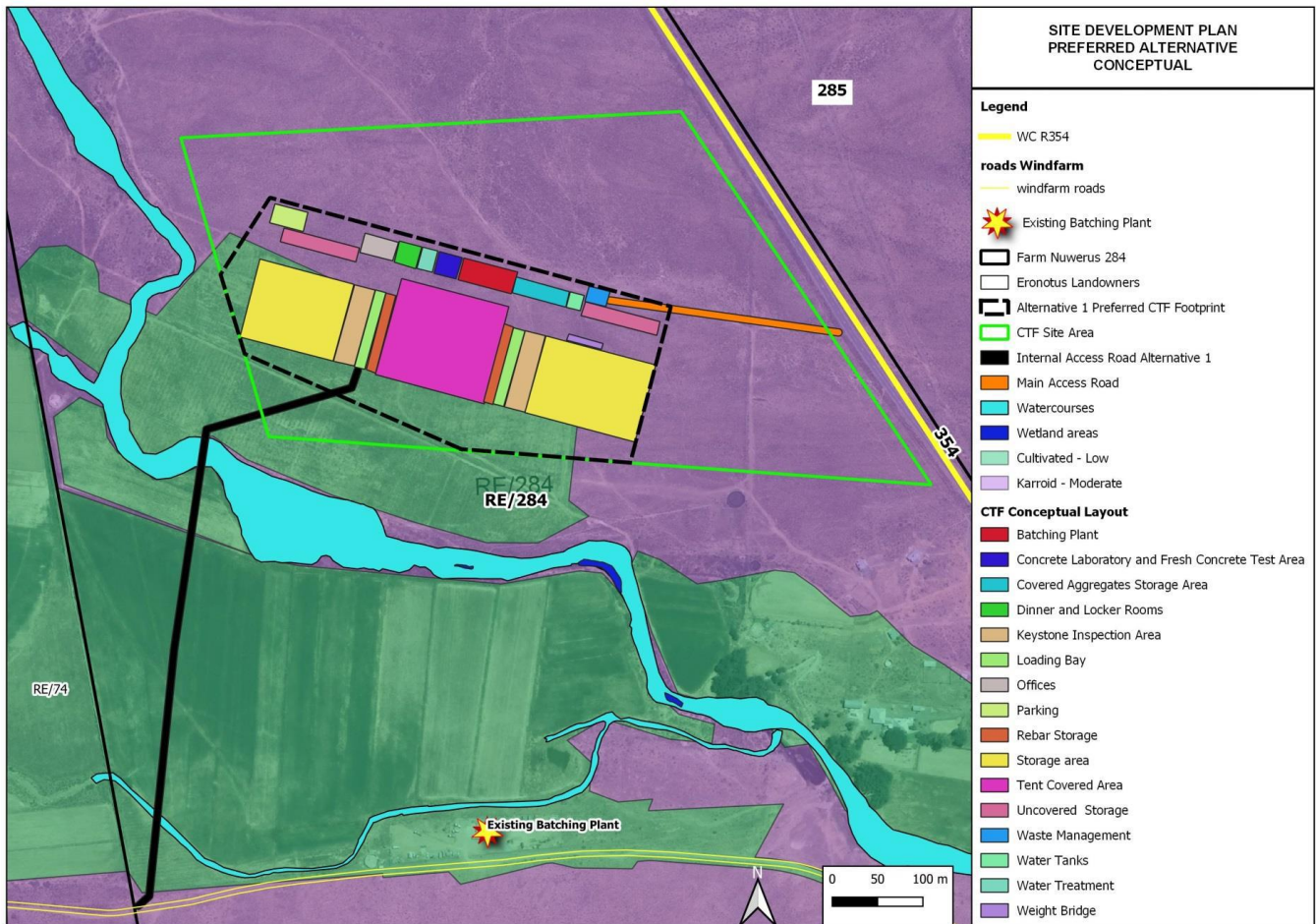
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EIA REFERENCE NUMBER: 16/3/3/1/C1/6/0030/22
NEAS REFERENCE: WCP/EIA/0001194/2022

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN MAP (PREFERRED ALTERNATIVE)



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 31 October 2022, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR dated 24 January 2023;
- 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 24 January 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) The observations during the site inspection that was conducted by Mr Malcolm Fredericks, Mrs Dorien Werth from the Directorate Development Management (Region 3) and Ms Lucille Behrens from CEN Integrated Environmental Management Unit.

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. Legislative Requirements

Due consideration has been given to the applicability of the activities listed in terms of the Environmental Impact Assessment Regulations Notice 1 and 3 of 2014 (as amended). Although Activity 24 of the Environmental Impact Assessment Regulations Notice 1 of 2014 was applied for in the application form received on 31 October 2022 (and considered in the Final BAR), it has not been specified/authorised in this environmental authorisation as there is an exclusion applicable which is: The development of a road - (c) which 1 kilometre or shorter, the length of the road will be 750m.

Activity 56 of the Environmental Impact Assessment Regulations Notice 1 was also applied for in the application form received by this Directorate, this activity has not been specified/authorised in this environmental authorisation as the activity is only applicable where the road will be widened by more than 6 metres, or the lengthening of a road by more than 1 kilometre – (i) where the existing reserve is wider than 13.5 metres; or (ii) where no reserve exist, where the existing road is wider than 8 metres. The main access road will be required to be upgraded / widened. This activity is not applicable as the existing road has no reserve and the existing road is not wider than 8m.

2. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 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 sites on 10 November 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 11 November 2022;

- the draft BAR was made available for comment from 14 November 2022 until 14 December 2022;
- the placing of a newspaper advertisement in the 'Die Burger' on 14 November 2022.

The following Organs of State provided comment on the proposal:

- *Department Transport & Public Works*
- *CapeNature*
- *Breede Gouritz Catchment Management Agency (BGCMA)*
- *Western Cape Pollution and Chemicals Management*

Department Transport & Public Works

The Department of Transport and Public Works had no objection and is in favour of the proposed Concrete Tower Construction Facility. The proposed access to the facility off Trunk Road 20 Section 1 (TR020/01) will be subject to approval by the Branche's Design Directorate.

Cape Nature

Cape Nature (CN) stated that it does not support the upgrading or construction of new access roads within or crossing any watercourse and sensitive areas. The access road was subsequently re-aligned to an area where the aquatic specialist stated there would be minimal impact.

Breede Gouritz Catchment Management Agency (BGCMA)

BGCMA stated in their comment that an authorisation needs to be obtained in terms of the National Water Act (NWA), 1998 (Act No.36 of 1998). An application was submitted in terms of the National Water Act, 1998.

Western Cape Pollution and Chemicals Management

The Western Cape Pollution and Chemicals Management Directorate recommended that a Stormwater Management Plan along with a Environmental Management Plan be submitted, as noted in the Freshwater Impact Assessment along with other recommendations.

All the comments and issues raised by the respective Organs of State that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses from the EAP to the I&APs comments and concerns.

3. Alternatives

Site Alternatives

Alternative 1 (Preferred Alternative – herewith authorised)

The preferred site formed part of the EIA for the Rietkloof Wind Energy Facility (WEF) and was approved for the site camp area. No concerns were noted in the EIA for the Rietkloof WEF regarding the locality of the site camp. This alternative is located in close proximity to approved windfarm roads and thus to approved wind energy facilities in order to provide towers for potential projects of REIPPP program (BW5, BW6) and / or private PPA market.

Alternative 2: The Laingsburg Urban Area was investigated, but it is considered to be unfeasible due to the associated risks when transporting the tower segments via main roads: quality, safety, community unrests and permits which would cause a delay or limit when the tower segments could be transported, e.g. no night or weekend travel of abnormal loads on the main roads.

Alternative 3

An alternative area that was utilised previously by Nordex as a buffer yard was located on Portion 1 of the Farm 74, located approximately 4.8km to the northwest of the proposed site on the Farm Nuwerus 284. Nordex undertook an investigation of the buffer yard compared to the preferred alternative in terms of criteria: water availability, electricity grid connection, quarry distance, bearing capacity, earthworks volumes, earthworks workability, windfarm distance, land shape and size. The buffer yard is also smaller with limited flat area whereas the preferred alternative is larger with more flatter areas to accommodate the factory requirements.

Alternative proposed in Visual Assessment

The alternative that was recommended by the Visual Specialist, which is located on the cultivated land closer to the river, is not considered feasible as it falls within an agricultural area that was requested to be excluded by the landowner. The south-eastern corner of the visual alternative is located within the wetland buffer and the southern boundary would also be located closer to the Roggeveld River and associated buffer. This alternative is approximately 7.5ha in extent and would not meet the 10-12ha requirement for the CTF, and it also extends the boundary of the area permitted for use by the landowner.

Design or layout alternatives

Internal Access Road Alternative 1 (Preferred Alternative, herewith authorised)

The preferred alternative for the internal road would cross approximately 105m of the Roggeveld River and 28m buffer, approximately 70m of the 28m buffer for the southern watercourse and is located approximately 290m from wetland 1.

Internal Access Road Alternative 2 (Not authorised)

This alternative for the internal access road was the initial route proposed. Approximately 114m of the road is located within the Roggeveld River and 28m buffer, approximately 235m was located within the buffer of the southern watercourse and although located outside of the 52m buffer of wetland 1, the road is approximately 72m from the wetland.

"No-Go" Alternative

The No-Go alternative implies that the Concrete Tower Facility (CTF) would not be constructed and thereby would not be able to supply concrete towers to windfarms in the surrounding area. This would not provide the temporary positive impacts relating to employment opportunities and economic benefits. The current situation / status quo would remain, and the current land use would continue to increase in intensity and particular in the active agriculture areas along the Roggeveld River, and associated impacts relating to continued vegetation clearing and changes to water quality (erosion / sedimentation), current alien vegetation may spread into surrounding areas.

4. Impact Assessment and Mitigation Measures

4.1. Activity Need and Desirability

The BAR submits that the Concrete Tower Facility could be seen as support or associated activities with respect to renewable energy, as the facility will manufacture tower segments for the wind

energy facilities, and will support the various national, provincial and local government policies. The Concrete Tower Facility will not be a permanent structure and the operational phase will be of a short term (5 year period). The construction phase will be approximately 26 weeks and the operational phase (i.e. production of concrete towers / segments) is approximately 40 weeks. During time periods where the facility will not be manufacturing tower segments, no operation will be undertaken. The proposed site on the Farm Nuwerus 284 is located in close proximity to approved windfarm roads and thus approved wind energy facilities in order to provide towers for potential projects of REIPPP program (BW5, BW6) and/ or private PPA market.

4.2. Integrated Development Plan (IDP)

According to the BSR the IDP of Laingsburg Local Municipality recognises renewable energy as a source for local economic development. The Concrete Tower Facility could be seen as support or associated activities regarding renewable energy as the facility will manufacture tower segments for the wind energy facilities and will support the IDP in terms of local economic development.

4.3. Spatial Development Framework (SDF)

The BAR submits that the Concrete Tower Facility would be located in a Buffer 1 area of the Laingsburg Spatial Development Framework (SDF). The facility will not be a permanent structure and the operational phase will be short term. The Laingsburg SDF indicates that renewable energy projects should only be permitted in Buffer Areas and should be located in areas of least agricultural and biodiversity quality and visual impact. The Concrete Tower Facility would be located in low to moderate land capability for agriculture and low to moderate sensitivity for terrestrial biodiversity.

4.4. Terrestrial Biodiversity

According to the BAR the site is located within a CBA 1 and ESA 2. The proposed activity will have limited cleared footprint and would result in loss of designated CBA's and minimal clearance would be undertaken in ESA2 areas. The activity is unlikely to affect conservation targets and terrestrial ecological processes significantly, with these being the primary objective of designated CBA and ESA categories. The total footprint within the CBA1 area will be negligible at a regional level and will not result in any significant loss of CBA. Within the site, levels of transformation are generally moderate and alien infestation is generally also very low. Some degradation from historical grazing is evident. Vegetation is primary Koedoesberg-Moordenaars Karoo, with the community generally being homogenous. The vegetation units are widespread and have low overall conservation status. The proposed activity will result in limited transformation and loss of natural habitat, limited to the site and access road footprints. This loss will be localised, and the cumulative loss will be negligible. Several range-restricted species of conservation concern are known to occur in the surrounding area and the vegetation types, although none were found to occur within the site. Numerous flora and fauna species protected in terms of the Western Cape Nature Conservation Laws Amendment Act (Act No 3 of 2000) are present or likely to be present and will require the appropriate permits before commencement. It is likely that the mammal species identified to be of conservation concern would be transient visitors and will vacate the site once construction commences. The impacts relating to terrestrial biodiversity, plant and animal species during the construction phase are of medium negative significance without mitigation and are reduced to low negative significance with mitigation. During the operational phase the impacts are of medium negative significance without mitigation and are reduced to very low negative significance with mitigation. This Directorate is in agreement with the identified ratings and advised that all mitigation measures must be strictly implemented.

4.5. Agriculture

According to the findings of the Environmental Screening Report the southwestern part of the study area had a high sensitivity. However, the specialist determined the land capability to be low to moderate capability. The impacts relating to agriculture is considered to be of a low negative significance without mitigation and reduced to very low negative significance with mitigation. This Directorate concurs with the ratings and mitigation measures.

4.6. Traffic

According to the BAR traffic will comprise of staff transport, trucks delivering materials to the site and trucks to transport completed tower sections from the site to the wind energy facility. The Concrete Tower Manufacturing Facility will generate approximately 1820 passenger cars, 364 busses and 8190 trucks during the construction phase (26 weeks) and 8400 passenger cars, 364 busses and 8120 trucks during the operational phase (40 weeks). Approximately 10374 and 17080 vehicles in total are expected to be generated for the duration of the operational phase and during the construction period estimated at 57 vehicle, of which 45 are expected to be trucks and two buses. Daily traffic volumes during the operational period are estimated at 61 vehicles, 29 of which are expected to be trucks and two busses with remainder light vehicles. Given that the concrete tower manufacturing facility is temporary and only required during the construction of the proposed Wind Energy Facility, operational traffic related impacts will be minor, and will be limited to operational staff and the delivery of materials to the site during the production phase of the facility. This Directorate agrees that the traffic related impacts will be of low negative significance without mitigation and reduced to very low negative significance with mitigation.

4.7. Aquatic Biodiversity

According to the BAR the proposed development is located in the J11A Sub-Quaternary catchment of the Roggeveld River, within the Breede-Gourits Catchment Management Area. Several potential wetland and riverine watercourses were indicated in the National Inventories (NSBA, 2018), but these "seep" wetlands were confirmed as agricultural areas. No aquatic species of special concern were observed within the proposed development area. The Present Ecological State (PES) and the Ecological Importance and Sensitivity Scores (EIS) if these systems were rated a D or largely modified, mostly due to high number of agricultural activities and a Low EIS, due to the features being ephemeral with little to no aquatic features. The wetlands were rated as having a high sensitivity. The proposed layouts would not have a direct impact on any very high sensitivity area identified by the DFFE Screening Tool for the development footprint, while the presence of Medium sensitivity area were also confirmed. The BAR further submits that the mainstream riparian areas and wetlands that do contain functioning aquatic environments that received a high sensitivity rating will be avoided. The impacts relating to aquatic biodiversity are of a medium negative significance without mitigation and reduced to low negative significance with mitigation. This Directorate agrees with the identified ratings.

4.8. Visual

According to the BAR the viewshed is mainly east to west and is shaped and contained by the hilly terrain surrounding the site. Due to the contained viewshed of the project, the Zone of Visual Influence is rated Local (Low). Receptors traveling along the R354 have been identified as Key Observation Points. Adjacent land use does not include any eco-tourism type activities and is made up of farms / wind farms where receptors are likely to be less sensitive to landscape change related to wind farming. There are existing man-made structures including two farms, as well as a small scale concrete batching plant. Other than the R354 that is a tourist view corridor, no eco-tourism or landscape-based tourist activities are located with the proposed development zone of visual influence. Cultural landscape context in this semi-arid landscape that has limited water resources,

limits the potential for vegetation screening mitigations. The visual impacts relating to landscape change from the current rural agricultural sense of place, degrading the R354 tourist view corridor for the preferred alternative (Alternative 1) is considered to be of a medium negative significance and mitigated to a low negative significance, for both the construction and operational phases. The preferred alternative (Alternative 1) ratings are agreed to by this Directorate.

4.9. Heritage

The heritage resources in the area proposed for development are sufficiently recorded. The surveys previously undertaken in the area have adequately captured the heritage resources. There are no known sites which require mitigation or management plans.

4.10. Other Impacts

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

Considering the findings of the impact assessment and proposed mitigation measures to address the aforementioned impacts, this Directorate is satisfied that the activity will not negatively impact on the receiving environment, subject to strict implementation of the conditions of this EA and the mitigation measures proposed in the EMPr.

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

This environmental authorisation defines specific operational aspects. The applicant has indicated that the construction activities (non-operational aspects) should be completed within twenty-six (26) weeks from the date of commencement. The operational phase will be approximately forty (40) weeks. The applicant indicated that the post operational monitoring should be finalised within twelve (12) months of decommissioning. The environmental authorisation's validity period has been granted for a period of five (5) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit. 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 Department made the following findings:

- (a) The identification and assessment of impacts that are detailed in the FBAR dated 24 January 2023 can be regarded as a sufficient 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 EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and these were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

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** -----