



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia · PRETORIA

DEA Reference: 14/12/16/3/3/1/2077

Enquiries: Mr Jay-Jay Mpelane

Telephone: 012-399-9404, E-mail: [jmpelane@environment.gov.za](mailto:jmpelane@environment.gov.za)

Mr Eugene Marais  
South Africa Mainstream Renewable Power Developments (Pty) Ltd  
P.O Box 45063  
**CLAREMONT**  
7735

Tel number: (021) 657 4073  
Email address: Eugene.marais@mainstreamrp.com

### **PER E-MAIL / MAIL**

Dear Mr Marais

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: GN R982/983/984/985, AS AMENDED: PROPOSED CONSTRUCTION AND OPERATION OF ELECTRICAL GRID INFRASTRUCTURE TO SUPPORT THE SUTHERLAND, SUTHERLAND 2 AND RIETRUG WIND ENERGY FACILITIES (WEFS), NORTHERN AND WESTERN CAPE PROVINCES**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

*M.S*

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

**Appeals must be submitted in writing in the prescribed form to:**

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za);

By hand: Environment House  
473 Steve Biko Road  
Arcadia  
Pretoria  
0083; or

By post: Private Bag X447  
Pretoria  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 08/06/2020

CC:	Minnelise Levendal	CSIR	Tel: 021 888 2495	Email: <a href="mailto:mlevendal@csir.co.za">mlevendal@csir.co.za</a>
	Onwable Ndzumo	Northern Cape Department of Environment and Nature Conservation	Tel: 027 718 8800	Email: <a href="mailto:onyndzumo@gmail.com">onyndzumo@gmail.com</a>
	Jessica Christie	Western Cape Department of Environmental Affairs & Development Planning	Tel: 044 805 8600/8608	<a href="mailto:Jessica.Christie@westerncape.gov.za">Jessica.Christie@westerncape.gov.za</a>



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

Construction and Operation of Electrical Grid Infrastructure to support the Sutherland, Sutherland 2 and Rietrug Wind Energy Facilities (WEFs), Northern and Western cape Provinces

Namakwa District Municipality and Central Karoo District Municipality

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/2077</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>South Africa Mainstream Renewable Power Development (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Northern Cape Province: South of Sutherland and North of Laingsburg, Namakwa District Municipality and the Karoo Hoogland Local Municipality. And the Western Cape Province: Central Karoo District Municipality and the Laingsburg Local Municipality.</i>

This Environmental Authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

### **SOUTH AFRICA MAINSTREAM RENEWABLE POWER DEVELOPMENT (PTY) LTD**

(Hereafter referred to as the **holder of the authorisation**)

With the following contact details –

Mr Eugene Marais

South Africa Mainstream Renewable Power Developments (Pty) Ltd

P.O Box 45063

**CLAREMONT**

7735

Tel number: (021) 657 4073

Email address: [Eugene.marais@mainstreamrp.com](mailto:Eugene.marais@mainstreamrp.com)

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3, as amended (GN R983, R984 and R985, as amended):

Listed activities	Activity/Project description
<p><b><u>GN R983 Item 11 (i)</u></b></p> <p>The development of facilities or infrastructure for the transmission and distribution of electricity:</p> <p>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>The proposed project will entail the construction and installation of an overhead 132kV power line, extending approximately 41km long, outside an urban area from the proposed authorised Sutherland WEF on-site substation to the proposed MTS (including tower/pylon infrastructure and foundations).</p>
<p><b><u>GN R983 Item 12 (ii)</u></b></p> <p>The development of –</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p>	<p>This constitutes infrastructure and structures with a physical footprint of more than 100m<sup>2</sup> that could possibly be constructed within or within 32m of watercourses found on site. The Aquatic Ecology Impact Assessment that has been undertaken as part of the BA process identified the Riet, Vanwyks, Juk and Oubergs Rivers and their associated smaller tributaries and wetland areas within the investigation area that will be impacted on by the proposed project.</p>
<p><b><u>GN R983 Item 19</u></b></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 proposed project will entail the excavation, removal and moving of possibly more than 10m<sup>3</sup> of soil, sand, pebbles or rock from the nearby watercourses. The proposed project will also entail the infilling or depositing of more than 10m<sup>3</sup> of material into the nearby watercourses. This infilling and excavation of the material will occur as a result of the proposed construction of the power line, MTS and service roads.</p>

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Listed activities	Activity/Project description
	The Riet, Vanwyks, Juk and Oubergs Rivers and their associated smaller tributaries and wetland areas within the will be impacted on by the project.
<p><b><u>GN R983 Item 27</u></b></p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, <u>except</u> where such clearance of indigenous vegetation is required for-</p> <ul style="list-style-type: none"> <li>the undertaking of a linear activity; or</li> </ul>	The proposed project will entail the construction of a MTS (including a laydown area and O&M building), which will cover an approximate area of less than 20ha. As a result, more than 1ha of indigenous vegetation will be removed for the construction of these structures.
<p><b><u>GN R983 Item 28 (ii)</u></b></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> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p>	The proposed project will take place outside of an urban area, on several farm portions within the Northern and Western Cape. The understood that the land is currently used for agricultural purposes. The proposed project, which is considered to be a commercial/industrial development, will entail the construction of a MTS, 132kV and 400kV power lines (including towers and pylons), service roads, and associated infrastructure. This will constitute infrastructure with a physical footprint of more than 1ha outside of an urban area.
<p><b><u>GN R984 Item 9</u></b></p> <p>The development of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.</p>	The proposed project will entail the construction and installation of an overhead 400kV power line, approximately 4km, which will transfer electricity to an existing Eskom 400kV power line. It will also entail the construction and installation of a MTS (400 m x 400 m, including an O&M Building and Laydown Area) as well as associated

Listed activities	Activity/Project description
	infrastructure in order to facilitate connection to the national grid. The proposed project will take place outside of an urban area.
<p><b><u>GN R985 Item 4</u></b></p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><b>(g) Northern Cape:</b></p> <p>ii. Outside urban areas, in:</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p><b>(i) Western Cape:</b></p> <p>ii. Areas outside urban areas; in:</p> <p>(aa) Areas containing indigenous vegetation.</p>	<p>The proposed project will take place outside of an urban area, on several farm portions within the Northern and Western Cape. Gravel service roads will also be constructed below the power line, with a small deviation from below the power line to avoid a sensitive heritage feature. The service roads will extend approximately 4 – 6m wide and 45km long.</p>
<p><b><u>GN R985 Item 12</u></b></p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation <u>except</u> where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><b>(g) Northern Cape:</b></p> <p>ii. Within critical biodiversity areas identified in bioregional plans.</p> <p><b>(i) Western Cape:</b></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>The proposed project will entail the construction of a MTS, power line (including towers and pylons), and service roads. As a result, more than 300m<sup>2</sup> of indigenous vegetation could possibly be removed for the construction of these structures.</p>

Listed activities	Activity/Project description
<p><b><u>GN R985 Item 14</u></b></p> <p>The development of –</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs –</p> <p>(a) within a watercourse; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; <i>excluding</i> 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>(g) <b>Northern Cape:</b></p> <p>ii. Outside urban areas, in:</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>(i) <b>Western Cape:</b></p> <p>i. Outside urban areas:</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>This constitutes infrastructure and structures with a physical footprint of more than 100m<sup>2</sup> that could possibly be constructed within or within 32m of watercourses found on site.</p> <p>The Riet, Vanwyks, Juk and Oubergs Rivers and their associated smaller tributaries and wetland areas within the area will be impacted on by the project.</p>

– As described in the Basic Assessment Report (BAR) dated December 2019, the farms and portions that will be affected by the proposed electrical grid infrastructure are as follows:

- Remaining Extent of Beeren Valley Farm 150; portion 0,
- Remaining Extent of Nootgedacht Farm 148; portion 0,
- Remaining Extent of Hartebeeste Fontein Farm 147; portion 0,
- Portion 1 of Farm 219; portion 1,
- Remaining Extent of Farm 219; portion 0,



- Remaining Extent of Farm 280; portion 0,
- Portion 1 of Rheebockenfontein Farm 4; portion 1,
- Portion 2 of Rheebockenfontein Farm 4; portion 2,
- Portion 2 of Farm De Molen 5; portion 5,
- Portion 6 of Farm Hamelkraal 16; portion 6,
- Portion 7 of Farm Hamelkraal 16; and portion 7,
- Remaining Extent of Spitskop Farm 20, portion 0,

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- C07200000000021900000,
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- C0430000000000400001,
- C0430000000000400002,
- C0430000000000500002,
- C0430000000001600006,
- C0430000000001600007,
- C0430000000000200002,

**Coordinates**

<b>132kV Power line</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
Starting point of activity	32°38' 41.115" S	20°55' 2.470" E
Middle point of activity	32°37' 52.510" S	21°8' 0.841" E
End point of activity	32°41' 54.652" S	21°15' 23.209" E
<b>400kV power line</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
Starting point of activity	32°41' 54,652" S	21°15' 23.209" E
End point of activity	32° 44' 4.970" S	21° 15' 41.530" E
<b>400kV Major Transmission Substation (MTS)</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
Centre coordinates	32°41' 51.998" S	21°15' 18.445" E

as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.

6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and the EA will not be extended further, a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

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

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
10. The notification referred to must –
  - 10.1. specify the date on which the authorisation was issued;
  - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons of the Competent Authority for the decision.

#### **Commencement of the activity**

11. The authorised activity must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.
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### **Management of the activity**

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and strictly adhered to.

### **Frequency and process of updating the EMPr**

13. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the Environmental Authorisation or EMPr.
14. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
15. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R982 of 04 December 2014, as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
16. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R982 of 04 December 2014, as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
17. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R982 of 04 December 2014, as amended.

### **Monitoring**

18. The holder of the authorisation must appoint an independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
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- 18.1. The ECO must be appointed before commencement of any authorised activities.
- 18.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 18.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 18.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

### **Recording and reporting to the Department**

19. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this Environmental Authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
20. The holder of the Environmental Authorisation must, for the period during which the Environmental Authorisation and EMPr remain valid, ensure that project compliance with the conditions of the Environmental Authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
21. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R982 of 04 December 2014, as amended.
22. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
23. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended, and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the approved EMPr.
24. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and Competent Authority in respect of this development.

### **Notification to authorities**

25. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

### **Operation of the activity**

26. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

### **Site closure and decommissioning**

27. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

### **Specific conditions**

28. No pylon should be placed within 30m of waypoint 1785 (Western Cape) and the site must be fenced with a 30m buffer zone during the construction phase of the project.
29. If any archaeological material, palaeontological material or human burials are uncovered during the course of development then work in the immediate area should be halted. The finds must be reported to the heritage authorities and an inspection by an archaeologist or palaeontologist will be required. Heritage resources are a property of the state and therefore excavation and curation involving such a resource must be undertaken by an approved institution.
30. All the significant palaeontological and archaeological sites as identified by the specialist must be regarded as no-go zones with buffers of at least 30m around them together with all associated features (the exception is the service road diversion which comes within 20 m of the rock art site but uses an existing farm track).
31. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors, as recommended by the specialist. The input of an avifaunal specialist must be obtained

- for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
32. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping.
  33. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
  34. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
  35. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).
  36. A storm-water management plan must be compiled for the compacted surfaces within the site by the project engineer with input from the freshwater specialist. The plan must aim to reduce the intensity of runoff particularly on the steeper slopes and reduce the intensity of the discharge into the adjacent drainage lines. Where necessary measures to dissipate flow intensity or protect erosion must be included in the plan. Adjacent to wetland areas, the plan must encourage infiltration rather than runoff and must prevent the impedance of surface or sub-surface flows. The plan must also mitigate any contaminated runoff from the construction and operation activities from being discharged into any of the aquatic features within the site.
  37. Rehabilitation of any the disturbed areas within the aquatic features and the recommended buffer areas must be undertaken immediately following completion of the disturbance activity according to rehabilitation measures.

### **General**

38. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
    - 38.1. at the site of the authorised activity;
    - 38.2. to anyone on request; and
    - 38.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
  39. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any
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instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 08/06/2020



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated December 2019;
- b) The comments received from Western Cape: Department of Environment and Development Planning, SAHRA and interested and affected parties as included in the BAR dated December 2019;
- c) Mitigation measures as proposed in the BAR dated December 2019 and the EMP;
- d) The information contained in the specialist studies contained within Appendix D of the BAR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act No.107 of 1998, as amended.

### 2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from transferring the generated electricity from the approved WEFs (DEA Reference Numbers: 12/12/20/1782/1/AM2; 12/12/20/1782/2/AM2 and 12/12/20/1782/3/AM2) to the proposed MTS.
- c) The BAR dated December 2019 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the BAR dated December 2019 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014, as amended, for public involvement.



### 3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated December 2019 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated December 2019 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act No. 107 of 1998, as amended, and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The Environmental Authorisation is accordingly granted.



# forestry, fisheries & the environment

Department:  
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REPUBLIC OF SOUTH AFRICA

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DFFE Reference: 14/12/16/3/3/1/2077/AM1

Enquiries: Mr Lunga Dlova

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## PER EMAIL / MAIL

Dear Mr Marais

**AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 08 JUNE 2020 FOR THE RELOCATION OF THE AUTHORISED MAIN TRANSMISSION SUBSTATION (MTS) AND CO-ORDINATES ASSOCIATED WITH THE AUTHORISED ELECTRICAL GRID INFRASTRUCTURE TO SUPPORT THE AUTHORISED SUTHERLAND, SUTHERLAND 2 AND RIETRUG WIND ENERGY FACILITIES (WEF'S), NORTHERN CAPE AND WESTERN CAPE PROVINCES.**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 08 June 2020, your application for amendment of the EA received by the Department on 12 July 2021 and the acknowledgement letter dated 21 July 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 08 June 2020 as amended, as follows:

### Amendment 1: Amendment to the description of the activities related to the MTS and power lines:

It is requested that the description of the MTS specifications within the table of activities on page 3 of the Environmental Authorisation be amended - from:

Listed Activities	Activity/ Project Description
<b>GN R984 Item 8:</b> <i>"The development of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex."</i>	The proposed project will entail the construction and installation of an overhead 400kV power line, approximately 4km, which will transfer electricity to an existing Eskom 400kV power line. It will also entail the construction and installation of a MTS (400m x 400m, including an O&M Building and Laydown area) as well as associated infrastructure in order to facilitate

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	connection to the national grid. The proposed project will take place outside an urban area.
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Is hereby amended to:

Listed Activities	Activity/ Project Description
<b>GN R984 Item 9:</b> <i>"The development of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex."</i>	The proposed project will entail the construction and installation of an overhead 400kV power line, approximately 2.25km, which will transfer electricity to an existing Eskom 400kV power line. It will also entail the construction and installation of a MTS (480m x 558m, including an O&M Building and Laydown area) as well as associated infrastructure in order to facilitate connection to the national grid. The proposed project will take place outside an urban area.

**Amendment 2: Amendment to the location of the MTS and the start and end co-ordinates of the authorised 132kV and 400kV power lines.**

a) It is requested that the co-ordinates of the MTS specifications on page 7 of the Environmental Authorisation be amended - from:

400kV Major Transmission Substation (MTS)	Latitude (S)	Longitude (E)
Centre Co-ordinates	32°41'51.998"S	21°15'18.445"E

Is hereby amended to:

400kV Major Transmission Substation (MTS)	Latitude (S)	Longitude (E)
Corner 1	32°42'37.11"S	21°15'24.19"E
Corner 2	32°42'35.96"S	21°15'43.59"E
Corner 3	32°42'50.36"S	21°15'46.77"E
Corner 4	32°42'52.48"S	21°15'25.50"E

b) It is requested that the start and end co-ordinates of the 132kV and 400kV powerline that terminate and start at the MTS on page 7 of the Environmental Authorisation be amended from:

132kV Power line	Latitude (S)	Longitude (E)
Starting point of activity	32°38'41.115"S	20°55'2.470"E
Middle point of activity	32°37'52.510"S	21°8'0.841"E
End point of activity	32°41'54.652"S	21°15'23.209"E
400kV Powerline	Latitude (S)	Longitude (E)
Starting point of activity	32°41'54.625"S	21°15'23.209"E
End point of activity	32°44'4.970"S	21°15'41.530"E

Is hereby amended to:

<b>132kV Power line</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
Starting point of activity	32°38'41.115"S	20°55'2.470"E
Middle point of activity	32°37'52.510"S	21°8'0.841"E
End point of activity	32°42'36.24"S	21°15'33.63"E
<b>400kV Powerline</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
Starting point of activity	32°42'51.53"S	21°15'34.99"E
End point of activity	32°44'4.970"S	21°15'41.530"E

**Reasons for the amendment :** The Final Basic Assessment report submitted to DFFE in 2019 indicates that proposed 132kV powerline, MTS and 400kV powerline were assessed within a 500m corridor. At the time of the assessment it was indicated that the location of the MTS within this authorised grid connection corridor was not considered to be an ideal location for the MTS as it had been positioned in an area with hills and numerous small drainage lines leading off the slopes onto the adjacent plains. This limited the size of the MTS to 400m x 400m which was subsequently authorised. The assessment indicated that a significant amount of earth moving and levelling would be required to prepare the site resulting in increased construction costs. Furthermore, the assessment indicated that a significant amount of earth moving and levelling will be required to prepare the site.

As no species of high conservation concern were observed within the development footprint, the authorised location was selected at the time. However, following further surveys of the site it was determined that the authorised location of the MTS was unsuitable for construction works due to the steep nature of the site. It had also been determined that this MTS will be deemed as the connection hub for other renewable energy project in the area should they be selected as preferred bidders in the upcoming bid windows. The steep nature of the MTS location will inhibit the connection of other projects in the future. It was determined the MTS must be relocated to a more suitable location to enable construction work and future connection opportunities to the national grid. The relocation of the MTS within the 500m grid corridor will enable the developer to determine the suitable location based on site sensitivities, terrain and elevation within this already assessed grid corridor.

As the authorised 132kV powerline feeds into this MTS, the end co-ordinates authorised within the EA need to be amended, and as the authorised 400kV powerline starts at the MTS, its start co-ordinates will need to be amended accordingly. It was determined the 500m corridor that had been assessed for the electrical grid infrastructure will remain unchanged and not deviate from original assessed.

The new location of the MTS take into consideration the areas of high sensitivity and buffer recommendations from an ecological, surface water, soil and agricultural potential and heritage perspective. Following considerations of the technical aspects of the project by the Developer regarding the relocation of the MTS for the development as part of the more detailed design of the facility, it has been concluded that the new location sited within the authorised grid corridor is considered as the most feasible location for the MTS.

In overview, the applicant is applying to amend the authorised location of the MTS and related start and end co-ordinates of the 132kV and 400kV power lines as it is the most feasible option from a technical perspective to allow for construction activities and connection to the nation grid for the Rietrug, Sutherland and Sutherland 2 WEFs as well other projects that may require connection to the nation grid in the future.

This proposed amendment letter must be read in conjunction with the EA dated 08 June 2020 as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you

negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

**Appeals must be submitted in writing in the prescribed form to:**

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za)

By hand: Environment House  
473 Steve Biko,  
Arcadia,  
Pretoria,  
0083; or


By post: Private Bag X447,  
Pretoria,  
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition

attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully



**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment  
Date: 24/11/2021

cc:	Mr Zaahir Toefy	Western Cape Department of Environmental Affairs and Development Planning	E-mail: <a href="mailto:Zaahir.Toefy@westerncape.gov.za">Zaahir.Toefy@westerncape.gov.za</a>
	Mr John Komanisi	Laingsburg Local Municipality	E-mail: <a href="mailto:john@laingsburg.gov.za">john@laingsburg.gov.za</a>
	Mr Bryan Fisher	Northern Cape Environmental Affairs and Nature Conservation	E-mail: <a href="mailto:Bfisher@ncpg.gov.za">Bfisher@ncpg.gov.za</a>
	Mr Alistar Gibbons	Karoo Hoogland Local Municipality	E-mail: <a href="mailto:a.gibbons@karoohoogland.gov.za">a.gibbons@karoohoogland.gov.za</a>
	Ms Arlene Singh	Nala Environmental (Pty) Ltd	E-mail: <a href="mailto:arlene@veersgroup.com">arlene@veersgroup.com</a>





# forestry, fisheries & the environment

Department  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA 0001- Environment House 473 Steve Biko Road, Arcadia- PRETORIA

DFFE Reference: 14/12/18/3/3/1/2077/AM2

Enquiries: Mr Lunga Dlova

Telephone: (012) 369 8524 E-mail: [LDlova@dfie.gov.za](mailto:LDlova@dfie.gov.za)

Mr Eugene Marais  
Sutherland Wind Farm (Pty) Ltd  
PO Box 45063  
CLAREMONT  
7735

Telephone Number: 021 657 4052  
Email Address: [Eugene.Marais@mainstreamrp.com](mailto:Eugene.Marais@mainstreamrp.com)

**PER EMAIL / MAIL**

Dear Mr Marais

**AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 08 JUNE 2020 FOR THE PROPOSED CONSTRUCTION AND OPERATION OF ELECTRICAL GRID INFRASTRUCTURE TO SUPPORT THE SUTHERLAND, SUTHERLAND 2 AND RIETRUG WIND ENERGY FACILITIES (WEFS), NORTHERN AND WESTERN CAPE PROVINCES.**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 08 June 2020, the amendment to the EA dated 24 November 2021, your application for amendment of the EA received by the Department on 10 March 2022 and the acknowledgement letter dated 14 March 2022, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 08 June 2020, as amended, as follows:

**Amendment 1: Amendment to the Company/Trading Name:**

From:  
"South Africa Mainstream Renewable Power Developments (Pty) Ltd"

to:

"Sutherland Wind Farm (Pty) Ltd"

**The reason for the amendment:** The associated Sutherland and Rietrug Wind Energy Facility projects have received Preferred Bidder Status. In order to meet staggered Financial Close commitments, all permits and consents are to be issued in the Project Company / SPV name i.e. Sutherland Wind Farm (Pty) Ltd.

This proposed amendment letter must be read in conjunction with the EA dated 08 June 2020 as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you

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negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

**Appeals must be submitted in writing in the prescribed form to:**

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By email: [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za);

By hand: Environment House  
473 Steve Biko,  
Arcadia,  
Pretoria,  
0083; or

By post: Private Bag X447,  
Pretoria,  
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.



To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dfpe.gov.za](mailto:appeals@dfpe.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment  
Date: 28/03/2022

cc:	Johannes Charles Muller	Landowner	E-mail: <a href="mailto:charleem@mikkaroo.co.za">charleem@mikkaroo.co.za</a>
	Mr Zaahir Toefy	Western Cape Department of Environmental Affairs and Development Planning	E-mail: <a href="mailto:Zaahir.Toefy@westerncape.gov.za">Zaahir.Toefy@westerncape.gov.za</a>
	John Komanisi	Langeburg Local Municipality	E-mail: <a href="mailto:john@langeburg.gov.za">john@langeburg.gov.za</a>
	Bryan Fisher	Northern Cape Environmental Affairs and Nature Conservation	E-mail: <a href="mailto:Bfisher@ncop.gov.za">Bfisher@ncop.gov.za</a>
	Mr Allstar Gibbons	Karoo Hoogland Local Municipality	E-mail: <a href="mailto:a.gibbons@karoohoogland.gov.za">a.gibbons@karoohoogland.gov.za</a>
	Arlene Singh	Nala Environmental (Pty) Ltd	E-mail: <a href="mailto:arlene@veersgroup.com">arlene@veersgroup.com</a>