



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0002740/2015

DEA Reference: 14/12/16/3/3/1/1351

Enquiries: Ms Dakalo Netshiombo

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Mr Christopher Bellingham
Castle Wind Farm (Pty) Limited
22 Floor, Metropolitan Centre
7 Walter Sisulu Avenue Foreshore
CAPE TOWN
8001

Tel no: (021) 831 6134
Email: bellingham@juwi.co.za

PER FACSIMILE / MAIL

Dear Mr Bellingham

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543, 544 AND 546: FOR THE PROPOSED CONSTRUCTION OF THE 132kV OVERHEAD POWER LINE FROM THE PROPOSED CASTLE WIND ENERGY FACILITY TO THE HYDRA SUBSTATION NEAR DE AAR IN THE NORTHERN CAPE PROVINCE.

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 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By post: Private Bag X 447,
Pretoria, 0001; or

By hand: Department of Environmental Affairs
Environment House
473 Steve Biko Road
Acardia
Pretoria,

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: (012) 399 9356
Email: AppealsDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 5/10/2015

CC:	Ms Karen Jodas	Savannah Environmental (Pvt) Limited	Tel: 011 656 3237	karen@savannahsa.com
	Ms D Moleko	Northern Cape Department of Environment and Nature Conservation	Tel: 053 807 4800	dmoleka@half.ncape.gov.za
	Mr I Visser	Emthanjeni Local Municipality	Tel: 053 632 9100	visser@emthanjeni.co.za

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. An appeal must be:-

- a) submitted in writing;
- b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 36 of the Environmental Impact Assessment Regulations, 2010

The proposed construction of the 132kV overhead power line from the proposed Castle Wind Energy Facility to the Hydra substation near De Aar in the Northern Cape Province

Pixley Ka Seme District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1351</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Castle Wind Farm (Pty) Limited</i>
Location of activity:	<i>Emthanjeni Local Municipality, Northern Cape Province</i>

This 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

M.S

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 activity/ies specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

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, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

CASTLE WIND FARM (PTY) LIMITED

with the following contact details –

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8001

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Cell: 078 296 8852

E-mail: bellingham@juwi.co.za

to undertake the following activity/ies (hereafter referred to as “the activity”) indicated in terms of GN R543 and GN R544 of 18 June 2010:

Listed activities	Activity/Project description
<p>GN R 544 Activity 10(i): The construction 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 132kV power line will be located outside of an urban area between the proposed Castle Wind Energy Facility on-site substations and the existing Hydra Substation.</p>
<p>GN R.544 Item 11(xi): The construction of:</p> <p>(xi) infrastructure or structures covering 50square metres or more ;</p> <p>Where such construction occurs within a watercourse or within 32 metres of watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>This activity may be triggered where the construction of towers and access roads along the power line route are proposed to be situated within 32m from a watercourse.</p>
<p>GN R.544 Item 18: The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from;-</p> <p>(i) a watercourse</p>	<p>The potential activities such as the construction of an access road may be required to traverse a watercourse. The construction of such a watercourse crossing may require the infilling or depositing of material more than 5 cubic metres or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock.</p>
<p>GN R.546 Item 4: The construction of a road wider than 4 metres with a reserve less than 13, 5 metres –</p> <p>(a) in Northern Cape</p> <p>ii. Outside urban areas, in:</p>	<p>The potential activities such as the construction of an access road may be required within the National Protected Area Expansion Strategy Focus areas.</p>

Listed activities	Activity/Project description
(bb) National Protected Area Expansion Strategy Focus areas;	
GN R.546 Item 13: The clearance of an area of 1 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation – (c) in Northern Cape ii. Outside urban areas, the following: (bb) National Protected Area Expansion Strategy Focus areas;	Construction of a section of the proposed 132kV power line will result in the clearance of 75% or more of vegetation which falls within National Protected Area Expansion Strategy Focus areas.
GN R.546 Item 14: The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation- (a) in Northern Cape i. All areas outside urban areas.	Construction of the proposed 132kV power line will result in the clearance of vegetation of which 75% within the 36m power line servitude could constitute indigenous vegetation.

as described in the final BAR dated July 2015 and received by the Department on 13 July 2015 at:

Preferred Route Alternative 2B	Latitude	Longitude
Starting point of activity	30°35'39.62"	24°17'52.41"
Middle point of activity	30°37'09.84"	24°10'10.84"
End point of activity	30°42'54.27"	24°05'28.34"

- for the proposed construction of the 132kV overhead power line from the proposed Castle Wind Energy Facility to the Hydra Substation near De Aar in the Northern Cape Province, hereafter referred to as “the property”.

The proposed project consists of 132 kV Monopole or Lattice Structures with a servitude of 36 metres;

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred Route Alternative 2B for the proposed construction of the 132kV overhead power line from the proposed Castle Wind Energy Facility to the Hydra Substation near De Aar in the Northern Cape Province, with the above coordinates is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved in writing by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information 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 authorisation in terms of the regulations.
6. This activity/ies must commence within a period of five (5) years from the date of issue of this authorisation. If commencement of the activity/ies does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity/ies to be undertaken.
7. If the applicant anticipates that commencement of the activities would not occur within five (5) year period, he/she must apply and show good cause for an extension of the Environmental Authorisation three (3) months prior to its expiry date.
8. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
9. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity/ies is to take place.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity/ies.
11. The notification referred to must –
 - 11.1. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 11.2. specify the date on which the authorisation was issued
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2) (c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

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

Monitoring

14. The applicant must appoint a suitably experienced 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 authorisation are implemented and to ensure compliance with the provisions of the EMPr.
 - 14.1. The ECO must be appointed before commencement of any authorised activity/ies.

- 14.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 14.3. The ECO must meet with the contractors to discuss the conditions of the EA and the contents of the EMPr prior to any site clearing occurring.
- 14.4. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 14.5. 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

15. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
16. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
17. The environmental audit report 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 EMPr.
18. 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

Commencement of the activity

19. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
20. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 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/ies until such time that the appeal has been finalised.

Notification to authorities

21. Fourteen (14) days written notice must be given to the Department that the activity/ies will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity/ies will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

22. Fourteen (14) days written notice must be given to the Department that the activity/ies operational phase will commence.

Site closure and decommissioning

23. Should the activity/ies ever cease or become redundant, the applicant shall 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

24. All construction material, equipment and any other foreign objects brought into the area by contractors and staff must be removed immediately after construction.
25. All cleared indigenous vegetation must be used later on rehabilitation. Rehabilitation of soil around pylons must take place as soon as possible after construction has ended in that specific area.
26. Vegetation clearing must be kept to the development footprint.
27. Mitigation measures as outlined in the final BAR and EMPr must be implemented and adhered to.
28. The applicant must obtain a Water Use Licence Authorisation (WULA) from the Department of Water and Sanitation (DWS) prior to the commencement of the project should the applicant impact on any wetland or water resource. A copy of the WULA must be submitted to the Director: Integrated Environmental Authorisations of this Department for record keeping.
29. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriately. 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 59 of 2008).

General

30. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ies will be undertaken. The authorisation and approved EMPr must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
31. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
32. 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 applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant 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: 5/10/2015


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 final BAR dated July 2015 and received by the Department on 13 July 2015 as well as the addendum to the BAR received by the Department on 21 August 2015;
- b. The public participation process undertaken as per the requirements of regulation 54 of the EIA Regulations, 2010;
- c. Mitigation measures as proposed in the final BAR dated July 2015 and received by the Department on 13 July 2015, in the EMPr and the addendum to the BAR received 21 August 2015;
- d. The information contained in the specialist study contained within Appendix D of the final BAR dated July 2015 and received by the Department on 13 July 2015;
- e. The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

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 will be to generate electricity to be fed into the National electricity grid.
- c. The final BAR dated July 2015 and received by the Department on 13 July 2015 and the addendum to the BAR received by the Department on 21 August 2015 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d. The methodologies used in assessing the identified potential impacts 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, 2010 for public involvement.

3. Findings

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

- a. The procedure followed for impact assessment is adequate for the decision-making process.
- b. The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- c. The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the BAR. The EMPr will be implemented to manage the identified environmental impacts during the aforementioned phases.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.