



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/2/985/AM2

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PER EMAIL / MAIL

Dear Mr Gordon

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 NOVEMBER 2017 FOR THE 256MW KOKERBOOM 1 WIND ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE NEAR LOERIESFONTEIN WITHIN THE HANTAM LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 29 November 2017 and your application for amendment to the EA received by this Department on 30 April 2019, 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 (EIA) Regulations, 2014, as amended, has decided to amend the EA dated 29 November 2017 as follows:

The proponent wishes to amend the following:

a) **Amendment 1 is hereby approved**

From:

<u>GN R. 984 Activity 15:</u> <i>"The clearance of an area of 20 hectares or more of indigenous vegetation."</i>	Physical alteration of undeveloped land for industrial use would take place. The total area to be disturbed is expected to be approximately 155ha (to be rehabilitated down to ~80ha permanent footprint).
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To:

<u>GN R. 984 Activity 15:</u> <i>"The clearance of an area of 20 hectares or more of indigenous vegetation."</i>	Physical alteration of undeveloped land for industrial use would take place. The total area to be disturbed is expected to be approximately 154ha (to be rehabilitated down to ~75ha permanent footprint).
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MJ

Motivation/Reason:

The proposed amendment would align the description with the proposed specification changes (i.e. reduction of wind turbines which would allow for the reduction in the physical alteration of the undeveloped land).

b) Amendment 2 is hereby partially approved

From:

Substation: 30°27'36.92"S, 19°26'1.58"E

To:

Substation: 30°28'6.42"S, 19°26'15.88"E

The following amendment is refused

Construction camp/laydown area 1: 30°29'10.54"S, 19°29'38.18"E

Construction camp/laydown area 2: 30°27'43.14"S, 19°25'57.72"E

This amendment was intended to be changed as follows:

The two construction camps/ laydown areas (combined footprint of approximately 34,100m²) will be located in the most practical location/s as determined by the contractor closer to the time of construction. These locations will remain outside sensitive areas and must be **approved** by the Environmental Control Officer prior to construction commencing.

Reasons for the refusal of the abovementioned amendment:

This Department noted that, the proposed amendment would allow for the most practical location/s to be determined by the contractor closer to the time of construction. The site camp area will be located outside of all identified environmental sensitivity areas and must be approved by the ECO before implementation. This Department refuses to amend the location of the construction camp/laydown area 1: 30°29'10.54"S, 19°29'38.18"E and Construction camp/laydown area 2: 30°27'43.14"S, 19°25'57.72"E, because the applicant failed to provide new coordinates for construction camp/laydown area 1 and 2. Furthermore, it is not within mandate of the ECO to approve site camp/laydown areas.

Environmental Control Officer (ECO) responsibilities:

To ensure that the mitigation/rehabilitation measures and recommendations referred to the environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr. To keep record of all activities on site, problems identified, transgressions, etc.

c) Amendment 3 is hereby approved

From:

Up to **64** wind turbines with a generating capacity of up to **4MW** per turbine, with a rotor diameter of up to **150m** and a hub height up to 150m;

To:

Up to **60** wind turbines with a generating capacity of up to **6.5MW** per turbine, with a rotor diameter of up to **180m** and a hub height up to 150m;

Motivation/Reasons:

The proposed amendment would align the description with the proposed specification changes (i.e. improved turbine technology). Fewer, larger turbines are proposed to achieve the authorised maximum capacity of the wind farm.

d) Amendment 4 is hereby approved

From:

Permanent laydown areas: approximately **80 000m²** (hard stands);

To

Permanent laydown areas: approximately **75 000m²** (hard stands);

Motivation/Reason:

The proposed amendment would align the description with the proposed specification changes. Fewer turbines are now proposed and the total area of turbine hard stands has therefore decreased.

e) Amendment 5 is hereby approved

From:

Proposed technology	Wind energy-Onshore turbines, up to 4MW per turbine (depending on selected technology).
Number of turbines	Up to a maximum of 64 turbines .
Rotor diameter	Up to 150m .
Blade tip height	Maximum upper tip height: up to 225m and Minimum lower tip height: at least 40m .
Width and length of internal roads	Construction: up to approximately 20m (width) x approximately 70km (length) = 1,400,000m² . Permanent: approximately 8m (width) x approximately 70km (length) = 560,000m² .

To

Proposed technology	Wind energy-Onshore turbines, up to 6.5MW per turbine (depending on selected technology).
Number of turbines	Up to a maximum of 60 turbines .
Rotor diameter	Up to 180m .
Blade tip height	Maximum upper tip height: up to 240m and Minimum lower tip height: at least 40m .
Width and length of internal roads	Construction: up to approximately 20m (width) x approximately 65km (length) = 1,300,000m² . Permanent: approximately 8m (width) x approximately 65km (length) = 520,000m² .

Motivation/Reasons:

The proposed amendment would align the description with the proposed specification changes. The amendment would allow the applicant to utilise the larger, more powerful and efficient wind turbines that are available on the market. Fewer, larger turbines are now proposed to achieve the maximum authorised capacity for the wind farm. Furthermore, the proposed amended layout would require shorter construction and permanent roads compared to the authorised layout.

f) **Amendment 6: entails change of conditions of the EA**

i. **Condition 26 is hereby approved**

From:

The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

To:

The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required, in accordance with Regulation 37 of GNR 982, as amended. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GNR 982, as amended.

Motivation/Reason:

The proposed amendment will align Condition 26 with the latest requirements of Regulation 37 of GNR 982, as amended.

ii. **Condition 37 is hereby approved**

From:

Up to 64 wind turbines are approved.

To:

Up to 60 wind turbines are approved.

Motivation/Reason:

The proposed amendment would align the description with the proposed specification changes.

iii. **Condition 56 is hereby approved with amendments**

From:

Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors (e.g. grasslands, rivers, wetlands, and dams). 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. Additional areas of high sensitivity along the preferred alignment must also be identified by the avifaunal specialist for the fitment of anti-collision devices. These devices must be according to Eskom's Transmission and EWT's Guidelines.

To:

Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors (e.g. grasslands, rivers, wetlands and dams). 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. Additional areas of high sensitivity along the preferred alignment must also be identified by the avifaunal specialist for the fitment of anti-collision devices. These devices must be according to Eskom's Transmission and EWT's Guidelines. In addition, the avifaunal specialist and the EWT Wildlife and Energy Working Group must be engaged by the developer to provide input into the design of the proposed poles to be used, i.e. suspension poles, strain poles and terminal poles. This must

include the physical inspection of a replica of an actual pole, or a three-dimensional digital model showing all details, because the two-dimensional design drawings do not always show adequate technical details of aspects which could be highly dangerous for birds. Any amendments to the final design must be approved by the Department in line with the amended Environmental Management Programme.

Reasons for the approval with amendments:

This Department noted that, the holder of the environmental authorisation wishes to engage the avifaunal specialist and the EWT Wildlife and Energy Working Group in order to provide input into the design of the proposed poles to be used, and they must approve the final design of all poles. However, this Department disagrees with the recommendation that the final design must be approved by the EWT Wildlife and Energy Working Group as it is not within their mandate. The condition is thus amended to ensure that any amendments to the final design is approved by the Department in line with the Environmental Management Programmes.

iv. Condition 58 is hereby refused

From:

All internal power line/cables must follow internal access roads.

To:

All internal MV power lines/ cables linking the turbines to the substation must follow internal access roads.

This Department refuses to amend condition 58

This Department noted that (based on the motivation provided), the amendment relates to all underground MV cables which will follow internal roads, while allowing for the overhead high voltage line to deviate from the road network in order to follow the most direct route, to optimise the wind farm layout while minimising environmental impacts. It is also not clear whether the MV lines refer to overhead or underground lines

However, the specialist, namely, "*Avifaunal Impact Assessment*" recommendations relates to the proposed 33kV overhead lines. The specialist further stated that, the new proposed layout will result in a potential increase of 50% in the length of the overhead MV lines. In the original assessment, the risk of mortality through electrocution was rated as Medium. This would no longer be valid if the amendment is granted, because the potential increase in the length of the MV overhead network would result in the risk of electrocution mortality increasing to High.

From the above information, this is a clear contradiction of what is intended to be amended, hence the Department refuses to amend the above amendment".

v. Condition 59 is hereby refused

From:

All power lines linking the turbines to the onsite substation must be buried.

To:

All power lines linking the turbines to the onsite substation must be buried, except where it is not feasible or desirable to do so due to ecological or geological conditions. The alignment of overhead and underground power line in the final detailed design must be reviewed and approved in writing by the avifauna specialist prior to construction and proof thereof submitted to the Department for record keeping.

This Department refuses to amend condition 59 as clearly stated by the Avifaunal specialist. The specialist recommended the following:

The EA states in Condition 59 that all internal power lines must be buried. It is however accepted that compelling reasons may exist which necessitate the construction of a limited section of overhead MV line. It is therefore recommended that all internal power lines are buried as per Condition 59 of the EA, unless compelling reasons exist, verified by a suitably qualified, independent ecologist and/or geologist, for a section of power line to be constructed above ground. Under no circumstances should the overhead lines exceed the 22km as assessed in the original lay-out. "Refer to the Avifaunal report recommendations below". Amending this condition will increase avifaunal mortality to high, whereas in the initial EA the mortality was rated medium.

This letter must be read in conjunction with the EA dated 29 November 2017.

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 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.

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 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.

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: appealsdirector@environment.gov.za;

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

By post: Private Bag X447,
Pretoria,
0001;

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 or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



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

Date: 18/07/2009