



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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PER EMAIL / MAIL

Dear Mr Gordon

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 NOVEMBER 2017 (AS AMENDED) FOR THE 240MW KOKERBOOM 2 WIND ENERGY FACILITY ON THE FARM SPRINGBOKPAN NO. 1164 AND THE REMAINDER OF THE FARM SPRINGBOK TAND NO. 215 NORTH OF THE TOWN OF 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 02 May 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 Department hereby approves the following amendments.

Amendment 1: The description of Activity 15 of GNR. 984 on page 4 of the EA.

From:

GN R. 984 Activity 15: <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:

GN R. 984 Activity 15: <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 135ha (to be rehabilitated down to ~75ha permanent footprint).
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The amendment would align the description with the specification changes, i.e. reduction of wind turbines which would allow for the reduction in the physical alteration of the undeveloped land.

Amendment 2: The coordinates of the substation site on page 5 of the EA

From:

Substation: 30°23'11.99"S, 19°24'2.61"E

To:

Substation: 30°23'8.76"S, 19°23'52.34"E

The substation has been moved in order to cater for the new proposed turbine layout.

Amendment 3: The number of turbines and the generation capacity per turbine as well as the rotor diameter page 6 of the EA.

From:

Up to **60** 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 **57** 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;

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.

Amendment 4: The size of the permanent laydown areas on page 6 of the EA

From:

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

To:

Permanent laydown areas: approximately **71 250m²** (hard stands);

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.

Amendment 5: Correction of a typographical error on page 6 of the EA

From:

Lighting system

To:

Lighting protection system.

Amendment 6: The technical specifications of the development on page 7 of the EA**From:**

Proposed technology	Wind energy-Onshore turbines, up to 4MW per turbine (depending on selected technology).
Number of turbines	Up to a maximum of 60 turbines .
Rotor diameter	Up to 150m .
Blade tip height	Maximum upper tip height: up to 225m and Minimum lower tip height: at least 40m .

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 57 turbines .
Rotor diameter	Up to 180m .
Blade tip height	Maximum upper tip height: up to 240m and Minimum lower tip height: at least 40m .

The 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.

Amendment 7: Condition 26 on page 13 of the EA**From:**

The holder of the authorisation may apply for an amendment of an EMP, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMP at least 60 days prior to submitting such amendments to the EMP 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 EMP, 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.

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

Amendment 8: Condition 37 on page 15 of the EA**From:**

Up to 60 wind turbines are approved.

To:

Up to 57 wind turbines are approved.

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

Amendment 9: Remove condition 49 on page 16 of the EA, which reads

The following curtailment schedule must be implemented. The levels of curtailment must be adjusted according to the results of the operational monitoring, based on robust mortality data:

	Terms of mitigation implementation
Peak activity Met Mast 3 (times to implement curtailment/mitigation)	Met Mast 3: 20 August – 5 October from the time of sunset to 04:00
Environmental conditions in which to implement curtailment/mitigation	Met Mast 3: Wind speed below 6m/s and Temperature above 16°C
Peak activity (times to implement curtailment/ mitigation)	Met Mast 3: 30 December – 16 March from the time of sunset to 04:00
Environmental conditions in which to implement curtailment/mitigation	Met Mast 3: Wind speed below 8m/s and Temperature above 19°C

This condition is removed since the layout has been amended and the positions of turbines 41-43 are no longer within close proximity to/ surrounded by high bat sensitivity areas. Based on the revised layout no turbines have identified as high risk by the bat specialist. It is noted that the table (shown in the adjacent cell) showing periods and weather conditions during which peak bat activity was recorded, has been included in the Environmental Management Programme to guide and inform future operational monitoring and adaptive management/mitigation measures as may be required.

Amendment 10: Condition 56 on page 17 of the EA,**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

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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.

This Department has 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, the final design must be approved by this Department in line with the Environmental Management Programme as the EWT Wildlife and Energy Working Group have no mandate to approve the project design, only their recommendations can be used in finalising the said design. The condition is thus amended to ensure that any amendments to the final design is approved by this Department.

The Department is hereby refuse the following amendments:

Amendment 11: Change the construction camps/laydown areas page 5 of the EA

From:

Construction camp/laydown area 1: 30°23'14.02"S, 19°24'23.61"E

Construction camp/laydown area 2: 30°23'14.76"S, 19°23'55.21"E

To:

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 (ECO) prior to construction commencing.

This Department refuses to amend the location of the construction camp/laydown area 1 with the following coordinates 30°23'14.02"S, 19°24'23.61"E and Construction camp/laydown area 2, with the following coordinates 30°23'14.76"S, 19°23'55.21", because the applicant failed to provide new coordinates for construction camp/laydown area 1 and 2.

The Department noted that you indicated that the proposed amendment would allow for the most practical location/s to be determined by the contractor closer to the time of construction. It is advisable that this amendment be applied for once the contractor has identified the feasible location of the said camps/laydown areas.

Further, it was indicated that the site camp areas will be located outside of all identified environmental sensitivity areas and must be approved by the ECO before implementation. You should note that any changes to the location of any infrastructure, and/or structures or any change to the EA condition/s must be approved by this Department not the ECO, as it is not within the ECO mandate to approve site camp/laydown areas, the responsibilities of the ECO are stipulated in the EA.

Amendment 12: Condition 58 on page 17 of the EA

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 noted that 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.

The Department further noted that the specialist, i.e. "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. It was confirmed by the specialist on page 2 of the Addendum to the Avifaunal Impact Assessment dated January 2019 compiled by Chris van Rooyen and Albert Froneman. This would no longer be the case if the amendment is to be granted, as the potential increase in the length of the MV overhead network would result in the High risk of mortality through increase electrocution. Therefore, it is not clear as to whether the MV lines refer to overhead or underground lines.

Amendment 13: Condition 59 on page 17 of the EA

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 that "all internal power lines must be buried, 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. It is therefore, recommended that all internal power lines are buried as per Condition 59 of the EA.

The Department noted that you recommended that 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. You should note that the aforesaid specialist do not have mandate to approve the project designs, the specialist can only review and give recommendations, hence; approval is the mandate of this department.

In the original assessment, the risk of mortality through electrocution was rated as Medium. This would no longer be the case if the amendment is to be granted, as the potential increase in the length of the MV overhead network would result in the High risk of mortality through increase electrocution. Therefore, under no circumstances should the overhead lines exceed the 22km as assessed in the original lay-out.

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

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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: 07/08/2019

