



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia, PRETORIA
Tel (+ 27 12) 399 9372

NEAS Reference: DEA/EIA/0001039/2012

DEA Reference: 14/12/16/3/3/2/278

Enquiries: Portia Makitla

Telephone: 012-399 9411 E-mail: pmakitla@environment.gov.za

Ms Charlotte Smith
Castle Wind Farm (Pty) Ltd
22nd Floor Metropolitan Centre
7 Walter Sisulu Avenue
Foreshore
CAPE TOWN
8001

Tel: 021 831 6134

Email: charlotte.smith@juwi.co.za

PER EMAIL / MAIL

Dear Ms Smith

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546: CONSTRUCTION OF THE CASTLE WIND ENERGY FACILITY NEAR DE AAR IN THE EMTHANJENI LOCAL MUNICIPALITY, 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 X447,
Pretoria, 0001; or

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

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Cape Town, 8001

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.

Appeals must be submitted in writing to:

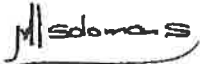
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: AppealsDirectorate@environment.gov.za

The authorised activities must 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 sincerely



Ms Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 08/05/2015

CC:	Mr John Von Mayer	Savannah Environmental (Pty) Ltd	Tel: 011 656 3237	Email: john@savannahsa.com
	Ms Deneo Moleko	NCDENC	Tel: 053 807 4800	Email: dmoleko@half.ncape.gov.za
	Mr Isaac Visser	Emthanjeni Local Municipality	Tel: 053 632 9100	Email: visser@emthanjeni.co.za

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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 appeal 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.

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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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


Construction of the Castle Wind Energy Facility

Pixley Ka Seme District Municipality

Authorisation register number:	14/12/16/3/3/2/278
NEAS reference number:	DEA/EIA/0001039/2012
Last amended:	First issue
Holder of authorisation:	CASTLE WIND FARM (PTY) LTD
Location of activity:	NORTHERN CAPE PROVINCE: Within the Emthanjeni and Renosterberg Local Municipalities

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.

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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 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) LTD

with the following contact details –

Ms Charlotte Smith
Castle Wind Farm (Pty) Ltd
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Tel: 021 831 6134


Email: charlotte.smith@juwi.co.za

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 and 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 11:</u> The construction of: (iii) bridges (vi) bulk storm water outlet structures/buildings exceeding 50 square metres in size, or (xi) infrastructure or structures covering 50 square metres or more; where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>Bridges, storm water structures and buildings such as the workshop will occur within 32m of a watercourse.</p> <p style="text-align: center;">CERTIFIED A TRUE COPY OF THE ORIGINAL DOCUMENT</p> <p style="text-align: center;"> Siddeeq Mollagee Commissioner of Oaths Admitted Attorney (RSA) 20th Floor The Halyard 4 Christiaan Barnard Street, Foreshore Cape Town, 8001</p>
<p><u>GN R. 544 Item 13:</u> The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres</p>	<p>Facilities for storage of diesel / oils that are up to 500m³ are required for the wind energy facility.</p>
<p><u>GN R. 544 Item 18 (i):</u> "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, grit, pebbles or rock from (i) a watercourse</p>	<p>The construction of the wind energy facility will include excavation of soil in a watercourse (drainage line) that may exceed 5 cubic metres.</p>
<p><u>GN R. 544 Item 47</u> "The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre - (i) where the existing reserve is wider than 13,5 meters; or</p>	<p>Existing farm (gravel) access roads may be widened or lengthened. These roads have no road reserve and may be wider than 8 meters in some areas.</p>

Listed activities	Activity/Project description
(ii) where no reserve exists, where the existing road is wider than 8 metres- excluding widening or lengthening occurring inside urban areas."	
<u>GN R. 545 Item 1</u> The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.	The wind energy facility will consist of wind turbines for electricity generation of more than 20MW.
<u>GN R. 545 Item 15</u> Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more- Except where such physical alteration takes place for: (i) Linear development activities, or (ii) Agriculture or afforestation where activity 16 in this schedule will apply.	The development footprint for the proposed wind energy facility will cover an area greater than 20 hectares. <p style="text-align: center;">CERTIFIED A TRUE COPY OF THE ORIGINAL DOCUMENT <i>Siddeen Mollagee</i> Commissioner of Oaths Admitted Attorney (RSA) 20th Floor The Halyard 4 Christiaan Barnard Street, Foreshore Cape Town, 8001</p>
<u>GN R. 546 Item 4 (a) (ii) (bb):</u> The construction of a road wider than 4 metres with a reserve less than 13,5 metres. (a) In the Northern Cape (ii) Outside urban areas, (bb) National Protected Area Expansion Strategy Focus areas.	New roads wider than 4 m to be constructed in a rural part of the Northern Cape within a National Protected Area Expansion Strategy Focus area.
<u>GN R. 546 Item 10(a) (ii) (bb):</u> The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres. (a) In the Northern Cape (ii) Outside urban areas,	Fuel required during construction will be stored on-site. The site occurs in a rural part of the Northern Cape and a portion of the site falls within a National Protected Area Expansion Strategy Focus area.

Listed activities	Activity/Project description
(bb) National Protected Area Expansion Strategy Focus areas.	
<p><u>GN R. 546 Item 13 (b) & (c) ii (bb):</u> The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation. (b) National Protected Area Expansion Strategy Focus areas. (a) In the Northern Cape (ii) Outside urban areas, (bb) National Protected Area Expansion Strategy Focus</p>	<p>An area of 1 ha or more of indigenous vegetation cover need to be cleared in a rural part of the Northern Cape, within a National Protected Area Expansion Strategy Focus area.</p>
<p><u>GN R. 546 Item 14 (a) i:</u> The clearance of an area of 5 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation. (a) In the Northern Cape (i) All areas outside urban areas</p>	<p>An area of 5 ha or more of indigenous vegetation cover may need to be cleared in a rural area within the Northern Cape.</p>
<p><u>GN R. 546 Item 16 (iii) & (iv) (a) ii (bb):</u> The construction of (iii) buildings with a footprint exceeding 10 square metres in size or (iv) infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line. (a) In the Northern Cape (i) Outside urban areas (bb) National Protected Area Expansion Strategy Focus areas.</p>	<p>Buildings and infrastructure larger than 10 m² to be constructed within 32 m of a watercourse which fall within National Protected Area Expansion Strategy Focus areas.</p> <p style="text-align: center;">CERTIFIED A TRUE COPY OF THE ORIGINAL DOCUMENT</p> <p style="text-align: center;">Siddeeq Mollagee Commissioner of Oaths Admitted Attorney (RSA) 20th Floor The Halyard 4 Christiaan Barnard Street, Foreshore Cape Town, 8001</p>

as described in the Environmental Impact Assessment Report (EIAR) dated February 2015 at:


Facility & access road co-ordinates	Latitude	Longitude
Castle Wind Energy Facility	30°36'38.24"S	24°18'33.78"E
Preferred access road Alternative	Latitude	Longitude
Start-point	30°39'22.30"S	24°22'38.09"E
Mid-point	30°38'18.33"S	24°21'49.04"E
End-point	30°36'59.55"S	24°21'43.97"E

- for the construction of a commercial wind energy facility and its associated infrastructure on a site located near De Aar on Portion 12 of Farm 165 (Vendussie Kuil), Portion 13 of Farm 165 (Vendussie Kuil) and the Remaining Extent of Portion 0 of Farm 8 (Knapdaar). The three farm portions collectively make up a broader study area of approximately 3257ha (32.6 km²) within the Emthanjeni and Renosterberg Local Municipalities in the Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- 31 wind turbines with a generating capacity of up to 3.5MW each, with a hub height of up to 120m and a rotor diameter of up to 132m.
- Turbine foundation/footprint;
- 31 Crane hardstand areas;
- Cabling between turbines to be laid underground (1-2m deep) along the road verge where practical to connect to an on-site substation;
- Temporary laydown areas;
- On-site 132kV substation which will be an approximate compound size of 100 m x 100 m;
- Internal access roads (approximately 7m wide) linking the wind turbines and other infrastructure on the site. Existing farm roads will be used as far as possible. Due to the dispersed distribution pattern of the wind turbines however, this will necessitate the construction of new access roads in some areas.
- Workshop area / office for control, maintenance and storage.

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Conditions of this Environmental Authorisation

Scope of authorisation

1. The Castle Wind Energy Facility and preferred access road Alternative 2 to be located on Portion 12 of Farm 165 (Vendussie Kuil), Portion 13 of Farm 165 (Vendussie Kuil) and the Remaining Extent of Portion 0 of Farm 8 (Knapdaar) 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 must 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 must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

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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 12 (twelve) 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 Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 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 for the decision.
11. The holder of the authorisation must publish a notice –
 - 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. 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

12. A copy of the final site layout plan must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout plan. The site layout plan must indicate the following:

- 12.1. Turbine positions;
- 12.2. Foundation footprint;
- 12.3. Permanent lay down area footprint;
- 12.4. Construction period lay down footprint;
- 12.5. Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);

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- 12.6. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - 12.7. The location of heritage sites;
 - 12.8. Sub-station(s) and/or transformer(s) sites including their entire footprint;
 - 12.9. Cable routes and trench dimensions (where they are not along internal roads);
 - 12.10. Connection routes (including pylon positions) to the distribution/transmission network;
 - 12.11. Cut and fill areas at turbine sites along roads and at sub-station/transformer sites indicating the expected volume of each cut and fill;
 - 12.12. Borrow pits;
 - 12.13. Spoil heaps (temporary for topsoil and subsoil and permanently for excess material);
 - 12.14. All existing infrastructure on the site, especially roads;
 - 12.15. Buildings including accommodation;
 - 12.16. All "no-go" areas.
 - 12.17. A map combining the final layout plan superimposed (overlain) on the environmental sensitivity map. This map must reflect the proposed location of turbines as stated in the EIR dated February 2015 and this authorisation.
13. The final layout plan must also be superimposed (overlain) over an environmental sensitivity map to be submitted to the department.
 14. The applicant must appoint a qualified botanical and fauna specialist to ground-truth every footprint and their recommendation must inform the final layout of the renewable energy facility and EMPr to be submitted to the department for approval.
 15. The Environmental Management Plan (EMPr) submitted as part of the application for environmental authorisation must be amended and submitted with the abovementioned layout plan to the Department for written approval prior to commencement of the activity.
 16. The EMPr amendments must include the following:
 - 16.1. All recommendations and mitigation measures recorded in the EIR dated February 2015.
 - 16.2. The requirements and conditions of this authorisation.
 - 16.3. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
 - 16.4. An open space management plan to be implemented during the construction and operation of the facility.

- 16.5. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility including timeframes for restoration which must indicate rehabilitation within the shortest possible time after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- 16.6. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
- 16.7. A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
- 16.8. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 16.9. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- 16.10. A transportation plan for the transport of turbine components, main assembly and other large pieces of equipment.
- 16.11. A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
- 16.12. An avifauna and bat monitoring programme to document the effect of the operation of the energy facility on avifauna and bats. This must be compiled by a qualified specialist.
- 16.13. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.

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- 16.14. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
17. The approved EMPr must be implemented and strictly enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development when approved.
18. The provisions of the approved EMPr including the mitigation measures identified in the EIR and specialist' studies must be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.
19. The holder of this authorisation must appoint qualified vegetation, fauna, heritage and avifauna specialists to ground-truth every infrastructure footprint and their recommendation must inform the final layout of the facility and the EMPr to be submitted to the department for approval.

Environmental Control Officer (ECO) and duties

20. The applicant 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 authorisation are implemented and to ensure compliance with the provisions of the EMPr.
21. The ECO must be appointed before commencement of any authorised activity.
22. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
23. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
24. A detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register must be kept on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
25. In addition the ECO must maintain the following on site:
- 25.1. A daily site diary;
- 25.2. Copies of all reports submitted to the Department; and
- 25.3. A schedule of current site activities including the monitoring of such activities.
26. 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.

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27. 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.

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Environmental audit report

Siddeeq Mollagee
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28. All documentation e.g. audit/monitoring/compliance reports and notifications submitted to the Department in terms of this authorisation, must be submitted to the Director: Compliance Monitoring at the Department.
29. 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.
30. The environmental audit report must:
- 30.1. Be compiled by an independent environmental auditor;
 - 30.2. Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 30.3. Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
 - 30.4. Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 30.5. Include copies of any approvals granted by other authorities relevant to the development for the reporting period; and
 - 30.6. Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed.
31. The audit report must be submitted prior to commencement of the operation phase of the project.

4 Christiaan Barnard Street, Foreshore
Capetown 8001

Commencement of the activity

32. The authorised activity must not commence within twenty (20) days of the date of signature of the authorisation.
33. 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 until such time that the appeal has been finalised.
34. The applicant must obtain a Water Use Licence from the Department of Water and Sanitation (DWS) prior to the commencement of the project. A copy of the license must be submitted to the Director: Strategic Infrastructure Developments at the Department.

Notification to authorities

35. Fourteen (14) days written notice must be given to the Department that the activity 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 will commence. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

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

Site closure and decommissioning


37. Should the activity ever cease or become redundant, the applicant 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

Avifauna and Bats

38. A bird and bat monitoring programme must be implemented to document the impact of the operation of the energy facility on avifauna and bats. This should commence prior to construction, and continue during operation of the energy facility.
39. The results of the pre-construction bird monitoring programme must inform the final layout and the construction schedule of the energy facility.
40. Reports regarding bird monitoring must be submitted to the relevant provincial environmental department, Birdlife South Africa, the Endangered Wildlife Trust (EWT), and this Department on a quarterly basis. The report will assist all stakeholders in identifying potential and additional mitigation measures and to establish protocols for a bird monitoring programme for wind energy development in the country.

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Siddeeq Mollagee
Commissioner of Oaths
Admitted Attorney (RSA)
20th Floor The Halyard
Cape Town, 8001
Foreshore

41. The baseline data collected and documented during the survey must be shared with the EWT, and Birdlife South Africa for a better understanding of the distribution or breeding behaviour of any of the priority species.
42. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors. 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.

Vegetation, wetlands and water resources

43. All species of special concern (SSC) must be identified and every effort must be made to rescue them.
44. Vegetation clearing must be limited to the required footprint.
45. Critical available biodiversity information must be consulted for the final placement of turbines, PV panels and infrastructure.
46. A "Plant Rescue and Protection" plan which allows for the maximum transplant of conservation important species from areas to be transformed must be compiled by a vegetation specialist familiar with the site in consultation with the ECO. This plan must be implemented prior to commencement of the construction phase.
47. Construction activities must be restricted to demarcated areas to restrict impact on vegetation, birds and animals.
48. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities should be undertaken as early as possible on disturbed areas.
49. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
50. No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
51. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.
52. The applicant must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.
53. Siting of turbines should adhere to >500m setbacks from large water bodies, riparian vegetation and rocky crevices, if and where high bat occurrence is found after monitoring.

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Noise

54. Construction staff to be given training in actions to minimise noise impacts.
55. Noise from the turbines at the identified noise sensitive areas must be less than the 45dB(A) limit for rural areas presented in SANS10103.
56. The applicant must ensure that the National Noise Control Regulations and SANS10103:2008 are adhered to and reasonable measures to limit noise from the work site are implemented.
57. The applicant must ensure that the construction staff working in areas where the 8-hour ambient noise levels exceed 75dBA must wear ear protection equipment.
58. The applicant must ensure that all equipment and machinery are well maintained and equipped with silencers.
59. The applicant must provide a prior warning to the community when a noisy activity e.g. blasting is to take place.
60. All noisy construction operations should only occur during daylight hours if possible.
61. All wind turbines should be located at a setback distance of 500m from any homestead and a day/night noise criteria level at the nearest residents of 45dB(A) should be used to locate the turbines. The 500m setback distance can be relaxed if local factors; such as high ground between the noise source and the receiver, indicates that a noise disturbance will not occur.
62. Positions of turbines jeopardizing compliance with accepted noise levels should be revised during the micro-siting of the units in question and predicted noise levels re-modelled by the noise specialist, in order to ensure that the predicted noise levels are less than 45dB(A).

Visual Resources

63. A lighting engineer must be consulted to assist in the planning and placement of light fixtures in order to reduce visual impacts associated with glare and light trespass.
64. Commercial messages and graffiti on turbines must be avoided.
65. Lay down areas and stockyards should be located in low visibility areas (e.g. valleys between ridges) and existing vegetation should be used to screen them from view where possible.
66. Night lighting of the construction sites should be minimised within the requirements of safety and efficiency.

Human Health and Safety

67. A health and safety programme must be developed to protect both workers and the public during construction, operation and decommissioning of the energy facility. The programme must establish a safety zone for wind turbines from residences and occupied buildings, roads, right-of-

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- ways and other public access areas that is sufficient to prevent accidents resulting from the operation of the wind turbines.
68. Potentials interference with public safety communication systems (e.g. radio traffic related to emergency activities) must be avoided.
69. The applicant must ensure that the operation of the wind facility has minimal electromagnetic interference (EMI) (i.e. impacts to microwave, radio and television transmissions) and should comply with the relevant communication regulations.
70. The applicant must obtain a written permit or approval from the South Africa Civil Aviation Authority that the wind facility will not interfere with the performance of Aerodrome Radio Communication, Navigation and Surveillance (CNS) equipment especially the radar prior to commencement of the activity. The approval/permit must be submitted to the *Director: Strategic Infrastructure Developments*.
71. The applicant must obtain approval from the South Africa Weather Services (WeatherSA) that the energy facility will not interfere with the performance of their equipment, especially radar, prior to commencement of the activity. The approval must be submitted to the *Director Strategic Infrastructure Developments*.
72. The applicant must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act.
73. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
74. No unsupervised open fires for cooking or heating must be allowed on site.

Hazardous materials and waste management

75. Areas around fuel tanks must be bunded or contained in a manner as per the requirements of SABS 089:1999 Part 1.
76. Hazardous waste such as bitumen, oils, oily rags, paint tins etc. must be disposed of at an approved hazardous waste landfill site.
77. An effective monitoring system must be put in place during the construction phase of the development to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. The applicant must ensure that precautionary measures are in place to limit the possibility of oil and other toxic liquids from entering the soil or storm water system.

78. No temporary storage of any materials may take place outside designated and demarcated lay down areas, and these must all be located within areas of low environmental sensitivity.
79. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. No chemicals must be stored nor may any vehicle maintenance occur within 350m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain or hillside wetlands.
80. Spill kits must be made available on-site for the clean-up of spills.
81. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
82. 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).
83. Temporary ablution facilities must be provided for staff at all times during the construction phase. The ablutions must be cleaned regularly with associated waste being disposed of at a registered/permitted waste site and must be removed from the site when the construction phase is completed.

Excavation and blasting activities

84. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
85. Borrow materials must be obtained only from authorized and permitted sites.
86. Anti-erosion measures such as silt fences must be installed in disturbed areas.

Air emissions

87. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
88. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.

Historical / cultural / paleontological resources

89. Should any graves be found, all construction activities must be suspended and an archaeologist be contacted immediately. The discovered graves must be cordoned off.


Turbines position

90. Turbines must be positioned in such a way that shadow flicker does not affect any farm buildings.

General

91. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The authorisation 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.
92. The holder of the authorisation must notify both the *Director: Strategic Infrastructure Developments* 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.
93. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority must 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: 08/05/2015




Ms Millicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

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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 EIR dated February 2015;
- b) The comments received from organs of state and interested and affected parties as included in the EIR dated February 2015;
- c) Mitigation measures as proposed in the EIR dated February 2015 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, 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 stems from the need for clean and renewable energy sources to reduce the country's energy supply problems.
- c) The EIR dated February 2015 identified all legislation and guidelines that have been considered in the preparation of the EIR dated February 2015.
- d) The methodology used in assessing the potential impacts identified in the EIR dated February 2015 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, 2010 for public involvement.

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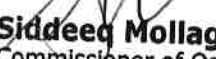
3. Findings

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 EIR dated February 2015 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.
- e) The EAP has indicated that the information contained in the EIR dated February 2015 is accurate and credible.
- f) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

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 application is accordingly granted.

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environmental affairs

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Enquiries: Ishaam Abader

Tel: 012 399 9330

Email: labader@environment.gov.za

Ms. Milicent Solomons
Director: Strategic Infrastructure Development

Dear Ms Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD OF 04 – 08 MAY 2015

I hereby inform you that I have decided to appoint you as Acting Chief Director: Integrated Environmental Authorisations, for the period 04 – 08 May 2015, whilst Mr Sabelo Malaza abroad on an official visit to China.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorisations, must be signed under the Acting Chief Director: Integrated Environmental Authorisations during the above period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1998), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Mr. Ishaam Abader

Deputy Director-General: LACE4 Christiaan Barnard Street, Foreshore

Date: 4/5/2015

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Admitted Attorney (RSA)
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ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~

appointment as Acting Chief Director:
Integrated Environmental Authorisations

Signed:

Date: 04/05/2015



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Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/278/AM1

Enquiries: Ms Portia Makitla


Telephone: (012) 399 9411 **E-mail:** pmakitla@environment.gov.za

Ms Charlotte Smith
Castle Wind Farm (Pty) Ltd
22nd Floor Metropolitan Centre
7 Walter Sisulu Avenue
Foreshore
CAPE TOWN
8001

Tel: 021 831 6134
Email: charlotte.smith@juwi.co.za

PER FACSIMILE / MAIL

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Siddeeq Mollagee
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Admitted Attorney (RSA)
20th Floor The Halyard
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Cape Town, 8001

Dear Ms Smith

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 08 MAY 2015 FOR THE CONSTRUCTION OF CASTLE WIND ENERGY FACILITY NEAR DE AAR IN THE EMTHANJENI LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 08 May 2015 and your application for amendment to the EA received by this Department on 29 May 2015 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 has decided to amend the Environmental Authorisation issued on 08 May 2015 by including the following listed activity:

Activity 10 of GN R 544: The construction of facilities or infrastructure for the transmission and distribution of electricity outside urban areas or industrial complexes with a capacity of more than 33 kilovolts but less than 275 kilovolts.

This letter must be read in conjunction with the EA dated 08 May 2015.

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

Your attention is drawn to Chapter 2 of Government Notice No. R.993, 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.

An appellant must submit an 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 applicant by the competent authority.

By post: Private Bag X447,
Pretoria, 0001; or

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

Appeals must be submitted in writing to:

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

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website:
(https://www.environment.gov.za/documents/forms#legal_authorisations).


Yours faithfully



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

Date: 30/06/2015

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DEA Reference: 14/12/16/3/3/2/278/AM2

Enquiries: Mr Muhammad Essop

Telephone: (012) 399 9406 E-mail: MEssop@environment.gov.za

Ms Charlotte Smith
Castle Wind Farm (Pty) Ltd
22nd Floor Metropolitan Centre
7 Walter Sisulu Avenue
Foreshore
CAPE TOWN
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20th Floor The Halyard
4 Christiaan Barnard Street, Foreshore
Cape Town, 8001

Telephone Number: (021) 831 6134

Email Address: charlotte.smith@juwi.co.za

PER EMAIL / MAIL

Dear Ms Smith

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 08 MAY 2015 FOR THE CONSTRUCTION OF THE CASTLE WIND ENERGY FACILITY NEAR DE AAR IN THE EMTHANJENI LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 08 May 2015, the amendment to the EA dated 30 June 2015, your application for amendment of the EA received by this Department on 12 October 2016, the acknowledgement letter dated 17 October 2016, the draft report received on 24 October 2016, the comments issued by this Department on 09 November 2016 and the final report received on 07 December 2016, 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, has decided to amend the EA dated 08 May 2015 as amended, as follows:

Amendment 1: Amendment of the project description in the EA:

Page 06 of the EA dated 08 May 2015:

From:

"31 wind turbines with a generating capacity of up to 3.5MW each, with a hub height of up to 120m and a rotor diameter of up to 132m."

To:

"Up to 31 wind turbines with a generating capacity of up to 4.5MW each, with a hub height of up to 130m and a rotor diameter of up to 150m and an overall wind farm generation capacity of 118MW."

MS

The following condition is included to the EA dated 08 May 2015:

"The operational monitoring design for Bats must pay special attention to turbines 1, 20, 24 and 28, and all other turbines on site must be considered in the operational study design."

The applicant applied to amend the turbine specifications by increasing the hub height, rotor diameter and increase the generation capacity by an additional 9.5MW due to developments in wind energy technology since the EA was issued. The increase in turbine specifications within the same development footprint will increase the overall efficiency of the facility and make it more economically viable.

This proposed amendment letter must be read in conjunction with the EA dated 08 May 2015 as amended.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the 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 decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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:


Mr Z Hassam, 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,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X 447,
Pretoria,
0001

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Cape Town, 8001

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, 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 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: 04/04/2019

cc:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
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DEA Reference: 14/12/16/3/3/2/278/AM3

Enquiries: Ms Constance Musemburi

Telephone: (012) 399 9416 **E-mail:** cmusemburi@environment.gov.za

Mr Corne van der Westhuizen
Castle Wind Farm (Pty) Ltd.
22nd Floor Metropolitan Centre
7 Walter Sisulu Avenue
Foreshore
CAPE TOWN
8001

Tel: 021 831 6129
Cell: 083 611 7073
Email: corne.vanderwesthuizen@juwi.co.za

PER EMAIL / MAIL

Dear Mr Van der Westhuizen

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 08 MAY 2015 FOR THE PROPOSED CONSTRUCTION OF THE CASTLE WIND ENERGY FACILITY NEAR DE AAR IN THE EMTHANJENI LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.

The Environmental Authorisation (EA) dated 08 May 2015 for the abovementioned project and your application for amendment to the EA received by this Department on 09 February 2018 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, has decided to grant an extension of the validity period of your authorisation for an additional five (5) years.


The activity must commence within a period of five (5) years from the date of expiry of the EA issued on 08 May 2015, as amended, (i.e commence by 08 May 2023). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

The contact details in the Environmental Authorisation typed as:

Charlotte Smith
Castle Wind Farm (Pty) Ltd.
22nd Floor Metropolitan Centre
7 Walter Sisulu Avenue
Foreshore
CAPE TOWN
8001

Tel: 021 831 6134
Cell: 082 875 7348
Email: charlotte.smith@juwi.co.za

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Siddeeq Mollagee
Commissioner of Oaths
Admitted Attorney (RSA)
20th Floor The Halyard
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MS

Is amended to:

Corne van der Westhuizen
Castle Wind Farm (Pty) Ltd.
22nd Floor Metropolitan Centre
7 Walter Sisulu Avenue
Foreshore
CAPE TOWN
8001

Tel: 021 831 6129
Cell: 083 611 7073
Email: come.vanderwesthuizen@juwi.co.za

This letter must be read in conjunction with the Environmental Authorisation dated 08 May 2015 as amended.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the 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 decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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:


Mr Z Hassam, 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,
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Pretoria, or

By post: Private Bag X447,
Pretoria,
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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: 15/03/2018

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DEA Reference: 14/12/16/3/3/2/278/AM4
Enquiries: Mr Herman Alberts
Telephone: (012) 399 9371 E-mail: HAlberts@environment.gov.za

Mr Steyn de Vos
Castle Wind Farm (Pty) Ltd
22nd Floor Metropolitan Centre
7 Walter Sisulu Avenue
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CAPE TOWN
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Telephone Number: (021) 831 6147
Email Address: steyn.devos@juwi.co.za

PER EMAIL / MAIL

Dear Mr De Vos

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (EA) ISSUED ON 08 MAY 2015 FOR THE DEVELOPMENT OF THE CASTLE WIND ENERGY FACILITY NEAR DE AAR IN THE EMTHANJENI LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

The EA for the above-mentioned project dated 08 May 2015, the amendments to the EA dated 30 June 2015, 04 April 2017 and 15 March 2018, your application for EA amendment received on 03 July 2019 and the final motivation report received on 23 October 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 Regulations, 2014, as amended has decided to amend the EA dated 08 May 2015 as amended as follows:


Amendment 1: Change in the contact details of the holder of the EA:

From:

Corne van der Westhuizen
Castle Wind Farm (Pty) Ltd
22nd Floor Metropolitan Centre
7 Walter Sisulu Avenue
Foreshore
CAPE TOWN
8001

Telephone Number: (021) 831 6129
Cell phone number: (083) 611 7073
Email Address: corne.vanderwesthuizen@juwi.co.za

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OF THE ORIGINAL
DOCUMENT**


Siddeeq Mollagee
Commissioner of Oaths
Admitted Attorney (RSA)
20th Floor The Halyard
4 Christiaan Barnard Street, Foreshore
Cape Town, 8001


M.S

To:

Mr Steyn de Vos
Castle Wind Farm (Pty) Ltd
22nd Floor Metropolitan Centre
7 Walter Sisulu Avenue
Foreshore
CAPE TOWN
8001

Telephone Number: (021) 831 6147
Cell phone number: (082) 388 4738
Email Address: steyn.devos@juwi.co.za

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The reason for the change of the contact details of the holder of the EA is that Mr Van der Westhuizen is no longer the contact person for the project, and Mr De Vos is now responsible for the EA.

Amendment 2: Amendment to the project description of the EA:

Page 01 of the Amendment to the EA dated 04 April 2017:

From:

"up to 31 wind turbines with a generation capacity of up to 4.5 MW each, with a hub height of up to 130m and a rotor diameter of up to 150m and an overall wind farm generation capacity of 118MW"

To:

"Up to 24 wind turbines with a generation capacity of up to 7.9MW each, a hub height of between 90 to 150m, a rotor diameter of between 110 to 200m and an overall wind farm generation capacity of 118MW"

Page 06 of the EA dated 08 May 2015, as amended:

From:

"31 Crane hardstand areas"

To:

"24 Crane hardstand areas"

The motivation for the EA amendment is that following the issuing of the EA for the project, there have been advancements in wind turbine technology with newer turbines becoming larger and more powerful. The turbines authorised in the EA are therefore not considered to be the most suitable in terms of production and economic considerations.

The reason for the reduction in the number of turbines, is that based on the assessment, there are turbine positions located in the Verreux Eagle Nest Buffer, as well as the High Bat Sensitivity Buffer, which is deemed as No-Go Areas.

As a result of the amendments, the following conditions are hereby added into the EA:

- 90A. "Turbine position 01, 04, 05, 18, 20, 24 and 28 are not approved and must be removed from the project."
- 90B. "A 3km no-go buffer has been identified around each of the known Verreaux's Eagle nests. No new infrastructure may be constructed within these areas. There are currently three turbines inside this buffer area and these are to be relocated during micro-siting."
- 90C. "Any significant impacts detected by post-construction monitoring must be mitigated where judged necessary by the avifaunal specialist. The onus is on the wind farm operator to have planned ahead for such an eventuality, particularly in respect of financial budgeting."
- 90D. "The local population of Verreaux's Eagle must be monitored for the full lifespan of the wind farm to ensure that any impacts are measured. This will require 2-3 visits to each of the 3 known nests (and any new ones subsequently found) during breeding season each year by a suitably qualified independent ornithologist."
- 90E. "Ongoing monitoring is required to determine breeding status at nests of Verreaux's Eagles. Evidence of abandonment of breeding or compromised productivity of breeding Verreaux's Eagles will require offset or compensation plans to be developed by a suitably qualified independent ornithologist."
- 90F. "Should fatalities of one Regionally Red Listed species or two other species of concern be recorded a mitigation plan should be developed and implement (this could involve curtailment, shutdown on demand, habitat management, deterrence and any others available at the time of implementation)."
- 90G. "At other operational wind farms it has been suspected that ground burrowing small mammals such as Ground Squirrel found more favourable burrowing conditions along new road and hard stand verges on site after construction, which resulted in an inflated prey base for eagles close to turbines, and consequent higher turbine collision risk. It is essential that the Castle Wind Farm does not create favourable conditions for such mammals in high risk areas. Discussions with civil engineers previously have determined that it is not possible to adequately compact road verges, drains and hard stand edges during construction to eliminate such burrowing. We therefore recommend then that within the first year of operations a full assessment of this aspect be made by the ornithologist contracted for post construction monitoring. If such burrowing is found case specific solutions to exclude these mammals from areas close to turbines will need to be developed. Additionally, any alterations of habitat and areas identified with the potential to increase raptor prey populations should be monitored and corrected through compaction or other deterrence's."

This letter must be read in conjunction with the EA dated 08 May 2015, as amended.

In accordance with Regulation 4(2) of the NEMA, EIA Regulations, 2014 (as amended) you are instructed to notify all registered Interested and Affected Parties, in writing and within 14 (fourteen) days of the date of this amendment to the EA, of the Department's decision and that an appeal may be lodged against the decision in terms of the NEMA, National Appeals Regulations, 2014 and the provisions regarding the submission of appeals as contained in these Regulations.

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Cape Town, 8001

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 (twenty) 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 on the prescribed form to:


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

By email: appeals@environment.gov.za

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

or
By post: Private Bag X447,
Pretoria,
0001

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Cape Town, 8001

Please note that in terms of Section 43(7) of the NEMA, the lodging of an appeal will suspend the EA or any provision or condition attached thereto. In the instance where an appeal is lodged, the Applicant 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 or request a copy of the documents by sending an e-mail to: appeals@environment.gov.za.

Yours faithfully


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

Date: 26/02/2020

CC:	Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	E-mail: joanne@savanahsa.com
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