



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEAT/EIA/12095/2010

DEA Reference: 12/12/20/1756/1

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Mr. Mark Tanton
Red Cap Kouga Wind Farm (Pty) Ltd
24 Kestrel Way
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HOUT BAY
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PER FACSIMILE / MAIL

Dear Mr Tanton

AMENDMENT OF ENVIRONMENTAL AUTHORISATION (EA) ISSUED ON 13 JUNE 2011: SPLITTING OF ENVIRONMENTAL AUTHORISATION FOR THE KOUGA WIND FARM PROJECT (CENTRAL CLUSTER), KOUGA LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department, in terms of Regulation 42 of Environmental Impact Assessment Regulations, 2010, has decided to amend the environmental authorisation (EA) dated 13 June 2011 by splitting the environmental authorisation into two environmental authorisations.

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 amendment 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. Please note that only the amendments are subject to appeal. 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 amendment 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 facsimile: 012 320 7561;
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Building, North Tower,
cnr. Lillian Ngoyi (Van der Walt) and Pretorius Streets,
Pretoria.

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

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

Appeals must be submitted in writing to:

Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the abovementioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: AppealsDirectorate@environment.gov.za

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 01 February 2013

CC:	Mr R. Stow	Arcus GIBB (Pty) Ltd	Tel: 031 267 8560	Fax no: 031 266 3310
	Mr G. Pienaar	DEDEA	Tel: 040 6094703	Fax: 086 6192858
	Mr. J. Uithaler	Kouga Local Municipality	Tel: 042 200 2200	Fax: 042 293 1114
	Mr T. Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561
	Mr S. Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

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 Water and 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 Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;

2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

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



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 37 of the Environmental Impact Assessment Regulations, 2006

Kouga Wind Farm Project (Central Cluster), Kouga Local Municipality, Eastern Cape Province

Cacadu District Municipality

Authorisation register number:	12/12/20/1756/1
NEAS reference number:	DEAT/EIA/12095/2010
Last amended:	Third issue
Holder of authorisation:	RED CAP KOUGA WIND FARM (PTY) LTD
Location of activity:	EASTERN CAPE PROVINCE: Kouga Local Municipality

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.

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.

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 No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

RED CAP KOUGA WIND FARM (PTY) LTD

with the following contact details –


Mr. Mark Tanton
Red Cap Kouga Wind Farm (Pty) Ltd
24 Kestrel Way
Kenrock Estate

HOUT BAY

7806

Tel: (021) 790 1392
Fax: (086) 609 9261
Cell: (082) 375 4257
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to undertake the following activities (hereafter referred to as “the activities”):



R 386

- Item 1 (m): *"The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line or a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including –*
- (i) canals;*
 - (ii) channels;*
 - (iii) bridges;*
 - (iv) dams, and*
 - (v) weirs."*
- Item 12: *"The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004)."*
- Item 13: *"The abstraction of groundwater at a volume where any general authorisation issued in terms of the National Water Act, 1998 (Act No 36 of 1998) will be exceeded."*
- Item 15: *"The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long."*
- Item 16(b): *"The transformation of undeveloped, vacant or derelict land to residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare."*

R. 387

- Item 1(a): *"The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where-*
- (i) the electricity output is 20 megawatts or more; or*
 - (ii) the elements of the facility cover a combined area in excess of 1 hectare."*

Item 2: "Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more."

as described in the Environmental Impact Assessment Report (EIAR) dated March 2010 at:

Parcel Number	Area (ha)
Central Cluster	
40/809	1.8
41/809	1.9
42/809	1.9
43/809	1.9
44/809	1.9
2/742	101.4
12/742	79.0
10/742	39.4
7/742	115.5
14/742	438.4
14/713	246.0
32/713	277.3
8/713	314.6
5/713	41.1
RE 3/743	61.8
2/743	94.4
826	178.2
RE 4/735	300.7
RE 5/735	218.4
12/735	32.7
RE 3/735	276.0
RE/735	245.7
Total area	2 948 hectares

- for the establishment of the Kouga Wind Energy Facility and its associated infrastructure consisting of the Central Cluster close to Oyster Bay; which falls within the jurisdiction of the Kouga Local Municipality in Eastern Cape Province, hereafter referred to as "the property".

The granting of this environmental authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

- 1 Layout 3 which is the preferred alternative layout is approved.
- 2 Authorisation of the activities 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 shall be responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
- 4 The activities authorised may only be carried out at the properties as described above.
- 5 The recommendations and mitigation measures recorded in the final EIAR dated March 2011 must be adhered to.
- 6 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.
- 7 These activities 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.
- 8 Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
- 9 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

- 10 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.

Notification of authorisation

- 11 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.
- 12 The notification referred to must –
- 12.1 specify the date on which the authorisation was issued;
 - 12.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 12.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 12.4 give the reasons for the decision.

Management of the activity

- 13 The Environmental Management Plan (EMP) submitted as part of Application for EA must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the EIAR dated March 2011 must be incorporated as part of the EMP. Once approved, the EMP must be implemented and adhered to. The amended EMP must also include the following:
- 13.1 Comprehensive rescue and storage in a suitable constructed nursery and storage area of plants deemed to be requiring either rescue for replanting and plants that will be useful during rehabilitation;
 - 13.2 Construction Action Plan for clearing of vegetation construction activities are to commence;
 - 13.3 Detailed Revegetation and Rehabilitation Plan to be conducted during construction and operation;
 - 13.4 A Rehabilitation Plan must be established to minimise adverse environmental impacts whilst maximising the future utilisation of the property; and

- 13.5 An Open Space Management Plan must be incorporated in the EMP. The Open Space Management Plan must incorporate ecological processes areas into the buffer as recommended by the wetland specialist.

Monitoring

- 14 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 EMP.
- 15 The ECO shall be appointed before commencement of any authorised activity/ies.
- 16 Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 17 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 18 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.
- 19 In addition the ECO must maintain the following on site:
- 19.1 A daily site diary.
 - 19.2 Copies of all reports submitted to the Department.
 - 19.3 A schedule of current site activities including the monitoring of such activities.
- 20 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 21 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.

Recording and reporting to the Department

- 22 All documentation, e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.

- 23 The holder of the authorisation must submit an environmental audit report to this Department upon completion of the construction and rehabilitation activities.
- 24 The environmental audit report must:
- 24.1 Be conducted by an independent environmental auditor;
 - 24.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 24.3 Evaluate compliance with the requirements of the approved EMP and EA;
 - 24.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 24.5 Include copies of any approvals granted by other authorities relevant to the development for the reporting period; and
 - 24.6 Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed.
- 25 The audit report must be submitted prior to commencement of the operation phase of the project.

Commencement of the activity

- 26 The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation.
- 27 The applicant must obtain a Water Use Licence Authorisation (WULA) from the Department of Water Affairs (DWA) prior to the commencement of the project should the applicant impact on any wetland or water resource. The WULA must be submitted to the *Director: Integrated Environmental Authorisations* at the Department.
- 28 The applicant must submit a final layout plan for the entire Wind Energy Facility for approval to the department and the layout should indicate the following:
- i Turbine positions;
 - ii Foundation footprint;
 - iii Permanent laydown area footprint;
 - iv Construction period laydown footprint;
 - v 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);
 - vi Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;

- vii Heritage sites that will be affected by the turbines and associated infrastructure;
 - viii Substation(s) and/or transformer(s) sites including their entire footprint;
 - ix Cable routes and trench dimensions (where they are not along internal roads);
 - x Connection routes to the distribution/transmission network;
 - xi Cut and fill areas at turbine sites along roads and at substation/transformer sites indicating the expected volume of each cut and fill;
 - xii Borrow pits;
 - xiii Spoil heaps (temporary for topsoil and subsoil and permanently for excess material);
 - xiv Buildings including accommodation; and
 - xv All "no-go" areas
- 29 The applicant must appoint a qualified botanical and fauna specialist to ground-truth every turbine footprint and their recommendation must form part of the final layout of the Wind Energy Facility and EMP to be submitted to the department for approval.
- 30 An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Notification to authorities

- 31 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

- 32 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
- 33 The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

- 34 Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

Avifauna and bats

- 35 A bird monitoring programme must be implemented to document the effect of the operation of the wind energy facility on avifauna and bats. This should commence prior to construction, and continue during operation of the wind energy facility.
- 36 The results of the pre-construction bird monitoring programme must inform the final layout and the construction schedule of the wind energy facility.
- 37 Reports regarding bird monitoring must be submitted to the Eastern Cape Department of Economic Development and Environmental Affairs (DEDEA), Birdlife South Africa, 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 bird monitoring programme for wind energy development in the country.
- 38 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.
- 39 Habitat destruction must be kept to an absolute minimum by keeping the lay-down areas as small as possible, reducing the number and size/length of roads and reducing the final extent of developed area.
- 40 Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
- 41 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.

- 42 The applicant must ensure that lighting on the turbines is kept to a minimum, and is coloured (red or green) and intermittent, rather than permanent and white, to reduce confusion effects for nocturnal migrants.
- 43 The facility must be designed to discourage their use as perching or roosting substrates by birds and bats.

Vegetation, wetlands and water resources

- 44 All species of special concern (SSC) must be identified and every effort must be made to rescue them.
- 45 Turbines 104, 105, 112, 127, 128 to be micro-sited to just outside the active inland primary dune field in the Western Cluster.
- 46 Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
- 47 Critical available biodiversity information must be consulted for the final placement of turbines and infrastructure.
- 48 The applicant must ensure that a continuous monitoring and removal of alien plant species is implemented, as well as careful monitoring of the state of the landscape with the Eastern Cape Biodiversity Conservation Plan (ECBCP) land use planning principles.
- 49 An alien removal program must be implemented to remove alien vegetation from within the no-go area and should run concurrently with construction activities.
- 50 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.
- 51 Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the Eastern Cape Department of Economic Development and Environmental Affairs (DEDEA) for the destruction of species protected in terms of the Provincial Nature Conservation Ordinance (PNCO) Schedule 4. Copies of the permits must be submitted to the Department for record keeping.
- 52 Construction activities must be restricted to demarcated areas to restrict impact on vegetation and animals.

- 53 A comprehensive habitat rehabilitation plan must be developed for the site. Restoration must be undertaken as soon as possible 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.
- 54 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.
- 55 All electrical collector lines must be buried in a manner that minimizes additional surface disturbance.
- 56 Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
- 57 The applicant is required to inform the relevant provincial department and/or this Department should the removal of protected species, medicinal plants and "data deficient" plant species be required.
- 58 All hard infrastructures should be located within existing areas of low sensitivity, as far as possible.
- 59 All turbine and infrastructure must be located at least 100m from the edge of any highly sensitive areas.
- 60 No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
- 61 No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
- 62 Appropriate erosion mitigation must be implemented to prevent any potential erosion.
- 63 Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.
- 64 Removal of alien invasive species or other vegetation must be in accordance with the Conservation of Agricultural Resources Act (Act 43 of 1983), and follow-up procedures for the duration of the project.
- 65 The applicant must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.
- 66 Contractors and construction workers must be clearly informed of the no-go areas.
- 67 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.
- 68 Where roads pass right next to major water bodies provision should be made for fauna such as toads to pass under the roads by using culverts or similar.

- 69 Bridge design must be such that it minimise impact to the riparian areas with minimal alterations to water flow and must be permeable to movement of fauna and flora

Roads and transportation

- 70 Existing road infrastructure must be used as far as possible for providing access to proposed turbine positions. Where no road infrastructure exists, new roads should be placed within existing disturbed areas or environmental conditions must be taken into account to ensure the minimum amount of damage is caused to natural habitats.
- 71 A transportation plan must be developed, particularly for the transport of turbine components, main assembly cranes and other large pieces of equipment. A permit must be obtained from the relevant transport department for the transportation of all components (abnormal loads) to the sites.
- 72 A traffic management plan must be prepared 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.
- 73 Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuter, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
- 74 Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
- 75 Internal access roads must be located away from drainage bottoms and avoid wetlands, if feasible.
- 76 Internal access roads must be located to minimize stream crossings. All structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
- 77 Existing drainage must not be altered, especially in sensitive areas.
- 78 A designated access to the site must be created and clearly marked to ensure safe entry and exit.
- 79 Signage must be erected at appropriate points warning of turning traffic and the construction site.

- 80 Construction vehicles carrying materials to the site should avoid using roads through densely populated built-up areas along the coast so as not to disturb existing retail and commercial operations.
- 81 Road borders should be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.

Noise

- 82 Construction staff to be given training in actions to minimise noise impacts.
- 83 Noise from the turbines at the identified noise sensitive areas must be less than the 45dB(A) limit for rural areas presented in SANS10103.
- 84 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.
- 85 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.
- 86 The applicant must ensure that all equipment and machinery are well maintained and equipped with silencers.
- 87 The applicant must provide a prior warning to the community when a noisy activity is to take place.
- 88 All construction operations should only occur during daylight hours if possible.
- 89 No construction piling should occur at night
- 90 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 45 dB(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.
- 91 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 45 dB(A) at adjacent NSAs.

Visual resources

- 92 The applicant must ensure to reduce visual impact during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques, and restoring exposed solid as closely as possible to their original contour and vegetation.
- 93 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.
- 94 Signs near wind turbines should be avoided unless they serve to inform the public about wind turbines and their function.
- 95 Commercial messages and graffiti on turbines must be avoided.
- 96 The applicant must ensure that painting of the wind turbines are in accordance with the Aviation Act, 1962, Thirteenth Amendment of the Civil Aviation Regulations, 1997.
- 97 Laydown 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.
- 98 Construction activities must be restricted to daylight hours in order to negate or reduce visual impacts associated with lighting.
- 99 Night lighting of the construction sites should be minimised within requirements of safety and efficiency.

Human health and safety

- 100 A health and safety programme must be developed to protect both workers and the general public during construction, operation and decommissioning of the wind energy facility. The programme must establish a safety zone for wind turbine generator from residences and occupied buildings, roads, right-of-ways, and other public access areas that is sufficient to prevent accidents resulting from the operation of wind turbine generators.
- 101 Potentials interference with public safety communication systems (e.g. radio traffic related to emergency activities) must be avoided.
- 102 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 regulation.
- 103 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: Environmental Impact Evaluation.
- 104 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.
- 105 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. If possible, construction should be scheduled to take place within the post-harvest, pre planting season, when fields are lying fallow.
- 106 No open fires for cooking or heating must be allowed on site.

Hazardous materials and waste management

- 107 Areas around fuel tanks must be bunded or contained in an appropriate manner as per the requirements of SABS 089:1999 Part 1.
- 108 Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.
- 109 Hazardous waste such as bitumen, oils, oily rags, paint tins etc must be disposed of at an approved hazardous waste landfill site.
- 110 During the construction phase of the development, an effective monitoring system must be put in place to detect any leakage or spillage of all hazardous substances during their transportation, handling, installation and storage. The applicant must ensure that precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or stormwater system are in place.
- 111 Streams, river, pans, wetlands, dams and their catchments must be protected from erosion, direct or indirect spillage of pollutants.
- 112 No dumping or temporary storage of any materials may take place outside designated and demarcated laydown areas, and these must all be located within areas of low environmental sensitivity.
- 113 Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water.
- 114 Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Furthermore no chemicals must be stored nor any vehicle

- maintenance must occur within 350 m of the temporal zone of wetlands, whether a drainage line with or without an extensive floodplain or hillside wetlands.
- 115 Temporary bunds must be constructed around chemical storage to contain possible spills.
- 116 Spill kits must be made available on-site for the clean-up of spills.
- 117 An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008).
- 118 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/permited waste site and must be removed from the site when construction phase is completed.

Excavation and blasting activities

- 119 Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
- 120 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.
- 121 Borrow materials must be obtained only from authorized and permitted sites.
- 122 Anti-erosion measures such as silt fences must be installed in disturbed areas.

Air emissions

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

Historical / cultural / paleontological resources

- 125 If there are any changes to the layout of the turbines, then additional survey work will be required in order to ensure that no sites are directly impacted and/or to identify the need for an excavation permit.
- 126 Should any graves be found, all construction activities must be suspended and an archaeologist be immediately contacted. The discovered graves must be cordoned off.
- 127 No development is to impact on Site 2.3 - a significant Stone Age site.
- 128 No development is to impact on Colonial Period Farmsteads or Structures, predating 60 years of age or on Colonial/ Historical Period Cemeteries.
- 129 Should any archaeological or cultural heritage resources as defined and protected by the National Heritage Resources Act, 1999 and not reported on in the specialist report be identified during the course of operation, it should be reported to SAHRA or an ASAPA accredited CRM archaeologist.

Storm water management

- 130 A comprehensive storm water management plan must be developed for the site to ensure compliance with applicable regulation and prevent off-site migration of contaminated storm water or increased soil erosion. A comprehensive storm water management plan should form part of the EMP.
- 131 Construction must include 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.

Turbines position

- 132 Turbines must be positioned in such a way that they are at least 500m away from residences or farm buildings.
- 133 Turbines must be positioned in such a way that shadow flicker does not affect any farm buildings.
- 134 The applicant must ensure that the placement of turbine on ridges is avoided.
- 135 Wind turbines and associated laydown areas and access roads which could potentially impact on sensitive areas must be shifted in order to avoid these areas of high sensitivity.

Overhead power line

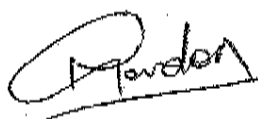
- 136 A walk-through survey of the final survey power line corridor must be undertaken by a botanical specialist, an ornithologist and a heritage specialist to identify areas where mitigation may be required.
- 137 All sections of the proposed power line passing over, or in close proximity of grasslands, rivers, wetlands, and dams must be marked with suitable bird flight diverters in order to deter large birds from colliding with any powerline. Additional areas of high sensitivity along the preferred alignment must be identified by an avifaunal specialist for the fitment of anti-collision devices according to Eskom Transmission Guidelines.
- 138 A Search and Rescue (S&R) operation of all the Red Data as well as rare endangered plants must be undertaken on the exact spots selected on which the pylons will be erected by a suitable qualified botanist. All plants present must be surveyed and collected for documentation at South National Biodiversity Institute (SANBI) and particular species, especially those which are rare and threatened species are moved to nurseries for re-establishment after construction and/or relocated to protected areas.

General

- 139 A copy of this authorisation must be kept at the property where the activities 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.
- 140 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 141 The holder of the authorisation must notify 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. 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 regulations.
- 142 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible

for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 01 February 2013



Mr Mark Gordon

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The information contained in the EIAR dated March 2011;
- b) The comments received from interested and affected parties as included in the EIAR dated March 2011;
- c) Mitigation measures as proposed in the EIAR dated March 2011 and the EMP;
- d) The information contained in the specialist studies incorporated in Volume 3 of the EIAR dated March 2011; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 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) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project is to contribute towards the renewable energy generation target set by the Government, socio-economic and environmental sustainable growth, and to kick-start and stimulate the renewable energy industry in South Africa.
- d) The findings of all the specialist studies conducted and their recommended mitigation measures.
- e) The EIAR dated March 2011 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.

- f) The EIAR dated March 2011 identified all legislation and guidelines that have been considered in the preparation of the EIAR dated March 2011.
- g) The proposed methodology used in assessing the potential impacts identified in the EIAR dated March 2011 and the proposed specialist studies have been adequately indicated.
- h) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2006 for public involvement.

3. Findings

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

- The identification and assessment of impacts are detailed in the EIAR dated March 2011 and sufficient assessment of the key identified issues and impacts have been completed.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- All legal and procedural requirements have been met.
- The information contained in the EIAR dated March 2011 is accurate and credible.
- EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAR 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.

