



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA 0001- Environment House 473 Steve Biko Road, Arcadia- PRETORIA

DEA Reference: 14/12/16/3/3/2/1104/AM1

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PER EMAIL / MAIL

Dear Mr Blaine

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 25 SEPTEMBER 2019 FOR THE 189MW IMPOFU EAST WIND FARM AND ITS ASSOCIATED INFRASTRUCTURE NEAR OYSTER BAY WITHIN THE KOUGA LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 25 September 2019, your application for amendment of the EA and the draft amendment report received by the Department on 16 July 2020, the comments on the draft amendment report issued on 31 July 2020 and the final amendment report received by the Department on 26 August 2020, 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 25 September 2019, as follows:

Amendment 1: Amendment to the project title of the EA:

The project title on page 01 of the EA is amended:

From:

"The 198 MW Impofu East Wind Energy Facility (WEF) and its associated infrastructure near Oyster Bay within the Kouga Local Municipality in the Eastern Cape Province."

To:

"The 189MW Impofu East Wind Farm and its associated infrastructure near Oyster Bay within the Kouga Local Municipality in the Eastern Cape Province."

MS

Reason for amendment:

The capacity has changed from 198MW to 189MW. Furthermore the title of the project as per the application form referred to Wind Farm and not Wind Energy Facility (WEF).

Amendment 2: Amendment remove a farm portion from the location of the activity in the EA:

The following farm portion on page 02 of the EA is hereby removed:

"Erf 12/722 of Farm Klippe Drift"

Reason for amendment:

As no infrastructure was required on the following property (both for the authorised and amended layouts) and given the landowner no longer wanted to be part of the EIA, this landowner has been removed from the project: Erf 12/722 of Farm Klippe Drift (C034000000007220012), owned by Klippedrift Properties Pty Ltd).

Amendment 3: Amendment to the activity description of Listing Notices in the EA:

The activity description of the Listing Notice 1, Item 19 on page 04 of the EA is amended:

From:

"A number of internal roads and access roads are likely to cross watercourses and drainage lines. The infilling or depositing of any material of more than 10 m³ into a watercourse may be triggered with the construction of internal service roads or underground cables crossing the drainage lines."

To:

"A number of internal roads and access roads are likely to cross watercourses and drainage lines. The infilling or depositing of any material of more than 10m³ into a watercourse and the dredging, excavation or removal of material of more than 10m³ from a watercourse may be triggered with the construction of internal service roads or underground cables crossing the drainage lines."

Reason for amendment:

Whilst the removal of material was also assessed as it would be required for roads and cable construction across or through drainage lines, it was erroneously left off the description.

The activity description of the Listing Notice 2, Item 1 on page 06 of the EA is amended:

From:

"The proposed Impofu Wind Farms would each have a maximum generation capacity of up to 198 MW."

To:

"The proposed project would have a maximum generation capacity of 189MW."

Reason for amendment:

The applicant has applied to amend the generation capacity as it has changed from 198MW to 189MW.

The activity description of the Listing Notice 3, Item 14 on page 06 and 07 of the EA is amended:

From:

"Access roads of approximately 8 m in width will be developed, with a reserve / buffer of approximately 12 m required during construction. These internal roads will cross two watercourses (wetlands) as identified by the aquatic specialist.

Although the formally protected Huisklip Nature Reserve (which is also a core area of the Garden Route Biosphere Reserve) is located more than 5 km from the site, the Greater Kromme Stewardship initiative is proactively identifying areas suitable for declaration as protected areas. Existing ecological corridors that could be represented by future protected areas have been included in the assessment to account for this potential listed activity."

To:

"Access roads of approximately 8m in width will be developed, with a reserve / buffer of approximately 12m required during construction. These internal roads will require five new crossings of watercourses (wetlands) as identified by the aquatic specialist.

Although the formally protected Huisklip Nature Reserve (which is also a core area of the Garden Route Biosphere Reserve) is located more than 5km from the site, the Greater Kromme Stewardship initiative is proactively identifying areas suitable for declaration as protected areas. Existing ecological corridors that could be represented by future protected areas have been included in the assessment to account for this potential listed activity."

Reason for amendment:

Six new watercourse crossings were identified and assessed in the EIR. However, the number of new watercourse crossings was incorrectly referenced in the listed activity table in the EIR as two. Now the six new watercourse crossings will reduce to five as a result of the proposed amendment.

Amendment 4: Amendment of the coordinates in the EA:

The coordinates on page 07 and 08 of the EA is amended:

From:

Impofu East (WEF preferred site)	Latitude	Longitude
	34° 04' 41.722" S	24° 34' 52.651" E
	34° 06' 14.969" S	24° 38' 07.033" E
	34° 07' 38.926" S	24° 40' 18.191" E
	34° 09' 59.764" S	24° 35' 38.023" E
	34° 08' 37.527" S	24° 33' 33.694" E
	34° 04' 58.330" S	24° 36' 42.583" E
	34° 07' 36.040" S	24° 36' 53.498" E
	34° 09' 52.604" S	24° 39' 46.627" E

	34° 09' 33.108" S	24° 33' 14.219" E
	34° 07' 13.905" S	24° 34' 02.979" E

To:

Impofu East (WEF preferred site)	Latitude	Longitude
	34° 06' 14.969" S	24° 38' 07.033" E
	34° 07' 38.926" S	24° 40' 18.191" E
	34° 09' 59.764" S	24° 35' 38.023" E
	34° 08' 37.527" S	24° 33' 33.694" E
	34° 04' 58.330" S	24° 36' 42.583" E
	34° 07' 36.040" S	24° 36' 53.498" E
	34° 09' 52.604" S	24° 39' 46.627" E
	34° 09' 33.108" S	24° 33' 14.219" E
	34° 07' 13.905" S	24° 34' 02.979" E
	34° 5' 1.307" S	24° 35' 17.930" E
	34° 6' 29.218" S	24° 34' 18.620" E

Reason for amendment:

When the site layout was adjusted, and some turbines were lost, some of the remaining turbines in Impofu East were incorporated into Impofu West to balance the MW between the facilities. Therefore, the wind farm boundaries changed slightly. Farm no RE/716, Conrad Dreyer Family Trust (C03400000000071600000) that was originally part of Impofu East Wind Farm is now also part of Impofu West Wind Farm.

Amendment 5: Amendment to change the project description on the EA:

The project description on page 08 of the EA is amended:

From:

"- for the proposed 198MW Impofu East WEF and its associated infrastructure near Oyster Bay within the Kouga Local Municipality in the Eastern Cape Province, hereafter referred to as "the property".

The facility will comprise the following:

- **Turbines:** Up to 33 turbines with a hub height from 90m to 120m, and rotor diameter of up to 150m. The minimum tip height (ground clearance) will be at least 30m;
- **Crane hard stands:** One per turbine, with a permanent hardstand 50m X 30m which will remain for maintenance purposes;
- **Access and internal roads:** The internal gravel roads will be approximately 6m wide with potential side drains. Some sections of these roads would need to be temporarily widened up to 12m during construction;
- **On-site substation:** Each substation is approximately 150 X 75m (11 250m²) which will occupy the area for operation and maintenance;
- **Cables:** Each turbine will be connected to the substation via medium voltage cables (~ 33kV lines). Where feasible the cables will be laid underground in trenches, generally running alongside existing or proposed new internal roads. Where burying of cables is not possible due to technical, geological, environmental or topographical constraints, then overhead power lines will be erected;
- **Permanent Operational & Maintenance (O&M) buildings:** The substation area would house buildings or areas for control, operation, workshop and storage; and,

- **Laydown area and site camp:** The temporary laydown areas will be approximately 165 000m² and the permanent area, 49 500m² and the temporary site camp of approximately 15,000m². An additional 1,000m² will be temporarily required for concrete batching."

To:

"- for the proposed **189MW Impofu East WEF** and its associated infrastructure near Oyster Bay within the Kouga Local Municipality in the Eastern Cape Province, hereafter referred to as "the property".

The facility will comprise the following:

- **Turbines:** Up to 27 turbines with a hub height from 90m to 130m, and rotor diameter of up to 180m. The minimum tip height (ground clearance) will be at least 30m;
- **Crane hard stands:** One per turbine, with a permanent hardstand 40m x 50m which will remain for maintenance purposes;
- **Access and internal roads:** The internal gravel roads will be approximately 6m wide with potential side drains. Some sections of these roads would need to be temporarily widened up to 12m during construction;
- **On-site substation:** Each substation is approximately 150 x 75m (11 250m²) which will occupy the area for operation and maintenance;
- **Cables:** Each turbine will be connected to the substation via medium voltage cables (~ 33kV lines). Where feasible the cables will be laid underground in trenches, generally running alongside existing or proposed new internal roads. Where burying of cables is not possible due to technical, geological, environmental or topographical constraints, then overhead power lines will be erected;
- **Permanent Operational & Maintenance (O&M) buildings:** The substation area would house buildings or areas for control, operation, workshop and storage; and,
- **Laydown area and site camp:** The temporary laydown areas will be approximately 167 400m² and the permanent area, 54 000m² and the temporary site camp of approximately 15,000m². An additional 1,000m² will be temporarily required for concrete batching."

Reason for amendment:

The applicant applied to amend the project description as there has been a change to the turbine specifications, due to larger and more efficient turbines that have been selected.

Amendment 6: Amendment to the technical details of the EA:

The technical details on page 08, 09 and 10 of the EA is amended:

From:

Component	Description/ Dimensions
Location of the site	Approximately 6km north-west of Oyster Bay in the Eastern Cape Province
SG Codes	C0340000000073200027 C0340000000073700000 C0340000000094500000 C0340000000073300004 C0340000000073300003 C0340000000071500005 C0340000000071500006 C0340000000071600001 C0340000000071600003

	<p>C0340000000071600004 C0340000000068200001 C0340000000079800000 C0340000000073200005 C0340000000073200017 C0340000000073200018 C0340000000073200025 C0340000000079900000 C0340000000067700001 C0340000000072200013 C0340000000072200014 C0340000000071600000 C0340000000071600002 C0340000000071600005 C0340000000072200012 C0340000000073200014 C0340000000073200021 C0340000000072200016 C0340000000073200033 C0340000000073200006</p>
Site access	<i>The site will be accessed directly from the DR01774, the DR01763 and MN50092. Existing roads will be utilised and upgraded as far as possible.</i>
Export capacity	<i>198MW</i>
Proposed technology	<i>Wind turbines</i>
Number of Turbines	<i>Up to 33</i>
Hub height from ground level	<i>90m-120m</i>
Rotor diameter	<i>Up to 150m</i>
Surface area to be covered (including associated infrastructure such as roads)	<p><i>Total approximately 621,750 m² comprising of: Temporary construction laydown areas (turbine hardstand areas): 33 x 100 x 50 m = 165,000 m²; Temporary site camp areas: 15,000 m² and batching plant area of approximately 1,000 m²; Permanent upgrade of existing tracks and roads and construction of new roads covering an area of approximately 380,000 m²; Permanent laydown areas of approximately 33 x 50 x 30 m = 49,500 m²; and Impofu East Substation approximately 150 x 75 m = 11,250 m². Temporary areas will be rehabilitated after construction.</i></p>
Width and length of internal roads	<p><i>Internal road network is ±38 km in length, here existing roads and tracks will be used as far as practicable. Permanent roads will be approximately 6 m wide. Some sections of these roads would need to be temporarily widened up to 12 m during construction.</i></p>

To:

Component	Description/ Dimensions
Location of the site	Approximately 6km north-west of Oyster Bay in the Eastern Cape Province
SG Codes	C03400000000073200027 C03400000000073700000 C03400000000094500000 C03400000000073300004 C03400000000073300003 C03400000000071500005 C03400000000071500006 C03400000000071600001 C03400000000071600003 C03400000000071600004 C03400000000068200001 C03400000000079800000 C03400000000073200005 C03400000000073200017 C03400000000073200018 C03400000000073200025 C03400000000079900000 C03400000000067700001 C03400000000072200013 C03400000000072200014 C03400000000071600000 C03400000000071600002 C03400000000071600005 C03400000000073200014 C03400000000073200021 C03400000000072200016 C03400000000073200033 C03400000000073200006
Site access	The site will be accessed directly from the DR01774, the DR01763 and MN50092. Existing roads will be utilised and upgraded as far as possible.
Export capacity	189MW
Proposed technology	Wind turbines
Number of Turbines	Up to 27
Hub height from ground level	90m-130m
Rotor diameter	Up to 180m
Surface area to be covered (including associated infrastructure such as roads)	Total approximately 598,650m ² comprising of: Temporary construction laydown areas (turbine hardstand areas): 27 x 6,200m ² = 167,400m ² ; Temporary site camp areas: 15,000m ² and batching plant area of approximately 1,000m ² ; Permanent upgrade of existing tracks and roads and construction of new roads covering an area of approximately 350,000m ² .

	<p>Permanent laydown areas of approximately 27 x 40 x 50m = 54 000m²; and Impofu East Substation approximately 150 x 75m = 11,250m². Temporary areas will be rehabilitated after construction.</p>
Width and length of internal roads	<p>Internal road network is ±35km in length, here existing roads and tracks will be used as far as practicable. Permanent roads will be approximately 6m wide. Some sections of these roads would need to be temporarily widened up to 12m during construction.</p>

Reason for amendment:

The applicant applied to amend the project description as there has been a change to the turbine specifications, due to larger and more efficient turbines that have been selected.

Amendment 7: Amendment to condition 01 of the EA:

Condition 01 on page 09 of the EA is amended:

From:

"The construction of the Impofu East Wind Energy Facility and its associated infrastructure with a maximum output capacity of 198MW as described above is hereby approved."

To:

"The construction of the Impofu East Wind Energy Facility and its associated infrastructure with a maximum output capacity of 189MW as described above is hereby approved."

Reason for amendment:

The capacity has changed from 198MW to 189MW.

Amendment 8: Amendment to extend the validity period of the EA:

The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 25 September 2019 (i.e. the EA lapses on 25 September 2029). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for EA must be made in order for the activity to be undertaken.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10 year period, your EA will be deemed to have lapsed and a new application for EA will have to be lodged.

Reason for amendment:

The applicant requested an extension of validity due to fact that construction could not commence due to the amendment application being applied for, as well as unforeseen delays as a result of the 2020 national state of disaster declared.

Amendment 9: Amendment to condition 35 of the EA:

Condition 35 on page 18 of the EA is amended:

From:

"Up to 33 wind turbines are approved"

To:

"Up to 27 wind turbines are approved"

Reason for amendment:

The applicant applied to amend the project description as there has been a change to the turbine specifications, due to larger and more efficient turbines that have been selected, hence less turbines will be used.

Amendment 11: Amendment to condition 48 of the EA:

Condition 48 on page 19 of the EA is amended:

From:

"The facility must be designed in a manner that prevents infrastructure components from being used as perching or roosting substrates by birds and bats, as such is prohibited."

To:

"The facility buildings must be designed in a manner that discourages the roosting of bats in the buildings."

Reason for amendment:

It is not possible to design all infrastructure components such as buildings etc. so that bats and especially birds can't perch on them. To stop a bird perching anywhere on a building is not practical or a necessary mitigation for a wind farm. In discussions with DEA and the Bird and the Bat Specialists it is understood that this condition is aimed at trying to prevent bats from roosting in buildings that are constructed as part of the wind farm. The proposed new wording achieves this.

Amendment 12: Amendment to remove condition 53 of the EA:

The following condition on page 20 of the EA is hereby removed:

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

Reason for amendment:

Not all internal cables/power lines will run next to existing roads. The site layout submitted with the FEIR and assessed by the specialists included some deviations from the existing or new roads and these were considered acceptable.

Amendment 13: Amendment to condition 124 of the EA:

Condition 124 on page 25 of the EA is amended:

From:

"No construction activities must be within 100 metres from archaeological sites and historical sites, the sites must be demarcated and fenced off."

To:

"Should construction activities be within 100 metres from archaeological sites and historical sites the sites must be demarcated and fenced off."

Reason for amendment:

As per the heritage specialists' recommendations, construction can be closer than 100m to identified heritage sites. The restriction should thus be for fencing if the construction is within 100m and not preventing construction within 100m as this would contradict the specialists' findings. This clause thus needs to be updated to be in line with the specialists' recommendations.

This amendment letter must be read in conjunction with the EA dated 25 September 2019.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

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

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

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

By email: appeals@environment.gov.za;

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

By post: Private Bag X447,
Pretoria,
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, 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 appeals@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries

Date: 16/11/2020

cc:	Charles Norman	Zutari (Pty) Ltd	Email: Charles.norman@zutari.com
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