



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: 14/12/16/3/3/2/1103/AM1

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CAPE TOWN
7806

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PER EMAIL / MAIL

Dear Mr Blaine

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 23 SEPTEMBER 2019 FOR THE 168MW IMPOFU WEST 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 23 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 23 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 174 MW Impofu West Wind Energy Facility (WEF) and its associated infrastructure near Oyster Bay within the Kouga Local Municipality in the Eastern Cape Province"

To:

"The 168MW Impofu West Wind Farm and its associated infrastructure near Oyster Bay within the Kouga Local Municipality in the Eastern Cape Province"

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Reason for amendment:

The capacity has changed from 174MW to 168MW. Furthermore the title of the project as per the application form referred to Wind Farm and not Wind Energy Facility (WEF).

Amendment 2: Amendment to the location of the activity in the EA:

The location of activity on page 01 of the EA is amended:

From:

Location of activity:	<i>Erf 1/717 of Farm Lange Fontein; Erf 818; Erf 1/676 of Farm Klip Rug; Erf 2/676 of Farm Klip Rug; Erf 3/676 of Farm Klip Rug; Erf RE/675 of Farm Vergaaderings Kraal; RE2/678; RE/678; Kouga Local Municipality; Sarah Baartman District Municipality; Eastern Cape Province.</i>
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To:

Location of activity:	<i><u>Erf RE/716:</u> Erf 1/717 of Farm Lange Fontein; Erf 818; Erf 1/676 of Farm Klip Rug; Erf 2/676 of Farm Klip Rug; Erf 3/676 of Farm Klip Rug; Erf RE/675 of Farm Vergaaderings Kraal; RE2/678; RE/678; Kouga Local Municipality; Sarah Baartman District Municipality; Eastern Cape Province.</i>
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Reason for amendment:

The applicant has applied to amend the location of the activity as a portion of the development has moved into a new farm portion, which was part of the Impofu East Wind Farm.

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 03 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 05 of the EA is amended:

From:

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

To:

"The proposed project would have a maximum generation capacity of 168MW."

Reason for amendment:

The applicant has applied to amend the generation capacity as it has changed from 198MW to 168MW.

The activity description of the Listing Notice 3, Item 4 on page 05 of the EA is amended:

From:

"Listing Notice 2 of the EIA Regulations of 2014, as amended:

Access roads of approximately 8 m in width, with a reserve / buffer of approximately 12 m may also be required during construction.

Although the formally protected Huisclip Nature 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."

To:

"Listing Notice 3 of the EIA Regulations of 2014, as amended:

Access roads of approximately 8m in width, with a reserve / buffer of approximately 12m may also be required during construction.

The Impofu West wind farm is located approximately 5km east of the formally protected Huisklip Nature Reserve which is a core area of the Garden Route Biosphere Reserve."

Reason for amendment:

The applicant applied to amend this activity as item 4 should be included under Listing Notice 3 and not under Listing Notice 2. Secondly, with regards to the wording, the proposed change would make the authorised activity project specific and be aligned with the content of the FEIR in Table 3.2 (page 12) and the EA application form submitted with the FEIR report. It appears as if the text in the EA was erroneously taken from the EA for Impofu East Wind Farm.

The activity description of the Listing Notice 3, Item 14 on page 05 and 06 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 cross three additional watercourses (wetlands) as identified by the aquatic specialist.

The Impofu West Wind Farm is located approximately 5km east of the formally protected Huisklip Nature Reserve, which is a core area of the Garden Route Biosphere Reserve."

Reason for amendment:

Five 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 five new watercourse crossings will reduce to three as a result of the proposed amendment.

Secondly, the second section of underlined text was incorrect in the EA and the proposed change would make the authorised activity project specific and be aligned with the content of the FEIR Table 3.2 (page 13) and the EA application form submitted with the FEIR. It appears as if the text in the EA was erroneously taken from the EA for Impofu East Wind Farm.

The activity description of the Listing Notice 3, Item 18 on page 06 of the EA is amended:

From:

"Existing roads would be used as far as practically possible and feasible, but may likely require widening up to 6m and/or lengthening by more than 1km, to accommodate the movement of heavy vehicles and cable trenching activities. Access roads of approximately 8m in width, with a reserve / buffer of approximately 12m may also be required.

Some of these roads may be located within 100m of watercourses (drainage lines) on the site, and some crossings may be required.

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:

"Existing roads would be used as far as practically possible and feasible, but may likely require widening up to 6m and/or lengthening by more than 1km, to accommodate the movement of heavy vehicles and cable trenching activities. Access roads of approximately 8m in width, with a reserve / buffer of approximately 12m may also be temporarily required during construction. Some of these roads may be located within 100m of watercourses (drainage lines) on the site, and some crossings may be required.

The Impofu West Wind Farm is located approximately 5km east of the formally protected Huisklip Nature Reserve, which is a core area of the Garden Route Biosphere Reserve."

Reason for amendment:

The proposed change would make the authorised activity project specific and aligned with the content of the FEIR (Table 3.2 on page 14), and the EA application form submitted with the FEIR. It appears as if the text in the EA was erroneously taken from the EA for Impofu East Wind Farm.

Amendment 4: Amendment of the coordinates on the EA:

The coordinates on page 06 and 07 of the EA is amended:

From:

Impofu West (WEF preferred site)	Latitude	Longitude
	34° 03' 44.723" S	24° 31' 59.118" E
	34° 04' 14.488" S	24° 34' 12.862" E
	34° 04' 04.710" S	24° 35' 50.402" E
	34° 06' 06.361" S	24° 33' 19.560" E
	34° 07' 41.374" S	24° 30' 31.508" E
	34° 04' 29.260" S	24° 33' 04.189" E
	34° 03' 37.748" S	24° 35' 02.723" E
	34° 06' 19.938" S	24° 34' 21.559" E
	34° 07' 29.626" S	24° 31' 29.109" E

	34° 05' 08.355" S	24° 31' 25.400" E
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To:

Impofu West (WEF preferred site)	Latitude	Longitude
	34° 03' 44.723" S	24° 31' 59.118" E
	34° 04' 14.488" S	24° 34' 12.862" E
	34° 04' 04.710" S	24° 35' 50.402" E
	34° 06' 06.361" S	24° 33' 19.560" E
	34° 07' 41.374" S	24° 30' 31.508" E
	34° 04' 29.260" S	24° 33' 04.189" E
	34° 03' 37.748" S	24° 35' 02.723" E
	34° 06' 19.938" S	24° 34' 21.559" E
	34° 07' 29.626" S	24° 31' 29.109" E
	34° 05' 08.355" S	24° 31' 25.400" E
	34° 5' 1.307" S	24° 35' 17.930" E
	34° 4' 40.539" S	24° 32' 46.081" 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) is now part of Impofu West Wind Farm (in addition to remaining as part of Impofu East).

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

The project description on page 07 of the EA is amended:

From:

"- for the proposed 174MW Impofu West 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 29 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 145 000m² and the permanent area, 43 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 **168MW Impofu West 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 24 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 50m x 40m 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 148 800m² and the permanent area, 48 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 07 and 08 of the EA is amended:

From:

Component	Description/ Dimensions
Location of the site	Approximately 14km north-west of Oyster Bay in the Eastern Cape Province
SG Codes	C03400000000071700001 C03400000000081800000 C03400000000067600001 C03400000000067600002 C03400000000067600003 C03400000000067500000 C03400000000067800002 C03400000000067800000

Site access	The site will be accessed from the DR01765, the MN50032, DR01774 and DR01764. Existing roads will be utilised and upgraded as far as possible.
Export capacity	Up to 174MW
Proposed technology	Wind turbines
Number of Turbines	Up to 29
Hub height from ground level	90m-120m
Rotor diameter	Up to 150m
Surface area to be covered (including associated infrastructure such as roads)	Total approximately 455,750 m ² comprising of: Temporary construction laydown areas (turbine hardstand areas): 29 x 100 x 50 m = 145,000 m ² ; Temporary site camp areas: 15,000 m ² and batching plant area of approximately 1,000 m ² ; Permanent upgrade of existing tracks and roads and construction of new roads covering an area of approximately 240,000 m ² ; Permanent laydown areas of approximately 29 x 50 x 30 m = 43,500 m ² ; and Impofu West Substation approximately 150 x 75 m = 11,250 m ² . Temporary areas will be rehabilitated after construction.
Width and length of internal roads	Internal road network is ±24 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.

To:

Component	Description/ Dimensions
Location of the site	Approximately 14km north-west of Oyster Bay in the Eastern Cape Province
SG Codes	C03400000000071600000 C03400000000071700001 C03400000000081800000 C03400000000067600001 C03400000000067600002 C03400000000067600003 C03400000000067500000 C03400000000067800002 C03400000000067800000
Site access	The site will be accessed from the DR01765, the MN50032, DR01774 and DR01764. Existing roads will be utilised and upgraded as far as possible.
Export capacity	Up to 168MW
Proposed technology	Wind turbines
Number of Turbines	Up to 24
Hub height from ground level	90m-130m
Rotor diameter	Up to 180m

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<p>Surface area to be covered (including associated infrastructure such as roads)</p>	<p>Total approximately <u>444,050m²</u> comprising of: Temporary construction laydown areas (turbine hardstand areas): <u>24 x 6,200m² = 148,800m²</u>; Temporary site camp areas: 15,000m² and batching plant area of approximately 1,000m²; Permanent upgrade of existing tracks and roads and construction of new roads covering an area of approximately <u>220,000m²</u>; Permanent laydown areas of approximately <u>24 x 50 x 40m = 48,000m²</u>; and Impofu West Substation approximately 150 x 75m = 11,250m². Temporary areas will be rehabilitated after construction.</p>
<p>Width and length of internal roads</p>	<p>Internal road network is <u>±22km</u> 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 West Wind Energy Facility and its associated infrastructure with a maximum output capacity of 174MW as described above is hereby approved."

To:

"The construction of the Impofu West Wind Energy Facility and its associated infrastructure with a maximum output capacity of 168MW as described above is hereby approved."

Reason for amendment:

The capacity has changed from 174MW to 168MW.

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 23 September 2019 (i.e. the EA lapses on 23 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 16 of the EA is amended:

From:

"Up to 29 wind turbines are approved"

To:

"Up to 24 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 the table on page 25 of the EA:

The table on Point 1(e) on page 25 of the EA is amended:

From:

<i>Ecological Impact Assessment</i>	<i>3Foxes Biodiversity Solutions</i>	<i>February 2019</i>
<i>Traffic Impact Assessment</i>	<i>Athol Schwarz</i>	<i>March 2019</i>

To:

<i>Ecological Impact Assessment</i>	<i>3Foxes Biodiversity Solutions</i>	<i>March 2019</i>
<i>Traffic Impact Assessment</i>	<i>Athol Schwarz</i>	<i>May 2019</i>

Reason for amendment:

These reports are incorrectly dated and it appears as if the text in the EA was erroneously taken from the EA for Impofu North and East Wind Farm.

This amendment letter must be read in conjunction with the EA dated 23 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.

M.S

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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