



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 12/12/20/1966/1

Enquiries: Mmamohale Kabasa

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Mr Matteo Brambilla
Witberg Wind Power (Pty) Ltd.
Postnet Suite 150
Private Bag X3
ROGGEBAAI
8012

Telephone Number: (021) 418 3940

Email Address: m.brambilla@buildingenergy.it/s.harris@buildingenergy.it

PER E-MAIL / MAIL

Dear Mr Brambilla

AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION: SECOND ISSUE OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 13 OCTOBER 2011 (AS AMENDED) FOR THE CONSTRUCTION AND OPERATION OF THE 120MW WITBERG WIND ENERGY FACILITY WITHIN THE LAINGSBURG LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

With reference to the above application and based on a review of the reason for requesting an amendment to the above Environmental Authorisation (EA), this Department, in terms of Chapter 5 of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended, has decided to amend the EA dated 13 October 2011 by issuing a new EA in terms of Regulation 27(2)(a) of the EIA Regulations, 2014 as amended. The EA and reasons for the decision are attached herewith.

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

In terms of the Promotion of Administrative Justice Act, 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, 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.

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

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

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

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

By email: appealsdirector@environment.gov.za;

By hand: Environment House
473 Steve Biko
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 appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 16/08/2019

CC:	Ms J Thomas	Savannah Environmental (Pty) Ltd	Tel: 011-656-3237	Email: joanne@savannahsa.com
	Mr J Peters	Western Cape Department of Environmental Affairs and Development Planning	Tel: 021-483-5065	Email: jpeters@pgwc.gov.za





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 27(2)(a) of the Environmental Impact Assessment Regulations, 2014, as amended

Construction and operation of the 120MW Witberg Wind Energy Facility (WEF) within the Laingsburg
Local Municipality in the Western Cape Province

Central Karoo District Municipality

Authorisation register number:	<i>12/12/20/1966/1</i>
Last amended:	<i>Second issue</i>
Holder of authorisation:	<i>Witberg Wind Power (Pty) Ltd</i>
Location of activity:	<i>Remainder of the Farm Jantjesfontein 164 Remainder of the Farm Besten Weg 150 Remainder of the Farm Tweedside 151 Remainder of the Farm Elandskrag 269 Portion 1 of the Farm Elandskrag 269 Laingsburg Local Municipality Central Karoo District Municipality WESTERN CAPE PROVINCE</i>

This Environmental 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.

MJ

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

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, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

WITBERG WIND POWER (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Matteo Brambilla

Witberg Wind Power (Pty) Ltd.

Postnet Suite 150

Private Bag X3

ROGGEBAAI

8012

Telephone Number: (021) 418 3940
 Cell phone Number: (079) 180 3060
 Email Address: m.brambilla@buildingenergy.it/s.harris@buildingenergy.it

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2006:

Listed activities	Activity/Project description
<p><u>GNR 386 Activity 1(m):</u> <i>"The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32m 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."</i></p>	<p>Access roads are required through watercourses within the project site.</p>
<p><u>GNR 386 Activity 7:</u> <i>The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1000 cubic meters at any one location or site."</i></p>	<p>The above ground storage of a dangerous good (petrol) with a capacity of 45 cubic metres will be required for the proposed development.</p>
<p><u>GNR 386 Activity 12:</u> <i>"The transformation or removal of indigenous vegetation of 3 hectares or more of any size where the transformation or removal would occur within a critically endangered or endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)."</i></p>	<p>The construction of the Witberg WEF and associated infrastructure will result in the transformation of an area of up to 50 hectares of indigenous vegetation in the Western Cape in a Critical Biodiversity Area.</p>
<p><u>GNR 386 Activity 15:</u> <i>"The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding</i></p>	<p>The Witberg WEF will require roads of 12m width.</p>



Listed activities	Activity/Project description
<p><i>roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long."</i></p>	
<p><u>GNR 386 Activity 16(b):</u> <i>"The transformation of undeveloped, vacant or derelict land to – (b) 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."</i></p>	<p>For the transformation of undeveloped and vacant land of up to 50 hectares for the erection of wind turbines and all associated infrastructure (underground and overhead cabling, access roads, crane pads, lay-down areas, borrow pits, electrical connections, substation etc. Transform the undeveloped and vacant land to industrial use. A power plant will be constructed and operated for 25 years on a site which was previously unused and in its original state, transforming its original character.</p>
<p><u>GNR 387 Activity 1(a):</u> <i>"The construction of facilities or infrastructure, including associated structures or infrastructure, for (a) 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."</i></p>	<p>The Witberg WEF will be built with a contracted capacity of up to 120MW.</p>
<p><u>GNR 387 Activity 1(i):</u> <i>"The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more."</i></p>	<p>The Witberg WEF will require a single or double overhead power line with a capacity of more than 33 but less than 275kV. Underground/aboveground cabling of up to and including 33kV may also be constructed on the site to internally connect the turbines.</p>

Listed activities	Activity/Project description
<p><u>GNR 387 Activity 2:</u> <i>“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.”</i></p>	<p>The Witberg WEF will require the clearance of an area of up to 50 hectares or more of indigenous vegetation.</p>

and in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Listed activities	Activity/Project description
<p><u>Listing Notice 1 Activity 11</u> <i>“The development of facilities or infrastructure for the transmission and distribution of electricity— (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;”</i></p>	<p>The Witberg WEF will require a single or double overhead power line with a capacity of more than 33 but less than 275kV.</p>
<p><u>Listing Notice 1 Activity 12 (ii)(a)(c):</u> <i>“The development of – (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— a) within a watercourse; (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;”</i></p>	<p>Access roads are required through watercourses within the project site.</p>
<p><u>Listing Notice 1 Activity 24:</u> <i>“The development of a road— ii) where no reserve exists where the road is wider than 8 metres...”</i></p>	<p>The Witberg WEF will require roads of 12m width.</p>
<p><u>Listing Notice 2 Activity 1</u> <i>“The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more”</i></p>	<p>The Witberg WEF will be built with a contracted capacity of up to 120MW.</p>

Listed activities	Activity/Project description
<p><u>Listing Notice 2 Activity 15:</u></p> <p><i>“The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—“</i></p>	<p>For the transformation of undeveloped and vacant land of up to 50 hectares for the erection of wind turbines and all associated infrastructure (underground and overhead cabling, access roads, crane pads, lay-down areas, borrow pits, electrical connections, substation etc.). Transform the undeveloped and vacant land to industrial use. A power plant will be constructed and operated for 25 years on a site which was previously unused and in its original state, transforming its original character.</p>
<p><u>Listing Notice 3 Activity 10(i)(ii):</u></p> <p><i>“The development and related operation of facilities or Infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres in-</i></p> <p><i>i. Western Cape-</i></p> <p><i>ii. All areas outside urban areas”</i></p>	<p>The above ground storage of a dangerous good (petrol) with a capacity of 45 cubic metres will be required for the proposed development.</p>
<p><u>Listing Notice 3 Activity 12 (i)(ii):</u></p> <p><i>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. In-</i></p> <p><i>i. Western Cape-</i></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;”</i></p>	<p>The construction of the Witberg WEF and associated infrastructure will result in the transformation of an area of up to 50 hectares of indigenous vegetation in the Western Cape in a Critical Biodiversity Area.</p>

<p><u>Listing Notice 3 Activity 4(i)(ii)(aa):</u> "The development of a road wider than 4 metres with a reserve less than 13,5 metres. i. Western Cape ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation;"</p>	<p>The Witberg WEF will require the development of a road of 12m width in an area in the Western Cape outside an urban area but in an area containing indigenous vegetation.</p>
<p><u>Listing Notice 3 Activity 18(i)(ii)(aa):</u> "The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre. i. Western Cape ii. All areas outside urban areas: (aa) Areas containing indigenous vegetation;"</p>	<p>The Witberg WEF will require the widening of a road by more than 4m and the lengthening of a road by more than a kilometre in an area in the Western Cape outside an urban area but in an area containing indigenous vegetation.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated July 2011 and the Amendment Application Motivation Report dated April 2019 at:

21 Digit SG codes of the affected farm portions:

C	0	4	3	0	0	0	0	0	0	0	0	0	1	6	4	0	0	0	0	0
C	0	4	3	0	0	0	0	0	0	0	0	0	1	5	0	0	0	0	0	0
C	0	4	3	0	0	0	0	0	0	0	0	0	1	5	0	0	0	0	0	1
C	0	4	3	0	0	0	0	0	0	0	0	0	1	5	1	0	0	0	0	0
C	0	4	3	0	0	0	0	0	0	0	0	0	2	6	9	0	0	0	0	0
C	0	4	3	0	0	0	0	0	0	0	0	0	2	6	9	0	0	0	0	1

Component	Latitude	Longitude
Power line Co-ordinates		
Starting point of power line	33° 17' 16.80"S	20° 27' 40.22"E
Middle point of power line	33° 16' 44.51"S	20° 27' 41.95"E
End point of power line	33° 16' 08.69"S	20° 27' 44.59"E
Centre of switching yard substation		
Centre of switching yard substation	33° 17' 15.45"S	20° 27' 40.24"E
Site access road		
Site access road	33° 14' 38.00"S	20° 25' 39.64"E

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Laydown/construction camp	33° 17' 04.66"S	20° 28' 11.19"E
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Component	Description/Details
Location of the site	Laingsburg Local Municipality, Western Cape Province
Facility area	Up to 50ha
SG codes	Remainder of the Farm Jantjesfontein 164 Remainder of the Farm Besten Weg 150 Remainder of the Farm Tweedside 151 Remainder of the Farm Elandskrag 269; and Portion 1 of the Farm Elandskrag 269
Export capacity	Up to 120MW
Proposed technology	Wind turbines
Number of turbines	25
Hub height from ground level	up to 120m
Rotor diameter	up to 136m
Individual turbine capacity	up to 5MW
Area occupied by substations	10 000m ² equates to 1ha
Area occupied by individual hardstand area	2 100m ² (25 wind turbines – 52500m ²) 6. 25ha
Area occupied by both permanent and construction lay-down areas	22 000m ² (2.2ha)
Area occupied by buildings	Within 1ha of the substation
Width and length of internal roads	12m width 28km length (total 33ha)
Proximity to grid connection	2.5km

- for the construction and operation of the 120MW Witberg Wind Energy Facility and its associated infrastructure on the Remainder of the Farm Jantjesfontein 164, the Remainder of the Farm Besten Weg 150, the Remainder of Portion 1 of the Farm Besten Weg 150, the Remainder of the Farm Tweedside 151, the Remainder of the Farm Elandskrag 269 and Portion 1 of the Farm Elandskrag 269 within the Laingsburg Local Municipality in the Western Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- 25 wind turbines with associated turbine hardstand area;
- Substation/s;
- Overhead power line/s connecting to the substation and collector substation;
- Underground power lines;
- Access roads;
- Maintenance and operation buildings;
- Internal access road infrastructure; and
- Laydown area and construction camp.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The 120MW Witberg Wind Energy Facility and its associated infrastructure is approved as per the geographic coordinates cited in the tables above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental 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 Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.

7. This activity must commence on or before 13 October 2021. 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. 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 (13 October 2011), hence the validity of the EA cannot exceed a maximum period of 10 years. For that reason, 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 Environmental Authorisation will have to be lodged.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

13. The Environmental Management Programme (EMPr) appended to the Motivation Report for EA as Appendix K is hereby approved. This EMPr must be implemented and strictly adhered to.
14. The Revised Layout Map appended to the EMPr as Appendix K(A) is hereby approved.
15. Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:

Postal Address:

Department of Environmental Affairs
Private Bag X447
Pretoria
0001

Physical address:

Department of Environmental Affairs
Environment House
473 Steve Biko
Arcadia
Pretoria

For Attention: Mr Muhammad Essop
Integrated Environmental Authorisations
Strategic Infrastructure Developments
Telephone Number: (012) 399 9406
Email Address: MEssop@environment.gov.za

Frequency and process of updating the EMPr

16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the Environmental Authorisation or EMPr.
17. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
18. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R982 of 04 December 2014, as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
19. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R982 of 04 December 2014, as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
20. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R982 of 04 December 2014, as amended.

Monitoring

21. The holder of the authorisation must appoint an experienced 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 Environmental Authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 21.1. The ECO must be appointed before commencement of any authorised activities.
 - 21.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

21.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

21.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

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 Environmental Authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.

23. The holder of the Environmental Authorisation must, for the period during which the Environmental Authorisation and EMPr remain valid, ensure that project compliance with the conditions of the Environmental Authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.

24. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R982 of 04 December 2014, as amended.

25. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.

26. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended, and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the approved EMPr.

27. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and Competent Authority in respect of this development.

Notification to authorities

28. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. 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, as well as a reference number.

Operation of the activity

29. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

30. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

Specific conditions

31. The number of wind turbine positions for the wind farm is restricted to 25 and their dimensions are to be restricted up to 120m for the hub height and up to 136m for the rotor diameter.
32. All mounds of aggregate rocks created during construction within 200m of each turbine, which could serve as hyrax habitat must be removed from the development site, and disposed of at a registered landfill site. The aggregate rocks must be removed before the operation of each wind turbines commences.
33. A 'walk-through' of the overhead power lines must be undertaken by an avifaunal specialist with experience in power line-bird interaction mitigation, prior to finalisation of the exact alignment within the approved overland power line routes. The avifaunal specialist must i) identify bird sensitive areas, ii) identify the exact spans that require markings to mitigate collisions, ii) guide the placement of pylons within the approved corridor and iii) advise on the most effective bird diverter mechanism and location on both the pylons and power line (bird diverters/anti-perching/nesting).
34. A pre-construction monitoring, post construction monitoring for a period of 24 months and operational phase monitoring must be undertaken, taking into consideration Verreaux's Eagles (including juveniles) and Booted Eagle, and the monitoring of breeding/nesting sites.
35. Avifaunal and bat monitoring reports and data must be made publicly available and sent to the Department of Environmental Affairs and BirdLife South Africa within three months of the monitoring cycle being completed (i.e. every year).
36. Avifaunal and bat monitoring must be subjected to annual audits by an independent reviewer.

37. Should any unanticipated negative impacts be recorded, Witberg Wind Power (Pty) Ltd commits to reducing these impacts. Mitigation measures to achieve this includes shutting down of problematic turbines as informed by the avifaunal and bat monitoring reports.
38. After discussion with the Department and prior to the commencement of construction, the applicant must develop and implement a monitoring programme for the Verreaux's Eagles, to the satisfaction of the Department. A copy of the monitoring programme must be provided to the Department and to Birdlife South Africa by the holder of the EA within 30 days of being developed.
39. A written agreement between the holder of the EA and the landowners must be entered into, not to persecute the vulnerable red data eagles breeding on their property (Simmons and Martin 2015). The agreement must include inter alia:
 - 39.1. Verreaux's Eagles and Martial Eagles as threatened Red data species, cannot be persecuted on the Witberg Wind Farm.
 - 39.2. This means that eagles (adults, juveniles, chicks or eggs) on the wind farm cannot be shot, poisoned, trapped, their nests removed or the nests contents taken or in any way interfered with.The agreement must be submitted to Birdlife South Africa for review and comment and the holder of the EA must incorporate such comments. The signed written agreement as well as inputs from Birdlife South Africa must be submitted to the Department prior to construction commencing and must be implemented.
40. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping. Copies of the permit/s must be included in the final EMPr to be submitted to this Department for approval before commencement of construction activities.
41. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
42. The holder of the authorisation is required to inform the provincial department of environment, Department of Agriculture, Forestry and Fisheries (DAFF) and this Department should the removal of protected species, medicinal plants and "data deficient" plant species be required.
43. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the EMPr must be implemented to reduce the risk of erosion and the invasion of alien species.
44. Construction must include 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.

45. 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 must 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).
46. Prior to construction, an avifaunal specialist must conduct a site walkthrough, covering the final road and power line routes as well as the final turbine positions, to identify any nests/breeding/roosting activity of priority species, as well as any additional sensitive habitats. The results thereto must inform the final construction schedule in close proximity to that specific area, including reducing construction time, scheduling activities around avian breeding and/or movement schedules, and lowering levels of associated noise.
47. A construction and operational avifauna and bat monitoring plan must be developed and implemented according to the latest BirdLife South Africa/Endangered Wildlife Trust: Best practice guidelines for avian monitoring and impact mitigation at proposed wind energy development sites in Southern Africa and the latest South African Bat Assessment Advisory Panel's (SABAAP) guidelines.
48. As an absolute minimum, avifauna and bat monitoring, to survey impacts resulting from the infrastructure on the bird communities with focus on assessing the displacement and disturbance effects of the development on the bird communities, as well as bird collisions and continue to gather information on the bird communities present in the area and monitor the effectiveness of the mitigation measures, must occur during the construction period and continue for at least three years during the operation of the facility. The results of this monitoring must be made available to the Department of Environmental Affairs (DEA), Birdlife South Africa and the South African Bat Assessment Advisory Panel and must further advise the EMPr where necessary.
49. 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.
50. The holder of this Environmental Authorisation must restrict the construction activities to the footprint area. No access to the remainder of the property is allowed.
 - 50.1. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors (e.g. grasslands, rivers, wetlands, and dams). The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged. Additional areas of high sensitivity along the preferred alignment must also be identified by the avifaunal specialist for the fitment of anti-collision devices. These devices must be according to Eskom's Transmission and EWT's Guidelines.

50.2. A pre-construction walk through of the approved power line alignment and turbine positions by a bat specialist, avifaunal specialist and ecologist, must be conducted to ensure that the micro-siting of the turbines, pylons and power line alignments have the least possible impact, there are no nest sites of priority species on or close to the construction corridor and all protected plant species impacted are identified.

General

51. The recommendations of the EAP in the motivation report dated April 2019 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.
52. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 52.1. at the site of the authorised activity;
 - 52.2. to anyone on request; and
 - 52.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
53. 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 holder of the authorisation or his/her 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 holder of the authorisation 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: 16/08/2019


Mr Sabelo Malaza

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 July 2011;
- b) Appeal decisions by the Minister dated 29 November 2012, 13 August 2013, 20 February 2016 and 07 June 2018;
- c) Amendments to the EA dated 26 November 2013, 28 September 2015 and 06 December 2017;
- d) The amendment application received on 14 November 2018 and the Amendment Application Motivation Report dated April 2019;
- e) The comments received from the Department of Environmental Affairs and Development Planning, the Laingsburg Local Municipality, and interested and affected parties as included in the EIAr dated July 2011 and the Amendment Application Motivation Report dated April 2019;
- f) Mitigation measures as proposed in the EIAr and the EMPr dated April 2019;
- g) The information contained in the specialist studies contained within EIAr dated July 2011 and subsequent specialist input contained in the Amendment Application Motivation Report dated April 2019; and
- h) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act No. 107 of 1998, as amended.

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 of the qualifications of the EAP;
- b) Applicability of Regulation 25 (4) of the EIA Regulation 2014, as amended;
- c) The findings of all the specialist studies conducted and their recommended mitigation measures;
- d) The 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;

- e) The identified legislations and guidelines that have been considered in the preparation of the EIAR dated July 2011;
- f) The methodology used in assessing the potential impacts identified in the EIAR dated July 2011;
- g) Findings of the site visit conducted by the Department; and
- h) Public participation process undertaken.

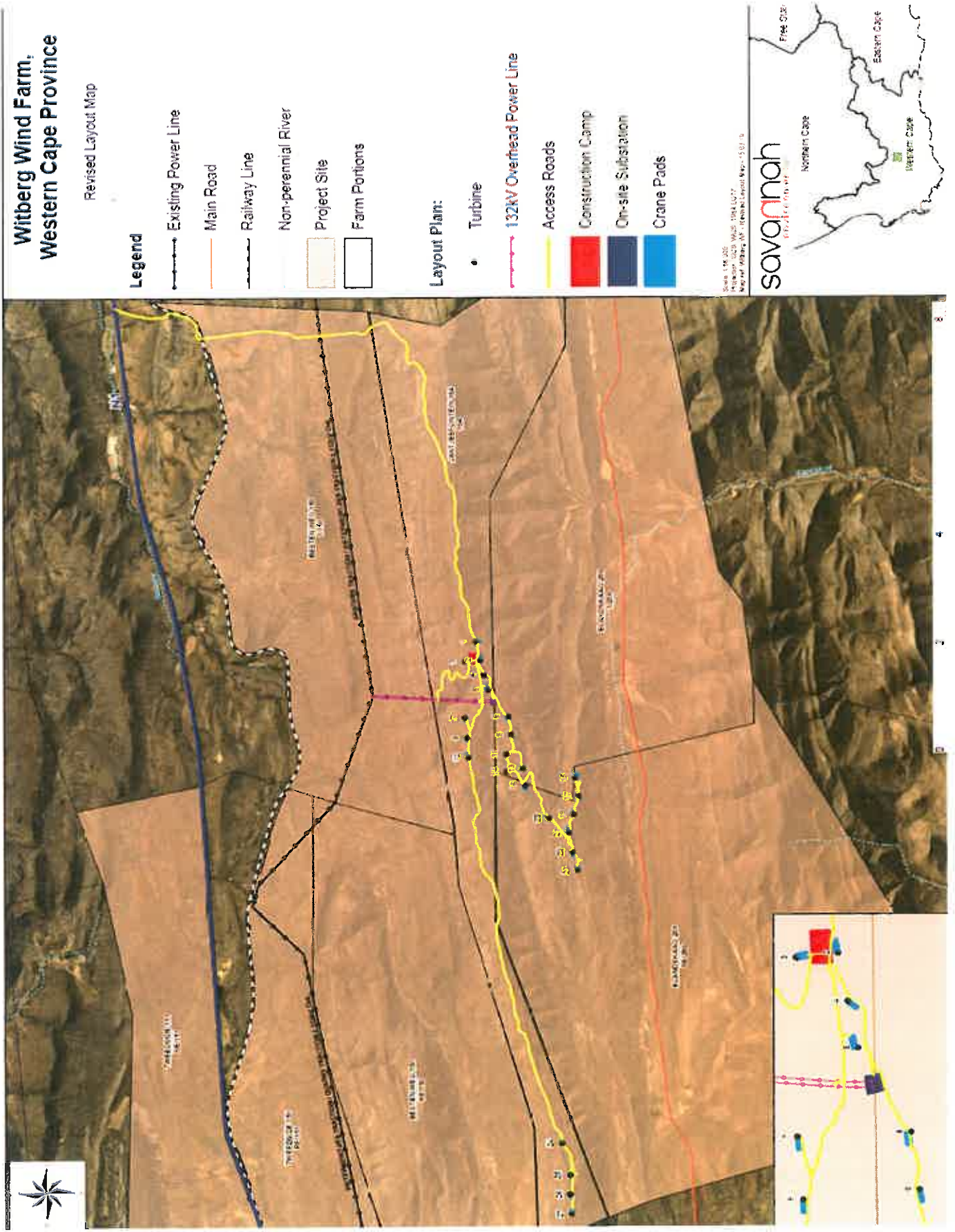
3. Findings

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

- a) Details provided of the qualifications of the EAP indicated that the EAP is competent to carry out the environmental impact assessment procedure;
- b) The EA originally issued on 13 October 2011 has been amended six times and the Minister has issued four appeal decisions on this EA. The Department has decided to replace the existing EA in order to consolidate all the amendments and incorporate the appeal decisions into one concise EA.
- c) The identification and assessment of impacts are detailed in the EIAR dated June 2011 and sufficient assessment of the key identified issues and impacts have been completed;
- d) The procedure followed for impact assessment is adequate for the decision-making process;
- e) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts;
- f) Relevant legal and procedural requirements have been met;
- g) 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;
- h) Relevant specialist studies were conducted. The studies have assessed the specific impacts and recommended adequate mitigation measures;
- i) 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; and

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act No. 107 of 1998, as amended, and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The Environmental Authorisation is accordingly granted.

Annexure 2: Approved Layout Plan



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