



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/2/1983

Enquiries: Ms Bathandwa Ncube

Telephone: 012 399 9368 E-mail: BNcube@environment.gov.za

Mr Zuben Jessa
Genesis Tooverberg Wind Farm (Pty) Ltd.
Unit 101B Heritage House
20 Dreyer Street
CLAREMONT
7708

Tel : 021 207 2183

Email : raymond.takuba@enertrag.co.za

PER MAIL / E-MAIL

Dear Mr Jessa

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED (NEMA): GN R982, R983, R984 AND R985, AS AMENDED FOR THE DEVELOPMENT OF THE TOOVERBERG ON- SITE SUBSTATION AND 132KV POWERLINE FOR THE TOOVERBERG WIND ENERGY FACILITY NEAR TOUWS RIVER, WITHIN THE WITZENBERG LOCAL MUNICIPALITY, WESTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant an Environmental Authorisation (EA) to you. The EA and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the National Environmental Management Act: the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) days of the date of this 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, 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.

Your attention is drawn to Chapter 2 of 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

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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 Street
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the NEMA, 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 any activity authorised in the EA 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: *22/05/2019*

cc:	Andrea Gibb	SIVEST SA (Pty) Ltd	Email: andreag@sivest.co.za
	Danie Swanepoel	DEA&P	Email: danie.swanepoel@westerncape.gov.za
	David Nassan	Witzenburg Local Municipality	Email: david@witzenburg.gov.za



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014 (as amended)

The development of the Tooverberg on-site substation and 132kV powerline and for the Tooverberg Wind Energy Facility (WEF) near Touws River within the Witzenberg Local Municipality, Western Cape Province

Cape Winelands District Municipality

Authorisation register number:	14/12/16/3/3/1/1983
Last amended:	First issue
Holder of authorisation:	Genesis Tooverberg Wind Farm (Pty) Ltd.
Location of activity:	Remainder of the Farm Tooverberg No 244; Portion 1 of the Farm Tooverberg No 244; Lower Stinkfontein No 245; Platfontein No 240; Witzenberg Local Municipality; Cape Winelands District Municipality; Western Cape Province.

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.

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Decision

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

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 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, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

GENESIS TOOVERBERG WIND FARM (PTY) LTD.

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

with the following contact details –

Mr Zuben Jessa

Genesis Tooverberg Wind Farm (Pty) Ltd.

Unit 101B Heritage House

20 Dreyer Street

CLAREMONT

7708

Telephone Number: 021 207 2183

Cell phone Number: 063 296 5255

E-mail Address: raymond.takuba@enertrag.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3 (GN R.983 and R.985 as amended):

Listed Activities	Activity Description
<p><u>Item 11(i) of GN R.983 (as amended):</u> <i>The development of facilities or infrastructure for the transmission and distribution of electricity-</i> (i) <i>Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts</i></p>	<p>The proposed development will include the construction of an on-site Eskom substation, Operation and Maintenance (O&M) building (combined footprint of approximately 1ha) and an associated power line which will be located outside an urban area and will have a capacity of 132kV.</p>
<p><u>Item 12(ii)(a) and (c) of GN R.983 (as amended):</u> <i>The development of-</i> (ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs-</i> (a) <i>within a watercourse;</i> (c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</i></p>	<p>The proposed development will include the construction of an on-site substation, Operation and Maintenance (O&M) building (combined footprint of approximately 1ha) and an associated power line, which will be located outside an urban area and will have a capacity of 132kV. The infrastructure avoids the identified surface water features (drainage lines) where possible, although some structures may be within a watercourse and/or within 32m of a watercourse.</p>
<p><u>Item 19 of GN R.983 (as amended):</u> <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.</i></p>	<p>The surface water impact assessment revealed that there are surface water features located within the development area. The proposed on-site substation and associated power lines will likely involve the excavation, removal, infilling, depositing and moving of more than 10 cubic metres of soil, sand, pebbles or rock from a watercourse.</p> <p>Although the layout of the proposed development will be designed to avoid the identified surface water features (drainage lines) as far as possible, some of the internal and access roads may need to traverse the identified surface water features and during construction of these roads, soil may need to be</p>

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	removed from the watercourses.
<p><u>Item 24(ii) of GN R.983 (as amended):</u> <i>The development of a road - (ii) with a reserve wider than 13.5 meters, or where no reserve exists where the road is wider than 8 metres</i></p>	<p>Internal access roads of an approximately 8m width would be required to access the proposed on-site Eskom substation site (including O&M building) and power lines. Lay-bye areas will be wider than 8m, as required. Where possible, existing roads will be upgraded.</p>
<p><u>Item 27 of GN R.983 (as amended):</u> <i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation.</i></p>	<p>The proposed development will include the construction of an on-site Eskom substation site (including O&M building) which will be approximately 1ha in extent (i.e. 100m x 100m). All vegetation on these sites will need to be cleared for the construction of the on-site Eskom substation and O&M building. Cleared vegetation will amount to an area of approximately 1ha.</p>
<p><u>Item 28(ii) of GN R.983 (as amended):</u> <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development: (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</i></p>	<p>The proposed project site is currently used and zoned for agricultural purposes. The proposed on-site Eskom substation site (including O&M building) and associated power lines will require the relevant applications in terms of land use planning as an area greater than 1 ha will be transformed for industrial / commercial use.</p>
<p><u>Item 48(i)(a) and (c) of GN R.983 (as amended):</u> <i>The expansion of (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; where such expansion occurs— (a) within a watercourse; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</i></p>	<p>The proposed on-site Eskom substation site (including O&M building) and associated power lines may entail the expansion (upgrading) of roads and other infrastructure by 100 square metres or more within a watercourse or within 32m from the edge of a watercourse. Although the layout of the proposed development will be designed to avoid the identified surface water features (drainage lines) as far as possible, some of the internal and access roads may need to traverse</p>

	the identified surface water features and may be within a watercourse and/or within 32m of a watercourse.
<p><u>Item 4(i)(ii)(aa) of GN R.985 (as amended):</u> <i>The development of a road wider than 4 metres with a reserve less than 13.5 metres.</i> <i>(i) <u>Western Cape</u></i> <i>(ii) Areas outside urban areas;</i> <i>(aa) Areas containing indigenous vegetation.</i></p>	Internal access roads of approximately 8m would be required to access the on-site Eskom substation site (including O&M building) and power lines. Where possible, existing roads will be upgraded. These roads will be located within the Western Cape Province, outside an urban area. In addition, the site contains indigenous vegetation.
<p><u>Item 14(ii)(a) and (c)(i)(i)(bb) of GN R.985 (as amended):</u> <i>The development of –</i> <i>(ii) Infrastructure or structures with a physical footprint of 10 square metres or more;</i> <i>Where such development occurs-</i> <i>(a) Within a watercourse;</i> <i>(c) If no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse.</i> <i>(i) <u>Western Cape</u></i> <i>(i) Outside urban areas:</i> <i>(bb) National Protected Area Expansion Strategy Focus areas</i></p>	<p>The proposed on-site Eskom substation (including O&M building) will have a combined footprint of approximately 1ha and other associated infrastructure (pylons and roads) may entail development of 10m² or more within a watercourse or within 32m from the edge of a watercourse.</p> <p>Although the layout of the proposed development will be designed to avoid the identified surface water features (drainage lines) as far as possible, some of the pylons or roads will likely occur within and/or within 32m from the edge of a watercourse.</p> <p>The proposed development traverses a National Protected Area Expansion Strategy Focus area.</p>
<p><u>Item 18(i)(ii)(aa) of GN R.985 (as amended):</u> <i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre-</i> <i>i. <u>Western Cape</u></i> <i>(ii) Areas outside urban areas;</i> <i>(aa) Areas containing indigenous vegetation.</i></p>	Existing roads will likely need to be upgraded and widened to access the proposed on-site Eskom substation site (including O&M building) and power lines. These roads will occur within the Western Cape Province, outside an urban area. In addition, the site contains indigenous vegetation.
<p><u>Item 23(ii)(a) and (c)(i)(i)(bb) of GN R.985 (as amended):</u></p>	The proposed on-site Eskom substation (including O&M building) and associated power lines may

<p>The expansion of –</p> <p>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;</p> <p>where such expansion occurs –</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>(i) <u>Western Cape</u></p> <p>(i) Outside urban areas:</p> <p>(bb) National Protected Area Expansion Strategy Focus areas</p>	<p>require the expansion (upgrading) of roads and other infrastructure by 10 square metres or more within a watercourse or within 32m from the edge of a watercourse.</p> <p>Although the layout of the proposed development will be designed to avoid the identified surface water features (drainage lines) as far as possible, some of the pylons may need to traverse the identified surface water features.</p> <p>The proposed development traverses a National Protected Area Expansion Strategy Focus area.</p>
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as described in the Basic Assessment Report (BAR) dated March 2019 at:

Farm Description	21 Digit Surveyor General Code
Remainder of the Farm Tooverberg No 244	C01900000000024400000
Portion 1 of the Farm Tooverberg No 244	C01900000000024400001
Lower Stinkfontein No 245	C01900000000024500000
Platfontein No 240	C01900000000024000000

Preferred Powerline Route Alternative	Latitude	Longitude
Alternative 1 (2.46km)	33° 06' 05.321" S	20° 01' 36.901" E
	33° 06' 17.541" S	20° 01' 48.742" E
	33° 06' 41.906" S	20° 00' 46.022" E
	33° 06' 37.339" S	20° 00' 41.368" E

Preferred On-Site Substation: Alternative 1 ~1 Ha	Latitude	Longitude
North	33° 06' 04.337" S	20° 01' 34.421" E
East	33° 06' 02.834" S	20° 01' 37.801" E
South	33° 06' 05.841" S	20° 01' 40.884" E
West	33° 08' 35.332" S	20° 03' 15.963" E
Centre Point	33° 06' 07.704" S	20° 01' 37.428" E

- for the construction of a 132kV transmission powerline and on-site substation for the Tooverberg Wind Energy Facility near Touws River, within the Witzenberg Local Municipality, Western Cape Province, hereafter referred to as "the property".

Technical details of the GRID

Component	Description and dimensions
Location of the site	~25km North of Touws River in the Western Cape Province
Powerline length	Approximately 2.46km
Export capacity	132kV
Proposed technology	Self-supporting, lattice and monopole towers, 200m-250m apart.
Substation	With a transformation capacity of 33/132kV
Substation and Operation and Maintenance (O&M) building area	Approximately 1ha (100m x 100m)
Height of pylons	Up to 25m
Width of required servitude	31m servitude within a 100m corridor
Powerline Route Alternative	Alternative 1
Width of internal access roads	Approximately 8m

Conditions of this Environmental Authorisation

Scope of authorisation

1. The construction of a 132kV powerline and on-site substation for the Tooverberg Wind Energy Facility, near Touws River, within the Witzenberg Local Municipality, Western Cape Province as described above are hereby **approved** as per the geographic coordinates indicated 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 within a period of **five (05) years** from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

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

Commencement of the activity

11. 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

12. A copy of the final Site Development/ Layout Plan must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout plan (Size A3) must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout plan. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
 - 12.1. Position of the substation and its associated infrastructure;
 - 12.2. Connection routes (including pylon positions) to the distribution/transmission network;
 - 12.3. Location of bird anti-collision devices to be installed;
 - 12.4. Internal roads indicating width;

- 12.5. Drainage lines, rivers, stream and water crossing of roads and cables;
 - 12.6. All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
 - 12.7. All existing infrastructure on the site, especially roads; and,
 - 12.8. All "no-go" and buffer areas.
13. The Environmental Management Programme (EMPr) submitted as part of the BAR is not approved and must be amended to include measures as dictated by the final site layout plan and micro-siting; and the provisions of this environmental authorisation. The EMPr must be made available for comments by registered Interested and Affected Parties and the applicant must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
 14. The EMPr is amendable and must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
 15. Amendments to the EMPr, which are environmentally defensible, must be submitted to this Department for approval before such changes can be effected.
 16. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the BAR be discovered.
 17. The provisions of the approved EMPr including recommendations and mitigation measures in the BAR and specialist studies are an extension of the conditions of this Environmental Authorisation, therefore noncompliance with these provisions constitutes non-compliance with the Environmental Authorisation.
 18. The EMPr amendment must include the following:
 - 18.1. All recommendations and mitigation measures recorded in the BAR and specialist studies.
 - 18.2. The location and specific mitigation measures including the locations for the bird anti-collision devices, in consultation with the avifaunal specialist.
 - 18.3. All mitigation measures as listed in the specialist reports.
 - 18.4. The requirements and conditions of this authorisation.
 - 18.5. The final site layout plan.

Frequency and process of updating the EMPr

19. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 29 below, indicate insufficient mitigation of environmental impacts associated with the

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- undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
20. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
 21. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. 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.
 22. 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 R.982. 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.
 23. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of GN R.982. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

24. 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.
 - 24.1. The ECO must be appointed before commencement of any authorised activities.
 - 24.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
 - 24.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 24.4. 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

25. 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.
26. 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.
27. 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 R. 982.
28. The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
29. 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.
30. 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 the development.

Notification to authorities

31. 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

32. 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

33. 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

34. Construction of this development may only commence once the 264MW Tooverberg Wind Energy Facility (14/12/16/3/3/1/1984), has commenced with the construction phase.
35. Ecological, avifaunal, heritage and surface water specialist must be commissioned to perform a final walk-through of the site once the final route and tower positions have been finalised. The specialists must cover buffer identification, sensitive sites identification, no-go areas identification, fine scale mapping and site specific mitigation measures within the approved corridor.
36. Anti-collision devices such as bird flappers must be installed where the powerline crosses avifaunal corridors. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the powerline once the exact positions of the towers have been surveyed and pegged.
37. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
38. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of any indigenous protected and endangered plant and animal species if required.
39. Ablution facilities must be placed outside of the 1:100 year floodline of a watercourse.
40. Immediate rehabilitation/ re-vegetation using indigenous vegetation must be done upon completion of construction activities.
41. Potable water must not be used to mitigate dust nuisance.
42. The use of generators on site must include the use of drip trays.
43. Open trenches must be fenced off and monitored at all times to avoid injuries to people and animals.
44. No exotic plants may be used for rehabilitation purposes. Only indigenous perennial shrubs and succulents occurring within a ten (10) kilometre radius of the development site must be utilised.
45. Vegetation clearing must only commence after a walk down has been conducted by a suitably qualified ecologist and the necessary permits obtained.
46. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.

47. All existing roads and storage sites must be used where possible.
48. 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.
49. The applicant must ensure that any waste storage facility is located away from the water bodies.
50. 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.
51. Any solid waste, which will not be recycled, 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). No waste material may be left on site after construction.
52. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) must be alerted immediately, and a professional archaeologist or palaeontologist, must be contacted to inspect the findings.

General

53. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 53.1. at the site of the authorised activity;
 - 53.2. to anyone on request; and
 - 53.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
54. 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: 22/05/2019



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 listed activities as applied for in the amended application form received on 28 March 2019.
- b) The information contained in the BAR dated March 2019.
- c) The comments received from BioTherm Energy (Pty) Ltd.; Eskom; South African Mainstream Renewable Power Perdekraal East (RF)(Pty) Ltd.; SANRAL; SAAO; SENTECH; CapeNature; Heritage Western Cape; Department of Water and Sanitation ; G7 Renewable Energies (Pty) Ltd.; Western Cape Department of Environmental Affairs & Development Planning; Western Cape Department of Agriculture; Witzenberg Local Municipality; Endangered Wildlife Trust; Breede-Gouritz Catchment Management Agency; Breede Valley Municipality; Cape Winelands District Municipality and interested and affected parties as included in the BAR dated March 2019.
- d) Mitigation measures as proposed in the BAR and the EMP.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated July 2018 and as appears below:

Title	Prepared by	Date
Geotechnical Desktop Study	JG AFRIKA (Pty) Ltd	October 2018
Agricultural and Soils Impact Assessment	Johann Lanz	October 2018
Surface Water Impact Assessment	SIVEST SA (Pty) Ltd (peer reviewed by Savannah Environmental (Pty) Ltd.)	December 2018
Fauna and Flora Impact Assessment	3Foxes Biodiversity Solutions	October 2018
Avian Impacts Assessment	Birds & Bats Unlimited	November 2018
Letter from Bat Specialist	Stephanie Dippenaar Consulting	March 2019
Socio- Economic Impact Assessment	Urban- Econ Development Economists	November 2018
Visual Impact Assessment	SIVEST SA (Pty) Ltd (peer reviewed by SRK Consulting)	September 2018

Heritage Impact Assessment	SIVEST SA	October 2018
Palaeontological Impact Assessment	PGS Heritage	October 2018

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the project is to connect the Tooverberg Wind Energy Facility to the Kappa Substation to evacuate electricity.
- c) The BAR dated March 2019 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the BAR dated March 2019 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the Environmental Impact Assessment Regulations, 2014, as amended, for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the BAR dated March 2019 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated March 2019 is deemed to be accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

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, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

