

APPLICATION FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION FOR THE WIND ENERGY FACILITY ON THE EASTERN PLATEAU (NORTH) NEAR DE AAR, NORTHERN CAPE PROVINCE

DEA REF NO.: 12/12/20/2463/2



JUNE 2014

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EXECUTIVE SUMMARY: ENVIRONMENTAL AUTHORISATION AMENDMENT APPLICATION

Background

Longyuan Mulilo De Aar 2 North (Pty) Ltd (hereafter referred to as Longyuan Mulilo De Aar 2 North) applied for environmental authorisation in 2012/2013 to establish a Wind Energy Facility (WEF) and associated infrastructure on the eastern plateau of De Aar (approximately 20 km to the east of the town).

A positive decision was issued on 1 March 2013. An amendment application was submitted to the Department to change the Special Purpose Vehicle (SPV) name from "Mulilo Renewable Energy (Pty) Ltd" to "Longyuan Mulilo De Aar 2 North (Pty) Ltd". This amendment was granted on 10 June 2013. Activities for which authorisation was granted includes:

- GN R. 544: Items 10, 11 and 18
- GN R. 545: Item 1
- GN R. 546: Item 14

In terms of regulation 39 of GN. R 543, 2010 (as amended), of the National Environmental Management Act (NEMA) (Act 107 of 1998), "the holder of an environmental authorisation may at any time apply to the relevant competent authority for the amendment of the authorisation."

On the 26 March 2014, Longyuan Mulilo De Aar 2 North submitted an application for amendment of environmental authorisation to the Department of Environmental Affairs (DEA). The proposed amendments included:

- Changes to the property descriptions
- Changes to three (3) conditions contained in the EA.

Purpose of this document

This document provides a summary of the Amendment Application, as required in terms of the National Environmental Management Act (No. 107 of 1998) (NEMA) Environmental Impact Assessment (EIA) Regulations (2 August 2010, as amended). This document provides a summary of the EA Amendment Application to be submitted to the DEA and the potential environmental impacts associated with the proposed amendments. It further describes the public participation process undertaken to date.

Please review this Summary Document and, preferably, the full EA Amendment Application, and submit your comments on the proposed project by **11 July 2014**. All documents will be available for review and comment at the De Aar Public Library, the Emthanjeni municipal offices and on the Aurecon website (www.aurecongroup.com change "Current Location" to "South Africa" and follow the "public participation" link where you will be asked to register with the above mentioned DEA Ref. no.). To comment, write a letter, call, fax or e-mail **Aurecon**:

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More detail pertaining to the proposed amendments is provided in Table 1 below.

Table 1: Description of the amendments that were applied for:

Approved condition	Proposed Amendment
<p>Property descriptions:</p> <p>It has been brought to our attention that the property descriptions included in the EA are incorrect due to an editorial error. The corrections to the project description approved in the EA have been <u>underlined</u> in the adjacent extract.</p>	<p><i>“For the construction of the Wind Energy Facility situated on the Eastern Plateau (North Site) near De Aar, on Pienaarskloof (Farm No. 136 <u>Remainder of Portion 1</u>); Pienaarskloof (Farm No. 136 Portion 6); Brak_Fountain (Farm No.148 <u>Remainder of Portions 2, Portion 4 and Remainder</u>) and Vendussie Kuil (Farm No. 165 <u>Remainder of Portion 1 and Portion 7</u>); Washbank (Farm No. 149 Portion 1); Enkeldebult (Farm No. 150 <u>Remainder of Portion 4 and Remainder</u>); Zwagershoek (Farm No. 151 Portion 1 and Portion 2); within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as “the property””.</i></p>
<p>Condition 16.8:</p> <p>In accordance with the Environmental Authorisation (EA) “<i>The EMPr amendments must include the following: A transportation plan for the transport of turbine components, main assembly cranes and other large pieces of equipment</i>”.</p>	<p>We would like to request that the transportation plan not form part of the EMPr and therefore be removed and added as a separate condition after condition 18 that reads as follows: “<i>A transportation plan for the transport of wind turbine components, main assembly cranes and other large pieces of equipment must be developed. A permit must be obtained from the relevant transport department for the transportation of all components (abnormal loads) to the site</i>”.</p>
<p>Condition 43:</p> <p>Condition 43 of the EA states that “<i>No wind turbines must be erected within 1 km radius of the Verreaux’s Eagle nests</i>”.</p>	<p>Longyuan Mulilo De Aar 2 North requests that condition 43 be amended to “<i>No wind turbines must be erected within 800 m radius around the core cluster of the Verreaux’s Eagle nests</i>”.</p>
<p>Condition 45:</p> <p>Condition 45 states that “<i>No wind turbine must be erected within 1.5 km of the Vendussiekul farm dam</i>”.</p>	<p>Longyuan Mulilo De Aar 2 North requests that this condition be amended to “<i>No wind turbines must be erected within 500 m of the Vendussiekul farm dam</i>”.</p>

In a letter received from the DEA dated 26 May 2014, DEA requested additional information (in support of the amendment application) to be submitted to the Department. The Department also requests that Longyuan Mulilo De Aar 2 North conduct Public Participation as per regulation no. 41(3)(a) of GN R.543 in order to notify all registered Interested and Affected Parties (I&APs) of the amendment application.

Aurecon South Africa (Pty) Ltd (Aurecon) has been appointed by Longyuan Mulilo De Aar 2 North to undertake the public participation process for this amendment application.

Proposed project

Longyuan Mulilo De Aar 2 North has recently received preferred bidder status from the Department of Energy (DoE) under the third round of the Renewable Energy Independent Power Producers Programme (REIPPP) for the WEF near De Aar, Northern Cape.

The site is approximately 14 500 ha in extent and consists of 12 portions of six farms. The WEF comprises 96 wind turbines, each with a generation capacity of 1.5 MW. The potential generation capacity of the WEF has been limited to 140 MW in accordance to the DoE's cap on maximum number of megawatts.

Associated infrastructure would include:

- Hard standing adjacent to each turbine which will be utilised by the crane.
- Three temporary construction yards.
- Access roads between each turbine.
- Overhead electrical reticulation lines which will follow the route of the proposed access roads where possible.
- Substation / control building
- Transformer housed within each turbine or immediately outside the turbine
- Electricity distribution infrastructure comprising of three existing distribution lines

The recommendations from the 12 month pre-construction bird and bat monitoring have informed the final site layout plan. All specialists are in support of the new layout and their letters of agreement has been included in an Appendix in the EA Amendment Application. Refer to Figure 1 below for the final site layout plan subject to DEA approval.

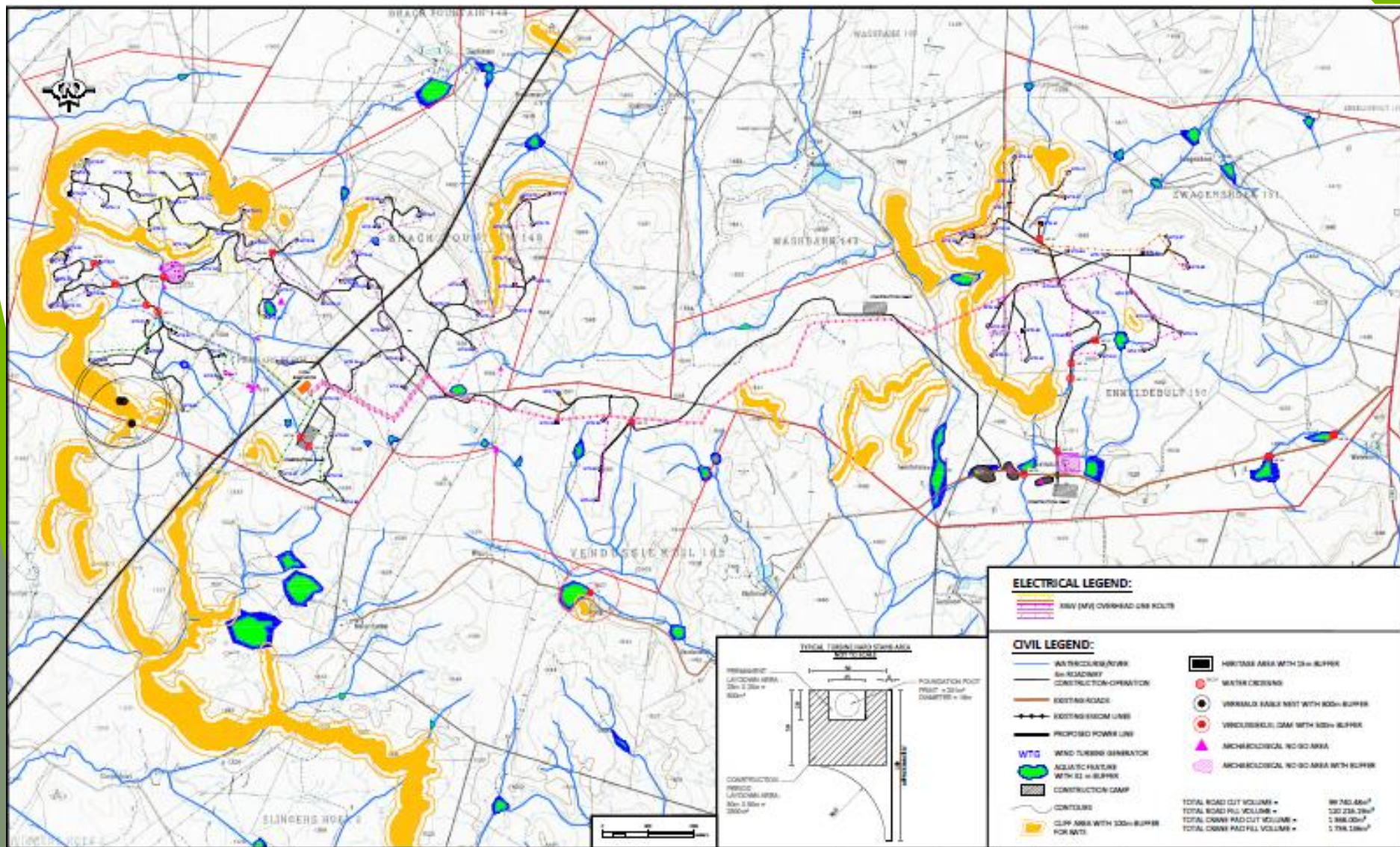


Figure 1: Final WEF layout (subject to DEA approval) including environmental sensitivity map (AECOM, 2014)

Identified impacts

Table 2 below identifies potential positive and negative impacts associated with the proposed amendments to the EA.

Table 2: Identified potential impacts associated with the EA amendments

Proposed Amendment	Motivation for the amendments	Potential negative impacts that may occur if the application for amendment <u>is</u> granted	Potential negative environmental impacts that may occur if the application for amendment is <u>not</u> granted	Potential positive environmental impacts that may occur if the application for amendment is granted
Property descriptions	This is an editorial error that does not affect the development footprint as all correct properties were assessed in the EIA. However, as the EA is a legal document, it is essential that this error is corrected	No negative environmental impacts are anticipated as this is an editorial error that has no effect on the assessed and approved development footprint.	No negative environmental impacts are as this is an editorial error that has no effect on the assessed and approved development footprint.	No positive environmental impacts are anticipated as this is only an editorial error that has no effect on the assessed and approved development footprint.
Condition 16.8:	AECOM SA (Pty) Ltd (AECOM) have recommended that the Transportation Plan be separated from the submission of the EMPr as the Transportation Plan is part of a suite of documents that will be submitted to the Provincial Roads Authorities in support of the permit application for transportation of abnormal loads. Typically, this process only happens closer to the time of construction, which is anticipated to commence in October / November 2014. In order to avoid any delay in the submission of the EMPr, we would like to separate the requirement from submitting the Transportation Plan as part of the EMPr submission and request permission to submit the Transportation Plan closer to the time of construction and transportation of abnormal loads. Therefore, to ensure that the EMPr is approved in time for construction, we would like to separate the Transportation Plan from EMPr to allow this document to be submitted to the Department as soon as possible.	No negative environmental impacts are anticipated as the required permit process for the transporting of the abnormal loads will be adhered to. This process requires the transport company to undertake a full route survey which includes geometric investigations, service checks, a bridge report, a Traffic Accommodation Plan, etc. These will be scrutinized by all the relevant road authorities to ensure safe and legal transportation of abnormal loads. The permit application process is therefore a legal requirement and will be undertaken just prior to the delivery of the wind turbine components to the site.	Should the transportation study be done at this stage of the project development, it will only be a high level evaluation of possible routes. It is not possible to undertake the final detailed route assessment until the origin of all components is known. Furthermore, the project runs the risk of being delayed should there be unforeseen issues with the approval of the EMPr.	The Transportation Plan will be based on more accurate project information allowing for a detailed route assessment which is required for authority decision making.

Proposed Amendment	Motivation for the amendments	Potential negative impacts that may occur if the application for amendment <u>is</u> granted	Potential negative environmental impacts that may occur if the application for amendment is <u>not</u> granted	Potential positive environmental impacts that may occur if the application for amendment is granted
Condition 43:	<p>Based on the preconstruction monitoring undertaken at the site by the avifauna specialist, it was determined that the 1 km buffer zone for the core cluster of Verreaux's Eagle nests can be reduced to 800 m. This recommendation is based on the flight observation data gathered as part of the pre-construction monitoring programme and also takes into account the following:</p> <ul style="list-style-type: none"> • International best practice; • South African best practice; • Flight behaviour of other large eagle species reported in literature on wind farms; • Suggestions from Spanish ornithologist Alvaro Camiña Cardenal on this specific project; and • The precautionary principle. 	<p>No increase in the significance of negative environmental impacts is anticipated as the proposed 800 m buffer zone around the core cluster of Verreaux's Eagle nests is based on the flight observation data gathered in the course of the pre-construction monitoring.</p>	<p>No environmental impacts are anticipated should the request to revise the buffer zone to 800 m around the core cluster of Verreaux's Eagle nests not be granted. However, in terms of the operation of the site, the revised buffer allows for better utilisation of the wind resource.</p>	<p>Potential positive impacts include the contribution to our understanding of Verreaux's Eagles in the De Aar area and how they adapt to WEFs as satellite tracking of Verreaux's Eagles has commenced and this information will be made available for further research. Longyuan Mulilo De Aar 2 has also committed to training local community members to assist with the operational phase monitoring.</p>
Condition 45:	<p>The Avifauna Impact Assessment undertaken in 2012 identified the Vendussiekuil Dam as a wetland which may be utilised by Greater Flamingo and possibly Blue Cranes and ducks. Based on the results from the preconstruction monitoring programme undertaken at the site by the specialist, it was determined that the dam is not used as a regular roost site by any priority bird species. A recommendation was therefore made by the specialist that the buffer zone be reduced from 1.5 km to 500 m.</p>	<p>No increase in the significance of negative environmental impacts is anticipated as the dam is dry most of the time and is not regularly used as a roost site by any priority species. The 500 m buffer zone is therefore deemed to be adequate by the avifauna specialist in the event that the dam does hold water for a while i.e. after good rains, which could potentially attract priority species on a temporary basis.</p>	<p>No environmental impacts are anticipated should the request to revise the buffer zone to 800 m around the Vendussiekuil Dam not be granted.</p>	<p>Potential positive impacts include Longyuan Mulilo De Aar 2's commitment to training local community members to assist with the operational phase monitoring programme.</p>

How you can get involved

Public participation enables Interested and Affected Parties (I&APs) (e.g. directly affected landowners; national-, provincial- and local authorities; environmental groups; civic associations; and communities), to identify their issues and concerns, relating to the proposed amendments, which they feel should be addressed in the process. The public participation process to date has involved the following aspects:

- A site notice was placed at the De Aar Public Library and the Emthanjeni municipal offices in De Aar
- The EA Amendment Application was lodged for review and comment at the De Aar (Station Road) Public Library and the Emthanjeni municipal offices in Voortrekker Road, De Aar
- All documentation was made available from the Aurecon website (www.aurecongroup.com – change “current location” to “South Africa” and click on the “public participation”- link where you will be asked to register with the above mentioned DEA Ref. No.).
- Registered I&APs were notified of the period available to submit their comments or concerns on the application by means of letters sent by post, fax or e-mail. I&APs have 30 days until **11 July 2014**, to submit their written comments on the EA Amendment Application.

Way forward

All written comments can be submitted to Aurecon (a Response Form is attached, for your convenience). All issues raised via written correspondence will be summarised into a Comments and Response Report (CRR) with responses from the project team and will be sent to DEA directly for their consideration.

Comments can be sent to Aurecon via telephone, fax, email or post to the following contact person:

Table 3: Details of the Public Participation contact person

EA Amendment Application for the De Aar 2 North WEF near De Aar, Northern Cape	
Tamryn Johnson	
<i>Tel</i>	(021) 526 5737
<i>Fax</i>	(021) 526 9500
<i>Email</i>	tamryn.johnson@aurecongroup.com
<i>Postal address</i>	PO Box 494, Cape Town, 8000

The EA Amendment Application will be submitted to DEA for their review and decision regarding acceptance of the report. The CRR will be submitted to the DEA upon completion of the 30 day public commenting period. The DEA will review the EA Amendment Application and CRR, and must either accept or reject the information contemplated in regulation 41(3)(c).

If the information was rejected, it may be amended and resubmitted. If an application is approved, the competent authority must issue an amendment to the environmental authorisation either by way of a new environmental authorisation or an addendum to the existing environmental authorisation.

Once DEA issues their decision on the proposed project, all registered I&APs on the project database will be notified of the outcome of the decision, as well as the Appeal process, within 12 calendar days of the date of the decision should the Amended EA be granted.

List of Acronyms

CRR	Comments and Response Report
DEA	Department of Environmental Affairs
DOE	Department of Energy
REIPPP	Renewable Energy Independent Power Producers Programme
EA	Environmental Authorisation
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EMP & EMPr	Environmental Management Programme
FEIAR	Final Environmental Impact Assessment Report
GN	Government Notice
I&AP	Interested and Affected Party
kV	Kilovolt
MW	Megawatts
NEMA	National Environmental Management Act
SPV	Special Purpose Vehicle
WEF	Wind Energy Facility