



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Application for amendment of an environmental authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment Regulations 2010

Kindly note that:

1. This form must be used to apply for the amendment of an environmental authorisation. An amendment includes:
 - a) adding, substituting, removing or changing a condition or requirement of an environmental authorisation, or
 - b) or updating or changing any details or correcting a technical error.

*Please note that amendment **does not** include expansion (according to the EIA Regulations "expansion" means "the modification, extension or alteration of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased").*

2. This form is current as of 16 July 2012. It is the responsibility of the Applicant / EAP to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
3. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. It is in the form of a table that can extend itself as each space is filled with typing.
4. Incomplete applications may be rejected or returned to the applicant for amendment.
5. The use of "not applicable" in the form must be done with circumspection. Where it is used in respect of material information that is required by the competent authority for assessing the application, this may result in the rejection of the application as provided for in the regulations.
6. **No faxed or e-mailed applications will be accepted.**
7. Unless protected by law, all information contained in and attached to this application, will become public information on receipt by the competent authority. Upon request during any stage of the application process, the applicant / EAP must provide any registered interested and affected party with the information contained in and attached to this application.
8. This form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department. Should the application form and attached reports not be submitted to the addresses given below it will be rejected.

DEPARTMENTAL DETAILS

Postal address:

Department of Environmental Affairs
Attention: Director: Integrated Environmental Authorisations
4th floor ST
Private Bag X447
Pretoria
0001

Physical address:

Department of Environmental Affairs
Attention: Director: Integrated Environmental Authorisations
4th floor ST
Fedsure Forum Building (corner of Pretorius and Van der Walt Streets)
2nd Floor North Tower
315 Pretorius Street
Pretoria
0002

Queries must be directed to the Directorate: Integrated Environmental Authorisations at:
Tel: (012) 310-3167 Fax (012) 320-7539

Please note that this form must be copied to the relevant provincial environmental department(s)
View the Department's website at <http://www.environment.gov.za/> for the latest version of the documents.

Application for Amendment of Environmental Authorisation

1. Application Details

Name of person to whom the environmental authorisation was issued:	Longyuan Mulilo De Aar 2 North (Pty) Ltd		
Contact person:	Ms Karen Versfeld		
Postal address:	PO Box 50		
	Cape Town International		
	Postal code:	7525	
Telephone:	021 – 934 5278	Cell:	
E-mail:	karen@mulilo.com	Fax:	021 – 935 0505
Environmental Assessment Practitioner (EAP):	N/A		
Contact person:			
Postal address:			
	Postal code:		
Telephone:		Cell:	
E-mail:		Fax:	
EAP Qualifications:			
EAP Registrations/Associations:			
Name of landowner if the person to whom the environmental authorisation has been issued is not the owner:	Please refer to Annexure B for the list of landowners.		
	In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this page, together with copies of the notices given to these landowners about the amendment application.		

Application for Amendment of Environmental Authorisation

Project Description:	<p>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) on the eastern plateau of De Aar (approximately 20km to the east of the town). A positive decision was issued on 1 March 2013.</p> <p>The site is approximately 14 500ha in extent and consists of 12 portions of six farms. The WEF comprises of 96 wind turbines, each with a generation capacity of 1.5MW. The potential generation capacity of the WEF has been limited to 140MW in accordance to the Department of Energy's cap on maximum number of megawatts.</p> <p>Infrastructure associated with this facility includes:</p> <ul style="list-style-type: none"> • A permanent hard standing adjacent to each turbine to be utilised by cranes (approximately 50m x 40m). • Four construction laydown areas, each having a footprint of approximately 200m x 400m. • Gravel surface roads of approximately 4m wide between each turbine. • The turbines would connect to the onsite substation via 22kV overhead electrical reticulation lines which would follow the route of the proposed access roads, where possible. • Each turbine has a transformer that steps up the voltage from 690V to 22kV. The transformer is housed within each turbine tower or immediately outside the turbine. • The onsite substation (into which the overhead transmission lines feed) and adjacent control building would have a combined footprint of 200m x 100m. • Electricity distribution infrastructure comprise of three existing distribution lines (1 x 132kV, 2 x 400kV, 2 x 220kV) that terminate at Eskom's Hydra Substation located 9.5km to the north-east of De Aar.
Farm name, Erf No., portion etc:	<p>Landowner list and property details are included in Annexure B</p> <p>We would like to draw your attention to the fact that the property descriptions included in the EA are incorrect. The error in the project description arises from an editorial error. The properties assessed in the EIA were correct. The corrections to the project description as included in the EA have been <u>underlined in the extract below for ease of reference.</u></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 portions 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 <u>Portion 1</u>); Enkeldebult (Farm No.150 <u>Remainder of</u></i></p>

Application for Amendment of Environmental Authorisation

	<i>Portion 4 and Remainder); 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>
Physical address where authorised activity is taking or will take place:	Please refer to Annexure B .
Magisterial District or Town:	Emthanjeni Local Municipality
Departmental reference number of the previous environmental authorisation in respect of which an amendment is applied for:	12/12/20/2463/2
Date of issue of environmental authorisation:	Environmental Authorisation was issued on 01/03/2013. 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 10/06/2013.
Activity/ies for which authorisation was granted:	GN R. 544: Items 10, 11 and 18 GN R. 545: Item 1 GN R. 546: Item 14
Please Note: A certified copy of the environmental authorisation must be attached to this application.	

2. DETAILS OF IMPLEMENTATION OF PREVIOUS ENVIRONMENTAL AUTHORISATION

Was the activity commenced with during the validity period of the environmental authorisation? If yes, please describe the implementation of the previous environmental authorisation to date:	YES	<u>NO</u>
The activity has not yet commenced. The validity period of the Environmental Authorisation will expire on 1 March 2016.		

3. AMENDMENTS APPLIED FOR AND RELATED INFORMATION

Please indicate which of the following is relevant:

3.1. The holder of an environmental authorisation may at any time apply to the relevant competent authority for the amendment of the authorisation if:

(a) there is a material change in the circumstances which existed at the time of the granting of the environmental authorisation;	YES	NO
(b) there has been a change of ownership in the property and transfer of rights and obligations must be provided for; or	YES	NO
(c) any detail contained in the environmental authorisation must be amended, added, substituted, corrected, removed or updated.	<u>YES</u>	NO

3.2. Describe the amendments that are being 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 is 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 portions 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 <u>Portion 1</u>); Enkeldebult (Farm No.150 <u>Remainder of Portion 4 and Remainder</u>); Zwagershoek (Farm No.151 <u>Portion 1 and Portion 2</u>); 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><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 read as follows:</p> <p><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><i>"No wind turbines must be erected within 1km radius of the Verreaux's Eagle nests"</i></p>	<p><i>"No wind turbines must be erected within <u>800m</u> radius around the core cluster of the Verreaux's Eagle nests".</i></p>
<p>Condition 45:</p> <p><i>"No wind turbines must be erected within 1.5km of the Vendussiekul farm dam".</i></p>	<p><i>"No wind turbines must be erected within <u>500m</u> of the Vendussiekul farm dam".</i></p>

3.3. Please provide the reasons and/or a motivation for the application for amendment:

Property descriptions:

The property description included in the EA is incorrect due to an editorial error. This does affect the development footprint as all correct properties were assessed in the EIA. As the EA is a legal document, it is essential that this editorial error is corrected.

Condition 16.8

AECOM SA (Pty) Ltd (hereafter referred to as AECOM) have been appointed to provide advice on transportation of abnormal loads. AECOM have recommended that the Transportation Plan be separated from the submission of the Environmental Management Programme (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. Copies of the Transportation Plan and permits can be submitted to the Department for your records should it be required. It should be noted that the EMPr does include mitigation measures for access routes / haul roads which will be adhered to.

Please refer to the letter from AECOM, dated 18 March 2014 (Annexure C), which provides the motivation for the amendment. For ease of reference, the text from this letter has been copied below.

In accordance with Section 81 of the National Road Traffic Act (Act 93 of 1996) a permit is required for the transportation of abnormal loads. In order to complete this permit process, the transport company is required to do a full route survey which includes geometric investigations, service checks, a bridge report, a Traffic Accommodation Plan to mention a few. These are scrutinized by all road authorities involved to ensure a safe and legal operation. This process is generally only done just prior to the delivery of the wind turbine components to the site, once the supplier is known, and the dates for transporting is known.

Condition 43

Based on the preconstruction monitoring undertaken at the site by avifauna specialist Mr Chris van Rooyen, it was determined that the 1km buffer zone for the core cluster of Verreaux's Eagle nests can be reduced from 1km to 800m. 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:

- 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 on this specific project; and
- The precautionary principle

No construction will be allowed within the 800m buffer zone as per the recommendations made by Mr van Rooyen in his extracts below:

"After careful consideration of the situation re Verreaux's Eagle nests, we would recommend that this condition be revised to prescribe a buffer zone of 800m around the core cluster of Verreaux's Eagle nests identified during the four seasons' pre-construction monitoring at the site."

*"It is important that it be understood that this buffer zone refers to the currently (2013) active nest site, as well as two alternative nest sites i.e. **each of the nest sites should get an 800m no-turbine buffer zone**. The nests are situated at the following localities:*

- Nest 1: 30°32'47.39"S 24°14'12.09"E*
- Nest 2: 30°32'47.30"S 24°14'11.00"E*
- Nest 3: 30°32'59.91"S 24°14'17.99"E"*

A copy of Mr Rooyen's letter, dated 9 February 2014, is available in Annexure C, which provides the motivation for the amendment.

Condition 45

The Avifauna Impact Assessment undertaken by Doug Harebottle in 2012 identified the Vendussiekul 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 Mr van Rooyen, 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 Mr van Rooyen that the buffer zone be reduced from 1.5km to **500m** as it is believed that the reduced buffer zone will be adequate should priority species visit (on a temporary basis) the dam in the event that water is available.

A copy of Mr Rooyen's letter, dated 9 February 2014, is available in Annexure C, which provides the motivation for the amendment.

3.4. Should the amendment being requested result due to 3.1 (b) above, you are requested to furnish the Department with a written undertaking that the new holder of the environmental authorisation is willing and able to assume responsibility of the environmental authorisation issued. Provide a short motivation and explanation below:

Not applicable

4. ENVIRONMENTAL IMPACTS

4.1. Describe any negative environmental impacts that may occur if the application for amendment is granted, amongst others information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment must be included.

Property descriptions:

No negative environmental impacts are anticipated if this amendment is granted as this is an editorial error that has no effect on the assessed and approved development footprint.

Condition 16.8

No negative environmental impacts are anticipated if this amendment is granted 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. Copies of the Transportation Plan and permits can be submitted to the Department for your records should it be required.

Condition 43

The Final Environmental Impact Assessment Report (FEIAR) (Aurecon, 2011), deemed the impact on avifauna to be of medium-high (-) significance without mitigation during the operational phase and low-medium (-) during the construction phase. **With mitigation**, the significance of the impact is considered to be medium (-) during the operational phase and low (-) during the construction phase.

No increase in the significance of negative environmental impacts is anticipated if this amendment is granted as the proposed 800m 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. This recommendation also takes into account the following factors:

- 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 on this specific project; and
- The pre-cautionary principle

All mitigation measures recommended in the authorised FEIAR and EMPr will be implemented and therefore the significance rating of the impact will remain low (-) during construction and medium (-) during operation as stated in the FEIAR.

Condition 45

As noted in the above section, the FEIAR (Aurecon, 2011), deemed the impact on avifauna to be of medium (-) significance during the operational phase and low (-) during the construction phase **with mitigation**.

Based on the findings of the pre-construction avifauna monitoring programme, no increase in the significance of negative environmental impacts is anticipated if this amendment is granted as the dam is dry most of the time and is not regularly used as a roost site by any priority species. The 500m 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.

Furthermore, the mitigation measures as included in the authorised FEIAR and EMPr will be implemented and therefore the significance rating of the impact will remain as stated in the FEIAR.

4.2. Describe any negative environmental impacts that may occur if the application for amendment is **not** granted.

Property descriptions:

No negative environmental impacts are anticipated if this amendment is not granted as this is an editorial error that has no effect on the assessed and approved development footprint. However, should the amendment request not be approved, there will be a discrepancy between the properties listed in the EA and landowner contracts.

Condition 16.8

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, by having to wait for all the approvals and permits to be in place for the Transportation Plan to be included in the EMPr, the project runs the risk of being delayed should there be unforeseen issues with the approval of the EMPr. Therefore, to ensure that the EMPr is approved in time for construction, we would like to separate the Transportation Plan from EMPr to allow the latter document to be submitted to the Department as soon as possible. Copies of the Transportation Plan and permits can be submitted to the Department for record purposes should it be required.

Condition 43

No environmental impacts are anticipated should the request to revise the buffer zone to 800m 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. The assessment of avifauna impacts during the operational and construction phases, as included in the FEIAR and in section 4.1 of this amendment, application will remain as stated in the FEIAR.

Condition 45

No environmental impacts are anticipated should the request to revise the buffer zone to 800m around the Vendussiekuil Dam not be granted.

4.3. Describe any positive environmental impacts that may occur if the application for amendment is granted, amongst others information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water must be included.

Property descriptions:

No positive environmental impacts are anticipated if this amendment is granted as this is only an editorial error that has no effect on the assessed and approved development footprint.

Condition 16.8

Should this recommendation be granted, the Transportation Plan will be based on more accurate project information allowing for a detailed route assessment which is required for authority decision making. This plan, and the associated permits, can be submitted to the Department for record purposes if required.

Condition 43

No additional positive environmental impacts are anticipated should this application be granted. This project will however contribute 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 already 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 programme. The results of the operational phase monitoring programme will be invaluable to the project to ensure the protection of these and other bird species.

Condition 45

No additional positive environmental impacts are anticipated should this application be granted. As mentioned above, Longyuan Mulilo De Aar 2 has committed to training local community members to assist with the operational phase monitoring programme. The results of the operational phase monitoring programme will be invaluable to the project to ensure the protection of these and other bird species.

5. AUTHORISATION FROM OTHER GOVERNMENT DEPARTMENTS

5.1. Are any permission, licenses or other authorisations required from any other departments before the requested amendments can be effected?	YES	<u>NO</u>
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If yes, please complete the table below.

Name of department and contact person	Authorisation required	Authorisation applied for (Yes/ No)

6. RIGHTS OR INTERESTS OF OTHER PARTIES

In your opinion, will this proposed amendment adversely affect the rights and interests of other parties?	YES	<u>NO</u>
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Please provide a detailed motivation of your opinion.

Property descriptions:

Changing the property description will not adversely affect the rights and interests of other parties as this is an editorial error and has no effect on the assessed and approved development footprint. During the EIA process Interested and Affected parties (I&APs), including neighbouring landowners, received layout maps indicating the property footprint, as such the correct information was presented to I&APs and included in the EIA Reports.

Condition 16.8

The request to delay the transportation study will not adversely affect the rights and interests of other parties. It is proposed that the transportation study be delayed to just prior to construction to ensure that the Department receives the complete study with sufficient level of relevant detail for the record.

Conditions 43 and 45

No negative impacts on the rights and interests of other parties are anticipated as the proposed amendment takes into account:

- 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 on this specific project; and

- The pre-cautionary principle.

Furthermore, the avifauna specialist, Mr van Rooyen, has over 17 years' experience in the field of avifauna. His recommendations are based on sound scientific judgement utilising available information and applies the precautionary principle to ensure the protection of the Verreaux's Eagle.

NOTE: The Department is entitled to request further information if it believes it is necessary for the consideration of the application. If the application is for a substantive amendment or if the rights or interests of other parties are likely to be adversely affected, the Department will instruct the applicant to conduct a public participation process and to conduct any investigations and assessments that it deems necessary.

7. DECLARATION:

I, Karen Versfeld, declare that I will comply with all my legal obligations in terms of this application and provide accurate information to everyone concerned in respect to this application.

Signature of the applicant



Name of company or organisation: Longyuan Mulilo De Aar 2 North (Pty) Ltd

Date:

26/03/2014