



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

APPLICATION FORM FOR AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION

Application for amendment to a valid Environmental Authorisation in terms of the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended (the Regulations)

PROJECT TITLE

ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE: APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION: (12/12/20/2463/1/AM9)

Indicate if the **DRAFT** report accompanies the application

Yes

No

PRE-APPLICATION CONSULTATION

Was a pre-application meeting held	Yes	<input checked="" type="checkbox"/>	
Date of the pre-application meeting	27 June 2022		
Reference number of pre-application meeting held	2022-06-0018		
Was minutes compiled and submitted to the Department for approval	Yes	<input checked="" type="checkbox"/>	

A copy of the pre-application meeting minutes must be appended to this application as **APPENDIX 1**.

Kindly note the following:

1. This form must be used to apply for the Amendment of an Environmental Authorisation where this Department is the Competent Authority. An amendment includes:
 - a) adding, substituting, removing or changing a condition or requirement of an Environmental Authorisation, or
 - b) updating or changing any details or correcting a technical error.
2. This form is current as of **April 2021**. It is the responsibility of the Applicant / Environmental Assessment Practitioner (EAP) to ascertain whether subsequent versions of the form have been published or produced by the Competent Authority. The latest available Departmental templates are available at <https://www.environment.gov.za/documents/forms>.
3. An application fee is applicable (refer to **Section 2**). Proof of payment must accompany this application. The application will not be processed without proof of payment unless one of the exclusions provided for in the Fee Regulations is applicable AND such information in the exclusion section of this application form has been confirmed by this Department.
4. A cover letter on your company letterhead indicating the nature of this application must be appended to this form i.e. new application for Environmental Authorisation, updated application for Environmental Authorisation.
5. An electronic copy of the signed application form must be submitted of both the Applicant and EAP.
6. This form must be marked "**for Attention: Chief Director: Integrated Environmental Authorisations**" and submitted to the Department at the format as prescribed in the process to upload documents form.
7. 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. Spaces are provided in tabular format and will

extend automatically when each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g. Arial 10).

8. Where applicable black out the boxes that are not applicable in the form.
9. The use of the phrase "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.
10. 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.
11. Should a specialist report or report on a specialised process be submitted at any stage for any part of this application, the terms of reference for such report and declaration of interest of the specialist must also be submitted.
12. Please note that this form must be copied to the relevant Provincial Environmental Department(s).
13. Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 2**. Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form.
14. An application for Amendment of the Environmental Authorisation lapses if the applicant fails to meet any of the timeframes prescribed in terms of the EIA Regulations, 2014, as amended.

Departmental Details

Online Submission:

EIAapplications@environment.gov.za or <https://sfiler.environment.gov.za:8443/>.

Please read the process for uploading files to determine how files are to submitted to this Department

Postal address:

Department of Forestry, Fisheries and the Environment
Attention: Chief Director: Integrated Environmental Authorisations
Private Bag X447
Pretoria
0001

Physical address:

Department of Forestry, Fisheries and the Environment
Attention: Chief Director: Integrated Environmental Authorisations
Environment House
473 Steve Biko Road
Arcadia

Queries must be directed to the Directorate: Coordination, Strategic Planning and Support at:
Email: EIAAdmin@environment.gov.za

1. COMPETENT AUTHORITY

Identified Competent Authority to consider the application:
Reason(s) in terms of S24C of NEMA:

Department of Forestry, Fisheries and the Environment (DFFE)
Renewable Energy Project

2. FEES

Applicants are required to tick the appropriate box below to indicate that either proof of payment is attached or that, in the applicant's view, an exclusion applies. Proof of payment or a motivation for exclusions must be attached as **APPENDIX 3** of this application form.

Proof of payment attached	Yes	<input type="checkbox"/>
Payment Reference Number	-30.58675/24.27524	
Exclusion in terms of Regulation 2(a) or 2(b) of GNR 141 of 28 February 2014	<input type="checkbox"/>	No

An applicant is excluded from paying fees if:

- The activity is a community based project funded by a government grant; or
- The applicant is an organ of state.

TYPE OF EXCLUSION	Tick where applicable. Proper motivation must be attached to the application
The activity is a community based project funded by a government grant	<input type="checkbox"/>
The applicant is an organ of state	<input type="checkbox"/>

FEE AMOUNT	Fee
Application for an Amendment of an Environmental Authorisation	R2 000 ✓

Department of Department of Forestry, Fisheries and the Environment banking details for the payment of application fees:

<p>Payment Enquiries: Email: eiafee@environment.gov.za</p> <p>Banking details: ABSA Bank Branch code: 632005 Account number: 1044 2400 72 Current account</p> <p>Reference number : Reference number to be provided in the specific format indicating centre point coordinates of site in decimal degrees to 5 or 6 decimal places: latitude/longitude eg. -33.918861/18.423300</p> <p>Status: Tax exempted</p>
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3. GENERAL INFORMATION

Name in which the EA was issued to	Original EA was issued to: Mulilo Renewable Energy (Pty) Ltd Holder of EA was amended on 5 July 2018 to: Mulilo De Aar 2 South (Pty) Ltd		
Name of the Applicant:	Mulilo De Aar 2 South (Pty) Ltd		
RSA Identity/ Passport Number:	N/A		
Name of contact person for applicant (if other):	Mr John Hamilton Cullum		
RSA Identity/ Passport Number:	6203175143084		
Responsible position, e.g. Director, CEO, etc.:	Director		
Company/ Trading name (if any):	Mulilo De Aar 2 South (Pty) Ltd		
Company Registration Number:	2012/041424/07		
BBBEE status:	Level 4		
Physical address:	Top Floor, Golf Park 4, Raapenberg Rd, Mowbray, Cape Town, 7700		
Postal address:	Post Net Suite #53, Private Bag X21, Howard Place 7450		
Postal code:	7450	Cell:	083 760 9586
Telephone:	(021) 685 3240	Fax:	086 635 6809
E-mail:	johnny@mulilo.com / andrew@mulilo.com		

Name of the landowner:	Please refer to Appendix 4		
Name of contact person for landowner (if other):			
Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			

Name of Person in control of the land:	As above.		
Name of contact person for person in control of the land:			
Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			

In instances where there is more than one landowner, please attach a list of those landowners with their contact details as **APPENDIX 4**.

Certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 2**. Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form

Provincial Environmental Authority:	Northern Cape Department: Agriculture, Environmental Affairs, Land Reform and Rural Development		
Name of contact person:	Ms Gail Letimela		
Postal address:	Department of Environment and Nature Conservation Attention: Directorate: Environmental Quality Management Private Bag X6102 Kimberley		
Postal code:	8300	Cell:	N/A
Telephone:	(053) 807 7300 / 7462	Fax:	(053) 807 7328 / 67
E-mail:	gletimela@ncpg.gov.za		

Local Municipality (1):	Emthanjeni Local Municipality		
Name of contact person in (Environmental Section)	Mr S.G. Booysen (Superintendent)		
Postal address:	45 Voortrekker Street, De Aar		
Postal code:	7000	Cell:	072 818 3635
Telephone:	(053) 632 9100	Fax:	(053) 631 0105
E-mail:	sbooyesen@emthanjeni.co.za Municipal Manager (Mr Isaac Visser) email address: visser@emthanjeni.co.za		

Local Municipality (2):	Renosterberg Local Municipality		
Name of contact person in (Environmental Section)	Mr M Hoogbaard		
Postal address:	PO Box 112, Petrusville		
Postal code:	8770	Cell:	N/A
Telephone:	(053) 6630041 / (053) 050 5161	Fax:	(053) 663 0180
E-mail:	abbek@msn.com / morneh@renosterberg.gov.za		

In instances where there is more than one Local/Provincial Authority involved, please attach a list of those Local/Provincial Authorities with their contact details.

4. ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) INFORMATION

Company of Environmental Assessment Practitioner:	Holland & Associates Environmental Consultants			
B-BBEE	Contribution level (indicate 1 to 8 or non-compliant)	Level 4	Percentage Procurement recognition	100%
EAP name:	Nicole Holland			
EAP Qualifications:	BSc (Hons) Environmental and Geographical Science			
Professional affiliation/registration:	Registered with the South African Council for Natural Scientific Professions (Reg No.: 400306/06). Registered with the Environmental Assessment Practitioners Association of South Africa (EAPASA) (Reg No.: 2020/493) Member of the IAIA (International Association for Impact Assessment (Western Cape Branch)).			
Physical address:	Unit B3C, Tokai Village, Vans Road, Tokai, Cape Town, 7945			
Postal address:	PostNet Suit #108, Private Bag X12, Cape Town			
Postal code:	7966	Cell:	083 464 5246	
Telephone:	083 464 5246	Fax:	N/A	
E-mail:	nicole@hollandandassociates.net			

The appointed EAP must meet the requirements of Regulation 13 of GN R982 of 04 December 2014, as amended.

If appointed, the declaration of independence of the EAP and undertaking under oath or affirmation that all the information submitted or to be submitted for the purposes of the application is true and correct must be submitted as APPENDIX 5.

5. DETAILS OF IMPLEMENTATION OF PREVIOUS ENVIRONMENTAL AUTHORISATION

Reference Number of EA:	12/12/20/2463/1
Date EA issued:	01 March 2013
Reference Number of all amendments issued with its respective dates:	12/12/20/2463/1 issued on 21 May 2013 12/12/20/2463/1 issued on 14 August 2014 12/12/20/2463/1/AM3 issued on 25 January 2016 12/12/20/2463/1/AM4 issued on 07 April 2016 12/12/20/2463/1/AM5 issued on 05 July 2018 12/12/20/2463/1/AM6 issued on 06 September 2019 12/12/20/2463/1/AM7 issued on 24 August 2020 12/12/20/2463/1/AM8 issued on 21 June 2021
Date EA expires: N.B. Regulation 28(1)(A) of the EIA Regulations 2014, as amended states that <i>“The competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application...”</i>	1 March 2023 (as per EA amendment decision dated 21 June 2021, DEA Ref: 12/12/20/2463/1/AM8)

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:	NO
The activity has not yet commenced.	

6. AMENDMENTS APPLIED FOR AND RELATED INFORMATION

Please indicate if the amendment being applied for falls within the ambits of a Part 1 of Part 2 amendment, as outlined in Chapter 5 of the EIA Regulations, 2014 as amended.

Part 1 ✓	Part 2
<p>The following amendments are proposed within this application:</p> <ul style="list-style-type: none"> Amendment of Condition 7 of the EA, as amended, i.e. to extend the validity period of the EA; Amendments to the project description in the EA; The inclusion of an erroneously omitted Listed Activity into the EA (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)); and Amendment to the property description in the EA, to include an erroneously omitted property into the property description (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)) 	

Please note, that whilst this has been indicated, the Department will when acknowledging receipt agree or disagree with the amendment being applied for, and the process to be followed must be that as outlined in the official acknowledgement letter.

Does the project form part of a Renewable Energy Development Zone (REDZ) as per GN 114?		NO
Does the project form part of an Electricity Grid Infrastructure (EGI) as per GN 113?		NO
Does the project form part of any of the Strategic Infrastructure Projects (SIPs) as described in the National Development Plan, 2011?		NO
Did you attached the confirmation of SIP obtained from the relevant sector representative (SIP Coordinators) and not a motivation from an EAP		NO

If **YES**, is selected:

- For an application in terms of GN 113 and/or 114, then a map confirming this must be attached;
- For a SIP project, kindly indicate which SIPs are applicable in **APPENDIX 5 and attach the** confirmation of SIP applications from the relevant sector representative in **APPENDIX 5**. Should no proof be provided, the application will be considered as a normal EIA Application.

Please indicate which of the following is relevant:

6.1. 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;		NO
(b) there has been a change of ownership in the property and transfer of rights and obligations must be provided for; or		NO
(c) any detail contained in the environmental authorisation must be amended, added, substituted, corrected, removed or updated.	YES	

Describe the amendments that are being applied for:
<p>Amendment 1: Proposed amendment to Condition 7, as amended (Proposed extension of the commencement of the construction period (i.e. extension of the validity period of the EA)):</p> <p>Condition 7 of the EA (EA decision dated 01 March 2013) was amended on 14 August 2014, 07 April 2016, 05 July 2018 and most recently on 21 June 2021 (DFFE Ref: 12/12/20/2463/1/AM8). Condition 7, as amended, states the following:</p> <p><i>“The activity must commence within a period of 10 years from the date of expiry of the EA issued on 01 March 2013, as amended (i.e. the EA lapses on 01 March 2023). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for EA must be made in order for the activity to be undertaken.”</i></p> <p>The EA therefore currently lapses on 01 March 2023. The Applicant wishes to extend the validity period of the EA by two years i.e. until 1 March 2025. Accordingly, the Applicant proposes to amend Condition 7, as amended, as follows:</p> <p><u>The activity must commence within a period of twelve (12) years from the date of the EA issued on 01 March 2013, as amended (i.e. the EA lapses on 01 March 2025). 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.</u></p>

Amendment 2: Proposed amendments to the project description in the EA:

The Applicant is proposing amendments to the project description included in the EA, including amendments to:

Amendment 2.1: Reduction in the number of turbines

Reducing the number of turbines from the authorised “25 – 61” to up to 26.

Amendment 2.2: Width of proposed roads

Internal roads (widths):

New roads: 6m width (i.e. amend from the authorised “4m wide” roads to 6m wide roads);

Upgrading sections of existing roads: 6m width (i.e. amend from estimated “4m width”, to 6m width).

Amendment 2.3: Foundation dimensions

Foundations: Change from the authorised “18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5 once completed”, to foundations up to maximum 24m diameter at lowest point and up to 12m diameter at surface.

Amendment 2.4: Hardstand dimensions

Hardstands: Change from the authorised “A permanent hard standing made of compacted gravel and approximately 50 m x 40 m would be constructed adjacent to each turbine location for the crane”, to hardstands with approximate footprint up to 0.47 ha per WTG adjacent to and surrounding each WTG.

Amendment 2.5: Co-ordinates of IPP Substation, Control & O&M Building

IPP Substation Control and O&M building: No changes to the development footprint are proposed, however amendment to the co-ordinates of the substation in the EA are proposed. Centre co-ordinate of the onsite IPP substation (on page 5 of the EA) to be amended to 30°35'25.02"S; 24°16'52.93"E, and removal of co-ordinates that are no longer applicable. Removal of references in EA to multiple substations (as only one substation is authorised in Condition 2 of the EA).

Amendment 2.6: Temporary Laydown Areas

Temporary Laydown Areas: No changes to the development footprint are proposed, but further detail to be included in the EA (i.e. WTG component laydown, concrete batching plant, office yard).

Amendment 2.7: Internal reticulation

Internal reticulation: Change from the authorised “22 kV” to 33 kV.

Amendment 2.8: Removal of specified generation capacity per turbine

Removing the specified MW generation capacity per turbine (currently stipulated as “2.3MW – 6.0MW”) to facilitate selection of the optimum wind turbine available at design phase.

Amendment 2.9: Inclusion of the words “up to” in front of the currently authorised turbine specifications for hub height and rotor diameter

Inclusion of the words “up to” in front of the currently authorised turbine specifications for hub height and rotor diameter to allow for smaller turbines to be installed, if required, due to suppliers.

Refer to the table below outlining the proposed amendments (as listed above) to the description of the specific project components.

Amendment #	Component	Currently Authorised (Approved)	Proposed Amendment
2.1	Number of Turbines	25 - 61	<u>Up to 26</u>
2.2	Internal Roads	4m wide	<p>New roads: <u>6m wide</u> (i.e. 10m working width during construction, rehabilitated to 6m width during operations). (V-drains will run on either side of the road)</p> <p>Upgrade sections of an existing private farm road from estimated 4m to <u>6m</u> final width during operations.</p>
2.3	Foundations	<i>"The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5 once completed"</i> .	Foundations up to <u>maximum 24m diameter at lowest point and up to 12m diameter at surface</u> .
2.4	Hardstands	<i>"A permanent hard standing made of compacted gravel and approximately 50 m x 40 m would be constructed adjacent to each turbine location for the crane"</i> . (i.e. 0.2 Ha per WTG)	<p>A permanent hard standing made of compacted gravel with <u>approximate footprint up to 0.47 Ha per WTG</u>, adjacent to and surrounding each WTG.</p> <p>(Total hardstand footprint for WEF up to maximum 12.2 ha).</p>
2.5	IPP Substation, Control and O&M buildings	<p>Substation: Currently authorised: 2ha.</p> <p>The EA states <i>"the proposed substations and associated control buildings would have a footprint of approx. 200 x 100m"</i>.</p> <p>Co-ordinates for "substation options" are included on page 5 of the EA dated 1 March 2013.</p>	<p>No change to footprint (i.e. 2 ha).</p> <p><u>Amendment to co-ordinates in EA</u> (to align with location of substation in proposed Final Layout Plan).</p> <p>Centre co-ordinates of the onsite IPP substation (on page 5 of the EA) to be amended to <u>30°35'25.02"S; 24°16'52.93"E</u>, and removal of co-ordinates that are no longer applicable.</p> <p><u>Removal of references in EA to multiple substations</u> (as only one substation is authorised in Condition 2 of the EA).</p>
2.6	Temporary Laydown Areas	<i>"A total of three construction laydowns in the south would be required with each having a footprint of approximately 200 x400m"</i> .	<p>No change to footprint. Proposed addition of further description, i.e.:</p> <p><u>"A total of three construction laydowns (including construction office / yard, WTG component laydown area, and on-site concrete batching plant)</u> in the south would be required, each having a</p>

		(Total footprint of approximately 24ha for the three construction laydown areas).	footprint of approximately 200 x 400m. (Total footprint of approximately 24ha for the three construction laydown areas).
2.7	Internal Reticulation	22kV	<u>33kV</u>
2.8	Generation capacity per turbine	2.3MW – 6.0MW	Remove specified generation capacity per turbine. 2.3MW – 6.0MW
2.9	Turbine hub height from ground level	120m	<u>Up to 120m</u>
	Rotor diameter	165m	<u>Up to 165m</u>

The proposed amendments outlined above would require an amendment to the text in the Environmental Authorisation for the project. Refer to **Appendix 8** attached hereto for the proposed amendments to the text of the EA.

The proposed amendments to the project description, as outlined above, will not result in an increase in the size of the approved development footprint for the project. The footprint would remain the same (as authorised) or be reduced. **The proposed amendments do not trigger any new listed activities.**

(Note: The Final Layout Plan and draft amended EMPr were submitted to your Department on 14 November 2022 (re-submitted on 17 November 2022), and made available to I&APs, for comment, as part of a separate process for the finalisation of the EMPr and Layout Plan, in compliance with Conditions 13 and 15 of the EA dated 1 March 2013. The proposed amended project description has been included in the draft amended EMPr. The Final Layout Plan and Amended EMPr will be submitted to DFFE for approval in due course, in compliance with Conditions 13 and 15 of the EA dated 1 March 2013, once the public participation process for the amended EMPr and Final Layout Plan is complete).

Amendment 3: Proposed amendment to include an erroneously omitted Listed Activity into the EA (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

The Applicant requests the inclusion of one 2010 EIA Regulations listed activity, i.e. Activity 15 of GN R. 545 (Listing Notice 2), into the EA, which was assessed in the EIA process for the project, however erroneously omitted from the Application Form and EIA Report.

The proposed amendment to the authorised listed activities (i.e. request for correction, to add the one listed activity to the EA, in terms of NEMA Section 47A(1)(b) and Regulation 27(4) of the 2014 EIA Regulations, as amended), will require an amendment to the text of the Table of authorised listed activities on pages 3 & 4 of the EA dated 1 March 2013, via the addition of the following text to the authorised listed activities table:

Listed activities	Activity/Project description
<u>GN R.545 Item 15: Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for: (i) linear development activities; or</u>	<u>More than 20 hectares of land (used for low intensity grazing of livestock) will be transformed for the development of the WEF.</u>

(ii) agriculture or afforestation where activity 16 in this Schedule will apply.

(Note: The proposed additional text to be added to the table of the authorised listed activities on pages 3 and 4 of the EA dated 1 March 2013 is underlined above, for ease of reference, and is included in Appendix 8).

Amendment 4: Amendment to the property description in the EA, to include an erroneously omitted property into the property description (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

The Applicant is applying for Portion 7 of Farm Vendussie Kuil No. 165 (SG Code: C0570000000016500007) to be added into the property description in the EA for the project. During the finalisation of the Layout Plan for the project, it became apparent that there is a short section (approximately 260m) of a proposed internal access road that would cross the south-western corner of Portion 7 of Farm Vendussie Kuil No. 165. Portion 7 of Farm No. 165 was included in the original EIA for the project (which was a combined EIA process and combined EIA report for the De Aar 2 North WEF and De Aar 2 South WEF), and whilst Portion 7 of Farm No 165 was included in the EA for the De Aar 2 North WEF project (which is now constructed and operational), it should also have been included in the property description and EA for the De Aar 2 South WEF.

The proposed amendment to the property description on page 5 of the EA, as amended, is as follows:

From:

“for the construction of the Wind Energy Facility situated on the Eastern Plateau (South Site) near De Aar, on Slingers Hoek (Farm No. 2 Remainder of Portion 2 and Remainder); Slingers Hoek (Farm No. 2 Portion 4); Knapdaar (Farm No. 8 Portion1); Maatjes Fountain (Farm No. 1 Portion 5); Vendussie Kuil (Farm No. 165 Remainder of Portion 2); Vendussie Kuil (Farm No. 165 Portion 11 and Remainder) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as “the property”.

To:

“for the construction of the Wind Energy Facility situated on the Eastern Plateau (South Site) near De Aar, on Slingers Hoek (Farm No. 2 Remainder of Portion 2 and Remainder); Slingers Hoek (Farm No. 2 Portion 4); Knapdaar (Farm No. 8 Portion1); Maatjes Fountain (Farm No. 1 Portion 5); Vendussie Kuil (Farm No. 165 Remainder of Portion 2); Vendussie Kuil (Farm No. 165 Portion 11 and Remainder); Vendussie Kuil (Farm No. 165 Portion 7) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as “the property”.

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

1. Proposed amendment to Condition 7, as amended (Proposed extension of the commencement of the construction period (i.e. extension of the validity period of the EA)):

The De Aar 2 South Wind Energy Facility (WEF) was originally developed to be tendered, constructed, and operated under the Government’s Renewable Energy Independent Power Producer Procurement Programme (“REIPPPP”). The REIPPPP unfortunately experienced numerous and significant delays since 2015 where no new tender windows were announced until 2021. As a result, project developers have been forced to extend Environmental Authorisation (EA) validity periods in anticipation that the REIPPPP programme would recommence due to the dire state of the national electricity supply. This delay was beyond the control of the developers who had already invested significant capital in the project sites but had to maintain the validity of the EA’s in order to comply with the tender rules and conditions precedent for financial close, after which they can eventually be constructed. The De Aar 2 South WEF Project has been directly impacted by this impasse but was able to participate in the new growing private power purchase agreement (PPA) market.

The Project was awarded Preferred Bidder in a private procurement process for a private off-taker, but is subject to strict timelines. The result of this award is that the Project’s commencement of construction is no

longer dependent on the continuation of the REIPPP program but must meet the requirements of the Preferred Bidder Award. The award is conditional on the Project being able to meet the timelines with Financial Close anticipated in May 2023, and construction to commence in approximately August 2023 in order to meet the commercial operation date as one of the conditions of the award. **The project is currently at a very advanced stage of development towards Financial Close, with the following critical milestones achieved in recent months:**

1. The Project was tendered into the private offtaker's bidding process in 2020, was shortlisted in 2021 and subsequently received Preferred Bidder in early 2022;
2. The Project signed a statement of intent with the private off taker for the purchase of electricity from this project and is in very advanced stages of negotiating the power purchase agreement;
3. The Project has appointed various legal advisors and technical engineering consultants, whom have commenced with the basic design and drafting of the contractual documents;
4. The Project has issued a Request for Proposal for Engineering, Procurement and Construction (EPC) Services in July 2022 for the selection of the construction contractor;
5. The Eskom Cost Estimate Letter for connection to the national grid has been issued and the Project has applied and paid for its Eskom Budget Quote;
6. The Project has made the required application for a NERSA Generation License as well as the relevant Water Use Rights under the National Water Act;
7. The Project has submitted (on 07 October 2022) a final Basic Assessment Report (BAR), in the name of the applicant, for a new grid connection solution to the proposed Wag 'n Bietjie Main Transmission Substation (MTS), DFFE ref: 14/12/16/3/3/1/2595, in order to obtain the required EA to connect to the Eskom Grid in response to the Eskom Cost Estimate Letter and the requirements anticipated in the Eskom Budget Quote and Self Build Agreement.
8. The Project has appointed its sponsor legal advisors as well as the financial advisors whom have begun engaging with Senior Lenders; and
9. The Project has invested significant resources in diligently updating the EMPr by engaging experienced specialist to assess the required amendments and final layout according to the legislated approval process. The draft amended EMPr and Final Layout Plan are currently undergoing a 30 day I&AP comment period, and will be submitted to DFFE shortly thereafter for approval, as required in terms of the conditions of the EA dated 1 March 2013.

The Applicant requests an extension of 2 years to the validity period, to allow the Project to undertake the required studies, achieve Financial Close and commence construction in line with the private offtaker's timelines stipulated in the conditional Preferred Bidder Award. The extension of the EA validity period is required to allow the project to complete the Financial Close (FC) process (including appointment of all contractors etc.) and to comply with certain EA pre-construction conditions, in particular to update the projects' EMPr and final layout plan. To this end, the applicant has held a pre-application meeting with DFFE to discuss this project and its required EMPr update process, which is well underway and advanced (and is currently undergoing a 30 day I&AP comment period). **A significant amount of work has been done in this regard, including additional site work and specialist "walk through" surveys and micro siting.** Specialists have already completed all of the required site visits to confirm that the proposed amendments to the EA will not result in any new impact or an increased level or change in the nature of impacts, all of which required time and effective planning. **The conclusions reached by the specialist team, following the July to September 2022 site assessments, confirmed that no significant changes to the receiving environment have occurred since the original EIA.**

The request to extend the validity of the EA is therefore specifically to align with the private offtaker's conditional Preferred Bidder award timelines and complete certain tasks required before construction can commence.

Approval of this amendment will ensure that the Project realises its potential to deliver much needed generation capacity from clean renewable energy into the South African national grid.

2. Proposed amendments to the project description of the EA:

Amendment 2.1: Reduction in the number of turbines

In terms of the proposed reduction in the number of turbines at the Mulilo De Aar 2 South WEF from the authorised maximum of 61 turbines (EA Amendment Decision 12/12/20/2463/1/AM7 dated 24 August 2020) to a maximum of 26, turbine technology advancements (and competition amongst suppliers) now allow for turbines of the same size to produce more MW than previous models. The Applicant therefore proposes to reduce the maximum number of turbines at the WEF, to minimise the footprint of the WEF, whilst achieving the same generation capacity of the WEF.

Note: The proposed final layout turbine positions will remain within the assessed and authorised project footprint. Furthermore, all of the proposed 28 positions (of which 26 would be developed) have been assessed and recently checked (either through desk top analysis, and/or additional site visit work, where required) in the specialist “walk through”/EMPr update reports as part of the layout finalisation process and micrositing that is currently underway and undergoing a separate public participation process.

Amendment 2.2: Width of proposed roads

In terms of the proposed increase to the width of the proposed roads (specified as 4m wide in the Environmental Authorisation dated 1 March 2013), to 6m wide (i.e. 10m working width during construction, rehabilitated to 6m width during operations), due to the continuous development in wind turbine technology, wider roads would assist with the transportation of turbine components and associated infrastructure to each WTG position and reduce the total construction period length.

Amendment 2.3: Foundation dimensions

The Applicant proposes the amendment of the foundation dimensions (specified as “*the foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5 once completed*” in the EA Amendment 12/12/20/2463/1/AM7 dated 24 August 2020) to foundations up to maximum 24m diameter at lowest point and up to 12m diameter at surface, to align with the current wind turbine technology available in the market for turbines with rotor diameter and hub height specifications as specified in the environmental authorisation, as amended.

Amendment 2.4: Hardstand dimensions

The applicant proposes to amend the individual hardstand dimensions at the Mulilo De Aar 2 South Wind Energy Facility to align with the current wind turbine technology available in the market for turbines with rotor diameter and hub height specifications as specified in the EA. The proposed amendment would allow for a more complex geometry of the hardstands to what is currently authorised. The total overall hardstand footprint for the WEF would remain the same as currently authorised, i.e. maximum 12.2 ha.

Amendment 2.5: Co-ordinates of IPP Substation, Control & O&M Building

The Applicant wishes to remove the substation co-ordinates of four substations options currently included on page 5 of the EA, as they were likely erroneously included and are not related to the Mulilo De Aar 2 South WEF project, but rather to the already operational De Aar 2 North WEF that was assessed in conjunction with the De Aar 2 South WEF during the same original EIA process for the aforementioned two projects. The Applicant wishes to include the correct centre point co-ordinates of the IPP substation to align with the substation location included in the proposed Final Layout (as assessed by all relevant specialists) to be submitted for approval (as part of the EMPr and Layout Plan finalisation process that is currently underway) in due course.

Amendment 2.6: Temporary Laydown Areas

No changes to the footprint for the three laydown areas are proposed. The Applicant wishes to add the detail that the laydown areas would consist of WTG component laydown, concrete batching plant and office yard (within the laydown area footprint).

Amendment 2.7: Internal reticulation

The Applicant proposes to change the voltage level of the internal reticulation network for the Mulilo De Aar 2 South WEF (from 22kV to 33kV) to align with the current industry standards.

Amendment 2.8: Removal of specified generation capacity per turbine

In terms of the proposed removal of the specified generation capacity per turbine from the project description (specified 2.3MW – 6.0MW in EA Amendment Decision 12/12/20/2463/1/AM7 dated 24 August 2020), the **individual turbine capacity has no bearing on environmental impact**. There are no proposed changes to the maximum turbine specifications (size) and the overall facility footprint would be the same (as authorised) or be reduced. Turbine technology advancements (and competition amongst suppliers) now allow for turbines of the same size to produce more MW than previous models. In line with South Africa's urgent need for power and the emphasis on renewable energy to meet Renewable Energy targets and the requirements of the IRP, there is a need to maximise the efficiency of the project to produce as much renewable energy from the same, or smaller footprint.

Amendment 2.9: Inclusion of the words “up to” in front of the currently authorised turbine specifications for hub height and rotor diameter

The Applicant proposes the inclusion of the words “up to” in front of the currently authorised turbine specifications for hub height and rotor diameter, to allow for the possibility of smaller turbines needing to be installed, if required, due to suppliers.

The proposed amendments will not trigger any new EIA listed activities not already authorised for the project.

Amendment 3: Proposed amendment to include an erroneously omitted Listed Activity into the EA (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

• **GN R. 545 (Listing Notice 2) Activity 15:**

‘Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for: (i) linear development activities; or (ii) agriculture or afforestation where activity 16 in this Schedule will apply.’

Motivation for inclusion:

The assessed project description (Final EIA Report dated April 2012) included the clearance of more than 20ha of vegetation for the development of the WEF, and this was assessed by the EAP and all specialists at the time. For example, refer to the extract from page 35 of the Final EIA Report (April 2012) below, outlining the development footprints of some of the associated infrastructure, i.e. the footprint of the permanent hardstands was indicated to be approximately 20.6ha (i.e. 50m x 40m (0.2ha) per turbine), and the three laydown areas for the De Aar 2 South WEF project was indicated to be 24ha.

Proposed Wind Energy Facilities (North & South) situated on the Eastern Plateau Near De Aar, Northern Cape: EIA Report Page 35

A permanent hard standing made of compacted gravel and approximately 20 50 m x 40 m would be constructed adjacent to each turbine location for the crane. Figure 3-4 shows turbines in the process of being erected. A total of seven construction laydowns, four in the north and three in the south would be required with each having a footprint of approximately 200 x 400m.

Furthermore, below is an extract from page 12 of the Part 2 EA Amendment Report (September 2015) relating to approximate development footprints:

The proposed amendments would result in a reduction in the development footprint of the WEF, due to the reduction in the number of turbines proposed as part of this amendment application. As indicated in the Final EIA report (April 2012), the development footprint of the authorised WEF includes approximately 20ha for the proposed access roads, a total footprint of approximately 24ha for the three construction laydown areas, approximately 2ha for the substation, and approximately 20.6ha for the hard-standings adjacent to each turbine. The footprint of the laydown areas, substation and roads would stay the same for the proposed amended project as the authorised WEF (albeit that it is likely that the internal access roads will be marginally less than the authorised WEF, as there will be some sections of road that are no longer necessary to construct due to the reduced number of WTGs). The total footprint associated with the hard standings will however reduce from approximately 20.6ha to approximately 12.2ha.

The original EAP was possibly of the opinion that, given that the site is zoned as agricultural, and is used for low intensity grazing of livestock, that the site is not *'undeveloped, vacant or derelict land'* and/or that the WEF facility would not fall within any of the categories of *'residential, retail, commercial, recreational, industrial or institutional'* use. Nonetheless the Applicant would prefer to include Activity 15 of GN R545 in the EA, as the physical alteration of more than 20ha of the land **was indeed assessed in detail as part of the 2012 EIA process and subsequent Part 2 EA amendment process in 2015 for the project.**

Amendment 4: Amendment to the property description in the EA to include an erroneously omitted property into the property description (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

It became apparent to the Applicant during the finalisation of the Layout Plan for the project that there is a short section (approximately 260m) of a proposed internal access road that would cross a property (Portion 7 of Farm Vendussie Kuil No. 165) that was included in the combined Final EIA report (April 2012) for the De Aar 2 South WEF and De Aar 2 North WEF projects, and has been assessed by the specialists, however was erroneously not included in the Application Form and Environmental Authorisation (EA) for the De Aar 2 South WEF project. In this regard, as the holder of the EA progressed with the final design, they discovered that it is not technically feasible for the subject section of road to cross on a corner where four properties meet (refer to Figure 1 below which shows two properties shaded that are included in the EA). Therefore, the road needs to extend into the property to the north east (i.e. on Portion 7 of Farm No. 165) (as illustrated in Figure 2 below). Portion 7 of Farm No. 165 was included in the original EIA for the project (which was a combined EIA process and combined EIA report for the De Aar 2 North WEF and De Aar 2 South WEF), and whilst Portion 7 of Farm No 165 was included in the EA for the De Aar 2 North WEF project (which is now constructed and operational), it should also have been included in the EA for the De Aar 2 South WEF.

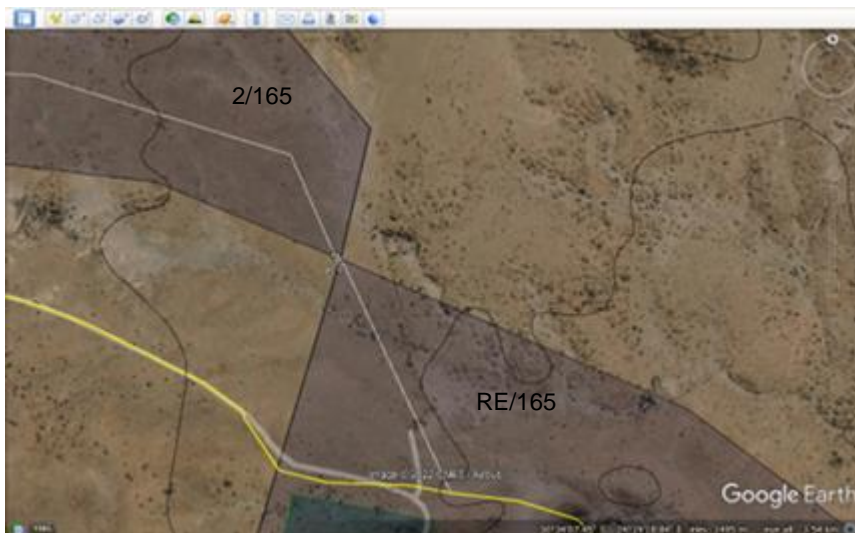


Figure 1: Section of road layout (white line) submitted with Part 2 EA Amendment in 2015 (showing the road crossing at corner where 4 properties meet, on 2/165 and Re/165). The shaded properties (2/165 and RE/165) are included in the EA for the project.



Figure 2: Section of proposed final road layout (yellow line) (showing a short section (approximately 260m) of access road, on Portion 7 of Farm 165).

The following is submitted as proof that Portion 7 of Farm Vendussie Kuil No. 165 was indeed assessed in the initial application and included in the EIA report (2012) (as requested by Mr M Shubane of DFFE (email correspondence dated 14 November 2022):

The original Environmental Impact Assessment (EIA) conducted by Aurecon in 2012, was for the proposed Wind Energy Facility (North) (DFFE Ref: 12/12/20/2463/2), and the proposed Wind Energy Facility (South) (DFFE Ref: 12/12/20/2463/1) on the eastern plateau near De Aar, Northern Cape. The latter is now known as the “De Aar 2 South WEF” and is the subject of this Amendment application. Please see attached as Appendix 9 the Final Environmental Impact Assessment Report update Page dated April 2012, for proof of the combined process.

The introduction on Page 1 of the Final EIA Report (Aurecon, 2012) states; “*This Environmental Impact Assessment (EIA) is for the proposed wind energy facility (north) on the eastern plateau near De Aar, Northern Cape and the proposed wind energy facility (south) on the eastern plateau near De Aar, Northern Cape. The two proposed projects are adjacent to each other but are considered to be two separate projects. However, in order to avoid duplication of information, the two projects **will be assessed in one EIA**. This has the added advantage of considering cumulative impacts of the two projects in one report.*”

As such, the property in question, Portion 7 of Farm Vendussie Kuil No. 165, was indeed assessed as part of the combined EIA, but was originally only included in the EA for De Aar 2 North (which is now an operational project). The farm portion in question was erroneously excluded, and should have been included in the Mulilo De Aar 2 South WEF EA as a small portion of access road is required to cross the south western corner of this farm.

The figure below is extracted from the Final EIA report for the Project (extracted from Aurecon, 2012, Page 3, Figure 1-1). This figure shows all the farms (shaded green and yellow) that were included in the combined process and assessed by the same EIA team and specialists. Portion 7 of Farm Vendussie Kuil No. 165, is indicated and was one of the properties assessed.

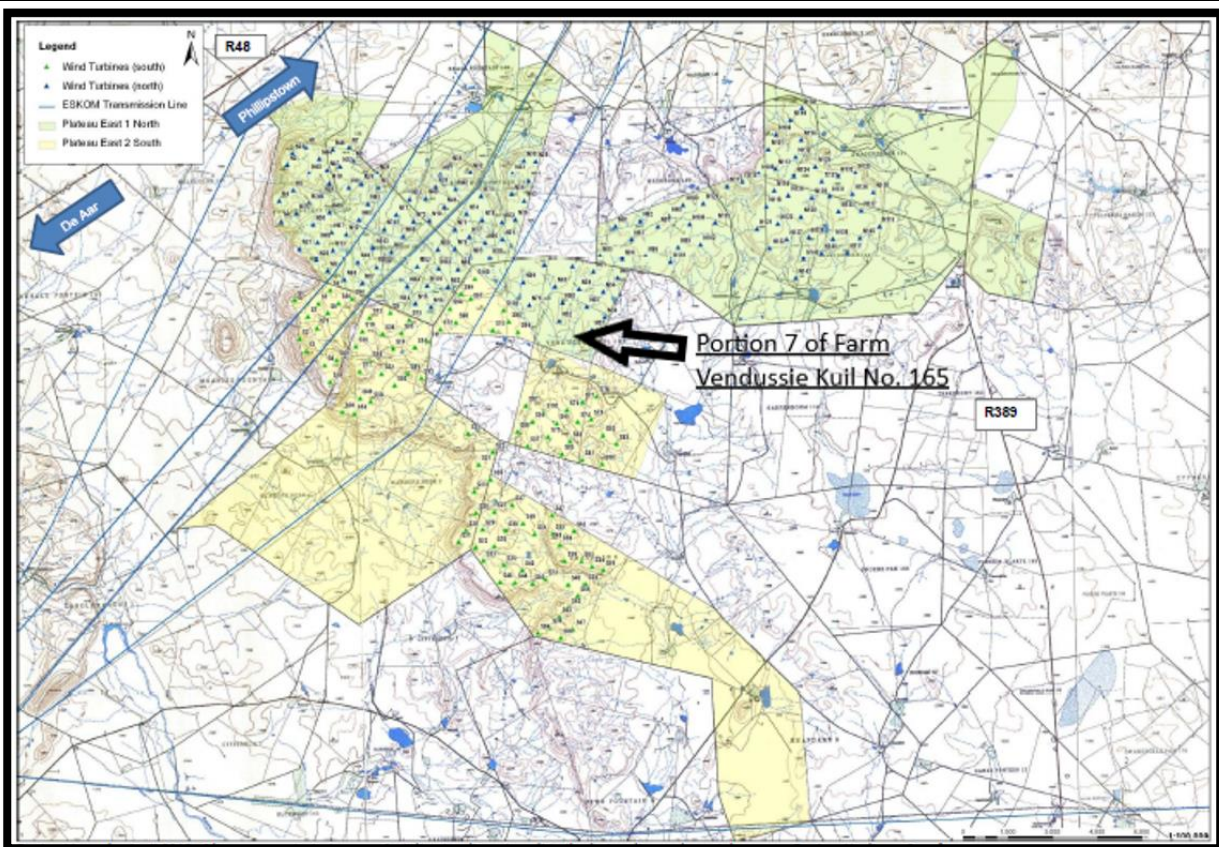


Figure 3: Figure extracted from the Final EIA Report dated April 2012 (Aurecon, 2012), Page 3, Figure 1-1), showing all the farms (shaded green and yellow) that were included in the combined EIA and assessed by the same EIA team and specialists.

In light of the above, the Applicant would like to request for Portion 7 of Farm Vendussie Kuil No. 165 to be added into the EA for the project, given that it was included in the EIA process for the project (**and has been assessed again by the specialists during the recent EMPr and Layout Plan finalisation process in 2022**), but was erroneously not included in the EA for the project.

Note that the landowner of Portion 7 of Farm Vendussie Kuil No. 165 has been consulted and the applicant will enter into a servitude agreement with the landowner in due course. The landowner has consented to the property being added to the De Aar 2 South WEF project's EA, and is aware of the current EA amendment application (please see landowner consent form attached in Appendix 4).

Should the amendment being requested result due to **6.1 (b)** above, you are required 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.

7. ENVIRONMENTAL IMPACTS

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.

The potential significant negative environmental impacts that may occur if the application for amendment is granted (and which were the subject of specialist studies in the original EIA for the project and Part 2 EA amendment in 2015 - 2016) include the following:

- Ecology
- Avifauna
- Bats
- Noise
- Visual
- Soil and Agriculture
- Archaeology & Heritage
- Palaeontology
- Freshwater

A review of all specialist studies undertaken, and an assessment, including site sensitivity verification indicating the status of the receiving environment (by the relative specialist) has been undertaken and is included in the "Amendment Motivation Report" for this Part 1 EA amendment application. Each of the specialists that undertook specialist studies for the original EIA for the project in 2012 and Part 2 EA amendment in 2015, if still available, were requested to provide a specialist statement/report to confirm the implications, if any, of the proposed amendments in terms of potential impacts within their area of expertise.

In addition to the above specialist studies, the DFFE Screening Tool was run for the proposed project in November 2022, and input on the proposed amendments was obtained from a social specialist (Tony Barbour), a traffic specialist (Pieter Arangie of ITS) and an RFI specialist (Henk Goosen of ITC Services), to address potential social, traffic and RFI impacts required by the Screening Tool Report.

The original specialists were available for the fields of ecology (David Hoare), bats (Werner Marais), noise (Morne De Jager), heritage (ACO Associates - John Gribble) and freshwater (Antonia Belcher). The original visual specialist Karen Hansen has retired, therefore Quinton Lawson and Bernard Oberholzer were appointed as the visual specialist for the project. The original palaeontology specialist, John Almond, did not have capacity to provide the required inputs, accordingly palaeontologist Professor Marion Bamford was appointed, on the recommendation of the heritage specialist. The original avifaunal specialist, Doug Harebottle, was contacted and informed Holland & Associates that he is no longer working as a consultant, accordingly avifaunal specialist Chris van Rooyen of Chris van Rooyen Consulting (who undertook the avifaunal pre-construction monitoring for the project) was appointed as the avifaunal specialist. The original agricultural specialist, Sivest, no longer have the required specialists in-house to conduct the required study, therefore soil scientist, Johann Lanz, was appointed to conduct the required investigation.

Refer to **Appendix 7** for the specialists' Terms of Reference, and to the Amendment Motivation Report for the full specialists' statements/ reports. The conclusions of the specialists are summarised below:

The ecological specialist states:

"Based on the re-visit to the site and a review of the original report and Addendum Report (July 2015) for the Part 2 EA amendment in 2015, these assessments remain valid. The proposed amendments do not affect the significance level of the assessed impacts".

The baseline environment has not changed significantly since the original assessments. The proposed amendments will not result in an increased level or change in the nature of the impact, which was initially assessed and considered when application was made for the environmental authorisation and subsequent Part 2 EA amendment in 2015 - 2016".

"The inclusion of Activity 15 of GN R. 545 (Listing Notice 2) into the EA (which relates to the physical alteration and transformation 20ha or more) will not result in any change to the assessment. The physical alteration of more than 20ha of the land was assessed in detail as part of the 2012 EIA process and

subsequent Part 2 EA amendment process in 2015 for the project therefore the inclusion of the item has no effect on the assessed impacts”.

“In conclusion, the proposed amendments of the Environmental Authorisation for the project will not change the nature or significance of the assessed potential impacts. No additional impacts will occur. The baseline conditions have also not changed; therefore, the original assessment is valid. The proposed amendments are therefore acceptable from an ecological impact perspective. It is the opinion of the specialist that the proposed amendments can be approved” (Hoare, 2022).

The avifaunal specialist states: *“In summary, it is concluded that the **proposed amendments will not result in an increased level or change in the nature of impacts on birds**. The original pre-mitigation significance rating for the potential impact of mortality remains unchanged at medium – high for reasons explained above. The post-mitigation significance rating also remains unchanged at **medium**, but the proposed mitigation is being revised, and such mitigation will be included in the updated EMPr and final Layout Plan that will be submitted to DFFE for approval in due course. **There is no objection to the granting of the proposed amendments**” (van Rooyen and Froneman, 2022).*

The bat specialist states: *“In conclusion, the impacts on bats as assessed during the EIA and previous amendment phases, remains unchanged, and the proposed changes to the EA will not result in an increased level or change in the nature of impacts on bats, and Animalia has no objection to the proposed amendments from a bat sensitivity perspective.” (Marais, 2022)*

The noise specialist states: *“Therefore, the proposed amendments to the EA, including the extension of the validity of the EA, will not change the nature of the noise impact, nor change the significance of the noise impact. As such the proposed amendments are acceptable from a noise impact perspective (De Jager, 2022).*

The visual specialist states: *“Although the currently proposed layout consists of fewer wind turbines, the overall visual impact significance rating for the project is not expected to change from that of the authorised layout and would remain high before and after mitigation, because of the change in character of the site and surrounding area.*

Amendments to the related infrastructure, such as internal access roads and overhead powerlines, would result in no change in the overall visual impact significance ratings in relation to those of the previously assessed proposals, and would remain low before and after mitigation.

The extension of the validity period of the EA, and the inclusion of Activity 15 of GN R. 545 (Listing Notice 2) and Portion 7 of Farm Vendussie Kuil No. 165 into the EA, would not result in any change to the visual impact significance”.

“Accordingly, the proposed amendments and proposed final layout will not result in an increased level or change in the nature of impacts, and the final layout is acceptable from a visual impact perspective.” (Lawson and Oberholzer, 2022)

The agricultural / soil specialist states: *“The relevant, baseline agricultural environment has not changed since the original assessments and is still limited primarily by aridity. The footprint of the development is entirely on land of very low agricultural potential”*

“Agricultural impacts were found by the previous assessments to be inconsequential because of the very low agricultural production potential of the receiving environment and the fact that wind energy facilities only impact a very small proportion of the land. This has not changed. The proposed amendments will in no way change the nature or significance of the agricultural impact as previously assessed. There are no agricultural advantages or disadvantages related to the amendment. No changes or additions to the mitigation measures for agricultural impacts that were recommended in the original assessment are required, and there are therefore no required changes to the EMPr. The agricultural impact of the amended project will therefore remain unchanged and be identical to the impact that was assessed in the original specialist assessment report. The impact was assessed as inconsequential”.

“Due to all of the factors discussed..., it is recommended that the amendments be approved from an agricultural impact point of view”. (Lanz, 2022).

The heritage specialist states: “The proposed amendments to the EA in the current amendment application, which may affect heritage resources are those which manifest themselves physically on the ground: i.e. the increase in the footprint of the WTG hardstands and in the access road widths. Larger hardstands and wider access roads increase the potential for impacts to heritage resources, particularly archaeological sites and materials, simply because of their larger footprints”.

“However, although the proposed hardstands are larger than those currently authorized, the reduction in the number of WTGs from 61 to a maximum of 26 means that the hardstand land-take remains approximately 12,2 hectares in total. Similarly, although wider access roads than what is currently authorized are proposed, the reduction in the total length of roads within the WEF resulting from the reduction in the number of WTGs will result in a reduction in the amount of land affected. Overall, the proposed EA amendments will result in a reduction in the physical WEF footprint and, therefore, in the potential for impacts to heritage resources”.

“Larger hardstands and wider roads may, in places, result in limited and minor impacts to archaeological resources in their proximity. Provided these impacts are mitigated according to the measures recommended by Gribble (2022a) ..., which replace those in the HIA (2011) and Addendum report (2015) and are included in the amended EMPr for the project (that is currently undergoing a public participation process), it is our reasoned opinion that the proposed amendments will not result in an increased level, or change in the nature of the impacts, to those previously assessed in 2011 and 2015”..

“With respect to the proposed extension of the EA validity period, the heritage baseline environment has not changed significantly since the original assessment and the proposed amendment will not result in an increased level or change in the nature of the impact which was initially assessed and considered when application was made for the environmental authorisation and subsequent Part 2 EA amendment in 2015 - 2016. The 2022 walkdown survey noted no obvious changes to the heritage environment since the site assessment undertaken for the 2011 HIA”.

“Provided the mitigation measures recommended in the Walkdown Report (Gribble, 2022a) ...are implemented, the overall impact of the construction of the Mulilo De Aar 2 South WEF according to the layout proposed in this EA amendment application is acceptable and generally of low significance”.

“From a heritage perspective, therefore, the proposed amendments are considered acceptable” (ACO Associates, 2022)”.

The palaeontology specialist states: “The impact assessment and recommendation by Almond (2012) and confirmed in the Amendment document (Almond, 2015), remains unchanged ... [i.e. low significance before and after mitigation]. “The proposed amendments will have no additional impact on the palaeontology, in fact it will be reduced because the number of turbines and access routes is greatly reduced”.

“As far as the palaeontology is concerned:

- The baseline environment has not changed significantly since the original EIA in 2012.
- The initial impact rating undertaken during the initial assessment is still valid.
- The mitigation measures provided in the initial assessment (and subsequent updated assessments) are still applicable.
- No new mitigation measures should be added to the EA or EMPr if the DFFE decides to approve the proposed amendments to the EA.
- The proposed amendments are acceptable and will have no additional or different impact on the palaeontology, i.e. the proposed amendments will not result in an increased level or change in the nature of impacts. The original impact assessment and mitigation are still valid.
- No additional walkthrough is required because Almond has already surveyed the sites and routes (Almond, 2012).

(Bamford, 2022)

The aquatic specialist states: “The proposed amendments thus do not affect the significance of any of the impacts identified in the freshwater impact assessment dated February 2012, nor the addendum letter of July 2015. Accordingly, the proposed amendments will not increase the level or change the nature of the impacts. **There are no reasons from an aquatic ecosystem perspective that the amendments should not be authorised according to the requested amendments” (Belcher, 2022).**

The social specialist states: “Based on the review of the 2012 EIA and associated documentation, the proposed amendments will not result in an increased level of impacts or result in a change in the nature of social impacts. The proposed amendments, including the proposed extension of the validity period, for the De Aar 2 South WEF are acceptable from a social and socio-economic perspective”. (Barbour, 2022).

The traffic specialist states: “Based on the evaluation as discussed in this report, the existing road network has sufficient spare capacity to accommodate the proposed amendments to the EA of the De Aar 2 South WEF without any road upgrades required to the existing road infrastructure. The proposed amendments to the EA would not result in an increased level or change in the nature of transportation impacts. It is recommended that the proposed De Aar 2 South WEF Amendment Application be approved from a transport impact perspective”. (ITS, 2022).

The RFI specialist states: “According to the Radio Mobile data, the proposed WEF will have no RFI on the Weather Radar Installation nor the telecommunications facility, assuming that the sites emit less RFI than the CISPR 11 class A levels. If the exclusion zones, listed ..., are adhered to when the WEF facility is constructed, the proposed facility will have no RFI influence on existing electrical/electronic equipment. This statement applies to the entire proposed region seen in Figure 3 [in the RFI Assessment dated November 2022].

“According to the worst-case cumulative coverage data generated in Radio Mobile ..., the receivers at the Weather Radar Installation, the Telecommunications facility and the surrounding area will not be affected by the proposed WEF. There might be slight interference to LoRa applications within 1km from the WEF turbines, thus avoid using LoRa within this area”.

“A further detailed assessment will not be required based on the findings from the Radio Mobile data as no RFI risk was identified to classify the site as a High sensitivity site. The site can be classified as a Low sensitivity site”. (ITC, 2022).

Overall Conclusion:

No additional negative environmental impacts to those assessed in the Final EIA Report (April 2012) and subsequent Part 2 EA Amendment Report in 2015 – 2016 for the authorised project are anticipated should the proposed amendments be granted.

1. Proposed amendment to Condition 7, as amended (Proposed extension of the commencement of the construction period (i.e. extension of the validity period of the EA)):

The proposed extension of the validity period is not anticipated to result in additional negative environmental impacts to those that have already been assessed in the approved Environmental Impact Assessment Report (EIAR), and subsequent Part 2 Application for Amendment of the EA for the project in 2015. **It was confirmed by all specialists that no significant changes to the receiving environment have occurred since the Environmental Impact Assessment process** and subsequent Part 2 Amendment of the EA were undertaken, and that the proposed extension of the validity period is acceptable.

2. The proposed amendments to the Project Description

The proposed amendments will not result in additional negative environmental impacts to those that have already been assessed in the approved Environmental Impact Assessment Report (April 2012) and subsequent Part 2 EA amendment report (2015) for the authorised project. **The proposed amendments will not result in any new impacts or in an increased level of potential negative impacts, as confirmed by all the specialists for the project.**

3. Proposed amendment to include an erroneously omitted Listed Activity into the EA (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

The proposed amendment to include the erroneously omitted Listed Activity into the EA would not result in negative environmental impacts. The physical alteration of more than 20ha of the land was assessed in detail as part of the 2012 EIA process and subsequent Part 2 EA amendment process in 2015 for the project, therefore the inclusion of the listed activity has no effect on the assessed impacts. This proposed amendment is to correct an administrative error during the submission of the Application Form for Environmental Authorisation and associated EIA Report in 2012.

4. Amendment to the property description in the EA to include an erroneously omitted property into the property description (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

The proposed amendment to include Portion 7 of Farm Vendussie Kuil No 165 would not result in negative environmental impacts. The property was included in the combined EIA process for the De Aar 2 South WEF and De Aar 2 North WEF projects, and was assessed by the EIA team and specialists at the time, and has been assessed again by the specialists during the recent EMPr and Layout Plan finalisation process in 2022. This proposed amendment is to correct an administrative error during the submission of the Application Form for Environmental Authorisation, and the inclusion of the farm portion in the property description has no effect on the assessed impacts.

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

1. Proposed amendment to Condition 7, as amended (Proposed extension of the commencement of the construction period (i.e. extension of the validity period of the EA)):

Should the proposed extension of the validity period not be granted, then positive impacts (including the supply of renewable electricity to a high intensity electricity user, the positive impacts on the local economy (employment and increased demand for local goods and services) as well as positive contribution to climate change mitigation) would not be realised, as the Wind Energy Facility would not be constructed.

2. Proposed amendments to the project description of the EA:

Not authorising the proposed amendments, which includes a significant reduction in the maximum number of turbines at the WEF (without increasing the authorised maximum turbine specifications), would result in the lost opportunity to minimise the development footprint of the WEF by reducing the number of turbines (and associated number of access roads) at the WEF, and maximising the efficiency of the project, to produce as much renewable energy from the same (authorised) or reduced footprint.

3. Proposed amendment to include an erroneously omitted Listed Activity into the EA (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

Should the proposed amendment to include one omitted Listed Activity into the EA not be granted, all possible relevant EIA listed activities (in terms of the 2010 EIA Regulations applicable at the time of the submission of the Application for Environmental Authorisation and Final EIA Report in 2012) may not be authorised for the project, albeit that all relevant potential environmental impacts were assessed in the EIA process for the project, which may result in project non-compliance.

4. Amendment to the property description in the EA to include an erroneously omitted property into the property description (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

Should the proposed amendment to include Portion 7 of Farm Vendussie Kuil No. 165 into the property description in the EA not be granted, then an alternative access route to the northern portion of the site would need to be identified, assessed and potentially subjected to a separate EA application process, the timelines of which would not allow the project to reach FC for the private off-tacker, and would not be constructed and therefore the potential benefits to communities, and the clean renewable energy generated would not be realised.

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.

1. Proposed amendment to Condition 7 (Proposed extension of the commencement of the construction period (i.e. extension of the validity period of the EA)):

Should the requested extension of the commencement of the construction period (i.e. extension of the validity period) be granted, then the project can be prepared for construction, as planned to commence in approximately August 2023, and the positive impacts on energy production, local economy (including employment and increased demand for local goods and services) and climate change will be realised.

2. Proposed amendments to the project description of the EA:

The proposed amendments to the project description in the EA would result in a significant reduction in the maximum number of turbines (and associated access roads and internal reticulation lines), without changing the authorised maximum turbine specifications. This provides an opportunity to minimise the development footprint of the WEF, whilst maximising the efficiency and output capacity of the project, to produce the required renewable energy output from the same (authorised) or reduced footprint. This is in line with South Africa’s urgent need for power and the emphasis on renewable energy to meet Renewable Energy targets and the requirements of the IRP.

Although the proposed reduction in the maximum number of turbines and other proposed amendments would not lower the impact significance ratings of any of the potential environmental impacts, fewer turbines (and associated access roads and internal reticulation lines) are anticipated to minimise potential ecological impacts, particularly avifaunal impacts. In this regard, the avifaunal specialist stated: “By reducing the number of turbines from 61 to 26, the predicted average annual collision impact at the De Aar 2 South wind farm **is expected to reduce by 57.3%** (Simmons et al. (2022)). It should be noted that these estimates are not species-specific and apply to birds generally, and also do not necessarily take into account spatial location of turbines and site-specific variation. Furthermore, these are pre-mitigation figures, and extensive mitigations to reduce collisions are being proposed for the wind farm (as detailed in the abovementioned avifaunal walkthrough report). However, it can **definitively be concluded that this large reduction in turbine numbers, from the authorised maximum of 61 turbines, will have a very positive impact on birds on this authorised wind farm**” (van Rooyen and Froneman, 2022).

All potential positive environmental impacts outlined in the Environmental Impact Assessment Report (April 2012), i.e. positive impacts on energy production and local economy, climate change and social conditions, would remain.

3. Proposed amendment to include an erroneously omitted Listed Activity into the EA (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

The proposed amendment to include an omitted Listed Activities into the EA would ensure that all potential applicable Listed Activities would be authorised, and thus the construction of the project would be enabled. The socio-economic and renewable energy production benefits of the project would therefore be realised.

4. Amendment to the property description in the EA to include an erroneously omitted property into the property description in the EA (i.e. request for correction in terms of NEMA Section 47A(1)(b) and EIA Regulation (27(4)):

The proposed amendment to include an erroneously omitted land parcel (Portion 7 of Farm Vendussie Kuil No. 165) into the property description in the EA, would enable the proposed section of access road of over the aforementioned farm portion to be constructed, given that the final design revealed that it is not technically feasible for the subject section of road to cross on a corner where four properties meet (as indicated in Figure 1 above).

8. AUTHORISATION FROM OTHER GOVERNMENT DEPARTMENTS

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

Name of department and contact person	Authorisation required	Authorisation applied for (Yes/ No)
Not Applicable		

9. RIGHTS OR INTERESTS OF OTHER PARTIES

In your opinion, will this proposed amendment adversely affect the rights and interests of other parties?	NO
<p>Please provide a detailed motivation of your opinion.</p> <p>The proposed amendments will not adversely affect the rights and interests of other parties, as the proposed amendments will not result in any new impacts, nor result in an increased level of impacts, or change in the nature of impacts (as confirmed by the specialists).</p> <p>(Refer to Appendix 4 for the landowner consents).</p> <p>Potential and registered I&APs will have an opportunity to comment on the proposed amendments to the EA as part of the Public Participation Process for the Part 1 EA amendment process that will be conducted in terms of Chapter 6 of the EIA Regulations, 2014, as amended, as requested by DFFE in the acknowledgement email (dated 14 November 2022) for the EA amendment application.</p>	

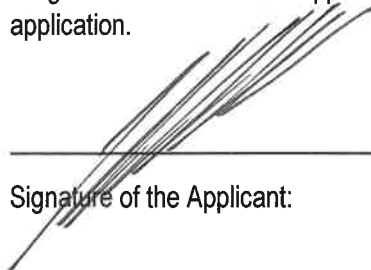
NOTE: The Department is entitled to request further information if it believes it is necessary for the consideration of the application. If the application is for a substantive amendment or if the rights or interests of other parties are likely to be adversely affected, the Department will instruct the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

10. LIST OF APPENDICES

		SUBMITTED	
APPENDIX 1	Copy of the pre-application meeting minutes	YES	
APPENDIX 2	Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto or original commissioned Affidavit/Affirmation under oath	YES	
APPENDIX 3	Proof of Payment / Motivation for exclusion	YES	
APPENDIX 4	List of land owners (with contact details) and land owners consent	YES	
APPENDIX 5	Strategic Infrastructure Projects		NO
APPENDIX 6	Declaration of independence of the EAP and undertaking under oath or affirmation, if appointed	YES	
APPENDIX 7	Specialists Terms of Reference	YES	
APPENDIX 8	Proposed amendments to the text of the EA	YES	
APPENDIX 9	Final Environmental Impact Report (FEIR) update Page dated April 2012	YES	

11. DECLARATION

I, John Hamilton Cullum, 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:

Mulilo De Aar 2 South (Pty) Ltd

Name of Company or Organisation:

15 August 2022

Date:

**APPENDIX 1
COPY OF THE PRE-APPLICATION MEETING MINUTES**

Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

Notes from Meeting

ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH), NEAR DE AAR, NORTHERN CAPE: AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION & FINALISATION OF EMP_r & SITE LAYOUT PLAN

DFFE REFERENCE NUMBER:

12/12/20/2463/1

PRE-APPLICATION MEETING WITH DFFE

<i>Date</i>	<i>Time</i>	<i>Venue</i>
27 June 2022	10h00- 11h33	Microsoft Teams (Virtual)

<u>ATTENDEES:</u>		
Nicole Holland	(NH)	Holland & Associates Environmental Consultants (EAP)
Tilly Watermeyer	(TW)	Holland & Associates Environmental Consultants (EAP)
Kelli Ross	(KR)	Holland & Associates Environmental Consultants (EAP)
Mahlatse Shubane	(MS)	Department of Forestry, Fisheries and the Environment (Integrated Environmental Authorisations)
Thembisile Hlatshwayo	(TH)	Department of Forestry, Fisheries and the Environment (Integrated Environmental Authorisations)
Makhosi Yeni	(MY)	Department of Forestry, Fisheries and the Environment (Integrated Environmental Authorisations)
Andrew Pearson	(AP)	Mulilo Renewable Project Developments (Pty) Ltd (The Applicant)
Paul du Toit	(PdT)	Mulilo Renewable Project Developments (Pty) Ltd (The Applicant)

	Constantin Hatzilambros (CH) Ryan David-Andersen (RDA)	Mulilo Renewable Project Developments (Pty) Ltd (The Applicant) Mulilo Renewable Project Developments (Pty) Ltd (The Applicant)
1.	Introduction and Purpose of Meeting	
1.1	<p>NH - commenced the meeting and requested that attendees briefly introduce themselves. Introduction of attendees and confirmation of connection issues as a result of loadshedding. MS – confirmed all attendees from DFFE expected to join.</p> <p>AP – asked whether the meeting would be recorded, or minutes would be taken.</p> <p>NH – confirmed that H&A would be taking minutes consisting of the main points arising from the meeting.</p>	
2.	Presentation	
	<p>NH presented a PowerPoint presentation, including the following: a brief background and description of the authorised project; the proposed amendments to the EA (i.e. proposed updates to the project description); the authorised listed activities (in terms of the 2010 EIA Regulations); the finalisation of the Environmental Management Programme (EMPr) and Layout Plan process (in terms of Conditions 13, 14, 15, and 16 of the EA; and opportunity for discussion and questions of clarification. (Refer to Appendix 1).</p>	
3.	Discussion Points	
2.1	<p><u>EA Amendment (proposed updates to the project description):</u></p> <p>NH presented the proposed amendments to the project description (refer to Appendix 2 attached).</p> <p>MS – asked with regards to the roads, which listed activities are authorised, i.e. are roads wider than 4m authorised? (MS asked to see the EA, to see if listed activities 4m wide or more are currently authorised).</p> <p>NH – shared the original EA and details of the approved roads, which currently authorises gravel surface access roads of approximately 4m wide.</p> <p>NH – noted that roads wider than 4m are not currently authorised in the EA and that it is the assumption that Activity 4 of LN3 (relating to roads wider than 4m) can only be triggered if it triggers any of the specific geographic areas environmental attributes for the Northern Cape, included in the listed activities.</p> <p>MS – asked if the project was ever authorised for roads?</p> <p>NH – confirmed that roads are currently authorised as part of the project description for the project (i.e. the EA states that “gravel surface access roads of approximately 4m wide would also be required between each turbine”)</p>	
2.2	<p>NH – returned to the table (refer to Appendix 2 attached) outlining the proposed amendments to the project description, and provided further explanation with regards to the turbine foundations dimensions as well as the hardstands. Specific dimensions are currently included in the EA for the hardstands, which need to be updated in the text of the EA, in light of the proposed amendments.</p> <p>AP – noted that a total hardstand area has been authorised for a total number of 61 turbines. A rewording of the EA is required for the individual hardstands, however the approved footprint of the WEF would not be exceeded. There would be less hardstands, each with a bigger area, accordingly the total area (development</p>	

	<p>footprint) would remain the same, or be less than authorised.</p> <p>MS – noted that the amendments need to be applied for, and requested confirmation that there would not be an increase in the initial assessed area or development footprint?</p> <p>NH – noted that the Applicant has indicated that the proposed amendments would not result in an increase in the authorised or assessed development footprint of the authorised WEF, and requested AP to please confirm.</p> <p>AP – requested PdT to confirm, adding that it is his understanding the proposed amendments would not result in an increase in the overall development footprint, i.e. there will be less of everything (i.e. fewer turbines, therefore fewer hardstands and foundations and roads), roads would however be wider, but the length and number of roads needed to connect turbines would be less, therefore worst case scenario would be that the development footprint would be the same as currently authorised. AP asked PdT or CH to comment.</p> <p>PdT - confirmed that the total footprint would remain the same (as authorised) or be reduced.</p>
2.3	<p>NH – it is our understanding that in terms of the proposed amendments, the process can be undertaken as a “Part 1” EA amendment, provided that the specialists and EAP confirm that the proposed amendments would not result in an increased level or change in the nature of the impacts, and that no new listed activities would be triggered by the proposed amendments. The specialist comments would be obtained using the same specialists used during the original EIA process, where possible. However, should the original specialist not be available, for example due to capacity constraints, or being on leave etc., alternative specialists would need to be used given the tight deadlines to meet financial close. For example, the original visual specialist has retired and is no longer available accordingly a new specialist will therefore be utilised.</p>
3.	Authorised Listed Activities
3.1	<p>NH – explained that the original EA is authorised in terms of the 2010 EIA Regulations.</p> <p>NH asked if DFFE require a list of similarly listed 2014 EIA Regs activities for inclusion in the EA amendment application, or whether the EA should remain with only the 2010 EIA Regs EIA listed activities?</p> <p>MS – my colleagues and I don’t have an answer for now but note it is not a big issue and can get back to you.</p> <p>NH – Asked is it necessary to apply for the 2014 EIA listed activities to be added to the EA as part of the EA amendment. If so, we assume that it must take into account the current specific environmental attributes for specific geographic areas (in this case the Northern Cape) included in Listing Notice 3, rather than the specific environmental attributes that were applicable at the time of the original EIA process. NH requested confirmation from DFFE.</p> <p>MS – have no answers now, could get back to you latest tomorrow. Understand that the 2014 EIA Regulations repeal the 2010 Regulations. Need to make sure whether or not the amendments trigger any listed activities. Specifically, the 2010 EIA Regulations did not include geographical areas but they are included now (in the 2014 EIA Regulations). If 6m wide roads and geographical areas trigger listed activities, the EAP and Applicant need to think about that before submission of the EA amendment application.</p>

3.2	<p>NH – referred to the draft similarly listed 2014 EIA activities document for the project (refer to Appendix 3 attached). NH explained that at the time of the original EIA process, an “NPAES focus area” was mapped on the site. However, according to the latest NPAES mapping (2018), there is no longer an NPAES focus area on the site, and that this is of relevance when discussing potential activities triggered in Listing Notice 3 by the proposed amendment of road widths from 4m to 6m. It is our understanding therefore that the NPAES focus areas triggers in LN3 for the project are no longer relevant to the application/ authorisation, and cannot be triggered by the proposed amendments. NH requested confirmation of this understanding from DFFE.</p> <p>MS – requested confirmation that NPAES not listed? Noted unfair for DFFE to confirm at this point without full details.</p> <p>AP – confirmed that Activity 4 of LN3 was not relevant at the time of the original application as the roads weren’t wider than 4m.</p> <p>NH – confirmed that whilst the thresholds in Activity 4 of LN3 would be triggered by the proposed amendment to the road width, there is no longer an NPAES focus area on site. The other potential environmental attribute “trigger” in Activity 4 of LN3 for the project in the Northern Cape relates to Critical Biodiversity Areas (CBAs). In terms of CBA areas, at the time of the original EIA process, there were no CBAs on site. Since then, updated mapping (Northern Cape Critical Biodiversity Areas Map) has been adopted by the provincial authority and has resulted in a short section of an assessed access road crossing a now mapped CBA1. The Applicant is now considering making changes to the width of this section of road (i.e. 4m to 6m). As DFFE (the CA for this application) has not adopted any systematic biodiversity plans or bioregional plans, it is our understanding that the CBA listed activities in LN3 cannot be triggered. If this is the situation, in terms of 2010 or 2014 EIA Regulations, the activity (activity 4 of LN3) relating to roads in LN3 would not be triggered by the proposed amendments. NH asked if anyone would like to comment at this point?</p> <p>AP – confirmed summary as sound reasoning which would be put forward in the EA amendment application. AP requested confirmation from MS, in terms of whether he agrees or disagrees? Should we continue with our analysis and put forward the solution as outlined unless MS disagrees at this stage?</p> <p>MS – noted no disagreement at that point, and indicated that it is important for the motivation to be included in EA amendment application. MS noted interest in the IQ correspondence, and requested for the correspondence to be sent to MS.</p> <p>NH – noted that the response from DFFE Biodiversity Directorate was not clear regarding whether the CBA related listed activities in LN3 could be triggered for projects where DFFE is the Competent Authority.</p> <p>MS – confirmed that the CBA would not play a role according to the interpretation by IQ, as the Department has not adopted anything.</p> <p>NH – noted that the applicability of the CBA related activities in LN3 for the proposed amendments requires clarity and confirmation (given the slightly different statements from IQ and the Biodiversity Directorate).</p> <p>NH - confirmed that she would provide MS with the IQ correspondence and Biodiversity Directorates correspondence (which was included in Pre-Application Meeting request form documentation), for consideration.</p>
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3.3	<p>AP – asked if the Applicant could include the activity as part of EMPr and layout finalisation process, considering the overall footprint is not increasing, and that roads are authorised, or would the Applicant have to amend the layout to avoid the CBA area.</p> <p>NH – if confirmed that the proposed amendments to the road widths are not located in an NPAES focus area or CBA area, then the proposed amendment to the road widths would not trigger activity 4 of LN3. If DFFE confirm that the CBA related activities in LN3 would be applicable to the proposed amendments, then the layout should be amended to avoid the CBA, if possible.</p> <p>AP – noted that there is only one section of road that would fall in the CBA, and that it could be left out.</p> <p>NH – noted that the access road (to the substation) that crosses the CBA may be included in a separate grid connection application process.</p> <p>MS – noted in terms of the CBA query, it is suggested that he present it in a meeting on Monday (4 July next meeting) and see outcome of discussion, before an answer is provided. MS indicated that he wishes to come to a conclusion, including the matter of the similarly listed activities and provide written feedback on Tuesday (5 July). He further noted that the contradiction between IQ and Biodiversity Directorate, needs further discussion before clear answer can be provided.</p> <p>NH – thanked MS, and noted that the Applicant is under severe time constraints (to reach financial close) therefore it would be greatly appreciated if the Department could get back to us as soon as possible with a response.</p> <p>AP – noted preference for Department to take due time to consider the query and to get clarity. AP stated that should the access road portion (that crosses the only CBA) indeed be seen to be triggering a new listed activity, the road portion would be left out. AP confirmed that the applicant and the EAP will ensure that the final layout put forward for approval, and any changes requested in the Part 1 amendment, would not trigger any new listed activities.</p>
4.	EMPr Update & Finalisation of the Site Layout Plan Process
4.1	<p>NH – It is currently our understanding that a Public Participation Process (PPP) is not required for the EMPr and Final Layout process for this project, given that Condition 13 & 15 of the EA does not specify that PPP is required.</p> <p>MS – Does the EA not say anything about PPP?</p> <p>NH – scrolled to Conditions 13 & 15 of the EA and confirmed that there is no mention of PPP, only that the amended EMPr and final layout plan must be submitted to the Department for approval.</p> <p>MS – requested that NH scroll to Condition 12.</p> <p>MS – indicated that most EMPr update processes include a public participation process with the initial registered I&APs, who are notified via email or relevant method, the comments are received and then included in the final EMPr submission. MS noted that it does not need to be advertised in a newspaper.</p> <p>NH – showed MS Conditions of the EA relating to the EMPr and Layout Plan finalisation.</p> <p>MS – our advice to you, the way we are handling EMPr and final layout processes, is to submit a draft to DFFE, make the draft available to registered I&APs for a period of 30 days. Although the EA does not say anything with regard to PPP, it will be questioned why no draft was submitted. We provide a comment on the draft which can be incorporated and finalised.</p> <p>NH – requested confirmation that PPP will be required.</p>

	<p>MS – confirmed that PPP will be required, with no advertising, but providing registered I&APs (including DFFE) with 30 days to comment on the draft.</p> <p>NH – asked if the two processes (i.e. the EA amendment process and EMPr and Layout Plan finalisation processes) could be undertaken in parallel?</p> <p>MS –noted that the processes can run in parallel.</p>
5.	Discussion & Questions
5.1	<p>NH – spoke to “Discussion & Questions” slide of the presentation, noting that the list indicates our current understanding of the items discussed and confirmation of current understanding is requested and we will wait for feedback from DFFE.</p> <p>AP – confirmed it will be ensured that changes don’t trigger any new listed activities and will wait for clarity around CBA issue, regarding one small portion of the road which can be included in a separate process. The intention is to run the process as a Part 1 amendment and it will be ensured that the changes do not trigger any listed activities.</p> <p>MS – noted with thanks.</p>
5.2	<p>NH – noted that a table of similarly listed activities in terms of the 2014 EIA Regulations, as amended, can be provided for information purposes to DFFE if required.</p> <p>MS – indicated that, although not required, you may show similarly listed activities.</p> <p>NH - noted we will provide you with a copy of presentation if you do need to discuss.</p> <p>MS - thank you and don’t forget the emails from IQ and the Biodiversity Directorate relating to the CBA areas.</p> <p>AP – requested NH to draft concise questions again for MS to take to the meeting to discuss with his colleagues, and to send them to MS in an email with attachments, i.e. to pull out the pertinent questions from the presentation.</p> <p>NH – confirmed that she would send a list of the pertinent questions to MS, as requested. NH reiterated that the background for this particular project is important, which has been outlined in the presentation and meeting.</p> <p>NH - noted that it is our understanding that where the EIA listed activities refer to the width of a “road”, it is referring to the completed width of the road surface (driving) area, and does not include the works alongside the road (e.g. V drains) as these would be considered to be part of the “road reserve”.</p> <p>MS - indicated that he was not sure what to say, but indicated that, though not confirmation, NH’s interpretation seems correct. These are legal issues that need full understanding before response. MS agreed that the drains are not “road” in terms of his understanding but that he is not saying it is correct.</p> <p>AP - confirmed fair response at this point.</p>

5.3	<p>NH – indicated that it is our understanding that we do not need to include a generic EMPr for overhead electricity transmission and substations into the updated EMPr, as they were not gazetted at the time of the EA for the project. NH requested confirmation from the Department?</p> <p>MS – can confirm answer, old EAs as long as they have powerlines and substation’s, they will require the generic EMPr(s).</p> <p>MS – confirmed, the Generic EMPrs do not have provisional arrangements, and it is the Departments decision to request the generic EMPr.</p> <p>AP – asked whether the generic EMPr can be included as an appendix to the amended EMPr, completed and filled out with specific project information?</p> <p>MS – confirmed, yes, that should be fine.</p> <p>AP – noted that the particular EA has no transmission line, just 33kV lines and substation, and that the powerline will be included in a separate process.</p> <p>MS – confirmed that only the generic EMPr for substations is then required.</p> <p>NH – confirmed confirmation with thanks.</p>
5.4	<p>NH – asked if there were any further questions?</p> <p>MS – confirmed no, with thanks.</p> <p>AP – thanked the DFFE attendees, understood that meeting was moved to sooner than originally scheduled, as requested, and appreciated the effort and understanding of the stringent timelines.</p> <p>NH – thanked the Department for their time and valued input. NH confirmed that a summary of the main questions requiring answers, together with the correspondence from IQ and the Biodiversity Directorate, would be sent to MS, for discussion at the DFFE meeting on 4 July, and that we will await feedback.</p>
5.5	<p>NH thanked everyone for attending the meeting and for their valued comments and inputs.</p> <p>The meeting closed at 11h33.</p>

**ESTABLISHMENT OF A WIND ENERGY FACILITY
SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR
DE AAR, NORTHERN CAPE:
AMENDMENT OF THE EA, & FINALISATION OF EMPr
& SITE LAYOUT PLAN**

DFFE REFERENCE NUMBER:
12/12/20/2463/1

DFFE PRE-APPLICATION MEETING: 27 JUNE 2022

Holland & Associates
Environmental Consultants

1

Purpose of Meeting

- To discuss:
 - EA Amendment Application (proposed updates to the project description)
 - The authorised listed activities (in terms of 2010 EIA Regs)
 - The finalisation of the EMPr and Layout Plan process (in terms of Conditions 13, 14, 15 and 16 of the EA)
- To provide an opportunity for discussion & questions of clarity
- To obtain agreement on the way forward

2

Background

- **Location:**
 - ~24km east of De Aar, within Emthanjeni Local Municipal & Renosterberg Local Municipality, Northern Cape Province
- **EA & Amendments granted by DFFE:**
 - EA granted: 01 March 2013 (i.t.o 2010 EIA Regulations)
 - **Originally authorised: 103 wind turbines** with a potential capacity of 155 – 258MW and associated infrastructure.
 - 8 EA Amendments (change in SPV name, extensions of the validity period, amendments to Conditions of the EA, amendments to the project description and amendments to the turbine specifications)

3

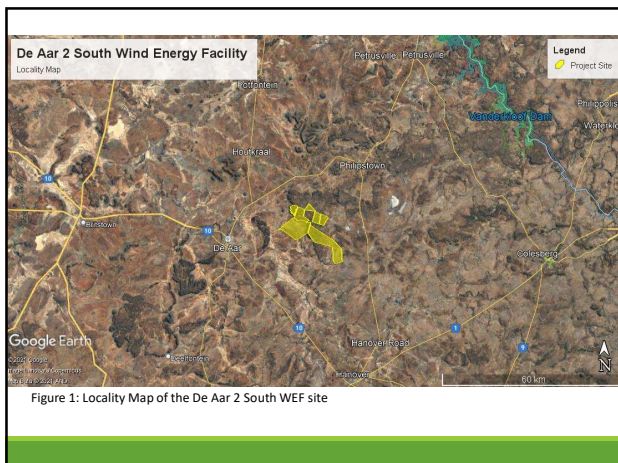
Background

- **Currently authorised: 25 – 61 turbines** and associated infrastructure:

Component	Description/ Dimensions
Hub height from ground level	120m
Rotor diameter	165m
Maximum of turbines	25 – 61
Permanent affected areas (foundation size)	The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5, once completed
Generation capacity per turbine	2.3MW – 6.0MW
Maximum Output of the Wind Energy Facility	140MW

- **Recently awarded preferred bidder status in the Sasol Air Liquefied Renewable Energy Implementation Programme (SAL-REIP)**
- **Final application process is on a critical path for the project to reach the SAL-REIP Financial Close deadline of 18 November 2022**

4



5

Discussion Points

6

1. EA Amendment (updates to the project description)

- Brief outline of proposed amendments:
 - Road widths (from authorised 4m wide to 6m wide)
 - Turbine foundations dimensions
 - Hardstands (from authorised footprint of approx. 0.2 ha to 0.47 ha). Reduction in the number of hard stands to 24-32. Overall hardstand footprint reduction.
 - IPP Substation, Control and O&M building details
 - Include details of 2 met masts
 - Internal reticulation (from 22kV to 33kV)
 - Reduction in number of turbines (from max of 61, to **max 32**)
 - Current proposed layout likely to be submitted for final approval is **26 turbines** (TBC)

See attached

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1. EA Amendment (updates to the project description)

- The Part 1 Amendment Application will be supported by specialist letters detailing any implications of the proposed project description update, including the following specialists (as per the EIA): Ecology, Freshwater, Bats, avifauna, noise, visual, agriculture, heritage (archaeology) and palaeontology.
- Where possible, the original specialists will be utilised. If original specialists are capacity constrained or not available (due to leave), an alternative specialist would be utilised (due to the very tight deadlines to meet financial close).
- The original visual specialist has retired – will get comment from new visual specialist.

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2. Authorised Listed Activities

- The original EA was authorised in terms of the 2010 EIA Regulations.
- Inclusion of 2014 EIA listed activities? Does DFFE require a list of the similarly listed 2014 EIA Regs Activities to be included in the Amendment Application and/or EA? If so –
- Is it necessary to apply for the 2014 EIA listed activities to be added into the EA (as part of the EA amendment)? **DFFE to confirm.**
- We assume that it must take into account the current specific geographical area environmental attributes relevant to LN3 activities (e.g. NPAES focus areas and/or CBAs), rather than what was applicable at the time of the original EIA process? **DFFE to confirm.**

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2. Listed Activities

- In terms of Listing Notice 3 Activities:
 - At the time of the original EIA process, there was an **NPAES focus area** located within the site. However, according to latest NPAES mapping (2018), there is no longer an NPAES focus area on the site (this is of relevance to, e.g. LN3 activity 4, given the proposed amendments to road widths from the authorised 4m to now proposed 6m). It is our understanding therefore that the “NPAES focus area” triggers in LN3 that were previously of relevance to the project when the EIA was undertaken, **are no longer relevant**, and cannot be “triggered” by the proposed amendments to the project description. **DFFE to confirm.**
 - **Refer to attached table of listed activities**

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Applicability of CBA LN3 activities – general query

- At the time of the original EIA process, there were no CBAs on site. Since then, updated mapping (Northern Cape Critical Biodiversity Areas Map) has been adopted by the provincial authority and has resulted in a short section of an assessed access road passing through a now mapped CBA1. The Applicant is now considering making changes to this section of road (i.e. 4m to 6m).
- As DFFE (the CA for this application) has not adopted any systematic biodiversity plans or bioregional plans, it is our understanding that the CBA listed activities in LN3 cannot be triggered. (This query was posed to IQ & DFFE Biodiversity Directorate. Response from IQ confirms that the LN3 activities relating to the CBA cannot be triggered. Response from DFFE Biodiversity Directorate not clear). **DFFE to confirm.**

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Background: Applicability of LN3 activities relating to CBAs

IQ response:

If the systematic biodiversity plans (which identifies the CBAs/ ESAs in the Northern Cape) have not been adopted by the relevant competent authority (as defined under the EIA Regulations, 2014, as amended) then the relevant CBAs/ SEAs would not be applicable. If the DFFE therefore, did not adopt any systematic biodiversity plans, which identifies CBAs or ESAs in the Northern Cape, then the relevant specified activity under Listing Notice 3 would not be applicable.

Biodiversity Directorate:

“Please note that the DFFE might be the Competent Authority for the said project. However, you still need to follow the Bioregional Plans as adopted by the Province where the project is undertaken and in this case the Bioregional Plan as adopted by the Northern Cape Department of Agricultural, Environmental Affairs, Rural Development and Land Reform must be considered and adhered to”.

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Applicability of LN3 activities relating to CBAs

- The access road to the authorised substation (that passes through the new CBA area) may be included in the grid connection Basic Assessment process (a separate EA process which is underway). However the question relating to CBA activities in LN3 (if DFFE is the competent authority for an application), is still important for future reference and understanding.

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3. EMPr Update & Finalisation of the Site Layout Plan process

13. A copy of the final site layout plan must be submitted with the amended EMPr 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. The site layout plan must indicate the following:
- 13.1. Turbine positions;
 - 13.2. The preferred substation position;
 - 13.3. Foundation footprint;
 - 13.4. Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
 - 13.5. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - 13.6. The location of heritage sites;
 - 13.7. Sub-station(s) and/or transformer(s) sites including their entire footprint;
 - 13.8. Connection routes (including pylon positions) to the distribution/transmission network;
 - 13.9. All existing infrastructure on the site, especially roads;
 - 13.10. Buildings including accommodation;
 - 13.11. All 'no-go' areas;
 - 13.12. A map combining the final layout plan superimposed (overlain) on the environmental sensitivity map. This map must reflect the proposed location of turbines as stated in the EIR dated April 2012 and this authorisation.

14

3. EMPr Update & Finalisation of the Site Layout Process

- 14. The final layout plan must also be superimposed (overlain) over an environmental sensitivity map to be submitted to the department.
- 15. The Environmental Management Plan (EMPr) submitted as part of the application for environmental authorisation must be amended and submitted with the abovementioned layout plan to the Department for written approval prior to commencement of the activity.

15

3. EMPr Update & Finalisation of the Site Layout Process

- The following will be undertaken:
 - Align with amended EA - minor updates to the project description
 - Relevant specialist walk-through surveys to be undertaken of Final Layout (in this case, ecology, heritage and avifauna).
 - Obtain comment on acceptability of Final Layout from all specialists.
 - EMPr to be updated to comply with the requirements of Condition 16 of the EA.
- In addition, the EMPr will be updated to include:
 - Recommendations of the specialists provided in the Part 2 EA amendment (from 2015) and/or walk through surveys for the Final Layout Plan;
 - Remove reference to the De Aar 2 North WEF (which is now operational and has its own EA and EMPr).
 - Update to comply with Appendix 4 of the 2014 EIA Regulations, as amended (as the EMPr was compiled in terms of 2010 EIA Regs).
- Updated EMPr and Final Site Layout Plan to be submitted to DFFE for approval, in accordance with Conditions 13 and 15.

16

3. EMPr Update & Finalisation of the Site Layout Process

- It is our understanding that a Public Participation Process for the EMPr & Final Layout approval process is not required, as:
 - It is not specified in Conditions 13 or 15 of the EA for the EMPr and Final Layout approval process;
 - A Public Participation Process was undertaken in 2015 for the Part 2 EA amendment process, which included updates to the recommendations of the specialists, to be included in the updated EMPr. No significant changes to mitigation measures are anticipated. No amendment to EMPr outcomes and objectives are anticipated. Only refinements to the mitigation measures are anticipated (after the specialist walk-through surveys and compilation of specific plans required in terms of Condition 16).
 - The number of turbines has been significantly reduced from that originally authorised and included in the draft EMPr (i.e. 103 turbines and associated infrastructure) to what is now authorised (26 turbines and associated infrastructure).
 - The Final Layout will be informed by specialist inputs. The proposed updates to the EMPr and Final Layout are not anticipated to result in a change in the nature or significance of impacts (to be confirmed by the specialists).
 - Since receiving preferred bidder status, the project is working to an extremely tight deadline to reach financial close (18 November 2022), with all permits and authorisation required by lenders to be in place one month prior in **mid October 2022**.
- **DFFE to confirm our understanding.**

17

Discussion & Questions

18

Discussion & Questions

- The following is currently our understanding (**DFFE to confirm that our understanding is correct**):
- The EA amendment process would fall within the ambit of Part 1 of Chapter 5 of the EIA Regs (2014, as amended) if the proposed amendments will not result in an increased level or change in the nature of impacts (as confirmed by all of the specialists), or provided it does not trigger a new listed activity.
- Timing of Part 1 EA amendment process & approval process for the update of EMPr and Final Layout Plan: Both processes can occur in parallel.
- The EA does not need to be updated to include the similarly listed 2014 EIA Regulations listed activities. A table indicating the similarly listed 2014 EIA listed activities can be provided to DFFE for information purposes, if required (to be confirmed in today's meeting).
- When considering similarly listed 2014 EIA activities, that we consider the status of CBA's/ NPAES focus areas/ other geographical areas attributes that are applicable now (and not at the time of original EIA process), given that construction has not commenced as yet.

19

Discussion & Questions

- Given that there is no longer an NPAES focus area on the site, no LN3 activities pertaining to the NPAES focus areas are applicable or need to be applied for or authorised in terms of either the 2010 EIA Regulations listed activities or 2014 EIA Regulations listed activities, as amended, for the project.
- Road widths: Where the EIA listed activities refer to the width of a "road", it is referring to the completed width of the road surface (driving) area, and does not include the drains alongside the road (e.g. V drains) as these would be considered to be part of the "road reserve".
- The generic EMPrs for WEFs and substations do not need to be included in the updated EMPr.

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Thank you

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Item	Currently authorised	Proposed amendment	Action required
Number of turbines	25 - 61	24 - 32	Amendment to text of EA; Include in updated EMPr and Final Layout Plan
Internal Roads	4m wide	New roads: <u>6m wide</u> (i.e. 10m working width during construction, rehabilitated to 6 m width during operations). (V-drains will run on either side of the road.)	Amendment to text of EA; Include in updated EMPr and Final Layout Plan
		Upgrade sections of an existing private farm road from estimated 4 m <u>to 6 m</u> final width during operations	Amendment to text of EA; Include in updated EMPr and Final Layout Plan
Foundations	<i>*The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5 once completed*.</i>	Foundations up to maximum <u>24 m diameter at lowest point</u> and up to <u>12 m</u> diameter at surface	Amendment to text of EA; Include in updated EMPr and Final Layout Plan
Hardstands	<i>*A permanent hard standing made of compacted gravel and approximately 50 m x 40 m would be constructed adjacent to each turbine location for the crane*.</i> (i.e. 0.2 Ha per WTG)	Permanent hard standing made of compacted gravel with approximate footprint up to <u>0.47 Ha per WTG</u> , adjacent to and surrounding each WTG. Total hard stand footprint for WEF up to maximum 12.2 Ha.	Amendment to text of EA; Include in updated EMPr and Final Layout Plan
IPP Substation, Control and O&M buildings	Substation: Currently authorised: 2ha. EA states <i>"the proposed substations and associated control buildings would have a footprint of approx 200 x 100m"</i> .	No change	Include in updated EMPr and Final Layout Plan
Temporary Laydown Areas	Total footprint of approximately 24ha for the three construction laydown areas.	No change to footprint. <ul style="list-style-type: none"> • Construction office/yard. • WTG component laydown area • On-site concrete batching plant 	Include in updated EMPr and Final Layout Plan
Internal reticulation	22kV	<u>33 kV</u>	Amendment to text of EA; Include in updated EMPr and Final Layout Plan

De Aar 2 South WEF: Proposed amendments: Authorised (2010 EIA listed activities) (green) and potential (orange) triggered listed activities – for discussion. (White shading: similarly listed 2014 EIA listed activities)

2010 listed activities		2014 listed activities		Project component
Listing Notice 1		Listing Notice 1 (GN R 983, as amended)		
LN 1: 10	The construction 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; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.	11	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; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more; excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is — (a) temporarily required to allow for maintenance of existing infrastructure; (b) 2 kilometres or shorter in length; (c) within an existing transmission line servitude; and (d) will be removed within 18 months of the commencement of development.	The wind turbine generators would be connected to a 33kV internal reticulation network, where the power would be evacuated via an onsite substation (which may have 132 kV electrical infrastructure components), into Eskom's grid.
LN 1: 11	The construction of: (i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) weirs; (vi) bulk storm water outlet structures; (vii) marinas; (viii) jetties exceeding 50 square metres in size;	12	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; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;	Wetlands and drainage lines are scattered across the proposed sites and one or more watercourses will need to be crossed by powerlines and access roads.

	<p>(ix) slipways exceeding 50 square metres in size;</p> <p>(x) buildings exceeding 50 square metres in size; or</p> <p>(xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>		<p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area; [or]</p> <p>(ee) where such development occurs within existing roads, [or] road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
LN 1: 18	<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from:</p> <p>(i) a watercourse;</p> <p>but</p> <p>excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <p>(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</p>	19	<p>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;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p>	<p>A number of roads would need to be constructed across drainage lines and would cumulatively result in the movement of more than 10m³ of material within the watercourse</p>

	(b) occurs behind the development setback line. [Corrected by "Correction Notice 2" of 10 December 2010, GN No. R. 1159]		(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.	
	<i>Clearance larger than 1ha was assessed (and authorised). Refer to authorised Activity 14 of LN 3.</i>	28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) <u>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</u> excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	
Listing Notice 2		GN 984, as amended		
LN2: Activity 1	The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.	1	The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs — (a) within an urban area; or (b) on existing infrastructure.	The proposed project would generate electricity from wind power. The generation capacity of the WEF would be 140MW.
	<i>Clearance of an area of more than 20ha of indigenous vegetation was assessed (and authorised). Refer to authorised Activity 14 of LN 3.</i>	15	The clearance of an area of 20 hectares or more of indigenous vegetation, <u>excluding</u> where such clearance of indigenous vegetation is required for-	

			(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	
Listing Notice 3		Listing Notice 3 (GN R. 985, as amended)		
4(a)(ii)(ee)	The construction of a road wider than 4 metres with a reserve less than 13,5 metres. (a) In Northern Cape province: ii. Outside urban areas, in: <u>(bb) National Protected Area Expansion Strategy Focus areas;</u> <u>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</u>	4	The development of a road wider than 4 metres with a reserve less than 13,5 metres. (g) Northern Cape ii. Outside urban areas: <u>(bb) National Protected Area Expansion Strategy Focus areas;</u> <u>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</u>	<i>Proposed updates to road widths (6m wide)</i>
12	The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation. (a) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; (b) <u>Within critical biodiversity areas identified in bioregional plans;</u>	12(g)(ii)	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. g. Northern Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. <u>Within critical biodiversity areas identified in bioregional plans;</u>	
13	The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous	N/A	Activity 15 of LN 2 above	

Commented [NH1]: Given that an NPAES focus area is no longer on site, we assume the NPAES focus area triggers do not need to be authorised (in terms of either the 2010 or 2014 EIA Regulations for the project. DFFE to confirm.

Given that CBAs have not been formally adopted by DFFE, it is our understanding that the LN3 activities with CBA triggers would not need to be applied for and authorised in terms of either the 2010 or 2014 EIA Regulations for the project (for the possible increase of road width to 6m)? DFFE to confirm.

	<p>vegetation...</p> <p>(a) Critical biodiversity areas and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority.</p> <p>(a) In Northern Cape ii. Outside urban areas, the following: (bb) National Protected Area Expansion Strategy Focus areas;</p>			
14	<p>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, Except where such removal of vegetation is required for:...</p> <p>(3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</p> <p>(a) In Northern Cape i. All areas outside urban areas.</p>	N/A	Similarly listed to Activity 15 of LN 2 above and Activity 28 of LN1.	
16	<p>The construction of: (iii) buildings with a footprint exceeding 10 square metres in size; or (iv) infrastructure covering 10 square metres or more</p> <p>(a) In Northern Cape: ii. Outside urban areas, in: (bb) National Protected Area Expansion Strategy Focus areas; Where Such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such</p>	14	<p>The development of- (xii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs- (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>(a) In Northern Cape: ii. Outside urban areas, in:</p>	Wetlands and drainage lines are scattered across the proposed sites and one or more watercourses will need to be crossed by powerlines and access roads.

Commented [NH2]: CBA part of this activity is not currently authorised (as there wasn't a CBA on site at the time), however there is now. It is only a short section of one access road that would cross the CBA.

	construction will occur behind the development setback line. (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;	(bb) National Protected Area Expansion Strategy Focus areas; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;	
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Commented [NH3]: CBA part of this activity is not currently authorised (as there wasn't a CBA on site at the time), however there is now. It is only a short section of one access road that would cross the CBA.

Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

Appendix 4

SUMMARY OF OUTCOMES OF TELEPHONIC DISCUSSION ON 1 JULY 2022: ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH), NEAR DE AAR, NORTHERN CAPE: AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION & FINALISATION OF EMP & SITE LAYOUT PLAN: DFFE REFERENCE NUMBER: 12/12/20/2463/1

Following the Pre-Application Meeting for the abovementioned project (held on 27 June 2022), Mr Mahlatse Shubane (MS) of the Department of Forestry, Fisheries and the Environment (DFFE) telephoned Ms Nicole Holland (NH) of Holland & Associates Environmental Consultants on 1 July 2022 to discuss the items / questions outlined in the Pre-Application Meeting, requiring confirmation from DFFE. Ms Olivia Letlalo (OL) of DFFE joined the telephone discussion. The main points/ confirmations from DFFE in the telephonic discussion are outlined below:

- The proposed amendments to the width of the access road, which now crosses a CBA, will trigger Activity 4 of Listing Notice 3. Environmental Authorisation will need to be obtained for the relevant “CBA” listed activities in Listing Notice 3 and the “new” activities triggered by the section of road to be amended relating to the CBAs cannot be added to the EA via an EA amendment application. The above has been informed by the following:
 - Construction has not commenced as yet
 - There is now a CBA on the site
 - The CBAs have been adopted by the Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform.
 - That amendments to the authorised project are proposed for the section of road that crosses the “new” CBA on the site.
- NH indicated the “NPAES focus area” (potential) triggers in Listing Notice 3 are no longer of relevance to the project (and therefore do not need to be authorised for the project/ proposed amendments) given that there is no longer an NPAES focus area on the site. MS and OL indicated that it is difficult to confirm if indeed the NPAES is no longer relevant to the project since they do not know the proposed site.

NH indicated that the road that crosses the CBA will be included as part of a separate Basic Assessment process for the grid connection for the WEF, given that it is the access road to the substation.

From: Mahlatse Shubane <MSHUBANE@dffe.gov.za>
Sent: Friday, 12 August 2022 14:26
To: kelli@hollandandassociates.net
Cc: Makhosi Yeni; tilly@hollandandassociates.net; nicole@hollandandassociates.net
Subject: FW: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review
Attachments: DA2SWEF - Meeting Notes 27 June 2022_for DFFE review_Final.doc; Appendix 1 DA2S WEF Pre-app meeting_27062022 Final Presentation.pdf; Appendix 2 Proposed amendments ~DFFE PreApp Meeting_Final.pdf; Appendix 3 Listed activities ~DFFE PreApp Meeting_Final including possible CBA activities.pdf; Appendix 4 telephonic discussion with DFFE MS.pdf

Importance: High

Follow Up Flag: Follow up

Flag Status: Flagged

Dear Kelli,

Attached please the approval of the meeting minutes held on 27 June 2022.

From: kelli@hollandandassociates.net <kelli@hollandandassociates.net>
Sent: Friday, 12 August 2022 14:22
To: Mahlatse Shubane <MSHUBANE@dffe.gov.za>; Thembisile Hlatshwayo <THLATSHWAYO@dffe.gov.za>; Makhosi Yeni <MYeni@dffe.gov.za>
Cc: 'Nicole Holland' <nicole@hollandandassociates.net>; tilly@hollandandassociates.net
Subject: FW: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review
Importance: High

Good afternoon Mahlatse

Many thanks for our telephonic discussion just now.

Kindly find attached again for your reference the minutes for the Pre-Application Meeting held on 27 June 2022 for your approval.

Kind regards

Kelli

Kelli Ross (BSc Hons)

Holland & Associates
Environmental Consultants



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w: www.hollandandassociates.net
a: PO Box 31108, Tokai, 7966

From: kelli@hollandandassociates.net <kelli@hollandandassociates.net>
Sent: Friday, 08 July 2022 11:41
To: 'MSHUBANE@dffe.gov.za' <MSHUBANE@dffe.gov.za>; 'THLATSHWAYO@dffe.gov.za' <THLATSHWAYO@dffe.gov.za>; 'MYeni@dffe.gov.za' <MYeni@dffe.gov.za>
Cc: 'Andrew Pearson' <andrew@mulilo.com>; 'pauld@mulilo.com' <pauld@mulilo.com>; 'Constantin Hatzilambros' <constantin@mulilo.com>; 'ryan@mulilo.com' <ryan@mulilo.com>; 'Nicole Holland'

<nicole@hollandandassociates.net>; 'tilly@hollandandassociates.net' <tilly@hollandandassociates.net>

Subject: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review

Importance: High

Good day Mahlatse

We trust this email finds you well.

The abovementioned subject, and the Pre-Application Meeting held on 27 June 2022, refers. Please see attached the notes from this meeting, for your review. A PDF version of the presentation, proposed amendments and listed activities tables are also attached for your convenience.

We look forward to hearing from you.

Kind regards,

Kelli

Kelli Ross (BSc Hons)

Holland & Associates
 Environmental Consultants

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a: PO Box 31108, Tokai, 7966

From: Mahlatse Shubane <MSHUBANE@dffe.gov.za>
Sent: Thursday, 11 August 2022 13:50
To: kelli@hollandandassociates.net; Thembisile Hlatshwayo; Makhosi Yeni
Cc: 'Andrew Pearson'; 'Paul du Toit'; 'Constantin Hatzilambros'; 'Ryan David-Andersen'; 'Nicole Holland'; tilly@hollandandassociates.net
Subject: RE: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review
Attachments: Appendix 4 telephonic discussion with DFFE MS.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Kelli,

This email serves to approve the attached minutes.

Many thanks

From: kelli@hollandandassociates.net <kelli@hollandandassociates.net>
Sent: Tuesday, 02 August 2022 15:00
To: Mahlatse Shubane <MSHUBANE@dffe.gov.za>; Thembisile Hlatshwayo <THLATSHWAYO@dffe.gov.za>; Makhosi Yeni <MYeni@dffe.gov.za>
Cc: 'Andrew Pearson' <andrew@mulilo.com>; 'Paul du Toit' <pauld@mulilo.com>; 'Constantin Hatzilambros' <constantin@mulilo.com>; 'Ryan David-Andersen' <ryan@mulilo.com>; 'Nicole Holland' <nicole@hollandandassociates.net>; tilly@hollandandassociates.net
Subject: RE: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review
Importance: High

Dear Mahlatse

Many thanks for your email and comments.

Please find attached the updated Appendix 4, in line with your comments. We will await your approval of the updated minutes of the meeting (27 June 2022) and accompanying telephone conversation (1 July 2022) notes.

Furthermore, just a reminder regarding the response required to the previously noted query in Item 3.1 of the minutes, where it was asked if DFFE require a list of similarly listed 2014 EIA Regs activities for inclusion in the EA amendment application, or whether the EA should remain with only the 2010 EIA Regs EIA listed activities? And, *“Is it necessary to apply for the 2014 EIA listed activities to be added to the EA as part of the EA amendment. If so, we assume that it must take into account the current specific environmental attributes for specific geographic areas (in this case the Northern Cape) included in Listing Notice 3, rather than the specific environmental attributes that were applicable at the time of the original EIA process. NH requested confirmation from DFFE. MS – have no answers now, could get back to you latest tomorrow”*.

We look forward to your approval and feedback on the above, many thanks.

Kind regards

Kelli

Kelli Ross (BSc Hons)



m: +27 83 704 6075
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From: Mahlatse Shubane <MSHUBANE@dffe.gov.za>
Sent: Monday, 25 July 2022 11:19
To: kelli@hollandandassociates.net
Subject: RE: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review

Dear Kelly,

Attached please find the comments in the attached document to be addressed.

From: kelli@hollandandassociates.net <kelli@hollandandassociates.net>
Sent: Thursday, 21 July 2022 12:05
To: Mahlatse Shubane <MSHUBANE@dffe.gov.za>; Thembisile Hlatshwayo <THLATSHWAYO@dffe.gov.za>; Makhosi Yeni <MYeni@dffe.gov.za>
Cc: 'Andrew Pearson' <andrew@mulilo.com>; 'Paul du Toit' <pauld@mulilo.com>; 'Constantin Hatzilambros' <constantin@mulilo.com>; 'Ryan David-Andersen' <ryan@mulilo.com>; 'Nicole Holland' <nicole@hollandandassociates.net>; tilly@hollandandassociates.net
Subject: FW: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review

Dear Mahlatse

Our correspondence of 14 July 2022 refers, kindly see attached the points of your telephonic discussion with Nicole on 1 July 2022, which will be included as an Appendix to the Meeting Minutes previously provided, for your review.

Kindly note that we still require response to Item 3.1 of the minutes, where it was asked if DFFE require a list of similarly listed 2014 EIA Regs activities for inclusion in the EA amendment application, or whether the EA should remain with only the 2010 EIA Regs EIA listed activities? And, *“Is it necessary to apply for the 2014 EIA listed activities to be added to the EA as part of the EA amendment. If so, we assume that it must take into account the current specific environmental attributes for specific geographic areas (in this case the Northern Cape) included in Listing Notice 3, rather than the specific environmental attributes that were applicable at the time of the original EIA process. NH requested confirmation from DFFE. MS – have no answers now, could get back to you latest tomorrow”*.

We look forward to your feedback on the above, many thanks.

Kind regards

Kelli

Kelli Ross (BSc Hons)



m: +27 83 704 6075
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From: kelli@hollandandassociates.net <kelli@hollandandassociates.net>
Sent: Thursday, 14 July 2022 09:55

To: 'Mahlatse Shubane' <MSHUBANE@dffe.gov.za>
Cc: 'Nicole Holland' <nicole@hollandandassociates.net>; 'tilly@hollandandassociates.net' <tilly@hollandandassociates.net>
Subject: RE: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review

Dear Mahlatse

Many thanks for your email.

I will discuss this with Nicole and ask her to provide me with the details of your telephonic conversation.

Kind regards

Kelli

Kelli Ross (BSc Hons)

Holland & Associates
Environmental Consultants



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w: www.hollandandassociates.net
a: PO Box 31108, Tokai, 7966

From: Mahlatse Shubane <MSHUBANE@dffe.gov.za>
Sent: Wednesday, 13 July 2022 11:50
To: kelli@hollandandassociates.net
Cc: 'Nicole Holland' <nicole@hollandandassociates.net>; tilly@hollandandassociates.net
Subject: RE: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review

Dear Kelli,

It is noted that the telephonic conversation between Nicole, I and Olivia is not included in the minutes. Therefore, you are requested to remind Nicole Holland to provide the details of what was discussed telephonically.

Best regards,

From: kelli@hollandandassociates.net <kelli@hollandandassociates.net>
Sent: Friday, 08 July 2022 11:41
To: Mahlatse Shubane <MSHUBANE@dffe.gov.za>; Thembisile Hlatshwayo <THLATSHWAYO@dffe.gov.za>; Makhosi Yeni <MYeni@dffe.gov.za>
Cc: 'Andrew Pearson' <andrew@mulilo.com>; pauld@mulilo.com; 'Constantin Hatzilambros' <constantin@mulilo.com>; ryan@mulilo.com; 'Nicole Holland' <nicole@hollandandassociates.net>; tilly@hollandandassociates.net
Subject: De Aar 2 South WEF Pre-Application Meeting: Meeting Notes for Review
Importance: High

Good day Mahlatse

We trust this email finds you well.

The abovementioned subject, and the Pre-Application Meeting held on 27 June 2022, refers. Please see attached the notes from this meeting, for your review. A PDF version of the presentation, proposed amendments and listed activities tables are also attached for your convenience.

We look forward to hearing from you.

Kind regards,

Kelli

Kelli Ross (BSc Hons)

Holland & Associates
 Environmental Consultants

m: +27 83 704 6075
e: kelli@hollandandassociates.net
w: www.hollandandassociates.net
a: PO Box 31108, Tokai, 7966

APPENDIX 2
CERTIFIED COPY/IES OF THE ENVIRONMENTAL AUTHORISATION AND ALL SUBSEQUENT AMENDMENTS
THERE TO OR ORIGINAL COMMISSIONED AFFIDAVIT/AFFIRMATION UNDER OATH



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0000577/2011

DEA Reference: (12/12/20/2463/1

Enquiries: Mr Lerato Mokoena

Telephone: 012-310-3137 Fax: 012-320-7539 E-mail: lmokoena@environment.gov.za

Mr Johnny Hamilton Cullum
Mulilo Renewable Energy (Pty) Ltd
P.O. Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Fax: (021) 935 0505

PER FACSIMILE / MAIL

Dear Mr Cullum

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.543, 544, 545 and 546: WIND ENERGY FACILITY SITUATED ON THE PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the EIR dated April 2012 and to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Building, North Tower,
Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,
Pretoria.



[Handwritten Signature]

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

Mr T Zwane, Senior Legal Administration Officer (Appeals), of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: AppealsDirectorate@environment.gov.za

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
 Date: 01 March 2013

CC:	Mr Simon Clarke	Aurecon	Tel: 021 526 6027	Fax: 086 667 3532
	Ms Anga Yaphi	NDENC	Tel: 054 332 2885	Fax: 054 331 1155
	Mr Isaac Visser	Emthanjeni Local Municipality	Tel: 053 632 9100	Fax: 053 631 0105
	Ms Nomzamo Mtubu	Renosterberg Local Municipality	Tel: 053 663 0041	Fax: 053 663 0180
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	AppealsDirectorate@environment.gov.za
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

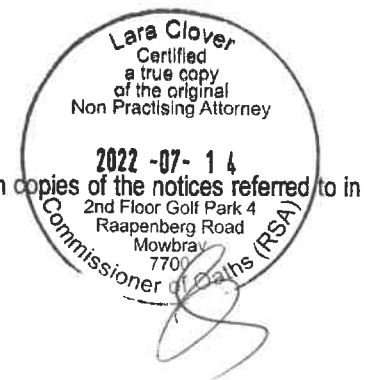


APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

Wind Energy Facility situated on the Eastern Plateau (South) near De Aar

Pixley ka Seme District Municipality

Authorisation register number:	<i>12/12/20/2463/1</i>
NEAS reference number:	<i>DEA/EIA/0000577/2011</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>MULILO RENEWABLE ENERGY (PTY) LTD</i>
Location of activity:	<i>NORTHERN CAPE PROVINCE: Within the Emthanjeni Local Municipality and Renosterberg Local Municipality</i>

This 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.



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 authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

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 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

MULILO RENEWABLE ENERGY (PTY) LTD

with the following contact details –

Mr Johnny Hamilton Cullum

Mulilo Renewable Energy (Pty) Ltd

P.O. Box 50

CAPE TOWN INTERNATIONAL AIRPORT

7525

Tel: (021) 934 5278

Fax: (021) 935 0505

E-mail: Johnny@mulilo.com



to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 or 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10:</u> The construction of facilities or infrastructure for the transmission and distribution of electricity –</p> <p>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</p> <p>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</p>	<p>The wind turbine generators would be connected to a 22kV transmission line, where the power would be evacuated via five onsite substations into Eskom's existing 400kV, 220kV and 132kV transmission lines.</p>
<p><u>GN R. 544 Item 11:</u> The construction of:</p> <p>(i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) weirs; (vi) bulk storm water outlet structures; (vii) marinas; (viii) jetties exceeding 50 square metres in size; (ix) slipways exceeding 50 square metres in size; (x) buildings exceeding 50 square metres in size; or (xi) infrastructure or structures covering 50 square metres or more</p> <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>Wetlands and drainage lines are scattered across the proposed sites and one or more structures would need to be crossed by powerlines and access roads.</p>
<p><u>GN R. 544 Item 18:</u> The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand,</p>	<p>A number of roads would need to be constructed across drainage lines and would</p>



Lara Clover

Listed activities	Activity/Project description
<p>shells, shell grit, pebbles or rock from</p> <p>(i) a watercourse;</p> <p>(ii) the sea;</p> <p>(iii) the seashore;</p> <p>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving</p> <p>(i) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</p> <p>(ii) occurs behind the development setback line.</p>	<p>cumulatively result in the depositing of more than 5m³.</p>
<p><u>GN R. 545 Item 1:</u></p> <p>The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</p>	
<p><u>GN R. 546 Item 14:</u></p> <p>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</p> <p>(2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;</p> <p>(3) the undertaking of a linear activity falling below the thresholds in Notice R554 of 2010.</p>	<p>A vegetated area of approximately 23700ha would need to be cleared for the proposed projects, which are located in a rural area. The vegetation is comprised of 75 % or more indigenous vegetation.</p>



Lara Clover

Listed activities	Activity/Project description

as described in the Environmental Impact Assessment Report (EIAR) dated April 2012 at:

Substation options	Latitude	Longitude
Hydra Substation	30° 42'55.64" S	24° 5'19.36" E
400kV Substation	30° 32' 7.52" S	24° 18' 9.36" E
400kV Substation	30° 32' 36.15" S	24° 16' 5.69" E
220kV Substation	30° 32' 37.40" S	24° 16' 4.74" E
132kV Substation	30° 32' 58.28" S	24° 15' 14.42" E

- for the construction of the Wind Energy Facility situated on the Eastern Plateau (South Site) near De Aar, on Slingshoek (Farm No.2 Portion 2 and Remainder) Slingshoek (Farm No.4 Portion 2); Knapdaar (Farm No.1 Portion 8); Maatjiesfontein (Farm No.5 Portion1); Vendussie Kuil (Farm No.165 Portions 2); Vendussie Kuil (Farm No.165 Portion 11 and Remainder) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as "the property".



The infrastructure associated with this facility includes:

- The construction of approximately 103 wind turbines with a potential capacity of 155 – 258 MW.
- A permanent hard standing made of compacted gravel and approximately 20 50 m x 40 m would be constructed adjacent to each turbine location for the crane.
- A total of three construction laydowns in the south would be required with each having a footprint of approximately 200 x 400m.
- **Gravel surface access roads of approximately 4 m wide would also be required between each turbine.**
- Cables connecting each turbine would interconnect with overhead transmission lines that will follow the route of the access roads. Each turbine would have a transformer that steps up the voltage from 690 Volt to 22kilovolt (kV). This transformer is housed within each turbine tower or immediately outside the turbine.
- The cabling between the turbines would traverse the site to the three substations, where the power from all the turbines would be metered.

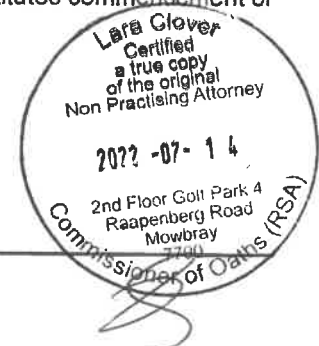
Lara Glover

- The proposed substations and associated control buildings would have a footprint of approximately 200 x 100m.
- The electricity distribution infrastructure comprises of three existing distribution lines (1 x 132kV, 2 x 400kV and 2 x 220kV) traversing the site. The transmission lines terminate at Eskom's Hydra Substation located 9.5km to the north east of De Aar.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred wind energy facility on the South Site is approved.
2. Only one (1) substation must be constructed for the South Site.
3. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
4. 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.
5. The activities authorised may only be carried out at the property as described above.
6. Any changes to, or deviations from, the project description set out in this 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 authorisation in terms of the regulations.
7. This activity must commence within a period of three (3) years from the date of issue. 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 authorisation constitutes commencement of all authorised activities.



9. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

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 12 (twelve) 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 Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 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 for the decision.
12. The holder of the authorisation must publish a notice –
- 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

13. A copy of the final site layout plan must be submitted with the amended EMPr 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. The site layout plan must indicate the following:
- 13.1. Turbine positions;
 - 13.2. The preferred substation position;
 - 13.3. Foundation footprint;



- 13.4. Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
 - 13.5. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - 13.6. The location of heritage sites;
 - 13.7. Sub-station(s) and/or transformer(s) sites including their entire footprint;
 - 13.8. Connection routes (including pylon positions) to the distribution/transmission network;
 - 13.9. All existing infrastructure on the site, especially roads;
 - 13.10. Buildings including accommodation;
 - 13.11. All "no-go" areas.
 - 13.12. A map combining the final layout plan superimposed (overlain) on the environmental sensitivity map. This map must reflect the proposed location of turbines as stated in the EIR dated April 2012 and this authorisation.
14. The final layout plan must also be superimposed (overlain) over an environmental sensitivity map to be submitted to the department.
 15. The Environmental Management Plan (EMPr) submitted as part of the application for environmental authorisation must be amended and submitted with the abovementioned layout plan to the Department for written approval prior to commencement of the activity.
 16. The EMPr amendments must include the following:
 - 16.1. The requirements and conditions of this authorisation.
 - 16.2. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed.
 - 16.3. An open space management plan to be implemented during the construction and operation of the facility.
 - 16.4. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility including timeframes for restoration which must indicate rehabilitation within the shortest possible time after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
 - 16.5. A storm water management plan to be implemented during the construction and operation of the facility.
 - 16.6. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage.



- 16.7. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility.
 - 16.8. A transportation plan for the transport of turbine components, main assembly cranes and other large pieces of equipment.
 - 16.9. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
 - 16.10. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
17. The approved EMPr 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.
 18. The provisions of the approved EMPr including are an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.

Environmental Control Officer (ECO) and duties

19. The applicant must appoint a suitably 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 authorisation are implemented and to ensure compliance with the provisions of the EMPr.
20. The ECO must be appointed before commencement of any authorised activity.
21. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
22. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
23. A detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register must be kept on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
24. In addition the ECO must maintain the following on site:
 - 24.1. A daily site diary;
 - 24.2. Copies of all reports submitted to the Department; and
 - 24.3. A schedule of current site activities including the monitoring of such activities.



25. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
26. 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.

Environmental audit report

27. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
28. The holder of the authorisation must 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 within 30 days of completion of rehabilitation activities.
29. The environmental audit report must:
 - 29.1. Be compiled by an independent environmental auditor;
 - 29.2. Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 29.3. Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
 - 29.4. Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 29.5. Include copies of any approvals granted by other authorities relevant to the development for the reporting period; and
 - 29.6. Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed.
30. The audit report must be submitted prior to commencement of the operation phase of the project.

Commencement of the activity

31. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
32. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.



A. Rauben

33. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

34. Fourteen (14) days written notice must be given to the Department that the activity will commence. 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. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

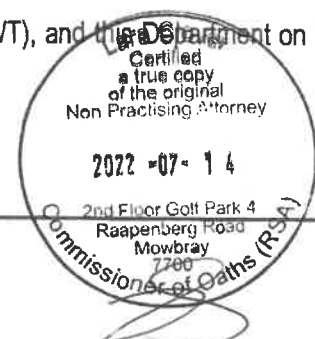
35. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

Site closure and decommissioning

36. Should the activity ever cease or become redundant, the applicant shall 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

37. A 12 month long bird and bat monitoring programme must be implemented prior to the commencement of construction.
38. The bird and bat monitoring programme must be implemented through to the operation of the wind energy facility to determine the impact of the wind energy facility on birds and bats.
39. The results of the monitoring programme must be used to refine, improve and inform mitigation measures.
40. Reports regarding bird monitoring must be submitted to the relevant provincial environmental department, Birdlife South Africa, the Endangered Wildlife Trust (EWT), and the Department on a quarterly basis.



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41. Bird flappers and/or diverters must be installed at all points where powerlines cross avifaunal corridors, wetlands, drainage line and pans.
42. A 100m buffer zone must be implemented from the edge of all cliffs, scarps and around rocky outcrops. No wind turbines must be erected within this buffer zone.
43. No wind turbines must be erected within 1km radius of the Verreaux's Eagle nests.
44. No wind turbines must be erected within 1.5km of the Martial Eagle nest.
45. No wind turbines must be erected within 1.5km of the Vendussiekul farm dam.
46. All plant species of concern must be identified during siting of the wind turbines and a search and rescue must be undertaken for such plants.
47. There must be continuous monitoring and removal of alien and invasive plant species within the wind energy facility.
48. Only indigenous plants of the area must be utilised for rehabilitation purposes.
49. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.
50. Contractors and construction workers must be clearly informed of all applicable buffer zones and no-go areas.
51. There must be no construction of access roads through wetlands and pans.
52. No wind turbines, pylons, substations and construction camps must be erected within 32m of wetlands and drainage lines, and within 75m of pans and dams.
53. Lay down areas and stockyards should be located in low visibility areas.
54. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
55. No unsupervised open fires are allowed on site.
56. All fuel tanks must be store in a bunded area and constantly monitored for damage and leakage.
57. Any solid waste shall be disposed of at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
58. Should any graves or fossil remains be found, all construction activities must be suspended and an archaeologist or palaeontologist must be contacted immediately. The discovered graves must be cordoned off.
59. A 500m buffer zone must be implemented around farm buildings which are older than 60years.
60. All rock kraals on site must be demarcated and labelled as no go areas. No wind turbine must be erected within rock kraals.



General

61. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
62. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
63. 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 applicant or his 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 applicant 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: 01 March 2013



Mr Mark Gordon

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 EIR dated April 2012;
- b) The comments received from interested and affected parties as included in the EIR dated April 2012;
- c) Mitigation measures as proposed in the EIR dated April 2012 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the EIR;
- e) Findings of the site visit conducted on 25 July 2012; and
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

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 proposed project stems from the need for clean and renewable energy sources to reduce the country's energy supply problems.
- c) The EIR dated April 2012 identified all legislation and guidelines that have been considered in the preparation of the EIR dated April 2012.
- d) The methodology used in assessing the potential impacts identified in the EIR dated April 2012 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 EIA Regulations, 2010 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 EIR dated April 2012 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.
- e) The EAP has indicated that the information contained in the EIR dated April 2012 is accurate and credible.
- f) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EAI/AMEND/0000083/2013

DEA Reference: 12/12/20/2463/1

Enquiries: Mahlatse Shubane

Telephone: 012-395-1781 Fax: 012-320-7539 E-mail: mshubane@environment.gov.za

Mr Johnny Hamilton Cullum
Longyuan Mulilo De Aar 2 South (Pty) Ltd.
P. O. Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Tel: (021) 934 5278

Fax: (021) 935 0505

PER FACSIMILE / MAIL

Dear Mr Cullum

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (DEA REFERENCE NUMBER: 12/12/20/2463/1) ISSUED ON 01 MARCH 2013: FOR THE ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation dated 01 March 2013 and amendment application form received by the Department on 13 May 2013, have reference.

Based on a review of the reasons for requesting an amendment to the above authorisation, the Department, in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010, (EIA Regulations) hereby amends the EA issued on 01 March 2013 (EA: Ref number 12/12/20/2463/1) as follows –

Any reference to "Mulilo Renewable Energy (Pty) Ltd" is herewith substituted with the Special Purpose Vehicle (SPV) name: "Longyuan Mulilo De Aar 2 South (Pty) Ltd."

This amendment letter must be read in conjunction with the EA issued on 01 March 2013.

In terms of Regulation 10(2) of the EIA Regulations, 2010 you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the amendment decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:



By facsimile: 012 320 7561;
 By post: Private Bag X447,
 Pretoria, 0001; or
 By hand: 2nd Floor, Fedsure Building, North Tower,
 Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,
 Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

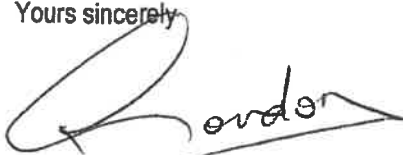
Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-33271
 Email: AppelasDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
 Date: 21.05.2013

CC:	Mr Simon Clark	Aurecon	Tel: 021-526-6027	Fax: 086-667-3532
	Ms Anga Yaphi	NDENC	Tel: 054-332-2885	Fax: 054-331-1155
	Mr Isaac Visser	Emthanjeni Local Municipality	Tel: 053-632-9100	Fax: 053-631-0105
	Ms Nomzamo Mtubu	Renosterberg Local Municipality	Tel: 053-663-0041	Fax: 053-660-0108
	Mr S Malaza	Compliance Monitoring	Tel: 012-310-3397	Fax: 012-320-5744



APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMAEIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



[Handwritten signature]



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/2463/1

Enquiries: Mr Muhammad Essop

Telephone: (012) 399 9406 E-mail: MEssop@environment.gov.za

Ms Karen Versfeld
Longyuan Mulilo De Aar 2 South (Pty) Ltd
PO Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Fax number: (021) 935 0505
Telephone number: (021) 934 5278

PER FACSIMILE / MAIL

Dear Ms Versfeld

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (12/12/20/2463/1) ISSUED ON 01 MARCH 2013 FOR THE PROPOSED WIND ENERGY FACILITY SITUATED ON THE PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 01 March 2013 and your application for amendment to the EA received by this Department on 31 July 2014 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the EA dated 01 March 2013 as follows:

Amendment 1: Amendment to extend the validity period:

The validity period of the Environmental Authorisation is hereby extended for a period of 02 (two) years from the date of signature of this amendment decision. 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.

Amendment 2: Amendment to the property descriptions of the EA:

Page 5 of the EA:

From:

"- for the construction of the Wind Energy Facility situated on the Eastern Plateau (South Site) near De Aar, on Slingers hoek (Farm No. 2 Portion 2 and Remainder); Slingers hoek (Farm No. 4 Portion 2); Knappaar (Farm No. 1 Portion 8); Maatjies fontein Farm (Farm No. 5 Portion 1); Vendussie Kuil (Farm No. 165 Portion 2); Vendussie Kuil (Farm No. 165 Portion 11 and Remainder) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as "the property".



To:

"- for the construction of the Wind Energy Facility situated on the Eastern Plateau (South Site) near De Aar, on Slingers Hoek (Farm No. 2 Remainder of Portion 2 and Remainder); Slingers Hoek (Farm No. 2 Portion 4); Knapdaar (Farm No. 8 Portion 1); Maatjes Fontain Farm (Farm No. 1 Portion 5); Vendussie Kuil (Farm No. 165 Remainder of Portion 2); Vendussie Kuil (Farm No. 165 Portion 11 and Remainder) within the Ernanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as "the property"."

Amendment 3: Amendment to Condition 43:

Condition 43 on Page 12:

From:

"No wind turbines must be erected within 1km radius of the Verreaux's Eagle nests."

To:

"No wind turbines must be erected within 800m radius of the Booted Eagle and the Verreaux's Eagle nests at:

*Nest 1 Booted Eagle: 30°34'47.15"S 24°15'0.52"E;
Nest 2 Booted Eagle: 30°34'47.03"S 24°15'10.23"E;
Nest 3 Booted Eagle: 30°34'36.09"S 24°14'55.49"E;
Nest 5 Verreaux's Eagle: 30°35'5.26"S 24°14'49.55"E; and,
Nest 6 Verreaux's Eagle: 30°35'41.56"S 24°15'50.57"E."*

Amendment 4: Amendment to Condition 44:

Condition 44 on Page 12 is hereby removed.

Amendment 5: Amendment to Condition 45:

Condition 45 on Page 12:

From:

"No wind turbines must be erected within 1.5km of the Vendussiekul farm dam".

To:

"No wind turbines must be erected within 500m of the Vendussiekul farm dam".

Furthermore, this Department requires that a shapefile of the approved development layout/footprint be submitted to this Department within two (2) months from the date of this letter. 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, 0083

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

This proposed amendment letter must be read in conjunction with the EA dated 01 March 2013 as amended.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the Department's decision in respect of the amendments made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the amendment decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of this decision, by means of one of the following methods:

By post: Private Bag X447,
Pretoria, 0001; or
By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria, 0083

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.



Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: AppealsDirectorate@environment.gov.za

Please note that the Minister may, on receipt of appeals against the decision suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement

Department of Environmental Affairs

Date:

14/05/2014

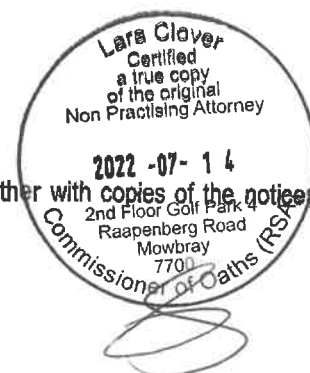


APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A DECISION

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive decision from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive decision from Applicant/Consultant.
2. Within 12 days of date of the decision notify all IAPs of the decision and draw their attention to their right to appeal against the decision in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the decision, submit a notice of intention to appeal within 20 days of the date of the decision with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the decision, submit a notice of intention to appeal within 20 days of the date of the decision with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/2463/1/AM3

Enquiries: Dikeledi Mokotong

Telephone: (012) 399 8801 E-mail: dmokotong@environment.gov.za

Mr Jonny Hamilton Cullum
Longyuan Mulilo De Aar 2 South (Pty) Ltd
PO Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Telephone Number: (021) 934 5278
Email Address: karen@mulilo.com

PER EMAIL/MAIL

Dear Mr Cullum

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR WITHIN THE EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) dated 01 March 2013, your application for an amendment to the EA dated 24 June 2015, the acknowledgement letter dated 29 June 2015, the draft report received for comment on 04 August 2015, the comments issued by this Department on 25 August 2015 and the report received on 17 September 2015 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the EA dated 01 March 2013 as amended as follows:

Amendment 1: Amendment of project description in the EA:

Page 05 of the EA dated 01 March 2013:

From:

"A permanent hard standing made of compacted gravel and approximately 20 50 m x 40 m would be constructed adjacent to each turbine location for the crane."

To:

"A permanent hard standing made of compacted gravel and approximately 50 m x 40 m would be constructed adjacent to each turbine location for the crane."



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Amendment 2: Amendment of turbine specifications in the EA:

The applicant wishes to amend the EA for the abovementioned project by amending the project description as follows:

- Reduce the number of turbine from 103 to either 61 or 30;
- Increasing the hub heights from 100m to a minimum of 90m and a maximum of 120m;
- Increasing the rotor diameters from 120m to a minimum of 100m and a maximum of 160m;
- Increasing the generation size of the turbines from 1.5MW – 2.5MW to 2.3MW – 4.0MW; and,
- The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5m once completed.

The following table is hereby included on page 05 of the EA and will replace the turbine specifications as outlined in the EA dated 01 March 2013 as amended:

Component	Description/ Dimensions
<i>Hub height from ground level</i>	120m
<i>Rotor diameter</i>	160m
<i>Maximum of turbines</i>	61
<i>Permanent affected area (foundation size)</i>	<i>The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5m once completed.</i>
<i>Generation capacity per turbine</i>	2.3 MW – 4.0MW
<i>Maximum Output of the Wind Energy Facility</i>	140MW

It must be noted that whilst the applicant applied for a range of parameters in the number of turbines, the hub height and rotor diameter, following a review of the motivation report provided and consultation with the specialist studies, this Department has decided to authorise the specifications as described in the table above.

This proposed amendment letter must be read in conjunction with the EA dated 01 March 2013 as amended.

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

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

An appellant must submit an 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 applicant by the competent authority.

By post: Private Bag X447,
Pretoria,
0001; or



By hand: Environment House
473 Steve Biko Road,
Arcadia,
Pretoria.

Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:
Tel: (012) 399 9356
Email: Appealsdirector@environment.gov.za

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, an appeal under Section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: (https://www.environment.gov.za/documents/forms#legal_authorisations).

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 25/01/2016

cc: Ms Nicole Holland	Holland and Associates Environmental Consultants (Pty) Ltd	Email: nicole@hollandandassociates.com
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175 1



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/2463/1/AM4
Enquiries: Mr Muhammad Essop
Telephone: (012) 399 9406 E-mail: MEssop@environment.gov.za

Mr Jonny Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
PO Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Telephone Number: (021) 934 5278
Email Address: karen@mulilo.com

PER EMAIL/MAIL

Dear Mr Cullum

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR WITHIN THE EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 01 March 2013, the amendments to the EA issued on 21 May 2013, 14 August 2014 and 25 January 2016 respectively and your application for amendment of the EA received by this Department on 08 March 2016 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the EA dated 01 March 2013 as amended as follows:

Amendment 1: Amendment to the contact details of the holder of the EA

From:

"Longyuan Mulilo De Aar 2 South (Pty) Ltd"

Represented by: Jonny Hamilton Cullum
PO Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Telephone Number: (021) 934 5278
Fax Number: (021) 935 0505
Email Address: karen@mulilo.com



To:

"Mulilo De Aar 2 South (Pty) Ltd"

Represented by: Jonny Hamilton Cullum
PO Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Telephone Number: (021) 934 5278
Fax Number: (021) 935 0505
Email Address: karen@mulilo.com

Amendment 2: Amendment to extend the validity period of the EA:

The activity must commence within a period of two (02) years from the date of expiry of the amendment to the EA issued on 14 August 2014 (i.e. the EA lapses on 14 August 2018). 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.

Furthermore a shapefile of the approved development layout/footprint must be submitted to this Department within two (2) months from the date of this letter. 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 X44
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



This proposed amendment letter must be read in conjunction with the EA dated 01 March 2013 as amended.

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

Your attention is drawn to Chapter 2 of Government Notice No. R. 993, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

An appellant must submit an 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 applicant by the competent authority.

By post: Private Bag X447,
Pretoria,
0001; or

By hand: Environment House
473 Steve Biko,
Arcadia, Pretoria,

Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: (https://www.environment.gov.za/documents/forms#legal_authorisations).

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 07/04/2016



cc: Ms Nicole Holland | Nicole Holland & Associates Environmental Consultants | E-mail: nicole@hollandandassociates.net



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/2463/1/AM5

Enquiries: Ms Dakalo Netshiombo

Telephone: (012) 399 8877 E-mail: DNetshiombo@environment.gov.za

Mr Johnny Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
P O Box 548
Howard Place
CAPE TOWN
7450

Telephone Number: (021) 685 3240
Fax: (086) 635 6809
Email Address: karen@mulilo.com

PER EMAIL / MAIL

Dear Mr Cullum

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE PROPOSED WIND ENERGY FACILITY SITUATED ON THE PLATEAU (SOUTH) NEAR DE AAR, WITHIN THE EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 01 March 2013, the amendments to the EA issued on 21 May 2013, 14 August 2014, 25 January 2016 and 07 April 2016 respectively, your application for amendment to the EA received by this Department on 12 June 2018 and the acknowledgement letter dated 15 June 2018 refers.

The applicant has applied for three amendments to the EA, i.e. to extend the validity period of the EA and to change the contact details of the holder of the EA as well as amend the error in the property description on page 5 of the EA as amended by EA amendment letter dated 14 August 2014. Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 01 March 2013 as follows:

Amendment 1: Extension of the validity period of the EA

The activity must commence within a period of three (03) years from the date of expiry of the EA issued on 01 March 2013 (i.e. the EA lapses on 14 August 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.



Amendment 2: Change in contact details of the holder of the EA

From:

Mr Johnny Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
P O Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Telephone Number: (021) 934 5278
Fax: (021) 935 0505
Email Address: karen@mulilo.com

To:

Mr Johnny Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
P O Box 548
Howard Place
CAPE TOWN
7450

Telephone Number: (021) 685 3240
Fax: (086) 635 6809
Email Address: karen@mulilo.com

Amendment 3: Editorial error in the property description of the EA

From:

"for the construction of the Wind Energy Facility situated on the Eastern Plateau (South Site) near De Aar, on Slingers Hoek (Farm No. 2 Remainder of Portion 2 and Remainder); Slingers Hoek (Farm No. 2 Portion 4); Knapdaar (Farm No. 8 Portion 1); Maatjes Fontain Farm (Farm No. 1 Portion 5); Vendussie Kuil (Farm No. 165 Remainder of Portion 2); Vendussie Kuil (Farm No. 165 Portion 11 and Remainder) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

To:

"for the construction of the Wind Energy Facility situated on the Eastern Plateau (South Site) near De Aar, on Slingers Hoek (Farm No. 2 Remainder of Portion 2 and Remainder); Slingers Hoek (Farm No. 2 Portion 4); Knapdaar (Farm No. 8 Portion 1); Maatjes Fountain (Farm No. 1 Portion 5); Vendussie Kuil (Farm No. 165 Remainder of Portion 2); Vendussie Kuil (Farm No. 165 Portion 11 and Remainder) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

The applicant applied to amend the EA as the development was not awarded preferred bidder status in the Department of Energy Renewable Energy Independent Power Producer Programme (REIPPP) because the REIPPP was put on hold when Eskom refused to sign further agreements citing financial woes and the fact that the holder of the EA has moved office premises as well as the editorial errors on the EA as amended by the EA amendment letter dated 14 August 2014.



This amendment letter must be read in conjunction with the EA dated 01 March 2013, and respective EA amendments mentioned above.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the 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 in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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:

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 X 447,
Pretoria,
0001

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, 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 Vusi Skosana

Acting Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 05/07/2018



CC	Ms N Holland	Holland & Associates Environmental Consultants	Cell: (083) 464 5246	Email: nicole@hollandandaassociates.net
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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia · PRETORIA
Tel: (+27 12) 399 6372
Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: isabader@environment.gov.za

Mr. Vusi Skosana
Director: Strategic co-ordination planning and support

Dear Mr. V Skosana

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 18 JUNE 2018 UNTIL 29 JUNE 2018 (2 WEEKS).

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated environmental authorisations for the period 18 June 2018 until 29 June 2018 whilst Mr. Sabelo Malaza is on Annual Leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

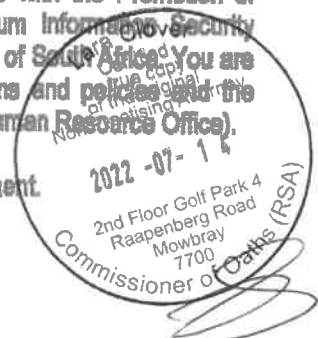
Yours sincerely

Mr Ishaam Abader

DDG : LACE

Date:

14/06/2018



ACKNOWLEDGEMENT

I ACCEPT / DO NOT ACCEPT appointment as Acting Chief Director: Integrated environmental authorisations

Signed: [Signature]

Date: 14/06/2018



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/2463/1/AM5

Enquiries: Ms Dakalo Netshiombo

Telephone: (012) 399 8877 E-mail: DNetshiombo@environment.gov.za

Mr Johnny Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
P O Box 548
Howard Place
CAPE TOWN
7450

Telephone Number: (021) 685 3240
Fax: (086) 635 6809
Email Address: karen@mulilo.com

PER EMAIL / MAIL

Dear Mr Cullum

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE PROPOSED WIND ENERGY FACILITY SITUATED ON THE PLATEAU (SOUTH) NEAR DE AAR, WITHIN THE EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 01 March 2013, the amendments to the EA issued on 21 May 2013, 14 August 2014, 25 January 2016 and 07 April 2016 respectively, your application for amendment to the EA received by this Department on 12 June 2018 and the acknowledgement letter dated 15 June 2018 refers.

The applicant has applied for three amendments to the EA, i.e. to extend the validity period of the EA and to change the contact details of the holder of the EA as well as amend the error in the property description on page 5 of the EA as amended by EA amendment letter dated 14 August 2014. Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 01 March 2013 as follows:

Amendment 1: Extension of the validity period of the EA

The activity must commence within a period of three (03) years from the date of expiry of the EA issued on 01 March 2013 (i.e. the EA lapses on 14 August 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.



Amendment 2: Change in contact details of the holder of the EA

From:

Mr Johnny Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
P O Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Telephone Number: (021) 934 5278
Fax: (021) 935 0505
Email Address: karen@mulilo.com

To:

Mr Johnny Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
P O Box 548
Howard Place
CAPE TOWN
7450

Telephone Number: (021) 685 3240
Fax: (086) 635 6809
Email Address: karen@mulilo.com

Amendment 3: Editorial error in the property description of the EA

From:

"for the construction of the Wind Energy Facility situated on the Eastern Plateau (South Site) near De Aar, on Slingers Hoek (Farm No. 2 Remainder of Portion 2 and Remainder); Slingers Hoek (Farm No. 2 Portion 4); Knapdaar (Farm No. 8 Portion 1); Maatjes Fontain Farm (Farm No. 1 Portion 5); Vendussie Kuil (Farm No. 165 Remainder of Portion 2); Vendussie Kuil (Farm No. 165 Portion 11 and Remainder) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

To:

"for the construction of the Wind Energy Facility situated on the Eastern Plateau (South Site) near De Aar, on Slingers Hoek (Farm No. 2 Remainder of Portion 2 and Remainder); Slingers Hoek (Farm No. 2 Portion 4); Knapdaar (Farm No. 8 Portion 1); Maatjes Fountain (Farm No. 1 Portion 5); Vendussie Kuil (Farm No. 165 Remainder of Portion 2); Vendussie Kuil (Farm No. 165 Portion 11 and Remainder) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

The applicant applied to amend the EA as the development was not awarded preferred bidder status in the Department of Energy Renewable Energy Independent Power Producer Programme (REIPPP) because the REIPPP was put on hold when Eskom refused to sign further agreements citing financial woes and the fact that the holder of the EA has moved office premises as well as the editorial errors on the EA as amended by the EA amendment letter dated 14 August 2014.



This amendment letter must be read in conjunction with the EA dated 01 March 2013, and respective EA amendments mentioned above.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the 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 in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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:

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

By email: appealsdirector@environment.gov.za;

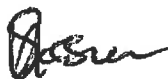
By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X 447,
Pretoria,
0001

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, 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 Vusi Skosana

Acting Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 05/07/2018



CC	Ms N Holland	Holland & Associates Environmental Consultants	Cell: (083) 464 5246	Email: nicole@hollandandaassociates.net
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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia · PRETORIA
Tel: (+27 12) 399 6372
Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: isabader@environment.gov.za

Mr. Vusi Skosana
Director: Strategic co-ordination planning and support

Dear Mr. V Skosana

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 18 JUNE 2018 UNTIL 29 JUNE 2018 (2 WEEKS).

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated environmental authorisations for the period 18 June 2018 until 29 June 2018 whilst Mr. Sabelo Malaza is on Annual Leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Mr Ishaam Abader

DDG : LACE

Date:

14/06/2018



ACKNOWLEDGEMENT

I ACCEPT / DO NOT ACCEPT appointment as Acting Chief Director: Integrated environmental authorisations

Signed: [Signature]

Date: 14/06/2018



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: 12/12/20/2463/1/AM6

Enquiries: Ms Azrah Essop

Telephone: (012) 399 8529 E-mail: AEssop@environment.gov.za

Mr John Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
P O Box 548
HOWARD PLACE
Cape Town
7450

Tel: (021) 685 3240
Fax: (083) 635 6809
Email: johnny@mulilo.com

PER EMAIL / MAIL

Dear Mr Cullum

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE PROPOSED WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 01 March 2013, the amendments to the EA issued on 21 May 2013; 14 August 2014; 25 January 2016; 07 April 2016; 05 July 2018 and your application for amendment to the EA received by this Department on 26 June 2019, the acknowledgement letter issued by the Department on the 01 July 2019 and the correspondence dated 26 July 2019 refer.

Amendment 1:

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended, has decided to amend the project description as follows:

The turbine specifications typed as:

Component	Description/Dimensions
<i>Hub height from ground level</i>	120m
<i>Rotor Diameter</i>	160m
<i>Maximum of turbines</i>	61
<i>Permanent affected area (foundation size)</i>	<i>The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5m once completed.</i>
<i>Generation capacity per turbine</i>	2.3MW – 4.0MW
<i>Maximum Output of the Wind Energy Facility</i>	140MW



MS

Is amended to:

Component	Description/Dimensions
Hub height from ground level	120m
Rotor Diameter	160m
Maximum of turbines	25 - 61
Permanent affected area (foundation size)	The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5m once completed.
Generation capacity per turbine	2.3MW – 6.0MW
Maximum Output of the Wind Energy Facility	140MW

The reasons for the amendments are as follows:

The applicant intends to increase the generation capacity of the turbines at the Mulilo De Aar 2 South wind energy facility in order to align to current international wind turbine generator (WTG) models, while reducing the number of WTGs at the facility. A fewer number of turbines will also result in less ecological disturbance and improve competitiveness of the project.

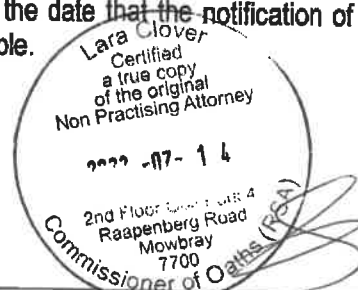
This letter must be read in conjunction with the EA dated 01 March 2013 and subsequent amendments stated above.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

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

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 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.



M-5

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 Road,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X447,
Pretoria,
0001;

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: 04/09/2019

CC: Nicole Holland	Holland and Associates Environmental Consultants	Email: nicole@hollandandassociates.net
Mr Bryan Fischer	Northern Cape Department of Environment and Nature Conservation	Email: tmakaudi@ncpg.gov.za
Mr S. G. Booysen	Emthanjeni Local Municipality	Email: visser@emthanjeni.co.za





**environment, forestry
& fisheries**

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

DEFF Reference: 12/12/20/2463/1/AM7

Enquiries: Ms Azrah Essop

Telephone: (012) 399 8529 E-mail: AEssop@environment.gov.za

Mr John Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
PO Box 548
HOWARD PLACE
Cape Town
7450

Telephone Number: (021) 685 3240
Fax Number: (083) 635 6809
Email Address: johnny@mulilo.com

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE PROPOSED CONSTRUCTION OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE.

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 01 March 2013, the amendments to the EA issued on 21 May 2013; 14 August 2014; 25 January 2016; 07 April 2016; 05 July 2018; 06 September 2019, your application for amendment of the EA received by the Department on 06 January 2020 and the acknowledgement letter dated 14 January 2020, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 01 March 2013 as amended, as follows:

Amendment 1: Amendment to the project description:

The Rotor Diameter typed as (page 2 of the EA Amendment Decision for 12/12/20/2463/1/AM6 dated 06 September 2019 which replaced the table in the EA dated 01 March 2013):

Component	Description/ Dimensions
<i>Hub height from ground level</i>	120m
<i>Rotor diameter</i>	160m
<i>Maximum of turbines</i>	25 - 61
<i>Permanent affected areas (foundation size)</i>	<i>The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5, once completed</i>
<i>Generation capacity per turbine</i>	2.3MW – 6.0MW
<i>Maximum Output of the Wind Energy Facility</i>	140MW



Is amended to:

Component	Description/ Dimensions
Hub height from ground level	120m
Rotor diameter	165m
Maximum of turbines	25 - 61
Permanent affected areas (foundation size)	The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5, once completed
Generation capacity per turbine	2.3MW – 6.0MW
Maximum Output of the Wind Energy Facility	140MW

Reason for amendment

The applicant applied to increase the rotor diameter of the wind turbines at the Mulilo De Aar 2 South Wind Energy Facility due to the continuous development in wind turbine technology. Increasing the rotor diameter by 5m (which is a 3% increase in the diameter, and would be a 6.35% increase in the swept area) would allow the applicant to make use of newer technologies and result in more efficient turbines ultimately resulting in cheaper electricity costs and fewer wind turbines per farm. The other dimensions of the turbines, generation capacity of the wind energy facility and layout of the wind energy facility would remain as authorised.

This proposed amendment letter must be read in conjunction with the EA dated 01 March 2013 and the subsequent amendments thereto.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

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

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 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.



MS

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

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

By email: appeals@environment.gov.za;

By hand: Environment House
473 Steve Biko Road,
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](https://www.environment.gov.za/documents/forms#legal%20authorisations) or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries
Date: 24/08/2020

CC: Ms Nicole Holland

Holland & Associates Environmental Consultants

Email: nicole@hollandandassociates.net





forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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

DFFE Reference: 12/12/20/2463/1/AM8

Enquiries: Ms Makhosazane Yeni

Telephone: (012) 399 9400 E-mail: MYeni@environment.gov.za

Mr John Hamilton Cullum
Mulilo De Aar 2 South (Pty) Ltd
PO Box 548
CAPE TOWN
7450

Tel: (021) 685 3240

Email: johnny@mulilo.com/andrew@mulilo.com

PER EMAIL / MAIL

Dear Mr Cullum

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 MARCH 2013 FOR THE ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 01 March 2013, the amendment to the EA dated 21 May 2013, 14 August 2014, 25 January 2016, 07 April 2016, 05 July 2018, 06 September 2019, 24 August 2020, your application for amendment to the EA received by this Department on 04 June 2021 refer and acknowledgement letter dated 07 June 2021.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended, has decided to amend the EA dated 01 March 2013 as amended, as follows:

Amendment 1: To extend the validity period of the EA

The validity period of the EA is hereby extended by an additional one (1) year and seven (7) months. The activity must commence within a period of 10 years from the date of expiry of the EA issued on 01 March 2013, as amended (i.e. the EA lapses on 01 March 2023). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for EA must be made in order for the activity to be undertaken.

The applicant applied to extend the validity period of the EA as the development was not awarded preferred bidder status in the DoE REIPPP. The applicant intends to bid this project in the DoE REIPPP future rounds.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10-year period, your EA will be deemed to have lapsed and a new application for EA will have to be lodged.

This amendment letter must be read in conjunction with the EA dated 01 March 2013, as amended.



In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

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

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 organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

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

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

By email: appeals@environment.gov.za;

By hand: Environment House

473 Steve Biko,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X447,

Pretoria,
0001;



Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 21/06/2021

cc:	Nicole Holland	Holland & Associates Environmental Consultants	Cell: 083 464 5246	Email: nicole@hollandandassociates.net
	Ms Gail Letimela	Northern Cape- Department of Agricultural, Environmental Affairs, Land Reform and Rural Development	Tel: 053 807 7300/7462	Email: gletimela@ncpg.gov.za
	Mr S.G. Booyesen	Emthanjeni Local Municipality	Tel: 053 632 9100	Email: visser@emthanjeni.co.za





the denc

Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Metlife Towers, T-Floor, Tel: 053 807 7300. Fax: 053 807 7328

Equiries :
Dipatlisilo : Mr. Thulani Mthombeni
Navrae :
Imibuzo
Reference
Tshupelo : NC/BA/14/PIX/EMT/DEA5/2014
Verwysing
Isalathiso

Date : 24th July 2014
Letlha :
Datum :
Umhla :

Longyuan Mulilo De Aar 2 South (Pty) Ltd

Karen Versfeld
P.O. Box 50
Cape Town International Airport
7525

Karen@mulilo.com



Dear Sir/Madam

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR GN.R546: ACTIVITIES: 13 (b) (c) (ii) (bb) & 16 (iii) (iv) ii (bb) : BASIC ASSESSEMENT PROCESS FOR ADDITIONAL ACTIVITIES AT THE AUTHORISED WIND ENERGY FACILITIES SITUATED ON THE PLATEAU (SOUTH) NEAR DE AAR, FARM SLINGERSHOEK (FARM NO. 2 PORTION 4), SLINGERSHOEK (FARM NO. 2 REMAINDER OF PORTION 2), SLINGERSHOEK (FARM NO. 2 REMAINDER), VENDUSSIE KUIL (FARM NO. 165 PORTION 11), VENDUSSIE KUIL (FARM NO. 165 REMAINDER), VENDUSSIE KUIL (FARM NO. 165 REMAINDER OF PORTION 2), MAATJESFOUNTAIN (FARM NO. 1 PORTION 5), KNAPDAAR (FARM NO. 8 PORTION 1), NEAR DE AAR, EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2010, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION FOR GN.R546: ACTIVITIES: 13 (b) (c) (ii) (bb) & 16 (iii) (iv) ii (bb) : BASIC ASSESSEMENT PROCESS FOR ADDITIONAL ACTIVITIES AT THE AUTHORISED WIND ENERGY FACILITIES SITUATED ON THE PLATEAU (SOUTH) NEAR DE AAR, FARM SLINGERSHOEK (FARM NO. 2 PORTION 4), SLINGERSHOEK (FARM NO. 2 REMAINDER OF PORTION 2), SLINGERSHOEK (FARM NO. 2 REMAINDER), VENDUSSIE KUIL (FARM NO. 165 PORTION 11), VENDUSSIE KUIL (FARM NO. 165 REMAINDER), VENDUSSIE KUIL (FARM NO. 165 REMAINDER OF PORTION 2), MAATJESFOUNTAIN (FARM NO. 1 PORTION 5), KNAPDAAR (FARM NO. 8 PORTION 1), NEAR DE AAR, EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the **Final Environmental Impact Assessment Report dated April 2014** subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within twelve (12) calendar days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit 31/2014

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge a notice of intention to appeal, as prescribed in regulation 60 (1) of Environmental Impact Assessment Regulations, 2010, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: T-Floor, Metlife Towers, Kimberley, 8300.

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully



Mr. B Fisher – Acting Director

Environmental Quality Management

Department of Environment and Nature Conservation

DATE OF DECISIONS:

31 July 2014

Cc: Aurecon South Africa (Pty) Ltd
Louise Corbett
Louise.corbett@aurecongroup.com



Permit 31/2014



ENVIRONMENTAL AUTHORISATION
in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and
the Environmental Impact Assessment Regulations, 2010

**Authorisation Register
Number:**

PERMIT 31/2014

Reference Number:

NC/BA/14/PIX/EMT/DEA5/2014

Last Amended:

N/A

Holder of Authorisation:

LONGYUAN MULILO DE AAR 2 SOUTH (PTY) LTD

Location of activity:

FARM SLINGERSHOEK (FARM NO. 2 PORTION 4),
SLINGERSHOEK (FARM NO. 2 REMAINDER OF
PORTION 2), SLINGERSHOEK (FARM NO. 2
REMAINDER), VENDUSSIE KUIL (FARM NO. 165
PORTION 11), VENDUSSIE KUIL (FARM NO. 165
REMAINDER), VENDUSSIE KUIL (FARM NO. 165
REMAINDER OF PORTION 2), MAATJESFOUNTAIN
(FARM NO. 1 PORTION 5), KNAPDAAR (FARM NO. 8
PORTION 1), NEAR DE AAR.



DEFINITIONS

Activity means an activity identified in Government Notice No. R. 544 and No. R. 545 of 2010 as a listed activity.

Applicant means a person who has submitted an application.

Application means an application for an environmental authorization in terms of chapter 3 of the Environmental Impact Assessment Regulations of 2010.

Basic assessment report means a report contemplated in regulation 22.

Environmental Impact Report means a report contemplated in regulation 31 of the Environmental Impact Assessment Regulations of 2010.

EAP means an environmental assessment practitioner as defined in section 1 of the Act.

Interested and affected party means a interested and affected party contemplated in section 24(4)(d) of the Act, and which in terms of that section includes:

- ◆ Any person, group of persons or organisation interested in or affected by an activity, and
- ◆ Any organ of state that may have jurisdiction over any aspect of the activity.

Public participation process means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

The Department means the Northern Cape Department of Environment and Nature Conservation.

The Act means the National Environmental Management Act, 1998 (Act No. 107 of 1998).



DECISION

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

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) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

LONGYUAN MULILO DE AAR 2 SOUTH (PTY) LTD

with the following contact details –

Karen Versfeld
P.O. Box 50
Cape Town International Airport
7525

Tel: (021) 934 5288
Fax: (021) 935 0505
E-mail: karen@mulilo.com



to undertake the following activity (hereafter referred to as "the activity")

Activity No. 13 of GN.R.546 of 18 June 2010

The clearance of an area of 1 hectare or more of vegetation where 75% or more of vegetation cover constitutes indigenous vegetation

(b) National Protected Area Expansion Strategy Focus Areas

- (c) In Northern Cape:
 - (ii) Outside urban areas, the following:
 - (bb) National Protected Area Expansion Strategy Focus areas (NPAES).

Activity No. 16 of GN.R.546 of 18 June 2010

The construction of:

- (iii) buildings with a footprint exceeding 10 square metres in size; or
- (iv) infrastructure covering 10 square metres or more

(a) In Northern Cape:

ii. Outside urban areas, in:

(bb) National Protected Area Expansion Strategy Focus areas;

Where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

At, Slingshoek (Farm No. 2 Portion 4), Slingshoek (Farm No. 2 Remainder of Portion 2), Slingshoek (Farm No. 2 Remainder), Vendussie Kuil (Farm No. 165 Portion 11), Vendussie Kuil (Farm No. 165 Remainder), Vendussie Kuil (Farm No. 165 Remainder of Portion 2), Maatjesfontain (Farm No. 1 Portion 5), Knapdaar (Farm No. 8 Portion 1), Near De Aar, which falls within the jurisdiction of Emthanjeni Local Municipality, of Pixley ka Seme District Municipality, with the following co-ordinates:

(Longitude (E) 24° 16' 58", Latitude (S) 30° 35' 43")

hereafter referred to as "the property".

The granting of this Environmental Authorisation is subject to the conditions set out below.



CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activity(s) which is authorised must only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this 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 authorisation in terms of the regulations.
5. This 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.

General conditions:

6. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic



details, the applicant must notify the Department as soon as the new details become known to the applicant.

8. The holder of the authorisation must notify the Department, in writing and within 24 (TWENTY FOUR) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within 7 (SEVEN) days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs, National Department of Agriculture, Forestry and Fisheries, Department of Housing & Local Government, Department of Water Affairs, Department of Minerals Resources, Department of Transport, Roads & Public Works, Department Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activity, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. One week's written notice must be given to the Administration clerk (Impact Management Unit) before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following conditions described herein.



i. Conditions: 11 and 23

13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Records relating to the compliance/non-compliance with the conditions of the authorization and contracts must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records.
16. Any complaints regarding the said development must be brought to the attention of the Department within 24 (twenty four) hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
17. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorization. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
18. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
19. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
20. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this



application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his 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 applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.

21. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
22. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operational phases.

Appeal of authorisation:

23. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (TWELVE) calendar days, of receiving notice of the Department's decision to authorise the activity.
24. The notification referred in 23 must –
 - specify the date on which the authorisation was issued;
 - inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.
25. If the applicant should appeal against this Environmental Authorisation, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

Management of activity:

26. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented.
27. The Environmental Management Programmes is a living document and must be updated as determined or required.



28. The disturbance of the environment must be restricted to the absolute minimum.

Monitoring and Recording

26. A site monitoring must be instituted to the satisfaction of this Department, access routes must be monitored during routine site maintenance visits.

27. This Department retains the right to inspect or monitor the proposed project during both construction and operation, to ensure that it complies with the legislation and the conditions stipulated in this Environmental Authorisation.

28. The holder of the authorisation must submit an environmental audit report to the Department upon the completion of the construction and rehabilitation of the activities. The environmental audit report must-

- Indicate the date of the audit, the name of the auditor and the outcome of the audit.
- Records relating to the monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

29. The applicant must appoint a suitably experienced 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 authorisation are implemented.

30. The ECO shall be appointed before commencement of any land clearing or construction activities.

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

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



33. 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.

Commissioning of the activity:

34. 14 days written notice must be given to the Department that the activity will commence. 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.
35. The authorised activity shall not commence within thirty (30) days of the date of signature of the authorisation.
36. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you shall not commence with the activity unless authorised by the minister in writing.

Operation of the activity:

37. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
38. Any waste generated during construction and operation phase must be disposed off at a waste disposal site licensed for such waste.
39. No on-site burning of solid waste is permitted.
40. All forms of pollution must be prevented, or where it cannot, should be minimized or remedied.
41. The appropriate toilets must be supplied for the entire construction period and must be serviced on regular basis.
42. In the event of oil spillages and contamination of soil by hazardous substances that contaminated area must be cleaned up immediately by removing the contaminated soil and disposing it into the designated hazardous skip bin for correct disposal.



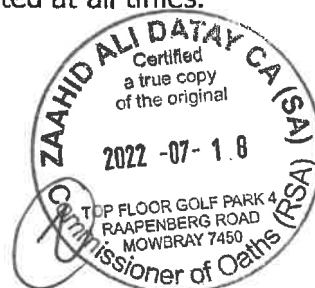
43. Any spillage of diesel and oil must be reported and cleared up immediately.
44. The clearing of natural vegetation must be limited to the footprint of the development.
45. The intentional and accidental killing of fauna must be avoided at all times. No pouching is permitted.
46. The habitat fragmentation must be avoided where possible.
47. The level of noise during the construction phase of the project must be kept as low as possible and must comply with the Noise Control Regulations (GN R 154) as well as the acceptable day rating levels as per the SANS10103:2008 guidelines.
48. Storm water control works must be constructed, operated and maintained in a sustainable manner throughout the project.
49. Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to bank instability and excessive levels of silt entering the water course.
50. Storm water leaving the premises mustn't in any way be contaminated by any substance, whether such substance is a solid, liquid, vapour, gas or a combination thereof which is produced, used, stored, dumped or spilled on the premises.
51. All construction activities must be conducted in a manner that does not cause any damage/effect to the existing wetlands, streams and rivers.
52. Existing and dedicated access roads must be used.
53. Dust control measures must be implemented during construction phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).



54. The areas that have been denuded and disturbed as a result of the construction on site must be vegetated with indigenous vegetation immediately after the construction works has ended.
55. A monitoring program must be implemented for early detection of alien invasive plant species and must be in accordance with the Conservation of Agriculture Resources Act (Act 43 of 1983).
56. No invasive alien plant species may be used in landscaping or rehabilitating the site.
57. All the areas known to have sensitive archaeological sites must be clearly demarcated and not disturbed.
58. Old buildings which have historical significance must be fenced off during construction phase to avoid vandalism.
59. The graves/burials must not be impacted by the construction activities. In the event of accidental uncovering of graves, work must stop immediately and SAHRA Burial Unit must be notified.
60. If any new evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during development or construction, SAHRA and an archaeologist and/or palaeontologist, depending on the nature of the resources found, must be alerted immediately.
61. All mitigation measures detailed in the Environmental Management Programme report must be implemented.

Site closure and decommissioning:

62. In case of decommissioning of the project, the holder of the Environmental Authorisation must properly rehabilitate the site to the satisfaction of the Directorate: Environmental Quality Management.
63. The ecosystem integrity must be promoted at all times.



DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of three (3) years from the date of issue. If commencement does not occur within that period and the intention is to extend the validity period of the authorisation, an application for amendment to extend the validity period must be launched at least six months before the validity period lapses. 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.

APPEAL

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2010, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within Twenty (20) days after date of the decision, and an appeal must **be lodged within thirty (30) days after lapsing of 20 days contemplated in regulation 60 (1)** of lodging of the notice to appeal to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 832 1026

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2010 Government Notice No. R. 543 of 18 June 2010.



MR. B. FISHER
ACTING DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 31 July 2014

NC/BA/14/PIX/EMT/DEA5/2014



Page 13 of 16

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Longyuan Mulilo De Aar 2 South (Pty) Ltd**, applied for authorization to carry on the following activity –

Activity No. 13 of GN.R.546 of 18 June 2010

The clearance of an area of 1 hectare or more of vegetation where 75% or more of vegetation cover constitutes indigenous vegetation

(b) National Protected Area Expansion Strategy Focus Areas

(c) In Northern Cape:

(ii) Outside urban areas, the following:

(bb) National Protected Area Expansion Strategy Focus areas (NPAES).

Activity No. 16 of GN.R.546 of 18 June 2010

The construction of:

(iii) buildings with a footprint exceeding 10 square metres in size; or

(iv) infrastructure covering 10 square metres or more

(a) In Northern Cape:

ii. Outside urban areas, in:

(bb) National Protected Area Expansion Strategy Focus areas;

Where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

At Slingsershoek (Farm No. 2 Portion 4), Slingsershoek (Farm No. 2 Remainder of Portion 2), Slingsershoek (Farm No. 2 Remainder), Vendussie Kuil (Farm No. 165 Portion 11), Vendussie Kuil (Farm No. 165 Remainder), Vendussie Kuil (Farm No. 165 Remainder of Portion 2), Maatjesfontain (Farm No. 1 Portion 5), Knapdaar (Farm No. 8 Portion 1), Near De Aar.



2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998)
- b) The relevant information contained in the Departmental informational base including-
 - Public Participation Guidelines 2010.
 - Environmental Impact Assessment Regulations promulgated in terms of the new Environmental Management Act (No. 107 of 1998)
- c) The findings of the site visit undertaken by the Environmental Assessment Practitioner (EAP) and the Departmental case officer.

3. 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 legal and procedural requirements have been complied and the information contained in the Environmental Impact Assessment Report is to the satisfaction of the Department.
- b) The Environmental Impact Assessment Report findings given the nature of the project, concludes that the potential impact associated with the proposed development area of a nature and extent that can be reduced.

4. Findings

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

- a) The environmental impacts associated with the proposed project can be reduced to acceptable levels if properly managed.
- b) Adequate Public Participation Process took place



- c) The legal and procedural requirements have been complied with and the information contained in the Environmental Impact Assessment Report and Appendices is to the satisfaction of the Department.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.





the denc

Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Medlife Towers, T-Floor, Tel: 053 807 7300, Fax: 053 807 7328

Equiries :
Dipatlisilo :
Navrae : Mr. Isaac Gwija
Imibuzo
Reference
Tshupelo : NC/BA/14/PIX/EMT/DEA5/2014(Amendment1)
Verwysing
Isalathlso

Date :
Letlha : 27th February 22018
Datum :
Umhla :

Mulilo De Aar 2 South (Pty) Ltd
Mr. John Cullum
P.O. Box 548
Howard Place
Cape Town
7450

john@mulilo.com

Dear Sir / Madam

THE GRANTING OF THE AMENDMENT ENVIRONMENTAL AUTHORISATION FOR: GN.R 983: ACTIVITIES: 27 (ii) and GN.R985: ACTIVITY: 14 (ii) (g) (ii) (bb) : THE PROPOSED APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION FOR THE ADDITIONAL ACTIVITIES AT THE AUTHORISED WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, AT SLINGERS HOEK (FARM NO.2 PORTION 4), SLINGERS HOEK (FARM NO.2 REMAINDER OF PORTION 2 AND REMAINDER), MAATJES FOUNTAIN FARM (FARM NO.1 PORTIONS) KNAPDAAR (FARM NO.8 PORTION 1) NEAR DE AAR, EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2014 **THE GRANTING OF THE AMENDMENT ENVIRONMENTAL AUTHORISATION FOR: GN.R 983: ACTIVITIES: 27 (ii) and GN.R985: ACTIVITY: 14 (ii) (g) (ii) (bb) : THE PROPOSED APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION FOR THE ADDITIONAL ACTIVITIES AT THE AUTHORISED WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, AT SLINGERS HOEK (FARM NO.2 PORTION 4), SLINGERS HOEK (FARM NO.2 REMAINDER OF PORTION 2 AND REMAINDER), MAATJES FOUNTAIN FARM (FARM NO.1 PORTIONS) KNAPDAAR (FARM NO.8 PORTION 1) NEAR DE AAR, EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the Environmental Impact Assessment Report dated November 2015 subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit 31/2014 (Amendment1)



Your attention is drawn to Chapter 2 of the National Appeal Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge an appeal, as prescribed in regulation 4 of the National Appeal Regulations, 2014, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: T-Floor, Metlife Towers, Kimberley, 8300.

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully



MR. B FISHER – DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION

DATE OF DECISION:

27 February 2018

Cc: Nicole Hollard
nicole@hollandandassociates.net

Permit 31/2014 (Amendment1)



Northern Cape Province
DEPARTMENT OF
ENVIRONMENT & NATURE
CONSERVATION



Porofensi Ya Kapa Bokone
LEFAPHA LA TIKOLOGO LE
TSHOMARELO YA THLAGO

ENVIRONMENTAL AUTHORISATION

In terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the
Environmental Impact Assessment Regulations, 2014

Authorisation Number:	Register	PERMIT 31/2014 (Amendment 1)
Reference Number:		NC/BA/14/PIX/EMT/DEA5/2014 (Amendment 1)
Last Amended:		FEBRUARY 2018
Holder of Authorisation:		MULILO DE AAR 2 SOUTH (Pty) Ltd
Location of activity:		SLINGERS HOEK (FARM NO.2 PORTION 4), SLINGERS HOEK (FARM NO.2 REMAINDER OF PORTION 2 AND REMAINDER), VENDUSSIE KUIL (FARM NO.165 REMAINDER OF PORTION 2, REMAINDER OF PORTION 11, AND REMAINDER), MAATJES FOUNTAIN FARM (FARM NO.1 PORTION 5), KNAPDAAR (FARM NO.8 PORTION 1) NEAR DE AAR.



DEFINITIONS

"Activity" means an activity identified in any notice published by the Minister or MEC in terms of section 24D (1) (a) of the Act as a listed activity or specified activity;

"Proponent" means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted;

"Application" means an application for an -

- (a) environmental authorization in terms of Chapter 4 of the 2014 Environmental Impact Assessment regulations;
- (b) amendment to an environmental authorisation in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;
- (c) amendment to an EMPr in terms of Chapter 5 the 2014 Environmental Impact Assessment regulations;
- (d) amendment of a closure plan in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

"Basic Assessment Report" means a report contemplated in regulation 19 of the 2014 Environmental Impact Assessment regulations;

"Basic Assessment Report" means a report contemplated in regulation 19 of the 2014 Environmental Impact Assessment regulations;

2014 Environmental Impact Assessment regulations;

"Plan of Study for Environmental Impact Assessment" means a study contemplated in regulation 22 which forms part of a scoping report and sets out how an environmental impact assessment will be conducted;

"Scoping Report" means a report contemplated in regulation 21 of the 2014 Environmental Impact Assessment regulations;

"EAP" means an Environmental Assessment Practitioner as defined in section 1 of the Act;

"EMPr" means an environmental management programme contemplated in regulations 19 and 23 of the 2014 Environmental Impact Assessment regulations;

"Registered Interested and Affected Party" in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

"Public Participation Process" means the process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific activity;

"Department" means the Northern Cape Department of Environment and Nature Conservation; and

"The Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998).



DECISION

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

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) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises

Mulilo De Aar 2 South (Pty) Ltd

with the following contact details

Mr John Cullum
P.O Box 548
Howard Place
Cape Town
7450

Tel: 021 685 3240

Fax: 086635 6809

Email: john@mulilo.com

To undertake the following activities (hereafter referred to as "the activity")

The proposed application for amendment of the environmental authorization for the additional activities at the authorized wind energy facility situated on the eastern plateau (south) near De Aar, Emthanjeni Local Municipality, Pixley Ka Seme District Municipality, Northern Cape.

Activity No.27 of GN.R 983 of 04 December 2014 (As amended)

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-



- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

Activity No.14 of GN.R 985 of 04 December 2014 (As amended)

The development of:

- (ii) channels exceeding 10 square metres in size;

(g) Northern Cape

- (ii) Outside urban areas:

(bb) National Protected Area Expansion Strategy Focus areas.

At, Slingers Hoek (Farm No.2 Portion 4), Slingers Hoek (Farm No.2 Remainder of Portion 2 and Remainder), Vendussie Kuil (Farm No.165 Remainder of Portion 2, Remainder of Portion 11, and Remainder), Maatjes Fountain Farm (Farm No.1 Portion 5), Knapdaar (Farm No.8 Portion 1) Near De Aar.

with the following co-ordinates;

Longitude (E) 24° 16' 58" Latitude (S) 30° 35' 43"

Hereafter referred to as "the property".



The granting of this Environmental Authorisation is subject to the conditions set out below.

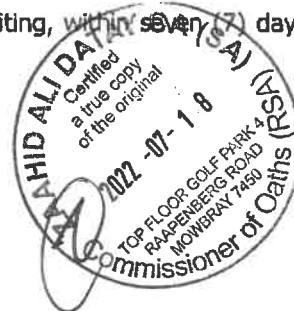
CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activities which is authorised may only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this 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 authorisation in terms of the regulations.
5. This 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 activities.

General conditions:

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. The holder of the authorisation must notify the Department, in writing and within 24 (Twenty Four) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of



this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activities may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs , National Department of Agriculture, Forestry and Fisheries, Department of Housing & Local Government, Department Water and Sanitation , Department of Minerals Resources, Department of Transport, Roads & Public Works, Department of Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activities, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. **Seven (7) days** written notice must be given to the Department before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following condition described herein:
 - i. Condition: 11
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Environmental Management Inspectors employed by the Department shall be given access to the property as described above (see detailed description of the activities) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorization. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.



16. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
17. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
18. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his 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 applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
19. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
20. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operation phase.

Appeal of authorisation:

1. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.
2. Your attention is drawn to Chapter 2 of Government Notice No. R993, which prescribes the appeal procedure to be followed.

Management of activity:

25. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented. (Alternatively, if further changes are required to the EMPr as a result of the authorisation, this condition must be modified).
26. Ensure that all "NO-GO" areas are clearly defined and adequately demarcated.



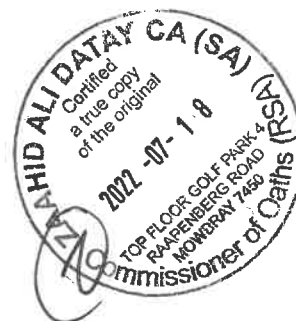
27. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorization.

Monitoring

28. The EMPr must be strictly enforced during all phases of the project.
29. Changes to the EMPr, which are environmentally defensible, must be submitted to this Department for acceptance before such changes are effected.
30. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the Basic Assessment Report be discovered.
31. A storm water management plan to be implemented during the construction and operation of the facility. The plan must comply with applicable regulations and prevent off-site migration of contaminated storm water.
32. A spillage plan must be implemented and strictly enforced.
33. A fire plan must be available on site at all times and employees must be made aware of the plan.
34. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of fuel and other toxic liquids from entering the soil or sea.
35. A suitable designed wastewater collection system must be provided on site to divert all the wastewater to a single point for management.

Environmental Control Officer (ECO) and Duties

36. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
37. The ECO must be appointed before commencement of any authorised activity.
38. The ECO must meet with the contractors to discuss the conditions of the EA and the contents of the EMPr prior to commencement of activities.



39. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
40. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
41. 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.
42. 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.
43. Photographs must be taken (before, during and immediately after construction as a visual reference).

Recording and Reporting to the Department

44. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
45. All documentation such as audit, monitoring or compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Director: Compliance Monitoring at this Department.
46. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Monitoring Compliance and Enforcement section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.
47. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaints; register must be kept up to date for inspection by the Department. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

Environmental Audit Report

48. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase and within 30 days of completion of rehabilitation activities.

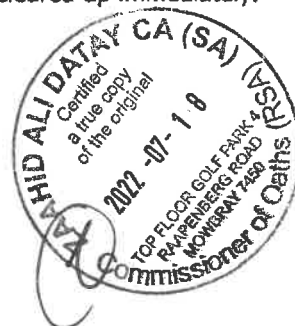


49. The Environmental audit report must:

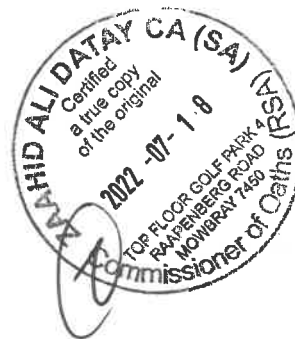
- Be compiled by an independent environmental auditor;
- Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
- Include measures to be implemented to attend to any non-compliances.
- Include copies of any approvals granted by other authorities relevant to the department for the reporting period.
- Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring that they are appropriately addressed.
- Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records.

Operation of the activity

50. Seven (7) days written notice must be given to the Department that the activity will commence. 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.
51. The authorised activities must not commence before the statutory 30 days of an appeal period has expired.
52. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you must not commence with the activities unless authorized by the Minister in writing.
53. Any waste generated during construction and operation phase must be disposed of at a waste disposal site licensed for such waste.
54. No on-site burning of solid waste is permitted.
55. All forms of pollution must be prevented, or where it cannot, should be minimized or remedied.
56. The appropriate toilets must be supplied for the entire construction period and must be serviced on a regular basis.
57. In the event of oil spillages and contamination of soil by hazardous substances that contaminated area must be cleaned up immediately by removing the contaminated soil and disposing of it into the designated hazardous skip bin for correct disposal.
58. Any spillage of diesel and oil must be reported and cleared up immediately.



59. The clearing of natural vegetation must be limited to the footprint of the development.
60. The intentional and accidental killing of fauna must be avoided at all times, no poaching is permitted.
61. The habitat fragmentation must be avoided where possible.
62. The level of noise during the construction phase of the project must be kept as low as possible and must comply with the Noise Control Regulations (GNR 154) as well as the acceptable day rating levels as per the SANS10103:2008 guidelines.
63. Storm water control works must be constructed, operated and maintained in a sustainable manner throughout the project.
64. Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to bank instability and excessive levels of silt entering the water course.
65. Storm water leaving the premises mustn't in any way be contaminated by any substance, whether such substance is a solid, liquid, vapour, gas or a combination thereof which is produced, used, stored, dumped or spilled on the premises.
66. All construction activities must be conducted in a manner that does not cause any damage/effect to the existing wetlands, streams and rivers.
67. Existing and dedicated access roads must be used.
68. Dust control measures must be implemented during construction phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).
69. The areas that have been denuded and disturbed as a result of the construction on site must be vegetated with indigenous vegetation immediately after the construction works has ended.
70. A monitoring program must be implemented for early detection of alien invasive plant species and must be in accordance with the Conservation of Agriculture Resources Act (Act 43 of 1983).
71. No invasive alien plant species may be used in landscaping or rehabilitating the site.
72. All the areas known to have sensitive archaeological sites must be clearly demarcated and not disturbed.



73. Old buildings which have historical significance must be fenced off during construction phase to avoid vandalism.
74. The graves/burials must not be impacted by the construction activities. In the event of accidental uncovering of graves, work must stop immediately and SAHRA Burial Unit must be notified.
75. If any new evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during development or construction, SAHRA and an archaeologist and/or paleontologist, depending on the nature of the resources found, must be alerted immediately.
76. All mitigation measures detailed in the Environmental Management Programme report must be implemented.

Site Closure and Decommissioning:

77. Should the proposed activity ever cease or become redundant, the applicant 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.
78. All areas disturbed by the project must be rehabilitated to their original or better condition.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the authorization, an application for amendment to extend the validity period must be launched at least three (3) months prior to the expiry date of the validity period. 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.



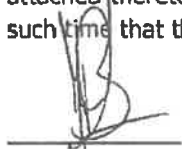
APPEAL

An appellant must submit an 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 applicant by the competent authority.

Appeals must be submitted in writing to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 832 1026

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.



MR. B. FISHER
DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION:

17 February 2018



ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Mulilo De Aar 2 South (Pty) Ltd**, applied for authorization to carry out the following activity-

Activity No.27 of GN.R 983 of 04 December 2014 (As amended)

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

Activity No 14 of GN R 985 of 04 December 2014 (As amended)

The development of:

- (ii) channels exceeding 10 square metres in size;

(g) Northern Cape

(ii) Outside urban areas:

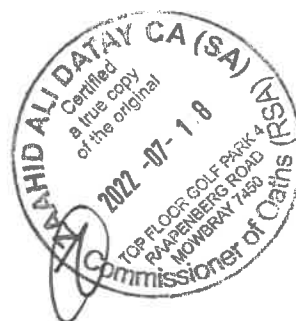
(bb) National Protected Area Expansion Strategy Focus areas.

At, Slingers Hoek (Farm No.2 Portion 4), Slingers Hoek (Farm No.2 Remainder of Portion 2 and Remainder), Vendussie Kuil (Farm No.165 Remainder of Portion 2, Remainder of Portion 11, and Remainder), Maatjes Fountain Farm (Farm No.1 Portion 5), Knapdaar (Farm No.8 Portion 1) Near De Aar. Which falls within the Jurisdiction of Emthanjeni Local Municipality, of Pixley Ka Seme District Municipality, with the following co-ordinates;
Longitude (E) 24° 16' 58" Latitude (S) 30° 35' 43"

Hereafter referred to as "the property".

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration –



- a) The Environmental Assessment Practitioner complied with Regulation 19 of 04 December 2014.
- b) The information contained in the Basic Assessment Report submitted by the Environmental Assessment Practitioner.
- c) The comments received from interested and affected parties as included in the Scoping Report and comments from the Department of Environment and Nature Conservation.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) and the Northern Cape Conservation Act, 2009 (Act No. 9 of 2009).
- e) The findings of the site visit undertaken by the Environmental Officer and the Environmental Assessment Practitioner.

3. 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.

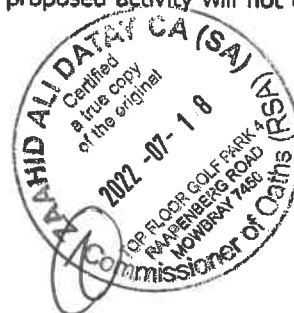
- a) The EAP who prepared the report has the expertise to carry out the basic assessment procedures.
- b) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic and cultural aspects.
- c) The Basic Assessment identified all legislation and guidelines it considered in preparing the report.
- e) The need and desirability for the proposed activity.

4. 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 Basic Assessment.
- b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- c) The procedure followed for impact assessment is adequate for decision-making process.
- d) All issues presented by interested and affected parties were attended to and addressed accordingly.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.



APPENDIX 3
PROOF OF PAYMENT/~~MOTIVATION FOR EXCLUSION~~



Absa Online: Notice of Payment

16 August 2022

Dear Dept Environmental A

Subject: Notice Of Payment: Dept Environmental A

Please be advised that MULILO RENEWABLE PROJECT DEVELOPMENTS (PTY) made a payment to your account as indicated below.

Transaction number:	8029976F22-99
Payment date:	20220816
Payment made by:	MULILO RENEWABLE PROJECT DEVELOPMENTS (PTY)
Payment made to:	Dept Environmental A
Beneficiary bank name:	ABSA BANK
Beneficiary account number:	1044240072
Bank branch code:	632005
For the amount of:	2,000.00
Immediate interbank payment :	N
Reference on beneficiary statement:	-30.58675/24.27524
Additional comments by payer:	-

View your account to confirm that you have received this payment as the following apply to Absa Online payments into non-ABSA bank accounts.

- Payments made on weekdays before 15:30 will be credited to the receiving bank account by midnight of the same day but may not be credited to the beneficiary's bank account at the same time.
- Payments made on weekdays after 15:30 will be credited by midnight of the following day.
- Payments made on a Saturday, Sunday or Public holiday will be credited to the account by midnight of the 1st following weekday.

If you need more information or assistance, please call us on 08600 08600 or +27 11 501 5110 (International calls).

If you have made an incorrect internet banking payment, please send an email to digital@absa.co.za

Yours sincerely

General Manager: Digital Channels

This document is intended for use by the addressee and is privileged and confidential. If the transmission has been misdirected to you, please contact us immediately. Thank you.

APPENDIX 4
LIST OF LAND OWNERS, LANDOWNER NOTIFICATION AND LAND OWNERS CONSENT

Note: In light of the Protection of Personal Information Act, 2013 (Act 4 of 2013), and given that this Appendix includes personal information of Interested and Affected Parties (I&APs), this Appendix will only be included in the copy of the report provided to the competent authority (i.e. the Department of Forestry, Fisheries and the Environment), in accordance with the Environmental Impact Assessment (EIA) Regulations (2014), as amended, enacted in terms of the National Environmental Management Act (NEMA) (No. 107 of 1998), as amended.

**APPENDIX 5
STRATEGIC INFRASTRUCTURE PROJECTS**

(NOT APPLICABLE)

<p>SIP 1: Unlocking the northern mineral belt with Waterberg as the catalyst</p> <ul style="list-style-type: none"> • Unlock mineral resources • Rail, water pipelines, energy generation and transmission infrastructure • Thousands of direct jobs across the areas unlocked • Urban development in Waterberg - first major post-apartheid new urban centre will be a “green” development project • Rail capacity to Mpumalanga and Richards Bay • Shift from road to rail in Mpumalanga • Logistics corridor to connect Mpumalanga and Gauteng. 	
<p>SIP 2: Durban-Free State-Gauteng logistics and industrial corridor</p> <ul style="list-style-type: none"> • Strengthen the logistics and transport corridor between SA’s main industrial hubs • Improve access to Durban’s export and import facilities • Integrate Free State Industrial Strategy activities into the corridor • New port in Durban • Aerotropolis around OR Tambo International Airport. 	
<p>SIP 3: South-Eastern node & corridor development</p> <ul style="list-style-type: none"> • New dam at Mzimvubu with irrigation systems • N2-Wild Coast Highway which improves access into KwaZulu-Natal and national supply chains • Strengthen economic development in Port Elizabeth through a manganese rail capacity from Northern Cape • A manganese sinter (Northern Cape) and smelter (Eastern Cape) • Possible Mthombo refinery (Coega) and transshipment hub at Ngqura and port and rail upgrades to improve industrial capacity and performance of the automotive sector. 	
<p>SIP 4: Unlocking the economic opportunities in North West Province</p> <ul style="list-style-type: none"> • Acceleration of investments in road, rail, bulk water, water treatment and transmission infrastructure • Enabling reliable supply and basic service delivery • Facilitate development of mining, agricultural activities and tourism opportunities • Open up beneficiation opportunities in North West Province. 	
<p>SIP 5: Saldanha-Northern Cape development corridor</p> <ul style="list-style-type: none"> • Integrated rail and port expansion • Back-of-port industrial capacity (including an IDZ) • Strengthening maritime support capacity for oil and gas along African West Coast • Expansion of iron ore mining production and beneficiation. 	
<p>SIP 6: Integrated municipal infrastructure project</p> <p>Develop national capacity to assist the 23 least resourced districts (19 million people) to address all the maintenance backlogs and upgrades required in water, electricity and sanitation bulk infrastructure. The road maintenance programme will enhance service delivery capacity thereby impacting positively on the population.</p>	
<p>SIP 7: Integrated urban space and public transport programme</p> <p>Coordinate planning and implementation of public transport, human settlement, economic and social infrastructure and location decisions into sustainable urban settlements connected by densified transport corridors. This will focus on the 12 largest urban centres of the country, including all the metros in South Africa. Significant work is underway on urban transport integration.</p>	
<p>SIP 8: Green energy in support of the South African economy</p>	

<p>Support sustainable green energy initiatives on a national scale through a diverse range of clean energy options as envisaged in the Integrated Resource Plan (IRP2010) and support bio-fuel production facilities.</p> <p>Indicate capacity in MW:</p>	
<p>SIP 9: Electricity generation to support socioeconomic development Accelerate the construction of new electricity generation capacity in accordance with the IRP2010 to meet the needs of the economy and address historical imbalances. Monitor implementation of major projects such as new power stations: Medupi, Kusile and Ingula.</p> <p>Indicate capacity in MW:</p>	
<p>SIP 10: Electricity transmission and distribution for all Expand the transmission and distribution network to address historical imbalances, provide access to electricity for all and support economic development. Align the 10-year transmission plan, the services backlog, the national broadband roll-out and the freight rail line development to leverage off regulatory approvals, supply chain and project development capacity.</p>	
<p>SIP 11: Agri-logistics and rural infrastructure Improve investment in agricultural and rural infrastructure that supports expansion of production and employment, small-scale farming and rural development, including facilities for storage (silos, fresh-produce facilities, packing houses); transport links to main networks (rural roads, branch train-line, ports), fencing of farms, irrigation schemes to poor areas, improved R&D on rural issues (including expansion of agricultural colleges), processing facilities (abattoirs, dairy infrastructure), aquaculture incubation schemes and rural tourism infrastructure.</p>	
<p>SIP 12: Revitalisation of public hospitals and other health facilities Build and refurbish hospitals, other public health facilities and revamp 122 nursing colleges. Extensive capital expenditure to prepare the public healthcare system to meet the requirements of the National Health Insurance (NHI) system. The SIP contains major builds for 6 hospitals.</p>	
<p>SIP 13: National school build programme A national school build programme driven by uniformity in planning, procurement, contract management and provision of basic services. Replace inappropriate school structures and address basic service backlog and provision of basic services under the Accelerated School Infrastructure Delivery Initiative (ASIDI). In addition, address national backlogs in classrooms, libraries, computer labs and admin buildings. Improving the learning environment will strengthen outcomes especially in rural schools, as well as reduce overcrowding.</p>	
<p>SIP 14: Higher education infrastructure Infrastructure development for higher education, focusing on lecture rooms, student accommodation, libraries and laboratories, as well as ICT connectivity. Development of university towns with a combination of facilities from residence, retail to recreation and transport. Potential to ensure shared infrastructure such as libraries by universities, FETs and other educational institutions. Two new universities will be built - in Northern Cape and Mpumalanga.</p>	
<p>SIP 15: Expanding access to communication technology Provide for broadband coverage to all households by 2020 by establishing core Points of Presence (POPs) in district municipalities, extend new Infracore fibre networks across provinces linking districts, establish POPs and fibre connectivity at local level, and further penetrate the network into deep rural areas. While the private sector will invest in ICT infrastructure for urban and corporate networks, government will co-invest for township and rural access, as well as for e-government, school and health connectivity. The school roll-out focus is initially on the 125 Dinaledi (science and maths-focussed) schools and 1525 district schools. Part of digital access to all South Africans includes TV migration nationally from analogue to digital broadcasting.</p>	
<p>SIP 16: SKA & Meerkat SKA is a global mega-science project, building an advanced radio-telescope facility linked to research infrastructure and high-speed ICT capacity and provides an opportunity for Africa and South Africa to contribute towards global advanced science projects.</p>	

<p>SIP 17: Regional integration for African cooperation and development Participate in mutually beneficial infrastructure projects to unlock long-term socio-economic benefits by partnering with fast growing African economies with projected growth ranging between 3% and 10%. The projects involving transport, water and energy also provide competitively-priced, diversified, short and medium to long-term options for the South African economy where, for example, electricity transmission in Mozambique (Cesul) could assist in providing cheap, clean power in the short-term whilst Grand Inga in the DRC is long-term. All these projects complement the Free Trade Area (FTA) discussions to create a market of 600 million people in South, Central and East Africa.</p>	
<p>SIP 18: Water and sanitation infrastructure A 10-year plan to address the estimated backlog of adequate water to supply 1.4m households and 2.1m households to basic sanitation. The project will involve provision of sustainable supply of water to meet social needs and support economic growth. Projects will provide for new infrastructure, rehabilitation and upgrading of existing infrastructure, as well as improve management of water infrastructure.</p>	
<p>SIP 19: Water and Sanitation a. Vaal River System including Phase 2 of the Lesotho Highlands Water Project: Gauteng b. Phase 2A of the Mokolo Crocodile River (West) Augmentation Project: Limpopo c. uMkhomazi Water Project: KwaZulu Natal d. Olifants River Water Resource Development Project - Phase 2: Limpopo e. Vaal-Gamagara: Northern Cape f. Mzimvubu Water Project: Eastern Cape g. Rehabilitation of the Vaalharts-Taung Irrigation Scheme: Northern Cape & North West h. Groot Letaba River Water Development Project - Nwamitwa Dam: Limpopo i. Berg River Voëlvlei Augmentation Scheme: Western Cape j. Rustfontein Water Treatment Works: Free State k. Orange-Riet Canal Increase of Bulk Raw Water Supply: Free State</p>	
<p>SIP 20: Energy a. Emergency/Risk Mitigation Power Purchase Procurement Programme (2000MW): National b. Small IPP Power Purchase Procurement Programme (100MW): National c. Embedded Generation Investment Programme (EGIP)-400MW: National</p>	
<p>SIP 21: Transport a. N1 Windburg Interchange to Windburg Station: Free State b. N1 Musina Ring Road: Limpopo c. N1 Polokwane Eastern Ring Rd Phase 2: Limpopo d. N1 Ventersburg to Kroonstad: Free State (2 projects in One) e. N2 Mtunzini Toll Plaza to Empangeni T-Junction: KwaZulu Natal f. N3 Cato Ridge to Dardenelles: KwaZulu Natal g. N3 Dardenelles to Lynnfield Park: KwaZulu Natal h. N3 Paradise Valley to Mariannhill Toll Plaza: KwaZulu Natal i. N2 Edwin Swales to South of EB Cloete Interchange: KwaZulu Natal j. N3 Ashburton Interchange to Murray Road: KwaZulu Natal k. N3 Mariannhill Toll Plaza to Key Ridge: KwaZulu Natal l. N2 EB Cloete Interchange: KwaZulu Natal m. Small Harbours Development: National n. N3 New alignment via De Beers Pass: Free State o. Boegoebaai Port and Rail Infrastructure Project: Northern Cape</p>	
<p>SIP 22: Digital Infrastructure a. National Spatial Infrastructure Hub</p>	
<p>SIP 23: Agriculture and Agro-processing a. Marine Tilapia Industry: Eastern Cape b. Natural Dehydrated Foods: Mpumalanga</p>	

SIP 24: Human Settlements	
a. Greater Cornubia: KwaZulu-Natal	
b. Vista Park II & III: Free State	
c. Lufhereng: Gauteng	
d. Malibongwe Ridge: Gauteng	
e. N2 Nodal Development: Eastern Cape	
f. Matlosana N12 West: North West	
g. Green Creek: Gauteng	
h. Mooikloof Mega Residential City: Gauteng	
i. Fochville Extension 11: Gauteng	
j. Germiston Ext 4 Social Housing Project: Gauteng	
k. Newcastle Hospital Street Social Housing Project: KwaZulu Natal	
l. Hull Street Social Housing Project Phase 1: Northern Cape	
m. Kwandokuhle Social Housing Project: Mpumalanga	
n. Phola Heights - Tembisa Social Housing Project: Gauteng	
o. Sondela Phase 2: Gauteng	
p. Willow Creek Estate: Mpumalanga	
q. Joe's Place Social Housing: Gauteng	
r. Jeppetown Social Housing Project (Unity House): Gauteng	
SIP 25: Rural Bridges "Welisizwe" Programme	
SIP 26: Rural Roads Upgrade Programme	
SIP 27: Upgrading and Repair of Township Roads in Municipalities Programme	
SIP 28: PV and Water Savings on Government Buildings Programme	
SIP 29: Comprehensive Urban Management Programme	
SIP 30: Digitising of Government Information Programme	
SIP 31: Removal of Alien Vegetation and Innovative Building Materials Programme	
SIP 32: National Upgrading Support Programme (NUSP)	
SIP 33: Solar Water Initiatives Programme	
SIP 34: Student Accommodation	
SIP 35: SA Connect Phase 1B Programme	
SIP 36: Salvokop Precinct	

PLEASE ATTACH PROOF FROM THE RELEVANT SIP CO-ORDINATOR FOR EACH OF THE SIP PROJECT SELECTED.

Nicole Lisa Holland

APPENDIX 6
DECLARATION OF THE EAP

I, Nicole Holland, declare that -

- I act as the independent environmental assessment practitioner in this application;
- I have expertise in conducting environmental impact assessments, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I will take into account, to the extent possible, the matters listed in Regulation 14 of the Regulations when preparing the application and any report relating to the application;
- I undertake to disclose to the applicant and the Competent Authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the Competent Authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the Competent Authority, unless access to that information is protected by law, in which case it will be indicated that such information exists and will be provided to the Competent Authority;
- I will perform all obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- I am aware of what constitutes an offence in terms of Regulation 48 and that a person convicted of an offence in terms of Regulation 48(1) is liable to the penalties as contemplated in Section 49B of the Act.

Disclosure of Vested Interest (delete whichever is not applicable)

- I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations;
- ~~• I have a vested interest in the proposed activity proceeding, such vested interest being:~~

Nicole Holland

Signature of the environmental assessment practitioner

Holland & Associates Environmental Consultants

Name of company:

2/12/2022

Date

UNDERTAKING UNDER OATH/ AFFIRMATION

Nicole Lisa Holland

I, Nicole Holland, swear under oath / affirm that all the information submitted or to be submitted for the purposes of this application is true and correct.

Nicole Holland

Signature of the environmental assessment practitioner

Holland & Associates Environmental Consultants

Name of company

2/12/2022

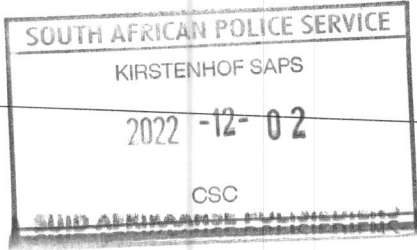
Date

[Signature]
NEDAMBALE
7225467-0

Signature of the commissioner of oaths

2022.12.02

Date



APPENDIX 7
Specialists Terms of Reference

APPENDIX 7:

Specialists Terms of Reference:

- Compile a specialist comment/ statement addressing the following:
 - The implications of the proposed amendments, if any, in terms of the potential impacts within your area of expertise;
 - A statement as to whether or not the proposed amendments will result in an increased level or change in the nature of the impact, which was initially assessed and considered when application was made for the environmental authorisation and subsequent Part 2 EA amendment process (in 2015).
 - Describe the status (baseline) of the environment that was assessed during the initial assessment.
 - Confirm the current status of the assessed environment
 - A description and assessment of any changes to the environment that has occurred since the initial EA was issued, if any;
 - Site sensitivity verification – Undertake and report on site sensitivity verification (see DFFE Screening Tool Report), and refer to your recent site visits and/or assessments undertaken within the project area/ knowledge of the area if a site investigation is not required (or has recently been undertaken).
 - Indicate if the impact rating as provided in the initial assessment remains valid; if the mitigation measures provided in the initial assessment are still applicable; or if there are any new mitigation measures which need to be included into the EA, should the request to extend the commencement period be granted by the Department;
 - An indication if there are any new assessments and/or guidelines which are now relevant to the authorised development which were not undertaken as part of the initial assessment, must be taken into consideration and addressed in the report (or indicate if such new assessments/ guidelines were already addressed during your recent studies for the EMPr and Layout Plan finalisation process in 2022);
 - A description and an assessment of the surrounding environment, in relation to new developments or changes in land use which might impact on the authorised project, the assessment must consider the following:
 - Similar developments within a 30km radius;
 - Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e., hectares of cumulatively transformed land.
 - Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
 - The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - A cumulative impact environmental statement on whether the proposed development must proceed.
- The study must conclude the following:
 - Has the baseline status of the receiving environment changed since the original EIA in 2012?
 - Is the initial impact rating undertaken during the initial assessment still valid?
 - Are the mitigation measures provided in the initial assessment (or subsequent updated assessments) still applicable?

- Are there any new mitigation measures that should be added to the EA/ EMPr if the DFFE decides to approve the amendments?
- Describe any update/new mitigations (or refer to them in the appropriate walkthrough/EMPr update report), where relevant.
- Are the proposed amendments, including proposed extension of the validity period, acceptable (relative to your area of expertise)?

APPENDIX 8
Proposed Amendments to the Text of the EA

APPENDIX 8: Proposed amendments to the text of the Environmental Authorisation issued on 1 March 2013, as amended

Environmental Authorisation – Mulilo De Aar 2 South Wind Energy Facility (WEF)										
Page of EA to be amended	Authorised (Text in EA dated 1 March 2013, as amended)		Proposed amendments to text of EA (Amendments are underlined or strike through, for ease of reference)							
Page 3	<table border="1"> <thead> <tr> <th>Listed activities</th> <th>Activity/Project description</th> </tr> </thead> <tbody> <tr> <td> <p><u>GN R. 544 Item 10:</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity –</p> <p>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</p> <p>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</p> </td> <td> <p>The wind turbine generators would be connected to a 22kV transmission line, where the power would be evacuated via five onsite substations into Eskom's existing 400kV, 220kV and 132kV transmission lines.</p> </td> </tr> </tbody> </table>	Listed activities	Activity/Project description	<p><u>GN R. 544 Item 10:</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity –</p> <p>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</p> <p>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</p>	<p>The wind turbine generators would be connected to a 22kV transmission line, where the power would be evacuated via five onsite substations into Eskom's existing 400kV, 220kV and 132kV transmission lines.</p>	<table border="1"> <thead> <tr> <th>Listed activities</th> <th>Activity/Project description:</th> </tr> </thead> <tbody> <tr> <td> <p><u>GN R. 544 Item 10:</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity –</p> <p>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</p> <p>inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</p> </td> <td> <p>The wind turbine generators would be connected to <u>via</u> a <u>33kV reticulation network to the onsite substation, which is also connected with a new Eskom switching station. This new Eskom switching station will connect to the existing transmission network via a new 132kv overhead line. The new Eskom switching station and 132 kV grid connection line are subject to a separate ongoing EA application process (DFFE Ref: 14/12/16/3/3/1/2595). where the power would be evacuated via five onsite substations into Eskom's existing 400kV, 220kV and 132kV transmission lines.</u></p> </td> </tr> </tbody> </table>	Listed activities	Activity/Project description:	<p><u>GN R. 544 Item 10:</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity –</p> <p>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</p> <p>inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</p>	<p>The wind turbine generators would be connected to <u>via</u> a <u>33kV reticulation network to the onsite substation, which is also connected with a new Eskom switching station. This new Eskom switching station will connect to the existing transmission network via a new 132kv overhead line. The new Eskom switching station and 132 kV grid connection line are subject to a separate ongoing EA application process (DFFE Ref: 14/12/16/3/3/1/2595). where the power would be evacuated via five onsite substations into Eskom's existing 400kV, 220kV and 132kV transmission lines.</u></p>
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<p>Page 4</p>	<p>(Authorised activities table)</p>	<p>To <u>add</u> the following activity to the list of authorised activities on page 4:</p> <table border="1" data-bbox="1305 183 2087 823"> <thead> <tr> <th data-bbox="1305 183 1697 236">Listed activities</th> <th data-bbox="1697 183 2087 236">Activity/ Project description:</th> </tr> </thead> <tbody> <tr> <td data-bbox="1305 236 1697 823"> <p><u>GN R.545 Item 15:</u></p> <p><u>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</u> except where such physical alteration takes place for: (i) linear development activities; or (ii) agriculture or afforestation where activity 16 in this Schedule will apply.</p> </td> <td data-bbox="1697 236 2087 823"> <p><u>More than 20 hectares of land (used for low intensity grazing of livestock) will be transformed for the development of the WEF.</u></p> </td> </tr> </tbody> </table>			Listed activities	Activity/ Project description:	<p><u>GN R.545 Item 15:</u></p> <p><u>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</u> except where such physical alteration takes place for: (i) linear development activities; or (ii) agriculture or afforestation where activity 16 in this Schedule will apply.</p>	<p><u>More than 20 hectares of land (used for low intensity grazing of livestock) will be transformed for the development of the WEF.</u></p>																																			
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<p>Project Description on Page 5 – 6, as amended</p>	<p><i>The infrastructure associated with this facility includes:</i></p> <ul style="list-style-type: none"> • <i>A permanent hard standing made of compacted gravel and approximately 50 m x 40 m would be constructed adjacent to each turbine location for the crane. (As amended by EA Amendment 12/12/20/2463/1/AM3 dated 25 January 2016).</i> • <i>A total of three construction laydowns in the south would be required with each having a footprint of approximately 200 x400m.</i> • <i>Gravel surface access roads of approximately 4m wide would also be required between each turbine.</i> • <i>Cables connecting each turbine would interconnect with overhead transmission lines that will follow the route of the access roads. Each turbine would have a transformer that steps up the voltage from 690 Volt to 22kilovolt (kV). This transformer is housed within each turbine tower or immediately outside the turbine.</i> • <i>The cabling between the turbines would traverse the site to the three substations, where the power from all the turbines would be metered.</i> • <i>The proposed substations and associated control buildings would have a footprint of approximately 200 x100m.</i> • <i>The electricity distribution infrastructure comprises of three existing distribution lines (1 x 132kV, 2 x 400kV and 2 x 220kV) traversing the site. The transmission lines terminate at Eskom's Hydra Substation located 9.5km to the north east of De Aar.</i> 	<p>The infrastructure associated with this facility includes:</p> <ul style="list-style-type: none"> • A permanent hard standing made of compacted gravel <u>with approximate footprint up to 0.47 Ha per WTG, and approximately 50 m x 40 m would be constructed adjacent to and surrounding each turbine location for the crane. Total hard stand footprint for WEF up to maximum of 12.2 Ha.</u> • A total of three construction laydowns <u>(including construction office/ yard, WTG component laydown area, and on-site concrete batching plant)</u> in the south would be required with each having a footprint of approximately 200 x400m. • Gravel surface access roads of approximately <u>6m wide (i.e. 10m working width during construction, rehabilitated to 6m width during operations)</u> would also be required between each turbine. <u>(V drains will run on either side of the road as required).</u> • <u>Upgrade sections of an existing private farm road from estimated 4m to 6m final width during operations.</u> • Cables connecting each turbine would interconnect with <u>33kV overhead powerlines transmission lines</u> that will follow the routes of the access roads. Each turbine would have a transformer that steps up the voltage from 690V to <u>33kV</u>. This transformer is housed within each turbine tower or immediately outside the turbine. • The cabling <u>and overhead powerlines from</u> the turbines would traverse the site <u>back to the substation</u>, where the power from all the turbines would be metered. • The proposed <u>substation</u> and associated control buildings would have a footprint of approximately 200 x100m. • The electricity distribution infrastructure comprises of three existing distribution lines (1 x 132kV, 2 x 400kV and 2 x 220kV) traversing the site. The transmission lines terminate at Eskom's Hydra Substation located 9.5km to the north east of De Aar.
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<p>Page 5</p>	<p>(As per text on page 2 of EA Amendment 12/12/20/2463/1/AM7 dated 24 August 2020)</p> <table border="1" data-bbox="347 231 1279 483"> <thead> <tr> <th>Component</th> <th>Description/ Dimensions</th> </tr> </thead> <tbody> <tr> <td>Hub height from ground level</td> <td>120m</td> </tr> <tr> <td>Rotor diameter</td> <td>165m</td> </tr> <tr> <td>Maximum of turbines</td> <td>25 - 61</td> </tr> <tr> <td>Permanent affected areas (foundation size)</td> <td>The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5, once completed</td> </tr> <tr> <td>Generation capacity per turbine</td> <td>2.3MW – 6.0MW</td> </tr> <tr> <td>Maximum Output of the Wind Energy Facility</td> <td>140MW</td> </tr> </tbody> </table>	Component	Description/ Dimensions	Hub height from ground level	120m	Rotor diameter	165m	Maximum of turbines	25 - 61	Permanent affected areas (foundation size)	The foundation size would be 18.4m in diameter that narrows up to 10.6m at the surface (the visible portion) with a depth of 3.5, once completed	Generation capacity per turbine	2.3MW – 6.0MW	Maximum Output of the Wind Energy Facility	140MW	<table border="1"> <thead> <tr> <th>Component</th> <th>Description/ Dimensions</th> </tr> </thead> <tbody> <tr> <td>Hub height from ground level</td> <td><u>Up to 120m</u></td> </tr> <tr> <td>Rotor diameter</td> <td><u>Up to 165m</u></td> </tr> <tr> <td>Maximum of turbines</td> <td><u>Up to 26</u></td> </tr> <tr> <td>Permanent affected areas (foundation size)</td> <td><u>Foundations up to maximum 24 m diameter at lowest point and up to 12 m diameter at surface.</u></td> </tr> <tr> <td>Generation capacity per turbine</td> <td>2.3MW – 6.0MW</td> </tr> <tr> <td>Maximum Output of the Wind Energy Facility</td> <td>140MW</td> </tr> </tbody> </table>	Component	Description/ Dimensions	Hub height from ground level	<u>Up to 120m</u>	Rotor diameter	<u>Up to 165m</u>	Maximum of turbines	<u>Up to 26</u>	Permanent affected areas (foundation size)	<u>Foundations up to maximum 24 m diameter at lowest point and up to 12 m diameter at surface.</u>	Generation capacity per turbine	2.3MW – 6.0MW	Maximum Output of the Wind Energy Facility	140MW
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<p>Page 6</p>	<p>Condition 7, as amended (i.e. as per text in EA Amendment 12/12/20/2463/1/AM8 dated 21 June 2021)</p> <p><i>The activity must commence within a period of 10 years from the date of expiry of the EA issued on 01 March 2013, as amended (i.e. the EA lapses on 01 March 2023). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for EA must be made in order for the activity to be undertaken.</i></p>	<p>The activity must commence within a period of <u>twelve (12) years</u> from the date of expiry the EA issued on 01 March 2013, as amended (i.e. the EA lapses on 01 March 2025). 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.</p>																												

APPENDIX 9
Final Environmental Impact Report (FEIR) update Page dated April 2012

**ENVIRONMENTAL IMPACT ASSESSMENT PROCESS:
PROPOSED WIND ENERGY FACILITIES (SOUTH & NORTH) SITUATED
ON THE EASTERN PLATEAU NEAR DE AAR, NORTHERN CAPE
APRIL 2012**

SOUTH: DEA REF. NO. 12/12/20/2463/1 / NEAS REF. NO. DEAT/EIA/0000577/2011

NORTH: DEA REF. NO. 12/12/20/2463/2 / NEAS REF. NO. DEAT/EIA/0000578/2011



UPDATE PAGE:



FINAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT

**Updating of the Draft Environmental Impact Assessment Report (EIAR)
to the Final EIAR**

A number of changes were made to the Draft EIAR in finalising the report and in response to the comments raised by I&APs. Information that has been added has been underlined, while removed/deleted information is indicated as a '~~strike through~~'. To assist readers, the most significant changes are outlined below.

General changes to the Final EIAR:

A number of minor changes were made to the report that have not been highlighted in the text and include:

- The Draft EIAR has been updated and is now called: "Proposed Wind Energy Facilities (North & South) situated on the Eastern Plateau near De Aar, Northern Cape: Final EIAR. Report No. 5933A"; and
- Grammatical and typographic corrections.

Other additions have been made to the Final EIAR, which are bulleted below:

- The public participation process undertaken was updated and list of key issues raised during the Draft EIAR comment period.
- The layouts have been revised to fulfill zoning requirements and relocate roads to avoid drainage lines. Maps have been updated to correctly reflect these changes. Specialists confirmed that no change in their assessments would result from these revisions.
- The hardstandings dimensions have been increased from 20 x 40m to 50 x 40m, which are required for each turbine, in Chapter 3.
- Section 2.2.1: Includes additional information on the number of individuals employed during the construction phase, housing and workforce flow over a period of 24 months.

Annexures have been updated and include:

Annexure B: Final EIAR Public Participation Process

- The I&AP database has been updated;
- Comments on the Draft EIAR have been included; and
- The letter to I&APs regarding availability of the Draft EIAR has been included.

Annexure C: Comments and Responses Report (CRR)

Comments on the Draft EIAR have been responded to in the CRR 3.

Annexure L: Specific information required by DEA

Information requested by DEA, including shapefiles etc, has been included on a GIS electronic copy on CD for DEA's consideration.

New annexures that have been added:

Annexure O: Commitment Letter

A letter from Mulilo Renewable Energy stating their preferred alternatives and the mitigation measures they commit to implementing.

Annexure P: Letter to the Department of Water Affairs

A letter sent to the Department of Water Affairs to determine the applicability of a General Authorisation to the proposed projects.

The Table of Contents page that lists the pages, annexures/ documents in the Final EIAR has also been updated.

The Draft EIAR has been updated to the Final EIAR via the inclusion of this Update Page. Additional information has been included in Chapters 1, 3 and 5. Annexures B, C and L have been updated. Two new annexures, O and P have also been added.

Way forward

- This Update Page has been sent to all registered I&APs on the database.
 - The CRR 3 has been sent to all I&APs who have provided written comment on the Draft EIAR.
 - The Final EIAR has been made available to the public at the same venues as the Draft EIAR, as well as on Aurecon's website from **30 May 2012** until **21 May 2012**. I&APs have 21 days to consider the Final EIAR and submit any additional comment they believe should be considered by the authorities in assessing the EIA process.
 - The Final EIAR will be submitted to the Northern Cape DEANC and DEA for their review and decision making respectively.
 - The DEA will review the Final EIAR (together with the CRR Version 3) within 60 days and will then either:
 - Accept the report;
 - Notify the applicant that the report has been referred for specialist review;
 - Request amendments to the report; or
 - Reject the report if it does not materially comply with regulations.
- If the report is accepted, the DEA must within 45 days:
- Grant authorisation in respect of all or part of the activity applied for; or
 - Refuse authorisation in respect of all or part of the activity.

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 within 12 calendar days of the Environmental Authorisation having been issued. Should anyone (a member of public, registered I&AP or the Applicant) wish to appeal DEA's decision, a Notice of Intention to Appeal in terms of Chapter 7 of the EIA Regulations (Government Notice No. 543) in terms of NEMA must be lodged with the Minister of Water and Environmental Affairs within 20 calendar days of the decision being issued and the substantive Appeal must be lodged within 30 days of the Notice.

Aurecon would like to thank all those who have participated in this EIA process thus far.