



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0000578/2011

DEA Reference: 12/12/20/2463/2

Enquiries: Mr Lerato Mokoena

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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 (NORTH) 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.

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:

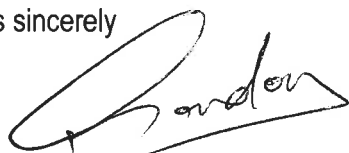
Mr T Zwane, Senior Legal Administration Officer (Appeals), of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

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:-

- 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;
- 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:-

- the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

3. An appeal must be:-

- submitted in writing;
- 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

Environmental Authorisation

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

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

Pixley ka Seme District Municipality

Authorisation register number:	<i>12/12/20/2463/2</i>
NEAS reference number:	<i>DEA/EIA/0000578/2011</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
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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;</p> <p>(ii) channels;</p> <p>(iii) bridges;</p> <p>(iv) dams;</p> <p>(v) weirs;</p> <p>(vi) bulk storm water outlet structures;</p> <p>(vii) marinas;</p> <p>(viii) jetties exceeding 50 square metres in size;</p> <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>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, shells,</p>	<p>A number of roads would need to be constructed across drainage lines and</p>



Listed activities	Activity/Project description
<p>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>would 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>The proposed wind energy facilities are expected to have total capacities of 155-360MW depending on final turbine numbers.</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</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>

Listed activities	Activity/Project description
this list; (3) the undertaking of a linear activity falling below the thresholds in Notice R554 of 2010.	

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 (North Site) near De Aar, on Pienaarskloof (Farm No.136 Portion1); Pienaarskloof (Farm No. 136 portions 6); Brakfontain (Farm No.148 Portions 2, 4 and Remainder) and Vendussie Kuil (Farm No. 165 Portion 1 and Portion 7); Washbank (Farm No.149 Portion 1); Enkeldebult (Farm No.150 Portion 4 and Remainder); Zwagershoek (Farm No.151 Portion 1 and Portion 2); within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- The construction of approximately 144 wind turbines with a potential generation capacity of 216MW to 360 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 four construction laydowns 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. 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.
- 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 wind energy facility on the North Site is approved.
2. Only one (1) substation must be constructed for the North 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 EMP 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 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 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 avifauna and bat monitoring programme to document the effect of the operation of the energy facility on avifauna and bats.
 - 16.10. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
 - 16.11. 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 shall 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 shall 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 EMP 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.

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 commencement of construction.
38. The bird and bat monitoring programme must be implemented through to the operation of the wind energy facility to find the impact of the wind energy facility on birds and bats.
39. The results of the monitoring programme must be used 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 this Department on a quarterly basis.
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.
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/0000084/2013

DEA Reference: 12/12/20/2463/2

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 North (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 (NORTH) 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 12/12/20/2463/2) 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 North (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.

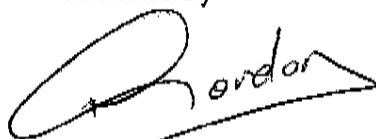
Appeals must be submitted in writing to:

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: 012-310-3271
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: 10.06.2013

CC:	Mr Simon Clark	Aurecon	Tel: 021-526-6027	Fax: 086-667-3532
	Ms Anqa Yaphi	NDENC	Tel: 054-332-2885	Fax: 054-331-1155
	Mr Isaac Visser	Ernthanjeni 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.

