



## 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](mailto: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

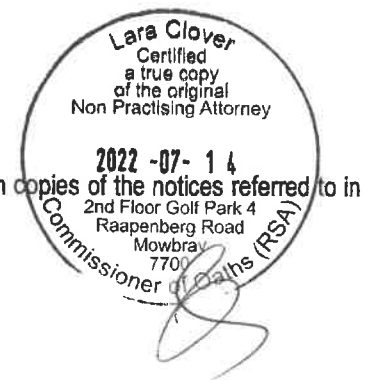


**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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

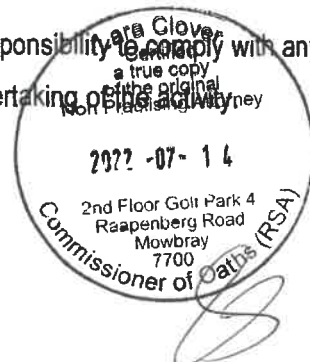
In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

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

Pixley ka Seme District Municipality

<b>Authorisation register number:</b>	<i>12/12/20/2463/1</i>
<b>NEAS reference number:</b>	<i>DEA/EIA/0000577/2011</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>MULILO RENEWABLE ENERGY (PTY) LTD</i>
<b>Location of activity:</b>	<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

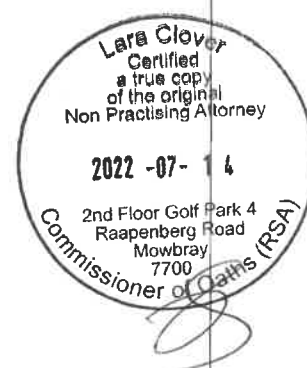
Fax: (021) 935 0505

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) <b>outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</b></p> <p>(ii) <b>inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</b></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) <b>infrastructure or structures covering 50 square metres or more</b></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;                      (ii) the sea;                      (iii) the seashore;                      (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 5m<sup>3</sup>.</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.

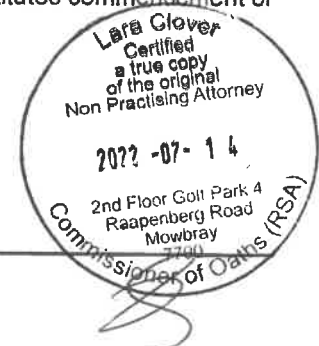


- The proposed substations and associated control buildings would have a footprint of approximately 200 x 100m.
- The electricity distribution infrastructure comprises of three existing distribution lines (1 x 132kV, 2 x 400kV and 2 x 220kV) traversing the site. The transmission lines terminate at Eskom's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



*Powder*

- 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.



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- 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.



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

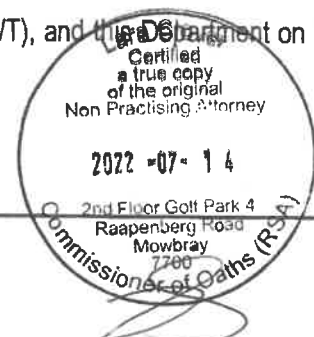
35. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

#### 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.



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## 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

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
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.

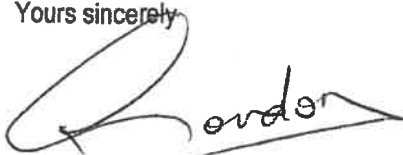
**Appeals must be submitted in writing to:**

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](mailto: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)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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



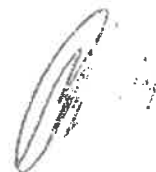
**Mr Ishaam Abader**

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

**Department of Environmental Affairs**

**Date:**

14/05/2014

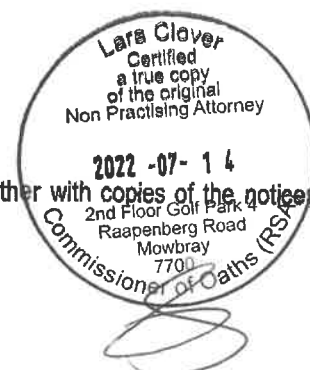


**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A DECISION**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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

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/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."*



171

**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:

<b>Component</b>	<b>Description/ Dimensions</b>
Hub height from ground level	120m
Rotor diameter	160m
Maximum of turbines	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	2.3 MW – 4.0MW
Maximum Output of the Wind Energy Facility	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](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](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](mailto: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](mailto: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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto: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: <a href="mailto:nicole@hollandandaassociates.net">nicole@hollandandaassociates.net</a>
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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](mailto: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](mailto: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](mailto: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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto: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: <a href="mailto:nicole@hollandandaassociates.net">nicole@hollandandaassociates.net</a>
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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](mailto: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:

<b>Component</b>	<b>Description/Dimensions</b>
<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:**

<b>Component</b>	<b>Description/Dimensions</b>
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.

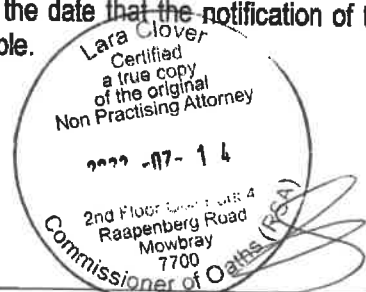
This letter must be read in conjunction with the EA dated 01 March 2013 and subsequent amendments stated above.

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.S

**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](mailto: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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto: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: <a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a>
Mr Bryan Fischer	Northern Cape Department of Environment and Nature Conservation	Email: <a href="mailto:tmakaudi@ncpg.gov.za">tmakaudi@ncpg.gov.za</a>
Mr S. G. Booysen	Emthanjeni Local Municipality	Email: <a href="mailto:visser@emthanjeni.co.za">visser@emthanjeni.co.za</a>





**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):

<b>Component</b>	<b>Description/ Dimensions</b>
<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



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**Is amended to:**

<b>Component</b>	<b>Description/ Dimensions</b>
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](mailto: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](mailto: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](mailto: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](mailto: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.

MS



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_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto: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: <a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a>
	Ms Gail Letimela	Northern Cape- Department of Agricultural, Environmental Affairs, Land Reform and Rural Development	Tel: 053 807 7300/7462	Email: <a href="mailto:gletimela@ncpg.gov.za">gletimela@ncpg.gov.za</a>
	Mr S.G. Booysen	Emthanjeni Local Municipality	Tel: 053 632 9100	Email: <a href="mailto:visser@emthanjeni.co.za">visser@emthanjeni.co.za</a>





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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 : 24<sup>th</sup> July 2014  
Letha :  
Datum :  
Umhla :

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

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

[Karen@mulilo.com](mailto: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](mailto: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 or 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.



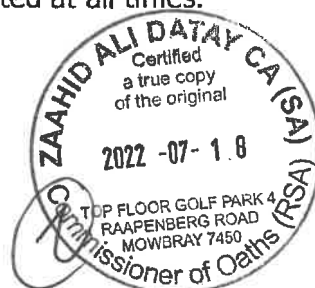
43. Any spillage of diesel and oil must be reported and cleared up immediately.
44. The clearing of natural vegetation must be limited to the footprint of the development.
45. The intentional and accidental killing of fauna must be avoided at all times. No pouching is permitted.
46. The habitat fragmentation 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

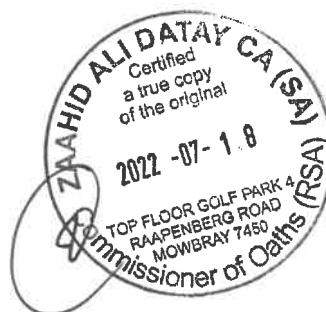
(a) In Northern Cape:

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/DEAS/2014(Amendment1)  
Verwysing  
Isalathlso

Date :  
Letlha : 27<sup>th</sup> 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 PORTION5) 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 PORTION5) 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



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**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;

**"2014 Environmental Impact Assessment regulations"** means the Environmental Impact Assessment Regulations, 2014 (Act No. 107 of 1998);

**"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](mailto: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-







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

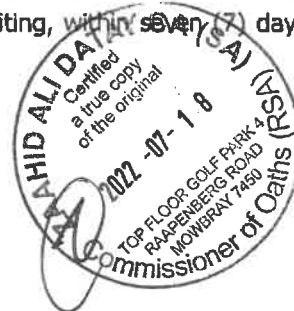
## CONDITIONS

### 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.



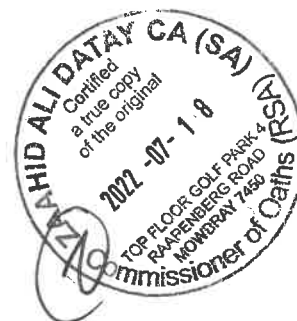
27. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorization.

### 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.



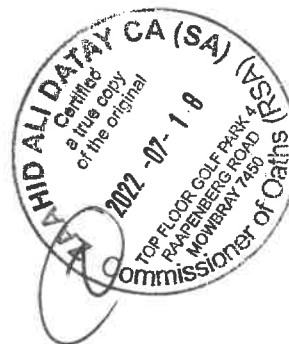
39. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
40. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
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.

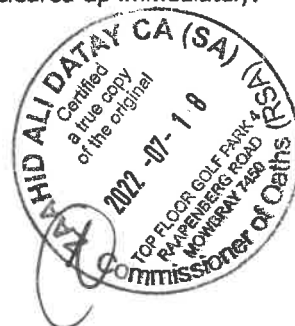


49. The Environmental audit report must:

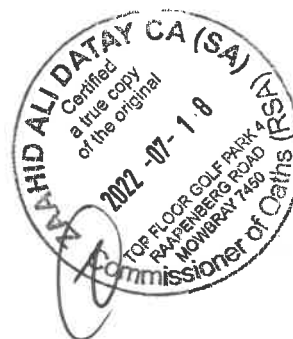
- Be compiled by an independent environmental auditor;
- Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
- Include measures to be implemented to attend 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.



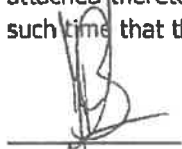
## APPEAL

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:

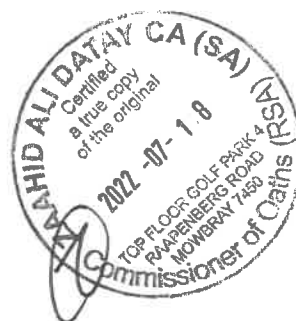
(bb) National Protected Area Expansion Strategy Focus areas.

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.

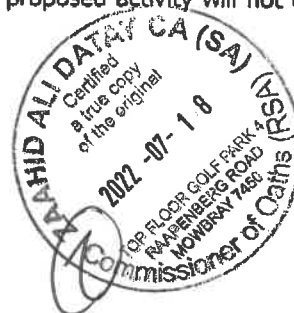
- a) The EAP who prepared the report has the expertise to carry out the basic assessment procedures.
- b) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic and cultural aspects.
- c) The Basic Assessment identified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

### 4. Findings

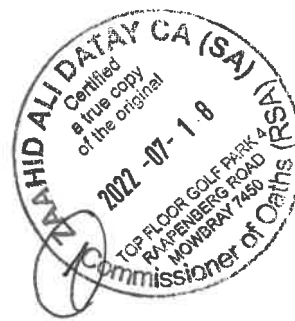
After consideration of the information and factors listed above, the Department made the following findings -

- 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.



**Note:** EA Amendment process (12/12/20/2463/1/AM9) currently in progress.

Amendment Decision Letter to be inserted once issued.