

# Holland & Associates



Environmental Consultants

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

28 March 2023

Dear Interested and Affected Party and/or Authority

## **ESTABLISHMENT OF A WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE: NOTIFICATION OF DECISION ON THE APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION**

**(DFFE REF No.: 12/12/20/2463/1/AM9)**

This letter serves to notify all registered Interested and Affected Parties (I&APs) of the Department of Forestry, Fisheries and the Environment's (DFFE) decision in respect of the Application for Amendment of the Environmental Authorisation in terms of the National Environmental Management Act 1998 ("NEMA") (Act 107 of 1998) and the Environmental Impact Assessment ("EIA") Regulations (2014), as amended, for the establishment of a Wind Energy Facility (WEF) situated on the Eastern Plateau (South) near De Aar, in the Northern Cape Province (also referred to as the De Aar 2 South WEF). Furthermore, the provisions regarding the submission of appeals that are contained in the National Environmental Management Act (No. 107 of 1998) National Appeal Regulations are also outlined herein, should an I&AP wish to appeal DFFE's decision.

### **1. Decision**

You are hereby notified, on behalf of Mulilo De Aar 2 South (Pty) Ltd (hereafter referred to as "the Applicant"), that the Department of Forestry, Fisheries and the Environment (DFFE) has decided to amend the Environmental Authorisation in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended, for the De Aar 2 South WEF near De Aar, in the Northern Cape Province.

DFFE has decided to amend the Environmental Authorisation (EA) dated 01 March 2013, including the following:

- Extension of the EA validity period to 01 March 2025;
- Amendment to various items in the project description;
- Amendment to the content on page 05 and 06 of the EA dated 01 March 2013 in relation to associated infrastructure specifications;
- Amendment to include an erroneously omitted Listed Activity into the EA, and
- Amendment to include an erroneously omitted property into the property description of the EA.

The EA Amendment Decision Letter, dated and issued on 22 March 2023, outlines the decision, the details of the amendments to the EA, the reasons for the amendments, the details of the Applicant and decision maker, and the appeal process in terms of the National Appeal Regulations (2014), as amended. A copy of the EA Amendment Decision Letter is attached herewith as Annexure 1, for your convenience.

## 2. Right to Appeal

We would like to draw your attention to your right to appeal against the decision to the Minister in terms of the National Appeal Regulations, 2014, as amended, as outlined within the EA Amendment Decision Letter.

Should any person wish to lodge an appeal against the 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<sup>1</sup>, and any organ of state with interest in the matter within 20 (twenty) days from the date that the notification of the decision was sent to registered interested and affected parties by the applicant<sup>2</sup>.

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

The Director: Appeals and Legal Review of the Department (DFFE) at the below mentioned addresses.

By email: [appealsdirector@dfpe.gov.za](mailto:appealsdirector@dfpe.gov.za);

By hand: Environment House  
473 Steve Biko,  
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 DFFE's website at [https://www.dffe.gov.za/documents/forms#legal\\_authorisations](https://www.dffe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@dfpe.gov.za](mailto:appealsdirector@dfpe.gov.za).

Should you have any queries please contact Tilly Watermeyer, Holland & Associates Environmental Consultants, PostNet Suite #108, Private Bag X12, Tokai, 7966, Tel: 060 319 1217 or Email: [tilly@hollandandassociates.net](mailto:tilly@hollandandassociates.net).

Yours sincerely



**NICOLE HOLLAND** BSc hons, Pr.Sci.Nat., Reg. EAP (EAPASA)

**For: Holland & Associates - Environmental Consultants**



**TILLY WATERMEYER** (BSc hons)

**For: Holland & Associates - Environmental Consultants**

<sup>1</sup> The registered I&AP database can be requested from Tilly Watermeyer of Holland & Associates Environmental Consultants on [tilly@hollandandassociates.net](mailto:tilly@hollandandassociates.net) by an Appellant.

<sup>2</sup> This letter serves as notification and was sent to registered I&APs on 28 March 2023.

**Annexure 1:**

**NATIONAL APPEAL REGULATIONS, 2014 (GN R993 IN GOVERNMENT GAZETTE  
NO. 38303, 08 DECEMBER 2014)**

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## GOVERNMENT NOTICES

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### DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. R. 993

8 December 2014

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT NO. 107 OF 1998)

NATIONAL APPEAL REGULATIONS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF ENVIRONMENTAL AFFAIRS**

**SCHEDULE**

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## CHAPTER 1

## INTERPRETATION AND PURPOSE OF REGULATIONS

## Interpretation

1. (1) In these Regulations any word or expression to which a meaning has been assigned in the Act, and unless the context requires otherwise—

**“appeal administrator”** means a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

**“appeal authority”** is the Minister, the MEC or a person delegated the power to decide on appeals by the Minister or MEC, as the case may be;

**“appellant”** means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of these Regulations;

**“decision-maker”** means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

**“applicant”** means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

**“independent”**, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6 of these Regulations, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

**“the Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

- (2) When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days.
- (3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

### **Purpose of Regulations**

2. The purpose of these Regulations is to regulate the procedure contemplated in section 43(4) of the Act relating to the submission, processing and consideration of, a decision on an appeal.

### **Application of Regulations**

3. (1) These Regulations are applicable to an appeal in terms of section 43 of the Act to the Minister or MEC against a decision taken in terms of the:
- (a) Environment Conservation Act, 1989 (Act No. 73 of 1989);
  - (b) National Environmental Management Act, 1998 (Act No. 107 of 1998);
  - (c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
  - (d) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); or
  - (e) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

and subordinate legislation made in terms of any of these Acts.

- (2) No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority.
- (3) An appeal against a decision by an official or municipal manager acting under delegated authority from a metropolitan, district or local municipality must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

## **CHAPTER 2**

### **ADMINISTRATION AND PROCESSING OF APPEALS**

#### **Appeal submission**

4. (1) An appellant 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:

- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
  - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be—
- (a) submitted in writing in the form obtainable from the appeal administrator; and
  - (b) accompanied by—
    - (i) a statement setting out the grounds of appeal;
    - (ii) supporting documentation which is referred to in the appeal submission; and
    - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

### **Responding statement**

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

### **Appeal panel**

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.
- (2) The appeal panel contemplated in subregulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.



### **Recommendations and decisions on appeals**

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

### **Communication**

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

## **CHAPTER 3**

### **GENERAL MATTERS**

#### **Repeal of regulations**

9. The regulations mentioned in the Table in Annexure 1 to these Regulations are hereby repealed or amended to the extent set out in the third column of the Table.

**Transitional arrangements**

10. (1) An appeal lodged prior to the commencement of these Regulations, and which is still pending when these Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the appeal was lodged.
- (2) An appeal lodged after the commencement of the Environmental Impact Assessment Regulations, 2014 must be submitted, processed and considered in terms of these Regulations.

**Short title and commencement**

11. These Regulations are called the National Appeal Regulations, 2014, and take effect on the date of publication in the *Gazette*.

## ANNEXURE 1

| REGULATIONS REPEALED   |  |                  |
|--|--|------------------|
| Date and year of publication   | Short title  | Extent of repeal |
| Government Notice No. R.543, <i>Gazette No. 33306</i> of 18 June 2010. | Environmental Impact Assessment Regulations, 2010. | Chapter 7.       |

**Annexure 2:**

**DE AAR 2 SOUTH WEF EA AMENDMENT DECISION LETTER DATED**  
**22 MARCH 2023**



# 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 Road, Arcadia· PRETORIA

**DFFE Reference:** 12/12/20/2463/1/AM9

**Enquiries:** Ms Olivia Letlalo

**Telephone:** (012) 399 8815 **E-mail:** [Oletlalo@dfpe.gov.za](mailto:Oletlalo@dfpe.gov.za)

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**Telephone Number:** 021 685 3240  
**Cell phone Number:** 083 760 9586  
**E-mail Address:** [johnny@mulilo.com](mailto:johnny@mulilo.com) / [andrew@mulilo.com](mailto:andrew@mulilo.com)

## PER EMAIL

Dear Mr Cullum

### **AMENDMENT OF 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 abovementioned application by this Competent Authority (CA) on 01 March 2013, the amendments 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 and 20 October 2021, your application for amendment of the EA received by the CA on 02 November 2022, the acknowledgement letter dated 14 November 2022, the comments on the draft amendment motivation report dated 12 December 2022 and the final motivation report received on 20 February 2023, refer.

Based on a review of the reason for requesting an amendment to the above EA, this CA, 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: To extend the validity period of the EA**

The activity must commence within a period of 12 years from the date of the expiry of the EA issued on 01 March 2013, as amended (i.e. the EA lapses on 01 March 2025). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for EA must be made in order for the activity to be undertaken."

#### **Reason for amendment:**

The Applicant applied for extension of the EA validity period of additional two (2) years from the expiry of the EA to allow the project to complete the Financial Close (FC) process (including appointment of all contractors etc.) and to comply with certain EA pre-construction conditions, in particular to update the projects' EMPr and final layout plan.

**Amendment 2: Amendments to the project description, turbine specifications and removal of five substations coordinates**

The following tables will replace the project description, five substations' coordinates and turbine specifications as outlined in the EA dated 01 March 2013 and EA Amendment decisions dated 25 January 2016 and 24 August 2020 respectively.

**Project Description****From:**

| <b>Components</b>                                 | <b>Description</b>   |
|---|--|
| <i>Hard stands</i>                                | <i>A permanent hard standing made of compacted gravel and approximately 50m x 40m would be constructed adjacent to each turbine location for the crane. (as per EA Amendment 12/12/20/2463/1/AM3 dated 25 January 2016).</i> |
| <i>Temporary Laydown Areas</i>                    | <i>A total of three construction laydowns in the south would be required with each having a footprint of approximately 200 x 400m". (total footprint of approximately 24ha for the three construction laydown areas).</i>    |
| <i>Internal Reticulation</i>                      | <i>22kV</i>  |
| <i>Internal Road</i>                              | <i>4m wide</i>   |
| <i>Maximum Output of the Wind Energy Facility</i> | <i>140MW</i>   |

**To:**

| <b>Components</b>                                 | <b>Description</b>   |
|---|--|
| <i>Hardstands</i>                                 | <i>A permanent hard standing made of compacted gravel with approximate footprint up to 0.47ha per WTG, adjacent to and surrounding each WTG. (total hardstand footprint for WEF up to maximum 12.2ha).</i>   |
| <i>Temporary Laydown Areas</i>                    | <i>A total of three construction laydowns (including construction office/yard, WTG component laydown area, and on-site concrete batching plant) in the south would be required, each having a footprint of approximately 200 x 400m. (total footprint of approximately 24ha for the three construction laydown areas).</i> |
| <i>Internal Reticulation</i>                      | <i>33kV</i>  |
| <i>Internal Road</i>                              | <i>6m wide</i>   |
| <i>Maximum Output of the Wind Energy Facility</i> | <i>140MW</i>   |

**Reason for amendments**

- To amend the individual hardstand dimensions at the Mulilo De Aar 2 South Wind Energy Facility to align with the current wind turbine technology available in the market for turbines with rotor diameter and hub height specifications as specified in the EA. The proposed amendment would allow for a more complex geometry of the hardstands to what is currently authorised.

- To add the detail that the laydown areas that would consist of WTG component laydown, concrete batching plant and office yard (within the laydown area footprint).
- To change the voltage level of the internal reticulation network for the Mulilo De Aar 2 South WEF (from 22kV to 33kV) to align with the current industry standards.
- The proposed increase to the width of the proposed roads (specified as 4m wide in the Environmental Authorisation dated 1 March 2013), to 6m wide (i.e., 10m working width during construction, rehabilitated to 6m width during operations), would assist with the transportation of turbine components and associated infrastructure to each WTG position and reduce the total construction period length.

### **Turbine Specifications**

The turbine hub height, rotor diameter, maximum turbines, foundation size and generation capacity per turbine typed as (on page 1 of the EA Amendment Decision (DFFE Reference: 12/12/20/2463/1/AM7) dated 24 August 2020 are hereby amended as follows:

#### **From:**

| <b>Components</b>                                | <b>Description</b>   |
|--|--|
| <i>Turbine hub height from ground level</i>      | 120m   |
| <i>Rotor diameter</i>                            | 165m   |
| <i>Maximum 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 3.5 once completed."</i> |
| <i>Generation capacity per turbine</i>           | 2.3MW – 6.0MW  |

#### **To:**

| <b>Components</b>                                | <b>Description</b>   |
|--|--|
| <i>Turbine hub height from ground level</i>      | <i>Up to 120m</i>  |
| <i>Rotor diameter</i>                            | <i>Up to 165m</i>  |
| <i>Maximum Turbines</i>                          | <i>Up to 26</i>  |
| <i>Permanent affected area (foundation size)</i> | <i>Foundations up to maximum 24m diameter at lowest point and up to 12m diameter at surface.</i> |
| <i>Generation capacity per turbine</i>           | <i>Generation capacity per turbine to be removed</i>   |

#### **Reason for amendment:**

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

**Removal of five (5) substations coordinates and substituted by one centre coordinates of the IPP Substation on page 5 of the EA dated 01 March 2013.**

**From:**

| 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 |

**To:**

| Substation options | latitude      | Longitude     |
|--------------------|---------------|---------------|
| IPP Substation     | 30°35'25.02"S | 24°16'52.93"E |

**Reason for amendment:**

The Applicant applied to remove the substation coordinates included on page 5 of the EA, as are not related to the Mulilo De Aar 2 South WEF project, but to the already operational De Aar 2 North WEF that was assessed in conjunction with the De Aar 2 South WEF during the same original EIA process for the aforementioned two projects. Only the centre point co-ordinates of the IPP substation to align with the substation location is required.

**Amendment 3: To amend the content on page 05 to 06 of the EA dated 01 March 2013 in relation to the infrastructure associated specifications**

**From:**

- A permanent hard standing made of compacted gravel and approximately 50m x 40m 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 4m 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 22 kilovolt. This transformer is housed within each turbine tower or immediately outside the turbine.
- The cabling between the turbines will traverse the site to the three substations, where the power from all the turbines would be metred.
- The proposed substations and associated control buildings would have a footprint of approximately 200m x 100m.

**To:**

- A total of three construction laydowns (including construction office/yard, WTG component laydown area, and on-site concrete batching plant) in the south would be required, each having a footprint of approximately 200 x 400m. Total footprint of approximately 24ha for the three construction laydown areas is required.
- A permanent hard standing made of compacted gravel with approximate footprint up to 0.47ha per WTG, adjacent to and surrounding each WTG. The total hardstand footprint for WEF up to maximum 12.2ha.
- Gravel surface access roads of approximately 6m wide (i.e., 10m working width during construction, rehabilitated to 6m width during operations) would also be required between each turbine. The length of new roads is approximately 39km.



- Cables connecting each turbine would interconnect with 33kV overhead powerlines that will follow the route of the access roads. Each turbine would have a transformer that steps up the voltage from 690 volt to 33 kilovolts. This transformer is housed within each turbine tower or immediately outside the turbine.
- The cabling and overhead powerlines from the turbines will traverse the site back to the substation, where the power from all the turbines would be metered.
- The proposed substation and associated control buildings would have a footprint of approximately 200m x 100m.

**Reason for amendment:**

- To amend the individual hardstand dimensions at the Mulilo De Aar 2 South Wind Energy Facility to align with the current wind turbine technology available in the market for turbines with rotor diameter and hub height specifications as specified in the EA. The proposed amendment would allow for a more complex geometry of the hardstands to what is currently authorised.
- To add the detail that the laydown areas that would consist of WTG component laydown, concrete batching plant and office yard (within the laydown area footprint).
- To change the voltage level of the internal reticulation network for the Mulilo De Aar 2 South WEF (from 22kV to 33kV) to align with the current industry standards.
- The proposed increase to the width of the proposed roads (specified as 4m wide in the Environmental Authorisation dated 1 March 2013), to 6m wide (i.e., 10m working width during construction, rehabilitated to 6m width during operations), would assist with the transportation of turbine components and associated infrastructure to each WTG position and reduce the total construction period length.

**Amendment 4: Amendment to include an erroneously omitted Listed Activity into the EA**

The following Listed activity is hereby included on page 3 of the EA dated 01 March 2013:

| Listed Activities   | Activity/Project Description   |
|---|--|
| <p><u>Listing Notice 2, Item 15:</u><br/> <i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-</i><br/> <i>(i) the undertaking of a linear activity; or</i><br/> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> | <p>More than 20 hectares of land (used for low intensity grazing of livestock) will be transformed for the development of the WEF.</p> |

**Reason for amendment:**

The Applicant request to include Activity 15 of Listing Notice 2, into the EA which was assessed in the EIA process for the project, however, erroneously omitted from the Application Form and EIA Report. In addition, listed activity 14 of GN No. R 546 was authorised in the initial EA dated 01 March 2013 and this activity indicated that a vegetated area of approximately 23700ha would need to be cleared for the proposed projects, which are located in a rural area and the vegetation is comprised of 75% or more of indigenous vegetation.

Page 35 of the Final EIA Report dated April 2012 indicated that a permanent hard standing made of compacted gravel and approximately 50m x 40m would be constructed adjacent to each turbine location for the crane. Figure 3-4 in the abovementioned EIA report shows turbines in the process of being erected. A total of seven construction laydowns, four in the north and three in the south would be required with each having a footprint of approximately 200 x 400m.

**Amendment 5: Amendment to include an erroneously omitted property into 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 Portion1); Maatjes Fountain (Farm No. 1 Portion 5); Vendussie Kuil (Farm No.165 Remainder of Portion 2); Vendussie Kuil (Farm No. 165 Portion 11 and Remainder) within the Emthanjeni Local Municipality and Renosterberg Local Municipality in the Northern Cape Province, hereafter referred to as "the property".*

**To:**

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

**Reason for amendment:**

Mulilo De Aar 2 South (Pty) Ltd request to include Portion 7 of Farm Vendussie Kuil No. 165, into the EA property descriptions as there is a short section (approximately 260m) of a proposed internal access road that would cross a property (Portion 7 of Farm Vendussie Kuil No. 165), that was included in the combined Final EIA report dated April 2012, for the De Aar 2 South WEF and De Aar 2 North WEF projects, and has been assessed by the specialists.

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, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the EIA Regulations.

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 stipulate 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 abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of the 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 prescribes 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 twenty (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: [appealsdirectorate@dfpe.gov.za](mailto:appealsdirectorate@dfpe.gov.za);

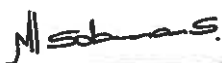
By hand: Environment House  
473 Steve Biko  
Arcadia  
Pretoria  
0083; or

By post: Private Bag X447  
Pretoria  
0001

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

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.dffe.gov.za/documents/forms#legal\\_authorisations](https://www.dffe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirectorate@dfpe.gov.za](mailto:appealsdirectorate@dfpe.gov.za).

Yours faithfully



**Ms Millicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
Date: *22/03/2023*.

|     |                   |  |   |
|-----|-------------------|--|---|
| cc: | Ms Nicole Holland | Holland & Associates Environmental Consultants | Email: <a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a> |
|     | Ms Gail Letimela  | Northern Cape (DAERL)                          | Email: <a href="mailto:gletimela@ncpg.gov.za">gletimela@ncpg.gov.za</a>                     |
|     | Mr S.G. Booysen   | Emthanjeni Local Municipality                  | Email: <a href="mailto:visser@emthanjeni.co.za">visser@emthanjeni.co.za</a>                 |
|     | Mr M Hoogbaard    | Renosterberg Local Municipality                | Email: <a href="mailto:morneh@renosterberg.gov.za">morneh@renosterberg.gov.za</a>           |



# 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 Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: +86 625 1042

Enquiries: Devinagie Bendeman Telephone: 012 399 9337 E-mail: vbendeman@dffe.gov.za

Ms. Millicent Solomons  
Director: Priority Infrastructure Projects

Dear Ms. Solomons

## APPOINTMENT AS CHIEF DIRECTOR: INTERGRATED ENVIRONMENTAL AUTHORISATIONS (ACTING), FROM 01 MARCH UNTIL 31 MARCH 2023

I hereby inform you that I have decided to appoint you as Acting Chief Director: Intergrated Environmental Authorisations from 01 March until 31 March 2023.

All correspondence and other documents that are usually signed by the Chief Director: Intergrated Environmental Authorisations during must be signed under Acting Chief Director: Intergrated 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 1998), 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 Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Ms. Devinagie Bendeman

Deputy Director-General: Regulatory Compliance and Sector Monitoring

Date: 22 February 2023



**Batho pele** - putting people first

The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others

### ACKNOWLEDGEMENT

I  ACCEPT /  DO NOT ACCEPT  
appointment as Acting Chief Director:  
Intergrated Environmental Authorisations  
Signed:

Date: 27/02/2023