

Holland & Associates



Environmental Consultants

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

13 September 2018

Dear Interested and/or Affected Party

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION FOR THE ADDITIONAL ACTIVITIES AT THE AUTHORISED WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE (DENC REFERENCE NUMBER (NC/BA/14/PIX/EMT /DEA5/2014 (AMENDMENT 1)) (PERMIT 31/2014 (AMENDMENT 1))

Notification of Correction to Amendment of the Environmental Authorisation

The Northern Cape Department of Environment and Nature Conservation's (DENC) Environmental Authorisation (EA), dated 31 July 2014 (DENC Reference number: NC/BA/14/PIX/EMT /DEA5/2014) for the additional listed activities at the authorised Wind Energy Facility (WEF) on the Eastern Plateau (South) near De Aar, the amendment of the DENC EA (Permit 31/2014 (Amendment 1)) issued by DENC on 20 September 2017, and our correspondence of 5 October 2017, refer.

As noted in our correspondence of 5 October 2017, it was apparent that the amendment of the DENC EA (Permit 31/2014 (Amendment 1)) issued by DENC on 20 September 2017 had various editorial errors which required correction. In light of the above, Holland & Associates Environmental Consultants, on behalf of Mulilo De Aar 2 South (Pty) Ltd, submitted a letter to DENC on 6 October 2017, notifying DENC of the editorial errors, and requesting DENC to correct the errors in terms of Regulation 27(4) of the Environmental Impact Assessment (EIA) Regulations (2014, as amended).

This letter serves to notify all registered Interested and Affected Parties (I&APs) of the correction of DENC's amendment of the EA (Permit 31/2014 (Amendment 1)) issued on 20 September 2017, for the abovementioned project. Furthermore, the provisions regarding the submission of appeals that are contained in the National Environmental Management Act (NEMA) (No. 107 of 1998) Environmental Impact Assessment (EIA) Regulations (2014), as amended, are also outlined herein, should an I&AP wish to appeal DENC's decision.

1. Decision

We wish to inform you that, based on a review of the reasons submitted by Mulilo De Aar 2 South (Pty) Ltd (the Applicant) for requesting an amendment to the abovementioned Environmental Authorisation (EA), the DENC, in terms of Chapter 5 of the EIA Regulations (2014), as amended, has decided to amend the EA dated 31 July 2014. It is our understanding that the "corrected"

amendment decision dated 27 February 2018 replaces the amendment decision dated 20 September 2017. The corrections since the issuing of the amendment of the EA dated 20 September 2017 are outlined below for your ease of reference. (Note: Although the corrected decision is dated 27 February 2018, it was only received by the Applicant and Environmental Assessment Practitioner on 3 September 2018).

1.1 Correction 1: Spelling of the surname of the contact person for the holder of the EA

On page 1 of the cover letter of the amended EA dated 20 September 2017, the letter was incorrectly addressed to “Mr John Cullian” and has now been corrected to “Mr John Cullum”.

1.2 Correction 2: Numbering of the authorised listed activities

Within the project title on page 1 and subsequent paragraphs on pages 4 and 14 of the amended EA, the numbering of the authorised listed activities was incorrect. In terms of the original EA issued by DENC on 31 July 2014, the additional activities authorised for the project were Activities 13 (b) (c) (ii)(bb) and Activity 16 (iii) (iv) (bb) of GN 546. It is evident that the EIA listed activities for the additional activities at the authorized Wind Energy Facility have been converted by DENC from the authorised 2010 EIA listed activities to the similarly listed EIA listed activities in terms of the 2014 EIA Regulations. In the amendment issued by DENC dated 20 September 2017, the listed activities were incorrectly numbered and have since been corrected as per the paragraphs below.

From:

*“THE GRANTING OF THE AMENDMENT ENVIRONMENTAL AUTHORISATION FOR: **GN.R 983: ACTIVITIES: 27 14 (iii) (iv) (a) (b):***

*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 14 (iii) (iv) (a) (b):***

To:

*THE GRANTING OF THE AMENDMENT ENVIRONMENTAL AUTHORISATION FOR: **GN.R 983, AS AMENDED: ACTIVITY: 27, AND GN.R 985, AS AMENDED, ACTIVITY 14 (ii)(g)(ii)(bb):***

*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, AS AMENDED: ACTIVITY: 27 AND GN.R 985, AS AMENDED, ACTIVITY 14 (ii)(g)(ii)(bb):***

1.3 Correction 3: Holder of the EA

On page 1 of the amended EA, the holder of the EA was incorrectly noted as “Emthanjeni Local Municipality”, and has now been corrected to “Mulilo De Aar 2 South (Pty) Ltd”.

1.4 **Correction 4: Location of activity**

There was a typographical error and a property missing from the list of properties in the "Location of the Activity" on page 1 of the amended EA dated 20 September 2017. The paragraph in question has been corrected to include the missing property and the change is as below with the inserted property underlined.

From:

"SLINGER 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 11 AND REMAINDER), MAATJES FOUNTAIN FARM (FARM NO.1 PORTION 5), KNAPDAAR (FARM NO.8 PORTION 1) NEAR DE AAR"

To:

"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"

1.5 **Correction 5: Reference to the incorrect applicant name**

On page 14 (Annexure 1) of the amended EA dated 20 September 2017, reference was made to "Longyuan Mulilo De Aar 2 South (Pty) Ltd". This has been corrected to "Mulilo De Aar 2 South (Pty) Ltd".

DENC's correction to the amended EA, dated 27 February 2018, is available from the undersigned, on request.

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) (Government Notice No. R993) which prescribes the appeal procedure to be followed.

Should any person wish to lodge an appeal, the appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the Applicant (i.e. Mulilo De Aar 2 South (Pty) Ltd), any registered Interested and Affected Party, and any organ of state with interest in the matter within 20 days from the date¹ that the notification of the decision was sent to the Applicant by DENC.

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

Member of the Executive Council, Ministry of Environment and Nature Conservation

By fax: (053) 832 1026
 By post: Private Bag X6102
 Kimberley
 8300
 By hand: T-Floor

¹ 3 September 2018

Metlife Towers
Kimberley
8300

Should you require any further information or have any queries, please contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to read "N. Holland". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'N'.

NICOLE HOLLAND (Pr. Sci. Nat.)

For: Holland & Associates - Environmental Consultants

Holland & Associates



Environmental Consultants

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

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Geagte Belanghebbende en/of Geaffekteerde Party

WYSIGING VAN DIE OMGEWINGSMAGTIGING VIR BYKOMENDE AKTIWITEITE BY DIE GEMAGTIGDE WINDENERGIE-AANLEG GELEë OP DIE OOSTELIKE PLATO (SUID) NABY DE AAR IN DIE EMTHANJENI PLAASLIKE MUNISIPALITEIT, PIXLEY KA SEME DISTRIKSMUNISIPALITEIT, NOORD-KAAPPROVINSIE: (DENC VERWYSINGSNOMMER (NC/BA/14/PIX/EMT /DOM5/2014 (WYSIGING 1)) (PERMIT 31/2014 (WYSIGING 1))

Kennisgewing van 'n Regstelling aan die Wysiging van die Omgewingsmagtiging

Die Noord-Kaapse Departement van Omgewing en Natuurbewaring (DENC) se Omgewingsmagtiging (OM) gedateer 31 Julie 2014 (DENC Verwysingsnommer: NC/BA/14/PIX/EMT/DOM5/2014) vir die bykomende gemagtigde gelyste aktiwiteite by die gemagtigde Windenergie-aanleg (WEA) op die Oostelike Plato (Suid) naby De Aar, die wysiging van die DENC se OM (Permit 31/2014 (Wysiging1)) uitgereik deur die DENC op 20 September 2017, en ons korrespondensie gedateer 5 Oktober 2017, het betrekking.

Soos genoem in ons korrespondensie gedateer 5 Oktober 2017, was dit duidelik dat daar heelwat outeursfoute is in die wysiging aan die DENC se OM (Permit 31/2014 (Wysiging 1)) wat op 20 September 2017 deur die DENC uitgereik is. In die lig hiervan het Holland & Associates Omgewingskonsultante, namens Mulilo De Aar 2 South (Edms) Bpk, op 6 Oktober 2017 'n brief aan die DENC gestuur waar hulle in kennis gestel is van die outeursfoute, en die DENC versoek het om die foute reg te stel kragtens Regulasie 27(4) van die Regulasies vir Omgewingsinvloedbepalings (OIB) (2014, soos gewysig).

Hierdie brief het ten doel om alle geregistreerde Belanghebbende en Geaffekteerde Partye (B&GPe) in kennis te stel van die regstellings in die DENC se Wysiging van die OM (Permit 31/2014 (Wysiging 1)) wat op 20 September 2017 vir bogenoemde projek uitgereik is. Die voorwaarders vir die indiening van 'n appèl, soos uiteengesit in die Wet op Nasionale Omgewingsbestuur (NEMA) (Nr 107 van 1998) se Regulasies (2014) vir Omgewingsinvloedbepalings (OIB), word ook hierby ingesluit indien 'n B&GP teen die DENC se besluit wil appelleer.

1. Besluit

Ons stel u hiermee in kennis dat, gebaseer op 'n oorsig van die redes wat deur Mulilo De Aar 2 South (Edms) Bpk (die Applikant) aangevoer is om bogenoemde Omgewingsmagtiging (OM) te wysig, die DENC, in terme van Hoofstuk 5 van die OIB-regulasies (2014), soos gewysig, besluit het

om die OM gedateer 31 Julie 2014 te wysig. Dit is ons verstandhouding dat die “gekorregeerde” Wysigingsbesluit gedateer 27 Februarie 2018 dus die Wysigingsbesluit gedateer 20 September 2017 vervang. Die regstellings in die Wysiging aan die OM wat op 20 September 2017 uitgereik is, word vir u gerief hieronder uiteengesit. (Neem kennis: Alhoewel die reggestelde besluit 27 Februarie 2018 gedateer is, is dit slegs op 3 September 2018 deur die Applikant en Omgewingsbeoordelingspraktisyn ontvang.)

1.1 Regstelling 1: Spelling van die van van die kontakpersoon vir die houer van die OM

Op bladsy 1 van die dekbrieff vir die gewysigde OM gedateer 20 September 2017, is die brief foutief aan “*Mnr John Cullian*” gerig. Dit is nou reggestel en lees “*Mnr John Cullum*”.

1.2 Regstelling 2: Numering van die gemaagtigde gelyste aktiwiteite

Die numering van die gemaagtigde gelyste aktiwiteite in die titel van die projek op bladsy 1, sowel as die daaropvolgende paragrafe op bladsye 4 en 14 van die gewysigde OM, is foutief. Ingevolge die oorspronklike OM wat op 31 Julie 2014 deur die DENC uitgereik is, is Aktiwiteite 13 (b) (c) (ii)(bb) en Aktiwiteit 16 (iii) (iv) (bb) van GK 546 die bykomende gemaagtigde aktiwiteite vir die projek. Dit is duidelik dat die DENC die OIB-gelyste aktiwiteite vir die bykomende aktiwiteite by die gemaagtigde Windenergie-aanleg omgeskakel het vanaf die gemaagtigde 2010 OIB-gelyste aktiwiteite na die ooreenstemmende OIB-gelyste aktiwiteite in terme van die 2014 OIB-regulasies. In die Wysiging wat deur die DENC op 20 September 2017 uitgereik is, is die gelyste aktiwiteite egter verkeerd genommer en is dit nou reggestel soos hieronder uiteengesit.

Van:

“DIE TOESTAAN VAN DIE GEWYSIGDE OMGEWINGSMAGTIGING VIR: *GK.R 983: AKTIWITEITE: 27 14 (iii) (iv) (a) (b):*

*By wyse van die magte aan my verleen ingevolge die Wet op Nasionale Omgewingsbestuur, 1998 (Wet Nr 107 van 1998) en die Regulasies vir Omgewingsinvloedbepalings, 2014, is DIE TOESTAAN VAN DIE GEWYSIGDE OMGEWINGSMAGTIGING VIR: **GK.R 983: AKTIWITEITE: 27 14 (iii) (iv) (a) (b):***

Na:

“DIE TOESTAAN VAN DIE GEWYSIGDE OMGEWINGSMAGTIGING VIR: *GK.R 983, SOOS GEWYSIG: AKTIWITEIT: 27, EN GK.R 985, SOOS GEWYSIG: AKTIWITEIT 14 (ii)(g)(ii)(bb):*

*By wyse van die magte aan my verleen ingevolge die Wet op Nasionale Omgewingsbestuur, 1998 (Wet Nr 107 van 1998) en die Regulasies vir Omgewingsinvloedbepalings, 2014 DIE TOESTAAN VAN DIE GEWYSIGDE OMGEWINGSMAGTIGING VIR: **GK.R 983 SOOS GEWYSIG: AKTIWITEIT: 27 EN GK.R 985, SOOS GEWYSIG, AKTIWITEIT 14 (ii)(g)(ii)(bb):***

1.3 Regstelling 3: Houer van die OM

Op bladsy 1 van die gewysigde OM is die houer van die OM verkeerdelik aangedui as die “*Emthanjeni Plaaslike Munisipaliteit*”, en is dit nou reggestel na “*Mulilo De Aar 2 South (Edms) Bpk*”.

1.4 **Regstelling 4: Ligging van die aktiwiteit**

Daar was 'n tipografiese fout en 'n eiendom is uitgelaat in die lys van eiendomme onder die beskrywing "Ligging van die Aktiwiteit" op bladsy 1 van die gewysigde OM gedateer 20 September 2017. Die spesifieke paragraaf is reggestel om die weggelate eiendom in te sluit en die veranderings word hieronder aangedui en is onderstreep.

Van:

"PLAAS SLINGER HOEK (PLAAS NR 2 GEDEELTE 4), SLINGERS HOEK (PLAAS NR 2 RESTANT VAN GEDEELTE 2 EN RESTANT), VENDUSSIE KUIL (PLAAS NR 165 RESTANT VAN GEDEELTE 11 EN RESTANT), PLAAS MAATJES FOUNTAIN (PLAAS NR 1 GEDEELTE 5), KNAPDAAR (PLAAS NR 8 GEDEELTE 1) NABY DE AAR"

Na:

"PLAAS SLINGERS HOEK (PLAAS NR 2 GEDEELTE 4), SLINGERS HOEK (PLAAS NR 2 RESTANT VAN GEDEELTE 2 EN RESTANT), VENDUSSIE KUIL (PLAAS NR 165 **RESTANT VAN GEDEELTE 2**, RESTANT VAN GEDEELTE 11 EN RESTANT), PLAAS MAATJES FOUNTAIN (PLAAS NR 1 GEDEELTE 5), KNAPDAAR (PLAAS NR 8 GEDEELTE 1) NABY DE AAR"

1.5 **Regstelling 5: Verwysing na die verkeerde naam van die applikant**

Op bladsy 14 (Bylae 1) van die gewysigde OM gedateer 20 September 2017, word daar verwys na "Longyuan Mulilo De Aar 2 South (Edms) Bpk". Hierdie is reggestel en lees nou "Mulilo De Aar 2 South (Edms) Bpk".

Die DENC se regstelling aan die gewysigde OM, gedateer 27 Februarie 2018, is op versoek vanaf die ondergetekende beskikbaar.

2. **Reg tot appèl**

Ons wil graag u aandag vestig op u reg om by die Minister teen hierdie besluit te appelleer. Dit sal geskied in terme van die Nasionale Appèlregulasies (Goewermentskennisgewing Nr 993) waarin die appèlproses uiteengesit is.

Indien enige persoon 'n appèl wil indien, moet sodanige persoon 'n appèl by die appèladministrateur indien en 'n afskrif daarvan aan die Applikant (i.e. Mulilo De Aar 2 South (Edms) Bpk) stuur, asook aan elke geregistreerde Belanghebbende en Geaffekteerde Party en enige staatsinstansie wat 'n belang daarby het. Dit moet ingedien word binne 20 dae vanaf die datum¹ waarop die kennisgewing van die besluit deur die DENC aan die Applikant gestuur is.

Appèlle moet skriftelik ingedien word by:

Lid van die Uitvoerende Raad, Ministerie van Omgewing en Natuurbewaring

Per faks: (053) 832 1026
Per pos: Privaatsak X6102
Kimberley
8300

¹ 3 September 2018

Per hand: T-vloer
Metlife Towers
Kimberley
8300

Tree asb met onderstaande in verbinding indien u enige verdere navrae het of inligting verlang.

Die uwe



NICOLE HOLLAND (Pr. Sci. Nat.)

Vir: Holland & Associates - Omgewingskonsultante
