

# Holland & Associates



Environmental Consultants

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

20 September 2019

Dear Interested and/or Affected Party

## **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 1 MARCH 2013 FOR THE PROPOSED WIND ENERGY FACILITY SITUATED ON THE EASTERN PLATEAU (SOUTH) NEAR DE AAR, NORTHERN CAPE PROVINCE (DEA REF NO.: 12/12/20/2463/1/AM6)**

### **Notification of Amendment of the Environmental Authorisation**

This letter serves to notify all registered Interested and Affected Parties (I&APs) of the Department of Environmental Affairs' (DEA) decision in respect of the application for amendment of the Environmental Authorisation issued on 1 March 2013, as amended, for the Wind Energy Facility situated on the eastern plateau (South) near De Aar within the Emthanjeni Local Municipality and Renosterberg Local Municipality of the Pixley Ka Seme District Municipality, Northern Cape Province. 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 DEA'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 for requesting an amendment to the abovementioned Environmental Authorisation (EA) (i.e. an amendment of the project description, to amend the generation capacity of the individual turbines), the DEA, in terms of Chapter 5 of the EIA Regulations, 2014, as amended, **has decided to amend the EA dated 1 March 2013, as amended**, as follows:

#### **1.1 Amendment 1: Amendment of the project description:**

##### **From:**

<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>	<i>2.3MW – 4.0MW</i>
<i>Maximum Output of the Wind Energy Facility</i>	<i>140MW</i>

**Is amended to:**

<b>Component</b>	<b>Description/ Dimensions</b>
<i>Hub height from ground level</i>	<i>120m</i>
<i>Rotor diameter</i>	<i>160m</i>
<i>Maximum of turbines</i>	<i><u>25 - 61</u></i>
<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>	<i><u>2.3MW – 6.0MW</u></i>
<i>Maximum Output of the Wind Energy Facility</i>	<i>140MW</i>

(Note: The amendments are underlined above for ease of reference)

DEA's amendment to the EA dated 6 September 2019, which includes the reasons for the amendments, is included in Annexure A herewith for your information<sup>1</sup>.

## **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 date<sup>2</sup> that the notification of the decision was sent to the registered I&APs by the Applicant, or the date<sup>3</sup> that the notification of the decision was sent to the Applicant by DEA, whichever is applicable.

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

The Director: Appeals and Legal Review, of DEA, at the below mentioned addresses.

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

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

<sup>1</sup> Note: the proposed amendment decision from DEA dated 6 September 2019 must be read in conjunction with the EA dated 1 March 2013 and subsequent amendments. Copies of the EA dated 1 March 2013, and respective EA amendments, are available from Nicole Holland of Holland & Associates Environmental Consultants on request.

<sup>2</sup> This letter, which has been sent to I&APs on behalf of the Applicant, serves as notification of DEA's decision, and will be posted and/or emailed (where possible) on 20 September 2019.

<sup>3</sup> 16 September 2019

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

To obtain the prescribed appeal form and for guidance on the submission of appeals, those wishing to appeal should visit the DEA website at [http://www.environment.gov.za/documents/forms#legal\\_authorisations](http://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).

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

Yours sincerely



**NICOLE HOLLAND** (Pr. Sci. Nat.)

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

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# Holland & Associates



Environmental Consultants

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

20 September 2019

Geagte Belanghebbende en/of Geaffekteerde Party

## WYSIGING VAN DIE OMGEWINGSMAGTIGING UITGEREIK OP 1 MAART 2013 VIR DIE VOORGESTELDE WINDENERIE-AANLEG GELEë OP DIE OOSTELIKE PLATO (SUID) NABY DE AAR, NOORD-KAAPROVINSIE (DOS VERWYSINGSNR: 12/12/20/2463/1/AM6)

### Kennisgewing vir die Wysiging van die Omgewingsmagtiging

Die doel van hierdie brief is om alle geregistreerde Belanghebbende en Geaffekteerde Partye (B&GPe) in kennis te stel van die Departement van Omgewingsake (DOS) se besluit rakende die aansoek vir die wysiging van die Omgewingsmagtiging wat op 1 Maart 2013, soos gewysig, uitgereik is vir die oprigting van 'n windenergie-aanleg op die Oostelike Plato (Suid) naby De Aar, geleë in die Emthanjeni Plaaslike Munisipaliteit en Renosterberg Plaaslike Munisipaliteit in die Pixley Ka Seme Distriksmunisipaliteit, Noord-Kaapprovinsie. Die voorwaardes 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 DOS 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 aangevoer is om bogenoemde Omgewingsmagtiging (OM) te wysig (i.e. om die die projekbeskrywing en die opwekkingskapasiteit van die individuele turbines te wysig), die DOS, kragtens Hoofstuk 5 van die OIB-regulasies, 2014, soos gewysig, **besluit het om die OM gedateer 1 Maart 2013**, as volg te wysig:

#### 1.1 Wysiging 1: Wysiging van die projekbeskrywing:

##### Van:

<b>Komponent</b>	<b>Beskrywing/ Afmetings</b>
Naafhoogte vanaf grondvlak	120m
Deursnee van draaivlerke	160m
Maksimum aantal turbines	61
Permanente geaffekteerde gebied (fondasie-afmetings)	Die grootte van die fondasie sal 18.4m in deursnee wees en vernou na 10.6m by die

	<i>oppervlakte (die sigbare gedeelte); met 'n dikte van 3.5m wanneer voltooi.</i>
<i>Opwekkingskapasiteit per turbine</i>	<i>2.3MW – 4.0MW</i>
<i>Maksimum uitset van die Windenergie-aanleg</i>	<i>140MW</i>

**Te verander na:**

<b>Komponent</b>	<b>Beskrywing/ Afmetings</b>
<i>Naafhoogte vanaf grondvlak</i>	<i>120m</i>
<i>Deursnee van draaivlerke</i>	<i>160m</i>
<i>Maksimum aantal turbines</i>	<i><u>25 - 61</u></i>
<i>Permanente geaffekteerde gebied (fondasie-afmetings)</i>	<i>Die grootte van die fondasie sal 18.4m in deursnee wees en vernou na 10.6m by die oppervlakte (die sigbare gedeelte); met 'n dikte van 3.5m wanneer voltooi.</i>
<i>Opwekkingskapasiteit per turbine</i>	<i><u>2.3MW – 6.0MW</u></i>
<i>Maksimum uitset van die Windenergie-aanleg</i>	<i>140MW</i>

(Nota: Vir gerieflikheidshalwe is die gewysigde teks onderstreep.)

Die DOS se wysigings aan die OM, gedateer 6 September 2019, waarin die redes vir die wysigings uiteengesit is, is vir u inligting as Bylae A<sup>1</sup> hierby ingesluit.

## **2. Reg tot appèl**

Ons wil graag u aandag vestig op u reg om by die Minister van Omgewingsake teen hierdie besluit te appelleer. Dit sal geskied in terme van die Nasionale Appèlregulasies (Goewerments-kennisgewing Nr 993) van die NEMA se OIB-regulasies waarin die appèlproses uiteengesit is.

Die persoon wat appelleer moet '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 datum<sup>2</sup> waarop die kennisgewing van die besluit deur die Applikant aan die geregistreerde B&GPe gestuur is, of die datum<sup>3</sup> waarop die DOS die besluit aan die Applikant gestuur het, watter een ookal van toepassing is.

Appèlle moet skriftelik ingedien word by:

Die Direkteur: Appèlle en Regsoorsig van die DOS, en wel by onderstaande adres.

Per e-pos: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

Per pos: Privaatsak X447,  
Pretoria,  
0001; of

<sup>1</sup> Nota: Die voorgestelde wysigingsbesluit van die DOS gedateer 6 September 2019 moet gelees word tesame met die OM gedateer 1 Maart 2013, asook die daaropvolgende OM-wysigings. Afskrifte van die OM gedateer 1 Maart 2013, asook die onderskeie OM-wysigings, is op versoek beskikbaar by Nicole Holland van Holland & Associates Omgewingskonsultante.

<sup>2</sup> Hierdie brief, wat names die Applikant aan B&GPe gestuur is, dien as kennisgewing van die DOS se besluit, en sal op 20 September 2019 gepos en/of waar moontlik per epos gestuur word.

<sup>3</sup> 16 September 2019

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Per hand: Environment House  
Steve Bikostraat 473,  
Arcadia, Pretoria,  
0083

Die voorgeskrewe appèlvorm, asook riglyne vir die indiening van 'n appèl, kan afgelaai word vanaf die DOS se webblad by [http://www.environment.gov.za/documents/forms#legal\\_authorisations](http://www.environment.gov.za/documents/forms#legal_authorisations). Afskrifte van die dokumente kan ook verkry word deur 'n epos te stuur aan [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Indien u enige kommentaar of navrae het, word u vriendelik versoek om met die ondergetekende in verbinding te tree.

Die uwe



**NICOLE HOLLAND** (Pr. Sci. Nat.)

**Vir: Holland & Associates - Omgewingskonsultante**

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**ANNEXURE A:  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS' AMENDMENT OF ENVIRONMENTAL  
AUTHORISATION – 6 SEPTEMBER 2019**

**BYLAE A:  
DEPARTEMENT VAN OMGEWINGSAKE SE WYSIGING VAN DIE OMGEWINGSMAGTIGING –  
6 SEPTEMBER 2019**

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## 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

AS



**Is amended to:**

<b>Component</b>	<b>Description/Dimensions</b>
<i>Hub height from ground level</i>	120m
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<i>Maximum of turbines</i>	25 - 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 – 6.0MW
<i>Maximum Output of the Wind Energy Facility</i>	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);

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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>