

Holland & Associates



Environmental Consultants

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

14 August 2018

Dear Interested and/or Affected Party

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 JULY 2011 FOR THE 55.5MW SPRINGBOK WIND POWER GENERATION FACILITY NEAR SPRINGBOK, NORTHERN CAPE PROVINCE (DEA REF NO.: 12/12/20/1721/AM6)

Notification of Amendment of the Environmental Authorisation

Our correspondence of 27 July 2018 refers.

This letter serves to notify all registered Interested and Affected Parties (I&APs) of the latest decision issued by the Department of Environmental Affairs' (DEA) in respect of the application for amendment of the Environmental Authorisation issued on 27 July 2011, as amended, for the 55.5MW Springbok Wind Power Generation Facility near Springbok, Northern Cape Province, i.e. to correct the editorial errors that were included in the amendment decision dated 13 July 2018. 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.

The Applicant, Mulilo Springbok Wind Power (Pty) Ltd, submitted a request to DEA on 23 July 2018, for the two editorial errors in the Environmental Authorisation (EA) amendment decision dated 13 July 2018 to be corrected by DEA. The editorial errors included in the decision dated 13 July 2018 comprised the incorrect postal address of the Applicant, as well as the incorrect number of years that the validity period of the EA has been extended by (albeit that the date that the EA lapses was correct).

1. Decision

We wish to inform you that, based on a review of the reasons submitted by Mulilo Springbok Wind Power (Pty) Ltd for requesting an amendment to the abovementioned Environmental Authorisation (EA), the DEA, in terms of Chapter 5 of the EIA Regulations, 2014, as amended, **has decided to amend the EA dated 27 July 2011**, as amended, as follows:

1.1 Extension of the validity period of the EA:

Condition 1.7 of the EA issued on 27 July 2011, as amended (amendment decision dated 13 July 2018):

From:

“This activity must commence within a period of seven (07) years from the date of issue of the authorisation (i.e. the EA lapses on 27 July 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.”

To:

“This activity must commence within a period of ten (10) years from the date of issue of the authorisation (i.e. the EA lapses on 27 July 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.”

1.2 Correction of Applicant’s postal address in DEA’s decision dated 13 July 2018

The Applicant’s postal address on page 1 of the decision dated 13 July 2018 was corrected:

From:

PO Box 50, Howard Place, Cape Town, 7450

To:

PO Box 548 Howard Place, Cape Town, 7450

DEA’s amendment to the EA, dated 3 August 2018, is included in Annexure A herewith for your information¹.

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 Springbok Wind Power (Pty) Ltd), any registered Interested and Affected Party, and any organ of state with interest in the matter within 20 days from the date² that the notification of the decision was sent to the registered I&APs by the

¹ Note: the amendment decision from DEA dated 3 August 2018 must be read in conjunction with the EA dated 27 July 2011 and respective EA amendments. Copies of the EA dated 27 July 2011, and respective EA amendments, are available from Nicole Holland of Holland & Associates Environmental Consultants on request.

² 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 on 14 August 2018.

Applicant, or the date³ 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:

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

By email: appealsdirector@environment.gov.za;

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

By hand: Environment House
473 Steve Biko,
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 or request a copy of the documents at 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

Holland & Associates



Environmental Consultants

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

14 Augustus 2018

Geagte Belanghebbende en/of Geaffekteerde Party

WYSIGING VAN DIE OMGEWINGSMAGTIGING UITGEREIK OP 27 JULIE 2011 VIR DIE 55.5MW SPRINGBOK WINDENERGIE-AANLEG NABY SPRINGBOK, NOORD-KAAPPROVINSIE (DOS VERWYSINGSNR: 12/12/20/1721/AM6)

Kennisgewing van die Wysiging van die Omgewingsmagtiging

Ons korrespondensie gedateer 27 Julie 2018 het betrekking.

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 mees onlangse besluit betreffende die aansoek vir wysiging van die Omgewingsmagtiging wat op 27 Julie 2011, soos gewysig, uitgereik is vir die 55.5MW Springbok Windenergie-aanleg naby Springbok in die Noord-Kaapprovinsie; i.e. om outeursfoute in die wysigingsbesluit gedateer 13 Julie 2018 reg te stel. Die indiening van 'n appèl ingevolge die Nasionale Wet op Omgewingsbestuur (Nr 107 van 1998) (NEMA) en die Omgewingsinvloedbepaling (OIB) Regulasies (2014), soos gewysig, word ook hierby ingesluit indien 'n B&GP teen die DOS se besluit wil appelleer.

Die Applikant, Mulilo Springbok Wind Power (Edms) Bpk, het op 23 Julie 2018 by die DOS aansoek gedoen om twee outeursfoute in die DOS se wysigingsbesluit van die Omgewingsmagtiging (OM) gedateer 13 Julie 2018 reg te stel. Die outeursfoute in die besluit gedateer 13 Julie 2018 het betrekking op die foutiewe posadres van die Applikant, sowel as die foutiewe aantal jare waarmee die geldigheidstydperk van die OM verleng is (d.w.s die vervaldatum was korrek maar het nie ooreengestem met die aantal jare waarmee dit verleng is nie).

1. Besluit

Ons stel u hiermee in kennis dat die DOS, na oorweging van die redes wat deur Mulilo Springbok Wind Power (Edms) Bpk aangevoer is vir die wysiging van Omgewingsmagtiging (OM) (i.e. om die geldigheidstydperk van die OM te verleng), in terme van Hoofstuk 5 van die OIB-regulasies, soos gewysig, **besluit het om die OM gedateer 27 Julie 2011**, as volg te verander:

1.1 Verlenging van die geldigheidstydperk van die OM:

Voorwaarde 1.7 in die OM wat op 27 Julie 2011 uitgereik is, soos gewysig (wysigingsbesluit gedateer 13 Julie 2018), lees as volg:

Van:

“Hierdie aktiwiteit moet ‘n aanvang neem binne ‘n tydperk van sewe (07) jaar vanaf die datum waarop die magtiging uitgereik is (i.e. die OM verval op 27 Julie 2021). Indien geen werksaamhede binne hierdie tydperk begin nie, verval die magtiging en moet ‘n nuwe aansoek vir ‘n omgewingsmagtiging ingedien word voordat enige werksaamhede mag begin”.

Na:

“Hierdie aktiwiteit moet ‘n aanvang neem binne ‘n tydperk van tien (10) jaar vanaf die datum waarop die magtiging uitgereik is (i.e. die OM verval op 27 Julie 2021). Indien geen werksaamhede binne hierdie tydperk begin nie, verval die magtiging en moet ‘n nuwe aansoek vir ‘n omgewingsmagtiging ingedien word voordat enige werksaamhede mag begin”.

1.2 Regstelling van die Applikant se posadres in die DOS se besluit gedateer 13 Julie 2018

Die Applikant se posadres op bladsy 1 van die besluit gedateer 13 Julie 2018 is reggetsel:

Van:

Posbus 50, Howard Place, Kaapstad, 7450

Na:

Posbus 548, Howard Place, Kaapstad, 7450

Die DOS se wysiging aan die OM, gedateer 3 Augustus 2018, is vir u inligting as Bylae A hierby ingesluit¹.

2. Reg tot appèl

Ons wil graag u aandag vestig op u reg om by die Minister teen hierdie besluit te appelleer. Dit moet geskied in terme van die Nasionale Appèlregulasies (2014) (Goewermentskennisgewing Nr 993) van die NEMA se OIB-regulasies waarin die appèlproses uiteengesit is.

Enige persoon wat wil appelleer, moet sodanige appèl by die appèladministrateur indien en ‘n afskrif daarvan aan die Applikant (i.e. Mulilo Springbok Wind Power (Edms) Bpk) stuur, asook aan

¹ Nota: die wysigingsbesluit van die DOS gedateer 3 Augustus 2018 moet gelees word tesame met die OM gedateer 27 Julie 2011, asook hulle onderskeie OM-wysigings. Afskrifte van die OM gedateer 27 Julie 2011, asook die onderskeie OM-wysigings, is op versoek beskikbaar by Nicole Holland van Holland & Associates Omgewingskonsultante.

elke geregistreerde B&GP en enige staatsinstansie wat 'n belang daarby het. Dit moet ingedien word binne 20 dae vanaf die datum² waarop die kennisgewing van die besluit deur die Applikant aan die geregistreerde B&GPe gestuur is, of die datum³ 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;

Per pos: Privaatsak X447,
Pretoria,
0001; of

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. Afskrifte van die dokumente kan ook verkry word deur 'n epos te stuur aan appealsdirector@environment.gov.za.

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

² Hierdie brief, wat namens die Applikant aan B&GPe gestuur is, dien as kennisgewing van die DOS se besluit, en sal op 14 Augustus 2018 gepos word.

³ 6 Augustus 2018

**ANNEXURE A:
DEPARTMENT OF ENVIRONMENTAL AFFAIRS' AMENDMENT OF ENVIRONMENTAL
AUTHORISATION – 3 AUGUST 2018**

**BYLAE A:
DEPARTEMENT VAN OMGEWINGSAKE SE WYSIGING VAN DIE OMGEWINGSMAGTIGING –
3 AUGUSTUSUS 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: 12/12/20/1721/AM6

Enquiries: Ms Mathodi Mogorosi

Telephone: (012) 399 9388 E-mail: mmogorosi@environment.gov.za

Mr John Cullum
Mulilo Springbok Wind Power (Pty) Ltd
PO Box 548
Howard Place
CAPE TOWN
7450

Telephone Number: (021) 685 3240
Email Address: karen@mulilo.com

PER MAIL / EMAIL

Dear Mr Cullum

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 JULY 2011 FOR THE 55.5MW SPRINGBOK WIND POWER GENERATION FACILITY NEAR SPRINGBOK, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) for the above-mentioned project dated 27 July 2011, the first EA amendment dated 24 October 2011, the second EA amendment dated 27 June 2014, the third EA amendment dated 18 May 2016, the fourth EA amendment dated 25 June 2018, your application for amendment of the EA received by the Department on 05 July 2018 and the acknowledgement letter issued by the Department on 11 July 2018, refer.

Based on a review of the reason for requesting an amendment to the abovementioned EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended, has decided to grant an extension of the validity period of the EA issued on 27 July 2011 (which was previously extended by an additional two (02) years to expire on 27 July 2016; and the second extension granted for another additional two (02) years to expire on 27 July 2018), by an additional three (03) years to 27 July 2021.

Condition 1.7 of the EA issued 27 July 2011 is thus amended as follows:

"1.7. This activity must commence within a period of ten (10) years from the date of issue of the authorisation (i.e. the EA lapses on 27 July 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."

The reason for the amendment is as follows:

The motivation for requesting an extension of the validity period is due to the fact that the Renewable Energy Independent Power Producer Procurement Program (REIPPPP) was put on hold two years ago when Eskom refused to sign further agreements citing financial woes. On 8 March 2018, the Head of the

M.S

IPP Office announced that the 27 outstanding IPP agreements would be signed on 13 March 2018. However, on 13 March 2018 it was announced that the signing of IPP agreements would be further put on hold. The IPP agreements were signed on 4 April 2018. It is understood that BW5 will be launched in November 2018 and is estimated to be 1800MW of similar technologies as in the Expedited Bid Window. It is the Applicant's intention to bid this project in the future bidding window of the REIPPP. Without extending the validity of the EA, the Applicant will not be able to participate in the upcoming REIPPP bidding process, the country will not receive access to the crucial generation potential of the WEF and the substantial investments made to date in this project will be lost

This letter must be read in conjunction with the EA dated 27 July 2011, the first EA amendment dated 24 October 2011, the second EA amendment dated 27 June 2014, the third EA amendment dated 18 May 2016 and the fourth EA amendment dated 25 June 2018.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the EIA Regulations, 2014), as amended, 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

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, 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 or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: *08/08/2012*

CC:	Ms. N Holland	Holland & Associates Environmental Consultants	Tel: 083 464 5246	Email: Nicole@hollandandassociates.net
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