

Holland & Associates



Environmental Consultants

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

19 July 2019

Dear Interested and/or Affected Party

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 JULY 2011 FOR THE 55.5MW SPRINGBOK WIND ENERGY FACILITY NEAR SPRINGBOK, NORTHERN CAPE PROVINCE (DEA REF NO.: 12/12/20/1721/AM7)

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 27 July 2011, as amended, for the 55.5MW Springbok Wind Energy Facility near Springbok¹, 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 Springbok Wind Power (Pty) Ltd for requesting an amendment to the abovementioned Environmental Authorisation (EA) (i.e. an amendment of the project description and Condition 1.1), 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 follows:

1.1 Amendment (a): Amendment of the project description in the EA amendment dated 25 June 2018:

From:

Component	Approved
Number of turbines	Maximum of up to 25 (i.e. potential range of 12 turbines @ 4.5MW to 25 turbines @ 2.0MW – 2.2MW)

¹ The project would be located on: Farm No. 134 Portion 19, Farm No. 134 Portion 17, Farm No. 132 Portion 0 (Remaining Extent), Farm No. 946 Portion 0 (Remaining Extent), Farm No. 215 Portion 0 (Remaining Extent), Farm No. 132 Portion 1 (Remaining Extent), Farm No. 635 Portion 0, Farm No. 133 Portion 9 (Remaining extent), within the Nama Khoi Local Municipality located in the Namakwa District Municipality, Northern Cape Province.

Generation capacity per turbine	2.0MW – 4.5MW
Generation capacity of the WEF	Same as authorized (55.5MW)
Rotor diameter	Maximum of 160m
Hub height	Maximum of 140m (except for turbines 4,8,15 & 16, which will have a maximum hub height of 105m)

Is amended to:

Component	Approved
Number of turbines	Maximum of up to 25 turbines (i.e. potential range of <u>10 turbines @ 6MW</u> to 25 turbines @ 2.0MW – 2.2MW)
Generation capacity per turbine	2.0MW – <u>6 MW</u>
Generation capacity of the WEF	55.5MW
Rotor diameter	160m
Hub height	Max. of 140m (except for turbines 4,8,15 & 16 which have a hub height of 105m)

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

1.2 Amendment (b): Condition 1.1 of the environmental authorisation as amended (EA amendment decision dated 25 June 2018):

From:

“The amended Alternative A1 (up to 25 Wind Turbine Generators (WTG) with a generating capacity of 2.0MW to 4.5MW per turbine resulting in an optimal generation capacity of 55.5MW per annum) is approved.”

Is amended to:

“The amended Alternative A1 (up to 25 Wind Turbine Generators (WTG) with a generating capacity of 2.0MW to 6MW per turbine resulting in an optimal generation capacity 55.5MW per annum) is approved.”

DEA’s amendment to the EA, dated 8 July 2019, is included in Annexure A herewith for your information².

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

² Note: the proposed amendment decision from DEA dated 8 July 2019 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.

20 days from the date³ that the notification of the decision was sent to the registered I&APs by the Applicant, or the date⁴ 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;
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

³ 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 19 July 2019.

⁴ 16 July 2019

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

19 Julie 2019

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-KAAPROVINSIE (DOS VERWYSINGSNR: 12/12/20/1721/AM7)

Kennisgewing van 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 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 Springbok¹, Noord-Kaapprovinsie. Die indiening van 'n appèl ingevolge die Nasionale Wet op Omgewingsbestuur (Nr 107 van 1998) (NEMA) en die gepaardgaande Omgewingsinvloedbepaling (OIB) Regulasies (2014), soos gewysig, word ook hierby ingesluit indien 'n B&GP teen die DOS se besluit wil appelleer.

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. 'n wysiging aan die projekbeskrywing en Voorwaarde 1.1), 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 Wysiging (a): Wysiging van die projekbeskrywing in die gewysigde OM gedateer 25 June 2018:

Van:

Komponent	Goedgekeur
Aantal turbines	Maksimum 25 (i.e. 'n moontlike reeks van 12 turbines @ 4.5MW tot 25 turbines @ 2.0MW - 2.2MW)

¹ Die projek is geleë op Gedeelte 19 van Plaas Nr 134, Gedeelte 17 van Plaas Nr 134, Gedeelte 0 (Oorblywende Restant) van Plaas Nr 132, Gedeelte 0 (Oorblywende Restant) van Plaas Nr 946, Gedeelte 0 (Oorblywende Restant) van Plaas Nr 215, Gedeelte 1 (Oorblywende Restant van Plaas Nr 132, Gedeelte 0 van Plaas Nr 635, Gedeelte 9 (Oorblywende Restant) van Plaas Nr 133, in die Nama Khoi Plaaslike Munisipaliteit geleë binne die Namakwa Distriksmunisipaliteit, Noord-Kaapprovinsie.

Kragopwekking per turbine	2.0MW – 4.5MW
Opwekkingskapasiteit van die WEA	Dieselfde as gemagtig (55.5MW)
Deursnee van draaivlerke	Maksimum 160m
Naafhoogte	Maksimum 140m (behalwe vir turbines 4, 8, 15 & 16 wat 'n naafhoogte van 105m sal hê)

As volg gewysig:

Komponent	Goedgekeur
Aantal turbines	Maksimum 25 (i.e. 'n moontlike reeks van <u>10 turbines @ 6MW</u> tot 25 turbines @ 2.0MW - 2.2MW)
Kragopwekking per turbine	2.0MW – <u>6 MW</u>
Opwekkingskapasiteit van die WEA	55.5MW
Deursnee van draaivlerke	160m
Naafhoogte	Maksimum 140m (behalwe vir turbines 4, 8, 15 & 16 wat 'n naafhoogte van 105m sal hê)

(Neem kennis: Die wysigings is onderstreep sodat dit makliker geïdentifiseer kan word.)

1.2 Wysiging (b): Voorwaarde 1.1 van die omgewingsmagtiging, soos gewysig, (OM Wysigingsbesluit gedateer 25 Junie 2018):

Van:

“Die gewysigde Alternatief A1 (tot en met 25 Windturbine-generators (WTG) met 'n opwekkingskapasiteit van 2.0MW tot 4.5MW per turbine, met 'n gevolglike optimale opwekkingskapasiteit van 55.5MW per jaar, is goedgekeur.”

As volg gewysig:

“Die gewysigde Alternatief A1 (tot en met 25 Windturbine-generators (WTG) met 'n opwekkingskapasiteit van 2.0MW tot 6MW per turbine, met 'n gevolglike optimale opwekkingskapasiteit van 55.5MW per jaar, is goedgekeur.”

Die DOS se wysiging aan die OM, gedateer 8 Julie 2019, is vir u inligting hierby ingesluit as Bylae A².

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 elke geregistreerde B&GP en enige staatsinstansie wat 'n belang daarby het. Dit moet ingedien

² Nota: die wysigingsbesluit van die DOS gedateer 8 Julie 2019 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.

word binne 20 dae vanaf die datum³ waarop die kennisgewing van die besluit deur die Applikant aan die geregistreerde B&GPe gestuur is, of die datum⁴ 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.

Treë 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

³ Hierdie brief, wat namens die Applikant aan B&GPe gestuur is, dien as kennisgewing van die DOS se besluit, en sal op 19 Julie 2019 gepos word.

⁴ 16 Julie 2019

**ANNEXURE A:
DEPARTMENT OF ENVIRONMENTAL AFFAIRS' AMENDMENT OF ENVIRONMENTAL
AUTHORISATION – 8 JULY 2019**

**BYLAE A:
DEPARTEMENT VAN OMGEWINGSAKE SE WYSIGING VAN DIE OMGEWINGSMAGTIGING –
8 JULIE 2019**



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA

DEA Reference: 12/12/20/1721/AM7

Enquiries: Ms Zesipho Makhosayafana

Telephone: (012) 399 8741 **E-mail:** zmakhosayafana@environment.gov.za

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

Tel: (021) 934 5278
Email: jonny@mulilo.com

PER EMAIL / MAIL

Dear Mr Cullum

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 JULY 2011 FOR THE PROPOSED 55.5MW SPRINGBOK WIND ENERGY FACILITY NEAR SPRINGBOK IN NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 27 July 2011, the first EA amendment dated 24 October 2011, the second EA amendment 27 June 2014, the third EA amendment dated 02 July 2015, the fourth EA amendment dated 18 May 2016, the fifth EA amendment dated 25 June 2018, the sixth EA amendment dated 03 August 2018, your application for amendment of the EA received by the Department on 03 June 2019 and the acknowledgement letter issued by the Department on 10 June 2019, 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 (EIA) Regulations, 2014, as amended, has decided to amend the EA dated, 27 July 2011 as follows:

Amendment (a): The project description on the EA amendment dated 25 June 2018

From:

Component	Approved
Number of turbines	Maximum of up to 25 (i.e. potential range of 12 turbines @ 4.5MW to 25 turbines @ 2.0MW – 2.2MW)
Generation capacity per turbine	2.0MW – 4.5MW
Generation capacity of the WEF	Same as authorised (55.5MW)
Rotor diameter	Maximum of 160m
Hub height	Maximum of 140m (except for turbines 4, 8, 15 & 16, which will have a maximum hub height of 105m)

M.S

Is amended to:

	Amendment
Number of turbines	Maximum of up to 25 (i.e. potential range of 10 turbines @ 6MW to 25 turbines @ 2.0MW2.2MW)
Generation per turbine	2.0 – 6 MW
Generation capacity of WEF	55.5MW
Rotor diameter	160m
Hub height	Max. of 140m (except for turbines 4, 8, 15 & 16 which have a hub height of 105m)

Amendment (b): Condition 1.1 of the environmental authorisation as amended (EA amendment decision dated 25 June 2018), currently states the following:

From:

“The amended Alternative A1 (up to 25 Wind Turbine Generators (WTG) with a generating capacity of 2.0MW to 4.5 MW per turbine resulting in an optimal generation capacity 55.5MW per annum) is approved”

Is amended to:

“The amended Alternative A1 (up to 25 Wind Turbine Generators (WTG) with a generating capacity of 2.0MW to 6MW per turbine resulting in an optimal generation capacity 55.5MW per annum) is approved”

Reason for decision:

Mulilo Springbok Wind Power (Pty) Ltd wishes to increase the generation capacity of the turbines at the Springbok WEF in order to align to current international WTG models, while reducing the number of WTGs at the Wind Energy Facility.

This letter must be read in conjunction with the EA dated 27 July 2011, 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 abuse or compromise 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.

M.S

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: 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, 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 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: 08/07/2019