

# Holland & Associates



Environmental Consultants

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

27 July 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/AM5)**

### **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 Power Generation Facility near Springbok, 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 extension of the validity period of the 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 follows:

##### **1.1 Amendment 1: Extension of the validity period of the EA:**

Condition 1.7 of the EA issued 27 July 2011, as amended (amendment decision dated 18 May 2016), stated the following:

*"The activity must commence within a period of two (02) years from the date of expiry of the amendment to the EA issued on 27 June 2014 (i.e. the EA lapses on 27 July 2018). 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 EA was therefore valid until 27 July 2018. DEA has now granted an extension of the validity period, indicating that the EA now lapses on 27 July 2021.

DEA's amendment to the EA, dated 13 July 2018, 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 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 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:

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  
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](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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<sup>1</sup> Note: the proposed amendment decision from DEA dated 13 July 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.

<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 on 27 July 2018.

<sup>3</sup> 18 July 2018

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27 Julie 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/AM5)**

### **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 Springbok in die Noord-Kaapprovinsie. 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.

#### **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 Wysiging 1: Wysiging van die geldigheidstydperk van die OM:**

Voorwaarde 1.7 in die OM wat op 27 Julie 2011 uitgereik is, soos gewysig (wysigingsbesluit gedateer 18 Mei 2016), lees as volg:

*“Hierdie aktiwiteit moet 'n aanvang neem binne 'n tydperk van twee (2) jaar vanaf die vervaldatum waarop die wysiging van die OM op 27 Julie 2014 uitgereik is (i.e. die OM verval op 27 Julie 2018). 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”.*

Die OM was daarom net geldig tot 27 Julie 2018. Die DOS het die geldigheidstydperk verleng, wat beteken dat die OM nou op 27 Julie 2021 verval.

Die DOS se wysiging aan die OM, gedateer 13 Julie 2018, is vir u inligting as Bylae A hierby ingesluit<sup>1</sup>.

## 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 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  
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).

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**

<sup>1</sup> Nota: die voorgestelde wysigingsbesluit van die DOS gedateer 13 Julie 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.

<sup>2</sup> Hierdie brief, wat namens die Applikant aan B&GPe gestuur is, dien as kennisgewing van die DOS se besluit, en sal op 27 Julie 2018 gepos word.

<sup>3</sup> 18 Julie 2018

**ANNEXURE A:  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS' AMENDMENT OF ENVIRONMENTAL  
AUTHORISATION – 13 JULY 2018**

**BYLAE A:  
DEPARTEMENT VAN OMGEWINGSAKE SE WYSIGING VAN DIE OMGEWINGSMAGTIGING –  
13 JULIE 2018**

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## 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/AM5

**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 50  
Howard Place  
**CAPE TOWN**  
7450

Telephone Number: (021) 685 3240  
Email Address: [karen@mulilo.com](mailto: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 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."*

#### 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 IPP Office announced that the 27 outstanding IPP agreements would be signed on 13 March 2018. However, on 13

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March 2018 it was announced that the signing of IPP agreements would be 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](mailto: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](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:** 13/09/2018

CC:	Ms. N Holland	Holland & Associates Environmental Consultants	Tel: 083 464 5246	Email: <a href="mailto:Nicole@hollandandassociates.net">Nicole@hollandandassociates.net</a>
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