

# Holland & Associates



Environmental Consultants

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

30 June 2017

Dear Interested and/or Affected Party

**AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 11 AUGUST 2014 FOR THE CONSTRUCTION OF THE 132KV TRANSMISSION LINE ADJACENT TO THE EXISTING ESKOM TRANSMISSION LINE, AND ASSOCIATED INFRASTRUCTURE, FROM THE LONGYUAN MULILO DE AAR 2 NORTH WIND ENERGY FACILITY TO THE HYDRA SUBSTATION IN DE AAR, NORTHERN CAPE PROVINCE (DEA REFERENCE NO.: 14/12/16/3/3/1/1166/AM3)**

## **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 11 August 2014 for the construction of the 132kV transmission line adjacent to the existing ESKOM transmission power line from the Longyuan Mulilo De Aar 2 North Wind Energy Facility (WEF) to the Hydra Substation in De Aar, and associated infrastructure, within the Emthanjeni Local 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 reason submitted by Longyuan Mulilo De Aar 2 North (Pty) Ltd for requesting an amendment to the abovementioned Environmental Authorisation (EA) (i.e. amendment to the holder of the EA), the DEA, in terms of Chapter 5 of the EIA Regulations, 2014, as amended, **has decided to amend the EA dated 11 August 2014**, as follows:

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**Amendment to the holder of the EA:****From:**

*Mr John Cullum  
Longyuan Mulilo De Aar North (Pty) Ltd<sup>1</sup>  
P.O. Box 50  
CAPE TOWN INTERNATIONAL AIRPORT  
7525  
Tel No: (021) 934 5278  
Fax: (021) 935 0505  
Email Address: karen@mulilo.com*

**To:**

*Ms Debbie Harding  
ESKOM Holdings SOC Limited  
P.O. Box 606  
KIMBERLEY  
2300  
Telephone no: (053) 830 5774  
Email: HardinD@eskom.co.za*

The applicant applied for the transfer of the holder of the EA to ESKOM Holdings SOC Limited in order to execute the operational phase of the project. According to the Self Built Agreement, it was the responsibility of the Applicant to undertake the environmental assessment process and construct the 132kV distribution line and associated infrastructure, thereafter, hand over the 132kV distribution line and associated infrastructure to ESKOM Holdings SOC Limited for operation.

DEA's decision of the amendment of the EA, dated 15 May 2017, is attached as Annexure A.<sup>2</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 (Government Notice No. R993) of the NEMA EIA Regulations (2014), as amended, which prescribes the appeal procedure to be followed.

Note: Ordinarily, an Applicant must, in writing, within 14 days of the date of a decision, ensure that I&APs are notified of the decision, the reasons for the decision, and their right to Appeal. Note however that, whilst the decision for the amendment application was dated 15 May 2017, the Applicant and Environmental Assessment Practitioner were only notified of the decision by DEA on

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<sup>1</sup> Erroneously written in the amendment decision as Longyuan Mulilo De Aar North (Pty) Ltd, however the holder of the EA (and Applicant) was Longyuan Mulilo De Aar 2 North (Pty) Ltd

<sup>2</sup> DEA's letter regarding the decision to amend the EA dated 15 May 2017 must be read in conjunction with the EA dated 11 August 2014, as well as amendments to the EA granted on 24 November 2014 and 14 March 2016.

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19 June 2017. This has resulted in a delayed notification to I&APs of the decision. I&APs nevertheless still have the right to appeal the decision.

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. Longyuan Mulilo De Aar 2 North (Pty) Ltd), any registered Interested and Affected Party (I&AP), and any organ of state with interest in the matter within 20 days from the date<sup>3</sup> that the notification of the decision was sent to the registered I&APs by the Applicant, or the date<sup>4</sup> that the notification of the decision was sent to the Applicant by DEA, whichever is applicable, together with a request for condonation of a late appeal, to the Minister.

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

Mr Z Hassam, 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>3</sup> This letter, which has been sent to registered I&APs on behalf of the Applicant, serves as notification of DEA's decision, and was posted on 30 June 2017.

<sup>4</sup> 19 June 2017

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# Holland & Associates



Environmental Consultants

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

30 Junie 2017

Geagte Belanghebbende en/of Geaffekteerde Party

**WYSIGING VAN DIE OMGEWINGSMAGTIGING UITGEREIK OP 11 AUGUSTUS 2014 VIR DIE OPRIGTING VAN DIE 132KV TRANSMISSIELYN LANGS DIE BESTAANDE ESKOM TRANSMISSIELYN, EN VERWANTE INFRASTRUCTUUR, VANAF LONGYUAN MULILO DE AAR 2 NOORD WINDENERGIE-AANLEG NA DIE HYDRA SUBSTASIE IN DE AAR, NOORD-KAAPROVINSIE (DOS VERWYSINGSNR 14/12/16/3/3/1/1166/AM3)**

## **Kennisgewing van die Wysiging van die Omgewingsmagtiging**

Die doel van hierdie brief is om alle geregistreerde Belanghebbende en Geaffekteerde Partye (B&GPe) in te lig oor die Departement van Omgewingsake (DOS) se besluit rakende die Aansoek vir die Wysiging van 'n Omgewingsmagtiging wat op 11 Augustus 2014 uitgereik is vir die konstruksie van die 132kV transmissielyn en verwante infrastruktuur langs die bestaande ESKOM transmissielyn vanaf die Longyuan Mulilo De Aar 2 Noord Wind Energie-Aanleg (WEF) na die Hydra Substasie in De Aar, binne die Emthanjeni Plaaslike Munisipaliteit, Noord-Kaapprovinsie. Die riglyne vir die indiening van 'n appèl, soos uiteengesit in die Wet op Nasionale Omgewingsbestuur (NEMA) (Nr 107 van 1998) se Regulasies (2014), soos gewysig, 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 die DOS, in terme van Hoofstuk 5 van die OIB-regulasies 2014, soos gewysig, en gegrond op 'n hersiening van die rede wat deur Longyuan Mulilo De Aar 2 North (Edms) Bpk aangevoer is vir die wysiging van bogenoemde Omgewingsmagtiging (OM) (naamlik die wysiging van die houer van die OM), **besluit het om die Omgewingsmagtiging (OM) gedateer 11 Augustus 2014, as volg te verander:**

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**Wysiging van die houer van die OM:****Van:**

*Mnr John Cullum  
Longyuan Mulilo De Aar North (Edms) Bpk<sup>1</sup>  
Posbus 50  
KAAPSTAD INTERNASIONALE LUGHAWWE  
Telefoonnommer: (021) 934 5278  
Faksnommer: (021) 935 0505  
Epos Address: karen@mulilo.com*

**Na:**

*Me Debbie Harding  
ESKOM Holdings SOC Limited  
Posbus 606  
KIMBERLEY  
2300  
Telefoonnommer: (053) 830 5774  
Epos Address: HardinD@eskom.co.za*

Die applikant het aansoek gedoen vir die oordrag van die houer van die OM na ESKOM Holdings SOC Limited sodat die operasionele fase van die projek uitgevoer kan word. Volgens die Self-Gebou Ooreenkoms, was dit die verantwoordelikheid van die Applikant om die omgewingsassesseringsproses te onderneem en die 132kV transmissielyn en verwante infrastruktuur te bou, en daarna die 132kV transmissielyn en geassosieerde infrastruktuur oor te handig aan ESKOM Holdings SOC Limited vir die operasionele fase.

Die DOS se wysiging aan die OM, gedateer 15 Mei 2017, word vir u inligting as Bylae A hierby ingesluit<sup>2</sup>.

**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 (2014), soos gewysig, waarin die appèlproses uiteengesit is.

Nota: Gewoontlik moet die Applikant binne 14 dae van die datum waarop die besluit geneem is, verseker dat all B&GP'e in kennis gestel is van die besluit, die redes vir die besluit, en die reg om te appelleer. Neem asseblief kennis dat alhoewel die wysigingsbesluit 15 Mei 2017 gedateteer is, is die Applikant en Omgewingskonsultant eers in kennis gestel van die besluit deur DOS op 19 Junie

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<sup>1</sup> Verkeerdelik geskryf in die wysigingsbrief as Longyuan Mulilo De Aar North (Edms) Bpk, alhoewel die houer van die OM (die Applikant) Longyuan Mulilo De Aar 2 North (Edms) Bpk is.

<sup>2</sup> Nota: die voorgestelde wysigingsbrief van die DOS gedateer 15 Mei 2017 moet gelees word tesame met die OM gedateer 11 Augustus 2014. Afskrifte van die OM gedateer 11 Augustus 2014, en geassosieerde wysigings, is op versoek beskikbaar van Nicole Holland by Holland & Associates Omgewingskonsultante.

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2017. Dit het veroorsaak dat die kennisgewing aan die B&GP'e verdrag is. B&GP'e het niteenstaande die reg om die besluit te appelleer.

Die persoon wat appelleer moet 'n appèl by die appèladministrateur indien en 'n afskrif daarvan aan die Applikant (Longyuan Mulilo De Aar 2 North (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>3</sup> waarop die kennisgewing van die besluit deur die Applikant aan die geregistreerde B&GP'e gestuur is, of die datum<sup>4</sup> waarop die kennisgewing van die besluit deur die bevoegde owerheid aan die applikant gestuur is, watter een ookal van toepassing is.

Appèlle moet skriftelik ingedien word by:

Mnr Z Hassam, Direkteur: Appèlle en Regsoorsig van die DOS, en wel by enige van die onderstaande adresse.

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**

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<sup>3</sup> Hierdie brief, wat namens die Applikant aan geregistreerde B&GP'e gestuur is, dien as kennisgewing van die DOS se besluit, en is op 30 Junie 2017 gepos.

<sup>4</sup> 19 Junie 2017

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**ANNEXURE A:  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS' AMENDMENT OF ENVIRONMENTAL  
AUTHORISATION – 15 MAY 2017**

**BYLAE A:  
DEPARTEMENT VAN OMGEWINGSAKE SE WYSIGING VAN DIE OMGEWINGSMAGTIGING –  
15 MEI 2017**

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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:** 14/12/16/3/3/1/1166/AM3

**Enquiries:** Ms Dakalo Netshiombo

**Telephone:** (012) 399 8877 **E-mail:** DNetshiombo@environment.gov.za

Ms Debbie Harding  
ESKOM Holdings SOC Limited  
P. O. Box 606  
**KIMBERLEY**  
8301

Telephone no: (053) 830 5774  
Email: HardinD@eskom.co.za

### **PER EMAIL / MAIL**

Dear Ms Harding

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 11 AUGUST 2014 FOR THE PROPOSED CONSTRUCTION OF A 132KV TRANSMISSION POWER LINE CORRIDOR ADJACENT TO THE EXISTING ESKOM TRANSMISSION POWER LINE FROM LONGYUAN MULILO DE AAR 2 NORTH WIND ENERGY FACILITY TO THE HYDRA SUBSTATION IN DE AAR IN THE NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the above application by this Department on 11 August 2014 and your application for amendment to the EA received by this Department on 19 April 2017 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 Regulations, 2014, the Department has decided to amend the holder of the Environmental Authorisation issued on 11 August 2014 as follows:

#### **Amendment to the holder of the EA:**

##### **From:**

Mr John Cullum  
Longyuan Mulilo De Aar North (Pty) Ltd  
P.O. Box 50  
**CAPE TOWN INTERNATIONAL AIRPORT**  
7525

Tel No: (021) 934 5278  
Fax: (021) 935 0505  
Email: karen@mulilo.com

*MS*



**To:**

Ms Debbie Harding  
ESKOM Holdings SOC Limited  
P. O. Box 606  
**KIMBERLEY**  
2300

Telephone no: [\(053\) 830 5774](tel:0538305774)  
Email: [HardinD@eskom.co.za](mailto:HardinD@eskom.co.za)

The applicant applied for the transfer of the holder of the EA to Eskom Holdings SOC Limited in order to execute the operation phase of the project. According to the Self Build Agreement, it was the responsibility of the Applicant to undertake the environmental assessment process and construct the 132kV distribution line and associated infrastructure, thereafter, hand over the 132kV distribution line and associated infrastructure to ESKOM Holdings SOC Limited for operation.

This letter must be read in conjunction with the EA date 11 August 2014.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the 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 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:

Mr Z Hassam, 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 X 447,  
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: 15/05/2017