

## APPENDIX D: COMMENTS & RESPONSE REPORT (CRR) FOR MULILO NEWCASTLE WIND POWER 2

### D1 - COMMENTS RECEIVED FROM DFFE (COMPITENT AUTHORITY)

DFFE COMMENT	EAP/APPLICANT RESPONSE
<p>21/09/2022</p> <p><b>Ephron Maradwa</b></p> <p>EIA Applications</p> <p>Integrated Environmental Authorisations</p> <p>Department of Forestry, Fisheries and the Environment</p>	
<p>14/12/16/3/3/2/2212</p> <p>ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION AND DRAFT SCOPING REPORT FOR ENVIRONMENTAL AUTHORISATION FOLLOWING A SCOPING ASSESSMENT PROCESS FOR THE PROPOSED MULILO NEWCASTLE WIND POWER (PTY) LTD - 200 MW WIND ENERGY FACILITY, IN THE KWAZULU-NATAL PROVINCE.</p> <p>The Department confirms having received the Application form and Draft Scoping Report for Environmental Authorisation for the abovementioned project on 20 September 2022. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.</p> <p>Kindly note that your application for Environmental Authorisation falls within the ambit of an application applied for in terms of Part 3 of Chapter 4 of the EIA Regulations, 2014, as amended. You are therefore referred to Regulation 21 of the EIA Regulations, 2014 as amended.</p> <p>Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that potential Interested &amp; Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014, as amended, prior to the submission of an application but must be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.</p> <p>Note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.</p>	<p>CES acknowledged the receipt of the new application and Draft Scoping Report by the Department of Forestry, Fisheries, and the Environment.</p>

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<p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p> <p>Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p>	
<p>20/10/2022</p> <p><b>Milicent Solomons</b> Acting Chief Director: Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment</p> <p>Signed by: Mr Coenrad Agenbach Designation: Deputy Director: Priority Infrastructure Projects</p>	
<p><b>COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED ESTABLISHMENT OF THE MULILO NEWCASTLE WIND POWER 2 (PTY) LTD 200MW WIND ENERGY FACILITY NEAR NEWCASTLE, KWAZULU-NATAL PROVINCE</b></p> <p>The Application for Environmental Authorisation and Draft Scoping Report (SR) dated September 2022 and received by the Department on 20 September 2022, refer.</p> <p>This letter serves to inform you that the following information must be included to the Final Scoping Report:</p>	
<b>(a) Specific Comments</b>	
<p>(i) Kindly provide reasons as to why no pre-application meeting for the proposed project took place.</p>	<p>The pre-application meeting for the wind farm was held together with the pre-application meeting for the overhead powerlines associated with the WEF. Refer to minutes at Appendix F of the FSR.</p> <p>The following excerpt from the minutes is relevant: Application:</p> <ul style="list-style-type: none"> <li>AC explained that the EA and Draft Scoping Report was submitted on the 16th September 2022 prior to the pre-application meeting but was rejected as there was no email correspondence or pre-application minutes in the EA submission. AC asked, since CES is going to resubmit the application after</li> </ul>

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	<p>the pre-application meeting, if they will need to submit pre-application minutes or an email correspondence.</p> <ul style="list-style-type: none"> <li>• ME apologised for not responding to the email request prior to the pre-application minutes (for email proof) and responded that pre-application minutes will need to be submitted with the application.</li> </ul>
<p>(ii) The co-ordinates in the Scoping Report must be specific to each activity and infrastructure that is proposed on the site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.</p>	<p>The co-ordinates for the turbines and associated infrastructure are provided at Appendix H of the FSR. See APPENDIX H – Coordinates of WEF turbines and associated infrastructure</p> <p>Also note that final siting of infrastructure will be informed by EIA phase and after the completion of the various specialist inputs and identification of NO-GO areas.</p>
<p>(iii) Please provide a concise, but complete, summary and bullet list of the project description and associated infrastructure (or project scope). This must include a list of all development components and associated infrastructure.</p>	<p>This is provided at Section 2.3 of the FSR.</p>
<p>(iv) The proposed site is located within a National Protected Areas Expansion Strategy (NPAES) area, namely Moist Escarpment Grasslands and falls within 10km of a protected or conservation area recognised by the South African Protected Areas Database (SAPAD, 2021), namely the Sneeuberg Protected Environment. Approval from the Management Authority in terms of the National Environmental Management: Protected Areas Act, 2003; Section 50(5) for commercial and community activities in the National Park, and/or World Heritage Site may be required. Comments from this Department's Protected Areas Directorate must be obtained to confirm whether Approval from the Management Authority in terms of the National Environmental Management: Protected Areas Act, 2003; Section 50(5) is required. Find below the contact details for personnel at this Department's Protected Areas Directorate: a) Name: Mr Rofhiwa Magodi Telephone no.: (012) 399 8801 Email: RMagodi@dffe.gov.za; and b) Name: Tshwanelo Leballo</p>	<p>See Appendix C9 – Request for comment from DFFE Protected Areas Directorate.</p> <p>The Draft EIA Report will also be submitted to the Protected Areas Directorate for comment.</p>

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<p>Telephone no.: (012) 399 9561 Email: tleballo@dffe.gov.za</p>	
<p>(v) Comments must be obtained from this Department's Biodiversity Conservation Directorate at BCAdmin@dffe.gov.za</p>	<p>Individuals from the Department's Biodiversity Conservation Directorate were included in the initial stakeholder list.</p> <p>A request has been sent to the Biodiversity Conservation Directorate. See Appendix C10 – Request for comment from DFFE Biodiversity Conservation Directorate.</p> <p>The Draft EIA Report will also be submitted to BCA Admin for comment.</p>
<b>(b) Listed Activities</b>	
<p>(i) Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.</p>	<p>Refer to Table in Section 2.9 of the FSR.</p>
<p>(ii) If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <a href="https://www.environment.gov.za/documents/forms">https://www.environment.gov.za/documents/forms</a>.</p>	<p>There are no changes in listed activities in the FSR. The correct application form was used.</p>
<b>(c) Layout &amp; Sensitivity Maps</b>	
<p>(i) The final SR must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.</p>	<p>Refer to APPENDIX H – Coordinates of WEF turbines and associated infrastructure.</p>
<p>(ii) All preferred turbine positions must be clearly numbered. The turbine position numbers must be consistently used in all maps to be included in the reports.</p>	<p>Refer to Section 2.1 in FSR. Figure <b>Error! No text of specified style in document.-1</b>: Map showing the affected properties and layout of the proposed the MNWP WEF.</p>
<p>(iii) Please provide a layout map which indicates the following: a) The proposed position of the 37 wind energy turbines, laydown areas, internal and external roads, substations, BESS, operational and maintenance buildings and the concrete batching plant; b) The proposed WEF and associated infrastructure, overlain by the sensitivity map;</p>	<p>Refer to Chapter 7, Section 7.4: Preliminary consolidated overall desktop sensitivity. Figure 7-9 provides a preliminary consolidated overall desktop sensitivity map showing the overall environmental sensitivity of the land area on which the proposed MNWP WEF is proposed.</p>

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<p>c) All supporting onsite infrastructure e.g. roads (existing and proposed);</p> <p>d) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;</p> <p>e) Buffer areas; and</p> <p>f) All “no-go” areas.</p>	
(iv) The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure.	As above
(v) Google maps will not be accepted.	Google maps will not be used.
<b>(d) Alternatives</b>	
(i) Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 2 of GN R.982 of 2014 (as amended).	Refer to Section 4 of the FSR.
(ii) Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.	NA
<b>(e) Public Participation Process</b>	
(i) Please ensure that all issues raised and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction (including this Department’s Biodiversity Section) in respect of the proposed activity are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.	<p>Please see Chapter 8 for details of PPP.</p> <p>8.3 – PPP during scoping</p> <p>8.6 – PPP during initiation and scoping</p> <p>8.7 – PPP tasks</p> <p>Various organs of state were included in the stakeholder list.</p> <p>Individuals from the Department’s Biodiversity Conservation Directorate were included in the initial stakeholder list.</p> <p>A further request for comment has been sent to the Biodiversity Conservation Directorate.</p> <p>See Appendix C10 – Request for comment from DFFE Biodiversity Conservation Directorate.</p> <p>The Draft EIA Report will also be submitted to BCAAdmin@dfffe.gov.za for comment.</p>
(ii) All issues raised and comments received during the circulation of the Draft SR from I&APs and organs	Please refer to comments CRR at Appendix D of the FSR.

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of state which have jurisdiction in respect of the proposed activity are adequately addressed in the Final SR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).	
(iii) The CRR report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter.	Please refer to comments CRR at Appendix D of the FSR.
(iv) Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to an I&AP’s comments.	Please refer to comments CRR at Appendix D of the FSR.
(v) Minutes and attendance registers (where applicable) of any physical/virtual meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the Final SR.	No meetings were held except for a pre-application meeting with DFFE. Refer to minutes at Appendix F.
(vi) The Final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development.	Proof of correspondence is provided under Appendix C of the FSR. Appendix C – PPP Proofs
<b>(f) Specialist Assessments</b>	
(i) Specialist Declaration of Interest forms must be attached to the final SR. The forms are available on Department’s website (please use the Department’s template).	Specialist Declaration of interest forms are attached under Appendix G of the FSR.
(ii) Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of turbine positions, and all other associated infrastructures that they have assessed and are recommending for authorisations.	Specialist methodologies are provided under Chapter XXX Plan of Study for EIA. This will be communicated to specialists for inclusion during EIA phase.
(iii) The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.	This will be communicated to specialists for inclusion during EIA phase.
(iv) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and	This matter will be dealt with in the EIA phase once the various draft specialist

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substantiate this with defensible reasons; and where necessary, include further expert advice.	impact assessment reports have been completed.
(v) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.	<p>The assessment procedures and reporting criteria for environmental themes identified per the DFFE Screening Tool report are discussed in Section 7.1 of this FSR.</p> <p>7.1 DFFE SCREENING TOOL SENSITIVITY ASSESSMENT</p> <p>Specialists will be instructed to conduct their respective specialist assessments in terms of the relevant protocols as referenced in Section 8.4 of the FSR.</p> <p>8.4 SPECIALIST STUDY PHASE</p>
(vi) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.	This will be communicated to specialists.
(vii) Please also ensure that the Final SR includes the Site Verification Report as required by the relevant environmental themes and assessments.	<p>A Site Verification Report is included in Section 7 of the scoping report. During the preapplication meeting, DFFE indicated that this could be included as a separate section in the FSR.</p> <p>The environmental and social site sensitivity verification section is presented in line with the requirements of the following Government Notice:</p> <ul style="list-style-type: none"> <li>Site Sensitivity Verification Requirements Where Specialist Assessment is Required but No Specific Protocol Has Been Prescribed and the Site Sensitivity Verification and Minimum Report Content Requirements (GN 320, March 2020).</li> </ul>
(viii) Please note further that the protocols, if applicable, require certain specialists' to be SACNASP registered. Please ensure that the relevant specialist certificates are attached to the relevant reports.	This will be communicated to specialists.
(ix) We note that the screening tool indicates that seventeen specialist studies need to be undertaken or conducted. We note that the SR does not include seventeen specialist reports. Please kindly peruse the protocols and provide in the SR site sensitivity reports for each theme/study listed, as well as compliance	<p>The DFFE screening tool identifies 15 sensitivity themes.</p> <p>Specialist reports are proposed for 12 themes.</p>



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<p>statements for assessments not needed to be conducted based on your site sensitivity verification. For ease of reference, Part A of the protocols is omitted from the SR.</p>	<p>There are a total of 9 specialist reports. Refer to Section 7.1 of the FSR where Table 7-3 provides a summary of specialist studies and sensitivity themes for the MNWP WEF. See also Section 8.4 for list of proposed specialist studies.</p>
<b>(g) Cumulative Assessment</b>	
<p>(i) Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:</p> <p>a) Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.</p> <p>b) Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.</p> <p>c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</p> <p>d) A cumulative impact environmental statement on whether the proposed development must proceed.</p>	<p>There are no proposed wind farms within a 30 km radius of the proposed WEF except for MNWP 2 which is part of the same Newcastle Wind Power WEF Complex. However, the EIA will consider the cumulative impacts of the two WEFs comprising the Newcastle Wind Power WEF Complex.</p>
<b>General</b>	
<p>You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:</p> <p>"If S&amp;EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"</p>	<p>The draft scoping report was put out for 30-day public and stakeholder comment on 21st September 2022. The comment period ended 20th October 2022.</p> <p>Refer to Appendix C for various proofs of notification.</p>
<p>You are further reminded that the Final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping Reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.</p>	<p>See Table 1: Requirements for the Scoping report and content (relevant to Appendix 2 of the Amended EIA Regulations, 2017) on page iii of the FSR.</p>



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Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).	The current FSR is within the prescribed timelines.
You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.	The applicant is aware that no activity can commence without an EA being granted by the Department.
09/12/2022 <b>Milicent Solomons</b> Acting Chief Director: Integrated Environmental Authorisations Department of Forestry, Fisheries and the Environment  Signed by: Mr Coenrad Agenbach Designation: Deputy Director: Priority Infrastructure Projects DFFE Reference: 14/12/16/3/3/2/2213	
<b>ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED MULILO NEWCASTLE WIND POWER 2 (PTY) LTD WIND ENERGY FACILITY (WEF) WITHIN NEWCASTLE LOCAL MUNICIPALITY IN THE KWAZULU-NATAL PROVINCE</b>	

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<p>The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated November 2022 and received by the Department on 02 November 2022, refer.</p> <p>The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated November 2022 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The final SR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.</p> <p>You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.</p> <p>In addition, the following amendments and additional information are required for the EIAr:</p>	<p>Statements acknowledged.</p>
(a) Listed Activities	
(i) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.	<p>Refer to:</p> <ul style="list-style-type: none"> <li>Sections 7 – Key findings of specialists</li> <li>Section 8 – Impact Assessment</li> <li>Appendix H – Impact Assessment Tables (detailed).</li> </ul>
(ii) The listed activities represented in the EIAr and the application form must be the same and correct.	<p>Refer to:</p> <ul style="list-style-type: none"> <li>Sections 2.3 Table 2.6</li> </ul>
(iii) The EIAr must assess the correct sub listed activity for each listed activity applied for.	<p>Refer to:</p> <ul style="list-style-type: none"> <li>Sections 2.3 Table 2.6</li> </ul>
(b) Public Participation	
(i) Please ensure the language used to inform potential I&APs in the newspaper advertisement is not only communicated in the language English but should also utilise other dominant languages spoken in the study area. The EAP must ensure that the newspaper medium adequately caters for all potential I&APs in the study area. This should also apply to any site notification boards as well.	<p>Refer to:</p> <ul style="list-style-type: none"> <li>Sections 10, Table 10.1</li> <li>Appendix C – PPP Proofs of notification.</li> </ul>
(ii) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the KZN Department of Economic Development, Tourism and Environmental Affairs, the Newcastle Local Municipality, the Department of Water and	<p>Refer to:</p> <ul style="list-style-type: none"> <li>Appendix D - Comments and Response Report (CRR)</li> </ul>

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Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), Ezemvelo KZN Wildlife, the Endangered Wildlife Trust (EWT), BirdLife SA, the Department of Mineral Resources, the Department of Forestry, Fisheries and the Environment: Directorate Biodiversity and Conservation, and the Directorate Protected Areas.	
(iii) Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAR. Proof of correspondence with the various stakeholders must be included in the final EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.	Refer to: <ul style="list-style-type: none"> <li>Sections 10</li> <li>Appendix D - Comments and Response Report (CRR)</li> </ul>
(iv) A Comments and Response trail report (C&R) must be submitted with the final EIAR. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to I&AP’s comments.	Refer to: <ul style="list-style-type: none"> <li>Appendix D - Comments and Response Report (CRR)</li> </ul>
(v) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.	Refer to: <ul style="list-style-type: none"> <li>Sections 10</li> <li>Appendix D - Comments and Response Report (CRR)</li> </ul>
(vi) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.	Refer to: <ul style="list-style-type: none"> <li>Sections 10</li> </ul>
(c) Layout & Sensitivity Maps	
(i) The EIAR must provide coordinate points for the proposed development site and all proposed infrastructure (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.	Refer to: <ul style="list-style-type: none"> <li>Section 2.2 – Table 2.5</li> </ul>
(ii) All preferred turbine positions must be clearly numbered. The turbine position numbers must be	Refer to: <ul style="list-style-type: none"> <li>Section 2.2 – Table 2.5</li> </ul>

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consistently used in all maps to be included in the reports.	
<p>(iii) The EIAR must provide a copy of the final preferred layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g., roads. The layout map must indicate the following:</p> <p>a) A clear indication of the envisioned area for the proposed wind energy facility;</p> <p>b) Position of the wind turbines;</p> <p>c) Powerlines;</p> <p>d) Internal roads;</p> <p>e) All supporting onsite infrastructure such as laydown area, guard house and control room etc.;</p> <p>f) Substations, transformers, switching stations and inverters;</p> <p>g) Battery Energy Storage System;</p> <p>h) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facilities and its associated infrastructure;</p> <p>i) Connection routes (including pylon positions) to the distribution/transmission network;</p> <p>j) All existing infrastructure on the site, especially railway lines and roads; and</p> <p>k) Buildings, including accommodation.</p>	<p>Refer to:</p> <ul style="list-style-type: none"> <li>Section 2.2 – Table 2.5</li> <li>Section 9 – Figure 9.1</li> </ul>
<p>(iv) Please provide an environmental sensitivity map which indicates the following: a) The location of sensitive environmental features identified on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;</p> <p>b) Buffer areas; and</p> <p>c) All “no-go” areas.</p>	<p>Refer to:</p> <ul style="list-style-type: none"> <li>Section 9 – Figure 9.1</li> </ul>
<p>(v) The above layout map must be superimposed (overlain) with the sensitivity map and a cumulative map which shows neighbouring and existing infrastructure.</p>	<p>Refer to:</p> <ul style="list-style-type: none"> <li>Section 9 – Figure 9.1 and 9.2</li> </ul>
<p>(vi) Google maps will not be accepted.</p>	<p>Google maps was noted used.</p>
<p>(d) Specialist assessments</p>	
<p>(i) The list provided for the specialist studies to be undertaken in the EIAR on Page 179 of the Scoping Report fails to list Traffic Impact Assessment as a study that will be undertaken. It is imperative to</p>	<p>Refer to:</p> <ul style="list-style-type: none"> <li>Section 7.11 - Traffic Impact Assessment</li> </ul>

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conduct a Traffic Impact Assessment to assess the potential impacts on traffic in the area caused by the development and whether the development can be accommodated by the transportation system.	
<p>(ii) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:</p> <p>a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.</p> <p>b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.</p> <p>c) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.</p> <p>d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.</p> <p>e) All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.</p> <p>f) Bird and bat specialist studies must have support from Birdlife South Africa and SABAA.</p> <p>g) Should a specialist recommend specific mitigation measures, these must be clearly indicated.</p>	<p>Refer to:</p> <ul style="list-style-type: none"> <li>• Section 7: Key findings of specialist assessments</li> <li>• Appendix E: Specialist Assessment Reports</li> <li>• Appendix H2: Specialist impact tables</li> </ul>
<p>(iii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.</p>	<p>There have not been any contradicting recommendations</p>
<p>(iv) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting in identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in</p>	<p>All specialists have complied with applicable protocols as indicated in the respective specialist reports.</p>

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Government Notice No. 320 of 20 March 2020 (i.e. “the Protocols”) and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.	
(v) Please also ensure that the EIAR includes the Site Verification Report and Compliance Statements (where applicable) as required by the relevant themes.	Site verification was included in the final scoping report: <ul style="list-style-type: none"> <li>Section 7: Environmental and Social Site Sensitivity Verification, page 133</li> </ul>
(vi) Please note further that the protocols, if applicable, require certain specialists’ to be SACNASP registered. Please ensure that the relevant specialist certificates are attached to the relevant reports.	Where applicable, specialists have included copies of SACNASP certificates in their reports. Refer to: <ul style="list-style-type: none"> <li>Appendix E: Specialist Assessment Reports</li> </ul>
(vii) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist.	Refer to specialist declarations in: <ul style="list-style-type: none"> <li>Appendix E: Specialist Assessment Reports</li> </ul>
(viii) The following Specialist Assessments will form part of the EIAR: <ul style="list-style-type: none"> <li>➤ Agricultural Impact Assessment;</li> <li>➤ Ecological Impact Assessment;</li> <li>➤ Aquatic Impact Assessment;</li> <li>➤ Archaeological Impact Assessment;</li> <li>➤ Palaeontological Impact Assessment;</li> <li>➤ Avifaunal Impact Assessment and Monitoring;</li> <li>➤ Bat Impact Assessment and Monitoring;</li> <li>➤ Visual Impact Assessment;</li> <li>➤ Noise Impact Assessment; and</li> <li>➤ Socio-economic Impact Assessment.</li> </ul>	Refer to: <ul style="list-style-type: none"> <li>Section 7: Key findings of specialist assessments</li> <li>Appendix E: Specialist Assessment Reports</li> <li>Appendix H2: Specialist impact tables</li> </ul>
(e) Cumulative Assessment	
(i) Should there be any similar projects within a 30km radius of the proposed development site, a cumulative impact assessment for all identified and assessed impacts must be conducted to indicate the following: <p>a) Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.</p> <p>b) Detailed process flow and proof must be provided, to indicate how the specialist’s</p>	Refer to: <ul style="list-style-type: none"> <li>Section 8.1.1: Cumulative impact approach</li> <li>Section 8.3.2: Cumulative specialist impacts</li> </ul> <p>Cumulative impacts have also been addressed throughout the impact assessment process, as reflected in:</p> <ul style="list-style-type: none"> <li>Section 7: Key findings of specialist assessments</li> </ul>

DFFE COMMENT	EAP/APPLICANT RESPONSE
<p>recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.</p> <p>c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</p> <p>d) A cumulative impact environmental statement on whether the proposed development must proceed.</p>	<ul style="list-style-type: none"> <li>• Section 9: Sensitivity analysis</li> <li>• Appendix E: Specialist Assessment Reports</li> <li>• Appendix H2: Specialist impact tables</li> </ul>
(f) General	
(i) Missing	NA
(ii) The EIAR must provide the technical details for the proposed facilities in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under Annexure 2 below.	<p>Refer to:</p> <ul style="list-style-type: none"> <li>• Section 2.1: Tables 2.1 to 2.3</li> </ul>
(iii) The EAP must provide landowner consent for all farm portions affected by the proposed project i.e. all farm portions where the access road, wind turbines and associated infrastructure are to be located.	<p>Refer to:</p> <ul style="list-style-type: none"> <li>• Application APPENDIX 3: List of Land Owners Written Consent of Landowners</li> </ul>
(iv) A construction and operational phase EMPr that includes mitigation and monitoring measures must be submitted with the final EIAR, including the Generic EMPrs for substations and powerlines.	<p>Refer to:</p> <ul style="list-style-type: none"> <li>• Appendix G: Environmental Management Programme.</li> </ul>
The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, with regard to the time period allowed for complying with the requirements of the Regulations.	<p>Statements acknowledged.</p> <p>The Applicant is aware of this condition.</p>
You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.	<p>Statements acknowledged.</p> <p>The Applicant is aware of this condition.</p>



**D2: COMMENTS RECEIVED: LANDOVERS, NEIGHBOURING LANDOWNERS, STAKEHOLDERS AND I&APs**

STAKEHOLDER AND I&AP DETAILS	DATE RECEIVED	STAKEHOLDER OR I&AP COMMENT	EAP/APPLICANT RESPONSE
Jaco Dippenaar Zama Retailers Landowner	18/07/2022	Can you perhaps give us clarity on what consent this is? We are not familiar with Environmental Authorisation, scoping, and EIA.	CES replied 01/08/2022: "We are in receipt of your email of the 18 <sup>th</sup> July 2022. Herewith our response to your comments: All wind farms must secure an Environmental Authorization (EA). The legislative process to follow for a wind farm in this area, is a full Environmental Impact Assessment (EIA) process. The EIA process has a "scoping phase" as well as an "Impact assessment Phase". This project is currently in the scoping phase. The landowner consent form is required by the Applicant for the Environmental Authorization, Mulilo Newcastle Wind Power 2 (Pty) Ltd, to confirm that any landowner on which wind turbines are proposed to be located, gives permission for the application and EIA process to proceed. There is no other obligation on you as landowner, financial or otherwise. The consent you are giving is to allow the Applicant to conduct the required studies and to submit an application for EA for a proposed development on your land."
Jaco Dippenaar Zama Retailers Landowner	18/07/2022	We have concerns about the impact of the project on the environment and how it will impact our farming operation. Some of the environmental concerns are: Mechanical impacts/disturbance that accelerate erosion in the high rainfall	CES replied 01/08/2022: "We are in receipt of your email of the 18 <sup>th</sup> July 2022. Herewith our response to your comments:  The physical footprint of a wind farm is relatively small (typically less than 1% of total land cover), with limited disturbance to the land. In most wind farm projects that we have been involved in, erosion risks are minimal and can be readily managed and controlled. An Erosion

STAKEHOLDER AND I&AP DETAILS	DATE RECEIVED	STAKEHOLDER OR I&AP COMMENT	EAP/APPLICANT RESPONSE
		area. (Erosion reduces our carrying capacity)	Management Plan as well as a Storm Water Management Plan, will need to be compiled as part of the Environmental Management Plan (EMP) for the wind farm. If the project proceeds, the Developer would be legally bound to comply to the EMP, to ensure measures are implemented to control storm water and prevent erosion. Such compliance will be audited on an ongoing basis by external environmental auditors. Normal farming practices will not be affected to any large degree."
<b>Jaco Dippenaar</b> Zama Retailers Landowner	18/07/2022	We have concerns about the impact of the project on the environment and how it will impact our farming operation. Some of the environmental concerns are: Change in habitat (birdlife, water life, wildlife) that will occur due to the disturbance during construction and operation of the project. The change in habitat then has an impact on the veld condition, the water quality and so on.	CES replied 01/08/2022: "We are in receipt of your email of the 18 <sup>th</sup> July 2022. Herewith our response to your comments:  Again, the physical footprint of a wind farm is relatively small, but the EIA process is intended to assess the likely impact of wind turbines and associated infrastructure, such as powerlines and internal roads, on birds, bats, water courses, etc. and to either adapt the layout of the wind farm to avoid any impacts all together or minimise impacts as much as possible. Detailed specialist studies have, and will be conducted for to assess in detail the level of potential impacts, to determine if the development can proceed, and if so, what measures are needed to be implement (i.e. mitigations) to reduce impacts to a minimum."
<b>Jaco Dippenaar</b> Zama Retailers Landowner	18/07/2022	We have concerns about the impact of the project on the environment and how it will impact our farming operation. Some of the	CES replied 01/08/2022: "We are in receipt of your email of the 18 <sup>th</sup> July 2022. Herewith our response to your comments:  A traffic impact assessment is conducted as part of the EIA

STAKEHOLDER AND I&AP DETAILS	DATE RECEIVED	STAKEHOLDER OR I&AP COMMENT	EAP/APPLICANT RESPONSE
		environmental concerns are: Risk of disease from increased traffic to the area and uncontrolled access to the properties.	process which covers traffic issues both during construction and operation of a wind farm. While there is typically increased traffic during the one-year construction period of a wind farm, this is well managed. There is minimal increased traffic during operation. Access to the site is strictly controlled both during construction and operation. A social impact assessment is also conducted as part of the EIA process and should also address these concerns."
<b>Jaco Dippenaar</b> Zama Retailers Landowner	18/07/2022	We understand the need of the project, however as landowners we will be impacted, and we would like to know what measures are in place to prevent/limit/manage these impacts.	CES replied 01/08/2022: "We will keep you informed of progress during the entire EIA process and you will have multiple opportunities to review reports and to provide comments and concerns, which we will take into serious consideration."
<b>Jaco Dippenaar</b> Zama Retailers Landowner	18/08/2022	Thanks for your time as well. Essentially, we as property owners are concerned about possible environmental and other impacts and how it will impact our livelihood.	CES replied 18/08/2022: "Thank you very much for your call this morning and for expressing your concerns. It was greatly appreciated. I have taken notes during your call which will be documented in the EIA reports. I think of notable concern are the disease risks to cattle during construction and operation, particularly relating to current foot and mouth outbreak. You also highlighted security and erosion/land degradation risks. We will ensure that you are kept abreast of the EIA process. Thank you also for your suggestions regarding public awareness options".  CES will keep Mr Dippenaar informed of progress during the entire EIA process and he will

STAKEHOLDER AND I&AP DETAILS	DATE RECEIVED	STAKEHOLDER OR I&AP COMMENT	EAP/APPLICANT RESPONSE
			have multiple opportunities to review reports and impact assessments and to provide comments and concerns, which we will take into serious consideration.
<b>Tanya Smith</b> EWT	14/09/2022	Thank you for contacting EWT. We regret to inform you that Tanya Smith is no longer employed here. Please direct any future correspondence to Dr Damian Walters at DamianW@ewt.org.za .	Dr Damian Walters is registered as an I&AP on the database and has been notified throughout the EIA Process.
<b>Bryan Groenendaal</b> Director Green Building Africa Environmental Solutions Pty (Ltd). Renewable Energy Project Developers	14/09/2022	I am not a stakeholder and wish Chris and his team at Mulilo all the best with this wind project.	CES replied on 29/09/2022: "Thank you for the feedback, we will remove you as a stakeholder from the Newcastle Mulilo contact list."
<b>Jadon Schmidt</b> Development Manager Redcap	15/09/2022	Please can you add David and I as IAPs to both Newcastle projects.	David Nicol and Jadon Schmidt were registered as I&APs to the database and notified throughout the EIA process.
<b>Secretary at</b> <b>Dejagersdrift</b> Private person	15/09/2022	Do not know where you got our email address. We are in the Dejagersdrift Area. Your mail refers to Newcastle. Kindly delete us from your contact list	CES replied 29/09/2022: "Apologies. Your email addresses have been removed from the contact list and database."
<b>Samantha Naicker</b> Land & Rights Officer (ST 1569) Asset Creation : Land Development KZN Operating Unit NaickeSa@eskom.co.za	15/09/2022	Please can you furnish Eskom with a KMZ/KML file layout for the proposed Windfarms? Kindly take note of the attachment and use it as a guideline when making future applications to Eskom - Lands& Rights.	Eskom was sent a KMZ file of the proposed layout for Mulilo Newcastle Wind Power and Mulilo Newcastle Wind Power 2 Wind Facilities and associated infrastructure.
<b>Tanya Joubert</b> Private Landowner	22/09/2022	I would like to ask what the wind facility and	CES replied 24/10/2022: "Please note Option 1 connection to the

STAKEHOLDER AND I&AP DETAILS	DATE RECEIVED	STAKEHOLDER OR I&AP COMMENT	EAP/APPLICANT RESPONSE
tanyaj@alsgroup.co.za		<p>the connection to the grid (Option 1) would entail</p> <p>I see on the document that it is stated:</p> <p>“The properties affected by the grid connection are all zoned as Agriculture and mostly used for livestock grazing.”</p> <p>This is however not the case with Wykom and Buffalo River since it is well established cultivated land under irrigation with subsurface drainage in. Please contact me to discuss</p> <p>See below the existing line running through the irrigated fields (photo attached).</p>	<p>grid is no longer being considered as a route, however, your concerns and comments are noted, and we will continue to notify you as an I&amp;AP.</p>
<b>Cas Joubert</b> ALS Group Director	22/09/2022	Cas Joubert requested to be registered as an I&AP.	Cas Joubert was registered as an I&AP on the database and was notified throughout the EIA Process.
<b>Darrel Brown</b> Managing Director/Certified Financial Planner	22/09/2022	Please be so kind to email me documentation so that I can register as an interested and affected party. I do not see any links to do so on the mail you have sent.	<p>CES replied 23/09/2022: “I hope you are well. This email confirms your registration as an interested and affected party and I will add your details to our database. Should you have any comments you may also email or phone us on 043 726 7809. The Draft Scoping Reports are available for review and can be accessed at the following places:</p> <p><i>Soft Copy:</i> CES website at <a href="http://www.cesnet.co.za/public-documents">http://www.cesnet.co.za/public-documents</a></p> <p><i>Hard Copy:</i> Newcastle Library, 66 Scott St, Newcastle CBD, Newcastle, KZN.</p> <p>Please do not hesitate to contact us if you have any further queries.”</p>

STAKEHOLDER AND I&AP DETAILS	DATE RECEIVED	STAKEHOLDER OR I&AP COMMENT	EAP/APPLICANT RESPONSE
<b>Peter Hair</b> Newcastle Ratepayers Association	26/09/2022	Kindly register the Newcastle Ratepayers' Association as an interested and affected party in the application for the Environmental Authorisation for the proposed Mulilo Wind power 2 energy facility in Newcastle AS WELL as the Mulilo Newcastle Wind Power. Please note this is for both your applications as in the Newcastle Advertiser of 9 September 2022. Kindly keep us informed of any developments so far.	CES replied 27/09/2022: "This email serves as confirmation that we have received your request and have registered Newcastle Ratepayers' Association as I&APs on our database for both Wind Energy Facilities. Please find the Background Information Document attached for your perusal. May we use these email addresses (peterhair@telkomsa.net and wdvandenberg@gmail.com) for our database for registration of the Newcastle Ratepayers' Association?"
<b>Peter Hair</b> Newcastle Ratepayers Association	27/09/2022	Thank you for the registration received. The two representatives for Newcastle Ratepayers' Association are Mrs Phil Hair Secretary and Mr Willie van den Berg Committee member. The email addresses are correct.	Newcastle Ratepayers Association were registered as I&APs and notified throughout the EIA process.

### D3: COMMENTS RECEIVED AFTER THE SUBMISSION OF THE FINAL SCOPING REPORT


COMMENT	EAP/APPLICANT RESPONSE
<p><b>02/11/2022</b>            John Geeringh (Pr Sci Nat)(EAPASA)            Senior Consultant Environmental Management            Eskom Transmission Division: Land &amp; Rights            Megawatt Park, D1Y42, Maxwell Drive, Sunninghill, Sandton.            P O Box 1091, Johannesburg, 2000.            Tel: 011 516 7233            Cell: 083 632 7663            Fax: 086 661 4064            E-mail: john.geeringh@eskom.co.za</p>	
<p>Please find attached Eskom requirements for works at or near Eskom infrastructure or servitudes, as well as the setbacks guideline for renewable energy projects.            Kind regards.  <b>First attachment:</b> Renewable Energy Generation Plant Setbacks to Eskom Infrastructure guideline document (9 pages)  <b>Second attachment:</b>            TO WHOM IT MAY CONCERN  <u>Eskom requirements for work in or near Eskom servitudes.</u></p> <ol style="list-style-type: none"> <li>1. Eskom's rights and services must be acknowledged and respected at all times.</li> <li>2. Eskom shall at all times retain unobstructed access to and egress from its servitudes.</li> <li>3. Eskom's consent does not relieve the developer from obtaining the necessary statutory, land owner or municipal approvals.</li> <li>4. Any cost incurred by Eskom as a result of non-compliance to any relevant environmental legislation will be charged to the developer.</li> <li>5. If Eskom has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the developer's activities or because of the presence of his equipment or installation within the servitude restriction area, the developer shall pay such costs to Eskom on demand.</li> <li>6. The use of explosives of any type within 500 metres of Eskom's services shall only occur with Eskom's previous written permission. If such permission is granted the developer must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. It is advisable to make application separately in this regard.</li> <li>7. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom's satisfaction.</li> </ol>	<p>CES acknowledged receipt. Guidelines forwarded to applicant.</p>



COMMENT	EAP/APPLICANT RESPONSE
<p>8. Eskom shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the developer, his/her agent, contractors, employees, successors in title, and assignees. The developer indemnifies Eskom against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the developer's equipment.</p>	
<p>9. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the developer must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the relevant Eskom Manager</p> <p>Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.</p>	
<p>10. Eskom's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with.</p>	
<p>11. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The developer shall maintain the area concerned to Eskom's satisfaction. The developer shall be liable to Eskom for the cost of any remedial action which has to be carried out by Eskom.</p>	
<p>12. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by <i>Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)</i>.</p>	
<p>13. Equipment shall be regarded electrically live and therefore dangerous at all times.</p>	
<p>14. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom will not approve the erection of houses, or structures occupied or frequented by human beings, under the power lines or within the servitude restriction area.</p>	
<p>15. Eskom may stipulate any additional requirements to highlight any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom plant.</p>	
<p>16. It is required of the developer to familiarise himself with all safety hazards related to Electrical plant.</p>	

COMMENT	EAP/APPLICANT RESPONSE
<p>17. Any third party servitudes encroaching on Eskom servitudes shall be registered against Eskom's title deed at the developer's own cost. If such a servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.</p>	
<p><b><u>04/11/2022</u></b>  Ziyanda Mdoda (SAGC- ST0893)  Senior Advisor Investigations and Audits  Servitude and Land Management  Eskom Transmission</p> <p>Megawatt Park C1T37 1 Maxwell Drive Sunninghill Sandton  Te l+27(0)11 800 5226 Pax 8131 5226  Cell +27 (0)72 414 5843  Fax to email +27 (0)876 660 9672  Email <a href="mailto:MaqubeZS@eskom.co.za">MaqubeZS@eskom.co.za</a></p>	
<p>Good day,  Please find attached in principle wayleave approval for this application.</p>	
<p><b>RE: NOTIFICATION OF APPLICATION FOR ENVIRONMENTAL AUTHORIZATION AND AVAILABILITY OF DRAFT SCOPING REPORT: MULILO NEWCASTLE WIND POWER 2.</b></p> <p>I refer to your email received 2 November 2022 in this regard and wish to inform you that Eskom Transmission will raise no objection to the EA application.</p> <p>It is also noted that you will liaise on a different level with Eskom Holdings Ltd. regarding the physical connection into the Incandu Sub Station (Eskom Grid). This letter also should not be seen as an independent power producer agreement of any kind.</p> <p>Eskom Tx therefore grants an in principle approval to the wind farm provided Eskom Tx's rights and services are acknowledged and respected at all times. The following terms and conditions pertaining to the proposed line crossings must also be borne in mind:</p> <ol style="list-style-type: none"> <li>1. Eskom Tx's rights and services must be acknowledged and respected at all times.</li> <li>2. Eskom Tx shall at all times retain unobstructed access to and egress from its servitudes.</li> <li>3. Eskom Tx's consent does not relieve the applicant from obtaining the necessary statutory, land owner or municipal approvals.</li> <li>4. The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom Tx as a result of non-compliance will be charged to the applicant.</li> <li>5. All work within Eskom's servitude areas shall comply with the relevant Eskom earthing standards in force at the time.</li> </ol>	<p>CES acknowledged receipt and forwarded to applicant.</p>

COMMENT	EAP/APPLICANT RESPONSE
<p>6. No construction or excavation work shall be executed within 20 metres from any Eskom powerline structure, and/or within 20 metres from any stay wire.</p> <p>7. If Eskom Tx has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the applicant's activities or because of the presence of his equipment or installation within the servitude restriction area, the applicant shall pay such costs to Eskom Tx on demand.</p> <p>8. Detailed designs and profiles of the line crossings should be submitted for approval with the final application before construction.</p> <p>9. The use of explosives of any type within 500 metres of Eskom Tx's services, shall only occur with Eskom Tx's previous written permission. If such permission is granted the applicant must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. It is advisable to make application separately in this regard.</p> <p>10. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom Tx's requirements.</p> <p>11. Eskom Tx shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the applicant, his/her agent, contractors, employees, successors in title and assignee. The applicant indemnifies Eskom Tx against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom Tx's services or apparatus or otherwise. Eskom Tx will not be held responsible for damage to the applicant's equipment.</p> <p>12. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom Tx's apparatus and/or services, without prior written permission having been granted by Eskom Tx. If such permission is granted the applicant must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the Lines- and Servitudes Manager.</p> <p>13. Eskom Tx's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with. Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.</p> <p>14. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The applicant shall maintain the area concerned to Eskom Tx's satisfaction. The applicant shall be liable to Eskom Tx for the cost of any remedial action which has to be carried out by Eskom Tx.</p>	

COMMENT	EAP/APPLICANT RESPONSE
<p><b>15. The clearances between Eskom Tx's live electrical equipment and the proposed construction work shall be observed as stipulated by the Regulation 19 of Electrical Machinery Regulations 2011 (with reference to SANS10280-1) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).</b></p> <p>16. Equipment shall be regarded electrically live and therefore dangerous at all times.</p> <p>17. In spite of the restrictions stipulated by Regulation 19 of Electrical Machinery Regulations 2011 (with reference to SANS10280-1) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)., as an additional safety precaution, Eskom Tx will not approve the erection of houses, or structures occupied or frequented by human beings, under the power lines or within the servitude restriction area.</p> <p>18. Eskom Tx may stipulate any additional requirements to eliminate any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom Tx plant.</p> <p>19. It is required of the applicant to familiarise himself with all safety hazards related to Electrical plant.</p> <p>The final design (route and crossings) of your proposed power lines should be referred to this office for final approval. This will be referred to the applicable Eskom Tx Engineer for perusal and final approval.</p> <p>For any further information please contact the writer at the above mentioned telephone number.</p> <p>Yours sincerely, p.p Lungile Motsisi <b>MANAGER FIRE, SERVITUDE AND LAND MANAGEMENT</b></p>	
	
<p><b><u>04/11/2022</u></b> Samantha Naicker Land &amp; Rights Officer (ST 1569) Asset Creation : Land Development KZN Operating Unit Tel: 031-710 5183 Fax: 086 592 3232 Cell: 072 957 1007</p>	
<p>Please receive attached with comments:</p>	<p>CES acknowledg</p>

COMMENT	EAP/APPLICANT RESPONSE
<p>ESKOM DISTRIBUTION COMMENTS: THE PROPOSED MULILO RENEWABLE PROJECT DEVELOPMENTS (PTY) LTD (MULILO) IS PROPOSING TO DEVELOP THE NEWCASTLE WIND ENERGY FACILITY (WEF) COMPLEX NEAR NEWCASTLE IN THE NEWCASTLE LOCAL MUNICIPALITY, IN THE KWAZULU-NATAL PROVINCE, COMPRISING THE FOLLOWING FOUR ELEMENTS:</p> <ul style="list-style-type: none"> <li>• MULILO NEWCASTLE WIND POWER WEF (200MW) (SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT PROCESS);</li> <li>• MULILO NEWCASTLE WIND POWER 2 WEF (200MW) (SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT PROCESS);</li> <li>• MULILO NEWCASTLE WIND POWER WEF (200MW) (SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT PROCESS);</li> <li>• MULILO NEWCASTLE SOUTHERN (PREFERRED) ROUTE GRID CONNECTION TO ESKOM AND ASSOCIATED POWERLINES (BASIC ASSESSMENT PROCESS); AND</li> <li>• MULILO NEWCASTLE NORTHERN GRID CONNECTION TO ESKOM AND ASSOCIATED POWERLINES (BASIC ASSESSMENT PROCESS).</li> </ul> <p>With reference to your application and accompanying plans dated 24<sup>th</sup> October 2022, we confirm that an investigation has been carried out with regard to the supply of electricity, as well as any encroachment into Eskom's Servitudes, in respect to the application as set out above.</p> <p>The following are the only Eskom Distribution Assets showing to exist on our system.</p> <ul style="list-style-type: none"> <li>• Clontarf NB5 22-kV Line</li> <li>• Clontarf NB3 11-kV Line</li> <li>• Clontarf NB2 11-kV Line</li> <li>• Wykom 88-kV Traction Substation</li> <li>• Ingagane/Volksrust 1 88-kV Line Robroy to Wykom</li> <li>• Ingagane/Volksrust 1 88-kV Line Wykom to Clontarf</li> <li>• Incandu/Parklands 1 132-kV Line</li> </ul> <p>The above infrastructure is located within the application areas as per KMZ application file "20220420_Mulilo Newcastle Preliminary Layout"/ Refer to the attached Eskom diagram, ER_INV_708/2022.</p> <p>The 400-kV Overhead Power Lines as well as the 400-kV Substation belong to the Transmission Division of Eskom, please contact Miss Lungile Motsisi for comments, <a href="mailto:Lungile.Motsisi@eskom.co.za">Lungile.Motsisi@eskom.co.za</a>, 083 589 9165.</p> <p>The following Eskom Distribution Regulations shall apply:</p> <p><b>Building Restrictions for a 11-kV Overhead Power Lines</b></p> <p>No building or structures may be erected or installed above or below the surface of the ground, neither may any material which might endanger the safety of this power line be placed within 12 (twelve) metres from the center line of this power line, on either</p>	<p>ed receipt and forwarded to applicant</p>

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<p>side (overall servitude width 24 metres), without prior written confirmation from Eskom.</p> <p><b>Building Restrictions for a 22-kV Overhead Power Lines</b> No building or structures may be erected or installed above or below the surface of the ground, neither may any material which might endanger the safety of this power line be placed within 12 (twelve) metres from the center line of this power line, on either side (overall servitude width 24 metres), without prior written confirmation from Eskom.</p> <p><b>Building Restrictions for 88-kV Overhead Power Lines</b> No building or structures may be erected or installed above or below the surface of the ground, neither may any material which might endanger the safety of this power line be placed within 16 (sixteen) metres from the center line of this power line, on either side (overall servitude width 32 metres), without prior written confirmation from Eskom.</p> <p><b>Building Restrictions for 132-kV Overhead Power Lines</b> No building or structures may be erected or installed above or below the surface of the ground, neither may any material which might endanger the safety of this power line be placed within 18 (eighteen) metres from the center line of this power line, on either side (overall servitude width 36 metres), without prior written confirmation from Eskom.</p> <p><b>Wykom 88-kV Traction Substation</b> No building or structures may be erected or installed above or below the surface of the ground, neither may any material which might endanger the safety of this Substation be place within the Substation Servitude area.</p> <p><b>Eskom Distribution Vacant Servitudes</b></p> <ul style="list-style-type: none"> <li>• Portion 5 of the farm Schuins Hoogte no. 2250 (Farm Bothas Nek no. 8786) – 12 metre wide servitude</li> <li>• Portion 1 of farm Schuins Hoogte no. 2250</li> <li>• Farm Tweefontein no. 16423 – 12 metre wide servitude</li> </ul> <p>The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom as a result of non-compliance will be charged to the applicant. Dimensions and specifics will be in accordance to ESKOM standards so as to not obstruct Eskoms existing infrastructure in any way.</p> <p>Eskom shall not be liable for the death or injury to any person or for the loss of or damage to any property whether as a result of the envroachment of of the use of the servitude area by the applicant, his/her agent, contractors, employees, successors in title, and assigns. The applicant indemnifies Eskom against the loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom's services or apparatus or otherwise. Eskom will not be held responsible for damage to the applicant's equipment. The applicant's attention is drawn to the Electricity Act, 1987,</p>	

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<p>(act 41 of 1987, as amended in 1994), Section 27(3), which stipulates that the applicant can be fined and/or imprisoned as a result of damage to Eskom's apparatus.</p> <p>No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the applicant must give at least seven working days prior notice of the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued.</p> <p>The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act 85 of 1993. Equipment shall be regarded electrically live and therefore dangerous at all times.</p> <p>Any third party servitudes encroaching on Eskom land shall be registered against Eskom's Notaries deed at applicants own cost. If such a servitude is brought into being, its existence should be endorsed on the Eskom servitude deed concerned, while the third party's servitude deed must also include the rights of the affected Eskom servitude.</p> <p>A developer taking a new supply from Eskom, an increase supply or line deviation is required to make an application to Eskom via the Eskom toll free number 0860037566. This application will be processed in terms of Eskom's standard customer connection tariffs, conditions and policies at the developers cost.</p> <p>Customers requiring Substation or Powerlines to be installed for their purpose/supply their development must grant all servitudes (a piece of ground on the property to be developed) to Eskom at no cost.</p> <p>Prior any construction activity, the applicant is required to contact Eskom and detailed Surveyed Plans are to be submitted to this office. This letter outlines the Eskom (Distribution) building restrictions and is by no means an approval for construction works.</p> <p>Yours sincerely SS Nsele Land and Rights Manager</p>	





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<p>Dear Dr Carter,</p> <p>Thank you for your email notifications regarding the applications below. Please note that Ezemvelo has a set of protocols for receiving and processing applications. Currently, we are unable to receive emailed reports and some emails tend to slip through the system. Unfortunately, your email was blocked by our firewall.</p> <p>As such, please can you ensure that your applications and any future applications from C.E.S, are forwarded to our offices as per the details contained in the attached pdf. Should you wish to provide USBs instead of hardcopies, please ensure that these are accompanied with a cover letter.</p> <p>Should you have any queries regarding the above or should any biodiversity issues arise, please feel free to contact this office.</p> <p>Best Regards.</p> <p>Attachment: <b>ATTENTION: All Interested and Affected Parties</b></p> <p>Dear All</p> <p><b>SUBMISSION OF APPLICATIONS PROTOCOL</b></p> <p>Due to the high number of applications this department receives from across KwaZulu Natal, and that any single project may be with one of the IEM Planners, the following process has been put in place to ensure applications</p> <p>are sent to the correct individual and to also assist with tracking applications when feedback is required. Please note that it is in the consultant's best interest to make sure their documentation is sent to the correct individual and confirm receipt thereof, as this would allow for the efficient processing of applications.</p> <p>1) All applications/documentation should be submitted in hard copy (from the BID stage to EIRs, SPLUMAs, EMPs, maps, etc.). While under certain circumstances Ezemvelo is willing to accept documents in electronic format (i.e., via CD/DVD/flash drives) they must be accompanied with a cover letter. No e-mailed submissions of applications/reports/documents will be accepted, as our e-mails have limited capacity to accept large files and the risk of non-delivery is high. In addition, Ezemvelo is also currently unable to accept documentation via file transfer websites due to firewall restrictions.</p> <p>Please be informed that as and when we are able to modify our methods of receiving applications and documentation, we will update our Submission of Applications Protocol.</p> <p>2) New Applications:</p> <p>All new applications need to be addressed to:</p>	<p>A hardcopy was couriered to KZN Wildlife from CES of the Final Scoping Reports for Mulilo Newcastle Wind Power and Mulilo Newcastle Wind Power 2.</p>

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<p>Dr Andy Blackmore – Manager Conservation Planning Conservation Planning Division Postal: P O Box 13053 Courier: Queen Elizabeth Park Cascades Cascades 3202 1 Peter Brown Drive Montrose 3201</p> <p>3) Existing Applications: Should you wish to discuss a particular existing project (i.e., a project which has already been submitted this office), the IEM Technician must be contacted via e-mail (Nerissa.Pillay@kznwildlife.com) or telephone (033 845 1917). She will provide you with the details of who that project has been assigned to and you may then contact that planner via e-mail or telephone for the remainder of the project. Please note that this procedure is in place to provide an efficient service to the public for specific applications. Ezemvelo KZN Wildlife's IEM Planners appreciates and looks forward to ad hoc queries and discussions, which keeps communication lines open and make for good working relationships.</p> <p>Yours sincerely</p> <p>Manager: IEM and Protected Area Planning for CHIEF EXECUTIVE OFFICER</p>	
<p><b><u>21/11/2022</u></b> Thivhulawi Nethononda 0663361038 DFFE: The Directorate: Protected Areas Planning and Management Effectiveness</p>	
<p>The Directorate: Protected Areas Planning and Management Effectiveness, would like to thank you for the opportunity to review the Scoping Report and supporting documents for the above-mentioned project.</p> <p>After conducting the review of the submitted documents, we have noted that the proposed developments will not take place within any kind of protected areas in terms of Section 9 of the National Environmental Management: Protected Areas Act (NEMPAA), Act No. 57 of 2003. Subsequently, this directorate provides comments or input on the projects which are affecting the national protected areas. However please see attached images and kindly note this comments for the proposed two wind energy projects. <u>(Mulilo Newcastle Wind Power WEF 1 and Mulilo Newcastle Wind Power WEF 2)</u></p> <p>Mulilo Newcastle Wind Power 2 WEF (200 MW) (Scoping and Environmental Impact Assessment process, Ref. No.: 14/12/16/3/3/2/2213);</p> <ul style="list-style-type: none"> <li>• The site does not occur within a protected area recognised by NEMPA.</li> <li>• A small Part of the project is Within 5 km buffer of the Sneeuwberg Protected Environment;</li> <li>• The NPAES focus area vegetation types affected by the development are the Low Escarpment Moist Grassland and Kwa- Zulu Natal Thorn Veld not</li> </ul>	<p>CES replied on the 21/11/2022 : “Thank you. This email serves as confirmation that we have received and acknowledge your comments and all comments will be</p>

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<p>just Moist Escarpment Grasslands as indicated by Part 1 of the scoping report. The latest version of the National Vegetation Map encompassing vegetation types accessible on this link: <a href="http://bgis.sanbi.org/Projects/Detail/208">http://bgis.sanbi.org/Projects/Detail/208</a></p> <ul style="list-style-type: none"> <li>EAP uses NPAES Focus Area (2010) instead of using NPAES Focus Area (2018) which can be accessed on the online Protected Areas Register Map. Page 96</li> </ul> <p>Mulilo Newcastle Wind Power 2 WEF (200 MW) (Scoping and Environmental Impact Assessment process, Ref. no.: 14/12/16/3/3/2/2213)</p> <ul style="list-style-type: none"> <li>The site does not occur within a protected area recognised by NEMPA.</li> <li>Occurs with the NPAES 2018 focus area and vegetation type of Low Escarpment Moist Grassland</li> </ul> <p>Conclusion</p> <p><u>WEF 1</u></p> <p>The proposed Mulilo Newcastle Wind Power (PTY) LTD, Wind Energy Facility 1 Near Newcastle, Kwazulu-Natal Province does not occur within a protected area, however a small part of the project encroaches into the 5 Km buffer of the Sneeuwberg Protected Environment. The project occurs within an NPAES 2018 focus area and the vegetation types affected are Low Escarpment Moist Grassland and Kwa- Zulu Natal Thorn Veld according to the latest version of the National Vegetation Map encompassing vegetation types the EAP must correct the said vegetation type in the report which is Moist Escarpment Grasslands as indicated by Part 1 of the scoping report or use the latest National Vegetation Map encompassing vegetation types accessible on this link: <a href="http://bgis.sanbi.org/Projects/Detail/208">http://bgis.sanbi.org/Projects/Detail/208</a>.</p> <p>The EAP must note that there is NPAES Focus Area (2018) available, <a href="https://www.dffe.gov.za/sites/default/files/docs/national_protectedareas_expansions_strategy2018ofsouthafrica.pdf">https://www.dffe.gov.za/sites/default/files/docs/national_protectedareas_expansions_strategy2018ofsouthafrica.pdf</a> instead of the NPAES Focus Area (2010) referenced in the scoping report.</p> <p><u>WEF 2</u></p> <p>The proposed Mulilo Newcastle Wind Power (PTY) LTD, Wind Energy Facility 2 does not occur within a protected area recognised by NEMPA, however it occurs on the NPAES 2018 focus area and vegetation type of Low Escarpment Moist Grassland. Again, the EAP must correct the said vegetation type in the report Moist Escarpment Grasslands and use the correct one.</p> <p>However, the EAP must consult and get comments (if not yet consulted) from the Biodiversity and Conservation Directorate of the Department of Forestry, Fisheries and the Environment (DFFE) which can be contacted at <a href="mailto:BCAdmin@environment.gov.za">BCAdmin@environment.gov.za</a> for the attention of Mr. Seoka Lekota.</p> <p>Further, also notify the provincial departments, local municipality, and other associated entities for comments.</p>	<p>included in the EIR.”</p>
<p><b><u>23/11/2022</u></b></p> <p>Ms. Mashienyane Portia Makitla CBO: Biodiversity Mainstreaming &amp; EIA Department of Forestry, Fisheries and the Environment Environment House 473 Steve Biko and Soutpansberg Streets PRETORIA Tel: (012) 399 9411</p>	

COMMENT	EAP/APPLICANT RESPONSE
Cell: 066 481 0037 E-mail: pmakitla@dffe.gov.za Call Centre: 086 111 2468	
Dear Dr Carter Attached please find the Directorate Biodiversity Conservation comments for your attention.	CES acknowledged receipt and contents noted
<p>The Directorate: Biodiversity Conservation has reviewed and evaluated the report. It is noted that the proposed development is located within an area classified as Critical Biodiversity areas (CBA): Irreplaceable, Optimal &amp; Terrestrial Ecological Support Areas (ESA) and other associated infrastructure could be located within ecosystems with high threat status.</p> <p>The turbines, various access and internal roads, and other infrastructure associated within the Mulilo Newcastle WEF Complex and the MNWP WEF could result in the loss of plant and animal SCC that are classified as rare (R ), endangered (EN), vulnerable (V) or near-threatened (NT), impact on sensitive water course and wetlands. Furthermore, they could result in mortality, displacement, habitat loss including roosting and breeding interruption of important avifaunal an bat species.</p> <p>The Directorate does not have any objections to the FSR and Plan of Study, however the DEIR must comply with the important conservation planning programmes and or tools. NB: The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conversation at <a href="mailto:BCAdmin@environment.gov.za">BCAdmin@environment.gov.za</a> for attention of Mr. Seoka Lekota.</p>	
<p><b>4/11/2022</b>            Mr D Serage            Acting Deputy Director General: Agricultural Production, Biosecurity and Natural Resources Management</p> <p>Directorate Land and Soil Management            Tel: 012-319-7451            Email: ThembiNy2Dalrrd.gov.a/  <a href="mailto:CherityG@Dalrd.gov.za">CherityG@Dalrd.gov.za</a></p>	
<p><b>APPLICATION FOR CHANGE IN LAND USE ON THE REMAINDER OF PORTION 1 OF THE FARM GEELHOUTBOOM NO. 335, REMAINDER OF THE FARM BERNARD NO. 9447, REMAINDER OF THE FARM CLIFFDALE NO. 9439, REMAINDER OF THE FARM SPITSKOP NO. 16302 REMAINDER OF THE FARM BYRON NO. 9448 AND REMAINDER OF THE FARM GEELHOUTBOOM NO. 3350, KWAZULU-NATAL PROVINCE</b></p> <p>Your email dated 03 October 2022 refers.</p> <p>With reference to the above-mentioned matter, this department wishes to inform you that it has no objection against the proposed change in the land use to establish and operate the Mulilo Newcastle Wind Power 2 on the above-mentioned properties, consisting of up to a maximum of 35 wind turbines on the 152 hectares from an agricultural point of view. However, the following needs to be adhered to:</p>	CES acknowledged receipt and forwarded to applicant.

COMMENT	EAP/APPLICANT RESPONSE
<p>1. Any further extension of this proposed project should be viewed in terms of the Subdivision of Agricultural Land Act, 70 (Act 70 of 1970).</p> <p>2. No subdivision for the purposes of demarcating the individual footprint area should be allowed.</p> <p>3. No construction should be placed in areas that are of high or unique agricultural value and those under cultivation.</p> <p>4. Natural vegetation should be restored after the construction of the plant to prevent degradation.</p> <p>5. Where applicable, a provision should be made for the controls of runoff water.</p> <p>6. Water needed for the maintenance of the site should not be sourced from existing water rights allocated to the site or nearby farm portions as it will negatively impact on agricultural production.</p> <p>7. The applicant should take responsibility for the maintenance and well-being of the natural resources base of the site.</p> <p>8. These comments are valid for five years and if the development does not take place, the proposed rezoned portions must revert back to its original parent portion and remain agricultural land in terms of section (1) of the Subdivision of Agricultural Land Act, Act 70 of 1970</p> <p>9. The application for the registration of the long-term lease shall be considered upon receipt of the positive Record of Decision and a copy of the rezoning approval.</p> <p>This comment does not exempt any person from the provisions of any other law and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.</p>	