



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

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

DFFE Reference: 14/12/16/3/3/2/2213

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Mr Constantin Hatzilambros  
Mulilo Newcastle Wind Power 2 (Pty) Ltd  
Postnet Suite 53  
Private Bag X21  
**HOWARD PLACE**  
7450

Tel: (021) 685 3240  
Email: Constantin@mulilo.com

### PER E-MAIL

Dear Mr. Hatzilambros

#### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED MULILO NEWCASTLE WIND POWER 2 (PTY) LTD 200MW WIND ENERGY FACILITY (WEF) WITHIN THE NEWCASTLE LOCAL MUNICIPALITY IN THE KWAZULU-NATAL PROVINCE**

With reference to the above application, please be advised that the Department has decided to refuse authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision, of the decision, as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

VS

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 twenty (20) days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

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

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za);

By hand: Environment House  
473 Steve Biko  
Arcadia  
Pretoria  
0083; or

By post: Private Bag X447  
Pretoria  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.dffe.gov.za/documents/forms#legal\\_authorisations](https://www.dffe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za).

Yours faithfully



**Mr Vusi Skosana**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**

Date: 07 August 2023

cc:	Dr Alan Carter	Coastal and Environmental Services (Pty) Ltd	Email: <a href="mailto:a.carter@cesnet.co.za">a.carter@cesnet.co.za</a>
	Ms Zama Mbanjwa	KZN DEDEA	E-mail: <a href="mailto:zama.mbanjwa@kznedea.gov.za">zama.mbanjwa@kznedea.gov.za</a>
	Mr Zamokwakhe Wesley Mcineka	Newcastle Local Municipality	Email: <a href="mailto:zamani.mcineka@newcastle.gov.za">zamani.mcineka@newcastle.gov.za</a> ; <a href="mailto:hlongozile.magubane@newcastle.gov.za">hlongozile.magubane@newcastle.gov.za</a> ; <a href="mailto:mm@newcastle.gov.za">mm@newcastle.gov.za</a>



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

### Record of Refusal

In terms of Regulation 24(1)(b) of the Environmental Impact Assessment Regulations, 2014,  
as amended

FOR THE MULILO NEWCASTLE WIND POWER 2 (PTY) LTD 200MW WIND ENERGY FACILITY (WEF) IN  
THE NEWCASTLE LOCAL MUNICIPALITY IN THE KWAZULU-NATAL PROVINCE

#### Amajuba District Municipality

Authorisation register number:	14/12/16/3/3/2/2213
Last amended:	First issue
Holder of authorisation:	Mulilo Newcastle Wind Power 2 (Pty) Ltd
Location of activity:	Embosweni Farm 17421 Remaining Extent Paardeplaat A Dene Heights No 8831 Dene Heights Remaining Extent Paardeplaat A Lot B No 9389 Remaining Extent Franzhoek No 8800 Remaining Portion 1 Paardeplaat B No 9390 Cliffdale No 9439 Byron Farm No 9448 Geelhoutboom Farm No 3350 Portion 1 Newcastle Local Municipality; Amajuba District Municipality; KwaZulu-Natal Province.

## **Decision**

The Competent Authority is satisfied, on the basis of information available to it that the applicant should not be authorised to undertake the activities specified below.

Details regarding the basis on which the Competent Authority reached this decision are set out in Annexure 1 to this Record of Refusal.

## **Activities refused**

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Competent Authority hereby refuses the application for Environmental Authorisation to –

### **MULILO NEWCASTLE WIND POWER 2 (PTY) LTD**

with the following contact details –

Mr Constantin Hatzilambros

Postnet Suite 53

Private Bag X21

**HOWARD PLACE**

7450

Tel: (021) 685 3240

Email: Constantin@mulilo.com



not to undertake the following activities (hereafter referred to as "the activity"):

Activity number	Activity description
<p><u>Listing Notice 1, Item 11:</u></p> <p><i>"The development of facilities or infrastructure for the transmission and distribution of electricity</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts."</i></p>	<p>The proposed Mulilo Newcastle Wind Power 2 WEF will be located outside an urban area. A combination of 33kV overhead lines and 33kV underground cable will be used, running along the road network connecting each turbine position. However, a 33kV to 132kV collector substation will be necessary to receive, convert and step-up electricity from the WEF to the proposed 132kV grid suitable supply, and then evacuated via an OHPL into the designated Eskom Point of Connection (POC).</p>
<p><u>Listing Notice 1 Item 12:</u></p> <p><i>"The development of—</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse."</i></p>	<p>The total construction footprint of the Mulilo Newcastle Wind Power 2 WEF will be up to 104ha. It is expected that infrastructure such as turbines and associated linear infrastructure (particularly internal roads) with a footprint substantially exceeding 100m<sup>2</sup> will be required within the regulatory buffer of a wetland and water courses.</p>
<p><u>Listing Notice 1 Item 19:</u></p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse."</i></p>	<p>The total construction footprint of the Mulilo Newcastle Wind Power 2 WEF will be up to 104ha. It is expected that infrastructure such as turbines and associated linear infrastructure (particularly internal roads) will require excavation of material substantially exceeding 10m<sup>3</sup> within the regulatory buffer of a wetland and water courses.</p>
<p><u>Listing Notice 1 Item 24:</u></p> <p><i>"The development of a road-</i></p>	<p>Site access to the Mulilo Newcastle Wind Power 2 WEF will, where possible, make use of existing farm</p>

<p>(ii) <i>with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres."</i></p>	<p>roads that will be upgraded and maintained for the life of the WEF. The existing roads will be extended to a width of 9m. New roads will be constructed (where there are no existing roads) with a width of 9m (14m servitude) and will connect all turbines. Total road length up to 35km.</p> <p>Primary site access road and reticulation: Total width up to 15m consisting of up to 3m width for underground 33kV reticulation. Overhead lines to be used where underground cables are not technically feasible.</p> <p>Internal roads and reticulation: Total width up to 12m consisting of up to 3m width for underground 33kV reticulation. Overhead lines to be used where underground cables are not technically feasible.</p>
<p><u>Listing Notice 1 Item 28:</u></p> <p><i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare."</i></p>	<p>The proposed Mulilo Newcastle Wind Power 2 WEF will entail the rezoning of land from agriculture to agriculture and renewable energy. The total construction footprint of each proposed WEF will be approximately 104ha in extent.</p>
<p><u>Listing Notice 1 Item 47:</u></p> <p><i>"The expansion of facilities or infrastructure for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase."</i></p>	<p>Existing infrastructure may be used (where technically feasible) as connection points from turbines to switching stations. Where this is the case the footprint of the existing infrastructure may be increased.</p>
<p><u>Listing Notice 1 Item 56:</u></p> <p><i>"The widening of a road by more than 6m, or the lengthening of a road by more than 1km-</i></p>	<p>Site access to the Mulilo Newcastle Wind Power 2 WEF will where possible make use of existing farm</p>

<i>(ii) where no reserve exists, where the existing road is wider than 8 metres."</i>	roads that will be upgraded and maintained for the life of the WEF. The existing roads will be extended to a width of 9m.
<p><u>Listing Notice 2 Item 1:</u></p> <p><i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more."</i></p>	<p>The proposed Mulilo Newcastle Wind Power 2 WEF will consist of a maximum of thirty-five (35) wind turbines, with an unspecified individual turbine output capacity. The total output of the proposed WEF will be a maximum of 200MW net generating capacity, which will be dependent on the final number of turbines and their output capacity.</p>
<p><u>Listing Notice 2 Item 15:</u></p> <p><i>"The clearance of an area of 20 hectares or more of indigenous vegetation."</i></p>	<p>The total construction footprint of the Mulilo Newcastle Wind Power 2 WEF will be up to 104ha. It is expected that the area of vegetation to be cleared will exceed 20ha in order to establish the WEFs and associated infrastructure. The main footprint elements for each WEF include:</p> <p>Crane platforms and hardstand laydown area: 30ha Turbine foundations: 2ha IPP Substation: 1ha Access Road: 9-12ha Internal Access Roads: 23-26ha.</p>
<p><u>Listing Notice 3 Item 4:</u></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><i>d. KwaZulu-Natal</i></p> <p><i>viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>xii. Outside urban areas:</i></p> <p><i>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of</i></p>	<p>Site access to the Mulilo Newcastle Wind Power 2 WEF will where possible make use of existing farm roads that will be upgraded and maintained for the life of the WEF. The existing roads will be extended to a width of 9m. New roads will be constructed (where there are no existing roads) with a width of 9m (14m servitude) and will connect all turbines. Road length may be up to 35km. The Mulilo Newcastle Wind Power 2 WEF will be located within the KwaZulu-Natal Province, outside the urban edge. The Mulilo</p>



<p><i>NEMPAA or from the core areas of a biosphere reserve."</i></p>	<p>Newcastle Wind Power WEF will be situated within a Critical Biodiversity Area (CBA) as identified in the Ezemvelo KZN Critical Biodiversity Map (2016). In addition, the affected properties are situated within 10km of the Seekoei-vlei Protected Environment.</p>
<p><u>Listing Notice 3 Item 12:</u></p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation.</i></p> <p><i>d. KwaZulu-Natal</i></p> <p><i>v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>The total construction footprint of each of the Mulilo Newcastle Wind Power 2 WEF will be up to 104ha. It is expected that well in excess of 300m<sup>2</sup> of indigenous vegetation will need to be cleared in order to establish the WEF and its associated infrastructure.</p> <p>The proposed Mulilo Newcastle Wind Power WEF will also be located in a Critical Biodiversity Area (CBA) as identified in the Ezemvelo KZN Critical Biodiversity Map (2016).</p>
<p><u>Listing Notice 3 Item 14:</u></p> <p><i>"The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</i></p> <p><i>where such development occurs-</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>d. KwaZulu-Natal</i></p> <p><i>vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>x. Outside urban areas:</i></p> <p><i>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of</i></p>	<p>The total construction footprint of the Mulilo Newcastle Wind Power 2 WEF will be up to 104ha. It is expected that infrastructure such as turbines and associated linear infrastructure (particularly internal roads) will require excavation of material exceeding 10m<sup>3</sup> within the regulatory buffer of a wetland and watercourses. The proposed Mulilo Newcastle Wind Power 2 WEF will also be located in a Critical Biodiversity Area (CBA) as identified in the Ezemvelo KZN Critical Biodiversity Map (2016). In addition, the affected properties are situated within 10km of the Seekoei-vlei Protected Environment.</p>



<i>NEMPAA or from the core area of a biosphere reserve."</i>	
<p><u>Listing Notice 3 Item 18:</u></p> <p><i>"The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i></p> <p><i>d. KwaZulu-Natal</i></p> <p><i>viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>xii. Outside urban areas:</i></p> <p><i>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve."</i></p>	<p>Site access to the Mulilo Newcastle Wind Power 2 WEF will, where possible, make use of existing farm roads that will be upgraded and maintained for the life of the WEF. The existing roads will be extended to a width of 9m. New roads will be constructed (where there are no existing roads) with a width of 9m (14m servitude) and will connect all turbines. Road length may be up to 35km. The Mulilo Newcastle Wind Power 2 WEF will be located within the KwaZulu-Natal Province, outside the urban edge. The Mulilo Newcastle Wind Power WEF will be situated within a Critical Biodiversity Area (CBA) as identified in the Ezemvelo KZN Critical Biodiversity Map (2016). In addition, the affected properties are situated within 10km of the Seekoei-vlei Protected Environment.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated April 2023 at:

**Property Details and 21-SG Digit Number:**

Farm Description	21-SG Digit Number
Embosweni Farm 17421 Remaining Extent	N0HS00000001742100000
Paardeplaat A Dene Heights No 8831 Dene Heights Remaining Extent	N0HS00000000883100000
Paardeplaat A Lot B No 9389 Remaining Extent	N0HS00000000938900000
Franzhoek No 8800 Remaining Portion 1	N0HS00000000880000000
Paardeplaat B No 9390	N0HS00000000939000000
Cliffdale No 9439	N0HS00000000943900000
Byron Farm No 9448	N0HS00000000944800000
Geelhoutboom Farm No 3350 Portion 1	N0HS00000000335000002

**Coordinates: Mulilo Newcastle Wind Power 2 (Pty) Ltd Wind Energy Facility Points/Bends:**

Point/Bend	Latitude	Longitude
1	27°39'40"S	29°49'0"E
2	27°39'24"S	29°48'48"E
3	27°38'9"S	29°47'57"E
4	27°37'56"S	29°50'35"E
5	27°42'58"S	29°47'27"E
6	27°43'1"S	29°46'44"E
7	27°42'18"S	29°46'38"E
8	27°41'35"S	29°46'0"E
9	27°41'12"S	29°46'27"E
10	27°41'16"S	29°47'55"E
11	27°41'16"S	29°47'55"E
12	27°42'11"S	29°48'19"E
13	27°42'17"S	29°48'22"E
14	27°42'17"S	29°48'54"E
15	27°42'57"S	29°48'46"E
16	27°42'38"S	29°48'18"E
17	27°39'24"S	29°48'48"E
18	27°40'5"S	29°49'19"E
19	27°40'5"S	29°49'2"E
20	27°40'26"S	29°49'3"E
21	27°40'27"S	29°48'22"E
22	27°39'42"S	29°47'28"E
23	27°41'16"S	29°47'55"E
24	27°41'20"S	29°48'3"E
25	27°41'5"S	29°48'9"E
26	27°41'32"S	29°49'3"E
27	27°42'8"S	29°48'49"E
28	27°39'42"S	29°47'28"E
29	27°40'59"S	29°46'23"E
30	27°39'42"S	29°47'28"E
31	27°37'56"S	29°50'35"E

**Coordinates: Wind Energy Facility Turbine positions:**

WTG Number (Turbine Number)	Latitude	Longitude
1	Removed	
2	27° 41' 44" S	29° 46' 25" E
3	27° 41' 40" S	29° 46' 47" E
4	Removed	
5	27° 41' 29" S	29° 47' 16" E
6	Removed	
7	27° 41' 40" S	29° 47' 9" E
8	27° 41' 26" S	29° 47' 29" E
9	27° 42' 20" S	29° 46' 41" E
10	27° 41' 54" S	29° 47' 10" E
11	27° 41' 20" S	29° 47' 54" E
12	27° 41' 47" S	29° 47' 28" E
13	27° 41' 29" S	29° 47' 51" E
14	27° 41' 40" S	29° 47' 42" E
15	27° 42' 36" S	29° 46' 42" E
16	27° 42' 26" S	29° 46' 54" E
17	27° 42' 3" S	29° 47' 22" E
18	27° 42' 15" S	29° 47' 13" E
19	27° 41' 30" S	29° 48' 7" E
20	27° 42' 1" S	29° 47' 37" E
21	27° 41' 42" S	29° 47' 59" E
22	27° 41' 52" S	29° 47' 49" E
23	27° 42' 28" S	29° 47' 13" E
24	27° 42' 41" S	29° 47' 10" E
25	27° 42' 55" S	29° 47' 8" E
26	27° 42' 25" S	29° 47' 30" E
27	27° 42' 15" S	29° 47' 42" E
28	27° 42' 5" S	29° 47' 54" E
29	27° 41' 40" S	29° 48' 22" E
30	27° 41' 56" S	29° 48' 3" E
31	27° 42' 45" S	29° 47' 28" E

WTG Number (Turbine Number)	Latitude	Longitude
32	27° 42' 29" S	29° 47' 46" E
33	27° 42' 22" S	29° 48' 2" E
34	27° 42' 42" S	29° 47' 48" E
35	27° 42' 37" S	29° 48' 4" E

**Coordinates for the substation and O&M Building complex**

IPP Substation and O&M Building complex	Latitude	Longitude
North West	27°41'2"S	29°47'54"E
North East	27°41'5"S	29°48'2"E
South East	27°41'14"S	29°47'56"E
South West	27°41'13"S	29°47'52"E
West	27°41'8"S	29°47'51"E

**Coordinates of the Access Road**

Access Road ID	Latitude	Longitude
1	27°41'44"S	29°46'25"E
2	27°42'1"S	29°46'33"E
3	27°41'40"S	29°46'47"E
4	27°42'3"S	29°47'22"E
5	27°41'58"S	29°47'12"E
6	27°41'56"S	29°47'11"E
7	27°41'47"S	29°47'28"E
8	27°41'39"S	29°47'9"E
9	27°41'29"S	29°47'16"E
10	27°41'26"S	29°47'30"E
11	27°41'37"S	29°47'43"E
12	27°41'41"S	29°48'5"E
13	27°41'52"S	29°47'50"E
14	27°41'40"S	29°48'22"E
15	27°41'25"S	29°48'1"E
16	27°41'8"S	29°47'50"E



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17	27°40'38"S	29°48'0"E
18	27°40'6"S	29°48'17"E
19	27°39'48"S	29°48'52"E
20	27°38'39"S	29°49'4"E
21	27°38'59"S	29°49'35"E
22	27°38'25"S	29°48'49"E
23	27°42'27"S	29°46'55"E
24	27°42'41"S	29°47'7"E
25	27°42'42"S	29°46'44"E
26	27°42'25"S	29°47'31"E
27	27°42'22"S	29°48'3"E
28	27°42'37"S	29°48'4"E
29	27°42'15"S	29°47'42"E
30	27°41'56"S	29°48'3"E
31	27°42'5"S	29°47'55"E
32	27°38'7"S	29°49'1"E
33	27°39'11"S	29°49'26"E
34	27°42'19"S	29°46'42"E
35	27°42'21"S	29°47'38"E
36	27°41'39"S	29°48'12"E
37	27°42'55"S	29°47'8"E
38	27°42'27"S	29°46'42"E
39	27°42'15"S	29°47'13"E
40	27°41'29"S	29°47'51"E
41	27°41'30"S	29°47'36"E
42	27°41'52"S	29°46'52"E
43	27°42'1"S	29°47'14"E
44	27°42'1"S	29°47'14"E
45	27°42'38"S	29°47'47"E
46	27°42'21"S	29°47'38"E
47	27°41'52"S	29°47'31"E
48	27°41'49"S	29°47'48"E
49	27°42'13"S	29°47'31"E

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50	27°42'2"S	29°47'52"E
51	27°42'35"S	29°47'58"E

**Coordinates for Laydown Area**

Laydown area ID	Latitude	Longitude
1	27° 38' 25" S	29° 48' 41" E
2	27° 38' 18" S	29° 48' 40" E
3	27° 38' 17" S	29° 48' 46" E
4	27° 38' 23" S	29° 48' 49" E

**Coordinates for Concrete Batching Area**

Concrete Batching ID	Latitude	Longitude
1	27° 38' 22" S	29° 48' 49" E
2	27° 38' 19" S	29° 48' 48" E
3	27° 38' 18" S	29° 48' 51" E
4	27° 38' 21" S	29° 48' 52" E

- for the Mulilo Newcastle Wind Power 2 (Pty) Ltd 200MW Wind Energy Facility (WEF) in the Newcastle Local Municipality in the KwaZulu-Natal Province, hereafter referred to as "the property"

The 200MW Mulilo Newcastle Wind Power 2 (Pty) Ltd. Wind Energy Facility will comprise of the following:

- Up to 35 wind turbines with generation capacity up to a maximum of 200MW with the following specifications:
  - Hub Height: Up to 140m;
  - Rotor Diameter: Up to 200m;
  - Blade length: Up to 100m; and
  - Turbine tip height: Up to 240m.
- Concrete foundations up to approximately 25mx25m in extent and up to 3.5m deep per turbine;
- Laydown areas of up to 40 000m<sup>2</sup>;
- IPP Substation: 33kV to 132kV collector substation with a development footprint of 1ha;
- Additional substation infrastructure such as:
  - Lightning mast up to 25m;
  - Parking;
  - Up to 2.8m high fencing;

- Storm water channels and culverts;
- Ablutions;
- Water storage tanks;
- Septic tank; and
- Borehole.
- Construction/office yard;
- Access road and internal roads;
- 33kV reticulation;
- Operations and maintenance buildings (O&M);
- Additional O&M infrastructure such as:
  - Parking;
  - Up to 2.8m high fencing;
  - Storm water channels and culverts;
  - Ablutions;
  - Water storage tanks;
  - Septic tank; and
  - Borehole.
- Two (2) Met masts; and
- On-site concrete batching plant.

Technical details of the proposed WEF:

Component	Description/ Dimensions
Location of the site	~ 15 km north west of the town of Newcastle
FARM AND SG Codes	» Embosweni: N0HS00000001742100000 » Paardeplaat A Dene Heights: N0HS00000000883100000 » Paardeplaat A: N0HS00000000938900000 » Franzhoek: N0HS00000000880000000 » Paardeplaat B: N0HS00000000939000000 » Clifffdale: N0HS00000000943900000 » Byron: N0HS00000000944800000 » Geelhoudtboom: N0HS00000000335000002

Site access	<p>Site access will, where possible, make use of existing farm roads that will be upgraded and maintained for the life of the WEF. The existing roads to be upgraded will be expanded to a width of up to 9m.</p> <p>New roads will be constructed (in areas where there are no existing roads) with a width of up to 9m to the IPP substation and laydown areas.</p> <p>V-drains will run on both sides of the road.</p>
Export capacity	Up to 200MW
Proposed technology	Wind turbines
Number of Turbines	Up to 35
Hub height from ground level	140m
Rotor diameter	200m
Construction camp/Laydown area	Up to 4ha
On-site batching plant	Up to 1ha
Width and length of internal roads	<p>Internal roads width: Approximately 12m</p> <p>Internal roads length: Approximately 25km</p>

## Legislative Requirements

### Refusal of the application

1. The application for Environmental Authorisation is refused for the Mulilo Newcastle Wind Power 2 (Pty) Ltd 200MW Wind Energy Facility (WEF) in the Newcastle Local Municipality in the KwaZulu-Natal Province as described above.

### Notification of refusal and right to appeal

2. The applicant must notify every registered interested and affected party, of the Competent Authority's decision, in writing and within 14 (fourteen) calendar days of the date of this record of refusal.
3. The notification referred to must –
  - 3.1. specify the date on which the record of refusal was issued;



- 3.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
- 3.3. advise the interested and affected party that a copy of the record of refusal will be furnished on request; and,
- 3.4. give the reasons of the Competent Authority for the decision.

Date of refusal of the application for Environmental Authorisation: 07 August 2023



Mr Vusi Skosana

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

In reaching its decision, the Competent Authority took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the application form received on 20 September 2022.
- b) The information contained in the EIAr dated April 2023.
- c) The comments and inputs received from interested and affected parties (I&APs) included in the EIAr dated April 2023.
- d) The information contained in the specialist studies contained within the appendices of the EIAr dated April 2023 and as appears below:

Title	Prepared by	Date
Agricultural Assessment	Dr Andries Gouws	December 2022
Aquatic & Wetland Ecosystem Impact Assessment Report	Verdant Environmental (Pty) Ltd	January 2023
Terrestrial Biodiversity Impact Assessment	CES (Pty) Ltd	April 2023
Avifaunal Specialist Assessment Report	Arcus Consultancy Services South Africa (Pty) Limited	April 2023
Bat Monitoring & Impact Assessment Report	Arcus Consultancy Services South Africa (Pty) Limited	April 2023
Heritage Impact Assessment Report	Umlando: Archaeological Surveys and Heritage Management	January 2023
Palaeontological Impact Assessment	Dr Alan Smith	January 2023
Environmental Noise Impact Assessment	EARES Enviro Acoustic Research	March 2023
Socio-Economic Impact Assessment	INDEX Social Consulting Services	January 2023
Visual Impact Assessment	Nuleaf Planning and Environmental (Pty) Ltd	March 2023
Traffic Impact Assessment	Emonti Consulting Engineers CC	February 2023

- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

## **2. Key factors considered in making the decision**

All information presented to the Competent Authority was taken into account in the Competent Authority's consideration of the application. A summary of the issues which, in the Competent Authority's view, were of the most significance is set out below.

- a) The information contained in the application form, and the EIAr dated April 2023.
- b) The information contained in the specialist studies as contained in Appendix E of the EIAr.
- c) The comments received by various I&APs and the responses thereto as contained in Comments and Response Report of the EIAr.
- d) The comments provided by the Chief Directorate: Integrated Environmental Authorisations on the draft SR dated 20 October 2022, the acceptance of the SR dated 08 December 2022, and the comments made on the draft EIAr dated 05 April 2023.

## **3. Findings**

After consideration of the information and factors listed above, the Competent Authority made the following findings -

- a) The EAP failed to submit a final EMPr with the EIAr dated April 2023. A "draft" EMPr was submitted as part of the EIAr dated April 2023, which implies that the EMPr submitted as part of the EIAr is a preliminary version of the document and therefore cannot be approved as submitted.
- b) The recommendations made by the specialists in the EIAr dated April 2023 would result in significant changes to the layout plan and the draft EMPr and therefore the Competent Authority cannot approve the layout plan and EMPr e.g.
  - The Terrestrial Biodiversity Impact Assessment Report dated April 2023 (Appendix E3) stipulates "The following turbines occur along the edge of intact to semi-intact CBA Irreplaceable areas and should be relocated a short distance, e.g., 5-10 m away: 5; 19; 21; 29; 9. The following additional turbines occur within these CBA Irreplaceable areas and should be relocated outside these areas or in currently degraded areas: 6; 4; 16; 15; 35; 33; 30; 32."
  - Turbine number 6 is located within areas classified as high bat sensitivity as illustrated on Figure 2: MNWP2 Bat Sensitivity Map in the Bat Monitoring & Impact Assessment Report dated April 2023 (Appendix E5). The specialists recommends that "With regards to bat mortality, it can be highlighted that all high sensitive areas (including those used by bats for foraging, roosting and commuting) defined for the MNWP2 WEF (Figure 2) should be avoided from turbine placement (inclusive of the

full blade length)." Therefore, based on the recommendations of the bat specialists Turbine number 6 should be relocated outside areas classified high bat sensitive areas.

- The Aquatic & Wetland Ecosystem Impact Assessment Report dated January 2023 (Appendix E2) stipulates that "17 watercourse crossings are proposed. Several internal road realignments are recommended." Approximately 11 road crossings are recommended to be re-aligned as indicated on Table 30 of the Aquatic & Wetland Ecosystem Impact Assessment Report.
- c) The cumulative impacts associated with the proposed power line is not assessed in the EIAr dated April 2023. Although the power line application for the WEF does not form part of this application, the cumulative impacts of the WEF and the associated infrastructure required for the realisation of said facility must be assessed in order to determine the actual impacts associated with the WEF.

In view of the above, the Competent Authority is of the following opinion:

- i. The recommendations made by the specialists would result in significant changes to the layout plan and the draft EMPr and therefore the layout plan and draft EMPr cannot be approved.
- ii. The EAP failed to assess the cumulative impacts of the WEF adequately as the 132kV power lines required for the realisation of the WEF were not described and incorporated in the cumulative impact assessment.

Consequently, there is no sufficient, adequate and reliable basis upon which the statutory discretion of the Competent Authority can be exercised in favour of the applicant and therefore the application for Environmental Authorisation is refused.





## forestry, fisheries & the environment

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Forestry, Fisheries and the Environment  
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Ref: Acting Arrangements  
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Telephone: 012 399 9337 E-mail: [vbendeman@dfre.gov.za](mailto:vbendeman@dfre.gov.za)

Mr Vusi Skosana  
Director: IEA: National Integrated Authorisations

Dear Mr Skosana

### **APPOINTMENT AS CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS (ACTING), FROM 04 AUGUST 2023 UNTIL 07 AUGUST 2023**

I hereby inform you that you have been appointed to act in the post of Chief Director: Integrated Environmental Authorisations from 04 August 2023 until 07 August 2023. Please note that acting arrangements may be terminated by any party giving 24 hours written notification.

All correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorisations must be signed under **Chief Director: Integrated Environmental Authorisations (Acting)** during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Yours sincerely

Ms Devinagie Bendeman  
DDG: Regulatory Compliance & Sector Monitoring  
Date: 01 August 2023

cc: Mr Sabelo Malaza  
[smalaza@dfre.gov.za](mailto:smalaza@dfre.gov.za)



*Batho pele- putting people first*

The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.

#### **ACKNOWLEDGEMENT**

I ACCEPT ~~DO NOT ACCEPT~~  
appointment as Chief Director: Integrated  
Environmental Authorisations (Acting)

Signed:

Date: 03 August 2023