



## environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/2/456/AM1

Enquiries: Ms Bongeka Mtyana

Telephone: (012) 399 9376 E-mail: [BMtyana@environment.gov.za](mailto:BMtyana@environment.gov.za)

Mr Warren Morse  
Du Plessis Dam Solar PV1 (Pty) Ltd  
PO Box 548  
Howard Place  
CAPE TOWN  
7450

Telephone Number: (021) 685 3240  
Cell phone Number 083 760 9586  
Email Address: [warren@mulilo.com](mailto:warren@mulilo.com)

### PER EMAIL / MAIL

Dear Mr Morse

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 SEPTEMBER 2015 FOR THE 75 MW MULILO PV1 PHOTOVOLTAIC SOLAR ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF THE FARM DU PLESSIS DAM 179 NEAR THE TOWN OF DE AAR WITHIN THE EMTHANJENI LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 28 September 2015, and your application for amendment of the EA received by the Department on 16 July 2020 and acknowledged on 29 July 2020, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 28 September 2015, as follows:

#### **Amendment to extend the commencement period, on page 10 of the EA**

The commencement period of the EA issued on 28 September 2015 which was due to expire on 28 September 2020, is hereby extended by an additional five years (05) years to 28 September 2025. Condition 6 of the EA is thus amended as follows:

*"6. This activity must commence within a period of ten (10) years from the date of issue of this authorisation (i.e. the authorisation lapses on 28 September 2025). If commencement of the activity does not occur within that period, the environmental authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken."*

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of the EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10 year period, will result in the EA lapsing, and a new application for Environmental Authorisation will have to be lodged.

*MS*

**Reason for amendment:**

The applicant required an extension of the commencement period of the EA by an additional 5 years, due to the fact that the project has not yet been selected as a preferred bidder as part of the Department of Energy's Renewable Energy Independent Power Producer Procurement Programme (REIPPPP). The extension of the validity period is not anticipated to result in additional negative environmental impacts to those that have already been assessed in the EIA for the project. No significant changes to the receiving environment have occurred since the EIA for the project was undertaken

**General**

This amendment letter must be read in conjunction with the EA dated 28 September 2015.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which 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.

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

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which 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.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

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

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

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

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

By post: Private Bag X447,

DEA Reference: 14/12/16/3/3/2/456/AM1

Amendment of the Environmental Authorisation issued on 28 September 2015 for the 75 MW Mulilo PV1 Photovoltaic Solar Energy Facility and its Associated Infrastructure on the Remainder of the Farm Du Plessis Dam 179 near the Town of De Aar within the Erntanjeni Local Municipality in the Northern Cape Province

Pretoria,  
0001;

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

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

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environment, Forestry and Fisheries**

Date: 12/08/2020

CC:	Ms Nicole Holland	Holland & Associates Environmental Consultants	E-mail: <a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a>
	Mr Bryan Fisher	DENC	E-mail: <a href="mailto:bfisher@ncpp.gov.za">bfisher@ncpp.gov.za</a>

