
ANNEXURE J
DEA CORROSPONDENCE AND REJECTION
LETTERS

J1: Rejection Letter FEIAR 24.02.14

J2: Rejection Letter FEIAR 08.01.15

J3: Extension Projects Request to reduce Public
Comment Period



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0001754/2013, DEA/EIA/0001755/2013, DEA/EIA/0001756/2013, DEA/EIA/0001757/2013,
DEA/EIA/0001758/2013, DEA/EIA/0001759/2013, DEA/EIA/0001760/2013, DEA/EIA/0001761/2013,
DEA/EIA/0001762/2013, DEA/EIA/0001763/2013

DEA Reference: 14/12/16/3/3/2/493, 14/12/16/3/3/2/494, 14/12/16/3/3/2/495, 14/12/16/3/3/2/496, 14/12/16/3/3/2/497,
14/12/16/3/3/2/498, 14/12/16/3/3/2/499, 14/12/16/3/3/2/500, 14/12/16/3/3/2/501, 14/12/16/3/3/2/502

Enquiries: Ms Thulisile Nyalunga

Telephone: (012) 310 3249 **Fax:** (012) 320 7539 **E-mail:** TNyalunga@environment.gov.za

Ms Franci Gresse
Aurecon South Africa (Pty) Ltd
PO Box 1494
CAPE TOWN
8000

Telephone Number (021) 526 6022
Fax Number: (086) 723 1750

PER FACSIMILE / MAIL

Dear Ms Gresse

REJECTION OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF NINE (09) 75MW PHOTOVOLTAIC ENERGY PLANTS ON THE FARM HOEKPLAAS NEAR COPPERTON WITHIN THE SIYATHEMBA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Impact Assessment Report (EIAR) dated November 2013 for the abovementioned application, submitted in terms of the requirement of Regulation 34 of the Environmental Impact Assessment (EIA) Regulations, 2010 refers.

Following a review of the amended application forms received on 21 November 2013 and the EIAR received on 21 November 2013, this Department rejects the EIAR in accordance with Regulation 34(2)(b) of the EIA Regulations, 2010. This Department requests that the EIAR be amended to include the following:

- a) This Department requests that the EIAR be amended by either one of the following ways:
 - i. A consolidated EIAR be submitted to include under the respective chapters a section for each of the sites, i.e. under "Introduction and Background" a specific introduction and background is provided for PV2; PV9; etc. or,
 - ii. The EIAR be split into nine (09) reports with all the information related to the specific facility be contained in one report.
- b) This Department supports the latter approach as it will allow for a smoother, more efficient review and decision making process.
- c) A summary of the issues raised by interested and affected parties, Organ of State the date of receipt of and the response of the EAP to those issues.
- d) The amended EIAR must provide a detailed description of the proposed activity, for each of the facilities applied for, including the associated infrastructure in accordance with Regulation 31(2)(b) of the EIA Regulations, 2010.

- e) The amended EIAr must provide a description of the property on which the activity is to be undertaken and the location of the activity on the property in accordance with Regulation 31(2)(c) of the EIA Regulations, 2010. This must be completed for each of the facilities applied for.
- f) The amended EIAr must provide a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity in accordance with Regulation 31(2)(d) of the EIA Regulations, 2010. This must be completed for each of the facilities applied for.
- f) The amended EIAr must provide a detailed description of the need and desirability of the proposed activity in accordance with Regulation 31(2)(f) of the EIA Regulations, 2010.
- g) The amended EIAr must provide a detailed description of identified potential alternatives¹ to the proposed activity, including advantages and disadvantages that the proposed activity or alternatives may have on the environment and the community that may be affected by the activity in accordance with Regulation 31(2)(g) of the EIA Regulations, 2010. In addition, the alternatives provided need to be reasonable and feasible as this Department may authorise any of the alternatives provided in the report.
- h) The amended EIAr must provide a detailed indication of the methodology used in determining the significance of potential environmental impacts in accordance with Regulation 31(2)(h) of the EIA Regulations, 2010. This must be completed for each of the activities applied for and each of the reports or sections.
- i) The amended EIAr must provide a detailed description and comparative assessment of all alternatives identified during the environmental impact assessment process in accordance with Regulation 31(2)(i) of the EIA Regulations, 2010. This must be completed for each of the facilities applied for.
- j) The amended EIAr must provide a detailed summary of the findings and recommendations of any specialist report or report on a specialised process in accordance with Regulation 31(2)(j) of the EIA Regulations, 2010. This must be completed for each of the activities applied for and each of the reports or sections.
- k) The amended EIAr must provide a detailed description of all environmental issues that were identified during the environmental impact assessment process, an assessment of the significance of each issue and an indication of the extent to which the issue could be addressed by the adoption of mitigation measures in accordance with Regulation 31(2)(k) of the EIA Regulations, 2010. This must be completed for each of the activities applied for and each of the reports or sections.
- l) The amended EIAr must, in accordance with Regulation 31(2)(l) of the EIA Regulations, 2010 provide an assessment of each identified potentially significant impact, including—
 - (i) cumulative² impacts;
 - (ii) the nature of the impact;
 - (iii) the extent and duration of the impact;
 - (iv) the probability of the impact occurring;
 - (v) the degree to which the impact can be reversed;
 - (vi) the degree to which the impact may cause irreplaceable loss of resources; and
 - (vii) the degree to which the impact can be mitigated.

¹ **“alternatives”** in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to—

- (a) the property on which or location where it is proposed to undertake the activity;
- (b) the type of activity to be undertaken;
- (c) the design or layout of the activity;
- (d) the technology to be used in the activity;
- (e) the operational aspects of the activity; and
- (f) the option of not implementing the activity.

² **“cumulative impact”**, in relation to an activity, means the impact of an activity that in itself may not be significant, but may become significant when added to the existing and potential impacts eventuating from similar or diverse activities or undertakings in the area.

This must be completed for each of the facilities applied for, including cumulative impacts for all nine (09) facilities.

- m) The amended EIAr must provide a description of any assumptions, uncertainties and gaps in knowledge in accordance with Regulation 31(2)(m) of the EIA Regulations, 2010. This must be completed for each of the activities applied for and each of the reports or sections.
- n) The amended EIAr must provide a reasoned opinion as to whether the activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorization in accordance with Regulation 31(2)(n) of the EIA Regulations, 2010. This must be completed for each of the activities applied for and each of the reports or sections.
- o) The amended EIAr must, in accordance with Regulation 31(2)(o) of the EIA Regulations, 2010, provide an environmental impact statement which contains—
 - (i) a summary of the key findings of the environmental impact assessment; and
 - (ii) a comparative assessment of the positive and negative implications of the proposed activity and identified alternatives.

The findings and recommendations of the EAP is required for each of the facilities applied for.
- p) The amended EIAr must provide a draft Environmental Management Programme (EMPr) containing the aspects contemplated in Regulation 33 in accordance with Regulation 31(2)(p) of the EIA Regulations, 2010. As such, a separate EMPr must be submitted for each of the proposed developments applied for.
- q) The amended EIAr must provide copies of any specialist reports and reports on specialised processes complying with Regulation 32 in accordance with Regulation 31(2)(q) of the EIA Regulations, 2010. The findings and recommendations of the Specialists are required for each of the facilities applied for. In addition, the specialists reports need to be specific provide an assessment for each of the sites, and not an overview of the entire nine sites.
- r) The amended EIAr must provide any specific information that may be required by the competent authority in accordance with Regulation 31(2)(r) of the EIA Regulations, 2010. This includes the additional information required for the EIAr in the acceptance of the Scoping Report letter dated 12 August 2013.
- s) The amended EIAr must provide issues related specifically to each of the applications submitted and the process followed according to the EIA Regulations, 2010 and these must be indicated in the respective reports.
- t) The amended EIAr must meet the requirements of this rejection letter and the requirements of Regulation 31 of the EIA Regulations, 2010.
- u) Please ensure that the amended EIAr includes a legible A3 regional map of the area and the site layout map to clearly illustrate each solar energy facility and associated infrastructure. The maps must be of acceptable quality and as a minimum, have the following attributes:
 - Maps are relatable to one another;
 - A scale of 1:10 000;
 - Cardinal points;
 - Co-ordinates;
 - Legible legends;
 - Indicate alternatives;
 - Latest land cover;
 - Vegetation types of the study area; and,
 - A3 size locality map.
- v) A shapefile of each of the preferred development layout/footprint must be submitted to this Department. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data

must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title.

The shape file must be submitted to:

Postal Address:

Department of Environmental Affairs
Private Bag X447
Pretoria
0001

Physical address:

Department of Environmental Affairs
Fedsure Forum Building (corner of Pretorius and Lillian Ngoyi Streets)
4th Floor South Tower
315 Pretorius Street
Pretoria
0002

For Attention: Mr Muhammad Essop
Integrated Environmental Authorisations
Strategic Infrastructure Developments
Telephone Number: (012) 395 1734
Fax Number: (012) 320 7539
Email Address: MEssop@environment.gov.za

Copies of the amended EIAR must be circulated to all key stakeholders, Organs of State and registered I&AP's for a duration of 40 days for comment. The issues raised by I&AP's must be addressed in a table format indicating the issue/concern raised and the EAP's response thereto and must include copies of the I&AP's correspondence as well as a copy of this Department's rejection letter.

The EAP must provide proof that all registered I&AP's have been notified of the availability of the amended EIAR.

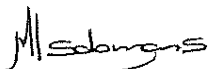
On receipt of the abovementioned information, this Department will reconsider the report in accordance with Regulation 34(2)(a) of the EIA Regulations, 2010.

This Department further advises that according to Regulation 67 of the EIA Regulations, 2010, an application in terms of the EIA Regulations lapses if the applicant after having submitted the application fails for a period of six (6) months to comply with a requirement in terms of the EIA Regulations relating to the consideration of the application. As such, the amended EIAR must be submitted to this Department within six (06) months of the date of this correspondence. Please note that if the amended EIAR is not submitted to this Department within a period of **six months** from the date of this letter, your application will lapse (Regulation 67 of the NEMA EIA Regulations 2010, refers). As such, a new application and assessment process will have to be initiated if you wish to pursue your proposed development.

Please note that the activities applied for may not commence prior to an Environmental Authorisation being granted by this Department. 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.

Should you have any queries or wish to discuss the points raised above, please do not hesitate to contact the writer.

Yours faithfully



Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement

Department of Environmental Affairs

Letter signed by: Ms Millicent Solomons

Designation: Director: Integrated Environmental Authorisations

Date: 21/02/2014.

cc:	Ms Anga Yaphi	NCDEA&NC	Tel: 054 332 2885	Fax: 054 331 1155
	Ms C Kloppers	Emthanjeni Local Municipality	Tel: 053 632 9100	Fax: 053 631 0105
	Mr Warren Morse	Mulilo Renewable Energy (Pty) Ltd	Tel: 021 934 5278	Fax: 021 935 0505

ANNEXURE J

**DEA CORRESPONDENCE AND REJECTION
LETTERS**

- Rejection Letter FEIAR 24.02.14



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/493

Enquiries: Muhammad Essop

Telephone: (012) 399 9406 E-mail: MEssop@environment.gov.za

Ms Franci Gresse
Aurecon South Africa (Pty) Ltd
PO Box 494
CAPE TOWN
8000

Telephone Number: (021) 526 6022
Email Address: Franci.Gresse@aurecongroup.com

PER EMAIL / MAIL

Dear Ms Gresse

REJECTION OF THE AMENDED ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED 75 MW PV2 PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE FARM HOEKPLAAS NEAR COPPERTON, SIYATHEMBA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.

The amended Environmental Impact Assessment report (EIAr) dated October 2014 for the abovementioned activity, submitted in terms of the requirement of Regulation 34 of the Environmental Impact Assessment (EIA) Regulations, 2010 refers.

Following a review of the application form and the amended EIAr, this Department rejects the amended EIAr in accordance with Regulation 34(2) (b) of the EIA Regulations, 2010. This Department requests that the amended EIAr be further amended to include the following:

- a) The rejection letter dated 21 February 2014 indicated that "*Copies of the amended EIAr must be circulated to all key stakeholders, Organs of State and registered I&AP's for a duration of 40 days for comment. The issues raised by I&AP's must be addressed in a table format indicating the issue/concern raised and the EAP's response thereto and must include copies of the I&AP's correspondence as well as a copy of this Department's rejection letter.*" It must be noted that no public participation process was conducted on the amended EIAr and no detailed reasons were provided to justify the non-compliance with this requirement.
- b) A map showing the preferred and alternative powerline routes. Motivation on which is the preferred route must be provided and reasons as to why it is preferred.
- c) A Cumulative¹ Impact Assessment is required to be part of the amended EIAr as there are numerous other similar facilities in the region.
- d) The amended EIAr must include a summary of comments received from, and a summary of issues raised by registered interested and affected parties, the date of receipt of these comments and the response of the EAP to those comments in accordance with Regulation 31(2)(e)(iii) of the EIA Regulations, 2010.

¹ "**cumulative impact**", in relation to an activity, means the impact of an activity that in itself may not be significant, but may become significant when added to the existing and potential impacts eventuating from similar or diverse activities or undertakings in the area

- e) The amended EIAr must include copies of any representations and comments received from registered interested and affected parties (I&APs) in accordance with Regulation 31(2) (e) (iv) of the EIA Regulations, 2010.
- f) The SKA, in their letter (undated) stated that *"The results of the assessment show that the integrated risk posed by multiple PV facilities that are in close proximity could result in a medium to high detrimental risk to the SKA project."* In addition to the above, the SKA further stated the following: *"Furthermore the SKA project office in a letter sent to Aurecon South Africa (Pty) Ltd aimed at communicating these results suggest that an Electromagnetic Interference (EMI) study be conducted in order to scientifically validate the impact these PV facilities could have on the SKA project and also to assist with setting up the required mitigation measures."* As such, an EMI study must be conducted and the layout plan and EMPr must be amended to include the findings of the EMI study. These must be sent to the SKA for comment and included in the amended EIAr.
- g) The amended EIAr must include a summary of comments received from, and a summary of issues raised by registered interested and affected parties, the date of receipt of these comments and the response of the EAP to those comments in accordance with Regulation 31(2)(e)(iii) of the EIA Regulations, 2010.
- h) The amended EIAr must include copies of any representations and comments received from registered interested and affected parties in accordance with Regulation 31(2) (e) (iv) of the EIA Regulations, 2010.
- i) With regards to points g); and, h), it must be noted that comments were obtained from ESKOM etc. but the EAP failed to provide proof of the representation of these comments in the amended EIAr.
- j) The amended EIAr must meet the requirements of the previous rejection letter dated 21 February 2014 and the requirements of Regulation 31 of the EIA Regulations, 2010.

The Environmental Assessment Practitioner (EAP) managing the application must ensure that copies of the amended EIAr are circulated to all key stakeholders, Organs of State and registered I&AP's for a duration of 40 days for comment. The issues raised by I&AP's must be addressed in a table format indicating the issue/concern raised and the EAP's response thereto and must include copies of the I&AP's correspondence as well as a copy of this Department's rejection letters.

The EAP must provide proof that all registered I&AP's have been notified of the availability of the amended EIAr.

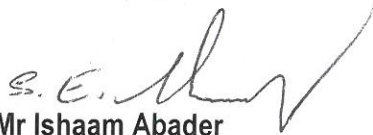
This Department further advises that in accordance with Regulation 67 of the EIA Regulations, 2010, an application in terms of the EIA Regulations lapses if the applicant after having submitted the application fails, for a period of **six (6) months**, to comply with a requirement in terms of the EIA Regulations relating to the consideration of the application. As such, a new application and assessment process will have to be initiated if you wish to pursue your proposed development.

Please note that the activities applied for may not commence prior to an Environmental Authorisation being granted by this Department. You are hereby reminded of Section 24F of the National Environmental Management Act, Act No.107 of 1998, as amended, which stipulates that no activity may commence prior to an Environmental Authorisation being granted by the Department.



Should you have any queries or wish to discuss the points raised above, please do not hesitate to contact the writer.

Yours faithfully



Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement

Department of Environmental Affairs

Letter signed by: Mr Siboniso Edward Mbense

Designation: Acting Director: Integrated Environmental Authorisations

Date: 07/01/2015

cc:	Mr Warren Morse	Mulilo Renewable Energy (Pty) Ltd	Tel: 021 934 5278	Email: warren@mulilo.com
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ANNEXURE J

**DEA CORRESPONDENCE AND REJECTION
LETTERS**

- Rejection Letter FEIAR 08.01.15

Simon Clark

From: Muhammad Essop <MEssop@environment.gov.za>
Sent: Tuesday, February 24, 2015 4:07 PM
To: Franci Gresse
Cc: Karen de Bruyn; Thabile Sangweni
Subject: Re: 109378 Mulilo Extension Projects: Request to reduce Public Comment Period

Dear Franci.

Please note that the PPP process can be reduced from 40 days to 21 days as per the provided motivation and the discussions at the site visit. I tried calling to discuss the matter further as well but no answer.

Regards

Muhammad Essop

Assistant Director - Strategic Infrastructure Developments

Integrated Environmental Authorisations

Department of Environmental Affairs

Private Bag X447

Pretoria

0001

(012) 399 9406

MEssop@environment.gov.za



>>> Franci Gresse <Franci.Gresse@aurecongroup.com> 24/02/2015 11:27 >>>

Dear Muhammad,

Our conversation yesterday regarding our request to reduce the public comment period for Mulilo's De Aar and Copperton projects has reference. I would greatly appreciate if you could please confirm receipt of the attached letters that were couriered to the Department on 18 February 2015.

Many thanks and kind regards,

Franci

Franci Gresse

Senior Environmental Consultant, Aurecon

T +27 21 526 6022 F +27 86 723 1750

E Franci.Gresse@aurecongroup.com

Aurecon Centre 1 Century City Drive Waterford Precinct Century City South Africa

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ANNEXURE J

DEA CORRESPONDENCE AND REJECTION LETTERS

- Extension Projects Request to reduce Public Comment Period