



## environmental affairs

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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**NEAS Reference:** DEAT/EIA/0000606/2011

**DEA Reference:** 12/12/20/2502

**Enquiries:** Ms Thulisile Nyalunga

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Mr Warren Morse  
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### **PER FACSIMILE / MAIL**

Dear Mr Morse

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.543, R.544, R.545 and R.546: CONSTRUCTION OF A 100MW PHOTOVOLTAIC SOLAR ENERGY FACILITY (PV2) ON THE FARM STRUISBULT (FARM NO 104 PORTION 1) KNOWN AS VOLGELSTRUISBULT NEAR COPPERTON, NORTHERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to accept the Final Environmental Impact Report (FEIR) dated April 2012 and grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;  
By post: Private Bag X447,  
Pretoria, 0001; or

By hand: 2nd Floor, Fedsure Building, North Tower,  
Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,  
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

**Appeals must be submitted in writing to:**


Mr T Zwane, Senior Legal Administration Officer (Appeals), of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: [tzwane@environment.gov.za](mailto:tzwane@environment.gov.za)

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



**Mr Mark Gordon**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
**Date: 02 January 2013**

CC:	Ms F Greese	Aurecon South Africa (Pty) Ltd	Tel: 021 526 6071	Fax: 086 667 3532
	Ms A Yaphi	DEA&NC	Tel: 054 332 2885	Fax: 054 331 1155
	Mr G Bessies	Siyathembe Local Municipality	Tel: 053 353 5300	Fax: 053 353 1386
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

1. **An appeal against a decision must be lodged with:-**
  - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
  - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
  - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
  - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

Construction of a 100MW Photovoltaic Solar Energy Facility (PV2) on the farm Struisbult (Farm No. 104 Portion 1) near Copperton, Northern Cape Province

Pixley ka Seme District Municipality

<b>Authorisation register number:</b>	<i>12/12/20/2502</i>
<b>NEAS reference number:</b>	<i>DEAT/EIA/0000606/2011</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Mulilo Prieska PV2 (Pty) Ltd</i>
<b>Location of activity:</b>	<i>NORTHERN CAPE PROVINCE: Within the Siyathemba Local Municipality</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.



## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

### **MULILO PRIESKA PV2 (PTY) LTD**

with the following contact details –

Mr Warren Morse

Mulilo Prieska PV2 (Pty) Ltd

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 and 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10:</u>  <i>The construction of facilities or infrastructure for the transmission and distribution of electricity -</i>                      (i) <i>outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</i></p>	<p>A 132kV distribution line would be required to connect into Eskom's Cuprum Substation.</p>
<p><u>GN R. 545 Item 1:</u>  <i>The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</i></p>	<p>Construction of a 100MW PV solar energy plant on 300 ha of the farm Struisbult (Farm No. 104 Portion 1) near Copperton in the Northern Cape.</p>
<p><u>GN R. 546 Item 14:</u>                      The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation  <b>(a) In the Northern Cape</b>                      (i) All areas outside urban areas</p>	<p>Removal of vegetation will be required during the construction phase.</p>

as described in the Environmental Impact Report (EIR) dated April 2012 at the following corner point co-ordinates:

Latitude	Longitude
29°54'49.42"S	22° 18'41.88"E
29° 54'49.25"S	22° 20'26.25"E
29° 56'2.41"S	22° 21'31.55"E
29° 57'24.09"S	22° 19'14.07"E
29° 56'15.62"S	22° 18'14.42"E
29° 55'51.51"S	22° 18'14.40"E
29° 55'49.89"S	22° 18'42.43"E

- for the construction of a 100MW Photovoltaic (PV) Solar Energy Facility on the farm Struisbult (Farm No. 104 Portion 1) known as Volgelstruisbult (PV2) near Copperton in the Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- Upgrade of existing internal farm roads and construction of new roads to accommodate the construction vehicles and access the site.
- Construction of a 132 kV transmission line to connect the proposed PV plant with Eskom's grid via the Cuprum Substation.
- Electrical fence to prevent illegal trespassing, as well as keeping livestock from roaming between the solar arrays and causing accidental damage.
- Other infrastructure includes an office, connection centre and a guard cabin.

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The preferred site located on the farm Struisbult (Farm No. 104 Portion 1) near Copperton in the Northern Cape is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

6. This activity must commence within a period of three (3) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

### **Notification of authorisation and right to appeal**

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
  - 10.1. specify the date on which the authorisation was issued;
  - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
  - 11.1. informing interested and affected parties of the decision;
  - 11.2. informing interested and affected parties where the decision can be accessed; and
  - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

### **Management of the activity**

12. A copy of the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. 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:
- 12.1 Position of solar facilities and its associated infrastructure;
  - 12.2 Foundation footprint;
  - 12.3 Permanent laydown area footprint;
  - 12.4 Construction period laydown footprint;
  - 12.5 Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
  - 12.6 Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
  - 12.7 All sensitive features e.g. the Martial Eagle nest site, heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
  - 12.8 Substation(s) inverters and/or transformer(s) sites including their entire footprint;
  - 12.9 Cable routes and trench dimensions (where they are not along internal roads);
  - 12.10 Connection routes (including pylon positions) to the distribution/transmission network;
  - 12.11 Cut and fill areas at panel sites, along roads and at sub-station/transformer sites indicating the expected volume of each cut and fill;
  - 12.12 Borrow pits;
  - 12.13 Spoil heaps (temporary for topsoil and subsoil and permanently for excess material);
  - 12.14 All existing infrastructure on the site, especially roads;
  - 12.15 Buildings, including accommodation; and
  - 12.16 All "no-go" and buffer areas.
13. The Environmental Management Programme (EMPr) submitted as part of the EIR dated April 2012 is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting; and the provisions of this environmental authorisation. The EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
14. The EMPr is amendable and must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
15. Changes to the EMPr, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.

16. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the EIR dated April 2012 be discovered.
17. The provisions of the approved EMPr including recommendations and mitigation measures in the EIR dated April 2012 and specialist' studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.
18. The EMPr amendment must include the following:
  - 18.1 All recommendations and mitigation measures recorded in the EIR dated April 2012.
  - 18.2 The requirements and conditions of this authorisation.
  - 18.3 The final site layout map.
  - 18.4 An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
  - 18.5 A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
  - 18.6 A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
  - 18.7 A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
  - 18.8 A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.

- 18.9 An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- 18.10 An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 18.11 Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- 18.12 An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- 18.13 A map combining the final layout map superimposed (overlain) on the environmental sensitivity map. This map must reflect the proposed location of PV as stated in the EIR dated April 2012 and this authorisation.

#### **Environmental Control Officer (ECO) and duties**

19. The holder of this authorisation must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
20. The ECO shall be appointed before commencement of any authorised activity.
21. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
22. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
23. The ECO must:
  - 23.1 Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
  - 23.2 Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.

- 23.3 Keep and maintain a daily site diary.
- 23.4 Keep copies of all reports submitted to the Department.
- 23.5 Keep and maintain a schedule of current site activities including the monitoring of such activities.
- 23.6 Obtain and keep record of all documentation, permits, licences and authorisations required by this facility.
- 23.7 Compile a monthly monitoring report.

### **Environmental audit report**

- 24. The holder of the authorisation must submit an environmental audit report to the *Director: Compliance Monitoring* of the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
- 25. The environmental audit report must:
  - 25.1 Be compiled by an independent environmental auditor;
  - 25.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
  - 25.3 Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
  - 25.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
  - 25.5 Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
  - 25.6 Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed;
  - 25.7 Include a copy of this authorisation and the approved EMPr.
  - 25.8 Include all documentation pertaining to this authorisation.
  - 25.9 Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records and attendance records.

### **Commencement of the activity**

- 26. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.



27. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
28. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

#### **Notification to authorities**

29. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the Notice of Intent to Appeal period.

#### **Operation of the activity**

30. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

#### **Site closure and decommissioning**

31. Should the activity ever cease or become redundant, the holder of this authorisation shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

#### **Specific conditions**

32. A 12 month pre- and post-construction avifauna monitoring programme must be implemented to document the effect of the operation of the PV solar facility on avifauna. The monitoring programme must be in terms of the methodology as recommended on pages 19-20 of the Avifauna Impact Assessment Report which forms part of the EIA dated April 2012.
33. The results of the pre- and post-construction avifauna monitoring programme must inform the final layout and the construction schedule of the PV solar facility.

34. Reports regarding bird monitoring must be submitted to the Northern Cape Department of Environment and Nature Conservation (DENC), BirdLife South Africa, the Endangered Wildlife Trust (EWT) and this Department on a quarterly basis. The report will assist all stakeholders in identifying potential and additional mitigation measures and to establish protocols for bird monitoring programmes for PV solar energy development in the country.
35. Development must be excluded from within a 1 km radius of any occupied and active Martial Eagle nest site. This buffer area must remain undisturbed and undeveloped.
36. Anti-collision devices such as bird flappers must be installed where powerline crosses avifaunal corridors, as recommended by the avifaunal specialist. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
37. Transmission lines must stay at least 100m away from the edge of any pans.
38. The holder of this authorisation must obtain a Water Use Licence from the Department of Water Affairs (DWA) prior to the commencement of the project should the applicant impact on any wetland or water resource. A copy of the license must be kept by the ECO on site.
39. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
40. The holder of the authorisation must consult a lighting engineer to assist in the planning and placement of light fixtures in order to reduce the impacts associated with glare and light trespass.
41. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008). Copies of all waste disposal certificates must be kept on site.
42. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
43. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act 87 of 1998 and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation.
44. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.
45. Removal of alien invasive species or other vegetation and follow-up procedures must be in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

46. Any shrubs or trees of mesquite within 250 m of the boundary of the PV plant footprint and the power-line route must be eradicated by cutting and treating with herbicide to prevent coppicing.
47. A buffer zone of 50m must be maintained from the drainage areas and endorheic pans which have been identified as no-go area in the Aquatic Specialist Report dated January 2012.
48. The applicant must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.
49. Construction activities must be restricted to demarcated areas to restrict impact on vegetation, birds and animals. Contractors and construction workers must be clearly informed of the no-go areas.
50. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
51. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
52. Appropriate dust suppression techniques must be implemented on all exposed surfaces to minimise and control airborne dust. Such measures must include wet suppression, chemical stabilization, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
53. Erosion and loss of soil must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing actions such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
54. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. All applicable safety standards and regulations, including for subcontractors must be enforced.
55. Potentials interference with public safety communication systems (e.g. radio traffic related to emergency activities) must be avoided.
56. The holder of the authorisation must ensure that any transmitters that are to be established or have been established at the site for the purposes of voice and data communication must comply with the relevant AGA regulations concerning the restriction of use of the radio frequency spectrum that applies in the area concern.
57. The holder of the authorisation must ensure that the construction and operation activities of the PV facility do not pose any significant impact to the Meerkat and or SKA facilities.
58. The holder of the authorisation must obtain a written permit or approval from the South Africa Civil Aviation Authority that the PV facility will not interfere with the performance of aerodrome radio

Communication, Navigation and Surveillance (CNS) equipment especially the radar prior to commencement of the activity.

59. The holder of the authorisation must obtain a written approval from the South African SKA Project Office (SASPO), confirming that the operation of the PV facility will not result in detrimental radio frequency interference to the SKA.
60. Anti-collision devices such as bird flappers must be installed where transmission lines crosses avifaunal corridors.
61. The holder of this authorisation must provide sanitation facilities within the construction camps and along the road so that workers do not pollute the surrounding environment. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste disposal site.
62. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations, 2010.
63. The holder of this authorisations, contractors and sub-contractors working on site must ensure that oil, fuel and chemicals are confined to specific and secured areas throughout the construction period. These materials must be stored in a bunded area with adequate containment for potential spills and leaks.

## General

64. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The environmental authorisation as well as any amendment to the environmental authorisation and approved EMPr must be provided to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the environmental authorisation who works or undertakes work at the property.
65. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
66. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder or his successor in title in any instance where



construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

**Date of environmental authorisation: 02 January 2013**

A handwritten signature in black ink, appearing to read 'Mark Gordon', written in a cursive style. The signature is enclosed within a simple, hand-drawn rectangular box.

**Mr Mark Gordon**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

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

- a) The information contained in the EIR dated April 2012;
- b) The comments received from the Department of Water Affairs (DWA), the South African Heritage Resources Agency (SAHRA), the Department of Agriculture, Forestry and Fisheries (DWA), Eskom Holdings SOC Limited, SKA South Africa and interested and affected parties as included in the EIR dated April 2012;
- c) Mitigation measures as proposed in the EIR dated April 2012 and the EMPr;
- d) The information contained in the specialist studies contained within Annexure C of the EIR;
- 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 Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid in terms of the Renewable Energy Independent Power Producers Procurement Programme (REIPPPP) and the provision of electricity from Independent Power Producers (IPPs) as required by the Department of Energy.
- c) The EIR dated April 2012 identified all legislation and guidelines that have been considered in the preparation of the EIR dated April 2012
- d) The methodology used in assessing the potential impacts identified in the EIR dated April 2012 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

### 3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIR dated April 2012 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR dated April 2012 and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.



## **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) 320 4431

**NEAS Reference: DEAT/EIA/0000606/2011**

**DEA Reference: 12/12/20/2502**

**Enquiries: Ms Thulisile Nyalunga**

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

Mr Warren Morse  
Mulilo Prieska PV2 (Pty) Ltd  
PO Box 50  
**CAPE TOWN INTERNATIONAL AIRPORT**  
7525

Tel: (021) 934 5268  
Fax: (021) 935 0505  
Cell: 083-760 9586  
E-mail: warren@mulilo.com

Dear Mr Morse

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 JANUARY 2013 FOR THE PROPOSED PHOTOVOLTAIC ENERGY PLANT ON THE FARM STRUISBULT NEAR COPPERTON, NORTHERN CAPE PROVINCE**

The Department's decision on the above application issued on 02 January 2013 and your correspondence dated 08 March 2013 refers.

Based on a review of the reason for requesting an amendment to the above authorisation, the Department, in terms of regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the environmental authorisation (EA) dated 02 January 2013 as follows:

The name of the holder of the environmental authorisation in the EA dated 02 January 2013 is hereby amended as follows:

**From:**

**Mulilo Prieska PV2 (Pty) Ltd ("Mulilo")**

**To:**

**Struisbult PV2 (Pty) Ltd (Reg: 2012/022485/07)**

This letter must be read in conjunction with the EA dated 02 January 2013.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.



Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 4431  
By post: Private Bag X447, Pretoria, 0001; or  
By hand: 2nd Floor, Fedsure Building, North Tower,  
Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,  
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

**Appeals must be submitted in writing to:**

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012 310 3271  
Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@environment.gov.za)

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Mark Gordon  
Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs  
Date: 28/03/2013

CC:	Ms F Greese	Aurecon South Africa (Pty) Ltd	Tel: 021 526 6071	Fax: 086 667 3532
	Ms A Yaphi	DEA&NC	Tel: 054 332 2885	Fax: 054 331 1155
	Mr G Bessies	Siyathembe Local Municipality	Tel: 053 353 5300	Fax: 053 353 1386
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2018 (THE REGULATIONS) AS PER GN R. 543 OF 2018 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORITY (EA)**

APPLICANT	INTERESTED AND AFFECTED PARTIES (I/A)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs (DEA)).	1. Receive EA from Applicant/Competent Authority EA from Applicant/Competent Authority.
2. Within 12 days of date of the EA notify all I/A's of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations	2. I/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister)	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister)
4. Once having submitted your notice of intention to appeal to the Minister, provide each registered I/A with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide each registered I/A with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. If you are an interested party, you must, within 10 days of receipt of the notice of intention to appeal, submit a notice of intention to appeal to the Minister.	5. If you are an interested party, you must, within 10 days of receipt of the notice of intention to appeal, submit a notice of intention to appeal to the Minister.
6. The appeal must be submitted in writing to the Minister within 10 days of the date of receipt of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 10 days of the date of receipt of the notice of intention to appeal.
7. An appeal may only be made if the notice of intention to appeal was lodged with the Minister within 20 days from the date that the appeal decision was issued with the EA.	7. An appeal may only be made if the notice of intention to appeal was lodged with the Minister within 20 days from the date that the appeal decision was issued with the EA.

**NOTES:**

1. An appeal against a decision must be lodged with:
  - (a) the Minister of Water and Environmental Affairs if the decision was issued by the Director General of the Department of Environmental Affairs for a project which is not a project in the ordinary course of business;
  - (b) the Minister of Water and Environmental Affairs if the decision was issued by the Director General of the Department of Environmental Affairs for a project which is not a project in the ordinary course of business.
2. The appeal must be submitted in writing to the Minister within 10 days of the date of receipt of the notice of intention to appeal.
3. An appeal may only be made if the notice of intention to appeal was lodged with the Minister within 20 days from the date that the appeal decision was issued with the EA.
4. The appeal must be submitted to the Minister within 10 days of the date of receipt of the notice of intention to appeal.
5. If you are an interested party, you must, within 10 days of receipt of the notice of intention to appeal, submit a notice of intention to appeal to the Minister.
6. The appeal must be submitted in writing to the Minister within 10 days of the date of receipt of the notice of intention to appeal.
7. An appeal may only be made if the notice of intention to appeal was lodged with the Minister within 20 days from the date that the appeal decision was issued with the EA.

*[Handwritten signature]*



## **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/0000606/2011**

**DEA Reference: 12/12/20/2502**

**Enquiries: Mr Ahmed Ameen**

**Telephone: (012) 395 1729 Fax: (012) 320 7539 E-mail: AAmeen@environment.gov.za**

Mr Jorge Barredo Lopez  
Gestamp Prieska PV2 (Pty) Ltd  
20<sup>th</sup> Floor – Metropolitan Building  
7 Coen Steyler Avenue  
**CAPE TOWN**  
8001

Fax Number: (086) 510 6498  
Telephone Number: (021) 418 4221

### **PER FACSIMILE / MAIL**

Dear Mr Lopez

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 JANUARY 2013 AND THE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 MARCH 2013 FOR THE PROPOSED CONSTRUCTION OF THE 100MW PHOTOVOLTAIC SOLAR ENERGY FACILITY (PV2) ON THE FARM STRUISBULT (FARM NO 104 PORTION 1) KNOWN AS VOLGELSTRUISBULT NEAR COPPERTON, NORTHERN CAPE PROVINCE**

The Environmental Authorisation issued for the above application by this Department on 02 January 2013; the amendment to the Environmental Authorisation issued by this Department on 28 March 2013; and your application for amendment to the Environmental Authorisation received by this Department on 12 September 2013 refers.

Based on a review of the reason for requesting an amendment to the above Environmental Authorisation (EA), this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the EA dated 02 January 2013 and the amendment to the EA dated 28 March 2013 as follows:

The current holder of the Environmental Authorisation:

"Struisbult PV2 (Pty) Ltd"  
Registration Number: 2012/022485/07

Represented by: Mr Warren Morse  
PO Box 50  
Cape Town International Airport  
7525

Tel: (021) 934 5268  
Fax: (021) 935 0505  
Cell: (083) 760 9586  
Email: warren@mulilo.com

**Is hereby amended to:**

"Gestamp Prieska PV2 (Pty) Ltd"  
Registration Number: 2012/022485/07

Represented by: Mr Jorge Barredo Lopez  
20th Floor – Metropolitan Building  
7 Coen Steyler Avenue  
Cape Town  
8001

Telephone Number: (021) 418 4221  
Cell phone Number: (071) 313 3565  
Fax Number: (086) 510 6498  
Email Address: arnold.rix@gestampren.co.za

Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department prior to commencement of the construction phase. 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)  
4<sup>th</sup> 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

This letter must be read in conjunction with the EA dated 02 January 2013 and the amendment to the EA dated 28 March 2013.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the amendment decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;  
By post: Private Bag X447,  
Pretoria, 0001; or  
By hand: 2nd Floor, Fedsure Building, North Tower,  
Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,  
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

**Appeals must be submitted in writing to:**

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271  
Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@environment.gov.za)



The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



**Mr Ishaam Abader**  
**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**

Date: 01/10/2013

CC:	Ms K Jodas	Savannah Environmental (Pty) Ltd	Tel: 011 656 3237	Fax: 086 684 0547
	Ms A Yaphi	DEA&NC	Tel: 054 332 2885	Fax: 054 331 1155
	Mr G Bessies	Siyathembe Local Municipality	Tel: 053 353 5300	Fax: 053 353 1386
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744



**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister; provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

1. **An appeal against a decision must be lodged with:-**
  - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
  - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
  
2. **An appeal lodged with:-**
  - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
  - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
  
3. **An appeal must be:-**
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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

**DEA Reference:** 12/12/20/2502/AM2

**Enquiries:** Ms Dikeledi Mokotong

**Telephone:** (012) 399 8801 **E-mail:** dmokotong@environment.gov.za

Mr Warren Morse  
Struisbult PV2 (Pty) Ltd (Reg: 2012/022485/07)  
PO Box 50  
**CAPE TOWN INTERNATIONAL AIRPORT**  
7525

Telephone Number: (021) 934 5268  
Email Address: warren@mulilo.com

### **PER EMAIL / MAIL**

Dear Mr Morse

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 JANUARY 2013 FOR THE CONSTRUCTION OF A 100MW PHOTOVOLTAIC SOLAR ENERGY FACILITY (PV2) ON THE FARM STRUISBULT (FARM NO. 104 PORTION 1) NEAR COPPERTON, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the above application by this Department on 02 January 2013 and your application for amendment of the EA received by this Department on 11 September 2015 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, has decided to amend the EA dated 02 January 2013 as follows:

#### **Amendment 1: Amendment to extend the validity period of the EA:**

The activity must commence within a period of two (02) years from the date of expiry of the EA issued on 02 January 2013, now extended to 02 January 2018. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

It must be noted that whilst you have applied for an extension of three (03) additional years, this Department is only granting an extension for two (02) additional years due to possible changes in the receiving environment.

Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department within two (2) months from the date of this letter. 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.

*M/S*

The shape file must be submitted to:

**Postal Address:**

Department of Environmental Affairs  
Private Bag X44  
Pretoria,  
0001

**Physical address:**

Department of Environmental Affairs  
Environment House  
473 Steve Biko Road  
Arcadia  
Pretoria

For Attention: Mr Muhammad Essop  
Strategic Infrastructure Developments  
Telephone Number: (012) 399 9406  
Email Address: MEssop@environment.gov.za

This proposed amendment letter must be read in conjunction with the EA dated 02 January 2013 as amended.

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

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

An appellant must submit an 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 applicant by the competent authority.

By post: Department of Environmental Affairs  
Private Bag X447,  
Pretoria,  
0001; or

By hand: Environment House  
473 Steve Biko Road,  
Arcadia,  
Pretoria,

**Appeals must be submitted in writing to:**

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356  
Email: Appealsdirector@environment.gov.za

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, an appeal under Section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: ([https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations)).

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 07/10/2015

cc:	Ms Nicole Holland	Holland and Associates Environmental Consultants	Email: Nicole@hollandandassociates.net
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## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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

**DEA Reference:** 12/12/20/2502/AM3

**Enquiries:** Ms Makhosi Yeni

**Telephone:** (012) 399 9400 **E-mail:** [MYeni@environment.gov.za](mailto:MYeni@environment.gov.za)

Mr Warren Morse  
Struisbult PV2 (Pty) Ltd  
P.O. Box 548  
Howard Place  
**CAPE TOWN**  
7450

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

### **PER EMAIL / MAIL**

Dear Mr Morse

### **APPLICATION FOR THE AMENDMENT OF ENVIRONMENTAL AUTHORISATION ISSUED ON 02 JANUARY 2013 FOR THE PROPOSED CONSTRUCTION OF A 100MW PHOTOVOLTAIC SOLAR ENERGY FACILITY (PV2) ON THE FARM STRUISBULT (FARM NO. 104 PORTION 1) NEAR COPPERTON IN THE NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 02 January 2013, the amendments to the EA dated 28 March 2013 and 07 October 2015 and your application for amendment of the EA received by this Department on 22 November 2017, refer.

Based on a review of the reasons 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 as follows:

#### **Amendment 1: Amendment of the contact details of the holder of the EA:**

##### **From:**

Mr Warren Morse  
Struisbult PV2 (Pty) Ltd  
P.O. Box 50  
**CAPE TOWN INTERNATIONAL AIRPORT**  
7525

Telephone number: (021) 934 5268  
Fax: (021) 935 0505  
Cell: (083) 760 9586  
Email address: [warren@mulilo.com](mailto:warren@mulilo.com)

*M. S*



**To:**

Mr Warren Morse  
Struisbult PV2 (Pty) Ltd  
P.O. Box 548  
Howard Place  
**CAPE TOWN**  
7450

Telephone number: 021 6853240  
Fax: 086 635 6809  
Cell: 083 7609586  
Email address: warren@mulilo.com

**Amendment 2: Amendment to extend the validity period of the EA**

The activity must commence within a period of three (03) years from the date of expiry of the EA issued on 02 January 2013 as amended 07 October 2015 (i.e. the EA lapses on 02 January 2021). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

The applicant applied to extend the validity period of the EA as the development was not awarded preferred bidder status in the DoE REIPPP. The applicant intends to bid this project in the DoE REIPPP future rounds. The applicant also applied to change the contact details based on the fact that they recently moved office premises.

This amendment letter must be read in conjunction with the EA dated 02 January 2013 and the amendments.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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

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

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

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

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



By post: Private Bag X 447,  
Pretoria,  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

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

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 11/12/2017

CC:	N Holland	Holland & Associates Enviro Consultants	Cell: 083 4645246	Email: <a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a>
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# 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: 12/12/20/2502/AM4

Enquiries: Ms Thabile Sangweni

Telephone: (012) 399 9409 E-mail: TSangweni@environment.gov.za

Mr Warren Morse  
Struisbult PV2 (Pty) Ltd  
PO Box 548  
Howard Place  
CAPE TOWN  
7450

Telephone Number: (021) 685 3240  
Email Address: warren@mulilo.com

## PER EMAIL / MAIL

Dear Mr Morse

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 JANUARY 2013 FOR THE CONSTRUCTION OF A 100MW PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY (PV2) ON THE FARM STRUISBULT (PORTION 1 OF FARM NO. 104) IN THE SIYATHEMBA LOCAL MUNICIPALITY NEAR COPPERTON IN THE NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 02 January 2013, the amendments to the EA dated 28 March 2013, 01 October 2013, 07 October 2015 and 11 December 2017, your application for amendment of the EA received by the Department on 19 November 2020 and the acknowledgement email dated 20 November 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 02 January 2013 as amended, as follows:

#### **Amendment 1: Amendment to extend the validity of the EA:**

The activity must commence within a period of two (02) years from the date of expiry of the EA issued on 02 January 2013 as amended (i.e. the EA lapses on 02 January 2023). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for EA 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 this 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, your EA will be deemed to have lapsed and a new application for EA will have to be lodged.

*M.S*

The applicant applied to extend the validity period of the EA due to the highly competitive nature of the Department of Minerals Resources and Energy's (DMRE) Renewable Energy Independent Power Producer Procurement Program (REIPPP) and the prolonged 8 year delay in issuing the next procurement Bid Window 5 Request for Proposals (RFP), with the last awarded Bid Window 4 having only occurred in 2014.

This more than 5 year gap has resulted in no new Preferred Bidder projects being awarded contracts and therefore prevented the ability of this project to compete in a competitive tender process, be selected and ultimately constructed as planned.

This amendment letter must be read in conjunction with the EA dated 02 January 2013 as amended.

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 stipulates 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 abuses or compromises 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 decision, 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 the 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 prescribe 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);

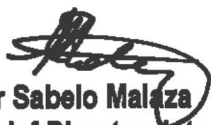
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0001;

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: 04/12/2020

cc:	Ms Nicole Holland	Holland & Associates Environmental Consultants	E-mail: <a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a>
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