



## 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) 389 9372

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

Enquiries: Ms Mmamohale Kabasa

Telephone: (012) 399 9420 E-mail: MKabasa@environment.gov.za

Mr Warren Morse  
Du Plessis Dam Solar PV1 (Pty) Ltd  
PO Box 50  
CAPE TOWN INTERNATIONAL AIRPORT  
7525

Telephone number: (021) 934 5278  
Email Address: warren@mulilo.com

PER EMAIL / MAIL

Dear Mr Morse

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546 FOR THE 75 MW MULILO PV1 PHOTOVOLTAIC SOLAR ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF THE FARM DU PLESSIS DAM 179 NEAR THE TOWN OF DE AAR WITHIN THE EMTHANJENI LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to 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 post: Private Bag X447,  
Pretoria, 0001; or

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



MS

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.

**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: AppealsDirectorate@environment.gov.za

The authorised activities must not commence within twenty (20) days of the date of signature of the environmental authorisation. Further, 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.

Yours faithfully

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

Date: 28/09/2015

cc:	Ms F Gresse	Aurecon South Africa (Pty) Ltd.	Tel: (021) 526 6022	Email: franci.gresse@arecongroup.com
	Ms T Molese	NCDEANC	Tel: (063) 807 7468	Email: tmolese@ncpg.gov.za
	Ms C Kloppers	Emthanjeni Local Municipality	Tel: (053) 632 9100	Email: deaar@emthanjeni.co.za



*Handwritten initials*

**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 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 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 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

**75 MW Mulilo PV1 photovoltaic solar energy facility and its associated infrastructure on the Remainder of the Farm Du Plessis Dam 179 near the town of De Aar within the Emthanjeni Local Municipality in the Northern Cape Province**

**Pixley ka Seme District Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/2/456</i>
<b>NEAS reference number:</b>	<i>DEA/EIA/0001773/2013</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Du Plessis Dam Solar PV1 (Pty) Ltd</i>
<b>Location of activity:</b>	<i>The Remainder of the Farm Du Plessis Dam 179 Emthanjeni Local Municipality Pixley ka Seme District Municipality Northern Cape Province</i>

This environmental 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 environmental 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 No.107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

### **DU PLESSIS DAM SOLAR PV1 (PTY) LTD**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Warren Morse  
PO Box 50  
**CAPE TOWN INTERNATIONAL AIRPORT**  
7525

Telephone number: (021) 934 5278  
Fax number: (021) 935 0505  
Cell phone Number: (083) 760 9586



E-mail Address: warren@mulilo.com



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

Activity number	Activity description
<p><u>GN R. 544: Activity 10:</u>  <i>"The construction of facilities or infrastructure for the transmission and distribution of electricity-</i>  <i>(i) outside urban areas with a capacity of more than 33 but less than 275 kV...."</i></p>	<p>A new 132kV powerline for the connection of the onsite substation to Eskom infrastructure.</p>
<p><u>GN R. 544: Activity 11</u>  <i>"The construction of</i>  <i>(iv) dams;</i>  <i>(x) buildings exceeding 50 square metres in size;</i>  <i>(xi) infrastructure or structures covering 50 square or more</i>  <i>where such construction occurs within a watercourse or within..."</i></p>	<p>Some of the infrastructure may be located within 32m of a watercourse scattered across the property.</p>
<p><u>GN R 544: Activity 18</u>  <i>"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5m<sup>3</sup> from:</i>  <i>(i) a watercourse</i></p>	<p>Attenuation ponds would need to be constructed in order to manage the onsite storm water, as recommended by the Hydrologist, and may require more than 5m<sup>2</sup> of the material to be deposited.</p>
<p><u>GN R 545: Activity 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>The PV facility would have a generation capacity of 75 MW AC, as such this activity is triggered.</p>
<p><u>GN R 545: Activity 15</u>  <i>"Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 ha or more.</i></p>	<p>The predominant farming activity of the site is grazing. It is therefore assumed that this activity would be triggered as the DEA has indicated that it considers grazing land to be undeveloped land and the area to be developed exceeds 20ha.</p>

Non-Financial  
 13 JUL 2023  
 15

MS

<p><u>GN R. 546: Activity 4:</u></p> <p><i>"The construction of a wider than 4m with a reserve less than 13,5 m.</i></p> <p><i>(a) In Northern Cape:</i></p> <p><i>ii. Outside urban areas, in:</i></p> <p><i>(cc) Sensitive areas as identified in an environmental management framework as ..."</i></p>	<p>An access road will be constructed (6m). De Aar is located within the Platberg-Karoo Conservancy, this activity will be triggered. Although there are no adopted EMFs, the construction of a road within a sensitive area was still assessed.</p>
<p><u>GN R. 546: Activity 14:</u></p> <p><i>"The clearance of an area of 5 hectares or more of vegetation where 75% or more vegetation cover constitutes indigenous vegetation in the Northern Cape:</i></p> <p><i>ii. All areas outside urban areas.</i></p>	<p>The project will clear an area of between 291ha (Alternative Layout 1) or 1, 069ha (Alternative Layout 2) of indigenous vegetation. The site consist primarily of natural vegetation, classified as "shrubland and low fynbos", which is considered Least Threatened. The farm is used as grazing for domestic livestock and the vegetation onsite is in moderate condition.</p>
<p><u>GN R. 546:Activity 16:</u></p> <p><i>"The construction of:</i></p> <p><i>(iii) Buildings with a footprint exceeding 10m2 in size;</i></p> <p><i>(iv) infrastructure covering 10m2 or more where such construction occurs within a watercourse or within 32 m of a watercourse..."</i></p> <p><i>(a) In Northern Cape:</i></p> <p><i>ii. Outside urban areas, in:</i></p> <p><i>(ff) Critical biodiversity areas or ecosystem service areas..."</i></p>	<p>Buildings and infrastructure, exceeding 10m<sup>2</sup>, would be constructed within 32 m of a watercourse.</p>





The following listed activities as described in GN R 983, GN R 984 and GN R 985:

Activity number	Activity description
<p><u>GN R. 983 Activity 11:</u>  <i>"The development 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 kV...."</i></p>	<p>A new 132kV powerline for the connection of the onsite substation to Eskom infrastructure.</p>
<p><u>GN R 983 Activity 12:</u>  <i>" The development of-</i>  <i>(ii) channels exceeding 100 square metres in size;</i>  <i>(x) buildings exceeding 100 square metres in size;</i>  <i>(xii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs-</i>  <i>(a)within a watercourse;</i>  <i>(b)in front of a development setback; or</i>  <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -..."</i></p>	<p>Some of the infrastructure may be located within 32m of a watercourse scattered across the property.</p>
<p><u>GN R 983 Activity 19:</u>  <i>"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</i>  <i>(i) a watercourse;"</i></p>	<p>Attenuation ponds would need to be constructed in order to manage the onsite storm water, as recommended by the Hydrologist, and may require more than 5m<sup>2</sup> of the material to be deposited.</p>
<p><u>GN R 983 Activity 28:</u>  <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agricultural or afforestation on or after 1 April 1998 and where such development:</i></p>	<p>The project will clear an area of between 291ha (Alternative Layout 1) or 1, 069ha (Alternative Layout 2) of indigenous vegetation. The site consist primarily of natural vegetation, classified as "shrubland and low</p>

MS

<p>(ii) Will occur an urban area, where the total land to be developed is bigger than 1 hectare</p>	<p>fynbos”, which is considered Least Threatened. The farm is used as grazing for domestic livestock and the vegetation onsite is in moderate condition.</p>
<p><u>GN R. 984 Activity 1:</u>  <i>“The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20MW or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area.....”</i></p>	<p>The PV facility would have a generation capacity of 75 MW AC, as such this activity is triggered.</p>
<p><u>GN R. 984 Activity 4 :</u>  <i>“The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</i>  (a) In Northern Cape:  (iii) Outside urban areas, in:  (cc) Sensitive areas as identified in the environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority.”</p>	<p>The project will be established on undeveloped land and the proposed activity is regarded as industrial.</p>
<p><u>GN R. 984 Activity 14 :</u>  <i>“The development of-</i>  (ii) Channels exceeding 100 square metres in size;  (x) buildings exceeding 100 square metres in size;  (xii) infrastructure or structures with a physical footprint of 100 metres or more;  (a) Within a watercourse;  (b) If no development setback has been adopted, within a watercourse or within 32m of a watercourse, measured from the edge of a watercourse  (a) In Northern Cape:  (v) Outside urban areas, in:</p>	<p>Some of the infrastructure may be located within 32m of a watercourse scattered across the property.</p>

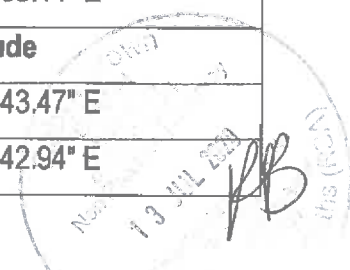


MS

<p>(ff) Critical biodiversity areas or ecosystem service areas as identifies in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	
<p><u>GN R. 984 Activity 15 :</u></p> <p><i>"The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-</i></p> <p><i>(i) The undertaking of a linear activity; or</i></p> <p><i>(ii) Maintenance purposes taken in accordance with a maintenance management plan.</i></p>	<p>The project will clear an area of between 291 ha (Alternative Layout 1) or 1, 069ha (Alternative Layout 2) of indigenous vegetation. The site consist primarily of natural vegetation, classified as "shrubland and low fynbos", which is considered Least Threatened. The farm is used as grazing for domestic livestock and the vegetation onsite is in moderate condition.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated March 2015 at:

<b>PV plant footprint (fenced area)</b>	<b>Latitude</b>	<b>Longitude</b>
North West Corner	30° 37' 10.27" S	24° 02' 8.23" E
North East Corner	30° 37' 32.36" S	24° 03' 3.96" E
South West Corner	30° 38' 9.91" S	24° 01' 38.36" E
South East Corner	30° 38' 16.95" S	24° 02' 48.98" E
<b>On-site high-voltage substation</b>	<b>Latitude</b>	<b>Longitude</b>
Central point	30° 38' 14.99" S	24° 02' 46.66" E
<b>Loop-in loop-out lines (132 kV Chameleon-Bushbuck)</b>	<b>Latitude</b>	<b>Longitude</b>
Loop-in Line starting point:	30° 38' 16.71" S	24° 02' 41.92" E
Loop-in Line middle point:	30° 38' 19.71" S	24° 03' 13.51" E
Loop-out Line end point:	30° 38' 37.79" S	24° 04' 53.14" E
<b>Access road from R48</b>	<b>Latitude</b>	<b>Longitude</b>
Access point from R48:	30° 38' 30.84" S	24° 01' 43.47" E
Turning point 1:	30° 38' 15.34" S	24° 02' 42.94" E



MS

Turning point 2:	30° 38' 21.02" S	24° 03' 13.23" E
------------------	------------------	------------------

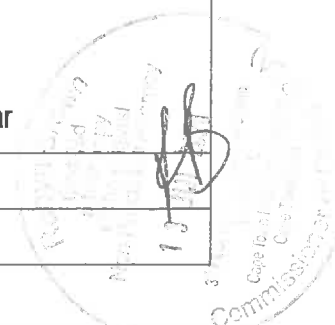
- for the 75 MW Du Plessis Dam Solar PV1 photovoltaic solar energy facility and its associated infrastructure on the Remainder of the Farm Du Plessis Dam 179 near the town of De Aar within the Emthanjeni Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

The 75 MW Du Plessis Dam Solar PV1 photovoltaic solar energy facility will comprise the following:

- A photovoltaic component comprising of many rows of Photovoltaic (PV) panels and associated support infrastructure to generate up to 75MW through the PV effect.
- Central substation: One 132kV substation central to Du Plessis Dam Farm with a connection to the Eskom grid.
- Facility substation: An onsite 132kV, six bay substation to connect the PV1 facility to the powerline.
- Transmission line: 132kV double circuit overhead transmission line to connect the onsite PV facility substation via a "loop in loop out" configuration to the Eskom Chameleon – Bushbuck 132kV transmission line (Solar Capital Line).
- Additional infrastructure: This would include access roads (main and internal), a potential water pipeline for potable water, and storm water infrastructure.
- Laydown area: This area will be used to store equipment and materials and house the construction camp.
- Temporary offices will also be constructed to manage construction activities from a central point.

Technical details for the facility:

Component	Description/ Dimensions
Location of the site	Remainder of the Farm Du Plessis Dam 179 Emthanjeni Local Municipality Pixley ka Seme District Municipality Northern Cape Province Eastern border of the town of De Aar
Facility area (PV plant footprint / fenced area)	up to 291 ha
SG Codes	C05700000000017900000



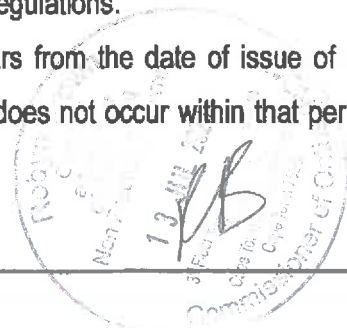
MS

Site access	The development area will be connected to the R48 by means of an upgraded access road approximately 8 m wide.
Export capacity	up to 75 MW
Proposed technology	Solar Photovoltaic
Height of installed panels from ground level	up to < 5 meters
Width and length of internal roads	Internal roads will be 15 km and 8.0 m wide.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The 75 MW Du Plessis Dam Solar PV1 photovoltaic solar energy facility and its associated infrastructure on the Remainder of the Farm Du Plessis Dam 179 near the town of De Aar within the Emthanjeni Local Municipality in the Northern Cape Province is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the environmental 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 environmental 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 environmental 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 environmental authorisation to apply for further environmental authorisation in terms of the regulations.
6. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period,



the environmental authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

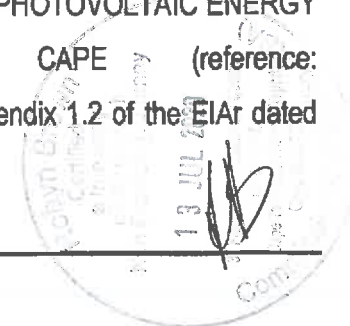
7. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must apply for an amendment of environmental authorisation with the competent authority for any alienation, transfer or 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 environmental 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 Regulations, 2010;
  - 10.3. advise the interested and affected party that a copy of the environmental 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. The Layout Plan drawn by D. Ogier, drawing title: PROPOSED PV1 PHOTOVOLTAIC ENERGY FACILITY NEAR DE AAR, NORTHERN CAPE (reference: S:\Project\E109378\VPV\mxd2\PreferredLayout.mxd) (attached as Appendix 1.2 of the EIAr dated



MS

March 2015) submitted as part of the Application for EA is hereby approved. This approved layout plan must be implemented and adhered to.

13. The Environmental Management Programme (EMPr) submitted as part of the application for EA is hereby approved. This EMPr must be implemented and adhered to.
14. The EMPr must be implemented and strictly enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development when approved.
15. Should the holder of this environmental authorisation propose any changes to the EMPr, the holder of this environmental authorisation must 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.
16. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.
17. A shapefile of the development layout/footprint must be submitted to this Department within two months from the date of this decision. 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 or 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  
Environment House  
473 Steve Biko  
Arcadia



Pretoria

For Attention: Mr Muhammad Essop

Integrated Environmental Authorisations

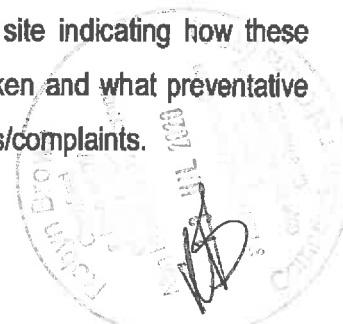
Strategic Infrastructure Developments

Telephone Number: (012) 399 9406

Email Address: MEssop@environment.gov.za

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

18. The holder of this authorisation must appoint an independent and qualified Environmental Control Officer (ECO) with experience or expertise in undertaking ECO functions. The ECO will have the responsibility to ensure that the conditions referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
19. The ECO must be appointed before commencement of any authorised activity.
20. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of this Department.
21. The ECO must meet with the contractors to discuss the conditions of the EA and the contents of the EMPr prior to any site clearing occurring.
22. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
23. Records relating to monitoring and auditing must be kept on site and made available for inspection to the competent authority in respect of this development.
24. The duties of the ECO must include the following:
  - 24.1. Keeping record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
  - 24.2. Keeping and maintaining 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.
  - 24.3. Keeping and maintaining a daily site diary.
  - 24.4. Keeping copies of all reports submitted to the Department.





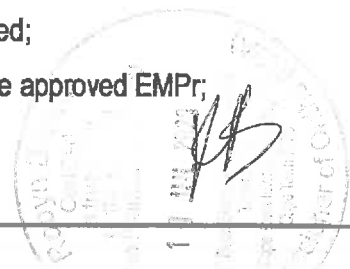
- 24.5. Keeping and maintaining a schedule of current site activities including the monitoring of such activities.
- 24.6. Obtaining and keeping record of all documentation, permits, licences and authorisations such as waste disposal certificates, hazardous waste landfill site licences etc. required by this facility.
- 24.7. Compiling a monthly monitoring report.

### **Recording and reporting to the Department**

25. The holder of this environmental authorisation must keep all records relating to monitoring and auditing on site and make them available for inspection to any relevant and competent authority in respect of this development.
26. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the Director: Compliance Monitoring at this Department.

### **Environmental audit report**

27. The holder of this environmental authorisation must submit an environmental audit report to 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.
28. The environmental audit report must:
  - 28.1. Be compiled by an independent environmental auditor;
  - 28.2. Indicate the date of the audit, the name of the auditor and the outcome of the audit;
  - 28.3. Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
  - 28.4. Include measures to be implemented to attend to any non-compliances or degradation noted;
  - 28.5. Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
  - 28.6. Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are addressed;
  - 28.7. Include a copy of this environmental authorisation and the approved EMPr;



ms

- 28.8. Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this environmental authorisation; and
- 28.9. Include evidence of adherence to the conditions of this environmental authorisation and the approved EMPr where relevant such as training records and attendance records.

### **Commencement of the activity**

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

### **Notification to authorities**

30. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. 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. This notification period may coincide with the Notice of Intent to Appeal period.

### **Operation of the activity**

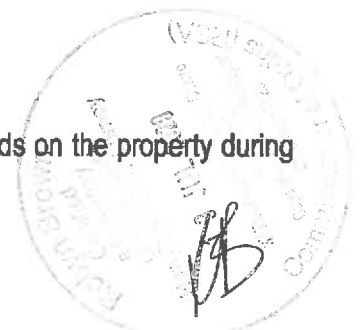
31. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

### **Site closure and decommissioning**

32. Should the activity ever cease or become redundant, the holder of the authorisation must 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**

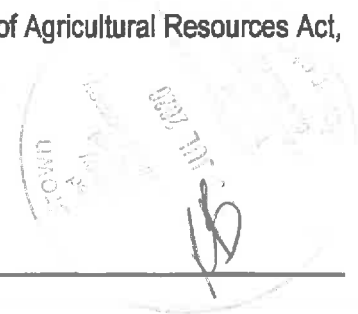
33. A 30 meter buffer area must be maintained around all identified wetlands on the property during all phases of the development.



34. Should any heritage resources of archaeological or paleontological significance be discovered during construction activities, construction must cease and a Phase 2 rescue operation must be undertaken by a qualified specialist. The findings must be submitted to SAHRA and should they have implications to the layout or mitigation measures, these must be submitted to this Department with SAHRA's recommendations for review and consideration.
35. The footprint of the development must be limited to the areas required for actual construction works and operational activities. Vegetation clearing must be limited to the required footprint.
36. Areas outside of the development footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and signage) before construction commences and must be regarded as "no-go" areas. Contractors and construction workers must be clearly informed of the no-go areas.
37. The holder of this authorisation must train safety representatives, managers and workers on workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act.
38. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs.
39. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
40. Watercourses and associated buffer outside the approved footprint/layout must be treated as "no-go" areas and demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
41. Anti-erosion measures such as silt fences must be installed in disturbed areas.
42. Cleared alien vegetation must be temporarily stored in a demarcated area. Once clearing is completed, they must be moved to a licenced waste disposal facility.
43. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information.
44. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
45. Should abnormal loads have to be transported by road to the site, a permit must be obtained from the relevant Provincial and National Transport Authority.
46. Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately. Spill kits must be made available on-site for the clean-up of spills.



47. No dumping or temporary storage of any materials may take place outside designated and demarcated laydown areas, and these must all be located within areas of low environmental sensitivity.
48. Hazardous substances must be stored in a bunded and designated area to avoid accidental leakage into the environment.
49. An integrated waste management approach must be implemented that is based on waste minimisation. Where waste is disposed of, such disposal shall only occur at a landfill licensed in terms of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
50. 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.
51. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
52. Borrow materials must be obtained only from authorized and permitted sites. Permits must be kept on site by the ECO.
53. Dust suppression techniques must be implemented on all exposed surfaces during the construction phase. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.
54. The holder of this authorisation must reduce visual impacts during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques and restoring exposed soil as closely as possible to their original contour and vegetation.
55. Any vegetation clearing that needs to take place as part of maintenance activities (during the operational phase of the approved development), must be done in accordance to the approved EMPr.
56. Monitoring for erosion must take place to ensure that no erosion problems are occurring at the site as a result of the roads and other infrastructure. All erosion problems observed must be rectified as soon as possible as outlined in the erosion management plan within the EMPr.
57. Kerbs and storm water channels must be designed in such a way that they can allow small animals and reptiles to move freely.
58. The holder of the authorisation must comply with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) Articles 7.1 and (3) b of Regulation 9238.



025

59. Top soil and subsoil must be stockpiled separately and replaced according to the correct profile i.e. topsoil replaced last. Stockpiles must not be situated such that they obstruct natural water pathways and drainage channels.
60. Top soil stockpiles must not exceed 2m in height, stockpiles older than 6 months must be enriched before they can be used to ensure the effectiveness of the topsoil.
61. Any fauna directly threatened by the construction activities must be removed to a safe location by a qualified person.
62. All new powerlines must be marked with bird flight diverters along their entire length. To create a net benefit, where possible, the new lines must run parallel to existing marked lines so as to reduce the collision risk posed by the older lines. The poles must be fitted with bird perches on top of the poles to draw birds, particularly vultures away from the potentially risky insulators. All pylons to be constructed must make use of "bird friendly" structures, fitted with a bird perch, as per Eskom standard guidelines.
63. The recommendations of the EAP in the EIAr dated March 2015 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

#### General

64. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, 1998 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 has been finalised.
65. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The environmental authorisation and approved EMPr must be produced 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 authorisation who undertakes work at the property.
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 of the authorisation or his/her 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 of the authorisation with the

conditions of environmental authorisation as set out in this document or any other subsequent document emanating from these conditions of environmental authorisation.

Date of environmental authorisation: 28/09/2015



Mr Sabelo Malaza

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 listed activities as applied for in the amended application form received on 22 April 2015;
- b) The information contained in the EIAr dated March 2015;
- c) The comments received from organs of state and interested and affected parties as included in the EIAr dated March 2015;
- d) Mitigation measures as proposed in the EIAr dated March 2015 and the draft EMPr;
- e) The information contained in the specialist studies contained in the EIAr dated March 2015 and as appears below:

Title	Prepared by	Date
Botanical Impact Assessment	David Hoare Consulting cc (Dr David Hoare)	26 July 2013
Avian Impact Assessment	Avisense Consulting (Andrew Jenkins & Johan du Plessis)	May 2013
Soil and Agriculture Assessment	SIVEST (Kurk Barichievy & Tarryn Curtis)	August 2013
Freshwater Assessment	Toni Belcher	May 2013
Conceptual Stormwater Management Plan	Aurecon South Africa (Pty) Ltd (N.J. Walker & F. Nagdi)	27 August 2013
Palaeontological Assessment	Natura Viva cc (John E. Almond)	July 2013
Heritage Impact Assessment	ACO Associates cc (Jayson Orton & Lita Webley)	10 July 2013
Visual Impact Assessment	Visual Resources Management Africa cc (Stephen Stead, Heather Stead and Lisa Schultz)	July 2013
Draft EMPr	Aurecon South Africa (Pty) Ltd. (Corlie Steyn, Franci Gresse & Louise Corbet)	23 March 2015

Glint and Glare Analysis	Sunpower Corporation (Document #502689)	undated
--------------------------	---	---------

- f) 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) Details provided of the qualifications of the Environmental Assessment Practitioner (EAP).
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) 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) as required by the Department of Energy.
- d) The EIAr dated March 2015 identified all legislation and guidelines that have been considered in the preparation of the EIAr.
- e) The 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.
- f) The methodology used in assessing the potential impacts identified in the EIAr dated March 2015 and the specialist studies have been adequately indicated.
- g) 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 EIAr 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) The manner in which concerns raised were dealt with is sufficient for the decision-making process.
- e) The information contained in the EIAr is deemed to be accurate and credible.
- f) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr 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 authorised 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 authorised activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.





# environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

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

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

Enquiries: Ms Bongeka Mtyana

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

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

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

## PER EMAIL / MAIL

Dear Mr Morse

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

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

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

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

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

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

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

*M.S*

**Reason for amendment:**

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

**General**

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

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

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

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

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

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

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

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

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

By post: Private Bag X447,

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

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

Pretoria,  
0001;

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

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

Yours faithfully



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

Date: 12/08/2020

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