



## 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/0000609/2011

**DEA Reference:** 12/12/20/2498

**Enquiries:** Mr Jay-Jay Mpelane

**Telephone:** 012-310-3004 **Fax:** 012-320-7539 **E-mail:** jmpelane@environment.gov.za

Mr Warren Morse  
Mulilo Renewable Energy (Pty) Ltd  
P.O. Box 50  
**CAPE TOWN INTERNATIONAL AIRPORT**  
7525

Fax no: 021-935-0505

### **PER FACSIMILE / MAIL**

Dear Mr Morse

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.544 AND R. 546: 19.9MW PHOTOVOLTAIC SOLAR ENERGY FACILITY (PV4) ON ANNEX DU PLESSIS DAM FARM NEAR DE AAR, EMTHANJENI LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to accept the Amended Basic Assessment Report (BAR) dated 17 August 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 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: 28/09/2012

CC:	Ms Karen de Bruyn	Aurecon	Tel: 021-526-9400	Fax: 021-526-9500
	Ms Anga Yaphi	NDEANC	Tel: 054-332-2885	Fax: 054-331-1155
	Mr Isack Visser	Emthanjeni Local Municipality	Tel: 053-632-9100	Fax: 053-631-0105
	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

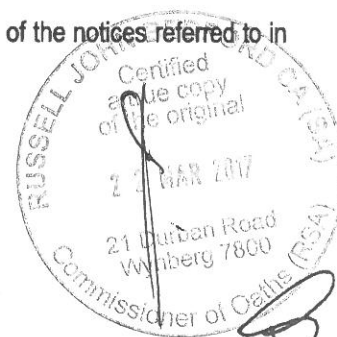


**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

<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

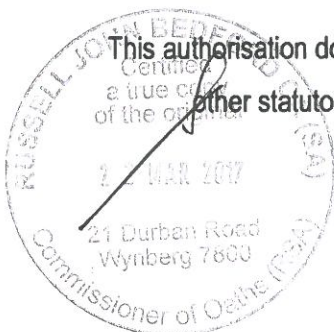
In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

**Construction of a 19.9MW Photovoltaic Solar Energy Facility (PV4) on the farm Annex Du Plessis Dam near De Aar, Northern Cape Province**

**Pixley ke Seme District Municipality**

<b>Authorisation register number:</b>	12/12/20/2498
<b>NEAS reference number:</b>	DEA/EIA/0000609/2011
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Mulilo Renewable Energy (Pty)
<b>Location of activity:</b>	Northern Cape Province: Within the Emthanjeni Local Municipality

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 Renewable Energy (Pty) Ltd**

with the following contact details –

Mr Warren Morse

Mulilo Renewable Energy (Pty) Ltd

P.O. Box 50

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Tel: (021) 934 5278

Fax: (021) 935 0505

Cell: (083) 760 9586

E-mail: [warren@mulilo.com](mailto:warren@mulilo.com)



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

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 1:</u></p> <p>The construction of facilities or infrastructure for the generation of electricity where:</p> <p>(i) the electricity output is more than 10 megawatts but less than 20 megawatts.</p>	<p>Construction of a 19.9 MW photovoltaic solar energy plant on a site of approximately 1060ha near De Aar in the Northern Cape.</p>
<p><u>GN R. 544 Item 10:</u></p> <p>The construction of facilities or infrastructure for the transmission and distribution of electricity-</p> <p>(i) outside urban areas or industrial complexes with a capacity of more 33 but less than 275 kilovolts.</p>	<p>A 132 kV distribution line would be required to connect into Eskom's Hydra Sub-station.</p>
<p><u>GN R. Item 11 (x and xi):</u></p> <p>The construction of:</p> <p>(x) buildings exceeding 50 square metres in size.</p> <p>(xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>Buildings and structures exceeding 50m<sup>2</sup> are being proposed and it is possible that these might be within 32 metres of small tributaries.</p>
<p><u>GN R.546 Item 10 (a):</u></p> <p>The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</p> <p><b>(a) In Northern Cape Province:</b></p> <p>(ii) Outside urban areas</p>	<p>Dangerous goods might be stored and handled on site from time to time within 100 m of a watercourse.</p>



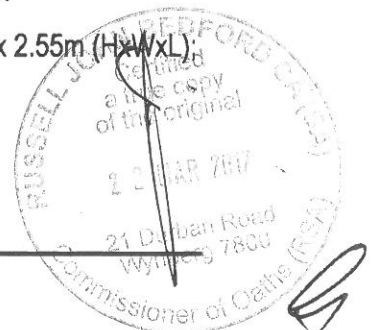
as described in the Amended Basic Assessment Report (BAR) dated August 2012 at:

	Latitude (S)	Longitude (E)
<b>Site Alternative S1</b>	30° 38'15.47"	24° 04'41.00"
<b>Transmission line Alternative 1 (T1.1)</b>		
Starting point of activity	30° 38'11.85"	24° 02'32.47"
Middle point of activity	30° 38'12.17"	24° 03'31.24"
End point of activity	30° 38'15.48"	24° 04'25.92"
<b>Access route</b>		
Starting point of activity	30° 38'28.88"	24° 04'27.25"
Middle point of activity	30° 38'36.04"	24° 04'53.36"
End point of activity	30° 38'52.79"	24° 05'15.50"

- for the construction of a 19.9 MW Photovoltaic (PV) Solar Energy Facility (PV4) on the farm Annex Du Plessis Dam near De Aar within the Emthanjeni Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

Associated infrastructure for the PV facility includes:

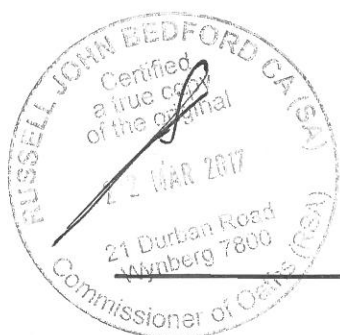
- **Powerline:** A 132 kV line (3 km in length) to be connected to the De Aar Substation. The voltage of the line will most likely be 132 kV, but could be reduced to 22 kV depending on the available capacity.
- **Storm water:** Storm water infrastructure such as concrete channels to manage the on-site runoff and to direct the flow of storm water.
- **Access roads:** Access road of 1.5 km in length which will connect the site to Arend Street.
- **Internal access:** Internal access routes to link key inverter houses and the solar arrays with roads of between 2m and 4m in width.
- **Substation:** The distribution substation which is approximately 50m x 50m in size.
- **Buildings:** Connection centre building: 2.5m x 2.55m; Control centre: 6m x 10m x 2.55m (HxWxL); Guard cabin / offices; and an electrical sub-station.



- **Solar resource measuring station:** Resource measuring stations providing remote monitoring and feedback of the plant performance.
- **Fencing:** An electrified fence of  $\pm 2.9$ m height.

## Conditions of this Environmental Authorisation

1. The preferred site (Site Alternative 1, Transmission line Alternative 1 (T1.1) and the preferred access) are 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.



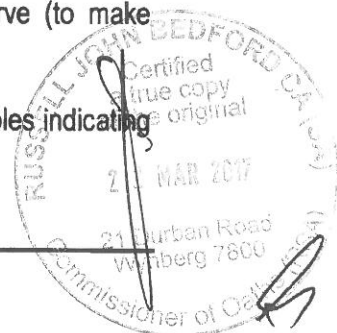


### Notification of authorisation and right to appeal

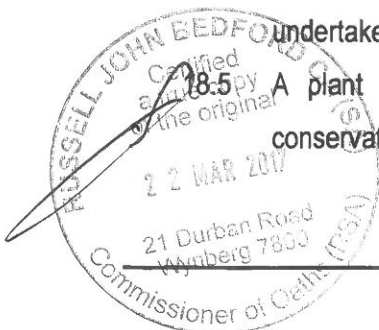
9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
  - 10.1. specify the date 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

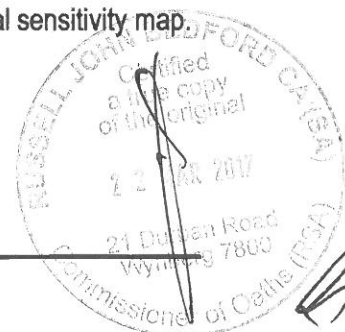
12. A copy of the final site layout plan must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout plan. Existing infrastructure must be used as far as possible e.g. roads. The layout plan must indicate the following:
  - 12.1 Position of solar facilities and its associated infrastructure;
  - 12.2 Foundation footprint;
  - 12.3 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);
  - 12.4 Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;



- 12.5 All sensitive features e.g. heritage sites, wetlands and drainage channels that will be affected by the facility and associated infrastructure;
  - 12.6 Sub-station(s) and/or transformer(s) sites including their entire footprint;
  - 12.7 Connection routes (including pylon positions) to the distribution/transmission network;
  - 12.8 All existing infrastructure on the site, especially roads;
  - 12.9 Buildings, including accommodation; and
  - 12.10 All "no-go" and buffer areas.
13. The Environmental Management Programme (EMPr) submitted as part of the Amended BAR dated August 2012 must be **amended** to include measures as dictated by the final site lay-out plan 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 Amended Bar dated August 2012 be discovered.
17. The provisions of the approved EMPr including recommendations and mitigation measures in the Amended Bar dated August 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 Amended BAR dated August 2012.
  - 18.2 The requirements and conditions of this authorisation.
  - 18.3 The final site layout plan.
  - 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 plan superimposed on the environmental sensitivity map.



### Environmental Control Officer (ECO) and duties

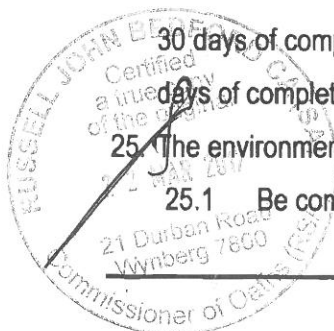
19. The holder of this authorisation must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance 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 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;



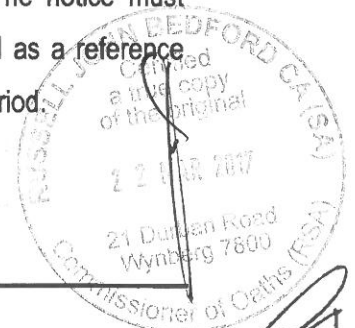
- 25.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
- 25.3 Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
- 25.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
- 25.5 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

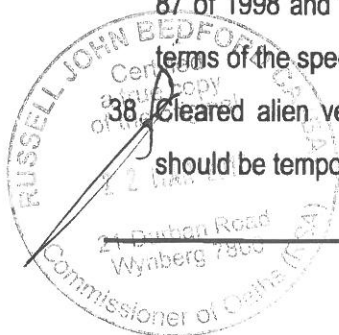
30. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

### Site closure and decommissioning

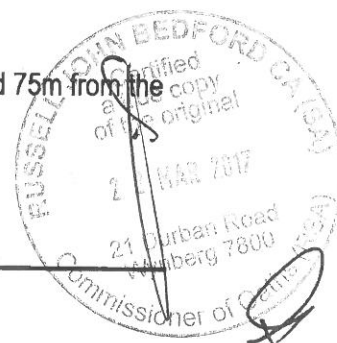
31. Should the activity ever cease or become redundant, the holder of this authorisation shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

### Specific conditions

32. 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.
33. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
34. A lighting engineer must be consulted to assist in the planning and placement of light fixtures in order to reduce the impacts associated with glare and light trespass.
35. 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.
36. 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.
37. 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.
38. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.



39. 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).
40. The applicant must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.
41. 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.
42. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
43. 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.
44. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. 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.
45. 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.
46. The applicant must train safety representatives, managers and workers in workplace safety. All applicable safety standards and regulations, including for subcontractors must be enforced.
47. A bird monitoring programme must be implemented and undertaken once every six months for a period of up to 12 months prior to construction and 12 months after construction (operation phase) to document the effect of the operation of the solar energy facility on birds.
48. Final reports regarding bird monitoring must be submitted to BirdLife South Africa, the Endangered Wildlife Trust (EWT) and this Department on a six-monthly 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.
49. The area around the historical farm werf must be cordoned off, protected from all harm and treated as an outright no-go area.
50. Disturbed areas within the riparian zones and stream beds must be rehabilitated after construction has been completed and revegetated with suitable indigenous vegetation.
51. A buffer of 30m must be maintained adjacent to the identified rivers and streams and 75m from the wetland areas.



52. The applicant must obtain a way leave from the Department of Public Transport Roads and Works prior construction.
53. Anti-collision devices such as bird flappers must be installed where transmission lines crosses avifaunal corridors.

### General

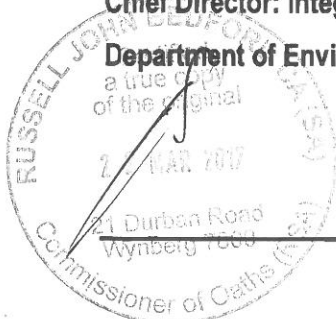
54. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The environmental authorisation as well as any amendment to the environmental authorisation and approved EMPr must be provided to any authorised official of the Department who requests 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.
55. 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.
56. 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: 28/09/2012



**Mr Mark Gordon**

**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**





## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

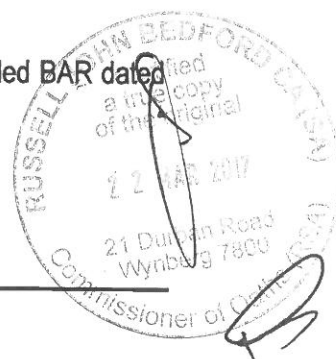
In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated April 2012 and the amended BAR dated August 2012;
- b) The comments received from organs of state and interested and affected parties as included in the BAR dated April 2012 and the amended BAR dated August 2012;
- c) Mitigation measures as proposed in the amended BAR dated August 2012;
- d) The information contained in the specialist studies contained within Appendix D of the BAR dated August 2012;
- e) Findings of the site visit conducted on 06 June 2012; and
- 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) 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 FBAR dated April 2012 and the amended BAR dated August 2012 identified all legislation and guidelines that have been considered in the preparation of the amended BAR dated August 2012.
- d) The methodology used in assessing the potential impacts identified in the amended BAR dated August 2012 and the specialist studies have been adequately indicated.



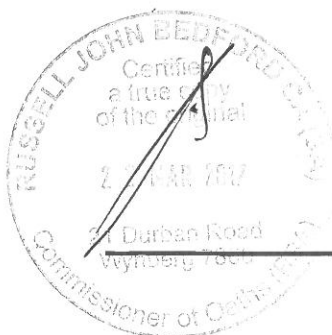
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

### 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 amended BAR dated August 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) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the Amended BAR dated August 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 · Federe Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0000609/2011

DEA Reference: 12/12/20/2498

Enquiries: Jay-Jay Mpelane

Telephone: (012) 310 3004 Fax: 012-320-7539 E-mail: Jmpelane@environment.gov.za

Mr Warren Morse  
Du Plessis Solar PV4 (Pty) Ltd  
PO Box 50  
CAPE TOWN INTERNATIONAL AIRPORT  
7525

Fax Number: (021) 935 0505

Telephone Number: (021) 934 5278

### **PER FACSIMILE / MAIL**

Dear Mr Morse

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 SEPTEMBER 2012 FOR THE PROPOSED CONSTRUCTION OF A 19.9MW PHOTOVOLTAIC SOLAR ENERGY FACILITY (PV4) ON THE FARM ANNEX DU PLESSIS DAM NEAR DE AAR, EMTHANJENI LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the above application by this Department on 28 September 2012, the application for amendment received by this Department on 02 October 2013 and the amended application form for amendment dated 06 December 2013 submitted in terms of the provisions of sub-regulation 39(1) of the EIA Regulations 2010, refer.

#### **Amendment 1: Amendment to the holder of the Environmental Authorisation:**

Based on a review of the reason for requesting an amendment to the above Environmental Authorisation, this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the EA dated 28 September 2012 as follows:

The current holder of the Environmental Authorisation:

#### **From:**

"Mulilo Renewable Energy (Pty) Ltd"

Represented by: Mr Warren Morse  
PO Box 50  
CAPE TOWN INTERNATIONAL AIRPORT  
7525

Tel: (021) 934 5278  
Fax: (021) 935 0505



Cell: (083) 760 9586  
E-mail: warren@mulilo.com

**To:**

"Du Plessis Solar PV4 (Pty) Ltd"

Represented by: Mr Warren Morse  
PO Box 50  
CAPE TOWN INTERNATIONAL AIRPORT  
7525

Telephone Number: (021) 934 5278  
Cell phone Number: (083) 760 9586  
Fax Number: (021) 935 0505  
Email Address: warren@mulilo.com

**Amendment 2: Amendment to a change in the route of the approved transmission line:**

Based on a review of the reasons for requesting an amendment to the powerline route, this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided not to amend the Environmental Authorisation dated 28 September 2012. The reasons for the decision are provided below:

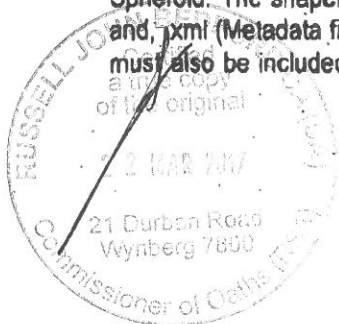
The change in the route of the transmission line from the approved T.1.1 to Alternative 1 transmission alignment assessed during the current EIA process undertaken at Du Plessis Dam Farm is not approved.

The Department is currently reviewing and considering an application for another project on the same property which will share the powerline with the already approved facility. This Department cannot consider the application for amendment as the final decision on the approval or refusal for the new project has not been made. In addition, it is uncertain which powerline route may be approved by this Department. Approval of this amendment will be subject to the decision relating to the application for Environmental Authorisation for the PV facilities on Du Plessis Dam Farm as well as the final powerline route.

Once a decision on the application for Environmental Authorisation has been made, this Department may reconsider the application for amendment. A new application for amendment needs to be submitted which can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department within two (02) months of 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 .lay 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 amendment letter must be read in conjunction with the EA dated 08 August 2013.

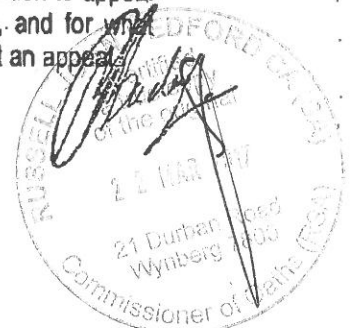
In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the Department's decision in respect of the amendment made as well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

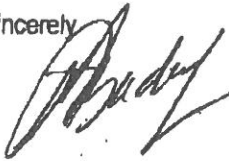
Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: (012) 310 3271

Email: AppealsDirectorate@environment.gov.za

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.

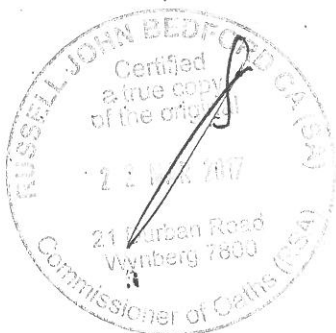
Yours sincerely



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

Date: 14/02/2014

CC: Miss Franci Gresse	Aurecon South Africa (Pty) Ltd	Tel: (021) 526 6022	Fax: (021) 526 9500
Mr Anga Yaphi	NDEANC	Tel: (054) 332 2885	Fax: (054) 331 1155



**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)**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
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 appeal 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:-**

- 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;
- 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:-**

- the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

**3. An appeal must be:-**

- submitted in writing;
- 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, Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/2498/AM4

Enquiries: Mr Muhammad Essop

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

Mr Warren Morse  
Du Plessis Solar PV4 (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

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 SEPTEMBER 2012 FOR THE CONSTRUCTION OF A 19.9MW PHOTOVOLTAIC SOLAR ENERGY FACILITY (PV4) ON THE REMAINDER OF THE FARM DU PLESSIS DAM NUMBER 179 NEAR DE AAR, PIXLEY KE SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 28 September 2012, your application for amendment to the EA received by this Department on 12 June 2015 and receipt thereof acknowledged on 19 June 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 28 September 2012 as follows:

#### Amendment 1: Amendment to the property description:

The title on Page 01 of the EA:

#### From:

*"Construction of a 19.9MW Photovoltaic Solar Energy Facility (PV4) on the farm Annex Du Plessis Dam near De Aar, Northern Cape Province."*

#### To:

*"Construction of a 19.9MW Photovoltaic Solar Energy Facility (PV4) on Remainder of the Farm Du Plessis Dam Number 179 near De Aar, Northern Cape Province."*





Page 04 of the EA:

**From:**

*"- for the construction of a 19.9 MW Photovoltaic (PV) Solar Energy Facility (PV4) on the farm Annex Du Plessis Dam near De Aar within the Emthanjeni Local Municipality in the Northern Cape Province, hereafter referred to as "the property"."*

**To:**

*"- for the construction of a 19.9 MW Photovoltaic (PV) Solar Energy Facility (PV4) on Remainder of the Farm Du Plessis Dam Number 179 near De Aar within the Emthanjeni Local Municipality in the Northern Cape Province, hereafter referred to as "the property"."*

**Amendment 2: 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 28 September 2012 (i.e. the EA lapses on 28 September 2017). 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. 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

This proposed amendment letter must be read in conjunction with the EA dated 28 September 2012.



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: Private Bag X447,  
Pretoria,  
0001; or

By hand: Environment House  
473 Steve Biko,  
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: 2/3/2015

cc:	Ms Nicole Holland a true and correct copy of the original	Holland and Associates Environmental Consultants (Pty) Ltd	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:** 12/12/20/2498/AM5

**Enquiries:** Mr Vincent Chauke

**Telephone:** (012) 399 9399 **E-mail:** [vchauke@environment.gov.za](mailto:vchauke@environment.gov.za)

Mr Warren Morse  
Du Plessis Solar PV4 (Pty) Ltd  
P.O. Box 548  
Howard Place  
**CAPE TOWN**  
7450

Telephone Number: (021) 685 3240  
E-mail Address: [warren@mulilo.com](mailto:warren@mulilo.com)

### **PER E-MAIL / MAIL**

Dear Mr Morse

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 SEPTEMBER 2012 THE CONSTRUCTION OF A 19.9 MW PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY (PV4) ON REMAINDER OF THE FARM DU PLESSIS DAM NUMBER 179 NEAR 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 2012, the first amendment to the EA dated 14 February 2014, the fourth amendment to the EA dated 02 July 2015, and your application for amendment of the EA received by the Department on 11 April 2017 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, on 07 April 2017, has decided to amend the EA dated 28 September 2012 as follows:

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

##### **Current contact details**

Mr Warren Morse  
Du Plessis Solar PV4 (Pty) Ltd  
P.O. Box 50  
**CAPE TOWN INTERNATIONAL AIRPORT**  
7525

Tel: (021) 934 5278  
Fax: (021) 935 0505  
Cell: (083) 760 9586  
E-mail: [warren@mulilo.com](mailto:warren@mulilo.com)

To

Mr Warren Morse  
Du Plessis Solar PV4 (Pty) Ltd  
P.O. Box 548  
Howard Place  
**CAPE TOWN**  
7450

Telephone Number: (021) 685 3240  
Cell phone Number: (083) 760 9586  
Fax Number: (086) 635 6809  
E-mail Address: [warren@mulilo.com](mailto:warren@mulilo.com)

The applicant applied to amend contact details of the EA because the holder of the EA has recently moved office premises. The EA must include up to date contact details for the holder of the EA for future correspondence.

**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 28 September 2012, which was then extended to 28 September 2017 (i.e. the EA lapses on 28 September 2020). 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 REIPPPP. The applicant intends to bid this project in the DoE REIPPPP future rounds.

This amendment letter must be read in conjunction with the EA dated 28 September 2012, 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 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 X447,  
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: 03/05/2017

cc:	Ms N Holland	Holland & Associates Environmental Consultants	Email: <a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a>
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