



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Reference: 14/12/16/3/1/2/19

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PER EMAIL/MAIL

Dear Mr Clark

APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014 REGARDING THE 5 MEGAWATTS PHOTOVOLTAIC FACILITY NEAR COPPERTON WITHIN THE SIYATHEMBA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

Your correspondence received by this Department on 30 March 2016, refers.

Your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014, as defined in GN No. R. 983, R. 984 and R. 985 of 14 December 2014. Based on the information provided by you regarding the proposed construction of the 5MW photovoltaic facility near Copperton within the Siyathemba Local Municipality in the Northern Cape Province, this Department wishes to advise as follows:

- *Activity 1 of GN. R. 983: The development of facilities or infrastructure for the generation of electricity from a renewable resource where-*
 - (i) *the electricity output is more than 10 megawatts but less than 20 megawatts; or*
 - (ii) *the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1ha; excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area.*

According to the confirmation from the Siyathemba Local Municipality, the proposed development falls within the boundaries or footprint of the built-up area of Copperton and the maximum output of the photovoltaic facility will be 5 megawatts covering an area of 19ha. This activity is therefore not applicable.

- *Activity 11 of GN. R. 983: The development of facilities or infrastructure for the transmission and distribution of electricity-*
 - (i) *outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;*

The proposed development will include an 11kV overhead transmission power line. However, the proposed capacity of a power line does not exceed 33 kilovolts. This activity is therefore not applicable.

- Activity 12 of GN. R. 983: The development of-
 - (x) building exceeding 100 square metres in size;
 - (xii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs-
 - (b) in front of a development setback; excluding-
 - (dd) where such development occurs within an urban area.

No structures and/or infrastructure of 100 m² or more will be constructed within 32 meters of any identified/mapped drainage lines/watercourse as indicated by the EAP. This activity is not triggered.

Based on the information provided by you, this Department is of the opinion that the proposed development does **not** trigger a listed activity as defined in terms of the NEMA EIA Regulations, 2014. Written authorisation is therefore not required from this Department.

However, should any revision of your development comprise any activities that constitute a listed activity as defined in the EIA Regulations applicable at the time, an application for environmental authorisation must be submitted to the relevant competent authority and authorisation obtained before such activity(ies) may commence.

You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

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.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Milicent Solomons
Designation: Director: Strategic Infrastructure Developments
Date: 11/05/2016.