



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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

DFFE Reference: 12/12/20/2499/AM8
Enquiries: Ms Makhosazane Yeni
Telephone: (012) 399 9400 **E-mail:** MYeni@dffe.gov.za

Mr Warren Morse
Mulilo Total Hydra Storage (Pty) Ltd
PO Box 548
Howard Place
CAPE TOWN
7450

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

PER EMAIL

Dear Mr Morse

AMENDMENT TO THE ENVIRONMENTAL AUTHORITY ISSUED ON 09 JULY 2012 (AS AMENDED) FOR THE PROPOSED 100MW PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINDER OF PORTION 1 OF THE FARM DE AAR NO. 180 WITHIN THE EMTHANJENI LOCAL MUNICIPALITY NEAR DE AAR IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Competent Authority (CA) on 09 July 2012, the amendments to the EA dated 28 September 2012, 08 March 2013, 15 April 2015, 06 April 2017, 09 July 2020, 08 June 2021 and 05 July 2021, your application for amendment of the EA received by the CA on 06 June 2022, the acknowledgement letter dated 10 June 2022 requesting additional information, the draft motivation report received by the CA on 29 July 2022, the comments on the draft amendment motivation report dated 24 August 2022 and the final motivation report received by the CA on 08 September 2022, refer.

Based on a review of the reason for requesting an amendment to the above EA, this CA, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 09 July 2012, as amended, as follows:

Amendment 1: Amendment of the validity period of the EA – commencement of authorised activities

From:

The activity must commence within a period of two (2) years from the date of expiry of the EA dated 09 July 2012, now extended to 09 July 2022. 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.

To:

The activity must commence within a period of three (3) years from the date of expiry of the EA dated 09 July 2012, as amended of which is now extended to **09 July 2025**. 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.

Reason for amendment:

The extension of the validity of the EA is required because of the following reasons:

- The Mulilo Total Hydra Storage (MTHS) project is a preferred bidder in the Risk Mitigation Independent Power Producer Procurement Programme (RMIPPPP).
- Delay in implementation of the Risk Mitigation Independent Power Producer Procurement Programme (RMIPPPP) was caused by the DNG Power Holdings court case. DNG, which was seeking to supply power from gas-fired plants had applied to have the RMIPPPP process halted, citing procedural irregularities, conflict of interest and corrupt activities that resulted in the improper awarding of preferred bidder status specifically to the three Karpowership projects.

This proposed amendment letter must be read in conjunction with the EA dated 09 July 2012, as amended.

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 fourteen (14) days of the date of the decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the EIA Regulations.

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.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which 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 twenty (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: appealsdirectorate@dffe.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, 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.dffe.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirectorate@dffe.gov.za.

Yours faithfully



Mr Vusi Skosana
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Date: 29 September 2022

cc:	Ms Susanna Nel	Landscape Dynamics Environmental Consultants (Pty) Ltd	Tel: 021 460 6043	Email: info@landscapedynamics.co.za
	Mr Abie Abrahams	The Northern Cape Provincial	Tel: 053 631 0616	Email: Abraham.denc@gmail.com
	Mr Bryan Fischer	Department of Environment and Nature	Tel: 053 807 7430	Email: Bfisher@ncpg.gov.za
	Ms Natalie Uys	Conservation (DENC)	Tel: 053 631 0601	Email: nuys.denc@gmail.com
	Mr Isak Visser (Municipal Manager)	Emthanjeni Local Municipality	Tel: 053 632 9100	Email: visser@emthanjeni.co.za



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Tel(+ 27 12) 399 9000

Enquiries: Devinagie Bendeman Telephone: 012 399 9337 E-mail: vbendeman@dfpe.gov.za

Mr. Vusi Skosana
Director: IEA: National Integrated Authorisations

Dear Mr. Skosana

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 26 SEPTEMBER 2022 UNTIL 14 OCTOBER 2022

I hereby inform you that I have decided to appoint you as Acting Chief Director: Integrated Environmental Authorizations, for the period of 26 September 2022 until 14 October 2022 whilst Ms Milicent Solomons is on annual leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms Devinagie Bendeman
Deputy Director-General: RCSM (Regulatory Compliance and Sector Monitoring)
Date: 23/09/2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorisations

Signed:

Date: 26 September 2022