

RV01/let-24Jan13

24 January 2013

Dear Sir/Madam

SCOPING AND EIA PROCESS FOR THE PROPOSED DE AAR SOLAR ONE PHOTOVOLTAIC POWER PROJECT, NORTHERN CAPE (DEA REF NO. 12/12/20/2313; NEAS REF NO. DEA/EIA/0000362/2011): NOTIFICATION OF ENVIRONMENTAL AUTHORISATION

Our previous correspondence of 10 August 2012 regarding the above-mentioned project has reference. This letter serves to notify you of an Environmental Authorisation issued for the above-mentioned project and the associated appeals procedure.

On behalf of Business Venture Investment 1421 (Pty) Ltd, notice is hereby given that on 21 January 2013 the Department of Environmental Affairs (DEA) issued an Environmental Authorisation (also dated 21 January 2013) for the above-mentioned project in terms of the National Environment Management Act (No. 107 of 1998) (NEMA), as amended. This gives Business Venture Investment 1421 (Pty) Ltd authorisation to develop the proposed 30 MW De Aar Solar One Photovoltaic Power project on Portion 3 of Farm Hartebeestplaats 135.

A copy of the Environmental Authorisation is available on request or can be downloaded from CCA Environmental (Pty) Ltd (CCA) website at <http://www.ccaenvironmental.co.za>. The Environmental Authorisation outlines, amongst others, the decision, the activities authorised, conditions of authorisation, reasons for the decision and the appeal process (as outlined in Chapter 7 of the Environmental Impact Assessment Regulations 2010). The reasons for the decision have been enclosed with this letter.

Your attention is drawn to your right to lodge a formal appeal with the Minister. A copy of the appeals procedure has also been enclosed for further information. In summary, any person who wishes to appeal against the Environmental Authorisation issued for the proposed project must lodge a Notice of Intention to Appeal with the Minister within **twenty (20) days** of the date of the Environmental Authorisation. A Notice of Intent to Appeal must be lodged by means of one of the following methods:

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

The appeal must be submitted within **thirty (30) days** after the lapsing of the twenty (20) days provided for the lodging of the Notice of Intention to Appeal. Appeals must be submitted in writing to Mr T Zwane (Senior Legal Administration Officer (Appeals)) at the above-mentioned addressed and facsimile number.

The prescribed Notice of Intention to Appeal and Appeal Forms can be obtained from Mr T Zwane at:

- Telephone: (012) 310 3929; or
- E-mail: tzwane@environment.gov.za

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Tel +27 (21) 461 1118/9 • Fax +27 (21) 461 1120 • email: info@ccaenvironmental.co.za • website: www.ccaenvironmental.co.za

Directors: J Crowther F Fredericks • Associate: J Blood • Reg No 2003/019026/07

Please note, should you wish to appeal, the appellant must serve on the applicant, within **ten (10) days** of having submitted the Notice of Intention to Appeal with the Minister, a copy of the Notice of Intention to Appeal Form, as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. The applicant's contact details are as follows:

Business Venture Investments 1421 (Pty) Ltd
Attention: Mr Reinhold Viljoen
c/o RV & Associates
26 Skaife Street
HOUT BAY
7806

Telephone: +27 (0)21 790 8160
Facsimile: +27 (0)21 790 7286
Cell: +27 (0)82 333 5723
E-mail: ray@gnx.co.za

We thank you for your interest in this matter. Please do not hesitate to contact our Jeremy Blood or the undersigned should you have any queries in this regard.

Yours sincerely



Jonathan Crowther Pr.Sci.Nat., CEAPSA
CCA ENVIRONMENTAL (PTY) LTD

Encl.

cc. Mr Reinhold Viljoen, Business Venture Investments 1421 (Pty) Ltd

Department of Environmental Affairs
Environmental Authorisation Reg. No. 12/12/20/2313
NEAS Reference Number: DEA/EIA/0000362/2012

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The information contained in the EIR dated August 2012;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated August 2012;
- c) Mitigation measures as proposed in the EIR dated August 2012 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix 4 of the EIR;
- e) Findings of the site visit conducted on 04 October 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 EIR dated August 2012 identified all legislation and guidelines that have been considered in the preparation of the EIR dated August 2012.
- d) The methodology used in assessing the potential impacts identified in the EIR 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.

Department of Environmental Affairs
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3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIR dated 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) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR 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.

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"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
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.