



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) 399 9372

DEA Reference: 12/12/20/2501/AM4

Enquiries: Mr Muhammad Essop

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

Mr Warren Morse
Mulilo Prieska PV (Pty) Ltd
PO Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7525

Telephone Number: (021) 934 5268
Email Address: warren@mulilo.com

PER EMAIL /MAIL

Dear Mr Morse

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 13 AUGUST 2012 FOR THE CONSTRUCTION OF A 100MW PHOTOVOLTAIC (PV) FACILITY ON PORTION 4 OF THE FARM NO 117, FARM KLIPGATS PAN, COPPERTON, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 13 August 2012, the amendments to the EA issued by this Department on 08 October 2012, 29 October 2012 and 16 August 2013, your application for amendment to the EA received on 20 April 2016, the acknowledgement letter dated 25 April 2016, the draft report received on 23 May 2016, the comments issued by this Department on 15 June 2016, the final report received on 08 July 2016 and the additional information received on 08 July 2016 and 31 August 2016 refer.

The applicant wishes to amend the EA for the abovementioned project by splitting the EA as follows:

- EA 1 – Main Authorisation for the 100MW PV facility;
- EA 2 – Grid Connection Authorisation for the substation and the powerline associated with the PV facility;
- Change the holder of the EA for the PV facility from “Mulilo Prieska PV (Pty) Ltd” to “Mulilo Prieska PV (RF) (Pty) Ltd; and,
- Change the holder of the EA for the Grid Connection EA to Eskom Holdings SoC Limited.

Based on a review of the application for amendment and the supporting documentation to amend the above EA, this Department, in terms of Regulation 33(1) of the Environmental Impact Assessment Regulations, 2014, has decided **not to amend** the EA dated 13 August 2012 as amended. The reasons for the decision are provided below:

This Department acknowledged receipt of the application for amendment on 25 April 2016 stating that the amendment falls within the ambit of an amendment to be applied for in terms of Part 2 Chapter 5 of the EIA Regulations, 2014.

The applicant stated in the application form that construction on site has commenced in March 2015 in line with the conditions included in the EA.

MS.

The activities authorised only include a construction element and do not include an operational component. There is only one aspect to the EA once commencement has been effected. There will not be any other aspect of the identified listed activity that has not yet been commenced with what was authorised. The scope of the Department's mandate does not extend beyond authorising the commencement of the identified listed activity.

As a result of the above, and due to Regulation 31 of the EIA Regulations, 2014, this Department refuses to split the EA as follows:

- EA 1 – Main Authorisation for the 100MW PV facility;
- EA 2 – Grid Connection Authorisation for the substation and the powerline associated with the PV facility;
- Change the holder of the EA for the PV facility from "Mulilo Prieska PV (Pty) Ltd" to "Mulilo Prieska PV (RF) (Pty) Ltd; and,
- Change the holder of the EA for the Grid Connection EA to Eskom Holdings SoC Limited.

As such, should you wish to proceed with the proposed amendments as outlined in the application for amendment, you are required to enter in a contractual agreement between the two proposed holders.

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,
0083

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

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).

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 06/10/2016.

cc:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
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Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: iabader@environment.gov.za

Mrs. Milicent Solomons
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 05 OCTOBER 2016 UNTIL 06 OCTOBER 2016

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 05 October 2016 until 06 October 2016 while Mr. Sabelo Malaza 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 this 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.

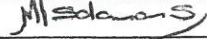
Yours sincerely


Mr. Ishaam Abader
DDG: LACE

Date: 27/09/2016

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~ appointment
as Acting Chief Director: integrated
environmental authorisations

Signed: 

Date: 28/09/2016