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Die Brief is ook in Afrikaans beskikbaar op versoek

3 March 2014

Email: [nelis.bezuidenhout@aurecongroup.com](mailto:nelis.bezuidenhout@aurecongroup.com)

Dear Sir/ Madam

**19.9MW PHOTOVOLTAIC SOLAR ENERGY FACILITY (PV4) ON THE FARM ANNEX DU PLESSIS DAM  
NEAR DE AAR, NORTHERN CAPE PROVINCE  
DEA REF. NO: 12/12/20/2498; NEAS REF. NO: DEA/EIA/0000609/2011**

**NOTICE OF AMENDED APPLICATION**

The purpose of this letter is to inform you of the Department of Environmental Affairs (DEAs) decision, dated 14 February 2014, on the application for amendments to the existing approved Environmental Authorisation (EA) that was issued on 28 September 2012 in terms of Regulations pursuant to the National Environmental Management Act, No. 107 of 1998, as amended (NEMA).

**1) AMENDMENTS APPLIED FOR:**

The following amendments were applied for:

- (i) **Name change:** The holder of the EA needs to change from Mulilo Renewable Energy (Pty) Ltd to Du Plessis Solar PV4 (Pty) Ltd.
- (ii) **Transmission route change:** Change in the route of the approved transmission line from the approved T.1.1 to Alternative 1 transmission corridor assessed during the current Environmental Impact Assessment (EIA) process being undertaken at Du Plessis Dam Farm (DEA Reference Numbers: 14/12/16/3/3/2/454, 14/12/16/3/3/2/455 and 14/12/16/3/3/2/456).

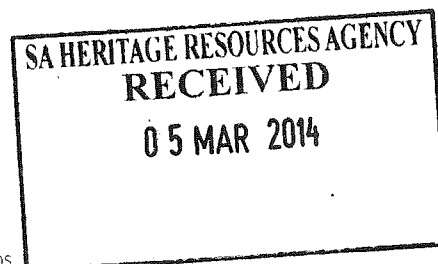
**2) DEA's DECISION:**

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

In terms Regulation 42 of the EIA Regulations, 2010, DEA has decided to **grant amendment** of the EA to change the current holder of the EA from "Mulilo Renewable Energy (Pty) Ltd" to "Du Plessis Solar PV4 (Pty) Ltd".

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

DEA has decided to **reject** the application to amend the transmission line route in terms of Regulation 42 of the EIA Regulations, 2010.



The decision outlines the reasons for the decision and the appeal process. A copy of the decision is attached and is also available on request from Mrs Karen de Bruyn of Aurecon South Africa (Pty) Ltd (Aurecon) (tel: 021 526 6044, fax: 021 526 9500 or email: [karen.debruyn@aurecongroup.com](mailto:karen.debruyn@aurecongroup.com)) or on Aurecon's website ([www.aurecongroup.com](http://www.aurecongroup.com) change "Current Location" to South Africa and click on "Public Participation").

We would like to draw your attention to your right to appeal against the decision of the Minister, DEA in terms of Chapter 7 of Government Notice No. R543 of the Environmental Impact Assessment Regulations, 2010, as governed by the NEMA. Any person who wishes to appeal must lodge a Notice of Intention to Appeal with the Minister within 20 days of the decision (i.e. date when the EA was issued). Should you wish to appeal, the appellant must serve on the applicant, a copy of the Notice of Intent 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, within 10 days of having lodged the Notice of Intent to Appeal form with DEA. The Appeal must be submitted within 30 days of the lapsing of the 20 day period allowed for the submission of the Notice of Intent to Appeal.

Lodging may occur by any of the following methods:

**By facsimile:** 012 320 7561

**By post:** Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001


**By hand:** **Attention:** Minister of Environmental Affairs  
2nd Floor, Fedsure Building, North Tower  
Cnr. Lilian Ngoyi (Van Der Walt) and Pretorius Streets  
Pretoria

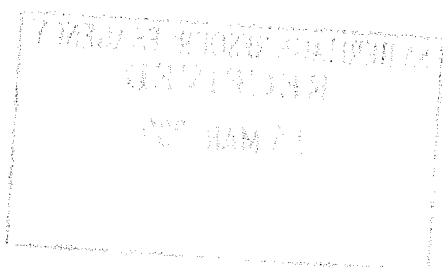
An appeal submitted to the Minister must comply with the requirements of Chapter 7 of the EIA Regulations of 2010 in terms of the NEMA and must be submitted in writing to Mr Z Hassam, Director: Appeals and Legal Review, of DEA at the abovementioned contact details. Mr Zwane can also be contacted at tel (012) 310 3271 or e-mail [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@environment.gov.za).

Should you have any queries please contact the undersigned.

Yours sincerely  
AURECON

*Nel, 5 Bezuidenhout*  
  
**KAREN DE BRUYN** (Cert. Nat. Sci.)  
Practitioner: Environment & Advisory Services

  
*Simon Van Wyk*  
**LOUISE CORBETT** (Pri. Sci. Nat.)  
Associate: Environment & Advisory Services





**environmental affairs**

Department of  
Environmental Affairs  
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NEAS Reference: DE/EA/EA/000609/2011

DEA Reference: 12/12/20/2486

Enquiries: Jay-Jay Mphahle

Telephone: (012) 310 3004 Fax: 012-320-7639 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, EINTHANJENI 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:**

"Mullio 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@mullio.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@mullio.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 (2) 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; .dpr; .prj; and .xml (Metatata file). If specific symbology was assigned to the file, then the .avl and/or the .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 file. The shape file must be submitted to:

**Postal Address:**  
Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

**Physical address:**  
Department of Environmental Affairs  
Fedure 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 7639  
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, Fedure Forum 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 Hassan, Director, Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassan 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: 14/08/2014

CC:	Miss Franci Gresse	Aurion South Africa (Pty) Ltd	Tel: (021) 526 6022	Fax: (021) 526 9500
	Mr. Anja Yaphi	INDEANC	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 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.

