



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: 12/12/20/2126/AM7

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Mr Jean-Paul de Villiers
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PER MAIL / EMAIL

Dear Mr de Villiers

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED 25 JANUARY 2013, AS AMENDED, FOR THE ESTABLISHMENT OF A 100MW COMMERCIAL SOLAR ELECTRICITY GENERATION FACILITY AND ITS INFRASTRUCTURE, INCLUDING CONTAINERIZED LITHIUM-ION BATTERY STORAGE, DUAL-FUEL BACKUP-GENERATORS WITH ASSOCIATED FUEL STORAGE, ON FARM WASCHKLIP 183 (SOVENTIX SALDANHA 1) NEAR LANGEBAAN, WITHIN SALDANHA BAY DISTRICT MUNICIPALITY IN THE WESTERN CAPE PROVINCE.

The Environmental Authorisation (EA) issued for the above-mentioned application by this Department on 25 January 2013, the amendments to the EA dated 21 October 2013; 11 November 2015; 18 January 2018; 21 January 2020; 03 December 2020; 09 September 2021 and your application for amendment of the EA received by the Department on 02 December 2021 and the acknowledgement letter dated 03 December 2021, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 25 January 2013 as amended, as follows:

Extension to the validity period of the EA:

The extension of the validity period of your authorisation is extended by an additional **one (01) year** from the date of expiry of the EA extension issued on 21 January 2020 (i.e., the EA validity extension was until 25 January 2022). Therefore, the validity period is extended to **25 January 2023** and 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 to undertake the activities.

MJ

Reason for the amendment:

The applicant applied to extend the validity period of the EA as the project has not been successful in securing a Power Purchase Agreement (PPA) under the Renewable Energy Feed-In Tariff (REFIT) programme. A valid EA is necessary in order for the applicant to obtain a PPA and to fit the criteria of the REIPPPP.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA **cannot exceed a maximum period of 10 years**. Failure to commence with construction activities within the maximum 10-year period, your EA will be deemed to have lapsed and a new application for Environmental Authorisation will have to be lodged.

This proposed amendment letter must be read in conjunction with the EA dated 25 January 2013, as amended.

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 stipulates 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 abuses or compromises your personal information in any way.

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

Your attention is drawn to Chapter 2 of 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 prescribe 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 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: appeals@environment.gov.za

By hand: Environment House
473 Steve Biko Road
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.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Date: 08/12/2021

cc:	Zaahir Toefy	DEA:DP	E-mail: zaahir.toefy@westerncape.gov.za
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