



## **environmental affairs**

Department  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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

**DEA Reference:** 12/12/20/2513/1/AM5

**Enquiries:** Ms Thabile Sangweni

**Telephone:** (012) 399 9409 **E-mail:** TSangweni@environment.gov.za

Mr Mike Levington  
Vaal River Solar 2 (Pty) Ltd  
PO Box 2940  
**CRAIGHALL**  
**2024**

Telephone Number: (010) 003 0202  
Email Address: mike.levington@kabisolar.co.za

### **PER EMAIL / MAIL**

Dear Mr Levington

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 OCTOBER 2012 FOR THE 100MW PHOTOVOLTAIC FACILITY ON PORTION 3 OF THE FARM VAALKOP, THE FARM VAALKOP AND PORTION 200 OF THE FARM NOOITGEDACHT, ORKNEY IN THE NORTH WEST PROVINCE (VAAL RIVER SOLAR 2)**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 10 October 2012, the amendments to the EA dated 23 February 2015, 24 April 2015, 11 October 2017 and 18 December 2018, your application for amendment of the EA received by the Department on 27 September 2019 and the acknowledgement letter dated 07 October 2019, 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 10 October 2012 as amended, as follows:

#### **Amendment 1: Amendment to extend the validity of the EA:**

The activity must commence within a period of three (03) years from the date of expiry of the amendment to the EA issued on 11 October 2017 (i.e. the EA lapses on 10 October 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.

The applicant applied to extend the validity period of the EA as the project has not yet been selected as a preferred bidder as part of the Department of Energy's Renewable Energy Independent Power Producers Procurement (REIPPP) Programme.

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.

**Amendment 2: Amendment to the email address of the holder of the EA:**

**From:**

mike.levington@kabienergy.com

**To:**

mike.levington@kabisolar.co.za

The applicant applied to amend the email address as it has changed since the EA was issued.

**Amendment 3: Amendment to the Holder of the EA:**

**From:**

Vaal River Solar 1 (Pty) Ltd  
Company Registration: 2012/040870/07

**To:**

Vaal River Solar 2 (Pty) Ltd  
Company Registration: 2012/074390/07

The applicant applied to amend the holder of the EA, as a special purpose vehicle was established for this project.

**Amendment 4: Amendment to the project name:**

**From:**

Kabi Vaalkop Solar I

**To:**

Vaal River Solar 2

The title of the project has changed to Vaal River Solar 2 and the EA needs to be amended.

This amendment letter must be read in conjunction with the EA dated 10 October 2012 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 Department's decision, of the decision 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: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.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.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



**Ms Sibusisiwe Hlela**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Date:** 25 OCTOBER 2019

CC:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	E-mail: <a href="mailto:joanne@savannahsa.com">joanne@savannahsa.com</a>
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Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia· PRETORIA  
Tel(+ 27 12) 399 9372

Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: iabader@environment.gov.za

Ms. Sibusisiwe Hlela  
Director: IEM Capacity and Support

Dear Ms. Hlela

**APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS  
FOR THE PERIOD 21 OCTOBER 2019 UNTIL 25 OCTOBER 2019 WHILST MR. SABELO MALAZA  
WILL BE ON OFFICIAL BUSINESS IN TANZANIA**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 21 October 2019 until 25 October 2019 whilst Mr. Sabelo Malaza will be on official business in Tanzania.

All the correspondence and other documents that are usually signed by the Chief Director: integrated environmental authorisations 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:

21/10/2019

### **ACKNOWLEDGEMENT**

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

Signed: 

Date: 21/10/2019