



# 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:** 14/12/16/3/3/2/844/AM3  
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## PER EMAIL / MAIL

Dear Mr Morse

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 SEPTEMBER 2018 FOR THE 75MW GEMSBOK PV6 SOLAR ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE NEAR KENHARDT, WITHIN THE !KHEIS LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Competent Authority on 10 September 2018, the EA amendments dated 11 February 2019 and 05 May 2021, your application for amendment of the EA received by this Competent Authority on 19 June 2023 and the acknowledgement thereof dated 30 June 2023, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Competent Authority, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 10 September 2018 as follows:

#### **Amendment 1: Amendment of the affected farm property name and the SG Code:**

The property description (farm names and SG codes) of the activity and its associated infrastructure authorised as:

Farm Description	21 Digit Surveyor General Code																				
The Remaining Extent of Portion 8 (Rooidam) (a Portion of Portion 3) of the Farm Gemsbok Bult No. 120	C	0	3	6	0	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0	8

*MS*

Remaining Extent of Portion 3 (Rooidam) of the Farm Gemsbok Bult No. 120	C	0	3	6	0	0	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0	3
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**Is amended to:**

Farm Description	21 Digit Surveyor General Code																						
The Remaining Extent of Portion 8 (Rooidam) (a Portion of Portion 3) of the Farm Gemsbok Bult No. 120	C	0	3	6	0	0	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0	8
Remaining Extent of Portion 3 (Rooidam) of the Farm Gemsbok Bult No. 120	C	0	3	6	0	0	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0	3
Portion 18 of the Farm Gemsbok Bult No. 120	C	0	3	6	0	0	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0	1	8
Portion 19 of the Farm Gemsbok Bult No. 120	C	0	3	6	0	0	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0	1	9

**Reason for amendment:**

The inclusion of Portions 18 and 19 of the Farm Gemsbok Bult No. 120 as affected farm properties in the EA is to ensure that the properties on which the proposed power line will cross over the Transnet Railway Line is included in the EA. Portion 18 of the Farm Gemsbok Bult No. 120 also needs to be included to ensure that the property on which the proposed access road leading to the site (from the existing Transnet Service Road) is included in the EA. It must be noted that the power line corridor within which the power line and associated infrastructure will be constructed, occurring on the Remaining Extent of Portion 8 (Rooidam) (a Portion of Portion 3) of the Farm Gemsbok Bult No. 120; Remaining Extent of Portion 3 (Rooidam) of the Farm Gemsbok Bult No. 120; and Portions 18 and 19 of the Farm Gemsbok Bult No. 120, was assessed and included in the EIA Process and Final EIA Report dated May 2016. In addition, the development envelope, within which the proposed access road will be constructed, including property 18/120, was also assessed in its entirety and included in the EIA Process and Final EIA Report dated May 2016. However, the details of Portions 18 and 19 of the Farm Gemsbok Bult No. 120 were, due to error, not clearly named in the application for EA and EIA reporting.

**Amendment 2: Updating the approved Environmental Management Programme (EMPr):**

The applicant aims to amend the approved EMPr, by including the updated Layout Plan.

Currently Approved	Amended To
EMPr dated June 2021 (Approved on 30 June 2021)	EMPr dated June 2023

**Reason for amendment:**

The EMPr is amended to include the updated Final Layout Plan, which is part of the EMPr. The pre-construction floral (and avifaunal) walk-throughs identified the presence of quiver trees (*Aloidendron dichotomum*), along with provincially protected species in terms of the Northern Cape Nature Conservation Act (Act 9 of 2009) (i.e. *Hoodia gordonii* species), and protected trees in terms of the National Forests Act (Act 84 of 1998) (i.e. *Boscia albitrunca*) within the approved layout for the PV facility. Based on this, the layout was updated to accommodate the in-situ protection of the quiver trees with either 20 m or 30 m buffers, as required.

The layout change is not significant as the size of the PV array area has been reduced slightly from what is currently approved (30 June 2021), to accommodate the extra area required for the protection of the quiver trees, with no amendment to the EMPr outcomes and objectives, and no changes in project description required. The updated layout is still within the original area that was assessed in the EIA in 2016 and within the project boundary mapped in the approved EMPr (dated June 2021). Therefore, the layout change is seen as minor micro-siting.

**Amendment 3: Technical details:**

The applicant aims to amend the EA to include technical details of the activity, which were approved in the EMPr dated June 2021, on 30 June 2021, as well as the updated Layout Plan.

3.1 The activity description for Item 11, Item 12, Item 19, Item 28 of Listing Notice 1 and Item 1, Item 15 of Listing Notice 2 on page 03 to page 04 of the EA typed as:

<p><u>GN R. 983 Item 11:</u></p> <p><i>"The development of facility of infrastructure for the transmission and distribution of electricity –</i></p> <p><i>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kV."</i></p>	<p>The proposed project will entail the construction and installation of an on-site substation and an overhead 132kV transmission line which will connect the project to the Eskom Nieuwehoop Substation which is outside an urban area. The project will also entail the construction of a new 400/132kV transformer bay at the Eskom Nieuwehoop Substation and a 400/132kV transformer at the Eskom Nieuwehoop Substation.</p>
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<p><u>GN R. 983 Item 12:</u></p> <p><i>“The development of:</i>  <i>(x) buildings exceeding 100 square metres in size;</i>  <i>(xii) infrastructure or structures with a physical footprint of 100 square metres or more;</i>  <i>where such development occurs-</i>  <i>(a) within a watercourse;</i>  <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.”</i></p>	<p>The proposed project will take place outside an urban area and will entail the construction of building infrastructure and structures which are expected to exceed a footprint of 100m<sup>2</sup> with some likely to occur within 32m of the watercourses or within minor drainage lines.</p>
<p><u>GN R. 983 Item 19:</u></p> <p><i>“The infilling or depositing of any material of more than 5m<sup>3</sup> into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5m<sup>3</sup> from –</i>  <i>(i) a watercourse.”</i></p>	<p>The proposed project may entail the excavation, removal and moving of more than 5m<sup>3</sup> of soil, sand, pebbles or rock from the nearby watercourses. The proposed project may also entail the infilling of more than 5m<sup>3</sup> of material into the nearby watercourses.</p>
<p><u>GN R. 983 Item 28:</u></p> <p><i>“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:</i>  <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectares.”</i></p>	<p>It is understood that the land is currently used for agricultural purposes mainly grazing. The proposed solar facility which is considered to be a commercial/industrial development will comprise an area of ~220ha.</p>
<p><u>GN R. 984 Item 1:</u></p> <p><i>“The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area.”</i></p>	<p>The proposed project will take place outside of an urban area.</p>
<p><u>GN R. 984 Item 15:</u></p> <p><i>“The clearance of an area of 20 hectares or more of indigenous vegetation.”</i></p>	<p>The total area of the PV array of the proposed project is expected to be ~220ha. Approximately 25ha of indigenous vegetation could possibly be cleared for the construction of the proposed solar facility which exceeds the threshold of 20ha.</p>

**Is amended to:**

<p><u>GN R. 983 Item 11:</u></p> <p><i>"The development of facility of infrastructure for the transmission and distribution of electricity –</i></p> <p><i>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kV."</i></p>	<p>The proposed project will entail the construction and installation of an on-site <u>132/33kV Independent Power Producer (IPP) substation to be constructed and operated by the IPP, back-to-back with a 132kV 6 bay double busbar Switching Station (i.e. Skeerhok Switching Station) to be constructed by the IPP and handed over to Eskom for operations,</u> and an overhead 132 kV transmission line which will connect the project to the Eskom Nieuwehoop Main Transmission Substation, <u>via the Gemsbok Solar PV5 and PV2 project, which is outside an urban area.</u> The project will also entail the construction of <u>additional 132kV feeder bay(s), busbar(s), a new 400/132kV transformer bay at the Eskom Nieuwehoop Substation, and a 500MVA 400/132kV transformer at the Eskom Nieuwehoop Main Transmission Substation.</u> Furthermore, there will be extensions of existing infrastructure at the Eskom Nieuwehoop Main Transmission Substation, <u>specifically extensions of the 132kV busbars, 400 kV busbars, 132kV yard, 400kV yard, control building, roads and fencing infrastructure.</u></p>
<p><u>GN R. 983 Item 12:</u></p> <p><i>"The development of:</i></p> <p><i>(x) buildings exceeding 100 square metres in size;</i></p> <p><i>(xii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs-</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse."</i></p>	<p>The proposed project will take place outside an urban area and will entail the construction of <u>various buildings, infrastructure and structures which are expected to exceed a footprint of 100 m<sup>2</sup> with some likely to occur within 32 m of the watercourses or within minor drainage lines identified during the EIA Phase.</u></p>
<p><u>GN R. 983 Item 19:</u></p> <p><i>"The infilling or depositing of any material of more than 5m<sup>3</sup> into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5m<sup>3</sup> from –</i></p> <p><i>(i) a watercourse."</i></p>	<p>The proposed project may entail the excavation, removal and moving of more than 5 m<sup>3</sup> of soil, sand, pebbles or rock from the nearby watercourses <u>identified during the EIA Phase.</u> The proposed project may also entail the infilling of more than 5 m<sup>3</sup> of material into the nearby watercourses <u>identified during the EIA Phase.</u></p>

<p><u>GN R. 983 Item 28:</u></p> <p><i>“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:</i></p> <p>(ii) <i>will occur outside an urban area, where the total land to be developed is bigger than 1 hectares.”</i></p>	<p>It is understood that the land is currently used for agricultural purposes (mainly grazing). The proposed solar facility and associated infrastructure, which is considered to be a commercial/industrial development will comprise an area of ~ 220 ha.</p>
<p><u>GN R. 984 Item 1:</u></p> <p><i>“The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area.”</i></p>	<p>The proposed project will take place on various farm portions outside of an urban area. The proposed project will entail the construction of a 75 MW Solar PV Facility (i.e. facility for the generation of electricity from a renewable resource).</p>
<p><u>GN R. 984 Item 15:</u></p> <p><i>“The clearance of an area of 20 hectares or more of indigenous vegetation.”</i></p>	<p>The total area of the PV array and associated infrastructure of the proposed project is expected to be ~ 220 ha. Approximately 25 ha of indigenous vegetation could possibly be cleared for the construction of the proposed Solar PV Facility, which exceeds the threshold of 20 ha.</p>

3.2 The table of coordinates for the Solar Energy facility on Page 05 of the EA:

Point	Latitude	Longitude
29° 5' 44.9160" S	21° 24' 43.6716" E	North- West
29° 6' 27.4464" S	21° 24' 43.7832" E	South- West
29° 6' 27.4608" S	21° 25' 57.7164" E	South- East
29° 5' 39.1704" S	21° 25' 58.1628" E	North- East

Is amended to:

Point	Latitude	Longitude
Point 1	29° 05' 44.53752701" S	21° 25' 07.37338075" E
Point 2	29° 05' 44.95033369" S	21° 24' 41.39449503" E
Point 3	29° 06' 08.67701320" S	21° 24' 41.60656520" E
Point 4	29° 06' 25.81558104" S	21° 24' 42.12550278" E
Point 5	29° 06' 25.80147647" S	21° 25' 56.64344089" E
Point 6	29° 05' 37.67331291" S	21° 25' 56.68471134" E
Point 7	29° 05' 37.33702122" S	21° 25' 22.67377419" E

3.3 The table of coordinates for the Powerline Corridor on Page 06 of the EA:

Start point	29° 6'21.84"S	21°24'45.22"E
Middle point	29° 8'22.97"S	21°20'42.05"E
End point	29 9'1.15"S	2120'19.18"E

**Is amended to:**

Point	Latitude	Longitude
Point 1	29° 06' 21.65042880" S	21° 24' 37.70902800" E
Point 2	29° 06' 21.68158320" S	21° 24' 48.22427160" E
Point 3	29° 06' 30.81192480" S	21° 24' 47.87147160" E
Point 4	29° 06' 30.65772240" S	21° 23' 38.34952800" E
Point 5	29° 06' 44.28455040" S	21° 23' 32.85080520" E
Point 6	29° 06' 59.62890960" S	21° 23' 25.76888880" E
Point 7	29° 06' 58.96582920" S	21° 23' 11.30665560" E
Point 8	29° 08' 25.94995440" S	21° 21' 50.55485400" E
Point 9	29° 09' 01.01776320" S	21° 21' 09.09150840" E
Point 10	29° 09' 05.38356240" S	21° 20' 28.00747680" E
Point 11	29° 09' 06.04325520" S	21° 20' 06.93639240" E
Point 12	29° 08' 47.73671520" S	21° 20' 06.49065120" E
Point 13	29° 08' 19.37412600" S	21° 20' 37.04797320" E
Point 14	29° 08' 20.10682680" S	21° 21' 32.36480640" E
Point 15	29° 07' 49.23716880" S	21° 22' 01.14305160" E
Point 16	29° 06' 48.34787760" S	21° 23' 02.68026000" E
Point 17	29° 06' 51.44086800" S	21° 23' 10.52415240" E
Point 18	29° 06' 24.83806320" S	21° 23' 35.99981520" E
Point 19	29° 06' 24.36768720" S	21° 24' 37.71242640" E

3.4 The following table for the coordinates for the authorised Access Road is included in the EA:

**Coordinates: Access Road**

Point	Latitude	Longitude
Start Point	29° 05' 42.15969208" S	21° 24' 13.14983803" E
Point 1	29° 05' 53.93754454" S	21° 24' 41.93563558" E
Point 2	29° 06' 25.93023205" S	21° 24' 42.03156447" E
End Point	29° 06' 25.83858322" S	21° 24' 55.48669607" E

3.5 The project description list on page 06 of the EA:

"The Gemsbok PV6 Solar Energy Facility will comprise the following:

- Solar field;
- Building infrastructure;
- 132kV overhead transmission line;
- On-site substation;
- Additional feeder bay(s), Busbar(s), and a 400/132kV transformer bay at the Eskom Nieuwehoop Substation or extensions of the existing infrastructure;
- Additional 400/132kV transformer at the Eskom Nieuwehoop Substation;
- Extension of the 132kV busbar;
- Extension of the 400kV busbar;
- 22/33kV internal transmission line/underground cables;
- Access roads and internal gravel roads;
- Fencing;
- Panel maintenance and cleaning area;
- Stormwater channels;
- Water pipelines; and,
- Temporary work area during the construction phase (i.e. laydown area)."

**Is amended to:**

"The Gemsbok PV6 Solar Energy Facility will comprise the following:

- Solar field;
- Building infrastructure;
- 132kV overhead transmission line;
- On-site 132/33kV Independent Power Producer (IPP) Substation to be constructed and operated by the IPP, back-to-back with a 132kV 6 bay double busbar Switching Station (i.e. Skeerhok Switching Station) to be constructed by the IPP and handed over to Eskom for operations;
- Additional 132kV feeder bay(s), Busbar(s), and a new 400/132kV transformer bay and extensions of the existing infrastructure (i.e. extensions to the control building, fencing, roads, 400kV yard and 132kV yard) at the Eskom Nieuwehoop Main Transmission Substation;
- Additional 500MVA 400/132kV transformer at the Eskom Nieuwehoop Main Transmission Substation;
- Extension of the 132kV busbars at the Eskom Nieuwehoop Main Transmission Substation;
- Extension of the 400kV busbars at the Eskom Nieuwehoop Main Transmission Substation;
- 33kV internal electrical network comprising of overhead powerlines and underground cables;
- Access roads and internal gravel roads;
- Fencing (i.e. Boundary fence (electrical and/or barbed wire) around the PV facility));
- Panel maintenance and cleaning area;
- Stormwater infrastructure including stormwater channels exceeding 1 km in length;
- Water pipelines;
- Temporary work area during the construction phase (i.e. laydown area)
- Main access gate and guard house for access control;
- Parking area;
- Canteen, dining area and workers construction camp;
- Chemical based portable ablutions for construction;
- Water storage tanks (Jo-Jo type)."



3.6 The table of technical details on page 07 of the EA is amended to include the following:

Component	Description/ Dimensions
Length of power line	Approximately 8 km (via Gemsbok PV5 to Gemsbok PV2 Switching Station i.e. Gemsbokbult Switching Station)
Capacity of the power line	Up to 132 kV
Powerline parameters	132 kV Overhead Power Line, single circuit, steel monopole structure, and twin tern conductor
Height of pylons	Maximum of 25 m high
Powerline corridor	200 m corridor (i.e., 100 m on either side of the proposed Overhead Power Line
Area occupied by pylon servitude	Approximately 31 m wide (132 kV)

3.7 Condition 49 on page 16 of the EA typed as:

*"The recommendations of the EAP in the final EIAr dated May 2018 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference."*

**Is amended to:**

*"The recommendations of the EAP in the final EIAr dated May 2016 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference."*

**Reason for amendments:**

The project description, technical details, and coordinates being amended were assessed in the EIAr dated May 2016 and authorised as part of the EA dated 10 September 2018, but not all the authorised details were captured in the EA. These amendments are also to ensure that the information in the approved EMPr and Layout Plan is reflected in the EA. Other amendments are to correct typographical errors.

**Amendment 4: Extension of the Validity Period- Commencement of Authorised Activities:**

The activity must commence within a period of five (05) years from the date of expiry of the EA amendment dated 10 September 2018, now extended to **10 September 2028**. 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.

**Reason for amendment:**

The original EA dated 10 September 2018 is valid until 10 September 2023. The project has been declared a Preferred Bidder in terms of the RMIPPPP, however the Applicant has not commenced with construction yet based on the delays associated with reaching Financial Close. Construction can only commence after financial closure has been obtained. Due to the uncertainty regarding the timeframes for financial closure, it is not clear when construction will be able to take place. It is anticipated to commence construction in Quarter 3 or Quarter 4 of 2023, however this is only estimated. Therefore, the Applicant is requesting to extend validity of the EA, to ensure that the EA is still valid once construction commences.

This amendment letter must be read in conjunction with the EA dated 10 September 2018, 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 stipulate 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 abuse or compromise 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 fourteen (14) days of the date of the decision, of the Department's 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 the 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 prescribes 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 (twenty) 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@dffe.gov.za](mailto:appeals@dffe.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.dffe.gov.za/documents/forms#legal\\_authorisations](https://www.dffe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za).

Yours faithfully



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

Date: 28/09/2023

CC:	Ms S. De la Fontaine	Northern Cape DAEARDLR	Email: <a href="mailto:sdelafontaine@gmail.com">sdelafontaine@gmail.com</a>
	Mr Scheepers	!Kheis Local Municipality	Email: <a href="mailto:teresascheepers@vodamail.co.za">teresascheepers@vodamail.co.za</a>
	Mr Paul Lochner	CSIR	Email: <a href="mailto:plochner@csir.co.za">plochner@csir.co.za</a> / <a href="mailto:rabed@csir.co.za">rabed@csir.co.za</a>

