



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

DEFF Reference: 14/12/16/3/3/2/917/AM2

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Mr Dick Berlijn
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PER EMAIL / MAIL

Dear Mr Berlijn

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 NOVEMBER 2016 FOR THE CONSTRUCTION OF THE GAMMA SOLAR POWER PLANT NEAR VRYBURG WITHIN THE NALEDI LOCAL MUNICIPALITY AND THE DR RUTH SEGOMOTSI MOMPATI DISTRICT MUNICIPALITY IN THE NORTH WEST PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 29 November 2016, subsequent EA amendment issued on the 09 May 2017, your application for amendment of the EA received by the Department on 28 July 2021, the acknowledgement letter dated 03 August 2021, and additional information received by the Department on 03 August 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 29 November 2016, as follows:

Amendment 1: Amendment of the EA Condition 14:

a) Condition 14 on page 7 of the EA:

"The final development layout map as submitted with the EIAR dated August 2016 is not approved. The preferred development is located in an area with a high number of Camel Thorn trees; as such the layout plan must be submitted to the Department of Agriculture, Forestry and Fisheries for comments to determine adequate micro-siting of the facility."

Is hereby amended to:

"The final development layout map as submitted with the EIAR dated August 2016 is not approved. The preferred development is located in an area with a high number of Camel Thorn trees; as such approval must be obtained from the Department of Forestry, Fisheries and the Environment (DFFE) for the removal of protected trees prior to the approval of the layout."

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Reason for amendment:

The developer has received protected tree licenses from the Department of Forestry, Fisheries and the Environment for the removal of camel thorn trees on the site. This license is valid until 2025. Camel Thorn trees occur in very low numbers, the specialist noted in the ecological impact assessment undertaken during the EIA process that only 10 individuals taller than 2 meters occur in the entire proposed footprint. It is therefore requested that the wording of condition 14 be updated to reflect the requirement for a permit rather than comment from Department of Forestry, Fisheries and the Environment prior to finalisation of the layout.

Amendment 2: Correction of Typographical Error:

b) Condition 18.18 on page 11 of the EA:

"A map combining the final layout map superimposed (overlain) on the environment sensitivity map. This map must reflect the proposed location of the turbine as stated in the EIAR and this authorisation."

Is hereby amended to:

"A map combining the final layout map superimposed (overlain) on the environment sensitivity map. This map must reflect the proposed location of the PV panel area as stated in the EIAR and this authorisation."

Reason for amendment:

Condition 18 includes a typographical error referring to a turbine (assuming a wind turbine). As this is a solar PV project, this is not applicable to the project.

Amendment 3: Amendment of the Validity Period- Commencement of Authorised Activities:

c) The activity must commence within a period of five (5) years from the date of expiry of the EA dated 29 November 2016, now extended to **29 November 2026**. 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 applicant applied to extend the validity period of the EA to ensure that the project is compliant with the requirements of the Department of Mineral Resources and Energy's Renewable Energy Independent Power Producer 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.

This proposed amendment letter must be read in conjunction with the EA dated 29 November 2016.

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

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14 (fourteen) days of the date of the EA, 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 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,
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: 19/01/2021

cc:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	E-mail: joanne@savannahsa.com
	Mr. Moholo Obitseng	North West DEDECT	E-mail: marize@agrinw.co.za
	Mr. McDonald Tshepo	Naledi Local Municipality	E-mail: municipalmanager@naledi.gov.za

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