



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: 14/12/16/3/3/2/912/AM1

Enquiries: Ms Constance Musemburi

Telephone: (012) 399 9416 E-mail: CMusemburi@environment.gov.za

Mr Dick Berlijn
Khubu Solar Power Plant (RF) (Pty) Ltd
PO Box 785553
SANDTON
2146

Telephone Number: (011) 500 3680
Email Address: berlijn@subsolar.com

PER E-MAIL / MAIL

Dear Mr Berlijn

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 NOVEMBER 2016, FOR THE CONSTRUCTION OF THE KHUBU 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, as amended, the application for amendment of the EA received by the Department on 28 July 2021 and the acknowledgement letter dated 10 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 amended, as follows:

Amendment 1: Amendment to extend the validity period of the EA:

The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 29 November 2016, (i.e. the EA lapses on 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.

Reasons for the amendment

An extension of the validity of the Environmental Authorisation is required due to delays in the Renewable Energy Independent Power Producer Procurement Plan bidding windows.

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.

MS

Amendment 2: Amendments to the conditions of the EA

Condition 14 of the EA is herewith amended:

From:

"The final development layout map as submitted with the EIA 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."

To:

"The final development layout map as submitted with the EIA 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."

Reasons for the amendment

The applicant has received the protected tree licenses for the removal of camel thorn trees on the site from the Department of Forestry, Fisheries and the Environment. This license is valid until 2025. Camel Thorn trees occur in low numbers, the specialist noted in the ecological impact assessment undertaken during the EIA process that only 75 individuals taller than 2 meters occur in the entire proposed footprint. The applicant, therefore, requested that the wording of condition 14 be updated to reflect the requirements of the permit rather than comments from Department of Forestry, Fisheries and the Environment prior to finalisation of the layout.

Condition 18.18 of the EA is herewith amended:

From:

"This map must reflect the proposed location of the turbine as stated in the EIA and this authorisation."

To:

"This map must reflect the proposed location of the PV panel area as stated in the EIA and this authorisation."

Reasons for the amendment

This was a typographical error referring to a turbine, which is not applicable, as the proposed development is of a solar power plant.

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 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.



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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,
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: 06/09/2021

CC	Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
	Moholo Obitseng	North West DEDECT	Email: marize@agrinw.co.za

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