

Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

31 August 2017

Dear Interested and/or Affected Party

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 8 AUGUST 2014 FOR THE 75MW PV7 PHOTOVOLTAIC ENERGY FACILITY ON THE REMAINDER OF PORTION 4 OF THE FARM KLIPGATS PAN NO. 117 NEAR COPPERTON, NORTHERN CAPE PROVINCE (DEA REFERENCE NO.: 14/12/16/3/3/2/491/AM1)

Notification of Amendment (Correction) of the Environmental Authorisation

The Department of Environmental Affairs' (DEA) amendment decision dated 21 June 2017, and our correspondence of 4 July 2017, refer.

As noted in our correspondence of 4 July 2017, two editorial errors relating to the project title and date of the amendment decision for the project, were included in the Environmental Authorisation (EA) amendment decision dated 21 June 2017. Holland & Associates Environmental Consultants, on behalf of Klipgats Solar PV7 (Pty) Ltd, notified DEA of the errors on 23 June 2017, requesting that the errors be corrected. This letter serves to notify all registered I&APs of DEA's decision in respect of Klipgats Solar PV7 (Pty) Ltd's request to correct the errors in the amendment decision dated 21 June 2017.

1. Decision

We wish to inform you that, based on a review of the reasons submitted by Klipgats Solar PV7 (Pty) Ltd for requesting an amendment (correction) to the abovementioned EA (i.e. project title on page 1 and correction of date on the last page of the amended EA decision dated 21 June 2017), the DEA, in terms of Regulation 27(4) of the Environmental Impact Assessment (EIA) Regulations, 2014, **has on 18 August 2017 decided to correct the errors in the amendment to the EA dated 21 June 2017**, as follows:

1.1 Amendment 1: The extension of commencement of the construction of the EA by an additional three (03) years from 08 August 2017 to 08 August 2020

Condition 6 of the EA dated 08 August 2014 has been amended as follows (changes underlined):

“The activity must commence within a period of Eight¹ (06) years from the date of issue of this authorization (i.e. the authorization lapses on 08 August 2020). If commencement of this activity does not occur within that period, the authorization lapses and a new application for environmental authorization must be made in order for the activity to be undertaken.”

The EA therefore lapses on 8 August 2020.

1.2 Amendment 2: Update to contact details of the applicant:

From:

*“KLIPGATS SOLAR PV7 (PTY) LTD
With the following contact details-
Mr Warren Morse
PO Box 50
CAPE TOWN INTERNATIONAL AIRPORT
7252*

*Telephone number: (021) 934 5278
Fax number: (021) 935 0505
Cell phone Number: (083) 760 9586
E-mail Address: warren@mulilo.com*

To:

*“KLIPGATS SOLAR PV7 (PTY) LTD
With the following contact details-
Mr Warren Morse
PO Box 548
Howard Place
CAPE TOWN
7450*

*Telephone Number: (021) 685 3240
Fax Number: (086) 635 6809
Cell phone number: (083) 760 9586
Email Address: warren@mulilo.com*

1.3 Amendment 3: Amendment to the property description (page 1)

From:

*Portion 4 of Farm 117
Farm Klipgats Pan
Siyathemba Local Municipality
Pixley ka Seme District municipality
Northern Province*

¹ It is apparent that the subject EA amendment decision dated 18 August 2017 contains an editorial error and should read “The activity must commence within a period of Six (06) years...”.

To:

*Remainder of Portion 4 of Farm No. 117
Klipgats Pan
Siyathemba Local Municipality
Pixley ka Seme District municipality
Northern Province*

1.4 Amendment 4: Amendment to the property description (page 4)**From:**

*"Klipgats Pan Farm- PV7
Portion 4 of the Farm No. 177"*

To:

*"Klipgats Pan Farm- PV7
Remainder of Portion 4 of the Farm No. 117"*

DEA's amendment to the EA, which was issued by DEA on 18 August 2017 and received by the Applicant on 21 August 2017, is included in Annexure A herewith for your information², and replaces the EA Amendments dated 23 May 2017 and 21 June 2017.

2 Right to appeal

We would like to draw your attention to your right to appeal against the decision to the Minister in terms of the National Appeal Regulations (Government Notice No. R993) of the NEMA EIA Regulations (2014), as amended, which prescribes the appeal procedure to be followed.

Should any person wish to lodge an appeal, the appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the Applicant (i.e. Klipgats Solar PV7 (Pty) Ltd), any registered Interested and Affected Party, and any organ of state with interest in the matter within 20 days from the date³ that the notification of the decision was sent to the registered I&APs by the Applicant, or the date⁴ that the notification of the decision was sent to the Applicant by DEA, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Mr Z Hassam, Director: Appeals and Legal Review, of DEA, at the below mentioned addresses.

By email: appealsdirector@environment.gov.za;
By post: Private Bag X447,
Pretoria,
0001; or
By hand: Environment House

² Note: the proposed amendment decision from DEA dated 18 August 2017 must be read in conjunction with the EA dated 8 August 2014 and subsequent amendments. Copies of the EA dated 8 August 2014 and amendments are available from Nicole Holland of Holland & Associates Environmental Consultants on request.

³ This letter, which has been sent to registered I&APs on behalf of the Applicant, serves as notification of DEA's decision, and was posted on 1 September 2017.

⁴ 21 August 2017

473 Steve Biko,
Arcadia, Pretoria,
0083

To obtain the prescribed appeal form and for guidance on the submission of appeals, those wishing to appeal should visit the DEA website at http://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Should you require any further information or have any queries, please contact the undersigned.

Yours sincerely



NICOLE HOLLAND (Pr. Sci. Nat.)

For: Holland & Associates - Environmental Consultants

Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

31 Augustus 2017

Geagte Belanghebbende en/of Geaffekteerde Party

WYSIGING VAN DIE OMGEWINGSMAGTIGING UITGEREIK OP 8 AUGUSTUS 2014 VIR DIE 75MW PV7 FOTOVOLTAÏESE ENERGIE-AANLEG OP DIE RESTANT VAN GEDEELTE 4 VAN DIE PLAAS KLIPGATS PAN NR. 117 NABY COPPERTON, NOORD-KAAPROVINSIE (DOS VERWYSINGSNR 14/12/16/3/3/2/491/AM1)

Kennisgewing van die Wysiging (Korreksie) van die Omgewingsmagtiging

Die Departement van Omgewingsake (DOS) se wysigingsbesluit gedateer 21 Junie 2017, en ons korrespondensie van 4 Julie 2017, verwys.

Soos aangedui in ons korrespondensie van 4 Julie 2017, is twee editoriale foute verwant aan die projek titel en uitreikingsdatum van die wysiging van die Omgewingsmagtiging (OM) ingesluit in die OM wysigingsbesluit gedateer 21 Junie 2017. Holland & Associates Omgewingskonsultante, namens Klipgats Solar PV7 (Edms) Bpk het op 23 Junie 2017 vir DOS in kennis gestel van die foute, en versoek dat die foute reggestel word. Die doel van hierdie brief is om alle geregistreerde B&GP'e in te lig oor DOS se besluit rakende Klipgats Solar PV7 (Edms) Bpk se versoek vir die regstelling van die foute in die wysigingsbesluit van 21 Junie 2017.

1. Besluit

Ons stel u hiermee in kennis dat die DOS, in terme van Regulasie 27(4) van die Omgewingsinvloedbepaling (OIB) Regulasies 2014, soos gewysig, en gegrond op 'n hersiening van die rede wat deur Klipgats Solar PV7 (Edms) Bpk aangevoer is vir die wysiging (regstelling) van die bogenoemde OM (naamlik die regstelling van die projek titel op bladsy 1 en die regstelling van die datum op die laaste bladsy van die wysigingsbesluit van doe OM gedateer 21 Junie 2017), **besluit het op 18 augustus 2017 om die foute in die wysiging van die OM gedateer 21 Junie 2017 reg te stel**, soos volg:

1.1 Wysiging 1: Die verlenging van die aanvan van die konstruksie periode van die OM met 'n verdere drie (03) jaar vanaf 08 Augustus 2017 tot 08 Augustus 2020

Kondisie 6 van die OM gedateer 08 Augustus 2014 is as volg gewysig (veranderinge is geonderstreep):

“Die aktiwiteit moet ‘n aanvang neem binne ‘n periode van Agt¹ (06) jaar vanaf die uitreikingsdatum van die omgewingsmagtiging (d.w.s. die magtiging verval op 08 Augustus 2020). As die aktiwiteit nie ‘n aanvang neem binne hierdie tydperk nie, verval die magtiging en ‘n nuwe aansoek vir omgewingsmagtiging moet gedoen word vir die aktiwiteit om plaas te vind.”

Die OM verval dus op 8 Augustus 2020.

1.2 Wysiging 2: Wysiging van die kontakbesonderhede van die houer van die OM:

Vanaf:

*“KLIPGATS SOLAR PV7 (EDMS) BPK
Met die volgende kontak besonderhede-
Mnr Warren Morse
Posbus 50
KAAPSTAD INTERNASIONALE LUGHAWA
7252*

*Telefoon nommer: (021) 934 5278
Faks nommer: (021) 935 0505
Selfoon Nommer: (083) 760 9586
Epos: warren@mulilo.com*

Na:

*“KLIPGATS SOLAR PV7 (EDMS) BPK
Met die volgende kontak besonderhede-
Mnr Warren Morse
Posbus 548
Howard Place
KAAPSTAD
7450*

*Telefoon Nommer: (021) 685 3240
Faks Nommer: (086) 635 6809
Selfoon Nommer: (083) 760 9586
Epos: warren@mulilo.com*

1.3 Wysiging 3: Wysing van die projek beskrywing (bladsy 1):

Van:

*Gedeelte 4 van die Plaas 117
Plaas Klipgats Pan
Siyathemba Plaaslike Munisipaliteit
Pixley ka Seme Distrik Munisipaliteit
Noord Provinsie*

¹ Dit is opgemerk dat die OM wysigingsbesluit gedateer 18 Augustus 2017 ‘n tipografiese fout bevat en moet lees “Die aktiwiteit moet ‘n aanvang neem binne ‘n periode van ses (06) jaar...”

Na:

*Restant van Gedeelte 4 van die Plaas 117
Klipgats Pan
Siyathemba Plaaslike Munisipaliteit
Pixley ka Seme Distrik Munisipaliteit
Noord Provinsie*

1.4 Wysiging 4: Wysiging van die projek bestywing (bladsy 4):**Van:**

*"Klipgats Pan Plaas- PV7
Gedeelte 4 van die Plaas No. 177"*

Na:

*"Klipgats Pan Plaas- PV7
Restant van Gedeelte 4 van die Plaas No. 117"*

Die DOS se wysiging aan die OM, wat uitgereik is deur DOS op 18 Augustus 2017 en deur die Applikant ontvang is op 21 Augustus 2017, word vir u inligting as Bylae A hierby ingesluit², en vervang die OM wysigings gedateer 23 Mei 2017 en 21 Junie 2017.

2. Reg tot appèl

Ons wil graag u aandag vestig op u reg om by die Minister van Omgewingsake teen hierdie besluit te appelleer. Dit sal geskied in terme van die Nasionale Appèlregulasies (Goewermements-kennisgewing Nr 993) van die NEMA se OIB-regulasies (2014), soos gewysig, waarin die appèlproses uiteengesit is.

Die persoon wat appelleer moet 'n appèl by die appèladministrateur indien en 'n afskrif daarvan aan die Applikant (i.e. Klipgats Solar PV7 (Edms) Bpk) stuur, asook aan elke geregistreerde Belanghebbende en Geaffekteerde Party en enige staatsinstansie wat 'n belang daarby het. Dit moet ingedien word binne 20 dae vanaf die datum³ waarop die kennisgewing van die besluit deur die Applikant aan die geregistreerde B&GPe gestuur is, of die datum⁴ waarop die kennisgewing van die besluit deur die bevoegde owerheid aan die applikant gestuur is, watter een ookal van toepassing is.

Appèlle moet skriftelik ingedien word by:

Mnr Z Hassam, Direkteur: Appèlle en Regsoorsig van die DOS, en wel by enige van die onderstaande adresse.

Per e-pos: appealsdirector@environment.gov.za;
Per pos: Privaatsak X447,
Pretoria,

² Nota: die wysigingsbesluit van die DOS gedateer 18 Augustus 2017 moet gelees word tesame met die OM gedateer 8 Augustus 2014 en wysigings. Afskrifte van die OM gedateer 8 Augustus 2014 asook wysigings van die OM is op versoek beskikbaar vanaf Nicole Holland by Holland & Associates Omgewingskonsultante.

³ Hierdie brief, wat namens die Applikant aan geregistreerde B&GPe gestuur is, dien as kennisgewing van die DOS se besluit, en is op 1 September 2017 gepos.

⁴ 21 Augustus 2017

Per hand: 0001; of
Environment House
Steve Bikostraat 473,
Arcadia, Pretoria,
0083

Die voorgeskrewe appèlvorm, asook riglyne vir die indiening van 'n appèl, kan afgelaai word vanaf die DOS se webblad by http://www.environment.gov.za/documents/forms#legal_authorisations. Afskrifte van die dokumente kan ook verkry word deur 'n epos te stuur aan appealsdirector@environment.gov.za.

Tree asb met onderstaande in verbinding indien u enige verdere navrae het of inligting verlang.

Die uwe



NICOLE HOLLAND (Pr. Sci. Nat.)

Vir: Holland & Associates - Omgewingskonsultante

**ANNEXURE A:
DEPARTMENT OF ENVIRONMENTAL AFFAIRS' AMENDMENT OF ENVIRONMENTAL
AUTHORISATION – 18 AUGUST 2017**

**BYLAE A:
DEPARTEMENT VAN OMGEWINGSAKE SE WYSIGING VAN DIE OMGEWINGSMAGTIGING –
18 AUGUST 2017**



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko Road, Arcadia· PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/491/AM1

Enquiries: Ms Zamalanga Langa

Telephone: (012) 399 9389 **E-mail:** zlanga@environment.gov.za

Mr Warren Morse
Klipgats Solar PV7 (Pty) Ltd
PO Box 548
HOWARD PLACE
7540

Telephone Number: (021) 685 3240
Email Address: warren@mulilo.com

PER EMAIL /MAIL

Dear Mr Warren Morse

AMENDMENT OF ENVIRONMENTAL AUTHORISATION ISSUED ON 08 AUGUST 2014, FOR THE 75MW PV PHOTOVOLTAIC ENERGY FACILITY ON REMAINDER OF PORTION 4 OF THE FARM KLIPGATS PAN NO. 117 NEAR COPPERTON, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 08 August 2014, your application for amendment of the EA received by this Department on 04 April 2017, the EA Amendment letter issued by the Department on 23 May 2017, your email dated 26 May 2017 notifying the Department of typographical errors contained in the EA Amendment dated 23 May 2017, EA amendment dated 21 June 2017 correcting typographical errors contained in the EA Amendment dated 23 May 2017 and your email dated 23 June 2017 notifying the Department of further typographical errors contained in the EA Amendment letter dated 21 June 2017, refers.

The amendment is initiated in terms of regulation 27(4) of the EIA Regulations, 2014 which states: "An environmental authorisation may be amended or replaced without following a procedural requirement contained in these Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially". This decision replaces the EA Amendment dated 23 May 2017 and 21 June 2017.

Based on a review of the reason for requesting an amendment to the abovementioned EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the environmental authorisation 08 August 2014 as follows:

Amendment 1:

The extension of commencement of the construction of the EA by an additional three (03) years from 08 August 2017 to 08 August 2020

Condition 6 of the EA dated 08 August 2014 is thus amended as follows:

M.S

The activity must commence within a period of Eight (06) years from the date of issue of this authorisation (i.e. the authorisation lapses on 08 August 2020). 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 extension is due to the prolonged and highly competitive nature of Department of Energy's (DoE) Renewable Energy Independent Power Producer Program (REIPPP) and Eskom two year delay in signing the Round 4 PPA, which consequently delayed the announcement of Expedited Preferred Bidders and therefore the ability of the project to be constructed.

Amendment 2:

Update to contact details of the applicant

From:

"KLIPGATS SOLAR PV7 (PTY) LTD

With the following contact details-

Mr Warren Morse

PO Box 50

CAPE TOWN INTERNATIONAL AIRPORT

7525

Telephone number: (021) 934 5278

Fax number: (021) 935 0505

Cell phone Number: (083) 760 9586

E-mail Address: warren@mulilo.com

To:

KLIPGATS SOLAR PV7 (PTY) LTD

With the following contact details-

Mr Warren Morse

PO Box 548

Howard Place

CAPE TOWN

7450

Telephone Number: (021) 685 3240

Fax Number: (086) 635 6809

Cell phone number: (083) 760 9586

Email Address: warren@mulilo.com

Reason for amendment:

The holder of EA has recently moved office premises

Amendment 3:

Amendment of property Description

"The Location of Activity on page 1 of EA;

From:

Portion 4 of Farm 117
Farm Klipgats Pan
Siyathemba Local Municipality
Pixley ka Seme District municipality
Northern Province"

To:

Remainder of Portion 4 of Farm No. 117
Klipgats Pan
Siyathemba Local Municipality
Pixley ka Seme District municipality
Northern Province

And the Location on page 4 of the EA on the table providing details of the property (alternative-preferred site)

From:

"Klipgats Pan Farm- PV7
Portion 4 of the Farm No. 117"

To:

"Klipgats Pan Farm- PV7
Remainder of Portion 4 of the Farm No. 117"

Reason for amendment: Property Description:

The property description which was issued on the EA dated 08 august 2014 does not correlate entirely with the property description in the title deed for the affected property. The proposed amendment is to bring the property description on the EA to be in line with the legal property description on the Title Deed.

This letter must be read in conjunction with the EA dated 08 August 2014.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the 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 amendment, of the Department's decision in respect of your application as well as the fact

that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za;

By hand: Environment House
473 Steve Biko Road,
Arcadia,
Pretoria, or

By post: Private Bag X447,
Pretoria,
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the amendment to 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 appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 18/08/2017

cc:	Nicole Holland	Holland & Associated Environmental Consultant	nicole@hollandassociates.net
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