

Holland & Associates



Environmental Consultants

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

1 June 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 FARM KLIPGATS PAN NO. 117 NEAR COPPERTON, NORTHERN CAPE PROVINCE (DEA REFERENCE NO.: 14/12/16/3/3/2/491/AM1)

Notification of Amendment of the Environmental Authorisation

This letter serves to notify all registered Interested and Affected Parties (I&APs) of the Department of Environmental Affairs' (DEA) decision in respect of the application for amendment of the Environmental Authorisation issued on 8 August 2014 for the 75MW PV7 Photovoltaic (PV) solar energy facility on Remainder of Portion 4 of Farm Klipgats Pan No. 117 within the Siyathemba Local Municipality near Copperton, Northern Cape Province. Furthermore, the provisions regarding the submission of appeals that are contained in the National Environmental Management Act (NEMA) (No. 107 of 1998) Environmental Impact Assessment (EIA) Regulations (2014), as amended, are also outlined herein, should an I&AP wish to appeal DEA's decision.

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 to the abovementioned Environmental Authorisation (EA) (i.e. an extension of the validity period of the EA, amendment to the property description, and a change to the contact details of the holder of the EA), the DEA, in terms of Chapter 5 of the EIA Regulations, 2014, as amended, **has decided to amend the EA dated 8 August 2014**, as follows:

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

Condition of Authorisation 6 of the EA, dated 8 August 2014, stated the following:

"This activity must commence within a period of three (03) years from the date of issue of this authorisation. 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 EA was therefore only valid until 8 August 2017. DEA has now granted a three year extension to the validity period of the EA. In this regard, the EA now expires on 8 August 2020.

The Applicant bid this project in the Department of Energy's (DoE) Renewable Energy Independent Power Producer Procurement Program (REIPPPP) Expedited Round (November 2015). Following a delay of almost two years, the DoE and Eskom have issued a statement that they will announce the Preferred Bidders within the next few months. Should this project be selected, the validity period needed to be extended to allow sufficient time to reach financial close and prepare for construction. Should this project not be selected, it is the Applicant's intention to bid this project in a future bidding window of the REIPPPP in 2018.

1.2 Amendment 2: Amendment of the contact details of the holder of the EA

Contact details amended 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

Email 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 Number: (083) 760 9586

Email Address: warren@mulilo.com

The applicant applied to amend the contact details of the holder of the EA because the holder of the EA has recently moved office premises. As such, the EA must include up to date contact details for the holder of the EA for future correspondence.

1.3 Amendment 3: Amendment to the property description of the EA

The property description in the EA, i.e. on Pages 1 and 4 of the EA, have been amended from "Portion 4 of Farm 117 Klipgats Pan" to "Remainder of Portion 4 of the Farm Klipgats Pan No. 117".

The applicant applied to amend the property description of the EA so that it correlates with the property description in the title deed for the affected property.

DEA's amendment to the EA, dated 23 May 2017, is included in Annexure A herewith for your information¹.

NOTE: It is apparent that there are two editorial/ typographical errors in the amendment decision. The first error is in the project title (where it refers to the Environmental Authorisation (EA) being issued on 29 August 2014 instead of 8 August 2014). The second error is on the last page of the amendment decision (page 3) where it refers "PV3" instead of "PV7". DEA have been notified accordingly. It is anticipated that the corrected EA will be issued in due course.

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 date² that the notification of the decision was sent to the registered I&APs by the Applicant, or the date³ 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
473 Steve Biko,
Arcadia, Pretoria,
0083

¹ Note: the proposed amendment decision from DEA dated 23 May 2017 must be read in conjunction with the EA dated 8 August 2014. Copies of the EA dated 8 August 2014 are available from Nicole Holland of Holland & Associates Environmental Consultants on request.

² 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 June 2017.

³ 24 May 2017

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

1 Junie 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 van die Omgewingsmagtiging

Die doel van hierdie brief is om alle geregistreerde Belanghebbende en Geaffekteerde Partye (B&GPe) in te lig oor die Departement van Omgewingsake (DOS) se besluit rakende die Aansoek vir die Wysiging van 'n Omgewingsmagtiging wat op 8 Augustus 2014 uitgereik is vir die 75MW PV7 Fotovoltaïese son energie-aanleg op die Restant van Gedeelte 4 van die Plaas Klipgats Pan Nr. 117 binne die Siyathemba Plaaslike Munisipaliteit naby Copperton, Noord-Kaapprovinsie. Die riglyne vir die indiening van 'n appèl, soos uiteengesit in die Wet op Nasionale Omgewingsbestuur (NEMA) (Nr 107 van 1998) se Regulasies (2014), soos gewysig, vir Omgewingsinvloedbepalings (OIB), word ook hierby ingesluit indien 'n B&GP teen die DOS se besluit wil appelleer.

1. Besluit

Ons stel u hiermee in kennis dat die DOS, in terme van Hoofstuk 5 van die 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 van bogenoemde Omgewingsmagtiging (OM) (naamlik om die geldigheidstydperk van die OM te verleng, die eiendomsbeskrywing reg te stel en die kontakbesonderhede van die houer van die OM op te dateer), **besluit het om die Omgewingsmagtiging (OM) gedateer 8 Augustus 2014**, as volg te verander:

1.1 Wysiging 1: Wysiging om die geldigheidstydperk van die OM te verleng

Die Voorwaarde van Magtiging 6 in die OM gedateer 8 Augustus 2014 is as volg:

"Hierdie aktiwiteit moet 'n aanvang neem binne 'n tydperk van drie (03) jaar vanaf die datum waarop hierdie magtiging uitgereik is. Indien geen werksaamhede binne hierdie

tydperk begin nie, verval die magtiging en moet 'n nuwe aansoek vir 'n omgewingsmagtiging ingedien word voordat enige werksaamhede mag begin”.

Die OM is daarom net geldig tot 8 Augustus 2017. DOS het nou goedgekeur dat die geldigheidstydperk van die OM met drie jaar verleng kan word, d.w.s. die OM verval 8 Augustus 2020.

Die Applikant het die bogenoemde projek gebie in die Departement van Energie (DvE) se Verkrygingsprogram vir Onafhanklike Kragvoorsieners van Hernubare Energie (REIPPP) Vernselde Rondte (November 2015). Na 'n traging van byna twee jaar, het die DvE en Eskom 'n verklaring uitgereid dat die Voorkeur-Bieërs binne die volgende paar maande aangekondig gaan word. As die projek voorkeur geniet, moet die geldigheidstydperk van die OM verleng word om voldoende tyd toe te laat vir finansiële sluiting en om voor te berei vir konstruksie. As die projek nie voorkeur-bieërstatus kry nie, is dit die Applikant se bedoeling om die projek in die 2018 rondte van die DvE se REIPPP in te dien.

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

Vanaf:

*Klipgats Solar PV7 (Edms) Bpk
Met die volgende kontakbesonderhede:
Mnr Warren Morse
Posbus 50
KAAPSTAD INTERNASIONALE LUGHAWE
Telefoonnommer: (021) 934 5278
Faksnommer: (021) 935 0505
Selfoon nommer: (083) 760 9586
Epos-adres: warren@mulilo.com*

Na:

*Klipgats Solar PV7 (Edms) Bpk
Met die volgende kontakbesonderhede:
Mnr Warren Morse
Posbus 548
Howard Place
Kaapstad
7450
Telefoonnommer: (021) 685 3240
Faksnommer: (086) 635 6809
Selnommer: (083) 760 9586
Epos-adres: warren@mulilo.com*

Die applikant het aansoek gedoen vir die wysiging van die kontakbesonderhede van die houer van die OM, omdat die houer van die OM onlangs getrek het na nuwe kantoorfasiliteite. Die OM moet dus die huidige kontakbesonderhede van die houer van die OM bevat, vir toekomstige korrespondensie.

1.3 Wysiging 3: Wysiging van die eiendomsbeskrywing in die OM

Die eiendomsbeskrywing op Bladsye 1 en 4 van die OM gedateer 8 Augustus 2014 is gewysig vanaf "Gedeelte 4 van die Plaas 117 Klipgats Pan" na "Restant van Gedeelte 4 van die Plaas Klipgats Pan Nr. 117".

Die applikant het aansoek gedoen vir die wysiging van die eiendomsbeskrywing in die OM sodat dit ooreenstem met die titelakte vir die geaffekteerde gedeelte van die eiendom.

Die DOS se wysiging aan die OM, gedateer 23 Mei 2017, word vir u inligting as Bylae A hierby ingesluit¹.

NOTA: Dit is opgemerk dat daar twee redaksionele/tipografiese foute in die wysigingsbesluit is. Die eerste fout is in die proje titel (waar dit verwys na die OM wat uitgereik is op 29 Augustus 2014 i.p.v. 8 Augustus 2014). Die tweede fout is op die laaste bladsy van die wysigingsbesluit (bladsy 3) waar dit verwys na "PV3" i.p.v. "PV7". DOS is in kennis gestel, en daar word verwag dat die korrekte OM mettertyd uitgereik gaan word.

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 (Goewerments-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 datum ² waarop die kennisgewing van die besluit deur die Applikant aan die geregistreerde B&GPe gestuur is, of die datum³ 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,
0001; of

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

¹ Nota: die wysigingsbesluit van die DOS gedateer 23 Mei 2017 moet gelees word tesame met die OM gedateer 8 Augustus 2014. Afskrifte van die OM gedateer 8 Augustus 2014 is op versoek beskikbaar vanaf Nicole Holland by Holland & Associates Omgewingskonsultante.

² Hierdie brief, wat namens die Applikant aan geregistreerde B&GPe gestuur is, dien as kennisgewing van die DOS se besluit, en is op 1 Junie 2017 gepos.

³ 24 Mei 2017

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.

Treë 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 – 23 MAY 2017**

**BYLAE A:
DEPARTEMENT VAN OMGEWINGSAKE SE WYSIGING VAN DIE OMGEWINGSMAGTIGING –
23 MEI 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 TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 AUGUST 2014, FOR THE 75MV PVPHOTOVOLTAIC ENERGY FACILITY ON REMAINDER OF PORTION 4 OF THE KLIPGATS PAN NO. 117 NEAR COPPERTON NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 08 August 2014 and your letter dated 04 April 2017 refer.

Based on a review of the reason for requesting an amendment to the abovementioned Environmental Authorisation, 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 Department has decided to grant an extension of the EA issued on 08 August 2014.

The extension is subject to the following conditions:

- The activity must commence within a period of three (03) years from the date of expiry of the EA issued on 08 August 2014, expiring on 08 August 2017, now extended to 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.
- This only amends the validity period as stated herein above and all conditions set out in the Environmental Authorisation dated 08 August 2014 remain unchanged and must be adhered to.

Amendment 2:

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

Amendment 3:

From:

"The Location of Activity on page 1 of EA

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

To:

Remainder of Portion 4 of Farm No. 117
Klippgats 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

From:

"Klippgats Pan Farm- PV3
Portion 4 of the Farm No. 117"

To:

"Klippgats Pan Farm- PV3
Remainder of Portion 4 of the Farm No. 117"

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

Yours faithfully



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

Date: 23/05/2017

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