

# Holland & Associates



Environmental Consultants

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

20 June 2017

Dear Interested and/or Affected Party

**AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 8 AUGUST 2014 FOR THE 75MW PV3 PHOTOVOLTAIC ENERGY FACILITY ON THE REMAINDER OF PORTION 4 OF FARM KLIPGATS PAN NO. 117 NEAR COPPERTON, NORTHERN CAPE PROVINCE (DEA REFERENCE NO.: 14/12/16/3/3/2/487AM2)**

**Notification of Amendment of the Environmental Authorisation**

Our correspondence of 12 May 2017 refers.

As noted in our correspondence of 12 May 2017, a typographic error relating to the affected property was made by the Department of Environmental Affairs (DEA) in the project title of the previous Amendment to the Environmental Authorisation, dated 3 May 2017. Klipgats Solar PV3 (Pty) Ltd submitted a letter to DEA on 12 May 2017, requesting that the error be corrected. DEA have referred to the aforementioned letter requesting the correction of the error as an "Application for Amendment of the Environmental Authorisation (EA)".

This letter serves to notify all registered Interested and Affected Parties (I&APs) of DEA's decision in respect of the Application for Amendment of the Environmental Authorisation issued on 8 August 2014 for the proposed 75MW PV3 Photovoltaic (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 reason submitted by Klipgats Solar PV3 (Pty) Ltd for requesting an amendment to the abovementioned Environmental Authorisation (EA) (i.e. correction of the typographic error in the project title of the amendment EA dated 3 May 2017), the

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DEA, in terms of Chapter 5 of the EIA Regulations, 2014 **has decided to amend the EA dated 8 August 2014**, as follows:

**Correction of the project title of the EA amendment dated 3 May 2017:**

**From:**

*“The proposed 75 MW PV3 Photovoltaic Energy Facility on the Remainder of Portion 4 of the Farm Klipgats Pan No. 177, near Copperton, situated within the Siyathemba Local Municipality Northern Cape Province.”*

**To:**

*“The proposed 75 MW PV3 Photovoltaic Energy Facility on the Remainder of Portion 4 of the Farm Klipgats Pan No. 117, near Copperton, situated within the Siyathemba Local Municipality Northern Cape Province.”*

DEA's amendment to the EA is included in Annexure A herewith for your information<sup>1</sup>.

## **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 PV3 (Pty) Ltd), any registered Interested and Affected Party, and any organ of state with interest in the matter within 20 days from the date<sup>2</sup> that the notification of the decision was sent to the Applicant by DEA.

**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](mailto:appealsdirector@environment.gov.za);

By post: Private Bag X447,  
Pretoria,  
0001; or

By hand: Environment House  
473 Steve Biko,  
Arcadia, Pretoria,  
0083

To obtain the prescribed appeal form and for guidance on the submission of appeals, those

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<sup>1</sup> Note: the proposed amendment letter from DEA dated 9 June 2017 must be read in conjunction with the EA dated 8 August 2014 as well as the amendment letter from DEA dated 3 May 2017. Copies of the EA dated 8 August 2014, and associated amendments, are available from Nicole Holland of Holland & Associates Environmental Consultants on request.

<sup>2</sup> 12 June 2017

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wishing to appeal should visit the DEA website at [http://www.environment.gov.za/documents/forms#legal\\_authorisations](http://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto: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**

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# Holland & Associates



Environmental Consultants

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

20 Junie 2017

Geagte Belanghebbende en/of Geaffekteerde Party

**WYSIGING VAN DIE OMGEWINGSMAGTIGING UITGEREIK OP 8 AUGUSTUS 2014 VIR DIE 75MW PV3 FOTOVOLTAÏESE ENERGIE-AANLEG OP DIE RESTANT VAN GEDEELTE 4 VAN DIE PLAAS KLIPGATS PAN NR. 117 NABY COPPERTON, NOORD-KAAPPROVINSIE (DOS VERWYSINGSNR 14/12/16/3/3/2/487AM2)**

**Kennisgewing van die Wysiging van die Omgewingsmagtiging**

Ons korrespondensie van 12 Mei 2017, verwys.

Soos genoteer in ons korrespondensie van 12 Mei 2017, is 'n tipografiese fout gemaak deur die Departement van Omgewingsake (DOS) rakende die geaffekteerde eiendom in die projek titel van die vorige Wysiging van die Omgewingsmagtiging, gedateer 3 Mei 2017. Klipgats Solar PV3 (Edms) Bpk het 'n brief aan DOS gestuur op 12 Mei 2017, wat versoek het dat die fout reggestel moet word. DOS het verwys na die brief en versoek dat die regstelling van die fout 'n "Aansoek vir Wysiging van die Omgewingsmagtiging (OM)" moet wees.

Die doel van hierdie brief is om alle geregistreerde Belanghebbende en Geaffekteerde Partye (B&GPe) in te lig oor die DOS se besluit rakende die Aansoek vir die Wysiging van 'n Omgewingsmagtiging wat op 8 Augustus 2014 uitgereik is vir die voorgestelde 75MW PV3 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, en gegrond op 'n hersiening van die rede wat deur Klipgats Solar PV3 (Edms) Bpk aangevoer is vir die wysiging van bogenoemde Omgewingsmagtiging (OM) (naamlik die regstelling van die tipografiese fout in die projek titel van die wysiging van die OM gedateer 3 Mei 2017), **besluit het om die Omgewingsmagtiging (OM) gedateer 8 Augustus 2014, as volg te verander:**

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**Regstelling van die projek titel van die OM gedateer 3 Mei 2017:**

**Van:**

*“Die voorgestelde 75 MW PV3 Fotovoltaise Energie Faciliteit op die Restant van Gedeelte 4 van die Plaas Klipgats Pan Nr. 177, naby Copperton, geleë in die Siyathemba Plaaslike Munisipaliteit Noord Kaap Provinsie”*

**Na:**

*“Die voorgestelde 75 MW PV3 Fotovoltaise Energie Faciliteit op die Restant van Gedeelte 4 van die Plaas Klipgats Pan Nr. 117, naby Copperton, geleë in die Siyathemba Plaaslike Munisipaliteit Noord Kaap Provinsie”*

Die DOS se wysiging aan die OM, gedateer 9 Junie 2017, word vir u inligting as Bylae A hierby ingesluit<sup>1</sup>.

**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 (Goewermentskennisgewing 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 PV3 (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<sup>2</sup> waarop die kennisgewing van die besluit deur die bevoegde owerheid aan die applikant gestuur 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](mailto:appealsdirector@environment.gov.za);

Per pos: Privaatsak X447,  
Pretoria,  
0001; of

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

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<sup>1</sup> Nota: die voorgestelde wysigingsbrief van die DOS gedateer 9 Junie 2017 moet gelees word tesame met die OM gedateer 8 Augustus 2014 en die wysigingsbrief van die DOS gedateer 3 Mei 2017. Afskrifte van die OM gedateer 8 Augustus 2014, en geassosieerde wysigings, is op versoek beskikbaar van Nicole Holland by Holland & Associates Omgewingskonsultante.

<sup>2</sup> 12 Junie 2017

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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](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](mailto: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 – 9 June 2017**

**BYLAE A:  
DEPARTEMENT VAN OMGEWINGSAKE SE WYSIGING VAN DIE OMGEWINGSMAGTIGING –  
9 Junie 2017**

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## environmental affairs

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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

**DEA Reference:** 14/12/16/3/3/2/487/AM2

**Enquiries:** Ms Bongeka Ngcoliso

**Telephone:** (012) 399 9376 **E-mail:** [BNgcoliso@environment.gov.za](mailto:BNgcoliso@environment.gov.za)

Mr Warren Morse  
Klipgats Solar (Pty) Ltd  
PO Box 548  
Howard Place  
**CAPE TOWN**  
7450

Telephone Number: (021) 685 3240  
Email Address: [warren@mufilo.com](mailto:warren@mufilo.com)

### **PER EMAIL / MAIL**

Dear Mr Morse

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 08 AUGUST 2014 FOR THE PROPOSED 75 MW PV3 PHOTOVOLTAIC ENERGY FACILITY ON THE REMAINDER OF PORTION 4 OF THE FARM KLIPGATS PAN NO.117, NEAR COPPERTON , SITUATED WITHIN THE SIYATHEMBA LOCAL MUNICIPALITY NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 08 August 2014, the amendment to the EA received by this Department on 11 April 2017, the letter dated 12 May 2017 requesting DEA to correct errors contained on the EA amendment decision dated 03 May 2017, 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 08 August 2014 as follows:

#### **One amendment related to change the heading EA amendment dated 08 May 2017 erroneously typed:**

The proposed 75 MW PV3 Photovoltaic Energy Facility on the Remainder of Portion 4 of the Farm Klipgats Pan No.177, near Copperton, situated within the Siyathemba Local Municipality Northern Cape Province.

#### **Is hereby amended to:**

The proposed 75 MW PV3 Photovoltaic Energy Facility on the Remainder of Portion 4 of the Farm Klipgats Pan No.117, near Copperton, situated within the Siyathemba Local Municipality Northern Cape Province.

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 as amended (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 Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.



Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed.

An appellant must submit an 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 applicant by the competent authority.

By post: Private Bag X447,  
Pretoria, 0001; or  
By hand: Environment House  
473 Steve Biko,  
Arcadia,  
Pretoria, 0083

**Appeals must be submitted in writing to:**

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356  
Email: [Appealsdirector@environment.gov.za](mailto:Appealsdirector@environment.gov.za)

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website:

[https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



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

Date: 09/06/2017

cc	Ms N Holland	Holland & Associates Environmental Consultants	<a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a>
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