

10 August 2023

Dear Interested and/or Affected Party,

**RE: NOTICE OF PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED FOR THE GEMSBOK SOLAR PV5 75 MW SOLAR PHOTOVOLTAIC (PV) FACILITY AND ASSOCIATED INFRASTRUCTURE, NORTH-EAST OF KENHARDT, NORTHERN CAPE PROVINCE**

**Reference Numbers: 14/12/16/3/3/2/843; 14/12/16/3/3/2/843/AM1; 14/12/16/3/3/2/843/AM2; 14/12/16/3/3/2/843/1 and 14/12/16/3/3/2/843/2**

The proposed Gemsbok Solar PV5 75 MW solar photovoltaic (PV) facility and associated infrastructure project, located north-east of Kenhardt within the !Kheis Local Municipality in the Northern Cape was granted Environmental Authorisation (EA) on 19 November 2018 (Reference Number: 14/12/16/3/3/2/843) by the Department of Environmental Affairs (DEA), now operating as the Department of Forestry, Fisheries and the Environment (DFFE). An amended EA was granted on 19 July 2019 (14/12/16/3/3/2/843/AM1) with the removal of Condition 35 of the EA dated 19 November 2018. A second amendment to the EA (14/12/16/3/3/2/843/AM2) was granted on 5 May 2021 to change the holder of the EA to "Mulilo Total Coega (Pty) Ltd"; and to change the details of the affected farm property so that it aligns with the title deed.

As a registered Interested and Affected Party (I&AP) on the project database you are hereby notified in terms of Regulation 4 (2) of the National Environmental Management Act (Act 107 of 1998, as amended) (NEMA) Environmental Impact Assessment (EIA) Regulations promulgated on 8 December 2014 (as amended), that the Competent Authority (i.e. DFFE) has amended the original EA (via a Part 1 Amendment) for the proposed Gemsbok Solar PV5 75 MW project. Two new amended EAs have been issued, which replace the original EA dated 19 November 2018, as amended. The amended EAs are dated **4 August 2023** and have the following reference numbers: **14/12/16/3/3/2/843/1** and **14/12/16/3/3/2/843/2**. The approved amendments comprise of the following:

Amendment	Description
Amendment 1	<ul style="list-style-type: none"> <li>▪ Inclusion of two affected farm properties in the EA (i.e. Portions 18 and 19 of the Farm Gemsbok Bult No. 120) to ensure that all properties affected by the proposed power line and access road are included in the EA. These properties were originally, due to error, not clearly included in the EA application and EIA reporting. However, the power line corridor, including these properties, was assessed in its entirety and included in the EIA Process and Final EIA Report.</li> </ul>
Amendment 2	<ul style="list-style-type: none"> <li>▪ Update of the approved Layout Plan and Environmental Management Programme (EMPr) based on the findings of the pre-construction floral (and avifaunal) walk throughs, which identified the presence of a quiver tree (<i>Aloidendron dichotomum</i>), along with provincially protected species in terms of the Northern Cape Nature Conservation Act (Act 9 of 2009) (i.e. <i>Aloe claviiflora</i>) and protected trees in terms of the National Forests Act (Act 84 of 1998) (i.e. <i>Boscia albitrunca</i>) within the layout for the PV facility. Based on this, the layout and relevant impact management actions in the EMPr were updated to accommodate the in situ protection of the quiver tree with a 20 m buffer, as well as the in situ protection of the <i>Aloe claviiflora</i>. No changes to the impact management outcomes in the EMPr were made.</li> </ul>
Amendment 3	<ul style="list-style-type: none"> <li>▪ Splitting of the EA into two separate EAs for the respective solar PV and Electricity Grid Infrastructure (EGI) components, as follows: <ul style="list-style-type: none"> <li>○ Split EA 1 [14/12/16/3/3/2/843/1]: Includes all infrastructure, structures and activities at the Gemsbok Solar PV5 Facility that will be constructed, operated and maintained by the Independent Power Producer (IPP); and</li> <li>○ Split EA 2 [14/12/16/3/3/2/843/2]: Includes all infrastructure, structures and activities for the Grid Connection of the PV Facility that will be built by the IPP and later handed over to Eskom.</li> </ul> </li> <li>▪ The purpose of the splitting is to facilitate hand over of the EGI to Eskom following the self-build construction work. The technical details were also updated to ensure that the details are accurately captured based on the updated Layout Plan.</li> </ul>
Amendment 4	<ul style="list-style-type: none"> <li>▪ An extension to the validity of the EA (dated 19 November 2018) was granted. The original EA states that the activity must commence within a period of five years from the date of the authorisation (i.e. by 19 November 2023). The validity period of the EA has been extended to 19 November 2028.</li> </ul>

Copies of the amended EAs, dated 4 August 2023, can be furnished on request from the undersigned, and are also available here: [<https://bit.ly/GemsbokPV5>]. The reasons for the DFFE's decision are detailed in Annexure 1 of the EAs and have also been attached separately.

Your attention is drawn to Chapter 2 of the National Appeal Regulations published in GN R993 on 8 December 2014, and as amended in GN R205 on 12 March 2015, which prescribes the appeal procedure to be followed. These regulations have been attached to this correspondence. Should you wish to appeal any aspect of the decision (i.e. **the amended EAs dated 4 August 2023, Reference Numbers: 14/12/16/3/3/2/843/1 and 14/12/16/3/3/2/843/2**), an appeal must be submitted to the Appeal Administrator by the Appellant, and a copy thereof must be submitted to the Applicant, any registered I&AP and any Organ of State that has interest in the matter, within 20 days from the date that the notification of the decision was sent to the registered I&APs by the Applicant. Based on the above, you are hereby informed that the appeal period extends from **10 August 2023 to 30 August 2023**.

The appeals must be submitted in writing in the prescribed form (obtainable from the Appeal Administrator or DFFE website) to:

The Director: Appeals and Legal Review of the National DFFE, at the below mentioned addresses:  
By Email: [appeals@dff.gov.za](mailto:appeals@dff.gov.za)  
By Hand: Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083  
By Post: Private Bag X447, Pretoria, 0001.

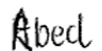
Please visit the DFFE's website at [https://www.dffe.gov.za/documents/forms#legal\\_authorisations](https://www.dffe.gov.za/documents/forms#legal_authorisations) to obtain the prescribed appeal form and for guidance on the submission of appeals, or request a copy of the documents by sending an e-mail to: [appeals@dff.gov.za](mailto:appeals@dff.gov.za). The guidance document has also been attached to this correspondence.

Should you have any queries or require additional information please do not hesitate to contact the undersigned using the contact details provided above.

In accordance with the Protection of Personal Information Act (Act No. 4 of 2013), CSIR will conduct itself responsibly when collecting, processing, storing and sharing any personal information collected for the purposes of PPP in terms of the 2014 NEMA EIA Regulations (as amended). As a registered I&AP, you consent to the collection, collation, processing, and storing of such information and the use and disclosure of such information for the aforementioned purpose (<https://www.csir.co.za/csir-privacy-notice>). If you would like to opt out of communications on these projects, please do so by responding to this correspondence via email.



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