



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0000813/2011

DEA Reference: 12/12/20/2634

Enquiries: Ms Thabile Sangweni

Telephone: (012) 395 1761 Fax: (012) 320 7539 E-mail: TSangweni@environment.gov.za

Mr Uri Epstein
Orlight 5 (Pty) Ltd
PO Box 69408
BRYANSTON
2021

Fax Number: (011) 367 4601
Telephone Number: (011) 367 4628

PER FACSIMILE / MAIL

Dear Mr Epstein

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 16 NOVEMBER 2012 FOR THE CONSTRUCTION OF THE 70MW ORLIGHT SA PHOTOVOLTAIC SOLAR POWER PLANT ON THE REMAINING EXTENT OF THE FARM KLEIN ZWART BAST 188 RD, NEAR KENHARDT WITHIN THE KAI IGARIB LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation issued for the above application by this Department on 16 November 2012; your application for amendment to the Environmental Authorisation received by this Department on 08 August 2013 and the additional information dated 11 September 2013 refer.

Based on a review of the reason for requesting an amendment to the above Environmental Authorisation, the Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the EA dated 16 November 2012 as follows:

Amendment 1:

The current holder of the Environmental Authorisation is amended:

From:

Mr Frank Eagar
Orlight SA (Pty) Ltd
36 Fricker Road
Illovo Boulevard
ILLOVO
2196

Tel: (011) 327 1070
Fax: (011) 327 1011
Cell: (082) 411 1205
Email: frank@bsgresources.com

To:

Mr Uri Epstein
Orlight 5 (Pty) Ltd
PO Box 69408
Bryanston
2021

Telephone number: (011) 367 4628
Cell phone number: (073) 298 0162
Fax number: (011) 367 4601
Email address: uepstein@biothermenergy.com

Amendment 2:

Page 3 of the EA dated 16 November 2012 is amended:

From:

GN R. 546 Item 12:

"The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation –

(b) Within critical biodiversity area identified in bioregional plans."

To:

"The clearance of an area of 300 square meters or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation –

(b) Within critical biodiversity area identified in bioregional plans."

and

From:

GN R. 546 Item 14:

"The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation –

- (a) In the Northern Cape
i. All areas outside urban areas."

To:

"The clearance of an area of 5 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation –

- (a) In the Northern Cape
i. All areas outside urban areas."



Furthermore, a shapefile of the preferred development layout/footprint must be submitted to this Department prior to commencement of the construction phase. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avi and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title.

The shape file must be submitted to:

Postal Address:

Department of Environmental Affairs
Private Bag X447
Pretoria
0001

Physical address:

Department of Environmental Affairs
Fedsure Forum Building (corner of Pretorius and Lillian Ngoyi Streets)
4th Floor South Tower
315 Pretorius Street
Pretoria
0002

For Attention: Mr Muhammad Essop
Integrated Environmental Authorisations
Strategic Infrastructure Developments
Telephone Number: (012) 395 1734
Fax Number: (012) 320 7539
Email Address: MEssop@environment.gov.za

This letter must be read in conjunction with the EA dated 16 November 2012.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) 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 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the amendment decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Building, North Tower,



Cnr. Lillian Ngoyi (Van der Walt) and Pretorius Streets,
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

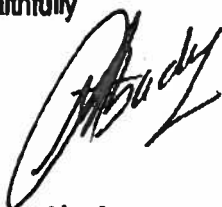
Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: AppealsDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Mr Ishaam Abader
Deputy Director-General: Legal, Authorisations, Compliance and Enforcement
Department of Environmental Affairs

Date: 01/10/2013

cc:	Ms D Moleko	Northern Cape DENC	Tel: 053 807 4800	Fax: 053 831 3530
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012320-5744

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to appeal may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. An appeal against a decision must be lodged with:-
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. An appeal lodged with:-
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. An appeal must be:-
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.

