

17 March 2021

Dear Stakeholder and Interested & Affected Party,

**AMENDMENT OF ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED 150MW SIRIUS PHASE TWO SOLAR PHOTOVOLTAIC ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE WITHIN THE DAWID KRUIPER LOCAL MUNICIPALITY, ZF MGCWU DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE (DEA Ref.No.: 14/12/16/3/3/2/481/AM3)**

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**NOTICE OF AMENDED ENVIRONMENTAL AUTHORISATION ISSUED**

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Sirius Solar PV Project Two RF (Pty) Ltd received Environmental Authorisation (EA) from the Department of Environment, Forestry and Fisheries<sup>1</sup> (DEFF) on 09 July 2014, which was amended on 23 May 2018 and 11 July 2020. Amotivation report was submitted on 26 November 2020 for the further amendment of the 150MW Sirius Phase Two Solar Photovoltaic Energy Facility and Associated Infrastructure on the farm Tungsten Lodge 638 near Upington and withing the Dawid Kruiper Local Municipality, ZF Mgcawu District Municipality, Northern Cape Province.

The applicant hereby notifies all registered interested and affected parties, as instructed by the decision issued by the Department on 05 March 2021, and in terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended, that the Department has decided to amend the EA, dated 09 July 2014.

A copy of the amended EA is attached for your perusal. This amended EA must be read in conjunction with the EA dated 09 July 2014.

**NOTICE OF APPEAL PROCESS**

As an interested and affected party, your attention is drawn to Chapter 2, Regulation 4(2) of Government Notice No. 993, which prescribes the appeal procedure to be followed. Should you wish to appeal the decision, or any part of the decision, by the Department, you must submit your 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 registered interested and affected parties by the applicant (i.e. Wednesday, 17 March 2021).

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<sup>1</sup> Previously known as the Department of Environmental Affairs (DEA)

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

The Director: Appeals and Legal Review

E-mail: [appeals@environment.gov.za](mailto:appeals@environment.gov.za)

By hand: Environmental House  
473 Steve Biko Street  
Arcadia  
Pretoria  
0083

or

By post: Private Bag X447  
Pretoria  
0001

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the DEFF's website at: [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://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)

A copy of the Appeal Regulations is included with this notification letter.

Please note that **appeals should be submitted to the DEFF and not to the consultant** (Savannah Environmental).

Kind regards



**Nicolene Venter**

Public Participation and Social Consultant

**Document Attached:** Environmental Authorisation  
National Appeals Regulations, 2014  
National Appeal Amendment Regulations, 2015



# environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DEFF Reference: 14/12/16/3/3/2/481/AM3

Enquiries: Mr Herman Alberts

Telephone: (012) 399 9371 E-mail: HAlberts@environment.gov.za

Mr Simon Haw  
Sirius Solar PV Project Two RF (Pty) Ltd  
2D Nautica Building  
The Water Club Complex  
Granger Bay  
CAPE TOWN  
8001

Telephone Number: (021) 421 9764  
Email Address: permits@sola.africa

## PER EMAIL / MAIL

Dear Mr Haw

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 09 JULY 2014 AS AMENDED FOR THE ESTABLISHMENT OF THE 150MW SIRIUS PHASE TWO SOLAR PHOTOVOLTAIC ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE ON THE REMAINING EXTENT OF THE FARM TUNGSTEN LODGE 638 NEAR UPINGTON, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 09 July 2014, the amendments to the EA issued on 23 May 2018 and 11 July 2020, the application for amendment of the EA and the draft amendment motivation report received by the Department on 11 September 2020, the acknowledgement letter dated 25 September 2020, the comments issued by this Department on 12 October 2020, the amended draft amendment motivation report received on 20 October 2020, the comments on the amended draft amendment motivation report issued by this Department on 05 November 2020 and the final amendment motivation report received on 26 November 2020 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 09 July 2014, as amended, as follows:

#### **Amendment 1: Amendment to the project description to increase the generation capacity and to include a Battery Energy Storage System (BESS) in the EA:**

The title on page 01 of the EA has been amended:

#### **From:**

*"75MW Sirius Phase Two Solar Photovoltaic Energy Facility and its associated infrastructure on the Remaining Extent of the Farm Tungsten Lodge 638 near Upington, Northern Cape Province."*

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**To:**

*"150MW Sirius Phase Two Solar Photovoltaic Energy Facility and its associated infrastructure on the Remaining Extent of the Farm Tungsten Lodge 638 near Upington, Northern Cape Province."*

The activities authorised in the table on page 03 of the EA is amended:

**From:**

<u>GN R. 545, Item 1:</u> <i>"The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more."</i>	<i>The proposed solar PV facility would have a generation capacity of 75MW</i>
<u>GN R. 545, Item 14:</u> <i>"The clearance of an area of 5 Ha or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation..."</i>	<i>The establishment of the proposed 75MW facility and access road will require the clearance of indigenous vegetation within the site.</i>

**To:**

<u>GN R. 545, Item 1:</u> <i>"The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more."</i>	<i>The solar PV facility would have a generation capacity of 150MW.</i>
<u>GN R. 545, Item 14:</u> <i>"The clearance of an area of 5 Ha or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation..."</i>	<i>The establishment of the 150MW facility and access road will require the clearance of indigenous vegetation within the site.</i>

Page 04 of the EA is amended:

**From:**

*"- for the proposed 75MW Sirius Phase Two Solar Photovoltaic Energy Facility and its associated infrastructure on the Remaining Extent of the Farm Tungsten Lodge 638 near Upington, Northern Cape Province, hereafter referred to as "the property"."*

**To:**

*"- for the 150MW Sirius Phase Two Solar Photovoltaic Energy Facility and its associated infrastructure on the Remaining Extent of the Farm Tungsten Lodge 638 near Upington, Northern Cape Province, hereafter referred to as "the property"."*

The following is added to the list of infrastructure associated with the facility on Page 05 of the EA:

**"Battery Energy Storage System"**

The table of the technical details of the facility on page 05 is amended:

**From:**

Export capacity	75MW
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**To:**

Export capacity	150MW
Battery Energy Storage System (BESS)	<p>Lithium-ion, Lithium Iron Phosphate, Sodium Sulphur, or Vanadium Redox batteries with a capacity of up to 4.5GWh in containers with a footprint of 6.5ha and a maximum height of up to 2.8m.</p> <p>Multi-core, 33kV underground cables to connect the BESS to the authorised on-site facility substation of Sirius Solar PV Project Two.</p> <p><u>The proposed technologies will not trigger any listed or specified activity during the life cycle of the project, inter alia: Activity 14 of Listing Notice 1.</u></p>

**Reason for amendments:**

The applicant requested this amendment of the EA to allow for the generation of 150MW of contracted capacity based on the intention to bid the project under the Risk Mitigation IPP Programme (RMIPPPP) of the DMRE. Furthermore, the requested amendment is a result of technological advancements in the development of solar PV panels, which means it has become possible to generate a higher capacity of electricity from a smaller footprint using solar PV technology with more efficient solar PV panels. In addition to the above, the inclusion of the BESS for the project is of importance as the system will ensure that electricity is fed into the national grid when required and excess amounts stored. This will allow for extended hours of generation from the 150MW solar PV facility, which will assist in meeting the objectives of the Risk Mitigation IPP Programme under the DMRE.

This amendment letter must be read in conjunction with the EA dated 09 July 2014 as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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:**

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za);

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

By post: Private Bag X447,  
Pretoria,  
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal 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.

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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environment, Forestry and Fisheries**

Date: 05/03/2001

cc:	Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: <a href="mailto:joanne@savannahsa.com">joanne@savannahsa.com</a>
	Bryan Fisher	NC: DAEARDLR	Email: <a href="mailto:Bfisher@ncpg.gov.za">Bfisher@ncpg.gov.za</a>
	Godfrey Mackay	Kai IGarib Local Municipality	Email: <a href="mailto:mackayg@kaigarib.gov.za">mackayg@kaigarib.gov.za</a>