



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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

DFFE Reference: 14/12/16/3/3/2/2078/AM1

Enquiries: Mr Jay-Jay Mpelane

Telephone: (012) 399 9404, **E-mail:** Jmpelane@dfpe.gov.za

Mr Eugene Marais
Damlaagte PV Facility (Pty) Ltd
PO Box 45063
CLAREMONT
7735

Cell number: 073 871 5781
Tel number: (021) 657- 4052
Email address: eugene.marais@mainstreammp.com

PER EMAIL / MAIL

Dear Mr Marais

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 14 MARCH 2022 FOR THE PROPOSED DAMLAAGTE SOLAR PV FACILITY, FREE STATE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 14 March 2022, your application for amendment of the EA received by the Department on 14 July 2022 and the acknowledgement letter dated 26 July 2022, refers.

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 on 14 March 2022 as amended, as follows:

Amendment 1: Change to the name of the holder of the EA

From:

South Africa Mainstream Renewable Power Developments (Pty) Ltd.

To:

Damlaagte PV Facility (Pty) Ltd).

Reason for amendment:

The abovementioned amendment is approved as the company responsible for the development phase of the authorised solar PV facility has changed to Damlaagte PV Facility (Pty) Ltd).

The following proposed amendments are hereby refused:

Amendment 2:

Include a description of the 132kV switching substation portion / yard of the shared onsite substation 1 (also known as the Eskom substation) to the EA for the authorised Damlaagte PV Facility.

Amendment 3:

Include a 200m (length) 132kV distribution line with 100m corridor (50m either side) that will connect the approved substation footprint to an existing Eskom transmission line servitude (via Loop-in Loop-out connection) located adjacent to the southern boundary of the subject property.

Reasons for refusal of amendment 2 and 3:

According to the information submitted as part of the application for amendment, a separate Basic Assessment Report (BAR) was submitted for the Electrical Grid (i.e., powerline) Infrastructure and Eskom Portion/ Switching Station Portion (hereafter referred to as the "Switching Substation") of the shared onsite substation. The infrastructure is required for evacuation of the power produced by the **approved Damlaagte** PV Facility (14/12/16/3/3/1/2432). However, the EA (14/12/16/3/3/1/2432) was **refused** by the DFFE, with biodiversity concerns cited as a reason (namely that the grid corridor traverses Critical Biodiversity Areas (CBAs) and that no Biodiversity Offset was in place).

Furthermore, as indicated in the application for amendment the shared onsite substation consists of two (2) parts, i.e., IPP Substation (2.5ha in extent) and Switching Station (2.5ha in extent).

Upon review of the EA for the Damlaagte Solar PV Facility, the electrical infrastructure authorised was the 33/132kV on-site IPP Substation (including associated equipment and infrastructure); and underground cabling and overhead power lines (up to 33kV) and did not include the switching station as well as the 200m corridor to the existing Eskom Transmission line.

Therefore, the PV Facility was not authorised with the shared onsite substation/ or Switching Station Portion or half a substation, and the 200m corridor to the existing Eskom Transmission line as indicated by the EAP. The Department disagrees with the view that both components of the substation and the 200m corridor to the existing Eskom Transmission line was approved as part of the Damlaagte Solar PV Facility.

This proposed amendment letter must be read in conjunction with the EA dated on 14 March 2022, 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 EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of 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.

E-mail: appeals@dfef.gov.za

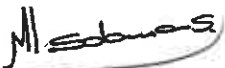
By hand: Environment House
473 Steve Biko Road
ARCADIA
0083 or

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.dffe.gov.za/documents/forms#legal> authorisations or request a copy of the documents at appeals@dfef.gov.za.

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment
Date: 18/08/2022.

Cc:	Liandra Scott-Shaw	SLR Consulting Africa (South Africa) (Pty) Ltd	E-mail: lscottshaw@slrconsulting.com
	Bruce Kannemeyer	Ngwathe Local Municipality	E-mail: mm@ngwathe.co.za
	Dr Mbulelo Nokwequ	Free State: DESTEA	E-mail: HODoffice@destea.gov.za



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Ms. Milicent Solomons
Director: Prioritized Infrastructure Projects

Dear Mrs Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORIZATIONS FOR THE PERIOD OF 25 APRIL 2022 UNTIL 31 OCTOBER 2022

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated Environmental Authorizations for the period of 25 April to 31 October 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms. Devnagie Bendeman
Deputy Director-General: RCSM (Regulatory Compliance and
Sector Monitoring)

Date 20 April 2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorizations

Signed:

Date: 20/04/2022