



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: 12/12/20/2513/4/AM4

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Mr Mike Levington
Kabi Solar (Pty) Ltd
P.O. Box 2940
CRAIGHALL
2024

Telephone Number : 010 593 3211
Email Address : mike.levington@kabisolar.co.za

PER EMAIL / MAIL

Dear Mr Levington

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 OCTOBER 2012 FOR THE CONSTRUCTION OF A SUBSTATION AND 132KV POWERLINE ON PORTION 3 OF FARM VAALKOP AND PORTION 4 OF FARM MODDERFONTEIN, ORKNEY, NORTH WEST PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Competent Authority on 10 October 2012, the amendments to the EA dated 23 February 2015, 09 October 2017 and 22 October 2019, your application for amendment of the EA received by this Competent Authority on 04 May 2022, the acknowledgement letter dated 10 May 2022, the comments on the draft amendment motivation report dated 01 August 2022 and the final motivation report received on 08 August 2022, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Competent Authority, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 10 October 2012, as follows:

Amendment 1: Extension of the Validity Period- Commencement of Authorised Activities:

The activity must commence within a period of three (3) years from the date of expiry of the EA dated 10 October 2012, now extended to **10 October 2025**. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

Due to this amendment, the following conditions are included in the Specific Conditions on page 7 of the EA:

- 31a The development footprint should be kept to a minimum and natural vegetation should be encouraged to return to disturbed areas.
- 31b Mitigation measures of the current site should align with neighbouring sites and other developments in the area.
- 31c Preconstruction walk-through of the final development footprint for protected species that would be affected and that can be translocated.
- 31d Before construction commences individuals of listed provincially protected plant species within the development footprint that would be affected, should be counted and marked and translocated where

deemed necessary and possible by the ecologist conducting the pre-construction walk-through survey, and according to the recommended ratios. Permits from the relevant provincial authorities, will be required to relocate and/or disturb listed plant species.

- 31e Any individuals of protected species affected by and observed within the development footprint during construction should be translocated under the supervision of the ECO and/or Contractor's Environmental Officer (EO).
- 31f Both Archaeological and Palaeontological walk-throughs must be undertaken for the final layout prior to construction. A report on the outcomes of the walk-throughs must be submitted to the South African Heritage Resources Agency (SAHRA) for comment. Construction may not commence without feedback from SAHRA on the report.
- 31g If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Elijah Katsetse/Phillip Hine 021 462 4502) must be alerted as per section 35(3) of the National Heritage Resources Act (Act 25 of 1999) (NHRA).
- 31h If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/ Ngqalabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA.
- 31i The following conditions apply with regards to the appointment of specialists:
- i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource.
 - ii) If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA.

Should any of the above conditions or conditions identified from the cumulative assessment as per the "Site Verification and Motivation for Amendment of the Environmental Authorisation" report dated August 2022, require an amendment to the approved EMPr, the EA holder is advised to apply for an amendment of an EMPr.

The reason for the amendment:

The applicant applied to extend the validity period of the EA to ensure that the project is compliant with the requirements of the Department of Mineral Resources and Energy's Renewable Energy Independent Power Producer Procurement ("REIPPP") Programme.

This proposed amendment letter must be read in conjunction with the EA dated 10 October 2012 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 stipulate 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 abuse or compromise 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 prescribes 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@dfef.gov.za;

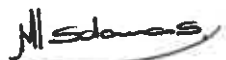
By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria,
0083; or

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

Yours faithfully



Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 06/09/2022.

cc:	Dr. Poncho Mokaila	North West DEDECT	Email: pmokaila@nwpp.gov.za
	Mr Tyron du Plessis	City of Matlosana Local Municipality	Email: tduplessis@klerksdorp.org
	Ms Karen Jodas	Savannah Environmental (Pty) Ltd	Email: karen@savannahsa.com



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Ms. Milcent 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