



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/2/843

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CAPE TOWN INTERNATIONAL AIRPORT
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PER E-MAIL / MAIL

Dear Mr Morse

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 19 NOVEMBER 2018 FOR THE 75MW GEMSBOK PV5 SOLAR ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE ON PORTION 8 OF THE GEMSBOK BULT FARM 120 NEAR KENHARDT, KHEIS LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.

The Environmental Authorisation (EA) issued for the above application by this Department on 19 November 2018 and your application for appeal against condition 35 of the EA received by this Department on 19 December 2018 refer.

Based on a review of the appeal decision as issued by the Minister on 07 June 2019, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended, has decided to amend the EA dated 19 November 2018 by removing condition 35 of the EA dated 19 November 2018.

Condition 35 of the EA reads as follows:

"Environmental Authorisation is granted on condition that not more than 6 approved facilities in the project area are awarded preferred bidder status by the Department of Energy (DoE)".

The above condition is hereby **removed** from the EA dated 19 November 2018.

This letter must be read in conjunction with the EA dated 19 November 2018 and the Appeal Decision dated 07 June 2019

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

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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 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 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: appealsdirector@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.

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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 or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 19/07/2019

cc:	Mr Paul Lochner	Council for Scientific and Industrial Research (CSIR)	E-mail: plochner@csir.co.za
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