



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

EAS Reference: DEA/EIA/0000830/2011.

DEA Reference: 12/12/20/2639

Enquiries: Ms Tebogo Mapinga

Telephone: 012-395-1805 Fax: 012-320-7539 E-mail: TMapinga@environment.gov.za

Ms Izel van Rooy  
Tobivox (Pty) Ltd  
P.O. Box 225  
HIGHLANDS NORTH  
2037

Fax no: 014 772 1758

PER FACSIMILE / MAIL

Dear Ms van Rooy

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.543/544/545: ESTABLISHMENT OF THE 60MW TOM BURKE SOLAR PARK ON PORTION 2 (REMAINING EXTENT) OF THE FARM KLIPFONTEIN 31 LQ WITHIN THE LEPHALALE LOCAL MUNICIPALITY, WATERBERG DISTRICT MUNICIPALITY, LIMPOPO PROVINCE**

With reference to the above application, please be advised that the Department has decided accept the EIR dated June 2012 and to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

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 EA, of the Department's decision in respect of your application 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 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 Wall) 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:**

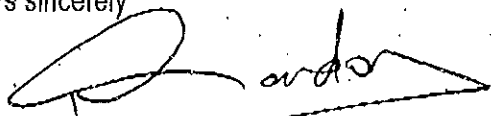
Mr T Zwane, Senior Legal Administration Officer (Appeals), of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: [tzwane@environment.gov.za](mailto:tzwane@environment.gov.za)

The authorised activity/ies 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 sincerely



**Mr Mark Gorden**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
**Date: 16 November 2012**

CC:	Ms E Grobler	AGES Limpopo (Pty) Ltd	Tel: 015 291 1577	Fax: 015 291 1577
	Ms TA Kubaye	LEDET	Tel: 015 290 7164	Fax: 015 295 5015
	Mr PJ Hlapa	Lephalale Local Municipality	Tel: 014 783 2193	Fax: 014 763 5662
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7661
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

**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)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

Establishment of the 60MW Tom Burke Solar Park on portion 2 of the Farm klipfontein 31 LQ

Waterberg District Municipality

<b>Authorisation register number:</b>	<i>12/12/20/2639</i>
<b>NEAS reference number:</b>	<i>DEA/EIA/0000830/2011</i>
<b>Last amended:</b>	<i>First Issue</i>
<b>Holder of authorisation:</b>	<i>Tobivox (Pty) Ltd</i>
<b>Location of activity:</b>	<i>Limpopo Province</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

**TOBIVOX (PTY) LTD**

with the following contact details –

Ms Izel van Rooy

Tobivox (Pty) Ltd

P.O. Box 225

**HIGHLANDS NORTH**

2037

Tel: (014) 772 1758

Fax: (014) 772 1758

Cell: (082) 449 7626

E-mail: [planwize@telkomsa.net](mailto:planwize@telkomsa.net)

Department of Environmental Affairs  
Environmental Authorisation Reg. No. 12/12/20/2639  
NEAS Reference Number: DEA/NEAS/0000830/2011

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 or 3 (GN R.544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10:</u> The construction of facilities or infrastructure for the transmission and distribution of electricity:</p> <p>i. Outside urban areas or industrial complexes with a capacity of more than 33 kilovolt but less than 275 kilovolts.</p>	<p>The construction of a high voltage substation and (if necessary) a small switching station having transformers to increase the voltage and a new power line and/or underground cable, linking the PV power plant to the Eskom's Tom Burke 132kV substation, located on Portion 3 of the Farm Klipfontein 31 LQ.</p>
<p><u>GN R. 544 Item 22:</u> The construction of a road, outside urban areas,</p> <p>i. With a reserve wider than 13,5 metres or, ii. Where no reserve exists where the road is wider than 8 metres.</p>	<p>An access road wider than 8 metres or with a reserve wider than 13.5 metres may be constructed. Some internal roads may be wider than 8 metres.</p>
<p><u>GN R. 545 Item 1:</u> The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.</p>	<p>The construction, operation and maintenance of a Photovoltaic (PV) Power Plant with a generating capacity up to 60 MW</p>
<p><u>GN R. 545 Item 15:</u> Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</p> <p>Except where such physical alteration takes place for:</p> <p>i. Linear development activities; or ii. Agriculture or afforestation where activity 16 in this Schedule will apply.</p>	<p>The Photovoltaic Power Plant with associated infrastructure and structures will be constructed and operated on a footprint bigger than 20 hectares on an overall available area measuring approximately 427 hectares in size.</p>

as described in the Environmental Impact Report (EIR) dated June 2012 at:

Alternative S1	Latitude	Longitude
Proposed Site	23° 04' 22"	27° 59' 22"

- for the establishment of the 60MW Tom Burke Solar Park on portion 2 of the Farm klipfontein 31 LQ in Lephalale Local Municipality which falls within the Waterberg District Municipality, Limpopo Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- Photovoltaic modules
- Internal cabling and string boxes
- Medium voltage stations hosting DC/AC inverters and LV/MV transformers
- High voltage substation and switching station (if required)
- Medium voltage receiving station
- Control building with offices and a small parking area
- Electrical system and UPS (Uninterruptible Power Supply) devices
- Mounted systems (fixed or trackers) for the PV arrays
- Lighting system
- Grounding system
- Fencing of the site and alarm and video-surveillance system
- Internal roads
- Workshop & warehouse
- Storm water collection system
- A new 132 kV power line for the connection to the Eskom's Tom Burke substation, located on Portion 3 of the Farm Klipfontein 31 LQ, adjacent to the project site
- A new 132 kV busbar to be commissioned and equipped in the Eskom's Tom Burke substation
- Extension of the 132kV busbar of the Eskom's Tom Burke substation

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred site alternative 1, location alternative 3, connection alternative 2 and technology alternative 1 and 2 are approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation; which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to; an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
6. This activity must commence within a period of three (3) years from the date of issue of this authorisation. 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

### Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must --
  - 10.1. specify the date on which the authorisation was issued;
  - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice --
  - 11.1. informing interested and affected parties of the decision;
  - 11.2. informing interested and affected parties where the decision can be accessed; and
  - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

### Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby noted and accepted. A final Site specific EMPr which will take into consideration the final layout design, technology selection and the recommendations and mitigation measures as recommended by the specialist studies must be submitted to the department for approval prior to beginning with construction activities.

### Monitoring

13. The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the

mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.

- 13.1. The ECO shall be appointed before commencement of any authorised activity/ies.
- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 13.4. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 13.5. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Recording and reporting to the Department**

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
17. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Commencement of the activity**

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

20. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

#### **Notification to authorities**

21. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

#### **Operation of the activity**

22. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

#### **Site closure and decommissioning**

23. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

#### **Specific conditions**

24. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
25. A 30 meter buffer zone must be adapted from the periphery of the temporary zone of the wetlands. No development should be allowed in the wetland areas.
26. All development activities must be restricted to specific recommended areas. The Environmental Control Officer (ESO) must demarcate and control these areas.
27. Ensure protection of important resources by establishing protective buffers to exclude unintentional disturbance. All possible efforts must be made to ensure as little disturbance as possible to sensitive bird habitats such as riparian woodland during construction.

28. Anti-collision devices such as bird flappers must be installed where powerlines crosses avifaunal corridors, as recommended by the avifaunal specialist. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
29. A botanist must be appointed to perform a final walkthrough of the layout and powerline alignment to identify sensitive plant species, and assist in identifying the areas that require protection.
30. A permit must be obtained from DAFF for the removal or destruction of indigenous protected and endangered plant and animal species and the same applies to any translocation/eradication of red data/ protected plant species on site.
31. Copies of permits in respect of 30 above required must be submitted to the Department for record keeping.
32. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
33. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
34. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
35. A storm water management plan must be developed and implemented.
36. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

#### General

37. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
38. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

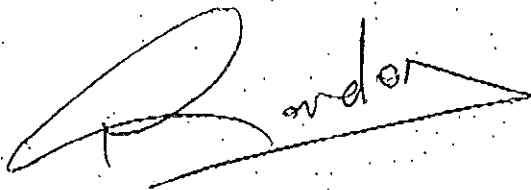
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NEAS Reference Number: DEA/NEAS/0000830/2011

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39. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 16 November 2012

A handwritten signature in black ink, appearing to read 'Mark Gordon', written over a horizontal line.

Mr Mark Gordon

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the EIR dated June 2012;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated June 2012;
- c) Mitigation measures as proposed in the EIR dated June 2012 and the EMP;
- d) The information contained in the specialist studies contained within Appendix D of the EIR;
- e) Findings of the site visit conducted on 15 June 2012; and
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

### 2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the need to reduce the quantity of pollutants and greenhouse gases emitted into the atmosphere which would have been generated by a thermal power plant using fossil fuels for producing the same quantity of energy that will be produced by the Tom Burks Solar Park.
- c) The EIR dated June 2012 identified all legislation and guidelines that have been considered in the preparation of the EIR dated June 2012.
- d) The methodology used in assessing the potential impacts identified in the BAR dated June 2012 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

### 3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the EIR dated June and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIR dated June is accurate and credible.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

## Application for Amendment of Environmental Authorisation



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

**Application for amendment of an environmental authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment Regulations 2010**

**Kindly note that:**

1. This form must be used to apply for the amendment of an environmental authorisation. An amendment includes:
  - a) adding, substituting, removing or changing a condition or requirement of an environmental authorisation, or
  - b) or updating or changing any details or correcting a technical error.

*Please note that amendment **does not** include expansion (according to the EIA Regulations "expansion" means "the modification, extension or alteration of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased").*

2. This form is current as of 16 July 2012. It is the responsibility of the Applicant / EAP to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
3. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. It is in the form of a table that can extend itself as each space is filled with typing.
4. Incomplete applications may be rejected or returned to the applicant for amendment.
5. The use of "not applicable" in the form must be done with circumspection. Where it is used in respect of material information that is required by the competent authority for assessing the application, this may result in the rejection of the application as provided for in the regulations.
6. **No faxed or e-mailed applications will be accepted.**
7. Unless protected by law, all information contained in and attached to this application, will become public information on receipt by the competent authority. Upon request during any stage of the application process, the applicant / EAP must provide any registered interested and affected party with the information contained in and attached to this application.
8. This form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department. Should the application form and attached reports not be submitted to the addresses given below it will be rejected.

## Application for Amendment of Environmental Authorisation

**DEPARTMENTAL DETAILS****Postal address:**

Department of Environmental Affairs  
Attention: Director: Integrated Environmental Authorisations  
4<sup>th</sup> floor ST  
Private Bag X447  
Pretoria  
0001

**Physical address:**

Department of Environmental Affairs  
Attention: Director: Integrated Environmental Authorisations  
4<sup>th</sup> floor ST  
Fedsure Forum Building (corner of Pretorius and Van der Walt Streets)  
2<sup>nd</sup> Floor North Tower  
315 Pretorius Street  
Pretoria  
0002

Queries must be directed to the Directorate: Integrated Environmental Authorisations at:  
Tel: (012) 310-3167 Fax (012) 320-7539

***Please note that this form must be copied to the relevant provincial environmental department(s)***  
View the Department's website at <http://www.environment.gov.za/> for the latest version of the documents.

## Application for Amendment of Environmental Authorisation

## 1. Application Details

Name of person to whom the environmental authorisation was issued:	Tobivox (Pty) Ltd - Reg. No. 2011/117111/07		
Contact person:	Me Izel van Rooy		
Postal address:	PO Box 225		
	Highlands North		
	Postal code:	2037	
Telephone:	014 772 1758	Cell:	082 449 7626
E-mail:	planwize@telkomsa.net	Fax:	088 014 772 1758
Environmental Assessment Practitioner (EAP):	AGES (Pty) Ltd		
Contact person:	Mr JH Botha		
Postal address:	PO Box 2526		
	Polokwane		
	Postal code:	0700	
Telephone:	015 291 1577	Cell:	083 644 9957
E-mail:	jbotha@ages-group.com	Fax:	015 291 1577
EAP Qualifications:	M.Sc. Geography and Environmental Management		
EAP Registrations/Associations:	SACNASP 400229/04		
Name of landowner if the person to whom the environmental authorisation has been issued is not the owner:	Mr. W J Vos		
Contact person:	Mr. G Vos		
Postal address:	PO Box 106		
	Tom Burke		
	Postal code:	0621	
Telephone:		Cell:	082 6533129
E-mail:	gvos@bosveld.co.za	Fax:	
	In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this page, together with copies of the notices given to these landowners about the amendment application.		
Project Description:	Establishment of the proposed Tom Burke renewable energy generation project		
Farm name, Erf No., portion etc:	Portion 2 (Remaining Extent) of the farm Klipfontein 31 LQ		

## Application for Amendment of Environmental Authorisation

Physical address where authorised activity is taking or will take place:	Portion 2 (Remaining Extent) of the farm Klipfontein 31 LQ, Lephhalale Local Municipality, Waterberg District, Limpopo Province
Magisterial District or Town:	Lephhalale
Departmental reference number of the previous environmental authorisation in respect of which an amendment is applied for:	12/12/20/2639
Date of issue of environmental authorisation:	First issue: 16 November 2012
Activity/ies for which authorisation was granted:	R544: 10, 11, 18, 22 R545: 1, 15
<b>Please Note: A certified copy of the environmental authorisation must be attached to this application.</b>	

**2. DETAILS OF IMPLEMENTATION OF PREVIOUS ENVIRONMENTAL AUTHORISATION**

Was the activity commenced with during the validity period of the environmental authorisation? If yes, please describe the implementation of the previous environmental authorisation to date:	<input type="checkbox"/>	NO

**3. AMENDMENTS APPLIED FOR AND RELATED INFORMATION**

Please indicate which of the following is relevant:

3.1. The holder of an environmental authorisation may at any time apply to the relevant competent authority for the amendment of the authorisation if:

(a) there is a material change in the circumstances which existed at the time of the granting of the environmental authorisation;	<input type="checkbox"/>	NO
(b) there has been a change of ownership in the property and transfer of rights and obligations must be provided for; or	<input type="checkbox"/>	NO
(c) any detail contained in the environmental authorisation must be amended, added, substituted, corrected, removed or updated.	YES	<input type="checkbox"/>

3.2. Describe the amendments that are being applied for:

Tobivox (Pty) Ltd requests an amendment of the issued environmental authorisation (dated 16 November 2012) in the following manner:  
*"The preferred site alternative 1, location alternative 3, connection alternative 2 and technology alternative 1 and 2 are approved"* must read as follows:  
*" The preferred site alternative 1, location alternative 3, connection alternative 1 and technology alternative 1 and 2 are approved "*

## Application for Amendment of Environmental Authorisation

3.3. Please provide the reasons and/or a motivation for the application for amendment:

It seems like a typing error occurred during issuance of RoD.

3.4. Should the amendment being requested result due to 3.1 (b) above, you are requested to furnish the Department with a written undertaking that the new holder of the environmental authorisation is willing and able to assume responsibility of the environmental authorisation issued. Provide a short motivation and explanation below:

#### 4. ENVIRONMENTAL IMPACTS

4.1. Describe any negative environmental impacts that may occur if the application for amendment is granted, amongst others information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment must be included.

None

4.2. Describe any negative environmental impacts that may occur if the application for amendment is **not** granted.

None

4.3. Describe any positive environmental impacts that may occur if the application for amendment is granted, amongst others information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water must be included.

None

## Application for Amendment of Environmental Authorisation

**5. AUTHORISATION FROM OTHER GOVERNMENT DEPARTMENTS**

5.1. Are any permission, licenses or other authorisations required from any other departments before the requested amendments can be effected?	<input checked="" type="checkbox"/>	NO
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If yes, please complete the table below.

Name of department and contact person	Authorisation required	Authorisation applied for (Yes/ No)

**6. RIGHTS OR INTERESTS OF OTHER PARTIES**

In your opinion, will this proposed amendment adversely affect the rights and interests of other parties?	<input checked="" type="checkbox"/>	NO
Please provide a detailed motivation of your opinion. Just a typing occurred and should not influence no one/party.		

**NOTE:** The Department is entitled to request further information if it believes it is necessary for the consideration of the application. If the application is for a substantive amendment or if the rights or interests of other parties are likely to be adversely affected, the Department will instruct the applicant to conduct a public participation process and to conduct any investigations and assessments that it deems necessary.

**7. DECLARATION:**

I, GEORGIOS PERGAMALIS, declare that I will comply with all my legal obligations in terms of this application and provide accurate information to everyone concerned in respect to this application.

Signature of the applicant:

  
(Mr Georgios Pergamalis - Director of Tobivox (Pty) Ltd)

Name of company or organisation: Tobivox (Pty) Ltd

Date: 16 May 2013

**TOBIVOX (PROPRIETARY) LIMITED**  
**REGISTRATION NUMBER 2011/117111/07**

("Company")

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**WRITTEN RESOLUTIONS OF THE DIRECTOR OF THE COMPANY**

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**ROME (ITALY), THE 16<sup>th</sup> OF MAY 2013**

**IT WAS NOTED THAT:**

the purpose of these resolutions was to record and approve:

- A. the submission of an application for the amendment of the environmental authorisation number 12/12/20/2639 issued on the 16<sup>th</sup> of November 2012, in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment Regulations 2010, in respect of the development and establishment of the renewable energy generation project on portion 2 of the farm Klipfontein 31 LQ, Lephalale Local Municipality, Waterberg District Municipality, Limpopo Province, named "Tomburke Solar Park";
- B. the appointment of AGES (Pty) Ltd as independent Environmental Assessment Practitioner (EAP) as for the submission of the application mentioned under letter A., as well as for undertaking all such steps, doing such things as may be necessary or convenient to conduct the related authorization process;
- C. the authorization of Georgios Pergamalis (Greek Passport Number AK0307018), in his capacity as director of the Company, to sign, to execute and to submit on behalf of the Company the application for the amendment of the environmental authorisation mentioned under letter A., to sign all required documents and to take all such steps and to do all such things as may be necessary or convenient to give effect to what mentioned under letters A. B. and C.;

now therefore,

**IT IS RESOLVED THAT:**

- 1. application for the amendment of the environmental authorisation number 12/12/20/2639 issued on the 16<sup>th</sup> of November 2012 in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment Regulations 2010, in respect of the development and establishment of the renewable energy generation project on portion 2 of the farm Klipfontein 31 LQ, Lephalale Local



Municipality, Waterberg District Municipality, Limpopo Province, named "Tomburke Solar Park" be approved and submitted;

2. AGES (Pty) Ltd be appointed as independent Environmental Assessment Practitioner (EAP) to submit the application mentioned under resolution 1., as well as to undertake all such steps and do such things as may be necessary or convenient to conduct the related authorization process;
3. Georgios Pergamalis (Greek Passport Number AK0307018), in his capacity as director of the Company, be authorized to sign, to execute and to submit on behalf of the Company the application for the amendment of the environmental authorisation mentioned under resolution 1., to sign all required documents and to take all such steps and to do all such things as may be necessary or convenient to give effect to resolutions 1. 2. and 3.

These resolutions of the Director of the Company may be executed in one or more counterparts, all of which, taken together, shall constitute one instrument, and will be fully valid and effective as duly passed resolutions of the Director of the Company.

Signed at Rome on this 16<sup>th</sup> day of May 2013

A handwritten signature in black ink, appearing to read 'G. Pergamalis', is written over a horizontal dotted line.

GEORGIOS PERGAMALIS

DIRECTOR



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 316 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0000830/2011

DEA Reference: 12/12/20/2639

Enquiries: Ms Thulisile Nyalunga

Telephone: 012-310 3249 Fax: 012-320-7639 E-mail: TNyalunga@environment.gov.za

Ms Izel van Rooy  
Tobivox (Pty) Ltd  
P. O. Box 225  
**HIGHLANDS NORTH**  
2037

Fax no: 014 772 1758

**PER FACSIMILE / MAIL**

Dear Ms van Rooy

**AMENDEMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 16 NOVEMBER 2012 FOR THE ESTABLISHMENT OF THE 60MW TOM BURKE SOLAR PARK ON PORTION 2 (REMAINING EXTENT) OF THE FARM KLIPFONTEIN 31 LQ WITHIN THE LEPHALALE LOCAL MUNICIPALITY, WATERBERG DISTRICT MUNICIPALITY, LIMPOPO PROVINCE**

The Environmental Authorisation issued for the above application by this Department on 16 November 2012 and your application for amendment dated 27 May 2013 refers.

Based on a review of the reason for requesting an amendment to the above Environmental Authorisation, this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend details on page 5 the Environmental Authorisation dated 16 November 2012 as follows:

**From:**

*"The preferred site alternative 1, location alternative 3, connection alternative 2 and technology alternative 1 and 2 are approved."*

**To:**

*"The preferred site alternative 1, location alternative 3, connection alternative 1 and technology alternative 1 and 2 are approved."*

This letter must be read in conjunction with the Environmental Authorisation 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: 0123207561;  
 By post: Private Bag X447,  
 Pretoria, 0001; or  
 By hand: 2nd Floor, Fedsure Building, North Tower,  
 Cnr. Lilian 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](mailto: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 sincerely

  
 Mr Mark Gordon  
 Chief Director: Integrated Environmental Authorisations  
 Department of Environmental Affairs

Date: 02 July 2013

CC:	Ms E Grobler	AGES Limpopo (Pty) Ltd	Tel: 015 291 1577	Fax: 015 291 1577
	Ms TA Kubaye	LEDET	Tel: 015 290 7164	Fax: 015 295 5015
	Mr PJ Hlapa	Lephalale Local Municipality	Tel: 014 763 2193	Fax: 014 763 5662
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

A

**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"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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 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.