



# 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: 14/12/16/3/3/1/1150/AM3

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Ms Karen Low  
Juwi Renewable Energies (Pty) Ltd  
20<sup>th</sup> Floor, The Halyard  
4Christiaan Barnard Street Foreshore  
**CAPE TOWN**  
8001

Telephone Number: 021 831 6131

Email address: [Karen.low@juwi.co.za](mailto:Karen.low@juwi.co.za)

## PER EMAIL / MAIL

Dear Ms Low

**AMENDMENT TO EA ISSUED ON 25 JULY 2014, AS AMENDED, FOR THE CONSTRUCTION OF A 132KV POWERLINE FROM BOSJESMANSBERG SOLAR ENERGY FACILITY TO THE CUPRUM SUBSTATION, NEAR COPPERTON, WITHIN THE SIYATHEMBA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE.**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 26 July 2014, The re issue of EA dated 20 July 2017, the subsequent EA amendments, your application for amendment of the EA received by the Department on 20 July 2021 and the acknowledgement email dated 30 July 2021, 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 25 July 2014, as amended as follows:

### **Amendment 1: Extension of Validity of the EA dated 25 July 2014**

Condition 7 of the EA dated 25 July 2014, is thus amended as follows:

"The activity must commence within a period of ten (10) years from the date of issue of this authorisation (i.e. the authorisation lapses on 25 July 2024). 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".

### **Reason for amendment:**

The Applicant intends to bid for the Bosjesmansberg PV projects in one of the upcoming Renewable Energy Independent Power Producer Procurement (REIPPP) Programme bidding rounds. As such, an extension of the validity of the Environmental Authorisation for the overhead line connecting the Bosjesmansberg Solar Energy

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Facility to the Cuprum Substation is required to ensure that the PV projects have a valid grid connection. Bid Window 5 of the REIPPP is currently open with the bid submission dated scheduled for 16 August 2021. In order to qualify as a compliant bid, the project must hold a valid EA. As such, an extension in the validity of the EA is required. Should the applicant be unsuccessful in Bid Window 5, then the project will bid in subsequent bidding rounds, the date of which has not been confirmed by the Department of Mineral Resources and Energy.

**Amendment 2: Change of contact person on the EA dated 25 July 2014**

**From:**

*"Nazley Towfie"*

**Is hereby amended to:**

*"Karen Low"*

**Reason for amendment:**

The responsible contact person indicated in the EA no longer works at juwi Renewable Energies (Pty) Ltd. The EA therefore needs to be updated to provide the details of the new contact person for the holder of the EA, i.e. Ms Karen Low.

**Amendment 3: Correction of property description on the EA dated 25 July 2014**

**From:**

*"Portion 1 of the Farm Vogelstruisbult 104"*

**Is hereby amended to:**

*"Remainder of Portion 1 of the Farm Vogelstruis Bult No. 104"*

**Reason for amendment:**

The EA holder has noted that the description of one property included in the EA, does not correlate exactly with the property description in the title deed of the affected property. The property description in the EA accordingly needs to be amended so that the affected property is correctly described in the EA, as per the wording of the property description in the Title Deed. This will ensure that all the properties affected by the overhead transmission line are accurately reflected within the EA.

**Refusal of Amendment 4: Update the list of Listed Activities**

The Department has noted that you have applied to amend the listed activities as contained in the EA dated 25 July 2014, in order to align them to the current listed activities as per the 2014 EIA Regulations, as amended. This amendment is hereby *refused*.

**Reason for Refusal:**

Please be advised that even though the EA was issued as per repealed NEMA regulations, the EA and the authorised listed activities are still valid, and as such there is no need to amend the authorised listed activities. Regulation 52 of the 2014 EIA Regulations, as amended, addresses this matter as follows:

- 52 (1) *Any actions undertaken in terms of the previous NEMA regulations and which can be undertaken in terms of a provision of these Regulations must be regarded as having been undertaken in terms of the provision of these Regulations.*

*(2) Any authorisation issued in terms of the previous NEMA Regulations must be regarded to be an environmental authorisation issued in terms of these Regulations.*

This amendment letter must be read in conjunction with the EA dated 25 July 2014 as amended.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10-year period, your EA will be deemed to have lapsed and a new application for Environmental Authorisation will have to be lodged.

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@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;

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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 Majaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
Date: 13/08/2021

cc	Mr Patrick Killick	Zutari (Pty) Ltd	Email: <a href="mailto:patrick.killick@zutari.com">patrick.killick@zutari.com</a>
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