



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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

**DEA Reference:** 14/12/16/3/3/1/535/AM6

**Enquiries:** Ms Azrah Essop

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Ms Sandhisha Jay Narain  
BioTherm Energy (Pty) Ltd  
Building 1  
Leslie Ave East Design Quarter District  
**FOURWAYS**  
2021

**Tel:** (011) 367 4630

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### **PER EMAIL / MAIL**

Dear Ms Jay Narain

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON THE 10 OCTOBER 2012 FOR THE PROPOSED CONSTRUCTION OF A 132kV TRANSMISSION LINE FOR THE KENHARDT PHOTOVOLTAIC PLANT NEAR KENHARDT IN THE NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 10 October 2012, the amendments to the EA issued on 20 May 2013; 04 February 2015; 04 August 2015; 20 July 2017 and 21 February 2019 respectively; your application for amendment to the EA received by this Department on 9 October 2019 and the acknowledgement letter issued by the Department on the 15 October 2019, refer.

#### **Amendment to the validity period of the EA:**

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 (EIA) Regulations, 2014, as amended, has decided to grant an extension of the validity period of the EA issued on 10 October 2012 as follows:

- i. The activity must commence within a period of **three (3) years** from the date of expiry of the EA issued on 10 October 2012 expiring on 10 October 2019, now extended to the **10 October 2022**. 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.
- ii. This correspondence is only for the extension of the validity period as stated herein above and all conditions set out in the original EA dated 10 October 2012 remain unchanged and must be adhered to.

*MS*

The reasons for the amendment is as follows:

The applicant, BioTherm Energy (Pty) Ltd requires the validity of the EA to be extended as the proposed project has not been granted preferred bidder status in the Department of Mineral Resources and Energy Renewable Energy Power Producer Procurement Programme (REIPPP) and intends to bid the proposed facility in future REIPPP Programme Rounds. Therefore a valid EA is required for inclusion into the bid. This letter must be read in conjunction with the EA dated 10 October 2012 and the subsequent amendments stated above.

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.

**By email:**        appealsdirector@environment.gov.za;

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

**By post:**        Private Bag X447,  
Pretoria,  
0001;

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 [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



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

Date: 05/11/2019

CC: Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: <a href="mailto:jcanne@savannahsa.com">jcanne@savannahsa.com</a>
Mr Bryan Fischer	Northern Cape Department of Environment and Nature Conservation	Email: <a href="mailto:BFischer@ncpg.gov.za">BFischer@ncpg.gov.za</a>

