



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: 14/12/16/3/3/2/938/AM3

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Mr Dick Berlijn
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PER EMAIL / MAIL

Dear Mr Berlijn

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 FEBRUARY 2017 FOR THE 150 MEGAWATTS (MW) LUTZBURG PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINING EXTENT OF PORTION 2 OF THE FARM RUBY VALE 266 SOUTH WEST OF THE TOWN OLIFANTSHOEK WITHIN THE TSANTSABANE LOCAL MUNICIPALITY IN THE NOTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 10 February 2017, the amendment to the EA dated 12 April 2017 and 08 April 2021, your application for amendment of the EA received by the Department on 06 January 2022, the acknowledgement letter dated 17 January 2022, 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 10 February 2017, as amended, as follows:

Amendment 1: To extend the validity period of the EA on page 06 of the EA:

The validity period of the EA, which was due to lapse on 10 February 2022, is hereby extended by an additional five (5) years to **10 February 2027**. As such, Condition 7 of the EA dated 10 February 2017 is hereby amended as follows:

"7. This activity must commence within a period of ten (10) years from the date of issue of this authorisation (i.e. the authorisation lapses on 10 February 2027). 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:

An extension of the EA validity is required by the Applicant in order to ensure that the EA is valid and that the project can be developed should it be awarded Preferred Bidder status in any of the upcoming rounds of the Renewable Energy Independent Power Producer Procurement (REIPPP) Programme or be successful under any other programmes or opportunities within South Africa to generate electricity.

M.S

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-years period, your EA will be deemed to have lapsed and a new application for EA will have to be lodged.

This proposed amendment letter must be read in conjunction with the EA dated 10 February 2017, 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 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: appeals@dffe.gov.za

By hand: Environment House
473 Steve Biko Road
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.

DFFE Reference: 14/12/18/3/3/2/838/AM3.

Amendment of the Environmental Authorisation issued on 10 February 2017 for the Lutzburg Photovoltaic solar energy facility on the Remaining Extent of Portion 2 of the Farm Ruby Vale 286 South West Town Olfantshoek within the Tsantsabane Local Municipality in the Northern Cape Province

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 appeals@dfpe.gov.za

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Date: 07/02/2022

cc:	Marelie Botha	Environamics CC	E-mail: marelie@environamics.co.za
	Mrs. Doreen Werth	Northern Cape: DENC	E-mail: dwerth@ncpg.gov.za

