



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: 12/12/20/2502/AM5

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PER MAIL / EMAIL

Dear Mr Morse

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 JANUARY 2013 FOR THE CONSTRUCTION OF A 100MW PHOTOVOLTAIC (PV) SOLAR ENERGY FACILITY (PV2) ON THE FARM STRUISBULT (PORTION 1 OF FARM NO.104) IN THE SIYATHEMBA LOCAL MUNICIPALITY NEAR COPPERTON IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above-mentioned application by this Department on 02 January 2013; the subsequent amendments to the EA dated 28 March 2013, 01 October 2013, 07 October 2015, 11 December 2017, 04 December 2020; your application for amendment received by this Department on 13 December 2022; the acknowledgement letter dated 18 January 2023; the draft additional information received by the Department on the 16 March 2023; the comments issued by this Department on the 30 March 2023 and the additional information received by Department on 21 April 2023, 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 02 January 2013 as amended, as follows:

Amendment 1: Extension of the validity of the environmental authorisation

Condition 6 of the EA is hereby amended to read as follows:

6. The activity must commence within a period of three (03) years from the date of expiry of the EA issued on 02 January 2013, as amended. This is now extended and will lapse on 02 January 2026. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for EA must be made in order for the activity to be undertaken.

Reasons for Amendment

The applicant wishes to amend the validity period of the EA to allow the project which is near construction-readiness to be bid in upcoming renewable energy tender processes, specifically Bid Window 7 of the REIPPP programme.

M.S

Amendment 2: Approval of Environmental Management Programme (EMPr)

The EMPr dated 13 March 2023 submitted as part of the application for amendment of EA, which is submitted to fulfil the requirements of Condition 13 and 18 of the EA dated 02 January 2013, as amended is hereby approved. The approved EMPr must be implemented and adhered to. This EMPr approval must be read in conjunction with the conditions contained within the abovementioned EA dated 02 January 2013, as amended. This EMPr should be regarded as a 'living document,' which may be amended from time to time as and when the need arises. For future amendments to this EMPr, your attention is drawn to the processes as outlined in the EIA Regulations, 2014, as amended.

This proposed amendment letter must be read in conjunction with the Environmental Authorisation dated 02 January 2013, 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 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 fourteen (14) days of the date of the EA, of the Department's decision 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@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.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.dffe.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@dffe.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries & the Environment
Date: 08/05/2023

CC	Mr A Nyakaza	Northern Cape DENC	Email: aviwenyakaza.denc@gmail.com
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	Mr Gideon Petrus Kriel	Environmental Impact Management Services (Pty) Ltd	Email: gp@eims.co.za