

Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

31 May 2021

Dear Interested and/or Affected Party

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 9 MAY 2016 FOR THE PROPOSED DOUBLE CIRCUIT 132KV OVERHEAD TRANSMISSION LINE OPTION 3 (CUPRUM) FOR THE KRONOS PHOTOVOLTAIC DEVELOPMENT NEAR COPPERTON WITHIN THE SIYATHEMBA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE (DFFE REF NO.: 14/12/16/3/3/1/1344/AM1)

Notification of Amendment of the Environmental Authorisation

This letter serves to notify all registered Interested and Affected Parties (I&APs) of the Department of Forestry, Fisheries and the Environment's (DFFE's) decision in respect of the application for amendment of the Environmental Authorisation (EA) issued on 9 May 2016, as amended, for the construction of the double circuit 132kV overhead transmission line Option 3 (Cuprum) for the Kronos Photovoltaic Development near Copperton in the Northern Cape Province. Furthermore, the provisions regarding the submission of appeals that are contained in the National Environmental Management Act (NEMA) (No. 107 of 1998) National Appeal Regulations (2014), are also outlined herein, should an I&AP wish to appeal DFFE's decision.

Note: Whilst the decision for the amendment of the Environmental Authorisation was issued by DFFE on 26 April 2021, the Environmental Assessment Practitioner (Holland & Associates Environmental Consultants) and the Applicant only received notification of the decision on 26 May 2021.

1. Decision

We wish to inform you that, based on a review of the reasons submitted by juwi Renewable Energies (Pty) Ltd for requesting an amendment to the abovementioned Environmental Authorisation (EA) (i.e. amendment to the contact details of the holder of the EA, amendment to the property description included in the EA, and an extension of the validity period of the EA) that DFFE, in terms of Chapter 5 of the EIA Regulations, 2014, as amended, **has decided to amend the EA dated 9 May 2016**, as follows:

Amendment 1: Amendment to the contact details of the holder of the EA:

The contact details of the holder of the EA have been amended to reflect the current responsible person at juwi Renewable Energies (Pty) Ltd., i.e. as follows:

From:

“JUWI RENEWABLE ENERGIES (PTY) LTD

(hereafter referred to as the holder of the authorisation)

with the following contact details –

Mr Corné van der Westhuizen
 Juwi Renewable Energies (Pty) Ltd
 24th Floor Metropolitan Centre
 7 Water Sisulu Avenue
 Foreshore
 Cape Town
 8001

Tel: 021 831 6129

Email: corne.vanderwesthuizen@juwi.co.za”

To:

“JUWI RENEWABLE ENERGIES (PTY) LTD

(hereafter referred to as the holder of the authorisation)

with the following contact details –

Ms Karen Low
 Juwi Renewable Energies (Pty) Ltd
 20th Floor, The Halyard
 4 Christiaan Barnard Street
 Foreshore
 Cape Town
 8001

Telephone Number: 021 831 6131

Cell Phone Number: 084 454 9944

Email: karen.low@juwi.co.za”

Amendment 2: Amendment to the property description:

The property descriptions included in the EA were amended to ensure that they correlate entirely with the property descriptions in the title deeds for the affected properties. The property descriptions have accordingly been amended as follows:

EA property description	Amended property description
Nelspoortje Farm 103 Portion 6	Portion 6 of the Farm Nelspoortje No. 103
Humansrus Farm 147 Portion 0	The Farm Humansrus No. 147
Vogelsruisbult Farm 104 Portion 1	Remainder of Portion 1 of the Farm Vogelstruis Bult No. 104

Amendment 3: Amendment to extend the EA validity period of the EA:

Condition of Authorisation 7 of the EA dated 9 May 2016 stated the following:

“This activity must commence within a period of five (05) 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.”

DFFE has granted a five year extension to the validity period of the EA (until 9 May 2026). In this regard, the EA has been amended by DFFE as follows:

“The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 09 May 2016 (i.e. the EA lapses on 09 May 2026). If commencement of the activity does not occur within this period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.”

DFFE’s amendment to the EA, dated 26 April 2021, including the reasons for the amendment, is included in Annexure A herewith for your information¹.

2. Right to Appeal

We would like to draw your attention to your right to appeal against the decision to the Minister, in terms of the National Appeal Regulations (2014) (Government Notice No. R993) which prescribes the appeal procedure to be followed. Refer to Annexure B herewith for a copy of the National Appeal Regulations, 2014.

Should any person wish to lodge an appeal, the appellant must submit an appeal to the Appeal Administrator, and a copy of the appeal to the Applicant (i.e. juwi Renewable Energies (Pty) Ltd), any registered Interested and Affected Party, and any Organ of State with interest in the matter within 20 days from the date² that the notification of the decision was sent to the registered I&APs by the Applicant, or the date³ that the notification of the decision was sent to the Applicant by DFFE, whichever is applicable, together with a request for condonation of a late appeal⁴, to the Minister.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of the Department of Forestry, Fisheries and the Environment (DFFE) at the below mentioned addresses.

¹ Note: The amendment decision from DFFE dated 26 April 2021 must be read in conjunction with the EA dated 9 May 2016 and amendments thereto (dated 4 July 2016). A copy of the EA dated 9 May 2016, and amendments to the EA are available from Nicole Holland of Holland & Associates Environmental Consultants on request.

² This letter, which has been sent to I&APs on behalf of the Applicant, serves as notification of DFFE’s decision, and will be emailed and/or posted to I&APs on 31 May 2021.

³ 26 May 2021.

⁴ Given that the EAP and Applicant only received notification of the decision from DFFE on 26 May 2021, therefore the Applicant was not able to send registered I&APs the notification of the decision within 14 days of the date of the decision.

By email: appeals@environment.gov.za;

By hand: Environment House

473 Steve Biko,

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 DFFE's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Should you require any further information or have any queries, please contact the undersigned.

Yours sincerely



NICOLE HOLLAND (Pr. Sci. Nat, EAP)

For: Holland & Associates - Environmental Consultants

**ANNEXURE A:
DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT'S AMENDMENT OF THE
ENVIRONMENTAL AUTHORISATION – 26 APRIL 2021**



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: 14/12/16/3/3/1/1344/AM1

Enquiries: Mr Thando Booï

Telephone: (012) 399 9387 **E-mail:** TBooi@environment.gov.za

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

Telephone Number: (021) 831 6131
Cellphone Number: 084 454 9944
Email Address: karen.low@juwi.co.za

PER EMAIL / MAIL

Dear Ms Low

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 09 MAY 2016 FOR THE PROPOSED DOUBLE CIRCUIT 132KV OVERHEAD TRANSMISSION LINE OPTION 3 (CUPRUM) FOR THE KRONOS PHOTOVOLTAIC DEVELOPMENT NEAR COPPERTON WITHIN THE SIYATHEMBA LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 09 May 2016, the amendment to the EA dated 04 July 2016, your application for amendment of the EA received by the Department on 19 April 2021 and the acknowledgement letter dated 21 April 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 09 May 2016, as amended as follows:

Amendment 1: To amend the contact details of the holder of the EA

From:

Mr Corne van der Westhuizen
Juwi Renewable Energies (Pty) Ltd
24th Floor Metropolitan Centre
7 Walter Sisulu Avenue
Foreshore
CAPE TOWN
8001

Telephone Number: (021) 831 6129
Email: corne.vanderwesthuizen@juwi.co.za

M.S

To:

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

Telephone Number: (021) 831 6131
Cellphone Number: 084 454 9944
Email Address: karen.low@juwi.co.za

The applicant applied to amend the details of the holder of the EA, as the holder of the EA no longer works at Juwi Renewable Energies (Pty) Ltd, hence the request for amendment of the EA.

Amendment 2: To amend the property description on page 1, 4 and 5 of the EA as follows

EA property description	Proposed amendment of the property description in the EA
Nelspoortje Farm 103 Portion 6	Portion 6 of the Farm Nelspoortje No. 103
Humansrus Farm 147 Portion 0	The Farm Humansrus No. 147
Vogelsruisbult Farm 104 Portion 1	Remainder of Portion 1 of the Farm Vogelstruis Bult No. 104

The applicant applied to amend the project description in the EA to ensure the correlation of the affected properties with the property description in the title deeds.

Amendment 3: To extend the validity period of the EA

The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 09 May 2016 (i.e. the EA lapses on 09 May 2026). If commencement of the activity does not occur within this period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

The applicant applied to extend the validity period of the EA as the development was not awarded preferred bidder status in the Department of Mineral Resources and Energy (DMRE) Renewable Energy Independent Power Producer Procurement (REIPPP). The applicant intends to bid this project in the DMRE REIPPP future rounds.

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.

This proposed amendment letter must be read in conjunction with the EA dated 09 May 2016, 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@environment.gov.za;


By hand: Environment House
473 Steve Biko,
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.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 26/04/2021

cc:	Nicole Holland	Holland & Associates Environmental Consultants	Tel: 083 464 5246	E-mail: nicole@hollandassociates.net
	Mr Gert Bessies	Siyathemba Local Municipality	Tel: 053 353 5300	E-mail: mm@siyathemba.gov.za
	Ms Gail Letimela	DAEALRRD: Northern Cape	Tel: 053 807 7300/7462	E-mail: jonasb@destea.gov.za

ANNEXURE B
NATIONAL APPEAL REGULATIONS, 2014 (GN R. 993)

GOVERNMENT NOTICES

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. R. 993

8 December 2014

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

NATIONAL APPEAL REGULATIONS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

TABLE OF CONTENTS

CHAPTER 1

INTEPRETATION AND PURPOSE OF REGULATIONS

1. Interpretation
2. Purpose of Regulations
3. Application of Regulations

CHAPTER 2

ADMINISTRATION AND PROCESSING OF APPEALS

4. Appeal submission
5. Responding statement
6. Appeal panel
7. Recommendations and decisions on appeals
8. Communication

CHAPTER 3

GENERAL MATTERS

9. Repeal of regulations
10. Transitional arrangements
11. Short title and commencement

Annexure 1: Regulations Repealed

CHAPTER 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Interpretation

1. (1) In these Regulations any word or expression to which a meaning has been assigned in the Act, and unless the context requires otherwise—

“appeal administrator” means a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

“appeal authority” is the Minister, the MEC or a person delegated the power to decide on appeals by the Minister or MEC, as the case may be;

“appellant” means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of these Regulations;

“decision-maker” means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

“applicant” means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

“independent”, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6 of these Regulations, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

- (2) When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days.
- (3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

Purpose of Regulations

2. The purpose of these Regulations is to regulate the procedure contemplated in section 43(4) of the Act relating to the submission, processing and consideration of, a decision on an appeal.

Application of Regulations

3. (1) These Regulations are applicable to an appeal in terms of section 43 of the Act to the Minister or MEC against a decision taken in terms of the:
- (a) Environment Conservation Act, 1989 (Act No. 73 of 1989);
 - (b) National Environmental Management Act, 1998 (Act No. 107 of 1998);
 - (c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
 - (d) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); or
 - (e) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

and subordinate legislation made in terms of any of these Acts.

- (2) No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority.
- (3) An appeal against a decision by an official or municipal manager acting under delegated authority from a metropolitan, district or local municipality must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

CHAPTER 2

ADMINISTRATION AND PROCESSING OF APPEALS

Appeal submission

4. (1) An appellant 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:

- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
 - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be—
- (a) submitted in writing in the form obtainable from the appeal administrator; and
 - (b) accompanied by—
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and
 - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.
- (2) The appeal panel contemplated in subregulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.

Recommendations and decisions on appeals

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

CHAPTER 3

GENERAL MATTERS

Repeal of regulations

9. The regulations mentioned in the Table in Annexure 1 to these Regulations are hereby repealed or amended to the extent set out in the third column of the Table.

Transitional arrangements

10. (1) An appeal lodged prior to the commencement of these Regulations, and which is still pending when these Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the appeal was lodged.
- (2) An appeal lodged after the commencement of the Environmental Impact Assessment Regulations, 2014 must be submitted, processed and considered in terms of these Regulations.

Short title and commencement

11. These Regulations are called the National Appeal Regulations, 2014, and take effect on the date of publication in the *Gazette*.

ANNEXURE 1

REGULATIONS REPEALED		
Date and year of publication	Short title	Extent of repeal
Government Notice No. R.543, <i>Gazette No. 33306</i> of 18 June 2010.	Environmental Impact Assessment Regulations, 2010.	Chapter 7.