



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 12/12/20/1993/3/AM3

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Mr Pieter Francois Roux
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PER EMAIL / MAIL

Dear Mr Roux

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 22 FEBRUARY 2012 FOR THE CONSTRUCTION OF THE 198MW MODDERFONTEIN WIND ENERGY FACILITY WITHIN THE UBUNTU AND BEAUFORT WEST LOCAL MUNICIPALITIES, NORTHERN AND WESTERN CAPE PROVINCES.

The Environmental Authorisation (EA) issued for the above application by this Department on 22 February 2012 and the application for amendment of the EA, received by this Department on 24 January 2020 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, 22 February 2012 as follows:

Amendment 1: Amendment of the Validity Period- Commencement of Authorised Activities:

The activity must commence within a period of two (2) years from the date of expiry of the EA dated 22 February 2012, now extended to **22 February 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.

This letter must be read in conjunction with the EA dated 22 February 2012.

Kindly note that this is the **last extension and no further extension of this EA will be accepted in future**. 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**. As such, failure to commence with construction activities on or before **22 February 2022** will result in the exhaustion of the maximum 10 year period, which is standard for the Department in terms of validity periods for all EAs. Should you not commence with the authorised listed activities within the above stipulated 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.

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In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department's decision in respect of the amendment made 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:

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 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.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 Environmental Affairs
Date: 13/02/2020

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