



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

DEFF Reference: 114/12/16/3/3/2/759/AM1

Enquiries: Ms Makhosazane Yeni

Telephone: (012) 399 9400 E-mail: MYeni@environment.gov.za

Ms Deidre Herbst
Eskom Holdings SOC Ltd
P O Box 1091
JOHANNESBURG
2000

Telephone Number: (011) 800 3501
Email Address: HerbstDL@eskom.co.za

PER EMAIL / MAIL

Dear Ms Herbst

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 MAY 2016 FOR THE PROPOSED 23.5MW ESKOM DUVHA POWER STATION PHOTOVOLTAIC SOLAR ENERGY FACILITY ON THE REMAINDER OF PORTION 0 OF THE FARM DUVHA KRAGSTASIE 337 JS SOUTH OF EMALAHLENI WITHIN THE EMALAHLENI LOCAL MUNICIPALITY IN THE MPUMALANGA PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 27 May 2016, your application for amendment of the EA received by the Department on 03 February 2021 and the acknowledgement letter dated 09 February 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 27 May 2016, as follows:

Amendment 1: 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 27 May 2016 (i.e. the EA lapses on 27 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 because of delays in the commencement of the development due to financial constraints within the organisation. The request is made to allow sufficient time for the applicant to secure funds for project execution and construction.

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.

M.J

This proposed amendment letter must be read in conjunction with the EA dated 27 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 Environment, Forestry and Fisheries

Date: 01/03/2021

cc:	Ms Emmy Molepo	Eskom SOC Ltd	E-mail: molepome@eskom.co.za
	Mr T van Vuuren	Emalahleni Local Municipality	E-mail: mbethefak@emalahleni.gov.za
	Dr Vufanani Dlamini	Mpumalanga DEDET	E-mail: jmarakala@mpg.gov.za