



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: 14/12/16/3/3/1/1984/AM2

Enquiries: Ms Olivia Letlalo

Telephone: (012) 399 8815 **E-mail:** olettalo@dff.gov.za

Ms Mercia Grimbeek
Tooverberg Wind Energy Facility (Pty) Ltd
Suite 104, 1st Floor Albion Springs
183 Main Road,
Rondebosch, Cape Town
7700

Telephone Number: (021) 207 2185
Cell phone Number: 078 299 3515
E-mail Address: mercia.grimbeek@enertrag.com

PER EMAIL

Dear Ms Grimbeek

AMENDMENT OF ENVIRONMENTAL AUTHORISATION ISSUED ON 22 MAY 2019 FOR THE DEVELOPMENT OF THE TOOVERBERG WIND ENERGY FACILITY (WEF) NEAR TOUWS RIVER, WITHIN THE WITZENBERG LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Competent Authority (CA) on 22 May 2019, the amendment to the EA dated 08 February 2020, your application for amendment of the EA received by the CA on 30 June 2023 and the acknowledgement letter dated 10 July 2023 refer.

Based on a review of the reason for requesting an amendment to the above EA, this CA in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 22 May 2019, as amended, as follows:

Amendment 1: Change the EA holder on the cover page, pages 1 and 2 of the EA

From:

Mr Zuben Jessa
Genesis Tooverberg Wind Farm (Pty) Ltd
Unit 101B Heritage House
20 Dreyer Street
Claremont
7708

Tel: 021 207 2183
Email: zuben.jessa@enertrag.co.za

MS

To:

Ms Mercia Grimbeek
Tooverberg Wind Energy Facility (Pty) Ltd
Suite 104, 1st Floor Albion Springs
183 Main Road
Rondebosch
CAPE TOWN
7700

Telephone Number: (021) 207 2185
Cell phone Number: 078 299 3515
E-mail Address: mercia.grimbeek@enertraq.com

Reason for amendment:

The Applicant request amendment of the holder of the EA as the Company Name, Directors and registered address has changed since the issuing of the EA and amendment.

Amendment 2: Change the reference number on the EA cover letter on page 1 of the EA

From:

14/12/16/3/3/2/1984

To:

14/12/16/3/3/1/1984

Reason for amendment:

To correct an error to ensure quality control within the document and that the document is clear and correct.

Amendment 3: Extension of the validity period on page 9 of the EA

The validity period of the EA (which was due to lapse on 22 May 2024) is hereby extended by an additional five (05) years to 22 May 2029. As such, Condition 07 of the EA dated 22 May 2019 is 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 22 May 2029). 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:

To allow the holder of the EA sufficient time to conclude a Power Purchase Agreement (PPA).

Amendment 4: To correct Condition 104 on page 21 of the EA

From

"If concertation of archaeological sites, artefacts, paleontological fossils, or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency, Palaeontology and Meteorites Unit (SAHRA APM) and SAHRA Burial Ground and Graves unit (BGG) must be informed, and the services of an accredited heritage professional obtained for an assessment of the heritage resources to be made".

To:

If concertation of archaeological sites, artefacts, paleontological fossils, or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, **the Heritage Western Cape (HWC)**, must be informed, and the services of an accredited heritage professional obtained for an assessment of the heritage resources to be made.

Reason for amendment:

To correct an error to ensure quality control within the document and that the document is clear, correct and enforceable.

The CA 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 22 May 2019, as amended.

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 decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the EIA Regulations.

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.

Your attention is drawn to Chapter 2 of the 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 twenty (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: appealsdirector@dfpe.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.dffe.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@dfpe.gov.za.

Yours faithfully



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

Date: *20/07/2023*

cc:	Mr Stuart Heather-Clark	SLR Consulting (South Africa) Pty Ltd	Tel: 021 461 1118	Email: shclark@slrconsulting.com
-----	-------------------------	---------------------------------------	-------------------	---

