

**environmental affairs**

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEAT/EIA/12376/2011

DEA Reference: 12/12/20/1754

Enquiries: Yolisa Zokufa

Telephone: 012-395-1782 Fax: 012-320-7539 E-mail: yzokufa@environment.gov.za

Mr. Peter Venn
Amakhala Emoyeni RE Project 1 (Pty) Ltd
Green Building
9B Bell Crescent Close
WEST LAKE
7945

Fax no: 0800 981 222

PER FACSIMILE / MAIL

Dear Mr. Venn

**AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 SEPTEMBER 2011
FOR THE PROPOSED AMAKHALA EMOYENI WIND ENERGY FACILITY AND ASSOCIATED
INFRASTRUCTURE, EASTERN CAPE PROVINCE**

With reference to the abovementioned application, please be advised that the Department in terms of powers vested in it in terms of regulation 42 of Environmental Impact Assessment Regulations, 2010, has decided to amend the name of the holder and contact details of the environmental authorisation as follows:

Mr. Francis Jackson
Windlab Developments South Africa (Pty) Ltd
Green Building
9B Bell Crescent Close
WEST LAKE.
7945

Fax no: 0800 981 222

Must be substituted with:

Mr. Peter C Venn
Amakhala Emoyeni RE Project 1 (Pty) Ltd
P.O. Box 48189
KOMMETJIE
7976

Fax no: 0800 981 222

This amendment must be read in conjunction with the Environmental Authorisation dated 02 September 2011.

Please be advised that the change of the holder of the environmental authorisation is subject to the following resolutions as outlined in your letter dated 26 October 2011:

1. Amakhala Emoyeni RE Project 1 (Pty) Ltd ("Amakhala Emoyeni") accepts the rights and obligations contained in the environmental authorisation for the Amakhala Emoyeni Wind Energy Facility.
2. Amakhala Emoyeni has the ability to implement the mitigation measures and to comply with the conditions of the authorisations.
3. Neither Amakhala Emoyeni transferee, nor its directors has any history of non-compliance with any environmental laws, have no criminal records, nor are they under investigation for any criminal activities.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Building, North Tower,
cnr. Van der Walt and Pretorius Streets,
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Environmental Impact Evaluation*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: tzwane@environment.gov.za

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Ishaam Abader
Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

Date:

8/12/2011

CC: Mr John von Mayer
Mr T Zwane

Savannah Environmental (Pty) Ltd
DEA Appeals Administrator

Fax: (086) 684 0547
Fax no: (012) 320 7581

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs (DEA))	1. Receive EA from Applicant/Consultant
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. An appeal against a decision must be lodged with:
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;

2. An appeal lodged with:
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

3. An appeal must be:
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.