



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEAT/EIA/12794/2011

DEA Reference: 12/12/20/1903

Enquiries: Ms. Sandile Vilakazi

Telephone: 012-310-3891 **Fax:** 012-320-7539 **E-mail:** Svilakazi@environment.gov.za

Mr Paul Warmeant
Intikon Energy
P.O. Box 837
SUN VALLEY
7975

Fax no: (021) 789 2175

PER FACSIMILE / MAIL

Dear Mr Warmeant

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386 and R387: PROPOSED CONSTRUCTION OF THE 160 MW HUMANSRUS SOLAR POWER FARM ON THE FARM HUMANSRUS 469, WITHIN THE TSANTSABANE LOCAL MUNICIPALITY, SIYANDA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

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 activities 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: 29/08/2011

CC:	Mr. D. Alborough	Environmental Resources Management (ERM)	Tel: 021-702-9100	Fax: 021-701-7900
	Ms. C. Pienaar	NCDENC	Tel: 053-607-7430	Fax: 053-831-3530
	Rev. M. Moselane	Tsanstabane Local Municipality	Tel: 053-313-7300	Fax: 053-313-1602
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

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).
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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:-

- 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;
- 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:-

- the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

3. An appeal must be:-

- submitted in writing;
- 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.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 37 of the Environmental Impact Assessment Regulations, 2006

Proposed construction of the 160 MW Humansrus Solar Power Facility on the farm Humansrus
469 in the Siyanda District Municipality, Northern Cape Province

Siyanda District Municipality

Authorisation register number:	<i>12/12/20/1903</i>
NEAS reference number:	<i>DEAT/EIA/12794/2011</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>INTIKON ENERGY</i>
Location of activity:	<i>NORTHERN CAPE PROVINCE: On the farm Humansrus 469, within the Tsantsabane Local Municipality.</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

INTIKON ENERGY

with the following contact details –

Mr. Paul Warmeant

Intikon Energy

P O Box 837

SUN VALLEY

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Tel: (021) 789 2175

Fax: (021) 789 2175

Cell: (079) 138 8284

E-mail: paul.warmeant@intikon.com

to undertake the following activities (hereafter referred to as "the activity"):

GN R. 387:

Item 1(a)(i): The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where the electricity output is 20 megawatts or more.

Item 1(a)(ii): The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where the elements of the facility cover a combined area in excess of 1 hectare.

Item 1(l): The transmission and distribution of above ground electricity with capacity of 120 kilovolts or more.

Item 2: Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.

GN R. 386:

Item 1 (m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32m from the back of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.

Item 12: The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Item 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

Item 16(b): The transformation of undeveloped, vacant or derelict land to residential mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

as described in the Environmental Impact Report (EIR) dated May 2011 for the construction of the 160 MW Humansrus Solar Power Facility on the farm Humansrus 469 in the Tsantsabane Local Municipality within the Siyanda District Municipality, Northern Cape Province, hereafter referred to as "the property".

The key components of the proposed solar power farm include the following:

- a) PV solar panels that will occupy up to 450 ha of the site area in total.
- b) Internal electrical collection systems.
- c) A new substation which would cover an area of up to 1,000m² in size, which would include a control room, an operations and maintenance facility, parking, external 132kV transformers and electric switch gear.
- d) Access tracks adjacent to each row of the PV array plus tracks between the other components of the development.
- e) Site access roads of up to 6 m wide with drainage trenches adjacent to the road.
- a) Additional Infrastructure that will form part of the development will include:
 - A permanent solar irradiation panel (approximately 16m² in size) will be erected to collect data on the solar resource of the site.
 - A small office and storage building with security and ablution facilities.
 - Site fencing.
 - A lay-down area for temporary storage of materials during the construction activities and a small borrow pit on site.

Conditions

Scope of authorisation

1. The construction of the 160 MW Humansrus Solar Power Plant on 450 hectares of land on the farm Humansrus 469, using the preferred Layout Map 2 is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.



3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
6. The activity must commence within a period of three (3) years from the date of issue. 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
 - Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
 - Relevant provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - Relevant provisions of the National Water Act, 1998 (Act 36 of 1998).
 - Relevant provisions of the National Forests Act, 1998 (Act 84 of 1998).

- Relevant provisions of the National Veld and Forest Fires Act (Act 101 of 1998).
 - Relevant provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - Relevant provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
 - Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Mineral Resources.
10. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation

11. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
12. The notification referred to must –
- 12.1. specify the date on which the authorisation was issued;
 - 12.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 12.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 12.4. give the reasons for the decision.

Management of the activity

13. The Environmental Management Plan (EMP) for the construction submitted as part of the application for environmental authorisation is hereby approved. This EMP must be implemented and adhered to.

Monitoring

14. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
15. The ECO shall be appointed before commencement of any authorised activity.
16. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
17. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
18. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
19. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and reporting to the Department

20. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
21. The holder of the authorisation must submit an environmental audit report upon completion of the construction and rehabilitation activities.
22. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMP.

Commencement of the activity

23. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
24. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any

provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Notification to authorities

25. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence. This notification period may coincide with the period contemplated in 23 above.

Operation of the activity

26. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
27. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

28. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

29. A Botanical specialist must be commissioned to perform a plant search and rescue exercise for any affected succulent (*Pachypodium succulentum*) specimens within the final development foot print. This specialist must ensure that the relevant permit for the removal or destruction of indigenous protected and endangered plant and animal species is obtained from the Northern Cape Department of Environment and Nature Conservation (DENC).
30. A Fresh Water Ecologist must be commissioned to undertake a delineation of any ephemeral pans that occur within the refined development footprint, as well as the physical on-site demarcation by

- means of wooden droppers of the recommended 15 m buffer on either side of the southern non-perennial water course.
31. No activities will be allowed to encroach into a water resource without a Water Use Licence Authorisation (WULA) being in place from the Department of Water Affairs (DWA).
 32. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
 33. A 500m visual buffer must be maintained from the R385 arterial road, 200m visual buffer must be maintained from the D3381 secondary roads and a 100m visual buffer must be maintained from the external farm boundaries.
 34. A 50m buffer must be maintained from the railway line.
 35. The Humansrus homestead and the family graveyard must be fenced off and a 20m buffer must be maintained.
 36. An Avifauna specialist must be commissioned to review the detailed design of all pylons and power lines associated with the proposed development and confirm that they comply with the "bird friendly" design recommendations contained in Annexure E of the EIR report dated May 2011.
 37. Copies of permits in respect of 29 and 31 above must be submitted to the Department for record keeping.
 38. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
 39. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
 40. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
 41. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

General

42. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it

and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

43. Where any of the applicant's contact details change, including the name of the responsible person where the applicant is a juristic person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
44. The holder of the authorisation must notify the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
45. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 29 AUGUST 2011



Mr Ishaam Abader

**Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs**

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the EIR dated May 2011;
- b) The comments received from the Northern Cape Department of Environment & Nature Conservation (DENC), the Department of Agriculture, Forestry and Fisheries (DAFF), organs of state and interested and affected parties as included in the EIR dated May 2011;
- c) Mitigation measures as proposed in the EIR dated May 2011 and the EMP;
- d) The information contained in the specialist studies contained within Annexure E to F of the EIR.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems from the desire to reduce South Africa's dependence on non-renewable resources and to contribute to providing a future of increased energy security and sustainability in the surrounding area, and to contributing towards the targets for emission reduction in South Africa.
- d) The EIR dated May 2011 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.

- e) The EIR dated May 2011 identified all legislation and guidelines that have been considered in the preparation of the EIR dated May 2011.
- f) The methodology used in assessing the potential impacts identified in the EIR dated May 2011 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) After mitigation, the overall significance of the visual impact and ecological impacts of the proposed solar farm is low.
- b) The identification and assessment of impacts are detailed in the EIR dated May 2011 and sufficient assessment of the key identified issues and impacts have been completed.
- c) The procedure followed for impact assessment is adequate for the decision-making process.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) All legal and procedural requirements have been met.
- f) The information contained in the EIR dated May 2011 is accurate and credible.
- g) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.



environmental affairs

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DEA Reference: 12/12/20/1903/1

Enquiries: Ms. Sandile Vilakazi

Telephone: 012-310-3891 **Fax:** 012-320-7539 **E-mail:** SVilakazi@environment.gov.za

Mr. Paul Warmeant
Intikon Energy
P O Box 837
SUN VALLEY
7975

Tel: (021) 789 2175
Fax: (021) 789 2175
Cell: (079) 138 8284
E-mail: paul.warmeant@intikon.com

PER FACSIMILE / MAIL

Dear Mr. Warmeath

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 385, R. 386 AND 387: PROPOSED CONSTRUCTION OF THE 75 MW HUMANSRUS PHOTOVOLTAIC (PV) 1 SOLAR POWER FACILITY (REFERRED TO AS LESEDI POWER COMPANY) ON THE FARM HUMANSRUS (FARM 469) WITHIN THE TSANTSABANE LOCAL MUNICIPALITY, IN THE SIYANDA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

The activity applied for as listed in GN R. 386, activity no. 15 is no longer listed in terms of the new Regulations, 2010 and is thus not authorised.

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.

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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

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Yours sincerely


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

Date: 28/2/2012

CC:	Ms.K. Moodley	Environmental Resources Management	Tel: 021-702-9100	Fax: 021-701-7900
	Ms. C. Pienaar	NCDENC	Tel: 053-607-7430	Fax: 053-831-3530
	Rev. M. Moselane	Tsanstabane Local Municipality	Tel: 053-313-7300	Fax: 053-313-1602
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

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)
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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.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 37 of the Environmental Impact Assessment Regulations, 2006

Proposed construction of the 75 MW Humansrus Photovoltaic (PV) 1 Solar Power Facility
(referred to as Lesedi Power Company) on part of the farm Humansrus (Farm 469) within the
Tsantsabane Local Municipality, Northern Cape Province

Siyanda District Municipality

Authorisation register number:	<i>12/12/20/1903/1</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>INTIKON ENERGY</i>
Location of activity:	<i>NORTHERN CAPE PROVINCE: On part of the farm Humansrus (Farm 469), within the Tsantsabane Local Municipality.</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

INTIKON ENERGY

with the following contact details –

Mr. Paul Warmeant

Intikon Energy

PO Box 837

SUN VALLEY

7975

Tel: (021) 789 2175

Fax: (021) 789 2175

Cell: (079) 138 8284

E-mail: paul.warmeant@intikon.com

to undertake the following activities (hereafter referred to as "the activities"):

GN R. 387:

Item 1(a)(i): The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where the electricity output is 20 megawatts or more.

Item 1(a)(ii): The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where the elements of the facility cover a combined area in excess of 1 hectare.

Item 1(l): The transmission and distribution of above ground electricity with capacity of 120 kilovolts or more.

Item 2: Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more

GN R.386:

Item 1 (m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32m from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.

Item 12: The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Item 16(b): The transformation of undeveloped, vacant or derelict land to residential mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

-as described in the Environmental Impact Report (EIR) dated January 2012 at:

Location of Activity	Latitude	Longitude
Location of Humansrus PV 1	28°18'58.81"S	23°21'22.71"E

- for the construction of the 75 MW Humansrus Photovoltaic (PV) 1 Solar Power Facility on the farm Humansrus (Farm 469) within the Tsantsabane Local Municipality, in the Siyanda District Municipality, Northern Cape Province, hereafter referred to as "the property".

The key components of the proposed solar power facility include the following:

- a) PV solar panels that will occupy up to 150 ha (1.5 km²) of the site area in total;
- b) 280 000 solar panels;
- c) The panels will be 15m² in size and will be mounted on metal frames with a maximum height of 3m above ground;
- d) The PV arrays will be 1 km in length and made up of approximately 100 m sections;
- e) Internal electrical collection systems which includes inverters connected to each PV array to convert the direct current (DC) to alternate current (AC);
- f) A new substation which would include a control room, an operations and maintenance facility, parking, external 132kV transformers and electric switch gear and will have a footprint of up to 1,000m² in size;
- g) An access to the site via the R385 or DD381 roads;
- h) Access tracks adjacent to each row of the PV array plus tracks between the other components of the development. Site access roads of up to 6 m wide with drainage trenches adjacent to the road;
- a) Additional Infrastructure that will form part of the development will include:
 - A permanent solar irradiation panel (approximately 16m² in size) will be erected to collect data on the solar resource of the site.
 - A small office and storage building with security and ablution facilities.
 - Site fencing of 2.5m in height.
 - A lay-down area for temporary storage of materials during the construction activities and a small borrow pit on site.

Conditions

Scope of authorisation

1. The construction of the 75MW Humansrus PV 1 Solar Power Plant on 150 hectares of land on the farm Humansrus (Farm 469), using the Humansrus Proposed PV Phase 1 Layout Map is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described on page 4 of this authorisation.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
6. These activities must commence within a period of three (3) years from the date of issue. 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons for the decision.

Management of the activity

11. The Environmental Management Plan (EMP) for the construction submitted as part of the application for environmental authorisation is hereby approved. This EMP must be implemented and adhered to.

Monitoring

12. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
13. The ECO must be appointed before commencement of any authorised activity.
14. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
15. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
16. The ECO must:
 - 16.1 Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.

- 16.2 Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
- 16.3 Keep and maintain a daily site diary.
- 16.4 Keep copies of all reports submitted to the Department.
- 16.5 Keep and maintain a schedule of current site activities including the monitoring of such activities.
- 16.6 Obtain and keep record of all documentation, permits, licences and authorisations such as waste disposal certificates, hazardous waste landfill site licences etc. required by this facility.
- 16.7 Compile a monthly monitoring report.

Recording and reporting to the Department

17. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
18. The environmental audit report must:
 - 18.1. Be compiled by an independent environmental auditor;
 - 18.2. Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 18.3. Evaluate compliance with the requirements of the approved EMP and this environmental authorisation;
 - 18.4. Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 18.5. Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
 - 18.6. Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed;
 - 18.7. Include a copy of this authorisation and the approved EMP;
 - 18.8. Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this authorisation; and
 - 18.9. Include evidence of adherence to the conditions of this authorisation and the EMP where relevant such as training records and attendance records.

Commencement of the activity

19. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
20. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Notification to authorities

21. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

22. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
23. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

24. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

25. A Botanical specialist must be commissioned to perform a plant search and rescue exercise for any affected succulent (*Pachypodium succulentum*) specimens within the final development foot

- print. This specialist must ensure that the relevant permit for the removal or destruction of indigenous protected and endangered plant and animal species is obtained from the Northern Cape Department of Environment and Nature Conservation (DENC).
26. A Fresh Water Ecologist must be commissioned to undertake a delineation of any ephemeral pans that occur within the refined development footprint, as well as the physical on-site demarcation by means of wooden droppers of the recommended 15 m buffer on either side of the southern non-perennial water course.
 27. No activities will be allowed to encroach into a water resource without a Water Use Licence Authorisation (WULA) being in place from the Department of Water Affairs (DWA).
 28. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior to construction.
 29. A 500m visual buffer must be maintained from the R385 arterial road, a 200m visual buffer must be maintained from the D3381 secondary road and a 100m visual buffer must be maintained from the external farm boundaries.
 30. A 50m buffer must be maintained from the railway line.
 31. The Humansrus homestead and the family graveyard must be fenced off and a 20m buffer must be maintained.
 32. An Avifauna specialist must be commissioned to review the detailed design of all pylons and power lines associated with the proposed development and confirm that they comply with the "bird friendly" design recommendations contained in Annexure E of the EIR report dated May 2011.
 33. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
 34. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
 35. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
 36. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).



General

37. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
38. The holder of the authorisation must notify both the *Director: Environmental Impact Evaluation* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
39. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 23 FEBRUARY 2012



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the EIR dated January 2012;
- b) The comments received from the Northern Cape Department of Environment & Nature Conservation (DENC), the Department of Agriculture, Forestry and Fisheries (DAFF), organs of state and interested and affected parties as included in the EIR dated January 2012;
- c) Mitigation measures as proposed in the EIR dated January 2012 and the EMP;
- d) The information contained in the specialist studies contained within Annexure E to F of the EIR dated May 2011.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted, issues identified and recommended mitigation measures which were deemed to be acceptable.
- b) The need for the proposed project stems from the desire to reduce South Africa's dependence on non-renewable resources and to contribute to providing a future of increased energy security and sustainability in the surrounding area, and to contributing towards the targets for emission reduction in South Africa.
- c) The EIR dated January 2012 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- d) The EIR dated May 2011 identified all legislation and guidelines that have been considered in the preparation of the EIR dated May 2011.

- e) The methodology used in assessing the potential impacts identified in the EIR dated May 2011 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) After mitigation, the overall significance of the visual impact and ecological impacts of the proposed solar facility is low.
- b) The identification and assessment of impacts are detailed in the EIR dated January 2012 and sufficient assessment of the key identified issues and impacts have been completed.
- c) The procedure followed for impact assessment is adequate for the decision-making process.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) All legal and procedural requirements have been met.
- f) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEAT/EIA/12794/2011

DEA Reference: 12/12/20/1903/1

Enquiries: Takalani Maswime

Telephone: 012-395-3780 Fax: 012-320-7539 E-mail: TMaswime@environment.gov.za

Mr Keith Richardson
Oakleaf Investment Holdings 79 Proprietary Limited
Office L6 – B1, 6th Floor, Sinosteel Plaza
159 Rivonia Road
SANDTON
2196

Tel: 011 783 9163
Fax: +44777 619 8547
Email: keith.richardson@solarserve.com

PER FACSIMILE / MAIL

Dear Mr Richardson

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 23 FEBRUARY 2012 FOR THE PROPOSED ESTABLISHMENT OF THE 75 MW HUMANSRUS PHOTOVOLTAIC (PV) 1 SOLAR FACILITY (REFERRED TO LESEDI POWER COMPANY) ON THE FARM HUMANSRUS (FARM 469), WITHIN THE TSANTSABANE LOCAL MUNICIPALITY IN THE SIYANDA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

With reference to the abovementioned application, please be advised that the Department in terms of the powers vested in it by regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the Split Environmental Authorisation (EA) dated 23 February 2012 by changing the holder of the authorisation from Intikon Energy (Pty) Ltd to:

Contact Person: Mr Keith Richardson
Company Name: Oakleaf Investment Holdings 79 Proprietary Limited
Postal Address: Office L6 – B1, 6th Floor, Sinosteel Plaza, 159 Rivonia Road, Sandton, 2196
Tel: 011 783 9163
Fax: +44777 619 8547
Email: keith.richardson@solarserve.com

This amendment must be read in conjunction with the Split EA dated 23 February 2012.

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. Lilian Ngoyi (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: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

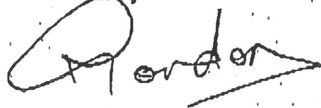
Appeals must be submitted in writing to:

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 activities 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 Mark Gordon
Chief Director: Integrated Environmental Authorisation
Department of Environmental Affairs

Date: 11 July 2012

CC:	Ms Tania Swanepoel	ERM	Tel: 021 702 9100	Fax: 021-701 7900
	Mr Paul Warmeant	Intikon Energy	Tel: 021 789 2175	Fax: 021 789 2175
	Mr C Pienaar	NDDENC	Tel: 053 607 7430	Fax: 053 831 3530
	Rev S Moselane	Tsantsabane Local Municipality	Tel: 053 313 7300	Fax: 053 313 1602
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-6744

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:

- An appeal against a decision must be lodged with:-**
 - 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;
 - 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;
- An appeal lodged with:-**
 - the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
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- An appeal must be:-**
 - submitted in writing;
 - 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.

