



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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**NEAS Reference:** DEA/EIA/AMEND/0000033/2012

**DEA Reference:** 12/12/20/2320/2

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Ms Linda Thompson  
South Africa Mainstream Renewable Power Mierdam (Pty) Ltd  
P.O. Box 45063  
**CLAREMONT**  
7735

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### PER FACSIMILE / MAIL

Dear Ms Thompson

### AMENDMENT OF DEPARTMENT'S DECISION TO REFUSE APPLICATION FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION DATED 20 MAY 2013 AND AMENDMENT OF ENVIRONMENTAL AUTHORISATION ISSUED ON 06 SEPTEMBER 2012 FOR THE PROPOSED CONSTRUCTION OF A 40MW SOLAR PHOTOVOLTAIC FACILITY ON MIERDAM FARM NEAR PRIESKA, WITHIN THE SIYATHEMBA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Department's decision on the above application issued on 06 September 2012, your application for amendment of Environmental Authorisation (EA) dated 05 October 2012, the Department's decision to refuse the application for amendment of EA dated 20 May 2013 and your correspondence requesting the Department to reconsider its decision dated 24 May 2013, has reference.

Based on a review of the reasons for requesting the Department to reconsider its decision to refuse an amendment application and to amend the above mentioned original EA, the Department, in terms of Regulation 43(c) of Environmental Impact Assessment Regulations, 2010 read together with Section 47A of National Environmental Management Act, 1998 (Act No. 107 of 1998), has decided to amend the EA dated 06 September 2012 as follows:

1. The description or any reference to project output/capacity is amended:

**From:**

"40MW"

**To:**

"75MW"

2. Condition 42 of the EA is amended:

**From:**

*"The assessment and detailed design phase of the PV facility must be done in consultation with the Square Kilometre Array South Africa"*

**To:**

*"The assessment and detailed design phase of the PV facility must be done in consultation and agreement with the Square Kilometre Array South Africa"*

This letter must be read in conjunction with the EA dated 06 September 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 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 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 amendment 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: 0123207561;

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.

Kindly 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:**

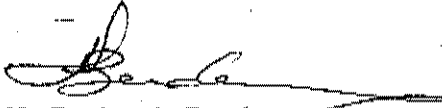
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: [AppealsDirectorate@environment.gov.za](mailto:AppealsDirectorate@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 faithfully



**Ms Devinagie Bendeman**  
**Acting Deputy Director-General: Legal, Authorisations, Compliance & Enforcement**  
**Department of Environmental Affairs**

Date: 8/11/2013

CC:	Ms A Gibb	SIVEST (Pty) Ltd	Tel: 011-798-0638	Fax: 011-803-7272
	Ms E Botes	Northern Cape Department of Environment and Nature Conservation	Tel: 053-807-7300	Fax: 053-807-7328
	Mr G Bessies	Siyathemba Local Municipality	Tel: 053-353-5300	Fax: 053-353-1386
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

**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)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.