



## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

**NEAS Reference:** DEA/EIA/0000207/2011

**DEA Reference:** 12/12/20/2231

**Enquiries:** Jay-Jay Mpelane

**Telephone:** (012) 3103004 **Fax:** (012) 3207539 **E-mail:** JMpelane@environment.gov.za

Mr Pedro Coutinho  
NetWorx S28 Energy (Pty) Ltd  
2<sup>nd</sup> Floor – 20 The Piazza  
Melrose Arch  
**JOHANNESBURG**  
2076

Fax Number: (011) 684 2919

Cellphone Number: (076) 013 0132

### **PER FACSIMILE / MAIL**

Dear MrCouniho

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 05 JULY 2012 FOR THE PROPOSED CONSTRUCTION OF A 200MW PHOTOVOLTAIC FACILITY ON PORTION 11 OF THE FARM BAVIAANZ KRANZNO. 474, KEIMOES, NORTHERN CAPE PROVINCE**

The Environmental Authorisation issued for the above application by this Department on 05 July 2012 and your application for amendment to the Environmental Authorisation received by this Department on 27 February 2014refer.

Based on a review of the reason for requesting an amendment to the above Environmental Authorisation, this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the Environmental Authorisation dated05 July 2012as follows:

#### The contact details of the holder of the Environmental Authorisation:

"NetWorx S28 Energy (Pty) Ltd"

Represented by: Mr Sterrenberg Bester  
PO Box 54  
**MARCHAND**  
8873

Fax: (011) 684 2919  
Cell: (078) 815 8367  
Email: sterren@vodamail.co.za

**Is hereby amended to:**

NetWorx S28 Energy (Pty) Ltd

Represented by: Mr Pedro Coutinho  
2nd Floor – 20 The Piazza  
Melrose Arch  
**JOHANNESBURG**  
2076

Fax Number: (011) 684 2919  
Cellphone Number: (076) 013 0132  
Email Address: filipe.figueiredo@4green.pt

**Page 3 of the Environmental Authorisation:**

"The project will be developed in three phases: Phase 1 – 30MW;Phase 2- addition of 70MW to increase the capacity to 100MW; and, Phase 3- addition of 100 MW to increase the capacity to 200MW."

**Is hereby amended to:**

"The project will be developed in two (02) phases of 100MW each."

Furthermore, this Department recommends that a shapefile of the approved development layout/footprint must be submitted to this Department within two (2) months from the date of this letter. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include as a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title.

The shape file must be submitted to:

**Postal Address:**

Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

**Physical address:**

Department of Environmental Affairs  
Fedsure Forum Building (corner of Pretorius and Lillian Ngoyi Streets)  
4<sup>th</sup> Floor South Tower  
315 Pretorius Street  
Pretoria  
0002

For Attention: Mr Muhammad Essop  
Integrated Environmental Authorisations  
Strategic Infrastructure Developments  
Telephone Number: (012) 395 1734  
Fax Number: (012) 320 7539  
Email Address: MEssop@environment.gov.za

This proposed amendment letter must be read in conjunction with the Environmental Authorisation dated 05 July 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: 012 320 7561;  
By post: Private Bag X447,  
Pretoria, 0001; or  
By hand: 2nd Floor, Fedsure Building, North Tower,  
Cnr. Lilian Ngoyi 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 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

The authorised activities shall not commence within twenty (20) days of the date of signature of this amendment. 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



**Ms Frances Craigie**  
**Acting Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**

Date: 4/4/14

cc:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Tel: (011) 656 3237	Fax: (086) 684 0547
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**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"> <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.



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedure Building, 315 Pretorius Street, Pretoria, 0002. Tel (+27 12) 310 3911 Fax: (+27 12) 322 2682

Ref: ODG

Enquiries: Betta Coetzee

Tel: 012 310 3550 Fax: 012 322 4832 Email: [bcoetzee@environment.gov.za](mailto:bcoetzee@environment.gov.za)

Ms Frances Craigie  
Chief Director: Enforcement

Dear Ms Craigie

### **APPOINTMENT AS DEPUTY DIRECTOR-GENERAL: LEGAL, AUTHORISATIONS AND COMPLIANCE ENFORCEMENT (ACTING) FROM 31 MARCH UNTIL 4 APRIL 2014**

I hereby inform you that you are appointed as Deputy Director-General: Legal, Authorisations and Compliance Enforcement (Acting) from 31 March until 4 April 2014, whilst Mr Abader will be on annual leave.

All the correspondence and other documents that are usually signed by the Deputy Director-General: Legal, Authorisations and Compliance Enforcement must be signed under Deputy Director-General: Legal, Authorisations and Compliance Enforcement (Acting) during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1998), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. Copies of departmental policies can be obtained from the Human Resource Office.

Yours sincerely

**Ms Nosipho Ngcaba**  
**DIRECTOR-GENERAL**

DATE: 27/3/2014

#### **ACKNOWLEDGEMENT**

I ACCEPT / DO NOT ACCEPT  
appointment as Deputy Director-General:  
Legal, Authorisations and Compliance  
Enforcement (Acting)

Signed: \_\_\_\_\_

Date: 28/3/14