



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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PER FACSIMILE/MAIL

Dear Mr Riboud

AMENDMENT OF ENVIRONMENTAL AUTHORISATION: PROPOSED ESTABLISHMENT OF A WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON A SITE NEAR OYSTER BAY, KOUGA LOCAL MUNICIPALITY WITHIN THE CACADU DISTRICT MUNICIPALITY, EASTERN CAPE PROVINCE

The Department's decision on the above application issued on 08 May 2012 and your correspondence dated 08 May 2012 refers.

Based on a review of the reason for requesting an amendment to the above authorisation, the Department, in terms of regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the environmental authorisation (EA) dated 08 May 2012 as follows:

The inclusion of the following listed activity, which was omitted from the activities authorised and which formed part of the listed activities applied for in the application form received by this Department on 31 July 2009:

"Governmental Notice R 386 (21 April 2006) - Activity 1 (m) : any purpose in the ten year flood line of river or stream, or within 32 metre 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." As internal roads associated with proposed facility cross drainage lines identified on site, this is applicable to the project.

Condition 53 on the environmental authorisation is amended:

From:

"Turbines must be located at least 300m away from any water bodies on site to reduce the risk of collision/barotrauma, furthermore, turbines must be located at least 200m from structures such as buildings that may provide roosts."

To:

"Turbines must be located at least 200m away from all identified bat sensitive areas on site to reduce the risk collision/barotrauma as identified by their central coordinates:

- 34°07'51" S; 24°37'04"E - Man made dam
- 34°07'58" S; 24°36'55"E - Man made dam
- 34°08'02" S; 24°38'26"E - Man made dam
- 34°07'12" S; 24°37'36"E - Man made dam
- 34°07'05" S; 24°38'64"E - Man made dam
- 34°09'04" S; 24°40'10"E - Man made dam
- 34°08'33" S; 24°40'43"E - Man made dam
- 34°08'32" S; 24°40'49"E - Man made dam
- 34°07'21" S; 24°40'40"E - Man made dam
- 34°06'28" S; 24°38'54"E - Man made dam
- 34°05'06" S; 24°38'29"E - Man made dam
- Large dam to the north of the site – Impofu Dam

This letter must be read in conjunction with the EA dated 08 May 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 (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 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: 012-310-3929

Email: 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 sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 20 MARCH 2013

CC:	Ms J. Thomas	Savannah Environmental (Pty) Ltd	Tel: 011-656-3237	Fax: 086-684-0547
	Mr E. M. Rankwana	Kouga Local Municipality	Tel: 042-200-2200	Fax: 042-293-1114
	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)

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.

