



## **environmental affairs**

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

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Ms. Mmamoloko J Seabe  
Eskom Transmission SOC Limited  
P.O. Box 1091  
**JOHANNESBURG**  
2001

Fax no: (011) 800-3917

**PER FACSIMILE / MAIL**

Dear Ms Seabe

**AMENDMENT OF ENVIRONMENTAL AUTHORISATION: THE DEVELOPMENT OF THE NEPTUNE-POSEIDON 400kV POWER LINE, WITHIN THE BUFFALO CITY, NGUSHWA, NKONKOBÉ, NXUBA AND BLUE CRANE LOCAL MUNICIPALITIES IN THE EASTERN CAPE PROVINCE**

The Department's decision on the above application issued on 11 July 2012 and your correspondence dated 16 July 2012 refers.

Your request to include activity 23 (as per Regulation 76 (3)) has been declined as this activity was not applied for in the original application form and furthermore, this activity was not included as part of the list of activities that were included in the final EIR dated February 2012. An already issued Environmental Authorisation cannot be amended to include an activity that has not been applied for.

This Department therefore advises that you stay below the threshold with regard to this activity (GN No. R.544 item 23). Should you require clearing of an area big enough to trigger listed activities; a new BAR application will have to be lodged with this Department for approval.

Based on the 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 11 July 2012 as follows:

**Condition 27 (as stated below) is hereby removed from the Conditions of the EA dated 11 July 2012:**

"The compact cross-rope or cross rope suspension tower must be used as they are most visually permeable and create an extremely low degree of visual obstruction".

**On page 4 of the EA dated 11 July 2012, the following statement which read as follows:**

"In order to comply with Regulation 76 (3) (Pending applications and Appeals (NEMA)) the applicant, InnoWind (Pty) Ltd in terms of the Section 24 (2) of NEMA provided a comparison which include the above activities as now listed in terms of the GN R. 543, R. 544, R. 545 and R. 546 of 18 June 2010, which are as follows:"

**has been amended to read as follows:**

"In order to comply with Regulation 76 (3) (Pending applications and Appeals (NEMA)) the applicant, Eskom Holdings SOC Ltd in terms of the Section 24 (2) of NEMA provided a comparison which include the above activities as now listed in terms of the GN R. 543, R. 544, R. 545 and R. 546 of 18 June 2010, which are as follows:"

This letter must be read in conjunction with the EA dated 11 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 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 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.

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](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



**Mr Ishaam Abader**  
**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**

Date: 5/08/2013

CC:	Mr D Henning	Nemal Consulting (EAP)	Tel: 011-781-1730	Fax: 011-781-1731
	Mr G. Pienaar	Eastern Cape Provincial Department	Tel: 040-609-7151	
	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.