



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Reference: 12/12
Enquiries: Mr Takala
Telephone: (012) 310-3780 Fax: (012) 320-7639

2/20/913
Tini Maswime
E Email: TMaswime@environment.gov.za

Ms Deirdre Herbst
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2000

Fax: (011) 800-5140

PER FACSIMILE / MAIL

Dear Ms Herbst

AMENDMENT TO THE ENVIRONMENTAL AUTHORITY'S REGULATIONS IN RESPECT OF THE PROPOSED CONSTRUCTION OF A WIND ENERGY INFRASTRUCTURE, WESTERN CAPE PROVINCE

AMENDMENT TO THE ENVIRONMENTAL AUTHORITY'S REGULATIONS IN RESPECT OF THE PROPOSED CONSTRUCTION OF A WIND ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE, WESTERN CAPE PROVINCE

With reference to the abovementioned application, the Department in terms of the powers vested in it by regulation 42 of Environmental Impact Assessment Regulations, 2010 has decided to amend the Environmental Authorisation (EA) issued on 24 April 2008 as follows –

1. The project description, bullets 1 and 8 on page 4 of the EA described as

- "100 wind turbine units (120m in height, 45m blades); and
- A workshop/office building and visitors centre at the facility entrance (400m²).

- "67 wind turbine units (each 120m in height and 15 m x 15 m in extent) with a 90m diameter rotor (consisting of 3 x 45m blades); and
- A workshop/office building and visitors centre of approximately 8 000m².

Must be substituted with

- "67 wind turbine units (each 120m in height and 15 m x 15 m in extent) with a 90m diameter rotor (consisting of 3 x 45m blades); and
- A workshop/office building and visitors centre of approximately 8 000m².

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- A workshop/office building and visitors centre of approximately 8 000m².

This proposed amendment must be read in conjunction with the EA issued on 24 April 2008, the extension issued on 15 June 2009 and the errata issued on 12 June 2009.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 registered interested and affected parties, in writing of the Department's decision in respect of your submission of appeals that are contained in the Regulations.

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Your attention is drawn to Chapter 7 of the Regulations to be followed. This procedure is summarised in the attached document with the letter of notification to interested and affected parties.

which prescribes the appeal procedure to be followed. 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:

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, Fedure Building, North Tower,
cnr. Van der Walt and Pretorius Street
Pretoria.

By hand:
cnr. Van der Walt and Pretorius Street
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 public inspection, should you intend to submit an appeal.

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 public 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.

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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:

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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 activity/ies 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.

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Yours faithfully,



Mr. Ishaam Abader
Deputy Director General: Environmental Quality & Environmental Protection
Department of Environmental Affairs
Date: 29/08/2011

Environmental Protection

CC: Ms Karen Jodas

Savannah Environmental

Fax: (086) 684 0547

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO INTERESTED AND AFFECTED PARTIES UPON ENVIRONMENTAL AUTHORISATION (EA)

F THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO INTERESTED AND AFFECTED PARTIES UPON 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.	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).	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	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. 	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.	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.	An Applicant who received notice of intention to appeal 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 of the Department of Environmental Affairs (or a delegated Competent Authority);
 - the Minister of Justice and Constitutional Development 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;
 - the Minister of Justice and Constitutional Development Affairs;
- 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 notices referred to in regulation 62.

- An appeal against a decision must be lodged with**
 - the Minister of Water and Environmental Affairs if of the Department of Environmental Affairs (or a delegated Competent Authority);
 - the Minister of Justice and Constitutional Development 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;
 - the Minister of Justice and Constitutional Development Affairs;
- 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 notices referred to in regulation 62 (2) or (3) together with copies of the