



## 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:** DEAT/EIA/12095/2010

**DEA Reference:** 12/12/20/1756/2

**Enquiries:** Muhammad Essop

**Telephone:** (012) 395 1734 **Fax:** (012) 320 7539 **E-mail:** MEssop@environment.gov.za

Mr Mark Tanton  
Gibson Bay Wind Farm (Pty) Ltd  
Unit B2  
Mainstream Shopping Centre  
Main Road  
**HOUT BAY**  
Cape Town  
7806

Fax Number: (086) 672 3991  
Telephone Number: (021) 790 1392

### **PER FACSIMILE / MAIL**

Dear Mr Tanton

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 FEBRUARY 2013 FOR THE PROPOSED KOUGA WIND FARM PROJECT (WESTERN CLUSTER), KOUGA LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the above application by this Department on 01 February 2013 and your application for amendment of the Environmental Authorisation received by this Department on 17 March 2014 refer.

Based on a review of the reason for requesting an amendment to the above Environmental Authorisation (EA), this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the EA dated 01 February 2013 as amended as follows:

Page 2 of the amendment to the Environmental Authorisation is amended:

**From:**

"This amendment letter must be read in conjunction with the EA dated 03 September 2013."

**To:**

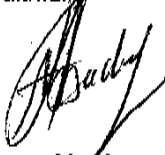
"This amendment letter must be read in conjunction with the EA dated 01 February 2013."

This amendment letter must be read in conjunction with the EA dated 01 February 2013 as amended.

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.

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.

Yours faithfully



**Mr Ishaam Abader**

**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**

**Department of Environmental Affairs**

**Date:** 26/03/2014

cc:	Mr G Pienaar	DEDEA	Tel: 040 6094703	Fax: 086 6192858
	Mr J Uithaler	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



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**REPUBLIC OF SOUTH AFRICA**

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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

**NEAS Reference:** DEAT/EIA/12095/2010

**DEA Reference:** 12/12/20/1758/2

**Enquiries:** Ndivhudza Sebei

**Telephone:** (012) 395 1774 **Fax:** (012) 320 7539 **E-mail:** Nsebel@environment.gov.za

Mr Mark Tanton  
Gibson Bay Wind Farm (Pty) Ltd  
Unit B2  
Mainstream Shopping Centre  
Main Road  
**HOUT BAY**  
Cape Town  
7806

Fax Number: (086) 672 3991  
Telephone Number: (021) 790 1392

### **PER FACSIMILE / MAIL**

Dear Mr Tanton

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 01 FEBRUARY 2013 FOR THE PROPOSED KOUGA WIND FARM PROJECT (WESTERN CLUSTER), KOUGA LOCAL MUNICIPALITY, EASTERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the above application by this Department on 01 February 2013 and your application for amendment of the Environmental Authorisation received by this Department on 30 January 2014 refer.

Based on a review of the reason for requesting an amendment to the above Environmental Authorisation (EA), this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the EA dated 01 February 2013 as follows:

The current holder of the Environmental Authorisation is amended:

#### **From:**

"Red Cap Kouga Wind Development Company (Pty) Ltd"  
Represented by: Mr Mark Tanton  
24 Kestrel Way  
Kenrock Estate  
**HOUT BAY**  
7806

Tel: (021) 790 1392  
Fax: (086) 609 9261  
E-mail: mark@red-cap.co.za

**To:**

"Gibson Bay Wind Farm (Pty) Ltd"  
Represented by: Mr Mark Tanton  
Unit B2  
Mainstream Shopping Centre  
Main Road  
**HOUT BAY**  
Cape Town  
7806

Telephone Number: (021) 790 1392  
Cell phone Number: (082) 375 4257  
Fax Number: (086) 672 3991  
Email Address: mark@red-cap.co.za

Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department within two (02) months of 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 at 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 amendment letter must be read in conjunction with the EA dated 03 September 2013.



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 3271  
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 faithfully

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

Date: 10.03.14

cc:	Mr G Pienaar	DEDEA	Tel: 040 6094703	Fax: 086 6192858
	Mr J Uithaler	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)**

<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:-**

- 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;
- 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:-**

- the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

**3. 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 regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.

