



## **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/0000346/2011

**DEA Reference:** 12/12/20/2290

**Enquiries:** Matlhodi Mogorosi

**Tel:** 012-395-1779 **Fax:** 012-320-7539 **E-mail:** MMogorosi@environment.gov.za

Mr Thomas Donnelly  
African Clean Energy Developments (Pty) Ltd  
P.O. Box 23777  
**CLAREMONT**  
8002

Tel: (021) 813 2768

Fax: (021) 813 2848

### **PER FACSIMILE / MAIL**

Dear Mr Donnelly

**AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 FEBRUARY 2012 FOR THE PROPOSED COOKHOUSE II WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON A SITE LOCATED 20KM EAST OF THE TOWN OF COOKHOUSE, WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY OF THE CACADU DISTRICT MUNICIPALITY, EASTERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department in terms of the powers vested in it by regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the Environmental Authorisation (EA) dated 02 February 2012 by changing the holder of the environmental authorisation from African Clean Energy Developments (Pty) Ltd to Great Fish River Wind Farm (Pty) Ltd.

The details of the applicant in the EA dated 02 February 2012 are hereby amended from:

Mr Thomas Donnelly  
Africa Clean Energy Developments (Pty) Ltd  
P.O. Box 23777  
**CLAREMONT**  
8002

Tel: (021) 813 2768

Fax: (021) 813 2848

Cell: 082 905 1843

E-mail: [Thomas.Donnelly@macquire.com](mailto:Thomas.Donnelly@macquire.com)

to:

Mr Sam Cooper  
Great Fish River Wind Farm (Pty) Ltd  
P.O. Box 50525  
**WATERFRONT**  
8002

Tel: (021) 831 2771  
Fax: (021) 813 2848  
Cell: 082 808 2576

This amendment must be read in conjunction with the EA issued on 02 February 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 twelve (12) days of the date of the EA amendment, of the Department's decision in respect of your amendment 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: 012 320 7561;  
By post: Private Bag X447,  
Pretoria, 0001; or  
By hand: 2nd Floor, Fedsure Building, North Tower,  
cnr. Lillian Ngoyi (previously 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 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](mailto:tzwane@environment.gov.za)

Yours sincerely



**Mr Mark Gordon**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 09 July 2012

CC:	Ms K Jodas	Savannah Environmental (Pty) Ltd	Tel:(011) 234 6621	Fax:(086) 684 0547
	Mr G Pienaar	Eastern Cape Dept. Economic Development & Environmental Affairs	Tel:(040) 609 4712	Fax:(040) 609 4700
	Mr D Claassen	Blue Crane Local Municipality	Tel: (042) 243 1528	Fax:(042) 243 1333
	Mr T Zwane	Appeals Authority (DEA)	Tel: (012)3103929	Fax:(012)3207561

**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 amendment from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA amendment from Applicant/Consultant.
2. Within 12 days of date of the EA amendment notify all IAPs of the EA amendment and draw their attention to their right to appeal against the EA amendment in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA amendment, submit a notice of intention to appeal within 20 days of the date of the EA amendment with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA amendment, submit a notice of intention to appeal within 20 days of the date of the EA amendment 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.