



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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Reference: 12/12/20/2288

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Ravisha Ajodhapersadh  
Savannah Environmental (Pty) Ltd  
PO Box 148  
**SUNNINGHILL**  
2157

Fax: 086 684 0547

PER FACSIMILE / MAIL

Dear Sir / Madam

### **ACKNOWLEDGEMENT OF RECEIPT OF REVISED DRAFT SCOPING REPORT: PROPOSED SPITSKOP WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON A SITE NORTH-WEST OF RIEBEEK EAST, EASTERN CAPE PROVINCE**

The Department confirms having received the revised draft Scoping Report dated June 2011 for the above-mentioned project on 23 June 2011.

Please note that the Department will start reviewing once the final Scoping Report is received.

You are hereby reminded that the activity may not commence prior to an environmental authorisation being granted by the Department.

Yours sincerely

Mr Ishmaam Abader  
Deputy Director-General: Environmental Impact Management  
Department of Environmental Affairs  
Letter signed by: Ms Nylko Ngoveni  
Designation: Principal Environmental Officer: Environmental Impact Evaluation  
Date: 07/07/2011



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Ms Jo-Anne Thomas  
Savannah Environmental (Pty) Ltd  
PO Box 148  
**SUNNINGHILL**  
2157

**Fax:** 086 684 0547

**PER FACSIMILE / MAIL**

Dear Ms Thomas

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED ESTABLISHMENT OF THE SPITSKOP WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON A SITE NORTH-WEST OF RIEBEEK EAST, EASTERN CAPE**

The Department confirms having received the Application Form and Declaration of Interest submitted by you on 11 May 2011 for environmental authorisation for the abovementioned project. You have submitted these documents to comply with the Environmental Impact Assessment Regulations, 2010.

The Application is accepted. You are hereby reminded that the activity may not commence prior to an environmental authorisation being granted by the Department.

Yours sincerely

P.P. *Satima Lawjee*

Ms Sibusisiwe Hlela  
Acting Chief Director: Environmental Impact Management  
Department of Environmental Affairs  
Letter signed by: Ms Hilda Bezuidenhout  
Designation: Assistant Director: Environmental Impact Evaluation  
Date: 25/05/2011.



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Reference: 12/12/20/1561

Enquiries: Ms P Mashego

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Mr Thomas Riboud/Duncan Ayling  
Renewable Energy Systems (RES) Southern Africa (Pty) Ltd  
1<sup>st</sup> Floor, Convention Towers  
Foreshore  
**CAPE TOWN**  
8001

Fax no: 021 403 6301

### **PER FACSIMILE / MAIL**

Dear Mr Riboud/Ayling

### **WITHDRAWAL OF THE AMENDED APPLICATION FORM DATE DECEMBER 2010 FOR THE PROPOSED SPITSKOP WIND ENERGY FACILITY ON A SITE NORTHWEST OF RIEBEEK EAST, EASTERN CAPE PROVINCE**

The abovementioned documents received by the Department refer.

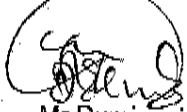
Please be advised the Department has decided to revise its initial decision on the Amended Application Form which was accepted on 01 January 2011 based on the new information provided by Mr. Andrew van Spuy on 22 February 2011. In his letter, he stated that the Department should have terminated this project as the Applicant failed to submit the Scoping Report within 6 months as required in terms of regulation 77 of the 2006 EIA regulations.

Please note that the original Application Form submitted on 15 July 2009 had already lapsed by the time you applied for an amendment. The Department concurs with Mr. Van Spuy's concern and hereby withdraws the acceptance of the amended Application Form on 10 January 2011 as the Department cannot amend an application that has already lapsed.

Notwithstanding the provision of regulation 77, I draw your attention to section 47C of NEMA should you wish to seek relief from the Minister. Should you wish to continue with undertaking the listed activities for which you had applied for, you are therefore advised to lodge a new application in terms of the NEMA EIA Regulations of June 2010. You are hereby advised to reconduct the public participation process in terms of Chapter 6 of GN N R543 of the EIA Regulations of 18 June 2010.

The Department awaits the submission of the Application Form as prescribed by the EIA Regulations, GN N R543 of 18 June 2010. You are hereby reminded that the activity may not commence prior to an environmental authorisation being granted by the Department.

Yours sincerely



Mr Dumisani Mthembu

**ACTING CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT**

Department of Environmental Affairs

Date: 21 04 2011

CC: Ms. Karen Jodas  
Mr. André van der Spuy

Savannah Environmental (Pty) Ltd  
AVDS Environmental Consultants

Fax no: (086) 684 0547  
Fax no: (021) 786 2919



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7975

Fax no: (021) 786 2919  
Cell: 084 480 2464  
E-mail: [avdspuy@iafrica.com](mailto:avdspuy@iafrica.com)

Dear Mr. Van der Spuy

### **RESPONSE ON CORRESPONDENCE WITH REGARDS TO THE PROPOSED SPITSKOP WIND ENERGY FACILITY ON A SITE NORTHWEST OF RIEBEEK EAST, EASTERN CAPE PROVINCE**

Your letter dated the 22<sup>nd</sup> February 2011 regarding the above matter refers.

This Department has noted your request to the department to instruct Renewable Energy Systems (RES) Southern Africa (Pty) Ltd (the Applicant) to abandon the current EIA process for the proposed Spitskop Wind Energy Facility on a site northwest of Riebeeck East, Eastern Cape Province. The Department has the following response with regard to your objection:

#### **1. Amended application form**

- 1.1. Please be advised the Department concur with your objection and has decided to revise its initial decision on the amended application form which was accepted on 01 January 2011 and withdraw the application as the Applicant has failed to comply with Regulation 77 of GN N R. 387 of 21 April 2006 which states that the Scoping Report must be submitted to the Department within a period of six months. The Department will therefore request the Applicant to lodge a new application for environmental authorisation in terms the NEMA EIA Regulations, 2010.

#### **2. Incomplete notification of I&APs**

- 2.1 Contravention of clauses 56(2)(b)(i) and (ii), and 5.9 of the Public Participation Guideline: Based on the information in the letter sent to you by the EAP on 17 February 2011, it was indicated that the EAP, together with Sustainable Futures (as the PIP consultant) are actively undertaking an ongoing process of identifying and informing landowners surrounding the

proposed development boundaries, and this process will be ongoing throughout the EIA process.

- 2.2 Two week notification period: The Department has also noted that the EAP has proposed an alternative meeting with you at your earliest convenience as indicated in a letter sent to you on 17 February 2011, but you never honoured such invitation. Furthermore, the Draft Scoping Report containing all the changes in the Amended Application Form was made available for public review from 16 February 2011 to 17 March 2011.
- 2.3 The Department is satisfied that the requirements of the public participation process have been adhered to as all stakeholders (including yourself) were given the right to participate fairly in the process and an opportunity to comment on the report.

### 3. EIA at national scale

- 3.1 Regulation 56 (d) of the EIA Regulations, 2006 states that: "*placing an advertisement in at least one provincial newspaper or national, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or local municipality in which it is or will be taken*".
- 3.2 The Spitskop Wind Energy Facility falls within the borders of the Cacadu District Municipality in the Eastern Cape Province and potential impacts do not exceed the regional (Eastern Cape Province) boundaries. In an effort to inform the I&APs and to comply with the requirements of the public participation process, the Department has noted that the Applicant/EAP re-advertised the project with the new changes in the Amended Application Form in the local newspapers, namely the Grocotts Mail on 08 February 2011 and the Herald 08 February 2011.
- 3.3 The Department is of the view that there was no real need to advertise this project in a national newspaper or to conduct this project on a national scale.

Yours sincerely



Mr Dumisani Mthembu

**ACTING CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT**

Department of Environmental Affairs

Date: 2/04/2011

CC: Ms. Karen Jodas  
Mr Thomas Riboud

Savannah Environmental (Pty) Ltd  
RES Southern Africa (Pty) Ltd

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