



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Dear Madam,

DECISION ON THE APPEAL AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED TO NEWSHELF 1282 (PTY) LTD (THE APPLICANT) FOR THE PROPOSED ESTABLISHMENT OF A 1200MW COAL-FIRED POWER STATION AND ASSOCIATED INFRASTRUCTURE

I refer to the appeal decision of the Minister of Environmental Affairs, dated 7 March 2016; your correspondence in respect thereof, dated 23 March 2016; the meeting between the Directorate: Appeals and Legal Review and the CER of 13 April 2016; and your correspondence of 20 April 2016.

Please note that in terms of section 43 (6) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), *the Minister or an MEC may, after considering such an appeal, confirm, set aside or vary the decision, provision, condition or directive or make any other appropriate decision...*

Accordingly, the Minister dismissed the appeal against the amendment to the Environmental Authorisation (EA) granted by the Department of Environmental Affairs for the establishment of the above mentioned project; and amended the EA by the insertion of conditions 10.5 and 10.6 of the EA, as well as the amendment of conditions 17.2.7, 17.5.4, and 17.6.1 of the EA.

Conditions 10.5 and 10.6 of the aforementioned appeal decision read as follows:

10.5 *The holder of this authorisation must undertake a climate change impact assessment prior to the commencement of the project, which is to commence no later than six months from date of signature of the Appeal Decision. The climate change impact assessment must thereafter be lodged with the Department for review and the recommendations contained therein must be considered by the Department.*

10.6 *A Palaeontological Impact Assessment Report (PIAR) must be prepared and submitted to the Department for consideration prior to commencement of the project and within six months from date of this decision. The PIAR must be lodged with the Department for review and it must also be lodged with the South African Heritage Resource Agency (SAHRA) for official commenting in terms of Section 38(8) of the National Heritage Resources Act, No 25 of 1999. The PIAR must be based on a field assessment, and be prepared by a suitably qualified palaeontologist.*

The wording of both of the above mentioned conditions therefore contemplate that the relevant specialist reports, after having been subject to scoping and public comment, will be assessed by the Department, as per the Environmental Impact Assessment Regulations, 2010.

I reiterate that the instruction in the appeal decision by the Minister of Environmental Affairs that the applicant undertake a climate change impact assessment and a paleontological impact assessment within six months from the date of the decision in no way constitutes an acknowledgement by the Minister that the decision by the Department to issue the EA was unlawful.

Yours sincerely



ZIYAAD HASSAM

APPEAL ADMINISTRATOR

DIRECTOR: APPEALS AND LEGAL REVIEW

DATE: 20-04-2016