



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 12/12/20/1569/2

Enquiries: Matlhodi Mogorosi

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

Mr Sam Cooper
ACED Renewables Cookhouse (Pty) Ltd
P.O. Box 23777
CLAREMONT
7735

Tel No: (012) 670 3943
Fax No: (021) 670 1220

PER FACSIMILE / MAIL

Dear Mr Cooper

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386 AND 387: PROPOSED ESTABLISHMENT OF THE BEDFORD STAGE WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR COOKHOUSE WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY, CACADU DISTRICT MUNICIPALITY, EASTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

This EA must be read in conjunction with the final layout approved by the Department on 03 November 2011.

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, of the Department's decision in respect of your 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 decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within twenty(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. 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: Environmental Impact Evaluation*) 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:

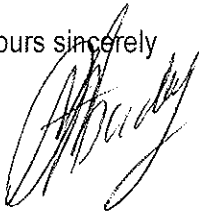
Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: tzwane@environment.gov.za

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.

Yours sincerely



Mr Ishaam Abader
Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

Date: 2/03/2012

CC:	MsK Jodas	Savannah Environmental(Pty) Ltd	Tel: 011-234-6621	Fax: 086-684-0547
	MrG Pienaar	Eastern Cape Dept. of Economic Development & Environmental Affairs	Tel: 040-609-4712	Fax: 040-609-4700
	Mr D Claassen	Blue Crane Route Local Municipality	Tel: 042-243-1528	Fax: 042-243-1333
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

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)

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.	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"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. 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.	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:-

- a) 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;
- b) 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:-

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

3. An appeal must be:-

- a) submitted in writing;
- b) 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.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 37 of the Environmental Impact Assessment Regulations, 2006

Proposed establishment of the Bedford Stage Wind Energy Facility and associated infrastructure between Cookhouse and Bedford within the Blue Crane Route Local Municipality, Eastern Cape Province

Cacadu District Municipality

Authorisation register number:	<i>12/12/20/1569/2</i>
Last amended:	<i>03 November 2011</i>
Holder of authorisation:	<i>ACED RENEWABLES COOKHOUSE (PTY) LTD</i>
Location of activity:	<i>EASTERN CAPE PROVINCE: On farm portions: Van Wyks Kraal 73/2 & 73/3 & Roberts Kraal 281 within the Blue Crane Route Local Municipality</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

ACED RENEWABLES COOKHOUSE (PTY) LTD

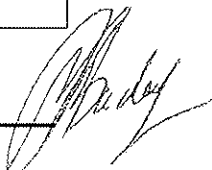
with the following contact details –

Mr Sam Cooper
ACED Renewables Cookhouse (Pty) Ltd
P.O. Box 23777
CLAREMONT
7735

Tel No: (012) 670 3943
Fax No: (021) 670 1220

to undertake the following activities (hereafter referred to as "the activities") in terms of GN R. 385, 386&387):

Listed activities	Activity/Project description
GN R. 386 Item 1(m):	<p>The construction of facilities or infrastructure, including associated structures or infrastructure for any purpose in the one in ten year floodline of a river or stream or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including –</p> <ul style="list-style-type: none"> (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.
GN R. 386 Item 7:	<p>The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1000 cubic metres at any one location or site.</p>
GN R. 386 Item 12:	<p>The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).</p>
GN R. 386 Item 13:	<p>The abstraction of groundwater at a volume where any general authorisation issued in terms of the National Water Act (Act No. 36 of 1998) will be exceeded.</p>
GN R. 386 Item 14:	<p>The construction of masts of any material of type and of any height, including those used for telecommunications broadcasting and radio transmission, but excluding</p> <ul style="list-style-type: none"> (a) masts of 15m and lower exclusively used by: <ul style="list-style-type: none"> (i) radio amateurs; or (ii) for lighting purposes; (b) flagpoles; and (c) lightning conductor poles.



Listed activities	Activity/Project description
GN R. 386 Item 15:	<i>The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.</i>
GN R. 386 Item 16(a)	<i>The transformation of undeveloped, vacant or derelict land to residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.</i>
GN R. 387 Item 1(a)	<i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where (i) the electricity output is 20 megawatts or more; or (ii) the elements of the facility cover a combined area in excess of 1 hectare.</i>
GN R. 387 Item 1(l)	<i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more.</i>
GN R. 387 Item 2:	<i>Any development activity including associated structures and infrastructure, where the total area of the developed area is, or is intended to be 20 hectares or more.</i>

- for the proposed establishment of the 140MW Bedford Stage Wind Energy Facility (WEF) and associated infrastructure as described in the Environmental Impact Assessment Report (EIR) dated December 2011 over an area of approximately 35 km² on farm portions: Van Wyks Kraal 73/2 and 73/3 and Roberts Kraal 281, located in area between Cookhouse and Bedford which falls within the jurisdiction of the Blue Crane Route Local Municipality in the Eastern Cape Province, hereafter referred to as "the property".



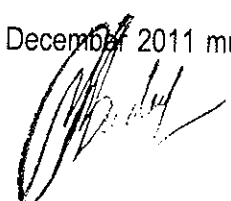
The infrastructure proposed for Bedford Stage includes:

- Up to 74 wind turbine units;
- 100m high steel tower and nacelle;
- Up to 100m diameter rotor consisting of 3 x 50m blades;
- Concrete foundations to support the turbine towers;
- Underground electrical distribution cabling between the turbines;
- One substation – (Substation 2, approximately 150m x 200m in size) on the farm portion Roberts Kraal 281 in order to receive generated power via underground distribution cabling from each wind turbine;
- Overhead power line (400kV) linking to the Poseidon Substation located central to the site;
- An access road to the site from the main road/s within the area;
- Internal access roads to each wind turbine to link the turbines on site (approximately 3-5m in width); and
- Small office and/or workshop building on the farm Klipfonteyn 150/2 for maintenance that will occupy a footprint of approximately 150m².

Conditions of this Environmental Authorisation

Scope of authorisation

1. The Bedford Stage Wind Energy Facility which includes 74 turbines with a capacity of up to 140MW over an area of approximately 35 km² on farm portions: Van Wyks Kraal 73/2 and 73/3, and Roberts Kraal 281 is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. The recommendations and mitigation measures recorded in the EIR dated December 2011 must be implemented and adhered to.



6. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
7. This activity must commence within a period of three (3) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
9. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons for the decision.

Management of the activity

12. The draft Environmental Management Plan (EMP) for the construction and operation submitted as part of the application for environmental authorisation is hereby approved. This EMP must be implemented and adhered to.

Environmental Control Officer (ECO) and duties

13. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
14. The ECO must be appointed before commencement of any authorised activity.
15. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
16. The ECO must remain employed until all rehabilitation measures, as required for implementation due to the construction damage, are completed and the site is ready for operation.
17. The ECO must:
 - 17.1 Keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 17.2 Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
 - 17.3 Keep and maintain a daily site diary.
 - 17.4 Keep copies of all reports submitted to the Department.
 - 17.5 Keep and maintain a schedule of current site activities including the monitoring of such activities.
 - 17.6 Obtain and keep record of all documentation, permits, licenses, and authorisations such as waste disposal certificates, hazardous waste landfill site licenses etc. Required by this facility.
 - 17.7 Compile a monthly monitoring report.

Recording and reporting to the Department

18. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.

19. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.

Environmental audit report

20. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
21. The environmental audit report must:
- 21.1 Be compiled by an independent environmental auditor;
 - 21.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 21.3 Evaluate compliance with the requirements of the approved EMP and this environmental authorisation;
 - 21.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 21.5 Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
 - 21.6 Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed;
 - 21.7 Include a copy of this authorisation and approved EMP;
 - 21.8 Include all documentation such as waste disposal certificates, hazardous waste landfill site licenses etc. pertaining to this authorisation; and
 - 21.9 Include evidence of adherence to the conditions of this authorisation and the EMP where relevant such as training records and attendance records.

Commencement of the activity

22. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
23. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

24. The holder of this authorisation must obtain a Water Use Licence from the Department of Water Affairs (DWA) prior to the commencement of the project should the applicant impact on any wetland or water resource. A copy of the license must be submitted to the *Director: Environmental Impact Evaluation* at the Department.

Notification to authorities

25. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence. This notification period may coincide with the notice of intent to appeal period, within which construction may not commence.

Operation of the activity

26. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

Site closure and decommissioning

27. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

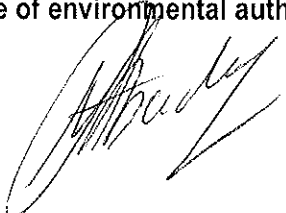
General

28. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
29. The holder of the authorisation must notify both the Director: Environmental Impact Evaluation and the Director: Compliance Monitoring at the Department, in writing and within forty eight (48) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

30. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation:

2 MARCH 2012



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Scoping Report and Plan of Study for EIR dated October 2009;
- b) The information contained in the EIR dated March 2010 and the split EIR dated December 2011;
- c) The comments received from interested and affected parties as included in the EIR.
- d) Mitigation measures as proposed in the EIR dated December 2011 and the EMP;
- e) The information contained in the specialist studies contained in the EIR dated December 2011; and
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The applicant has met the requirements of the EIR as per the EIA Regulations, 2006.
- b) The findings of all the specialist studies conducted, issues identified and recommended mitigation measures which were deemed to be acceptable.
- c) The need for the proposed project stems from the provision of electricity to the national grid in terms of the Renewable Energy Feed in Tariff Programme (REFIT) and the provision of electricity from Independent Power Producers (IPPs) as required by the Department of Energy.
- d) The EIR dated January 2012 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the EIR dated January 2012.

- e) The methodology used in assessing the potential impacts identified in the EIR dated January 2012 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

3. Conclusions

After consideration of the information and factors listed above, the Department made the following conclusions -

- a) The identification and assessment of impacts are detailed in the EIRs dated March 2012 and December 2011.
- b) Sufficient assessment of the key identified issues and impacts have been completed.
- c) The procedure followed for impact assessment is adequate for the decision-making process.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) All environmental legal and procedural requirements have been met.
- f) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

