



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 12/12/20/2290/A3

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Mr Thomas Donnelly
Nxuba Wind Farm (RF) (Pty) Ltd
PO Box 23101
CLAREMONT
7735

Telephone Number: (021) 670 1401
Fax Number: (021) 670 1470

PER FACSIMILE/MAIL

Dear Mr Donnelly

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 FEBRUARY 2012 FOR THE ESTABLISHMENT OF THE NXUBA WIND FARM AND ASSOCIATED INFRASTRUCTURE ON A SITE LOCATED 20KM EAST OF COOKHOUSE WITHIN THE BLUE CRANE LOCAL MUNICIPALITY OF THE CACADU DISTRICT MUNICIPALITY, EASTERN CAPE PROVINCE

The Environmental Authorisation (EA) for the above application issued by this Department on 02 February 2012 (as amended by the amendments to the EA issued on 09 July 2012 and 12 August 2013 respectively) and your application for amendment to the Environmental Authorisation received by this Department on 27 June 2014 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the EA dated 02 February 2012 as amended as follows:

Amendment 1: Amendment to the holder of the EA:

From:

"Great Fish River Wind Farm (Pty) Ltd"

Represented by: Mr Thomas Donnelly
PO Box 23101
CLAREMONT
7735

Tel: (021) 670 1401
Fax: (021) 670 1470
Cell: (082) 905 1843
E-mail: Thomas.Donnelly@macquarie.com

To:

"Nxuba Wind Farm (RF) (Pty) Ltd"

Represented by: Mr Thomas Donnelly
PO Box 23101
CLAREMONT
7735

Telephone Number: (021) 670 1401
Fax Number: (021) 670 1470
Cell phone Number: (082) 900 0550
E-mail Address: Thomas.Donnelly@macquarie.com

Amendment 2: Amendment to the project name EA:

Page 01 of the EA:

From:

"Establishment of the 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, Eastern Cape province"

To:

"Establishment of the Nxuba Wind Farm and associated infrastructure on a site located 20km east of the town of Cookhouse, within the Blue Crane Route Local Municipality, Eastern Cape province"

Page 04 of the EA:

From:

"- for the proposed construction of the Cookhouse II Wind Energy Facility on the following farm portions: Portions 0, 1 and 4 of the farm Van Wyks Kraal 73; Portion 0 of the farm Roberts Kraal 72; Portion 3 of the farm Gallants Kloof 70, Portion 0, 11 and 12 of the farm Request 71; and Portion 2 of Farm 75, located 20km East of Cookhouse, within the jurisdiction of the Blue Crane Route Local Municipality of the Cacadu District Municipality in the Eastern Cape Province, hereafter referred to as "the property"."

To:

"- for the proposed construction of the Nxuba Wind Farm on the following farm portions: Portions 0, 1 and 4 of the farm Van Wyks Kraal 73; Portion 0 of the farm Roberts Kraal 72; Portion 3 of the farm Gallants Kloof 70, Portion 0, 11 and 12 of the farm Request 71; and Portion 2 of Farm 75, located 20km East of Cookhouse, within the jurisdiction of the Blue Crane Route Local Municipality of the Cacadu District Municipality in the Eastern Cape Province, hereafter referred to as "the property"."

This proposed amendment letter must be read in conjunction with the Environmental Authorisation dated 02 February 2012 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 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 this decision, by means of one of the following methods:

By post: Private Bag X447,
Pretoria, 0001; or
By hand: Environment House
473 Steve Biko Road
Arcadia
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.

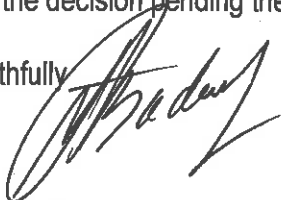
Appeals must be submitted in writing to:

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) 399 9356
Email: AppealsDirectorate@environment.gov.za

Further, please note that the Minister may, on receipt of appeals against the amendment or conditions thereof, suspend the decision 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: 8/08/2014

cc:	Ms K Jodas	Savannah Environmental (Pty) Ltd	Tel: 011-656-3237	Fax: 086-684-0547
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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 A DECISION

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

