



## environmental affairs

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

**DEA Reference:** 12/12/20/2290/AM4

**Enquiries:** Muhammad Essop

**Telephone:** (012) 399 9406 **E-mail:** MEssop@environment.gov.za

Mr James Cumming  
Nxuba Wind Farm (RF) (Pty) Ltd  
PO Box 23101  
**CLAREMONT**  
7735

Telephone Number: (021) 670 1401  
Email Address: James.Cumming@aced.co.za

### **PER EMAIL / MAIL**

Dear Mr Cumming

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 FEBRUARY 2012 FOR THE ESTABLISHMENT OF THE NXUBA WIND FARM AND ITS 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) and your application for amendment to the EA received by this Department on 27 October 2014 refer.

Based on a review of the reasons 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:**

*"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

**To:**

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

Represented by: Mr James Cumming  
PO Box 23101  
**CLAREMONT**  
7735

Telephone Number: (021) 670 1401  
Fax Number: (021) 670 1470  
Cell phone Number: (082) 900 0550  
E-mail Address: James.Cumming@aced.co.za

**Amendment 2: Amendment to extend the validity period of the EA:**

The activity must commence within a period of two (02) years from the date of expiry of the EA issued on 02 February 2012 as amended (i.e. the EA lapses on 02 February 2017). 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.

This correspondence is only for the extension of the validity period as stated above. All conditions set out in the original EA dated 02 February 2012 as amended remain unchanged and must be adhered to.

Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department within two months from the date of this decision. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:

**Postal Address:**

Department of Environmental Affairs  
Private Bag X447  
Pretoria  
0001

**Physical address:**

Department of Environmental Affairs  
Environment House  
473 Steve Biko Road  
Pretoria  
0083

For Attention: Mr Muhammad Essop  
Integrated Environmental Authorisations  
Strategic Infrastructure Developments  
Telephone Number: (012) 399 9406  
Email Address: MEssop@environment.gov.za



This proposed amendment letter must be read in conjunction with the EA 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 amendments 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,  
Arcadia,  
Pretoria, 0083

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.

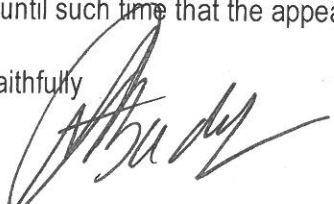
**Appeals must be submitted in writing to:**

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356  
Email: AppealsDirectorate@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

Yours faithfully



**Mr Ishaam Abader**  
**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement**  
**Department of Environmental Affairs**

Date: 2/12/2014

cc:	Ms K Jodas	Savannah Environmental (Pty) Ltd	Tel: (011) 656 3237	Email: karen@savannahsa.com
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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 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 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 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.