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Reference: EC02/C/LN1&3/M/31-2014
Enquiries: N. Gerber

Nxuba Wind Farm (RF) (Pty) Ltd
P.O. Box 23101
Claremont
Cape Town
7735

Fax: 021 670 1470
Email: James.Cumming@aced.co.za

Attention: Mr James Cumming

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998, AS AMENDED TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: PROPOSED ACCESS ROADS & WATER COURSE CROSSINGS ASSOCIATED WITH THE AUTHORISED GREAT FISH RIVER WINDFARM NEAR COOKHOUSE, BLUE CRANE ROUTE MUNICIPAL AREA.

With reference to the above-mentioned application (Reference number EC02/C/LN1&3/M/31-2014), please be advised that the Department has decided to grant Nxuba Wind Farm (RF) (Pty) Ltd authorisation. The Environmental Authorisation and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within twelve calendar days of the date of this letter, of the Department's decision in respect of your application.

1. The written notification referred to above must -
 - 1.1 Specify the date on which the Environmental Authorisation was issued;
 - 1.2 Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the NEMA EIA Regulations, 2010; and
 - 1.3 Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
2. Should you decide to appeal, you must serve a copy of your 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.


"Innovation for Sustainable Development"

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

3. Notice of intention to appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as "the MEC") in terms of Regulation 60(1) of the NEMA EIA Regulations, 2010 and within twenty (20) days after the appellant has been notified in terms of Conditions 1 and 2 of the decision.
4. The address to which the **originals** of any such a notice of intention to appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand deliveries at:	Beacon Hill Hockley Close King William's Town 5601
In order to facilitate efficient administration of appeals copies of the notice of intention to appeal and any subsequent appeal documentation must also be submitted as follows:	
General Manager: Environmental Affairs per fax:	[043] 605 7300
Manager: Mr. S. Gqalangle - Environmental Impact Management per fax:	[043] 605 7300
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

5. In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.
6. This Environmental Authorisation must be read together with the Environmental Authorisation (Ref. no. 12/12/20/2290) issued by the National Department of Environmental Affairs dated 02 February 2012 and all amendments thereto.


DAYALAN GOVENDER
 DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
 CACADU REGION
 DATE: 24/04/2015



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Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial: ECO2/C/LN1&3/M/31-2014 NEAS: ECP/EIA/0001029/2014
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Nxuba Wind Farm (RF) (Pty) Ltd
LOCATION OF ACTIVITY	At the Great Fish River Wind Energy Facility (Nxuba Wind Farm) located near Cookhouse in the Blue Crane Route Local Municipality, Eastern Cape at 32°43'57.52" S; 25°56'12.18" E on Portion 4 of the Farm Van Wyks Kraal No. 73, Bedford.

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"EIA regulations" – These are the Environmental Impact Assessment Regulations in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 published in Government Notice R. 543 of 18 June 2010 as amended.

"The Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

"Great Fish River Wind Farm" – refers to the Great Fish River Wind Energy Facility and Associated Infrastructure which forms a component of the Nxuba Wind Farm that obtained environmental authorisation (Reference No.: 12/12/20/2290) issued by the DEA in accordance with the 2010 EIA Regulations.

"DEA" – The National Department of Environmental Affairs.

"DWS" – The Department of Water and Sanitation.

"NWA" - The National Water Act, Act 36 of 1998.

"EAP" – refers to the appointed Environmental Assessment Practitioner represented by Savannah Environmental.

"ECO" – Environmental Control Officer.

"FBAR" - refers to the Final Basic Assessment Report titled "Proposed watercourse crossing within the Authorised Nxuba Wind Farm (Great Fish River Wind Farm) near Cookhouse, Eastern Cape Province" as prepared by Savannah Environmental (Pty) Ltd dated February 2015.

"EMPr" – refers to the Draft Construction and Operation Environmental Management Programme titled "Proposed watercourse crossing within the authorised Nxuba Wind Farm (former Great Fish River Wind Farm) near Cookhouse, Eastern Cape Province" dated February 2015 as prepared by Savannah Environmental.

"Commencement" – Any physical activity on site that can be viewed as associated with the infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres: from a watercourse, and therefore would in terms of this environmental authorisation include the site preparation and construction of the drainage line crossing and/or associated access roads that occurs within the ambits of the drainage line, as described under Section 2 of this Environmental Authorisation.

1. 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, Nxuba Wind Farm (RF) (Pty) Ltd, should be allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Sections 4 and 5 of this Environmental Authorisation.

2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the NEMA Environmental Impact Assessment Regulations, 2010, the Department hereby authorises Nxuba Wind Farm (RF) (Pty) Ltd being the legal or natural person who has applied for this authorisation, with the following contact details:

Name	Nxuba Wind Farm (RF) (Pty) Ltd		
Address	P O Box 23101, Claremont, Cape Town, 7735		
Applicant as Represented By	Mr James Cumming	E-mail	James.Cumming@aced.co.za
Contact Person	Mr Richard Gordon	E-mail	Richard.Gordon@aiimafrica.com
Telephone	021 670 1401	Fax	021 670 1470
Cell	082 900 0550		

To undertake the following activities (hereafter referred to as "the activity"), in terms of the scheduled activities listed in the table below:

Detailed description of activity

Nxuba Wind Farm (RF) (Pty) Ltd has received authorisation from DEA for the establishment of a wind energy facility that consists of the combined Bedford and Great Fish River Wind Farms, and is collectively called the Nxuba Wind Farm.

The activity applied for was not previously authorised in terms of the DEA Environmental Authorisation. This activity entails the infilling and depositing of material as well as the excavation, removal and/or moving of soil, sand, pebbles and/or rock (inclusive of gabion mattresses and other associated stabilising materials) into or from a watercourse where collectively the threshold of 5m³ is exceeded for activities associated with:

- The establishment of the water course crossing structure and associated infrastructure (as authorised), including the installation of associated mitigation measures (e.g. gabions) during the construction phase for the Great Fish River Wind Farm development; and
- On-going maintenance activities conducted during the operational phase for the constructed water course crossing structure of the Great Fish River Wind Farm development.

The co-ordinate point of 32°43'57.52" S; 25°56'12.18" E is representative of the locality where the listed activity 18 of GN R.544 as considered in this application (EC02/C/LN1&3/M/31-2014) will be located.

The listed activity applied for in terms of the 2010 EIA Regulations was identified as potentially being triggered as a result of the installation of the DEA authorised water course crossing, where no application for such associated activity for environmental authorisation in respect of the authorised Great Fish River Wind Farm was previously made.

The spatial extent of the development footprint for activities associated with this listed activity are prohibited within the development footprint extent for the culvert structure aligned within the road reserve development footprint as authorised in accordance with the DEA environmental authorisation.

General:

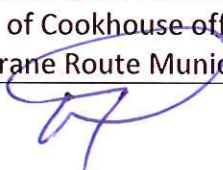
Construction of the wind turbines and associated infrastructure, inclusive of the internal road network and water course crossing formed part of the development footprint of the Great Fish River Wind Farm (a component of the Nxuba Wind Farm) as authorised by the DEA in accordance with the 2010 EIA Regulations (Reference No.: 12/12/20/2290).

A detailed and Final design / layout plan together with the Final Environmental Management Plan 'EMPr' to be approved for the drainage line crossing structure in fulfilment with the requirements of the existing DEA authorisation are not available as yet. Therefore the volumes and extent of materials to be deposited and/or removed from the drainage line associated with the installation of this water course crossing structure also remains to be detailed and finalized. Conditions of this Environmental Authorisation require the submission and approval of a Final EMPr and Layout Plan that has been specifically aligned with the final design plan and EMPr

submitted for approval by the DEA for the culvert structure and associated infrastructure to occur within the development footprint of the drainage line.	
Listed Activities in terms of the NEMA EIA Regulations 2010 (GN R. 546 of 18 June 2010) as contained in the amended application form:	
R. 544 – 18	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres: from (i) a watercourse.
Similarly Listed Activities in terms of the NEMA EIA Regulations 2014 (GN R. 983 of 04 December 2014)	
R. 983 - 19	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres: from (i) a watercourse.
The activity applied for in terms of the 2010 EIA Regulations are authorised in this Environmental Authorisation in terms of the transitional arrangements contained in Regulation 53(3) of the 2014 EIA Regulations published on 4 December 2014. For completeness the activity that is similarly listed in the 2014 EIA Regulations is also listed and included in this Environmental Authorisation. No additional activities in the 2014 EIA Regulations are triggered by the proposed development as authorised in this Environmental Authorisation.	

At the locality defined in the Table below, and hereafter referred to as “the property”:

District	Cacadu
Municipal Area	Near Cookhouse and Bedford, within the Blue Crane Route Municipality
Farm Name	Van Wyk's Kraal
Farm Number and Portion	Farm 73, Portion 4
Erf Number and Township Extension or Suburb	N/A
Co-ordinates	Watercourse Crossing: 32°43'57.52" S; 25°56'12.18" E
Physical address	Within the authorised Great Fish River Wind Farm facility (a component of the Nxuba Wind Farm) approximately 12km east of Cookhouse off the Patryshoogte Road, within the Blue Crane Route Municipality.



This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.

3.1. Duration of authorisation

- 3.1.1. The infilling and depositing of material as well as the excavation, removal and/or moving of soil, sand, pebbles and/or rock (inclusive of materials required for associated stabilising structures to be constructed) into or from a watercourse required for the establishment of structures and infrastructure within the ambits of said watercourse, as described in Section 2 of this Environmental Authorisation, must commence within a period of 24 (twenty four) months from the date of issue of this Authorisation; and must be completed within twelve (12) months from the date of commencement.
- 3.1.2. If commencement and completion of the activity does not occur within the above mentioned periods, this Environmental Authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.1.3. Conditions relating to the operation of the project are valid in perpetuity.

3.2. Standard conditions

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity. In this regard specific mention must be made of:
 - 3.2.3.1. The National Water Act, Act No 36 of 1998 in as far as it relates to any water use licences that may be required for the stream crossing;
 - 3.2.3.2. The National Heritage Resources Act, Act No 25 of 1999; and
 - 3.2.3.3. The Conservation of Agricultural Resources Act, Act No. 43 of 1983.
- 3.2.4. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.
- 3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.

- 3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.7. Any changes to, or deviations from, the project description set out in this Environmental 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 this Environmental Authorisation to apply for further authorisation in terms of the regulations.
- 3.2.8. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), then written notification of such proposed transfer must be sent to this Department a reasonable time before such transfer is proposed to take place. The Department will then consider the request and inform the applicant in writing as to whether the transfer is approved or not. Transfer may only take place if the Department has approved the transfer and issued such written approval. Conditions established in this Environmental Authorisation must be made known to and are binding on the new owner/developer.
- 3.2.9. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party including the neighbouring landowners within 12 (twelve) days of receiving this Environmental Authorisation.
- 3.2.10. This Environmental Authorisation must be kept on site at all times during construction and 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 site.
- 3.2.11. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.12. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.13. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.
- 3.2.14. Nxuba Wind Farm (RF) (Pty) Ltd representing the Applicant being the management authority of the development on Portion 4 of the Farm Van Wyk's Kraal No. 73 (presently lawfully owned by Ardnamurchan Estates South Africa (Pty) Ltd., represented by Mr Donald Houston), will be held in their capacity liable in the event of non-compliance with any condition of this Environmental Authorisation and includes the Environmental Management Plan/s and Final Design Plan to be approved in accordance with the conditions of this environmental authorisation.

3.3. Project-specific Conditions

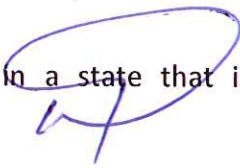
- 3.3.1. Fourteen days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
- 3.3.2. Any recommendations / mitigatory measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorisation, are regarded as conditions in terms of this Environmental Authorisation. In the event that any such recommendation / mitigatory measure is contradictory to a condition contained in this Environmental Authorisation, such condition will be deemed to take precedence.
- 3.3.3. Further to Condition 3.3.2, Nxuba Wind Farm (RF) (Pty) Ltd to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the FBAR, in tabular format for inclusion in the Construction EMPr and Operational Phase EMPr as applicable.
- 3.3.4. Any upgrading of the structures as authorised will be subject to further approval from this Department. For the purposes of this condition, this specifically refers to enlargement, extension or expansion of any footprint area to accommodate authorised structures and associated infrastructure within the drainage line, but excludes regular or routine maintenance where such will not result in a detrimental impact on the environment.
- 3.3.5. Any approval required in terms of Condition 3.3.4 to be considered in terms of the EIA Regulations applicable at the time if relevant or else by any such process as the Department may prescribe in terms of this condition provided that such process must be in line with the applicable Environmental Assessment Processes prescribed by law.
- 3.3.6. The relevant conditions of this Environmental Authorisation shall form part of any contracts entered into between the applicant and any contractor(s) and or any sub-contractor(s).
- 3.3.7. Further to Condition 3.3.6, a performance based requirement with regard to environmental impact management must be included in all contracts related to any activity relating to this Environmental Authorisation inclusive of incentives and penalties.
- 3.3.8. Final design specifications coupled to Final Layout plans for the culvert structure and associated infrastructure to be established within the drainage line must have obtained the necessary approvals from the DEA and DWS. These approved final design specification and Final Layout plans to be submitted to DEDEAT prior to the commencement of construction.
- 3.3.9. Further to Condition 3.3.8, the final volume of materials removed from and/or deposited into the drainage line must be submitted to DEDEAT for construction related activities associated with the water course crossing structure.
- 3.3.10. The EMPr titled "Proposed watercourse crossing within the authorised Nxuba Wind Farm (former Great Fish River Wind Farm) near Cookhouse, Eastern Cape Province" dated February 2015 prepared by Savannah Environmental, as contained in Appendix F of the FBAR is to be regarded as a living document and as such must be revised and updated when necessary and relevant. The EMPr must amended by separation into a Construction EMPr (CEMPr) for the construction phase as well as an Operational EMPr (OEMPr) for the operational phase of this development, and submitted to the Department for approval, prior to the construction phase commencing. The CEMPr to include, amongst others, the following:

- 3.3.10.1. Applicable conditions of this Environmental Authorisation;
 - 3.3.10.2. All recommendations, mitigation measures, responsibilities, key actions and other provisions contained in the FBAR with specific reference to the Aquatic Specialist Report contained in the FBAR as Appendix D;
 - 3.3.10.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, and rehabilitation measures of the development footprint area etc.;
 - 3.3.10.4. Copies of all permits / licences issued to Nxuba Wind Farm (RV) (Pty) Ltd in relation to this project that have relevance to the environment;
 - 3.3.10.5. A general code of conduct for any contractor that may be carrying out any work on the relevant development site;
 - 3.3.10.6. A clear description of the construction activities to be carried out on the site;
 - 3.3.10.7. Details regarding storage of construction material on site; and
 - 3.3.10.8. A framework for all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts.
- 3.3.11. General principles of environmental management as contemplated in Condition 3.3.10.3 to include amongst others the following if not already contained in the EMPr:
- 3.3.11.1. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
 - 3.3.11.2. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
 - 3.3.11.3. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
 - 3.3.11.4. No servicing of vehicles and other machinery to take place on site and no fuel or other hazardous material to be stored on site;
 - 3.3.11.5. All excess construction material and any waste generated during construction must be removed from site on an ongoing basis;
 - 3.3.11.6. Adequate waste disposal and sanitation facilities to be provided and the applicant must ensure that these facilities are properly used and maintained; and
 - 3.3.11.7. Clear stipulations as to who is responsible and accountable for what actions.
- 3.3.12. Effective measures to minimise ponding, sedimentation and erosion of the affected drainage line footprint area, including erosion protection measures for the established water course crossing structure, must be implemented and adequately monitored and maintained in order to attenuate potential upstream and downstream effects of the development.
- 3.3.13. The footprint area to be affected by construction activities for the removal of and/or depositing of materials (as detailed in Section 2 of this Environmental Authorisation)

associated with the authorised water course crossing structure, is to occur within the drainage line at 32°43'57.52" S; 25°56'12.18" E within the ambits of the road reserve along the route alignment for the access road as authorised in accordance with the DEA environmental authorisation.

- 3.3.14. The CEMPr in terms of Condition 3.3.10 and any revisions thereto (as approved) are to be read as an Appendix to the Final EMPr for the Great Fish River Wind Farm and related approvals issued by DEA in accordance with the environmental authorisation (DEA Reference No.: 12/12/20/2290) dated 02 February 2012 and/or any amended authorisations relevant thereto.
- 3.3.15. An Environmental Control Officer (ECO) to be appointed for the duration of the construction activities to oversee implementation of the CEMPr as well as adherence to the conditions contained within this Authorisation.
- 3.3.16. For purposes of compliance with Condition 3.3.15, the ECO to be appointed in terms of Condition 21 of the Environmental Authorisation issued for the Great Fish River Wind Farm by DEA on 02 February 2012 may be utilised as the ECO for this project.
- 3.3.17. The ECO to be appointed prior to the commencement of construction and the name and contact details of the ECO to be submitted to the Department once appointed.
- 3.3.18. The ECO is amongst others responsible for the following;
 - 3.3.18.1. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
 - 3.3.18.2. To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these issues were addressed (including any rehabilitation measures implemented) and preventative measures implemented to avoid re-occurrence of such incidents;
 - 3.3.18.3. To keep copies of all reports submitted to the Department on site; and
 - 3.3.18.4. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site;
 - 3.3.18.5. The construction phase as well as the post construction rehabilitation phase is to be audited on an ongoing basis by the ECO. The findings of such audits are to be consolidated and submitted to this Department on a quarterly basis. A final post construction and rehabilitation audit is to be conducted and submitted to this Department within three months of the completion of construction (including rehabilitation) within the drainage line.
- 3.3.19. The disposal of any waste as provided for in Conditions 3.3.11.5 and 3.3.11.6 to take place at a registered waste disposal site.
- 3.3.20. The construction site and any lay down areas must be clearly demarcated and all construction activities to be confined to the area so demarcated inclusive of the storage of any construction material.
- 3.3.21. No construction camp site and any material lay down area is allowed within the 1:100 year floodline or within 32m from the watercourse, whichever is the greater. Where temporary material lay-down areas are required prior to the commencement of the listed activity as

authorised herein, such lay down area must be located on the downward gradient of the drainage line but within the development footprint authorised for the access road route alignment. Any construction campsite that is deemed necessary is to be located at the main construction camp site for the Nxuba Wind Farm.

- 3.3.22. All sand, gravel, stone or other building material to be used are to be obtained from a bona fide source and the building contractor is not allowed to source any such material from the surrounding environment.
- 3.3.23. The South African Heritage Resources Agency (SAHRA) and the Eastern Cape Province Heritage Resources Agency (ECPHRA) must be contacted immediately should any archaeological findings be discovered during the course of the development.
- 3.3.24. Any areas disturbed as a result of construction activities to be rehabilitated immediately using vegetation indigenous to the area.
- 3.3.25. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the FBAR must be adhered to.
- 3.3.26. An Environmental Manager is to be appointed to oversee environmental management activities during the operational phase of the project as well as adherence to the requirements of the component of the EMPr that addresses maintenance and operations occurring within this drainage line associated with operations required for the Great Fish River Wind Farm.
- 3.3.27. The OEMPr must be submitted to the Department for approval prior to the commencement of construction and must provide for amongst others:
- 3.3.27.1. Alignment with the EMPr approved for the broader context of the Great Fish River Wind Farm development comprising a component of the Nxuba Wind Farm project;
- 3.3.27.2. A Code of conduct for any contractors and/or workers that may be associated with any activities related to operations; and
- 3.3.27.3. A monitoring and maintenance plan for the duration of the lifespan of the wind energy facility for the drainage line crossing structure and its associated footprint area, with associated detailed method statements regarding activities required for the implementation of such maintenance and monitoring plan.
- 3.3.28. The OEMPr approved in terms of Condition 3.3.27 above, is valid for a period of five (5) years from the date of approval thereof, and must be updated on a five (5) yearly basis. Such updates must be submitted to the Department at least six (6) months prior to the lapsing of the 5 year period. Such updated OEMPr's to include quarterly audit reports undertaken for the duration of that period.
- 3.3.29. Prior to decommission of all or part of the operations the applicant must submit a decommissioning plan to DEDEAT.
- 3.3.30. All decommissioned areas must be left in a state that is better than the original environment.
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4. Reasons for Decision

4.1 Information considered in making the decision

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

- 4.1.1. The information contained in the completed application form dated 28 February 2014 and received on 31 March 2014, and the subsequent amended application form dated 22 September 2014 and received on 23 September 2014, read together with the EAP Declaration Form dated 02 October 2014, as well as the letters dated 22 September 2014, 24 October 2014 and 12 March 2015 prepared by Savannah Environmental (Pty) Ltd.
- 4.1.2. The Final Basic Assessment Report titled the "Proposed watercourse crossing within the Authorised Nxuba Wind Farm (Great Fish River Wind Farm) near Cookhouse, Eastern Cape Province" prepared by Savannah Environmental (Pty) Ltd dated February 2015, and received by the Department on 06 March 2015.
- 4.1.3. Information submitted undercover of Savannah's e-mails dated 05 December 2014 and 11 December 2014 regarding the notification of the public participation process conducted for the project.
- 4.1.4. The letter from Savannah Environmental (Pty) Ltd dated 12 March 2015 regarding the notification of I & AP's of the availability of the FBAR, as well as indicating the similarly listed activity in terms of the 2014 EIA Regulations.
- 4.1.5. Observations made during a site visit conducted by officials from the Department represented by Andries Struwig, Mark Ralph and Nicole Gerber of the Department on 15 October 2014 in the company of Jo-Anne Thomas of Savannah Environmental and James Cumming of Nxuba Wind Farm (RV) (Pty) Ltd.
- 4.1.6. The EIA Regulations of 2010 and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998 accommodated in terms of the Transitional Arrangements provided for in terms of Chapter 8 of GN R. 982 (Section 53) of the EIA Regulations of 2014.

4.2 Key factors considered in making the decision

- 4.2.1. The DEA issued an Environmental Authorisation for the construction and operation of the Great Fish River Wind Energy Facility and Associated Infrastructure on 02 February 2012. This Environmental Authorisation authorised the construction of wind turbines, and other associated infrastructure, including internal access roads (approximately 6m in width) to each wind turbine required to link the turbines on site, notably where such access roads are to traverse across a drainage line. Therefore the construction of internal access roads and a water course crossing structure is deemed to have been authorised in terms of the Environmental Authorisation (Reference No.: 12/12/20/2290) issued by DEA.
- 4.2.2. Concomitant to Condition 4.2.1, in order to give effect to the establishment of the watercourse crossing structure, "*the infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres: from (i) a watercourse*", will be required and may exceed the 5m³ threshold for activity 18 scheduled in GN R. 544 of the 2010 EIA Regulations. This activity was not specifically applied for nor authorised in terms of the Environmental Authorisation (Reference No.: 12/12/20/2290) issued by DEA. As such, a

separate environmental assessment process had to be undertaken in order to obtain the necessary Environmental Authorisation to which this application (EC02/C/LN1&3/M/31-2014) for environmental authorisation as considered herein is applicable.

- 4.2.3. The FBAR and associated Draft EMPr submitted for consideration in terms of the application for environmental authorisation (EC02/C/LN1&3/M/31-2014) does not specifically quantify nor in isolation assess the applied for Listed Activity 18 of GN R 544, but rather has considered a typical stream crossing as represented by a precast culvert structure. The Environmental Assessment Practitioner 'EAP' represented by Savannah Environmental, has provided the following justification in respect of the limitations in quantifying the applied for listed activity:
- 4.2.3.1. The volumes of soil and materials to be removed / placed within the watercourse may exceed the 5m³ threshold for the establishment of the water course crossing structure and/or any associated mitigation measures to be effected in accordance with such. At the time of submission of the FBAR such volumes had not been finalized, for reasons that such activities are interdependent on the design of the water course crossing structure being finalized. The final design will only be determined once the load bearing capacity of the water course crossing structure required to accommodate the construction vehicles intended to be used for the Great Fish River Wind Farm development has been confirmed by the appointed contractor. The contractor however will only be appointed once the Department of Energy has confirmed the go-ahead of the wind farm development;
- 4.2.3.2. Savannah Environmental has however confirmed that contrary to the above limitations, the FBAR and Draft EMPr as submitted for this application has addressed the collective and broad context of activities to occur within the drainage line associated with the establishment of the water course crossing. Considering that the spatial extent of the applied for listed activity 18 of GN R.544 and any associated scope of works linked thereto are to be contained within the footprint extent of the culvert structure and within the road reserve development footprint as authorised in accordance with the DEA environmental authorisation, the FBAR has therefore in-avertedly considered the listed activity applied for as part of the 2010 application.
- 4.2.4. Concomitant to Condition 4.2.3, conditions of this Environmental Authorisation require submission of the final design and layout plan and final EMPr for the drainage line crossing to be approved by DEA, DWS and DEDEAT prior to the commencement of construction of the water course crossing.
- 4.2.5. Although impacts on the natural environment will be unavoidable, the main impacts will manifest itself during the construction phase when the water course crossing structure is initially established. The drainage line will be impacted upon as a result of activities associated with the removal of and/or deposition of material required for the establishment of the water course crossing structure. The resultant impact of the development on the drainage line was assessed as having a Low Significance (with adoption of mitigation measures), given that the aquatic specialist considers the drainage line to have a Modified State, with no protected species or species of special concern observed in this drainage line.
- 4.2.6. No fatal flaws were discovered during the Basic Assessment Process and from an environmental perspective there is nothing that would preclude an authorisation being

issued. In addition, a number of other measures are stipulated in the conditions contained in Section 3 of this Environmental Authorisation that are intended to ensure that potential impacts associated with the development are kept within limits that are compatible with the environmental character of the site. It is further believed that this development does not present any impact that could not be successfully mitigated.

- 4.2.7. Furthermore, this Environmental Authorisation has required that a CEMPr and an OEMPr must be implemented, which will further mitigate any impacts on the watercourse.
- 4.2.8. The project has been advertised and no objections were lodged against the proposed activity.
- 4.2.9. In general the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation together with those conditions contained in the DEA Environmental Authorisation (Reference No. 12/12/20/2290) and authorisations required in terms of any other statutory legislation (including the National Water Act), 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, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

5. Appeal of authorisation

- 5.1. In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) calendar days of the date of this letter, of the Department's decision in respect of your application.
- 5.2. The written notification referred to in Condition 5.1 above must -
 - 5.2.1. Specify the date on which the Authorisation was issued;
 - 5.2.2. Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the NEMA EIA Regulations, 2010; and
 - 5.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3. Notice of intention to appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as "the MEC") in terms of Regulation 60(1) of the NEMA EIA Regulations, 2010 and within 20 (twenty) days after the appellant has been notified in terms of Conditions 6.1 and 6.2, of the decision.
- 5.4. The address to which the **originals** of any such a notice of intention to appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
By Hand	Beacon Hill, Hockey Close, King Williams Town
In order to facilitate efficient administration of appeals <u>copies</u> of the notice of intention to appeal and any subsequent appeal documentation must also be submitted as follows:	
General Manager, Mr Albert Mfenyana: Environmental Affairs per fax:	[043] 605 7300
Manager Environmental Affairs: Mr S. Gqalangile per fax:	[043] 605 7300
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



NICOLE GERBER
ENVIRONMENTAL OFFICER: EIM
CACADU REGION

DATE: 24/04/2015



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
CACADU REGION

DATE: 27/04/2015



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.

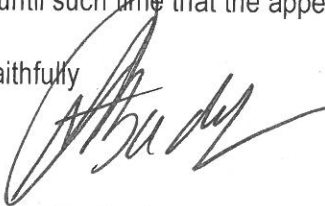
Appeals must be submitted in writing to:

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"> 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 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

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

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

Enquiries: Muhammad Essop

Telephone: (012) 399 9406 **Fax:** (012) 320 7539 **E-mail:** MEssop@environment.gov.za

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.

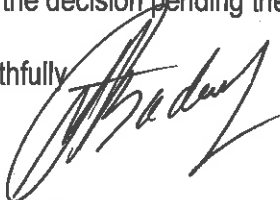
Appeals must be submitted in writing to:

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.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 27 12) 322 2682

NEAS Reference: DE/A/EIA/AMEND/0000107/2013

DEA Reference: 12/12/20/2290

Enquiries: Matlodi Mogorosi

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

Mr Thomas Donnelly
Great Fish River Wind Farm (Pty) Ltd
P.O. Box 23101
CLAREMONT
7735

Fax: 021 670 1470

PER FACSIMILE / MAIL

Dear Mr. Donnelly

AMENDMENT OF ENVIRONMENTAL AUTHORISATION: ESTABLISHMENT OF THE GREAT FISH RIVER WIND FARM AND ASSOCIATED INFRASTRUCTURE NEAR COOKHOUSE WITHIN THE BLUE CRANE LOCAL MUNICIPALITY, CACADU DISTRICT MUNICIPALITY, EASTERN CAPE PROVINCE

The Department's decision on the above application issued on 02 February 2012 and your correspondence received 23 May 2013 and receipt thereof acknowledged on 06 June 2013 bear reference.

Based on a review of the reason for requesting an amendment to the above authorisation, the Department, in terms of regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the environmental authorisation (EA) dated 02 February 2012 by updating details of the environmental authorisation holder and the project description. The details of the environmental authorisation holder are amended as follows:

From:

Mr Sam Cooper
Great Fish River Wind Farm (Pty) Ltd
P.O. Box 50525
WATERFRONT
8002

Tel: (021) 813 2771
Cell: 082 808 2576
Fax: (021) 813 2848
E-mail: Sam.Cooper@macquarie.com

To:

Mr Thomas Donnelly
Great Fish River Wind Farm (Pty) Ltd
P.O. Box 23101
CLAREMONT
7735

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

The project description in page 4 of the authorisation is amended as follows:

From:

"Up to 30 wind turbines with foundations of up to 16m x 16m by 2.5m deep to support the turbine towers which will have a height of up to 100m above NGL, with rotor blades of up to 60m in width".

To:

"Up to 30 wind turbines with foundations of up to 16m x 16m by 2.5m deep to support the turbine towers which will have a height of up to 100m NGL, with a rotor diameter of up to 125m (rotor blades up to 62.5m in length".

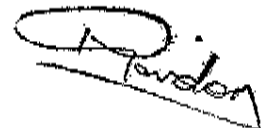
This letter must be read in conjunction with the EA dated 02 February 2012.

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 the EA, by means of one of the following methods:

By facsimile: 0123207561;
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Building, North Tower,
Cnr. Lilian Ngoyi (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: Integrated Environmental Authorisations*) 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:

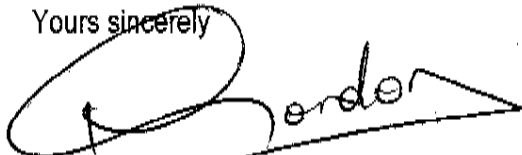
Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: AppealsDirectorate@environment.gov.za

The authorised activities 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 Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 12 August 2013 .

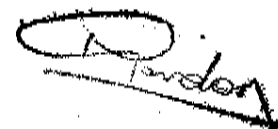
CC:	Ms J Thomas	Savannah Environmental (Pty) Ltd	Tel: 011-656-3237	Fax: 086-684-0547
	Mr G Pienaar	Eastern Cape Dept. Economic Development & Environmental Affairs	Tel: 040-609-4712	Fax: 040-609-4700
	Mr D Claassen	Blue Crane Local Municipality	Tel: 042-243-1528	Tel: 042-243-1333
	Mr Z Hassam	Appeals Authority (DEA)	Tel: 012-310-3271	Fax: 012-320-7561
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

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 appeal 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

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0000346/2011

DEA Reference: 12/12/20/2290

Enquiries: Matlhodi Mogorosi

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

Mr Thomas Donnelly
African Clean Energy Developments (Pty) Ltd
P.O. Box 23777
CLAREMONT
8002

Tel: (021) 813 2768

Fax: (021) 813 2848

PER FACSIMILE / MAIL

Dear Mr Donnelly

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 FEBRUARY 2012 FOR THE PROPOSED 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 OF THE CACADU DISTRICT MUNICIPALITY, EASTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department in terms of the powers vested in it by regulation 42 of the Environmental Impact Assessment Regulations, 2010, has decided to amend the Environmental Authorisation (EA) dated 02 February 2012 by changing the holder of the environmental authorisation from African Clean Energy Developments (Pty) Ltd to Great Fish River Wind Farm (Pty) Ltd.

The details of the applicant in the EA dated 02 February 2012 are hereby amended from:

Mr Thomas Donnelly
Africa Clean Energy Developments (Pty) Ltd
P.O. Box 23777
CLAREMONT
8002

Tel: (021) 813 2768

Fax: (021) 813 2848

Cell: 082 905 1843

E-mail: Thomas.Donnelly@macquire.com

to:

Mr Sam Cooper
Great Fish River Wind Farm (Pty) Ltd
P.O. Box 50525
WATERFRONT
8002

Tel: (021) 831 2771
Fax: (021) 813 2848
Cell: 082 808 2576

This amendment must be read in conjunction with the EA issued on 02 February 2012.

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 amendment, of the Department's decision in respect of your amendment 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 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 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. Lilian Ngoyi (previously 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: Integrated Environmental Authorisations*) 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

Yours sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 09 July 2012

CC:	Ms K Jodas	Savannah Environmental (Pty) Ltd	Tel:(011) 234 6621	Fax:(086) 684 0547
	Mr G Pienaar	Eastern Cape Dept. Economic Development & Environmental Affairs	Tel:(040) 609 4712	Fax:(040) 609 4700
	Mr D Claassen	Blue Crane Local Municipality	Tel: (042) 243 1528	Fax:(042) 243 1333
	Mr T Zwane	Appeals Authority (DEA)	Tel: (012)3103929	Fax:(012)3207561

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

- 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;
- 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:-

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

3. An appeal must be:-

- submitted in writing;
- 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

Private Bag X 447· PRETORIA · 0001· Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference:DEA/EIA/0000346/2011

DEA Reference: 12/12/20/2290

Enquiries: Matthodi Mogorosi

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

Mr Thomas Donnelly
African Clean Energy Developments (Pty) Ltd
P O Box 23777
CLAREMONT
8002

Tel: (021) 813 2768
Fax: (021) 813 2848
Cell: (082) 905 1843
E-mail: Thomas.Donnelly@macquarie.com

PER FACSIMILE / MAIL

Dear Mr Donnelly

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/545/546: PROPOSED ESTABLISHMENT OF THE COOKHOUSE II WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE ON A SITE LOCATED 20KM EAST OF COOKHOUSE, WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY OF THE CACADU DISTRICT MUNICIPALITY, EASTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the final Basic Assessment Report (BAR) dated December 2011 and received by the Department on 13 December 2011 in terms of regulation (24)(1)(a) of the Environmental Impact Assessment (EIA) Regulations, 2010, and to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

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:

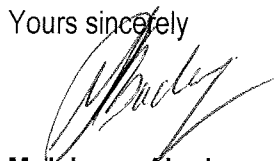
Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: twane@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:

2/2/2012

CC:	MsK Jodas	Savannah Environmental(Pty) Ltd	Tel: 011-234-6621	Fax: 086-684-0547
	MrGPienaar	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:-

- 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;
- 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:-

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

3. An appeal must be:-

- submitted in writing;
- 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 36 of the Environmental Impact Assessment Regulations, 2010

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

Cacadu District Municipality

Authorisation register number:	12/12/20/2290
NEAS reference number:	DEA/EIA/0000346/2011
Last amended:	<i>First issue</i>
Holder of authorisation:	AFRICAN ENERGY CLEAN DEVELOPMENTS (PTY) LTD
Location of activity:	EASTERN CAPE PROVINCE: <i>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 –

AFRICAN CLEAN ENERGY DEVELOPMENTS (PTY) LTD

with the following contact details –

Mr Thomas Donnelly
African Clean Energy Developments (Pty) Ltd
P.O. Box 23777
CLAREMONT
8002

Tel: (021) 8132768

Fax: (021) 8132848

Cell: (082) 905 1843

E-mail: Thomas.Donnelly@macquarie.com

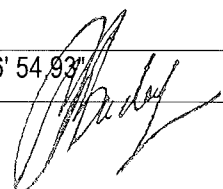


to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1 & 2 (GN R. 544 & 545):

Listed activities	Activity/Project description
<i>GN R. 544 Item 10 (i):</i>	The construction of facilities or infrastructure for the transmission and distribution of electricity outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.
<i>GN R. 544 Item 11 (xi):</i>	The construction of infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.
<i>GN R. 544 Item 13:</i>	The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres.
<i>GN R. 544 Item 22 (ii):</i>	The construction of a road, outside urban areas where no reserve exists where the road is wider than 8 metres.
<i>GN R. 545 Item 1:</i>	The construction of facilities or infrastructure for the generation of electricity where the electricity output is 20 megawatts or more.
<i>GN R. 545 Item 15:</i>	Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more.

as described in the Basic Assessment Report (BAR) dated December 2011 at:

Latitude (S)		Longitude (E)	
32°	43' 14.81"	25°	56' 54.93"



- 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".

The infrastructure associated with this facility includes:

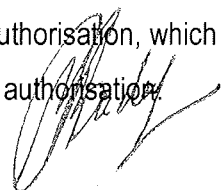
- Up to 30 wind turbines with foundations of up to 16m x 16m by 2.5m deep to support the turbine towers which will have a height of up to 100m above NGL, with rotor blades of up to 60m in width;
- A substation (200m x 150m) within the development site in close proximity to Eskom's existing Poseidon Substation;
- An overhead power line (5km in length) of up to 400kV in capacity; which will link to the existing Eskom Transmission Poseidon Substation;
- Cabling between turbines;
- Internal access roads (of 6m in width) to each wind turbine; and
- A workshop area for maintenance and storage.

The approved site needed for the proposed wind energy facility and related infrastructure is 35km² in extent.

Conditions of this Environmental Authorisation

Scope of authorisation

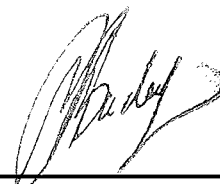
1. The preferred Alternative S1 as described above with a footprint of 35km² is approved.
2. The power line route proposed to run from a collection point in the northwest of the facility to the on-site substation and then on to the existing Poseidon Substation south of the on-site substation as provided as Appendix C in the Basic Assessment Report (BAR) dated December 2011 is approved.
3. Authorisation of the activities 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.



4. 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.
5. The activities authorised may only be carried out at the property as described on page 4 of this EA.
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. 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 twelve (12) 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.



12. The holder of the authorisation must publish a notice –
- 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

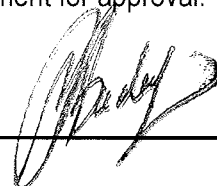
Management of the activity

13. A copy of the final site layout plan must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout plan. The site layout plan must indicate the following:
- 13.1. Turbine positions;
 - 13.2. Foundation footprint;
 - 13.3. Permanent laydown area footprint;
 - 13.4. Construction period laydown footprint;
 - 13.5. Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
 - 13.6. Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - 13.7. The location of heritage sites;
 - 13.8. Sub-station(s) and/or transformer(s) sites including their entire footprint;
 - 13.9. Cable routes and trench dimensions (where they are not along internal roads);
 - 13.10. Connection routes (including pylon positions) to the distribution/transmission network;
 - 13.11. Cut and fill areas at turbine sites along roads and at sub-station/transformer sites indicating the expected volume of each cut and fill;
 - 13.12. Borrow pits;
 - 13.13. Spoil heaps (temporary for topsoil and subsoil and permanently for excess material);
 - 13.14. All existing infrastructure on the site, especially roads;
 - 13.15. Buildings including accommodation;
 - 13.16. All “no-go” areas.



- 13.17. A map combining the final layout plan superimposed (overlain) on the environmental sensitivity map. This map must reflect the proposed location of turbines as stated in the BAR dated December 2011 and this authorisation.
14. The Environmental Management Plan (EMPr) submitted as part of the application for environmental authorisation must be amended and submitted with the abovementioned layout plan to the Department for written approval prior to commencement of the activity.
15. The EMPr amendments must include the following:
- 15.1. All recommendations and mitigation measures recorded in the BAR dated December 2011.
 - 15.2. The requirements and conditions of this authorisation.
 - 15.3. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
 - 15.4. An open space management plan to be implemented during the construction and operation of the facility.
 - 15.5. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility including timeframes for restoration which must indicate rehabilitation within the shortest possible time after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
 - 15.6. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
 - 15.7. A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
 - 15.8. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include

- precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 15.9. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- 15.10. A transportation plan for the transport of turbine components, main assembly cranes and other large pieces of equipment.
- 15.11. A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
- 15.12. An avifauna and bat monitoring programme to document the effect of the operation of the energy facility on avifauna and bats. This must be compiled by a qualified specialist.
- 15.13. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- 15.14. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
16. The approved EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
17. Changes to the EMPr, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.
18. The Department reserves the right to request amendments to the EMPr should any impacts that were not anticipated or covered in the BAR be discovered.
19. The provisions of the approved EMPr including the mitigation measures identified in the BAR and specialist' studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.
20. The holder of this authorisation must appoint qualified vegetation, fauna, heritage and avifauna specialists to ground-truth every infrastructure footprint and their recommendation must inform the final layout of the facility and the EMPr to be submitted to the department for approval.



Environmental Control Officer (ECO) and duties

21. 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 EMPr.
22. The ECO must be appointed before commencement of any authorised activity.
23. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
24. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
25. The ECO must:
 - 25.1. Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 25.2. 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.
 - 25.3. Keep and maintain a daily site diary.
 - 25.4. Keep copies of all reports submitted to the Department.
 - 25.5. Keep and maintain a schedule of current site activities including the monitoring of such activities.
 - 25.6. Obtain and keep record of all documentation, permits, licences and authorisations such as waste disposal certificates, hazardous waste landfill site licences etc. required by this facility.
 - 25.7. Compile a monthly monitoring report.

Recording and reporting to the Department

26. 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.



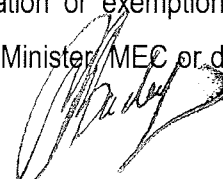
27. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.

Environmental audit report

28. 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.
29. The environmental audit report must:
- 29.1. Be compiled by an independent environmental auditor;
 - 29.2. Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 29.3. Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
 - 29.4. Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 29.5. Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
 - 29.6. Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed;
 - 29.7. Include a copy of this authorisation and the approved EMPr;
 - 29.8. Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this authorisation; and
 - 29.9. Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records and attendance records.

Commencement of the activity

30. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
31. 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.



32. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.
33. 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 holder 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

34. 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

35. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
36. The holder of this authorisation must compile an operational EMPr for the operational phase of the activity or alternatively, if the holder has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

37. Should the activity ever cease or become redundant, the holder of this authorisation 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.

Specific conditions

Authorised turbines



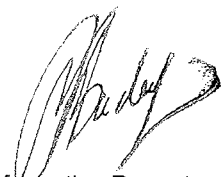
38. Turbines must be positioned in such a way that shadow flicker does not affect any farm and residential buildings.

Avifauna and bats

39. The bird and bat monitoring programme must be implemented to document the effect of the operation of the energy facility on avifauna and bats. This shall commence prior to construction, and continue during operation of the energy facility.
40. The results of the pre-construction bird monitoring programme must inform the final layout and the construction schedule of the energy facility.
41. Reports regarding bird monitoring must be submitted to the relevant provincial environmental department, Birdlife South Africa, the Endangered Wildlife Trust (EWT), CapeNature and this Department on a quarterly basis. The report will assist all stakeholders in identifying potential and additional mitigation measures and to establish protocols for a bird monitoring programme for wind energy development in the country.
42. The data collected and documented during the pre-construction operational monitoring must be shared with the EWT and Birdlife South Africa for a better understanding of the distribution or breeding behaviour of any of the priority species.
43. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors (e.g. grasslands, rivers, wetlands, and dams). The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged. Additional areas of high sensitivity along the preferred alignment must also be identified by the avifaunal specialist for the fitment of anti-collision devices. These devices must be according to Eskom's Transmission Guidelines.
44. Lighting on the turbines must be kept to a minimum and must be coloured (red or green) and intermittent, rather than permanent and white, to reduce confusion effects for nocturnal migrants.
45. The facility infrastructure must be designed to discourage the use of infrastructure components as perching or roosting substrates by birds and bats.

Vegetation, wetlands and water resources

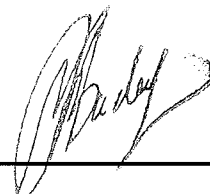
46. Vegetation clearing must be limited to the authorised footprint.
47. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest



- Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation.
48. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
 49. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the rehabilitation plan to be included in the final EMPr.
 50. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
 51. No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
 52. No activities will be allowed to encroach into a water resource without a water use license being in place from the Department of Water Affairs.
 53. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
 54. Removal of alien invasive species or other vegetation and follow-up procedures must be in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
 55. The holder of this authorisation must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.
 56. Contractors and construction workers must be clearly informed of the no-go areas.
 57. Siting of turbines shall adhere to >500m setbacks from large water bodies, riparian vegetation and rocky crevices, if and where high bat occurrence is found after monitoring.
 58. Where roads pass right next to major water bodies provision shall be made for fauna such as toads to pass under the roads by using culverts or similar.
 59. Bridge design must be such that it minimise impact to riparian areas with minimal alterations to water flow and must allow the movement of fauna and flora.

Roads and transportation

60. A permit must be obtained from the relevant transport department for the transportation of all components (abnormal loads) to the sites. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information.
61. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.



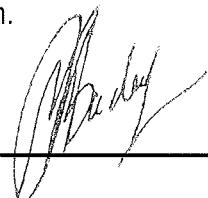
62. All structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
63. Existing drainage must not be altered, especially in sensitive areas.
64. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
65. Signage must be erected at appropriate points warning of turning traffic and the construction site.
66. Road borders must be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.

Noise

67. Construction staff must be trained in actions to minimise noise impacts.
68. The holder of this authorisation must ensure that the National Noise Control Regulations and SANS10103:2008 are adhered to and measures to limit noise from the work site are implemented.
69. The holder of this authorisation must ensure that the construction staff working in areas where the 8-hour ambient noise levels exceed 75dBA must wear ear protection equipment.
70. The holder of this authorisation must ensure that all equipment and machinery are well maintained and equipped with silencers.
71. The holder of this authorisation must provide a prior warning to the community when a noisy activity e.g. blasting is to take place.
72. All noisy construction operations shall only occur during daylight hours.
73. All wind turbines must be located at a setback distance of 500m from any homestead and a day/night noise criteria level at the nearest residents of 45dB(A) should be used to locate the turbines. The 500m setback distance can be relaxed if local factors; such as high ground between the noise source and the receiver, indicates that a noise disturbance will not occur.
74. Positions of turbines jeopardizing compliance with accepted noise levels should be revised during the micro-siting of the units in question and predicted noise levels re-modelled by a noise specialist, in order to ensure that the predicted noise levels are less than 45dB(A).

Visual resources

75. The holder of this authorisation must reduce visual impacts during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques and restoring exposed soil as closely as possible to their original contour and vegetation.



76. A lighting engineer must be consulted to assist in the planning and placement of light fixtures in order to reduce visual impacts associated with glare and light trespass.
77. Signage on or near wind turbines must be avoided unless they serve to inform the public about wind turbines and their function.
78. Commercial messages and graffiti on turbines must be avoided.

Human health and safety

79. A health and safety programme must be developed to protect both workers and the general public during construction, operation and decommissioning of the energy facility. The programme must establish a safety zone for wind turbines from residences and occupied buildings, roads, right-of-ways and other public access areas that is sufficient to prevent accidents resulting from the operation of the wind turbines.
80. Potentials interference with public safety communication systems (e.g. radio traffic related to emergency activities) must be avoided.
81. The holder of this authorisation must ensure that the operation of the wind facility shall comply with the relevant communication regulations or guidelines relating to electromagnetic interference, e.g. microwave, radio and television transmissions.
82. The holder of this authorisation must obtain approval from the South Africa Civil Aviation Authority that the wind facility will not interfere with the performance of aerodrome radio Communication, Navigation and Surveillance (CNS) equipment, especially the radar, prior to commencement of the activity. The approval must be submitted to the *Director: Environmental Impact Evaluation*.
83. The holder of this authorisation must obtain approval from the South Africa Weather Services (WeatherSA) that the energy facility will not interfere with the performance of their equipment, especially radar, prior to commencement of the activity. The approval must be submitted to the *Director: Environmental Impact Evaluation*.
84. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act.
85. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities. If possible, construction should be scheduled to take place within the post-harvest and pre-planting season, when fields are lying fallow.
86. No open fires for cooking or heating must be allowed on site.

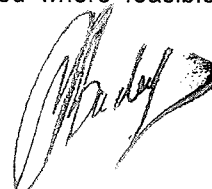


Hazardous materials and waste management

87. Areas around fuel tanks must be bunded or contained in an appropriate manner as per the requirements of SABS 089:1999 Part 1.
88. Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.
89. Hazardous waste such as bitumen, oils, oily rags, paint tins etc. must be disposed of at an approved waste landfill site licensed to accept such waste.
90. No dumping or temporary storage of any materials may take place outside designated and demarcated laydown areas, and these must all be located within areas of low environmental sensitivity.
91. Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water.
92. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Furthermore, no chemicals must be stored nor may any vehicle maintenance occur within 350m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain or hillside wetlands.
93. Temporary bunds must be constructed around chemical storage to contain possible spills.
94. Spill kits must be made available on-site for the clean-up of spills.
95. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
96. Temporary ablution facilities must be provided for staff during the construction phase. The ablutions must be cleaned regularly with associated waste being disposed of at a registered waste water treatment plant, and must be removed from the site when the construction phase is completed.

Excavation and blasting activities

97. Underground cables and internal access roads must be aligned where feasible along existing infrastructure to limit damage to vegetation and watercourses.



98. Foundations and trenches must be backfilled with originally excavated. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
99. Borrow materials must be obtained only from authorized and permitted sites.
100. Anti-erosion measures such as silt fences must be installed in disturbed areas.

Air emissions

101. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
102. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of wind fences, covering surfaces with straw chippings and re-vegetation of open areas.

Historical / cultural / paleontological resources

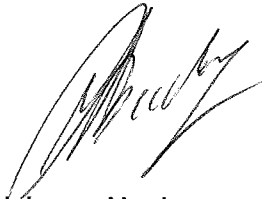
103. If any changes to the approved site layout of the turbines are proposed, additional survey work will be required in order to ensure that no sites are directly impacted and/or to identify the need for an excavation permit.
104. Should any graves be found, all construction activities must be suspended and an archaeologist be contacted immediately. The discovered graves must be cordoned off.

General

105. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be provided 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.
106. 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 48 (forty eight) 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.
107. 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 holder of this authorisation 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 holder 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 FEBRUARY 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 BAR dated December 2011;
- b) The comments received from interested and affected parties and included in the BAR dated December 2011;
- c) Mitigation measures as proposed in the BAR dated December 2011 and the draft EMPr;
- d) The information contained in the specialist studies contained in the BAR dated December 2011; and
- e) 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 findings of all the specialist studies conducted, identified issues and the recommended mitigation measures which were deemed to be acceptable.
- b) The need for the proposed project stems from the need for clean and renewable energy sources to reduce the country's energy supply problems.
- c) The BAR dated December 2011 identified all legislation and guidelines that have been considered in the preparation of the BAR dated December 2011.
- d) The methodology used in assessing the potential impacts identified in the BAR dated December 2011 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.



3. Findings

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

- a) The identification and assessment of impacts are detailed in the BAR dated December 2011 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) All legal and procedural requirements have been met.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR, these were acceptable to manage the identified environmental impacts during the construction process but will be refined based on the final site layout once approved.

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.

