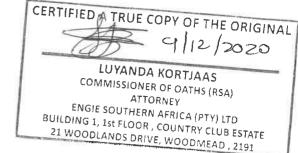
APPENDIX A EXISITNG ENVIRONMENTAL AUTHORISATION





MINISTRY WATER AND ENVIRONMENTAL AFFAIRS REPUBLIC OF SOUTH AFRICA

Private Bag x313, Pretoria, 0001, 185 Schoeman Street, Sedibeng Building. Tel: +27 12 336 8733. Fax: +27 336 7817 Private Bag X9052, Cape Town, 8000, 120 Plain Street. Tel: +21 464 1500. Fax: +27 21 465 3362

Ref: LSA103542 Enquiries: M Davids

Fax: 012 320 7561 Phone: 012 310 3172 E-mail: mdavids@environment.gov.za

Mr T Potgieter Moyeng Energy (Pty) Ltd P.O. Box 785700 SANTON 2196

Fax no: (011) 286 7258

E-mail: Tommie.Potgieter@investec.co.za

Dear Mr Potgieter

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED TO MOYENG ENERGY (PTY) LTD FOR THE PROPOSED CONSTRUCTION OF RHEBOKSFONTEIN WIND ENERGY FACILITY WITHIN THE VICINITY OF THE WEST COAST DISTRICT MUNICIPALITY, WESTERN CAPE PROVINCE

I refer to the appeals received from the Jakkalsfontein Homeowners Association, Mr Bodo Gent and Mr Brian McMahon in the above-mentioned matter. The appellants raised the issues that the non-finality of the micro placement of the wind turbines renders the planning of the internal roads, the cable routes and the impacts of the proposed project on the vegetation, the erosion and the surface management unknown. I have considered and decided that this ground of appeal is indeed valid.

In view of the aforementioned I hereby, in terms of section 43 (6) of the National Environmental Management Act, 1997 (Act No. 108 of 1997), vary the environmental authorisation (EA) granted and issued to Moyeng Energy (Pty) Ltd on 2 February 2012 by Deputy Director General: Environmental Quality and Protection (EQP) (DEA), by inserting condition 41 in paragraph 11 under the heading <u>Specific</u> <u>Conditions</u> of the EA to provide as follows:

41. The applicant must submit the final layout and the EMP for the proposed wind energy facility to the to the registered interested and affected parties and consider the comments before it is submitted to the DEA for approval.

This amendment must be read in conjunction with the EA granted and issued on 2 February 2012.

Yours sincerely

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS 2012/11/86

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LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA)

ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE 21 WOODLANDS DRIVE, WOODMEAD, 2191



environmental affairs

Department: Environmental Affairs REPUBLIC OF SOUTH AFRICA LUYANDA KORTJAAS
COMMISSIONER OF OATHS (RSA)
ATTORNEY

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Private Bag X 447: PRETORIA · 0001: Fedsure Building · 315 Pretorice Street | PRETORIA · WOODMEAD , 2191 Tel (+ 27 12) 318 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEAT/EIA/5956/2009 DEA Reference: 12/12/20/1582 Enquiries: Ms. Sandie Vitakazi

Telephone: 012-310-3891 Fax: 012-320-7539 E-mail: svilakazi@environment.gov.za

Mr. T Potgieter Moyeng Energy (Pty) Ltd P.O. Box 785700 SANDTON 2196

Fax no: 011-286-7258

PER FACSIMILE / MAIL

Dear Mr. Potoieter

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1988: GN R. 386 AND R.387: PROPOSED RHEBOKSFONTEIN WIND ENERGY FACILITY IN THE WEST COAST DISTRICT MUNICIPALITY, WESTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the Environmental Impact Report dated September 2011 and grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

Activities 13 and 14 applied for as listed in GN R. 386 are no longer listed in terms of the Environmental Impact Assessment Regulations, 2010 (the Regulations) and do not require authorisation.

In terms of regulation 10(2) of 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 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 20 days of the date of the EA, by means of one of the following methods:

By facsimile:

012 320 7561:

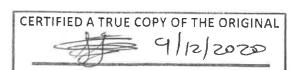
By post:

Private Bag X447,

Pretoria, 0001; or

By hand:

2nd Floor, Fedsure Building, North Tower,



LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA) ATTORNEY

ATTORNEY
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cnr. Van der Watt and Pretorius Streets, Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (Attention: Director: Environmental Impact Evaluation) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

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

Tel: 012-310-3929

Email: tzwane@environment.gov.za

The authorised activity/les 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 since

Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection

Department of Environmental Affairs

Date:

 CC:
 Ms R. Ajodhapersadh
 Savannah Environmental (Pty) Ltd
 Tel: 011-234-6621
 Fax: 086-684-0547

 Ms. Museburi
 WCDEA&DP
 Tel: 021-483-2881
 Fax: 021-483-4372

 Ms. Kotze
 West Coast District Municipality
 Tel: 022-433-8400
 Fax: 086-692-6113

 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.	
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: 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, 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:

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;

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.

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LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA) ATTORNEY

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Environmental Authorisation

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

Proposed Rheboksfontein Wind Energy Facility on various farms near Darling in the Swartland

Local Municipality: Western Cape Province

West Coast District Municipality

Authorisation register number:	12/12/20/1582
NEAS reference number:	DEA/EIA/5956/2009
Last amended:	First issue
Holder of authorisation:	Moyeng Energy (Pty) Ltd
Location of activity:	WESTERN CAPE PROVINCE:
•	on various farm portions, near
	Darling in the Swartland Local
* 9	Municipality within the West
	Coast District Municipality

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.

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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, 2006 the Department hereby authorises -

MOYENG ENERGY (PTY) LTD

with the following contact details -

Mr. Tommle Potgieter

Moyeng Energy (Pty) Ltd

P.O. Box 785700

SANDTON

2196

Tel:

(011) 286 7258

Fax:

(011) 286 7258

Cell:

(083) 678 2016

E-mail: Tommie.Potgieter@investec.co.za

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LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA) ATTORNEY

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to undertake the following activities (hereafter referred to as "the activity"):

GN R. 386:

Item 1 (m):

The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32m from the back of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.

Item 7:

The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres and less than 1000 cubic metres at any one location or site.

Item 12:

The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Item 15:

The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

Item 16 (à):

The transformation of undeveloped, vacant or derelict land to residential mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

GN R. 387:

Item 1 (a):

The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where (i) the electricity output is 20 megawatts or more; or (ii) the elements of the facility cover a combined area in excess of 1 ha.

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LUYANDA KORTJAAS

ATTORNEY

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Department of Environmental Affairs Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5956/2009

- Item 1 (I): The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with capacity of 120 kV more.
- them 2: Any development, activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be 20 hectares or more.

as described in the Environmental Impact Assessment Report (EIAR) dated September 2011 for the proposed construction of the Moyeng Wind Energy Facility located on the Remaining extent of Farm 568 (Rheboksfontein), Farm 567 (Nieuwe Plaats), Remaining extent of Farm 571 (Bonteberg), Portion 1 of the Farm 574 (Doornfontein), Portion 1 of the Farm 551 (Plat Klip), Farm 1199 (Groot Berg) and Portion 2 of the Farm 552 (Slang Kop) within the Swartland Local Municipality in the Western Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- 43 wind turbines with a total generating capacity of 129MW using 3MW capacity turbines;
- Each turbine will consist of a steel tower (between 80m and 100m in height), nacelle (gear box)
 and three rotor blades with a rotor diameter of up to 112m (i.e. each blade up to 55m in length);
- Concrete foundations to support the turbine towers;
- 43 turbine footprints of 15m X 15m;
- Temporary 43 turbine laydown areas (40m X 40m);
- Internal roads of 6m in width, linking the turbines and other Infrastructure on the site;
- Temporary crane travel track which will be an additional 7m wide to the permanent internal 6m wide roads;
- Underground 33kV cabling approximately 1m deep to connect the wind turbines to the 33/132kV substations;
- Two 33/132 kV substations (80m X 90m);
- A 132kV overhead power line linking the substations on site to the Dassenburg Substation in Atlantis; and
- An operations and maintenance facility including storage buildings (40m X 20m), a security office (10m X 5m) and a car park area (15m X 7m).

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COMMISSIONER OF OATHS (RSA)

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9/12/2020

LUYANDA KORTJAAS ENVIOLIMENT
COMMISSIONER OF OATHS (RSA)

ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD

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Department of Environmental Affairs
Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5956/2009

Conditions

- 1. The construction of 43 wind turbines using the preferred layout Alternative 2 is approved.
- 2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
- 4. The activities authorised may only be carried out at the property as described on page 4 of this EA.
- 5. 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.
- 6. 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.
- 7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
- 8. 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

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.

Department of Environmental Affairs Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5056/2005

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> > Mary

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- 10. The notification referred to must -
- 10.1. specify the date on which the authorisation was issued;
- inform the interested and affected party of the appeal procedure provided for in Chapter 7 of 10.2, the Environmental Impact Assessment (EIA) Regulations, 2010;
- 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
- 10.4. give the reasons for the decision.

Management of the activity

- 11. 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. Existing infrastructure must be used as far as possible e.g. roads. The layout plan must indicate the following:
 - Turbine positions;
 - Foundation footprint:
 - Permanent laydown area footprint:
 - Construction period laydown footprint:
 - 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);
 - Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used:
 - Heritage sites that will be affected by the turbines and associated infrastructure;
 - Sub-station(s) and/or transformer(s) sites including their entire footprint;
 - Cable routes and trench dimensions (where they are not along internal roads);
 - Connection routes (including pylon positions) to the distribution/transmission network;
 - Cut and fill areas at turbine sites along roads and at sub-station/transformer sites indicating the expected volume of each cut and fill;
 - Borrow pits:
 - Spoil heaps (temporary for topsoil and subsoil and permanently for excess material);
 - All existing infrastructure on the site, especially roads;

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ATTORNEY

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Department of Environmental Affairs Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5956/2009

Buildings including accommodation; and

- All "no-go" areas:
- 12. A map combining the final layout plan superimposed (overlain) on the environmental sensitivity map. This map must reflect the proposed relocation of turbines as stated in the Addendum to the Rheboksfontein WEF Vegetation Impact Assessment Report included within Appendix T of the FEIR Report dated September 2011 and this authorisation.
- 13. The construction Environmental Management Plan (EMP) submitted as part of the application for environmental authorisation must be amended and submitted to the Department for written approval prior to commencement of the activity.
- 14. The EMP amendment must include the following:
 - All recommendations and mitigation measures recorded in the EIAR dated September 2011.
 - 14.2. The requirements and conditions of this authorisation.
 - 14.3. 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.
 - 14.4. An open space management plan to be implemented during the construction and operation of the facility.
 - A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible 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.
 - 14.6. 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.
 - 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 storp water runoff.

Page 7 of 20

Department of Environmental Affairs

Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5956/2009 ISSIONER OF OATHS (RSA)

- 14.8. An effective monitoring system to detect any leakage proposition of 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.
- 14.9. 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.
- 14.10. A transportation plan for the transport of turbine components, main assembly cranes and other large pieces of equipment.
- 14.11. A traffic management plan for the site access roads to ensure that no hazards would results 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.
- 14.12. 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.
- 14.13. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- 14.14. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from the direct or indirect spillage of pollutants.
- 15. The approved EMP must be implemented and strictly enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development, when approved.
- 16. Changes to the EMP, which are environmentally defendable, must be submitted to this Department for acceptance before such changes can be effected.
- 17. The Department reserves the right to request amendments the EMP should any impacts that were not anticipated or covered in the EIR be discovered.
- 18. 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 EMP to be submitted to the Department for approval.

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COMMISSIONER OF OATHS (RSA)

Department of Environmental Affairs COMI Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5956/2009

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Environmental Control Officer (ECO) and duties

- 19. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
- 20. The ECO must be appointed before commencement of any authorised activity.
- 21. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
- 22. 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.
- 23. The ECO must:
 - 23.1. Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 23.2. 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.
 - 23.3. Keep and maintain a daily site diary.
 - 23.4. Keep copies of all reports submitted to the Department.
 - 23.5. Keep and maintain a schedule of current site activities including the monitoring of such activities.
 - 23.6. 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.
 - 23.7. Compile a monthly monitoring report.

Recording and reporting to the Department

24. 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.

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9/12/20/20

LUYANDA KORTJAAS

COMMISSIONER OF OATHS (RSA)

Department of Environmental Affairs

Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5956/2009

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Director: Compliance Monitoring at the Department.

submitted to the Department in terms of this authorisation, must be submitted to the

Environmental audit report

26. 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.

27. The environmental audit report must:

- 27.1. Be compiled by an independent environmental auditor;
- 27.2. Indicate the date of the audit, the name of the auditor and the outcome of the audit;
- 27.3. Evaluate compliance with the requirements of the approved EMP and this environmental authorisation;
- 27.4. Include measures to be implemented to attend to any non-compliances or degradation noted;
- 27.5. Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
- 27.6. Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed; and
- 27.7. Include a copy of this authorisation and the approved EMP.
- 27.8. Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this authorisation.
- 27.9. Include evidence of adherence to the conditions of this authorisation and the EMP where relevant such as training records and attendance records.

Commencement of the activity

- 28. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
- 29. 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.

30. 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

31. 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 period contemplated in 28 above.

Operation of the activity

- 32. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
- 33. The holder of this authorisation must compile an operational EMP 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

34. 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

LUYANDA KORTJAAS

LUYANDA KORTJAAS

LUYANDA KORTJAAS

ATTORNEY

ENGLE SOUTHERN AFRICA (PTY) LTD

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- 35. The following turbines are not authorised: No. 31, 42, 43, 44, and 45.
- 36. Turbine 18 is too close to the Archaeological site and must be moved to the South East of the Archaeological site. A 200m buffer must be maintained between turbine 18 and the Archaeological site.

Department of Environmental Affairs

COMMISSIONER OF OATHS (RSA)

Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5956/2009

37. The internal access roads linking turbine 27 and 28 must be realigned to gain access through the internal access roads for turbine 23 and turbine 26.

- 38. Turbine 29 is within the area of natural vegetation and must be relocated as per the recommendations of the Botanical Specialist on page 5 of the Addendum to the Rheboksfontein WEF Vegetation Impact Assessment Report included within Appendix T of the FEIR Report dated September 2011.
- 39. Turbine 30 impacts on the tree line on Rheboksfontein and must be relocated as per recommendations of the Botanical Specialist on page 5 of the Addendum to the Rheboksfontein WEF Vegetation Impact Assessment Report included within appendix T of the FEIR Report dated September 2011.
- 40. Turbines must be positioned in such a way that shadow flicker does not affect any farm and residential buildings.

Avifauna and bats

- 41. 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.
- 42. The results of the pre-construction bird monitoring programme must inform the final layout and the construction schedule of the energy facility.
- 43. 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.
- 44. The data collected and documented during the pre-construction operational monitoring must be shared with the EWT, CapeNature and Birdlife South Africa for a better understanding of the distribution or breeding behaviour of any of the priority species.
- 45. 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 sepsitivity

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9/12/2020

Department of Environmental Affairs

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5956/2009 ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD

along the preferred alignment must also be identified by the avifaunal specialist floor collaboration of the first also be identified by the avifaunal specialist floor collaboration of the first alignment must also be identified by the avifaunal specialist floor collaboration of the first alignment must also be identified by the avifaunal specialist floor collaboration of the first alignment must also be identified by the avifaunal specialist floor collaboration of the first alignment must also be identified by the avifaunal specialist floor collaboration of the first alignment must also be identified by the avifaunal specialist floor collaboration of the first alignment must also be identified by the avifaunal specialist floor collaboration of the first alignment must also be identified by the avifaunal specialist floor collaboration of the first alignment must also be identified by the avifaunal specialist floor collaboration of the first alignment must also be identified by the avifaunal specialist floor collaboration of the first alignment must be according to Eskom's Transmission Guidelines.

- 46. 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 noctumal migrants.
- 47. 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

- 48. Vegetation clearing must be limited to the authorised footprint.
- 49. 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.
- 50. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
- 51. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken as early as possible on disturbed areas.
- 52. All electrical collector lines must be buried in a manner that minimizes additional surface disturbance.
- 53. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
- 54. No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
- 55. 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.
- 56. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
- 57. 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).
- 58. The holder of this authorisation must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.
- 59. Contractors and construction workers must be clearly informed of the no-go areas.

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Department of Environmental Affairs Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5958/2009 ISSIONER OF OATHS (RSA)

60. Siting of turbines shall adhere to >500m setbacks from large water-bodies, sipariam vegetation and us estate ENGIE SOUTHERN AFRICA (PTY) LTD 21 WOODLANDS DRIVE, WOODMEAD, 2191 rocky crevices, if and where high bat occurrence is found after monitoring:

- 61. 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.
- 62. 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

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

Noise

- 70. Construction staff must be trained in actions to minimise noise impacts.
- 71. 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.
- 72. 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.
- 73. The holder of this authorisation must ensure that all equipment and machinery are well maintained and equipped with silencers.
- 74. The holder of this authorisation must provide a prior warning to the community when a noisy activity e.g. blasting is to take place.
- 75. All noisy construction operations should only occur during daylight hours.

- 76. 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.
- 77. 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

- .78. A 2km buffer from the R27 and a 1 km buffer from the R315 provincial roads must be maintained between these roads and the boundary of the proposed facility to minimise visual exposure of the facility on to the road users.
- 79. 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.
- 80. 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. Recommendations from the lighting engineer must be submitted with the final site layout.
- 81. Signage on or near wind turbines must be avoided unless they serve to inform the public about wind turbines and their function.
- 82. Commercial messages and graffiti on turbines must be avoided.

Human health and safety

- 83. 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.
- 84. Potentials interference with public safety communication systems (e.g. radio traffic related to emergency activities) must be avoided.

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LUYANDA KORTJAAS

COMMISSIONER OF OATHS (RSA)
ATTORNEY

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Page 15 of 20

Department of Environmental Affairs Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/ELA/5958/2009 MMISSIONER OF OATHS (RSA)

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85. The holder of this authorisation must ensure that the operation of the wind facility has containing club estate 21 woodlands drive, woodmead, 2191 21 WOODLAND electromagnetic interference (EMI) (i.e. impacts to microwave, radio and television transmissions) and should comply with the relevant communication regulations.

- 86. 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 included in the first audit report.
- 87. 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 included in the first audit report.
- .88. 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.
- 89. 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.
- 90. No open fires for cooking or heating must be allowed on site.

Hazardous materials and waste management

- 91. Areas around fuel tanks must be bunded or contained in an appropriate manner as per the requirements of SABS 089:1999 Part 1.
- 92. Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.
- 93. Hazardous waste such as bitumen, oils, oily rags, paint tins etc. must be disposed of at an approved hazardous landfill site licensed to accept such waste.
- 94. 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.
- 95. Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water.
- 96. 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 magainy vehicle

Department of Environmental Affairs Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5956/2009

- maintenance occur within 350m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain or hillside wetlands.
- 97. Temporary bunds must be constructed around chemical storage to contain possible spills.
- 98. Spill kits must be made available on-site for the clean-up of spills.
- 99. 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. Any solid waste for disposal shall be disposed of at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
- 100. 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/permitted waste site or waste water treatment plant, and must be removed from the site when the construction phase is completed.

Excavation and blasting activities

- 101. Underground cables and internal access roads must be aligned where feasible along existing infrastructure to limit damage to vegetation and watercourses.
- 102. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpilled for use in reclamation activities.
- 103. Borrow materials must be obtained only from authorized and permitted sites.
- 104. Anti-erosion measures such as silt fences must be installed in disturbed areas.

Air emissions

- 105. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
- 106. 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 / pateontological resources

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21 WOODLANDS DRIVE, WOODMEAD , 2191

Page 17 of 20

- 107. If there are any changes to the layout of the turbines from the approved layout plan, then 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.
- 108. 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

- 109. 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.
- 110. 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.
- 111. 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 FEBCUARY 2012

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M. Ishaam Abader

Deputy Director-General: Environmental Quality and Protection

Department of Environmental Affairs

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LUYANDA KORTJAAS

ATTORNEY

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Annexure 1: Reasons for Decisioned ATRUE COPY OF THE ORIGINA

1. Information considered in making the decision

LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA) ATTORNEY

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In reaching its decision, the Department took, inter alia, the following into considerations of DRIVE, WOODMEAD, 2191

a) The information contained in the EIR dated September 2011:

- b) The comments received from Heritage Western Cape, the West Coast District Municipality, the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP), the Department of Agriculture and Interested and affected parties as included in the EIR dated September 2011;
- c) Mitigation measures as proposed in the EIR dated September 2011 and the EMP:
- d) The information contained in the specialist studies in the EIR dated September 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 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 EIR dated September 2011 identified all legislation and guidelines that have been considered in the preparation of the EIR dated September 2011.
- d) The methodology used in assessing the potential impacts identified in the EIR dated September 2011 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the holder of this authorisation has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

Department of Environmental Affairs Environmental Authorisation Reg. No. 12/12/20/1852 & DEAT/EIA/5956/2009

f) Where additional studies/monitoring were identified, these have been included in the EMP which must be approved before construction can continue.

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 EIR dated September 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.
- f) Turbine 31 is not authorised as it impedes on the view of the Rheboksfontein Farm House (see Page 7 of the Supplementary Heritage Report in Appendix T of the FEIR dated September 2011).
- g) Turbines 42, 43, 44 and 45 are not authorised as the roads and the underground cables to these turbines will run at 90 degrees to the slope and thus will be highly visible from the R27 which is a significant scenic route (see page 9 of the Supplementary Heritage Report in Appendix T of the FEIR dated September 2011).
- h) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

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

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

DEA Reference: 12/12/20/1582/A1 Enquiries: Muhammad Essop

Telephone: (012) 395 1734 Fax: (012) 320 7539 E-mail: MEssop@environment.gov.za

Mr Tom Beach Moyeng Energy (Pty) Ltd PO Box 4778 **RIVONIA** 2128

Telephone Number:

(011) 209 9225

Fax Number:

(011) 804 5844

PER FACSIMILE / MAIL

Dear Mr Beach

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 FEBRUARY 2012 FOR THE PROPOSED CONSTRUCTION OF THE RHEBOKSFONTEIN WIND ENERGY FACILITY IN THE WEST COAST DISTRICT MUNICIPALITY, WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 02 February 2012 and your application for amendment to the EA received by this Department on 29 May 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 follows:

Amendment 1: Amendment to the holder of the EA:

The current holder of the EA:

"Moyeng Energy (Pty) Ltd"

Represented by:

Mr. Tommie Potgieter

PO Box 785700 **SANDTON**

2196

Tel:

(011) 286 7258

Fax:

(011) 286 7258

Cell:

(083) 678 2016

E-mail:

Tommie.Potgieter@investec.co.za

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LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA) ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE 21 WOODLANDS DRIVE, WOODMEAD, 2191

is hereby amended to:

Moveng Energy (Pty) Ltd"

Represented by:

Mr Tom Beach

PO Box 4778 RIVONIA 2128

Telephone Number:

(011) 209 9225

Fax Number:

(011) 804 5844

Cell phone Number:

(079) 692 7546

E-mail:

Tom.Beach@gdfsuez.com

Amendment 2: Amendment to the project description

Page 04 of the EA:

'43 wind turbines with a total generating capacity of 129MW using 3MW capacity turbines'

Is hereby amended to:

43 wind turbines with a total generating capacity of 129MW"

Furthermore, this Department requires that a shapefile of the approved development layout/footprint be submitted to this Department within two (2) months from the date of this letter. 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
Fedsure Forum Building (corner of Pretorius and Lillian Ngoyi Streets)
4th Floor South Tower
315 Pretorius Street
Pretoria
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LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA) ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD BUILDING 1, 1st FLOOR , COUNTRY CLUB ESTATE 21 WOODLANDS DRIVE, WOODMEAD , 2191

1² 2-

For Attention: Mr Muhammad Essop

Integrated Environmental Authorisations Strategic Infrastructure Developments Telephone Number: (012) 395 1734

Fax Number:

(012) 320 7539

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 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 facsimile:

(012) 320 7561;

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

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LUYANDA KORTJAAS

COMMISSIONER OF OATHS (RSA)

ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD

BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE
21 WOODLANDS DRIVE, WOODMEAD, 2191

Please note that the Minister may, on receipt of appeals against the decision suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully

Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement

Department of Environmental Affairs

27/06/2014

Date:

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COMMISSIONER OF OATHS (RSA)
ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD BUILDING 1, 1st FLOOR , COUNTRY CLUB ESTATE 21 WOODLANDS DRIVE, WOODMEAD , 2191



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

DEA Reference: 12/12/20/1582/AM2 Enquiries: Mr Muhammad Essop

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

Mr Tom Beach Moyeng Energy (Pty) Ltd PO Box 4778 RIVONIA 2128

Telephone Number:

(011) 209 9225

Email Address:

Tom.Beach@gdfsuez.com

PER EMAIL / MAIL

Dear Mr Beach

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 FEBRUARY 2012 FOR THE PROPOSED CONSTRUCTION OF THE RHEBOKSFONTEIN WIND ENERGY FACILITY IN THE WEST COAST DISTRICT MUNICIPALITY, WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 02 February 2012, your application for amendment to the EA received by this Department on 17 September 2014 and the additional information received by this Department on 13 May 2015 refer.

Based on a review of the reason for requesting an amendment to the above Environmental Authorisation, 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 project description of the EA:

From:

Page 04 of the EA:

- "43 wind turbines with a total generating capacity of 129MW;
- Each turbine will consist of a steel tower (between 80m and 100m in height), nacelle (gear box) and three rotor blades with a rotor diameter of up to 112m (i.e. each blade up to 55m in length);
- 43 turbine footprints of 15m X 15m;
- Temporary 43 turbine laydown areas (40m X 40m)."

To:

- "35 wind turbines with a total generating capacity of 129MW;
- Each turbine will consist of a steel tower (of 120m in height), nacelle (gear box) and three rotor blades each with a length of 63m;
- 35 turbine footprints of 15m X 15m;
- 35 temporary turbine laydown areas (40m X 40m),"



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ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD

BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE 21 WOODLANDS DRIVE, WOODMEAD, 2191

2/2020

Condition 1 of the EA:

"The construction of 43 wind turbines using the preferred layout Alternative 2 is approved."

is hereby amended to:

"The construction of 35 wind turbines using the preferred layout Alternative 2 is approved."

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, (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.

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. Mr Hassam can also be contacted at:

Tel:

(012) 399 9356

Email: AppealsDirectorate@environment.gov.za

CERTIFIED A TRUE COPY OF THE ORIGINAL

LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA) ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE 21 WOODLANDS DRIVE, WOODMEAD , 2191

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, 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 Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 38/05/2015

cc: Ms Karen Jodas Savannah Environmental (Pty) Ltd

Email: Karen@savannahsa.com

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12 /2020

COMMISSIONER OF OATHS (RSA)
ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD BUILDING 1, 1st FLOOR , COUNTRY CLUB ESTATE 21 WOODLANDS DRIVE, WOODMEAD , 2191 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: 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, 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.

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LUYANDA KORTJAAS

COMMISSIONER OF OATHS (RSA)

ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD

BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE

21 WOODLANDS DRIVE, WOODMEAD, 2191



LUYANDA KORTJAAS
COMMISSIONER OF OATHS (RSA)
ATTORNEY

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ENGIE SOUTHERN AFRICA (PTY) LTD
BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE
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Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Bikw Arcadia PRETORIA · 000MEAD , 2191

DEA Reference: 12/12/20/1582/AM3 Enquiries: Muhammad Essop

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

Mr Tom Beach Moyeng Energy (Pty) Ltd PO Box 4778 RIVONIA 2128

Telephone Number:

(011) 209 9225

Email Address:

Tom.Beach@gdfsuez.com

PER EMAIL / MAIL

Dear Mr Beach

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 FEBRUARY 2012 FOR THE PROPOSED CONSTRUCTION OF THE RHEBOKSFONTEIN WIND ENERGY FACILITY IN THE WEST COAST DISTRICT MUNICIPALITY, WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 02 February 2012 and your application for amendment to the EA received by this Department on 07 January 2015 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Regulation 30 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the EA, dated 02 February 2012, as follows:

Amendment 1: 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 (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 remain unchanged and must be adhered to.

This proposed amendment letter must be read in conjunction with the EA dated 22 February 2012.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) 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 2 of Government Notices R. 993, which prescribes the appeal procedure to be followed. 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

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, 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

Ms J Thomas

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement

Department of Environmental Affairs

Date:

CC:

30/01/201

Savannah Environmental (Pty) Ltd

Email: joanne@savannahsa.com

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COMMISSIONER OF OATHS (RSA)

ATTORNEY
ENGIE SOUTHERN AFRICA (PTY) LTD
BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE
21 WOODLANDS DRIVE, WOODMEAD, 2191



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

> DEA Reference: 12/12/20/1582/AM4 Enquiries: Mr Muhammad Essop

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

Mr Tom Beach Moyeng Energy (Pty) Ltd PO Box 4778 **RIVONIA** 2128

Telephone Number:

(011) 209 9225

E-mail Address:

Tom.Beach@adfsuez.com

PER EMAIL / MAIL

Dear Mr Beach

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 FEBRUARY 2012 FOR THE CONSTRUCTION OF THE RHEBOKSFONTEIN WIND ENERGY FACILITY IN THE WEST COAST DISTRICT MUNICIPALITY, WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 02 February 2012, the amendments to the EA dated 27June 2014, 28 May 2015 and 30 January 2015 and your application for amendment of the EA received by this Department on 28 October 2016 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the EA dated 02 February 2012 as amended, as follows:

Amendment 1: Amendment to extend the validity period of the EA:

The activity must commence within a period of two (02) years from the date of the EA issued on 02 February 2012 as amended (i.e. the EA lapses on 02 February 2019). 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.

The applicant applied to extend the validity period of the EA for a second time as the development was not awarded preferred bidder in the DoE REIPPP. The applicant intends to bid this project in the DoE REIPPP future rounds.

This proposed amendment letter must be read in conjunction with the EA dated 02 February 2012 as amended.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) 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.

LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA) ATTORNEY ENGIE SOUTHERN AFRICA (PTY) LTD BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE 21 WOODLANDS DRIVE, WOODMEAD, 2191

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

By post:

Private Bag X447,

Pretoria, 0001: or

By hand:

Environment House

473 Steve Biko Road.

Arcadia, Pretoria.

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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: (https://www.environment.gov.za/documents/forms#legal_authorisations).

Yours faithfully

Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 22/11/2016

cc: Ms J Thomas

Savannah Environmental (Pty) Ltd

Email: joanne@savannahsa.com

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LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA) ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD BUILDING 1, 1st FLOOR , COUNTRY CLUB ESTATE 21 WOODLANDS DRIVE, WOODMEAD , 2191





Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA

DEA Reference: 12/12/20/1582/AM5 Enquiries: Muhammad Essop

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

Mr Michael Steiner
Moyeng Energy (Pty) Ltd
Building 1 Ground Floor Country Club Estate
21 Woodlands Drive
WOODMEAD
2191

Telephone Number:

(086) 231 0262

Email Address:

michael.steiner@engie.com

PER EMAIL / MAIL

Dear Mr Steiner

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 02 FEBRUARY 2012 (AS AMENDED) FOR THE CONSTRUCTION OF THE RHEBOKSFONTEIN WIND ENERGY FACILITY IN THE WEST COAST DISTRICT MUNICIPALITY, WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above mentioned application by this Department on 02 February 2012, the amendments to the EA dated 27 June 2014, 28 May 2015, 30 January 2015 and 22 November 2016, your application for amendment of the EA received by the Department on 30 January 2019 and the acknowledgement letter dated 06 February 2019, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended, has decided to amend the EA dated 02 February 2012, as follows:

Amendment 1: Amendment to the contact details of the holder of the EA:

From:

"Moyeng Energy (Pty) Ltd"

Represented by:

Mr Tom Beach

PO Box 4778 **RIVONIA** 2128

Telephone Number:

(011) 209 9225

Email Address:

tom.beach@gdfsuez.com

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OF COMMISSIONER OF OATHS (RSA)

ATTORNEY

ENGIE SOUTHERN AFRICA (PTY) LTD

BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE
21 WOODLANDS DRIVE, WOODMEAD, 2191

To:

"Moyeng Energy (Pty) Ltd"

Represented by:

Mr Michael Steiner

Building 1 Ground Floor Country Club Estate

21 Woodlands Drive

WOODMEAD

2191

Telephone Number:

(086) 231 0262

Cell Number:

(060) 972 0453

Email Address:

michael.steiner@engie.com

The applicant applied to change the contact details of the holder of the EA. The contact details of the holder of the EA has changed since the EA was issued.

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LUYANDA KORTJAAS COMMISSIONER OF OATHS (RSA)

ATTORNEY ENGIE SOUTHERN AFRICA (PTY) LTD

BUILDING 1, 1st FLOOR, COUNTRY CLUB ESTATE

21 WOODLANDS DRIVE, WOODMEAD, 2191

9/12/2020

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 (i.e. the EA lapses on 2021). 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.

The applicant applied to extend the validity period of the EA in order for the project to remain viable.

This letter must be read in conjunction with the EA issued on 02 February 2012, as amended.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act. 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirectorate@environment.gov.za;

By hand: Environment House

473 Steve Biko

Arcadia Pretoria 0083; or

By post: Private Bag X447

Pretoria 0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal 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.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirectorate@environment.gov.za.

Yours faithfully

Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date:

CC:

5/03/2019

Mr Gideon Raath

Savannah Environmental (Pty) Ltd

Tel: (011) 656 3237

Email: gideon@savannahsa.com

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