



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEAT/EIA/12376/2011

DEA Reference: 12/12/20/1754/2

Enquiries: Linda Poll-Jonker

Telephone: 012-395-1767 Fax: 012-320-7539 E-mail: lpoll-jonker@environment.gov.za

Mr. Peter Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Green Building
9B Bell Crescent Close
WEST LAKE
7945

Fax no: 0800 981 222

PER FACSIMILE / MAIL

Dear Mr. Venn

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION: AMAKHALA EMOYENI RE PROJECT 1 WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN CAPE PROVINCE

The application dated January 2010, the amended Environmental Authorisation dated 12 December 2011 and the amendment application dated 22 May 2012, have reference.

With reference to the above application, please be advised that the Department, in terms of Regulation 42 of Environmental Impact Assessment Regulations, 2010, has decided to issue an amended environmental authorisation (EA), as requested in your amendment application dated 15 May 2012. The amended EA is attached herewith. The previous EA issued on 2 September 2011 is hereby replaced by the attached amended environmental authorisation as from the date of signature of this letter.

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 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;

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12 APR 2022

COMMISSIONER OF OATHS Tasneem Khan
CA (SA) 08196322 Ex Officio

1 Oakdale Rd, The Oval, Fernwood House, 2nd floor, Newlands, South Africa

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 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:

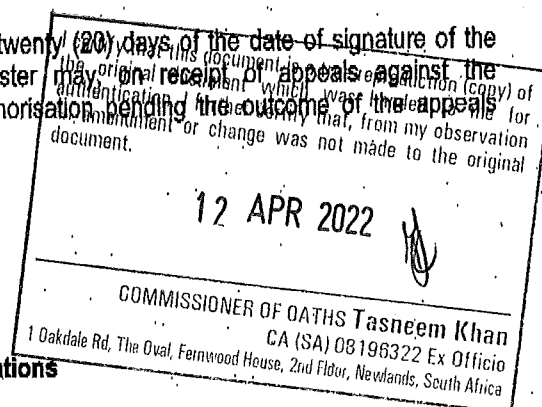
Tel: 012-310-3929
Email: tzwane@environment.gov.za

The authorised 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: 28 August 2012



| | | | | |
|-----|--------------------|-------------------------------------|-------------------|-------------------|
| CC: | Ms Karen Jodas | Savannah Environmental (Pty) Ltd | Tel: 011-234-6621 | Fax: 086-684-0547 |
| | Mr John von Mayer | Savannah Environmental (Pty) Ltd | Tel: 011-234-6621 | Fax: 086-684-0547 |
| | Mr Andries Struwig | Eastern Cape DEDEA | Tel: 043-707-4000 | Fax: 043-748-2069 |
| | Mr D Claasen | Blue Crane Route Local Municipality | Tel: 042-243-1333 | Fax: 042-243-1528 |
| | Mr T Zwane | Appeals Authority (DEA) | Tel: 012-310-3929 | Fax: 012-320-7561 |

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

| APPLICANT | INTERESTED AND AFFECTED PARTIES (IAPs) |
|--|--|
| 1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]) | 1. Receive EA from Applicant/Consultant |
| 2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations. | 2. N/A |
| 3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister). | 3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister). |
| 4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice | 4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice |
| 5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. | 5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. |
| 6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal. | 6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal. |
| 7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister. | 7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister. |

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.

I hereby certify that the document is a true reproduction (copy) of the original document which was handed to me for authentication. I further certify that, from my observation, an amendment or change was not made to the original document.
12 APR 2022
 COMMISSIONER OF OATHS *Tasneem Khan*
 CA (SA) 08196322 Ex Officio
 1 Oakdale Rd, The Oval, Fernwood House, 2nd Floor, Newlands, South Africa



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

Amakhala Emoyeni Phase 2 Wind Energy Facility and associated infrastructure, Eastern Cape

Province

Cacadu District Municipality

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12 APR 2022

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| | |
|--------------------------------|--|
| Authorisation register number: | 12/12/20/1754/2 |
| NEAS reference number: | DEA/NEAS/00012376/2011 |
| Last amended: | Second issue |
| Holder of authorisation: | Amakhala Emoyeni Renewable Energy (Pty) Ltd |
| Location of activity: | EASTERN CAPE PROVINCE: Between Cookhouse and Bedford within the Blue Crane Route Local 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.

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.

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 –

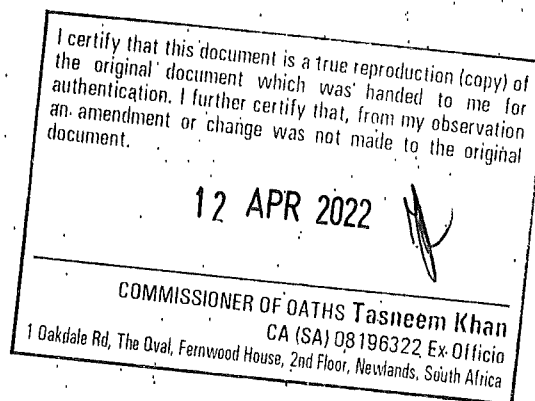
AMAKHALA EMOYENI RENEWABLE ENERGY (PTY) LTD

with the following contact details –

Mr. Peter Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Green Building
9B Bell Crescent Close
WEST LAKE
7945

Tel: (021) 701 1292
Fax: (0800) 981 222
Cell: (082) 689 5442
E-mail: francis.jackson@windlabsystems.com

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



| Listed activities | Activity/Project description |
|---|--|
| <u>GN R. 386 Item 1(m):</u> 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, within 32 meters from 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 | Some of the construction activities will need to be done within 32 m of watercourses on site. |
| <u>GN R. 386 Item 12:</u> 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). | Some indigenous vegetation will need to be removed during construction of the project. 12 APR 2022 I certify that this document is a true and correct copy of the original document which was handed to me for an amendment or correction of the original. COMMISSIONER OF OATHS Tasneem Khan CA (SA) 08196322 Ex-Officio 1 Oakdale Rd, The Oval, Fernwood House, 2nd Floor, Johannesburg, South Africa |
| <u>GN R. 386 Item 16(b):</u> 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 | The total development footprint will be approximately 27 200 ha for the industrial activity of electricity generation. |
| <u>GN R. 386 Item 7:</u> 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 30m ³ but less than 1000 m ³ at any one location or site. | The storage of fuels and lubricants during the construction phase of the activity will be necessary. |
| <u>GN R. 387 Item 1(a):</u> The construction of facilities or infrastructure, including associated structures or infrastructure for the generation of electricity where (i) the electricity output is 20 megawatts or more; or (ii) the elements of the facility cover a combined area in excess of 1 hectare | The different Phases of the project will generate a maximum of 405.6MW. |

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| Listed activities | Activity/Project description |
|--|--|
| <u>GN R. 387 Item 1(i):</u> The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more. | New sections of 132kV overhead power line and one new section of 33/132/220/440kV power line feeding into the Poseidon Substation will be constructed. |
| <u>GN R. 387 Item 2:</u> 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. | The total development footprint will be approximately 27 200 ha. |

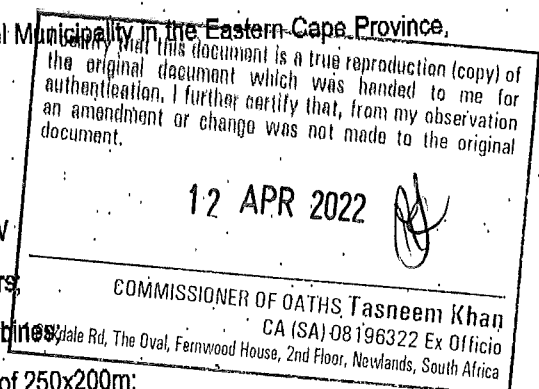
as described in the Environmental Impact Report (EIR) dated May 2012 at:

| Site | Latitude | Longitude |
|---|---------------|---------------|
| Amakhala Emoyeni Phase 2 (Centre point) | 32° 55' 31" S | 26° 03' 10" E |

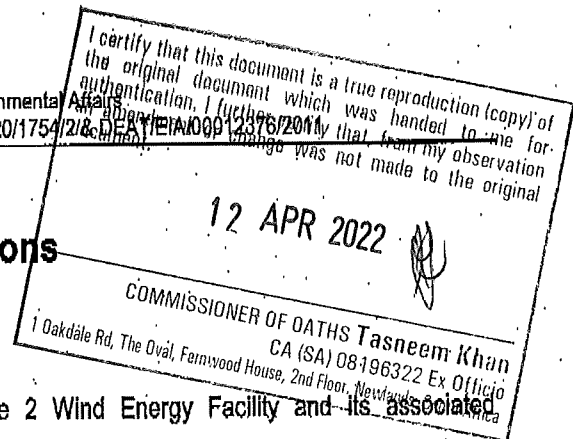
- for the establishment of the Amakhala Emoyeni Phase 2 Wind Energy Facility and its associated infrastructure located on the following farms: Portion 1 of Farm 220 (Brak Fontein), Rem of Farm 221 (Leeuw Fontein), Rem of Farm 225, Rem of Farm 224 (Taal Fontein), Portion 2 and Rem of Farm 223 (Paarde Kloof), Rem of Farm 227 (Wilgem Bush), Rem of Farm 169 (Olive Woods Estate) between Cookhouse and Bedford within the Blue Crane Route Local Municipality in the Eastern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- Up to 93 wind turbines to the to the capacity of 140MW
- Foundations (20x 20x 2m) to support the turbine towers
- Underground cables (where practical) between the turbines
- One (1) substation (Substation 3), occupying an area of 250x200m;
- Internal access roads to each turbine (4-6m wide during construction, reduced to 3-4 m wide during operation);
- One (1) new sections of 132kV overhead power lines and one new section of 33/132/220/400kV power line feeding into the Poseidon Substation; and
- Possible on-site maintenance facility and visitor centre.



Conditions



1. Scope of authorisation

- 1.1 The site for the Amakhala Emoyeni Phase 2 Wind Energy Facility and its associated infrastructure on Portion 1 of Farm 220 (Brak Fontein), Rem of Farm 221 (Leeuw Fontein), Rem of Farm 225, Rem of Farm 224 (Taai Fontein), Portion 2 and Rem of Farm 223 (Paarde Kloof), Rem of Farm 227 (Wilgem Bush), Rem of Farm 169 (Olive Woods Estate) between Cookhouse and Bedford within the Blue Crane Route Local Municipality in the Eastern Cape Province as indicated on the map attached in the EIR dated May 2012 is hereby approved.
- 1.2 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.
- 1.3 The holder of the authorisation shall be 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.
- 1.4 The activities authorised may only be carried out at the properties as described above.
- 1.5 The recommendations and mitigation measures recorded in the EIR dated November 2010 must be adhered to.
- 1.6 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.
- 1.7 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.
- 1.8 Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
- 1.9 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

1.10 Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:

- Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
- Relevant provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- Relevant provisions of the National Water Act, 1998 (Act No. 36 of 1998).
- Relevant provisions of the National Forests Act, 1998 (Act No. 84 of 1998).
- Relevant provisions of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
- Relevant provisions of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) and its Regulations.
- Relevant provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and its Regulations.
- Relevant provisions of the Hazardous Substance Act (Act No. 15 of 1973).
- Relevant Provisions of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).
- Relevant provisions of the Civil Aviation Act, 2009 (Act No. 13 of 2009).
- Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) administered by the Department of Mineral Resources.

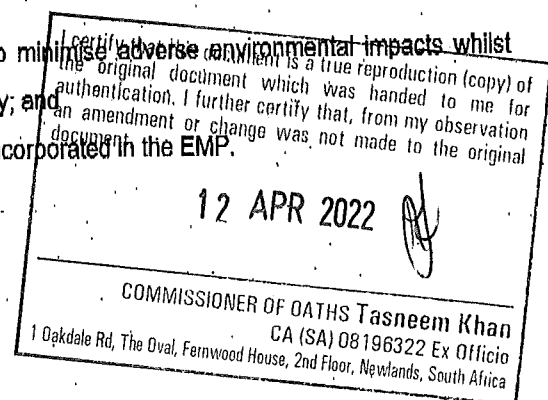
1.11 The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

2. Notification of authorisation

- 2.1 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.
- 2.2 The notification referred to must –
- 2.2.1 specify the date on which the authorisation was issued;
 - 2.2.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 2.2.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 2.2.4 give the reasons for the decision.

3. Management of the activity

- 3.1 The Environmental Management Plan (EMP) submitted as part of application for environmental authorisation must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the EIR dated November 2010 must be incorporated as part of the EMP. Once approved, the EMP must be implemented and adhered to. The amended EMP must also include the following:
- 3.1.1 Comprehensive rescue and storage in a suitable constructed nursery and storage area of plants deemed to be requiring either rescue for replanting and plants that will be useful during rehabilitation;
 - 3.1.2 Detailed Revegetation and Rehabilitation Plan to be conducted during construction and operation;
 - 3.1.3 A Rehabilitation Plan must be established to minimise adverse environmental impacts whilst maximising the future utilisation of the property; and
 - 3.1.4 An Open Space Management Plan must be incorporated in the EMP.

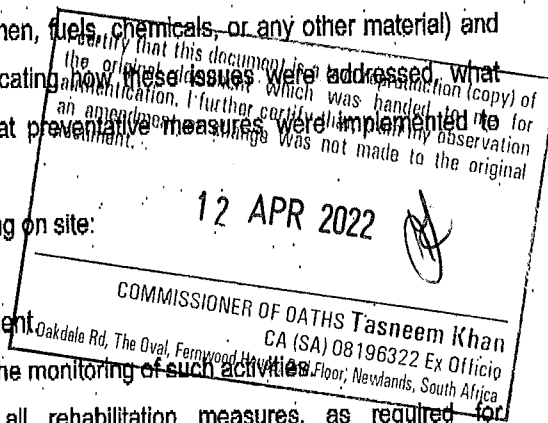


4. Monitoring

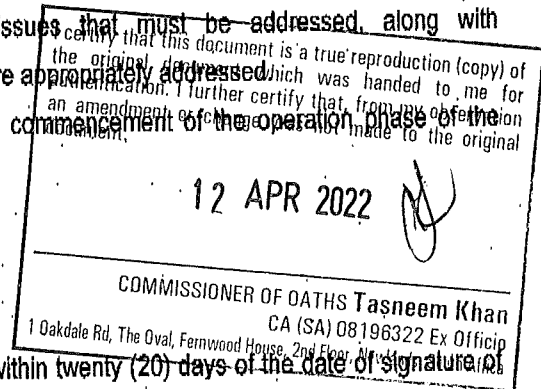
- 4.1 The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
- 4.2 The ECO shall be appointed before commencement of any authorised activity.
- 4.3 Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 4.4 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 4.5 A detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register must be kept 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.
- 4.6 In addition the ECO must maintain the following on site:
- 4.6.1 A daily site diary.
- 4.6.2 Copies of all reports submitted to the Department.
- 4.6.3 A schedule of current site activities including the monitoring of such activities.
- 4.7 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 4.8 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

5. Recording and reporting to the Department

- 5.1 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.
- 5.2 The holder of the authorisation must submit an environmental audit report to this Department upon completion of the construction and rehabilitation activities.
- 5.3 The environmental audit report must:
- 5.3.1 Be conducted by an independent environmental auditor;



- 5.3.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
- 5.3.3 Evaluate compliance with the requirements of the approved EMP and this environmental authorisation;
- 5.3.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
- 5.3.5 Include copies of any approvals granted by other authorities relevant to the development for the reporting period; and
- 5.3.6 Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed
- 5.4 The audit report must be submitted prior to commencement of the operation phase of the project.



6. Commencement of the activity

- 6.1 The authorised activity shall not commence within twenty (20) days of the date of the authorisation.
- 6.2 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.
- 6.3 The applicant must obtain a Water Use Licence from the Department of Water Affairs (DWA) prior to the commencement of the project should the applicant impact on any wetland or water resource. A copy of the license must be submitted to the *Director: Environmental Impact Evaluation* at the Department.
- 6.4 The applicant must submit a final layout plan for the entire wind energy facility for approval to the department. The layout should indicated 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);

B

- 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;
- Substation(s) and/or transformer(s) sites including their entire footprint;
- Cable routes and trench dimensions (where they are not along internal roads);
- Connection routes to the distribution/transmission network;
- Cut and fill areas at turbine sites along roads and at substation/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);
- Buildings including accommodation; and
- All "no-go" areas.

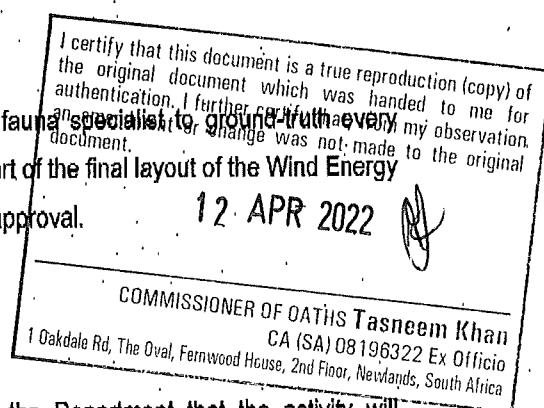
6.5 The applicant must appoint a qualified botanical and fauna specialist to ground-truth every turbine footprint and their recommendation must form part of the final layout of the Wind Energy Facility and EMP to be submitted to the department for approval.

7. Notification to authorities

7.1 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 6.1 above.

8. Operation of the activity

- 8.1 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
- 8.2 The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.



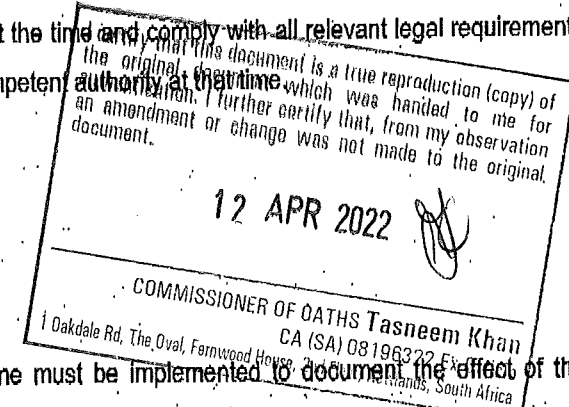
9. Site closure and decommissioning

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

10. Specific conditions

10.1 Avifauna and bats

- 10.1.1 A bird and bat monitoring programme must be implemented to document the effect of the operation of the wind energy facility on avifauna and bats. This should commence prior to construction, and continue during operation of the wind energy facility.
- 10.1.2 The results of the pre-construction bird monitoring programme must inform the final layout and the construction schedule of the wind energy facility.
- 10.1.3 Reports regarding bird monitoring must be submitted to the relevant provincial environmental department, Birdlife South Africa, the Endangered Wildlife Trust (EWT) 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.
- 10.1.4 The baseline data collected and documented during the survey 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.
- 10.1.5 Habitat destruction must be kept to an absolute minimum by keeping the lay-down areas as small as possible, reducing the number and size/length of roads and reducing the final extent of the developed area.
- 10.1.6 Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors. 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. Flappers must be fitted in place so that they do not drift along the line and be readily and cost effectively installed on, or removed from the existing lines.



10.1.7 The applicant must ensure that lighting on the turbines is kept to a minimum and is coloured (red or green) and intermittent, rather than permanent and white, to reduce confusion effects for nocturnal migrants.

10.1.8 The facility must be designed to discourage their use as perching or roosting substrates by birds and bats.

10.2 Vegetation, wetlands and water resources

10.2.1 All species of special concern (SSC) must be identified and every effort must be made to rescue them.

10.2.2 Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.

10.2.3 Critical available biodiversity information must be consulted for the final placement of turbines and infrastructure.

10.2.4 The applicant must ensure that the continuous monitoring and removal of alien plant species is undertaken. An alien removal program must be developed and implemented.

10.2.5 A "Plant Rescue and Protection" plan which allows for the maximum transplant of conservation important species from areas to be transformed must be compiled by a vegetation specialist familiar with the site in consultation with the ECO. This plan must be implemented prior to commencement of the construction phase.

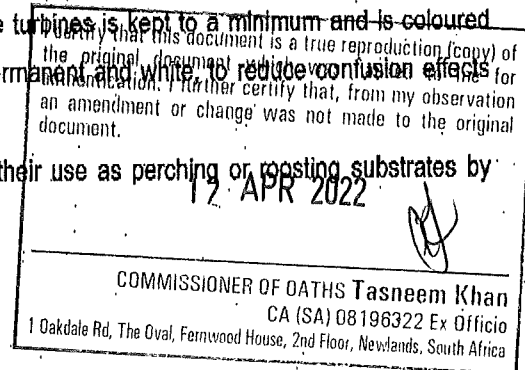
10.2.6 Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be submitted to the Department for record keeping.

10.2.7 Construction activities must be restricted to demarcated areas to restrict impact on vegetation and animals.

10.2.8 A comprehensive habitat rehabilitation plan must be developed for the site. 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.

10.2.9 All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities should be undertaken as early as possible on disturbed areas.

10.2.10 All electrical collector lines must be buried in a manner that minimizes additional surface disturbance.



10.2.11 Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.

10.2.12 The applicant is required to inform the relevant provincial department and/or this Department should the removal of protected species, medicinal plants and data deficient plant species be required.

10.2.13 All hard infrastructures should be located within existing areas of low sensitivity, as far as possible.

10.2.14 All turbines must be located at least 100m from the edges of any highly sensitive areas.

10.2.15 No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.

10.2.16 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.

10.2.17 Appropriate erosion mitigation must be implemented to prevent any potential erosion.

10.2.18 Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but should be temporarily stored in a demarcated area.

10.2.19 Removal of alien invasive species or other vegetation must be in accordance with the Conservation of Agricultural Resources Act (Act 43 of 1983), and follow-up procedures for the duration of the project.

10.2.20 The applicant must ensure that all the "No-go" areas are clearly demarcated (using fencing and appropriate signage) before construction commences.

10.2.21 Contractors and construction workers must be clearly informed of the no-go areas.

10.2.22 Siting of turbines should adhere to >500m setbacks from large water bodies, riparian vegetation and rocky crevices, if and where high bat occurrence is found after monitoring.

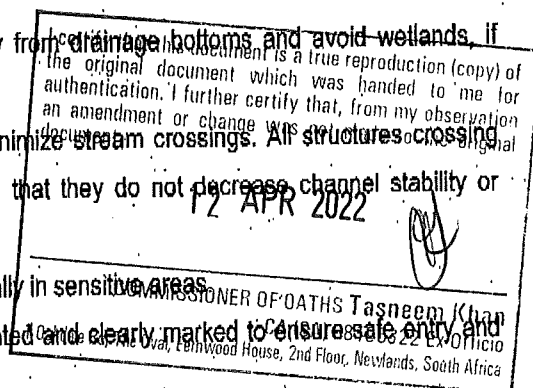
10.2.23 Where roads pass right next to major water bodies provision should be made for fauna such as loads to pass under the roads by using culverts or similar.

10.2.24 Bridge design must be such that it minimise impact to the riparian areas with minimal alterations to water flow and must be permeable to movement of fauna and flora

10.3 Roads and transportation

10.3.1 Existing road infrastructure must be used as far as possible for providing access to proposed turbine positions. Where no road infrastructure exists, new roads should be placed within existing disturbed areas or environmental conditions must be taken into account to ensure the minimum amount of damage is caused to natural habitats.

- 10.3.2 A transportation plan must be developed, particularly for the transport of turbine components, main assembly cranes and other large pieces of equipment. A permit must be obtained from the relevant transport department for the transportation of all components (abnormal loads) to the sites.
- 10.3.3 A traffic management plan must be prepared 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.
- 10.3.4 Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuter, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
- 10.3.5 Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
- 10.3.6 Internal access roads must be located away from drainage bottoms and avoid wetlands, if feasible.
- 10.3.7 Internal access roads must be located to minimize stream crossings. All structures crossing streams must be located and constructed so that they do not decrease channel stability or increase water velocity.
- 10.3.8 Existing drainage must not be altered, especially in sensitive areas.
- 10.3.9 A designated access to the site must be created and clearly marked to ensure safe entry and exit.
- 10.3.10 Signage must be erected at appropriate points warning of turning traffic and the construction site.
- 10.3.11 Construction vehicles carrying materials to the site should avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
- 10.3.12 Road borders should be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.

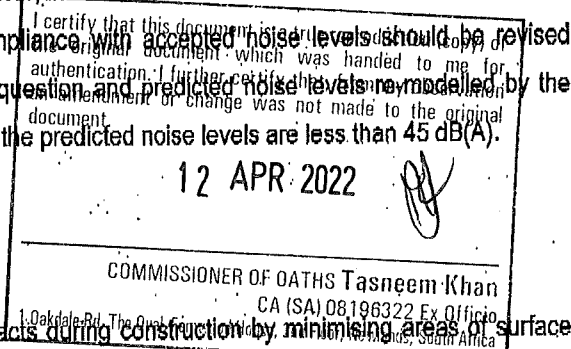


10.4 Noise

- 10.4.1 Construction staff to be given training in actions to minimise noise impacts.
- 10.4.2 Noise from the turbines at the identified noise sensitive areas must be less than the 45dB(A) limit for rural areas presented in SANS10103.

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- 10.4.3 The applicant must ensure that the National Noise Control Regulations and SANS10103:2008 are adhered to and reasonable measures to limit noise from the work site are implemented.
- 10.4.4 The applicant must ensure that the construction staff working in areas where the 8-hour ambient noise levels exceed 75dBA must wear ear protection equipment.
- 10.4.5 The applicant must ensure that all equipment and machinery are well maintained and equipped with silencers.
- 10.4.6 The applicant must provide a prior warning to the community when a noisy activity e.g. blasting is to take place.
- 10.4.7 All construction operations should only occur during daylight hours if possible.
- 10.4.8 All wind turbines should be located at a setback distance of 500m from any homestead and a day/night noise criteria level at the nearest residents of 45 dB(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.
- 10.4.9 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 the noise specialist, in order to ensure that the predicted noise levels are less than 45 dB(A).



10.5 Visual resources

- 10.5.1 The applicant 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.
- 10.5.2 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.
- 10.5.3 Signs near wind turbines should be avoided unless they serve to inform the public about wind turbines and their function.
- 10.5.4 Commercial messages and graffiti on turbines must be avoided.
- 10.5.5 The applicant must ensure that the painting of the wind turbines are in accordance with the Aviation Act, 1962, Thirteenth Amendment of the Civil Aviation Regulations, 1997.
- 10.5.6 Laydown areas and stockyards should be located in low visibility areas (e.g. valleys between ridges) and existing vegetation should be used to screen them from view where possible.
- 10.5.7 Night lighting of the construction sites should be minimised within the requirements of safety and efficiency.

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10.6 Human health and safety

10.6.1 A health and safety programme must be developed to protect both workers and the general public during construction, operation and decommissioning of the wind 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.

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

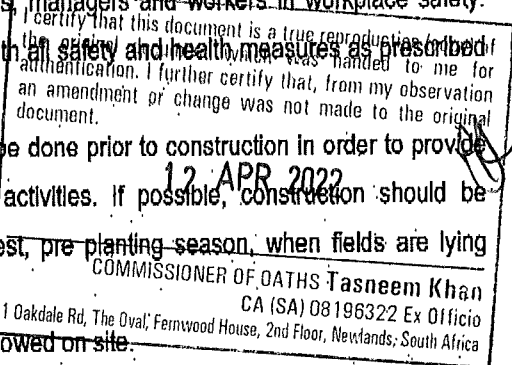
10.6.3 The applicant must ensure that the operation of the wind facility has minimal electromagnetic interference (EMI) (i.e. impacts to microwave, radio and television transmissions) and should comply with the relevant communication regulations.

10.6.4 The applicant must obtain a written permit or 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/permit must be submitted to the Director: Environmental Impact Evaluation.

10.6.5 The applicant 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.

10.6.6 Liaison with land owners/farm managers is to 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, pre-planting season, when fields are lying fallow.

10.6.7 No open fires for cooking or heating must be allowed on site.



10.7 Hazardous materials and waste management

10.7.1 Areas around fuel tanks must be bunded or contained in an appropriate manner as per the requirements of SABS 089:1999 Part 1.

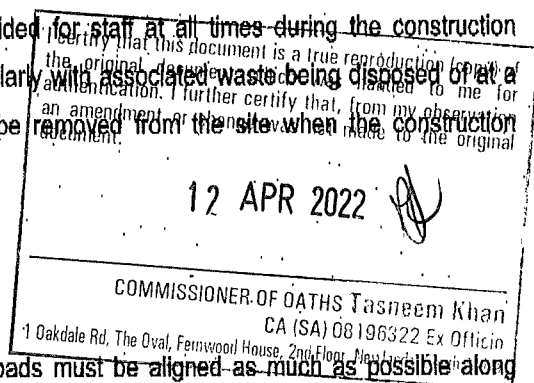
10.7.2 Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.

10.7.3 Hazardous waste such as bitumen, oils, oily rags, paint tins etc. must be disposed of at an approved hazardous waste landfill site.

- 10.7.4 An effective monitoring system must be put in place during the construction phase of the development to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. The applicant must ensure that precautionary measures are in place to limit the possibility of oil and other toxic liquids from entering the soil or stormwater system.
- 10.7.5 Streams, river, pans, wetlands, dams and their catchments and other environmental sensitive areas must be protected from the direct or indirect spillage of pollutants.
- 10.7.6 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.
- 10.7.7 Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water.
- 10.7.8 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 350 m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain or hillside wetlands.
- 10.7.9 Temporary bunds must be constructed around chemical storage to contain possible spills.
- 10.7.10 Spill kits must be made available on-site for the clean-up of spills.
- 10.7.11 An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008).
- 10.7.12 Temporary ablution facilities must be provided for staff at all times during the construction phase. The ablutions must be cleaned regularly with associated waste being disposed of at a registered/permited waste site and must be removed from the site when the construction phase is completed.

10.8 Excavation and blasting activities

- 10.8.1 Underground cables and internal access roads must be aligned as much as possible along existing infrastructure to limit damage to vegetation and watercourses.
- 10.8.2 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, stockpiled for use in reclamation activities.



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10.8.3 Borrow materials must be obtained only from authorized and permitted sites.

10.8.4 Anti-erosion measures such as silt fences must be installed in disturbed areas.

10.9 Air emissions

10.9.1 Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.

10.9.2 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 a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.

10.10 Historical / cultural / paleontological resources

10.10.1 If there are any changes to the layout of the turbines, 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.

10.10.2 Should any graves be found, all construction activities must be suspended and an archaeologist be contacted immediately. The discovered graves must be cordoned off.

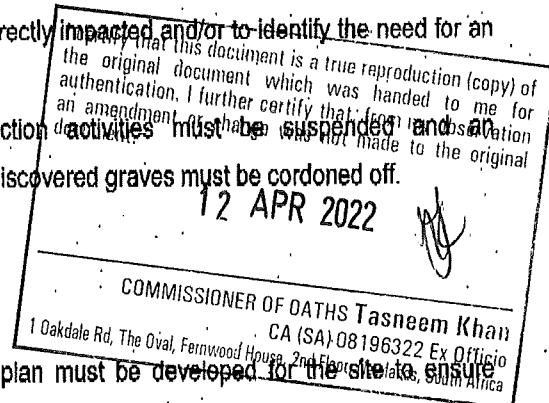
10.11 Storm water management

10.11.1 A comprehensive storm water management plan must be developed for the site to ensure compliance with applicable regulations and to prevent off-site migration of contaminated storm water or increased soil erosion. The comprehensive storm water management plan should form part of the EMP.

10.11.2 Construction must include 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.

10.12 Turbines position

10.12.1 Turbines must be positioned in such a way that they are at least 500m away from residences or farm buildings.



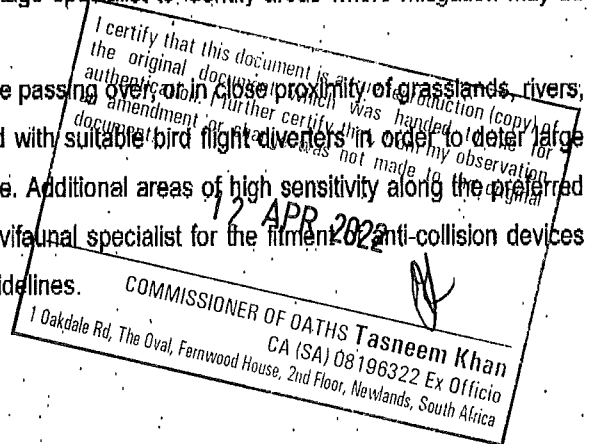
10.12.2 Turbines must be positioned in such a way that shadow flicker does not affect any farm buildings.

10.12.3 Wind turbines and its associated laydown areas and access roads, which could potentially impact on sensitive areas, must be shifted in order to avoid these areas of high sensitivity.

10.13 Overhead power line

10.13.1 A walk-through survey of the final survey power line corridor must be undertaken by a botanical specialist, an ornithologist and a heritage specialist to identify areas where mitigation may be required.

10.13.2 All sections of the proposed power line passing over, or in close proximity of grasslands, rivers, wetlands, and dams must be marked with suitable bird flight diverters in order to deter large birds from colliding with any powerline. Additional areas of high sensitivity along the preferred alignment must be identified by an avifaunal specialist for the fitting of anti-collision devices according to Eskom Transmission Guidelines.



11. General

11.1 A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

11.2 Where any of the applicant's contact details change, including the name of the responsible person where the applicant is a juristic 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.

11.3 The holder of the authorisation must notify 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. 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 regulations.

11.4 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance.


where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 28 August 2012



Mr Mark Gordon

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

| |
|--|
| I certify that this document is a true reproduction (copy) of the original document which was handed to me for authentication. I further certify that, from my observation an amendment or change was not made to the original document. |
| 12 APR 2022  |
| COMMISSIONER OF OATHS Tasneem Khan CA (SA) 08195322 Ex Officio 1 Oakdale Rd, The Oval, Fernwood House, 2nd Floor, Newlands, South Africa |

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 -

- The information contained in the EIR dated May 2012;
- The comments received from SAHRA and interested and affected parties as included in the EIR dated May 2012;
- Mitigation measures as proposed in the EIR dated May 2012 and the EMP;
- The information contained in the specialist studies contained in the EIR dated May 2012; and
- The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 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.

- Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- The findings of all the Specialist studies conducted and their recommended mitigation measures.
- The need for the proposed project stems from the need for clean and renewable energy sources to reduce the country's energy supply problems.
- The EIR dated May 2012 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- The EIR dated May 2012 identified all legislation and guidelines that have been considered in the preparation of the EIR dated May 2012.
- The methodology used in assessing the potential impacts identified in the EIR dated November 2010 and the specialist studies have been adequately indicated.

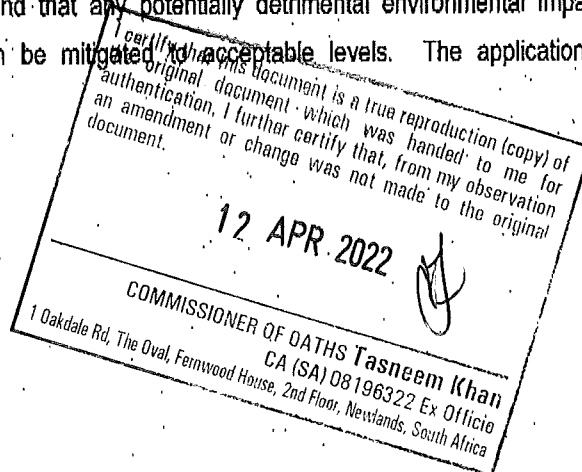
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

3. 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 May 2012 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) The information contained in the EIR dated May 2012 is accurate and credible.
- f) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

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



47



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEAT/EIA/12376/2011

DEA Reference: 12/12/20/1764/2

Enquiries: Linda Poll-Jonker

Telephone: 012-395-1767 Fax: 012-320-7539 E-mail: lpoll-jonker@environment.gov.za

Mr Peter Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Postnet Suite 216
Private Bag X26
TOKAI
7966

Tel: 021 701 1292
Fax: 0800 981 222

PER FACSIMILE / MAIL

Dear Mr. Venn

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION: PROPOSED MSENGE EMOYENI WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN CAPE PROVINCE

The Department's decision (environmental authorisation (EA)) on the above application issued on 28 August 2012 and your application for amendment of the EA dated 11 March 2013 refers.

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 28 August 2012 as follows:

The project name is changed:

From:

Amakhala Emoyeni Phase 2 Wind Energy Facility and Associated Infrastructure, Eastern Cape

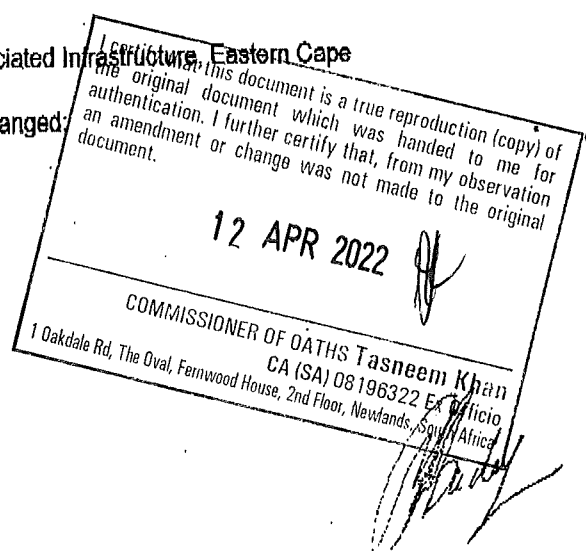
To:

Mserige Emoyeni Wind Energy Facility and Associated Infrastructure, Eastern Cape

The contact details of the holder of the EA are changed:

From:

Mr. Peter Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Green Building



9B Bell Crescent Close

WEST LAKE

7945

Tel: 021 701 1292

Fax: 0800 981 222

Cell: 082 689 5442

E-mail: francis.jackson@windlabsystems.com

To:

Mr Peter Venn

Amakhala Emoyeni Renewable Energy (Pty) Ltd

Postnet Suite 216

Private Bag X26

TOKAI

7966

Tel: 021 701 1292

Fax: 0800 981 222

Cell: 083 689 3063

E-mail: peter.venn@windlab.com

I certify that this document is a true reproduction (copy) of the original document which was handed to me for authentication. I further certify that, from my observation, an amendment or change was not made to the original document.

12 APR 2022

COMMISSIONER OF OATHS Tasneem Khatun
CA (SA) 08196322 Ex Officio

1 Oakdale Rd, The Oval, Fernwood House, 2nd Floor, Newlands, South Africa

The positions of the associated infrastructure as indicated on the original layout map submitted as part of the Final EIR dated May 2012 are hereby amended as follows:

- The 132 kV substation will be situated approximately 5 800m west of the previous position (coordinates: 26.0665 and -32.9093).
- The section of 132kV power line connecting the revised substation location to the substation on Amakhala Emoyeni Phase 1 is realigned.
- The 33/132/220/400kV power line connecting the revised position of the substation to the Poseidon Substation is realigned.
- The 33/132/220/400kV power line alignment is adjusted to avoid a wetland and its associated 500m buffer

The changes in the position of the relevant infrastructure is indicated in the lay-out map attached as Annexure 1 which replaces the lay-out map submitted as part of the EIR dated May 2012.

The capacity of the 33/132/220/400kV power line is specified as a 132kV power line.

The width of the internal roads is increased from 4-6m to a width of 4-8m.

The following properties were mistakenly included in the EA for the first phase (Amakhala Emoyeni) of the project during the first amendment of the EA (splitting of the EA into 4 phases).

- Portion 3 of Farm 203 (Plat House),
- Portion 2 of Farm 222
- Portion 1 of Farm 206 (Normandale)

The EA for Amakhala has been amended to exclude these properties, and the properties are hereby included in the Msenge Emoyeni EA.

Following the specialist review of the proposed changes in infrastructure positions applied for, the following condition is now included in the EA:

Detailed archival research and a walkthrough by a suitably qualified and experienced archaeologist must be performed to determine the importance of the ox wagon route towards Grahamstown. The mitigation measures proposed by the specialist following the walkthrough and research must be implemented prior to the commencement of site clearing and construction.

This letter must be read in conjunction with the EA dated 28 August 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 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 (Van der Walt) and Pretorius Streets, Pretoria.

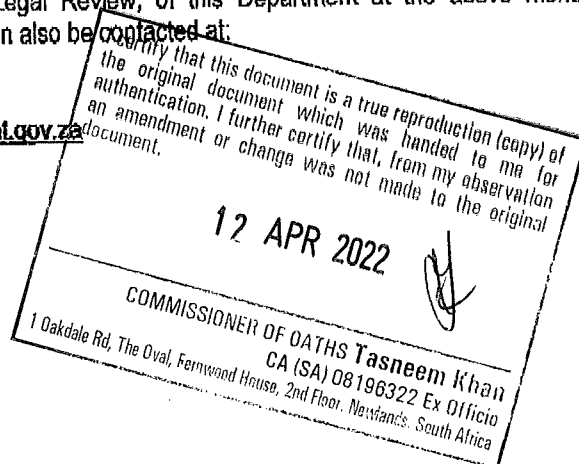
If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an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

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



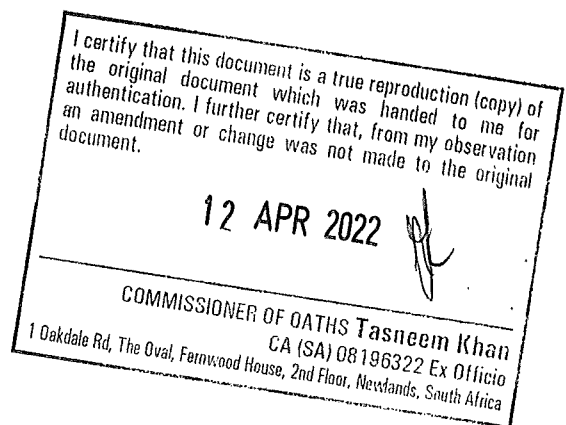
Mr Ishaam Abader

Deputy Director General: Legal, Authorisations, Compliance and Enforcement

Department of Environmental Affairs

Date: 5/08/2012

| | | | | |
|-----|--------------------|-------------------------------------|-------------------|-------------------|
| CC: | Ms Karen Jodas | Savannah Environmental (Pty) Ltd | Tel: 011-234-6621 | Fax: 086-684-0547 |
| | Mr John von Mayer | Savannah Environmental (Pty) Ltd | Tel: 011-234-6621 | Fax: 086-684-0547 |
| | Mr Andries Struwig | DEDEA | Tel: 043-707-4000 | Fax: 043-748-2069 |
| | Mr D Claasen | Blue Crane Route Local Municipality | Tel: 042-243-1333 | Fax: 042-243-1528 |

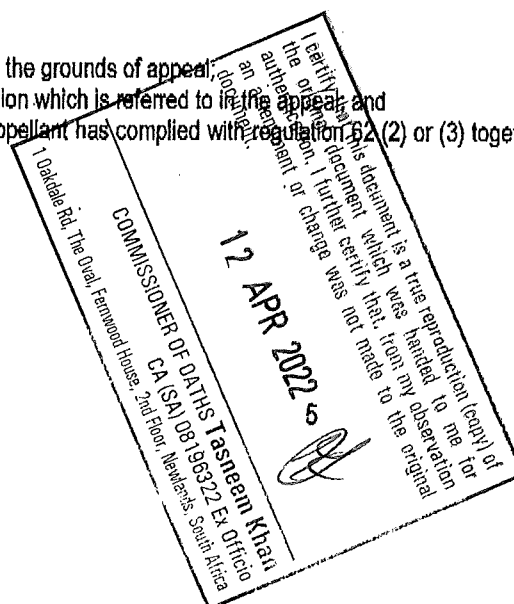


APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

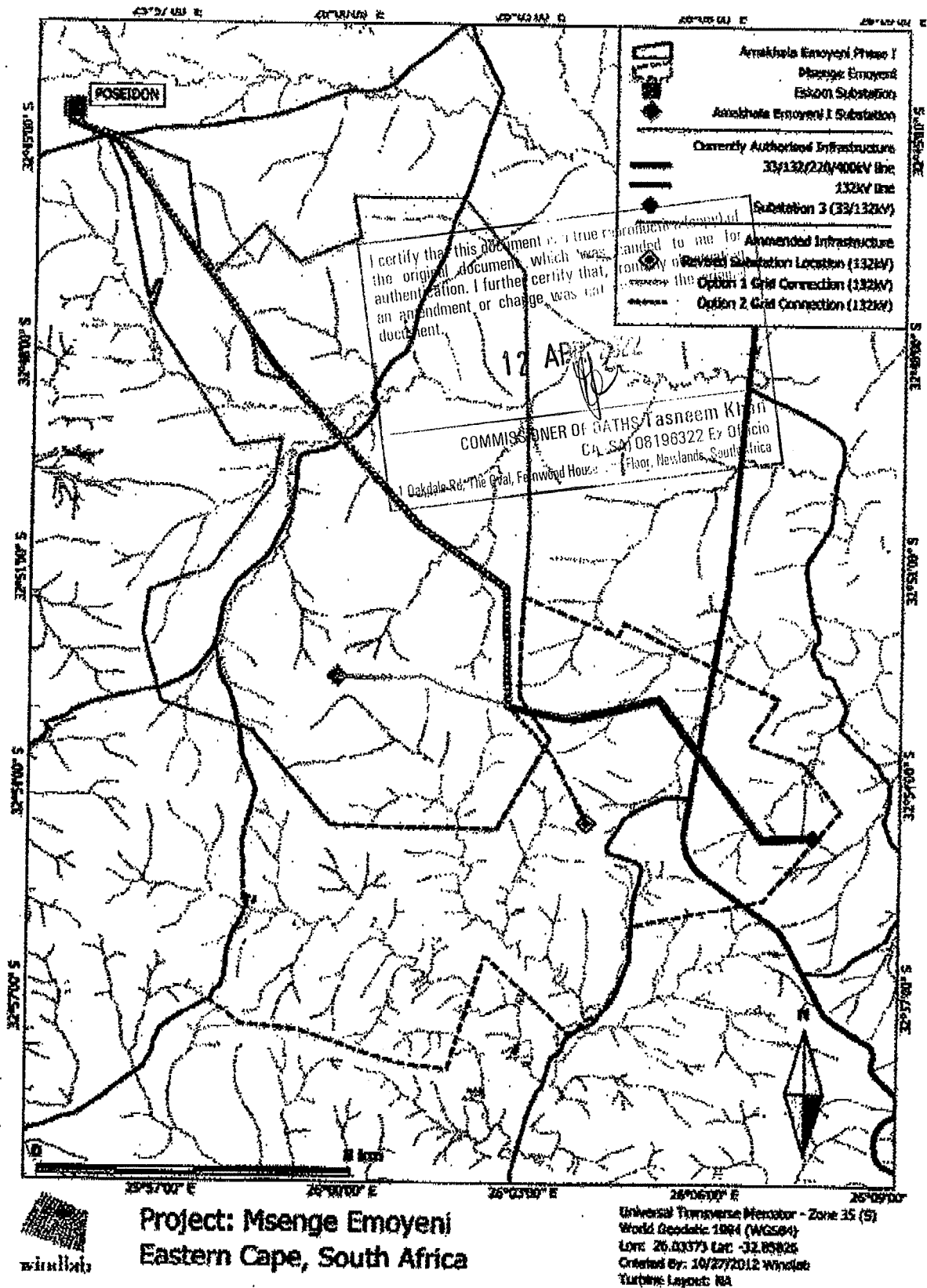
| APPLICANT | INTERESTED AND AFFECTED PARTIES (IAPs) |
|--|--|
| 1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]) | 1. Receive EA from Applicant/Consultant |
| 2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations. | 2. N/A |
| 3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister). | 3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister). |
| 4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice | 4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice |
| 5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. | 5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. |
| 6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal. | 6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal. |
| 7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister. | 7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister. |

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal;
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



ANNEXURE 1 AMENDED LAY-OUT MAP





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: 12/12/20/1754/2/AM2

Enquiries: Muhammad Essop

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

Mr Peter Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Postnet Suite 216
Private Bag X26
TOKIA
7966

Telephone Number: (021) 701 1292
Fax Number: (080) 098 1222

PER FACSIMILE/MAIL

Dear Mr Venn

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 AUGUST 2012 FOR THE AMAKHALA EMOYENI RE PROJECT 1 WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN CAPE PROVINCE

The Environmental Authorisation (EA) for the above application issued by this Department on 28 August 2012 (as amended by the amendment to the EA issued on 05 August 2013) and your application for amendment to the Environmental Authorisation received by this Department on 28 July 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 28 August 2012 as amended as follows:

Amendment 1: Amendment to the project description:

Page 04 of the EA:

From:

"Up to 93 wind turbines to the capacity of 140MW"

To:

"Up to 93 wind turbines to the contracted capacity of 140MW"



The following is included on page 04 of the EA:

"Wind turbines of between 1.5MW and 3MW in capacity. The turbines will have a hub height of up to 100m and a rotor diameter (including the nacelle) of up to 122m (i.e. each blade up to 60m in length)."

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:

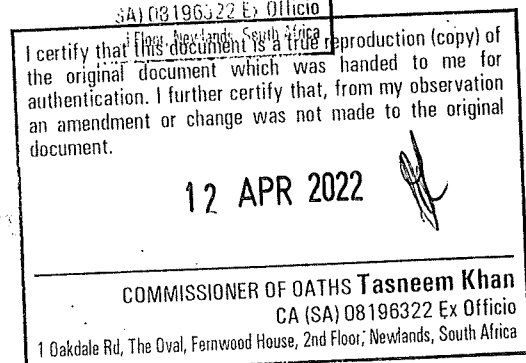
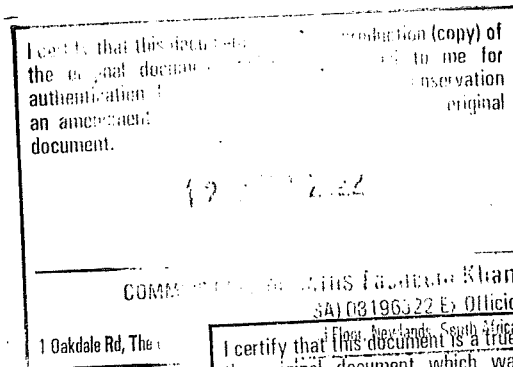
Postal Address:

Department of Environmental Affairs
Private Bag X447
Pretoria
0001

Physical address:

Department of Environmental Affairs
Environment House
473 Steve Biko,
Arcadia,
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 28 August 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,
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.

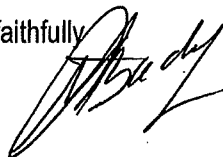
Appeals must be submitted in writing to:

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

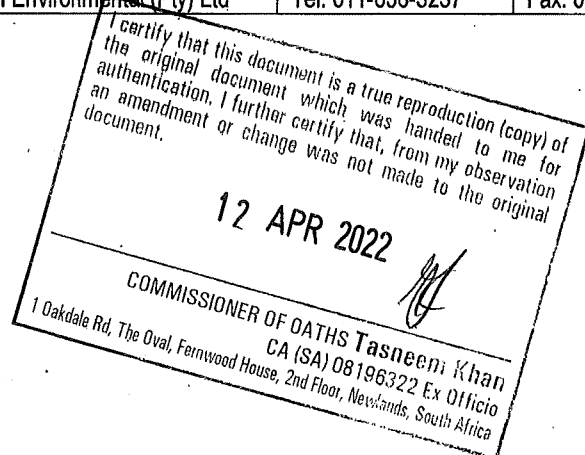
Further, please note that the Minister may, on receipt of appeals against the amendment or conditions thereof, suspend the decision pending the outcome of the appeals procedure.

Yours faithfully



Mr Ishaam Abader
Deputy Director-General: Legal, Authorisations, Compliance and Enforcement
Department of Environmental Affairs
Date: 14/08/2014

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

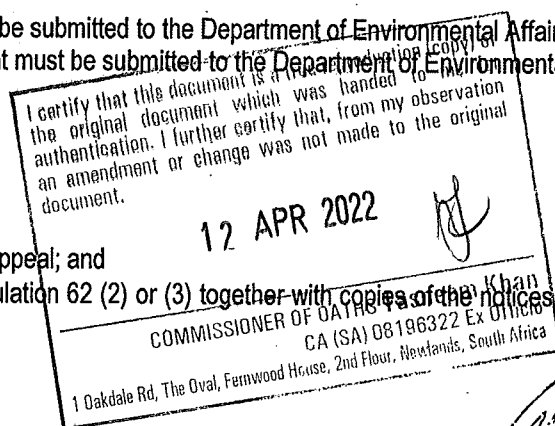


APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R.543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A DECISION

| 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:

- 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;
- 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;
- 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 · Environment House · 473 Steve Biko, Arcadia · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/1754/2/AM3

Enquiries: Ms Dikeledi Mokotong

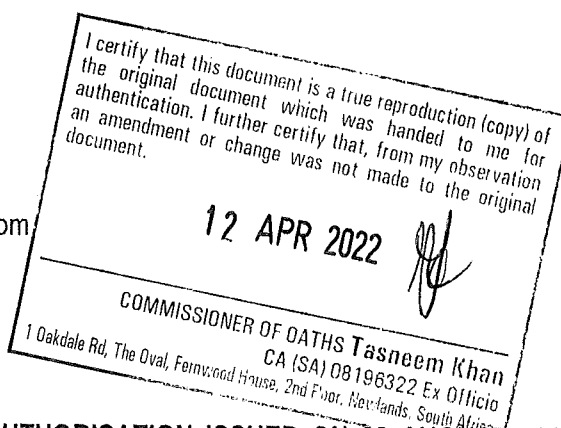
Telephone: (012) 399 8801 E-mail: dmokotong@environment.gov.za

Mr Peter Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Postnet Suite 216
Private Bag X26
TOKIA
7966

Telephone Number: (021) 701 1292
Email Address: peter.venn@windlab.com

PER EMAIL / MAIL

Dear Mr Venn



AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 AUGUST 2012 FOR THE CONSTRUCTION OF THE AMAKHALA EMOYENI PHASE 2 WIND ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE, EASTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 28 August 2012, your application for amendment to the EA received by this Department on 09 June 2015, the acknowledgment letter dated 18 June 2015 and the additional information received by this Department on 02 July 2015 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 28 August 2012 as follows:

Amendment 1: Inclusion of listed activity to the EA

The following is included on Page 03 of the EA dated 28 August 2012:

GN R. 386 Item 15 of the 2006 EIA Regulations

"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."

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 28 August 2012 (i.e. the EA lapses on 28 August 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

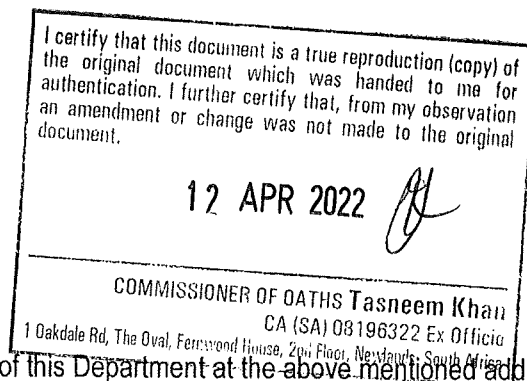
This proposed amendment letter must be read in conjunction with the EA dated 28 August 2012 as amended.

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.

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,
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: Appealsdirector@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: 19/08/2015

| | | | |
|-----|----------------|---------------------------------|----------------------------|
| cc: | Ms Karen Jodas | Savannah Environmental Pty) Ltd | Email:karen@savannahsa.com |
|-----|----------------|---------------------------------|----------------------------|



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 12/12/20/1754/2/AM4

Enquiries: Mr Muhammad Essop

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

Mr Peter Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Postnet Suite 216
Private Bag X26
TOKAI
7966

Telephone Number: (021) 701 1292

Email Address: peter.venn@windlab.com

PER E-MAIL / MAIL

Dear Mr Venn

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 AUGUST 2012 FOR THE CONSTRUCTION OF THE MSENGE EMOYENI WIND ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE SITUATED WITHIN THE BLUE CRANE ROUTE LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 28 August 2012, the amendments to the EA dated 17 July 2013, 14 August 2014 and 19 August 2016, and your application for amendment of the EA received by this Department on 12 September 2016 refer.

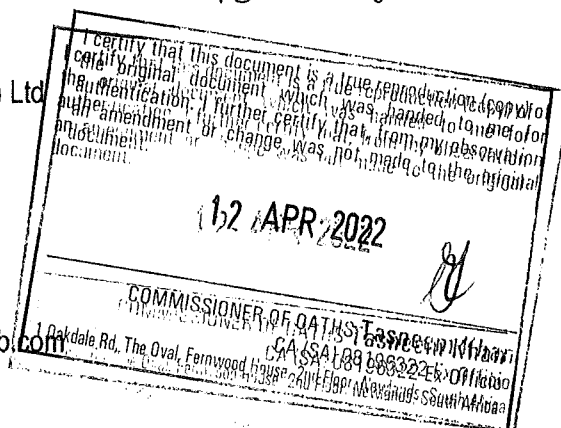
Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the EA dated 28 August 2012 as amended as follows:

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 expiry of the EA issued on 28 August 2012 as amended (i.e. the EA lapses on 28 August 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 status 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 28 August 2012 as amended.



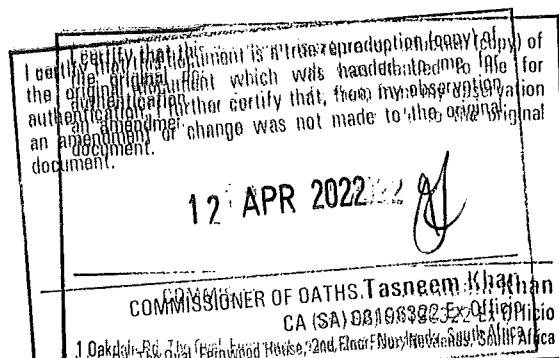
In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department's decision in respect of the amendment made as well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

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,
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: Appealsdirector@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: 04/10/2016.

| | | |
|--------------------|----------------------------------|----------------------------|
| cc: Ms Karen Jodas | Savannah Environmental (Pty) Ltd | Email: karen@savannasa.com |
|--------------------|----------------------------------|----------------------------|



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: 12/12/20/1754/2/AM5

Enquiries: Ms Zesipho Makhosayafana

Telephone: (012) 399 8741 E-mail: zmakhosayafana@environment.gov.za

Mr Peter Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Private Bag X26
TOKAI
7966

Telephone Number: (012) 701 1292
Email Address: peter.venn@windlab.com

PER E-MAIL / MAIL

Dear Mr Venn

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 AUGUST 2012 FOR MSENGE EMOYENI WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN CAPE PROVINCE

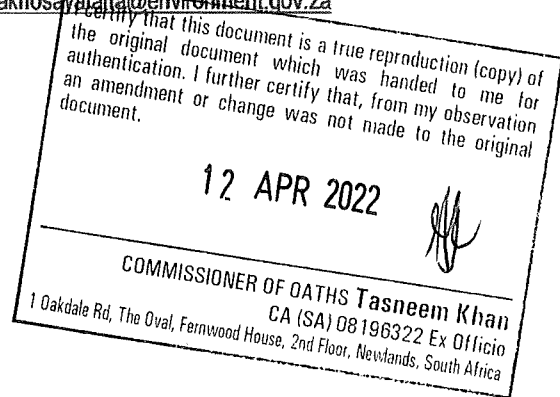
The Environmental Authorisation (EA) issued for the above-mentioned application by this Department on 28 August 2012, the first amendment to the EA dated 17 July 2013, second amendment to the EA dated 14 August 2014, third amendment to the EA dated 19 August 2015, fourth amendment to the EA dated 04 October 2016, your application for amendment of the EA received by this Department on 29 June 2018, the draft report received on 13 July 2018, the comments issued by this Department on 07 August 2018 and the final report received on 18 September 2018, refers.

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 (EIA) Regulations, 2014 as amended, has decided to amend the EA dated 28 August 2012, as follows:

Amendment 1: Extension of the validity period of the EA

Condition 1.7 of the EA dated 28 August 2012 is thus amended as follows:

1.7. The activity must commence within a period of ten (10) years from the date of issue of the authorisation (i.e. the authorisation lapses on 28 August 2022). 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.



MP.S

Amendment 2: Number and Specifications of the Wind turbines

From

Page 4 of the EA was amended to include the following details of the wind turbines:

- Up to 93 wind turbines to the contracted capacity of 140MW
- Wind turbines of between 1.5MW and 3MW in capacity. The turbines will have a hub height of 100m and a rotor diameter (including nacelle) of up to 122m (i.e. each blade up to 60m in length).

To:

- Up to 50 wind turbines to the contracted capacity of 140MW
- Wind turbines with a maximum of 5.4MW in capacity. The turbines will have a hub height of up to 135m and rotor diameter (including nacelle) of up to 160m (i.e. each blade up to 80m in length).

Reason for amendment:

The project is intended to be bid in future rounds of the Department of Energy's (DoE) Renewable Energy Independent Power Producers Procurement (REIPPP) Programme, the next round of which is expected to be in November 2018. A valid environmental authorisation will be required for future project development and bid submission purposes.

Furthermore, there have been advancements to wind turbine technology since the issuing of the EA, as well as additional wind data collected from the site. Based on the technologies now available and the additional data collected, it has been concluded by the applicant that the turbines which were originally authorised will no longer be technically viable for the project in terms of production. Considering the developments in technology and project feasibility, the developer is proposing to amend the turbine specifications in order to increase the efficiency of the facility and consequently the economic viability of the project. Although there is an increase in the rated power of the turbines being applied for, the number of turbines being proposed will be reduced. Therefore, the overall output capacity of the wind energy facility will remain within the authorised capacity of 140MW.

Amended EMPr

The amended EMPr is not approved. It must be updated and made available for comments by registered Interested and Affected Parties and such comments must be considered. Thereafter, the EMPr must be submitted to the Department for written approval before the commencement of the activity. The following must be included in the amended EMPr:

- The following documents must be updated and form part of the amended EMPr:
 - Pre- Commencement Ecological Footprint Investigation: Msenge Emoyeni Wind Energy Facility near Cookhouse (Savannah Environmental, 2014).
 - Plant Search and Rescue and Rehabilitation Plan (Savannah Environmental, 2014).
 - Invasive Plant Management Plan (December 2012).
- The locality maps should be amended according to the newly authorised layout which comprises of 50 wind turbines.
- Page 14 of the EMPr should be amended to reflect the amended Rotor Blade specification (up to 80m).
- Mitigation measures on page 23 should be written in an enforceable manner, i.e. make use of "must" instead of "may" (e.g. no red data species **must** be removed/ disturbed without permits from the Eastern Cape Department of Economic Development, Environmental Affairs and Tourism).

- All new mitigation measures specified in the Avifauna Specialist report must be incorporated into the EMPr.

This amendment letter must be read in conjunction with the EA dated on 28 August 2018, as amended.

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

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.

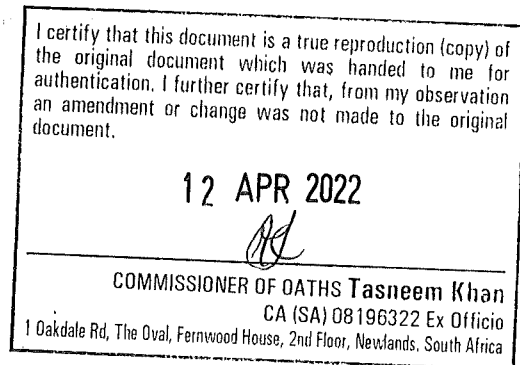
Appeals must be submitted in writing in the prescribed form to:

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

By email: appealsdirector@environment.gov.za

By hand: Environment House
473 Steve Biko Street
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001



Please note that in terms of Section 43(7) of the NEMA, 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 any activity authorised in the EA 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](https://www.environment.gov.za/documents/forms/legal%20authorisations) or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 07/11/2018

| | | | |
|-----|----------------|----------------------------------|---|
| cc: | Ms Karen Jodas | Savannah Environmental (Pty) Ltd | Email: karen@savannahsa.com |
|-----|----------------|----------------------------------|---|

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forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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

DFFE Reference: 12/12/20/1754/2/AM6

Enquiries: Ms Winnie Tebogo Mabena

Tel: 012 399 9374 E-mail: wmabena@environment.gov.za

Mr Peter C Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Unit 3, Denmar Square
45 Bell Crescent Road
Westlake
CAPE TOWN
7945

Tel: 021 701 1292

E-mail: peter.venn@windlab.com

PER E-MAIL / MAIL

Dear Mr Venn

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 AUGUST 2012 FOR THE PROPOSED CONSTRUCTION OF THE MSENGE EMOYENI WIND ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE IN THE EASTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 28 August 2012, the amendments to the EA dated 05 August 2013, 14 August 2014, 19 August 2015, 04 October 2016 and 07 November 2018, your application for amendment of the EA received by the Department on 10 May 2021 and the acknowledgement letter dated 18 May 2021, 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 28 August 2012 as amended, as follows:

Amendment 1:

The removal of the individual turbine out of capacity specification from the Environmental Authorisation on Page 4 of the Environmental Authorisation:

From:

Wind turbines with a maximum capacity of 5.4MW in capacity. The turbines will have a hub height of up to 135m and rotor diameter (including nacelle) of up to 160m (i.e., each blade up to 80m in length).

I certify that this document is a true reproduction (copy) of the original document which was handed to me for authentication. I further certify that, from my observation an amendment or change was not made to the original document.

12 APR 2022

COMMISSIONER OF OATHS **Tasneem Khan**
CA (SA) 08196322 Ex Officio
1 Oakdale Rd, The Oval, Fernwood House, 2nd Floor, Newlands, South Africa

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Is hereby amended to:

The turbines will have a hub height of up to 135m and rotor diameter (including nacelle) of up to 160m (i.e., each blade up to 80m in length).

Reason for the requested amendment:

Following developments in technology after the issuing of the original EA and considering technical and economic efficiency, the developer is proposing to install a turbine technology on the site which is best suited to the conditions on the site which are currently being investigated and that will no longer have an individual output capacity of 5.4MW.

This proposed amendment letter must be read in conjunction with the EA dated 28 August 2012 as amended.

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 stipulate 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 abuse or compromise your personal information in any way.

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 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.

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 prescribes 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:

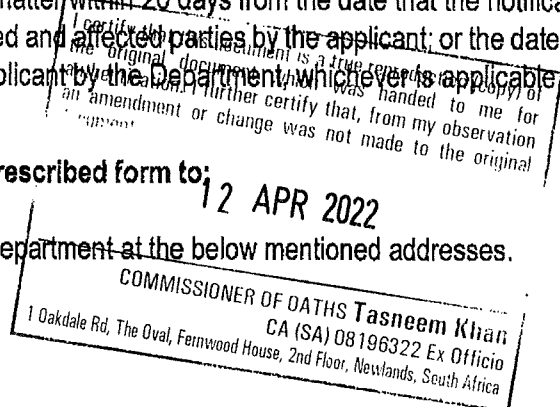
The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

By hand: Environment House
473 Steve Biko,
Arcadia,

DFFE Reference: 12/12/20/1754/2/AM6

Project Title: Amendment of the Environmental Authorisation issued on 28 august 2012 for the proposed construction of the Msenge Emoyeni Wind Energy Facility and its associated infrastructure in the Eastern Cape Province



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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.

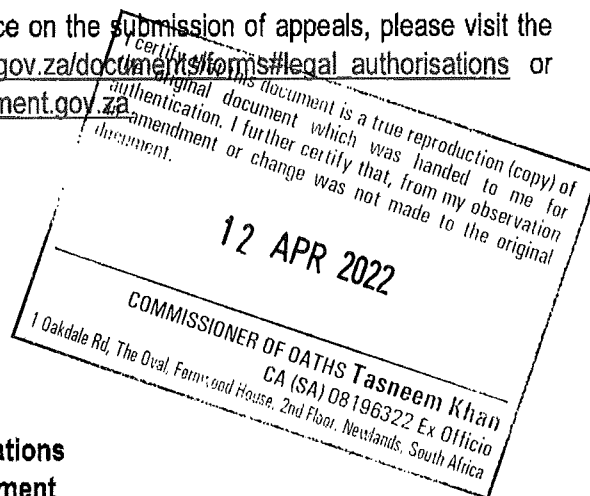
To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at <https://www.environment.gov.za/documents/forms#legal-authorisations> or request a copy of the documents at appeals@environment.gov.za

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Date: 02/04/2021

| | | | |
|-----|--------------|------------------------------|--|
| Cc: | Arlene Singh | Nala Environmental (Pty) Ltd | E-mail: arlene@veersgroup.com |
|-----|--------------|------------------------------|--|





environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

DEFF Reference: 14/12/16/3/3/1/2256

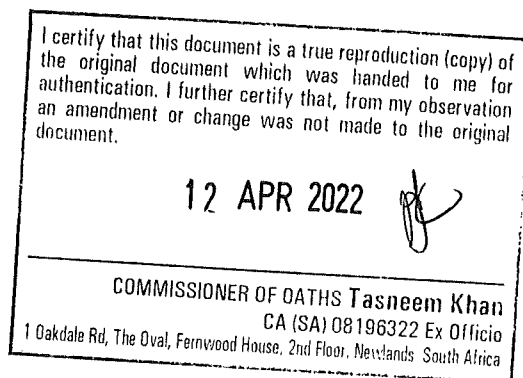
Enquiries: Mr Lunga Dlova

Telephone: (012) 399 8524 E-mail: LDlova@environment.gov.za

Mr Peter Venn
Amakhala Emoyeni Renewable Energy (Pty) Ltd
Private Bag X26
Tokai
CAPE TOWN
7966

Telephone Number: 021 701 1292
Email Address: peter.venn@windlab.com

PER EMAIL / MAIL



Dear Mr Venn

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE ESTABLISHMENT OF VARIOUS SUPPORTING INFRASTRUCTURE WITHIN THE AUTHORISED MSENGE EMOYENI WIND ENERGY FACILITY, EASTERN CAPE PROVINCE

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

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 decision 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, 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, Act No. 4 of 2013 which stipulate 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 abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 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 prescribes 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

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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: appeals@environment.gov.za;

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

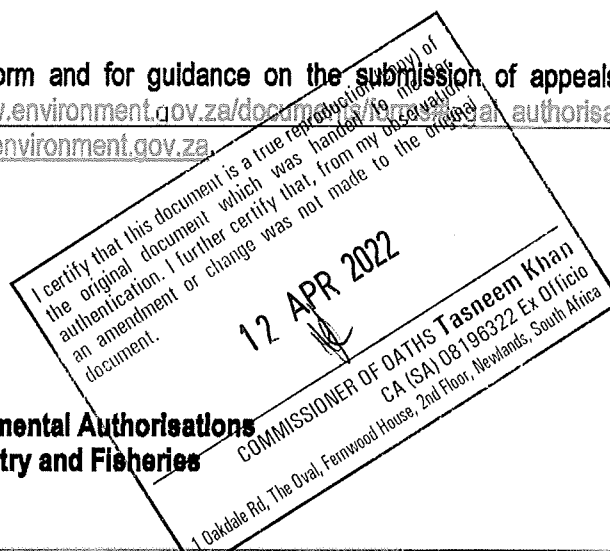
By post: Private Bag X447
Pretoria
0001

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/irreversible-decisions> or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries
Date: 24/02/2021



| | | | |
|-----|-------------------|--|---|
| cc: | Dayalan Govender | Eastern Cape Department of Economic Development, Environmental Affairs and Tourism | Email: dayalan.govender@dedea.gov.za |
| | Mr Mandisi Planga | Blue Crane Route Local Municipality | Email: mabiso@bcm.gov.za |
| | Arlene Singh | Savannah Environmental (Pty) Ltd | Email: arlene@savannahsa.com |





environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The establishment of various supporting infrastructure within the authorised Msenge Emoyeni Wind Energy Facility in the Blue Crane Route Local Municipality, Eastern Cape Province

Sarah Baartman District Municipality

| | |
|---------------------------------------|---|
| Authorisation register number: | 14/12/16/3/3/1/2256 |
| Last amended: | First issue |
| Holder of authorisation: | Amakhala Emoyeni Renewable Energy (Pty) Ltd |
| Location of activity: | Portion 1 of Farm 220 (Brak Fontein); Farm 221 (Leeuwfontein); Farm 225; Portion 2 of farm 223 (Paarde Kloof); Remainder of Farm 223 (Paarde Kloof); Remainder of farm 227 (Wilgem Bush); Portion 3 of Farm 203 (Platt House); Portion 2 of Farm 222; (Ward 1) in the Blue Crane Route Local Municipality within Sarah Baartman District Municipality; Eastern Cape Province. |

I certify that this document is a true reproduction (copy) of the original document which was handed to me for authentication. I further certify that, from my observation an amendment or change was not made to the original document.

12 APR 2022

1 OAKDALE RD, THE OYSTERSHED HOUSE, 2ND FLOOR, NEWLANDS, SOUTH AFRICA
TASNEEM KHAN
CA (SA) 09 1903 22 EX 0111

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.

M.S

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 Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

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, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

AMAKHALA EMOYENI RENEWABLE ENERGY (PTY) LTD

(hereafter referred to as the holder of the authorisation)

with the following contact details –

Mr Peter Venn

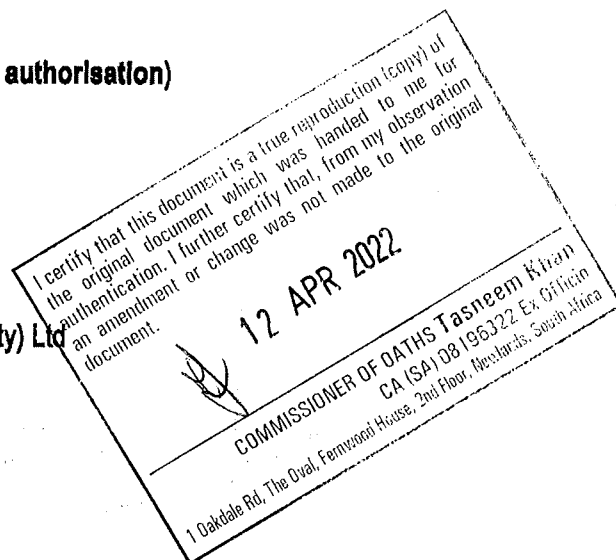
Amakhala Emoyeni Renewable Energy (Pty) Ltd

Private Bag X26

Tokai

CAPE TOWN

7966



Telephone Number: (021) 701 1292

Email Address: peter.venn@windlab.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing and Listing Notice 3 of the EIA Regulations, 2014 as amended:

| Activity number | Activity description |
|---|--|
| <p><u>GN 327, 08 December 2014 (as amended on 07 April 2017) – Activity 11 (i):</u></p> <p><i>"The development of facilities or infrastructure for transmission and distribution of electricity –</i> <i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts"</i></p> | <p>A 132kV overhead double circuit power line approximately 4km long will be developed, from the authorised onsite 132kV substation via a loop in loop out connection into a new 132kV onsite switching station that will allow for evacuation of electricity via the existing Poseidon – Albany 132kV power line.</p> |
| <p><u>GN 327, 08 December 2014 (as amended on 07 April 2017) – Activity 19:</u></p> <p><i>"The infilling or depositing of any material of more than 10 cubic meters into, or the dredging, excavation, removal or moving of soil, sand shells, shell grit, pebbles or rock of more than 10 cubic meters from a watercourse."</i></p> | <p>The development of watercourse crossing at the Msenge Emoyeni Wind Energy Facility (WEF) will require the removal or moving of soil within a watercourse during the construction of watercourse crossings. Ephemeral watercourses have been identified within the development footprint and the removal or moving of ~10m³ of soil will be required.</p> |
| <p><u>GN 324, 08 December 2014 (as amended on 07 April 2017) – Activity 4 (a)(i)(ee):</u></p> <p><i>"The development of a road wider than 4 meters with a reserve less than 13.5 meters –</i> <i>(a) in the Eastern Cape Province</i> <i>(i) outside urban areas</i> <i>(ee) critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p> | <p>Internal access roads for the wind energy facility will be developed to a width of up to 9 meters and a maximum of 12 meters at corners for the construction phase of the wind energy facility within CBA areas.</p> <p>Existing access roads will only be upgraded and widening up to 9 meters in width and a maximum of 12 at corners for the construction phase.</p> |

I certify that this document is a true and correct (copy) of the original document which was handed to me for authentication. I further certify that, from my observation, no amendment or change was not made to the original document.

12 APR 2022

COMMISSIONER OF OATHS *Tasneem Khan*
 CA (SA) 00196322 Ex Officio
 1 Oakdale Rd, The Oval, Fernwood House, 2nd Floor, Newlands, South Africa

as described in the final Basic Assessment Report (BAR) dated January 2021 at:

Ward number: 01

Farm names and numbers: Portion 1 of Farm 220 (Brak Fontein); Farm 221 (Leeuwfontein); Farm 225; Portion 2 of farm 223 (Paarde Kloof); Remainder of Farm 223 (Paarde Kloof); Remainder of farm 227 (Wilgem Bush); Portion 3 of Farm 203 (Platt House); Portion 2 of Farm 222;

SG 21 Code

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| C | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 1 | 0 | 0 | 0 | 0 |
| C | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 5 | 0 | 0 | 0 | 0 |
| C | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 3 | 0 | 0 | 0 | 2 |
| C | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 3 | 0 | 0 | 0 | 0 |
| C | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 7 | 0 | 0 | 0 | 0 |
| C | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 3 | 0 | 0 | 0 | 3 |
| C | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 2 |

Project Site Coordinates

| BEES (corner co-ordinates) | | Latitude | Longitude |
|---|--------|---------------|---------------|
| | | 32°54'30.36"S | 26° 3'55.34"E |
| | | 32°54'31.12"S | 26° 4'5.50"E |
| | | 32°54'36.71"S | 26° 4'4.94"E |
| | | 32°54'36.45"S | 26° 3'55.36"E |
| New switching station (corner co-ordinates) | | 32°53'26.43"S | 26° 5'42.99"E |
| | | 32°53'27.24"S | 26° 5'50.71"E |
| | | 32°53'33.17"S | 26° 5'49.69"E |
| | | 32°53'32.38"S | 26° 5'42.03"E |
| Grid connection Infrastructure corridor | Start | 32°54'34.68"S | 26° 3'59.87"E |
| | Middle | 32°54'8.51"S | 26° 4'49.51"E |
| | End | 32°53'29.95"S | 26° 5'46.47"E |
| New water crossings | | 32°52'35.19"S | 26° 3'12.25"E |
| | | 32°52'40.11"S | 26° 5'32.92"E |
| | | 32°54'33.63"S | 26° 7'34.63"E |

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|--------------------------|---------------|---------------|
| Upgrades water crossings | 32°54'11.78"S | 26° 5'30.70"E |
| | 32°54'18.73"S | 26° 4'58.50"E |
| | 32°54'30.00"S | 26° 4'37.79"E |

- for the establishment of various supporting infrastructure within the authorised Msenge Emoyeni Wind Energy Facility, Eastern Cape Province, hereafter referred to as "the property".

A locality map for the establishment of various supporting infrastructure within the authorised Msenge Emoyeni Wind Energy Facility, Eastern Cape Province is attached as Annexure 2 to this environmental authorisation.

Details of the proposed infrastructure at the authorised Msenge Emoyeni WEF:

| Infrastructure | Footprint, dimensions and details |
|---|---|
| Battery Energy Storage System (BESS) footprint | Approximately 3-4ha in total extent within existing authorised substation clearance footprint, including foundation and containerised battery system |
| BESS technology | » Lithium-Ion |
| Capacity of BESS | » Up to 300 Battery Containers » Up to 6m per container (Each Mega pack is 2.51m tall) » Export Capacity of up to 800MWh » Total storage capacity 200MW » Storage capacity of up to 6-8 hours |
| Access road to the BESS | As the BESS will be located within the footprint of the authorised substation, access roads to the authorised substation will be used to access the BESS. The access road will be 8 to 12m in width |
| Medium Voltage cabling | 33kV or less (underground or overhead) between the BESS and authorised substation. |
| Depth of excavation for the battery foundation and cabling, and pylon foundations | » BESS: Maximum of 2m |
| Grid connection infrastructure corridor | » Double-circuit 132kV overhead power line of approximately 4km in length within a corridor of 300m wide » Switching station and compound clearance area (200m x 200m) |

| | |
|--------------|---|
| Fencing | Fencing around the entire footprint of the BESS will be installed for access restriction measures as the BESS will be located within the compound clearance area for the authorised substation. |
| Laydown Area | Maximum of 4ha within the BESS footprint |

Scope of authorisation

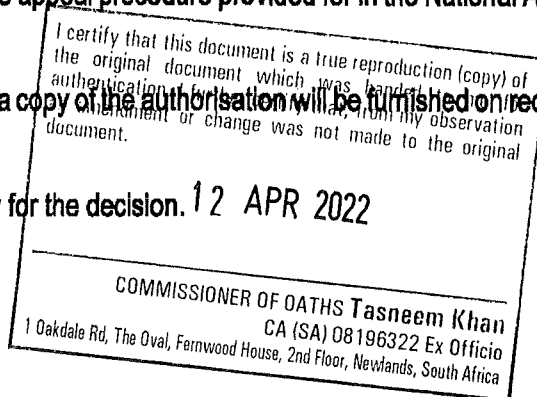
1. The establishment of various supporting infrastructure within the authorised Msenge Emoyeni Wind Energy Facility, Eastern Cape Province is approved as per the geographic coordinates cited in the table above, on page 4 and 5.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. 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 the authorisation to apply for further Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of **ten (10) years** from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within **five (05) years** of the commencement of the activity on site.

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9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

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 14 (fourteen) 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 the National Appeal Regulations, 2014;
 - 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 of the Competent Authority for the decision. 12 APR 2022



Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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 has been finalised.

Management of the activity

13. The Environmental Management Programme (EMPr) submitted as part of the BAR dated January 2021 is approved and must be implemented and adhered to.
14. The 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.
15. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.

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16. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

Frequency and process of updating the EMPr

17. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 24 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
18. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
19. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
20. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
21. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

22. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
- 22.1. The ECO must be appointed before commencement of any authorised activities.

- 22.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 22.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 22.4. 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.

Recording and reporting to the Department

23. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
24. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
25. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
26. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
27. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
28. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

29. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. 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, as well as a reference number.

Operation of the activity

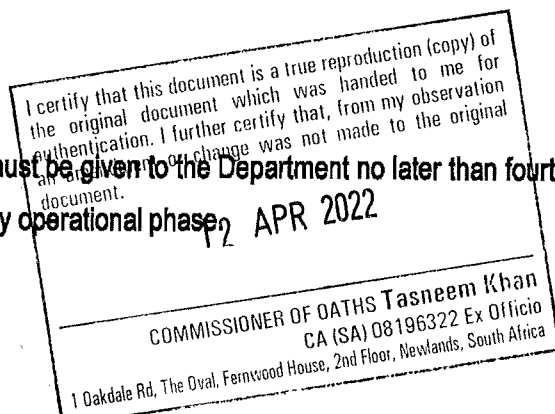
30. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase 2

Site closure and decommissioning

31. Should the activity ever cease or become redundant, the holder of the authorisation must 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

32. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the Specialist Studies / BAR dated January 2021 must be implemented to reduce the risk of erosion and the invasion of alien species.
33. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
34. High sensitive areas in close proximity to the development footprint must be demarcated as no go area i.e. drainage lines, grasslands, Critical Biodiversity Areas (CBA), Protected Areas Expansion Strategy (PAES).
35. Suitable bird repelling structures and bird diverters must be considered to avoid collision of birds with the power lines.
36. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
37. An Integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).



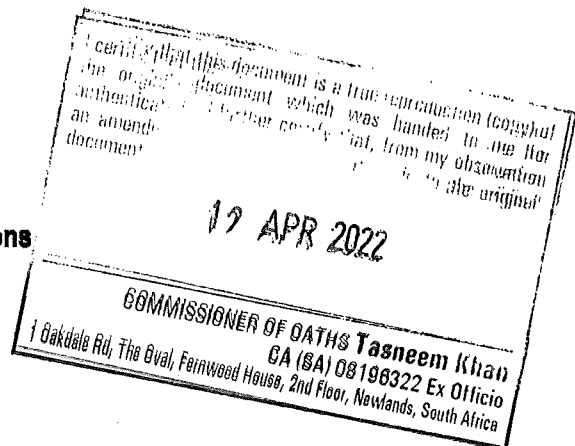
General

38. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 38.1. at the site of the authorised activity;
- 38.2. to anyone on request; and
- 38.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
39. 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 the authorisation or his/her 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 of the authorisation 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: 24/02/2021


Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries



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 listed activities as applied for in the application form received on 12 November 2020.
- b) The information contained in the final BAR dated January 2021.
- c) The comments received from Eskom, the South African Radio Astronomy Observatory (SARAO), and DEFF Biodiversity Conservation Directorate and interested and affected parties as included in the final BAR dated January 2021.
- d) Mitigation measures as proposed in the final BAR and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the final BAR dated January 2021 and as appears below:

| Title | Prepared by | Date |
|---|--------------------------|----------------|
| Ecology and Soils Impact Assessment | The Biodiversity Company | September 2020 |
| Avifaunal Impact Assessment | The Biodiversity Company | October 2020 |
| Aquatic Assessment | The Biodiversity Company | October 2020 |
| Heritage and Archaeological Impact Assessment | CTS Heritage | September 2020 |

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12 APR 2022



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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.

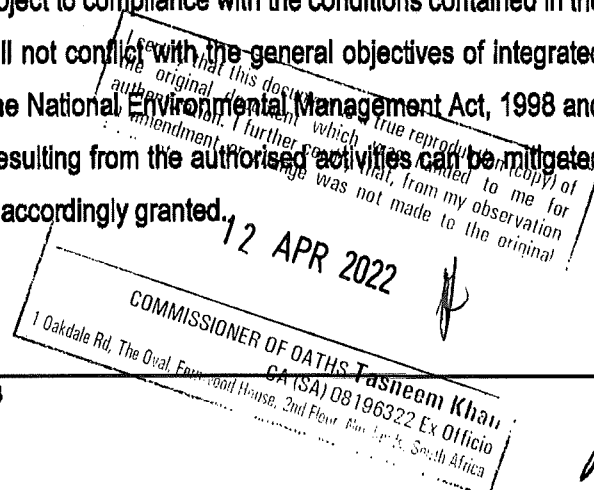
- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) The BAR dated January 2021 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The location of the proposed wind energy facility.
- e) The methodology used in assessing the potential impacts identified in the BAR dated January 2021 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

3. Findings

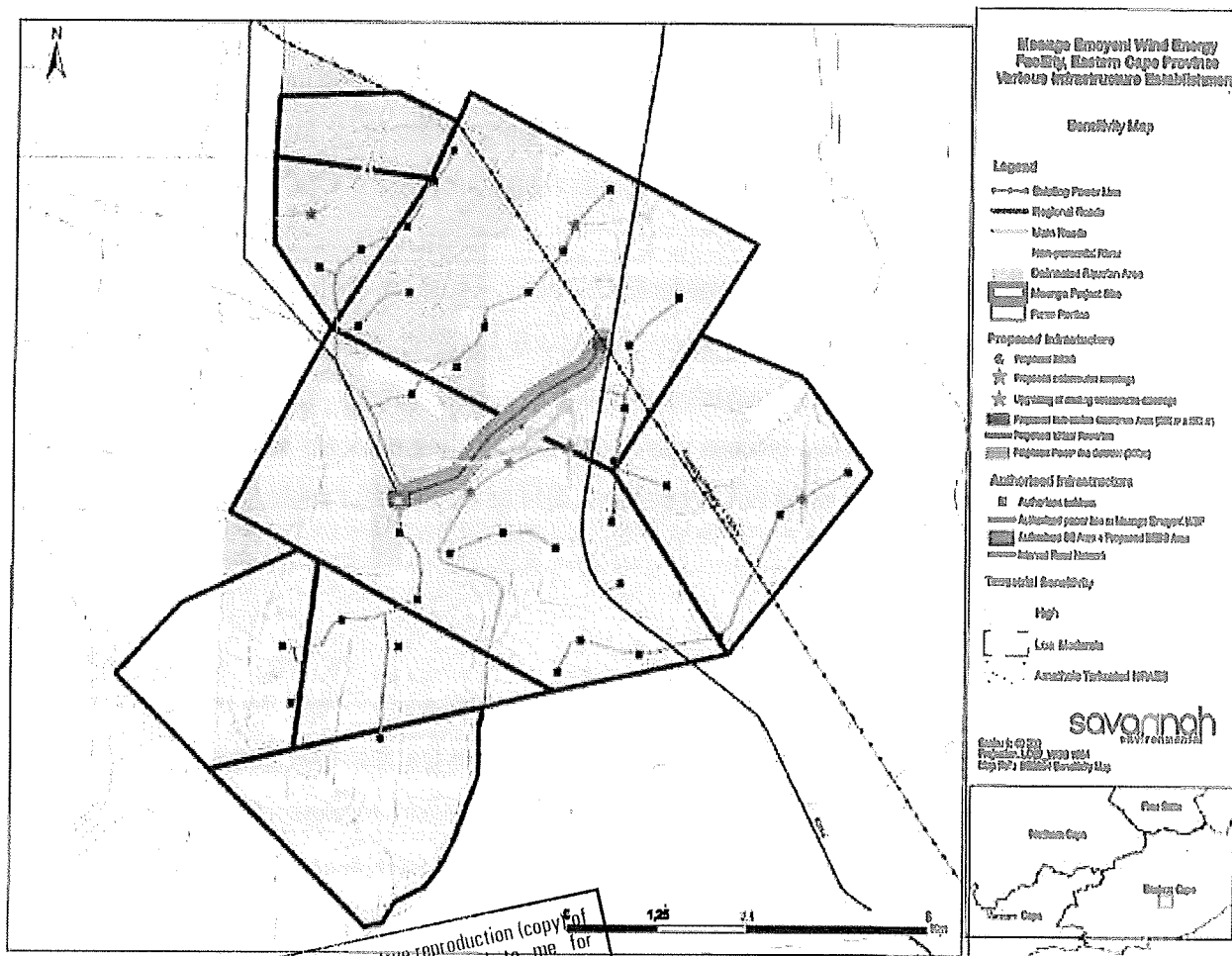
After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the final BAR dated January 2021 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 information contained in the final BAR dated January 2021 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the final BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities 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 authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.



Annexure 2: Locality Plan



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