

Cape Town
1 Century City Drive
Waterford Precinct
Century City
7441

T +27 21 526 9400
F +27 21 526 9500
E capetown@aurecongroup.com
W aurecongroup.com



PO Box 494
Cape Town
8000
Docex: DX 204

4 November 2011

Email: louise.corbett@aurecongroup.com

Dear Sir/ Madam

**PROPOSED HYDROPOWER STATION ON THE ORANGE RIVER NEAR KAKAMAS,
NORTHERN CAPE (DEA REF. NO.: 12/12/20/2012):
NOTIFICATION OF ENVIRONMENTAL AUTHORISATION**

Our previous letter of 2 August 2011, notifying you of the submission of the Final Basic Assessment Report for the above-mentioned project to Department of Environmental Affairs (DEA) for decision making, has reference.

We wish to inform you that DEA has issued a positive Environmental Authorisation (EA) in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) (NEMA) on **13 October 2011**. An amended EA was issued by DEA on the **26 October 2011** to amend the editorial error of the project description in the EA issued on 13 October 2011. The EA and EA Amendment should be read in conjunction with each other.

The EA authorises Kakamas Hydro Electric Power (Pty) Ltd (the applicant) to construct a 12 MW hydropower station on the Orange River on the Farm Zwartbooisberg near Kakamas using Alternative 6 layout and Alternative 5 abstraction point. The decision is based on the Department's satisfaction that the applicant should be authorized to undertake the proposed activities, based on information available to it and subject to compliance with the conditions of the EA.

The EA outlines the conditions of authorisation, reasons for the authorisation and the appeal process. Copies of the EA and reasons for the decision are available on request from Miss Louise Corbett of Aurecon South Africa (Pty) Ltd (Aurecon)(tel: 021 526 6027, fax: 021 526 9500 or email: louise.corbett@aurecongroup.com) or on Aurecon's website (www.aurecongroup.com change "Current Location" to South Africa and click on "Public Participation").

We would like to draw your attention to your right to appeal against the decision of the Minister, DEA in terms of Chapter 7 of Government Notice No. R543 of the Environmental Impact Assessment Regulations, 2010, as governed by NEMA. Any person who wishes to appeal must lodge a Notice of Intention to Appeal with the Minister within 20 days after notification of the decision. Should you wish to appeal, the appellant must serve on the applicant, a copy of the Notice of Intent to Appeal form as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant, within 10 days of having lodged the Notice of Intent to Appeal form with DEA. The Appeal must be submitted within 30 days of the lapsing of the 20 day period allowed for the submission of the Notice of Intent to Appeal. A simplified copy of the appeals procedure is attached for your information.

Aurecon South Africa (Pty) Ltd Reg No 1977/003711/07
Board of Directors
BMH Tsita (Chairperson), GT Rohde, PC Bliersch,
MG Dhliza, ZB Ebrahim, AB Geldenhuys, NN Gwagwa,
SA le Roux, AW Mohr, PC Lombard, DM Tregardt

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Lodging may occur by any of the following methods:

By facsimile: 012 320 7561

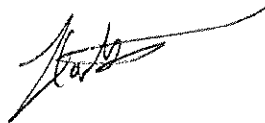
By post: Department of Environmental Affairs
Private Bag X447
Pretoria
0001

By hand: Attention: Minister of Environmental Affairs
2nd Floor, Fedsure Building, North Tower
Cnr. Van Der Walt and Pretorius Streets
Pretoria

An appeal submitted to the Minister must comply with the requirements of Chapter 7 of the EIA Regulations of 2010 in terms of the NEMA and must be submitted in writing to Mr T Zwane, Senior Legal Administration Officer (Appeals) of DEA Mr Zwane can also be contacted at tel (012) 310 3929 or e-mail tzwane@environment.gov.za.

Please do not hesitate to contact the undersigned should you have any queries.

Yours sincerely
AURECON



LOUISE CORBETT

Practitioner: Environmental & Advisory Services



BRETT LAWSON (*Pr.Sci.Nat., Cert. EAPSA*)

Technical Director: Environmental & Advisory Services

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.