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Navrae
Enquiries
Imibuzo

D Swanepoel

Datum
Date
Umhla



Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISEbe leMicimbi yeNdalo / isiNggongileyo noLwanga-ciso loPhuhliso

Eskom Holdings (Pty) Ltd.
PO Box 1091
Johannesburg
2000

Attention: Mr Kuban Nair

Tel : 083 242 1827

Fax : 011 800 5140

Dear Sir

APPLICATION: ESTABLISHMENT OF THREE ADDITIONAL OPEN CYCLE GAS TURBINE UNITS ON A PORTION OF PORTION 1 OF THE FARM PATRYSFONTEIN 228, MOSSEL BAY, ADJACENT TO THE PRESENT OCGT FACILITY

With reference to your application, find below the environmental authorisation including exemption notice, hereinafter referred to as "the environmental authorisation" in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The activity entails the addition of three 150MW units to the present OCGT power plant which consists of three 150MW units near the PetroSA Gas to liquid (GTL) facility near Mossel Bay. The three proposed additional units of 150MW each will therefore result in an increase in total output of the OCGT plant of 450MW, i.e. to a combined total output of 900MW. The project comprises of the following:

- Three additional Open Cycle Gas Turbine units with an output of 150MW each;
- Fuel storage facility consisting of two tanks with a total storage capacity of 5,4 million litres;
- A propane storage facility of 13 cubic metres;
- Two conservancy tanks, each with a capacity of 6000 litres;
- A control room;
- A fuel supply pipeline;
- A water supply pipeline; and
- A High Voltage (HV) yard.

The additional units will be located immediately to the west of the present OCGT power plant and will be incorporated into the general OCGT power plant precinct i.e. the entire area will be fenced off with a single access road. Fuel and water supply would be by means of extensions to the existing pipelines within the OCGT precinct. The extended High Voltage (HV) yard would be located immediately north of the proposed three units and would enable the electricity generated to then be transported to the Proteus substation via the authorized and recently commissioned 400kV transmission line. The total area required to be subdivided and rezoned for the proposed units and associated infrastructure is approximately 25ha. The additional area will be incorporated into the existing OCGT power plant precinct of approximately 28 ha, resulting in a combined area of approximately 53ha. Access would be via the access road to the existing OCGT power plant. The highest points of the plant would be the three emission stacks, likely to be about 30m high. Figure 6 of the Environmental Impact Report by Ninham Shand, dated April 2006, contains a site layout plan and Figure 7 a diagram of a typical OCGT generating unit.

These are activities identified in Government Notice No. R387 of April 2006, being:

Government Notice R387

Activity Number: 1 (a), (c) & (e)

Activity Description: The construction of facilities or infrastructure, including associated structures or infrastructure, for:

- (a) 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;
- (c) the above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of 1000 cubic metres or more at any one location or site including storage of one or more goods, in a tank farm;
- (e) any process or activity which requires a permit or licence in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in GN No. R.386 of 2006.

hereinafter referred to as "the activities".

B. LOCATION:

The site is located adjacent to and immediately west of the existing OCGT power plant at Mossel Bay, on a portion of Portion 1 of the Farm Patrysbrein, 228. Mossel Bay. The locality map is included as Figure 3 in the EIR by Ninham Shand, dated April 2007. The site of the OCGT power plant, now known as the Gourikwa Power Station, is located approximately 13km west of the town of Mossel Bay and approximately 1km northwest of the PetroSA facility. The total area required to be subdivided and rezoned for the proposed units and associated infrastructure is approximately 25ha, and is hereinafter referred to as "the property".

C. APPLICANT:
Eskom Holdings (Pty) Ltd
C/o Mr Kuban Nair
PO Box 1091
Johannesburg
2000

Tel: 083 242 1827
Fax: 011 800 5140

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:
Ninham Shand (Pty) Ltd.
C/o Mr Brett Lawson
PO Box 509
George
6530

Tel: 083 457 0557
Fax: 044 873 5843

E. SITE VISIT(S):

Date: 23 May 2007

Persons Present: Mr D Swanepoel, Mr H Lirde & Mr S Macenzie of the Department of Environmental Affairs & Development Planning ("DEA&DP"), Mr C Norman & Mr B Lawson of Ninham Shand, Mr Joë van Wyk (ECO for the OCGT under construction), Mr K Nair, Mr R Beckmann and Ms D Herbst of Eskom.

F. 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 above and be exempted from the provisions of the regulations specified below.

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises the activities described above and grants exemption from:

- Section 24(4)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) – "*Procedures for the investigation, assessment and communication of the potential impact of activities must ensure, as a minimum, with respect to every application for an environmental authorization - ... (b) investigation of the potential impact of the activity and its alternatives on the environment and assessment of the significance of that potential impact*"

The granting of this environmental authorisation is subject to the conditions set out below.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 (twenty) days after having received this environmental authorisation. In the event that

- an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 8, 9, 10 & 14
 3. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of operation activities.
 - 3.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 3.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 8 & 15
 4. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
 - 4.1 The above must be detailed in the construction and operational phase Environmental Management Plans (EMPs).
 - 4.2 Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
 5. The mitigation/rehabilitation measures and recommendations as detailed in the Environmental Impact Report dated April 2007 compiled by Nipham Shand Consulting Services, must be adopted and implemented. The construction phase and operational phase EMPs must contain a list of all the mitigation measures identified in the Environmental Impact Report (EIR) and clearly make reference to where they are addressed in the EMP.
 6. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 6.1 If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to

Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape..

- 6.2 If any shipwrecks are discovered during construction they must immediately be reported to South African Heritage Resources Agency ("SAHRA") and must not be disturbed further until the necessary approval has been obtained from SAHRA.
- 6.3 If any graves or unmarked human burials are discovered they must be treated with respect and SAHRA must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.
- 7 The holder of the authorisation must implement the Environmental Management Plans (EMP) contained in the Environmental Impact Report, dated March 2007, the revised and updated Construction Environmental Management Plan: Project Specification received on 11 July 2007 and the draft Operation and Maintenance Environmental Management Plan (revised July 2007) by Ninham Shand. These construction phase EMPs are currently being implemented for the construction of the first three turbines and associated structures, authorised on 20 December 2005.
- 8 The draft operational phase Environmental Management Plan (July 2007 revision) must be amended to provide more detail regarding monitoring and reporting during the operational phase, and answers the questions who?, how?, when?, how often?, where? The following aspects must amongst others be included in the operational phase EMP:
- o An ambient air quality program to monitor NOx in the vicinity of the plant.
 - o A detailed air quality management program that indicates and ensures that the emissions emitted during the operation of the OCGT plant does not exceed the proposed and future national ambient air quality standards
 - o A requirement that a detailed quarterly air quality monitoring report must be submitted to the relevant air quality authorities within DEAT, DEA&DP, Eden District Municipality and the Mossel Bay Local municipality
 - o A Noise Impact Management plan for the development which includes:
 - Operation of the units must be limited to a five hour daytime period under normal circumstances i.e. in the absence of power supply failures elsewhere.
 - Regular follow up noise audits to certify that no deterioration has taken place.
 - Pure tones and impulsive sounds must be monitored during operation and corrective measures related to this must be taken immediately should it become necessary.
 - The keeping of a complaints register with details of the time, location and nature of noise complaints received by the proponent.
 - o A monitoring programme for effluent management.

The amended operational phase EMP must be drawn up for the entire facility (i.e. all six turbines and associated structures). The amended operational phase EMP must be submitted to this Directorate for approval at least eighty (80) days before the commencement of the operational phase. The holder of this authorization and operator of the facility must conduct monitoring as

prescribed in the operational phase Environmental Management Plan and take the required corrective actions when necessary.

- 9 The holder of the authorisation must appoint a suitable, experienced Environment Control Officer before commencement of any land clearing or construction activities, for the duration of the construction phase of the development, 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. An extension of the contract of the ECO appointed for the facility authorised on 20 December 2005 may satisfy this condition.
- 10 The Terms of Reference for the Environmental Liaison Committee ("ELC") established in terms of the authorization issued on 20 December 2005, must be amended to include the proposed extension of the OCGT at Mossel Bay, as well as the operational phase of the facility.
 - 10.1 The amended terms of reference for the ELC must be submitted to this Directorate for approval at least three weeks before commencement of any land clearing or construction.
 - 10.2 The TOR must include but is not limited to the following:
 - 10.2.1 the frequency of meetings and reports
 - 10.2.2 chairmanship/membership
 - 10.2.3 auditing requirements
 - 10.2.4 duties and responsibilities during the construction phase
 - 10.2.5 the termination of such ELC
 - 10.2.6 the frequency of providing feedback to the local community.
- 11 The holder of the authorisation must submit an Environmental Audit Report, ("audit report") to this Directorate on the facility authorized on 20 December 2005 as well as the extension herewith authorized within ninety days of this authorization and every quarter thereafter until construction has been completed.
 - 11.1 The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorization and the previous authorization, as well as the status of the rehabilitation programme.
 - 11.2 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
 - 11.3 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
- 12 A validation must be done of the modelled results presented in the Air Emissions Specialist Study done during the EIA process must be undertaken

within 6 months of the facility becoming operational. The results of the validation must be submitted to the Department of Environmental Affairs and Development Planning and other relevant authorities within six months of the facility becoming operational. The authorities reserve the right to call for further ambient air quality monitoring programs in the future.

- 13 The holder of this authorisation and operator of the facility must report any non-compliance with the environmental management plans or non-compliance with the specified levels to the relevant authorities within 24 hours of the non-compliance or non-conformance.
 - 13.1 Monitoring results must be made available to any relevant authority or registered Interested & Affected Party on request.
 - 13.2 A report that interprets the monitoring results must be submitted to the ELC every six months.
- 14 The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder of this authorisation liable for criminal prosecution.
- 15 The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision to authorise the activity –
 - 15.1 Notify all registered interested and affected parties of the outcome of the application and the reasons for the decision; and –
 - 15.2 Specify the date on which the authorisation was issued;
 - 15.3 Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 15.4 Advise all registered interested and affected parties that should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal.
 - 15.5 Inform every interested and affected party that a prescriptive Notice of Intention to Appeal form and Appeal form is obtainable from the Minister's office at tel. (021) 483 3721, email jedevill@pgwrc.gov.za or URL <http://www.capegateway.gov.za/eadp>.
 - 15.6 Inform all interested and affected parties that should they wish to appeal, the appellant must serve on the applicant a copy of the Notice of Intention 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; and
 - 15.7 If the applicant should decide to appeal, the applicant must –
 - lodge a notice of intention to appeal with the Minister; within 10 days of receiving notice of this decision and,
 - submit the appeal within 30 days of the lodging of the notice of intention to appeal and,
 - 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.

- 16 The owners of the agricultural land, immediately adjacent to the OCGT facility within the 50dBA Noise Buffer around the OCGT site, must be informed that the use of their land for township development may be limited due to the potential noise impacts. Signed consent and "in-principle" agreements with respective landowners of areas that may serve as a potential buffer zone in which it is agreed that;
 - 16.1 the landowner would not execute any residential developments within the 50dBA buffer area indicated on the map that was shown and signed off by the landowner;
 - 16.2 the landholder will grant Eskom an option to obtain a servitude restricting residential development over the farm;
 - 16.3 registration of an area servitude over the farm which is to be determined by actual noise measurements on the farm,must be submitted to this Directorate at least three weeks before commissioning of the additional three turbine units and commencement of the operational phase.
- 17 The holder of this Environmental Authorisation must inform the person responsible for the Mossel Bay Municipality's Spatial Development Framework of the 50dBA Noise Buffer around the OCGT site and the fact that further development near the facility may be compromised because of the noise impact and the fact that the facility is a Major Hazard Installation. This must be done before commencement of the operational phase and in each successive IDP/SDF review cycle.
- 18 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.
- 19 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.
- 20 A copy of this authorisation must be kept at the property where the activities 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.
- 21 Where any of the holder of the authorisation's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the holder of the authorisation.

- 22 Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
- 23 This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions imposed in this authorisation must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
- 24 Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
- 25 The activities which are authorised may only be carried out at the property indicated above.
- 26 Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 27 The applicant must apply to the Department of Environmental Affairs and Tourism (DEAT) for a permit in terms of the Atmospheric Pollution Prevention Act No. 45 of 1965 to operate the OCGT plant in question. This Department must be provided with a copy of such application within thirty (30) days of submission of the application to DEAT and a copy of such permit once issued by DEAT.
- 28 All activities on the site must comply with the requirements of the Atmospheric Pollution Prevention Act (Act No. 45 of 1965) at all times.
- 29 Down lighting must be incorporated into the design of the facility and screened to prevent any unnecessary light intrusion onto the National road.
- 30 These activities must commence within a period of two years from the date of issue. If commencement of the activities 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.

H. REASONS FOR THE DECISION:

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

- a) The information contained in the Amended Final Scoping Report dated March 2007, the final Environmental Impact Report dated April 2007 and supplementary information to the final EIR dated 18 May 2007 and 1 July 2007 submitted by the environmental assessment practitioner (EAP) and reviewed by the Department;
- b) The comments received from interested and affected parties as included in the scoping report and final environmental impact assessment report;

- c) 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); and

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.

Exemption:

The EIA is undertaken at project level and its point of departure is contextualized by reference to the following strategic level planning documentation:

- DME's National Energy Policy
- DME's Integrated Energy Plan
- NERSA's National Integrated Resource Plan; and
- Eskom's Integrated Strategic Electricity Plan.

The White Paper on a National Energy Policy, 1998 sets out five objectives for the further development of the energy sector. The five objectives are as follows:

- Increased access to affordable energy services.
- Improved energy governance;
- Stimulating economic development;
- Managing energy related environmental and health impacts; and
- Securing supply through diversity.

The National Integrated Resource Plan (NIRP) evaluates the diversification of the plan for electricity to include cleaner coal technologies, gas, renewable technologies and nuclear.

The applicant has applied for and is exempted from the consideration of alternatives. The proposed open cycle gas turbine technology contribute to security of electricity supply through diversification and is best suited for peaking electricity generation. Since the proposed additional units are essentially an upgrade of the OCGT power plant that is currently under construction, alternative geographical locations have not been considered. In terms of specific sites, the area to the west of the OCGT power plant is the only feasible option. This is due to the OCGTHV yard to the north, PetroSA's expansion plans to the east, and the potential expansion of the landfill to the south. Motivated for the need for peaking electricity generation, alternative technologies for this capacity increase have not been considered. The power station currently under construction comprises specific gas turbine technology hence from an integration point of view, it is required to utilize the same technology for the additional generating units. OCGT technology is "off-the-shelf", and, using this technology, will assist in meeting the deadline of winter 2008 for the additional units to be operational. Process measures (e.g. measures to abate oxides of nitrogen) have been examined in the previous EIA process and the alternative selected during that process would be implemented for the proposed OCGT units as well. Hence process alternatives have not been further investigated.

Impact on fauna & flora:

An assessment of the impacts on biodiversity was done by Mr K Coetzee of Conservation Management Services. He concluded that the proposed OCGT extension is predicted to have little or no negative impact on the environment in which it will be built. The entire extent of the additional area of approximately

25ha will be located outside of the identified botanically sensitive areas. There will be no loss of natural vegetation, only a reduction of transformed agricultural land. Three Red Data listed bird species do occur in the general area, namely: Stanley's bustard, the blue crane and the black harrier. These bird populations will not be significantly impacted on by the additional OCGT units as only wheatland habitat will be impacted on which is a secondary habitat for these birds. The impact on fauna is expected to be very low.

Impact on air quality:

An Air Quality Assessment was done by Airshed Planning Professionals (Pty) Ltd. The report concludes that the OCGT plant would cumulatively not exceed any of the prescribed limits (i.e. South African limit values, reference: SANS 1929 – Ambient air quality – Limits for common pollution) and the impact of emissions on air quality under normal operating conditions is therefore considered as low in significance. The report states further that for oxides of nitrogen, which is the only significant pollutant; standards would not be exceeded if the power station would be operated for 24 hours per day with a NO_x emission of $1351\text{t}/\text{m}^3$. The operational phase EMP requires monitoring of ambient NO_x levels as well as recording in-stack air quality information while the plant is in operation to ensure that emissions are not exceeding legal limits and that the operation of the plant accords with the requirements of the APPA permit.

Geology and drainage:

A concern was raised about polluted runoff entering the Blinde River, and it was suggested that due to PetroSA's perceived inability to manage highly polluted discharges into the Blinde River, Eskom should develop a separate storm water management system. Eskom has a process in place that will ensure that only water that is not contaminated by pollutants is released into the common dirty water system. The contaminated water from the plant collects in the dirty storm water dam. From the dirty storm water line, the water passes through a Drizit plant (separator plant) where oil and water will be separated. The separated oil is stored in tanks and then taken for recycling, and the water passes through to the clean storm water catchment. When the clean storm water dam reaches a certain level, it is tested before being pumped through to the common dirty water system.

Visual impact:

The specialist tasked with assessing the visual impact, recorded high visibility, exposure and receptor sensitivity, but visual sensitivity, absorption capacity and intrusion were considered moderate. In summary the specialist considered the significance of the visual impact of the additional OCGT units as medium, provided that mitigation measures are successfully implemented.

Impact on noise levels:

The environmental noise impact study by Jongens Keet Associates and the peer reviewed by GV Meij found that an impact would be experienced for the operation of all six units during daytime. The operation of all six units for the 24 hour time period would result in a significant impact in all the undeveloped land for future township development. Since no remedial measures seem to be available other than the curtailment of the operating period to the five hour day time period of 06:00 to 22:00, the specialists recommend that operation of the units be limited to a five hour daytime period only and that a binding undertaking be entered into with the proponent. Eskom has indicated that the OCGT is unlikely to operate

outside of the daytime hours of 06:00 to 22:00 as defined in SANS 10103. Nevertheless, Eskom anticipates that the OCG1 may sometimes have to operate for more than 5 hours per day over the next 5 years until further base load capacity is built, and this may sometimes extend into the night time hours of 22:00 to 06:00.

It must be noted that there is a very small number of people living within the 50dBA contour in Figure 7 that will experience a disturbing noise as defined by the Noise Control Regulations. None of the landowners have raised noise concerns during the public participation. However, Eskom has committed to purchase rights on the affected properties, and in terms of the relevant legislation, apply for a noise buffer. In addition to this, the legislation allows for exemption from the noise regulations for specified periods and Eskom may want to pursue this in the event of any exceedances. Future development in the immediate vicinity of the OGCT may be limited by the fact that both the OCG1 and PetroSA are Major Hazard Installations, the presence of a landfill site and the noise buffer.

Impact on socio-economic conditions:

The specialist social impact study commissioned for the proposed additional OCGT units summarized the positive impacts of electricity provision and corporate social responsibility as potentially high and medium respectively (dependent on mitigation), while employment creation, business opportunity and skills development rated positively between insignificant and low. Insofar as negative ratings are concerned; high impacts without mitigation were recorded for labourer and job seeker influx, and social conflict. Mitigation would bring these impacts down to an insignificant level.

Public Participation:

A comprehensive public participation process was undertaken in accordance with Chapter 6 of the EIA Regulations (GN No. R385 of 21 April 2006). Various issues and concerns were raised during the public participation process and addressed to the satisfaction of this Directorate.

In view of the above, this Directorate 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 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

I. APPEAL

Appeals must comply with the provisions as outlined in Chapter 7 of the regulations.

Any person who wishes to appeal against this environmental authorisation must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and, must submit the appeal within 30 days of the lodging of the notice of intention to appeal, by means of one of the following methods:

By post: Provincial Minister for Environment, Planning and Economic Development
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: 3rd floor Leeusig Building
4 Leeuwen Street
Cape Town
8001

A prescribed Notice of Intention to Appeal form and Appeal form is obtainable from the Minister's office at tel. (021) 483 3721 email jedevill@ecdp.gov.za or URL <http://www.capegateway.gov.za/eadp>.

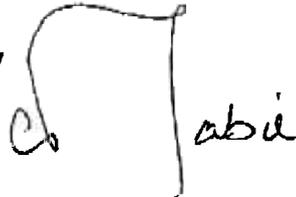
All interested and affected parties that wish to appeal must serve on the applicant a copy of their notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant should decide to appeal, the applicant must 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.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer 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 developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

Handwritten signature of Chris Rabie in black ink.

CHRIS RABIE

DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGIONAL)

DATE OF DECISION: 22/8/2007

Copies to: (1) Mr E Kruger (Mossel Bay Municipality)
(2) Mr B Lawson (Ninham Shand)
(3) Mr D Swanepoel (George office)

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