



GUNN | COMMERCIAL
ATTORNEYS | MINING
ENVIRONMENTAL

"A3"

Attention: Nicole Loser
Centre for Environmental Rights
By e-mail to:
nloser@cer.org.za

Dear Madam

8 April 2016

INTEGRATED ENVIRONMENTAL AUTHORISATION (EA) ISSUED TO NEWSHELF 1282 (PTY) LTD FOR THE ESTABLISHMENT OF THE 1200MW THABAMETSI POWER STATION NEAR LEPHALALE, LIMPOPO PROVINCE, DEA REFERENCE NUMBER 14/12/16/3/3/3/40

1. We address this letter to you at the instance of our client Newshef 1282 (Pty) Ltd. Your letter addressed to Gunn Attorneys dated 23 March 2016 refers.
2. Our preliminary response to the issues raised in your letter follows here-under. We reserve our client's right to respond more fully thereto at a later stage should it be necessary.
3. Re: Paragraphs 5 – 8 of the CER letter dated 23 March 2016
 - 3.1 Our client will commence with undertaking the climate change impact assessment report as directed by the DEA in the appeal decision dated 7 March 2016. The palaeontological impact assessment report was undertaken as required by SAHRA and will be submitted to the DEA as requested.
 - 3.2 The climate change impact assessment report and palaeontological impact assessment report will be submitted to the DEA and to the public for comment.
 - 3.3 As required, surface water monitoring points will be established prior to construction. This will form part of the Water Use License application, which will be available to the public for review and comment as required by the Department of Water and Sanitation.
4. Re: Paragraph 9 of the CER letter dated 23 March 2016
 - 4.1 An incomplete Air Emissions License application has been submitted to the AEL Authority. Once all required information is available for the project, a complete application will be submitted. This application will be made available for public review and comment.
5. Re: Paragraph 10 of the CER letter dated 23 March 2016
 - 5.1 Request noted.

15 Glenhove Road, Melrose Johannesburg 2196
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6. Re: Paragraph 11 of the CER letter dated 23 March 2016

6.1 Our client submitted a bid under the Coal Base Load Independent Power Producer Programme which closed on 2 November 2015. Preferred bidders have not yet been announced.

6.2 As explained in detail in correspondence addressed to you by the project's water specialists (M2 Environmental Connections CC) in a letter dated 1 December 2015, an action plan for the progressive processing of the water use licence will only be submitted for the project if and when the project is successfully appointed as the preferred bidder. This is as required by the Department of Water and Sanitation. The action plan will include public participation.

6.3 As detailed in the appeal response, the AEL application will be updated and finalised only if and when the proposed Thabametsi Power Station project is awarded preferred bidder status by the Department of Energy (DoE). I&APs will be afforded an opportunity to comment on the final application to the AEL Authority.

7. Re: Paragraph 12 of the CER letter dated 23 March 2016

7.1 The DEA has directed our client to undertake the climate change impact assessment study and palaeontological impact assessment study, which it is doing. In addition, the preferred bidder has not yet been announced and other authorisations are still required (such as the WUL and AEL). As such the project still requires certain vital regulatory authorisations to proceed.

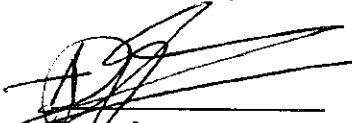
8. Re: Paragraph 13 of the CER letter dated 23 March 2016

8.1 Noted.

9. Re: Paragraph 14 of the CER letter dated 23 March 2016

9.1 Refer above.

Yours faithfully



Gunn Attorneys
Per: Adam Gunn

Cc by e-mail: Mr Mr Ziyaad Hassam
Director of Appeals and Legal Reviews
Department of Environmental Affairs

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