



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: 14/12/16/3/3/2/2009/AM2

Enquiries: Mr Lunga Dlova

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Dr Kilian Hagemann
Oya Energy (RF) (Pty) Ltd
5th Floor, 125 Buitengracht Street
Cape Town
8001

Telephone Number: 021 300 0610
Email Address: oya@g7energies.com

PER EMAIL / MAIL

Dear Dr Hagemann

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 APRIL 2021 FOR THE PROCESS FOR THE 249MW OYA ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR MATJIESFONTEIN, WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 29 April 2021, the amendment to the EA dated 02 August 2021, your application for amendment of the EA received by the Department on 21 April 2023 and the acknowledgement letter dated 04 May 2023, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 02 August 2021 as amended, as follows:

Amendment 1: Amendment to the title of the project (Pg. 1 of EA):

From:

Development of the **301MW** Oya Energy Facility and Associated Infrastructure near Matjiesfontein, Western Cape Province.

Is hereby amended to:

Development of the **249MW** Oya Energy Facility and Associated Infrastructure near Matjiesfontein, Western Cape Province.

Reason for the amendment:

The Fuel Based Generation Facility (FBGF) no longer forms part of the project infrastructure (up to 106MW), the expected total output of the combined solar (155MW) and battery energy storage system (94MW) is now up to 249MW. Therefore, the amendment requires a reduction in the facilities output.

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Amendment 2: Amendment to the Holder of Environmental Authorization as the company is being ring fenced:

From:
Oya Energy (Pty) Ltd

Is hereby amended to:

Oya Energy (RF) (Pty) Ltd

Reason for the amendment:

The Special Purpose Vehicle (SPV) name requires updating as the SPV is being ring-fenced (RF), which involves separating and protecting its assets, liabilities, and operations from the rest of the parent company or other subsidiaries. This update to the company name must be reflected in the EA for legal purposes. Updating the holder of the EA to reflect the ring-fencing of the company ensures that the responsible party for the SPV is accurately reflected in the EA and can be held accountable for compliance with the conditions of the EA. This also helps to ensure that the SPV is self-sufficient and can operate independently.

Amendment 3: The contact information provided in the EA is being updated to reflect the correct contact details of the holder of the EA:

From:
Dr Kilian Hagemann
Oya Energy (Pty) Ltd
5th Floor, 125 Buitengracht Street
CAPE TOWN
8001

Telephone number: (021) 300 0613

Is hereby amended to:

Dr Kilian Hagemann
Oya Energy (RF) (Pty) Ltd
5th Floor, 125 Buitengracht Street
CAPE TOWN
8001
Telephone number: (021) 300 0610

Reason for the amendment:

Special Purpose Vehicle (SPV) name requires updating as the SPV is being ring-fenced (RF), which involves separating and protecting its assets, liabilities, and operations from the rest of the parent company or other subsidiaries. This update to the company name and contact information must reflect in the EA for legal purposes. Updating the holder of the EA to reflect the ring-fencing of the company ensures that the responsible party for the SPV is accurately reflected in the EA and can be held accountable for compliance with the conditions of the EA. This also helps to ensure that the SPV is self-sufficient and can operate independently.

Amendment 4: Minor changes to the wording of the EA are being made to ensure clarity and consistency with the amended holder of the EA and updated contact information (Appendix 8):

Amendment to the listed activities

<u>Listing Notice 1, Activity 24</u>	New internal access roads will be constructed between some of the Photovoltaic arrays, Battery energy Storage System, Fuel Based Generation Facility , Construction Camp, and substation, to facilitate access throughout the facility. It is proposed that these internal access roads will be wider than 8m with additional yet associated servitudes/reserves for above or below ground cable installation and maintenance. Existing roads will be used wherever possible, although new roads will be constructed where necessary. Transport impact Assessment has been undertaken to assess the impacts of the proposed development on the transport network.	The Fuel Based Generation Facility, no longer forms part of the project infrastructure for construction and operation of the facility and must be removed from the EA.
<u>Listing Notice 1, Activity 56</u>	New internal roads will be constructed between some of the photovoltaic arrays, Battery Energy Storage System, Fuel Based Generation Facility , Construction Camp, and substation, in order to facilitate access throughout the facility. It is proposed that these internal access roads will be between approximately 4m and 8m wide. The existing internal and access roads will thus need to be upgraded by widening by more than 6m, or by lengthening them by more than 1 kilometre (km).	The Fuel Based Generation Facility, no longer forms part of the project infrastructure for construction and operation of the facility and must be removed from the EA.
<u>Listing Notice 2, Activity 1</u>	The proposed development will entail the development of a solar photovoltaic (PV) facility and a Battery Energy Storage System (BESS) and Fuel Based Generation Facility with a maximum generation capacity of up to 249MW, with 155MW of this generation capacity coming from solar energy while 94MW/242MWh will be output & storage capacity of the BESS. In addition, the proposed development will be located outside an urban area. It should be noted that the proposed hybrid energy facility will have installed electricity generation capacity of 155MW (generating electricity by solar PV). While the FBGF can generate 106MW of energy (through fuel burn). Both generation assets can generate at different capacity factors (i.e. the % of time the asset can generate at full capacity). With An additional <u>94MW</u> of electricity generated from either the PV or co located wind (EA ref: 14/12/16/3/3/1/1976/2), (generated from either the PV or FBGF in the case of this application, but the BESS may be charged by other developments co-located and thus may be	The FBGF no longer forms part of the project infrastructure for construction and operation of the facility and must be removed from the EA. The overall generation capacity of the facility will be reduced by 106MW with the removal of the FBGF and this must reflect in the EA. The storage capacity of the BESS has been increased to 94MW. The authorised footprint of the BESS remains the same, and the change is due to using a different BESS supplier/model.

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	charged by wind) which is not directly evacuated to the on-site substation will be stored in the BESS and dispatched as and when required. The facility can thus generate and evacuate up to a maximum of up to 249 304 MW of electricity at any given time (should it be required to).	
<u>Listing Notice 2, Activity 2</u>	Remove Fuel Based Generation Facility	The FBGF no longer forms part of the project infrastructure for construction and operation of the facility and must be removed from the EA.
<u>Listing Notice 2, Activity 4</u>	Remove Fuel Based Generation Facility	The FBGF no longer forms part of the project infrastructure for construction and operation of the facility and must be removed from the EA, this includes the removal of associated fuel stores for the FBGF.
<u>Listing Notice 2, Activity 7</u>	Remove Fuel Based Generation Facility	The FBGF no longer forms part of the project infrastructure for construction and operation of the facility and must be removed from the EA, this includes the removal all fuel infrastructure and piping of fuel to the FBGF.
<u>Listing Notice 2, Activity 15</u>	The proposed development will involve the clearance of more than 20ha of indigenous vegetation. Clearance will also be required for the proposed-on site substation, fuel generator , internal access roads and other associated infrastructure.	Amend wording to reflect the removal of the Fuel Based Generation Facility.
<u>Listing Notice 3, Activity 4</u>	New internal roads will be constructed between some of the PV arrays, Battery Energy Storage System, Fuel Based Generation Facility , Construction Camp and substation, to facilitate access throughout the facility. It is proposed that these internal access roads will be between approximately 4m and 8m wide. Existing roads will be used wherever possible, although new roads will be constructed where necessary. These roads will occur within the Western Cape Province, outside urban areas. In addition, the proposed development site contains indigenous vegetation. A Terrestrial Ecology Impact Assessment has been undertaken to assess the impacts of the proposed development on the indigenous vegetation. A Transport Impact Assessment has been undertaken to assess the impacts of the proposed development on the transport network.	Amend wording to reflect the removal of the Fuel Based Generation Facility.

<p>Listing Notice 3, Activity 18</p>	<p>New internal roads will be constructed between some of the photovoltaic PV arrays, Battery Energy Storage System, Fuel Base Generation Facility, construction Camp and substation, in order to facilitate access throughout the facility. It is proposed that these internal access roads will be between approximately 4m and 8m side. The footprint of these is included in the overall PV array, BESS and FBGF. Existing roads will be used wherever possible, although new roads will be constructed where necessary. In addition, during construction, minor road strengthening will take place within the road reserves of the existing public road network. Existing access roads will thus need to be upgraded as part of the proposed development. Access roads will be widened by more than 4m or lengthened by more than 1km. These roads will occur within the Western Cape Province, outside an urban area. In addition, the widening of the roads will occur within areas containing indigenous vegetation and will also occur within and/or within 100m from the edge of a surface water feature/water course. A Terrestrial Ecology Impact Assessment has been undertaken to assess the impacts of the proposed development on the indigenous vegetation. The results of the Terrestrial Ecology Impact Assessment found that there are some sensitivities on site related to natural habitat and to individual species, but that these can be minimised or avoided with the application of appropriate mitigation or management measures.</p>	<p>Amend wording to reflect the removal of the Fuel Based Generation Facility.</p>
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Reason for the amendment:

The listed activities need to be relevant to the current facility to be constructed, all the mentioning of the Fuel Based Generation Facility (FBGF) from the entire EA must be removed. Please note that amendments have been underlined, and deletions strike out for easy reference. In addition, various sections, and pages of the EA mentions the development of the Fuel based Generation Facility, however this no longer forms part of the scope of development, therefore Appendix 8, contains a detailed list of sections, and sentences that need to be altered to remove mention of the facility from the EA. Removing of tables in the EA (page. 13 of EA). Also, remove table 1 and table 2 of Page 1 - the Fuel-Based Generator Facility no longer forms part of the project infrastructure.

Conditions 12 – 14 of the EA updated to reflect the fact that the Oya Hybrid Facility final layout and EMPr was approved (14/12/16/3/3/2/2009/MP1).

Amendment 5: Change in facility output from:

"- For the development of the 301 MW Oya Energy Facility..."

Change in facility output is hereby amended to:

"- For the development of up to **249 MW** Oya Energy Facility..."

Reason for the amendment:

Change in facility output (Pg. 13 of EA): The total MW output of the facility has reduced as the FBGF no longer forms part of the project infrastructure. The storage capacity of the BESS has increased; therefore, the total MW output of the facility is to be amended to reflect the current technical specifications of the facility. The expected total output of the combined solar and BESS is now up to 249MW.

Amendment 6: Amend the technical details of the Solar PV Arrays:

Change from monofacial to **bifacial PV modules**, as bifacial modules have an optimized capacity factor, making them more efficient in energy generation than monofacial PV modules (less losses) and this has been selected as a technological change to the project to improve energy yields.

Reason for the amendment:

Technical specifications and other information relevant to the project are being updated to reflect the latest information and ensure accuracy.

Amendment 7: Details regarding the BESS will change from:

" The BESS would cover an area of up to approximately 7.8ha. The storage capacity of the BESS will be up to 70MW and the type of technology will be **Lithium ion**."

Details regarding the BESS is hereby amended to:

" The BESS would cover an area of up to approximately **9.6 ha**. The storage capacity of the BESS will be up to **94MW/242MWh** and the type of technology will be Lithium **Iron Phosphate (LiFePO4)**"

Preferred Battery Energy Storage System (BESS) Site Alternative	Latitude	Longitude
Corner 1	32° 54'9.76"S	20° 12'33.44"E
Corner 2	32° 54'12.50"S	20° 12'40.36"E
Corner 3	32° 54'23.03"S	20° 12'33.97"E
Corner 4	32° 54'19.96"S	20° 12'26.96"E

Reasons for the amendment:

The amendment is required to reflect the full area to be used for the Battery Energy Storage System (BESS). The corner points will encompass the greater footprint of the FBGF, which was previously located adjacent to the BESS. The 9.6ha will be used exclusively for the BESS footprint, with the previous 1.8ha approved FBGF footprint merging with the 7.8ha approved BESS footprint, as FBGF infrastructure will no longer form part of the project. This does not constitute a change to the authorized and approved footprint.

This proposed amendment letter must be read in conjunction with the EA dated 29 April 2021 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 and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

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@dffe.gov.za


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

By post: Private Bag X447,
Pretoria,
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

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

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 15/05/2023

cc:	Mr Hennie Taljaard	Witzenberg Local Municipality	E-mail: htaljaard@witzenberg.gov.za
	Mr Zaahir Toefy	Western Cape Department of Environmental Affairs and Development Planning	E-mail: Zaahir.toefy@westerncape.gov.za
	Hendrik Jakobus Visser	Name of the landowner:	E-mail: anetenhenni@worldonline.co.za