



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: 14/12/16/3/3/1/1976/2/AM4

Enquiries: Ms. Matlhodi Mogorosi

Telephone: (012) 399 9388 **E-mail:** MMogorosi@dffe.gov.za

Dr. Kilian Hageman
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. Hageman

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION RE-ISSUED (SPLIT) ON 17 MAY 2021 FOR THE PROPOSED 99MW OYA WIND ENERGY FACILITY (WEF) AND ASSOCIATED INFRASTRUCTURE BETWEEN MATJIESFONTEIN AND SUTHERLAND IN THE WESTERN AND NORTHERN CAPE PROVINCES

The Environmental Authorisation (EA) re-issued (split) for the abovementioned application by this Department on 17 May 2021, the EA amendment dated 20 June 2021, your application for amendment of the EA received by the Department on 21 April 2023, the acknowledgement thereof on 03 May 2023, and the additional information received by the Department on 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 **17 May 2021** as amended, as follows:

Amendment 1: Updating of the EA holder and contact details:

From:

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

Telephone Number: (021) 300 0613
E-mail Address: oya@g7energies.com

To:

MS

Dr Kilian Hageman
Oya Energy (RF) (Pty) Ltd
5th Floor, 125 Buitengracht Street
CAPE TOWN
8001

Telephone Number: (021) 300 0610
E-mail Address: oya@g7energies.com

Reason for the amendment is as follows:

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 2: Change to the current wording in various places of the EA:

Project title on page 1 of the EA cover letter:

From:

"THE PROPOSED 99MW OYA WIND ENERGY FACILITY (WEF) AND ASSOCIATED INFRASTRUCTURE, BETWEEN MATJIESFONTEIN AND SUTHERLAND IN WESTERN AND NORTHERN CAPE PROVINCES"

To:

"THE PROPOSED UP TO 99MW OYA WIND ENERGY FACILITY (WEF) AND ASSOCIATED INFRASTRUCTURE, BETWEEN MATJIESFONTEIN AND SUTHERLAND IN WESTERN AND NORTHERN CAPE PROVINCES"

Project title on Page 1 of the EA:

From:

"The 99 MW Oya Wind Energy Facility (WEF) and associated infrastructure, between Matjiesfontein and Sutherland in the Western and Northern Cape Provinces"

To:

"The up to 99MW Oya Wind Energy Facility (WEF) and associated infrastructure, between Matjiesfontein and Sutherland in the Western and Northern Cape Provinces"

Page 4 of the EA: Listed activities table:

From:

Listed Activity	Activity Description
Listing Notice 2: Activity 1 "The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more."	The proposed project will entail the construction of a WEF with a maximum capacity of 99MW (i.e., facilities for the generation of more than 20MW of

	electricity from a renewable resource) and will be located outside an urban area.
--	---

To:

Listed Activity	Activity Description
Listing Notice 2: Activity 1 "The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more."	The proposed project will entail the construction of a WEF with a maximum capacity of <u>up to 99MW</u> (i.e., facilities for the generation of more than 20MW of electricity from a renewable resource) and will be located outside an urban area.

Page 9 of the EA:

From:

"- for the 99MW Oya Wind Energy Facility (WEF) and associated infrastructure, between Matjiesfontein and Sutherland in the Western and Northern Cape Provinces, hereafter referred to as "the property"."

To:

"- for the up to 99MW Oya Wind Energy Facility (WEF) and associated infrastructure, between Matjiesfontein and Sutherland in the Western and Northern Cape Provinces, hereafter referred to as "the property"."

Page 9 of the EA: Technical details table:

From:

INFRASTRUCTURE	FOOTPRINT AND DIMENSIONS
Project Size/Export capacity	99 MW

To:

INFRASTRUCTURE	FOOTPRINT AND DIMENSIONS
Project Size/Export capacity	Up to 99MW

Page 10: Condition 1 of the EA:

From:

1. The 99MW Oya Wind Energy Facility (WEF) and associated infrastructure, between Matjiesfontein and Sutherland in the Western and Northern Cape Provinces is approved as per the geographic coordinates cited in the table above.

To:

1. The up to 99MW Oya Wind Energy Facility (WEF) and associated infrastructure, between Matjiesfontein and Sutherland in the Western and Northern Cape Provinces is approved as per the geographic coordinates cited in the table above.

Reason for the amendments is as follows:

MS

the final output of the WEF will not exceed 99MW (as authorised), however, the final technical specifications of the WEF may be less than 99MW for the facility depending on the turbine models constructed, so thus using the wording 'up to 99MW' to be more accurate.

Amendment 3: change to technical specifications:

Page 10 of the EA: Technical details table:

From:

INFRASTRUCTURE	FOOTPRINT AND DIMENSIONS
Turbines	Turbine foundations: Reinforced concrete foundation -30 m x 30 m (total footprint -4 ha), 5m deep. Crane pads (laydown areas): 56 turbines x 90 m x 50 m (total footprint 11.5ha)

To:

INFRASTRUCTURE	FOOTPRINT AND DIMENSIONS
Turbines	Turbine foundations: Reinforced concrete foundation -30m x 30m (total footprint -4ha), 5m deep. Crane pads (laydown areas): <u>18 turbines x 75m x 60m (total footprint up to 11.5ha).</u>

Reason for the amendment is as follows:

Following the split of the 56-turbine Kudusberg Wind Farm (EA REF: 14/12/16/3/3/1/1976) into two smaller wind farms, namely the 38-turbine Kudusberg Wind Farm (EA REF:14/12/16/3/3/1/1976/1) and 18 turbine Oya Wind Farm (EA REF: 14/12/16/3/3/1/1976/2), the details were incorrectly captured in the Oya Wind Farm EA and must be corrected. The total footprint of the Crane Pads will not exceed 11.5ha (as authorised), however, with the reduction of turbines from 56 to 18 in the final technical specifications, it is anticipated that the overall footprint area will also be reduced for the facility. Therefore, the use of the words "up to 11.5 ha" is more accurate.

This proposed amendment letter must be read in conjunction with the amended EA dated 17 May 2021.

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.

MS

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@dfre.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@dfre.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 18/05/2023

cc:	Mr Zaahir Toefy	Western Cape Department of Environmental Affairs and Development Planning	E-mail: Zaahir.toefy@westerncape.gov.za
	Mr Hennie Tajaard	Witzenberg Local Municipality	E-mail: htajaard@witzenberg.gov.za

M.S