



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

Enquiries: Ms Samkelisiwe Dlamini

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

Tel: (021) 300 0613
E-mail: oya@g7energies.com

PER EMAIL / MAIL

Dear Mr Hagemann

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED 99MW OYA WIND ENERGY FACILITY (WEF) AND ASSOCIATED INFRASTRUCTURE, BETWEEN MATJIESFONTEIN AND SUTHERLAND IN THE WESTERN AND NORTHERN CAPE PROVINCES

With reference to the above application, please be advised that the Department has decided to split EA issued 25 March 2019 and grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

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 decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 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, 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.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 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@environment.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@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 17/05/2021

cc:	Liandra Scott-Shaw	SIVEST SA (Pty) Ltd	Email: liandras@sivest.co.za
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forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

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

Namakwa and Cape Winelands District Municipalities

Authorisation register number:	14/12/16/3/3/1/1976/2
Last amended:	Second Issue
Holder of authorisation:	Oya Energy (Pty) Ltd
Location of activity:	Western Cape: Witzenberg Local Municipality Portion 1, 2 and the Remainder of the Farm Gats Rivier No 156; Portion 1&2 of the Farm Riet Fontein No 157; Portion 1 and the Remainder of the Farm Amandelbloom No 158; Portion 1 and the Remainder of the Farm Oliviers Berg No 159; Northern Cape : Karoo Hoogland Local Municipality Portion 4 of the Farm Urias Gat No 193; Portion 6 and the Remainder of the Farm Urias Gat No 193; Remainder of the Farm Matjies Fontein No 194; Portion 5 of the Farm Urias Gat No 193

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

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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 below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

OYA ENERGY (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Dr Killian Hagemann

Oya Energy (Pty) Ltd

5th Floor

125 Buitengracht Street

CAPE TOWN

8001

Tel: (021) 300 0613

Cell: (082) 768 9830

E-mail: oya@g7energies.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Listed activities	Activity/Project description
<p><u>Listing notice 1: Activity 12 (as amended)</u></p> <p>The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</p>	<p>The proposed WEF buildings and infrastructure are expected to exceed a footprint of 100m² with some infrastructure or structures occurring within a watercourse (drainage line) or 32m of watercourse.</p> <p>The proposed project will take place outside of an urban area.</p>
<p><u>Listing notice 1: Activity 19 (as amended)</u></p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse</p>	<p>The proposed project will entail the excavation, removal, infilling, depositing and moving of more than 10m³ of soil, sand, pebbles or rock from the watercourses.</p>
<p><u>Listing notice 1: Activity 24 (as amended)</u></p> <p>The development of a road—</p> <p>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</p>	<p>An access road wider than 8m and up to 12m in some sections will be constructed with additional yet associated servitudes/reserve for above or below ground cable installation and maintenance.</p>
<p><u>Listing notice 1: Activity 28 (as amended)</u></p> <p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p>	<p>The land is currently used and zoned for agricultural purposes. The proposed Oya WEF which is considered to be a commercial/industrial development which will require a special zoning, will have a footprint of more than 1ha</p>
<p><u>Listing notice 1: Activity 48 (as amended)</u></p> <p>The expansion of—</p>	<p>The proposed Oya WEF will entail the expansion of roads</p>

Listed activities	Activity/Project description
<p>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more where such expansion occurs—</p> <p>(a) within a watercourse</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</p>	<p>and other infrastructure by 100 square metres or more within a watercourse or within 32m from the edge of a watercourse</p>
<p><u>Listing notice 1: Activity 56 (as amended)</u></p> <p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—</p> <p>(i) where the existing reserve is wider than 13,5 meters; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 metres</p>	<p>Existing roads (with additional yet associated servitudes/reserve for above or below ground cable installation and maintenance) will be widened by approximately 8m which is more than 6m in some places to provide access to the WEF site.</p>
<p><u>Listing notice 2: Activity 1 (as amended)</u></p> <p>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more</p>	<p>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.</p>
<p><u>Listing notice 2: Activity 15 (as amended)</u></p> <p>The clearance of an area of 20 hectares or more of indigenous vegetation</p>	<p>The proposed Oya WEF will result in more than 20 ha of indigenous vegetation being removed for the construction of the proposed WEF.</p>
<p><u>Listing notice 3: Activity 4 (as amended)</u></p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres</p> <p>g. Northern Cape</p> <p>ii. Outside urban areas:</p>	<p>Access roads (with additional yet associated servitudes / reserves for above or below ground cable installation and maintenance) wider than 4 3 with a reserve less than 13.5m will be required within the</p>

Listed activities	Activity/Project description
<p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>i. Western Cape</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p>	<p>Northern and Western Cape Provinces, outside urban areas within the specific special areas containing indigenous vegetation.</p> <p>Sections of the site are within an ESA and CBA 2 in the Northern Cape Province. In addition, sections of the site are within an ESA 1 and CBA 1 in the Western Cape Province.</p> <p>There are no NPAES Focus Areas which are affected by the proposed WEF</p>
<p><u>Listing notice 3: Activity 12 (as amended)</u></p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation</p> <p>g. Northern Cape</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p>	<p>The proposed facility's development footprint will result in the clearance of more than 300 square meters of indigenous vegetation. The proposed project area falls within ESA areas and partially a CBA 2 in the Northern Cape Province. The proposed project area falls within ESA 1 areas in the Western Cape Province.</p>
<p><u>Listing notice 3: Activity 14 (as amended)</u></p> <p>The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p>	<p>The proposed Oya WEF will entail the development of roads and other infrastructure with a footprint of 10 square metres or more within a watercourse or within 32m from the edge of a watercourse.</p>

Listed activities	Activity/Project description
<p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>g. Northern Cape</p> <p>ii. Outside urban areas:</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p>	<p>The proposed project area falls within ESA areas and partially within a CBA 2 in the Northern Cape Province. The proposed project area falls within ESA 1 areas in the Western Cape Province.</p>
<p>Listing notice 3: Activity 18 (as amended)</p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>g. Northern Cape</p> <p>ii. Outside urban areas:</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland;</p> <p>i. Western Cape</p> <p>ii. All areas outside urban areas:</p> <p>(aa) Areas containing indigenous vegetation</p>	<p>Existing roads (with additional yet associated servitudes/reserve for above or below ground cable installation and maintenance) will be widened by more than 4m in some places to provide access to the WEF site.</p> <p>The proposed project area falls within ESA areas and partially within a CBA 2 in the Northern Cape Province. The proposed project area falls within ESA 1 areas in the Western Cape Province. The proposed development will also be within 100 metres from the edge of a watercourse or wetland.</p> <p>It should be noted that there are no NPAES Focus Areas which are affected by the proposed WEF.</p>
<p>Listing notice 3: Activity 23 (as amended)</p> <p>The expansion of –</p>	<p>The proposed project area falls within ESA areas and partially within a CBA 2 in the Northern</p>

Listed activities	Activity/Project description
(iii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs— (a) within a watercourse; (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; g. Northern Cape ii. Outside urban areas: (bb) National Protected Area Expansion Strategy Focus areas; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans	Cape Province. The proposed project area falls within ESA 1 areas in the Western Cape Province. Despite the fact that the proposed project area falls partially within CBA 1 areas in the Western Cape Province, no systematic biodiversity plans have been adopted by the WC DEA&DP and no bioregional plans exist for the Witzenberg Municipality. In addition, there are no NPAES Focus Areas which are affected by the proposed WEF

as described in the Basic Assessment Report (BAR) dated January 2019 and Final Amendment Report dated February 2021 at:

SG 21 Code

C	0	1	9	0	0	0	0	0	0	0	0	0	1	5	6	0	0	0	0	1
C	0	1	9	0	0	0	0	0	0	0	0	0	1	5	6	0	0	0	0	2
C	0	1	9	0	0	0	0	0	0	0	0	0	1	5	6	0	0	0	0	0
C	0	1	9	0	0	0	0	0	0	0	0	0	1	5	7	0	0	0	0	1
C	0	1	9	0	0	0	0	0	0	0	0	0	1	5	7	0	0	0	0	2
C	0	1	9	0	0	0	0	0	0	0	0	0	1	5	8	0	0	0	0	1
C	0	1	9	0	0	0	0	0	0	0	0	0	1	5	8	0	0	0	0	0
C	0	1	9	0	0	0	0	0	0	0	0	0	1	5	9	0	0	0	0	1
C	0	1	9	0	0	0	0	0	0	0	0	0	1	5	9	0	0	0	0	0
C	0	7	2	0	0	0	0	0	0	0	0	0	1	9	3	0	0	0	0	4
C	0	7	2	0	0	0	0	0	0	0	0	0	1	9	3	0	0	0	0	6
C	0	7	2	0	0	0	0	0	0	0	0	0	1	9	3	0	0	0	0	0
C	0	7	2	0	0	0	0	0	0	0	0	0	1	9	4	0	0	0	0	0
C	0	7	2	0	0	0	0	0	0	0	0	0	1	9	3	0	0	0	0	5
C	0	7	2	0	0	0	0	0	0	0	0	0	1	6	9	0	0	0	0	0
C	0	7	2	0	0	0	0	0	0	0	0	0	1	7	0	0	0	0	0	1
C	0	7	2	0	0	0	0	0	0	0	0	0	1	7	0	0	0	0	0	0

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Department of Forestry, Fisheries and the Environment
Environmental Authorisation Reg. No. 14/12/16/3/3/1/1976/2

C	0	7	2	0	0	0	0	0	0	0	0	0	0	1	9	0	0	0	0	0
C	0	7	2	0	0	0	0	0	0	0	0	0	0	1	9	0	0	0	0	1
C	0	7	2	0	0	0	0	0	0	0	0	0	1	9	3	0	0	0	0	5
C	0	7	2	0	0	0	0	0	0	0	0	0	1	7	1	0	0	0	0	0
C	0	7	2	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	0
C	0	7	2	0	0	0	0	0	0	0	0	0	1	7	4	0	0	0	0	1

Oya WEF	Latitude	Longitude
Coordinates at Corner Points	32° 46' 11.757"S	20° 21' 39.554" E
	32° 45' 55.571"S	20° 23' 32.919"E
	32° 47' 3.530"S	20° 23' 8.115"E
	32° 48' 14.853"S	20° 23' 15.057"E
	32° 48' 7.939"S	20° 25' 19.086"E
	32° 49' 44.075"S	20° 24' 59.144"E
	32° 50' 41.159"S	20° 24' 13.445"E
	32° 53' 6.441"S	20° 21' 52.752"E
	32° 53' 8.532"S	20° 21' 53.539"E
	32° 54' 36.732"S	20° 21' 50.816"E
	32° 55' 2.170"S	20° 18' 58.064"E
	32° 54' 57.184"S	20° 17' 28.053"E
	32° 55' 48.840"S	20° 14' 21.666"E
	32° 55' 7.517" S	20° 13' 55.356"E
	32° 54' 28.981"S	20° 13' 34.753"E
	32° 52' 11.464"S	20° 12' 21.280"E
	32° 52' 9.896"S	20° 14' 16.133"E
	32° 51' 10.304"S	20° 13' 32.215"E
	32° 51' 0.223"S	20° 12' 19.238"E
	32° 50' 51.343"S	20° 12' 14.058"E
	32° 50' 33.384"S	20° 12' 39.312"E
	32° 50' 21.482"S	20° 12' 33.983"E
	32° 49' 38.848"S	20° 13' 6.405"E
	32° 50' 5.733"S	20° 15' 50.817E
	32° 47' 57.718"S	20° 15' 25.332"E
	32° 48' 16.924"S	20° 17' 59.136"E
	32° 50' 12.452"S	20° 19' 31.355"E
	32° 47' 54.581"S	20° 20' 57.293"E
	32° 48' 1.255"S	20° 21' 9.303"E
	32° 47' 54.387"S	20° 21' 10.181"E
32° 47' 24.673"	20° 21' 0.698"E	
32° 47' 17.149" S	20° 21' 13.982" E	
32° 46' 59.938"S	20° 21' 22.475"E	
32° 46' 56.504"S	20° 21' 29.064"E	

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Coordinates at Centre Point	32°51' 21.895"S	20°18' 41.467"E
Construction Camp	32°47'36.876"	20°21'23.588"E
Coordinates at Corner Point	32°47'28.108"S	20° 21' 19.647"E
	32°47'28.329"S	20°21'28.144"E
	32°47'45.815"S	20° 21' 27.943"E
	32°47'45.598"S	20° 21' 19.332"E
	32°47'43.103" S	20°21'20.053"E
	32°47'40.376"S	20° 21' 20.085"E
	32° 47' 38.132"S	20° 21' 19.168"E
	32° 47' 35.632"S	20° 21' 19.015"E
	32° 47' 34.407"S	20° 21' 18.760"E
SUBSTATION: Coordinates at Corner Points	32°54'19.886"S	20° 12'26.843"E
	32°54'23.125"S	20°12'33.613"E
	32°54'28.772"S	20°12'29.816"E
	32°52'9.014"S	20°21'40.229"E
Coordinates at Centre Point	32°54'25.569"S	20°12'23.122"E

- 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".

The facility will comprise the following:

INFRASTRUCTURE	FOOTPRINT AND DIMENSIONS
Hub Height from ground level Up to 140 m	Up to 101 m
Rotor Diameter	Up to 158 m
Blade length	Up to 79 m
Project Size/Export capacity	99 MW
Area occupied by construction camp	~12.6 ha which includes an on-site concrete batching plant for use during the construction phase and for offices, administration, operations and maintenance buildings during the operational phase.
Permanent area/Facility area occupied by the development footprint of the project	Approximately 62 ha
Internal access roads	Internal access roads up to 12 m wide as well as additional servitude / road reserve), including structures for storm water control are required to access each turbine and the substation, with a total footprint of about 33.2 ha. Where possible, existing

	roads will be upgraded. Turns will have a radius of up to 50m for abnormal loads (especially turbine blades) to access the various turbine positions. 200 m wide corridor along proposed access road to enable micro sitting
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)
Electrical transformer	Electrical transformers (690 V/33 kV) will be placed adjacent to each turbine (typical footprint of 2m x 2m, but can be up to 10m x 10m at certain locations) to step up the voltage to 33 kV. Underground 33 kV cabling between turbines buried along access roads, where feasible, with overhead 33 kV lines grouping turbines to crossing valleys and ridges outside of the road footprints to get to the onsite 33/132 kV substation.
Wind Monitoring masts	2xheight of the hub height
Proximity to grid connection	Kappa MTS is located 31km southwest of the Project
Fencing	Permanent fencing will be required around the batching plant, the onsite substation and will be a maximum of 4 m high

Conditions of this Environmental Authorisation

Scope of authorisation

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.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited

to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.

4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental 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 Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. If commencement of the activity 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.
8. Construction must be completed within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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 has been finalised.

Management of the activity

13. The site layout plan as attached as part of the Final EA Amendment Assessment Report dated February 2021 is approved.
14. Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:

Mr Muhammad Essop
Integrated Environmental Authorisations
Strategic Infrastructure Developments
Telephone Number: (012) 399 9406
Email Address: MEssop@environment.gov.za

Furthermore, a shapefile of the approved development layout/footprint must be submitted to this Department within shapefile must be created using the

15. The Environmental Management Programme (EMPr) submitted as part of the Final EA Amendment Assessment Report dated February 2021 is approved and must be implemented and adhered to.
16. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.

17. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
18. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

Frequency and process of updating the EMPr

19. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 26 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
20. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
21. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
22. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
23. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

24. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.

- 24.1. The ECO must be appointed before commencement of any authorised activities.
- 24.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 24.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 24.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

25. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
26. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
27. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
28. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
29. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
30. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

31. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site

preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

32. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

33. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

Specific conditions

Conditions for Non-operational aspects

34. All wind turbines as well as associated infrastructure (powerline and substations) must avoid all areas designated as "no-go" areas as well as their buffers.

35. The final placement of turbines must follow a micro siting procedure involving a walk-through and identification of any sensitive areas by ecological, avifaunal, bat, surface water and heritage specialists.

36. Roads must avoid no go areas where possible.

If archaeological heritage material, fossils and human remains are uncovered during construction, all work must cease immediately and be reported to the South African Heritage Resources Agency (SAHRA) so that a systematic and professional investigation / excavation can be undertaken

General

37. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-

37.1. at the site of the authorised activity;

37.2. to anyone on request; and

37.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.

38. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her 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 holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 12/05/2021



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The listed activities in the amendment application form received on 26 February 2021
- b) The information contained in the Final EA Amendment Assessment Report dated June 2019.
- c) The comments received as included in the BAR dated January 2019 and the Final EA Amendment Assessment Report dated February 2021
- d) Mitigation measures as proposed in the BAR and the Final EA Amendment Report.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated January 2019 and the Final EA Amendment Assessment Report dated February 2021 and as appears below:

Technical Discipline	Specialist Organisation	Lead Specialist
Surface Water/Aquatic Impact Assessment	Scientific Aquatic Services (SAS)	Mr Stephen van Staden
Surface Water Specialist	FEN Consulting – part of Scientific Aquatic Services (SAS) Environmental Group of Companies	Christel du Preez
Bats Assessment	Bioinsight (PTY) Ltd.	Miguel Mascarenhas
Ecological Assessment	David Hoare Consulting (Pty) Ltd	Dr David Hoare
Avifaunal Assessment	Bioinsight (PTY) Ltd.	Miguel Mascarenhas
Heritage Assessment	CTS Heritage	Jenna Lavin
Heritage Assessment	CTS Heritage	Nicholas Wiltshire
Noise Impact Assessment	SAFETECH	Dr Brett Williams
Socio-economic Assessment	Urban-Econ Development Economists	Elena Broughton
Socio-economic Assessment	Urban-Econ Development Economists	Marcel Theron
Agriculture and Soils		Johann Lanz
Transportation Assessment	JG Afrika (Pty) Ltd	Iris Wink
Visual Impact Assessment	SIVest	Kerry Schwartz

2. Key factors considered in making the decision

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.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) The BAR dated January 2019 and Final EA Amendment Assessment Report dated February 2021 identified all legislation and guidelines that have been considered in the preparation of the Final EA Amendment Assessment Report.
- d) The location of turbines as presented in the final BAR dated January 2019 and the Final EA Amendment Assessment Report dated February 2021.
- e) The methodology used in assessing the potential impacts identified in the BAR dated January 202, Final EA Amendment Assessment Report dated February 2021 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

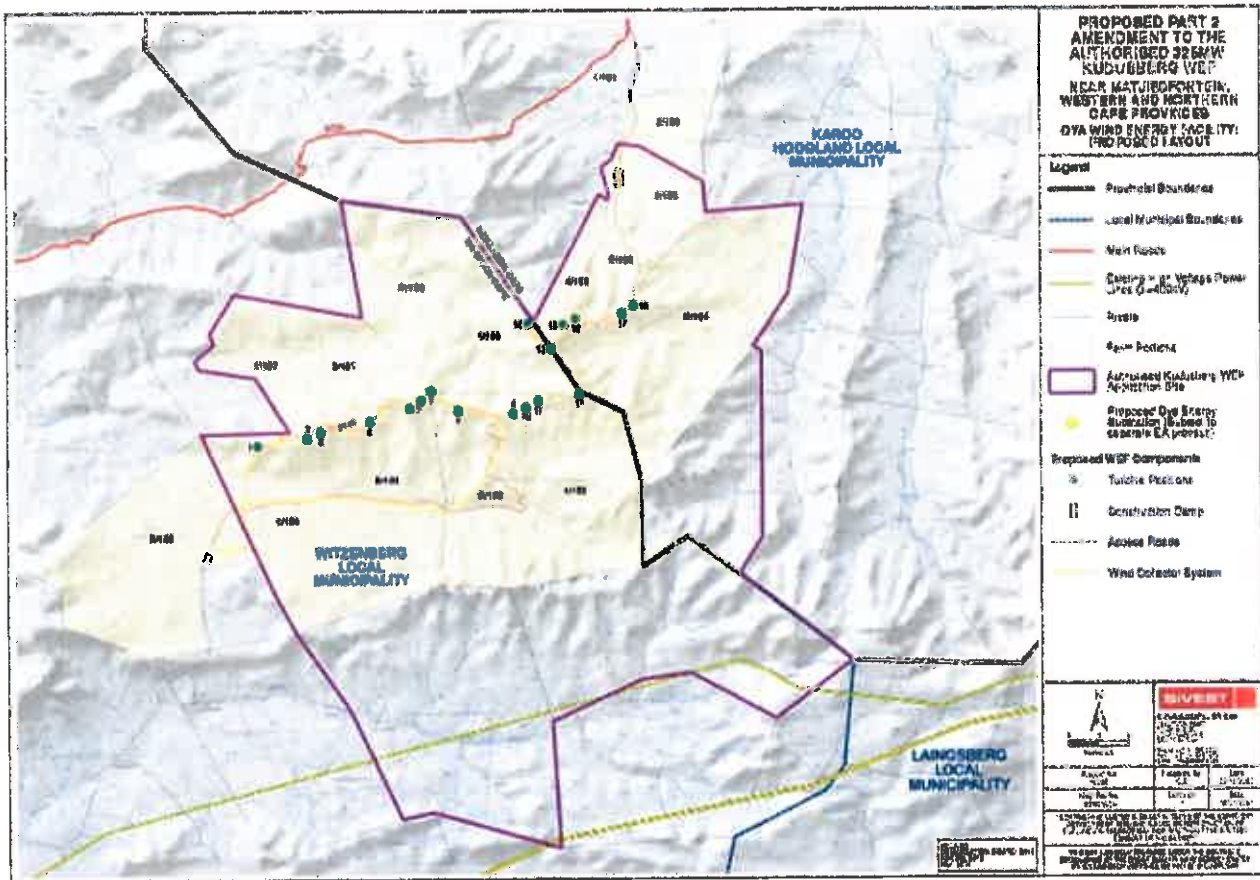
3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated January and the Final EA Amendment Assessment dated February 2021 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the BAR dated January 2019 and Final EA Amendment Assessment dated February 2021 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

Annexure 2: Locality Plan



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