



## 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/AM1

Enquiries: Mr Thando Booï

Telephone: (012) 399 9387 E-mail: TBooi@environment.gov.za

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

Telephone Number: (021) 300 0613  
Email Address: oya@g7energies.com

### PER EMAIL / MAIL

Dear Dr Hagemann

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 APRIL 2021 FOR THE 301MW 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, your application for amendment of the EA received by the Department on 15 July 2021, the acknowledgement letter dated 20 July 2021 and additional information received on 20 July 2021, 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 29 April 2021, as follows:

#### **Amendment 1: To remove the following listed activity on Page 3 of the EA:**

Activity 9 of Listing Notice 1, which states that *“the development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water –*

*(i) with an internal diameter of 0.36 metres or more; or excluding where –*

*(a) such infrastructure is for bulk transportation of water or storm water drainage inside a road reserve or railway line reserve; or*

*(b) where such development will occur within an urban area”*

#### **Amendment 2: To amend the details of temporary infrastructure on Page 15 of the EA:**

##### **From:**

##### **Temporary Infrastructure**

- To obtain water from available local sources. New or existing boreholes, including a potential temporary above ground pipeline (approximately 50cm in diameter), to feed water to the on-site batching plant are being proposed. Water will potentially be stored in temporary water storage tanks.
- Temporary containers of approximately 80m<sup>3</sup> for the storage of fuel on site during the construction phase.

**To:**

**Temporary Infrastructure**

- Water will potentially be stored in temporary water storage tanks.
- Temporary containers of approximately 80m<sup>3</sup> for the storage of fuel on site during the construction.

**Amendment 3: To amend the details of infrastructure under boreholes and storage tanks on Page 19 of the EA:**

**From:**

<b>Boreholes and storage tanks</b>	<ul style="list-style-type: none"><li>• Water will be sourced from available local sources;</li><li>• New or existing boreholes, including a potential temporary above ground pipeline (approximately 50cm in diameter), to feed water to the on-site batching plant;</li><li>• Water will potentially be stored in temporary water storage tanks;</li><li>• The necessary approvals from the Department of Human Settlement, Water and Sanitation will be applied for separately (should this be required); and</li><li>• Temporary containers of approximately 80m<sup>3</sup> will be required for the storage of diesel on-site during the construction phase.</li></ul>
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**To:**

<b>Storage tanks</b>	<ul style="list-style-type: none"><li>• Water will be sourced from available local sources;</li><li>• Water will potentially be stored in temporary water storage tanks;</li><li>• The necessary approvals from the Department of Human Settlement, Water and Sanitation will be applied for separately (should this be required); and</li></ul>
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Amendment of the environmental authorisation issued on 29 April 2021 for the 301MW Oya energy facility and associated infrastructure near Matjiesfontein, Western Cape Province

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	<ul style="list-style-type: none"><li>• Temporary containers of approximately 80m<sup>3</sup> will be required for the storage of diesel on-site during the construction phase.</li></ul>
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**Reason for the abovementioned amendments:**

During the detailed design phase of the project, the engineers determined that a pipeline is no longer required to transport water from an existing or new borehole and/or water storage facility. As such this activity is removed from the EA and relevant sections of the EA amended in order to ensure that the EA and the final layout is aligned.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10 year period, your EA will be deemed to have lapsed and a new application for Environmental Authorisation will have to be lodged.

This proposed amendment letter must be read in conjunction with the EA dated 29 April 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.

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](mailto:appeals@environment.gov.za);

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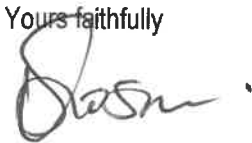
By hand: Environment House  
473 Steve Biko,  
Arcadia,  
Pretoria,  
0083; or

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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully



**Mr Vusi Skosana**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**

Date: 02 August 2021



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REPUBLIC OF SOUTH AFRICA

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Email: [Vbendeman@environment.gov.za](mailto:Vbendeman@environment.gov.za)

Mr. Vusi Skosana  
Director: Strategic co-ordination planning and support

Dear Mr. Vusi Skosana

## **APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 26 JULY 2021 UNTIL 3<sup>rd</sup> AUGUST 2021.**

This serves to confirm your appointment as Acting Chief Director: integrated environmental authorisations, from 26 July 2021 until 3<sup>rd</sup> August 2021, whilst Mr Sabelo Malaza is on Annual Leave.

You will act in this capacity with the full responsibilities and duties attached to the post, including the activities entrusted to the Acting Chief Director: integrated environmental authorisations by or in terms of the Acts administered by the Department.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Devinagle Bendeman

Acting Deputy Director-General: RCSM (Regulatory Compliance and Sector Monitoring)

Date: 9/07/2021



### **ACKNOWLEDGEMENT**

I ~~DO NOT~~ ACCEPT  
appointment as Acting Chief  
Director: integrated environmental  
authorizations

Signed:

Date: 14 July 2021