



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: 14/12/16/3/3/1/2500

Enquiries: Ms Makhosazane Yeni

Telephone: (012) 399 9400 **E-mail:** MYeni@dffe.gov.za

Ms Sabri Abrahams
Umoya Energy (RF) (Pty) Ltd
PO Box 23101
CLAREMONT
7735

Telephone Number: 021 670 1400
Cell phone Number: 083 258 0264
Email Address: Sabri.abrahams@eimsafrica.com

PER EMAIL / MAIL

Dear Ms Abrahams

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED WATERCOURSE CROSSING ASSOCIATED WITH THE HOPEFIELD WIND ENERGY FACILITY ON PORTION 3 OF FARM COERATENBERG, SOUTH OF HOPEFIELD, SALDANHA BAY LOCAL MUNICIPALITY OF WEST COAST DISTRICT MUNICIPALITY IN THE WESTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to 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 fourteen (14) 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 stipulates 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 abuses or compromises 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 prescribe 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@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



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment
Date: 28/07/2022.

cc:	Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Tel: 011-656-3237	E-mail: joanne@savannahsa.com
	Pieter van Zyl	Western Cape: Department of Environmental Affairs & Development Planning	Tel: 021 483 4790	E-mail: Pieter.vanzyl@westerncape.gov.za
	Nazeema Duarte	Saldanha Bay Local Municipality	Tel: 022 701 7116	E-mail: Nazeema.duarte@sbm.gov.za



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 watercourse crossing associated with the Hopefield Wind Energy Facility on Portion 3 of Farm Coeratenberg 307, South of Hopefield, Saldanha Bay Local Municipality in the Western Cape Province

West Coast District Municipality

Authorisation register number:	14/12/16/3/3/1/2500
Last amended:	First issue
Holder of authorisation:	Umoya Energy (RF) (Pty) Ltd.
Location of activity:	Portion 3 of Farm Coeratenberg 307, South of Hopefield, Saldanha Bay Local Municipality of West Coast District Municipality in the Western Cape Province

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.

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 –

UMOYA ENERGY (RF) (PTY) LTD

with the following contact details –

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

Activity number	Activity description
<p><u>Listing Notice 1, Activity 12 (ii)(a)</u></p> <p>The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more - where such development occurs</p> <p>(a) within a watercourse</p>	<p>Plans for the proposed concrete low-level crossing through the Sout River show the crossing structure, roadway approach and supporting Gabion Mattress to cover a combined 100,8m² in size.</p>
<p><u>Listing Notice 1, Activity 19(i)</u></p> <p>The infilling or depositing of any material of more than [5] 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than [5] 10 cubic metres from</p> <p>(i) a watercourse;</p>	<p>The proposed works in the Sout River include</p> <ul style="list-style-type: none"> >> Clearing site >> Cut to spoil construction prism – 18m³. >> Rock fill and roadbed preparation – 12m³. >> Concrete screed and pavement – 13m³. >> Gabion mattresses – 11m³.
<p><u>Listing Notice 1, Activity 27</u></p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation</p>	<p>The proposed development is approximately 1 hectare in size. The construction footprint will require the area to be cleared. There is sparse vegetation in the site area to be cleared.</p>
<p><u>Listing Notice 3, Activity 14(ii)(a)(i)(ii)(aa)(ff)</u></p> <p>The development of —</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more, where such development occurs—</p> <p>(a) within a watercourse.</p> <p>i. Western Cape</p> <p>ii. Areas outside urban areas;</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies</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>Plans for the proposed crossing through the Sout River show the concrete crossing structure, roadway approach and supporting Gabion Mattress to cover a combined 100,8m² in size. The site is located within a critical biodiversity area in terms of the biodiversity assessment of the West Coast District Municipality. The site exists on portions of the Hopefield Wind Energy Facility that have been declared part of West Coast National Park Management Areas.</p>

as described in the Basic Assessment Report (BAR) dated May 2022 at:

Farm name: Portion 03 of the Farm Coeratenberg 307

SG 21 Code: Umoya watercourse crossing																				
C	0	4	6	0	0	0	0	0	0	0	0	0	0	3	0	7	0	0	0	3

Coordinates of the watercourse crossing		
Point	Latitude	Longitude
Start	33°05'51.08"S	18°21'49.81"E
Middle	33°05'51.5"S	18°21'49.8"E
End	33°05'51.84"S	18°21'49.78"E

- for proposed watercourse crossing associated with the Hopefield Wind Energy Facility on Portion 3 of Farm Coeratenberg 307, South of Hopefield, Saldanha Bay Local Municipality of West Coast District Municipality in Western Cape Province, hereafter referred to as "the property".

The construction of a concrete low-level crossing, including a reno gabion mattress, and roadway approach – the development will include the following parts:

- Bridge: 10m long and 3,2m wide with keyed jointed panels and kept as low as possible.
- Roadway Approach: 5m on either side of the crossing.
- Gabion Mattress: Reno gabion mattresses filled (6m by 2m by 300mm) with approved rock fill on the downstream side of the concrete slab. 24m length and 1m width on downstream side of bridge
- Combined Length: 24m
- Combined Width: up to 4.2m

The proposed works can be listed as follows:

- a) Keeping works dry for construction.
- b) Cut to spoil construction prism – 18m³.
- c) Rock fill and roadbed preparation – 12m³.
- d) Concrete screed and pavement – 13m³.
- e) Gabion mattresses – 11m³.
- f) Clearing site.
- g) Time for completion is +- 4 weeks.

Conditions of this Environmental Authorisation

Scope of authorisation

1. This authorisation is for watercourse crossing associated with the Hopefield Wind Energy Facility on Portion 3 of Farm Coeratenberg 307, South of Hopefield, Saldanha Bay Local Municipality of West Coast District Municipality in Western Cape Province 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. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

9. 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.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued,
 - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014,
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

11. 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

12. A combined layout and sensitivity map of the proposed low-level crossing attached as Appendix A of the EMPr dated March 2022 and the River Crossing Design attached as Appendix F1, Drawing no WCNP-7/7/2/23/1 is hereby approved.
13. The EMPr dated March 2022 is hereby approved and must be adhered to.
14. 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.
15. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.
16. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

Frequency and process of updating the EMPr

17. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 21 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.
18. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
19. 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.
20. 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.
21. 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

22. 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.
 - 22.1. The ECO must be appointed before commencement of any authorised activities.
 - 22.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 22.3. The ECO must keep record of all activities on site, problems identified, transgressions noted, and a task schedule of tasks undertaken by the ECO.

- 22.4. 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

23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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

29. 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

30. 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

31. 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

32. The footprint of the development must be limited to the areas required for actual construction works.
33. Permits from relevant authorities must be obtained for the removal of any protected prior construction.
34. Should any archaeological sites or graves be discovered or exposed during construction work, it must immediately be reported to a heritage practitioner or authority so that an investigation and evaluation of the finds can be made.
35. All declared aliens must be identified and managed in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).
36. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
37. No discharge of effluents or wash water from cement batching areas must be allowed to enter the watercourse. Runoff must be strictly controlled in the vicinity of any cement batching areas.
38. Vegetation clearing must be kept to an absolute minimum.
39. Environmental friendly materials must be used where possible.
40. Erosion control measures must be implemented post construction.
41. Construction must include design measures that allow surface and subsurface movement of water so as not to impede natural surface and subsurface flows.
42. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use, and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

General

43. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 43.1. at the site of the authorised activity,
 - 43.2. to anyone on request; and

- 43.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
44. 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: 28/01/2022



Ms Milicent Solomons

**Acting 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 as applied for in the application form received on 18 May 2022 and amended on 15 July 2022.
- b) The information contained in the final BAR dated May 2022.
- c) The comments received from interested and affected parties as included in the BAR dated May 2022.
- d) Mitigation measures as proposed in the final BAR and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated May 2022.

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 ties in with improving the current condition of the existing Sout River crossing and provide access for Wind Farm and SANParks management teams to access management areas south of the river crossing.
- c) The final BAR dated May 2022 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the BAR dated May 2022 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended 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 May 2022 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 proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

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.



**forestry, fisheries
& the environment**

Department
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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Ms. Milicent Solomons
Director: Prioritized Infrastructure Projects

Dear Mrs Solomons

**APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORIZATIONS
FOR THE PERIOD OF 25 APRIL 2022 UNTIL 31 OCTOBER 2022**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated Environmental Authorizations for the period of 25 April to 31 October 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

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 Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms Davinagie Bendeman
Deputy Director-General: RCSM (Regulatory Compliance and
Sector Monitoring)

Date 20 April 2022

ACKNOWLEDGEMENT

I ~~ACCEPT~~ / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorizations

Signed:

Date:

20/04/2022