



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: 14/12/16/3/3/1/2040/AM1

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HUMERAIL
6001

Telephone Number: 041 506 4900
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PER EMAIL / MAIL

Dear Mr Vandrey

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 NOVEMBER 2021, FOR THE UMSOBOMVU INFRASTRUCTURE DEVELOPMENT WITHIN THE INXUBA YETHEMBA AND UNSOBOMVU LOCAL MUNICIPALITIES, EASTERN AND NORTHERN CAPE PROVINCES

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 10 November 2021, your application for amendment of the EA received by the Department on 03 May 2023, the acknowledgement letter dated 10 May 2023 and the additional information received on 15 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 10 November 2021, as follows:

Amendment 1: Increase of the operational road width by 1m, pages 3, 4, 6 and 9 of the EA:

From:

Page 3 Listing Notice 1

<u>Listing Notice 1, Item 24(ii):</u> The development of a road – (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 meters.	The Applicant is proposing the construction of a new section of road of approximately 1.4 km in length which will be 12m in width during the construction phase and rehabilitated to 5 m in width during the operational phase. In addition, approximately 5.7 km of roads will be upgraded to 12m in width during the
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	construction phase and rehabilitated to 5 m in width during the operational phase.
<p><u>Listing Notice 1, Item 56:</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 metres; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 metres.</p>	<p>The Applicant is proposing the construction of a new section of road of approximately 1.4 km in length which will be 12 m in width during the construction phase and rehabilitated to 5 m in width during the operational phase. In addition, approximately 5.7 km of roads will be upgraded to 12 m in width during the construction phase and rehabilitated to 5 m in width during the operational phase.</p>

To:

<p><u>Listing Notice 1, Item 24(ii):</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 meters.</p>	<p>The Applicant is proposing the construction of a new section of road of approximately 1.4 km in length which will be 12 m in width during the construction phase and rehabilitated to 6 m in width during the operational phase. In addition, approximately 5.7 km of roads will be upgraded to 12 m in width during the construction phase and rehabilitated to 6 m in width during the operational phase.</p>
<p><u>Listing Notice 1, Item 56:</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 metres; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 metres.</p>	<p>The Applicant is proposing the construction of a new section of road of approximately 1.4 km in length which will be 12 m in width during the construction phase and rehabilitated to 6 m in width during the operational phase. In addition, approximately 5.7 km of roads will be upgraded to 12 m in width during the construction phase and rehabilitated to 6 m in width during the operational phase.</p>

From:

Page 4 Listing Notice 3

<p><u>Listing Notice 3, Item 4(a)(i)(bb)(ee) and 4(g)(ii)(bb)(ee)</u></p> <p><i>The development of a road wider than 4 metres with a reserve less than 13.5 metres</i></p> <p>a. Eastern Cape</p> <p><i>(i) Outside urban areas:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Areas; and</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</i></p> <p>g. Northern Cape</p> <p><i>(ii) Outside urban areas:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Areas; and</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>The Applicant is proposing the construction of a new section of road of approximately 1.4 km in length which will be 12 m in width during the construction phase and rehabilitated to 5 m in width during the operational phase. In addition, approximately 5.7 km of roads will be upgraded to 12 m in width during the construction phase and rehabilitated to 5 m in width during the operational phase.</p>
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To:

<p><u>Listing Notice 3, Item 4(a)(i)(bb)(ee) and 4(g)(ii)(bb)(ee)</u></p> <p><i>The development of a road wider than 4 metres with a reserve less than 13.5 metres</i></p> <p>a. Eastern Cape</p> <p><i>(i) Outside urban areas:</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus Areas; and</i></p>	<p>The Applicant is proposing the construction of a new section of road of approximately 1.4 km in length which will be 12 m in width during the construction phase and rehabilitated to 6 m in width during the operational phase. In addition, approximately 5.7 km of roads will be upgraded to 12 m in width during the construction phase and rehabilitated to 6 m in width during the operational phase.</p>
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<p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</p> <p>g. Northern Cape</p> <p>(ii) Outside urban areas:</p> <p>(bb) National Protected Area Expansion Strategy Focus Areas; and</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	
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From:

Page 6 Listing Notice 3

<p><u>Listing Notice 3, Item 18(a)(i)(bb)(ee)(ii) and 18(g)(ii)(bb)(ee)(ii):</u></p> <p><i>The widening of a road by more than 4 meters or the lengthening of a road by more than 1 kilometre.</i></p> <p>a. Eastern Cape</p> <p>(i) Outside urban areas:</p> <p>(bb) National Protected Area Expansion Strategy Focus Areas; and</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; and</p> <p>(ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.</p> <p>g. Northern Cape</p> <p>(ii) Outside urban areas:</p> <p>(bb) National Protected Area Expansion Strategy Focus Areas; and</p>	<p>The Applicant is proposing the construction of a new section of road of approximately 1.4 km in length which will be 12 m in width during the construction phase and rehabilitated to 5 m in width during the operational phase. In addition, approximately 5.7 km of roads will be upgraded to 12 m in width during the construction phase and rehabilitated to 5 m in width during the operational phase. These roads traverse Eastern and Northern Cape CBAs, fall within 100 m from the edge of a watercourse and are situated within the Karoo Escarpment Grassland Focus Area.</p>
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<p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; and</p> <p>(ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.</p>	
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To:

<p><u>Listing Notice 3, Item 18(a)(i)(bb)(ee)(ii) and 18(g)(ii)(bb)(ee)(ii):</u></p> <p><i>The widening of a road by more than 4 meters or the lengthening of a road by more than 1 kilometre.</i></p> <p>a. Eastern Cape</p> <p>(i) Outside urban areas:</p> <p>(bb) National Protected Area Expansion Strategy Focus Areas; and</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; and</p> <p>(ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.</p> <p>g. Northern Cape</p> <p>(ii) Outside urban areas:</p> <p>(bb) National Protected Area Expansion Strategy Focus Areas; and</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; and</p> <p>(ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.</p>	<p>The Applicant is proposing the construction of a new section of road of approximately 1.4 km in length which will be 12 m in width during the construction phase and rehabilitated to 6 m in width during the operational phase. In addition, approximately 5.7 km of roads will be upgraded to 12 m in width during the construction phase and rehabilitated to 6 m in width during the operational phase. These roads traverse Eastern and Northern Cape CBAs, fall within 100 m from the edge of a watercourse and are situated within the Karoo Escarpment Grassland Focus Area</p>
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From:

Page 9 Project description

- a) Creating a new access point and upgrading existing jeep tracks and farm roads of approximately 7.1 km in length to create new access road routes. This includes the construction of a new section of road of approximately 1.4 km in length and the upgrade of roads of approximately 5.7 km in length. These roads will be expanded to 12 m in width during the construction phase and rehabilitated to 5 m in width during the operational phase.

To:

- a) Creating a new access point and upgrading existing jeep tracks and farm roads of approximately 7.1 km in length to create new access road routes. This includes the construction of a new section of road of approximately 1.4 km in length and the upgrade of roads of approximately 5.7 km in length. These roads will be expanded to 12 m in width during the construction phase and rehabilitated to 6 m in width during the operational phase.

Reason for amendment:

Due to the technicality of the terrain one (1) additional meter is required for the operational road width. The assessed road width was 12m (approved for construction phase), while the requested operational road width is 6m instead of 5m to allow for the navigation of the difficult terrain on site.

Amendment 2: Change in infrastructure coordinates, page 7 and 8 of the EA:**From:**

Southern Section		
Collector Substation	Latitude	Longitude
Corner Point 1	31° 21.050'S	24° 49.348'E
Corner Point 2	31° 21.317'S	24° 49.565'E
Corner Point 3	31° 21.503'S	24° 49.255'E
Corner Point 4	31° 21.236'S	24° 49.038'E
Internal Overhead Lines (1.36km)	Latitude	Longitude
Start	31° 21.370'S	24° 49.476'E
Middle	31° 21.489'S	24° 49.777'E
End	31° 21.288'S	24° 50.235'E
33kV Switching Station	Latitude	Longitude
Corner Point 1	31° 21.281'S	24° 50.234'E

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DFFE Reference: 14/12/16/3/3/1/2040/AM1

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 NOVEMBER 2021, FOR THE UMSOBOMVU INFRASTRUCTURE DEVELOPMENT WITHIN THE INXUBA YETHEMBA AND UNSOBOMVU LOCAL MUNICIPALITIES, EASTERN AND NORTHERN CAPE PROVINCES

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Corner Point 2	31° 21.276'S	24° 50.245'E
Corner Point 3	31° 21.286'S	24° 50.251'E
Corner Point 4	31° 21.290'S	24° 50.240'E
Temporary Batching Plants and Laydown Areas	Latitude	Longitude
Corner Point 1	31° 21.504'S	24° 49.256'E
Corner Point 2	31° 21.410'S	24° 49.409'E
Corner Point 3	31° 21.545'S	24° 49.520'E
Corner Point 4	31° 21.636'S	24° 49.364'E
Northern Section		
Temporary Batching Plants and Laydown Areas	Latitude	Longitude
Corner Point 1	31° 18.072'S	24° 52.239'E
Corner Point 2	31° 18.095'S	24° 52.423'E
Corner Point 3	31° 18.256'S	24° 52.395'E
Corner Point 4	31° 18.232'S	24° 52.208'E
Access point	Latitude	Longitude
	31° 18.022'S	24° 52.031'E
Access Road Upgrades (~5.7km)	Latitude	Longitude
1.	31°18.072'S	24°52.239'E
2.	31°18.095'S	24°52.423'E
3.	31°18.256'S	24°52.395'E
4.	31°18.232'S	24°52.208'E
5.	31°18.072'S	24°52.239'E
6.	31°18.095'S	24°52.423'E
7.	31°18.256'S	24°52.395'E
8.	31°18.232'S	24°52.208'E
9.	31°18.232'S	24°52.208'E
New Access Road (~1.4km)	Latitude	Longitude
1.	31°18.072'S	24°52.239'E
2.	31°18.095'S	24°52.423'E
3.	31°18.256'S	24°52.395'E

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4.	31°18.232'S	24°52.208'E
5.	31°18.072'S	24°52.239'E
6.	31°18.095'S	24°52.423'E

To:

Southern Section		
Collector Substation	Latitude	Longitude
Corner Point 1	31°21'24.72"S	24°49'15.36"E
Corner Point 2	31°21'21.50"S	24°49'16.63"E
Corner Point 3	31°21'22.46"S	24°49'19.88"E
Corner Point 4	31°21'25.70"S	24°49'18.58"E
Internal Overhead Lines (1.36km)	Latitude	Longitude
Start	31°21'20.30"S	24°49'49.50"E
Middle	31°21'13.80"S	24°49'59.81"E
End	31°21'05.01"S	24°50'13.86"E
33kV Switching Station	Latitude	Longitude
Corner Point 1	31°20'53.65"S	24°50'30.12"E
Corner Point 2	31°20'51.91"S	24°50'33.20"E
Corner Point 3	31°20'54.00"S	24°50'35.55"E
Corner Point 4	31°20'55.85"S	24°50'32.31"E
Temporary Batching Plants and Laydown Areas	Latitude	Longitude
Corner Point 1	31°21'29.47"S	24°49'17.39"E
Corner Point 2	31°21'26.27"S	24°49'25.95"E
Corner Point 3	31°21'30.92"S	24°49'29.59"E
Corner Point 4	31°21'34.45"S	24°49'21.06"E
Northern Section		
Access point	Latitude	Longitude
	31°17'49.15"S	24°51'26.72"E
Access Road Upgrades (~5.7km)	Latitude	Longitude
1.	31°18'08.35"S	24°51'36.93"E
2.	31°18'06.20"S	24°51'59.70"E

3.	31°18'19.89"S	24°52'02.01"E
4.	31°18'37.97"S	24°51'56.32"E
5.	31°18'53.27"S	24°51'53.73"E
6.	31°19'01.53"S	24°51'44.58"E
7.	31°19'14.78"S	24°51'27.09"E
8.	31°19'19.87"S	24°51'03.41"E
9.	31°19'34.36"S	24°50'51.69"E
New Access Road (~1.4km)	Latitude	Longitude
1.	31°19'32.61"S	24°50'47.64"E
2.	31°19'20.05"S	24°50'44.16"E
3.	31°19'13.10"S	24°50'23.65"E
4.	31°19'03.71"S	24°50'06.32"E
5.	31°19'14.23"S	24°50'08.48"E
6.	31°19'23.53"S	24°50'23.18"E

Reason for amendment:

The proposed Part 1 EA Amendment is being submitted in response to the final coordinates of the infrastructure from a ground truthing perspective and a technical perspective. The layout has been reduced, with the removal of one (northern section) of the temporary laydown areas and batching plant. The proposed batching plant to the north is no longer technically required.

Amendment 3: Change project description of the EA to align with the EMPr and Final layout plan:**From:**

Infrastructure associated with the Umsobomvu Infrastructure Development includes:

- Creating a new access point and upgrading existing jeep tracks and farm roads of approximately 7.1 km in length to create access road routes. This includes the construction of a new section of road of approximately 1.4 km in length and the upgrade of roads of approximately 5.7 km in length. These roads will be expended to 12 m in width during the construction phase and rehabilitated to 5 m in width during the operational phase.
- The construction of two (2) concrete batching plants, temporary laydown areas and construction areas. Each will consist of a concrete and/or steel batching plant of approximately 11 250 m², a temporary laydown area of approximately 22 500 m² and construction compound area of approximately 11 250 m². The combined total area to be cleared for these two (2) concrete batching plants, temporary laydown area and construction areas is approximately 45 000 m² within 90 000 m² (9 ha) assessed area.
- The construction of internal overhead lines with a 33 kV switching station of approximately 30m x 30m. The total area to be cleared for the switching station is approximately 900 m² (0.09 ha).
- The construction of a collector substation of up to 100m x 100m (1 ha).

To:

Infrastructure associated with the Umsobomvu Infrastructure Development includes:

- a) The construction of new roads and upgrade of existing jeep tracks and farm roads, which will have a width of 12 m during the construction phase and will be rehabilitated to 6 m during the operational phase.
- b) The construction of one (1) concrete batching plant, temporary laydown area and construction area. This will consist of a concrete and/or steel batching plant of approximately 11 250 m², a temporary laydown area of approximately 22 500 m² and a construction compound area of approximately 11 250 m². The total area to be cleared will be 45 000 m² (4.5 ha).
- c) The construction of internal overhead lines with a 33 kV switching station of approximately 30m x 30m. The total area to be cleared for the switching station is approximately 900 m² (0.09 ha).
- d) The construction of a collector substation of up to 100m x 100m (1 ha).

Reason for amendment:

The proposed Part 1 EA Amendment is being submitted in response to the final coordinates of the infrastructure from a) a ground truthing perspective and b) a technical perspective. The layout has been reduced, with the removal of one (northern section) of the temporary laydown areas and batching plant. The proposed batching plant to the north is no longer technically required. And finally, due to the technicality of the terrain one (1) additional meter is required for the operational road width. The assessed road width was 12m (approved for construction phase), while the requested operational road width is 6m instead of 5m to allow for the navigation of the difficult terrain on site.

This proposed amendment letter must be read in conjunction with the EA dated 10 November 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@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@dffe.gov.za

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 06/06/2023

cc:	Dr Alan Carter	Coastal and Environmental Services (Pty) Ltd	E-mail: a.carter@cesnet.co.za
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