



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

Enquiries: Ms Bathandwa Ncube

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Mr Sheldon Vandrey
Umsobomvu Wind Power (Pty) Ltd.
P.O. Box 71664
Central
GQEBERHA (PORT ELIZABETH)
6001

Telephone Number : 041 506 4900
Cellphone Number : 082 325 6062
Email Address : Sheldon.vandrey@edf-re.co.za

PER EMAIL / MAIL

Dear Mr Vandrey

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: THE UMSOBOMVU INFRASTRUCTURE DEVELOPMENT WITHIN THE INXUBA YETHEMBA AND UMSOBOMVU LOCAL MUNICIPALITIES, EASTERN AND NORTHERN CAPE PROVINCES

With reference to the above application, please be advised that the Department has decided to grant authorisation in accordance with the appeal decision issued by the Minister on 14 July 2020. 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.

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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 Road
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: 10/11/2021

cc:	Dr Alan Carter	Coastal and Environmental Services (Pty) Ltd	Email: a.carter@cesnet.co.za
	Ms Nondwe Mdekazi & Mr Tim De Jongh	Eastern Cape DEDEAT	E-mail: Nondwe.Mdekazi@dedea.gov.za / Tbone.DeJongh@dedea.gov.za
	Ms Tsholo Makauli	Northern Cape DAEARD&LR	Email: tmakauli@ncop.gov.za
	Mr Mzwandile Tantsi	Inxuba Yethemba Local Municipality	E-mail: tantsi@lsat.gov.za
	Mr Amos Mpele	Umsobomvu Local Municipality (Northern Cape)	Email: mpele@umsobomvumun.co.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 Umsobomvu Infrastructure Development within the Inxuba Yethemba and Umsobomvu Local
Municipalities, Eastern and Northern Cape Provinces

Chris Hani District Municipality and Pixley ka Seme District Municipality

Authorisation register number:	14/12/16/3/3/1/2040
Last amended:	Second issue
Holder of authorisation:	Umsobomvu Wind Power (Pty) Ltd.
Location of activity:	Portion 8 of Farm Uitzicht No. 3; Remaining Extent of Farm Elands Kloof No. 135; Remaining Extent of Farm Winterhoek No. 118; Inxuba Yethemba Local Municipality, within the Chris Hani District Municipality, Eastern Cape Province; and Umsobomvu Local Municipality, within the Pixley ka Seme District Municipality, Northern 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.

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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 –

UMSOBOMVU WIND POWER (PTY) LTD

(hereafter referred to as the holder of the authorisation)

with the following contact details –

Mr Sheldon Vandrey

Umsobomvu Wind Power (Pty) Ltd.

P.O. Box 71664

Central

GQEBERHA (PORT ELIZABETH)

6001

Telephone Number : 041 506 4900

Cellphone Number : 082 325 6062

Email Address : Sheldon.vandrey@edf-re.co.za

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, Item 19:</u></p> <p><i>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</i></p>	<p>The construction of the Umsobomvu Infrastructure requires the removal and/or moving of more than 10m³ of material from a watercourse, specifically for the expansion of farm roads and jeep tracks as well as the construction of internal overhead lines which traverse watercourses.</p>
<p><u>Listing Notice 1, Item 24(ii):</u></p> <p><i>The development of a road –</i></p> <p><i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 meters</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>
<p><u>Listing Notice 1, Item 27:</u></p> <p><i>The clearance of an area of 1 hectares or more, but less than 20 hectares of Indigenous vegetation</i></p>	<p>The proposed Umsobomvu Infrastructure Development includes the construction of batching plants, temporary laydown areas, construction areas, a switching station and a collector substation. This infrastructure requires the clearance of less than 20ha of vegetation.</p>
<p><u>Listing Notice 1, Item 56:</u></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-</i></p> <p><i>(i) where the existing reserve is wider than 13,5 metres;</i></p> <p><i>or</i></p> <p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres</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</p>

Activity number	Activity description
	rehabilitated to 5 m in width during the operational phase.
<p><u>Listing Notice 3, Item 4(a)(i)(bb)(ee) and 4(g)(ii)(bb)(ee)</u> <i>The development of a road wider than 4 metres with a reserve less than 13.5 metres</i></p> <p>a. Eastern Cape <i>(i) Outside urban areas:</i> <i>(bb) National Protected Area Expansion Strategy Focus Areas; and</i> <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 <i>(ii) Outside urban areas:</i> <i>(bb) National Protected Area Expansion Strategy Focus Areas; and</i> <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>
<p><u>Listing Notice 3, Item 10(a)(i)(bb)(ee)(ii) and 10(g)(ii)(iii)(bb)(ee):</u> <i>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</i></p> <p>a. Eastern Cape <i>(i) Outside urban areas:</i> <i>(bb) National Protected Area Expansion Strategy Focus Areas; and</i> <i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; and</i></p>	<p>During the construction phase and the operational phase of the proposed Umsobomvu Infrastructure Development, the combined storage of a dangerous good, such as fuel, is likely to exceed 30 m³ within Eastern and Northern Cape CBAs, within 100 m from the edge of a watercourse and within the Karoo Escarpment Grassland Focus Area.</p>

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Activity number	Activity description
<p><i>(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.</i></p> <p>g. Northern Cape</p> <p><i>(ii) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland; and</i></p> <p><i>(iii) 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><u>Listing Notice 3, Item 12(a)(ii) and 12(g)(ii):</u></p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation.</i></p> <p>a. Eastern Cape</p> <p><i>(ii) Within critical biodiversity areas identified in bioregional plans.</i></p> <p>g. Northern Cape</p> <p><i>(ii) Within critical biodiversity areas identified in bioregional plans.</i></p>	<p>The proposed Umsobomvu Infrastructure Development includes the construction of batching plants, temporary laydown areas, construction areas, a switching station, and a collector substation. This infrastructure will require the clearance of vegetation which will exceed 300 m² within Eastern Cape CBAs and Northern Cape CBAs.</p>
<p><u>Listing Notice 3, Item 14(ii)(a)(c) (a)(i)(bb)(ff) and (g)(ii)(bb)(ff)</u></p> <p><i>The development of-</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</i></p> <p><i>where such development occurs-</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse</i></p> <p>a. Eastern Cape</p>	<p>The proposed Umsobomvu Infrastructure Development includes the construction of batching plants, temporary laydown areas, construction areas, a switching station, and a collector substation. Although this infrastructure will have a physical footprint of more than 10 m² within sections of both Eastern Cape and Northern Cape CBAs as well as within the Karoo Escarpment Grassland NPAES Focus Area, this infrastructure is not located within 32 metres of watercourses. However, it must be noted that the</p>

Activity number	Activity description
<p>(i) Outside urban areas: (bb) National Protected Area Expansion Strategy Focus Areas; and (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>g. Northern Cape</p> <p>(ii) Outside urban areas: (bb) National Protected Area Expansion Strategy Focus Areas; and (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>linear infrastructure (road upgrades and internal overhead lines) will traverse watercourses, outside urban areas and within Eastern Cape and Northern Cape CBAs as well as within the Karoo Escarpment Grassland NPAES Focus Area.</p>
<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: (bb) National Protected Area Expansion Strategy Focus Areas; and (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; and (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: (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>

Activity number	Activity description
(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; and (ll) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.	

As described in the Basic Assessment Report (BAR) dated July 2021 at:

- Portion 8 of Farm Uitzicht No. 3;
- Remaining Extent of Farm Elands Kloof No. 135;
- Remaining Extent of Farm Winterhoek No. 118

21 Digit Surveyor General Code:

C	0	4	8	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	8
C	0	3	0	0	0	0	0	0	0	0	0	0	1	3	5	0	0	0	0	0
C	0	3	0	0	0	0	0	0	0	0	0	0	1	1	8	0	0	0	0	0

Coordinates:

Southern Section		
Collector Substation	Latitude	Longitude
Cornet Point 1	31° 21.050'S	24° 49.348'E
Cornet Point 2	31° 21.317'S	24° 49.565'E
Cornet Point 3	31° 21.503'S	24° 49.255'E
Cornet 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
Cornet Point 1	31° 21.281'S	24° 50.234'E
Cornet Point 2	31° 21.276'S	24° 50.245'E
Cornet Point 3	31° 21.286'S	24° 50.251'E
Cornet Point 4	31° 21.290'S	24° 50.240'E

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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° 18.219'S	24° 52.053'E
2.	31° 18.899'S	24° 51.885'E
3.	31° 19.374'S	24° 50.920'E
4.	31° 19.563'S	24° 50.855'E
5.	31° 19.546'S	24° 50.790'E
6.	31° 19.313'S	24° 50.780'E
7.	31° 19.232'S	24° 50.506'E
8.	31° 19.218'S	24° 50.304'E
9.	31° 19.070'S	24° 50.105'E
New Access Road (~1.4km)	Latitude	Longitude
1.	31° 18.283'S	24° 52.039'E
2.	31° 18.317'S	24° 52.207'E
3.	31° 18.242'S	24° 52.232'E
4.	31° 18.262'S	24° 52.393'E
5.	31° 18.339'S	24° 52.625'E
6.	31° 18.465'S	24° 52.754'E

- for the development of the grid infrastructure associated with the Umsobomvu I Wind Energy Facility (WEF), near Noupoot and Middelburg, within the Umsobomvu and Inxuba Yethemba Local Municipalities, Northern and Eastern Cape provinces, hereafter referred to as "the property".

Infrastructure associated with the Umsobomvu Infrastructure Development includes:

- 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.
- b) 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 a construction compound area of approximately 11 250 m². The combined total area to be cleared for these two (2) concrete batching plants, temporary laydown areas and construction areas is approximately 45 000 m² within the 90 000 m² (9 ha) assessed area.
- c) The construction of internal overhead lines with a 33 kV switching station of approximately 30 m x 30 m. 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 100 m x 100 m (1 ha).

Conditions of this Environmental Authorisation

Scope of authorisation

- 1. The development of the grid infrastructure associated with the Umsobomvu I Wind Energy Facility (WEF), near Noupoot and Middelburg, within the Umsobomvu and Inxuba Yethemba Local Municipalities, Northern and Eastern 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.

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 copy of the final site layout map must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible. The layout map must indicate the following:
 - 12.1. The final layout of all infrastructure after the final walk through has been undertaken; and
 - 12.2. All "no-go" and buffer areas.
13. The Environmental Management Programme (EMPr) and submitted as part of the BAR is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting, and the provisions of this environmental authorisation. The EMPr must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
14. The EMPr amendment must include the following:
 - 14.1. The requirements and conditions of this environmental authorisation;
 - 14.2. Any site-specific mitigation measures that may arise when the final walk through is undertaken; and,
 - 14.3. A final development layout plan and all mitigation measures as dictated by the final development layout plan.

15. 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.
16. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
17. 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

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 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.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. 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.
21. 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.
22. 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

23. 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.
 - 23.1. The ECO must be appointed before commencement of any authorised activities.
 - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 23.4. 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

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

29. 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

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

31. 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

32. 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

33. Construction of this development may only commence once the Umsobomvu I Wind Energy Facility (DFFE Reference: 14/12/16/3/3/2/730/AM2) has commenced with the construction phase.
34. A pre-construction walk-through of the final development footprint must be undertaken by botanical and avifaunal specialists prior to the commencement of the construction phase for the identification of Species of Conservation Concern (SCC), to undertake a faunal and floral Search and Rescue, as well as to ensure that all the avifaunal aspects have been adequately managed.
35. Should the proposed road upgrade affect the UMZ014 heritage site, a permit must be applied for from the South African Heritage Resources Agency (SAHRA) prior to the commencement of the construction phase.
36. If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or

other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA.

37. If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA.
38. Regarding the appointment of specialists: If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted at the expense of the developer, as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA.
39. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

General

40. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 40.1. at the site of the authorised activity;
 - 40.2. to anyone on request; and
 - 40.3. Where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
41. 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: 10/11/2021



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 as applied for in the amended application form received on 26 July 2021.
- b) The information contained in the BAR dated July 2021.
- c) The comments received from Interested and affected Parties (I&APs) as included in the BAR dated July 2021.
- d) Mitigation measures as proposed in the BAR dated July 2021 and the draft EMP.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated July 2021 and as appears below:

Title	Prepared by	Date
Ecological Opinion Letter	Coastal and Environmental Services (Pty) Ltd	March 2021
Heritage Impact Statement	Umlando: Archaeological Surveys and Heritage Management	January 2021
Palaeontological Heritage Assessment	Natura Viva cc.	February 2021

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 project is to connect the Umsobomvu I Wind Energy Facility to the national grid for the provision of electricity.
- f) The Minister's Appeal decision dated 14 July 2020.
- c) The BAR dated July 2021 identified all legislation 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 July 2021 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 BAR 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 July 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 July 2021 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMP 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.

Annexure 2: Locality Plan

