



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: 14/12/16/3/3/2/687/AM2

Enquiries: Mr Jay-Jay Mpelane

Telephone: (012) 399 9404, E-mail: Jmpelane@dfpe.gov.za

Mr James Cumming
Khangela Emoyeni Wind Farm (Pty) Ltd
PO Box 23101
CLAREMONT
7735

Cell phone Number: 083 318 3982
Email address: stephnie.kot@aced.co.za

PER EMAIL / MAIL

Dear Mr. Cumming.

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 06 SEPTEMBER 2018 FOR THE KHANGELA EMOYENI WEF NEAR MURRAYSBURG WITHIN THE BEAUFORT WEST AND UBUNTU LM'S IN THE WESTERN CAPE AND THE NORTHERN CAPE PROVINCES

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 06 September 2018, the amendment to the EA dated 30 April 2022, your application for amendment of the EA received by the Department on 05 May 2022 and the acknowledgement letter dated 11 May 2022, refers.

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 partially amend the EA dated 06 September 2018 as amended, as follows:

Amendment 1: Update to properties associated with the authorised WEF infrastructure

The "Location of Activity" details on page 1 of the EA: (Approved)

From:

<i>Location of Activity</i>	Remainder of Farm 28; Portion 1 of Farm 29; Remainder, Portion 2,3,4 of Farm De Hoop 30; Portion 2 of Farm Swavel Kranse 28; Remainder, Portion 1,3,4,6,7, and Remainder of Portion 2 of Farm Klipplaat 109; Beaufort West and Ubuntu Local Municipalities, Northern and Western Cape Provinces.
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To:

<i>Location of Activity</i>	<ul style="list-style-type: none"> • Portion 4 (a Portion of Portion 1) of Farm Driefontein 26, • Remainder of Farm Swavel Kranse 28; • Portion 1 of Farm Houtkloof 29; • Remainder of Portion 1 of Farm De Hoop 30; • Portion 2 of Farm De Hoop 30; • Portion 3 (a Portion of Portion 1) of the Farm De Hoop 30; • Portion 2 of Farm Swavel Kranse 28; • Portion 1 of Farm Klipplaat 109, • Portion 3 (a Portion of Portion 2) of Farm Klipplaat 109, • Portion 4 (a Portion of Portion 2) of Farm Klipplaat 109, • Portion 6 of Farm Klipplaat 109, • Portion 7 of Farm Klipplaat 109, • Remainder of Farm Klipplaat 109, and • Remainder of Portion 2 of Farm Klipplaat 109. <p>Beaufort West and Ubuntu Local Municipalities, Northern and Western Cape Provinces</p>
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Reasons for the approval of the above-mentioned amendment:

It was discovered that two properties that were associated with the Khangela Emoyeni Wind Energy Facility were not included in the Amended EA dated 30 March 2021. The two properties i.e., Remainder of Portion 1 (Springfontein) of the Farm De Hoop No. 30 and Portion 4 of the Farm De Hoop No. 30 had been listed and assessed as part of the Khangela Wind Energy Facility in the FEIR (2018). These properties were erroneously excluded in the 2021 EA Amendment; hence the amendment is required to include the properties in the Environmental Authorisation.

Amendment 3: Update the site coordinates on Page 9 of the EA (Approved)

From:

Site Coordinates:	Latitude: 24°57'9.83"S	Longitude: 31°48'16.87"E
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To:

Site Coordinates:	Latitude: 31°48'28.10"S	Longitude: 23°57'19.27"E
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Reasons for the approval to change site coordinates:

The site coordinates provided within the Environmental Authorisation are not located within the authorised Khangela Emoyeni Wind Energy facility site, the current coordinates are located 21km north-east of Skukuza in the Mpumalanga Province, whereas the authorised WEF site is in the Northern and Western Cape Provinces. Hence, the central coordinates required to be changed to reflect the correct site.

Amendment 4: Update to the Conditions of the EA (Approved)

From:

The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R.982.

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To:

The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in the relevant EIA Regulations in effect at the time.

Reasons for the approval to amend the condition of the EA

The requirement to provide 60 days' notice has been removed in the latest version of the EIA Regulations (GNR 326) and therefore Condition 22 is no longer applicable. The amendment will align the conditions of the EA with the EIA Regulations and will also enable the holder of the EA to effect necessary amendments to the EMPr more swiftly, thus promoting ongoing environmental management on site that is responsive to changing site conditions.

Amendment 5: Change to the Company/Trading Name (Approved).

From:

Mr Peter Venn
Emoyeni Wind Farm Project (Pty) Ltd
Postnet Suite
Private Bag X26
Cape Town
7966

Telephone Number: (021) 701 1292
Email address: peter.venn@windlab.com

To:

Mr James Cumming
Khangela Emoyeni Wind Farm (Pty) Ltd
PO BOX 23101,
Claremont,
7735

Cell phone Number: 083 318 3982
Email address: stephnie.kot@aced.co.za

Reasons for the approval of the above-mentioned amendment:

The Khangela Emoyeni Wind Energy Facility has been selected as a Preferred Bidder with a private off-taker, in a private procurement opportunity, and is currently working to achieve financial close. To meet the Financial Close commitments, all permits, and consents are to be issued in the Project Company / Trading Name i.e., Khangela Emoyeni Wind Farm (Pty) Ltd with details of the new contact person for holder of the Environmental Authorisation. The holder of the EA (i.e., the Project Company) **remains** the same entity. It is simply that the Company has been **renamed** and the contact person for the Company has also changed.

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The following amendments are refused.

Amendment 2: Update to the activities associated with the authorised WEF infrastructure (Refused).

From:

Listed Activities	Activity description
<p><u>GN R.983: Activity 12</u> The construction of- (iii) bridges exceeding 100 square meters in size; (x) buildings exceeding 100 square meters in size; (xii) infrastructure or structures with a physical footprint of 100 square meters or more; Where such development occurs, (a) Within a watercourse; or (c,) if no developments setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</p>	<p>The internal roads include a minimum of eight water crossings, some of which may require bridges to be constructed within a watercourse. Some of these may exceed 100m². The footprint of the turbines and associated infrastructure will exceed 50m², but a 32m buffer around all watercourses has been applied for buildings and infrastructure.</p>
<p><u>GN R.983: Activity 19</u> The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles, or rock of more than 5 cubic metres from- (i) A watercourse.</p>	<p>New bridges may need to be constructed or expanded for the construction phase of the WEF, the result of which would mean that there may be removal or moving of soil, sand, pebbles, or rock of more than 5 cubic metres from a watercourse</p>
<p><u>GN R.983: Activity 28:</u> Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development (ii) Will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</p>	<p>The majority of the proposed development site is currently used for agriculture, lies outside an urban area and the land to be developed will be than 1 hectare.</p>
<p><u>GN R.983: Activity 48:</u> The expansion of (iii) Bridges where the bride is expanded by 100 square meters or more in size; where such development occurs- (a) Within a watercourse; (b) In front of a developments setback; or (c) If no developments setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</p>	<p>The internal roads include a minimum of eight water crossings, some of which may require existing farm bridges to be expanded. Some of these may exceed 100m².</p>
<p><u>GN R.983: Activity 56:</u> The widening of a road by more than 6 m or the lengthening of a road by more than 1 kilometre- (i) Where the existing reserve is wider than 13,5 metres; or (ii) where no reserve exists, where the existing road is wider than 8 metres.</p>	<p>Where roads are present and may require widening for access reasons during construction this clause may be applicable. However, it is unlikely that any large roads will be affected.</p>

<p><u>GN R 984: Activity 1:</u> The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more.</p>	<p>Construction of a wind energy facility up to 147MW in installed capacity. The facility will be comprised of individual, spatially separated, turbines with an individual generating capacity of up to 10MW each.</p>
<p><u>GN R.984: Activity 14:</u> The development of- (ii) Bridges exceeding 10 square meters in size; (x) buildings exceeding 10 square metres in size and (xi) infrastructure or structures with a physical footprint of 10 square metres or more; Where such development occurs- (a) Within a watercourse and (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse (f) In <u>Western Cape</u>: (i) outside urban areas, in; (bb) National Protected Area Expansion Strategy Focus (ff) Critical biodiversity areas or ecosystems service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>Bridges may need to be constructed over watercourses exceeding 10m² in size. The development site area covers a small portion that falls within the Karoo Escarpment Grassland (NPAESFA) of the Western Cape Province, no development will occur in this area and no required water crossings fall within a critical Biodiversity Area.</p>
<p><u>GN R.984: Activity 15:</u> The clearance of an area of 20 hectares or more of indigenous vegetation is requires for: (i) The undertaking of a linear activity; or (ii) Maintenance purposes undertaken in accordance with a maintenance plan.</p>	<p>The project is located on currently undeveloped land the combined footprint of the turbines, laydown areas, internal roads and substation will exceed 20 hectares.</p>
<p><u>GN R.984: Activity 18:</u> The widening of a road by more than 4 m, or the lengthening of a road by more than 1km. (f) in the <u>Western Cape</u>: (i) All areas outside urban areas, (aa) Areas containing indigenous vegetation.</p>	<p>Where existing tracks/roads exist within the site these may be widened or lengthened to facilitate the access tracks of up to 12m which will be used to access the turbines. These access tracks will be up to 12m wide during construction but will be reduced to 4- 6m during operation.</p>
<p><u>GN R.985: Activity 4</u> The development of a road wider than 4 metres with a reserve less than 13,5 metres. (f) in the <u>Western Cape</u>: (i) Areas outside urban areas: (aa) Areas containing indigenous vegetation.</p>	<p>Access tracks will be required between the turbines and other infrastructure onsite. These will be unsealed and up to 12m wide during construction but will be reduced to max. 6m width during operation. The proposed site falls outside urban areas.</p>

To:

Listed Activities	Activity description
<p><u>GN R. 983: Activity 11- inclusion</u> The development of facilities or infrastructure for the transmission and distribution of electricity- (i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>The electricity from the turbines will be transferred via a 33kV electrical network to a 33/132kV onsite substation.</p>
<p><u>GN R.983: Activity 12</u> The construction of- (iii) bridges exceeding 100 square meters in size; (x) buildings exceeding 100 square meters in size; (xii) infrastructure or structures with a physical footprint of 100 square meters or more; Where such development occurs, (i) Within a watercourse; or (c,) if no developments setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</p>	<p>The internal roads include a minimum of eight water crossings, some of which may require bridges to be constructed within a watercourse. Some of these may exceed 100m². The footprint of the turbines and associated infrastructure will exceed 50m², but a 32m buffer around all watercourses has been applied for buildings and infrastructure.</p>
<p><u>GN R.983: Activity 19</u> The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles, or rock of more than 5 cubic metres from- (i) A watercourse.</p>	<p>New bridges may need to be constructed or expanded for the construction phase of the WEF, the result of which would mean that there may be removal or moving of soil, sand, pebbles, or rock of more than 5 cubic metres from a watercourse</p>
<p><u>GN R. 983: Activity 24- inclusion</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 metres</p>	<p>Access tracks will be required between the turbines and other infrastructure onsite. These will be unsealed and up to 12m wide during construction but will be reduced to max. 6m width during operation. The proposed site falls outside urban areas.</p>
<p><u>GN R.983: Activity 28:</u> Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development (ii) Will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</p>	<p>The majority of the proposed development site is currently used for agriculture, lies outside an urban area and the land to be developed will be than 1 hectare.</p>
<p><u>GN R.983: Activity 48:</u> The expansion of (iii) Bridges where the bride is expanded by 100 square meters or more in size; where such development occurs- (a) Within a watercourse; (b) In front of a developments setback; or (c) If no developments setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</p>	<p>The internal roads include a minimum of eight water crossings, some of which may require existing farm bridges to be expanded. Some of these may exceed 100m².</p>

<p><u>GN R.983: Activity 56:</u> The widening of a road by more than 6 m or the lengthening of a road by more than 1 kilometre- (i) Where the existing reserve is wider than 13,5 metres; or (ii) where no reserve exists, where the existing road is wider than 8 metres.</p>	<p>Where roads are present and may require widening for access reasons during construction this clause may be applicable. However, it is unlikely that any large roads will be affected.</p>
<p><u>GN. R 984: Activity 1:</u> The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more.</p>	<p>Construction of a wind energy facility up to 147MW in installed capacity. The facility will be comprised of individual, spatially separated, turbines with an individual generating capacity of up to 10MW each.</p>
<p><u>GN R.984: Activity 14:</u> The development of- (ii) Bridges exceeding 10 square meters in size; (x) buildings exceeding 10 square metres in size and (xi) infrastructure or structures with a physical footprint of 10 square metres or more; Where such development occurs- (a) Within a watercourse and (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse <u>(f) In Western Cape:</u> (i) outside urban areas, in; (bb) National Protected Area Expansion Strategy Focus (ff) Critical biodiversity areas or ecosystems service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>Bridges may need to be constructed over watercourses exceeding 10m² in size. The development site area covers a small portion that falls within the Karoo Escarpment Grassland (NPAESFA) of the Western Cape Province, no development will occur in this area and no required water crossings fall within a critical Biodiversity Area.</p>
<p><u>GN R.984: Activity 15:</u> The clearance of an area of 20 hectares or more of indigenous vegetation is requires for: (i) The undertaking of a linear activity; or (ii) Maintenance purposes undertaken in accordance with a maintenance plan.</p>	<p>The project is located on currently undeveloped land the combined footprint of the turbines, laydown areas, internal roads and substation will exceed 20 hectares.</p>
<p><u>GN R.984: Activity 18:</u> The widening of a road by more than 4 m, or the lengthening of a road by more than 1km. <u>(f) in the Western Cape:</u> (i) All areas outside urban areas, (aa) Areas containing indigenous vegetation.</p>	<p>Where existing tracks/roads exist within the site these may be widened or lengthened to facilitate the access tracks of up to 12m which will be used to access the turbines. These access tracks will be up to 12m wide during construction but will be reduced to 4- 6m during operation.</p>
<p><u>GN R.985: Activity 4</u> The development of a road wider than 4 metres with a reserve less than 13,5 metres. <u>(f) in the Western Cape:</u></p>	<p>Access tracks will be required between the turbines and other infrastructure onsite. These will be unsealed and up to 12m wide during construction but</p>

(i) Areas outside urban areas:	will be reduced to max. 6m width during operation.
(aa) Areas containing indigenous vegetation.	The proposed site falls outside urban areas.

Reasons for the refusal:

The above-mentioned amendment of the environmental authorisation to add/ or include new listed activities does not fall within the ambit of amendments to be applied for in terms of Part 1 of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended. You are therefore referred to Regulation 30 of the EIA Regulations, 2014 as amended. Furthermore, both Part 1 and Part 2 amendment process cannot be undertaken to add/ or include new listed activities. The GN R. 983: Activity 11 and GN R. 983: Activity 24 trigger a Basic Assessment process.

This proposed amendment letter must be read in conjunction with the EA dated on 06 September 2018, as amended.

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 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.

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 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.

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 Road
ARCADIA
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.dffe.gov.za/documents/forms#legal> authorisations or request a copy of the documents at appeals@dffe.gov.za.

Yours faithfully,



Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment
Date: 07/06/2022.

Cc:	Ariene Singh	Nala Environmental (Pty) Ltd	E-mail: arlene@veersgroup.com
	Mnyamezeli Jackson Penxa	Beaufort West Local Municipality	E-mail: admin@beaufortwestmun.co.za
	Mr Zaahir Toefy	WC: DEA & DP	Email: Zaahir.Toefy@westerncape.gov.za
	Bryan Fischer	NC: DAEARD&LR.	Email: Bfisher@ncpg.gov.za
	Thembinkosi Zingange	Ubuntu Local Municipality	Email: Thzingange@yahoo.com



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& the environment**

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REPUBLIC OF SOUTH AFRICA

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Tel:(+ 27 12) 388 9000

Enquiries: Devinagie Bendeman Telephone: 012 358 9337 E-mail: vbendeman@dcffe.gov.za

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 Mafaza 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. Devinagie Bendeman
Deputy Director-General: RCSI (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