



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: 14/12/16/3/3/1/2516

Enquiries: Ms Matlhodi Mogorosi

Telephone: (012) 399 9388 **E-mail:** MMogorosi@dffe.gov.za

Mr Matteo Giulio Luigi Brambillia
Postnet Suite 150
Private Bag X3
ROGGEBAAI
8012

Telephone Number: (021) 418 3940
Cell phone Number: (072) 212 1531
Email Address: m.logan@redrocket.energy

PER EMAIL / MAIL

Dear Mr Brambillia

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF A MAIN ACCESS ROAD FOR THE AUTHORISED WOLF WIND FARM NEAR JANSENVILLE, WITHIN THE BEYERS NAUDÉ AND THE SUNDAY'S RIVER VALLEY LOCAL MUNICIPALITIES, EASTERN 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 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.

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@dfpe.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@dfpe.gov.za.

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 24/08/2022.

cc:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: ioanne@savannahsa.com
	Ms Dayalan Govender	EC DEDEA&T	Email: Dayalan.govender@DEDEA.gov.za
	Mr Colin Abels	Beyers Naudé Local Municipality	Email: abelsc@bnlm.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 development of a main access road for the authorised Wolf Wind Farm near Jansenville, within the
Beyers Naudé and Sunday's River Valley Local Municipalities, Eastern Cape Province

Sarah Baartman District Municipality

Authorisation register number:	14/12/16/3/3/1/2516
Last amended:	First issue
Holder of authorisation:	Wolf Wind Farm (RF) (Pty) Ltd
Location of activity:	Portion 1 and the remainder of Portion 2 of the Farm Salt Pans Neck 287; Ward 7 and 12, Beyers Naudé Local Municipality and Sunday's River Valley Local Municipality; Sarah Baartman District Municipality Eastern 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.

MS

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 –

WOLF WIND FARM (RF) (PTY) LTD

with the following contact details –

Mr. Matteo Giulio Luigi Brambillia

Postnet Suite 150

Private Bag X3

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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, Item 12:</u></p> <p><i>The development of –</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square meters or more;</i></p> <p><i>where such development occurs-</i></p> <p><i>(c) within 32 meters of a watercourse, measured from the edge of a watercourse</i></p>	<p>The proposed access road will be developed within 32 metres of a watercourse.</p>
<p><u>Listing Notice 1, Item 24:</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 metres</i></p>	<p>The proposed road development will have a width between 6m and 9m.</p>
<p><u>Listing Notice 3, Item 4:</u></p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres –</i></p> <p><i>(a) in the Eastern Cape;</i></p> <p><i>(i) outside urban areas;</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 proposed road development will have a width between 6m and 7.5m and falls within a CBA1 area.</p>
<p><u>Listing Notice 3, Item 12:</u></p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation;</i></p> <p><i>(a) in the Eastern Cape;</i></p> <p><i>(ii) within critical biodiversity areas identified in bioregional plans.</i></p>	<p>The project site falls within a CBA1 area. It is likely that the project will result in the clearance of an area of 300 square meters or more of vegetation.</p>

<p><u>Listing Notice 3, Item 14:</u></p> <p><i>The development of-</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square meters or more;</i></p> <p><i>where such development occurs –</i></p> <p><i>(c) within 32 meters of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>(a) within the Eastern Cape;</i></p> <p><i>(i) outside urban areas;</i></p> <p><i>(ff) within critical biodiversity areas of ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>The proposed access road will have a length of 1.6km and falls within CBA 1 and will cross a watercourse.</p>
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as described in the Basic Assessment Report (BAR) dated May 2022 at:

SG 21 Code

Farm names & Portion numbers	SG 21 Digit Code
Portion 1	C07600000000028700001
Remaining extent of portion 2	C03500000000028700002

Coordinates for the access road

	Latitude	Longitude
Start Point	33° 15' 4.63" S	24° 50' 15.99" E
Middle Point	33° 14' 55.98" S	24° 51' 2.39" E
End Point	33° 14' 57.92" S	24° 51' 48.65" E

- for the development of a main access road for the authorised Wolf Wind Farm near Jansenville, within the Beyers Naudé and the Sunday's River Valley Local Municipalities, Eastern Cape Province, hereafter referred to as "the property".

The proposed access road will be approximately 1.6km in length and up to 9m wide. The access road will comprise the following:

- A surfaced main access road with a width up to 9m and a length of 1.6km;
- A servitude with an average width of 10 – 12m; and
- A big cutting with a width of 50m that will include batters.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The development of a main access road for the authorised Wolf Wind Farm near Jansenville, within Wards 7 and 12 of the Beyers Naudé and Sunday's River Valley Local Municipalities, Eastern Cape Province is approved as per the geographic 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. The Environmental Management Programme (EMPr) and the final layout plan submitted as part of the BAR dated May 2022 are approved and the EMPr must be implemented and adhered to.
13. 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.
14. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
15. 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

16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 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.
17. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
18. 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.
19. 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.
20. 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

21. 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.
 - 21.1. The ECO must be appointed before commencement of any authorised activities.
 - 21.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

- 21.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 21.4. 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

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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

28. 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

29. 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

30. 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

31. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
32. Vegetation clearing must be limited to the required footprint for construction works. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
33. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
34. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of protected or endangered plant or animal species.
35. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
36. Dust suppression measures must be implemented during the construction phase to limit the impacts of dust.
37. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
38. Should any further evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) must be alerted immediately, and a professional archaeologist or palaeontologist, must be contacted as soon as possible to inspect the findings.

39. 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

40. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMP, 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: 24/08/2022.



Ms Millicent 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 11 April 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 BAR and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated May 2022 and as appears below:

Title	Prepared by	Date
Terrestrial Ecology Impact Assessment	Scientific Terrestrial Services	March 2022
Freshwater Impact Assessment	FEN Consulting	March 2022
Agriculture Compliance Statement	The Biodiversity Company	March 2022
Visual Impact Assessment	Scientific Aquatic Services	March 2022
Heritage Impact Assessment	CTS Heritage	March 2022
EMPr	Savannah Environmental (Pty) Ltd	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 is that the main purpose of the access road is to provide support to the authorised Wolf Wind Energy Facility by providing access to the wind farm.
- c) The BAR dated May 2022 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d) The location of the proposed access road falls within the footprint of the authorised Wolf Wind Energy Facility.

- e) The methodology used in assessing the potential impacts identified in the BAR dated May 2022 and the specialist studies have been adequately indicated.
- f) 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.

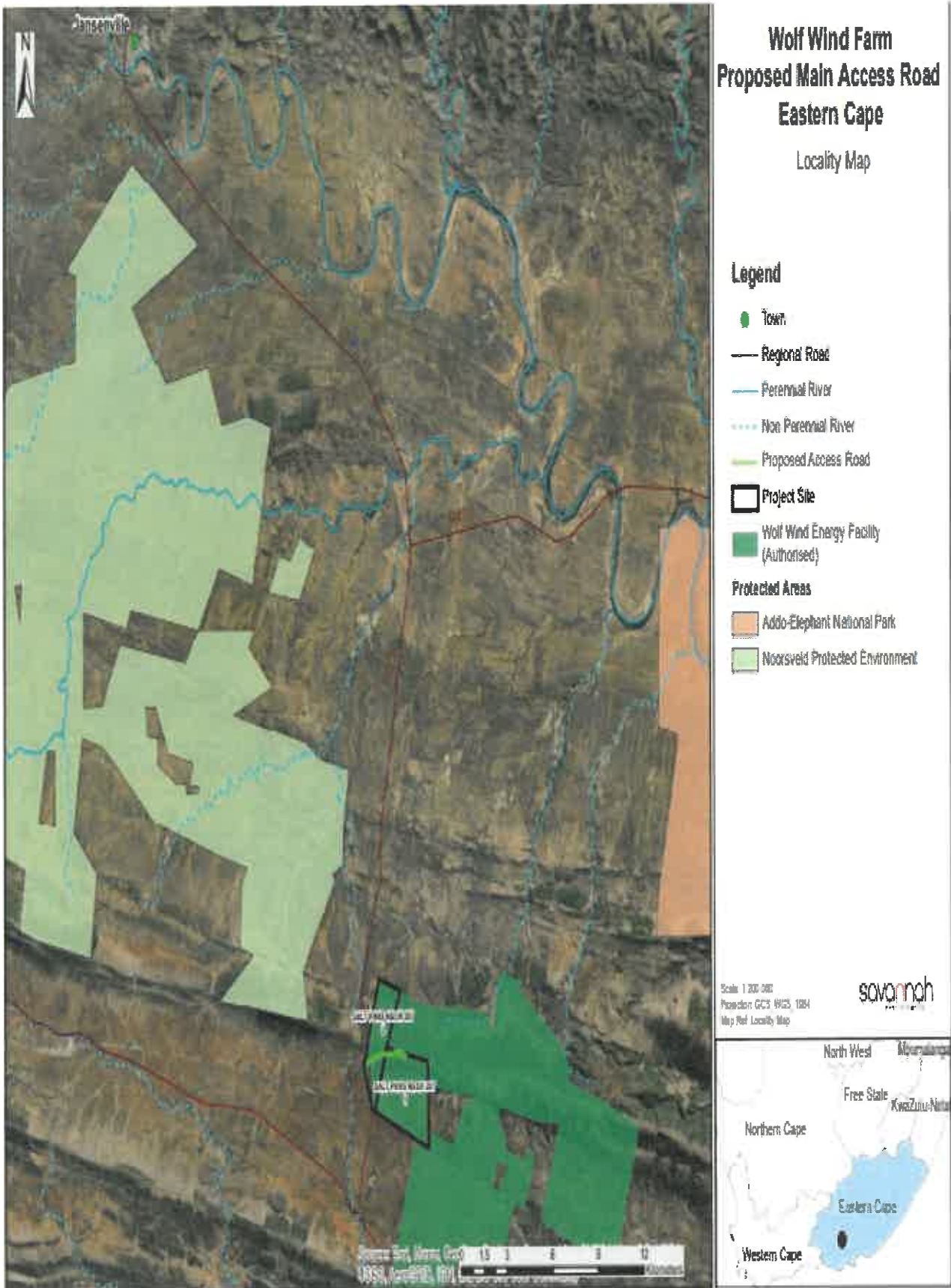
3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

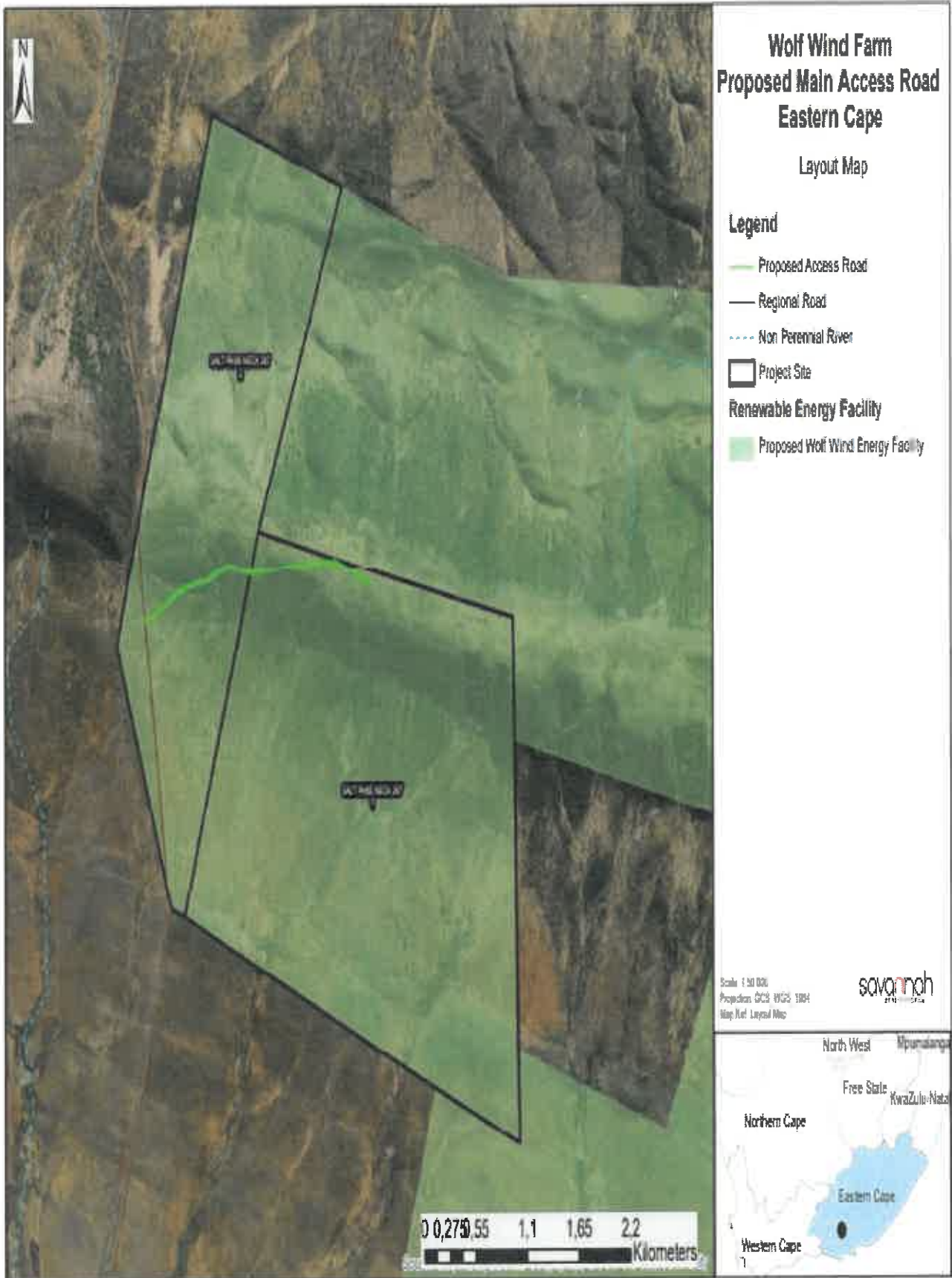
- a) The identification and assessment of impacts are detailed in the BAR dated May 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the BAR dated May 2022 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) 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**.

Annexure 2: Locality Map



Annexure 3: Layout Map





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Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia· PRETORIA
Tel:(+ 27 12) 398 9000

Enquiries: Devinagie Bendeman Telephone: 012 399 9337 E-mail: vbendeman@dffe.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 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 Devinagie 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