



REFERENCE: 16/3/3/1/B5/2/1004/25
NEAS REFERENCE: WCP/EIA/0001605/2025
DATE OF ISSUE: 21 AUGUST 2025

The Board of Directors
OYA Energy RF (Pty) Ltd
5th Floor
125 Buitengracht Street
CAPE TOWN
8001

Attention: Mr. S. Harris

Tel: (021) 300 0613
Email: Oya@g7energies.com
Sherwin.Harris@oya-sa.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF THE FRESHWATER REHABILITATION, MAINTENANCE AND MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED CONSTRUCTION OF A BRIDGE OVER THE MUISHOND RIVER, AS WELL AS THE CONSTRUCTION OF A TEMPORARY BYPASS ROAD THROUGH THE MUISHOND RIVER ON A PORTION OF PORTION 7 OF FARM SEWESPRONG NO. 168 (BANTAMSFONTEIN) NEAR MATJIESFONTEIN, CERES

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt the MMP**, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2025, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. D. de Klerk (SAS Environmental Group of Companies)
(2) Mr. H. Taljaard (Witzenberg Municipality)
(3) Ms. L. Knoetze (CapeNature)
(4) Mr. J. Du Toit (Landowner-Bypass Road section)

(5) Ms. Louise Buys (DOI)
(6) Ms. E. Rossouw (BOCMA)
(7) Mr. W. Dreyer (DWS)

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REFERENCE: 16/3/3/1/B5/2/1004/25
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF THE FRESHWATER REHABILITATION, MAINTENANCE AND MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED CONSTRUCTION OF A BRIDGE OVER THE MUISHOND RIVER, AS WELL AS THE CONSTRUCTION OF A TEMPORARY BYPASS ROAD THROUGH THE MUISHOND RIVER ON A PORTION OF PORTION 7 OF FARM SEWESPRONG NO. 168 (BANTAMSFONTEIN) NEAR MATJIESFONTEIN, CERES

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to the Design Alternative 5, described in the Basic Assessment Report ("BAR"), dated 6 May 2025.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the MMP** for the maintenance activities associated with the construction of a bridge over, and a temporary bypass road through the Muishond River.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

OYA Energy RF (Pty) Ltd
% Mr. S. Harris
5th Floor
125 Buitengracht Street
CAPE TOWN
8001

Tel. (021) 300 0613
Email: Oya@g7energies.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as “**the holder**”.

B. ACTIVITIES AUTHORISED

| Listed activities | Activity/Project Description |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>EIA Regulations Listing Notice 1 of 2014: Activity Number 12: The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or <p>the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p> | <p>The proposed temporary bypass road and associated pipe culvert drift crossing through the Muishond River will cover an area of approximately 3370m². This bypass will be located outside of the existing 20-metre OP01628 road reserve, over a portion of Portion 7 of Farm Sewesprong No.168 (Bantamsfontein), Ceres, and will be located both within and within 32 metres of the Muishond River.</p> <p>The proposed Muishond River Bridge will cover an area of approximately 220m² and will be located within the Muishond River. The bridge will be located entirely within the existing 20-metre OP01628 road reserve. Accordingly, this activity is not applicable to the proposed construction of the Muishond River Bridge itself, however the proposal includes the installation of gabion and reno mattress erosion protection near the bridge and on the river embankments.</p> |
| <p>EIA Regulations Listing Notice 1 of 2014: Activity Number 19: 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;</p> | <p>The proposed construction of the Muishond River Bridge, together with the associated erosion protection measures, the temporary bypass road through the Muishond River with associated pipe culvert drift crossing as well as the widening of the floodplain of the Muishond River will involve excavations and infilling</p> |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p> | <p>(earthworks) of more than 10 cubic meters into and/ or from the Muishond River.</p> |
| <p>EIA Regulations Listing Notice 3 of 2014: Activity Number 4: The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p> | <p>The development of the proposed temporary bypass road over a portion of Portion 7 of Farm Sewesprong No.168 (Bantamsfontein), Ceres will extend for approximately 300 metres in length and will be between seven (7) and eight (8) metres in width. The bypass road will be located outside an urban area and will be constructed in a location that currently contains locally indigenous vegetation.</p> <p>This bypass road will, however, be temporary in nature and will be decommissioned (removed) and the disturbed area rehabilitated following the completion of the proposed Muishond River Bridge.</p> |

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the development in respect of the following alternative:

- The development of a dual-span bridge, with each span measuring 11,7m in width and 3,3m in height. The bridge will be located within the existing 20-metre OP01628 road reserve at the location of the existing Muishond River crossing.
- The development of a temporary bypass road approximately 30 metres upstream of the existing Muishond River crossing. This temporary bypass road will be established over a portion of Portion 7 of Farm Sewesprong No. 168 (Bantamsfontein), Ceres.
- Installation of gabion and reno mattress erosion protection on the river embankments where the slope is steepened from the natural 1:3 gradient to 1:2 near the bridge and road fill embankments. This will extend up to 9 metres upstream and downstream of the bridge structure.
- The widening of the floodplain from approximately 30 metres upstream of the bridge to 25 metres downstream of the bridge to assist in reducing the impact of the bridge on the natural flow velocities within this section of the Muishond River.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken at the Muishond River, within the existing 20-metre OP01628 road reserve and over a portion of Portion 7 of Farm Sewesprong No. 168 (Bantamsfontein), Ceres at the following co-ordinates:

Bridge:

| Latitude (S) | Longitude (E) |
|----------------|----------------|
| 32° 58' 22.68" | 20° 10' 05.28" |

Bypass road:

| | Latitude (S) | Longitude (E) |
|--------------|----------------|----------------|
| Start point | 32° 58' 22.50" | 20° 10' 04.90" |
| Middle point | 32° 58' 22.20" | 20° 10' 06.20" |
| End point | 32° 58' 19.20" | 20° 10' 02.30" |

The SG digit code is: C01900000000016800007

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

SAS Environmental Group of Companies
% Mr. D. de Klerk
221 Riverside Lofts, Tygerfalls Boulevard
BELLVILLE
7539

Cell: 078 067 4777

Email: dietmar@sasenvgroup.co.za

E. Conditions of authorisation

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to Design Alternative 5, described in the Basic Assessment Report ("BAR"), dated 6 May 2025, at the site as described in Section C above, and in accordance with the Site Development Plan included as Annexure 2 of this Environmental Authorisation.
2. The holder must commence with and conclude the listed activities within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.

- (b) A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
 5. A request to transfer the MMP adopted as part of this Environmental Authorisation to the Department of Infrastructure must be submitted to the Competent Authority at least one month prior to the responsibility for the long-term operational maintenance and management of the bridge and associated erosion protection infrastructure reverts to the Department of Infrastructure

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 include proof of compliance with the following conditions described herein:
Conditions: 5, 7 and 12

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2025 detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and

7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2025 National Appeals Regulations.

8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The MMP submitted as part of the application for Environmental Authorisation must be implemented.
11. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. The ECO must conduct a site visit prior to the commencement of construction activities. Thereafter, fortnightly monitoring inspections must be undertaken during both the site clearance phase and the construction phase. Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority every two (2) months for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within one month of construction and site rehabilitation having been completed.
14. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
15. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

16. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 11 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. The first Environmental Audit Report must be submitted three (3) months after the commencement of construction activities and every six (6) months thereafter, during the construction phase. A final Environmental Audit Report must be submitted three (3) months after completion of construction activities.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

Specific Conditions

17. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

18. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. Appeals

Appeals must comply the *National Appeal Regulations, 2025* (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025). Please note the provisions of Regulation 1 (2) & (3) of the *National Appeal Regulations, 2025* when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&AP's) and the decision maker (Competent Authority who issued the decision) within **20 calendar** days from the date this decision was sent by the decision maker.
2. The I&AP's (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&AP's by the holder (applicant) of the decision.
3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:
 - a. notify registered I&AP's and affected organs of state of any appeal received, and make the appeal available to them, within 5 calendar days after the 20-day appeal period ends.
 - b. Submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.
5. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the *National Appeal Regulations, 2025* may submit a Responding Statement within **20 calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
 - a. **By e-mail:**
DEADP.Appeals@westerncape.gov.za or
 - b. **By hand** where that person submitting does not hold an electronic mail account:
Attention: Mr Marius Venter
Room 809, 8th Floor Utilitas Building,
1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel. (021) 483 3721 or email DEADP.Appeals@westerncape.gov.za

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 21 AUGUST 2025

CC: (1) Mr. D. de Klerk (SAS Environmental Group of Companies)
(2) Mr. H. Taljaard (Witzenberg Municipality)
(3) Ms. L. Knoetze (CapeNature)
(4) Mr. J. Du Toit (Landowner-Bypass Road section)

(5) Ms. Louise Buys (DOI)
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ANNEXURE 1: LOCALITY MAP

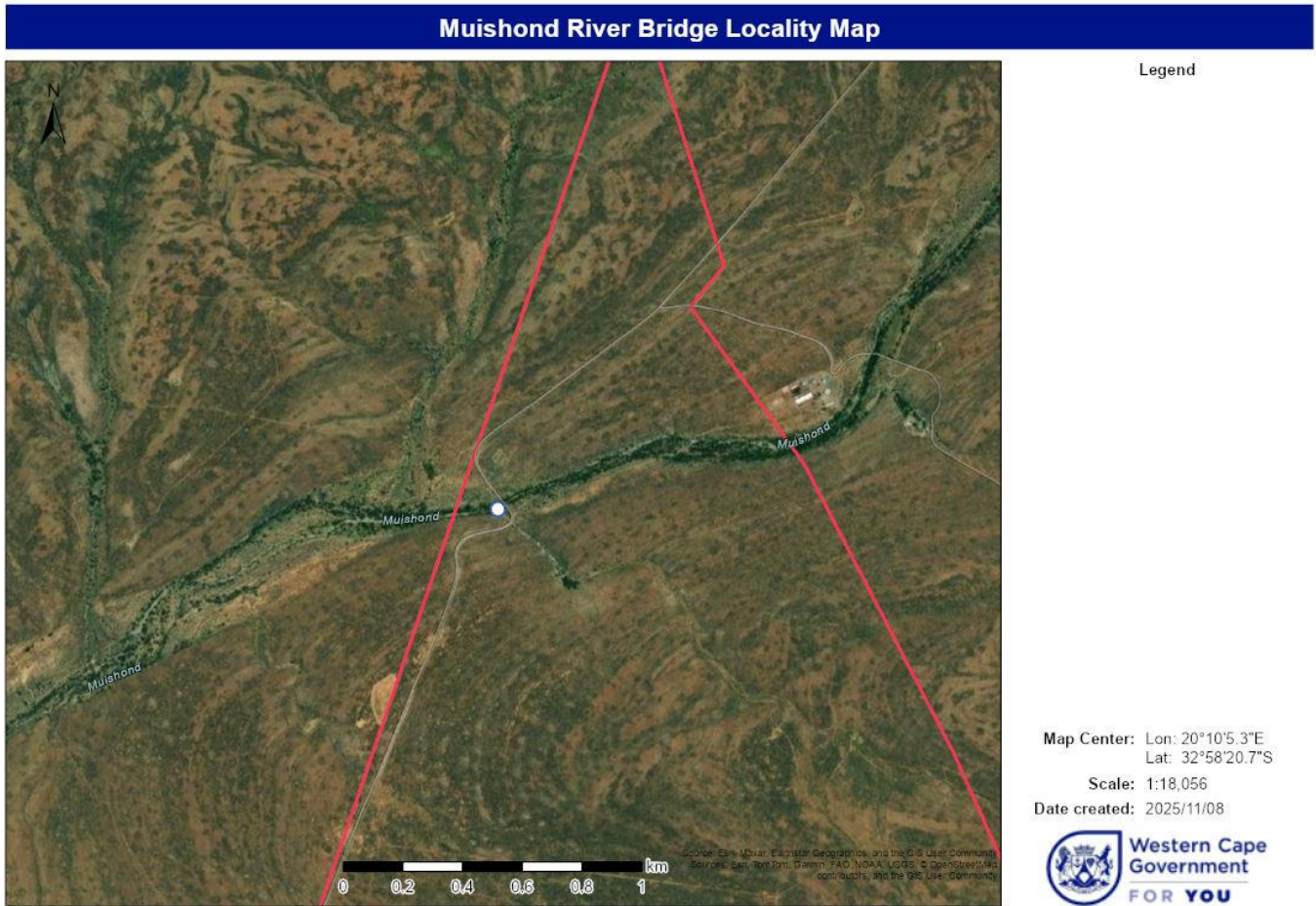


Figure 1: Locality Map.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 28 January 2025, the final BAR dated 6 May 2025 and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 6 May 2025; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'The Citizen' on 23 January 2025;
- fixing notice boards at a location within and around the area where the listed activities are to be undertaken on 23 January 2025;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 31 January 2025;
- making the in-process draft BAR from 31 January 2025;

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised, and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

The proposal entails the construction of a bridge across the Muishond River, together with associated erosion protection measures, including reno mattress and gabions, as well as the widening of the flood plain through river training. A temporary bypass, which will be removed once the bridge construction has been completed, is also proposed. The following design alternatives were assessed as part of this application, as well as the "no-go" alternative, and are discussed below.

2.1 Design Alternatives:

| Design Alternatives for 10 Year Recurrence Interval Flood | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------|
| Structure | Safe Crossing Flow Capacity | Potential Period of Inaccessibility of Muishond River Access Road Crossing |
| Design Alternative 1: The construction of a concrete drift to 0.15m wading depth | 1 m ³ /s | Up to more than 5 days |
| Design Alternative 2: The construction of a box culvert causeway consisting of 3 barrels of 3m wide and 1.8m high box culverts in the low flow area and a further 9 barrels of 3m wide and 1.2m high box culverts in the floodplain area. | 75 m ³ /s | Up to 4 hours |
| Design Alternative 3: The construction of a pipe culvert causeway consisting of 5 barrels of 1.5m diameter pipe culverts in the low flow area and a further 20 barrels of 0.9m diameter pipe culverts in the floodplain area. | 39 m ³ /s | Up to 7 hours |
| Design Alternative 4: The construction of a bridge consisting of 3 spans, each measuring 3m wide and 1.8m high. | 145 m ³ /s | Less than 1 hour |
| Design Alternative 5 (Herewith Authorised): The construction of a dual-span bridge with each span measuring 11,7m wide and 3,3m high. | 235 m ³ /s | None |

Design alternatives 1-4 are not preferred for the following reasons:

- The potential periods of inaccessibility are not ideal, especially during emergency situations (medical or natural).
- These designs do not provide the required level of service for the approved Oya Energy PV Plant and/or other road users.
- There is an increased risk of river contamination from hydrocarbons when vehicles cross over the drift while the river is flowing, due to the low nature of the structure.
- Road users face increased risk when the water level potentially exceeds the safe wading depth/depth for crossing the river.
- Culvert openings are more likely to be blocked by debris and vegetation during larger floods.
- Restricted hydraulic openings results in higher flow velocity, increasing the risk of downstream erosion.

Design Alternative 5 is preferred for the following reasons:

- This design provides accessibility at all times during a 10-year recurrence interval flood which would ensure access to the renewable energy facility and continued access for other road users in the vicinity.
- The design makes provision for a freeboard for a 10-year recurrence interval flood and no overtopping during 20-year recurrence interval floods.
- The bridge pier is located outside the main low-flow channel, thereby ensuring that there will be no obstruction within the main low flow channel.
- Compared to Design Alternatives 1-4, this design will have the least impact on the natural river flow patterns.
- Decreased risk of debris and vegetation becoming trapped on the piers due to reduced number of spans and the pier placement outside of the low-flow channel.

- The risk of river contamination by hydrocarbons is reduced, as the bridge is not designed to be used if any overtopping occurs.
- Significantly reduced risk to road users when crossing the bridge with river flows potentially exceeding the safe wading depth.

2.2 “No-Go” Alternative

The “no-go” option was considered and is not the preferred option for the following reasons:

- The existing low-level causeway will not ensure safe and reliable passage across the Muishond River via the OP06128, which is used daily by the surrounding agricultural community and the general public.
- Regular flooding of the low-level causeway results in the surrounding agricultural community and the general public being stranded and unable to cross the Muishond River safely.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

Significant rainfall in the greater surrounding area during the winter months of 2024 caused the Muishond River’s water level to increase rapidly, resulting in significant debris being washed downstream. As a result, the water level at the drift crossing became dangerously high, preventing construction and contractor vehicles, landowners and the public from crossing the river safely. This situation is regularly experienced during periods of significant rainfall, often leaving surrounding landowner and the public cut off from their properties, places of work and tourism facilities along the OP06128. High water levels at the crossing through the Muishond River has caused and continue to cause significant delays and associated additional financial costs related to the construction of the approved Oya Energy PV Plant, as vehicles have occasionally been unable to access the site for several days. The construction of the proposed dual span bridge will ensure safe and reliable access across the Muishond River during high rainfall events for both the general public and the surrounding community that utilises this bridge.

3.2 Biophysical Impacts

According to the Terrestrial Assessment dated January 2025, compiled by N. Cloete of Freshwater Ecological Network Consulting (Pty) Ltd. (“FEN”) Consulting, the study area is mainly located within one vegetation type, namely Tanqua Wash River, an ecosystem listed as least threatened in terms of section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) (“NEMBA”). Vegetation within this habitat unit is typically sparse, dominated by hardy, drought-adapted plant species such as low-growing shrubs, dwarf succulents, and scattered grasses, forming part of the Succulent Karoo biome. Vegetation within this habitat unit can be described as desert shrubland. No species of conservation concern (“SCC”) were identified on site and no suitable habitat to support these SCC were found within the study area, although one species has the potential of occurrence within the area. The specialist concluded that the proposed activity will moderately impact on floral species, if no mitigation measures are implemented. However, through the implementation of the specialist’s recommendations included in the EMPr (accepted in Condition 9), the impacts on indigenous vegetation can be adequately mitigated.

According to the Freshwater Assessment dated January 2025, compiled by B. Bleuler of FEN Consulting, the Muishond River and associated ephemeral drainage lines with riparian vegetation (“EDLRs”) and episodic drainage lines without riparian vegetation (“EDLs”) were identified to be associated with the site. Various other EDLRs and EDLs were identified in the investigation area but are not directly associated with the site and were thus excluded from further assessment as no quantum of risk to those systems is perceived as a result of the activities within the site. The Muishond River and associated ELDRs and EDLs are considered to be in a largely natural ecological condition, with intermediate ecoservice provision and high ecological importance and sensitivity. The specialist concluded that the activities associated with the focus area during construction and operational phases of the development pose an overall moderate risk

(according to the DWS Risk Assessment Matrix) and a very low to medium-low negative impact (according to the impact assessment) on the freshwater ecosystems, particularly the construction and decommissioning activities associated with the Muishond River bridge and temporary bypass road. Furthermore, through the implementation of the specialist's recommendations contained in the EMPr (accepted in Section E, Condition 9) and the Rehabilitation MMP (adopted in Condition 9), the impact on the Muishond River can be adequately mitigated.

An MMP has been compiled for the rehabilitation of the site, and the maintenance and management of the bridge and associated infrastructure, as well the temporary bypass road within the Muishond River. The construction of the bridge and the maintenance thereof, as approved in this Environmental Authorisation, forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

3.3 Heritage Impacts

According to the Archaeological and Heritage Impact Assessment dated 15 January 2025 compiled by D. Tasker of PGS Heritage (Pty) Ltd, a total of thirteen heritage features and resources were identified within the project area, comprising burial sites, historic structures, and archaeological sites. High-significance burial sites include Oya05 (a Snyders family graveyard with approximately seven graves dating to the 1850s), Oya06 (a singular stone-packed grave), and Oya08 (a disturbed stone feature resembling a grave). These sites are assigned a heritage grading of 3A, indicating high local significance. Historic structures include Oya02, a unique collapsed stone-walled kraal, and Oya09, Oya10, and Oya11, which form a cluster of stone-built farmstead features. These sites are rated 3C, reflecting low local significance. Archaeological sites Oya01 and Oya04 comprise historic middens and Middle and Later Stone Age lithics, also rated 3C with low local heritage value. The remaining four sites (Oya03, Oya07, Oya12, and Oya13) are considered non-conservation-worthy. Through the implementation of the specialist's recommendations included in the EMPr (accepted in Condition 9), which were endorsed by Heritage Western Cape on 10 June 2025, the impacts to heritage resources can be adequately mitigated.

According to the Palaeontological Impact Assessment dated October 2024, compiled by E. Butler of Banzai Environmental (Pty) Ltd, fragmented tree fossils were identified in drainage lines in the development footprint, however, mitigation of these fossils is not recommended. Based on the site investigation as well as desktop research it is concluded that fossils of scientific and conservation interest in the study area is relatively rare. The specialist concluded that the proposed development will not lead to damaging impacts on the palaeontological resources of the area. Through the implementation of the specialist's recommendations included in the EMPr

(accepted in Condition 9), the impacts on palaeontological resources can be adequately mitigated.

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will result in a loss of natural vegetation and will impact the Muishond River. However, mitigation measures to address these impacts sufficiently have been proposed and are incorporated into the EMPr.

Positive impacts:

- The new bridge will provide accessibility at all times during a 10-year recurrence interval flood which would ensure access to the renewable energy facility and continued access for other road users in the vicinity.
- The design makes provision for a freeboard for the 10-year recurrence interval flood and no overtopping during 20-year recurrence interval flood.
- Employment opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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