

Nkhensani Masondo

From: Azrah Essop <AEssop@dffe.gov.za>
Sent: Wednesday, 08 June 2022 14:26
To: Karen Jodas; Nkhensani Masondo
Cc: Lerato Mokoena; Wayne Hector; Attie Botha
Subject: RE: 2022-06-0006

Afternoon Karen

I agree, a meeting is not required unless yourself or the applicant feels it necessary. I am available on email correspondence should you require anything further.

Regards

Ms. Azrah Essop

Environmental Officer: Priority Infrastructure Projects

Department of Forestry, Fisheries and the Environment

Environment House

473 Steve Biko and Soutpansberg Streets

PRETORIA

Tel: (012) 399 8529

Cell: 063 750 3585

E-mail: aessop@dffe.gov.za

Call Centre: 086 111 2468



forestry, fisheries
and the environment

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

From: Karen Jodas <karen@savannahsa.com>
Sent: Wednesday, 08 June 2022 14:16
To: Azrah Essop <AEssop@dffe.gov.za>; Nkhensani Masondo <nkhensani@savannahsa.com>
Cc: Lerato Mokoena <LMOKOENA@dffe.gov.za>; Wayne Hector <WHECTOR@dffe.gov.za>; Attie Botha <attiebotha@kotelotsatsienergy.com>
Subject: Re: 2022-06-0006

Dear Azrah,

With regards to the email below, please can you confirm that no pre-application meeting is required by the Department and that we may proceed to submit a new application.

Kind regards

Karen

Karen Jodas

Director | Savannah Environmental (Pty) Ltd

Tel: +27 (0)11 656 3237 | Fax: +27 (0)86 684 0547 | Cell: +27 (0)82 655 1935

[SAWEA Award for Leading Environmental Consultant for Wind Projects in 2013 & 2015](#)

From: Azrah Essop <AEssop@dfpe.gov.za>

Date: Tuesday, 07 June 2022 at 17:30

To: Karen Jodas <karen@savannahsa.com>, Nkhensani Masondo <nkhensani@savannahsa.com>

Cc: Lerato Mokoena <LMOKOENA@dfpe.gov.za>, Wayne Hector <WHECTOR@dfpe.gov.za>, Brenda Ton <Brenda@savannahsa.com>

Subject: RE: 2022-06-0006

Dear Karen and Nkhensani

Please note, Regulation 21 does not apply to this application as the project was withdrawn according to our records, and not lapsed as you state in the pre-application form. Therefore, a new application will have to be lodged.

Trust this suffices

Regards

Ms. Azrah Essop

Environmental Officer: Priority Infrastructure Projects

Department of Forestry, Fisheries and the Environment

Environment House

473 Steve Biko and Soutpansberg Streets

PRETORIA

Tel: (012) 399 8529

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forestry, fisheries
and the environment

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

From: EIA Applications <EIAApplications@dfpe.gov.za>

Sent: Monday, 06 June 2022 13:07

To: Azrah Essop <AEssop@dfpe.gov.za>

Cc: Lerato Mokoena <LMOKOENA@dfpe.gov.za>; Wayne Hector <WHECTOR@dfpe.gov.za>; Brenda Ton <Brenda@savannahsa.com>

Subject: 2022-06-0006

Dear Azrah.

Please note that you have been allocated an application:

Type of Application: Pre-Application Meeting Request;

Reference Number: 2022-06-0006;

Date Received: 02/06/2022;

Action Required: Decide on meeting request.

Kindly let Ephron know which date the meeting is to be held, if it will be set.

EIA Applications

Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Please note that this email is for the receipt and processing of online applications only, and is not monitored for responses. All queries must be directed to EIAAdmin@dffe.gov.za.

You are advised that this mailbox has a 48 hour response time.

Please note that this mailbox has a 5mb mail limit. No zip files are to be attached in any email.

From: Brenda Ton <Brenda@savannahsa.com>
Sent: Thursday, 02 June 2022 14:18
To: EIA Applications <EIAApplications@dffe.gov.za>
Cc: Karen Jodas <>; Nkhensani Masondo <>
Subject: FW: Pre-Application Request & Approval for Kotulo Tsatsi Energy (Pty) Ltd (SE3450)

Good day,

Please see attached the Pre-Application request & approval for the Kotulo Tsatsi Energy PV3 and associated infrastructure, near Kenhardt, Northern Cape Province.

Should you require further information please do not hesitate to contact Karen Jodas or Nkhensani Masondo who are cc'd in this email.

Thank you and kind regards,



t: +27 (0)11 656 3237
f: +27 (0) 86 684 0547

Brenda Ton
Office & Administrator Manager

e: brenda@savannahsa.com

SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

Processing of personal Information / POPIA compliance

We respect your privacy and acknowledge that this e-mail will contain Personal Information, which may belong to you, others and/or to your organization and which we will process. The processing of your personal information by Savannah Environmental may be included in reports submitted to governmental departments or on our public platforms, which processing will be done in accordance with our processing notice housed on our website - <https://savannahsa.com/privacy-policy-privacy-policy-page/>. By sending and/or receiving this message, you hereby consent to the lawful processing of personal information for the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act No 4 of 2013).

This email has been scanned for viruses and malware, and automatically archived by **Mimecast SA (Pty) Ltd**, and is believed to be clean

Nkhensani Masondo

From: Lydia Kutu <LKutu@dffe.gov.za>
Sent: Tuesday, 25 October 2022 08:45
To: Brenda Ton; Nkhensani Masondo; Karen Jodas; Savannah Public Process
Cc: Azrah Essop; EIAAdmin; Salome Mambane
Subject: 14/12/16/3/3/2/2223

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION FORM AND DRAFT SCOPING REPORT FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED KOTULO TSATSI ENERGY PV3 AND ASSOCIATED INFRASTRUCTURE, NEAR KENHARDT, NORTHERN CAPE PROVINCE.

The Department confirms having received the Application Form and Draft Scoping Report for Environmental Authorisation for the abovementioned project on 20 October 2022. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

Kindly note that your application for Environmental Authorisation falls within the ambit of an application applied for in terms of Part 3 of Chapter 4 of the EIA Regulations, 2014, as amended. You are therefore referred to Regulation 21 of the EIA Regulations, 2014 as amended.

Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that potential Interested & Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014, as amended, prior to the submission of an application but **must** be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.

Note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Kind Regards,
Lydia Kutu
Integrated Environmental Authorisations:
Coordination, Strategic Planning and Support
Tel: (012) 399 9370
Email: LKutu@dffe.gov.za

To God be the Glory!!!



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: 14/12/16/3/3/2/2223

Enquiries: Ms Azrah Essop

Telephone: (012) 399 8529 **E-mail:** AEssop@dfffe.gov.za

Ms Nkhensani Masondo
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2191

Telephone Number: (011) 656 3237
Email Address: nkhensani@savannahsa.com; /
karen@savannahsa.com

PER MAIL / E-MAIL

Dear Ms Masondo

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED KOTULO TSATSI ENERGY PV3 FACILITY, BESS AND ASSOCIATED INFRASTRUCTURE, NEAR KENHARDT, NORTHERN CAPE PROVINCE

The Application for Environmental Authorisation and Draft Scoping Report (SR) dated October 2022 and received by the Department on 17 October 2022, refer.

This letter serves to inform you that the following information must be included to the final SR:

1. **Competent Authority**

Clarify the reason for this department being the competent authority in terms of S24C of NEMA. This must be expanded on and updated in the application form as well as the report.

2. **Listed Activities**

- a) It is noted that the proposed solar facility does not fall within any renewable energy development zones.
- b) Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure (including thresholds) as described in the project description. Only activities (and sub-activities) applicable to the development must be applied for and assessed.
- c) Please include the capacity of the proposed onsite substation and powerline(s) in the project description under Activity 11 LN1.
- d) It is imperative that the relevant authorities are continuously involved throughout the environmental impact assessment process, as the development property possibly falls within geographically designated areas in terms of Listing Notice 3 Activities. Written comments must be obtained from the relevant authorities (or proof of consultation if no comments were received) and

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submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

- e) If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.dffe.gov.za/documents/forms>,

3. **Layout & Sensitivity Maps**

- a) Please provide a layout map which indicates the following:
- the PV development area;
 - Position of all infrastructure e.g. panels, BESS, substations, grid connection etc.;
 - Permanent laydown area footprint;
 - All supporting onsite infrastructure e.g. roads (existing and proposed);
 - Substation(s) and/or transformer(s) sites including their entire footprint;
 - Connection routes (including pylon positions) to the distribution/transmission network; and
 - All existing infrastructure on the site.
 - The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
 - Buffer areas; and
 - All "no-go" areas.
- b) The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure. All available biodiversity information must be used in the finalisation of the map and infrastructure must not encroach on highly sensitive areas as far as possible.
- c) Ensure that similar colours are not used to differentiate between infrastructure. i.e. items must be easily distinguishable in the Legend.
- d) Google maps will not be accepted for decision-making purposes.

4. **Project Overview:**

- a) It is mentioned on page 4, that *'The development area was previously authorised for the development of Concentrated Solar Power (CSP) technology (DEFF Ref: 14/12/16/3/3/2/694/2), known as Kotulo Tsatsi Concentrated Solar Plant 2. However, this project is no longer being considered for the site as the development of CSP no longer forms part of the energy mix of the Country as indicated in the IRP.'* The proposed development lies within an area previously authorised for CSP project infrastructure, kindly provide further information where possible in this regard.
- b) Kindly clarify whether the grid connection is part of this application or whether existing infrastructure will be utilised. Section 8.2. states that the grid will not be reassessed, however, it is included in project infrastructure and the listed activities.

5. **Public Participation Process**

- a) Please ensure that all issues raised, and comments received on the draft SR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section: BCAdmin@dffe.gov.za) in respect of the proposed activity are adequately addressed in the final SR. Proof of correspondence with the various stakeholders must be included in the final SR. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process (PPP) must be

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conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.

- b) A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all historical comments (pre and post submission of the draft SR) for this development. The C&R report must be a separate document from the main report and the format must be in the table format which reflects the details of the I&APs and date of comments received, actual comments received, and response provided. Please ensure that comments made by I&APs are comprehensively captured (copy verbatim if required) and responded to clearly and fully. Please note that a response such as "Noted" is not regarded as an adequate response to I&AP's comments.

6. Specialist Assessments to be conducted in the EIA Phase

- a) It is noted, under section 8.2. that the applicant intends to utilise previous specialist information conducted through the assessment for Kotulo Tsatsi CSP2. It is acceptable to use this information as a basis point for current specialist assessments, however, specialist assessments produced for Kotulo Tsatsi PV3 must be specific to the current project. Specialist studies must not be older than 5 years for you to use it for the current project.
- b) Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of PV arrays, and all other associated infrastructures that they have assessed and are recommending for authorisations.
- c) The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- d) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.
- e) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.** Please note further that the protocols require the specialists' to be registered with SACNASP in their respective field.
- f) Additionally, the protocols specify that an assessment must be prepared by a specialist who is an expert in the field and is SACNASP registered for e.g. an aquatic assessment must be prepared by a specialist registered with SACNASP, with expertise in the field of aquatic sciences.
- g) The screening tool output:
- The screening tool and the gazetted protocols (GN R320 of 20 March 2020 and GN R 1150 of 30 October 2020) require a site sensitivity verification to be completed to either confirm or dispute the findings and sensitivity ratings of the screening tool.
 - Site sensitivity verifications for all the identified specialist studies (according to the screening tool) must be provided.
 - The screening tool (Application form) identifies thirteen (13) Specialist reports. It is the responsibility of the EAP to confirm this list and to motivate in the assessment report, the reason for not including any of the identified specialist study including the provision of photographic evidence of the site situation. The site sensitivity verification for each of the recommended studies, as per the protocols, must be compiled and attached. If the findings of

the site verification differed from the screening tool and was found to be of a different sensitivity level, then a compliance statement would be acceptable.

- Please include a table in the report, summarising the specialist studies required by the Department's Screening Tool, a column indicating whether these studies were conducted or not, and a column with motivation for any studies not conducted. Please note that if any of the specialists' studies and requirements/protocols recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report per the requirements of the Protocols.
- h) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.

7. Cumulative Assessment to be conducted in the EIA Phase

It is noted that the PV facility is planned adjacent to the authorised Kotulo Tsatsi Energy PV 1 and PV2 and occurs within an area previously authorised for CSP project infrastructure. Kindly ensure to expand on this in the scoping and EIA reports.

8. Environmental Management Programme

The EMP must include the following:

- a) It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the Generic Environmental Management Programme, must be used and submitted with the final report over and above the EMP for the facility i.e. separate EMP for the substation, powerline and the facility.
- b) Further to the above, you are required to comply with the content of the EMP in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.

General

You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:

"If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a SR which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"

You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of SRs in accordance with Appendix 2 and Regulation 21(1) of the NEMA EIA Regulations 2014, as amended.

Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).

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You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Letter signed by: Mr Wayne Hector
Designation: Deputy Director: Priority Infrastructure Projects
Date: 02/11/22

cc:	Adriaan Botha	Kotulo Tsatsi Energy (Pty) Ltd	Email: AttieBotha@KotuloTsatsiEnergy.com
	Bryan Fisher	Northern Cape: DENC	Email: Bfisher@ncpg.gov.za
	Jl Swartz	Hantam Local Municipality	Email: Jiswartz@hantam.gov.za



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: 14/12/16/3/3/2/2223

Enquiries: Azrah Essop

Telephone: (012) 310 8529 **E-mail:** AEssop@dffe.gov.za

Ms Nkhensani Masondo
Savannah Environmental (Pty) Ltd
P.O. Box 148
SUNNINGHILL
2191

Telephone Number: 011 656 3237
Email Address: nkhensani@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Masondo

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED KOTULO TSATSI ENERGY PV3 FACILITY IN THE NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment (PoSEIA) dated December 2022 and received by the Department on 1 December 2022, refer.

The Department has evaluated the submitted FSR and the PoSEIA dated December 2022 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR and the PoSEIA is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the PoSEIA as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the Environmental Impact Assessment Report (EIAR):

1. Listed Activities

- a) The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- b) The listed activities represented in the EIAR and the application form must be the same and correct.
- c) The EIAR must assess the correct sub-listed activity for each listed activity applied for. The onus is on the EAP and applicant to ensure that no other activities are triggered, and the correct activities are applied for.

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2. **Public Participation**

- a) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR.
- b) Please ensure that all issues raised and comments received during the circulation of the FSR and draft EIAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAR. Proof of correspondence with the various stakeholders must be included in the final EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- c) A Comments and Response trail report (C&R) must be submitted with the final EIAR. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter in chronological order. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to I&AP’s comments.
- d) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- e) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.

3. **Layout & Sensitivity Maps**

- a) The EIAR must provide the following:
 - Clear indication of the envisioned area for the solar PV facility, i.e., location of solar PV, Battery Energy Storage System (BESS); powerlines, supporting Infrastructure: main sub-station, operation and maintenance office, weather station, internal roads, parking, offices, staff ablutions and all associated infrastructure should be mapped at an appropriate scale.
 - Clear description of all associated infrastructure. This description must include, but is not limited to the following:
 - Powerlines;
 - Internal roads infrastructure; and;
 - All supporting onsite infrastructure such as laydown area, guard house and control room etc.
- b) An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
- c) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.

4. **Specialist assessments**

- a) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
 - A detailed description of the study’s methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations.
 - Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.

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- Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
 - Should the specialist definition of 'no-go' area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
 - All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.
 - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
 - Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.
- b) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.
- c) The screening tool output:
- The screening tool and the gazetted protocols (GN R320 of 20 March 2020 and GN R 1150 of 30 October 2020) require a site sensitivity verification to be completed to either confirm or dispute the findings and sensitivity ratings of the screening tool.
 - It is the responsibility of the EAP to confirm the list of specialist assessments and to motivate in the assessment report, the reason for not including any of the identified specialist studies including the provision of photographic evidence of the site situation. The site sensitivity verification for each of the recommended studies, as per the protocols, must be compiled and attached.
- d) Additionally, the protocols specify that an assessment must be prepared by a specialist who is an expert in the field and is SACNASP registered for e.g. an aquatic assessment must be prepared by a specialist registered with SACNASP, with expertise in the field of aquatic sciences.
- e) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.
- f) Please include a table that shows the proposed studies and the relevant specialists carrying out the study. In addition, a summary should be included of the specialist's recommendations in terms of the alternatives that are preferred based on the findings of their study.

General

Kindly expand on the applicant's intention with the existing EA for Kotulo Tsatsi CPS 2 i.e. (DFFE Ref.: 14/12/16/3/3/2/694/2). The status of this EA must be taken into consideration and must be demonstrated to this Department whether the applicant intends to lapse this EA.

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The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, regarding the time allowed for complying with the requirements of the Regulations.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



Mr Vusi Skosana
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Signed by: Mr Wayne Hector
Designation: Deputy Director: Priority Infrastructure Projects
Date: 23/01/23

cc:	Adriaan Botha	Kotulo Tsatsi Energy (Pty) Ltd	Email: AttieBotha@KotuloTsatsiEnergy.com
	Bryan Fisher	Northern Cape: DENC	Email: Bfisher@ncpg.gov.za
	Jl Swartz	Hantam Local Municipality	Email: Jiswartz@hantam.gov.za

Annexure 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form

Annexure 2: Sample of minimum technical details for the proposed facility

Component	Description / dimensions
Area occupied by inverter / transformer stations / substations	
Capacity of on-site substation	
PV array	
Area occupied by both permanent and construction laydown areas	
Area occupied by buildings	
Length of internal roads	
Width of internal roads	
Proximity to grid connection	
Height of fencing	



forestry, fisheries & the environment

Department:
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REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia,· PRETORIA

DFFE Reference: 14/12/16/3/3/2/2223

Enquiries: Ms Azrah Essop

Telephone: (012) 399 8529 **E-mail:** AEssop@dfpe.gov.za

Ms Nkhensani Masondo
Savannah Environmental (Pty) Ltd
P.O. Box 148
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2191

Telephone Number: (011) 656-3237
Email Address: nkhensani@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Masondo

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED KOTULO TSATSI ENERGY PV3 FACILITY IN THE NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE

The Application for Environmental Authorisation received by the Department on 20 October 2022, the acceptance of the final scoping report issued on the 23 January 2023 and the amended application form and Draft Environmental Impact Assessment Report (EIAR) received on 04 April 2023, refer.

This letter serves to inform you that the following information must be included in the final EIAR:

1. Specific comments

- a) The draft EIAR mentions that: *'The PV facility is planned to be located within an area previously authorised for CSP project infrastructure, which is adjacent to the authorised Kotulo Tsatsi Energy PV1 and PV2 Facilities as well as the authorised CSP3 facility and associated infrastructure.'*

And that:

The PV infrastructure assessed in this application is in response to the Applicant's need to change the authorised generation technology for the facility located on the farm Portion 2 of Farm Styns Vley 280. That is, a technology change from the previously authorised CSP project infrastructure to PV project infrastructure.

The comments and responses report submitted with the draft EIAR states on page 10:

'The Applicant intends on changing the previously authorised CSP project infrastructure to PV project infrastructure. However, previously authorised infrastructure will be retained for use for the planned PV facility:

The infrastructure that will be retained will include other associated infrastructure such as the grid connection via a previously authorised grid connection solution, which consists of internal grid reticulation and the authorised 400kV substation.'

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Further information is required in this regard relating to the footprint. Clarify whether the developments (i.e. PV and CSP) are located on the same farm portion as well as the same footprint.

Please clearly state what infrastructure will be utilised from the authorised CSP EA (14/12/16/3/3/2/694) for the current PV application (14/12/16/3/3/2/2223).

- b) Clarify whether the aspects of the offsets contained in the EA for the CSP facility impact on this current application for the PV facility.
- c) Please ensure that all relevant listed activities are applied for, are specific (down to sub-regulation e.g. Activity 12 (ii)(a)(c) and that it can be linked to the development activity or infrastructure as described in the project description. Ensure to include thresholds of the infrastructure.
- d) If the activities applied for in the application form differ from those mentioned in the final EIAR, an amended application form must be submitted. Ensure to include the facility substation in the listed activities table.
- e) Provide a separate appendix which includes the GPS coordinates, affected properties and SG codes of the preferred alternative. When providing coordinates as part of the information submitted regarding the location of an activity as part of an application for environmental authorisation, such coordinates must be provided in degrees, minutes and seconds using the Hartebeesthoek WGS84 coordinate system as per regulation 5(6) of the NEMA EIA Regulations, 2014, as amended.

2. Undertaking of an Oath

- a) Please note that the final EIAR must have an undertaking under oath/ affirmation by the EAP.
- b) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended, which states that the EIAR must include:
 - I. *“an undertaking under oath or affirmation by the EAP in relation to:*
 - II. *the correctness of the information provided in the reports;*
 - III. *the inclusion of comments and inputs from stakeholders and I&APs;*
 - IV. *the inclusion of inputs and recommendations from the specialist reports where relevant; and*

any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties.”

3. Environmental Management Programme

- a) The EMPr must include the following:
 - I. All recommendations and mitigation measures recorded in the final EIAR and the specialist studies conducted.
 - II. An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
 - III. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- b) In addition to the above, the EMPr must comply with Appendix 4 of the EIA Regulations, 2014, as amended.

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Please also ensure that the final EIAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority -*

(a) an environmental impact assessment report inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.”

Should there be significant changes or new information that has been added to the EIAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority – (b) a notification in writing that the documents contemplated in sub-regulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in sub-regulation (1)(a), and that the revised documents contemplated in sub-regulation 1(a) will be subjected to another public participation process of at least 30 days”.*

Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries & the Environment
Signed by: Mr Wayne Hector
Designation: Deputy Director: Priority Infrastructure Projects
Date: 04/05/2023

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