



# 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

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Mr. Adriaan Botha  
Kotulo Tsatsi Energy (Pty) Ltd  
P.O. Box 423  
**VANDERBILJPARK**  
1900

**Telephone Number** 082 824 1684  
**E-mail Address:** [AttieBotha@KotuloTsatsiEnergy.com](mailto:AttieBotha@KotuloTsatsiEnergy.com)

## PER MAIL / EMAIL

Dear Mr. Botha

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE KOTULO TSATSI ENERGY PHOTOVOLTAIC (PV) 3 FACILITY AND ASSOCIATED INFRASTRUCTURE IN THE NAMAKWA DISTRICT MUNICIPALITY, NORTHERN 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, 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 the 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.

*MJ*

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

**Appeals must be submitted in writing in the prescribed form to:**

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za)

By hand: Environment House  
473 Steve Biko Road  
Arcadia  
**PRETORIA**  
0083; or

By post: Private Bag X447  
**PRETORIA**  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.dffe.gov.za/documents/forms#legal\\_authorisations](https://www.dffe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za).

Yours faithfully

  
**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Forestry, Fisheries, & the Environment  
Date: 10/09/2023

cc:	Nkhensani Masondo	Savannah Environmental (Pty) Ltd	Email: <a href="mailto:nkhensani@savannahsa.com">nkhensani@savannahsa.com</a>
	Mr Bryan Fisher	Northern Cape DAERD&LR	Email: <a href="mailto:Bfisher@ncrg.gov.za">Bfisher@ncrg.gov.za</a>
	JI Swartz	Hantam Local Municipality	Email: <a href="mailto:Jiswartz@hantam.gov.za">Jiswartz@hantam.gov.za</a>





## 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 Kotulo Tsatsi Energy Photovoltaic PV3 Facility and Associated Infrastructure in the Namakwa District Municipality, Northern Cape Province

Namakwa District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/2/2223
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Kotulo Tsatsi Energy (Pty) Ltd
<b>Location of activity:</b>	Portion 2 of the Farm Styns Vley 280 Hantam Local Municipality Northern Cape Province

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## 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 –

### **KOTULO TSATSI ENERGY (PTY) LTD**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr. Adriaan Botha  
Kotulo Tsatsi Energy (Pty) Ltd  
P.O. Box 423  
**VANDERBILJPARK**  
1900

Telephone Number      082 824 1684  
E-mail Address:         [AttieBotha@KotuloTsatsiEnergy.com](mailto:AttieBotha@KotuloTsatsiEnergy.com)

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, 2 and Listing Notice 3 of the NEMA EIA Regulations, 2014 as amended:

as described in the Environmental Impact Assessment Report (EIAR) dated May 2023 at:

Activity number	Activity description
<u>Listing Notice 1</u>	
<p><u>Listing Notice 1, Item 11(i):</u>  <i>The development of facilities or infrastructure for the transmission and distribution of electricity—</i>  <i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;</i></p>	<p>The project entails the construction of new 132kV on-site substation and power line/s to evacuate electricity generated by the project into the national electricity grid via an already authorised 400kV Substation and Aries Substation. The power line and on-site substation will have a capacity of more than 33kV and will be located outside of an urban area.</p>
<p><u>Listing Notice 1, Item 12(ii)(a)(c):</u>  <i>The development of—</i>  <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i>  <i>where such development occurs—</i>  <i>(a) within a watercourse; or</i>  <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p>	<p>The construction and operation of the solar PV facility and associated infrastructure will occur within 32m of an ephemeral drainage line located directly outside and along the north-western boundary of the development envelope. The infrastructure will have a physical footprint of more than 100 square metres.</p>
<p><u>Listing Notice 1, Item 14:</u>  <i>"The development and related operation of facilities and infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres."</i></p>	<p>Dangerous goods such as fuel will be required to be stored and handled on site. The combined capacity of storage containers will be more than 80 cubic metres but will not exceed 500 cubic metres during the construction and operation phases.</p>
<p><u>Listing Notice 1, Item 19:</u></p>	

Activity number	Activity description
<p><i>The infilling or depositing of any material of more than 10 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles, or rock of more than 10 cubic meters from a watercourse.</i></p>	<p>The development area is directly adjacent to a watercourse and will require the removal of &gt;10 cubic metres of soil and rock from the watercourse during the construction phase of infrastructure, including access roads.</p>
<p><u>Listing Notice 1, Item 24 (ii):</u>  <i>The development of a road—                      (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres</i></p>	<p>The construction of the solar PV facility will require the construction of new access roads up to 8m in width to provide access to the facility.</p>
<p><u>Listing Notice 1, Item 28(ii):</u>  <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:                      (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p>	<p>The total area of land to be developed for the solar PV facility is larger than 1 hectare. The site is currently used for agricultural purposes. The total extent of the development envelope is ~1350ha.</p>
<p><u>Listing Notice 2</u></p>	
<p><u>Listing Notice 2, Item 1</u>  <i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more</i></p>	<p>The project comprises a renewable energy generation facility, which will utilise photovoltaic (PV) technology and will have a generation capacity of up to 480MW. The development is located outside of an urban area.</p>
<p><u>Listing Notice 2, Item 15</u>  <i>The clearance of an area of 20 hectares or more of indigenous vegetation.</i></p>	<p>The facility is located on agricultural land where the predominant land use is livestock grazing and is therefore likely to comprise indigenous vegetation. The project would therefore result in the clearance of an area of land greater than 20ha of indigenous vegetation.</p>
<p><u>Listing Notice 3</u></p>	

Activity number	Activity description
<p><u>Listing Notice 3, Item 4(g)(ii)(ee):</u>  <i>"The development of a road wider than 4 metres with a reserve less than 13,5 meters,</i>  <i>(g) in the Northern Cape</i>  <i>(ii) outside urban areas</i>  <i>(ee) within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</i></p>	<p>The construction of the solar PV facility will require the construction of new access roads up to 8m in width to provide access to the facility. The development area is located outside of any urban areas and contains areas identified as CBA1 as per the Namakwa Bioregional Plan Draft 1, published in 2010 by the Namakwa District Municipality.</p>
<p><u>Listing Notice 3, Item 10 (g)(ii) &amp; (iii)(ee):</u>  <i>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic meters,</i>  <i>(g) in the Northern Cape,</i>  <i>(ii) in areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland and</i>  <i>(iii) outside urban areas and</i>  <i>(ee) within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>Dangerous goods such as fuel will be required to be stored and handled on site. The combined capacity of storage containers will be more than 80 cubic metres but will not exceed 500 cubic metres during the construction and operation phases. The construction and operation of the solar PV facility and associated infrastructure will occur within 32m of an ephemeral drainage line located directly outside and along the north-eastern boundary of the development envelope. The development area contains areas identified as CBA1 as per the Namakwa Bioregional Plan Draft 1, published in 2010 by the Namakwa District Municipality.</p>
<p><u>Listing Notice 3, Item 12 (g)(ii):</u>  <i>The clearance of an area of 300 square meters or more of indigenous vegetation,</i>  <i>(g) in the Northern Cape,</i>  <i>(ii) within critical biodiversity areas identified in bioregional plans.</i></p>	<p>The project would result in the clearance of an area of land greater than 20ha of indigenous vegetation. The development area contains areas identified as CBA1 as per the Namakwa Bioregional Plan Draft 1, published in 2010 by the Namakwa District Municipality.</p>
<p><u>Listing Notice 3, Item 14(ii)(a)&amp;(c); (a)(i)(ff):</u>  <i>The development of-</i></p>	<p>The construction and operation of the solar PV facility and associated infrastructure will occur</p>

Activity number	Activity description
<p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs-</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>in (g) the Northern Cape,</i></p> <p><i>(ii) outside urban areas,</i></p> <p><i>(ff) within critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>within 32m of an ephemeral drainage line located directly outside and along the north-eastern boundary of the development envelope. The infrastructure will have a physical footprint of more than 10 square metres. The development area contains areas identified as CBA1 as per the Namakwa Bioregional Plan Draft 1, published in 2010 by the Namakwa District Municipality.</p>
<p><u>Listing Notice 3, Item 18(g)(ii)(ee)(ii):</u></p> <p><i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre,</i></p> <p><i>(g) in the Northern Cape,</i></p> <p><i>(ii) outside urban areas, within</i></p> <p><i>(ee) within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans, and within</i></p> <p><i>(ii) a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.</i></p>	<p>The Soafskolk Road may need to be widened by more than 4m for the construction phase of the PV facility. The development area contains areas identified as CBA1 as per the Namakwa Bioregional Plan Draft 1, published in 2010 by the Namakwa District Municipality. The construction and operation of the solar PV facility and associated infrastructure will occur within 32m of an ephemeral drainage line located directly outside and along the north-eastern boundary of the development envelope.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated May 2023 at:



GPS Co-ordinates proposed facility:

<b>Coordinates</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
<b>Site Coordinates</b>		
North	29°44'39.74"S	20°34'11.36"E
East	29°44'38.55"S	20°36'59.40"E
South	29°49'13.82"S	20°34'30.44"E
West	29°47'18.31"S	20°32'9.39"E
Centre	29°47'16.37"S	20°34'21.50"E
<b>Coordinates of the power line corridor</b>		
Start	29°46'46.66"S	20°33'33.91"E
Middle	29°46'16.42"S	20°34'6.79"E
End	29°45'43.97"S	20°34'36.54"E

Farm portion and SG code

<b>Farm portion</b>	<b>SG code</b>
Portion 2 of Farm Styns Vley 280	C03600000000002800002

Technical details for the proposed facility

<b>Component</b>	<b>Description</b>
Contracted capacity of the facility	480MW
Total extent of the Affected Properties	~4954ha
Total extent of the PV Development Area	~1888ha
Total extent of the PV Development Footprint (Envelope)	~1350ha
Technology	Monofacial or Bifacial PV panels, mounted on either fixed-tilt, or single-axis tracking systems
PV panels	Height: ~5m from ground level (installed).
Facility Substations	<ul style="list-style-type: none"> <li>Two on-site facility substations located on Portion 2 of the Farm Styns Vley 280</li> <li>Approximately 2ha in extent.</li> </ul>

Switching Substations	<ul style="list-style-type: none"> <li>• Two switching substations located within the development area on Portion 2 of the Farm Styn Vley 280</li> <li>• Approximately 2ha in extent</li> </ul>
Grid Connection	<ul style="list-style-type: none"> <li>• A 300m wide grid connection corridor to the authorised 400kV substation within which the grid connection infrastructure will be constructed and operated.</li> <li>• Corridor traverses Portion 2 of the Farm Styns Vley 280</li> <li>• Cabling connecting PV array to facility substation</li> </ul>
Site and internal access	<ul style="list-style-type: none"> <li>• The site is accessible via the Soafskolk access road.</li> <li>• Internal roads of up to 6m in width will be required to access the PV panels and the on-site substation.</li> </ul>
Other infrastructure	<ul style="list-style-type: none"> <li>• Laydown areas</li> <li>• Operations and Maintenance buildings</li> <li>• Control centre</li> <li>• Warehouse/ workshop</li> </ul>

-for the development of up to 480MW Kotulo Tsatsi Energy PV3 Facility and associated infrastructure in the Namakwa District Municipality, Northern Cape Province, hereafter referred to as “the property”.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The development of up to 480MW Kotulo Tsatsi Energy PV 3 Facility and associated infrastructure located approximately 70km south-west of the town of Kenhardt and 60km northeast of Brandvlei in the Northern Cape Province, is hereby approved as per the geographic coordinates cited in the table above.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.

3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant, or person rendering a service to the holder of the authorisation.
4. The activities authorised must only be conducted 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 affected. 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 the 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 must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

12. A final site layout plan for the PV facility and associated infrastructure, as determined by the detailed engineering phase and micro-siting, and all mitigation measures as dictated by the final site layout plan, must be submitted to the Department for approval prior to construction. A copy of the final site layout map must be made available for comments to registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval, prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible. The layout map must indicate the following:
  - 12.1. The position of the solar PV panels;
  - 12.2. The position of the substations;
  - 12.3. The final delineation of the centreline of the powerline within the assessed corridor;
  - 12.4. The specific position of the pylon structures and foundation footprints;
  - 12.5. All associated infrastructure;
  - 12.6. The finalised access routes;
  - 12.7. The on-site and/or switching substation, indicating the Independent Power Producer's section and Eskom's section;
  - 12.8. All sensitive features e.g. Critical Biodiversity Areas, Ecological Support Areas, heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure; and
  - 12.9. All "no-go" and buffer areas.
13. Part C (Site Specific Environmental Attributes) of the Generic Environmental Management Programmes (EMPr's) for the power line and the substation, submitted as Appendix L.2 and L.3 of the EIAR dated May 2023, is not approved. Part C of the respective EMPrs must be amended to include measures as

dictated by the final site lay-out map and micro-siting and the provisions of this Environmental Authorisation. Part C of the generic EMPs must be made available for comments to registered Interested and Affected Parties and the holder of this Environmental Authorisation must consider such comments. Once amended, the generic EMPs must be submitted to the Department for written approval of Part C prior to commencement of the activity. Part C of the generic EMPs must be amended to include the following:

- 13.1. Measures as dictated by the final site lay-out map and micro-siting;
  - 13.2. Heritage Chance Find Procedure;
  - 13.3. Pre-construction heritage, avifauna, protected fauna and flora walkdown of final pylon positions;
  - 13.4. Plant Search Rescue and Relocation Plan
  - 13.5. Alien Invasive Plant Management Plan;
  - 13.6. Stormwater management plan
  - 13.7. Rehabilitation Management Plan;
  - 13.8. The requirements and conditions of this Environmental Authorisation;
  - 13.9. All recommendations and mitigation measures recorded in the EIAR and the specialist reports as included in the final EIAR dated May 2023; and
  - 13.10. The final site layout plan.
14. The Environmental Management Programme (EMP) for the PV facility, submitted as part of the EIAR is not approved and must be amended to include measures, as dictated by the final site lay-out map and micro-siting, and the provisions of this environmental authorisation. The EMP (inclusive of the final site layout plan as contained on condition 12 above) must be made available for comments to registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final EMP must be submitted to the Department for written approval prior to commencement of the activity.
15. The PV facility EMP amendment must include the following:
- 15.1. Measures as dictated by the final site lay-out map and micro-siting;
  - 15.2. Heritage Chance Find Procedure;
  - 15.3. Pre-construction heritage, avifauna, protected fauna and flora walkdown of final pylon positions;
  - 15.4. Plant Search Rescue and Relocation Plan;
  - 15.5. Faunal Search and Rescue and Relocation Plan;
  - 15.6. Post construction monitoring plan for priority collision-prone and red data bird species;
  - 15.7. Alien Invasive Plant Management Plan;
  - 15.8. Stormwater management plan;

- 15.9. Annual monitoring of runoff and erosion from the site roads and PV areas into the adjacent veld to ensure that the hardened surfaces and roads are not generating a lot of runoff that is impacting adjacent natural areas;
  - 15.10. Rehabilitation Management Plan;
  - 15.11. The requirements and conditions of this Environmental Authorisation;
  - 15.12. All recommendations and mitigation measures recorded in the EIAR and the specialist reports as included in the final EIAR dated May 2023; and
  - 15.13. The final site layout plan (as per condition 12).
16. Once approved, the EMPs (for the PV facility and the generic EMPs for the substation and the powerline) must be implemented and strictly enforced during all phases of the project. They shall be seen as dynamic documents and shall be included in all contract documentation for all phases of the development.
  17. Changes to the EMPs must be submitted in accordance with the EIA Regulations applicable at the time.

#### **Frequency and process of updating the EMP**

18. The EMP must be updated where the findings of the environmental audit reports, contemplated in Condition 26 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMP.
19. The updated EMP must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMP 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 EMP must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMP to the Department for approval.
21. In assessing whether to grant approval of an EMP 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 EMP, the Department may request such amendments to the EMP as it deems appropriate to ensure that the EMP sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation must apply for an amendment of an EMP, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed

amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

## Monitoring

23. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
  - 23.1. The ECO must be appointed before the commencement of any authorised activities.
  - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 23.3. The ECO must keep a record of all activities on site, problems identified, transgressions noted, and a task schedule of tasks undertaken by the ECO.
  - 23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

## Recording and reporting to the Department

24. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
25. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
26. The frequency of auditing and submission of the environmental audit reports must be as per the frequency indicated in the EMPr, considering the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
27. The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.

28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
29. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Notification to authorities**

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

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

#### **Site closure and decommissioning**

32. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

#### **Specific conditions**

33. Freshwater resources:
  - 33.1. The depression wetland feature along with its associated 30m buffer is regarded as a No-Go Area and should be excluded from all activities associated with the PV development. This wetland feature should be maintained in a similar natural condition.
  - 33.2. The major ephemeral washes along with their 30m buffers are regarded as No-Go Areas for all activities apart from road construction/upgrading and laying of cables, and only where the use of existing access roads is not an option.



- 33.3. All crossings over watercourses should be such that the flow within the channels is not impeded and should be constructed perpendicular to the river channel.
- 33.4. Laydown areas, site camps, offices, facility substations or any building infrastructure may not be located within the minor ephemeral washes and drainage lines.
- 33.5. Vegetation within the medium sensitive freshwater resource features should be allowed to persist as far as possible, with only the larger shrubs being trimmed.
34. If Palaeontological Heritage is uncovered during surface clearing and excavations, the Chance find Protocol must be implemented immediately. These discoveries ought to be protected (if possible, in situ) and the ECO must report to SAHRA (Contact details: SAHRA, 111 Harrington Street, Cape Town. PO Box 4637, Cape Town 8000, South Africa. Tel: 021 462 4502. Fax: +27 (0)21 462 4509. Web: [www.sahra.org.za](http://www.sahra.org.za)) so that correct mitigation (recording and collection) can be carried out by a palaeontologist.
35. Should any previously unrecorded archaeological resources or possible burials be identified during the course of construction activities, work must cease in the immediate vicinity of the find, and SAHRA must be contacted regarding an appropriate way forward.
36. An ecological walkthrough must occur for the final layout and for permitting purposes prior to construction.
37. Restrict construction activities to daylight hours (07:00 to 17:00) in order to negate or reduce the visual impacts associated with lighting.
38. Maintain vegetation cover (i.e. either natural or cultivated) immediately adjacent to the actual development footprint, both during construction and operation of the proposed facility.
39. Monitor all rehabilitated areas for one year following decommissioning and implement remedial actions as and when required.
40. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, reuse 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**

41. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 41.1. at the site of the authorised activity;
- 41.2. to anyone on request; and

- 41.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
42. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 10/07/2023



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries, & the Environment

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the amended application form received with the draft EIAR on 4 April 2023.
- b) The information contained in the final EIAR dated May 2023.
- c) The comments received from Interested and Affected Parties as included in the final EIAR dated May 2023.
- d) Mitigation measures as proposed in the EIAR and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the final EIAR dated May 2023 and as appears below:

Assessment	Specialist and Company	Date
Terrestrial Biodiversity Compliance Statement	Simon Todd – 3 Foxes Biodiversity Solutions	March 2023
Plant Species Compliance Statement	Simon Todd – 3 Foxes Biodiversity Solutions	March 2023
Animal Species Compliance Statement	Simon Todd – 3 Foxes Biodiversity Solutions	March 2023
Avian Assessment	Birds and Bats Unlimited Environmental Consultants	30 March 2023
Freshwater Impact Assessment	Nkurenkuru Ecology and Biodiversity - Gerhard Botha	31 March 2023
Soils and Agricultural Compliance Statement	The Biodiversity Company- Ivan Baker	December 2020 – Updated March 2023
Heritage Impact Assessment	CTS Heritage - Jenna Lavin	January 2021, updated March 2023
Visual Impact Assessment	EcoThunder - Brogan Geldenhuys	March 2023
Social Impact Assessment	Savannah Environmental and Neville Bews & Associates - Molatela Ledwaba Neville Bews	April 2023

## 2. Key factors considered in making the decision

All information presented to the Department was considered 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 and desirability of Kotulo Tsatsi facility, from an international and regional perspective, can be described through the project's alignment with internationally recognised and adopted agreements, protocols and conventions.
- c) The final EIAR dated May 2023 identified all legislation and guidelines that have been considered in the preparation of the final EIAR.
- d) The location of the proposed project in relation to the neighbouring projects and general landscape.
- e) The methodology used in assessing the potential impacts identified in the final EIAR dated May 2023 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.

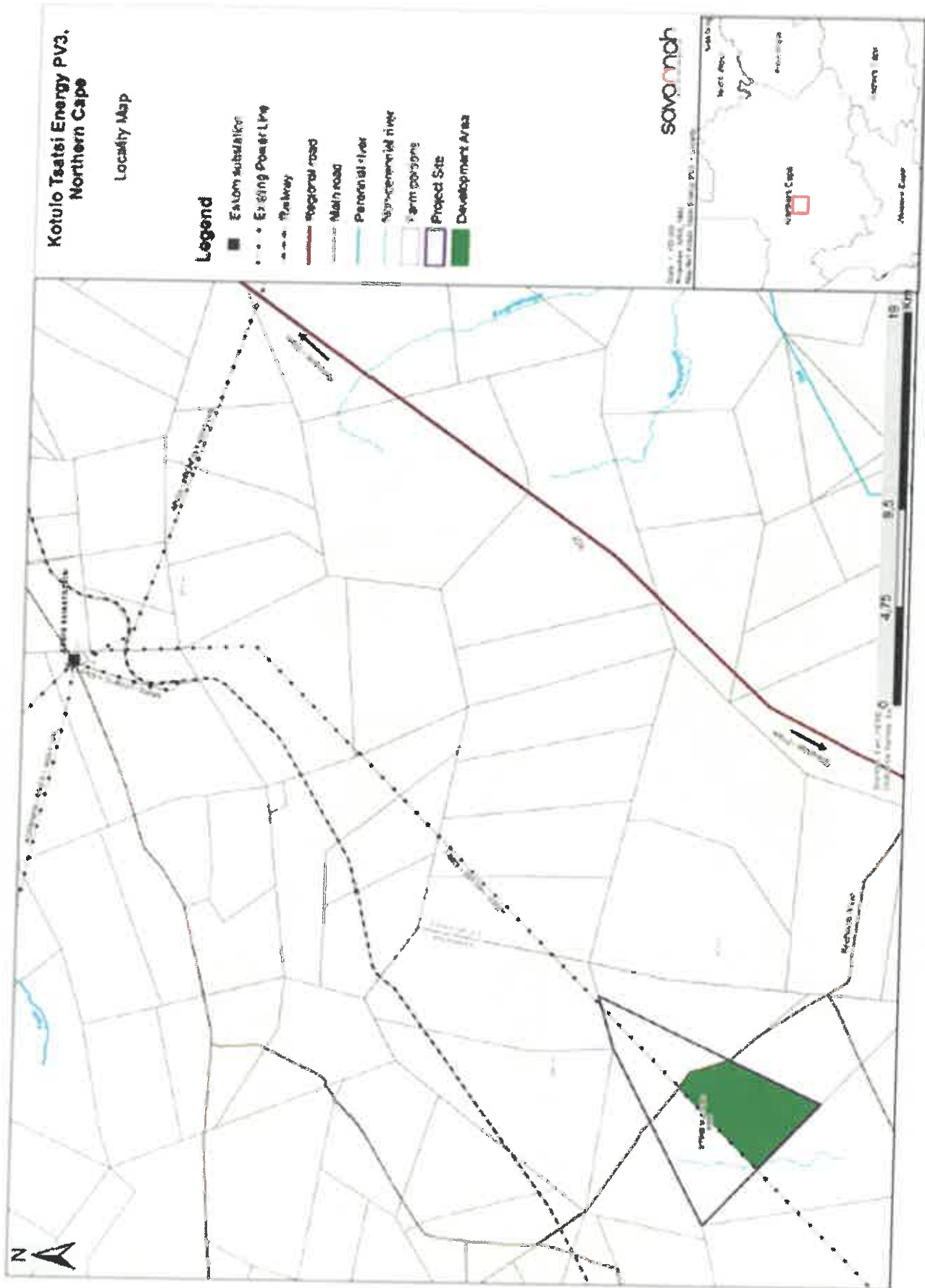
## 3. Findings

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 final EIAR dated May 2023 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 final EIAR dated May 2023 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) The comments raised during the public participation period were adequately addressed and responded to.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

## Annexure 2: Locality Plan



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