



AMENDMENT REFERENCE: 16/3/3/5/F1/7/2031/22
NEAS REFERENCE: WCP/EIA/AMEND/0000625/2022
DATE: 04 July 2022

The Board of Directors
Kotulo Tsatsi Energy (Pty) Ltd
2 Michelin Street
Van der Bijl Park
GAUTENG
1911

For Attention: Dr. Attie Botha

Tel.: 082 824 1684

E-mail: AttieBotha@kotulotsatsienergy.com

Dear Sir/Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE RECORD OF DECISION ("ROD") ISSUED ON 23 OCTOBER 2008 (REFERENCED: E12/2/1-AL13-RMDR OF ERF 110/ERF 471, LAAIPEK), RED TOGETHER WITH THE AMENDED ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 31 OCTOBER 2011 (REFERENCED: E12/2/4/6-F1/7-3033/11), THE AMENDED EA ISSUED ON 17 OCTOBER 2013 (REFERENCED: 16/3/1/5/F1/7/3035/13), AND THE AMENDED EA ISSUED ON 16 OCTOBER 2015 (REFERENCED: 16/3/3/5/F1/7/2022/15) FOR THE AUTHORISED ESTABLISHMENT OF THE VELDDRIF DESALINATION PLANT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 471 (REGISTERED AS ERF 3606) AND ON THE REMAINDER OF THE FARM NO. 110, LAAIPEK

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** the amended Environmental Authorisation, attached herewith, together with the reasons for the Decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the amended 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copied to: (1) Mr. A. Wranz / Dr. H. Podlas (African Inter-Enterprises Pty (Ltd)

(2) Ms. A. Joubert (Bergrivier Municipality)

(3) Mr. M. Nthejane (EnviroAfrica)

E-mail: anton@potgieterassociates.co.za

E-mail: hildap@worldonline.co.za

E-mail: JoubertA@bergamun.co.za

E-mail: Maboee@enviroafrica.co.za



AMENDMENT REFERENCE: 16/3/3/5/F1/7/2031/22
NEAS REFERENCE: WCP/EIA/AMEND/0000625/2022
DATE: 04 July 2022

AMENDMENT TO THE AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE RECORD OF DECISION (“ROD”) ISSUED ON 23 OCTOBER 2008 (REFERENCED: E12/2/1-AL13-RMDR OF ERF 110/ERF 471, LAAIPEK), READ TOGETHER WITH THE AMENDED ENVIRONMENTAL AUTHORISATION (“EA”) ISSUED ON 31 OCTOBER 2011 (REFERENCED: E12/2/4/6-F1/7-3033/11), THE AMENDED EA ISSUED ON 17 OCTOBER 2013 (REFERENCED: 16/3/1/5/F1/7/3035/13), AND THE AMENDED EA ISSUED ON 16 OCTOBER 2015 (REFERENCED: 16/3/3/5/F1/7/2022/15) FOR THE AUTHORISED ESTABLISHMENT OF THE VELDDRIF DESALINATION PLANT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 471 (REGISTERED AS ERF 3606) AND ON THE REMAINDER OF THE FARM NO. 110, LAAIPEK

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

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), this Department herewith **grants** the amendment to the RoD issued on 23 October 2008 (Referenced: E12/2/1-AL13-RMDR OF ERF 110/ERF 471, LAAIPEK), read together with the Amended EA issued on 31 October 2011 (Referenced: E12/2/4/6-F1/7-3033/11), the Amended EA issued on 17 October 2013 (Referenced: 16/3/1/5/F1/7/3035/13), and the Amended EA issued on 16 October 2015 (Referenced: 16/3/3/5/F1/7/2022/15).

The RoD, read together with subsequent amended EAs is amended, as set out below:

The details of holder of the RoD issued on 23 October 2008, reads as follows:

“The Director
African Inter-Continental Enterprises (Pty) Ltd.
P. O. Box.
CRAIGHALL
2024

Attention: Ms. E. Kruger

Tel: (082) 561 7190
Fax: (021) 855 2055”

The details of holder of the RoD issued on 23 October 2008 is herewith amended to read in the following manner:

"The Board of Directors
Kotulo Tsatsi Energy (Pty) Ltd.
2 Michelin Street
Van der Bijl Park
GAUTENG
1911

For Attention: Dr. Attie Botha

Tel.: 082 824 1684
E-mail: AttieBotha@kotulotsatsienergy.com"

B. REASONS FOR THE DECISION

In reaching its Decision, this Department took, *inter alia*, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the original the RoD issued on 23 October 2008 (Referenced: E12/2/1-AL13-RMDR OF ERF 110/ERF 471, LAAIPLEK), read together with the Amended EA issued on 31 October 2011 (Referenced: E12/2/4/6-F1/7-3033/11), the Amended EA issued on 7 October 2013 (Referenced: 16/3/1/5/F1/7/3035/13) and the Amended EA issued on 16 October 2015 (Referenced: 16/3/3/5/F1/7/2022/15), nor trigger any additional Listed Activities in terms of the EIA Regulations 2014 (as amended).
2. According to the information provided in the Part 1 Amendment application form (dated 9 May 2022), the proposed amendment requires that the rights and obligations of the RoD and subsequent amended EAs be transferred from African Inter-Continental Enterprises (Pty) Ltd. to Kotulo Tsatsi Energy (Pty) Ltd.
3. The environment and the rights and interests of I&APs will not be adversely affected by the Decision to amend the RoD issued on 23 October 2008, read together with the Amended EA issued on 31 October 2011, the Amended EA issued on 17 October 2013 and the Amended EA issued on 16 October 2015.
4. The RoD issued on 23 October 2008, read together with the Amended EA issued on 31 October 2011, read together with the Amended EA issued on 17 October 2013 and the Amended EA issued on 16 October 2015 are still valid.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this Decision—
 - 1.1. notify all registered I&APs of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the Decision as included in Section B;
 - 1.1.3. the date of the Decision; and
 - 1.1.4. the date when the Decision was issued.
 - 1.2. 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 Appeal Regulations, 2014 (as amended) detailed in Section D below;
 - 1.3. draw the attention of all registered I&APs to the manner in which they may access the Decision;

1.4. provide the registered I&APs with:

- 1.4.1. the name of the holder (entity) of this Environmental Authorisation;
- 1.4.2. name of the responsible person for this Environmental Authorisation;
- 1.4.3. postal address of the holder;
- 1.4.4. telephonic and fax details of the holder;
- 1.4.5. e-mail address, if any, of the holder; and
- 1.4.6. the 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 National Appeal Regulations, 2014 (as amended).

2. The remaining conditions contained in the RoD issued on 23 October 2008, read together with the Amended EA issued on 31 October 2011, the Amended EA issued on 17 October 2013 and the Amended EA issued on 16 October 2015 remain unchanged and in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the Decision) must, within twenty (20) calendar days from the date the notification of the Decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the Decision.
2. An appellant (if **NOT** the holder of the Decision) must, within twenty (20) calendar days from the date the holder of the Decision sent notification of the Decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the Decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the Decision.
3. The holder of the Decision (if not the appellant), the decision-maker that issued the Decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the Appeal Administrator and the appellant within twenty (20) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or
By hand: Attention: Mr. Marius Venter
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEA&DP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Administrator at: Tel.: (021) 483 3721, E-mail: DEA&DP.Appeals@westerncape.gov.za or URL: <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the Environmental Authorisation 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 04 JULY 2022

Copied to: (1) Mr. A. Wranz / Dr. H. Podlas (African Inter-Enterprises Pty (Ltd)

(2) Ms. A. Joubert (Bergrivier Municipality)

(3) Mr. M. Nthejane (EnviroAfrica)

E-mail: anton@potgieterassociates.co.za

E-mail: hildap@worldonline.co.za

E-mail: JoubertA@beramun.co.za

E-mail: Maboee@enviroafrica.co.za

FOR OFFICIAL USE ONLY:

AMENDMENT REFERENCE: 16/3/3/5/F1/7/2031/22

NEAS REFERENCE: WCP/EIA/AMEND/0000625/2022

-----END-----