

PART A: MEETING INFORMATION

Meeting Description	Department of Forestry, Fisheries and Environment (DFFE) Pre-Application Meeting for the Nyala & Ndau Solar PV Projects			Date	2023/03/17
Venue	Microsoft Teams			Start Time	11:00
Meeting No	1	Revision No	N/A	Prepared By	Manie Cilliers/ Suhasini Naik
				End Time	12:42

Attendance

Name	Ref	Organisation	E-Mail Address	Attendance		
				Attending	Apologies	Declined
Nishkar Maharaj	NM	Praxos 373 (Praxos)	Nishkar.Maharaj@praxos373.co.za	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Manie Cilliers	MC	Praxos	Manie.Cilliers@praxos373.co.za	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Richard Myburgh	RM	Praxos	Richard.Myburgh@praxos373.co.za	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carmen Krishandutt	CK	Praxos	Carmen.Krishandutt@praxos373.co.za	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suhasini Naik	SN	Praxos	Suhasini.Naik@praxos373.co.za	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Mathebula	KM	DFFE	KLMathebula@dffe.gov.za	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mahlatse Shubane	DS	DFFE	Mshubane@dffe.gov.za	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Olivia Letlalo	OL	DFFE	Oletlalo@dffe.gov.za	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Makhosi Yeni	MY	DFFE	Myeni@dffe.gov.za	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reitumetse Mokgele	RMO	DFFE	Rmokgele@dffe.gov.za	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zandri Hill	ZH	ABO Wind Renewable Energies (ABO)	Zandri.Hill@abo-wind.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claudette Muller	CM	ABO	Claudette.Muller@abo-wind.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Next Meeting Date N/A

PART B: MEETING NOTES

Minutes Item	For Action By	Action by Date
1 INTRODUCTION		
1.1 The meeting commenced at 11:05 and was chaired by NM.	Noted	N/A
1.2 NM provided an overview on the layout of the presentation prepared by Praxos.	Noted	N/A
1.3 Attendance via on-line register. Refer to Part A: Meeting Information of these minutes for details in this regard.	Noted	N/A
1.4 All attendees provided a brief introduction on their roles.	Noted	N/A
2 BACKGROUND/ PROJECT DESCRIPTION		
2.1 NM presented a brief overview of the project, Environmental Assessment Practitioner (EAP), Applicants and DFFE as the Competent Authority (CA).	Noted	N/A
2.2 NM provided an overview of the three clusters, i.e., Ndau (x2 Solar PV Facilities and x1 stand-alone Battery Energy Storage Facility [BESF]), Nyala East (x2 Solar PV Facilities), and Nyala West (x1 Solar PV Facility).	Noted	N/A
2.3 NM stated that each facility will undergo a separate EA application equating to a total of six applications.	Noted	N/A
2.4 NM presented the locality of each cluster.	Noted	N/A
2.5 NM also presented the specification of each facility with regards to footprint, permitted capacity, onsite and BESF infrastructure, proposed grid connections and typical associated infrastructure of the project.	Noted	N/A
2.6 OL requested clarity on the number of PV facilities and BESF. NM reiterated that there will be x5 Solar PV facilities and x1 stand-alone BESF.	Noted	N/A
2.7 MS queried why DFFE was identified as the CA. NM responded that the projects are in response to the Integrated Resource Plan.	Noted	N/A

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PART B: MEETING NOTES

Minutes Item	For Action By	Action by Date
2.8 OL enquired whether the Applicant would bid in the Department of Mineral Resources and Energy (DMRE) Renewable Energy Independent Power Producer Procurement Programme (REIPPPP) rounds or in private off-take.	Noted	N/A
2.9 ZH indicated ABO's intention is to take part in the DMRE REIPPPP rounds, however should they be unsuccessful, private off-take will be considered as a secondary option.	Noted	N/A
2.10 OL stated that should the Applicant bid in private off-take, the DFFE will not be the CA. Hence, the Applicant must be certain which option will be followed.	Noted	N/A
2.11 MS agreed and stated that this information must be clear at the application stage in order for DFFE to confirm on whether they are indeed the CA for the application.	Noted	N/A
2.12 ZH indicated that clarity was obtained from DFFE on a previous project of similar nature. It was stated that an EA granted by the DFFE was suitable to take part in private off-take.	Noted	N/A
2.13 NM provided a visual overview of the projects using locality maps. ZH indicated that while a stand-alone BESF is planned for the Ndau site which will operate as a stand-alone facility, the substation positions for the x2 Ndau and x3 Nyala Solar PV facilities will include a portion that is dedicated to battery storage as well.	Noted	N/A
2.14 OL asked if consideration was given to combining applications since the trigger is for the clearance of indigenous vegetation.	Noted	N/A
2.15 ZH indicated that they require a separate EA for the stand-alone BESF to participate in the DMRE BESF tender opportunity. It would be a less complex process to have it separate rather than combining it with the Solar PV facility.	Noted	N/A
2.16 OL stated that Regulation 11 could apply where one report could be submitted and separate EAs requested. However, if the BESF did not trigger a listed activity, a separate EA will not be issued. Since the clearance of indigenous vegetation may be applicable to the entire Ndau site, it will be possible for BESF to be incorporated in that application.	Noted	N/A
2.17 NM enquired whether OL was referring to the stand-alone BESF only or would Regulation 11 apply to the entire Ndau site. OL indicated that she was referring to the BESF where the Applicant should consider which of the two Ndau Solar PV facilities are the closest and choose one of these facilities to include the BESF as well. A request can then be made for separate EA's in terms of Regulation 11.	Noted	N/A
2.18 MS indicated that if the Applicant decides to combine the BESF with the Solar PV application, but the BESF does not trigger a listed activity, it would not be possible to issue a separate EA through Regulation 11.	Noted	N/A
2.19 ZH stated that the battery storage footprint will be greater than 1 hectare and will therefore trigger the clearance of indigenous vegetation listed activity with certain road infrastructure being a potential trigger as well. She added that ABO had previously received an EA for a stand-alone BESF. ABO would be happy to follow Regulation 11 if required/recommended by the DFFE (albeit not the current intention of the Applicant) provided that a separate EA be issued under a different special purpose vehicle/ Applicant for each facility.	Noted	N/A
2.20 KM indicated that there is a potentially relevant listed activity in terms of BESF relating to storage of dangerous goods and is dependent on the battery technology to be utilised.	Noted	N/A
2.21 OL retracted her suggestion on following Regulation 11 if the BESF does not trigger a listed activity, as it will not be feasible for the DFFE to issue a separate EA.	Noted	N/A
2.22 NM requested that discussions around listed activities be paused until the team has looked at these together at a later stage in the meeting.	Noted	N/A

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PART B: MEETING NOTES

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2.23 NM presented the composite sensitivity map for the project and indicated that the Applicant planned the location of the facilities taking into account the desktop findings and site verification results. MS requested that different colours be used that are distinct to avoid confusion.	Noted	N/A
2.24 KM enquired if the entire project is located in one province only. NM confirmed that they are.	Noted	N/A
3 LISTED ACTIVITIES		
3.1 NM moved to the listed activities that have been identified and went through the triggers with the team.	Noted	N/A
3.2 NM stated that the EAP is of the opinion that the BESF will not trigger the storage of dangerous goods activity.	Noted	N/A
3.3 MS stated that the DFFE cannot confirm or deny at the meeting stage if triggers would apply or not. He asked that exclusions for listed activities be included in the description and the use of 'maybe' when considering applicability of activities be avoided, as it creates uncertainty on whether an activity is triggered or not.	Noted	N/A
3.4 OL enquired on whether OHL will be included in the EA application. ZH confirmed that internal reticulation will be included in the application, but that external connections to the national grid will follow a separate application once more technical feedback on the possibilities around connection options becomes available.	Noted	N/A
3.5 KM enquired whether the Applicant will still be able to bid for the DMRE BESF opportunity if the EA is not separate. ZH responded by saying that ABO can still bid however the process will be complicated should the Solar PV facility be integrated with the BESF due to shared infrastructure, and as such is not preferred by the Applicant	Noted	N/A
3.6 ZH requested confirmation that "storage of dangerous goods" would not apply to BESF as it will arrive on site preassembled.	Noted	N/A
3.7 NM added that as per the SANAS classification, batteries in their state do not qualify as dangerous goods.	Noted	N/A
3.8 MS stated that as per his understanding, if the BESF is assembled on site, this is regarded as construction and will trigger a listed activity.	Noted	N/A
3.9 ZH confirmed that the BESF will arrive on site preassembled. Consensus was therefore reached between all parties that the storage of dangerous goods listed activity will not apply to the BESF and as such application for the activity will not be made.	Noted	N/A
4 CONFIRMATION OF EA PROCESS		
4.1 NM requested clarity on the Strategic Transmission Corridor (STC) and if this is limited to transmission infrastructure only. MS advised that query should rather be lodged with IQ for interpretation. OL stated that the STC and associated expedited timeframes apply only to the transmission lines. If the Solar PV facility fell within a Renewable Energy Development Zone (REDZ), then expedited timeframes will apply.	Noted	N/A
4.2 NM enquired if the Public Participation Process (PPP) could be combined, along with the impact assessment reports. MS recommended separate reports be submitted with combined PPP. KM supported this and stated that appeals could affect the client should combined reports be submitted.	Noted	N/A
4.3 NM requested guidance in terms of utilising two different technologies for BESF and how this should be approached in the EA application and assessment. MS stated that all technology options should be assessed but the preferred alternative should be clearly stated. ZH asked if one technology was applied for, could this be changed later during	Noted	N/A

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construction without undergoing an amendment process. OL stated that this will result in a compliance issue from compliance monitoring therefore an amendment process must be submitted should the battery technology to be utilised during construction differ from what was included in the EA. OL reiterated the comment by MS that all technologies must be assessed in the final report.		
4.4 NM asked guidance in terms of assessing cumulative impacts. The EAP has proposed using a 30km buffer. OL stated there is no guideline or policy on the cumulative impact assessment approach, however DFFE would like to see cumulative impacts based on facilities that have been authorised, proposed, and in operation from the start of the EIA process. The 30km buffer is what most applicants consider and may be increased based on similar developments in the area.	Noted	N/A
4.5 NM enquired if the DFFE Generic EMPr will need to be utilised, or if it can be integrated in the Praxos template. MS stated that an EMPr compliant with Appendix 4 of the EIA Regulations should be compiled for the Solar PV facilities and that the Generic EMPr will be for the OHL and substations i.e., LN1 Activity 11 and LN2 Activity 9 triggered activities.	Noted	N/A
4.6 NM requested clarity on the recent publication under the Disaster Management Act (DMA) and the provisions made for streamlining applications and decision making. OL stated that the DFFE Minister has not published any Regulations in line with the Disaster Regulations, therefore, the current Regulations will apply.	Noted	N/A
5 ENVIRONMENTAL SENSITIVITIES & SPECIALIST STUDIES		
NM provided overview on proposed Specialist Studies and sensitivities as per the DFFE Screening Tool. Identified Specialist Studies were as follows: <ul style="list-style-type: none"> • Ecological Biodiversity Impact Assessment • Aquatic Biodiversity Impact Assessment and Wetland Delineation • Archaeological and Cultural Heritage Impact Assessment • Avi-fauna Impact Assessment • Civil Aviation (not required) • Defence (not required) • Visual Impact Assessment (including glint and glare) • Paleontological Impact Assessment • RFI (not required – feedback received from SARAD) • Geotechnical Assessment • Socio-economic Impact Assessment 	Noted	N/A
5.2 NM indicated that the project team identified the need for the following additional studies: <ul style="list-style-type: none"> • BESS Risk Assessment • Traffic and Transport Impact Assessment 	Noted	N/A
5.3 OL stated that DFFE will not confirm Specialist Studies if they have been identified as relevant, until the application has been submitted.	Noted	N/A
6 SOLAR PV EXCLUSION LEGISLATION		
6.1 NM requested feedback on the Solar PV Exclusion Legislation in terms of Section 24(e)(2) of NEMA which is yet to be gazetted.	Noted	N/A
6.2 OL stated that the Minister has not yet published any document relating to Solar PV exclusions.	Noted	N/A
7 WAY FORWARD		

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7.1 NM indicated that the Solar PV facilities will trigger a S&EIR process except for the Ndau stand-alone BESF which will be subject to a BA process due to the clearance of indigenous vegetation.	Noted	N/A
7.2 NM stated that the triggered listed activities will be confirmed once the EA application has been submitted.	Noted	N/A
7.3 NM confirmed that a combined PPP will be followed.	Noted	N/A
7.4 NM stated that Specialist Studies will be confirmed by the DFFE once the EA application has been submitted.	Noted	N/A
7.5 OL reiterated that the DFFE has not confirmed the process to be followed, triggered listed activities, and Specialist Studies required. It is the onus of the EAP and Applicant to determine this. NM acknowledged and stated that it would be confirmed at the application stage.	Noted	N/A
8 GENERAL		
8.1 MS requested that the minutes of the meeting be submitted to the DFFE for approval. NM stated that draft minutes along with the attendance register will be circulated to the DFFE.	NM/ MC	ASAP
8.2 NM enquired on the case officer for the project. OL stated that would be decided at application stage and will be allocated to the team.	Noted	N/A
9 NEXT MEETING AND CLOSURE		
9.1 No further meetings have been scheduled or requested.	Noted	N/A
9.2 The meeting was adjourned at 12h42.	Noted	N/A

STANDING MEETING NOTE 1:

Part C of this minutes below lists all the actions required for the next meeting. It is the responsibility of the individuals attending the meeting to make their own notes and not to wait for the distribution of minutes to action their individual items.

PART C: ACTION ITEMS

Ref #	Action Item	For Action By	Action by Date	Status
1	Draft meeting minutes and submit to DFFE for approval.	NMC	23 March 2023	Complete
2	Approval of meeting minutes.	KM/ MS/ OL/ RMO	TBC	In progress
3	Clarity to be made available as received on a different project that an EA granted by the DFFE was suitable to take part in private off-take	ZH	TBC	Under investigation

Approved: Olivia Letlalo

28/03/2023

Manie Cilliers
28 March 2023