

APPENDIX H6: COMMENTS RECEIVED

South African Heritage Resources Agency

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Natasha Higgitt

Date: Tuesday October 13, 2020

Page No: 1

CaseID: 15501

Final Comment

In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Savannah Environmental (Pty) Ltd

PO Box 148
Sunninghill
2157

To include the construction and operation of a Battery Energy Storage System (BESS) for the authorised Sirius Solar PV Project Two, with a contracted capacity of up to 4.5MWh into the project description of the Environmental Authorisation (EA), as well as an increase in the contracted capacity of Sirius Solar PV Project two by 75MW within the authorised development footprint. The BESS will have a footprint of approximately 6.5ha and will be developed within the authorised footprint of Sirius Solar PV Project Two in close proximity to the substation. The BESS will connect to the authorised on-site facility substation of Sirius Solar PV Project Two via underground cables.

Savannah Environmental (Pty) Ltd has been appointed by Sirius Solar PV Project Two RF (Pty) Ltd to conduct an Environmental Authorisation (EA) Amendment Application process for the authorised Sirius Solar PV Project Two, near Upington, Northern Cape Province (14/12/16/3/3/2/481).

A draft Motivational Report has been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA) and the NEMA Environmental Impact Assessment (EIA) Regulations. The proposed amendment will include increasing the generation capacity to 75MW and the construction of a Battery Energy Storage System within the authorised development footprint of the solar PV facility.

SAHRIS Case ID 1844 has reference

(<https://sahris.sahra.org.za/cases/sirius-solar-pv-project-near-upington-469-481>). SAHRA had no objections to the proposed development and provided conditions. Previous recommendations provided by the specialist include that a suitably qualified heritage practitioner be appointed by the developer to perform periodic inspections of excavated materials (preferably fortnightly) to ensure that no sub-surface sites be damaged.

Banzai Environmental (Pty) Ltd and Heritage Contracts and Archaeological Consulting have been appointed to provide heritage specialist input as part of the EA Amendment application report as required by section 24(4)b(iii) of NEMA and section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999

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(NHRA).

Butler, E. 2020. Palaeontological Letter of Exemption for the Sirius Solar PV Project Two Part 2 Amendment, Northern Cape Province.

The development area is underlain by unfossiliferous metamorphic basement rocks namely the Bethesda Formation and the Dayson Klip gneiss which are overlain by superficial sediments of low palaeontological sensitivity. The proposed amendment will not lead to detrimental impacts on palaeontological resources and a Chance Finds Protocol is recommended.

Van der Walt, J. 2020. Re: Heritage Statement – Proposed Battery Energy Storage System (BESS) of up to 4.5MWH, and an increase of the contracted capacity of the authorised Sirius Solar PV Project Two by 75MW.

No heritage resources were previously identified within the area where the BESS is proposed to be situated. There will be no change to the identified impacts as a result of the proposed amendment.

Final Comment

The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final Motivational Report and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed amendment of the authorised development;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. Further additional specific conditions are provided for the development as follows:
- A report detailing the results of the previously recommended monitoring of the construction phase must be submitted to SAHRA upon completion of the construction phase for review and comment;
- 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG)

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Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;

- 38(4)d – See section 51(1) of the NHRA;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
 - i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;
- The Final Motivational Report and EMPr must be submitted to SAHRA for record purposes;
- The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

Phillip Hine
Manager: Archaeology, Palaeontology and Meteorites Unit

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Enquiries: Natasha Higgitt

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Date: Tuesday October 13, 2020

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South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/539844>
(DEA, Ref: 14/12/16/3/3/2/481)

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.

South African Radio Astronomy Observatory
(SARAO)

Savannah Environmental Pty (Ltd)
First Floor, Block 2
5 Woodlands Drive Office Park
Cnr Woodlands Drive & Western Service Road
Woodmead
2191

Email: info@savannahsa.com
cc: nicolene@savannahsa.com

Date: 12 October 2020

To whom it may concern

RE: MOTIVATION REPORT FOR THE PROPOSED AMENMDENT OF EA FOR SIRIUS SOLAR PV PROJECT TWO NEAR UPINGTON.

SARAO has completed the preliminary risk assessment with regard to the electromagnetic emissions of the for the above mentioned solar PV facilities and its possible impact on the SKA radio telescope.

Based on the information provided on the motivation report, the facilities pose a low risk of interference on the SKA Infrastructure Territory.

SARAO does not object the project but would appreciate if we can be kept updated with the developments of the project so that re-assessment can be undertaken and EMI control plan developed if mitigations are required.

Thank you for your patience and our office remains open for any discussion relating to this project and its impact on the SKA radio telescope.

Regards,



Mr Selaelo Matlhane
Spectrum & Telecommunication Manager
South African Radio Astronomy Observatory (SARAO)

www.ska.ac.za

The South African Radio Astronomy Observatory (SARAO) is a National Facility managed by the National Research Foundation and incorporates all national radio astronomy telescopes and programmes. SARAO is responsible for implementing the Square Kilometre Array (SKA) in South Africa.

Department of Environment, Forestry and
Fisheries (DEFF)
Biodiversity Conservation



environment, forestry
& fisheries

Department: Environment, Forestry
and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: + 27 86 625 1042

Reference: 14/12/16/3/3/2/481

Enquiries: Ms Portia Makitla

Mr. Reuben Maroga
Savannah Environmental
P O Box 148
SUNNINGHILL
2157

Telephone Number: +27 (11) 656 3237
Email Address: info@savannahsa.com

PER E-MAIL

Dear Mr Maroga

**COMMENTS ON THE MOTIVATION FOR THE AMENDMENT OF ENVIRONMENTAL
AUTHORISATION FOR SIRIUS PHOTOVOLTAIC SOLAR PROJECT TO INCLUDE THEN BATTERY
STORAGE SYSTEM, NORTHEN CAPE PROVINCE**

The Directorate: Biodiversity Conservation has reviewed and evaluated the aforementioned report. Based on the information provided in the specialist report, the proposed development falls within Uppington Renewable Energy Development Zone (REDZ) which is an area identified as highly suitable for the development of a solar energy facilities in terms of several environmental impacts, economic and infrastructural factors.

The battery storage system will be constructed within the authorized footprint and will not result in any additional impacts. Therefore, the Directorate Biodiversity Conservation does not have any objection to the proposed amendment application provided that the original recommendations and mitigation measures will be complied of.

Yours faithfully

Mr Seoka Lekota
Control Biodiversity Officer Grade B: Biodiversity Conservation
Department of Environmental affairs
Date: 12/10/2020

Department of Environment, Forestry and
Fisheries
(DEFF)



**environment, forestry
& fisheries**

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/2/481/AM3

Enquiries: Herman Alberts

Ms Jo-Ann Thomas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

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

PER EMAIL

Dear Ms Thomas

COMMENTS ON THE DRAFT AMENDMENT REPORT FOR THE APPLICATION FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION ISSUED ON 09 JULY 2014 (AS AMENDED) FOR THE PROPOSED 75MW SIRIUS PHASE TWO SOLAR PHOTOVOLTAIC ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE ON THE REMAINING EXTENT OF THE FARM TUNGSTEN LODGE 638 NEAR UPINGTON, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) for the above-mentioned project dated 09 July 2014 as amended; the application for amendment of the EA and the draft motivation report received by the Department on 11 September 2020 and the acknowledgement letter dated 25 September 2020, refer.

The Department has the following comments on the abovementioned amendment application:

(a) Specific Comments

- (i) The draft EMPr and final facility layout map to be submitted with the final amendment motivation report must be updated to include and incorporate all mitigation measures recommended by the specialists.
- (ii) The applicant is required to comply with Regulation 39 (1) of EIA Regulations 2014, as amended and submit a written consent of the landowners for the amendment application.
- (iii) The EAP is to ensure that all the amendments applied for does not trigger any listed or specified activity as outlined in Regulation 31 of the EIA Regulations, 2014 as amended.
- (iv) The final motivation report must include specialist input into a risk assessment for the Battery Energy Storage System, and updates to the EMPr to address these additional risks.

(b) Public participation

- (i) A Comments and Response trail report (C&R) must be submitted with the final report. The C&R report must incorporate all comments for this application.
- (ii) 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.
- (iii) 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.

MS.

- (iv) Please ensure that all issues raised and comments received during the circulation of the draft report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final report.
- (v) Proof of correspondence with the various stakeholders must be included in the final report. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (vi) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.

(c) Layout & Sensitivity Maps

- (i) The final report must include an environmental sensitivity map indicating environmental sensitive areas, buffer areas and features identified during the assessment process.
- (ii) The final report must provide the technical details of the proposed facility in a table format as well as their description and/or dimensions.
- (iii) A copy of the final layout map must be submitted with the final report. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
 - (a) The location of the BESS;
 - (b) All supporting onsite infrastructure e.g. roads (existing and proposed);
 - (c) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
 - (d) Buffer areas; and
 - (e) All "no-go" areas.
 - (f) The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure.
- (iv) Google maps will not be accepted.

(d) Specialist assessments

- (i) The maps used within the specialist studies must comply with comment c(i) of this comments letter.
- (ii) The EAP must provide confirmation that all specialists were provided with the same request of proposed amendments as well as ensure that the terms of reference for all the identified specialist studies include the following:
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
 - (e) All specialist studies must be final, and provide detailed/practical mitigation measures and recommendations, and must not recommend further studies to be completed post EA.
 - (f) Should specialists recommend specific mitigation measures for identified turbine positions, these must be clearly indicated.
 - (g) Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.

- (h) A detailed process flow to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
 - (i) Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
 - (j) The significance rating must also inform the need and desirability of the proposed development.
 - (k) A cumulative impact environmental statement on whether the proposed development must proceed.
- (iii) 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) The EMPr must also include the following:

- (i) Please be informed that the following content must be incorporated within the EMPr's as indicated in Appendix 4 of the EIA Regulations 2014, as amended:
 - (a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.
 - (b) A map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.
 - (c) A description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including —
 - Planning and design;
 - Pre-construction activities;
 - Construction activities;
 - Rehabilitation of the environment after construction and where applicable post closure; and
 - Where relevant, operation activities.
 - (d) A description of proposed impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) of Appendix 4 of the EIA Regulations 2014, as amended, will be achieved, and must, where applicable, include actions to —
 - (e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
 - (f) Comply with any prescribed environmental management standards or practices;
 - (g) Comply with any applicable provisions of the Act regarding closure, where applicable; and
 - (h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.
 - (i) The method of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
 - (j) The frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.
 - (k) An indication of the persons who will be responsible for the implementation of the impact management actions.
 - (l) The time periods within which the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended, must be implemented.
 - (m) The mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f) of Appendix 4 of the EIA Regulations 2014, as amended.

- (n) A program for reporting on compliance, taking into account the requirements as prescribed by the Regulations.

(f) General

- (i) Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.

You are further reminded to comply with Regulation 32(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *"The applicant must within 90 days of receipt by the competent authority of the application made in terms of regulation 31, submit to the competent authority -*

(a) a report, reflecting—

- (i) an assessment of all impacts related to the proposed change;*
- (ii) advantages and disadvantages associated with the proposed change; and*
- (iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and*
- (iv) any changes to the EMPr;*

which report-

(aa) had been subjected to a public participation process, which had been agreed to by the competent authority, and which was appropriate to bring the proposed change to the attention of potential and registered interested and affected parties, including organs of state, which have jurisdiction in respect of any aspect of the relevant activity, and the competent authority, and

(bb) 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 motivation report 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 32(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *"the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the report will be submitted within 140 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 report, which changes or information was not contained in the report consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised report will be subjected to another public participation process of at least 30 days"*.

In the event where subregulation (1)(b) applies, the report, which reflects the incorporation of comments received, including any comments of the competent authority, must be submitted to the competent authority within 140 days of receipt of the application by the competent authority.

Should you fail to meet any of the timeframes stipulated in Regulation 32 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 faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries
Signed by: Ms Millicent Solomons
Designation: Director: Priority Infrastructure Projects
Date: 05/10/2020.



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 Environmental Affairs: Strategic Infrastructure Development (John Soap)	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