



MEETING MINUTES

PRE-APPLICATION MEETING FOR PROPOSED AEP KATHU PV SOLAR.

Date: 19 March 2015

Time: 10:00 – 12:00

ATTENDEES:

The signed attendance register is attached in Annexure A

Cape EAPrac (EAP)	:	Mr Dale Holder
Department of Environmental Affairs (DEA)	:	Mr Muhammad Essop
	:	Mr Coenrad Agenbach

These minutes are provided to capture the key discussion points as well as decisions that were taken and conclusions reached. They are not provided as a verbatim capture of the discussions.

POINTS OF DISCUSSION:

1. Introduction to Project

The EAP provided an overall description of the proposed project as follows: The proposed AEP Mogobe Solar Development is proposed on Remainder of 460, situated approximately 2km south of Kathu. The facility will connect to the National Grid via the proposed Sekgame switching station that is situated South of the existing Ferrum sub-station. The proposed Sekgame switching station is being considered as part of a separate Environmental Process.

The EAP provided the DEA with a location plan the remainder of the farm 460 in relation to the N14 and Kathu. A Location plan is also included in Annexure B of these minutes.

DEA advised the EAP of known issues with regard to protected species (*Acacia erioloba*) in the vicinity of Kathu.

The EAP confirmed that an ecological expert has already completed an assessment of the site and has mapped the vegetation types present. The footprint of the proposed facility will be restricted to the Tarconanthus Veld and will totally avoid the high and medium density Acacia Erioloba veld.

A copy of the Vegetation and Sensitivity plan compiled by the ecological specialist was discussed on screen (prints were not available at that stage) and the DEA agreed that the Very-High, High and Medium – High sensitivity areas should be completely avoided by the PV footprint as far as possible. The proposed development is to be restricted to the Medium sensitivity areas (Tarconanthus veld) so that the impact on protected trees is reduced. A copy of the sensitivity plan is attached in Annexure C.

The DEA also advised that the EAP of the highly significant Acacia erioloba forest that is known to occur in the vicinity of Kathu. The EAP confirmed that the Department of Agriculture, Forestry and Fisheries (DAFF) will be engaged as a key stakeholder in the environmental process to provide comment and input in this regard.

2. Brief overview of envisioned environmental process.

The EAP proposed the following broad process be followed:

- Call for registration of I&AP's be placed in local publications as required. Site notices will be placed on the boundary of the site as well as in prominent areas in Kathu.
- Ecology specialist to undertake a site assessment of the entire property and provide an ecological sensitivity plan of the entire property (Completed – Attached in Annexure C).
- The project developers will then develop the preliminary layout (footprint) plan in such a way to avoid the highly sensitive areas.
- The remaining specialists will undertake their site assessments and baseline reports.
- The EAP will then make a "Environmental Screening Report" available to key stakeholders and registered I&AP's.
- After completion of the preliminary public participation process, the application fee will be paid and an application form will be submitted to the DEA.
- Hereafter, the environmental process will follow the legislated requirements for the EIA process as defined in the 2014 NEMA EIA Regulations.

The DEA provided the following advice regarding this proposed process:

- The proposed "Environmental Screening Report" done prior to the submission of the application should be in the form of a "Draft Scoping Report" and should

comply with the legislated requirements regarding the contents of a scoping report.

- The exact requirements regarding the contents of Scoping Reports and Environmental impact Reports must be complied with.
- The formal submissions must be accompanied by a sworn declaration from the EAP confirming the findings to be true and correct.

3. Confirmation of potential stakeholders / I&AP's.

The EAP provided the DEA with a copy of the proposed stakeholder list for the environmental process. This list is attached in Annexure D.

The DEA concurred with the stakeholder list, but recommended that the DEA Biodiversity and Conservation Directorate be included as key stakeholders (including for the pre application stakeholder engagement). The DEA furthermore provided the following contact details in this regard. Mr Seoka Lekota and Mr Tumelo Ratlou - slekota@environment.gov.za (012) 399 96573 and TRatlou@environment.gov.za.

The EAP confirmed that in previous EIA processes, Sentech were registered as key stakeholders, but that comments have never been received from them. The DEA provided the following specific contact person at Sentech, where requests for comments should be addressed: Mr Johan Koegelenberg Tel: (011) 471 4634 or E-mail: koegelenbergj@sentech.co.za

4. Confirmation of proposed specialist studies / specialists.

The following specialist disciplines and proposed specialists were proposed by the EAP:

- | | | |
|------------------------------|---|--------------------|
| • Flora | : | Mr Simon Todd |
| • Fauna | : | Mr Simon Todd |
| • Avifauna | : | Mr Simon Todd |
| • Agricultural Potential | : | Mr Christo Lubbe |
| • Integrated Heritage | : | Mr Stefan de Kock |
| • Archaeology | : | Dr Peter Nilssen |
| • Palaeontology | : | Dr John Almond |
| • Visual | : | Mr Stephen Stead |
| • Technical | : | AEP |
| • Stormwater Management | : | Aurecon |
| • Traffic and Transportation | : | Aurecon |
| • Hydrological (if required) | : | Fluvius Consulting |

The DEA concurred with the proposed specialist studies and advised that if the proposed PV footprint or access roads cross or encroach onto any hydrological

feature (even if these are only ephemeral washes), that a Hydrological specialist should be consulted.

The EAP furthermore confirmed that in addition to the abovementioned studies, a specialist would be appointed to develop the following plans that will form part of the EMPR:

- Plant Rescue and Protection Plan;
- Habitat Restoration Plan;
- Open Space Management Plan; and
- Invasive Alien Management Plan

5. Special considerations regarding cumulative impacts.

During consideration of cumulative impacts, the EAP categorised surrounding energy developments into 3 categories as follows:

- Those still in environmental process;
- Those that have received an Environmental Authorisation; and
- Those that have received an Environmental Authorisation and that have been selected as preferred bidders.

The EAP questioned whether a higher weighting be given to projects that have already received preferred bidder status, as these are the projects that are more likely to be implemented.

The DEA advised that once a project receives an environmental authorisation, it has a legal status allowing it to be developed regardless of whether it receives preferred bidder status. Assessment of cumulative impacts must therefore take place on all nearby projects regardless of their bidding status.

6. Process for engagement with SIP Co-ordinators .

The EAP queried the process for engagement with SIP co-ordinators (Specifically SIP 8 and 9) as part of the environmental process.

The DEA advised that it is likely that the proposed project in its current state does not constitute a SIP and that they could only be considered as SIP's once they receive preferential bidder status.

The EAP will therefore not highlight the projects as SIP's in the application forms that are submitted to DEA.

7. Grid connections (separate BAR process or combined with S&EIR / opportunities for combining PPP).

The EAP highlighted the following two scenarios as possible options for the Grid connections:

- Application, consideration and assessment of the impacts for the grid connection to be undertaken within the Scoping and EIR process for the facility.
- Application, consideration and assessment of the impacts for the grid connection to be undertaken as part of a separate basic assessment process.

The following was concluded in this regard.

Should Eskom insist on having the EA in their name for the grid connection, then the only way this can be done is by means of a separate basic assessment process (DEA can not transfer a single EA into two separate legal entities).

If however the SPV is going to build the powerline and ESKOM will take ownership of it after construction (i.e. during operation), DEA agrees the EA conditions are no longer in force and as such are no longer applicable to the line for the operational phase. During the operational phase, the EMP'r becomes the document that will ensure environmental compliance.

In this case, the EAP suggested and DEA concurred, that two separate EMP's could be submitted with the EIR (one for the facility and one for the grid connection). DEA could then authorise both EMP's as part of the EA and as such the operational environmental requirements associated with the power line will be covered by a separate EMP'r.

DEA advised that there may be a liability issue with the second scenario. If for example Eskom do not comply with the operation provisions in the EMP'r and DEA initiates compliance enforcement – such enforcement will be initiated against the holder of the authorisation (i.e. the SPV) and not Eskom. This liability could potentially be dealt with by means of the contract between the SPV and Eskom. The applicant will engage with Eskom directly in this regard.

ANNEXURES

Annexure A: Attendance Register

Annexure B: Location Plan

Annexure C: Ecological Sensitivity Plan

Annexure D: Proposed Stakeholders