

## SIRIUS SOLAR PV PROJECT TWO, NEAR UPINGTON, NORTHERN CAPE PROVINCE

(DEA REF: 14/12/16/3/3/2/481/AM3)

### COMMENTS AND RESPONSES REPORT

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The Sirius Solar PV Project Two application for amendment to the Environmental Authorisation and availability of the Motivation Report (MR) was announced on Thursday, 10 September 2020. The notification letter served to invite registered Interested and Affected Parties (I&APs) to submit any comments / queries that they might have on the application for amendment to the Environmental Authorisation.

The Motivation Report was made available for a 30-day review and comment period from **Friday, 11 September 2020** until **Monday, 12 October 2020**. The Comments and Responses Report (C&RR) has been updated with comments received during the review and comment period and included in **Appendix H5** of the final Motivation Report. A Revised Motivation Report was made available for review and comments from **Tuesday, 20 October 2020** until **Friday, 20 November 2020**. Comments received during the review period of the Revised Motivation Report is included within this C&RR for submission of the final Motivation Report to the DEFF for review and decision-making.

**LIST OF ABBREVIATIONS / ACRONYMS**

|        |   |             |   |
|--------|---|-------------|---|
| APM    | Archaeology, Palaeontology and Meteorites Unit      | BA          | Basic Assessment  |
| BAR    | Basic Assessment Report                             | BID         | Background Information Document   |
| BMM    | Black Mountain Mine                                 | CBA         | Critical Biodiversity Areas   |
| DEFF   | Department of Environment, Forestry and Fisheries   | C&RR        | Comments and Responses Report   |
| DBAR   | Draft Basic Assessment Report                       | DAEARD & LR | Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform |
| EA     | Environmental Authorisation                         | EIA         | Environmental Impact Assessment   |
| EMPr   | Environmental Management Programme                  | HIA         | Heritage Impact Assessment  |
| I&APs  | Interested and Affected Parties                     | LO          | Landowner   |
| NEMA   | National Environmental Management Act               | NC DENC     | Northern Cape Department of Environment and Nature Conservation                                   |
| NHRA   | National Heritage Resources Act                     | OoS         | Organs of State   |
| SAHRIS | South African Heritage Resources Information System | SAHRA       | South African Heritage Resources Agency   |
| SARAO  | South African Radio Astronomy Observatory           | SCC         | Species of Conservation Concern   |

## 1. COMMENTS RECEIVED DURING THE REVISED MOTIVATION REPORT REVIEW PERIOD

| NO | COMMENT   | RAISED BY   | RESPONSE   |
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| 1. | <p>The Department has the following comments on the abovementioned amendment application:</p> <p><b>a) Specific Comments</b></p> <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p> | <p>Herman Alberts<br/>Case Officer<br/>DEFF</p> <p>Letter: 05 November 2020</p> | <p>The EMPr for the project has been updated to include the details of the proposed BESS within the authorised development footprint of the facility as per Condition 5 of the EA dated 09 July 2014. In addition, the EMPr is also updated to include mitigation measures for the management of impacts associated with the construction and operation of the BESS from a technical perspective and as recommended by the relevant specialists. The updated EMPr is included as <b>Appendix L</b> of the Final Motivation Report.</p> <p>As the project is not yet a Preferred Bidder Project, the layout for the facility has not been finalised. The Applicant will comply with Condition 12 of the EA, which requires that the detailed layout of the facility be made available for a 30-day review and comment period prior to the commencement of the activity when the project has been granted preferred bidder status in a bid from the Department of Mineral Resources and Energy (DMRE). The final facility layout can therefore not be submitted at this time, but will be made available once relevant.</p> <p>A signed copy of the landowner consent letter has been included in <b>Appendix M</b> of the Final Motivation Report.</p> <p>The EAP hereby confirms that the proposed amendments requested for Sirius Solar PV Project Two do not trigger any listed or specified activities.</p> <p>A Risk Assessment indicating the anticipated risks as a result of the construction and operation of the BESS is included in Section 6 of the Final Motivation Report. The updated EMPr includes mitigation measures for the construction and operation of the BESS from a technical perspective, including specialist input. The updated EMPr is included in the Final Motivation Report as <b>Appendix L</b>.</p> |

| NO | COMMENT  | RAISED BY | RESPONSE  |
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|    | <p><b>b) Public participation</b></p> <p>i. A Comments and Response trail report (C&amp;R) must be submitted with the final report. The C&amp;R report must incorporate all comments for this application.</p> <p>ii. The C&amp;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.</p> <p>iii. Please refrain from summarising comments made by I&amp;APs. All comments from I&amp;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&amp;AP's comments.</p> <p>iv. Please ensure that all issues raised and comments received during the circulation of the draft report from registered I&amp;APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final report.</p> <p>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,</p> |           | <p>All comments received during the 30-day review period of the Motivation Report and the Revised Motivation Report are included as <b>Appendix H6</b> of the Final Motivation Report. The C&amp;RR contains all comments received and responses from the project team and applicant (where relevant) and is included as <b>Appendix H5</b> of the Final Motivation Report.</p> <p>The C&amp;RR contains all comments received and responses from the project team and applicant (where relevant) and is included as <b>Appendix H5</b> of the final Motivation Report.</p> <p>Comments received from registered I&amp;APs are included in <b>Appendix H6</b> of the Final Motivation Report and have been captured verbatim and responded to as applicable in the C&amp;RR.</p> <p>Comments received from I&amp;APs and organs of state on the Motivation Report and the Revised Motivation Report during the respective 30-day public review period are included in <b>Appendix H6</b> of the Final Motivation Report. These comments have been incorporated into this C&amp;RR attached as <b>Appendix H5</b> to the Final Motivation Report. Where applicable, comments received have been utilised in the preparation and finalisation of the Final Motivation Report.</p> <p>The comments received from DEFF are included in the C&amp;RR and have been responded to accordingly.</p> <p>Proof of correspondence with the various stakeholders and proof of attempts to obtain comments are included in <b>Appendix H2</b> and proof of correspondence with organs of state and proof of attempts to obtain comments are included in <b>Appendix H3</b> of the Final Motivation Report.</p> |

| NO | COMMENT  | RAISED BY | RESPONSE  |
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|    | <p>vi. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations 2014 as amended.</p>   |           | <p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended (GNR 326), as well as in accordance with the approved Public Participation Plan. The approved Public Participation Plan is included as <b>Appendix H7</b> of the Final Motivation Report.</p> <p>I&amp;APs and organs of state were notified of the availability of the <u>Revised</u> Motivation Report as follows:</p> <ul style="list-style-type: none"> <li>• an advertisement was placed in the Volksblad (digital) on Thursday, 22 October 2020 and in the Gemsbok on Friday 30 October 2020 (tearsheets included in <b>Appendix H4</b> of the Final Motivation Report).</li> <li>• Notification letter was sent to all registered I&amp;APs and Organs of State on the project database (<b>Appendices H2 &amp; H3</b> of the Final Motivation Report) on 19 October 2020 informing them of the availability of the <u>Revised</u> Motivation Report.</li> </ul> |
|    | <p><b>c) <u>Layout &amp; Sensitivity Maps</u></b></p> <p>i. The final report must include an environmental sensitivity map indicating environmental sensitive areas, buffer areas and features identified during the assessment process.</p>   |           | <p>The updated layout as well as sensitivity maps is included in the Final Motivation Report as <b>Appendix I</b>.</p>  |
|    | <p>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.</p>  |           | <p>The technical details of the BESS are included in Chapter 2 and section 2.2 of the Final Motivation Report in the required format. The technical details of the authorised PV facility are included on page 5 of the EA dated 09 July 2014.</p>  |
|    | <p>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:</p> <p>a) The location of the BESS;</p> |           | <p>As the project is not yet a Preferred Bidder Project, the layout for the facility has not been finalised. The final layout map for the facility will be submitted to the Department and made available for a 30-day review and comment period as per Condition 12 of the EA (dated 09 July 2014) prior to the commencement of the activity and when the project has been granted preferred bidder status in a bid under the Department of Mineral Resources and Energy (DMRE). The final facility layout can therefore not be submitted at this time.</p>  |

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|    | <ul style="list-style-type: none"> <li>b) All supporting onsite infrastructure e.g. roads (existing and proposed);</li> <li>c) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;</li> <li>d) Buffer areas; and</li> <li>e) All "no-go" areas.</li> </ul> |           | <p>The layout map of the facility has been updated to include the BESS within the authorised development footprint of the facility. The layout has been updated in accordance with the requirements included in paragraph (a) – (e). The layout and sensitivity maps for the facility are included as <b>Appendix I</b> of the Final Motivation Report.</p>   |
|    | <ul style="list-style-type: none"> <li>iv. The above layout map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure,</li> </ul>  |           | <p>The layout, sensitivity and cumulative map is included in <b>Appendix I</b> of the Final Motivation Report.</p>  |
|    | <ul style="list-style-type: none"> <li>v. Google maps will not be accepted.</li> </ul>  |           | <p>The comment is noted. No Google Maps are provided for consideration.</p>   |
|    | <p><b>d) <u>Specialist assessments</u></b></p> <ul style="list-style-type: none"> <li>i. 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:</li> </ul>            |           | <p>The EAP confirms that all specialists were provided with the same information (including terms of reference) as well as requests for the proposed amendments for Sirius Solar PV Project Two.</p>  |
|    | <ul style="list-style-type: none"> <li>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.</li> </ul>  |           | <p>The details as required in terms of this comment were provided to all specialists.</p>   |
|    | <ul style="list-style-type: none"> <li>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.</li> </ul>   |           | <p>A detailed description of the limitations to the specialist studies and the Final Motivation Report is included in Chapter 5 of the Final Motivation Report. The scope of the specialist studies did not require field work taking into consideration the fact that proposed amendments are within the authorised development footprint of the facility. Therefore, no development as a result of the proposed amendments will</p> |

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|    |  |           | <p>occur outside of the authorised development footprint of the facility, which was assessed in its entirety by the specialists during the undertaking of the EIA process in 2014. The studies undertaken as part of the EIA process considered seasonality as relevant. As a result, the latter in the comment is not applicable to the project.</p>  |
|    | <p>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.</p> |           | <p>The comment from the Department is acknowledged. The Applicant has been made aware that development, including that of linear infrastructure such as access roads is not permitted in no-go areas. An updated sensitivity layout map of the facility, which illustrates no-go areas within the vicinity of the BESS is included as <b>Appendix I</b> of the Final Motivation Report. No infrastructure impedes on identified no go areas.</p>   |
|    | <p>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.</p>                                       |           | <p>The definition of the no-go areas from the specialists does not differ from that of the Department. Therefore, the latter comment is not relevant for the proposed amendments.</p>  |
|    | <p>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.</p>  |           | <p>The specialist studies included in <b>Appendix A – Appendix G</b> are final and do not recommend any further additional studies to be undertaken to inform the assessment of impacts post the issuance of the decision on the proposed amendments by the Department.</p>  |
|    | <p>f) Should specialists recommend specific mitigation measures for identified turbine positions, these must be clearly indicated.</p>   |           | <p>Recommended mitigation measures from the specialists have been included in the updated EMPr as a result of the proposed amendments, where identified. The updated EMPr is included as <b>Appendix L</b> of the Final Motivation Report.</p>   |
|    | <p>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.</p>  |           | <p>Cumulative impacts as a result of the proposed amendments have only been identified for Ecology. The detailed description of the ecological cumulative impacts as a result of the proposed amendments for the facility are included in section 5.1.1 of the Final Motivation Report. As the BESS falls within the authorised footprint of the PV facility, no additional cumulative impacts were identified by the specialists as a result of the proposed amendments.</p> <p>Cumulative impacts regarding the development of the facility were included in the EIA Report (2014) which was authorised by the Department on 09 July 2014.</p> |

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|    | <p>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.</p> |           | <p>Cumulative impacts regarding the development of the facility were included in the EIA Report (2014) which was authorised by the Department on 09 July 2014. This assessment considered impacts associated with other similar facilities in the area.</p> <p>Cumulative impacts as a result of the proposed amendments have only been identified for Ecology. The detailed description of the ecological cumulative impacts as a result of the proposed amendments for the facility are included in section 5.1.1 of the Final Motivation Report. As the BESS falls within the authorised footprint of the PV facility, no additional cumulative impacts were identified by the specialists as a result of the proposed amendments.</p> |
|    | <p>i) Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.</p>   |           | <p>The identified cumulative impacts were rated within the EIA process for the facility in accordance with the impact methodology and significance rating provided to the specialists.</p> <p>Cumulative impacts as a result of the proposed amendments have only been identified for Ecology. The detailed description of the ecological cumulative impacts as a result of the proposed amendments for the facility are included in section 5.1.1 of the Final Motivation Report. As the BESS falls within the authorised footprint of the PV facility, no additional cumulative impacts were identified by the specialists as a result of the proposed amendments. Therefore, no further assessment was required for the amendment.</p> |
|    | <p>j) The significance rating must also inform the need and desirability of the proposed development.</p>  |           | <p>The need and desirability for the proposed development was detailed within the EIA report undertaken for the PV facility. The need for the BESS is detailed within the Final Motivation Report. As the BESS falls within the authorised footprint of the PV facility, no additional impacts were identified by the specialists as a result of the proposed amendments.</p>   |
|    | <p>k) A cumulative impact environmental statement on whether the proposed development must proceed.</p>  |           | <p>The identified cumulative impacts were rated within the EIA process for the facility in accordance with the impact methodology and significance rating provided to the specialists.</p> <p>Cumulative impacts as a result of the proposed amendments have only been identified for Ecology. The detailed description of the ecological cumulative</p>  |

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|    |  |           | <p>impacts as a result of the proposed amendments for the facility are included in section 5.1.1 of the Final Motivation Report. As the BESS falls within the authorised footprint of the PV facility, no additional cumulative impacts were identified by the specialists as a result of the proposed amendments. Therefore, no further assessment was required for the amendment.</p>     |
|    | <p>ii. Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.</p>   |           | <p>The appointed specialists have not included contradicting recommendations as a result of the proposed amendments for Sirius Solar PV Project Two. Recommendations from the specialists are included in specialist input letters included as <b>Appendix A – G</b> of the Final Motivation Report as well as in the EMPr (refer to <b>Appendix L</b> of the Final Motivation Report).</p> |
|    | <p><b>e) The EMPr must also include the following</b></p> <p>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:</p> <p>a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.</p> |           | <p>Details of the EAP who prepared the updated EMPr are included in Chapter 3 and section 3.1 of the updated EMPr. Curricula Vitae of the project team have been included as <b>Appendix D</b> of the EMPr (<b>Appendix L</b> of the Final Motivation Report).</p>  |
|    | <p>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.</p>  |           | <p>A map at an appropriate scale which superimposes the proposed activity as well as sensitivities is included in the updated EMPr as <b>Figure 1.2</b> as well as <b>Appendix E</b> of the updated EMPr.</p>   |
|    | <p>c) A description of the <u>impact management outcomes</u>, 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</p>  |           | <p>A description of the impact management outcomes, including management statements and the risks that need to be avoided as a result of the proposed facility and the proposed amendments for Sirius Solar PV Project Two have been included in Chapter 6, 7, 8 and 9 of the updated EMPr (<b>Appendix L</b> of the Final Motivation Report).</p>  |

| NO | COMMENT  | RAISED BY | RESPONSE   |
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|    | <ul style="list-style-type: none"> <li>➤ Planning and design;</li> <li>➤ Pre-construction activities;</li> <li>➤ Construction activities;</li> <li>➤ Rehabilitation of the environment after construction and where applicable post closure; and</li> <li>➤ Where relevant, operation activities.</li> </ul> <p>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 —</p> <p>e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;</p> <p>f) Comply with any prescribed environmental management standards or practices;</p> <p>g) Comply with any applicable provisions of the Act regarding closure, where applicable; and</p> <p>h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.</p> <p>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.</p> |           | <p>A description of the proposed impact management actions (referred to as Objectives in the EMPr) in which the impact management actions as per the requirement of paragraph (d) of Appendix 4 of the EIA Regulations have been included in Chapter 5 – 9 of the updated EMPr to address the items e) to n) raised in the DEFF comment (refer to <b>Appendix L</b> of the Final Motivation Report).</p> |

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|    | 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  |           |  |
|    | <b>f) General</b><br>i. Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines   |           | All mitigation measures and recommendations included as a result of the proposed amendments for Sirius Solar PV Project Two are as per recent guidelines.  |
|    | You are further reminded to comply with Regulation 32(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: " <i>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 -</i><br>a) a report, reflecting - |           | The comment from the Department regarding the timeframes for the submission of the Final Motivation Report as per Regulation 39(1)(a) of the EIA Regulations, 2014 (as amended) is acknowledged. |

| NO | COMMENT   | RAISED BY | RESPONSE   |
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|    | <p>i. an assessment of all impacts related to the proposed change;</p> <p>ii. advantages and disadvantages associated with the proposed change; and</p> <p>iii. measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and</p> <p>iv. any changes to the EMPr;</p> <p>which report-</p> <p>(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</p> <p>(bb) reflects the incorporation of comments received, including any comments of the competent authority."</p> |           |  |
|    | <p>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</p>  |           | <p>A Revised Motivation Report, including the additional information requested by the DEFF, as well as the updated EMPr was made available for a further 30-day review and comment period from 20 October 2020 to 20 November 2020. The Department was notified of the requirement of Regulation 32(1)(b) of the NEMA EIA Regulations, 2014 and acknowledged receipt of the notification.</p> <p>The Final Motivation Report is submitted to DEFF for decision-making within the prescribed timeframe.</p> |

| NO | COMMENT  | RAISED BY  | RESPONSE   |
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|    | <p><i>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".</i></p> <p>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.</p> <p>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.</p> <p>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.</p> |  | <p>A Revised Motivation Report, including the additional information requested by the DEFF, as well as the updated EMPr was made available for a further 30-day review and comment period from 20 October 2020 to 20 November 2020. Notification of submission of the Final Motivation Report to the DEFF within 140 days of submission of the application as per Subregulation 1(b) of the EIA Regulations, 2014 was submitted to the Department and acknowledged by the Department.</p> <p>The Final Motivation Report is submitted to the Department for decision-making within the 140 day prescribed timeframe.</p> <p>The comment from the Department is acknowledged.</p> <p>The comment from the Department is acknowledged and the Applicant has been informed that the proposed amendments for the construction and operation of the BESS cannot commence without an environmental authorisation being issued by the Department.</p> |
| 2. | <p>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 Upington Renewable Energy Development Zone (REDZ 7) which is an area identified as highly suitable for the development of a solar energy facilities in terms of</p>  | <p>Portia Makitla<br/>Case Officer<br/>DEFF: Biodiversity Conservation</p> <p>Letter: 23 November 2020</p> | <p>The confirmation of no objection from the DEFF: Directorate Biodiversity Conservation is noted. The requirement of compliance with the original recommendations and mitigation measures is noted and will be undertaken accordingly by the Applicant.</p>   |

| NO | COMMENT   | RAISED BY | RESPONSE |
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|    | <p>several environmental impacts, economic and infrastructural factors.</p> <p>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.</p> |           |          |

## 2. COMMENTS RECEIVED DURING MOTIVATION REPORT REVIEW PERIOD

| NO | COMMENT  | RAISED BY  | RESPONSE  |
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| 3. | <p>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:</p> <ul style="list-style-type: none"> <li>8(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed amendment of the authorised development;</li> <li>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:</li> <li>A report detailing the results of the previously recommended monitoring of the construction phase must be submitted to SAHRA upon</li> </ul> | <p>Natasha Higgitt<br/>Heritage Officer<br/>South African Heritage<br/>Resources Agency</p> <p>Letter: 13 October 2020</p> | <p>The comments from SARHA on the proposed amendments for Sirius Solar PV Project Two are acknowledged.</p> <p>The conditions from SAHRA have been included in the updated Construction Phase EMPr (refer to <b>Appendix L</b> of the Final Motivation Report).</p> |

| NO | COMMENT   | RAISED BY | RESPONSE |
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|    | <p>completion of the construction phase for review and comment;</p> <ul style="list-style-type: none"> <li data-bbox="264 304 866 727">• 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;</li> <li data-bbox="264 727 866 1015">• 8(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) 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;</li> <li data-bbox="264 1015 866 1046">• 38(4)d – See section 51(1) of the NHRA;</li> <li data-bbox="264 1046 866 1367">• 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</li> </ul> |           |          |

| NO | COMMENT   | RAISED BY   | RESPONSE   |
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|    | <p>palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;</p> <ul style="list-style-type: none"> <li>• The Final Motivational Report and EMPr must be submitted to SAHRA for record purposes;</li> <li>• The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.</li> </ul>   |   | <p>The Final Motivation Report and the updated EMPr will be submitted to SAHRA for record purposes.</p> <p>The decision from DEFF regarding the application for the proposed amendments will be submitted to SAHRA and uploaded under the SAHRIS Case application.</p> |
| 4. | <p>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.</p> <p>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.</p> <p>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.</p> | <p>Selaelo Matlhane<br/>Spectrum &amp;<br/>Telecommunication<br/>Manager<br/>South African Radio<br/>Astronomy Observatory<br/>(SARAO)</p> <p>Letter: 12 October<br/>2020</p> | <p>The comments from SARAO are acknowledged and have been forwarded to the Applicant for their records.</p>  |
| 5. | <p>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.</p>   | <p>Portia Makitla<br/>Case Officer<br/>Control Biodiversity<br/>Officer Grade B:<br/>Biodiversity<br/>Conservation<br/>DEFF</p>   | <p>The comments from DEFF's Biodiversity Directorate are acknowledged. No response is required.</p>  |

| NO | COMMENT   | RAISED BY  | RESPONSE  |
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|    |   | Letter: 12 October 2020  |   |
| 6. | <p><u>The Department has the following comments on the abovementioned amendment application:</u></p> <p>a) <b>Specific Comments</b></p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>b) <b>Public participation</b></p> | <p>Herman Alberts<br/>Case Officer<br/>DEFF</p> <p>Letter: 05 October 2020</p> | <p>The EMPr for the project has been updated to include the details of the proposed BESS within the authorised development footprint of the facility as per Condition 5 of the EA dated 09 July 2014. In addition, the EMPr is also updated to include mitigation measures for the management of impacts associated with the construction and operation of the BESS from a technical perspective. The updated EMPr is included as <b>Appendix L</b> of the Final Motivation Report.</p> <p>As the project is not yet a Preferred Bidder Project, the layout for the facility has not been finalised. The Applicant will comply with Condition 12 of the EA, which requires that the detailed layout of the facility be made available for a 30-day review and comment period prior to the commencement of the activity when the project has been granted preferred bidder status in a bid from the Department of Mineral Resources and Energy (DMRE). The final facility layout can therefore not be submitted at this time.</p> <p>A signed copy of the landowner consent letter has been included in <b>Appendix M</b> of the Final Motivation Report.</p> <p>The EAP hereby confirms that the proposed amendments requested for Sirius Solar PV Project Two do not trigger any listed or specified activities.</p> <p>A Risk Assessment indicating the anticipated risks as a result of the construction and operation of the BESS is included in Section 6 of the Final Motivation Report. The updated EMPr includes mitigation measures for the construction and operation of the BESS from a technical perspective. The updated EMPr is included in the Final Motivation Report as <b>Appendix L</b>.</p> |

| NO | COMMENT  | RAISED BY | RESPONSE   |
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|    | (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.   |           | All comments received during the 30-day review period of the Motivation Report are included as <b>Appendix H6</b> of the final Motivation Report. The C&RR contains all comments received and responses from the project team and applicant (where relevant) and is included as <b>Appendix H5</b> of the final Motivation Report.   |
|    | (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.  |           | The C&RR contains all comments received and responses from the project team and applicant (where relevant) and is included as <b>Appendix H5</b> of the final Motivation Report.   |
|    | (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&APs comments.                 |           | Comments received from registered I&APs are included in <b>Appendix H6</b> of the final Motivation Report and have been captured verbatim and responded to as applicable in the C&RR.  |
|    | (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. |           | <p>Comments received from I&amp;APs and organs of state on the Motivation Report during the 30-day public review period (<b>Friday, 11 September 2020</b> until <b>Monday, 12 October 2020</b>) are included in <b>Appendix H6</b> of the final Motivation Report and these comments have been incorporated into this C&amp;RR attached as <b>Appendix H5</b> to the final Motivation Report. Where applicable, comments received have been utilised in the preparation and finalisation of the final Motivation Report.</p> <p>The comments received from DEFF are included in the C&amp;RR and have been responded to accordingly.</p>   |
|    | (v) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.  |           | <p>Proof of correspondence with various stakeholders is attached in <b>Appendix H2</b> (Consultation with I&amp;APs) and <b>Appendix H3</b> (Consultation with Organs of State) of the final Motivation. Proof of attempts that were made to obtain comments is attached in <b>Appendices H2</b> and <b>H3</b> of the final Motivation Report.</p> <p>The Public Participation Process has been conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended (GNR 326), as well as in accordance with the approved Public Participation Plan. The approved Public Participation Plan is included in the final Motivation Report as <b>Appendix H7</b>.</p> |

| NO | COMMENT  | RAISED BY | RESPONSE  |
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|    |  |           | <p>The Motivation Report was made available for a 30-day review and comment period from, <b>Friday, 11 September 2020</b> until <b>Monday, 12 October 2020</b>. As per the approved Public Participation Plan, the availability of the Motivation Report was:</p> <ul style="list-style-type: none"> <li>• Advertised in the Gemsbok Newspaper on 11 September 2020 (tear sheet included in <b>Appendix H4</b> of the Revised Motivation Report).</li> <li>• Site notices were placed on 08 September (refer to <b>Appendix H4</b> of the Revised Motivation Report).</li> <li>• Notification letter sent to all registered I&amp;APs (<b>Appendix H2</b>) and Organs of State (<b>Appendix H3</b>) on the project database informing them of the application and that the Motivation Report is available for review and comment.</li> <li>• The Motivation Report was also made available for downloaded from Savannah Environmental's website and could also be sent via other file transfer services - i.e. We Transfer, Dropbox, etc. or on CD, on request, from Savannah Environmental.</li> </ul> |
|    | <p><b>c) <u>Layout &amp; Sensitivity Maps</u></b></p> <p>(i) The final report must include an environmental sensitivity map indicating environmental sensitive areas, buffer areas and features identified during the assessment process.</p> <p>(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.</p> <p>(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</p> |           | <p>The updated layout as well as sensitivity maps is included in the Final Motivation Report as <b>Appendix I</b>.</p> <p>The technical details of the BESS are included in Chapter 2 and section 2.2 of the Revised Motivation Report in the required format. The technical details of the authorised PV facility are included on page 5 of the EA dated 09 July 2014.</p> <p>As the project is not yet a Preferred Bidder Project, the layout for the facility has not been finalised. The final layout map for the facility will be submitted to the Department and made available for a 30-day review and comment period as per Condition 12 of the EA (dated 09 July 2014) prior to the commencement of the activity and when the project has been granted preferred bidder status in a bid</p>  |

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|    | <p>e.g. roads. The layout map must indicate the following:</p> <p>a) The location of the BESS;</p> <p>b) All supporting onsite infrastructure e.g. roads (existing and proposed);</p> <p>c) The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;</p> <p>d) Buffer areas; and</p> <p>e) All "no-go" areas.</p> <p>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.</p> |           | <p>under the Department of Mineral Resources and Energy (DMRE). The final facility layout can therefore not be submitted at this time.</p> <p>The layout map of the facility has been updated to include the BESS within the authorised development footprint of the facility. The layout has been updated in accordance with the requirements included in paragraph (a) – (f). The layout and sensitivity maps for the facility are included as <b>Appendix I</b> of the Revised Motivation Report.</p> |
|    | (iv) Google maps will not be accepted.  |           | <p>The maps used in the specialist reports comply with comment c(i). The specialist reports are included in the Motivation Report as <b>Appendix A – G</b>.</p>  |
|    | <b>d) Specialist assessments</b>  |           | <p>The EAP confirms that all specialists were provided with the same information (including terms of reference) as well as requests for the proposed amendments for Sirius Solar PV Project Two.</p>   |
|    | (i) The maps used within the specialist studies must comply with comment c(i) of this comments letter.  |           | <p>The details as required in terms of this comment were provided to all specialists.</p>  |
|    | (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   |           |  |

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|    | <p>and are recommending for authorisations.</p>  |           |  |
|    | <p>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.</p>   |           | <p>A detailed description of the limitations to the specialist studies and the Motivation Report is included in section 5.1 of the Revised Motivation Report. The scope of the specialist studies did not require field work taking into consideration the fact that proposed amendments are within the authorised development footprint of the facility. Therefore, no development as a result of the proposed amendments will occur outside of the authorised development footprint of the facility, which was assessed in its entirety by the specialists during the undertaking of the EIA process in 2014. The studies undertaken as part of the EIA process considered seasonality as relevant. As a result, the latter in the comment is not applicable to the project.</p> |
|    | <p>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.</p> |           | <p>The comment from the Department is acknowledged. The Applicant has been made aware that development, including that of linear infrastructure such as access roads is not permitted in no-go areas. An updated sensitivity layout map of the facility, which illustrates no-go areas within the vicinity of the facility is included as <b>Appendix I</b> of the Revised Motivation Report. No infrastructure impedes on identified no go areas.</p>   |
|    | <p>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.</p>                                       |           | <p>The definition of the no-go areas from the specialists does not differ from that of the Department. Therefore, the latter comment is not relevant for the proposed amendments.</p>  |
|    | <p>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.</p>  |           | <p>The specialist studies included in <b>Appendix A – Appendix G</b> are final and do not recommend any further additional studies to be undertaken to inform the assessment of impacts post the issuance of the decision on the proposed amendments by the Department.</p>  |
|    | <p>f) Should specialists recommend specific mitigation measures for identified turbine positions, these must be clearly indicated.</p>   |           | <p>Recommended mitigation measures from the specialists EIA studies have been included in the updated EMPr. No additional mitigation measures were recommended by the specialists as a result of the proposed amendments. The updated EMPr is included as <b>Appendix I</b> of the Revised Motivation Report.</p>  |

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|    | 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.   |           | <p>Cumulative impacts as a result of the proposed amendments have only been identified for Ecology. The detailed description of the ecological cumulative impacts as a result of the proposed amendments for the facility are included in section 5.3.1 of the Revised Motivation Report. As the BESS falls within the authorised footprint of the PV facility, no additional cumulative impacts were identified by the specialists as a result of the proposed amendments.</p> <p>Cumulative impacts regarding the development of the facility were included in the EIA Report (2014) which was authorised by the Department on 09 July 2014.</p> |
|    | h) A detailed process flow to indicate how the specialists 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. |           | <p>Cumulative impacts regarding the development of the facility were included in the EIA Report (2014) which was authorised by the Department on 09 July 2014. This assessment considered impacts associated with other similar facilities in the area. As the BESS falls within the authorised footprint of the PV facility, no additional cumulative impacts were identified by the specialists as a result of the proposed amendments.</p>  |
|    | i) Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.  |           | <p>The identified cumulative impacts were rated within the EIA process for the facility in accordance with the impact methodology and significance rating provided to the specialists. As the BESS falls within the authorised footprint of the PV facility, no additional cumulative impacts were identified by the specialists as a result of the proposed amendments. Therefore, no further assessment was required for the amendment.</p>  |
|    | j) The significance rating must also inform the need and desirability of the proposed development.   |           | <p>The need and desirability for the proposed development was detailed within the EIA report undertaken for the PV facility. The need for the BESS is detailed within the Motivation Report. As the BESS falls within the authorised footprint of the PV facility, no additional impacts were identified by the specialists as a result of the proposed amendments.</p>  |
|    | k) A cumulative impact environmental statement on whether the proposed development must proceed.   |           | <p>The identified cumulative impacts were rated within the EIA process for the facility in accordance with the impact methodology and significance rating provided to the specialists. As the BESS falls within the authorised footprint of the PV facility, no additional cumulative impacts were identified by the specialists as a result of the</p>  |

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|    | <p>(iii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.</p>  |           | <p>proposed amendments. Therefore, no further assessment was required for the amendment.</p>  |
|    | <p><b>e) The EMPr must also include the following:</b></p> <p>(i) Please be informed that the following content must be incorporated within the EMPrs as indicated in Appendix 4 of the EIA Regulations 2014, as amended:</p> <p>a) Details of the EAP who prepared the EMPr; and the expertise of that EAP to prepare an EMPr, including a curriculum vitae.</p>     |           | <p>The appointed specialists have not included contradicting recommendations as a result of the proposed amendments for Sirius Solar PV Project Two. Recommendations from the specialists are included in specialist input letters included as <b>Appendix A – G</b> of the Revised Motivation Report as well as in the EMPr (refer to <b>Appendix L</b> of the Revised Motivation Report).</p> <p>Details of the EAP who prepared the updated EMPr are included in Chapter 3 and section 3.1 of the updated EMPr. Curricula Vitae of the project team have been included as <b>Appendix K</b>.</p> |
|    | <p>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.</p>   |           | <p>A map at an appropriate scale which superimposes the proposed activity as well as sensitivities is included in the updated EMPr as <b>Figure 1.2</b> as well as <b>Appendix D</b> of the updated EMPr.</p>   |
|    | <p>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 —</p> <ul style="list-style-type: none"> <li>➤ Planning and design;</li> </ul> |           | <p>A description of the impact management outcomes, including management statements and the risks that need to be avoided as a result of the proposed facility and the proposed amendments for Sirius Solar PV Project Two have been included in Chapter 6, 7, 8 and 9 of the updated EMPr.</p>   |

| NO | COMMENT   | RAISED BY | RESPONSE   |
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|    | <ul style="list-style-type: none"> <li>➤ Pre-construction activities;</li> <li>➤ Construction activities;</li> <li>➤ Rehabilitation of the environment after construction and where applicable post closure; and</li> <li>➤ Where relevant, operation activities.</li> </ul>          |           |  |
|    | <p>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 —</p> |           | <p>A description of the proposed impact management actions (referred to as Objectives in the EMPr) in which the impact management actions as per the requirement of paragraph (d) of Appendix 4 of the EIA Regulations have been included in Chapter 5 – 9 of the updated EMPr to address the items e) to n) raised in the DEFF comment (refer to <b>Appendix L</b> of the Revised Motivation Report).</p> |
|    | <p>e) Avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;</p>   |           |  |
|    | <p>f) Comply with any prescribed environmental management standards or practices;</p>   |           |  |
|    | <p>g) Comply with any applicable provisions of the Act regarding closure, where applicable; and</p>   |           |  |
|    | <p>h) Comply with any provisions of the Act regarding financial provision for rehabilitation, where applicable.</p>   |           |  |
|    | <p>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.</p>   |           |  |

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|    | 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.   |           |  |
|    | <b>f) General</b><br>(i) Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.   |           | All mitigation measures and recommendations included as a result of the proposed amendments for Sirius Solar PV Project Two are as per recent guidelines.  |
|    | <i>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 -</i><br>a) a report, reflecting— |           | The comment from the Department regarding the timeframes for the submission of the Final Motivation Report as per Regulation 39(1)(a) of the EIA Regulations, 2014 (as amended) is acknowledged. |

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|    | <p>(i) an assessment of all impacts related to the proposed change;</p> <p>(ii) advantages and disadvantages associated with the proposed change; and</p> <p>(iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and</p> <p>(iv) any changes to the EMPr</p> <p>which report-</p> <p>(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</p> <p>(bb) reflects the incorporation of comments received, including any comments of the competent authority."</p> |           |   |
|    | <p>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</p>   |           | <p>A Revised Motivation Report, including the additional information requested by the DEFF, as well as the updated EMPr has been made available for a further 30-day review and comment period.</p> |

| NO | COMMENT   | RAISED BY | RESPONSE  |
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|    | <p><i>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".</i></p> |           |   |
|    | <p>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.</p>  |           | <p>A Revised Motivation Report, including the additional information requested by the DEFF, as well as the updated EMPr has been made available for a further 30-day review and comment period. Notification of submission of the Final Motivation Report to the DEFF within 140 days of submission of the application as per Subregulation 1(b) of the EIA Regulations, 2014 has been submitted to the Department.</p> |
|    | <p>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.</p>  |           | <p>The comment from the Department is acknowledged.</p>   |
|    | <p>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.</p>  |           | <p>The comment from the Department is acknowledged and the Applicant has been informed that the proposed amendments for the construction and operation of the BESS cannot commence without an environmental authorisation being issued by the Department.</p>   |