



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/972

Enquiries: Mr Herman Alberts

Telephone: (012) 399 9371 **E-mail:** HAlberts@environment.gov.za

Ms Ashlea Strong
WSP Environmental (Pty) Ltd
PO Box 98867
SLOANE PARK
2152

Telephone Number: (011) 361 1392
Email Address: Ashlea.strong@wspgroup.co.za

PER EMAIL / MAIL

Dear Ms Strong

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED CONSTRUCTION OF THE 75 MW ENAMANDLA PV 5 PROJECT AND ITS ASSOCIATED INFRASTRUCTURE ON FARM HARTEBEEST VLEI 86 WITHIN THE KHAI-MA LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Scoping Report (SR) and Plan of Study for Environmental Impact Assessment (PoSEIA) dated October 2016 and received by this Department on 28 October 2016 refer.

This Department has evaluated the submitted SR and the PoSEIA dated February 2016 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014. The SR is hereby accepted by the Department in terms of Regulation 22(a) of the EIA Regulations, 2014.

You may proceed with the EIA process in accordance with the tasks contemplated in the PoSEIA and the requirements of the EIA Regulations, 2014.

All comments and recommendations made by all stakeholders and Interested and Affected Parties (I&APs) in the draft SR and submitted as part of the final SR must be taken into consideration when preparing an Environmental Impact Assessment report (EIAR) in respect of the proposed development. Please ensure that all mitigation measures and recommendations in the specialist studies are addressed and included in the final EIAR and Environmental Management Programme (EMPr).

Please ensure that comments from all relevant stakeholders are submitted to the Department with the final EIAR. This includes but is not limited to the Northern Cape Department of Environment and Nature Conservation, the Department of Agriculture, Forestry and Fisheries (DAFF), the provincial Department of Agriculture, the South African Civil Aviation Authority (SACAA), SENTECH, the Department of Transport, the Local Municipality, the District Municipality, the Department of Water and Sanitation (DWS), the South African National Roads Agency Limited (SANRAL), the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, the Department of Mineral Resources, the Department of Rural Development and Land Reform, the Department of Environmental Affairs: Directorate Biodiversity and Conservation, and the Square Kilometre Array (SKA).

Please be advised that the contact person for renewable projects at the SKA office is Dr Adrian Tiplady and he can be contacted on Tel: (011) 442 2434 or E-mail: atiplady@ska.ac.za.

Please ensure that the EIAr and EMPr comply with Appendix 3 and Appendix 4 of Regulation 2014, before submission to the Department. You are also required to address all issues raised by organs of state and I&APs prior to the submission of the EIAr to the Department.

Proof of correspondence with the various stakeholders must be included in the EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.

The EAP must, in order to give effect to Regulation 8, give registered I&APs access to, and an opportunity to comment on the report in writing within 30 days before submitting the final EIAr to the Department.

In addition, the following additional information is required for the EIAr:

- i. The draft EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- ii. The listed activities represented in the EIAr and the application form must be the same and correct.
- iii. Please ensure that all issues raised and comments received during the circulation of the EIAr from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed and included in the Final EIAr. Proof of correspondence with the various stakeholders must be included in the Final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 and 44 of the EIA Regulations 2014.
- iv. A comments and response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments for this development. 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 Annexure 1 of this comments letter.
- v. 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.
- vi. GN R.983: Activity 14: It is requested that the EAP provide additional information detailing the specifications of the proposed dangerous goods, i.e. quantities, type of goods etc. as well as infrastructure to be used as storage on the facility. In addition, the impacts associated with this activity must be identified, described and assessed in the EIAr. The EIAr must include the identification of appropriate storage areas.
- vii. The EIAr must include a Traffic Impact Assessment for the proposed Enamandla PV facilities as well as taking into consideration the proposed CSP facilities.
- viii. The listed activities represented in the EIAr and the application form must be the same and correct.
- ix. The relevant provincial authority must be engaged with regards to development in geographic areas triggering activities in GNR 985. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.
- x. The EIAr must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under point 2 of the EIA information required for PV facilities below.
- xi. The EIAr must provide the four corner coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- xii. The EIAr must provide the following:
 - Clear indication of the envisioned area for the proposed PV facility; i.e. placing of panels and all associated infrastructure should be mapped at an appropriate scale.
 - Clear description of all associated infrastructure. This description must include, but is not limited to the following:

- Powerlines;
 - Internal roads infrastructure; and;
 - All supporting onsite infrastructure such as laydown area, guard house and control room etc.
 - All necessary details regarding all possible locations and sizes of the proposed satellite substation and the main substation.
- xiii. It is noted that comments were requested from the South African SKA Project Office and no comments were received. This Department requires comments from the South African SKA Project Office to be included in the EIAr.
- xiv. This Department requires comments from the Department of Agriculture, Forestry and Fisheries to be included in the EIAr.
- xv. This Department requires comments from the Department of Water and Sanitation, from the Impact Management and Resource Management Directorates to be included in the EIAr.
- xvi. An Avifaunal Assessment must be conducted as part of the EIAr. The terms of reference for the study must include, *inter alia* the following:
- Determine the impacts that the proposed activity (including the powerline) may have on avifauna;
 - Must cover at a minimum the summer and winter seasons;
 - The assessment must include mitigation measures to discourage the avifauna from entering the solar field as well and limit nesting and breeding grounds within the solar field.
 - The avifaunal specialist study must be expanded to include vantage point surveys as well as flight paths to consider how birds will move through the property. The study must also propose adequate mitigation measures to reduce the facilities impacts on avifauna frequenting the area.
 - Assess the cumulative impact on avifauna within the site and within the local area.
- xvii. The terms of reference for the soils, land use and land capability assessment must also include, *inter alia* the following:
- Assessment of the loss of agricultural land;
 - The current state of agricultural activities on land;
 - The impact of the loss of agricultural land within the property as well as the cumulative impact of the loss of agricultural land on the site and within the area.
- xviii. Where specialist studies are conducted in-house or by a specialist other than a suitably qualified specialist in the relevant field, such specialist reports must be peer reviewed by a suitably qualified external specialist in the relevant field. The terms of reference for the peer review must include:
- A CV clearly showing expertise of the peer reviewer;
 - Acceptability of the terms of reference;
 - Is the methodology clearly explained and acceptable;
 - Evaluate the validity of the findings (review data evidence);
 - Discuss the suitability of the mitigation measures and recommendations;
 - Identify any shortcomings and mitigation measures to address the shortcomings;
 - Evaluate the appropriateness of the reference literature;
 - Indicate whether a site-inspection was carried out as part of the peer review; and
 - Indicate whether the article is well-written and easy to understand.
- xix. Due to the number of similar applications in the area, all the specialist assessments must include a cumulative environmental impact assessment for all identified and assessed impacts. The cumulative impact assessment must indicate the following:
- Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
 - Detailed process flow and proof must be provided, 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.
 - The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - A cumulative impact environmental statement on whether the proposed development must proceed.

- The specialist studies conducted must be specific to a PV facility and must assess cumulative impacts of other Renewable Energy projects in the area.
- xx. The EIA must also include a comments and response report in accordance with Appendix 2 h (iii) of the EIA Regulations, 2014.
- xxi. The EIA must include the detail inclusive of the PPP in accordance with Regulation 41 of the EIA Regulations.
- xxii. Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies.
- xxiii. Information on services required on the site, e.g. sewage, refuse removal, water and electricity. Who will supply these services and has an agreement and confirmation of capacity been obtained? Proof of these agreements must be provided.
- xxiv. The EIA must provide a detailed description of the need and desirability, not only providing motivation on the need for clean energy in South Africa of the proposed activity. The need and desirability must also indicate if the proposed development is needed in the region and if the current proposed location is desirable for the proposed activity compared to other sites.
- xxv. Please ensure that the draft and final EIA also includes the undertaking under oath or affirmation by the EAP that is required in terms of Appendix 3 of GN R. 982.
- xxvi. A copy of the final site layout map and alternatives. 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:
- PV positions and its associated infrastructure;
 - Permanent laydown area footprint;
 - Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
 - Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
 - Substation(s) and/or transformer(s) sites including their entire footprint;
 - Connection routes (including pylon positions) to the distribution/transmission network;
 - All existing infrastructure on the site, especially roads;
 - Buffer areas;
 - Buildings, including accommodation; and
 - All “no-go” areas.
- xxvii. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- xxviii. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.
- xxix. A shapefile of the preferred development layout/footprint must be submitted to this Department. The shapefile must be created using the Hartebeesthoek 94 Datum and the data should be in Decimal Degree Format using the WGS 84 Spheroid. The shapefile must include at a minimum the following extensions i.e. .shp; .shx; .dbf; .prj; and, .xml (Metadata file). If specific symbology was assigned to the file, then the .avl and/or the .lyr file must also be included. Data must be mapped at a scale of 1:10 000 (please specify if an alternative scale was used). The metadata must include a description of the base data used for digitizing. The shapefile must be submitted in a zip file using the EIA application reference number as the title. The shape file must be submitted to:

Postal Address:

Department of Environmental Affairs
 Private Bag X447
 Pretoria
 0001

Physical address:

Environment House
473 Steve Biko Road
Pretoria

For Attention: Muhammad Essop
Integrated Environmental Authorisations
Strategic Infrastructure Developments
Telephone Number: (012) 399 9406
Email Address: MEssop@environment.gov.za

The Environmental Management Programme (EMPr) to be submitted as part of the EIAr must include the following:

- i. All recommendations and mitigation measures recorded in the EIAr and the specialist studies conducted.
- ii. The final site layout map.
- iii. Measures as dictated by the final site layout map and micro-siting.
- iv. An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- v. A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.
- vi. An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
- vii. A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site and be implemented prior to commencement of the construction phase.
- viii. A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility. Restoration must be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- ix. An open space management plan to be implemented during the construction and operation of the facility.
- x. A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
- xi. A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
- xii. A fire management plan to be implemented during the construction and operation of the facility.
- xiii. An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- xiv. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- xv. Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.

The EAP must provide detailed motivation if any of the above requirements is not required by the proposed development and not included in the EMPr.

The EAP must provide the final detailed Site Layout Plan as well as the final EMPr for approval with the final EIAr as this Department needs to make a decision on the EA, EMPr and Layout Plan.

Please ensure that all the relevant Listing Notice activities are applied for, that the Listing Notice activities applied for are specific and that they can be linked to the development activity or infrastructure in the project description.

You are hereby reminded that should the EIAr fail to comply with the requirements of this acceptance letter, the project will be **refused** in accordance with Regulation 24(1)(b) of the EIA Regulations, 2014.

The applicant is hereby reminded to comply with the requirements of Regulation 45 with regard to the time period allowed for complying with the requirements of the Regulations, and Regulations 43 and 44 with regard to the allowance of a comment period for interested and affected parties on all reports submitted to the competent authority for decision-making. The reports referred to are listed in Regulation 43(1).

Furthermore, it must be reiterated that, should an application for Environmental Authorisation be subject to the provisions of Chapter II, Section 38 of the National Heritage Resources Act, Act 25 of 1999, then this Department will not be able to make nor issue a decision in terms of your application for Environmental Authorisation pending a letter from the pertinent heritage authority categorically stating that the application fulfils the requirements of the relevant heritage resources authority as described in Chapter II, Section 38(8) of the National Heritage Resources Act, Act 25 of 1999. Comments from SAHRA and/or the provincial department of heritage must be provided in the EIAr.

You are requested to submit two (2) electronic copies (CD/DVD) and two (2) hard copies of the EIAr to the Department as per Regulation 23(1) of the EIA Regulations, 2014.

Please also find attached information that must be used in the preparation of the EIAr. This will enable the Department to speedily review the EIAr and make a decision on the application.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, which stipulates 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 Environmental Affairs

Letter Signed by: Mr Coenrad Agenbach

Designation: Deputy Director: Strategic Infrastructure Developments

Date: 12/12/2016

cc:	Jasandra Nyker	BioTherm Energy (Pty) Ltd	Email: eiaadmin@biothermenergy.com
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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

A. EIA INFORMATION REQUIRED FOR PHOTOVOLTAIC SOLAR POWER (PV) ENERGY FACILITIES

1. General site information

The following general site information is required:

- Descriptions of all affected farm portions
- 21 digit Surveyor General codes of all affected farm portions
- Copies of deeds of all affected farm portions
- Photos of areas that give a visual perspective of all parts of the site
- Photographs from sensitive visual receptors (tourism routes, tourism facilities, etc.)
- PV plant design specifications including:
 - Type of technology
 - Structure height
 - Surface area to be covered (including associated infrastructure such as roads)
 - Structure orientation
 - Laydown area dimensions (construction period and thereafter)
 - Generation capacity
- Generation capacity of the facility as a whole at delivery points

This information must be indicated on the first page of any Scoping or EIA document. It is also advised that it be double checked as there are too many mistakes in the applications that have been received that take too much time from authorities to correct.

2. Sample of technical details for the proposed facility

Component	Description / dimensions
Height of PV panels	
Area of PV	
Number of inverters required	
Area occupied by inverter / transformer stations / substations	
Capacity of on-site substation	

Area occupied by both permanent and construction laydown areas	
Area occupied by buildings	
Length of internal roads	
Width of internal roads	
Proximity to grid connection	
Height of fencing	
Type of fencing	

3. Site maps and GIS information

Site maps and GIS information should include at least the following:

- All maps/information layers must also be provided in ESRI Shapefile format
- All affected farm portions must be indicated
- The exact site of the application must be indicated (the areas that will be occupied by the application)
- A status quo map/layer must be provided that includes the following:
 - Current use of land on the site including:
 - Buildings and other structures
 - Agricultural fields
 - Grazing areas
 - Natural vegetation areas (natural veld not cultivated for the preceding 10 years) with an indication of the vegetation quality as well as fine scale mapping in respect of Critical Biodiversity Areas and Ecological Support Areas
 - Critically endangered and endangered vegetation areas that occur on the site
 - Bare areas which may be susceptible to soil erosion
 - Cultural historical sites and elements
 - Rivers, streams and water courses
 - Ridgelines and 20m continuous contours with height references in the GIS database
 - Fountains, boreholes, dams (in-stream as well as off-stream) and reservoirs
 - High potential agricultural areas as defined by the Department of Agriculture, Forestry and Fisheries
 - Buffer zones (also where it is dictated by elements outside the site):
 - 500m from any irrigated agricultural land
 - 1km from residential areas
 - Indicate isolated residential, tourism facilities on or within 1km of the site
- A slope analysis map/layer that include the following slope ranges:
 - Less than 8% slope (preferred areas for facility and infrastructure)
 - between 8% and 12% slope (potentially sensitive to facility and infrastructure)
 - between 12% and 14% slope (highly sensitive to facility and infrastructure)
 - steeper than 18 % slope (unsuitable for facility and infrastructure)
- A site development proposal map(s)/layer(s) that indicate:
 - Foundation footprint
 - Permanent laydown area footprint
 - Construction period laydown footprint
 - Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible)
 - River, stream and water crossing of roads and cables indicating the type of bridging structures that will be used
 - Substation(s) and/or transformer(s) sites including their entire footprint.
 - Cable routes and trench dimensions (where they are not along internal roads)

- Connection routes to the distribution/transmission network (the connection must form part of the EIA even if the construction and maintenance thereof will be done by another entity such as Eskom)
- Cut and fill areas of power tower and heliostats sites along roads and at substation/transformer sites indicating the expected volume of each cut and fill
- Borrow pits
- Spoil heaps (temporary for topsoil and subsoil and permanently for excess material)
- Buildings including accommodation

With the above information authorities will be able to assess the strategic and site impacts of the application.

4. Regional map and GIS information

The regional map and GIS information should include at least the following:

- All maps/information layers must also be provided in ESRI Shapefile format
- The map/layer must cover an area of 20km around the site
- Indicate the following:
 - roads including their types (tarred or gravel) and category (national, provincial, local or private)
 - Railway lines and stations
 - Industrial areas
 - Harbours and airports
 - Electricity transmission and distribution lines and substations
 - Pipelines
 - Water sources to be utilised during the construction and operational phases
 - A visibility assessment of the areas from where the facility will be visible
 - Critical Biodiversity Areas and Ecological Support Areas
 - Critically Endangered and Endangered vegetation areas
 - Agricultural fields
 - Irrigated areas
 - An indication of new road or changes and upgrades that must be done to existing roads in order to get equipment onto the site including cut and fill areas and crossings of rivers and streams

5. Important stakeholders

Amongst other important stakeholders, comments from the National Department of Agriculture, Forestry and Fisheries must be obtained and submitted to the Department. Any application, documentation, notification etc. should be forwarded to the following officials:

Ms Mashudu Marubini
 Delegate of the Minister (Act 70 of 1970)
 E-mail: MashuduMa@daff.gov.za
 Tel 012- 319 7619

Ms Thoko Buthelezi
 AgriLand Liaison office
 E-mail: ThokoB@daff.gov.za
 Tel 012- 319 7634

All hardcopy applications / documentation should be forwarded to the following address:

Physical address:

Delpen Building
Cnr Annie Botha and Union Street
Office 270
Attention: Delegate of the Minister Act 70 of 1970

Postal Address:

Department of Agriculture, Forestry and Fisheries
Private Bag X120
Pretoria
0001
Attention: Delegate of the Minister Act 70 of 1970

In addition, comments must be requested from Eskom regarding grid connectivity and capacity. Request for comment must be submitted to:

Mr John Geeringh
Eskom Transmission
Megawatt Park D1Y38
PO Box 1091
JOHANNESBURG
2000

Tel: 011 516 7233
Fax: 086 661 4064
John.geeringh@eskom.co.za

B. AGRICULTURE STUDY REQUIREMENTS

- Detailed soil assessment of the site in question, incorporating a radius of 50 m surrounding the site, on a scale of 1:10 000 or finer. The soil assessment should include the following:
 - Identification of the soil forms present on site
 - The size of the area where a particular soil form is found
 - GPS readings of soil survey points
 - The depth of the soil at each survey point
 - Soil colour
 - Limiting factors
 - Clay content
 - Slope of the site
 - A detailed map indicating the locality of the soil forms within the specified area,
 - Size of the site
- Exact locality of the site
- Current activities on the site, developments, buildings
- Surrounding developments / land uses and activities in a radius of 500 m of the site
- Access routes and the condition thereof
- Current status of the land (including erosion, vegetation and a degradation assessment)
- Possible land use options for the site
- Water availability, source and quality (if available)
- Detailed descriptions of why agriculture should or should not be the land use of choice
- Impact of the change of land use on the surrounding area
- A shape file containing the soil forms and relevant attribute data as depicted on the map.

C. ASTRONOMY GEOGRAPHIC ADVANTAGE ACT, 2007 (ACT NO. 21 OF 2007)

The purpose of the Act is to preserve the geographic advantage areas that attract investment in astronomy. The entire Northern Cape Province excluding the Sol Plaatjie Municipality had been declared an astronomy advantage area. The Northern Cape optical and radio telescope sites were declared core astronomy advantage areas. The Act allowed for the declaration of the Southern Africa Large Telescope (SALT), MeerKAT and Square Kilometre Array (SKA) as astronomy and related scientific endeavours that had to be protected.

You are requested to indicate the applicability of the Astronomy Geographic Advantage Act, Act No. 21 of 2007 on the application in the BAR/EIR. You must obtain comments from the Southern African Large Telescope (SALT) if the proposed development is situated within a declared astronomy advantage area.