

APPENDIX C8
COMMENTS & RESPONSES REPORT



HARMONY JOEL SOLAR PV FACILITY, LOCATED NEAR THEUNISSEN, FREE STATE PROVINCE

**(DESTEA Reference No.: EMS/11(i),12(ii)(a)(c),14,19, 24(ii), 1,15, 4(b)(i)(gg), 10(b) (i)(gg)(hh), 12(b)(i), 14(ii)(a)(b)(i)(hh)/22/16
NEAS ref: FSP/EIA/0000492/2022))**

COMMENTS AND RESPONSES REPORT

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Information regarding the Scoping and Environmental Impact Assessment (S&EIA) and Public Participation processes for the proposed Harmony Joel Solar PV as well as technical project details, was made available with the distribution of the Background Information Document (BID) on **Wednesday, 24 August 2022**. The BID served to invite Interested and Affected Parties (I&APs) to register their interest in the project and to submit any comments / queries that they might have. The cover letter accompanying the BID served to notify I&APs that the Scoping Report is available for review and comment.

The Scoping Report will be made available for a 30-day review and comment period from **Monday, 14 November 2022** to **Wednesday, 14 December 2022**. All written comments received on the Scoping Report will be included in this Comments and Responses Report (C&RR) which will be submitted with the final Scoping Report to the Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA) for their acceptance.

The C&RR will be included as **Appendix C8** as a separate document to the final Scoping Report.

Note: Comments received have been captured verbatim and have not been edited for typing or grammatical errors.

LIST OF ABBREVIATIONS / ACRONYMS

APM	Archaeology Palaeontology & Meteorite Unit	S&ER	Scoping and Environmental Report
C&RR	Comments and Responses Report	SAHRA	South African Heritage Resources Agency
CMIS	Command and Management Information Systems	SAHRIS	South African Heritage Information System
DESTEA	Department of Economic, Small Business Development, Tourism and Environmental Affairs	SANDF	South African National Defense Force
DWS	Department of Water and Sanitation	SR	Scoping Report

1 COMMENTS SUBMITTED ON SCOPING REPORT

No.	Comment	Raised by	Response
1.	<p>Your e-mail below is noted. Kindly send a hard copy of the scoping reports to this office for comments. The documents must be addressed as follows:</p> <p>Attention: Dr T Ntuli Department of Water and Sanitation Corner Charlotte Maxeke and East Burger 2nd Floor: Bloem Plaza Building Bloemfontein</p>	<p>Boitumelo Melato Administrator DWS</p> <p>E-mail: 31 August 2022</p>	<p>The request for a hard copy of the Scoping Report was acknowledged and the report was couriered on 13 September 2022 (proof included in Appendix C4: OoS Correspondence).</p>
2.	<p>This office has evaluated the Draft Scoping Report and the comments are as follows.</p> <ul style="list-style-type: none"> • The applicant must take note that any development within 500m from the boundary of any wetland requires to be authorised according to the Department's regulation. The authorisation must be obtained prior commencement of the project. • Any activity which is located within 100m of the water resource needs to be authorised by the Department. The authorisation must be obtained prior commencement of the project. • The applicant must clearly state where water for this project will be obtained from and for which stages of the project will it be used. The volumes of water to used must be stated. • Soil and stormwater management must be put in place through all stages of the project. • All sections of the National Environmental Act: Waste Act (Act 59 of 2008) pertaining to the disposal of waste must be adhered to. • All fuel and lubricants must be stored in sealed containers at least 100m from the nearest water course and all reasonable precautions must be taken to prevent any possible pollution. 	<p>Boitumelo Melato Administrator DWS</p> <p>Letter: 20 September 2022</p>	<p>It has been acknowledged that the Harmony Joel Solar PV facility is within a 500-metre radius of a wetland/watercourse, and therefore a Water Use License will be required for Section 21 (c) & 21(i) may apply. A WUL application has been initiated with the Department of Water and Sanitation, and a RAM is being prepared to consider the risk of infrastructure within 500m of any water resource.</p> <p>Water for construction purposes will be sourced from the Joel mining facility. More information will be made included within the Environmental Management Programme (EMPr), which will be included as part of the EIAR.</p> <p>A comprehensive stormwater management plan will be included within the Environmental Management Programme (EMPr), which will be included as part of the EIAR.</p> <p>The recommendations will be included within the Environmental Management Programme (EMPr), which will be included as part of the EIAR.</p>

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	<ul style="list-style-type: none"> Sanitary conveniences which causes or is likely to cause pollution of a water resource should not be located within the 1:50 year flood line or 100m of any watercourse or borehole. The applicant shall further note that in terms of Section 19(1) of the National Water Act: Act 36 of 1998 it is stated that: <i>An owner of land, a person in control of land or a person who occupies or uses the land on which — (a) any activity or process is or was performed or undertaken, or (b) any other situation exists, which causes, has caused or likely to cause pollution to a water resource must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring</i>". Therefore, any pollution incident(s) originating from this project shall be reported to Department of Water Sanitation: Free State Operations within 24 hours. All the commitments stipulated in the various parts of this report must be adhered to and any deviations must be reported to this Department. Further comments, if any, will be provided during the Environmental Impact Assessment process. 		<p>All processes as stated in the Scoping Report, and in the event any water uses as defined in Section 21 of the Water Act will be adhered to, as per the legislation.</p> <p>Comment acknowledged. The Department will be provided the opportunity to review and comment on the EIAR.</p>
3.	<p>Interim Comment</p> <p>The SAHRA APM Unit notes the heritage specialist studies along with the recommendations provided therein.</p> <p>Further comments will be issued once the Draft EIA report and its appendices has been submitted to the case.</p>	<p>Sityhilelo Ngcatsha Archaeology, Palaeontology, Meteorite Assistant</p> <p>and</p> <p>Philip Hine Manager: Archaeology, Palaeontology and Meteorite Unit SAHRA</p>	<p>The EIA Report and its appendices, when available for review and comment will be uploaded onto SAHRIS CaseID 19409.</p>

No.	Comment	Raised by	Response
		Letter: 07 September 2022	
4.	<p>The following need to be corrected and/or included when submitting the Final Scoping report:</p> <ul style="list-style-type: none"> • Provide two (2) hard copies and one (1) soft copy of Final Scoping Report. • Provide a Civil Aviation Compliance Statement in accordance with the Screening Tool Protocols. • A signed declaration of interest for the Social Impact Report. • A signed declaration of interest for the Visual Impact Study. • All comments and inputs from stakeholders and I&APs must be included in the final Scoping Report. <p>Please note that the applied activity may not commence prior to an Environmental Authorisation been granted by this Department.</p>	<p>Tlotliso Hanong Case Officer DESTEA</p> <p>Letter: 30 September 2022</p>	<p>The request was acknowledged, and two (2) hard copies and one (1) soft copy have been provided.</p> <p>A Civil Aviation Compliance Statement in accordance with the Screening Tool Protocols is included as Appendix N.</p> <p>Appendix K – Specialist declaration includes the signed social and visual declarations.</p> <p>All comments received from stakeholders and I&APs are included in Appendix C6: Comments Received of the final Scoping Report and have been captured in this C&RR that is attached as Appendix C8: Comments & Responses Report to the final Scoping Report.</p> <p>No activity will commence prior to an Environmental Authorisation been granted by the Department.</p>
5.	<p>Herewith to request the .KML files for the above applications, as they are not available in the received application mails.</p> <p>It is essential to have the .kml files in order to finalise your requests.</p>	<p>Lt Cl Francois Strydom Command & Management Information Systems Division Directorate CMIS Static Systems SANDF</p> <p>E-mail: 11 November 2022</p>	<p>The requested .kml file was e-mailed to the stakeholder on 16 November 2022 – refer to Appendix C6 of the final SR.</p>
6.	<p>Please find Eskom's conditions which must always be respected when working near or closer to our services:</p> <ol style="list-style-type: none"> 1. Eskom Dx shall at all times retain unobstructed access to and egress from its servitudes. 	<p>DJ Monalisa For Land Development Manager Eskom Holdings SOC Ltd</p>	<p>The requirements for development at or near Eskom Distribution infrastructure servitudes are noted. These requirements have been submitted to the developer for their attention and consideration for the development.</p>

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	<p>2. Eskom Dx's consent does not relieve the applicant from obtaining the necessary statutory, landowner or municipal approvals.</p> <p>3. The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom Dx as a result of non-compliance will be charged to the applicant.</p> <p>4. No drilling shall take place within 11 metres from any Eskom Dx power line structure,</p> <p>5. All work within Eskom Dx's servitude areas shall comply with the relevant Eskom earthing standards in force at the time.</p> <p>6. If Eskom Dx has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the applicant's activities or because of the presence of his equipment or installation within the servitude area, the applicant shall pay such costs to Eskom Dx on demand.</p> <p>7. The use of explosives of any type within 500metres of Eskom Dx's services shall only occur with Eskom Dx's prior written permission. If such permission is granted the applicant must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. If blasting becomes necessary, application in this regard should be made separately.</p> <p>8. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom Dx's requirements.</p> <p>9. Eskom Dx shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the applicant, his/her agent, contractors, employees, successors in title, and assigns. The applicant indemnifies Eskom Dx against loss,</p>	<p>Letter: 18 November 2022</p>	<p>In addition, the need to comply with Eskom requirements (as applicable) will be included into the EMPr for the project.</p>

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	<p>claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom Dx's services or apparatus or otherwise. Eskom Dx will not be held responsible for damage to the applicant's equipment.</p>		
10.	<p>No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom Dx's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the applicant must give at least seven working days prior notice of the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the relevant Technical Service Centre.</p>		
11.	<p>No work shall commence unless Eskom Dx has received the applicant's written acceptance of the conditions specified in the letter of consent and/or permit.</p>		
12.	<p>Eskom Dx's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with. Note: Where an electrical outage is required, at least fourteen workdays are required to arrange same.</p>		
13.	<p>Under no circumstances shall rubble, earth or other material be dumped within the servitude area. The applicant shall maintain the area concerned to Eskom Dx's satisfaction. The applicant shall be liable to Eskom Dx for the cost of any remedial action which has to be carried out by Eskom Dx.</p>		
14.	<p>The clearances between Eskom Dx's live electrical equipment and the proposed construction work shall be observed as stipulated by <i>Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)</i>.</p>		
15.	<p>Eskom shall be regarded electrically live and therefore dangerous at all times.</p>		

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	<p>16. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as additional safety precaution, Eskom Dx will not approve the erection of houses or structures occupied or frequented by human beings under the power lines or within the servitude area.</p> <p>17. Eskom Dx may stipulate any additional requirements to illuminate any possible exposure to Customers or Public to coming into contact or be exposed to any dangers to Eskom plant.</p> <p>18. It is required of the applicant to familiarise him/herself with all safety hazards related to Electrical plant.</p> <p>Should the applicant or his/her contractor damage any of Eskom's services during execution of any work whatsoever, the incident must be reported to Eskom's Technical service centre Pitso Rama-Litsi @051-853 9704 and 082495 8144 immediately. The same person must be contacted before commencement of the project as well.</p> <p>For the re-location of any Eskom's services, our customer service centre should be contacted on 051-404 2211.</p> <p>The above conditions should be accepted in writing before any work within Eskom Services commences and the technical service centre must be informed of the future activities.</p>		<p>The Applicant, Freegold Harmony (Pty) Ltd, will be in contact with Eskom at the applicable stage, if required.</p>
7.	<p>Reference is hereby made to the document submitted to this Department dated November 2022 for the above-mentioned project as presented to this Department by Savannah Environmental (Pty) Ltd.</p> <p>This office has evaluated the above-mentioned document and the comments that have been sent to your office dated 20 September 2022 still applies.</p>	<p>Boitumelo Melato Administrator DWS</p> <p>E-mail: 9 December 2022</p>	<p>The comments dated 20 September 2022, as submitted by the DWS, have been responded to in this C&RR under point 2.</p>
8.	<p>Thank you for informing SAHRA of the Scoping and Environmental Impact Reporting (S&EIR) process that is undertaken to obtain</p>	<p>Sityhilelo Ngcatsha</p>	<p>The Scoping Report and Appendices have been uploaded to the relevant SAHRIS CaseID 19409 by the Heritage Specialist.</p>

No.	Comment	Raised by	Response
	Environmental Authorisation (EA) for the development of the PV facility and associated infrastructure. Please submit all Scoping Report along with its appendices to the respective case on SAHRIS (19409) before further comments can be issued.	Archaeology, Palaeontology, Meteorite Assistant E-mail: 09 December 2022	