

## McTAGGARTS PV3, NORTHERN CAPE PROVINCE

### COMMENTS AND RESPONSES REPORT

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The McTaggarts PV3 Basic Assessment (BA) Process was announced on Wednesday, 09 October 2019, with the release of a Background Information Document (BID) which contained information regarding the proposed development. The announcement letter and BID also 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 Basic Assessment Report was made available for review and comment from **13 November 2019** until **13 December 2019**. All written comments received during the BA process to date have been included in this Comments and Responses Report (C&RR).

**NOTE:**

In terms of the EIA Regulations of December 2014 (as amended on 07 April 2017, Regulation 44(1)), please note that all comments to be raised, and responses provided at the various Focus Group Meetings to be held will be included in **Appendix C7** of the final BA Report.

**LIST OF ABBREVIATIONS / ACRONYMS**

BA	Basic Assessment	BAR	Basic Assessment Report
BID	Background Information Document	BGG	Burial Grounds and Graves
C&RR	Comments and Responses Report	DEA	Department of Environmental Affairs
DWS	Department of Water and Sanitation	EAP	Environmental Assessment Practitioner
ECO	Environmental Control Officer	EMPr	Environmental Management Programme
NEMA	National Environmental Management Act	NHRA	National Heritage Resources Act
SACAA	South African Civil Aviation Authority	SAHRA	South African Heritage Resources Agency
SCC	Species of Conservation Concern	SIA	Social Impact Assessment
WMA	Water Management Area		

## 1. COMMENTS RECEIVED: Basic Assessment Report

### 1.1. Organs of State

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>Good day, please find the SACAA procedure and processes on the CAA website, in providing approval to the proposed project.</p> <p><b>e-mail links provided</b></p> <ul style="list-style-type: none"> <li>Kindly provide a <b>.kml (Google Earth) file reflecting the footprint of the proposed development site including the proposed overhead electric power line route that will evacuate the generated power to the national grid.</b></li> <li>Also indicate the <b>highest</b> structure of the project &amp; the Overhead electric power transmission line.</li> </ul>	<p>Lizell Stroh Obstacle Inspector PANS-OPS Section Air Navigation Services Department SACAA</p> <p>E-mail: 13-11-2019</p>	<p>The SACAA procedure and process link was forwarded to the Applicant for attention and an application was subsequently submitted to SACAA on 3 December 2019.</p> <p>The <b>.kml</b> (Google Earth) was submitted via e-mail on 19 November 2019. Proof of submission is included in <b>Appendix C4</b> and <b>AppendixC6</b> of the final BA Report.</p> <p>The McTaggart PV3 development will include solar PV panels that will have an installed height of 3.5m. These will be the highest structures for the solar PV project.</p> <p>The Khunab Solar Grid Connection project, which is being assessed as part of a separate Basic Assessment Process, will consist of a 132kV powerline with a height of up to 32m.</p>
2.	<p><u>This letter serves to inform you that the following information must be included to the Final BAR:</u></p> <p>a) The report indicates that the applicant has entered into a notarial lease agreement with the landowner. As such, you are requested to provide written landowner consent.</p>	<p>Zesipho Makhosayafana Case Officer DEA</p> <p>Letter: 10-12-2019</p>	<p>Landowner consent from the landowner of the affected properties for the McTaggart PV3 development is included in <b>Appendix 3</b> of the updated application form submitted with the Final BA Report to the Department.</p>
3.	<p>b) The 21 digit surveyor general code, physical address/ farm names, or the coordinates of the boundary of property for this proposed development have not been included in the application form. You are requested to ensure that these form part of the application form submitted with the final BAR.</p>		<p>The 21-digit Surveyor General Code for the properties affected by the development of the McTaggart PV3 solar PV facility is included in the updated Application for Environmental Authorisation submitted to the Department with the Final BA Report.</p>

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4.	<p>c) Please ensure that the Specialist Declarations for the following Specialist studies are submitted:</p> <ul style="list-style-type: none"> <li>• Fauna and Flora Specialist Report (Please submit the declaration by the specialist who prepared the report)</li> <li>• Social Impact Assessment study (Independent Review Specialist)</li> <li>• Avifauna Specialist Impact Assessment Report</li> <li>• Aquatic Impact Assessment report</li> </ul>		<p>The required specialist declarations requested by the Department have been included within <b>Appendix N</b> of the Final BA Report.</p>
5.	<p>d) Details of the Specialist that prepared the Aquatic Impact Assessment study, including a curriculum vitae must be provided,</p>		<p>The specialist declaration and the curriculum vitae of the specialist that undertook the Aquatic Impact Assessment (<b>Appendix F</b>) has been included in <b>Appendix N</b> of the Final BA Report. The details of the specialist are included in <b>Table 1.3</b> of Chapter 1, as well as <b>Appendix F</b> and <b>Appendix N</b>.</p>
6.	<p>e) Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description. It is noted that you have applied for Activity 14 of listing notice 1 (GN R 983, as amended) which includes the storage of dangerous goods. Please provide a description of the dangerous good involved in this case. Please note that any significant new information may need to be subject to public consultation. Your attention is drawn to Regulation 19(1)(b) of GN R. 982, as amended, in this regard.</p>		<p>All relevant listed activities for McTaggart PV3, including Activity 14 of Listing Notice 1 (GN R327) have been described in detail and are included within the updated Application for Environmental Authorisation which has been submitted with the Final BA Report.</p> <p><b>Table 6.1</b> of Chapter 6 has also been updated to include a description of the dangerous goods involved with the proposed project.</p> <p>No new significant information has been included in the Final BA Report therefore no additional Public Participation is required for the project.</p>
7.	<p>f) Should the proposed activity not include operational aspects (per the wording of the listed activities), please ensure that the BAR includes the period for which the environmental authorisation is required, the date on which the activity will be concluded, and the post construction monitoring requirements</p>		<p>McTaggart PV3 will be bid into the REIPPP Programme bidding rounds of the Department of Mineral Resources and Energy which are yet to be announced by Government; however, should the project be successful in the bidding process, the project will have an operational lifespan of 20 years.</p>

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	finalised, per Appendix 1(3)(1)(q) of GN R. 982, as amended.		
8.	g) If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <a href="https://www.environment.00v.zaidocuments/forms">https://www.environment.00v.zaidocuments/forms</a>		An updated Application for Environmental Authorisation has been submitted with the Final BA Report. The updated Application includes the correct listed activities for the project which require environmental authorisation and are the same listed activities included in <b>Table 6.1</b> of Chapter 6 of the Final BA Report.
9.	h) The Environmental Assessment Practitioner (EAP) must ensure that an adequate motivation on the applicability of each listed activity that triggers the proposed development is provided. The applicability of each activity against the actual threshold for the proposed development must be verified. The Final BAR must be clear on the total voltage output for the substation.		An adequate motivation of applicability for each listed activity that is triggered by the proposed development of McTaggarts PV3 has been included in the updated Application for Environmental Authorisation submitted with the Final BA Report.  <b>Table 2.1</b> of Chapter 2 of the Final BA Report includes the confirmed capacity of the facility on-site substation.
10.	i) Please ensure that all issues raised and comments received during the circulation of the BAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR, <b>(including comments from this Department's Biodiversity Section)</b> . Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof of the attempts that were made to obtain comments must be submitted to the Department. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014.		Comments received from I&APs and organs of state during the 30-day public review period are included in <b>Appendix C6</b> of the final BA Report and these comments have been incorporated into this C&RR attached as <b>Appendix C8</b> to the Final BA Report. Where applicable, comments received have been utilised in the preparation and finalisation of the BA Report.  The letter in which the Department's Biodiversity Section comments were received is included in <b>Appendix C6</b> of the Final BA Report and captured in the C&RR, and Section 1.1. comments 18 to 24 in this C&RR.  Proof of correspondence with various stakeholders is attached in <b>Appendix C4</b> (organs of state correspondence) and <b>Appendix C5</b> (I&AP correspondence) of the Final BA Report. Proof of attempts

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			<p>that were made to obtain comments is attached in <b>Appendix C4</b> (organs of state correspondence) and <b>Appendix C5</b> (I&amp;AP correspondence) of the Final BA Report.</p> <p>The Public Participation Process undertaken for McTaggarts PV2 is complaint with regulations, 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations, 2014 (GNR326). It can be confirmed that the public participation process has been undertaken in accordance with the relevant regulations of the EIA Regulations, 2014 (as amended).</p> <p>» <b>Regulation 39 (GNR326):</b> The applicant has entered into a notarial lease agreement with the landowner of the properties where the McTaggarts PV3 development will be located. The proof of landowner consent is included in <b>Appendix 3</b> of the updated application form submitted to the Department with the Final BA Report.</p> <p>» <b>Regulation 40 (GNR326):</b> The BA Report was made available for a 30-day review period from, 13 November to 13 December 2019. The BA Report was also distributed to the Competent Authority and Commenting Authority, relevant Organs of State and State Departments and the Report was made available for all potential and registered Interested and Affected Parties at the Dawid Kruiper Public Library in Upington and at the Keimoes Libary Hall in Keimoes. The BA Report was also made available to potential interested and affected parties for download from Savannah Environmental's website:</p> <p>» <a href="https://www.savannahsa.com/public-documents/energy-generation/01khunab-solar-development-mctaggarts-pv3/">https://www.savannahsa.com/public-documents/energy-generation/01khunab-solar-development-mctaggarts-pv3/</a></p>

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			<p>» <b>Regulation 41 (GNR326):</b> Site Notices were placed around conspicuous locations of the boundaries of the affected property on 16 October 2019 and a newspaper advert was placed in the Gemsbok newspaper on 13 November 2019. The newspaper tear sheet and proof of the site notice placement is included in <b>Appendix C2</b> of the Final BA Report.</p> <p>» <b>Regulation 42 (GNR326):</b> <b>Appendix C1</b> of the Final BA Report contains a database of Interested and Affected Parties, Organs of State and State Departments which were registered on the project and issued comments included in <b>Appendix C6</b> of the Final BA Report.</p> <p>» <b>Regulation 43 (GNR 326):</b> All comments received from registered Interested and Affected Parties including Organs of State and State Departments that had jurisdiction on the project are included in <b>Appendix C6</b> of the Final BA Report.</p> <p>» <b>Regulation 44 (GNR 326):</b> Comments received from registered Interested and Affected Parties included in <b>Appendix C6</b> of the Final BA Report have been captured verbatim and responded to within this Comments and Responses Report (CR&amp;R) which is included in the Final BA Report as <b>Appendix C8</b>. In addition, minutes from the Focus Group and Public Meeting held in Upington and Kalksloot on 28 November 2019 are included in the Final BA Report as <b>Appendix C7</b>.</p>

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11.	j) A Comments and Response (C&R) report must be submitted with the final BAR. The C&R report must incorporate all comments received for this development. <b>Please note that a response such as "Noted" is not regarded as an adequate response to I&amp;APs' comments.</b>		<p>Comments from Organs of State and I&amp;APs received, with the responses from the EAP and/or Applicant (as applicable) are included in this C&amp;RR and attached as <b>Appendix C8</b> to the final BA Report.</p> <p>Comments captured are <i>verbatim</i> and have not been summarised. Detailed responses to the comments have been provided by the EAP, Applicant and/or Specialists as dictated by the comment.</p>
12.	k) Please ensure that a copy of the newspaper advertisement is included in the final BAR, as indicated in the draft BAR.		<p>The tear sheet announcing the BAR availability and invitation to the public meeting is included in <b>Appendix C2</b> of the Final BA Report.</p>
13.	l) Please ensure that a description of all identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 1 (2) (e) and 3 (1) (h) (i) of GN R.982 of 2014. Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.		<p>Chapter 3 of the Final BA Report includes a detailed description of the alternatives taken into consideration and assessed for the development of McTaggart PV3. Where no feasible alternatives are applicable to the project, motivation has been provided in Chapter 3 of the final BA Report.</p> <p>The advantages and disadvantages of the project are discussed in Chapter 8 and Chapter 10 of the final BA Report.</p>
14.	m) The final BAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.		<p>Chapter 8 of the Final BA Report includes an impact assessment of the identified environmental and social impacts and mitigation measures applicable to each of the listed activities applied for within the BA process. Furthermore, the EMPr (<b>Appendix M</b> of the Final BA Report) includes mitigation measures and actions that the applicant will be required to implement during each of the project phases of the McTaggart PV3 development in order to ensure that all impacts are managed at acceptable levels.</p>



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15.	n) Cumulative impacts of similar type of developments in the area must form part of the studies that must be assessed as part of the final BAR process.		<p>Chapter 9 of the Final BA Report contains an assessment of the cumulative impacts of similar developments (i.e. solar energy developments) within the vicinity of the broader study area assessed for the development of McTaggart PV3. Furthermore, the specialist studies included in the Final BA Report (<b>Appendix D-K</b>) includes an assessment of cumulative impacts through the consideration of the development of McTaggart PV3 and other similar type developments in the area.</p> <p>A cumulative map indicating the locations of similar development within a 30km radius of McTaggart PV3 is included as <b>Figure 9.1</b> of the Final BA Report.</p>
16.	<p>o) In terms of Appendix 1 of the EIA Regulations, 2014, the report must include an undertaking under oath or affirmation by the EAP in relation to:</p> <ul style="list-style-type: none"> <li>• the correctness of the information provided in the reports;</li> <li>• the inclusion of comments and inputs from stakeholders and I&amp;APs;</li> <li>• the inclusion of inputs and recommendations from the specialist reports where relevant;</li> <li>• any information provided by the EAP to interested and affected parties; and</li> <li>• responses by the EAP to comments or inputs made by interested or affected parties.</li> </ul>		<p><b>Appendix N</b> of the Final BA Report includes an undertaking under oath and affirmation from Jo-Anne Thomas, who is the EAP on the McTaggart PV3 project.</p>
17.	<p>p) In terms of Appendix 1 (3) (1) (a) of the EIA Regulations 2014, the details of:</p> <p>(i) <i>the EAP who prepared the report; and</i></p> <p>(ii) <i>the expertise of the EAP to carry out Scoping and Environmental Impact assessment procedures;</i></p> <p>must be submitted.</p>		<p>The details of the EAP, Jo-Anne Thomas and her expertise to carry out Scoping and Environmental Impact Assessment procedures is included in section 1.4 of Chapter 1 of the Final BA Report. Furthermore, a comprehensive curriculum vitae detailing the projects Jo-Anne Thomas has worked on as an EAP is included as <b>Appendix N</b> of the Final BA Report.</p>

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18.	<p><b>General</b></p> <p>The final BAR must comply with the requirements of this letter and Appendix 1, 4 and 6 of the EIA Regulations 2014, as amended. Should the BAR fail to comply with the requirements of this comment letter, Appendix 1, 4 and 6 of the EIA Regulations as amended, environmental authorisation may be refused.</p>		<p>The Final BA Report submitted to the Department has been undertaken in line with the scope of assessment and content of a BA Report as detailed in Appendix 1 of the EIA Regulations, 2014. Refer to sections 1.2, 2.1, 3.1, 4.1, 5.1, 6.1, 7.1, 8.1, 9.1 and 10.1 of the Final BA Report.</p> <p>The EMPr and the Specialist submitted with Final BA Report to the Department are compliant with Appendix 4 and 6 of the EIA Regulations 2014, as amended.</p>
19.	<p>Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.</p>		<p>The EAP acknowledges the prescribed timeframes in terms of Regulation 45 of the EIA Regulations, 2014. It is noted that should the applicant fail to meet any of the timeframes prescribed the application will lapse. The Final BA Report will be submitted to the Department well within the prescribed timeframe.</p>
20.	<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 applicant acknowledged Section 24F of the National Environmental Management Act and penalties thereof should it not be adhered to.</p>
21.	<p>The Directorate: Biodiversity Conservation has reviewed and evaluated the aforementioned report and its specialist's studies. The Directorate does not have any objections to the proposed development and in order to achieve the overall objective of minimizing the loss of Biodiversity the following recommendations must be included in the Final Basic Assessment Report (FBAR):</p> <ul style="list-style-type: none"> <li>• A pre-construction walk-through of the final development footprint must be undertaken in order to locate and identify species of conservation concern that can be translocated;</li> </ul>	<p>Mmatlala Rabothata Control Biodiversity Officer: Biodiversity Conservation DEA  Letter: 13-12-2019</p>	<p>Objective 2 (ensure that the relevant permits and plans are in place to manage impacts on the environment) of the Planning and Design Phase EMPr (<b>Appendix M</b>) includes the undertaking of a pre-construction walk through of the facility layout and the main access road for the identification and translocation of species of conservation concern.</p>

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22.	<ul style="list-style-type: none"> <li>A detailed site Rehabilitation Plan must be developed and all disturbed and cleared areas be rehabilitated with indigenous perennial shrubs and grasses from the local area;</li> </ul>		<p>Objective 7 (minimise impacts on surface water features) of the Construction Phase EMPr (<b>Appendix M</b>) requires the Contractor to implement a comprehensive rehabilitation plan.</p> <p>Objective 1 (ensure appropriate rehabilitation of disturbed areas such that residual environmental impacts are remedied or curtailed) of the Rehabilitation EMPr (<b>Appendix M</b>) provides for the implementation of a Revegetation and Rehabilitation which requires the use of indigenous vegetation during the rehabilitation phase of the project (refer to <b>Appendix E</b> of the EMPr submitted with the Final BA Report).</p>
23.	<ul style="list-style-type: none"> <li>If several plant Species of Conservation Concern (SCC) which are protected are identified in the study area, a search and rescue exercise to remove and relocate them must be undertaken by a professional and qualified ecologist;</li> </ul>		<p>Objective 2 (ensure that the relevant permits and plans are in place to manage impacts on the environment) of the Design and Planning Phase EMPr (<b>Appendix M</b>) requires the undertaking of a search and rescue operation for species of concern prior to the commencement of construction activities. The requirement also states that should there be any affected species that cannot be avoided, these must be translocated to a suitable area; however, this does not include woody plant species listed under the National Forest Act (Act No. 84 of 1989) which will require a permit from DAFF prior to their destruction or removal.</p>
24.	<ul style="list-style-type: none"> <li>An Alien Invasive Species Eradication Plan must be implemented, in order to reduce the establishment and spread of alien plant species within the development footprint;</li> </ul>		<p>Objective 2 (ensure that the relevant permits and plans are in place to manage impacts on the environment) of the Design and Planning Phase EMPr (<b>Appendix M</b>) requires the development and implementation of the invasive alien plants eradication control plan as included as <b>Appendix C</b> of the EMPr. Objective 6 (minimise the establishment and spread of alien invasive plants) of the Construction Phase EMPr provides for the eradication of all weeds and alien invasive plants as far as practically possible.</p>

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25.	<ul style="list-style-type: none"> <li>• Alien plants species within the development footprint must be regularly monitored and regular alien clearing must be conducted using the best-practice methods for the species concerned;</li> </ul>		Objective 6 (minimise the establishment and spread of alien invasive plants) of the Construction Phase EMP requires on-going monitoring of disturbed areas by the Contractor's EO for invasive alien plant species for the duration of the Construction Phase. Objective 6 further makes provision for the undertaking of an annual audit of the development footprint and immediate surroundings by a qualified botanist for the presence of invasive alien plant species.
26.	<ul style="list-style-type: none"> <li>• Any protected plant species must not be removed or damaged prior to obtaining permit from relevant National or Provincial Authorities; and</li> </ul>		Objective 2 (ensure that the relevant permits and plans are in place to manage impacts on the environment) of the Design and Planning Phase EMP ( <b>Appendix M</b> ) requires the applicant to obtain the relevant permits required for the removal of plant species protected under the relevant National and Provincial legislations.
27.	<ul style="list-style-type: none"> <li>• High sensitivity habitats such as major drainage lines must be avoided and buffered.</li> </ul>		The layout assessed for McTaggart PV3 takes into consideration the receiving environment present in the development area. Prior to the finalisation of the layout assessed in this BA Report, the proponent consulted the ecological, avifauna and freshwater specialists to delineate areas of environmental sensitivity within the broader study area in order ensure that the placement of the solar PV facility and the associated infrastructure does not have a significant and negative impact on the environment and is appropriately placed within the broader study area. Where infringement occurs within areas of a high sensitivity, these infringements have been considered acceptable by the relevant specialists.
28.	<p>I have noted two new cases on SAHRIS from this profile.</p> <p>Case ID 14645 - I note that the Public Review period is from the 13 November to the 13 December 2019. As the application has only been submitted today, 3 December</p>	<p>Natasha Higgitt Heritage Officer SAHRA  E-mail: 03-12-2019</p>	The project team encountered technical difficulties in submitting the BA Report and appendices on SAHRIS as a result of the website being down; however, SAHRA's message was acknowledged and informed that once the team receives SAHRA's final written

NO.	COMMENT	RAISED BY	RESPONSE
	<p>2019, as per the NEMA EIA regulations, SAHRA has 30 days in which to provide comment. Additionally, the 15 December to the 5 January are to be excluded from the Public Review period as per NEMA regulations.</p> <p>Case ID 14590 - I note that the application was created on the 19 November 2019, however, the status of the case was only changed to SUBMITTED today the 3 December 2019.</p> <p>Thus, SAHRA will provide comments on both of these cases before the 24 January 2020. SAHRA recommends that you apply for an extension of the EA process in terms of section 19(1)b of the NEMA regulations in order for SAHRA to provide comment.</p> <p>Please acknowledge receipt of this message and confirm the process going forward. This message is kept on permanent record linked to the case tracker of the cases.</p>		<p>comments before or on 24 January 2019, it will be submitted to the DEA after the submission of the Final BA Report.</p>

## 2. COMMENTS RECEIVED DURING BASIC ASSESSMENT ANNOUNCEMENT PHASE

### 2.1. Organs of State

NO.	COMMENT	RAISED BY	RESPONSE
1.	Water use authorisation required if within regulated area.	<p>Pieter Ackermann Chief Landscape Architect DWS</p> <p>E-mail: 15-10-2019</p>	<p>It was determined that the proposed project falls within the Lower Orange WMA (WMA 14) and the relevant commenting Official has been identified and has received a copy of the BA Report for review and written comments.</p>

**2.2. Stakeholders and I&APs**

NO.	COMMENT	RAISED BY	RESPONSE
1.	Requested locality map.	Francois Theron Manager: Blue Dot Properties 567 (Pty) Ltd  Telephonic: 04-09-2019	The locality map was submitted to the I&AP via email on 05 September 2019, as requested.
2.	Awaiting BID before submitting comments regarding the proposed project or on the SIA. In principle, no issues.	Francois Theron Manager: Blue Dot Properties 567 (Pty) Ltd  Telephonic: 09-09-2019	The BID and BA process notification was submitted via email to the I&AP on 09 October 2019 (refer to <b>Appendix C5</b> ). The project team await submission of written comment.
3.	No problem with proposed project and no inputs into the SIA.	Botha du Toit Landowner Farm Dyson's Klip  Telephonic: 09-09-2019	It is acknowledged that the adjacent landowner has no objection to the proposed project or any comments pertaining thereto.
4.	No problem with proposed project and no inputs into the SIA.	Willem Louw Landowner Tungsten Lodge  Telephonic: 09-09-2019	It is acknowledged that the adjacent landowner has no objection to the proposed project or any comments pertaining thereto.