

Matthew Ellero

From: Nkhensani Masondo
Sent: Thursday, 01 December 2022 09:45
To: Matthew Ellero
Subject: FW: 2022-10-0008 - Oryx

From: Azrah Essop <AEssop@dffe.gov.za>
Sent: Monday, 17 October 2022 12:56
To: Nkhensani Masondo <nkhensani@savannahsa.com>
Cc: EIA Applications <EIAApplications@dffe.gov.za>; Lerato Mokoena <LMOKOENA@dffe.gov.za>
Subject: RE: 2022-10-0008 - Oryx

Dear Nkhensani

It is noted that you do not require a pre-application meeting for the above.
Please use this email as proof.

Regards

Ms. Azrah Essop

Environmental Officer: Priority Infrastructure Projects
Registered Environmental Assessment Practitioner: 2021/3915
Department of Forestry, Fisheries and the Environment
Environment House
473 Steve Biko and Soutpansberg Streets
PRETORIA
Tel: (012) 399 8529
Cell: 063 750 3585
E-mail: aessop@dffe.gov.za
Call Centre: 086 111 2468



forestry, fisheries
and the environment
Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

From: EIA Applications <EIAApplications@dffe.gov.za>
Sent: Wednesday, 12 October 2022 12:16
To: Azrah Essop <AEssop@dffe.gov.za>
Cc: Lerato Mokoena <LMOKOENA@dffe.gov.za>; Wayne Hector <WHECTOR@dffe.gov.za>; Nkhensani Masondo <nkhensani@savannahsa.com>
Subject: 2022-10-0008

Dear Azrah.

Please note that you have been allocated an application:

Type of Application: Pre-Application Meeting Request;
Reference Number: 2022-10-0008;

Date Received: 12/10/2022;

Action Required: Decide on meeting request.

Kindly let Ephron know which date the meeting is to be held, if it will be set

EIA Applications

Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Please note that this email is for the receipt and processing of online applications only, and is not monitored for responses. All queries must be directed to EIAAdmin@dffe.gov.za.

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From: Nkhensani Masondo <nkhensani@savannahsa.com>

Sent: Wednesday, 12 October 2022 05:40

To: EIA Applications <EIAApplications@dffe.gov.za>

Cc: Jo-Anne Thomas <joanne@savannahsa.com>; Matthew Ellero <matthew@savannahsa.com>

Subject: SE3509 Limestone PV 1 and 2 and Oryx WEF near Danielskuil, Northern Cape Province

Good day

Herewith, please find the pre-application meeting request for the proposed Limestone PV 1 and 2 and Oryx WEF near Danielskuil, Northern Cape Province.

Please feel free to contact me should you have any queries.

Kind regards,



t: +27 (0)11 656 3237
f: +27 (0) 86 684 0547

Nkhensani Masondo
Senior Environmental Consultant

e: nkhensani@savannahsa.com
c: +(27) 066 334 7166

SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

Processing of personal Information / POPIA compliance

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Matthew Ellero

From: Brenda Ton
Sent: Wednesday, 11 January 2023 12:02
To: Matthew Ellero
Cc: Jo-Anne Thomas; Nkhensani Masondo; Savannah Public Process
Subject: FW: 14/12/16/3/3/2/2270

Importance: High

FYI

Thank you and kind regards,

Brenda Ton

Office & Administrator Manager | Savannah Environmental (Pty) Ltd
Tel: +27 (0)11 656 3237 | Fax: +27 (0)86 684 0547

[SAWEA Award for Leading Environmental Consultant for Wind Projects in 2013 & 2015](#)

From: Ephron Maradwa <EMaradwa@dffe.gov.za>
Sent: Wednesday, 11 January 2023 12:01
To: Brenda Ton <Brenda@savannahsa.com>
Cc: Azrah Essop <AEssop@dffe.gov.za>; Salome Mambane <SMAMBANE@dffe.gov.za>; EIAAdmin <EIAAdmin@dffe.gov.za>
Subject: 14/12/16/3/3/2/2270

Dear Brenda

14/12/16/3/3/2/2270

ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION AND DRAFT SCOPING REPORT FOR ENVIRONMENTAL AUTHORISATION FOLLOWING A SCOPING ASSESSMENT PROCESS FOR THE PROPOSED LIMESTONE PHOTOVOLTAIC (PV) 2 FACILITY AND ASSOCIATED INFRASTRUCTURE, NEAR DANIELSKUIL, WITHIN THE KGATELOPELE LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.

The Department confirms having received the Application form and Draft Scoping Report for Environmental Authorisation for the abovementioned project on 10 January 2023. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

Kindly note that your application for Environmental Authorisation falls within the ambit of an application applied for in terms of Part 3 of Chapter 4 of the EIA Regulations, 2014, as amended. You are therefore referred to Regulation 21 of the EIA Regulations, 2014 as amended.

Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that potential Interested & Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014, as amended, prior to the submission of an application but must be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.

Note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.

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.

Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

EIA Applications

Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

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Matthew Ellero

From: Nkhensani Masondo
Sent: Thursday, 16 February 2023 15:47
To: Matthew Ellero
Subject: FW: 14/12/16/3/3/2/2269
Attachments: 03 Comments on DSR 2269_LimestonePV1_AE_Signed.pdf; 03 Comments on DSR 2270_LimestonePV2_AE_Signed.pdf

From: Nkhensani Masondo
Sent: Friday, February 3, 2023 12:21 PM
To: Matthew Ellero <matthew@savannahsa.com>
Cc: Jo-Anne Thomas <joanne@savannahsa.com>; Molatela Ledwaba <molatela@savannahsa.com>
Subject: FW: 14/12/16/3/3/2/2269

Hi Matthew

Please find the comments for Danielskuil.

Kind regards,



t: +27 (0)11 656 3237
f: +27 (0) 86 684 0547

Nkhensani Masondo
Senior Environmental Consultant

e: nkhensani@savannahsa.com
c: +(27) 066 334 7166

SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

Processing of personal Information / POPIA compliance

We respect your privacy and acknowledge that this e-mail will contain Personal Information, which may belong to you, others and/or to your organization and which we will process. The processing of your personal information by Savannah Environmental may be included in reports submitted to governmental departments or on our public platforms, which processing will be done in accordance with our processing notice housed on our website - <https://savannahsa.com/privacy-policy-privacy-policy-page/>. By sending and/or receiving this message, you hereby consent to the lawful processing of personal information for the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act No 4 of 2013).

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From: Ephron Maradwa <EMaradwa@dffe.gov.za>
Sent: Friday, February 3, 2023 12:05 PM
To: Nkhensani Masondo <nkhensani@savannahsa.com>
Cc: Azrah Essop <AEssop@dffe.gov.za>; 'dirk@agv-za.co.za' <dirk@agv-za.co.za>; 'bfisher@ncpg.gov.za' <BFisher@ncpg.gov.za>; 'mm.klm@kgatelopele.gov.za' <mm.klm@kgatelopele.gov.za>; EIAAdmin <EIAAdmin@dffe.gov.za>; Salome Mambane <SMAMBANE@dffe.gov.za>; Lydia Kutu <LKutu@dffe.gov.za>
Subject: 14/12/16/3/3/2/2269

Good day.

Please find herein the attached letter for the above mentioned.

Please do not respond to this mailbox with any queries related to the decision been issued. All queries on the attached decision must be directed to official whose contact details is listed as enquiries.

I hope you find all in order.

Regards

Mr. Ephron Maradwa

Administrative Officer: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

473 Steve Biko Road

PRETORIA

Tel: (012) 399 9367

Cell: 076 940 6571

E-mail: EMaradwa@dffe.gov.za



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REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/2/2270

Enquiries: Azrah Essop

Telephone: (012) 310 8529 **E-mail:** AEssop@dfffe.gov.za

Ms Nkhensani Masondo
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Tel Number: (011) 656 3237
Email Address: nkhensani@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Masondo

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED DEVELOPMENT FOR THE UP TO 150MWp PROPOSED LIMESTONE PHOTOVOLTAIC (PV) 2 FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR DANIELSKUIL, WITHIN THE KGATELOPELE LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

The final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment (PoSEIA) dated February 2023 and received by the Department on 16 February 2023, refer.

The Department has evaluated the submitted FSR and the PoSEIA dated February 2023 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the PoSEIA as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the Environmental Impact Assessment Report (EIAR):

i. **Application form:**

Kindly clarify the reason this Department is the Competent Authority in terms of S24 C of NEMA. State clearly if the applicant intends to bid the project in terms of the IRP and update this information in the amended application form.

ii. **Listed Activities**

a) It is noted that certain activities may be no longer relevant or necessary after the outcome of specialist studies. Ensure that only listed activities that are triggered by this development are applied for in the

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EIAR for the proposed project. The EIAR must assess the correct sub-listed activity for each listed activity applied for and include thresholds. The onus is on the EAP and applicant to ensure that no other activities are triggered, and the correct activities are applied for, are specific and can be linked to the development activity or infrastructure (including thresholds) as described in the project description.

- b) The listed activities represented in the EIAR and the application form must be the same and correct. Currently, the incorrect sub-activities are referred to. Please reconsider the sub regulation for Listing Notice 1, Activity 19 and all of the Listing Notice 3 activities. Ensure that you are using the latest version of the Regulations when including the correct reference to listed activities.
- c) The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

iii. **Public Participation**

- a) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to the provincial Department of Agriculture, the local and district Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), BirdLife SA, the Department of Mineral Resources and Energy, the Department of Rural Development and Land Reform, and the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation (BCAdmin@dffe.gov.za, for the attention of Mr Seoka Lekota).
- b) Please ensure that all issues raised and comments received during the circulation of the FSR and draft EIAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed 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.
- c) 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 Appendix 1 of this comments letter in chronological order. 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&AP's comments.
- d) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- e) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.
- f) Note that Appendix C8 is corrupt. Please correct the formatting and ensure that the document submitted has visible and not overlapping text.
- g) Kindly include a timeline of the Public Participation Processes that have been conducted for the proposed project.

iv. **Layout & Sensitivity Maps**

- a) The EIAR must provide the following:
 - The envisioned area for Limestone PV2 Solar Energy Facility (SEF), i.e., PV array and all associated infrastructure including BESS, should be mapped at an appropriate scale, supporting Infrastructure: main sub-station, operation and maintenance office, weather station, internal roads,

parking, offices, staff ablutions and all associated infrastructure should be mapped at an appropriate scale.

- The maps should be provided in high resolution and be clear and legible. Ensure to use a definitive icon or colour which contrasts against the background information and colours of the maps provided.
 - Clear description of all associated infrastructure. This description must include, but is not limited to the following:
 - BESS
 - Internal roads infrastructure; and
 - All supporting onsite infrastructure such as laydown area, guard house and control room etc.
- b) A copy of the final preferred layout map must be provided which includes all available biodiversity information 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:
- Permanent laydown area footprint;
 - PV array;
 - 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;
 - All necessary details regarding all possible locations and sizes of the main substation and internal power lines.
 - All supporting onsite infrastructure such as laydown areas (temporary and permanent), guard house, control room, and buildings, including and accommodation, Collector Substation (SS), internal access roads, etc.
 - Substation(s) and/or transformer(s) sites including their entire footprint;
 - Location of access and service roads;
 - All existing infrastructure on the site, especially railway lines and roads;
 - Buffer areas;
 - Buildings, including accommodation; and
 - All “no-go” areas.
- c) An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
- d) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring energy developments and existing grid infrastructure.

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v. **Specialist assessments**

- a) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
- 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.
 - 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.
 - 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.
 - Should the specialist definition of 'no-go' area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
 - All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.
 - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
 - Regarding cumulative impacts:
 - i. 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.
 - ii. 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.
 - iii. Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
 - iv. The significance rating must also inform the need and desirability of the proposed development.
 - v. A cumulative impact environmental statement on whether the proposed development must proceed.
 - vi. 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.
- b) The following Specialist Assessments will form part of the EIAR:
- Terrestrial and Freshwater Ecology Impact Assessment
 - Avifauna Impact Assessment
 - Heritage (including Cultural Landscape, Archaeology and Palaeontology)
 - Soils and Agricultural Impact Assessment
 - Visual Impact Assessment
 - Social Impact Assessment
- c) It is noted that an offset is potentially recommended, according to the Terrestrial Ecology and Freshwater Scoping Report (Appendix G). The issue of offset is also a concern raised by the Provincial Department in the Comments and Responses Report attached in Appendix C8. Ensure that the specialist report, adequately addresses the issue of offsets, should they be required. The offset plan produced must take cognisance of the Draft National Biodiversity Offset Guideline (25 March 2022)

and must include stakeholder engagement, definitive goals, timeframes, budget, responsibilities and management requirements. It must also include a monitoring and reporting plan to assess the effectiveness of the offset.

- d) Please include motivation for not including a traffic impact assessment.
- e) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.
- f) The screening tool output:
 - The screening tool and the gazetted protocols (GN R320 of 20 March 2020 and GN R 1150 of 30 October 2020) require a site sensitivity verification to be completed to either confirm or dispute the findings and sensitivity ratings of the screening tool.
 - It is the responsibility of the EAP to confirm the list of identified specialist reports and to motivate in the assessment report, the reason for not including any of the identified specialist study including the provision of photographic evidence of the site situation. The site sensitivity verification for each of the recommended studies, as per the protocols, must be compiled and attached.
- g) Site sensitivity verifications for all the identified specialist studies (according to the screening tool) must be provided.
- h) Additionally, the protocols specify that an assessment must be prepared by a specialist who is an expert in the field and is SACNASP registered for e.g. an aquatic assessment must be prepared by a specialist registered with SACNASP, with expertise in the field of aquatics sciences.
- i) 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 expert advice.
- j) Please include a table that shows the proposed studies and the relevant specialists conducting the study. In addition, a summary should be included of the specialist's recommendations in terms of the alternatives that are preferred based on the findings of their study.
- k) All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.

vi. **General**

- a) 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 Annexure 2 below.
- b) A construction and operational phase EMP that includes mitigation and monitoring measures must be submitted with the final EIAR. EMP that includes mitigation and monitoring measures must be submitted with the final EIAR.
- c) A construction and operational phase EMP that includes mitigation and monitoring measures must be submitted with the final EIAR.

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- d) It is drawn to your attention that for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, **must** be used and submitted with the final report over and above the EMPr for the facility. i.e. there needs to be an EMPr for the facility **and** for the onsite substation.
- e) The comments issued by this Department on 27 January 2023, during the draft scoping report are still valid and must be all addressed throughout the EIA process.

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, regarding the time allowed for complying with the requirements of the Regulations.

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.

Yours faithfully



Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Signed by: Mr Wayne Hector
Designation: Deputy Director: Priority Infrastructure Projects
Date: 29/03/23

cc:	Dirk Muller	AGV Projects (Pty) Ltd	Email: dirk@agv-za.co.za
	Peter Nygren	AGV Projects (Pty) Ltd	Email: peter.nygren@magnoraasa.com
	Bryan Fisher	Northern Cape: DAEAR&LR	Email: bfisher@ncpg.gov.za
		Northern Cape: DAEAR&LR	Email: loctober@ncpg.gov.za
	Willie Blundin	Kgatelopele Local Municipality	Email: mm.klm@kgatelopele.gov.za

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 Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)	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

Annexure 2: Sample of minimum technical details for the proposed facility

Component	Description / dimensions
Area occupied by inverter / transformer stations / substations	
Capacity of on-site substation	
PV Array	
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	



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia,· PRETORIA

DFFE Reference: 14/12/16/3/3/2/2270

Enquiries: Ms Azrah Essop

Telephone: (012) 399 8529 **E-mail:** AEssop@dffe.gov.za

Ms Nkhensani Masondo
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Tel Number: (011) 656 3237
Email Address: nkhensani@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Masondo

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT FOR THE UP TO 150MW_p LIMESTONE PHOTOVOLTAIC (PV) 2 FACILITY AND ASSOCIATED INFRASTRUCTURE NEAR DANIELSKUIL, WITHIN THE KGATELOPELE LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE

The Application for Environmental Authorisation and Draft Environmental Impact Assessment Report (EIAR) received by the Department on 18 May 2023 and acknowledged on 19 May 2023, respectively, refer.

This letter serves to inform you that the following information must be included in the final EIAR:

1. Specific comments

- a) Please ensure that all issues raised and comments received during the circulation of the draft 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 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 (PPP) must be conducted in terms of Regulation 39, 40 41, 42, 43 and 44 of the 2014 NEMA EIA Regulations, as amended.
- b) You are further reminded that the final EIAR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of the EIAR in accordance with Appendix 3 of the 2014 NEMA EIA Regulations, as amended.
- c) Kindly consult with the case officer to organise a site visit prior to the final EIAR being due for submission. Ensure that officials from the Northern Cape provincial department and this Departments Biodiversity and Conservation Directorate are included or invited.
- d) Kindly indicate the status of the Oryx Wind Energy facility and whether environmental authorisation has been applied for.
- e) Appendix C6 and C8 has distorted text and it is difficult to read some of the text. Kindly fix the formatting of this document.

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- f) Appendix C6 does not include Comment from the Provincial Authority, however, their comment is responded to in Appendix C8.
- g) Section 6.5 of the DEIR needs to be expanded on in terms of the above. Please motivate for the proposed development in terms of its location in a CBA and sensitive area. Whilst the proposed development is aligned from a policy and regional perspective, the biodiversity perspective is not clearly understood. Clarify which environmental site sensitivities are being avoided as the layout is still within a CBA 2 and illustrate whether this type of development is desirable in this environment.
- h) The location of the site office within the onsite farmhouse or the alternative site must be clarified as it has impact on the recommended buffers in terms of specialist report Heritage Impact Assessment.
- i) The final EIAR must present a preferred alternative for the substation location.
- j) Please include motivation for the current iteration of the layout map and indicate what measures or features were considered in terms of cumulative sensitivity.
- k) In relation to the Northern Cape Systematic Biodiversity plan; the Siyanda District Municipality EMF as well as the Namakwa Bioregional Plan, illustrate whether the proposed development meets the requirements of these documents in terms of development within a CBA 2; and whether there are requirements for offsets and if the applicant has considered the implication thereof.
- l) The terrestrial, avifauna and freshwater specialists recommended offset mitigation should development occur within areas assigned a *very high* sensitivity. The report mentions that the proposed facility layout has avoided all areas of *very high* sensitivity and it is clear that the proposed development still occurs in areas of *high* sensitivity. Following point K above, please include further motivation as to why offsets are not being considered.

2. **Layout & Sensitivity Maps**

- a) A copy of the layout map must be submitted with the final EIAR. 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.
- b) Include a map which depicts the proposed Limestone Cluster.

3. **Public Participation**

- a) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to the provincial Department of Agriculture, the local and district Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), BirdLife SA, the Department of Mineral Resources and Energy, the Department of Rural Development and Land Reform, and the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation (BCAdmin@dfre.gov.za, for the attention of Mr Seoka Lekota).
- b) Please ensure that all issues raised and comments received during the circulation of the final SR and draft EIAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are addressed 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.
- c) 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 Appendix 1 of this comments letter in chronological order. 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&AP's comments.

wh

- d) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- e) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the 2014 NEMA EIA Regulations, as amended.

4. Specialist Declaration of Interest

Specialist Declaration of Interest forms must be attached to the final EIAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on Department's website (please use the Department's template).

5. Undertaking of an Oath

- a) Please note that the final EIAR must have an undertaking under oath/ affirmation by the EAP.
- b) Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 3 of the 2014 NEMA EIA Regulations, as amended, which states that the EIAR must include:
 - *“an undertaking under oath or affirmation by the EAP in relation to:*
 - *the correctness of the information provided in the reports;*
 - *the inclusion of comments and inputs from stakeholders and I&APs;*
 - *the inclusion of inputs and recommendations from the specialist reports where relevant; and*
 - *any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties.”*

6. Environmental Management Programme

- a) The EMPr must also include the following:
 - All recommendations and mitigation measures recorded in the EIAR and the specialist studies conducted.
 - An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
 - 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.
 - An alien/invasive plant management report; plant rescue and protection report; and re-vegetation and habitat rehabilitation report.
- b) In addition to the above, the facility EMPr must comply with Appendix 4 of the 2014 NEMA EIA Regulations, as amended.

General

You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority -*

(a) an environmental impact assessment report inclusive of any specialist reports, an EMPr, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which must have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.”

Should there be significant changes or new information that has been added to the EIAR or EMPr's 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 23(1)(b) of the 2014 NEMA EIA Regulations,

as amended, which states: “The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority – (b) a notification in writing that the documents contemplated in sub-regulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 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 documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in sub-regulation (1)(a), and that the revised documents contemplated in sub-regulation 1(a) will be subjected to another public participation process of at least 30 days”.

Should you fail to meet any of the timeframes stipulated in Regulation 23 of the 2014 NEMA EIA Regulations, as amended, your application will lapse.

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.

Yours sincerely



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries & the Environment
Signed by: Mr Wayne Hector
Designation: Deputy Director: Priority Infrastructure Projects
Date: 01/06/2023

cc:	Dirk Muller	AGV Projects (Pty) Ltd	Email: dirk@agv-za.co.za
	Peter Nygren	AGV Projects (Pty) Ltd	Email: peter.nygren@magnoraasa.com
	1 October	Northern Cape: DAEAR&LR	Email: loctober@ncpg.gov.za
	Bryan Fisher	Northern Cape: DAEAR&LR	Email: bfisher@ncpg.gov.za
	Willie Blundin	Kgatelopele Local Municipality	Email: mm.klm@kgatelopele.gov.za

Nkhensani Masondo

From: Lydia Kutu <LKutu@dffe.gov.za>
Sent: Tuesday, 11 July 2023 09:42
To: Bregardia Rabbie; Jo-Anne Thomas
Cc: Azrah Essop; EIAAdmin; Salome Mambane
Subject: 14/12/16/3/3/2/2270

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE NOTIFICATION IN TERMS REGULATION 23(1)(B) OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 AS AMENDED FOR THE PROPOSED LIMESTONE PHOTOVOLTAIC (PV) 2 FACILITY AND ASSOCIATED INFRASTRUCTURE, NEAR DANIELSKUIL, WITHIN THE KGATELOPELE LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.

The Department confirms having received the notification in terms of Regulation 23(1)(b) of the Environmental Impact Assessment Regulations, 2014 as amended for the abovementioned project on 07 July 2023.

Please take note of Regulation 23(1)(b) of the EIA Regulations, 2014, as amended, which states that *“and that the revised reports or EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days.”*

Further note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7) of these Regulations.

You are hereby reminded of Section 24F of the National Environmental Management Act 1998 (Act No. 107 of 1998), as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Kind Regards,
Lydia Kutu
Integrated Environmental Authorisations:
Priority Infrastructure Developments
Tel: (012) 399 9370
Email: LKutu@dffe.gov.za

To God be the Glory!!!