Scoping and Environmental Impact Assessment for the Proposed Development of the 279 MW Wind Energy Facility and associated Infrastructure (i.e. Kwagga WEF 1), near Beaufort West, Western Cape

APPENDIX F

Correspondence with the Competent Authority

Appendix F.1:	DFFE Acknowledgement of Receipt of Application for Environmental Authorisation and Scoping Report for Comment
Appendix F.2:	DFFE Acknowledgement of Receipt of finalised Scoping Report for Decision-Making
Appendix F.3:	DFFE Acceptance of finalised Scoping Report and Plan of Study for EIA
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F. 1: DFFE Acknowledgement of Receipt of Application for Environmental Authorisation and Scoping Report for Comment

From: Lydia Kutu <LKutu@environment.gov.za>
To: "ems@csir.co.za" <ems@csir.co.za>
CC: Constance Musemburi <CMusemburi@environment.gov.za>, Salome Mambane <SMambane@environment.gov.za>
Date: 02 Jun 2021 11:33
Subject: 14/12/16/3/3/2/2070

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE NEW APPLICATION AND DRAFT SCOPING REPORT/ ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR ENVIRONMENTAL AUTHORISATION FOLLOWING A BASIC ASSESSMENT PROCESS FOR THE PROPOSED DEVELOPMENT OF THE 279 MW KWAGGA WIND ENERGY FACILITY 1 (KWAGGA WEF 1), NEAR BEAUFORT WEST, WESTERN CAPE.

The Department confirms having received the Application form and draft Scoping Report for Environmental Authorisation for the abovementioned project on 28 May 2021. 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.

Kind Regards,
Lydia Kutu
Integrated Environmental Authorisations:
Coordination, Strategic Planning and Support
Tel: (012) 399 9370
Email: LKutu@environment.gov.za

F. 2: DFFE Acknowledgement of Receipt of finalised Scoping Report for Decision-Making

Lizande Kellerman - RE: DFFE Ref: 14/12/16/3/3/2/2070 - Application for EA and FSR for the 279 MW Kwagga WEF 1, near Beaufort West, Western Cape

From: EIA Applications <EIAApplications@environment.gov.za>
To: ems <ems@csir.co.za>, Constance Musemburi <CMusemburi@environment.gov.za>
Date: 19 Jul 2021 13:47
Subject: RE: DFFE Ref: 14/12/16/3/3/2/2070 - Application for EA and FSR for the 279 MW Kwagga WEF 1, near Beaufort West, Western Cape
Cc: Dhiveshni Moodley <DMoodley1@csir.co.za>, Lizande Kellerman <LKellerman@...

Dear EMS.

We have received your upload and proof of submission on 12/07/2021, and an acknowledgement letter will be issued in due course. Please also note we have 10 days to acknowledge receipt.

Regards

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@environment.gov.za.

-
You are advised that this mailbox has a 48 hour response time.

Please note that this mailbox has a 5mb mail limit. No zip files are to be attached in any email.

From: ems <ems@csir.co.za>
Sent: Monday, July 19, 2021 13:43
To: Constance Musemburi <CMusemburi@environment.gov.za>
Cc: Dhiveshni Moodley <DMoodley1@csir.co.za>; Lizande Kellerman <LKellerman@csir.co.za>; EIA Applications <EIAApplications@environment.gov.za>
Subject: Re: DFFE Ref: 14/12/16/3/3/2/2070 - Application for EA and FSR for the 279 MW Kwagga WEF 1, near Beaufort West, Western Cape

Dear Constance,

I trust you are well.

Our email below refers, an amended Application for Environmental Authorisation (EA) and Final Scoping Report (FSR), inclusive of all supporting appendices, as well as a Cover Letter, for the proposed development of the 279 MW Kwagga Wind Energy Facility 1 (DFFE Ref: 14/12/16/3/3/2/2070) was uploaded to the Novell Filr system on 12 July 2021.

However, an email stating that the Department confirms having received the Application form and FSR for EA for the above mentioned project has not been received yet.

Please will you kindly confirm that the amended Application for EA and FSR was indeed received on 12 July 2021?

Thank you so much. We look forward to your response.

Kind regards
EIA Project Team
>>> ems 12 Jul 2021 22:41 >>>
Good day,

DFFE Reference: 14/12/16/3/3/2/2070 - Scoping and Environmental Impact Assessment for the Proposed Development of the 279 MW Kwagga Wind Energy Facility 1, near Beaufort West, Western Cape

Kindly note that an Application for Environmental Authorisation (EA) and Final Scoping Report (FSR), inclusive of all supporting appendices, as well as a Cover Letter, for the above proposed project has been uploaded to the Novell Filr system.

A notification of the submission of the FSR for the Kwagga WEF 1 project has been sent to I&APs and copies of the FSR are also being made available to stakeholders and Interested and Affected Parties (I&APs) for informational purposes.

Please note that a pre-application meeting request was submitted in November 2020 and the Case Officer confirmed that a pre-application meeting is not required. Refer to Appendix 1 of the Application for EA as well as Appendix E of the FSR for the proof of such correspondence with the Case Officer.

A Public Participation Plan was compiled and submitted to DFFE for approval via email on 13 January 2021. It was approved in an email dated 21 January 2021. Please refer to Appendix D.1 of the FSR for a copy of the Public Participation Plan, Appendix D.2 for proof of submission of the Public Participation Plan to the DFFE, and Appendix D.3 for a copy of the DFFE's approval of the Public Participation Plan.

The proposed project forms part of a cluster of three WEFs (i.e. Kwagga WEF 1, Kwagga WEF 2, and Kwagga WEF 3).
Separate Applications for EA and separate FSRs for the Kwagga WEF 2 and Kwagga WEF 3 projects have been compiled and are being uploaded to the system in parallel (separate emails are being sent for these).

The relevant DFFE officials have been copied on this email.

This submission is in line with the "Process for Submitting files to the CD IEA_01042021" document. To this end, please find attached to this email:
1. Proof of upload of the Application for EA, FSR and Appendices (i.e. Screenshot of the upload); and
2. Document Control Form.

Please note, an Amended Application for EA has been submitted as requested by the DFFE following the 30-day comment period of the Draft Scoping Report.

Kindly note that a Cover Letter has been compiled and is included as part of the zipped folder uploaded.

We trust that you find this submission in order, and we look forward to your feedback. Please do not hesitate to contact us should you have any queries relating to the above.

Thank you and kind regards,
Dhiveshni Moodley

From: Lydia Kutu <LKutu@environment.gov.za>

To: "ems@csir.co.za" <ems@csir.co.za>, "rob.invernizzi@abo-wind.com" <rob.invernizzi@abo-wind.com>, "DMoodley1@csir.co.za" <DMoodley1@csir.co.za>, "LKellerman@csir.co.za" <LKellerman@csir.co.za>

CC: Constance Musemburi <CMusemburi@environment.gov.za>, Salome Mambane <SMambane@environment.gov.za>

Date: 19 Jul 2021 16:02

Subject: 14/12/16/3/3/2/2070

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL SCOPING REPORT FOR THE PROPOSED DEVELOPMENT OF THE 279 MW KWAGGA WIND ENERGY FACILITY 1 (KWAGGA WEF 1), NEAR BEAUFORT WEST, WESTERN CAPE.

The Department confirms having received the Final Scoping Report for the abovementioned project on 12 July 2021. You have submitted these documents to comply with the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

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:
Coordination, Strategic Planning and Support
Tel: (012) 399 9370
Email: LKutu@environment.gov.za

Disclaimer

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F. 3: DFFE Acceptance of the finalised Scoping Report and Plan of Study for EIA

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: 14/12/16/3/3/2/2070
Enquiries: Constance Musemburi
Telephone: (012) 399 9416 **E-mail:** Cmusemburi@environment.gov.za

Lizande Kellerman
Council for Scientific and Industrial Research (CSIR)
P. O Box 320
STELLENBOSCH
2191

Telephone Number: (021) 888 2489
Email Address: LKellerman@csir.co.za

PER MAIL / E-MAIL

Dear Sir/Madam

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED DEVELOPMENT OF THE 279 MW KWAGGA WIND ENERGY FACILITY 1 (KWAGGA WEF 1), NEAR BEAUFORT WEST, WESTERN CAPE.

The final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment (PoSEIR) dated July 2021 and received by the Department on 12 July 2021, refer.

The Department has evaluated the submitted FSR and the PoSEIR dated July 2021 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 PoSEIR as required in terms of the EIA Regulations, 2014, as amended.

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

(a) Listed Activities

(i) The Department reiterates to ensure that **only the** relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. The EAP must ensure the listed activities are correctly listed as per the applicable Listing Notices of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. An example is activity 12, which was incorrectly listed in the application form.

(ii) The EAP is urged to revisit the applicability of the listed activities as the applicability of some of the listed activities is questioned. It is not clear whether some of the listed activities are triggered. The use of the words such as "infrastructure is expected to exceed a footprint of 100 m²", "structures potentially occurring within a watercourse" "will most likely", etc shows that the EAP/applicant is not confident and/or is uncertain as to why the listed activities applied for are being triggered by the proposed activity.

(iii) When describing Listing Notice 3, Item 2, the EAP mentions that the "Consideration of this listed activity is based on a precautionary approach". Please note that a precautionary approach is not applicable when listing applicable activities. The EAP/Applicant must be certain why listed activities are being triggered to enable the competent authority to apply its mind to all the assessed listed activities during decision making.

(iv) The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

(v) The EIAR must assess the correct sub listed activity for each listed activity applied for.

(vi) The listed activities represented in the EIAR and the application form must be the same and correct.

(b) Public Participation

(i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to Western Cape: DEA&DP, the provincial Department of Agriculture, SANRAL, the Beaufort West Local Municipality, the Central Karoo District Municipality, the Department of Human Settlements, Water and Sanitation, the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, SANParks, the Department of Mineral Resources and Energy, the Department of Rural Development and Land Reform, the Department Transport and Public Works – Roads ,and the Department of Forestry, Fisheries and the Environment: Directorate Biodiversity and Conservation.

(ii) Please ensure that all issues raised and comments (including all objections) received during the circulation of the draft SR 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.

(iii) 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. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&APs' comments.

(iv) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.

(v) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.

(c) Alternatives

(i) Page 2-14 of the FSR indicates that the preferred type of BESS technology to be installed at the Kwagga WEF 1 project will be confirmed during the detailed design phase after Environmental Authorisation (EA) has been obtained. Please note that the preferred BESS alternative must be provided in the EIAR including detailed motivation on why it is preferred. No post decision on the BESS facility will be made.

(ii) Please ensure that a description of each of the preferred alternative type is provided and provide detailed motivation on why it is preferred.

(iii) The applicant must determine the need for decommissioning of lines. This information must inform whether there is a need to update the application form and/or to amend the terms of reference for the specialist studies.

(d) Layout & Sensitivity Maps

(i) The final EIAR must provide 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.

(ii) All preferred turbine positions must be clearly numbered. The turbine position numbers must be consistently used in all maps to be included in the final EIAR.

(iii) The final EIAR must provide the technical details of the proposed facility in a table format as well as their description and/or dimensions.

(iv) A copy of the final 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. The layout map must indicate the following:

a) The envisioned area for the wind energy facility, i.e. placing of wind turbines and all associated infrastructure should be mapped at an appropriate scale.
b) All supporting onsite infrastructure such as laydown area, control room, and buildings, including accommodation etc.
c) All necessary details regarding all possible locations and sizes of the proposed BESS, the onsite substation and internal power lines.
d) All existing infrastructure on the site, especially internal road infrastructure.

(v) Please provide an environmental sensitivity map which indicates the following:

a) The location of sensitive environmental features on site, e.g. CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
b) Buffer areas; and
c) All "no-go" areas.

(vi) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring energy developments and existing grid infrastructure.

(e) Specialist assessments

(i) The final EIAR and all the attached specialist studies must indicate and adequately assess a consistent number of turbines.

(ii) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:

a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.
b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
c) Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas.
d) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.
e) 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.
f) Should a specialist recommend specific mitigation measures, these must be clearly indicated.
g) Regarding cumulative impacts:
   - 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.

- 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.
- Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
- The 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.

(iii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defendable reasons; and were necessary, include further expertise advice.

(f) General

(i) The EAP must provide landowner consent for all farm portions affected by the proposed project, whether the project component is linear or not, i.e. all farm portions where the access road, solar panels and associated infrastructure is to be located.

(ii) A construction and operational phase EMPr that includes mitigation and monitoring measures must be submitted with the final EIAR.

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, with regard to the time period 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

Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Signed by: Mr Wayne Hector
Designation: Deputy Director: Priority Infrastructure Projects
Date: 18/08/21

cc:	Robert Invernizzi	Kwagga Wind Energy Facility 1 (PTY) Ltd	Email: Rob.Invernizzi@abo-wind.com
	Gavin Benjamin	DEA:DP	Email: gavin.benjamin@westerncape.gov.za / DEADPEIAAdmin.George@westerncape.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

F. 4: DFFE Acknowledgement of Receipt of Application for Environmental Authorisation and EIA Report for Comment

From: Lydia Kutu <LKutu@environment.gov.za>
Sent: Wednesday, 27 October 2021 10:12
To: EMS; Lizande Kellerman; DEADPEIAAdmin.George@westerncape.gov.za; Gavin.Benjamin; Rob Invernizzi
Cc: Constance Musemburi; Salome Mambane
Subject: 14/12/16/3/3/2/2070

Categories: This message has been archived by Retain on November 04 2021 22:49

Dear Mr Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE AMENDED APPLICATION FORM AND DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF THE 279 MW KWAGGA WIND ENERGY FACILITY 1 (KWAGGA WEF 1), NEAR BEAUFORT WEST, WESTERN CAPE PROVINCE.

The Department confirms having received the Amended Application Form and Draft Environmental Impact Assessment Report for the abovementioned project on 25 October 2021. You have submitted these documents to comply with the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.

Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that *"Potential or registered interested and affected parties, including the competent authority, may be provided with an opportunity to comment on reports and plans contemplated in subregulation (1) prior to submission of an application but must be provided with an opportunity to comment on such reports once an application has been submitted to the competent authority."*

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@environment.gov.za

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