



ENVIORROOTS

TSHEDZA 3 INVESTMENTS (PTY) LTD

PUBLIC PARTICIPATION REPORT

**IN SUPPORT OF THE APPLICATION FOR ENVIRONMENTAL
AUTHORISATION BY MEANS OF A SCOPING AND ENVIRONMENTAL
IMPACT ASSESSMENT (EIA) PROCESS AND A WATER USE LICENSE
APPLICATION (WULA)**

FOR

**THE PROPOSED CONSTRUCTION OF A SOLAR PHOTOVOLTAIC (PV)
PLANT TO GENERATE UP TO 40 MW OF ENERGY (PHASE 2)**

**BRAKPAN, CITY OF EKURHULENI METROPOLITAN MUNICIPALITY,
GAUTENG PROVINCE**

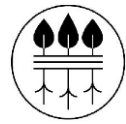
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**PROJECT TITLE:**

Public Participation Report in support of the Application for Environmental Authorisation by means of a Scoping and Environmental Impact Assessment (EIA) Report Process and a Water Use License Application (WULA) for the proposed construction of a solar photovoltaic (PV) plant to generate up to 40 MW of energy (Phase 2), Brakpan, City of Ekurhuleni Metropolitan Municipality, Gauteng Province

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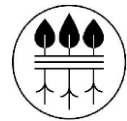


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LIST OF ABBREVIATIONS AND UNITS OF MEASURE

%	Percentage
BID	Background Information Document
C&RR	Comments & Responses Report
CA	Competent Authority
cm	Centimetres
DMRE	Department of Mineral Resources and Energy
DALRRD	Department of Agriculture, Land Reform and Rural Development
DFFE	Department of Forestry, Fisheries and the Environment
DSR	Draft Scoping Report
DWS	Department of Water and Sanitation
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EMPr	Environmental Management Programme
GN(R)	Government Notice (R)
I&AP	Interested & Affected Party
km	Kilometres
KV	Kilovolt
MW	Megawatt
MWh	Megawatt Hours
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
NWA	National Water Act, 1998 (Act No. 36 of 1998)
PPP	Public Participation Process
PV	Photovoltaic
S&EIR	Scoping and Environmental Impact Report
SAHRA	South African Heritage Resources Agency
WUL(A)	Water Use License (Application)



1 INTRODUCTION AND PROJECT LOCALITY

TSHEDZA 3 INVESTMENTS (Pty) Ltd proposes to construct a solar Photovoltaic (PV) plant and ancillary infrastructure to generate up to 40 MW Peak of electricity to supply power (embedded generation) to the existing Ergo Mining (Pty) Ltd Brakpan Plant, a wholly owned subsidiary of DRD Gold Ltd. The identified site is situated on Ergo Mining owned land adjacent to the Withok Estates Agricultural Holdings area of Brakpan within the City of Ekurhuleni Metropolitan Municipality, Gauteng Province.

The proposed project forms part of a phased approach and entails the development of 40 MW PV facility (hereafter referred to as Phase 2) to integrate with a prior planned and applied for 19.9 MW PV Facility (referred to as Phase 1) for the same study area. The environmental studies undertaken for Phase 1 included the assessment of ancillary infrastructure that will be shared and utilised for Phase 2. The final complete facility (± 60 MW; i.e. Phase 1 and Phase 2 combined) will connect to two (2) existing substations (i.e. Ergo Central 88/6 KV substation at the mine and the Ergo Transfer Pumps 88/11 KV substation at the tailings dam).

Table 1: Proposed PV Facilities phased approach

Phase 1 (Environmental Assessment already undertaken, awaiting DMRE approval): Basic Assessment Process: *Including but not limited to:	Phase 2 (Current): Scoping and Environmental Impact Assessment Process: *Including but not limited to:
<ul style="list-style-type: none"> ○ 19.9 MW ○ PV panels ○ Control Room ○ Inverter stations ○ ~11 km of 22 KV Overhead Power Line (OHL) ○ New substation ○ Up to 100 MWh containerised battery storage ○ Internal access roads, and external road access 	<ul style="list-style-type: none"> ○ 40 MW ○ PV panels ○ Inverter stations ○ New substation ○ Internal access roads, and external road access

The available land earmarked for the PV facility (Phase 2), a portion of which was previously mined and subsequently rehabilitated to its current naturally vegetated condition, is owned by Ergo Mining. The two existing mining facilities i.e., Ergo Mining Brakpan Plant and the Brakpan/Withok Tailings Dam, are currently supplied with electricity by Eskom via existing grid infrastructure. The aim of the proposed



project, however, is to operate mining processes in a more carbon neutral capacity through the use of renewable energy.

The proposed development will require a Water Use License (WUL) by means of a Water Use License Application (WULA) in terms of Section 40 of the National Water Act (NWA), 1998 (Act No. 36 of 1998) or Registration under a General Authorisation in terms of Section 39 of the NWA for water uses listed under Section 21 of the Act. The following water uses will be applied for:

- Section 21(a) taking water from a water resource;
- Section 21(c) impeding or diverting the flow of water in a watercourse; and
- Section 21(i) altering the bed, banks, course or characteristics of a watercourse.

The proposed development will furthermore require Environmental Authorisation in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998). Activities to be implemented triggering a Scoping and Environmental Impact Assessment (EIA) Process in terms of **Listing Notice 1** (Government Notice R.983 of 04 December 2014, as amended by Government Notice No. 327 of 07 April 2017), **Listing Notice 2** (Government Notice R.984 of 04 December 2014, as amended by Government Notice No. 325 of 07 April 2017) and **Listing Notice 3** (Government Notice R. 985 of 04 December 2014, as amended by Government Notice No. 324 of 07 April 2017) are listed below.

Table 2: Listed Activities triggered in terms of NEMA (Act No. 107 of 1998)

Notice	Activity	Description
Listing Notice 1 (GN.R. 983)	Activity 12	The development of – (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs – (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; –
Listing Notice 1 (GN.R. 983)	Activity 14	The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic meters.
Listing Notice 1 (GN.R. 983)	Activity 19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;



Notice	Activity	Description
Listing Notice 1 (GN.R. 983)	Activity 21	Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including – (a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource ; or (b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing;
Listing Notice 1 (GN.R. 983)	Activity 22	The decommissioning of any activity requiring – (i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or (ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure;
Listing Notice 1 (GN.R. 983)	Activity 24	The development of a road – (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;
Listing Notice 1 (GN.R. 983)	Activity 26	Residential, retail, recreational, tourism, commercial or institutional developments of 1 000 square metres or more, on land previously used for mining or heavy industrial purposes; –
Listing Notice 1 (GN.R. 983)	Activity 27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for – (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.
Listing Notice 2 (GN.R.984)	Activity 1	The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more, excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs – (a) within an urban area; or (b) on existing infrastructure.
Listing Notice 2 (GN.R.984)	Activity 15	The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for

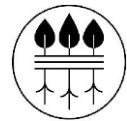


Notice	Activity	Description
		– (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.
Listing Notice 3 (GN.R. 985)	Activity 4	The development of a road wider than 4 metres with a reserve less than 13,5 metres.
Listing Notice 3 (GN.R. 985)	Activity 10	The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.

Note: all activities applied for as described above may be revised once additional project details become available.

Table 3: Properties earmarked for potential development

Farm/Area	Portion/Holdings/Erven	Landowner
Farm Withok 131 IR	Portion 9	Ergo Mining (Pty) Ltd
Farm Witpoortje 117 IR	Portion 183	
	Portion 272	
	Portion 283	
Withok Estates Agricultural Holdings	Holdings 203	
	Holdings 204	
	Holdings 205	
	Holdings 206	
	Holdings 207	
	Holdings 208	
	Holdings 240	
	Holdings 241	
	Holdings 242	
	Holdings 243	
	Holdings 244	
	Holdings 245	
	Holdings 296	



Farm/Area	Portion/Holdings/Erven	Landowner
	Holdings 297	
	Holdings 298	
	Holdings 299	
	Holdings 300	
	Holdings 301	
	Holdings 302	
	Holdings 303	
	Holdings 348	
	Holdings 349	
	Holdings 350	
	Holdings 351	
	Holdings 352	
	Holdings 353	
	Holdings 354	
	Holdings 355	

"Photovoltaic solar energy is obtained by converting sunlight into electricity using a technology based on the photoelectric effect. It is a type of renewable, inexhaustible and non-polluting energy that can be produced in installations ranging from small generators for self-consumption to large photovoltaic plants". Ref: Iberdrola source:

<https://www.iberdrola.com/environment/what-is-photovoltaic-energy>



Figure 1: Illustration of typical infrastructure expected upon completion (Source: https://www.researchgate.net/figure/Aerial-view-of-the-75MWp-plant-at-Kalkbult-Photograph-Courtesy-of-Eric-Miller-Scatec_fig1_313249367)

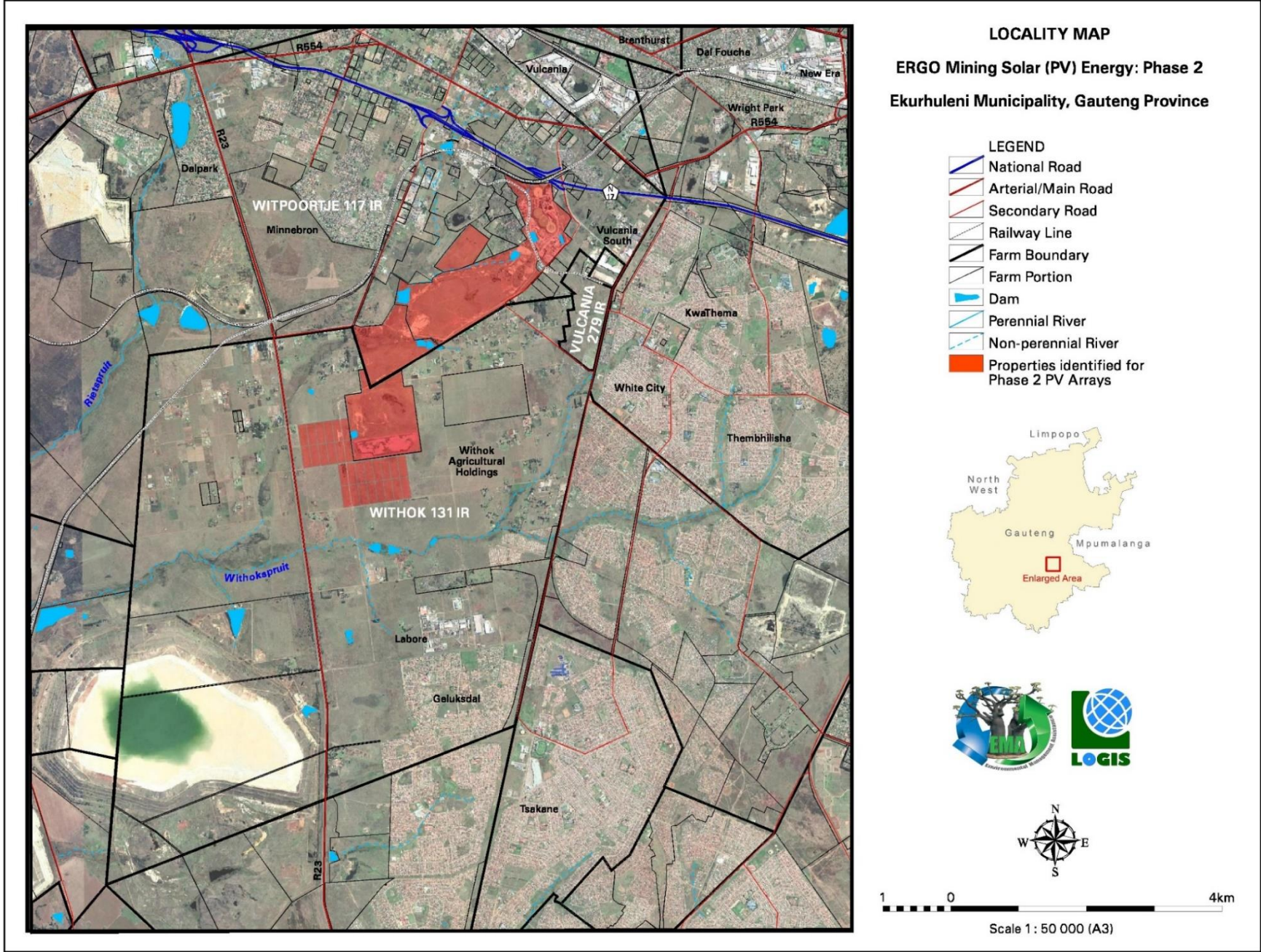
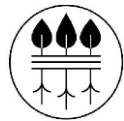


Figure 2: Ergo Solar PV Energy Phase 2 Project Locality



2 OBJECTIVES OF PUBLIC PARTICIPATION

The purpose of this Public Participation Process is:

- To provide Background Information about the proposed activity;
- To notify potential Interested and Affected Parties (I&APs) of the Environmental Processes to be followed in terms of the:
 - National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended;
 - Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
 - National Heritage Resources Act, 1999 (Act No. 25 of 1999) that a Heritage Assessment will be undertaken; and
 - National Water Act, 1998 (Act No. 36 of 1998) that a water use license application will be initiated.
- To obtain issues and concerns from potential I&APs regarding the Environmental Processes to be followed and the proposed activities.
- To address issues and concerns as part of the Public Participation Process.

Public Participation is important for the following reasons:

- It provides an opportunity for Interested & Affected Parties (I&APs), Environmental Assessment Practitioners (EAPs) and the competent authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision;
- It provides I&APs with an opportunity to voice their support, concerns and questions regarding the project application or decision;
- It provides I&APs with the opportunity of suggesting ways for reducing or mitigating any negative impacts of the project and for enhancing its positive impacts;
- It enables an applicant to incorporate the needs, preferences and values of affected parties into its application;
- It provides opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests;
- It is an important aspect of securing transparency and accountability in decision-making; and
- It contributes toward maintaining a healthy, vibrant democracy.

3 IDENTIFICATION OF I&APs

The following groups were identified as potential Interested and Affected Parties (I&APs):

- Relevant Government Departments;
- Relevant Municipal Representatives, including Ward Councillors;
- Landowners/Occupiers;
- Adjacent Landowners/Occupiers;



- Community Institutions and members;
- Relevant Institutional/Organisational Representatives;
- Land Claimants; and
- Governmental and Non-Governmental Organisations and Agencies.

To ensure that all potential I&APs were made aware of the project and had the opportunity to register and provide comments, the notification process was as thorough as possible. Registration will remain open throughout the Public Participation Process to allow Interested and Affected Parties to register and submit their input throughout. For the list of identified I&APs refer to **APPENDIX 1**.

4 NOTIFICATION OF I&APs

4.1 SITE NOTICES

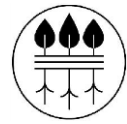
To inform surrounding and immediate community members, landowners, occupiers, workers and passers-by of the proposed project and to invite registrations and comments, four (4) A2 notices were erected at a visible and accessible localities throughout the study area on 27 November 2021. These notices were strategically erected along access routes throughout the study area and are summarised in **Table 4** below. Photographic evidence of the site notices erected is attached as **APPENDIX 2**. All I&APs who registered in response to the site notices placed, were directly informed of the correction of the applicant's name for the purpose of the application process on 06 January 2022 via their preferred method of communication.

Table 4: Locality of Site Notices Placed

Date	Number	Coordinates	Placement
27/11/2021	Site Notice 01	26°16'57.41"S 28°22'39.43"E	Entrance Road to Ergo Plant
27/11/2021	Site Notice 02	26°17'28.98"S 28°22'5.71"E	Corner of 10 th Street and Reid Street at access to Withok Estates Agricultural Holdings
27/11/2021	Site Notice 03	26°19'1.96"S 28°21'1.77"E	Lukas Steyn Street near properties earmarked for development
27/11/2021	Site Notice 04	26°17'58.61"S 28°20'51.85"E	Corner of Floors Street and 18 th Street at access to Withok Estates Agricultural Holdings

4.2 NEWSPAPER ADVERTISEMENTS

To inform a broad spectrum of individuals who might want to register as I&APs, a newspaper advertisement was placed in the Brakpan Herald newspaper on Friday, 26 November 2021 (Page 14).



For proof of the advertisement placed, refer to **APPENDIX 3**. All I&APs who registered in response to the advertisement placed, were directly informed of the correction of the applicant's name for the purpose of the application process on 06 January 2022 via their preferred method of communication.

4.3 WRITTEN NOTIFICATIONS

Identified I&APs were directly informed of the application processes to be followed by means of email, hand delivery, registered post, social media and text messages. Proof of written notifications sent is provided in the relevant appendices as described in the sections to follow. Note that the written notifications encouraged potential I&APs to register and provide their comments/questions on the proposed project and related application processes currently underway. Written notifications of the availability of the Draft documentation for Public Commenting have not been discussed here as it is discussed in **Section 6** of this report.

4.3.1 EMAIL NOTIFICATIONS

I&APs were notified of the proposed project by means of email on 25 & 29 November 2021 and 01 & 02 December 2021. The Background Information Document (BID) was attached to the emails and all email notifications sent provided the contact information for EnviroRoots (Pty) Ltd. Refer to **APPENDIX 4** for the BID. Proof of written notifications sent via email is attached to this report as **APPENDIX 5**. An erratum email notification was sent on 06 January 2022 and 10 January 2022 to correct the applicant's name which was reflected incorrectly.

4.3.2 HAND DELIVERY

Background Information Documents (BIDs), providing information on the proposed project, were physically hand delivered on 06 December 2021. The acknowledgements of receipt of hand delivered notifications is attached to this report as **APPENDIX 6**. Further to the above, BIDs were placed at the gates of adjacent landowners and at post boxes of known physical addresses on 06 December 2021 where it could not be electronically delivered. BIDs were in addition couriered where applicable on 29 November 2021 and 09 December 2021. Also refer to **APPENDIX 6** for the photographic evidence of BIDs placed at residences and for proof of couriered BIDs. All I&APs who registered in response to the hand delivered notifications, were directly informed of the correction of the applicant's name for the purpose of the application process on 06 January 2022 via their preferred method of communication.

4.3.3 REGISTERED POST

Where I&APs could not be provided with the Background Information Document either electronically or by hand delivery, and postal addresses were available, the BID was sent via Registered Post on 27 November 2021 and 11 December 2021. Proof of Registered Post sent is attached to this report as **APPENDIX 7**. All I&APs who registered in response to the hand delivered notifications, were directly



informed of the correction of the applicant's name for the purpose of the application process on 06 January 2022 via their preferred method of communication.

4.3.4 TEXT MESSAGE

I&APs were notified by means of text message (SMS) where mobile numbers were available, and no other means of notification was possible. Refer to **APPENDIX 9** for proof of SMS notifications sent on 25 November 2021 and 02 December 2021. The SMS notification highlighted the intention to lodge an application for Environmental Authorisation by means of a Scoping and EIA Process and an application for a Water Use License and indicated an invitation to register/comment as part of the Environmental Process. An erratum email notification was sent on 06 January 2022 to correct the applicant's name which was reflected incorrectly.

4.3.5 SOCIAL MEDIA

A notification was sent to the New Life Church situated on Portion 3 of the Farm Withok 131 IR via their facebook page on 07 December 2021 as no other communication methods were possible at the time. The notification to the email address failed and at the time there was no answer at the available mobile number. For proof of the facebook notification sent refer to **APPENDIX 8**. An erratum notification was sent on 06 January 2022 to correct the applicant's name which was reflected incorrectly.

5 PUBLIC MEETINGS

5.1 INTRODUCTION TO PHASE 2 PROJECT DURING PHASE 1 MEETINGS

The Ergo PV Phase 2 Project was introduced during the Public Participation Meeting and the Focus Group Meeting for the Phase 1 Project held on 28 October 2021 @ 10h00 am and @ 18h00 pm respectively. Refer to **APPENDIX 10** for the summaries of comments received during the above-mentioned meetings.

5.2 PHASE 2 PROJECT PUBLIC PARTICIPATION MEETING

A Public Participation Meeting was held on 30 March 2022 @ 10h00 am to discuss the Tshedza 3 Investments (Pty) Ltd: Proposed construction of a Solar Photovoltaic (PV) Plant to generate up to 40 MW of energy. Refer to **APPENDIX 11** for a summary of comments received during the meeting.

6 NOTIFICATION OF I&APs OF REPORTS AVAILABILITY

Registered I&APs were notified of the availability of the Draft Scoping Report (DSR) for Public Commenting on 23 March 2022 and 28 March 2022 by means of email, hand delivery and text message. I&APs were informed of the relevant commenting period and were encouraged to submit any comments or questions on or before the relevant closing date (25 April 2022). A hard copy of the draft document



was hand delivered to the Department of Mineral Resources and Energy (DMRE) whereas hard copies were placed at the Brakpan Library and the Tsakane Customer Care Centre for Public Viewing. Further to this, electronic copies of the draft document were uploaded onto the Environmental Management Assistance (Pty) Ltd Website for easy access. Refer to **APPENDIX 12** for the notifications to I&APs of the report availability.

7 ACCESS AND COMMENTING OPPORTUNITY

7.1 REGISTRATION AND COMMENTING

Commenting and Registration has been provided for throughout this Public Participation Process. The Draft Scoping Report, Draft EIA Report and Draft Water Use License Application (WULA) commenting periods have been preceded by a thorough notification process to allow I&APs to familiarise themselves with the proposed project prior to making the Draft SR, Draft EIA Report and Draft WULA available for public commenting. The entire process will remain transparent and allow for I&APs to register and comment throughout.

7.2 DRAFT SCOPING REPORT

A 30-day commenting period has been provided for as part of the Draft Scoping Report phase of this Public Participation Process. This has been conducted in accordance with Clause 3(8) of the NEMA EIA Regulations (GN No. 326 of 07 April 2017) which indicate that any public participation process must be conducted for a period of at least 30 days. However, note that the entire process will remain transparent and allow for I&APs to register and comment throughout. The local communities were taken into consideration by placing hard copies of the relevant documents for Public Commenting at the Brakpan Library and the Tsakane Customer Care Centre. Furthermore, as mentioned earlier in this report an electronic copy of the draft document was uploaded onto the Environmental Management Assistance (Pty) Ltd Website for easy access to the documents for public commenting.

8 REGULATORY CONSULTATION

All Departments and State-Owned Entities listed in the I&AP Register (**APPENDIX 1**) have been and will continue to be included in the Public Participation Process. However, direct consultations will be conducted with the Regulatory Authorities relevant to this Public Participation Process. Refer to **Table 5** below for Regulatory Consultations relevant to this public participation process.

Table 5: Regulatory Consultations

Entity	Communications Description
Department of Mineral Resources and Energy (DMRE)	A pre-application consultation meeting has been held with the Department of Mineral Resources and Energy (DMRE) to present and discuss the proposed project and the way forward for the



Entity	Communications Description
	application processes. The minutes of the meeting is attached to this report as APPENDIX 13 . Also attached under APPENDIX 13 is the Scoping Report Acceptance Letter received from DMRE.
Department of Agriculture, Land Reform and Rural Development (DALRRD)	A formal request for the land claim status of all properties earmarked for development has been submitted to the Department of Agriculture, Land Reform and Rural Development (DALRRD) to which a response has been received. Refer to APPENDIX 14 for communications with the DALRRD. It is important to note that the Department of Rural Development and Land Reform is not mandated to disclose any claimant's information to a third party as per the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Since the claimants lodge their claims against the state only the Commission on Restitution of Land Rights, not the claimants, may be included as an Interested and Affected Party.
Department of Water and Sanitation (DWS)	Following the project notification sent to the Department of Water and Sanitation (DWS), comments were received from DWS regarding rehabilitation of the project site. An invitation to attend the next catchment forum meeting to highlight the proposed project was furthermore extended. Refer to APPENDIX 15 for communication with DWS.
Department of Forestry, Fisheries and the Environment (DFFE)	The DFFE Directorate: Biodiversity Conservation acknowledged receipt of the invitation to comment on the Draft Scoping Report and allocated the project to a DFFE official. Refer to APPENDIX 16 for communications from the DFFE.
Ward Councillors & Municipalities	The Ward Councillors for Ward 82, Ward 74 and Ward 99 as well as an extensive list of contacts from the Ekurhuleni Metropolitan Municipality were informed of the proposed project. Referrals for the correct Municipal contacts who should be informed of the proposed project were received (all of whom were provided opportunity to comment on the draft documentation). Other than the above, apologies were received for not being able to attend the Public Participation Meeting and a request for a hard copy/flash drive of the draft documents. The Ekurhuleni Environmental Resource & Waste Management Department has



Entity	Communications Description
	furthermore provided formal comments on the DSR. Refer to APPENDIX 17 for municipal communications.
South African Heritage Resources Agency (SAHRA)	SAHRA has provided an Interim Comment indicating the requirement for field-based Archaeological Impact Assessment and a Desktop Palaeontological Study which has subsequently been completed. Refer to APPENDIX 18 for SAHRA communications.

9 DISCLOSURE OF I&APs' INTERESTS

Registered I&APs were informed that this process is a PUBLIC PROCESS. All comments and/or questions received from I&APs on this process is considered public knowledge. In accordance with the Environmental Impact Assessment Regulations, EnviroRoots (Pty) Ltd will not keep any information of this nature confidential and will submit all comments and/or questions received to the Regulatory Authority in a verbatim manner.

This Public Participation Process is conducted in accordance with Section 11(1)(c) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), which allows for the processing of personal information if processing complies with an obligation imposed by law on the responsible party and in accordance with Section 11(1)(f) of the Act which allows for the processing of personal information if processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.

10 REGISTRATIONS AND COMMENTS RECEIVED

Identified I&APs were encouraged to submit their registrations and comments to EnviroRoots (Pty) Ltd, via any of the avenues provided for, for them to receive further correspondence regarding the Ergo Mining Solar (PV) Energy Phase 2 project currently underway. All registrations and comments received thus far is attached as **APPENDIX 19**.

11 ADDRESSING COMMENTS AND CONCERNS

A Comments and Response Report (C&RR) has been compiled as part of the Public Participation Process for the Ergo Mining Solar (PV) Energy Phase 2 project currently underway. This document records the issues of concern, questions and suggestions contributed by stakeholders during the Environmental Authorisation Process and the Water Use License Application Process. This report also includes the responses provided by the relevant parties. The Comments and Response Report (C&RR) is attached as **APPENDIX 20**. It should be noted that the Comments and Response Report is an active document which will be updated throughout the process as comments and concerns are received. However,



following submission of all final documents to the relevant Competent Authorities (CAs), all additional comments should be directed directly to the relevant CAs.

12 NOTIFYING I&APS OF THE DECISION




Following the verdict by the DMRE on whether to grant or reject the Environmental Authorisation Application, and also the verdict by the DWS on whether to grant or reject the WULA, all registered I&APs will be informed of the decision as well as the appeal process and its timeframes for submission, if applicable.

13 PUBLIC PARTICIPATION CHECKLISTS




13.1 SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT

Public Participation for the Ergo Mining Solar (PV) Energy Phase 2 project NEMA Application has been conducted in terms of the Environmental Impact Assessment Regulations, 2014 (Government Notice No. R. 982 of 04 December 2014, as amended by Government Notice No. 326 of 07 April 2017). These regulations provide specific methods by which Public Participation should be conducted. A checklist for the process as per the regulations are provided in **Table 6** below. The table contains the clauses relevant to Public Participation associated with the Scoping and EIA Process.




Table 6: Public Participation Checklist for the proposed project (GN No. 326 of 7 April 2017)

Section	Description	Implemented
Chapter 2 Clause 3(8)	Any public participation process must be conducted for a period of at least 30 days.	 (refer to Section 7)
Chapter 2 Clause 4(2)	The applicant must, in writing, within 14 days of the date of the decision on the application ensure that – (a) All registered interested and affected parties are provided with access to the decision and the reasons for such decision; and (b) The attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, if such appeal is available in the circumstances of the decision.	 (refer to Section 12)
Chapter 3 Clause 7(2)	The competent authority or EAP must consult with every organ of state that administers a law relating to a matter affecting the environment relevant to that application for an environmental authorisation when such competent authority considers the	 (refer to Section 8)





Section	Description	Implemented
	application and unless agreement to the contrary has been reached the EAP will be responsible for such consultation.	
Chapter 3 Clause 13(1)(f)	<p>An EAP and a specialist, appointed in terms of regulation 12(1) or 12(2)m must –</p> <p>Disclose to the proponent or applicant, registered interested and affected parties and the competent authority all material information in the possession of the EAP and, where applicable, the specialist, that reasonably has or may have the potential of influencing –</p> <ul style="list-style-type: none"> (i) any decision to be taken with respect to the application by the competent authority in terms of these Regulations; or (ii) the objectivity of any report, plan or document to be prepared by the EAP or specialist, in terms of these Regulations for submission to the competent authority; <p>unless access to that information is protected by law, in which case it must be indicated that such protected information exists and is only provided to the competent authority.</p>	 (the application has maintained transparency and all reports, inclusive of their appendices have been made available for public viewing and commenting)
Chapter 4 Clause 21(1)	<p>If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a <u>scoping report which has 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.</u></p>	 (refer to Section 7)
Chapter 4 Clause 23 (1)(a)	<p>The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority –</p> <p><u>an environmental impact assessment report inclusive of any specialist reports, and an EMP, 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</u></p>	 (refer to Section 7)





Section	Description	Implemented
Chapter 5 Clause 39	<p>(1) If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land.</p> <p>(2) Subregulation (1) does not apply in respect of –</p> <p>(a) Linear activities;</p> <p>(b) <u>Activities constituting, or activities directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral or petroleum resource;</u> and</p> <p>(c) Strategic integrated projects as contemplated in the Infrastructure Development Act, 2014.</p>	 (The proposed project study are is situated on Ergo owned land)
Chapter 5 Clause 40	<p>(1) The public participation process to which the –</p> <p>(b) scoping report submitted in terms of regulation 21 and the environmental impact assessment report and EMPr submitted in terms of regulation 23;</p> <p>Was subjected to must give all potential or registered interested and affected parties, including the competent authority, a period of at least 30 days to submit comments on each of the basic assessment report, EMPr, scoping report and environmental impact assessment report, and where applicable the closure plan, as well as the report contemplated in regulation 32, if such reports or plans are submitted at different times.</p>	 (refer to Section 7)
	<p>(2) The public participation process contemplated in this regulation must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless access to that information is protected by law and must include consultation with –</p> <p>(a) The competent authority;</p>	 (This report)







Section	Description	Implemented
	<p>(b) Every State department that administers a law relating to a matter affecting the environment relevant to an application for an environmental authorisation</p> <p>(c) All organs of state which have jurisdiction in respect of the activity to which the application relates; and</p> <p>(d) All potential, or, where relevant, registered interested and affected parties.</p> <p>(3) 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.</p>	
Chapter 6 Clause 41(2)	<p>The person conducting a public participation process must take into account any relevant guidelines applicable to the public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of an application or proposed application which has been subjected to public participation by –</p> <p>(a) Fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of –</p> <p>(i) The site where the activity to which the application or proposed application relates is or is to be undertaken; and</p> <p>(ii) Any alternative site;</p>	 (refer to Section 4.1)
	<p>(b) Giving written notice, in any of the manners provided for in section 47D of the Act, to –</p> <p>(i) The occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken and to any</p>	 (refer to Section 4.3 and Section 6)





Section	Description	Implemented
	alternative site where the activity is to be undertaken; (ii) Owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken; (iii) The municipal councillor of the ward in which the site and alternative site is situated and any organisation of ratepayers that represent the community in the area; (iv) The municipality which has jurisdiction in the area; (v) Any organ of state having jurisdiction in respect on any aspect of the activity; and (vi) Any other party as required by the competent authority;	
	(c) Placing an advertisement in – (i) One local newspaper; or (ii) Any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations; (d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official Gazette referred to in paragraph (c)(ii); and	 (refer to Section 4.2)
	(e) using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to – (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	 (N/A)



Section	Description	Implemented
Chapter 6 Clause 41(3)	A notice, notice board or advertisement referred to in subregulation (2) must— (a) give details of the application or proposed application which is subjected to public participation; and (b) state – (i) whether basic assessment or S&EIR procedures are being applied to the application; (ii) the nature and location of the activity to which the application relates; (iii) where further information on the application or proposed application can be obtained; and (iv) the manner in which and the person to whom representations in respect of the application or proposed application may be made.	 (refer to Section 4.1 and Section 4.2)
Chapter 6 Clause 41(4)	A notice board referred to in subregulation (2) must – (a) be of a size of at least 60cm by 42cm; and (b) display the required information in lettering and in a format as may be determined by the competent authority.	 (refer to Section 4.1)
Chapter 6 Clause 41(6)	When complying with this regulation, the person conducting the public participation process must ensure that – (a) information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and (b) participation by potential or registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application.	 (This report)
Chapter 6 Clause 42	A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority, which	 (refer to Section 3)







Section	Description	Implemented
	<p>register must contain the names, contact details and addresses of—</p> <p>(a) all persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP;</p> <p>(b) all persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and</p> <p>(c) all organs of state which have jurisdiction in respect of the activity to which the application relates.</p>	
Chapter 6 Clause 43	<p>(1) A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.</p> <p>(2) In order to give effect to section 240 of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days.</p>	 (refer to Section 7 and Section 11)
Chapter 6 Clause 44(1)	<p>The applicant must ensure that the comments of interested and affected parties are recorded in reports and plans and that such written comments, including responses to such comments and records of meetings, are attached to the reports and plans that are submitted to the competent authority in terms of these Regulations.</p>	 (refer to Section 11)






13.2 WATER USE LICENSE APPLICATION (WULA)

Public Participation relating to the Water Use License Application for the proposed Ergo Mining Solar (PV) Energy Phase 1 project currently underway has been conducted in terms of the Regulations regarding the procedural requirements for Water Use License Applications and Appeals (Government Notice No. R. 267 of 24 March 2017). These regulations provide specific methods by which Public Participation should be conducted. A checklist for the process as per the regulations is provided in **Table 7** below.




Table 7: Public Participation Checklist for the proposed project (GN No. R. 267 of 24 March 2017)

Section	Description	Implemented
Clause 17(1)	A procedure for public participation must be conducted as contemplated in section 41(4) of the Act, as part of the water use licence application process.	 (This Report)
Clause 17(2)	Where a public participation process has already been undertaken through the Environment Impact Assessment processes or any other public consultation process, and that public participation process contains and covers all issues pertaining to water use activities, then that public participation process report may, subject to approval by the responsible authority, be submitted for the requirements of the water use licence application.	 (This PPP was conducted specifically for the WULA)
Clause 17(3)	Notice of the application must be provided to interested and affected parties by: (a) Fixing a written notice board at a visible and accessible place to the public at the boundary or on the fence of: (i) The site where the water use activity to which the application relates is or is to be undertaken; or (ii) Any alternative site mentioned in the application.	 (refer to Section 4)
Clause 17(3)	(b) Giving written notice to: (i) The owner or person in control of that land, if the applicant is not the owner or person in control of that land;	 (refer to Section 4 and Section 11)





Section	Description	Implemented
	<ul style="list-style-type: none"> (ii) The occupiers of the site where the water use is or is to be undertaken or an alternative site where the water use is to be undertaken; (iii) Owners and occupiers of land adjacent to the site where the water use is or is to be undertaken or an alternative site where the water use is to be undertaken; (iv) The municipal councillor of the ward in which the water use is or is to be undertaken or an alternative site where the water use is to be undertaken and any organisation of ratepayers that represent the community in the area; (v) Any organ of state having jurisdiction in respect of any aspect of the water use activity; (vi) Any person who has submitted a valid land claim in respect of the area in which the water use activity will be conducted; or (vii) Any other interested and affected party as required by the responsible authority; 	
Clause 17(3)	<p>(c) Placing an advertisement in –</p> <ul style="list-style-type: none"> (i) One local newspaper, or (ii) Any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these regulations; 	 (refer to Section 4.2)
Clause 17(3)	<p>(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the water use has or may have an impact that extends beyond the boundaries of the metropolitan or local municipality in which it is undertaken; provided that this paragraph need not be complied with in an advertisement has been placed in an official Gazette referred to in sub - regulation (3)(c)(ii); and</p>	 (N/A)
Clause 17(3)	<p>(e) using reasonable alternative methods, as agreed to by the responsible authority, in those instances where a</p>	 (N/A)



Section	Description	Implemented
	<p>person is desirous of but is unable to participate in the process due to –</p> <ul style="list-style-type: none"> (i) illiteracy, or (ii) disability. 	
Clause 17(4)	<p>A notice, notice board or advertisement referred to in sub - regulation (3) must -</p> <ul style="list-style-type: none"> (a) give adequate details of the application which is subject to public participation; and (b) state the following - <ul style="list-style-type: none"> (i) that the application has been submitted to the responsible authority in terms of these Regulations as the case may be; (ii) the nature and locality of the water uses to which the application refers; (iii) the water uses; (iv) where further information on the application or water uses may be obtained; (v) the manner in which and the person to whom representations in respect of the application can be made; (vi) a specified date, no more than 60 days after the last publication of a notice, before which written comments or objection may be lodged; and (vii) an address to which written objections may be lodged. 	 (refer to Section 4.1 and Section 4.2)
Clause 17(5)	<p>A notice board referred to in sub -regulation (3) must, -</p> <ul style="list-style-type: none"> (a) be of a size at least 60 cm by 42 cm; and (b) display the required information in a font size of not less than 48. 	 (refer to Section 4.1)
Clause 18	<p>The applicant must open and maintain a register which contains the names and contact details and addresses of all persons referred to in regulation 17(3)(b), who took part in the public participation process, during the period the water use licence application was being considered and two years after the licence is granted.</p>	 (refer to Section 3)



Section	Description	Implemented
Clause 19	(1) The applicant must compile and submit a public participation report to the responsible authority containing the following - (a) written comments or objections of interested and affected parties; (b) records of meetings; and (c) register of interested and affected parties as contemplated in regulation 18.	 (This report)
Clause 19	(2) Where a person is desirous but unable to access written comments as contemplated in sub-regulation (1) due to - (a) illiteracy; or (b) disability, reasonable alternative methods of recording comments must be provided for.	 (N/A)



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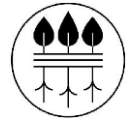


APPENDIX 6: WRITTEN NOTIFICATIONS BY MEANS OF HAND DELIVERY



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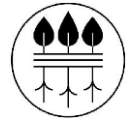
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