

Date: 5 September 2022

DRAFT MINUTES OF THE PRE-APPLICATION MEETING HELD BETWEEN THE DFFE AND KARPOWERSHIP SA (PTY) LTD

DFFE PROJECT REFERENCES

14/12/16/3/3/2/2005

14/12/16/3/3/2/2006

14/12/16/3/3/2/2007

DATE: 24 AUGUST 2022

TIME: 10H00 – 12h00

VENUE: DFFE OFFICES- 473 STEVE BIKO ROAD, ARCADIA

1. The meeting was attended by:

The DFFE (Competent Authority):

Millicent Solomons (MS)

Coenrad Agenbach (CA)

Muhammad Essop (ME)

Thabile Sangweni (TS)

Karpowership SA:

David Clark (DC)

David Mabunda (DM)

Mehmet Katmer (MK)

Curtis Meintjies (CM)

Adam Gunn (AG)

Triplo4 Sustainable Solutions (EAP):

Hantie Plomp (HP)

Shanice Singh (SS)

(refer to attendance register attached)

2. MS provided an introduction and welcome to all attendees. The meeting would serve as a Pre-Application meeting following the Minister's Decisions on the Appeals.
3. All attendees introduced themselves.
4. MK thanked the DFFE for the meeting, emphasized the importance of environmental issues for KPS, a global operation for more than 40 years. MK stated that KPS is committed to constructive engagement with the DFFE to complete the EIA.
5. DC re-iterated that the process had been a long one and while the Appeal Decisions had been disappointing, KPS and its team had studied the decisions, the reasons therefore and were fully on board to move forward

with the process, to make sure that the EIA's were done to the DFFE's expectations. KPS would be happy to receive and guidance in this regard from the DFFE.

6. MS thanked DC and MK. MS stated that the DFFE had an excellent track record for processing EIA's and delays should not be expected from the DFFE's side. The DFFE would process the EIA in accordance with the EIA Regulations, mindful of the stakeholder engagement, as it does for all EIA's that it receives.
7. HP then presented the approach to the EIA methodology focused on noise, climate change, socio-economic issues, need and desirability, public participation and in all respects a polycentric and an integrated approach. The slides presented are attached hereto.
8. MS stated that non-compliance with the PPP Minimum Requirements created an unnecessary gap. The EAP must ensure compliance and make every attempt to ensure that all relevant stakeholders are made aware of the project.
9. MS queried how the EAP would ensure that the specialists adopted an integrated approach. It was agreed that a "workshop" type forum is advisable for the specialists. That all specialists are provided with a uniform Terms of Reference and that the methodology, especially for reporting impacts are standardized. All impacts must be presented in the specialist reports and in the EIA and these impacts/ recommendations must be harmonized so that they do not conflict with each other. It was agreed that all specialist reports would be updated and attached to the EIA so that this EIA is a stand-alone report. All previous reports for the Projects would be archived.
10. ME stated that all specialist reports must be Port specific.
11. MS emphasized that the DEIAr must comply with Appendix 6 and the Protocols. Specialists must not recommend further reports to be undertaken or contain conflicting mitigation measures. The application must contain the SIP letter. As a SIP project, the maximum timeline for decision making is 57 days.
12. The PPP was discussed. KPS emphasized that this would be an enhanced process which would exceed minimum requirements. Small scale fishers must be consulted. KPS is communicating with the communities in the Port regions. DFFE stated that there needs to be consultation outside of the Port regional areas, at a national level, as required.
13. DFFE stated that they would like to undertake site visits of the 3 Ports. Specialists and the EAP may need to attend in order to answer any questions.
14. CA stated that the DEIAr must refer to the Minister's Decisions and contextualize how the projects had arrived at this point in the EIA.
15. In terms of timeline, MS stated that because this was a Pre-Application meeting the DEIAr would be due 106 days from the date of the meeting (24 August 2022) and therefore would be due on 9 December 2022. DFFE cautioned KPS not to wait until 9 December to submit as this date could not be extended in the normal course. This date could only be extended in terms of the EIA Regulations under Regulation 23(1)(a) and (b) - new information or Regulation 3 (7) – extraordinary circumstances. Taking into account the closed period for the DFFE of 15 December 2022 to 5 January 2023, the latest date for a decision by the DFFE would be 26 February 2023.

[Note: after the meeting, this issue was subsequently investigated in more detail by both parties and it was agreed that the kick-off would be from approval of the Project Plan and Minutes on 6 September 2022 and the FEIAR would be due on 13 January 2023 as per the letters attached hereto.]

16. HP queried how certain listed activities were interpreted by the DFFE. Specifically the expansion of a harbour footprint and rural and urban areas as defined. It was concluded that the EAP must be certain when applying for listed activities, that these listed activities are applicable for the project. In respect of urban and rural areas, DFFE suggested that the CA's in the provinces could be consulted.
17. TS suggested that the listed activities in the application form would need to be amended to indicate that the listed activities definitely apply for the projects.
18. DFFE emphasized that all reports must be thoroughly reviewed before they are submitted.
19. DFFE requested that all EAP related correspondence be directed to CA, TS or ES. All other correspondence should be directed to MS.
20. In closing it was confirmed that in terms of the amendments to the EIA Regulations, only registered EAP's could process new applications. Transitional provisions allow processing of applications already in the system by unregistered EAP's.
21. There being no further business to be discussed, the parties thanked each other for the meeting and the meeting was adjourned.

