



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

DEFF Reference: 14/12/16/3/3/2/2007

Enquiries: Ms Thabile Sangweni

Telephone: (012) 399 9409 **E-mail:** TSangweni@environment.gov.za

Ms Aletta Plomp
Triplo4 Sustainable Solutions
PO Box 6595
ZIMBALI
4418

Telephone Number: (032) 946 3213
Email Address: hantie@triplo4.com

PER E-MAIL / MAIL

Dear Ms Plomp

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED GAS TO POWER POWERSHIP PROJECT AT THE PORT OF RICHARDS BAY WITHIN THE UMHLATHUZE LOCAL MUNICIPALITY IN THE KWAZULU NATAL PROVINCE

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated November 2020 and received by the Department on 17 November 2020, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated November 2020 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The final SR 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 Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following are required for the EIAr:

(a) Listed Activities

- (i) Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.
- (ii) If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.
- (iii) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.

(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 the KZN Department of Economic Development, Tourism and Environmental Affairs, the provincial Department of Agriculture, the Provincial Department of Transport, the local and district Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), the Department of Rural Development and Land Reform (DRDLR), and the Department of Environment, Forestry and Fisheries: Climate Change; Oceans and Coast, Biodiversity and Protected Areas Directorates.
- (ii) Please ensure that all issues raised and comments received during the circulation of the draft SR from registered I&APs and organs of state (including this Department's Climate Change; Oceans and Coast, Biodiversity and Protected Areas Directorates), which have jurisdiction in respect of the proposed activity are adequately addressed in the EIAr.
- (iii) Proof of correspondence with the various stakeholders must be included in the draft EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (iv) The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- (v) The EIAr must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development particularly, the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs and the District and Local Municipalities.
- (vi) 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 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.

(c) Layout & Sensitivity Maps

- (i) The 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) Please provide a layout map which indicates the following:
 - a) Positions of the power island, steam turbine and generator, fuel storage tanks, water storage reservoir and tanks, water and gas supply pipelines;
 - b) Permanent laydown area footprint;
 - c) All supporting onsite infrastructure e.g. roads (existing and proposed);
 - d) Substation(s) and/or transformer(s) sites including their entire footprint;
 - e) Connection routes (including pylon positions) to the distribution/transmission network; and
 - f) All existing infrastructure on the site.
- (iii) Please provide an environmental sensitivity map which indicates the following:
 - a) The location of sensitive environmental features on site e.g. Marine Protected Areas, CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
 - b) Buffer areas; and,
 - c) All "no-go" areas.
- (iv) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring energy developments and existing grid infrastructure.

(d) Specialist assessments

- (i) Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of infrastructure positions, and all other associated infrastructures that they have assessed and are recommending for authorisation.

- (ii) The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- (iii) 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.

(e) Cumulative Assessment

- (i) As there are other similar Gas to Power plants proposed within a 30km radius of the proposed development site, a cumulative impact assessment must be conducted for all identified and assessed impacts which must be refined to indicate the following:
 - a) Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
 - b) Detailed process flow and proof must be provided, 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.
 - c) The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
 - d) A cumulative impact environmental statement on whether the proposed development must proceed.

(f) Specific comments

- (i) The EAP must provide details of the specific locations in the EIAR, and not provide vague locations of the proposed developments. All associated infrastructure must be clearly indicated in the EIAR and its associated layout plans.
- (ii) The EAP must identify and provide a map which shows this development and its associated infrastructure in relation to the other proposed facilities in the area.
- (iii) The EAP must clearly identify and provide a final list of all applicable listed activities. If any activities are to be removed, motivation for their removal must be included in the EIAR.
- (iv) The legal opinion regarding landowner consent requirements by Webber Wentzel dated 05 October 2020 is noted. However, the EAP must, as advised at the pre-application meeting held with this Department on 17 September 2020, submit signed landowner consents for all affected properties as prescribed in terms of Regulation 39(1) of the EIA Regulations, 2014 as amended, and outlined in the application form.
- (v) The land owner consent must address each and every portion of land affected by the proposed development, and consent must be obtained for this.
- (vi) The Air Quality and Climate Change specialist studies' terms of reference (ToRs) must be made available to this Department's Climate Change Directorate for comments. Proof of correspondence must be included in the public participation report.
- (vii) When submitting the EIAR and future documents kindly name each of the documents and attachments according to the information it contains. E.g. instead of only naming it Appendix A, it must be Appendix A: Maps, Appendix B: EAP Declaration etc.

General

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amended, 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 Environment, Forestry and Fisheries

Signed by: Mr Coenrad Agenbach

Designation: Deputy Director: Priority Infrastructure Projects

Date: 06/01/2021

cc:	Mehmet Katmer	Karpowership SA (Pty) Ltd	Email: Mehmet.Katmer@karpowership.com
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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

Davesh Maharaj

From: IQ <IQ@environment.gov.za>
Sent: 18 November 2020 12:29
Subject: IQ/20/0387: Request for guidance in terms of Regulation 8 of the EIA regulations, 2014: Listed Activities
Attachments: Minutes of Pre Application Meeting. Gas to Energy. Ports of RBay.Saldanh....pdf; DEA&DP comment_DSR_Gas-to-Power Project_Saldanha Bay.pdf
Importance: High

Dear Melissa

As regards your query below, the following-

1. Listing Notice 1

1.1 Activity 11 will be triggered inside urban areas or industrial complexes, if the capacity of the proposed facility or infrastructure **meets or exceeds the threshold of 275kV**, unless the development relates to bypass infrastructure and such bypass infrastructure is-

- ✓ temporarily required to allow for maintenance of existing infrastructure;
- ✓ 2 kilometres or shorter in length;
- ✓ within an existing transmission line servitude; and
- ✓ will be removed within 18 months of the commencement of development.

Since the proposed development will not meet or exceed the relevant threshold, the activity will not be triggered.

1.2 Activity 27 will be triggered where 1 or more hectares of vegetation will be cleared.

The activity will however not apply where-

- ✓ the clearance will be done for the development of a linear activity, or
- ✓ for maintenance purposes undertaken in accordance with a maintenance management plan.

1.3 Clearance of indigenous vegetation *per se* is not a linear activity. However, where clearance is done for the purpose of a linear activity, then the exclusion above would apply.

“linear activity” means an activity that is arranged in or extending along one or more properties and which affects the environment or any aspect of the environment along the course of the activity, and includes railways, roads, canals, channels, funiculars, pipelines, conveyor belts, cableways, power lines, fences, runways, aircraft landing strips, firebreaks and telecommunication lines;

Activity 27 will therefore not be triggered, in this scenario, since the clearance will be for the purpose of developing a power line, which indeed constitutes a linear activity.

2. Listing Notice 3

Please note that for activity 12 of LN3, there are **no exclusions**. If the proposed activity will take place in an identified geographical area, for the relevant province, as per LN3 and meets or exceeds the 300m² threshold, then the activity will indeed be triggered.

For further guidance, kindly contact EIAadmin@environment.gov.za

Kind regards
Chantal Engelbrecht

From: IQ

Sent: Tuesday, 17 November 2020 08:31

To: Chantal Engelbrecht <CEngelbrecht@environment.gov.za>

Cc: Betty Mdala <BMdala@environment.gov.za>

Subject: FW: Request for guidance in terms of Regulation 8 of the EIA regulations, 2014: Listed Activities IQ/20/0387

Importance: High

From: Melissa Gopaul [<mailto:melissa@triplo4.com>]

Sent: Monday, 16 November 2020 12:13

To: IQ

Cc: Hantie Plomp; Shanice Singh

Subject: Request for guidance in terms of Regulation 8 of the EIA regulations, 2014: Listed Activities

Importance: High

Dear IQ / Admin

Triplo4 is the Environmental Assessment Practitioner for three applications for environmental authorisation for Karpowership, the applicant who is proposing power generation activities at the Ports of Richards Bay, Ngqura and Richards Bay. Power will be generated from Powerships which are moored in the ports and the generated electricity will be transmitted via 132kV powerlines over a distance of between 3 and 8 km to the nearest Eskom substation. The proposed powerline alignments fall within industrial development zones / industrial areas. It is for these powerlines and the associated clearance of vegetation that we seek your advice.

We have had a pre-application meeting with the EIA DEFF officials at which they stated they were open to us querying their interpretation of "linear activity" with the help desk (see copy of minutes attached - items 3.5 and 7). We also have received a comment from the Western Cape Department of Environmental Affairs on Activity 27 (see copy of DEA&DP comments attached - item 1.1).

Specifically, we request clarity on:

1. the applicability of the listed activities 11 and 27 of Listing Notice 1 of the EIA Regulations, 2014; and
2. whether or not this aspect of the project (constructing powerlines and clearing indigenous vegetation) qualifies as linear (as per the definition of linear activity) even if Listed Activity 11 does not apply because the powerline capacity is less than the prescribed threshold of 275kV and is in an industrial area?

Listed Activity 11 of LN 1

Listed Activity 11 of LN 1 is described as:

The development of facilities or infrastructure for the transmission and distribution of electricity-

(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or

(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;

excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is-

(a) temporarily required to allow for maintenance of existing infrastructure;

(b) 2 kilometres or shorter in length;

(c) within an existing transmission line servitude; and

(d) will be removed within 18 months of the commencement of development.

Listed Activity 27 of LN 1

Listed Activity 27 of LN 1 is described as:

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

Please let us know if you require additional detail on the projects.

Thanking you in anticipation.

Kind Regards

Melissa Gopaul (Padayachee) (Pri.Sci.Nat; EAPASA)
Senior Sustainability Consultant | BSc Hons



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Re: FW: Port of Richards Bay - Urban determination

From: Muziwandile Mdamba [mailto:Muziwandile.Mdamba@kznedtea.gov.za]
Sent: Wednesday, 26 October 2022 11:17
To: Chen Read
Subject: RE: Port of Richards Bay - Urban determination

Dear Chen

Yes in my opinion the port falls within the industrial complex, in a built up area, i.e. urban setting under the city of umhlathuze

Regards

Muzi

From: Chen Read <chen@triplo4.com>
Sent: Monday, 24 October 2022 12:22
To: Muziwandile Mdamba <Muziwandile.Mdamba@kznedtea.gov.za>
Subject: RE: Port of Richards Bay - Urban determination

Hi Muzi,

Hope you had a good weekend. Just following up on my email below - please can you provide your feedback?

Thanks

Kind Regards,

Chen Read
Senior Sustainability Consultant
Reg. EAP (EAPASA: 2019/347)

☎ 072 049 0888 | 032 946 3213

✉ chen@triplo4.com

📍 Ballito: Douglas Crowe Drive,
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From: Chen Read [mailto:chen@triplo4.com]
Sent: Thursday, 20 October 2022 11:24
To: 'Muziwandile Mdamba'
Subject: Port of Richards Bay - Urban determination

Hi Muzi,

Thanks for taking my call earlier, to discuss whether the Port of Richards Bay and its immediate surrounding area should be considered as “urban” in terms of the EIA Regulations.

As discussed, the proposed Karpowership project is situated within the Port, and the transmission line runs around the South32 Aluminium property till its end point, just to the West of South 32. Please see attached an image of the proposed footprint (outlined in White).

I have checked the zoning of the site –

According to the uMhlatuze 2019 Land Use Scheme Viewer (uMhlatuze website, online GIS tools), the study area is situated within an area **zoned as Harbour** (see image attached). The uMhlatuze 2019 Land Use Regulations stipulates the permitted uses within Harbour land use; these permitted uses include the following:

Industry – General

Industry – Light

Industry – Service

Utilities Facility

The attached zoning certificates were obtained from the City of uMhlatuze, for 3 properties within the area, show the zoning as Harbour / industrial / railway. I attached a layout that show the properties for ease of reference.

Some activities under Listing Notice 1 activities of the EIA Regulations have exclusions should the activity fall within “urban” area and/or “industrial complex”. Based on the zoning and the land use of this area, we are of the view that the proposed development fall **within “urban” area and “industrial complex”**.

Please can you kindly confirm whether you are in agreement?

Thank you

Kind Regards,

Chen Read
Senior Sustainability Consultant
Reg. EAP (EAPASA: 2019/347)

☎ 072 049 0888 | 032 946 3213

✉ chen@triplo4.com

📍 Ballito: Douglas Crowe Drive,
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