

APPENDIX 5: DFFE
CORRESPONDENCE

Date: 05 September 2022

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.

APPENDIX 5.2 ATTENDANCE REGISTER

Attendance Register: Karpowership Consultation with the DFFE

Date: 24 August 2022
Time: 10h00 – 12h00

Venue: DFFE Offices - 473 Steve Biko Road, Arcadia

#	Name & Surname	Entity/Company	Email Address	Signature
1.	MISCANT SWANSON	DFFE	Miscantson@dffe.gov.za	Miscantson
2.	THABILE SAJGWSINI	DFFE	Thabile@DFFE.gov.za	Thabile
3.	MUKHAMMAD ESSOP	DFFE	MESSOP@dffe.gov.za	Mussop
4.	CURTIS MEINTJIES	KPS	curtis.meintjies@karpowership.com	Curtis
5.	DAVID MABUNDA	KPS/CONSULT.	mabunda@mweb.co.za	David Mabunda
6.	ADAM GUNN	PINSENT MASON'S	adam.gunn@pinsentmasons.com	Adam Gunn
7.	Coenrad Agenbach	DFFE	cagenbach@dffe.gov.za	Coenrad Agenbach
8.	DAVID CLARK	KPS	david.clark@karpowership.com	David Clark
9.	SHANICE SINGH	TRIPO4	Shanice@triplo4.com	Shanice Singh
10.	HANTIE PLOMP	TRIPO4	hantie@triplo4.com	Hantie Plomp
11.	Mehmet Katme	KPS	mehmet.katme@karpowership.com	Mehmet Katme

Date: 25 August 2022

DFFE PROJECT REFERENCES

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

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

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

To: Ms. Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
By e-mail

Dear Ms. Solomons

COMMENCEMENT OF KARPOWERSHIP EIA PROCESS FOLLOWING MINISTER'S APPEAL DECISIONS

1. Thank you for meeting with Triplo4 and the applicant on 24 August 2022 at the DFFE offices in Arcadia, Tshwane. As discussed, we look forward to working with the DFFE in a positive manner to address the gaps identified in the EIA by the Minister's Appeal Decisions.
2. One of the critical issues discussed at the meeting was when the 106 day period would commence for the completion of the Final Environmental Impact Assessment Report (FEIAR).
3. The Minister's Appeal decision was not specific on this issue but stated that the matter is remitted to the Competent Authority (CA):

"so that the various gaps in information and procedural defects in relation to the PPP that led to the rejection of the EA application may be addressed during the reconsideration and re-adjudication of the EA application provided that the timeframes prescribed by the 2014 EIA Regulations in respect of the EIA process must be adhered to by the appellants and the CA."

4. Following the meeting, we held a brainstorming workshop with the applicant, to determine whether sufficient time is available to the specialists to undertake the specialist studies required to achieve compliance with the Minister's Decisions i.e.: to close the gaps. The most critical study required is the Noise study. As there are no Powerships docked in South Africa that can be studied, we have identified an international noise specialist located in the United Kingdom who will have to conduct a site visit to Powerships that are operational in either Indonesia or Ghana and identical to that which will be utilized in

South Africa. The noise data that will be obtained, needs to then be written up and provided to other specialists so that the polycentric and integrated approach recommended in the Minister's Decisions can be achieved. This will take the specialists a minimum of 4 weeks. Therefore, taking into account the PPP requirements of the EIA, each day is critical for the EIA process.

5. It is our humble request that the 106 day period should commence on approval of the Minutes from the Pre-Application meeting and the approval of the EIA Project Plan with timelines, which we will prepare and submit to you by no later than 09H00 on the 6th September 2022. According to the 2014 EIA Regulations, The FEIAr will then be due on 12th January 2023.
6. We are advised by our legal counsel that our request is supported by the provisions Regulation 23(1) of The 2014 EIA Regulations which states that:

(1) The applicant must within 106 days of the acceptance of the Scoping Report, or where regulation 21(2) applies, within 106 days of the date of receipt of the application by the competent authority, submit to the competent authority

(a) An environmental impact assessment report inclusive of any specialist report and an EMPr, which must have been subjected to a public participation process of at least 30 days

Regulation 21(2) states that:

Subject to Regulation 46 and if the findings of the scoping report is still valid and the environmental context has not changed, the submission of a scoping report as contemplated in sub regulation (1) need not be complied with-

(a) In cases where a scoping report was accepted as part of a previous application for environmental authorization and the application has lapsed or was refused because of insufficient information;

7. This would allow compliance with the 2014 EIA Regulations (and the Minister's Appeal Decisions) and allow the applicant and the specialists a reasonable chance to address the gaps identified in the EIA.
8. We trust you will consider this request favorably and look forward to your response hereto.



Mrs. Hantie Plomp (SACNASP | Reg. EAP (EAPASA))
Managing Director
Triplo4 Sustainable Solutions





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: 14/12/16/3/3/2/2005; 14/12/16/3/3/2/2006; 14/12/16/3/3/2/2007

Enquiries: Ms Milicent Solomons

Telephone: (012) 399 9382 **E-mail:** MSolomons@dfef.gov.za

Mrs Hantie Plomp
Managing Director
Triplo4 Sustainable Solutions
PO Box 6595
ZIMBALI
4418

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

PER EMAIL

Dear Mrs Plomp

RE: THE COMMENCEMENT OF KARPOWERSHIP EIA PROCESSES FOLLOWING MINISTER'S APPEAL DECISION FOR THE APPLICATIONS FOR ENVIRONMENTAL AUTHORISATION FOR THE KARPOWERSHIP PROJECTS WITH THE ABOVEMENTIONED REFERENCE NUMBERS

The Department confirms having received your letter dated 25 August 2022 requesting additional time for commencement of the process for the abovementioned projects.

The Department hereby confirms that the due date for the submission of the Environmental Impacts Assessment reports for the abovementioned projects in accordance to Regulation 23(1)(a) of the EIA Regulations, 2014 as amended will be 13 January 2023. Seeing that the abovementioned projects are designated as Strategic Integrated Projects in terms of the Infrastructure Development Act, the Competent Authority will within 57 days of receipt of the reports make a decision on the abovementioned application for Environmental Authorisations.

Yours sincerely

Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 29/08/2022.

cc:	Mr Mehmet Katmer	Karpowership	Email: Mehmet.katmer@karpowership.com
	Mr Adam Gunn	Pinsent Masons	Email: adam.gunn@pinsentmasons.com



**forestry, fisheries
& the environment**

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

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia· PRETORIA
Tel(+ 27 12) 398 9000

Enquiries: Davinagle Bendeman Telephone: 012 399 9337 E-mail: vbendeman@dffe.gov.za

Ms. Milicent Solomons
Director: Prioritized Infrastructure Projects

Dear Mrs Solomons

**APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORIZATIONS
FOR THE PERIOD OF 25 APRIL 2022 UNTIL 31 OCTOBER 2022**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated Environmental Authorizations for the period of 25 April to 31 October 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms Devinagle Bendeman
Deputy Director-General: RCSM (Regulatory Compliance and
Sector Monitoring)

Date 20 April 2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorizations

Signed:

Date: 20/04/2022

APPENDIX 5.3: ACCEPTANCE OF SCOPING AND POS



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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melissa@tripto4.com; www.tripto4.com

Ballito: Douglas Crowe Drive, The Circle, Suite 5

Ballito | Durban | Johannesburg

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