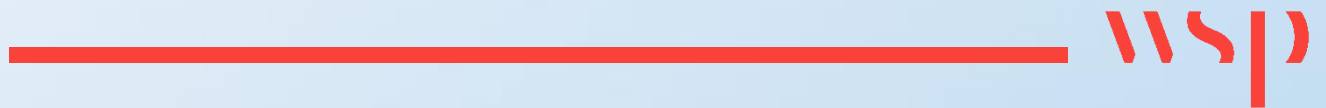


# Appendix D

## **STAKEHOLDER ENGAGEMENT REPORT**





R-Bay Properties (Pty) Ltd

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# PROPOSED CHEMICAL WAREHOUSE

Stakeholder Engagement Report





R-Bay Properties (Pty) Ltd

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# PROPOSED CHEMICAL WAREHOUSE

## Stakeholder Engagement Report

**TYPE OF DOCUMENT (VERSION) PUBLIC**

**PROJECT NO. 41103633**

**OUR REF. NO. KZN EDTEA REFERENCE NUMBER: DC22/0002/2023**

**DATE: JUNE 2023**

**WSP**

1st Floor, Pharos House  
70 Buckingham Terrace  
Westville, Durban, 3629  
South Africa

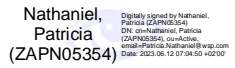


Phone: +27 31 240 8800

WSP.com

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# QUALITY CONTROL

Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks	SER			
Date	June 2023			
Prepared by	Patricia Nathaniel			
Signature	 Nathaniel, Patricia (ZAPN05354)			
Checked by	Anri Scheepers			
Signature	 Scheepers, Anri (ZAAS02690) 2023.06.11 21:09:02 +02'00'			
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Signature	 Nathaniel, Patricia (ZAPN05354)			
Project number	41103633			
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# 1 INTRODUCTION

---

WSP Group Africa (Pty) Ltd (WSP) was appointed by R-Bay Properties (Pty) Ltd (R-Bay), a subsidiary of the Richbay Group of Companies (Richbay) to undertake a Scoping and Environmental Impact Reporting (S&EIRA) process for the proposed development of a chemical storage warehouse in Pietermaritzburg, KwaZulu Natal.

## 1.1 PROJECT BACKGROUND

R-Bay proposes to construct a chemical warehouse for the storage of dangerous goods with a maximum capacity of 2 000 m<sup>3</sup>. The warehouse will be designed as a purpose-built chemical warehousing structure.

The project will entail the clearance of (potentially indigenous) vegetation on a site of 9 955 m<sup>2</sup>, in Shortts Retreat (Mkondeni), Pietermaritzburg. The warehouse will be used as an importation hub where chemicals (already packed and palletized) will be offloaded from shipping containers, and stored, prior to dispatch to Richbay facilities throughout Southern Africa. The proposed site is adjacent to one of the existing Richbay production facilities and is required in the immediate vicinity to alleviate space constraints at the existing Richbay Pietermaritzburg site. The space constraints have been negatively affected by the increase in shipping challenges through the Durban Port. In addition, processed chemicals (already packed and palletized) will be stored prior to dispatch for international distribution. No processing or decanting will take place in the warehouse/s.

The chemicals that will be stored at the warehouse/s will include:

- Hydrochloric Acid.
- Acetic Acid.
- Sodium Hypochlorite.
- Sulphuric Acid.
- Caustic Soda (Solid).
- Caustic Soda Liquid.
- Phosphoric Acid.
- Nitric Acid.
- Sodium Metabisulphite (Solid).
- Formaldehyde.
- Ammonium 25%.
- Sodium Chlorite 25-31%

The majority (approximately 95%) of the chemicals that will be stored are NSF60 chemicals which is used in the treatment of drinking water.

## 1.2 TERMS OF REFERENCE AND DETAILS OF THE EAP

WSP was appointed in the role of Independent Environmental Assessment Practitioner (EAP) to undertake the Scoping and EIA process for the proposed project. **Table 1-1** provides details the relevant contact details of the EAP.

**Table 1-1 – Details of the EAP**

<b>EAP</b>	<b>WSP Group Africa (Pty) Ltd</b>
<b>Contact Person:</b>	Patricia Nathaniel
<b>Physical Address:</b>	1st Floor, Pharos House, 70 Buckingham Terrace, Westville 3629 South Africa
<b>Telephone:</b>	011 361 1398
<b>Email:</b>	Patricia.Nathaniel@wsp.com
<b>EAP Qualifications:</b>	<ul style="list-style-type: none"> <li>■ BSc (Hons) Environmental Management</li> <li>■ BSc (Geography)</li> </ul>
<b>EAPASA Registration Number:</b>	EAPASA (2020/1120)

To adequately identify and assess potential environmental impacts, the EAP was supported by a number of specialists, the details of which are provided in the Draft EIA Report.

### **Statement of Independence**

Neither WSP nor any of the authors of this Report have any material present or contingent interest in the outcome of this Report, nor do they have any business, financial, personal or other interest that could be reasonably regarded as being capable of affecting their independence. WSP has no beneficial interest in the outcome of the assessment.

## **1.3 PUBLIC PARTICIPATION**

Public participation is understood to be a series of inclusive and culturally appropriate interactions aimed at providing stakeholders with opportunities to express their views, so that these can be considered and incorporated into the decision-making process. Effective public participation requires the prior disclosure of relevant and adequate project information to enable stakeholders to understand the risks, impacts, and opportunities of the proposed Project.

Basic reasons why the public are involved in the S&EIR Process:

- The environment is held in public trust, therefore use of environmental resources is everyone's concern.
- To ensure that projects meet the citizens' needs and are suitable to the affected public.
- The project carries more legitimacy, and less hostility, if interested and affected parties (I&APs) are able to influence the decision-making process.
- The final decision is deemed informed when local knowledge and values are included and when expert knowledge is publicly examined.

### **1.3.1 WHAT IS AN INTERESTED AND AFFECTED PARTY**

An I&AP is defined as any person, group of persons or organisations interested in or affected by an activity, and any organ of state that may have jurisdiction over any aspect of the activity.



The difference between an I&AP and a registered I&AP:

- An I&AP can be directly or indirectly impacted on by a proposed activity.
- A registered I&AP is a person whose name has been placed on the register of registered I&APs. According to the PPP Guidance document, 2017, only registered I&APs will be notified:
  - Of the availability of reports and other written submissions made to the competent authority (CA) by the Applicant, and be entitled to comment on these reports and submissions; and
  - Of the outcome of the application, the reasons for the decision, and that an appeal may be lodged against a decision.

For the purpose of this report, registered I&APs will be referred to as Stakeholders.

### **Rights, Roles and Responsibilities of the Stakeholder**

Registered stakeholders have the right to bring to the attention of the CA any issues that they believe may be of significance to the consideration of the application. The rights of stakeholder are qualified by certain obligations, namely:

- Stakeholders must ensure that their comments are submitted within the timeframes that have been approved by the DFFE, or within any extension of a timeframe agreed by the Proponent, EAP or competent authorities;
- Serve a copy of the comments submitted directly to the competent authorities, the Proponent or the EAP; and
- Disclose to the EAP any direct business, financial, personal or other interest that they might have in the approval or refusal of the application.

The roles of stakeholders in a public participation process usually include one or more of the following:

- Assisting in the identification and prioritisation of issues that need to be investigated;
- Making suggestions on alternatives and means of preventing, minimising and managing negative impacts and enhancing proposed Project benefits;
- Assisting in or commenting on the development of mutually acceptable criteria for the evaluation of decision options;
- Contributing information on public needs, values and expectations;
- Contributing local and traditional knowledge; and
- Verifying that their issues have been considered.

In order to participate effectively, stakeholders should:

- Become involved in the process as early as possible;
- Register as a stakeholder;
- Advise the EAP of other stakeholders who should be consulted;
- Contribute towards the design of the public participation process (including timeframes) to ensure that it is acceptable to all stakeholders;
- Follow the process once it has been accepted;
- Read the material provided and actively seek to understand the issues involved;
- Give timeous responses to correspondence;
- Be respectful and courteous towards other stakeholders;
- Refrain from making subjective, unfounded or ill-informed statements; and
- Recognise that the process is confined to issues that are directly relevant to the application.

## 1.4 APPROACH TO STAKEHOLDER ENGAGEMENT

Our approach to stakeholder engagement is based on the following principles:

- Undertake meaningful and timely participation with stakeholders;
- Focus on important issues during the process;
- Undertake due consideration of alternatives;
- Take accountability for information used;
- Encourage co-regulation, shared responsibility and a sense of ownership over the proposed Project lifecycle;
- Apply “due process” particularly with regard to public participation as provided for in the EIA Regulations; and
- Consider the needs, interests and values of stakeholders.

The Public Participation guideline in terms of the NEMA EIA Regulations, drafted by the DEA (now DFFE) in 2017, tabulates the level of Public Participation required for various levels of anticipated project impacts. This table has been used to identify additional Public Participation methods which are required for the Project. Highlighted cells indicate the applicable response to the anticipated impacts. Results of the process are shown in **Table 1-2** below.

**Table 1-2 - Level of Public Participation as per Public Participation Guideline (DEA, 2017)**

Scale of anticipated impacts:	Recommended Response	
	If “yes”	If “No”
Are the impacts of the project likely to extend beyond the boundaries of the local municipality?	Formal Consultation with other affected municipalities should be carried out during the PPP.	No need to have a formal consultation with other municipalities during PPP. Minimum requirements for public participation in accordance to EIA must be met.
Are the impacts of the project likely to extend beyond the boundaries of the province?	Formal Consultation with other affected provinces should be carried out during the PPP.	No need to have a formal consultation with other provinces during PPP. Minimum requirements for public participation in accordance to EIA must be met.
Is the project a greenfields development (a new development in a previously undisturbed area)?	Extensive consultation with Registered Interested and Affected Parties (RI&APs) might be required before a decision is taken on the project to in order to gather more information, and to ensure that there is minimal impact on the environment.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
Does the area already suffer from socio-economic problems	Extensive consultation with RI&APs within the area should	Minimum requirements for public participation in

<b>Scale of anticipated impacts:</b>	<b>Recommended Response</b>	
	<b>If “yes”</b>	<b>If “No”</b>
(e.g. job losses) or environmental problems (e.g. pollution), and is the project likely to exacerbate these?	be undertaken, to gather more information on both the socio-economic and environmental problems.	accordance to EIA Regulations must be met.
Is the project expected to have a wide variety of impacts (e.g. socio-economic and ecological)?	Thorough consultation needs to be conducted with RI&APs, in order to address variety of impacts.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
<b>Public and environmental sensitivity of the project:</b>		
Are there widespread public concerns about the potential negative impacts of the project?	Broader consultation with all RI&APs will need to be undertaken.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
Is there a high degree of conflict among RI&APs?	There might need to be more consultation to ensure that there is consensus reached among RI&APs.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
Will the project impact on private land other than that of the applicant?	Consultation with the private landowner must be done, and all their concerns need to be addressed.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
Does the project have the potential to create unrealistic expectations (e.g. that a new factory would create a large number of jobs)?	Thorough consultation that addresses the perceptions of unrealistic expectations needs to be carried out.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
<b>Potentially affected parties:</b>		
Has very little previous public participation taken place in the area?	More thorough public participation should take place within the area, to ensure that all potential and RI&APs participate.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
Did previous public participation processes in the area result in conflict?	Additional consultation might be needed to ensure that issues of conflict are addressed effectively.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
Are there existing organisational structures (e.g. local forums) that can represent I&APs?	Organizational structures might minimise conflict whilst maximising the participation.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
Is the area characterised by high social diversity (i.t.o. socio-economic status, language or culture)?	Proper consultations that address language and cultural diversity should be promoted.	Minimum requirements for public participation in accordance to EIA Regulations must be met.

Scale of anticipated impacts:	Recommended Response	
	If “yes”	If “No”
Were people in the area victims of unfair expropriations or relocation in the past?	PPP should be extensive and address any unfair practices that occurred in the past.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
Is there a high level of unemployment in the area?	The PPP should ensure that there are no unrealistic expectations created due to the project. The consultation should ensure that any unrealistic expectations are adequately addressed before the project starts.	Minimum requirements for public participation in accordance to EIA Regulations must be met.
Do the RI&APs have special needs (e.g. a lack of skills to read or write, disability, etc)?	Consultation should include mechanisms that will ensure full participation by people with special needs.	Minimum requirements for public participation in accordance to EIA Regulations must be met. Minimum requirements for PP in accordance to the Act must be met as well as best practices relating to PP.

## 2 PUBLIC PARTICIPATION TO DATE

### 2.1 PRE-APPLICATION CONSULTATION

The pre-application phase consisted of a virtual pre-application meeting held on 14 July 2022 with KZN EDTEA, R-Bay and WSP to discuss the environmental processes and permits required for the proposed chemical warehouse. The minutes of the meeting are included in **Appendix A**.

### 2.2 STAKEHOLDER IDENTIFICATION

Stakeholders were identified and will continue to be identified through several mechanisms. These include:

- Utilising existing databases from other projects in the area;
- Networking with local business owners, non-governmental agencies, community-based organisations, and local council representatives;
- Field work in and around the project area;
- Advertising in the press;
- Placement of community notices;
- Completed comment sheets; and
- Attendance registers at meetings.

All stakeholders identified to date have been registered on the project stakeholder database. The EAP endeavoured to ensure that individuals/organisations from referrals and networking were notified of the proposed project. Stakeholders were identified at the horizontal (geographical) and vertical extent (organisations level). A list of stakeholders captured in the project database is included in the SER (**Appendix D**).

All concerns, comments, viewpoints and questions (collectively referred to as 'issues') received to date have been documented and responded to in **Appendix K**.

**Table 2-1** provides a breakdown of stakeholders currently registered on the database.

**Table 2-1 – Breakdown of stakeholders currently registered on the database**

Representative Sector	Further Explanation	No. of Stakeholders
Government Departments	<p>All tiers of government, namely, national, provincial, local government and parastatal organisations including:</p> <ul style="list-style-type: none"> <li>■ EDTEA</li> <li>■ DFFE: Biodiversity</li> <li>■ EKZNWL</li> <li>■ Ezemvelo</li> <li>■ Msunduzi Local Municipality</li> <li>■ SAHRA/AMAFA</li> <li>■ DWS</li> <li>■ Department of Agriculture and Rural Development</li> </ul>	22

Representative Sector	Further Explanation	No. of Stakeholders
	<ul style="list-style-type: none"> <li>▪ Department of Cooperative Governance and Traditional Affairs</li> <li>▪ Umgeni Water</li> </ul>	
Neighbouring Landowners	I&APs adjacent to and surrounding the project site	23
Ward Councillors	Ward Councillors for wards 36, 27 and 38 in the Msunduzi Municipality	3
NGOs and Community Associations	These include rate payers associated and support groups	3
General Public	I&APs who registered during the notification period and provided comment during the process.	48

**Appendix B** provides a list of stakeholders registered on the Project database. The stakeholder database will be updated throughout the S&EIR process.

## 2.3 STAKEHOLDER CONSULTATION

Stakeholders were identified and will continue to be identified through several mechanisms. These include:

- Utilising existing databases from other projects in the area;
- Networking with local business owners, non-governmental agencies, community-based organisations, and local council representatives;
- Field work in and around the project area;
- Advertising in the press;
- Placement of community notices;
- Completed comment sheets; and
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Government Departments	All tiers of government, namely, national, provincial, local	22

Representative Sector	Further Explanation	No. of Stakeholders
	government and parastatal organisations including: <ul style="list-style-type: none"> <li>▪ EDTEA</li> <li>▪ DFFE: Biodiversity</li> <li>▪ EKZNWL</li> <li>▪ Ezemvelo</li> <li>▪ Msunduzi Local Municipality</li> <li>▪ SAHRA/AMAFA</li> <li>▪ DWS</li> <li>▪ Department of Agriculture and Rural Development</li> <li>▪ Department of Cooperative Governance and Traditional Affairs</li> <li>▪ Umgeni Water</li> </ul>	
Neighbouring Landowners	I&APs adjacent to and surrounding the project site	23
Ward Councillors	Ward Councillors for wards 36, 27 and 38 in the Msunduzi Municipality	3
NGOs and Community Associations	These include rate payers associated and support groups	3
General Public	I&APs who registered during the notification period and provided comment during the process.	48

## 2.4 STAKEHOLDER NOTIFICATIONS

### 2.4.1 DIRECT NOTIFICATION

Notification of the proposed project was issued to potential I&APs, via direct correspondence (i.e. e-mail and sms) on 13 December 2022, proof of notification is included in **Appendix D**, **Appendix E** and **Appendix F**. Proof of the notification letter that was circulated is included in **Appendix C**.

### 2.4.2 SITE NOTICES

The EIA Regulations require that site notices be fixed at places that are conspicuous to and accessible by the public at the boundary or on the fence or along the corridor of the site where the application will be undertaken or any alternative site. In accordance with GNR 326, as amended, Section 41(2)(a-b), English and IsiZulu site notices were developed (see **Appendix G**) and were placed at the following strategic places, as per **Table 2-3**:

- Msunduzi Municipal Library (Bessie Head Library);
- Civic centre Municipal Clinic;
- Ndlovu Park Tuckshop;
- Polly Short Centre; and
- The boundary fence of the proposed chemical warehouse proposed.

The site notice serves to inform the occupiers of the land along with the newspaper advert and existing stakeholder database.

**Table 2-3 - Site Notice Distribution**

Location	Zoomed in	Zoomed out
<p>Msunduzi Municipal Library (Bessie Head Library)</p>		
<p>Civic centre Municipal Clinic</p>		



Location	Zoomed in	Zoomed out
<p>Ndlovu Park Tuckshop</p>		

Location	Zoomed in	Zoomed out
<p>Polly Short Centre</p>		
<p>Boundary Fence of Proposed Site 1</p>		

Location	Zoomed in	Zoomed out
Boundary Fence of Proposed Site 2		
Boundary Fence of Proposed Site 3		

### 2.4.3 NEWSPAPER ADVERTISEMENTS

In accordance with GNR 326 41(2)(c) of Chapter 6, an advert was placed in one local newspaper. The purpose of the advertisement was to notify the public about the proposed project and to invite them to register as stakeholders. A copy of the advert is included in **Appendix H**. The relevant scoping phase advertisement date is listed in **Table 2-4** below. The advert was distributed in English and isiZulu.

**Table 2-4 – Advertisement publication dates**

<b>Newspaper</b>	<b>Publication Date</b>	<b>Language</b>
Maritzburg Sun Local Newspaper	9 December 2022	English and isiZulu

## **2.5 PUBLIC REVIEW**

### **2.5.1 DRAFT SCOPING REPORT AVAILABILITY**

The DSR was available for public review from 13 December 2022 to 7 February 2023 (extended by the legislated shut down period) at the Msunduzi Library and was also made available on the WSP website (<https://www.wsp.com/en-za/services/public-documents>). Subsequently the Scoping Report was finalised and submitted to the KZN EDTEA on 16 February 2023. The submission of the FSR was within 44 days of receipt of the application by the KZN EDTEA as required by GNR 326.

### **2.5.2 FINAL SCOPING REPORT AVAILABILITY**

The FSR was made available for public review from 20 February to 24 March 2024 (extended by the public holidays) on the WSP website (<https://www.wsp.com/en-za/services/public-documents>). Proof of notification of availability is included in **Appendix I**.

The approval of the FSR and the plan of study for the environmental impact assessment was received in a letter dated 29 March 2023 and is included in **Appendix J**.

### **2.5.3 AVAILABILITY OF THE DRAFT EIA REPORT**

The Draft EIR will be placed on public review for a period of 30 days from 13 June 2023 and 14 July 2023, at the following public places:

- Msunduzi Municipal Library (Bessie Head Library), Pietermaritzburg;
- Alexandra Municipal Library, Pietermaritzburg; and
- WSP website (<https://www.wsp.com/en-ZA/services/public-documents>).

All registered stakeholders and authorising/commenting state departments will be notified of the public review period as well as the locations of the draft EIR via email and SMS.

## **2.6 STAKEHOLDER REGISTRATION**

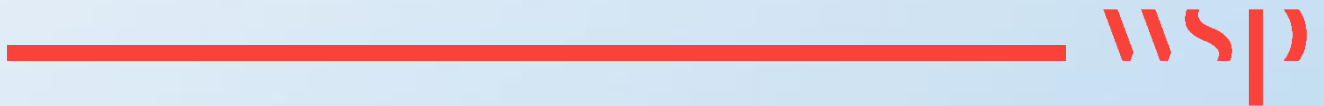
All stakeholders that either call in or send written correspondence, such as emails, fax, or post, to the EAP will be added to the database and their comments and/or queries will be responded to.

## **2.7 COMMENTS RECEIVED**

All concerns, comments, viewpoints and questions (collectively referred to as ‘issues’) received during the comment period have been documented and responded to adequately in the Comment and Response Report (CRR) included in. The original comments and responses have been included in **Appendix K**.

# Appendix A

## **PRE-APPLICATION MEETING MINUTES**





## MEETING NOTES

<b>JOB TITLE</b>	R-Bay Properties Chemical Warehousing
<b>PROJECT NUMBER</b>	41103633
<b>DATE</b>	14 July 2022
<b>TIME</b>	11h00
<b>VENUE</b>	MS Teams
<b>SUBJECT</b>	EDTEA Pre-Application Meeting
<b>CLIENT</b>	R-Bay Properties (Pty) Ltd
<b>PRESENT</b>	Anri Scheepers (AS) – WSP Jared Padavattan (JP) – WSP Martin Klopper (MK) – R-Bay Bonny Nosworthy (BN) – R-Bay Shawn Janneker (SJ) - EDTEA
<b>APOLOGIES</b>	Nombasa Kama – EDTEA

### MATTERS ARISING

### ACTION

<b>NOTE:</b> These notes constitute a summary of the key discussion points and decisions made during the discussion. They are not intended to reflect the exact discussions held.	-
<b>1.0 INTRODUCTIONS</b> The attendees introduced themselves, starting with the WSP team. Apologies were noted from Nombasa Kama from EDTEA.	-
<b>2.0 PROJECT PRESENTATION</b> Following the introductions, AS proceeded with the presentation of the proposed R-Bay Properties Chemical Warehousing, in Shortts Retreat, Pietermaritzburg in the KwaZulu Natal Province. AS presented the project which covered the following: <ul style="list-style-type: none"><li>– R-Bay Properties Background<ul style="list-style-type: none"><li>– Who are R-Bay Properties and what they do</li></ul></li><li>– Project Background<ul style="list-style-type: none"><li>– Location</li></ul></li></ul>	-

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[www.wsp.com](http://www.wsp.com) \\corp.pbwan.net\za\Central\_Data\Projects\41100xxx\41103633 - Richbay Warehouse PMB\41 ES\01-Reports\01-Draft\1.Pre-App Meeting\41103633-R-Bay Warehousing Pre-Application Meeting Minutes\_14Jul2022.docx

## MEETING NOTES

<ul style="list-style-type: none"><li>— Layout Alternatives</li><li>— Description</li><li>— Legal Review and Process</li><li>— DFFE screening results</li><li>— Specialist Studies</li><li>— Public Participation Process</li><li>— Closing.</li></ul>	
<p><b>3.0 CLARIFICATION QUESTIONS</b></p> <p>SJ enquired whether the site belongs to R-Bay and it was confirmed in the affirmative.</p> <p>SJ enquired about current land use and requested WSP to confirm in the Scoping Phase that the proposed warehouse falls within the municipal land use plans for the site.</p>	<p>WSP to confirm the municipal land use for the site.</p>
<p><b>4.0 DISCUSSION</b></p>	
<p>It was agreed that Listing Notice 3, Activity 12 will be applied for as the area borders on a critical biodiversity area (cba) and the DFFE Screening Tool also flagged it as a high area. It is however likely that the site is very disturbed and this will be confirmed by the biodiversity specialists.</p> <p>Due to the volumes of dangerous goods proposed to be stored it was agreed that an MHI Risk Assessment will be undertaken.</p>	<p>WSP to commission an MHI Risk Assessment.</p>

**APPENDIX A**  
MEETING PRESENTATION

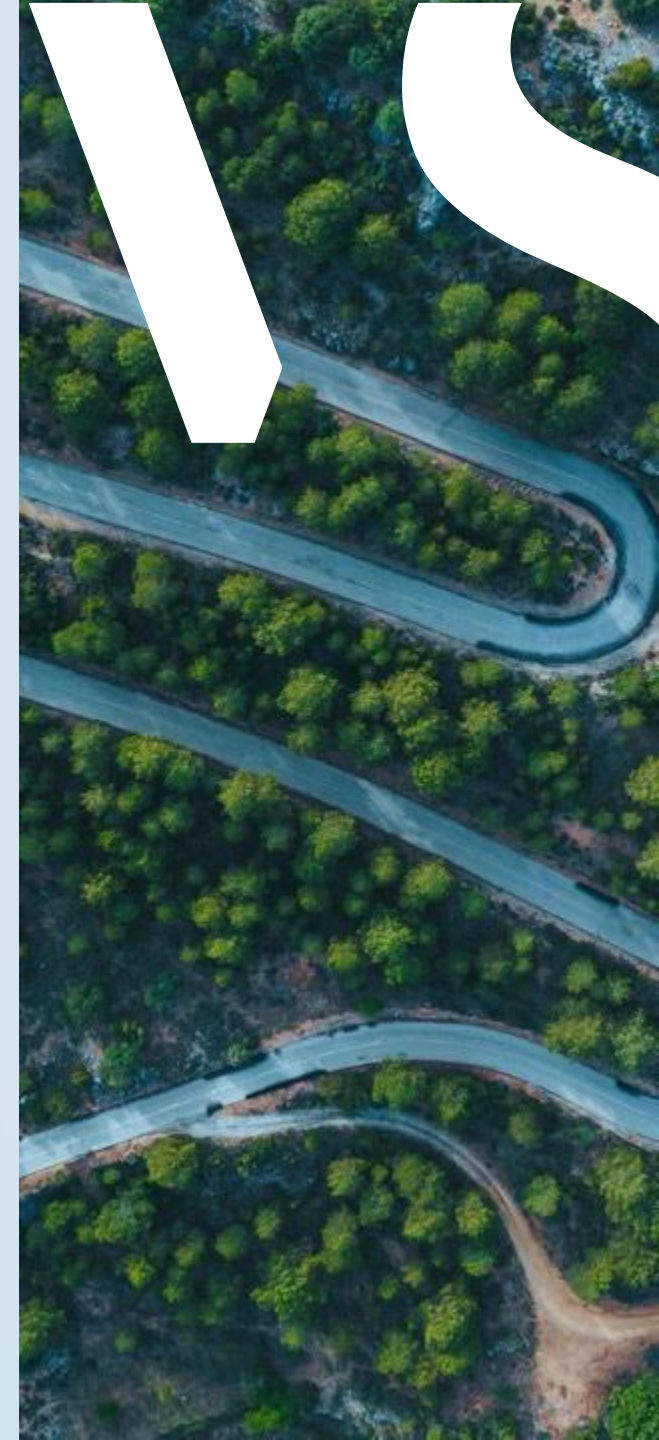




# **R-Bay Properties Chemical Warehousing**

**R-Bay Properties (Pty) Ltd**

Pietermaritzburg, uMgungundlovu District  
Municipality



# Introduction

## **R-Bay Properties (Proponent):**

- Martin Klopper - CEO

## **WSP Group Africa (EAP):**

- Anri Scheepers
- Jared Padavattan

## **EDTEA (CA):**

- Shawn Janneker
- Nombasa Kama



## Agenda

- R-Bay Properties Background
  - Who are R-Bay Properties and what they do
- Project Background
  - Location
  - Layout Alternatives
  - Description
- Legal Review and Process
- DFFE screening results
- Specialist Studies
- Public Participation Process
- Closing



# R-Bay Properties

## Who they are

R-Bay Properties is wholly owned by the Klopper family trust and a subsidiary of the Richbay Group of Companies (Richbay)

Richbay is a chemical manufacturer and international distributor of various speciality cleaning, maintenance, and water treatment chemical products, and is a major exporter of hydrochloric acid (HCl) and sulphuric acid ( $\text{H}_2\text{SO}_4$ ) in packed form. Richbay is also a major importer of NSF (drinking water) and food treatment chemicals.



# Project Background

**Location:** Erf 2306 and 2307 Shortts Retreat



# Project Background

## Description:

- Storage of Dangerous Goods (cumulative 2 000m<sup>3</sup>):
  - Hydrochloric Acid
  - Acetic Acid
  - Sodium Hypochlorite
  - Sulphuric Acid
  - Caustic Soda (Solid)
  - Caustic Soda Liquid
  - Phosphoric Acid
  - Nitric Acid
  - Sodium Metabisulphite (Solid)
  - Formaldehyde
  - Ammonium 25%
  - Sodium Chlorite 25-31%
- Storage and Handling:
  - Warehousing - importation and exportation hub
  - Chemicals (already packed and palletized)
  - Stored, prior to dispatch to the Richbay Operational Plants or stored after received (in packed format) from the Richbay Operational Plants



# Project Background

Preferred Layout Alternative – 1 Warehouse of 3 500 m<sup>2</sup>



# Project Background

Layout Alternative 1 – 2 Warehouse of 1 500m<sup>2</sup> each





## Listed Activities

Listed Activity	Description of Project Activity
<b>GNR 984, Listing Notice 2</b>	
<p><u>Activity 4:</u></p> <p><i>The development and related operation of facilities or infrastructure, for the <b>storage, or storage and handling of a dangerous good</b>, where such storage occurs in containers with a combined capacity of <b>more than 500 cubic metres</b>.</i></p>	<p>Approximately 2 000m<sup>3</sup> of dangerous goods are proposed to be stored at the warehouse.</p>
<b>GNR 985, Listing Notice 3</b>	
<p><u>Activity 12(d)(v):</u></p> <p>The <b>clearance of</b> an area of <b>300 square metres</b> or more of <b>indigenous vegetation</b> except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>d. KwaZulu-Natal</p> <p>v. <b>Critical biodiversity</b> areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</p>	<p>The project will entail the clearance of (potentially indigenous) vegetation on a site of 9.955 m<sup>2</sup> within a critical biodiversity area, in Shortts Retreat, Pietermaritzburg.</p> <p>.</p>

## DFFE Screening Results

### Identified Sensitivities (Furfural stripping, purification and storage)

Theme	Very High Sensitivity	High Sensitivity	Medium Sensitivity	Low Sensitivity
Agriculture Theme		X		
Animal Species Theme			X	
Aquatic Biodiversity Theme				X
Archaeological and Cultural Heritage Theme				X
Civil Aviation Theme		X		
Defence Theme				X
Palaeontology Theme			X	
Plant Species Theme			X	
Terrestrial Biodiversity Theme	X			



## Proposed Specialist Studies

- Conceptual Storm Water Management Plan
- Terrestrial Biodiversity Assessment
- Wetland and Aquatic Assessment
- Soil and Land Use and Agricultural Potential
- Archaeological and Cultural Heritage Assessment
- Palaeontological Impact Assessment

The uMgungundlovu District Municipality confirmed that an Atmospheric Emissions Licence (and air quality impact assessment) is not required due to the dangerous goods being stored and handled in sealed containers and that no bulk containers will be present

# Public Participation Process

- Site notices:
  - English and isiZulu
  - On-site and surrounding areas
- Newspaper adverts:
  - One local newspaper
  - English and isiZulu
- Written notification via email to all stakeholders
- Focus group meetings:
  - Only if requested
- Draft reports (Scoping and EIA):
  - WSP on request
  - Online via WSP website
  - Hardcopy at public library (Msunduzi Municipal Library)
  - Electronic copies to key commenting authorities



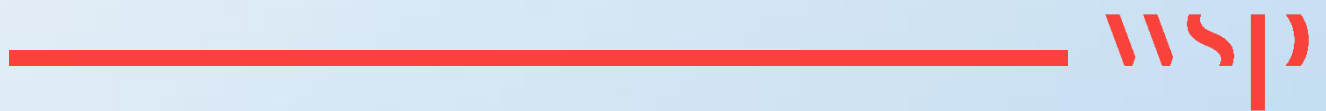
## Closing

- Confirmation of Listed Activities
- Specialist studies to be undertaken



# Appendix B

## STAKEHOLDER DATABASE



Company Name	Contact Name	Function
<b>Competent Authority</b>		
Economic Development, Tourism and Environmental Affairs		
Economic Development, Tourism and Environmental Affairs		
Economic Development, Tourism and Environmental Affairs		
Economic Development, Tourism and Environmental Affairs		
<b>Commenting Authority</b>		
Department of Economic Development, Tourism & Environmental Affairs - Biodiversity Unit		
Ezemvelo KZN Wildlife		
Ezemvelo KZN Wildlife		
Ezemvelo KZN Wildlife		
Amafa		
Department of Human Settlements, Water & Sanitation		
Department of Human Settlements, Water & Sanitation		
Department of Agriculture & Rural Development		
Department of Cooperative Governance and Traditional Affairs		

Company Name	Contact Name	Function
Umgeni Water		
Msunduzi Metropolitan Municipality		
Msunduzi Metropolitan Municipality		
Msunduzi Metropolitan Municipality		
Msunduzi Metropolitan Municipality		
Msunduzi Metropolitan Municipality		
Msunduzi Metropolitan Municipality		
Msunduzi Metropolitan Municipality		
Msunduzi Metropolitan Municipality		
<b>Neighbouring Landowners</b>		
Rib n Meat		
Private Individual		
Richbay Chemicals		
Bulk Waste Makhathini		
Ecocycle Waste Solutions		
Sheridan's Tarp and Nel		
Kingsley Beverages Pietermaritzburg		
Joey's Towing		
Iqondile Engineering Services		
SAPS Vehicle Clearance Office Pietermaritzburg		
Mkhondeni Sands Depot		
Truda Foods / Snacks		
Bakers Transport Head Office		
SA Retail Properties		
Sirela Trading CC		
Sirela Trading CC		
Cramifor Agency CC		
Balhambra Estates (Pty) Ltd		
Balhambra Estates (Pty) Ltd		
Balhambra Estates (Pty) Ltd		
Balhambra Estates (Pty) Ltd		
Unknown		

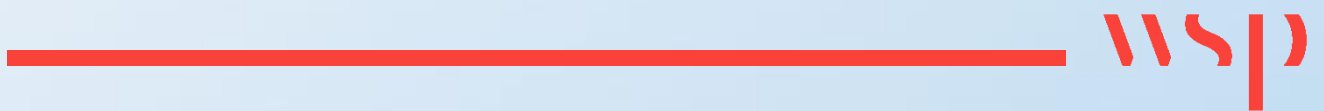




Company Name	Contact Name	Function
Private Individual		
Private Individual		
Private Individual		
Private Individual		
Private Individual		
Private Individual		
Private Individual		
Private Individual		
Private Individual		
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Private Individual		
Private Individual		
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Private Individual		
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Private Individual		
Private Individual		
Private Individual		

# Appendix C

## NOTIFICATION LETTER





WSP ref.: 41103633

13 December 2022

Dear Stakeholder,

**Subject: NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU-NATAL**

**Notice is given in terms of Regulation 41(2) of GNR 982 (2014, as amended) published under section 24 and 24D of the National Environmental Management Act (No. 107 of 1998) (NEMA) for submission of application for environmental authorisation (EA) in respect of activities identified in terms of GNR 983, 984 and 985 (2014, as amended)**

### **BACKGROUND AND LOCATION**

R-Bay Properties (Pty) Ltd (R-Bay) proposes to construct a chemical warehouse for the storage of dangerous goods with a capacity of approximately 2 000 m<sup>3</sup>. The warehouse will be designed as a purpose built chemical warehousing structure. The project will entail the clearance of (potentially indigenous) vegetation on a site of 9 955 m<sup>2</sup>. The proposed chemical warehouse will be located on Erf 2306 and 2307, Shortts Retreat, Pietermaritzburg, KwaZulu Natal Province.

### **ENVIRONMENTAL APPLICATION**

Scoping and Environmental Impact Reporting (S&EIR) Process is required for the project. The listed activity numbers associated with the Proposed Project are reflected below. Should you wish to obtain a complete copy of these listed activities, please contact the Environmental Assessment Practitioner (EAP), details provided below.

- GNR 983 Listed Activity 4
- GNR 985 Listed Activity 12(d)(v)

### **REGISTRATION**

WSP Group Africa (Pty) Ltd (WSP) has been appointed as the independent and suitably qualified EAP by R-Bay, to manage and undertake the S&EIR Process. Parties wishing to formally register as interested and affected parties in order to receive more information and/ or raise their comment(s) on the proposed project, are requested to forward their full contact details to the EAP and disclose their direct business, financial, personal or other interest in the project. Any comments on the proposed project may be submitted to the EAP via the details provided below. Registered interested and affected parties will be forwarded all future project related correspondence and notified individually of additional opportunities to participate in the process.

Building C, Knightsbridge  
33 Sloane Street  
Bryanston, 2191  
South Africa

T: +27 11 361 1300  
F: +27 11 361 1301  
wsp.com

### DRAFT SCOPING REPORT REVIEW PERIOD

The Draft Scoping Report will be made available at the venues below for review and comment from **13 December 2022 to 05 February 2023**:

PUBLIC PLACE	LOCALITY
Msunduzi Municipal Library	The Bessie Head Library (260 Church Street, Pietermaritzburg)
WSP Website	<a href="https://www.wsp.com/en-ZA/services/public-documents">https://www.wsp.com/en-ZA/services/public-documents</a>

Kindly ensure that all comments on the proposed project or requests to be registered as an Interested and Affected Party are submitted to the contact details provided herewith, by **5 February 2023**. Should you have any queries/comments, please do not hesitate to contact WSP.

Name: Anri Scheepers

(T) 011 300 6089

(E) [Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)

(F) 011 361 1381

Yours sincerely,

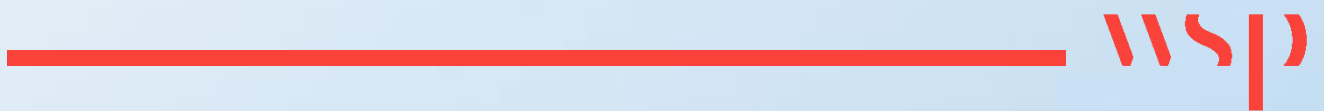
Anri Scheepers  
Principal Associate

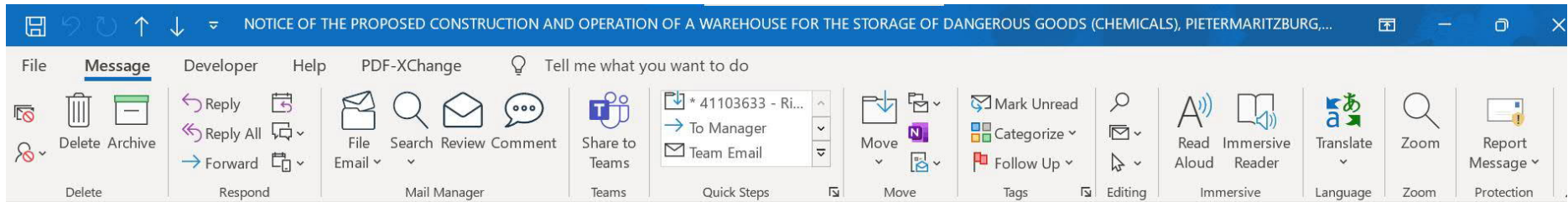
Tutayi Chifadza  
Principal Consultant (EAP)

*WSP will be processing certain personal information about you as an interested and affected party (I & AP) for purposes of enabling your registration as an I & AP and for purposes of storing your details on our database, if you consent for us to do so. WSP uses these details to contact you about other projects in the future. WSP will always process your personal information in accordance with the Protection of Personal Information Act 4 of 2013. You are entitled to exercise your rights as a data subject and let us know if you wish to be deregistered as an I & AP or if you no longer want your contact details to be included on our database*

# Appendix D

## EMAIL NOTIFICATIONS



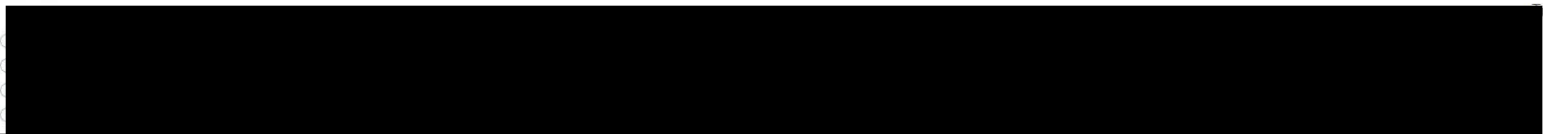


NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETE...



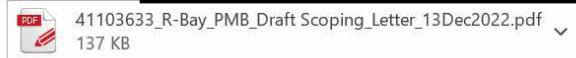
Scheepers, Anri

To  
Bcc



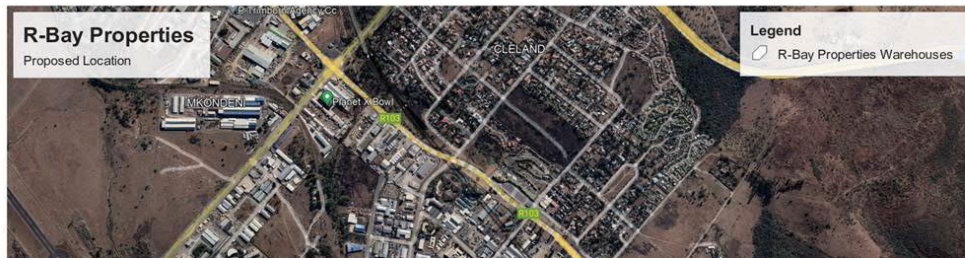
Reply Reply All Forward

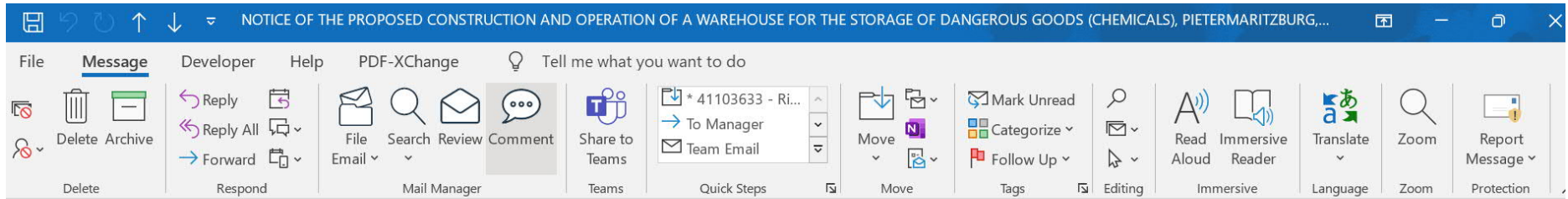
2022/12/13 13:29



**Notice is given in terms of Regulation 41(2) of GNR 982 (2014, as amended) published under section 24 and 24D of the National Environmental Management Act (No. 107 of 1998) (NEMA) for submission of an application for environmental authorisation (EA) in respect of activities identified in terms of GNR 983, 984 and 985 (2014, as amended)**

Please find attached notification regarding the Scoping and Environmental Impact Reporting (S&EIR) for the proposed construction and operation of a warehouse for the storage of dangerous goods on Erf 2306 and 2307, Shortts Retreat, Pietermaritzburg, KwaZulu Natal Province (as per figure below).





NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETE...

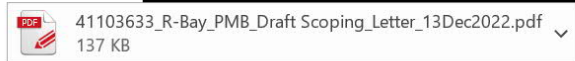


Scheepers, Anri

To  
Bcc

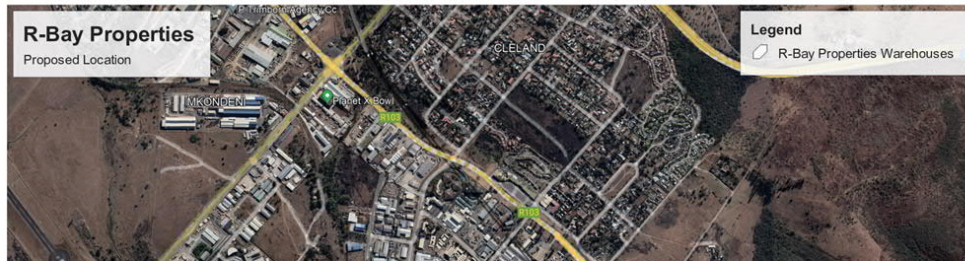
Reply Reply All Forward

Tue 2022/12/13 13:29



**Notice is given in terms of Regulation 41(2) of GNR 982 (2014, as amended) published under section 24 and 24D of the National Environmental Management Act (No. 107 of 1998) (NEMA) for submission of an application for environmental authorisation (EA) in respect of activities identified in terms of GNR 983, 984 and 985 (2014, as amended)**

Please find attached notification regarding the Scoping and Environmental Impact Reporting (S&EIR) for the proposed construction and operation of a warehouse for the storage of dangerous goods on Erf 2306 and 2307, Shortts Retreat, Pietermaritzburg, KwaZulu Natal Province (as per figure below).





# Appendix E

## SMS NOTIFICATIONS



created_time	msisdn	status	body
2022-12-13 13:39:29.0	[REDACTED]	50	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	10	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	31	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	31	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	50	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	10	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	50	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	31	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	31	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	50	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	50	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com
2022-12-13 13:39:29.0	[REDACTED]	10	Notification: S&EIR process for a warehouse for the storage of dangerous goods, Shortts Retreat, Pietermaritzburg. Contact 0113006089 / anri.scheepers@wsp.com

# Appendix F

## INDIVIDUAL NOTIFICATIONS



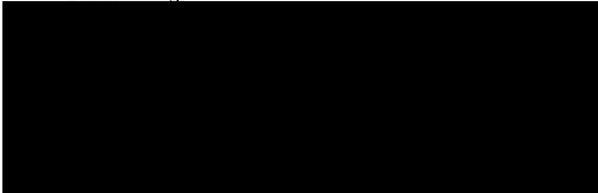


Msunduzi Metropolitan Municipality  
Cnr Church & Chief  
Albert Luthuli Streets  
Pietermaritzburg

41103633

12 December 2022

PUBLIC



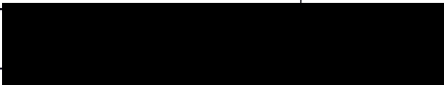
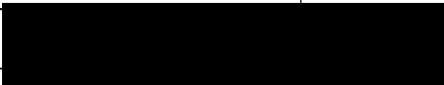
Dear Sir:

**NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL**

WSP Group Africa (Pty) Ltd (WSP) has been appointed by R-Bay Properties (Pty) Ltd (R-Bay), to undertake the required Scoping and Environmental Impact Reporting (S&EIR) process for the above-mentioned project.

We hereby submit the Draft Scoping Report (BAR), the Draft Scoping Report is available for review and comment from 13 December 2022 to 05 February 2023.

We hereby submit 1 Hard Copy and 1 Electronic Copy of the Draft Scoping Report.

Company: _____	
Recipient Name: _____	
Date: <u>12/12/2022</u>	

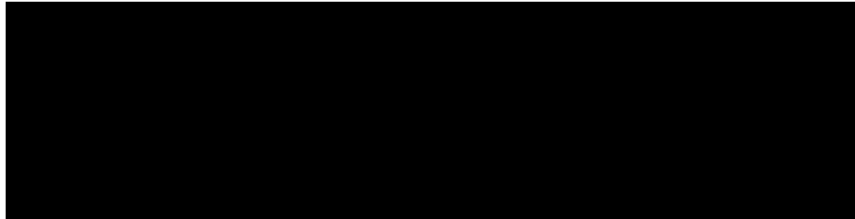


EDTEA  
270 Jabu Ndlovu Street  
PIETERMARITZBURG  
3201

41103633

12 December 2022

PUBLIC



Dear Sir/Madam,


**NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL**

WSP Group Africa (Pty) Ltd (WSP) has been appointed by R-Bay Properties (Pty) Ltd (R-Bay), to undertake the required Scoping and Environmental Impact Reporting (S&EIR) process for the above-mentioned project.

We accordingly submit the application form in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, the Environmental Impact Assessment Regulations, 2014.

In addition, we hereby submit the Draft Scoping Report (BAR), the Draft Scoping Report is available for review and comment from 13 December 2022 to 5 February 2023. Please contact us should you require any additional information or if you wish to discuss the matter in any further detail.

We hereby submit the Application Form (1 Copy), 1 Hard Copy of the Draft Scoping Report and 1 Electronic Copy of the Scoping Report.

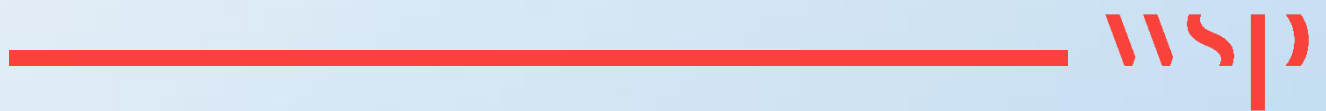
Company:	<u>EDTEA</u>
Recipient Name:	
Date:	<u>13/12/2022</u>

Building C  
Knightsbridge, 33 Sloane Street  
Bryanston, 2191  
South Africa

T: +27 11 300 6089  
F: +27 11 361 1381  
wsp.com

# Appendix G

## SITE NOTICES



# SCOPING AND ENVIRONMENTAL IMPACT REPORTING PROCESS

## NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL

Notice is given in terms of Regulation 41(2) of GNR 982 (2014, as amended) published under section 24 and 24D of the National Environmental Management Act (No. 107 of 1998) (NEMA) for submission of application for environmental authorisation (EA) in respect of activities identified in terms of GNR 983, 984 and 985 (2014, as amended)

### BACKGROUND AND LOCATION

R-Bay Properties (Pty) Ltd (R-Bay) proposes to construct a chemical warehouse for the storage of dangerous goods with a capacity of approximately 2 000 m<sup>3</sup>. The warehouse will be designed as a purpose built chemical warehousing structure. The project will entail the clearance of (potentially indigenous) vegetation on a site of 9 955 m<sup>2</sup>. The proposed chemical warehouse will be located on Erf 2306 and 2307, Shortts Retreat, Pietermaritzburg, KwaZulu Natal Province.

### ENVIRONMENTAL APPLICATION

A Scoping and Environmental Impact Reporting (S&EIR) Process is required for the project. The listed activity numbers associated with the Proposed Project are reflected below. Should you wish to obtain a complete copy of these listed activities, please contact the Environmental Assessment Practitioner (EAP), details provided below.

- GNR 983 Listed Activity 4
- GNR 985 Listed Activity 12(d)(v)

### REGISTRATION

WSP Group Africa (Pty) Ltd (WSP) has been appointed as the independent and suitably qualified EAP by R-Bay, to manage and undertake the S&EIR Process. Parties wishing to formally register as interested and affected parties in order to receive more information and/ or raise their comment(s) on the proposed project, are requested to forward their full contact details to the EAP and disclose their direct business, financial, personal or other interest in the project. Any comments on the proposed project may be submitted to the EAP via the details provided below. Registered interested and affected parties will be forwarded all future project related correspondence and notified individually of additional opportunities to participate in the process.

### DRAFT SCOPING REPORT REVIEW PERIOD

The Draft Scoping Report will be made available at the venues below for review and comment from **8 December 2022** to **31 January 2023**:

Public Place	Locality
Msunduzi Municipal Library	The Bessie Head Library (260 Church Street, Pietermaritzburg)
WSP Website	<a href="https://www.wsp.com/en-ZA/services/public-documents">https://www.wsp.com/en-ZA/services/public-documents</a>

Kindly ensure that all comments on the proposed project or requests to be registered as an Interested and Affected Party are submitted to the contact details provided herewith, by **31 January 2023**. Should you have any queries/comments, please do not hesitate to contact the EAP.

**Name: Anri Scheepers | Tel: 011 300 6089 | Fax: 011 361 1381 | Email: Anri.Scheepers@wsp.com**

WSP will be processing certain personal information about you as an interested and affected party (I & AP) for purposes of enabling your registration as an I & AP and for purposes of storing your details on our database, if you consent for us to do so. WSP uses these details to contact you about other projects in the future. WSP will always process your personal information in accordance with the Protection of Personal Information Act 4 of 2013. You are entitled to exercise your rights as a data subject and let us know if you wish to be deregistered as an I & AP or if you no longer want your contact details to be included on our database

**FIGURE 1: LOCATION OF WAREHOUSE FOR STORAGE OF DANGEROUS GOODS IN PIETERMARITZBURG**



# INQUBO YESIKOPI KANYE YOKUBIKA KWEMVELO (S&EIR)

## ISAZISO NGOKWAKHIWA NOKUSEBENZA OKUHLONGOZWAYO KWENDAWO YOKUGCINA IZIMPAHLA EZIYINGOZI (AMAKHEMIKALA), EMGUNGUNDLOVU, KWAZULU NATALI

Isaziso sinikezwa ngokoMthethonqubo 41(2) we-GNR 982 (2014, njengoba uchitshiyelwe) oshicilelwe ngaphansi kwesigaba 24 no-24D soMthetho Wokuphathwa Kwemvelo Kazwelonke (No. 107 ka-1998) (NEMA) ukuze kufakwe isicelo sokugunyazwa kwemvelo ( EA) mayelana nemisebenzi ehlonzwe ngokwe-GNR 983, 984 kanye no-985 (2014, njengoba ichitshiyelwe)

### IMVELAPHI NENDAWO

I-R-Bay Properties (Pty) Ltd (R-Bay) ihlongoza ukwakha inqolobane yamakhemikhali ukuze igcine impahla eyingozi enomthamo olinganiselwa ku-2 000 m<sup>3</sup>. Indawo yokugcina impahla izoklanywa njengesakhiwo sokugcina amakhemikhali esakhiwe ngenjongo. Le phrojekthi izibandakanya ukuqedwa kwezitshalo (okungase zibe zomdabu) endaweni engu-9 955 m<sup>2</sup>. Indawo yokugcina amakhemikhali ehlongozwayo izotholakala ku-Erf 2306 no-2307, Shortts Retreat, Pietermaritzburg, KwaZulu-Natal Province.

### ISICELO SEMVELO

Kudingeka Inqubo Yokubika Nompumela Wemvelo (S&EIR) kuphrojekthi. Izinombolo zomsebenzi ezisohlwini ezihlotshaniswa Nephrojekthi Ehlongozwayo ziboniswa ngezansi. Uma ufisa ukuthola ikhophi ephelele yale misebenzi esohlwini, sicela uthinte I-Environmental Assessment Practitioner (EAP), imininingwane enikezwe ngezansi.

- GNR 983 Umsebenzi Osohlwini wesi-4
- GNR 985 Umsebenzi Osohlwini 12(d)(v)

### UKUBHALISA

I-WSP Group Africa (Pty) Ltd (WSP) iqokwe njenge-EAP ezimele nefaneleke ngokufanelekile yi-R-Bay, ukuze iphathe futhi yenze uHlelo lwe-S&EIR. Izinhlangothi ezifisa ukubhalisa ngokusemthethweni njengezinhlangozi ezinentshisekelo nathintekayo ukuze zithole ulwazi olwengeziwe kanye/noma ziveze ukuphawula kwazo ngephrojekthi ehlongozwayo, ziyacelwa ukuba zithumele imininingwane yazo egcwele yokuxhumana ku-EAP futhi zidalule ibhizinisi labo, ezezimali, ezomuntu siqu. noma enye intshisekelo kuphrojekthi. Noma yikuphi ukuphawula ngephrojekthi ehlongozwayo kungathunyelwa ku-EAP ngemininingwane enikezwe ngezansi. Abantu ababhalisiwe abanentshisekelo nabathintekayo bazothunyelwa zonke izincwadi zesikhathi esizayo ezihlobene nephrojekthi futhi baziswe ngabanye ngamathuba engeziwe okubamba iqhaza kulolu hlelo.

### ISIKHATHI SOKUBUYEKEZA UMBIKO OSAHLULEKAYO

Umbiko Osalungiswa Wokuhlela uzokwenziwa utholakale kulezi zindawo ezingezansi ukuze ubuyezwe futhi kuphawulwe ngazo izinsuku ezingama-30 kusukela mhla lu-8 kuZibandlela 2022 kuya zingama-31 kuMasingana 2023:

Public Place	Locality
waseMsunduzi	The Bessie Head Library (260 Church Street, Pietermaritzburg)
Iwebhusayithi ye-WSP	<a href="https://www.wsp.com/en-ZA/services/public-documents">https://www.wsp.com/en-ZA/services/public-documents</a>

Igama: Anri Scheepers | Ucingo: 011 300 6089 | Fax: 011 361 1381 | I-imeyili: Anri.Scheepers@wsp.com

I-WSP izocubungula ulwazi oluthile lomuntu siqu olumayelana nawe njengenhlangozi enentshisekelo nethintekayo (I & AP) ngezinjongo zokwenza ukubhaliswa kwakho njenge-I & AP kanye nezinjongo zokugcina imininingwane yakho kusizindlwazi sethu, uma uvuma ukuba senze kanjalo. I-WSP isebenzisa le mininingwane ukuze ixhumane nawe mayelana namanye amaphrojekthi esikhathini esizayo. I-WSP izohlala icubungula ulwazi lwakho lomuntu siqu ngokuhambisana noMthetho Wokuvikelwa Kolwazi Lomuntu Siqu 4 ka-2013. Unelungelo lokusebenzisa amalungelo akho njengesihloko sedatha futhi usazise uma ufisa ukukhishwa ukubhaliswa njenge-I & AP noma uma cha. usefuna imininingwane yakho yokuxhumana ifakwe kusizindlwazi sethu

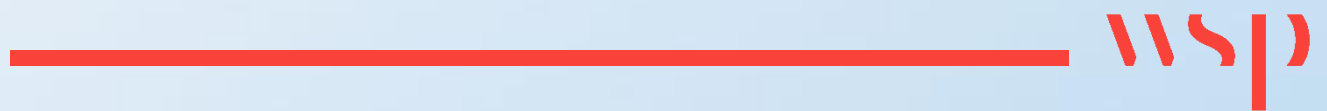
FIGURE 1:INDAWO YOKUGCINA IZIMPAHLA EZIYINGOZI E-PIETERMARITZBURG





# Appendix H

## ADVERTISEMENTS



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## FORM JJJ LOST OR DESTROYED DEED

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy of Deed of Transfer T 8720/1999 in favour of **ESTELLE DE BEER**  
**FAMILIE TRUST MT 2939/1998/N**  
 ERF 4189 PIETERMARITZBURG  
 REGISTRATION DIVISION FT  
 PROVINCE OF KWAZULU-NATAL  
 IN EXTENT 1806 (ONE THOUSAND EIGHT HUNDRED AND SIX) SQUARE METRES  
 HELD BY DEED of Transfer Number T 8720/1999 which has been lost or destroyed.

All interested persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deed at Pietermaritzburg within two weeks from the date of publication of this notice.

Dated at Cape Town this 23rd day of November 2022

**Applicant:** GERNE DE BEER in my capacity as Trustee of ESTELLE DE BEER FAMILIE TRUST  
**Address:** 36 OREIL ROAD, WEMBLEY, PIETERMARITZBURG, 3201  
**E-mail:** [rodele@jeslie.co.za](mailto:rodele@jeslie.co.za)  
**Contact number:** 033 8459735

## SCOPING AND ENVIRONMENTAL REPORTING (S&EIR) PROCESS

### NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL

Notice is given in terms of Regulation 41(2) of GNR 982 (2014, as amended) published under section 24 and 24D of the National Environmental Management Act (No. 107 of 1998) (NEMA) for submission of application for environmental authorisation (EA) in respect of activities identified in terms of GNR 983, 984 and 985 (2014, as amended)

#### BACKGROUND AND LOCATION

R-Bay Properties (Pty) Ltd (R-Bay) proposes to construct a chemical warehouse for the storage of dangerous goods with a capacity of approximately 2 000 m3. The warehouse will be designed as a purpose built chemical warehousing structure. The project will entail the clearance of (potentially indigenous) vegetation on a site of 9 955 m2. The proposed chemical warehouse will be located on Erf 2306 and 2307, Shortts Retreat, Pietermaritzburg, KwaZulu Natal Province.

#### ENVIRONMENTAL APPLICATION

A Scoping and Environmental Impact Reporting (S&EIR) Process is required for the project. The listed activity numbers associated with the Proposed Project are reflected below. Should you wish to obtain a complete copy of these listed activities, please contact the Environmental Assessment Practitioner (EAP), details provided below.

- GNR 983 Listed Activity 4
- GNR 985 Listed Activity 12(d)(v)

#### REGISTRATION

WSP Group Africa (Pty) Ltd (WSP) has been appointed as the independent and suitably qualified EAP by R-Bay, to manage and undertake the S&EIR Process. Parties wishing to formally register as interested and affected parties in order to receive more information and/or raise their comment(s) on the proposed project, are requested to forward their full contact details to the EAP and disclose their direct business, financial, personal or other interest in the project. Any comments on the proposed project may be submitted to the EAP via the details provided below. Registered interested and affected parties will be forwarded all future project related correspondence and notified individually of additional opportunities to participate in the process.

#### DRAFT SCOPING REPORT REVIEW PERIOD

The Draft Scoping Report will be made available at the venues below for review and comment for 30 days from **8 December 2022 to 31 January 2023**:  
 • Msunduzi Municipal Library, The Bessie Head Library (260 Church Street, Pietermaritzburg, Tel: 033 932 2683)  
 • WSP Website - <https://www.wsp.com/en-ZA/services/public-documents>

Further information on the application can be obtained from:

**Company:** WSP Group Africa (Pty) Ltd  
**Name:** Anri Scheepers  
**Tel:** 011 300 6089  
**E-mail:** [Anri.Scheepers@WSP.com](mailto:Anri.Scheepers@WSP.com)



WSP will be processing certain personal information about you as an interested and affected party (I & AP) for purposes of enabling your registration as an I & AP and for purposes of storing your details on our database, if you consent for us to do so. WSP uses these details to contact you about other projects in the future. WSP will always process your personal information in accordance with the Protection of Personal Information Act of 2013. You are entitled to exercise your rights as a data subject and let us know if you wish to be deregistered as an I & AP or if you no longer want your contact details to be included on our database

## INGUBO YESIKOPI KANYE YOKUBIKA KWEMVELO (S&EIR).

### ISAZISO NGOKWAKHIWA NOKUSEBENZA OKUHLONGOZWAYO KWENDAWO YOKUGCINA IZIMPAHLA EZIYINGOZI (AMAKHEMIKALA), EMGUNGUNDLOVU, KWAZULU NATALI.

Isaziso sinikezwa ngokMthethwenqubo 41(2) we-GNR 982 (2014, njengoba uchitshiyelwe) oshicilelwe ngaphansi kwesigaba 24 no-24D soMthetho Wokuphatha Kwemvelo Kazelonke (No. 107 ka-1998) (NEMA) ukuze kukafuke isicelo sokugunyazwa kwemvelo (EA) mayelana nemisebenzi ehlonzwe ngokwe-GNR 983, 984 kanye no-985 (2014, njengoba ichtshiyelwe)

#### IMVELAPHI NENDAWO

I-R-Bay Properties (Pty) Ltd (R-Bay) ihlangoza ukwakha inqolobane yamakhemikhali ukuze igcine impahla eyingozi enomthamo olinganiselwa ku-2 000 m<sup>3</sup>. Indawo yokugcina impahla izokulawula njengesakhiwo sokugcina amakhemikhali esakhwe ngenjongo. Le phrojekthi izobandakanya ukuqedwa kwezitshalo (okungase zibe zomdamu) endaweni engu-9 955 m<sup>2</sup>. Indawo yokugcina amakhemikhali ehlonzwayo izitolakala ku-Erf 2306 no-2307, Shortts Retreat, Pietermaritzburg, KwaZulu-Natal Province.

#### ISICELO SEMVELO

Kudingeka Ingubo Yokubika Nompumela Wemvelo (S&EIR) kuphrojekthi. Izinobolo zomsebenzi ezisohlwini ezithothotheni Wengxetho ehlonzwayo ziboniswa ngezansi. Uma ufisa ukuthola ikhophi epehlele yase misebenzi esohlwini, sicela uhlathine I-Environmental Assessment Practitioner (EAP), imininingwane enikezwe ngezansi.

- GNR 983 Umsebenzi Oshwini wesi-4
- GNR 985 Umsebenzi Oshwini 12(d)(v)

#### UKUBHALISA

I-WSP Group Africa (Pty) Ltd (WSP) iqokwe njenge-EAP ezimele nefaneleke ngokufanelekile yi-R-Bay, ukuze iphathe futhi yenze uHlelo lwe-S&EIR. Izinhlangothi ezifisa ukubhalisa ngokumethethweni njengezinhlangotho ezinentshisekalo nathintekayo ukuze zithole ulwazi olwengeziwe kanye/noma ziveze ukuphawula kwazo ngephrojekthi ehlonzwayo, ziyacelwa ukuba zithumele imininingwane yazo egeze yokuxhumana ku-EAP futhi zidalule ibhizinisi labo, ezizimali, ezomuntu siqu, noma enye intshisekelo kuphrojekthi. Noma yikuphi ukuphawula ngephrojekthi ehlonzwayo kungathunyelwa ku-EAP ngeminingwane enikezwe ngezansi. Abantu ababhalisile abantshisekelo nabathintekayo bazothunyelwa zonke izincwadi zesikhathi esisayo ezithobane ngephrojekthi futhi baziswe ngabanye ngamathuba engezwe okubamba iqhaza kulolu hlelo.

#### ISIKHATHI SOKUBUYEKEZA UMBIKO OSALHULEKAYO

Umbiko Osalungiswa Wokuhlela Ukwakhiwa Utholakele kulezi zindawo ezingezansi ukuze ubuyekeze futhi kuphawulwe ngazo izinsuku ezingama-30 kusukela mhlaba **kuZibandela 2022 kuya zingama- 31 kuMasingana 2023** :

- waseMsunduzi, I-Bessie Head Library (260 Church Street, Pietermaritzburg, Ucingo: 033 932 2683)
- Iwebhusayithi ye-WSP - <https://www.wsp.com/en-ZA/services/public-documents>

Olunye ulwazi mayelana nesicelo lungatholakele ku:

**Inkampani:** WSP Group Africa (Pty) Ltd  
**Igama:** U-Anri Scheepers  
**Ucingo:** 011 300 6089  
**I-imeyili:** [Anri.Scheepers@WSP.com](mailto:Anri.Scheepers@WSP.com)



I-WSP izocubungula ulwazi oluthile lomuntu siqu olumayelana nawe njengenhlangano enentshisekelo nethintekayo (I & AP) ngenjongo zokwenza ukubhalisa kwakho njenge-I & AP kanye nezinye izokugcina imininingwane yakho kusizindalwazi sethu , uma uvuma ukuba senze kanjalo. I-WSP isebenzisa le mininingwane ukuze ixhume nawe mayelana namanye amaphrojekthi esikhathini esisayo. I-WSP izohlala icubungula ulwazi kwakho lomuntu siqu ngokuhambisana noMthetho Wokuvikelela Kolwazi Lomuntu Siqu 4 ka-2013. Unelungelo lokusebenzisa amalungelo akho njengesihloko sedatha futhi usaziye uma ufisa ukukhishwa ukubhaliswa njenge-I & AP noma uma cha, usefuna imininingwane yakho yokuxhumana ifakwe kusizindalwazi sethu

## FORM JJJ LOST OR DESTROYED DEED

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy of Deed of Transfer Number ST 6312/1994 passed by **PAVODY NOBLE BARRETT** in favour of **WENDY MARGARET MATTISON** IDENTITY NUMBER 490906 0079 08 2, Married Out of Community of Property, in respect of :- (a) Section No. 15 as shown and more fully described on Sectional Plan No. SS 191/92 in the scheme known as **NEDBANK PLAZA** in respect of the land and building or buildings situated at **PIETERMARITZBURG**, in the Msunduzi Municipality Area, of which section the floor area, according to the said sectional plan is **ELGHTY (80) square metres** in extent and (b) An undivided share in the common property in the scheme appointed to the said section in accordance with the participation quota as endorsed on the said sectional plan.

All interested persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at Pietermaritzburg at the Information Center, Room 411, 300 Pietermaritz Street, Pietermaritzburg within two weeks after the date of publication of this notice. Dated at Pietermaritzburg, this 9th day of December 2022

**WENDY MARGARET MATTISON**  
 c/o J Leslie Smith & Company Inc  
 1st Floor, Building B, Suite 2  
 St John's Lifestyle Centre  
 Karikooof Road, Howick  
 3290  
 E-mail: [lovietham@jeslie.co.za](mailto:lovietham@jeslie.co.za)  
 Telephone : 033 330 3360

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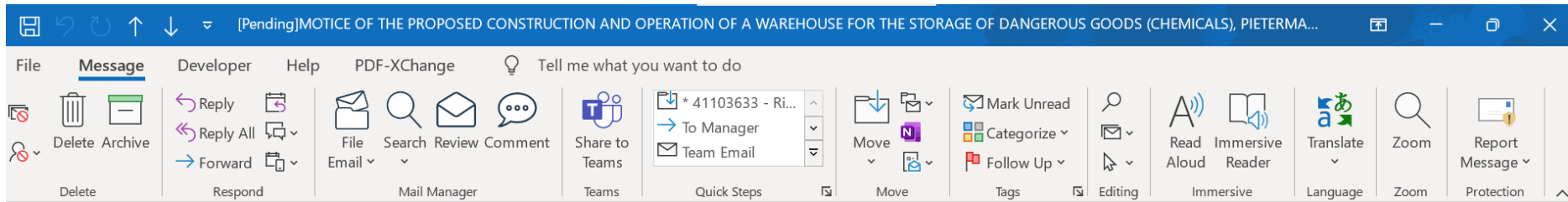
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# Appendix I

## **NOTIFICATIONS OF FINAL SCOPING REPORT**

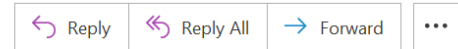




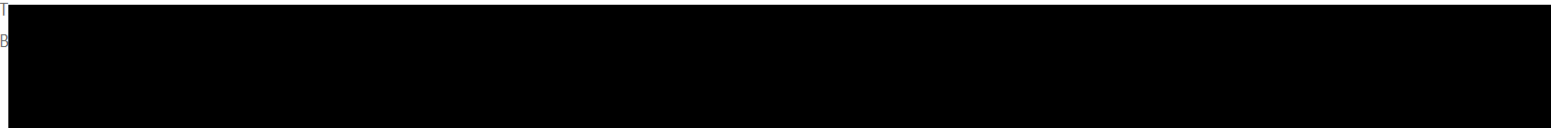
[Pending]MOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMIC...



Scheepers, Anri



Mon 2023/02/20 16:30



Dear Stakeholder,

**NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL - DC22/0002/2023 - KZN/EIA/0001867/2023 - FINAL SCOPING REPORT**

Thank you for your interest in the abovementioned project.

All comments received to date have been included in the Comment and Response Report, attached to Appendix G of the Final Scoping Report.

The Final Scoping Report will be available for review and comment from 20 February to 24 March 2023 at the WSP website (<https://www.wsp.com/en-ZA/services/public-documents>).

Kindly note that responses to comments raised during the review of the Final Scoping Report will be provided in the Draft Environmental Impact Assessment Report.

Should you have any queries/comments, please do not hesitate to contact WSP.

Name: Anri Scheepers / Tutayi Chifadza

(T) 011 300 6089

(E) [Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)

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[Pending]MOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMIC...



Scheepers, Anri

To



Reply Reply All Forward

Mon 2023/02/20 16:30

Dear Stakeholder,

**NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL - DC22/0002/2023 - KZN/EIA/0001867/2023 - FINAL SCOPING REPORT**

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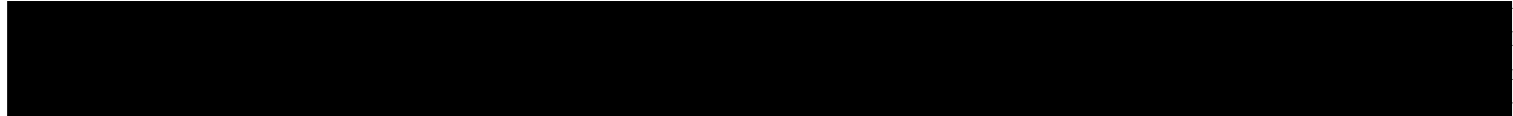


Scheepers, Anri

To  
Bcc

Reply Reply All Forward

Mon 2023/02/20 16:30



Dear Stakeholder,

**NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL - DC22/0002/2023 - KZN/EIA/0001867/2023 - FINAL SCOPING REPORT**

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Should you have any queries/comments, please do not hesitate to contact WSP.

Name: Anri Scheepers / Tutayi Chifadza

(T) 011 300 6089

(E) [Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)

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[Pending]MOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMIC...



Scheepers, Anri  
To  
Bcc

Reply Reply All Forward

Mon 2023/02/20 16:30



Dear Stakeholder,

**NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL - DC22/0002/2023 - KZN/EIA/0001867/2023 - FINAL SCOPING REPORT**

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(T) 011 300 6089

(E) [Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)

[Pending]MOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMA...

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[Pending]MOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMIC...

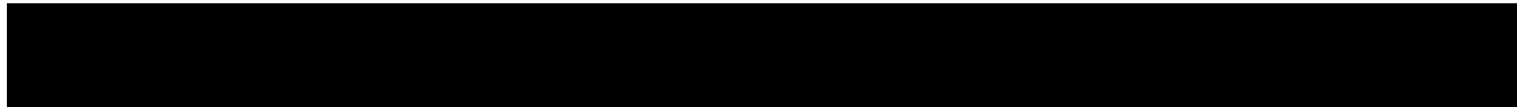


Scheepers, Anri

To  
Bcc

Reply Reply All Forward

Mon 2023/02/20 16:30



Dear Stakeholder,

**NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL - DC22/0002/2023 - KZN/EIA/0001867/2023 - FINAL SCOPING REPORT**

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Name: Anri Scheepers / Tutayi Chifadza

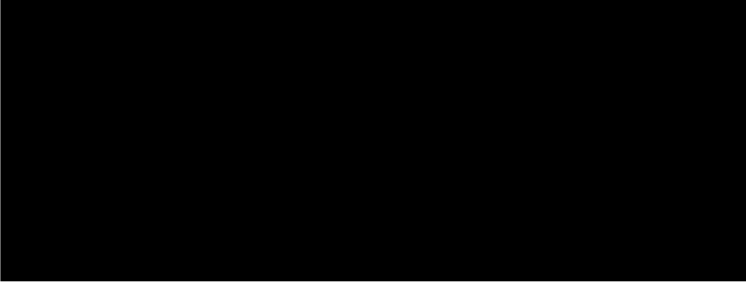
(T) 011 300 6089

(E) [Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)





EDTEA



DC22/0002/2023 -  
KZN/EIA/0001867/2023

41103633

15 February 2023

PUBLIC

Attention: 

Dear Sir:

**NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL (DC22/0002/2023 - KZN/EIA/0001867/2023) - FINAL SCOPING REPORT**

WSP Group Africa (Pty) Ltd (WSP) has been appointed by R-Bay Properties (Pty) Ltd (R-Bay), to undertake the required Scoping and Environmental Impact Reporting (S&EIR) process for the above-mentioned project.

The Draft Scoping Report (BAR) was available for review and comment for 30 days. Herewith please find attached the Final Scoping Report (DC22/0002/2023 - KZN/EIA/0001867/2023) for your consideration.

Please contact us should you require any additional information or if you wish to discuss the matter in any further detail.

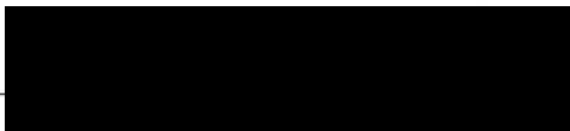
Yours sincerely,

Anri Scheepers  
Principal Associate

Tutayi Chifadza  
Principal Consultant

**2 Hard Copies and One Memory Stick**

Company: EDTEA

Name: 

Date: 16/02/2023

Signature: 

Building C  
Knightsbridge, 33 Sloane Street  
Bryanston, 2191  
South Africa

T: +27 11 300 6089  
F: +27 11 361 1381  
wsp.com



Ezemvelo KZN Wildlife



(DC22/0002/2023 -  
KZN/EIA/0001867/2023)

41103633

15 February 2023

PUBLIC

Dear Sir:

**NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU NATAL - DC22/0002/2023 - KZN/EIA/0001867/2023 - FINAL SCOPING REPORT**

WSP Group Africa (Pty) Ltd (WSP) has been appointed by R-Bay Properties (Pty) Ltd (R-Bay), to undertake the required Scoping and Environmental Impact Reporting (S&EIR) process for the above-mentioned project.

We hereby submit the Final Scoping Report for your review and comment. The report is available from 20 February 2023 to 24 March 2023.

Kindly note that responses will be issued within the Draft Environmental Impact Assessment Report.

Please contact us should you require any additional information or if you wish to discuss the matter in any further detail.

Company: WSP Group Africa (Pty) Ltd

Name: Anri Scheepers

Tel: 011 300 6089

E-mail: Anri.Scheepers@WSP.com

Yours sincerely,

Anri Scheepers  
Principal Associate

Tutayi Chifadza  
Principal Consultant

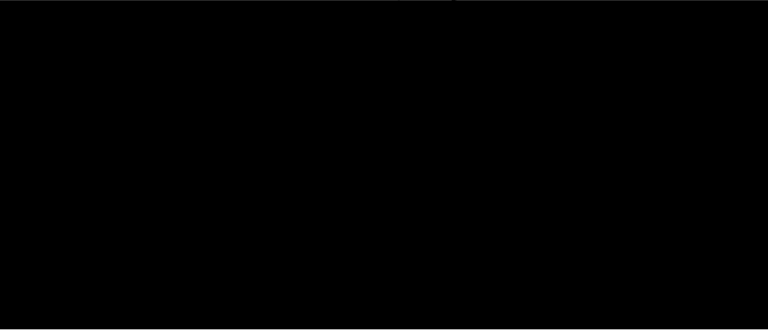
Building C  
Knightsbridge, 33 Sloane Street  
Bryanston, 2191  
South Africa

T: +27 11 300 6089  
F: +27 11 361 1381  
wsp.com

Company:	<u>EKZNVN</u>
Date:	<u>16.02.2023</u>
Signature:	



Msunduzi Metropolitan Municipality



(DC22/0002/2023 -  
KZN/EIA/0001867/2023)

41103633

15 February 2023

PUBLIC

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We hereby submit the Final Scoping Report for your review and comment. The report is available from 20 February 2023 to 24 March 2023.

Kindly note that responses will be issued within the Draft Environmental Impact Assessment Report.

Please contact us should you require any additional information or if you wish to discuss the matter in any further detail.

Company: WSP Group Africa (Pty) Ltd  
Name: Anri Scheepers  
Tel: 011 300 6089  
E-mail: Anri.Scheepers@WSP.com

Yours sincerely,

Anri Scheepers  
Principal Associate

Tutayi Chifadza  
Principal Consultant

Building C  
Knightsbridge, 33 Sloane Street  
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South Africa

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F: +27 11 361 1381  
wsp.com

Company:	Msunduzi Municipality
Name:	[Redacted]
Date:	16/02/2023
Signature:	[Handwritten Signature]

# Appendix J

## **APPROVAL OF FINAL SCOPING REPORT**





## KWAZULU-NATAL PROVINCE

ECONOMIC DEVELOPMENT, TOURISM  
AND ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA

8 Warwick Road, Cascades, Pietermaritzburg, 3202

Tel: +27 (33) 247 1820, Fax: 033 247 1826

Private Bag X07

Pietermaritzburg, 3202

[www.kznded.gov.za](http://www.kznded.gov.za)

Programme/Sub-Programme: Environmental Services

Enquiries: Sphelele Makhwasa/ Shawn Janneker

Reference: DC22/0002/2023

NEAS Number: KZN/EIA/0001867/2023

Email: [Sphelele.Makhwasa@kzndedtea.gov.za](mailto:Sphelele.Makhwasa@kzndedtea.gov.za)

Date: 29 March 2023

### Email / Fax Transmission

WSP Group Africa (Pty) Ltd  
33 Sloane Street  
Bryanston  
2991

Attention: Tutayi Chifadza  
Telephone Number: (011) 361 1390  
Email Address: [Tutayi.Chifadza@wsp.com](mailto:Tutayi.Chifadza@wsp.com)

Dear Sir/Madam,

**RE: DC22/0002/2023: ACCEPTANCE OF THE FINAL SCOPING REPORT FOR THE PROPOSED R-BAY PROPERTIES CHEMICAL WAREHOUSE LOCATED WITHIN MSUNDUZI LOCAL MUNICIPALITY IN UMGUNGUNDLOVU DISTRICT.**

1. The Final Scoping Report (FSR) for the abovementioned activity, submitted in terms of the requirements of Regulation 21(1) of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended), was received by the Department of Economic Development, Tourism and Environmental Affairs (herein referred to as "this Department") on 16 February 2023.
2. This Department has reviewed the FSR and it complies with the requirements in terms of Regulation 22 (a) of the EIA Regulations, 2014 (as amended). The **FSR is accepted** with the following conditions to be addressed in the Environmental Impact Assessment Report (EIAR):
  - 2.1 All specified activities triggered must be referred to as per the wording of the relevant Government Notice and not as GNR 983, 985 i.e. instead GNR 325 and 324.
  - 2.2 Layout plans and drawing designs for the proposed activity must form part of the Draft EIA Report as indicated in the report. The Layout Plan must be signed by the appointed registered Engineer.



## KWAZULU-NATAL PROVINCE

ECONOMIC DEVELOPMENT, TOURISM  
AND ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA

3. All specialist studies undertaken must meet the requirements of Appendix 6 of the EIA Regulations, 2014 (as amended) and the final EIA must meet the requirements of Appendix 3 of the EIA Regulations, 2014 (as amended).
4. This Department looks forward to the submission of the final EIA (inclusive of the 30 day public participation period) that meets the above requirements **within 106 days of acceptance of the Scoping Report**. As such, the final EIA is expected to be submitted to this Department for review by **17 July 2023**.
5. Please note that the activities applied for may not commence (including site preparation and other action on the site) prior to an Environmental Authorisation being granted by this Department.
6. All enquiries regarding this application may be directed to **Mr. Sphelele Makhwasa**.

Yours faithfully

---

for: **Mr. N. Nkontwana**

**Head of Department: KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs**

**Signed by: Mr. Shawn Janneker**

**Designation: Control Environmental Officer**

**EAPASA Registration No.: 2019/1455**

**Date: 29 March 2023**

Cc: Mr. Martin Klopper: R-Bay Properties (Pty) Ltd (R-Bay): Email: [martink@richbay.co.za](mailto:martink@richbay.co.za)

# Appendix K

## COMMENT AND RESPONSE REPORT



REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
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KwaZulu-Natal Province Department of Economic Development, Tourism and Environmental Affairs																
1	13 January 2023 Letter  Head of Department: KwaZulu- Natal Province Department of Economic Development, Tourism and Environmental Affairs	The application for environmental authorization for the abovementioned activity, submitted in terms of the requirements of regulation 6(1) of the EIA Regulations, 2014, was received by this Department on 13 December 2022. This application complies with the EIA Regulations 2014 and has been accepted.	Noted.  The project is currently in the EIA Phase.	<b>Section 3</b>												
2		Please note that this application has been registered on the National Environmental Authorization System (NEAS), According to NEAS the final report due date is 02 February 2023. Kindly note that it is ultimately the responsibility of the applicant to manually verify the due date with assistance from the district office. In terms of regulation 45 of the EIA Regulations 2014, an application lapses if the applicant fails to meet any of the prescribed timeframes (unless an extension has been granted in terms of regulation 3(7)).	It is the EAPs understanding that the period of 15 December to 5 January, as prescribed in Regulation 3(2) of the NEMA EIA Regulations, 2014 (as amended) also applies to the calculation of the number of days pertaining to the submission of the Final Scoping Report. As a result, the public review period was extended with 22 days from 15 December 2022 to 5 January 2023, and as such, based on the EAPs calculations (as per below), the final Scoping Report is due on 17 February 2023.  <table border="1"> <thead> <tr> <th></th> <th>Legislated Days</th> <th>Timeframe</th> </tr> </thead> <tbody> <tr> <td>Application Submitted</td> <td></td> <td>13-Dec-22</td> </tr> <tr> <td>Annual Shut Down Period (Regulation 3(2))</td> <td>22</td> <td>15 December to 5 January</td> </tr> <tr> <td>Final Scoping Report Submission</td> <td>44</td> <td>17-Feb-23</td> </tr> </tbody> </table>		Legislated Days	Timeframe	Application Submitted		13-Dec-22	Annual Shut Down Period (Regulation 3(2))	22	15 December to 5 January	Final Scoping Report Submission	44	17-Feb-23	<b>Section 3</b>
	Legislated Days	Timeframe														
Application Submitted		13-Dec-22														
Annual Shut Down Period (Regulation 3(2))	22	15 December to 5 January														
Final Scoping Report Submission	44	17-Feb-23														
3		Please quote the above-mentioned reference number for this application in all future correspondence.	Noted.  The reference number has been included in the Final Scoping Report, Draft EIAR and will be included in all future correspondence.	<b>Cover Page</b> <b>Section 3</b>												
4		You are reminded that the activity/ies applied for may not commence prior to an environmental authorization being granted by this Department.	Noted.  The applicant has been advised that the activities may not commence prior to authorisation being granted.	-												




REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
5		Enquiries regarding this application may be directed to the Assistant Manager: Impact Assessment: Mr. Shawn Janneker: Tel No: 033 347 1820: uMgungundlovu District Office.	Noted. All enquiries will be directed to Mr. Shawn Janneker.	<b>Appendix D</b>
6	29 March 2023 Letter  Head of Department: KwaZulu- Natal Province Department of Economic Development, Tourism and Environmental Affairs	The Final Scoping Report (FSR) for the abovementioned activity, submitted in terms of the requirements of Regulation 21(1) of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended), was received by the Department of Economic Development, Tourism and Environmental Affairs (herein referred to as "this Department") on 16 February 2023.	Noted. No further action required.	-
7		This Department has reviewed the FSR and it complies with the requirements in terms of Regulation 22 (a) of the EIA Regulations, 2014 (as amended). The FSR is accepted with the following conditions to be addressed in the Environmental Impact Assessment Report (EIAR):	Noted. The project is currently in the EIA Phase.	-
8		All specified activities triggered must be referred to as per the wording of the relevant Government Notice and not as GNR 983, 985 i.e. instead GNR 325 and 324.	As requested, we have updated the wording to reflect the 2017 Regulations.	<b>Section 3</b>
9		Layout plans and drawing designs for the proposed activity must form part of the Draft EIA Report as indicated in the report. The Layout Plan must be signed by the appointed registered Engineer.	The Layout Plan (signed by the registered Engineer) has been attached to the Draft EIAR.	<b>Appendix I</b>
10		All specialist studies undertaken must meet the requirements of Appendix 6 of the EIA Regulations, 2014 (as amended) and the final EIAR must meet the requirements of Appendix 3 of the EIA Regulations, 2014 (as amended).	All specialist studies meet the requirements of Appendix 6 of the EIA Regulations, 2014 (as amended).  The Final EIAR was compiled in terms of the requirements of Appendix 3 of the EIA Regulations, 2014 (as amended).	<b>Appendix G</b> <b>Section 1.5</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
11		This Department looks forward to the submission of the final EIAR (inclusive of the 30 day public participation period) that meets the above requirements within 106 days of acceptance of the Scoping Report. As such, the final EIAR is expected to be submitted to this Department for review by 17 July 2023.	Noted. The Final EIAR will be submitted to the EDEA by 17 July 2023. It should however be noted that based on the extension of days as a result of the public holidays (6 days) the Final EIAR is only due to the Department on 19 July 2023.	-
12		Please note that the activities applied for may not commence (including site preparation and other action on the site) prior to an Environmental Authorisation being granted by this Department.	Noted. The applicant has been advised that the activities may not commence prior to authorisation being granted.	-
13		All enquiries regarding this application may be directed to Mr. Sphelele Makhwasa.	All enquiries will be directed to Mr. Sphelele Makhwasa.	-
<b>KwaZulu-Natal Province Department of Agriculture and Rural Development – Land Use Management</b>				
14	27 January 2023 Letter  Acting Scientific Manager _Land Use Regulatory Unit	The proposed development will not physically affect agricultural production as it is within a well-developed industrial area of Msunduzi Local Municipality.	Noted. The soils identified at the site were Clovellys and Witbanks and the capability of the site was deemed to be Class III; Arable, and, despite Clovelly soils typically being considered good arable soils, is suitable only for Wildlife, Forestry, Light Grazing, Moderate Grazing, Intensive Grazing, Light Cultivation and Moderate Cultivation owing to its hardness and consequent lack of depth, and lack of topsoil. No fatal flaws are evident for the proposed project.	<b>Section 8.3</b> <b>Section 9.2</b> <b>Section 10.3</b>
15		As per site observation, there are agricultural activities that are happening and it has an indication that there are number of years it was ceased.	Noted. Based on historic imagery of the area, no agricultural activities have been undertaken at the site since September 2006 (based on the oldest available Google Earth imagery).	<b>Section 6.2</b> <b>Section 8.3</b> <b>Section 9.2</b> <b>Section 10.3</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
16		<p>Such proposed projects are mainly the affecters of the environment but through the submission of a draft scoping report the office was assured that</p> <ul style="list-style-type: none"> <li>— Even if the project falls within an agricultural sensitive site because of land capability however through that the site is within the well-developed area the sensitivity was then downgraded but as matter of precautionary measure the applicant provided the relevant mitigation measures.</li> <li>— For relative aquatic biodiversity theme sensitivity, the project is over a very low sensitivity but through proper monitoring and evaluation plan the applicant has promised that the irregularities will be detected earlier.</li> </ul>	<p><b>Agriculture</b></p> <p>The soils identified at the site were Clovellys and Witbanks and the capability of the site was deemed to be Class III; Arable, and, despite Clovelly soils typically being considered good arable soils, is suitable only for Wildlife, Forestry, Light Grazing, Moderate Grazing, Intensive Grazing, Light Cultivation and Moderate Cultivation owing to its hardness and consequent lack of depth, and lack of topsoil.</p> <p>No fatal flaws are evident for the proposed project.</p> <p><b>Aquatic Biodiversity</b></p> <p>Notwithstanding the fact that the study area is considered to be of low sensitivity for aquatic biodiversity, and the proposed development is cut off from downslope wetlands via the existing tarred road, and no significant impacts on aquatic biodiversity as a result of the proposed development are therefore anticipated, impact mitigation and management measures are recommended to avoid/minimise potential impacts on the nearby wetland arising from the proposed warehouse development.</p>	
17		<p>General there are no alarming factors on the submitted application but the statement is taking cognisance of possibilities of air pollution and some spillages that might occur it is therefore recommended that a proper management plan is incorporated with the project.</p>	<p>Noted.</p> <p>Measures to mitigate potential impact from air pollution and spillage have been included in the Environmental Management Programme (EMPr).</p>	<b>Appendix H</b>
18		<p>Moreover, the office recommends that the applicant makes sure that:</p> <ul style="list-style-type: none"> <li>— EMPr is assuring us that stormwater flow will be controlled as to avoid possible erosions.</li> <li>— Surface stormwater channels will be fitted with screens to filter litter</li> </ul>	<p>The recommendations outlined has been included the EMPr.</p>	<b>Appendix H</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
		<ul style="list-style-type: none"> <li>— Contaminated stormwater will not reach environment as water will pass sump, hydrocarbon trap or filter prior to being released into the environment or stormwater system.</li> <li>— Seepage of liquid material into the ground will be prevented and they will promptly clean up accidental spillages.</li> <li>— Waste, fire management, health and safety issues are addressed on the submitted programme.</li> </ul>		
19		Please be advised that the Provincial Department of Agriculture and Rural Development: Land Use Management Component IS NOT OBJECTING to the proposed development a chemical warehouse for the storage of dangerous goods on ERF 2306 and 2307, Shorts Retreat.	The no objection is noted.	-
<b>Department of Forestry, Fisheries and the Environment – Directorate: Biodiversity Conservation</b>				
20	6 February 2023 Letter ██████████ Control Biodiversity Officer Grade B: Biodiversity Conservation	The Directorate: Biodiversity Conservation has reviewed and evaluated the reports and does not have any objection to the Draft Scoping Report and the Plan of Study. The final report must comply with the procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of section 24(5)(A) and (H) and 44 of the National Environmental Management Act, 1998.	Noted.  The EIA and associated specialist studies were undertaken in terms of the requirements of the NEMA and Appendix 3, 4 and 6 of the EIA Regulations, 2014 (as amended).	<b>Section 2</b>
21	24 March 2023 Letter ██████████	The Directorate: Biodiversity Conservation has reviewed and evaluated the above mentioned report and does not have any objection to the Draft Scoping Report and the Plan of Study, however the final report must comply with the procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of section 24(5)(A) and (H) and 44 of the National Environmental Management Act, 1998.	Noted.  The EIA and associated specialist studies were undertaken in terms of the requirements of the NEMA and Appendix 3, 4 and 6 of the EIA Regulations, 2014 (as amended).	<b>Section 2</b> <b>Appendix G</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
22	Control Biodiversity Officer Grade B: Biodiversity Conservation	In conclusion, the Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; <a href="mailto:BCAdmin@dffe.gov.za">BCAdmin@dffe.gov.za</a> for the attention of Mr. Seoka Lekota.	All documents related to the public participation process have been submitted to the Directorate: Biodiversity Conservation at Email; <a href="mailto:BCAdmin@dffe.gov.za">BCAdmin@dffe.gov.za</a> . All further correspondence will be submitted in the same manner.	<b>Appendix D</b>
<b>Ezemvelo KZN Wildlife</b>				
23	24 March 2023 Letter 	The comments in the FSR incorrectly attributed to Ezemvelo are correctly attributed to the individual and the response and comments herein are recognised as the official comments of Ezemvelo.	Thank you for the notification. This has been corrected and correctly assigned.	<b>Appendix D</b>
24	Coordinator IEM	Engagement for future submissions to Ezemvelo be made through the correct channels as follows:  a. All new applications may be emailed to: <a href="mailto:EM.App@kznwildlife.com">EM.App@kznwildlife.com</a> and this submission must include a cover letter and the document to be reviewed (e.g. BID, BAR, SR, EIA, EMPr). Ezemvelo will acknowledge your submission within two working days of receipt. Should you not receive an acknowledgement within two working days, this means that we have not received your complete application and you will need to resubmit/resend. Please note that we are tied to a government website and server with associated constraints to network and download capacity, so it is preferable that large documents are couriered/hand-delivered to our offices.	All further engagements will be undertaken in this manner.	<b>Appendix D</b>
25		b. Documentation for a returning/existing application may be emailed directly to the planner assigned to your project, however, this email must also be copied to <a href="mailto:IEM.App@kznwildlife.com">IEM.App@kznwildlife.com</a> . The Ezemvelo reference number must be included in the subject line.	All further engagements will be undertaken in this manner and the reference number will be included in all communication.	<b>Appendix D</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
26		<p>Should the application/submission be couriered, or hand delivered, the following contact details must be used:</p> <p>Dr Andy Blackmore — Manager Conservation Planning c/o The IEM Technician Planning Division: IEM Section Queen Elizabeth Park 1 Peter Brown Drive Montrose, 3201 Tel: 033 845 1346</p> <p>Ref: Please include the Ezemvelo reference number if the submission is an existing application</p>		<b>Appendix D</b>
27		<p><b>Biodiversity Features</b></p> <p>As highlighted in the FSR the proposed development area falls within an Irreplaceable Critical Biodiversity Area (CBA). CBAs are areas where there are no other alternatives or options for the province to achieve its binding biodiversity conservation targets. Therefore, the conservation of CBAs in a natural or near-natural state is crucial. Key drivers for the CBA classification include several millipede species<sup>1</sup> and molluscs<sup>2</sup>, as well as the plant species <i>Acalypha angustata</i> within the KwaZulu-Natal Hinterland Thornveld vegetation type. It is acknowledged that the area in the vicinity of the proposed development has been altered.</p>	<p>The study area is located in the KwaZulu-Natal Hinterland Thornveld vegetation type, which is not listed as threatened on the NEMBA Threatened Ecosystems (DFFE, 2022). According to the spatial delineations of the Kwazulu Natal Biodiversity Sector Plan, the study area is mapped as a CBA1.</p> <p>Most of the study area consists of degraded grassland, and the site ecological importance of this habitat unit is rated low. Nevertheless, the National Web-based Environmental Screening Tool categorises the Terrestrial Biodiversity Theme for the study area as Very High Sensitivity. This is based on the stated presence of land designated as CBA1 and the presence of proposed priority areas for protected area expansion. It is noted however, that the study area itself was characterised as degraded grassland when baseline surveys took place in December 2021, and has since been completely transformed through dumping of spoil by developers involved in earthworks on a site adjacent to the LSA.</p>	<p><b>Section 7.2</b> <b>Section 8.4</b> <b>Section 10</b> <b>Appendix G</b></p>
28		<p>The FSR also highlights the Ecological Support Area (ESA), Mkhondeni Local Corridor, to the south of the site, which includes habitat for millipedes and molluscs.</p>		

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			Provided that the mitigation measures and monitoring requirements are adhered to, the Project may be authorised from a terrestrial ecosystems and biodiversity perspective.	
29		The FSR acknowledges the alluvial wetland areas to the west of the proposed development area.	Notwithstanding the fact that the study area is considered to be of low sensitivity for aquatic biodiversity, and the proposed development is cut off from downslope wetlands via the existing tarred road, and no significant impacts on aquatic biodiversity as a result of the proposed development are therefore anticipated, impact mitigation and management measures are recommended to avoid/minimise potential impacts on the nearby wetland arising from the proposed warehouse development.	<b>Section 7.2</b> <b>Section 8.5</b> <b>Section 10</b> <b>Appendix G</b>
30		It is however concerning to note that the Site Sensitivity Verification Report (15 February 2023; Appendix H) was undertaken as part of a Section 24G application. This is presumably related to the illegal stockpiling of construction materials on the proposed development site (p32 FSR); however, this has not been clarified in the FSR. A Section 24G application on the proposed development site should stop the current application, change the legislated process that is followed, and will have an impact on the assessment of the CBA.	The Site Sensitivity Verification Report included in the Scoping Report erroneously referenced Section 24G.  The applicant has not commenced with any activities at the site, but it should be noted that the neighbouring land owner commenced with construction of a facility, and has placed their stockpiles on Erf 2306 and 2307.	<b>Section 6.2</b>
31		The following specialist studies are acknowledged by Ezemvelo as being part of the environmental impact assessment phase:		-
32		Terrestrial Biodiversity Impact Assessment.  This assessment should include specialist input on the CBA drivers, as well as provide information on the Provincial (KwaZulu-Natal) legislation and permitting processes for the harming, removal, or destruction (translocation) of protected	The Terrestrial Biodiversity included an assessment of all the requested components.  Most of the study area consists of degraded grassland, and the site ecological importance of this habitat unit is rated low. Nevertheless, the National Web-based Environmental Screening Tool categorises the Terrestrial Biodiversity Theme for the study area as Very High Sensitivity. This is based on the stated presence of land designated as	<b>Section 7.2</b> <b>Section 8.4</b> <b>Section 8.5</b> <b>Section 10</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
		and specially protected indigenous animals and plants and threatened and/or protected species that may be found onsite.	<p>CBA1 and the presence of proposed priority areas for protected area expansion. It is noted however, that the study area itself was characterised as degraded grassland when baseline surveys took place in December 2021, and has since been completely transformed through dumping of spoil by developers involved in earthworks on a site adjacent to the LSA.</p> <p>Provided that the mitigation measures and monitoring requirements are adhered to, the Project may be authorised from a terrestrial ecosystems and biodiversity perspective.</p>	<b>Appendix G</b>
33		<p>Wetland and Aquatic Biodiversity Impact Assessment.</p> <p>Aspects to be undertaken in this assessment are noted.</p>	<p>The Aquatic Biodiversity included an assessment of all the requested components.</p> <p>The study area is considered to be of low sensitivity for aquatic biodiversity, and the proposed development is cut off from downslope wetlands via the existing tarred road, and no significant impacts on aquatic biodiversity as a result of the proposed development are therefore anticipated.</p>	
34		<p>Qualitative Risk Assessment (specific to the storage of chemicals) — Major Hazard Installation.</p> <p>This appears to focus on the impact on humans of storing the listed chemicals at the facility and reviewing emergency procedures of a major incident. It is not specified, but based on the recent UPL disaster (July 2021), the importance of a study on the solubility and leaching potential of the chemicals being stored with the possible interaction between the chemicals themselves, the possible interaction of the stored chemicals/chemical complexes with the surrounding geology (including soils), and the possible impacts that these may have on the surrounding environment and biodiversity from a major spill/incident should be included in such an assessment.</p>	<p>The Major Hazardous Installation Assessment focused on the impact on humans and did include potential risks associated with chemicals interacting.</p> <p>The potential impacts as a result of a spillage were assessed by the EAP and where required mitigation measures included</p> <p>Compatibility charts will be developed and employees trained thereon, in order to ensure only compatible products are stored together. In addition, all products will be segregated to prevent reactions in the event that both containers are leaking at the same time, even though this is highly unlikely.</p>	



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35		<p>Desktop geotechnical assessment.</p> <p>A geotechnical assessment is not a geological, structural geological or hydrogeological assessment. The soils are said to be relatively shallow (200m to 500m; p8 FSR), and groundwater is “anticipated” to be 20 to 30m below surface with moderate vulnerability to contamination (p9 FSR). However, there is no source provided for this data. The proposed development area is situated on Pietermaritzburg Shale with dolerite intrusions and faulting evident within the area (Council for Geoscience, Pietermaritzburg 293OCB Geology 50K Map) — the bedding planes of the shale, fracture planes from the dolerite intrusions, and fault zones may act as groundwater flow paths; which, depending on the direction of flow of a contamination spill, could detrimentally impact wetlands, surface water habitats, and biodiversity adjacent to or downstream/flow from the site. Owing to the nature of the proposed activity (storage of dangerous goods), and considering the recent UPL disaster where the same geology detrimentally affected the biodiversity impact, it is of concern that no structural geology and surface-groundwater interaction study is being undertaken. Discounting the local geological baseline and understanding this impact on surface-groundwater interactions could result in unintended environmental consequences if a pollution event does occur. Depending on the nature of the spill/incident, a concrete slab/bunding is not impermeable.</p>	<p>The Desktop Geotechnical Assessment and Agricultural Potential Assessments have been undertaken, and based on this the baseline information have been updated.</p> <p>Based on the chemicals being sealed and being stored inside an enclosed warehouse that is bunded (with a liner) it is not anticipated that there will be an impact to groundwater and this was not assessed.</p> <p>In addition, the majority (approximately 95%) of the chemicals that will be stored are NSF60 chemicals which is used in the treatment of drinking water.</p>	<p><b>Section 8.3</b> <b>Appendix G</b> <b>Appendix H</b></p>
36		<p>It is noted that Ezemvelo was not included in the draft SR phase of public participation and comments.</p>	<p>It is agreed that Ezemvelo was only informed of the Draft Scoping Report via email and that the Final Scoping Report was submitted in the requested manner.</p>	<p><b>Appendix D</b></p>
37		<p>The comments in the FSR incorrectly attributed to Ezemvelo are correctly attributed to the individual and the response and comments herein are recognised as the official comments of Ezemvelo.</p>	<p>Thank you for the notification.</p> <p>This has been corrected and correctly assigned.</p>	<p><b>Appendix D</b></p>

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38		The details of the status and area of the Section 24G application are reviewed to ensure that the correct legislated process is followed for the proposed project in terms of the National Environmental Management Act, 1998 (as amended).	The Site Sensitivity Verification Report included in the Scoping Report erroneously referenced Section 24G.  The applicant has not commenced with any activities at the site, but it should be noted that the neighbouring land owner commenced with construction of a facility, and has placed their stockpiles on Erf 2306 and 2307.	<b>Section 6.2</b>
39		The Terrestrial Biodiversity Impact Assessment should include input from a millipede and mollusc specialist.	Based on the Terrestrial Biodiversity Assessment the terrestrial site conditions are unsuitable for the support of mollusc species of concern, since these typically rely on undisturbed natural habitats for their survival, and as is the case for millipedes, the heavily over-grazed and trampled condition of the LSA renders the on-site habitat unsuitable for the support of significant or diverse mollusc populations.  In addition the following management measure has been included in the EMPr:  <ul style="list-style-type: none"> <li>Should invertebrate species of concern be indicated to be potentially present in the LSA once feedback from consultation with mollusc and millipede experts is received, specific surveys for these will be carried out prior to construction, to inform the need for the development of any additional mitigation measures for these species.</li> </ul>	<b>Section 7.2</b> <b>Section 8.4</b> <b>Section 10</b> <b>Appendix G</b>
40		The Qualitative Risk Assessment should include interactions between the chemicals that are stored, as well as the chemicals and the surrounding soils/rocks and water to effectively determine the risk to biodiversity resulting from a major incident (e.g. fire).	The Major Hazardous Installation Assessment focused on the impact on humans and did include potential risks associated with chemicals interacting.  The potential impacts as a result of a spillage were assessed by the EAP and where required mitigation measures included.	<b>Section 8.10</b> <b>Appendix G</b>
41		A structural geology assessment, in combination with possible surface-groundwater interactions, should be undertaken to assess and minimise the risk from a major incident (e.g. fire).	The Desktop Geotechnical Assessment has been undertaken, and has recommended that a structural geology assessment be undertaken. This was however recommended for construction requirements and not to determine potential environmental impacts.	<b>Section 10.4</b> <b>Appendix G</b>

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			Based on the chemicals being sealed and being stored inside an enclosed warehouse that is bunded (with a liner) it is not anticipated that there will be an impact to groundwater and this was not assessed.  In addition, the majority (approximately 95%) of the chemicals that will be stored are NSF60 chemicals which is used in the treatment of drinking water.	
42		The competent authority should take cognisance of the UPL disaster (July 2021) and ensure that the environmental baseline provided is holistic with sufficient information and workable procedures to mitigate and remediate the biodiversity impacts from a major contamination incident.	Noted.  This comment has been included in the Comment and Response Report (CRR) which has been submitted to EDTEA.	<b>Appendix D</b>
<b>Msunduzi Municipality – Sustainable Development and City Enterprises Department</b>				
43	22 March 2023 Letter	Table 2 – 1, p.8: The activity triggered in Listing Notice 3 is incorrectly referenced. It should be Activity 12 not 2.	Thank you for the notification.  This has been corrected to refer to Activity 12.	<b>Section 2</b>
44	██████████ Manager: Environmental Management	Table 2 – 1, p. 7-12: The Msunduzi Integrated Environmental Management Plan (IEMP), must be included in this section.	The table has been updated to included the Msunduzi IEMP.	<b>Section 2.3</b>
45		Please ensure that comments are obtained from the following Municipal Business Units:  — Stormwater & Drainage Unit.  — Disaster/Fire Unit.	The Draft EIAR will be submitted to the requested departments to obtain comments.	<b>Appendix D</b>
46		The Stormwater Management Plan must be submitted to the Msunduzi Municipality’s Stormwater and Drainage Unit for approval.	It has been recommended that this be included as a condition of the Environmental Authorisation.	<b>Section 10.4</b>

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47		An Invasive Alien Plant Control Plan must be attached to the EMPr; this plan must include follow – up clearing for post construction.	An Alien Invasive Control Plan is included in the EMPr.	<b>Appendix H</b>
48		Building plans must be submitted, prior to any construction, for approval to the Msunduzi Municipality’s Building Control and Signage Section, on the 2nd floor A.S Chetty Building.	It has been recommended that this be included as a condition of the Environmental Authorisation.	<b>Section 10.4</b>
49		<p>This unit recommends the following green technologies are incorporated:</p> <ul style="list-style-type: none"> <li>— Installation of rainwater collection / harvesting tanks</li> <li>— The use of solar geysers and solar lighting</li> <li>— Low flush toilets and low flow taps and showers</li> <li>— Recycling initiatives, a designated recycling area must be established and this area must be indicated on all future plans / layouts.</li> <li>— Please ensure that waste storage areas are suitably covered, bunded and enclosed to ensure that waste materials are not impacted on by weather and / or any other factors.</li> </ul>	These recommendations have been included as management measures in the EMPr.	<b>Appendix H</b>
50		Msunduzi Municipality’s Green Building Guideline Toolkit must be taken into consideration to ensure the sustainability and improved efficiency of the proposed building.	This recommendation has been included as management measures in the EMPr.	<b>Appendix H</b>
51		The applicant must ensure that both hard and electronic copies of the Draft Environmental Impact Assessment Report (EIAR) is submitted to the Msunduzi Municipality: Environmental Management Unit at 411 Boom Street, Pietermaritzburg, 3201.	All further engagements will be undertaken in this manner and the reference number will be included in all communication.	<b>Appendix D</b>

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<b>Ward Councillors</b>				
52	1 February 2023 Email [REDACTED]	Please add Cllr Douglas Roberts (Ward 36, on behalf of Ward 36 Mkondeni and neighbouring communities) as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
53	27 January 2023 Email [REDACTED] Ward Councillor Ward 37	Please add Cllr Edith Elliott (Ward 37, on behalf of Ward 37 neighbouring communities) as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
54		I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are:  <ul style="list-style-type: none"> <li>— Hydrochloric Acid</li> <li>— Acetic Acid</li> <li>— Sodium Hypochlorite</li> <li>— Sulphuric Acid</li> <li>— Caustic Soda (Solid)</li> <li>— Caustic Soda Liquid</li> <li>— Phosphoric Acid</li> <li>— Nitric Acid</li> <li>— Sodium Metabisulphite (Solid)</li> <li>— Formaldehyde</li> <li>— Ammonium 25%</li> </ul>	The chemicals listed correlates with the project description outlined in the EIAR.	<b>Section 6</b>

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		— Sodium Chlorite 25-31%.		
55		How many of these chemicals are already handled by Richbay Chemicals (PTY) LTD	All the chemicals listed in the Draft EIAR will either be raw materials that will be used by Richbay Chemicals at their operations throughout South Africa or that have already been manufactured by them. This warehouse will however be for storage of chemicals only and production will take place elsewhere.	<b>Section 6</b>
56		What are the existing protocols observed in the handling and storage of those already handled?	The proposed project site is currently undeveloped and there are currently no chemicals being handled by R-Bay Properties at the proposed warehouse site. The existing Richbay Chemicals site is adjacent to the proposed warehouse site, however the facilities will operate independently from each other and storage and handling procedure specific to the warehouse operations will be developed.  An EMPr specific to the warehouse has been developed and is attached the toe EIAR.	<b>Section 6</b>
57	8 February 2023 Email [REDACTED] Ward Councillor Ward 37	On behalf of the all the communities that live along the Mkondeni Spruit (that arises in a wetland very near the proposed site of this proposed Warehouse, approx 500 m or less), the Msunduzi and ultimately Inanda Dam (into which the Mkondeni Spruit flows) and my own interested as a resident living along the route via which toxic chemicals would be transported, and within a distance within which the effects of a potential toxic chemical spills would be acutely felt, I wish to raise the following concerns.	The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.  Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b>
58		I consider the chosen site to be highly unsuitable and ill-considered and that better options could have been suggested for the following reasons (from least to greatest concern):	The preferred project location was chosen based on the following factors:	


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			<ul style="list-style-type: none"> <li>The property is owned by R-Bay and therefore no further landowner consent is required.</li> <li>The proposed location is within an industrial area and the Erf is zoned as industrial.</li> <li>The proposed location is approximately 2.5 km from the N3, allowing for a favourable transport route between major cities.</li> <li>The site is adjacent to one of the existing Richbay production facilities, and is required in the immediate vicinity in order to alleviate space constraints at the existing Richbay Pietermaritzburg site.</li> <li>Based on the SDF and Msunduzi Single Land Use Scheme, the site is situated in a developable area and an industrial zone.</li> </ul>	
59		<p>The transport route along which toxic chemicals will be transported will be highly compromised and dangerous for the next 5-10 years (at least) with all the construction along the N3. This construction is just starting along the Camperdown-Lynnfield Park and Ashburton areas and will carry on for a minimum for the next 5 years. This route at present carries a high number of trucks and serious accidents happen regularly. A chemical spill from a tanker accident would be disastrous, and completely unavoidable considering the severity of accident experienced in the area at present. Such spills would not only compromise the very environmentally sensitive Ashburton-Lynnfield Park protected and Mpushini and Mkondeni riverine protected areas but would hold serious consequences for all the communities who live in close proximity to the N3 in the Ashburton, Epworth and Cleland-Meadows areas.</p> <p>The route potentially taken by such trucks is at present, is unpoliced and trucks coming off at the Lynnfield Park on Pope Ellis Drive, at Ashburton Extit 69, would pass between housing communities onto the extremely narrow, winding and badly cambered R103, over the Mkondeni river and up a steep</p>	<p>Based on current project information, the project will require approximately 1 or 2 trucks per day during the construction phase.</p> <p>It is anticipated that there will be approximately 10 additional trucks required per week during the operational phase to deliver the chemicals to the warehouse. With reference to the bulk tanker accidents this would not be applicable as the products to and from this warehouse is already in a securely packed format.</p> <p>R-Bay Chemicals will ensure that all transportation is undertaken in terms of the requirements of the National Road Traffic Act, 93 of 1996 (NRTA) and applicable South African National Standards (SANS).</p> <p>In addition, R-Bay will develop procedures for the transportation of all dangerous goods.</p> <p>Based on the Municipal Spatial Development Framework, the N3 corridor that runs through the municipality is in close proximity to the CBD and is ideal to provide opportunities for industrial development. It provides the opportunity for future developments to be located in proximity to a national transportation route, along the</p>	<p><b>Section 8.8</b> <b>Appendix H</b></p>

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		<p>gradient to the Shortts Retreat and Yarborrow road, where the turn off to the new facility (behind the existing Richbay plant is based). This route and the potential danger of any accident with highly toxic, volatile or highly corrosive chemicals poses extreme risk to all residents, rivers and industries of the Mkondeni Business area, the lifeblood Industrial Centre of Msunduzi, the approx. 3,000 residents of the SACCA informal Settlement off Shortts Retreat Road (Formaldehyde for example, is a known carcinogen and no description of any possible mitigating measures for fire or corrosion could justify such as risk to either the health, the environment or the economy of the region).Even the airport traffic that passes almost overhead of the proposed site could be affected in the case of an accident. This site could be better geographically chosen.</p>	<p>SIP 2 corridor connecting the Durban Harbour and major markets within Gauteng and offer high visibility to industries.</p>	
60		<p>Zoning the zoning of the erven is assume to be either Light Industrial or General Industrial.</p> <p>Light Industrial Building: Means a building used for the manufacture or assembly of products with no adverse impact to the adjacent uses and no hazardous materials are used in the production of such products and may including uses ancillary thereto – so no such development could occur in such a case without rezoning.</p> <p>General Industrial Building: A land use zone that provides for land uses and buildings for a full range of industrial uses where the emphasis is on bulk and heavy industry and where due cognizance must be taken of environmental impacts, ensuring sustainable locations which accommodate the requirements for industrial activities and minimize the impact on surrounding uses. Warehousing of materials considered non-noxious or non-hazardous are permitted in buildings in this land use zone.</p> <p>In such an instance, a Consent level B would be required i.e. consent from all neighbouring businesses. Given the level of damage already reputed to be caused to some neighbouring</p>	<p>As illustrated in Figure 2-3 the site is situated within a SEDi Lap Industrial Development Zone.</p> <p>The proposed development will likely be classified as a General Industry and will either be Permissible (A) or Consent (B).</p> <p>WSP Group Africa (Pty) Ltd has been appointed to undertake the Scoping and Environmental Impact Reporting (S&amp;EIR) process for the proposed development. All other authorisations are not included in the current process and will be handled separately by the Applicant.</p>	<p><b>Section 2.3</b> <b>Section 10.4</b></p>



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		businesses by the handling of chemicals by the existing Richbay chemical facility and the damage caused to infrastructure due to an earlier accidental spill, consent would not be easily obtained from all businesses.		
61		<p>The area around the proposed site of the Hazardous Waste facility is indicated in the scoping report to be of a very high sensitivity nature (Appendix E, map of relative aquatic biodiversity theme sensitivity), the proposed warehouse would be in close proximity to a very high sensitive wetland area (i.e. a distance of approximately 2-300m). The Operational Phase alone poses a contaminated runoff risk from the Warehouse and Parking Areas. The sensitivities identified in the screening report (i.e. Table 3-1) do not line up with the facts. The groundwater has been identified at a depth of 20 to 30 meters, and visually seems to be much less, the risk of potential groundwater contamination appears to be extremely high and unacceptable. The close proximity of the proposed site to a highly sensitive wetland (including the Mkondeni Spruit stream) and the shallow groundwater (i.e. 20 to 30 metres), suggest that any accidental spillage and run-off contamination could poses an unacceptably high risk to the environment, surface water potentially being contaminated with chemicals from spillage and would negatively impact local factories neighbouring the wetland and communities and livestock. The potential negative impact of wastewater runoff and accidental spillage on aquatic biodiversity would also be severe.</p>	<p>The DFFE Screening is an auto generated report based on the DFFE Screening Tool and stipulates the specialist studies that should be undertaken during the EIA Phase.</p> <p>The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.</p> <p>Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.</p> <p>Based on current project information, the project will require approximately 1 or 2 trucks per day during the construction phase.</p> <p>It is anticipated that there will be approximately 10 additional trucks required per week during the operational phase to deliver the chemicals to the warehouse.</p>	<p><b>Section 8</b></p> <p><b>Section 9</b></p> <p><b>Section 10</b></p> <p><b>Appendix G</b></p>
62		The existing sewer and stormwater system in Mkondeni is in an already delicate and extremely compromised state. Residents living along the Mkondeni Spruit are already complaining of chemical fumes and sewage contamination and many have reported respiratory distress from volatiles in the spruit, as the sewage and effluent stormwater infrastructure has already been seriously corrosion damaged and the stream polluted. The environmental health and the health of residents living along	R-Bay Chemicals will ensure that all transportation is undertaken in terms of the requirements of the National Road Traffic Act, 93 of 1996 (NRTA) and applicable South African National Standards (SANS).	

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		the Mkondeni Spruit is at risk until massive restoration of the infrastructure has been undertaken.		
63		Given the potential risks to all potentially affected parties due to existing poor road and infrastructure conditions, and the prevailing on site environmental sensitivities, the establishment of a hazardous chemical facility at the proposed site just cannot be justified at this stage.		
<b>University of KwaZulu-Natal</b>				
64	30 January 2023 Email [REDACTED] Senior Researcher: College of Agriculture, Engineering & Science	Please can you register me as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni. I am a resident along the Mkondeni Spruit stream.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
65		I am opposed to the construction of this warehouse at this location due the negative impacts it will have on the environment and to human health.	The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b>
66		The site where the warehouse is to be built contains areas of high biodiversity value that are categorised as irreplaceable and of very high sensitivity. The area includes many species of plants and animals that are listed by the IUCN as critical, endangered, vulnerable, near threatened and rare and endemic. The impacts on biodiversity and soils, land and agriculture are listed as high, and I believe that this is unacceptable in such an area. The mitigation considerations of “the preferred layout must avoid sensitive habitats as far as possible” does not suffice, as who is to determine what is possible? Further, avoiding building on sensitive habitats will not conserve them as they will be negatively affected by any other disturbance nearby. I also have concerns over the impact that any accidental	Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.	<b>Appendix G</b>

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		spillage of the chemicals that will be stored in the warehouse will have on the environment and human health. This has not been addressed in the document. The chemicals to be stored in the warehouse are highly toxic and accidental spillage could cause significant impacts on the environment and to human health. These toxins will poison groundwater and streams in the vicinity and thus I don't believe it is safe or responsible to build a warehouse in an area that is important for biodiversity and so close to residential and agricultural areas.		
67	29 January 2023 Email	Please can you register me as an Interested and Affected Party. I am a resident along the Mkondeni Spruit stream.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
68	 Postdoctoral Research Fellow	The Mkondeni Spruit stream has not been mentioned, nor labelled on any of the maps provided in the scoping report. The area surrounding the proposed site has been highlighted as that of a very high sensitivity (APPENDIX E, MAP OF RELATIVE AQUATIC BIODIVERSITY THEME SENSITIVITY), yet this stream and any potential negative impact that wastewater and chemical spillage may have on this waterway is not clear.	The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.  Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b>
69		Regarding Appendix E, MAP OF RELATIVE AQUATIC BIODIVERSITY THEME SENSITIVITY, this map illustrates that the proposed warehouse is in close proximity to a very high sensitivity area (i.e. a distance of approximately 0.0325 km). Given that one of the potential impacts identified for the Operational Phase is that of contaminated runoff from the Warehouse and Parking Areas (which could impact the adjacent wetland and ecosystem) it remains unclear how Aquatic Biodiversity (i.e. Table 3-1: Sensitivities identified in the	The DFFE Screening is an auto generated report based on the DFFE Screening Tool and stipulates the specialist studies that should be undertaken during the EIA Phase.  The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b>

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		screening report, aquatic biodiversity theme has been identified as low sensitivity) is designated here as Low Sensitivity.	measures were proposed in order to reduce the impact to an acceptable level.  Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.	
70		Given that groundwater has been identified at a shallow depth of 20 to 30 meters, the threat of potential groundwater contamination appears to be high.	The Desktop Geotechnical Assessment and Agricultural Potential Assessments have been undertaken, and based on this the baseline information have been updated.  Based on the chemicals being sealed and being stored inside an enclosed warehouse that is bunded (with a liner) it is not anticipated that there will be an impact to groundwater and this was not assessed.  In addition, the majority (approximately 95%) of the chemicals that will be stored are NSF60 chemicals which is used in the treatment of drinking water.	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b>
71		The close proximity of the proposed site to a highly sensitive area (including the Mkondeni Spruit stream) coupled with the shallow groundwater depth (i.e. 20 to 30 metres), suggest that any accidental spillage or contaminated runoff could pose a significant threat to aquatic life. Likewise, any potential chemical exposure from wastewater and spillage could negatively impact communities downstream – where river water is consumed by humans and their livestock.	The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.  Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b>
72		The potential negative impact of wastewater runoff and accidental spillage on aquatic biodiversity is not mentioned. What assurances are given that accidental spillage due to unforeseen circumstances will not significantly negatively impact local and downstream aquatic biodiversity?		

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73		The potential long term effects on humans and their livestock to exposure from contaminated waste water and chemical spillage are not explored – particularly in the context of the diverse array of chemicals which are proposed for storage in the Warehouse. Formaldehyde for example, is a known carcinogen.		
74		What impact would unforeseen events such as a Warehouse fire have on the air quality of the surrounding industrial and residential areas? How would this be mitigated? What are the possible scenarios for air pollution should this particular array of chemicals be combined in a combustion event?	<p>A Major Hazard Installation Risk Assessment was undertaken and is attached to the EIAR.</p> <p>The focus of this assessment is on those hazards leading to injuries or fatalities that can affect the outside public or neighbouring installations. It is therefore not a detailed audit of all the possible risks to plant, equipment and operating personnel etc.</p> <p>Due to the presence of certain hazardous materials, their associated offsite effects and the fact that some may be stored in IBCs (not drums) thereby exceeding the 2022 MHI Regulation Threshold, the R-Bay Properties Pietermaritzburg site should as a precaution be classified as a Low Level Major Hazard Establishment.</p>	<b>Section 8.10</b> <b>Appendix G</b>
75		Residents living along the Mkondeni Spruit Stream have repeatedly complained of noxious fumes and many have reported respiratory distress from volatile compounds being emitted from the river water. The aquatic biodiversity of the stream is very poor, suggesting existing chemical pollutants. What impact would cumulative exposure to existing and potentially new hazardous chemicals have on environmental health, and the health of residents living along the Mkondeni Spruit Steam as well as further along the watercourse? Likewise, what potential risk does such exposure pose to downstream agricultural practice? The Mkondeni Spruit stream passes through residential areas, and further downstream joins rivers which are used by people and their livestock. Should accidental spillage of hazardous chemicals occur, would there not be a significant potential negative impact on communities and their livestock further downstream?	<p>The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.</p> <p>Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.</p> <p>Management measure for potential significant impacts will be provided included in the EMPr, to be included in the will be developed during the EIA Phase.</p>	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			<p>The chemicals will be stored in either liquid or solid form. No gasses will be stored.</p> <p>All containers that will be stored at the proposed warehouse will be sealed and as such it is not anticipated that any emissions will be released from the facility.</p> <p>The facility will only be a storage facility and no processing or manufacturing of chemicals will be done.</p> <p>It is therefore not anticipated that any air quality monitoring will be required.</p>	
76		<p>It is questioned whether the potential risks to human and environmental health are outweighed by the need for the development of this specific location. Given that a premise for the development of this Warehouse is the storage of hazardous chemicals for export via the port of Durban, would it not make sense to utilize a site closer to this location for the purposes of expediting transport and alleviating the associated costs?</p>	<p>The preferred location for the warehouse was chosen based on the following factors:</p> <ul style="list-style-type: none"> <li>• The property is owned by R-Bay and therefore no further landowner consent is required.</li> <li>• The proposed location is within an industrial area and the Erf is zoned as industrial.</li> <li>• The proposed location is approximately 2.5 km from the N3, allowing for a favourable transport route between major cities.</li> <li>• The site is adjacent to one of the existing Richbay production facilities and is required in the immediate vicinity in order to alleviate space constraints at the existing Richbay Pietermaritzburg site.</li> <li>• Based on the SDF and Msunduzi Single Land Use Scheme the site is situated in a developable area and an industrial zone.</li> </ul> <p>Therefore, no further alternative locations were assessed, however alternative warehouse layouts were assessed.</p> <p>In addition, based on the Municipal Spatial Development Framework, the N3 corridor that runs through the municipality is in close proximity to the CBD and is ideal to provide opportunities for industrial development. It provides the opportunity for future developments to be located in proximity to a national transportation</p>	<p><b>Section 5</b> <b>Section 6.6</b></p>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			route, along the SIP 2 corridor connecting the Durban Harbour and major markets within Gauteng and offer high visibility to industries.	
<b>Msunduzi Association of Residents Ratepayers and Civics</b>				
77	31 January 2023 Email [REDACTED] Chairperson	On behalf of Msunduzi Association of Residents Ratepayers and Civics (MARRC), we would like to register as interested and affected parties for the proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals) located at Erf 2306 and 2307 Shortts Retreat, Pietermaritzburg.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
78		The draft scoping review report comments ends today and I would like to request an extension in order to make a submission.  I hope you able to extend date for comment and look forward to your reply.	An extension on the deadline for the submission of comments was granted until 7 February 2023.	<b>Appendix D</b>
79	5 February 2023 Letter [REDACTED] Chairperson	On behalf of Msunduzi Association of Residents Ratepayers and Civics (MARRC) we would like to make a submission as interested and affected parties for the proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals) located at Erf 2306 and 2307 Shortts Retreat, Pietermaritzburg.	Noted.	-
80		We are deeply concerned about the proposed construction and operation of a chemical warehouse due to environmental and safety aspects of the project that it may pose to the local residents and businesses if not properly managed.		
81		We hereby submit the following questions and would appreciate in-depth and reliable responses to these questions:		

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
82		What is the zoning of the area and what is allowed versus proximity and density of households? Land use zoning and planning – is this the right location for this warehouse?	<p>As illustrated in Figure 2-3 the site is situated within a SEDi Lap Industrial Development Zone.</p> <p>The proposed development will likely be classified as a General Industry and will either be Permissible (A) or Consent (B).</p> <p>WSP Group Africa (Pty) Ltd has been appointed to undertake the Scoping and Environmental Impact Reporting (S&amp;EIR) process for the proposed development. All other authorisations are not included in the current process and will be handled separately by the Applicant.</p>	<b>Section 2.3</b> <b>Section 10.4</b>
83		Considering the recent United Phosphorous Limited (UPL) warehouse fire and massive chemical contamination of the surrounding community and sensitive receptors what protocols and system will be in place to mitigate these risks?	<p>A Major Hazard Installation Risk Assessment was undertaken and is attached to the EIAR.</p> <p>The focus of this assessment is on those hazards leading to injuries or fatalities that can affect the outside public or neighbouring installations. It is therefore not a detailed audit of all the possible risks to plant, equipment and operating personnel etc.</p> <p>Due to the presence of certain hazardous materials, their associated offsite effects and the fact that some may be stored in IBCs (not drums) thereby exceeding the 2022 MHI Regulation Threshold, the R-Bay Properties Pietermaritzburg site should as a precaution be classified as a Low Level Major Hazard Establishment.</p> <p>In addition, the majority (approximately 95%) of the chemicals that will be stored are NSF60 chemicals which is used in the treatment of drinking water.</p>	<b>Section 8.10</b> <b>Appendix G</b>
84		Does R-Bay Properties (Pty) Ltd have qualified and experienced staff to handle chemicals?	<p>The EMPr has outlined requirements for qualifications and training for the employees that will be employed at the facility.</p> <p>There will be no manufacturing or processing of chemicals at the warehouse.</p>	<b>Appendix H</b>
85		Are there contingency plans for all chemicals stored?	A Major Hazard Installation Risk Assessment was undertaken and is attached to the EIAR.	<b>Section 8.10</b>





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			<p>The focus of this assessment is on those hazards leading to injuries or fatalities that can affect the outside public or neighbouring installations. It is therefore not a detailed audit of all the possible risks to plant, equipment and operating personnel etc.</p> <p>Due to the presence of certain hazardous materials, their associated offsite effects and the fact that some may be stored in IBCs (not drums) thereby exceeding the 2022 MHI Regulation Threshold, the R-Bay Properties Pietermaritzburg site should as a precaution be classified as a Low Level Major Hazard Establishment.</p>	<b>Appendix G</b>
86		What are the monitoring mechanisms in terms of effluent going out by independent agencies?	There will be no effluent released from the site. However, measures for stormwater management have been included in the EMPr.	<b>Appendix H</b>
87		What is the specialised containment infrastructure will there be in case of emergency e.g. if storage of gas then must have infrastructure to neutralise gas in an event of emergency?	<p>The chemicals will be stored in either liquid or solid form. No gasses will be stored.</p> <p>The liquid or solid chemicals will be stored in bunded (lined) and enclosed areas.</p>	<b>Section 6</b> <b>Appendix H</b>
88		Will backup power and water systems be available?	<p>No back-up power or water systems will be required at the site. excluding the municipal fire water.</p> <p>It should however be noted that rain water will be collected and stored.</p>	<b>Section 6</b> <b>Appendix H</b>
89		General safety of the area - will there be a disaster/emergency management plan in place and what does it comprises of?	<p>A Major Hazard Installation Risk Assessment was undertaken and is attached to the EIAR.</p> <p>The focus of this assessment is on those hazards leading to injuries or fatalities that can affect the outside public or neighbouring installations. It is therefore not a detailed audit of all the possible risks to plant, equipment and operating personnel etc.</p> <p>Due to the presence of certain hazardous materials, their associated offsite effects and the fact that some may be stored in IBCs (not drums) thereby exceeding the 2022 MHI Regulation Threshold, the</p>	<b>Section 8.10</b> <b>Appendix G</b>

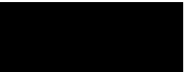
REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			R-Bay Properties Pietermaritzburg site should as a precaution be classified as a Low Level Major Hazard Establishment.	
90		What plans will be in place to protect the ecosystem, environment and neighbouring residents and businesses from any chemical emissions coming out from the warehouse into the air? Will there be air quality control done and how often?	<p>The chemicals will be stored in either liquid or solid form. No gasses will be stored.</p> <p>All containers that will be stored at the proposed warehouse will be sealed and as such it is not anticipated that any emissions will be released from the facility.</p> <p>The facility will only be a storage facility and no processing or manufacturing of chemicals will be done.</p> <p>It is therefore not anticipated that any air quality monitoring will be required.</p>	<p><b>Section 8</b></p> <p><b>Section 9</b></p> <p><b>Section 10</b></p> <p><b>Appendix G</b></p> <p><b>Appendix H</b></p>
91		What safety measure will be in place for the safe transportation of the chemicals to and from the warehouse?	<p>R-Bay Chemicals will ensure that all transportation is undertaken in terms of the requirements of the National Road Traffic Act, 93 of 1996 (NRTA) and applicable South African National Standards (SANS).</p> <p>In addition, R-Bay will develop procedures for the transportation of all dangerous goods.</p>	<p><b>Section 8.8</b></p> <p><b>Appendix H</b></p>
92		What will the impact be of the warehouse on the Bisley Nature Reserve and if they offloading effluent into a stream, how it will impact on communities downstream?	<p>The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.</p> <p>Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.</p>	<p><b>Section 8</b></p> <p><b>Section 9</b></p> <p><b>Section 10</b></p> <p><b>Appendix G</b></p> <p><b>Appendix H</b></p>

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93		Did the warehouse obtain risk assessment and planning permissions as required by environmental and municipal by-laws?	<p>WSP Group Africa (Pty) Ltd has been appointed to undertake the Scoping and Environmental Impact Reporting (S&amp;EIR) process for the proposed development.</p> <p>As part of the application for environmental authorisation (S&amp;EIR process), the draft Scoping Report was provided to the Msunduzi Municipality for comment. The Environmental Impact Assessment Report will also be submitted to the municipality for comment. All comments received from the Msunduzi Municipality will be included in the Comment and Response Report, which will be submitted as part of the Final EIAR for decision making to the KwaZulu Natal Department of Economic Development, Tourism and Environmental Affairs.</p> <p>All other authorisations, in terms of the local by-laws, are not included in the current process and will be handled separately by the Applicant.</p>	<p><b>Section 2</b></p> <p><b>Section 10.4</b></p>
94		Will a compliance profile be identified for the chemical storage and manufacturing sectors to assess the need for a national compliance and/or enforcement programme?	<p>The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.</p> <p>Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.</p>	<p><b>Section 8</b></p> <p><b>Section 9</b></p> <p><b>Section 10</b></p> <p><b>Appendix G</b></p> <p><b>Appendix H</b></p>
95		Before any construction take place, will the provincial department of Forestry, Fisheries and Environment establish an interdepartmental rapid emergency response team to deal with a certain category of incidents?	The KwaZulu Natal Department of Economic Development, Tourism and Environmental Affairs is the competent authority for issuing a decision on the application for environmental authorisation.	-

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			The establishment of an interdepartmental rapid emergency response team to deal with a certain category of incidents is outside the scope of this project.	
96		In the event of a major fire or major incident what will be the impact on the surrounding communities (schools, residents, rivers, clubs) – what mitigation measures and protocols are in place?	<p>The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.</p> <p>Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.</p>	<p><b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b></p>
97		What environmental and community air sampling system will be used to detect environmental impacts?	<p>The chemicals will be stored in either liquid or solid form. No gasses will be stored.</p> <p>All containers that will be stored at the proposed warehouse will be sealed and as such it is not anticipated that any emissions will be released from the facility.</p> <p>The facility will only be a storage facility and no processing or manufacturing of chemicals will be done.</p> <p>It is therefore not anticipated that any air quality monitoring will be required.</p>	<p><b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b></p>
98		Will the monitoring processes, protocols and procedures be explicit for a hazardous storage installation?	The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management	<p><b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b></p>

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			<p>measures were proposed in order to reduce the impact to an acceptable level.</p> <p>Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA..</p> <p>The EMPr, attached to the EIAR, has stipulated specific monitoring processes, protocols and procedures which will relate to dangerous goods storage.</p>	<b>Appendix H</b>
99		We hope that these questions would be adequately addressed to as to circumvent any doubt and stress towards affected stakeholders, especially residents in proximity of the warehouse that this type of construction could bring.	Noted.	-
<b>Companies in the Pietermaritzburg Area</b>				
100	24 January 2023 Email 	Please ask Richbay Properties (Pty) Ltd to add Land Matters to the register of Interested and Affected Parties for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erven 2306 & 2307 Shortts Retreat.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
101	Land and Environmental Sensitivity Specialist	Please may I have a copy of the activities in Listing Notices that must be authorised before construction commences.	<p>The activities outlined below were identified as applicable during the pre-application phase.</p> <p>Listing Notice 2: GNR 984 – Activity 4</p> <p>Listing Notice 3: GNR 985 - Activity 12(d)(v)</p>	<b>Section 2</b>
102	31 January 2023	I refer to the draft Scoping Report (“DSR”) for the construction and operation of a warehouse for storage of dangerous goods	Noted	-

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
	Email	on property owned by Richbay Properties (Pty) Ltd in Mkondeni, Msunduzi Municipality.		
103	 Land and Environmental Sensitivity Specialist	Please will you ask the Department for an extension to the timeframe to submit comments on the draft Scoping Report.	An extension on the deadline for the submission of comments was granted until 7 February 2023.	<b>Appendix D</b>
104		My request is made because the notice of the application was poorly advertised and the closing date for comments in one notice differs from the date in another notice.	Potentially Interested and Affected Parties were notified of the project in the following manner: <ul style="list-style-type: none"> <li>• Placement of Site Notices.</li> <li>• Newspaper Advertisement.</li> <li>• Email and SMS Notifications to the responsible Ward Councillor of Ward 36.</li> <li>• Email notification to Commenting Authorities.</li> </ul>	<b>Appendix D</b>
105		<p>According to section 3.6.5 of the DSR, the notice was placed at Mkondeni Post Office, on the boundary fence of the site, at Superspar Southgate, Msunduzi Municipal Library and Civic centre Municipal Clinic.</p> <p>The Mkondeni Post Office burnt down in the unrest in July 2021. Therefore it was and is impossible to place a notice at the Mkondeni Post Office.</p> <p>I have visited the site. A boundary fence does not exist neither is a notice visible on site.</p> <p>The other locations where the notice was placed are long distances from the site and unlikely to be seen by the communities affected by the application.</p>	<ul style="list-style-type: none"> <li>• Msunduzi Municipal Library (Bessie Head Library);</li> <li>• Pietermaritzburg Civic Centre and Municipal Clinic;</li> <li>• Ndlovu Park Tuckshop;</li> <li>• Polly Short Centre; and</li> </ul> <p>Site Boundary - the site notices were erected on poles that were placed at the project site (unfortunately these are often removed by passers-by), and on the palisades on the corner of the development site.</p>	
106		Furthermore, the notice was advertised in The Witness on 21 December 2021 during a timeframe in which the applicant is obligated to refrain from conducting a public participation	The advert for the project was placed in the Maritzburg Sun on 9 December 2023. This was prior to the December shut-down period, from 15 December to 5 January, as required by the NEMA EIA Regulations, 2014, (as amended). The commenting period was	<b>Appendix D</b>

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		process (Regulation 3(3)of National Environmental Management EIA Regulations 2014 as amended).	extended by the number of days calculated in terms of the annual shut-down, as required in terms of the EIA Regulations.  It is often found that other newspapers in the same company or group duplicate adverts, and as such the Witness placed the same advert on 21 December 2021, without the knowledge of the EAP.	
107		With regard to the timeframe in which to submit comments, the DSR states that the closing date for comments is 24 January 2023.  However, according to the notice advertised in The Witness, the closing date for comments is 31 January 2023.	All comments received were recorded, and all registered stakeholders that registered were notified that the commenting period was extended until 7 February 2023.	<b>Appendix D</b>
108		Under the circumstances I request that  1. Douglas Roberts, Councillor for Ward 36 be contacted to establish suitable locations for advertising notices and viewing reports and	The Ward Councillor for Ward 36 has been included in the stakeholder database.  The placement of hard copies of the draft EIA for public review will be undertaken in consultation with the Ward Councillor for Ward 36.  It has been agreed with Councillor Roberts that a hard copy of the Draft EIAR will also be made available at the Alexandra Municipal Library, Pietermaritzburg.	<b>Section 4.3</b> <b>Appendix D</b>
109		2. the timeframe to submit comments be extended to at least Monday 6 February 2023.	An extension on the deadline for the submission of comments was granted until 7 February 2023.	<b>Appendix D</b>
110	8 February 2023 Email   Land and Environmental Sensitivity Specialist	My comments below are based on the legal requirements for a Scoping Report contained in Appendix 2 of the Regulations and the content of the draft Scoping Report for a Major Hazardous Installation on Erven 2306 & 2307 Shortts Retreat (“the Report”).	A Major Hazard Installation Risk Assessment was undertaken and is attached to the EIAR.  The focus of this assessment is on those hazards leading to injuries or fatalities that can affect the outside public or neighbouring installations. It is therefore not a detailed audit of all the possible risks to plant, equipment and operating personnel etc.  Due to the presence of certain hazardous materials, their associated offsite effects and the fact that some may be stored in IBCs (not drums) thereby exceeding the 2022 MHI Regulation Threshold, the	<b>Section 8.10</b> <b>Appendix G</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			R-Bay Properties Pietermaritzburg site should as a precaution be classified as a Low Level Major Hazard Establishment.	
111		Regulation 21(3) states that a scoping report must contain ALL (emphasis added) information set out in Appendix 2 to the Regulations.	The Scoping Report was compiled in terms of the legislated requirements as per Appendix 2, section 2 of GNR 982, published in 2014, as amended.	<b>Section 3</b>
112		An application for environmental authorisation of a Major Hazardous Installation requires stringent adherence to legal requirements of the National Environmental Management Act.	The Scoping Report was compiled in terms of the legislated requirements as per Appendix 2, section 2 of GNR 982, published in 2014, as amended.	<b>Section 3</b>
113		The legislated requirements of Appendix 2 and information in the Report which purportedly meets the requirements of Appendix 2 are cross referenced in Table 1-2 of the Report.  The draft Report does not substantially comply with the requirements of Appendix 2 in the following instances:	Noted	-
114		Appendix 2(d)(i) - The list of activities in Section 2 may be incomplete. The Screening Report (Appendix E to the Report) refers to the Msunduzi Environmental Management Framework ("the EMF"). If Activity 12 (d)(v) requires authorisation, it is likely that other activities in Listing Notice 3 related to EMF may also require authorisation. The Report is devoid of information about the site in terms of the EMF.	Based on the legal review undertaken by the EAP, and in consultation with the EDTEA during the pre-application meeting, no further activities in Listing Notice 3 is applicable.  Activity 10 of Listing Notice 3 may have been applicable, however, it is limited to the storage of dangerous goods between 30 and 80 cubic metres, and as such is not applicable.  The Baseline Environment is based on information extracted from the EMF, however specific reference has been included in the Final Scoping Report.	<b>Section 2</b>
115		Appendix 2(e)- Section 2 of the Report is devoid of information about the property and the proposed building in terms of the Msunduzi Single Land Use Scheme and relevant municipal by-laws.	Section 2 of the Draft Scoping report was updated to included reference to the Msunduzi Single Land Use Scheme and relevant municipal by-laws.  The Msunduzi Single Land Use Scheme and relevant municipal by-laws have also been referenced in the EIAR.	<b>Section 2</b>



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116		Appendix 2(f) – The motivation for the need and desirability for the proposed activity in Section 4.1 does not comply with the Guidelines for a Need and Desirability Assessment. Due to the severity of harm posed by the activity, the need and desirability of the undertaking of the proposed activity must be thoroughly investigated. The limited information in section 4.1 belies the risks involved in undertaking the proposed activity.	The Need and Desirability Assessment is included in the EIAR.	<b>Section 5</b>
117		Appendix 2 (g) – The opening line to Appendix 2 (g) reads as follows “A full description of the PROCESS FOLLOWED (emphasis added) to REACH (emphasis added) the proposed preferred activity, site and location with the site...” a. The information is purportedly found in Section 3, 4, 5 and 6 of the Report. b. The Report is devoid of a full description of the process that the EAP followed to reach the conclusion that a Major Hazardous Installation is the preferred activity; that Erven 2306 and 2307 Shortts Retreat is the preferred site and that the location of the buildings is the preferred location within the site.	The process followed to reach the proposed preferred activity, site and location with the site are discussed in the Final Scoping Report, however an alternatives assessment was included in Section 4.  The alternative assessment has also been included in the EIAR.	<b>Section 6.6</b>
118		Appendix 2(g)(i) – Section 4 of the Report is devoid of details of all the alternatives considered.	Section 4 of the Scoping Report and Section 6 of the EIAR outlines layout alternatives.	<b>Section 6.6</b>
119		Appendix 2(g)(iv) – Section 5 of the Report is devoid of the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects.	The Baseline Environment is considered to be the same for the layout alternative considered.	<b>Section 7</b>
120		Appendix 2(g)(v) – Section 6 of the Report does NOT include a description of the impacts and risks identified for each alternative.	The impacts identified are considered to be the same for the layout alternative considered.	<b>Section 8</b>

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121		Appendix 2(g) (vi) – Section 3.5 of the Report does not describe the methodology use to determine and rank potential environmental impacts and risks associated with the alternatives.	The methodology used to determine and rank potential environmental impacts and risks associated are considered to be the same for the layout alternative identified.	<b>Section 8</b>
122		Appendix 2(g)(vii) – Section 6.16 of the Report does not include a description of the positive and negative impacts that the alternatives will have on the environment and on the community that may be affected.	The positive and negative impacts are considered to be the same for the layout alternative identified.	<b>Section 8</b>
123		Appendix 2(g)(ix) – Section 6 of the Report does NOT include the outcome of the site selection matrix.	<p>The preferred location was chosen based on the following factors:</p> <ul style="list-style-type: none"> <li>• The property is owned by R-Bay and therefore no further landowner consent is required.</li> <li>• The proposed location is within an industrial area and the Erf is zoned as industrial.</li> <li>• The proposed location is approximately 2.5 km from the N3, allowing for a favourable transport route between major cities.</li> <li>• The site is adjacent to one of the existing Richbay production facilities, and is required in the immediate vicinity in order to alleviate space constraints at the existing Richbay Pietermaritzburg site.</li> <li>• Based on the SDF and Msunduzi Single Land Use Scheme the site is situated in a developable area and an industrial zone.</li> </ul> <p>Therefore, no further alternative locations were assessed, and a site selection matrix was not compiled.</p> <p>Appendix 2(g)(x) requires that a motivation must be provided if no alternatives are considered. Section 4.3 of the report outlines why no location alternatives were considered. The alternatives that will be considered was also discussed during the pre-application meeting with the EDTEA.</p>	<b>Section 5</b> <b>Section 6.6</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
124		<p>Appendix 2(g)(x) – Section 4.3 of the Report states that no alternatives including alternative locations for the activity were investigated. Considering the severity of the impact of a Major Hazardous Installation and the need to minimise the impact on the environment and the community affected by the activity, the decision to not investigate alternative sites is a dereliction of duty on the part of the Environmental Assessment Practitioner.</p> <p>a. Figure 5-5 in the Report depicts the extent and proximity of wetlands on contours below the site. This fact alone should have raised a red flag to investigate alternative sites.</p>	<p>The preferred location as described was chosen based on the following factors:</p> <ul style="list-style-type: none"> <li>• The property is owned by R-Bay and therefore no further landowner consent is required.</li> <li>• The proposed location is within an industrial area and the Erf is zoned as industrial.</li> <li>• The proposed location is approximately 2.5 km from the N3, allowing for a favourable transport route between major cities.</li> <li>• The site is adjacent to one of the existing Richbay production facilities, and is required in the immediate vicinity in order to alleviate space constraints at the existing Richbay Pietermaritzburg site.</li> <li>• Based on the SDF and Msunduzi Single Land Use Scheme the site is situated in a developable area and an industrial zone.</li> </ul> <p>Therefore, no further alternative locations were assessed, however alternative warehouse layouts were assessed.</p> <p>However, in order to assess the potential impacts associated with the storage of the dangerous goods the following specialist studies will be undertaken during the EIA Phase:</p> <ul style="list-style-type: none"> <li>• Terrestrial Biodiversity Assessment;</li> <li>• Wetland and Aquatic Assessment;</li> <li>• Heritage and Palaeontology Impact Assessment;</li> <li>• Conceptual Stormwater Management Plan;</li> <li>• Soils and Agricultural Potential Assessment;</li> <li>• Qualitative Risk Assessment (specific to the storage of chemicals); and</li> <li>• Desktop Geotechnical Assessment.</li> </ul>	<p><b>Section 5</b> <b>Section 6.6</b></p> <p><b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b></p>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			The results from the specialist studies will be included in the draft Environmental Impact Assessment Report, which will be made available for public review, and will form the basis of environmental impact assessment.	
125		Appendix 2(g)(xi) – Section 4.3 of the Report provides for a concluding statement of the Report. However, the concluding statement does NOT indicate the preferred alternatives including the preferred activity, preferred site and preferred location in the site because NO alternatives were investigated.	An alternative assessment is included in Section 6.6 of the report and the Need and Desirability Assessment include a concluding statement.	<b>Section 5</b> <b>Section 6.6</b>
126		The scoping phase creates the opportunity to investigate alternative sites. The environmental impact assessment phase considers and assesses alternatives within the preferred site. The choice to not investigate alternative sites limits the success of the competent authority authorising a Major Hazardous Installation on site.	<p>The preferred location as described was chosen based on the following factors:</p> <ul style="list-style-type: none"> <li>• The property is owned by R-Bay and therefore no further landowner consent is required.</li> <li>• The proposed location is within an industrial area and the Erf is zoned as industrial.</li> <li>• The proposed location is approximately 2.5 km from the N3, allowing for a favourable transport route between major cities.</li> <li>• The site is adjacent to one of the existing Richbay production facilities, and is required in the immediate vicinity in order to alleviate space constraints at the existing Richbay Pietermaritzburg site.</li> <li>• Based on the SDF and Msunduzi Single Land use Scheme the site is situated in a developable area and an industrial zone.</li> </ul> <p>Therefore, no further alternative locations were assessed, however alternative warehouse layouts were assessed.</p> <p>A Major Hazard Installation Risk Assessment was undertaken and is attached to the EIAR.</p> <p>The focus of this assessment is on those hazards leading to injuries or fatalities that can affect the outside public or neighbouring</p>	<b>Section 6.6</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			<p>installations. It is therefore not a detailed audit of all the possible risks to plant, equipment and operating personnel etc.</p> <p>Due to the presence of certain hazardous materials, their associated offsite effects and the fact that some may be stored in IBCs (not drums) thereby exceeding the 2022 MHI Regulation Threshold, the R-Bay Properties Pietermaritzburg site should as a precaution be classified as a Low Level Major Hazard Establishment.</p>	
127		<p>Appendix 2(h)(iii)- Section 7.4 (not 7.5) of the Report describes aspects to be assessed by specialists. According to the Screening Report (Appendix E attached to the Report) the following assessments on the preferred site are required:</p> <ul style="list-style-type: none"> <li>a. Agricultural Assessment</li> <li>b. Archaeological and Cultural Heritage Impact Assessment</li> <li>c. Palaeontology Impact Assessment</li> <li>d. Terrestrial Biodiversity Impact Assessment</li> <li>e. Aquatic Biodiversity Impact Assessment</li> <li>f. Hydrology Assessment</li> <li>g. Noise Impact Assessment</li> <li>h. Traffic Impact Assessment</li> <li>i. Geotechnical Assessment</li> <li>j. Socio-Economic assessment</li> <li>k. Plant Species Assessment</li> <li>l. Animal Species Assessment.</li> </ul>	<p>A Site Verification Assessment Report has been compiled and is attached as part of the Final Scoping Report. The site verification assessment has also been summarised in the EIAR.</p> <p>Motivations are provided therein as to why only selected specialist studies have been commissioned for the EIA Phase.</p>	<b>Section 4.4</b>
128		<p>The EAP has NOT commissioned the following specialist assessments identified by the Screening Tool and NOT given reasons for excluding them from the plan of study:</p>		

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
		<ul style="list-style-type: none"> <li>a. Agricultural Assessment</li> <li>b. Hydrological Assessment</li> <li>c. Noise Impact Assessment</li> <li>d. Traffic Impact Assessment</li> <li>e. Geotechnical Assessment</li> <li>f. Socioeconomic Assessment.</li> </ul>		
129		<p>I request that due to the potential severity of the impacts and risks of the proposed activity that the Report be revised to meet ALL the requirements of Appendix 2 to the Regulations and that in addition to specialist studies identified by the Screening Tool, the following specialist studies be included in the plan of study:</p> <ul style="list-style-type: none"> <li>a. Hydropedological Assessment</li> <li>b. Geohydrological Assessment</li> </ul>	<p>The Scoping Report was considered to meet the requirements of Appendix 2 of the EIA Regulations and was accepted by the EDTEA on 29 March 2023.</p> <p>A Hydropedological Assessment is typically undertaken in order to identify water resources and flow paths within the hillslope of a watercourse. Based on the initial site visit undertaken by the Soil Specialist, the site is flat. Further to this, only one hydropedological soil type was present within the project site – this was recharge soils. Thus, all that could be deduced from such a study would be that vertical flow is the dominant flow direction through the freely-drained soils on the site and as such it is deemed not necessary to undertake a Hydropedological Assessment.</p> <p>The site will be covered by hardstanding and will have sumps for potential spillages, as such the impact to groundwater is considered low and a Geohydrological Assessment is deemed not be required.</p>	<p><b>Section 8</b></p> <p><b>Section 9</b></p> <p><b>Section 10</b></p> <p><b>Appendix G</b></p> <p><b>Appendix H</b></p>
130		Please inform me when the Final Scoping Report is submitted to the Competent Authority.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
131		My apologies for not meeting the deadline of 7 February 2023 for the submission of comments.	Noted.	-


REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
<b>Private Persons</b>				
132	29 January 2023 Email [REDACTED]	Please add me, as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
133	30 January 2023 Email [REDACTED]	I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are: <ul style="list-style-type: none"> <li>— Hydrochloric Acid</li> <li>— Acetic Acid</li> <li>— Sodium Hypochlorite</li> <li>— Sulphuric Acid</li> <li>— Caustic Soda (Solid)</li> <li>— Caustic Soda Liquid</li> <li>— Phosphoric Acid</li> <li>— Nitric Acid</li> <li>— Sodium Metabisulphite (Solid)</li> <li>— Formaldehyde</li> <li>— Ammonium 25%</li> <li>— Sodium Chlorite 25-31%.</li> </ul>	The chemicals listed correlates with the project description outlined in the Scoping and EIAR.	<b>Section 6</b>
134	29 January 2023 Email [REDACTED]	I don't know if you received my previous email: I wish to be registered as an interested person in the protection of Blackburrow/ Mkondeni Spruit.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
135	30 January 2023 Email [REDACTED]	Please add me to the Interested and Affected Party list for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat Mkondeni.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
136		As a home owner whose property borders the Mkondeni Spruit, the water quality and smell is affecting us directly. It is also affecting the bird life and animal wild life in the area.	The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.  Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b>
137		Thanking you and looking forward to hearing what action will be taken to prevent this ongoing destruction of the environment.	Noted.	-
138	1 February 2023 Email [REDACTED]	Please ad me to the group, I reside in Hereford circle near the stream.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
139	30 January 2023 Email [REDACTED] Scientist: Ecosystems	Please can you send me the relevant documentation for this notice of a proposed construction and operation of a warehouse to store dangerous chemicals.?	The notification letter and a link to the Draft Scoping Report was sent to the stakeholder on 1 February 2023. An extension for the submission of comments on the above-mentioned documents was granted until 7 February 2023.  All further documentation will also be provided.	<b>Appendix D</b>



REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
140		I would like to register as an interested and affected party for this please.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
141	1 February 2023, Email [REDACTED] Scientist: Ecosystems	I have not had an acknowledgement of my email, nor have I received the documents in order to make comment. The cut off date was yesterday.  This is unacceptable.  Your urgent response and solution is requested.	The initial email from the stakeholder was received on 30 January and a response was provided on 1 February 2023.  The notification letter and a link to the Draft Scoping Report was sent to the stakeholder on 1 February 2023. An extension for the submission of comments on the above-mentioned documents was granted until 7 February 2023.	<b>Appendix D</b>
142	7 February 2023 Email	I wish to object to the R-Bay Warehousing application to store dangerous goods in the Mkondeni area.	Noted.	<b>Appendix D</b>
143	[REDACTED] Scientist: Ecosystems	Firstly, I don't believe a written notice was given to the Ashburton community (I acknowledge the newspaper notifications). It would have been good for a notice to put up for our community since we neighbour Mkondeni where the warehouse will be erected. The draft scoping report indicates that a notice was put up at the Mkondeni post office. To the best of my knowledge the post office was destroyed and thereafter closed down after the July 2021 riots.	Potentially Interested and Affected Parties were notified of the project in the following manner: <ul style="list-style-type: none"> <li>• Placement of Site Notices.</li> <li>• Newspaper Advertisement.</li> <li>• Email and SMS Notifications to the responsible Ward Councillor of Ward 36.</li> <li>• Email notification to Commenting Authorities.</li> </ul> In terms of the site notices placed, the Draft Scoping Report was printed prior to the site notices being distributed. While erecting the site notices, we identified the post office as a concern, as such site notices were placed at the following locations: <ul style="list-style-type: none"> <li>• Msunduzi Municipal Library (Bessie Head Library);</li> <li>• Pietermaritzburg Civic Centre and Municipal Clinic;</li> <li>• Ndlovu Park Tuckshop;</li> <li>• Polly Short Centre; and</li> </ul>	<b>Appendix D</b>



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			Site Boundary - the site notices were erected on poles that were placed at the project site (unfortunately these are often removed by passers-by), and on the palisades on the corner of the development site.	
144		My major concern lies with the risk for storing dangerous chemicals that are harmful to human health, that can cause permanent damage, or death, breathing difficulties, and irritation to the skin, mucous membranes and eyes, amongst many others. These chemicals are also extremely harmful in the environment (water, soil and atmosphere). The risk comes from spillage, accidents or external threats. KZN is still on high alert following the riots of July 2021. Warnings have been issued that riots are likely to occur again. After Durban's UPL warehouse was damaged in the riots, immense environmental harm ensued and the toxic chemicals harmed the health of people in the area and downstream. The risk is too high and detrimental to the surrounding communities and hence unacceptable.	<p>The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.</p> <p>Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.</p> <p>In addition, the majority (approximately 95%) of the chemicals that will be stored are NSF60 chemicals which is used in the treatment of drinking water.</p>	<p><b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b></p>
145		I also note that the catchment is in the Umgeni catchment with the Inanda and Nagle dams downstream. This is a major source of water for the eThekweni municipality and population. Any leakage, from any cause, will ultimately affect this hydrological system.		
146		The dangerous chemicals will also have to be transported to and from the warehouse, increasing traffic in the area. Risks of vehicle accidents are high given the road construction on the N3. Another unacceptable risk from transporting dangerous chemicals in our community.	<p>Based on current project information, the project will require approximately 1 or 2 trucks per day during the construction phase.</p> <p>It is anticipated that there will be approximately 10 additional trucks required per week during the operational phase to deliver the chemicals to the warehouse.</p> <p>R-Bay Chemicals will ensure that all transportation is undertaken in terms of the requirements of the National Road Traffic Act, 93 of</p>	<p><b>Section 8.8</b> <b>Appendix H</b></p>


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			<p>1996 (NRTA) and applicable South African National Standards (SANS).</p> <p>In addition, R-Bay will develop procedures for the transportation of all dangerous goods.</p> <p>Based on the Municipal Spatial Development Framework, the N3 corridor that runs through the municipality is in close proximity to the CBD and is ideal to provide opportunities for industrial development. It provides the opportunity for future developments to be located in proximity to a national transportation route, along the SIP 2 corridor connecting the Durban Harbour and major markets within Gauteng and offer high visibility to industries.</p>	
147		Hence I object in the strongest terms to the warehouse being erected and used to store dangerous chemicals.	The concerns raised by the stakeholder is noted in included in the Comments and Response Report.	<b>Appendix D</b>
148	29 January 2023 Email 	I wish to register and be added as an interested and effected party, in that my property borders on this stream: Re Richbay (PTY) hazardous chemical storage application. Ware house to store dangerous chemicals erf 2306 2307Sortss Retreat Mkondeni.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
149		I appreciate that some of my comments and objections are already detailed in the report. Nevertheless, in view of the potential seriousness of severe pollution from this activity and, as resident I want to specifically reiterate and confirm these misgivings	Noted.	-
150		Topographically it's a vulnerable area due to already illegal extensions to factories at the river, resulting in the destruction of the sewer system and or storm water drainage. Not discounting the altering of the natural landscape, thus effecting the river course: all of which has and is presently resulting in heavy pollution of the stream. Any further development and activities such as chemical storage or processing needs to be	The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b>

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		postponed until such time as the basic infrastructure is in place and remedial work carried out to carry sewage and storm water. That the area and natural landscape is rehabilitated to allow for industries, such as this to be established. The situation, as of now, the area is too insecure in terms of the above, to allow any new business to be added which, has the potential to pollute.	Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.	
151		Whatever measures they make, such as, bunding, containment tanks, ponds etc have to be sufficiently big enough and reliable to contain ALL their chemicals plus storm water spillage. Historical evidence, namely Thor Chemicals in Cato Ridge, had most of the necessary mitigating measures in place. However, two incidents resulted in pollution of the Mngweceni River, tributary of the Duzi. One was a storm, whereby the holding ponds were breached resulting in heavy pollution of chemical waste and the second was drums were stolen and the contents of heavily contaminated chemical waste was poured directly into the river. Security is also another issue in view of this. The present situation, linked with the above suggests that there is a real possibility that this very scenario can reoccur, in that it mimics exactly the Thor Chemicals situation. Further, this is discounting that the area under review is even more vulnerable than the position of Thor Chemicals in Cato Ridge, as given in the report and as presented here. That incident alone demonstrates no development of hazardous waste handling of any kind should ever take place near to a river. History has a habit of repeating itself. I am surprised that this has not been legislated, given the international and seriousness of Thor Chemical incident.	The warehouse will be constructed and operated in accordance with the Occupational Health and Safety Act (No. 85 of 1993) and the associated South African National Standards (SANS).  The liquid or solid chemicals will be stored in bunded and enclosed areas with a sufficient storage capacity as required by the relevant standards and regulations.	<b>Appendix G</b>
152		Already demonstrated by the lack of response from the Umsunduzi Municipality, probably Umgeni Water and other Government Departments, to this specific streams pollution since 2013, with each year getting progressively worse, is there the capacity and the will to police such a facility. As a chemical storage plant, which has a potential for serious pollution, will it	All chemicals will be handled and stored in accordance with the specific Material Safety Data Sheets (MSDS).	<b>Appendix G</b>



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		be policed and inspected. Because of its location this is a relevant point. If it was away from a river, built up area and other numerous vulnerable groups, then the lack of policing would not be as serious. But any changes to the structure and operation of this facility over the subsequent years, could take place unchecked to a point where a serious and potential 'incident' can occur. Further, how are we as community, going to be assured that no activity of any kind be carried out other than just storage. Siphoning, decanting and moving of chemicals may still be carried out, and in view of the above that's a possibility	All chemicals will be handled in accordance with the Occupational Health and Safety Act (No. 85 of 1993) and the associated South African National Standards (SANS).  In addition, handling and storage management measures to be implemented by R-Bay, will be stipulated in the EMPr, which will be included in the EIA.	
153		If a pollution incident occurs ground water & surrounding soil could be situated with chemical waste with years of seepage taking place and absolutely no means of rectifying the situation. Such saturation will take place into the deep earth and wider area with no means to remove the contaminants. Maybe an over exaggeration but this occurred in South Durban where contaminates entered the subsoil and whole communities were seriously threatened and I think relocated. Again lessons from the past need to be headed		
154		I don't accept or agree with some of the points declared low risk in 6.14 SUMMARY OF IMPACT SIGNIFICANCE SCREENING, this specifically relates to:  — Climate change. Classified as very low. With recent flooding, wash away's and the damage done to this specific area it should be re-classified as high risk and definitely needs further investigation.  — In that table high risk has been established for terrestrial activity but low risk for biodiversity effects. I don't understand that, if an incident occurs both will be seriously affected, including wetlands further downstream and agricultural activities. Further the entire catchment area can be negatively impacted on effecting treatment of	The potential impact significance was outlined in two sections in the Scoping Report. The DFFE screening is an auto generated report based on the DFFE Screening Tool, where Section 6 of the Scoping Report is an impact significant screening based on desktop reviews and site investigations. The potential impacts have been identified at desktop level based on the current available information. The potential impacts will be re-assessed during the EIA phase, based on the outcome of the specialist studies.  Differences between the ratings in these Sections do occur.  • Climate Change, the site is fairly flat, and based on the Msunduzi EMF, in an area that is not prone to flooding. An addition, the facility will be designed in order to withstand potential climate change challenges.	<b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b>

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		<p>our water supply, farming activities and vulnerable groups that rely on the Duzi. It seems as though this report is only focussing on the immediate area, the potential is wider and potentially effects the whole of the eastern area of KZN from Pietermaritzburg to Durban.</p> <p>— Socio economic is classified as low. Factories in the vicinity have already been affected in terms of negative effects against personal and equipment due to chemical drift and contamination of the surrounding air. This needs to be further investigated and maybe reclassified.</p>	<ul style="list-style-type: none"> <li>The report focuses on the area where potential impacts will occur. Should extended impacts be applicable, these will be identified in the relevant specialist studies.</li> <li>All containers that will be stored at the proposed warehouse will be sealed and as such there will be no air emissions and no associated air quality monitoring required.</li> </ul>	
155	29 January 2023 Email [REDACTED]	Please add me to I & AP list	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
156	1 February 2023 Email [REDACTED]	Please add us, residing in Ward 37 community as interested and affected parties for the application for environmental authorization for a warehouse to store dangerous chemicals on Erf 2306 and 2307, Shortts Retreat, Mkondeni.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
157	29 January 2023 Email [REDACTED]	I would like to register as an interested party, and affected by the river pollution.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
158	30 January 2023 Email [REDACTED]	The recent pollution in the Mkondeni spruit has made affected persons much more aware of the potential impacts of applications made in Mkondeni and in the neighbourhood.  Please register me an Interested and Affected Party. I would like to be able object.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
159	29 January 2023 Email 	Please add Sarah Da Silva, 28 Westview Place, Hayfields, PMB(Ward 37) as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
160		I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are:  — Hydrochloric Acid — Acetic Acid — Sodium Hypochlorite — Sulphuric Acid — Caustic Soda (Solid) — Caustic Soda Liquid — Phosphoric Acid — Nitric Acid — Sodium Metabisulphite (Solid) — Formaldehyde — Ammonium 25% — Sodium Chlorite 25-31%.	The listed chemicals correlates with the project description outlined in the Scoping Report.	<b>Section 6</b>
161	29 January 2023 Email 	Please add Tony Da Silva, 28 Westview Place, Hayfields, PMB(Ward 37) as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
162		<p>I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are:</p> <ul style="list-style-type: none"> <li>— Hydrochloric Acid</li> <li>— Acetic Acid</li> <li>— Sodium Hypochlorite</li> <li>— Sulphuric Acid</li> <li>— Caustic Soda (Solid)</li> <li>— Caustic Soda Liquid</li> <li>— Phosphoric Acid</li> <li>— Nitric Acid</li> <li>— Sodium Metabisulphite (Solid)</li> <li>— Formaldehyde</li> <li>— Ammonium 25%</li> </ul> <p>Sodium Chlorite 25-31%.</p>	<p>Noted.</p> <p>The listed chemicals correlates with the project description outlined in the Scoping Report and EIAR.</p>	<b>Section 6</b>
163	7 February 2023 Email	I should like to be registered as an interested and affected party.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
164		I object strongly to the storage of toxic chemicals so close to a residential area and within such a busy business hub. There is risk of injury to residents and workers.	Noted.	-
165		My property in Mpushini is part of the gazetted Lower Mpushini Protected Area. It is within a 6 or 7 kilometre radius of the proposed site. There is strong possibility of any accident affecting this protected area.	<p>A Major Hazard Installation Risk Assessment was undertaken and is attached to the EIAR.</p> <p>The focus of this assessment is on those hazards leading to injuries or fatalities that can affect the outside public or neighbouring</p>	<b>Section 8.10</b> <b>Appendix G</b>



REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			installations. It is therefore not a detailed audit of all the possible risks to plant, equipment and operating personnel etc.  Due to the presence of certain hazardous materials, their associated offsite effects and the fact that some may be stored in IBCs (not drums) thereby exceeding the 2022 MHI Regulation Threshold, the R-Bay Properties Pietermaritzburg site should as a precaution be classified as a Low Level Major Hazard Establishment.	
166		The Msunduzi municipality as local government, and also our national government have shown themselves to be incapable of keeping any kind of control over this kind of facility and have also shown themselves to be heedless of the well being and safety of South African citizens. Government cannot be trusted to ensure that such a facility is safely run	Management measure for potential significant impacts have been included in the EMPr, attached to the EIAR.	<b>Appendix H</b>
167	30 January 2023 Email 	Please add Dr TE Erasmus as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
168		I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are:  — Hydrochloric Acid — Acetic Acid — Sodium Hypochlorite — Sulphuric Acid — Caustic Soda (Solid) — Caustic Soda Liquid — Phosphoric Acid	The listed chemicals correlates with the project description outlined in the Scoping Report and EIAR.	<b>Section 6</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
		<ul style="list-style-type: none"> <li>— Nitric Acid</li> <li>— Sodium Metabisulphite (Solid)</li> <li>— Formaldehyde</li> <li>— Ammonium 25%</li> <li>— Sodium Chlorite 25-31%.</li> </ul>		
169	30 January 2023 Email [REDACTED]	Please add me to the list. vernon Vogt.	The individual was registered as an interested and affected party and will be included in all future correspondence regarding the project.	<b>Appendix D</b>
<b>Newspapers</b>				
170	9 February 2023 Email [REDACTED]	I trust you are well. I'm a reporter from The Witness newspaper and would like to get comments regarding the proposed construction of a chemical warehouse on Shortts Road, Pietermaritzburg. I believe there's been some objections for this project and an email was sent to you by the Msunduzi Association of Residents Ratepayers and Civics (MARRC) with questions regarding this project	Noted	-
171		When does the company plan to start with the construction of this warehouse	The Scoping and Environmental Impact Reporting (S&EIR) process is still ongoing, however, taking into consideration the legislated timeframes, it is estimated that a decision will be made by end October 2023. Environmental authorisation need to be obtained by the company before it may commence construction.	<b>Section 11</b>
172		What will this warehouse store	The warehousing will be used as an importation hub where the chemicals already packed and palletized will be offloaded from shipping containers and stored, prior to being dispatched to the Richbay Chemical Plants throughout Southern Africa. No decanting will take place in the warehouse/s. As outlined in the Draft Scoping	<b>Section 6</b>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			<p>Report which has been made available publicly, the chemicals that will be stored at the warehouse/s will include:</p> <ul style="list-style-type: none"> <li>• Hydrochloric Acid</li> <li>• Acetic Acid</li> <li>• Sodium Hypochlorite</li> <li>• Sulphuric Acid</li> <li>• Caustic Soda (Solid)</li> <li>• Caustic Soda Liquid</li> <li>• Phosphoric Acid</li> <li>• Nitric Acid</li> <li>• Sodium Metabisulphite (Solid)</li> <li>• Formaldehyde</li> <li>• Ammonium 25%</li> <li>• Sodium Chlorite 25-31%</li> </ul>	
173		Has the company completed an environmental study for this project and were there any negative findings	<p>WSP Group Africa (Pty) Ltd has been appointed to undertake the Scoping and Environmental Impact Reporting (S&amp;EIR) process for the proposed development.</p> <p>The potential impacts as a result of the development of the chemicals warehouse were assessed by numerous specialists and an impact assessment undertaken by the EAP. All specialist studies are attached to the EIAR which has been made available to the public. Where instance of potential significant impacts was identified management measures were proposed in order to reduce the impact to an acceptable level.</p> <p>Negative environmental impacts associated with the proposed R-Bay Chemical Warehouse can be mitigated to acceptable levels. It is therefore the opinion of the EAP that the project can proceed, and</p>	<p><b>Section 8</b> <b>Section 9</b> <b>Section 10</b> <b>Appendix G</b> <b>Appendix H</b></p>

REF NO.	DATE OF COMMENT, FORMAT OF COMMENT, NAME OF ORGANISATION/I&AP	COMMENTS	RESPONSE	REPORT REFERENCE
			<p>that all the listed mitigation measures and recommendations are considered by the KZN EDTEA.</p> <p>The Draft EIAR has been distributed to registered stakeholders for review.</p>	
174		Has this project been approved by Msunduzi Municipality	As part of the application for environmental authorisation (S&EIR process), the Draft Scoping report has been provided to the Msunduzi Municipality for comment. The Environmental Impact Assessment Report will also be submitted to the municipality for comment. All comments received from the Msunduzi Municipality will be included in the comment, and response report, which will be submitted as part of the Final EIAR for decision making to the KwaZulu Natal Department of Economic Development, Tourism and Environmental Affairs.	<b>Appendix D</b> <b>Section 10.4</b>
175		Will this project benefit Pietermaritzburg residents in any way, if so how	<p>Based on information received from R-Bay Properties (Pty) Ltd, should the project be approved, the following potential employment opportunities could be created for the local community:</p> <ul style="list-style-type: none"> <li>• Construction phase – approximately 20 un-skilled employment opportunities.</li> <li>• Construction phase – approximately 5 skilled employment opportunities.</li> <li>• Operational phase – approximately 10 skilled employment opportunities</li> <li>• Operational phase – approximately 15 unskilled employment opportunities.</li> </ul> <p>The warehouse will also be storing NSF60 chemicals which is used in the treatment of drinking water.</p>	<b>Section 8.9</b> <b>Appendix H</b>

**KWAZULU-NATAL PROVINCE**ECONOMIC DEVELOPMENT, TOURISM  
AND ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA**DIRECTORATE: ENVIRONMENTAL SERVICES**Enquiries: Ms. Zama Mbanjwa  
Imibuzo :  
Navrae :Telephone: 033 264 2500  
Ucingo :  
Telefoon :Private Bag : X9152  
Isikhwama Seposi : Pietermaritzburg  
Privaat Sak : 3200Reference: DC22/0002/2023  
Inkomba : KZN/EIA/0001867/2023  
Verwysing:Fax:  
iFeksi:  
Faks:Date : 13 January 2023  
Usuku :  
Datum :**Email Transmission**

WSP Group Africa (Pty) Ltd  
P. O. Box 98864  
Sloane Park  
2151  
Attention: Tutayi Chifadza  
Email: Tutayi.Chifadza@wsp.com  
Dear Sir / Madam

**DC22/0002/2023: KZN/EIA/0001867/2023 ACKNOWLEDGEMENT OF RECEIPT OF AN APPLICATION FOR ENVIRONMENTAL AUTHORIZATION SUBJECT TO A SCOPING ASSESSMENT REPORT OF R-BAY PROPERTIES CHEMICAL WAREHOUSE.**

The application for environmental authorization for the abovementioned activity, submitted in terms of the requirements of regulation 6(1) of the EIA Regulations, 2014, was received by this Department on **13 December 2022**. This application complies with the EIA Regulations 2014 and has been accepted.

1. Please note that this application has been registered on the National Environmental Authorization System (NEAS), According to NEAS the final report due date is **02 February 2023**. **Kindly note that it is ultimately the responsibility of the applicant to manually verify the due date with assistance from the district office.** In terms of regulation 45 of the EIA Regulations 2014, an application lapses if the applicant fails to meet any of the prescribed timeframes (unless an extension has been granted in terms of regulation 3(7)).
2. Please quote the above-mentioned reference number for this application in all future correspondence.
3. You are reminded that the activity/ies applied for may not commence prior to an environmental authorization being granted by this Department.
4. Enquiries regarding this application may be directed to the Assistant Manager: Impact Assessment: **Mr. Shawn Janneker: Tel No: 033 347 1820: uMgungundlovu District Office.**

Yours faithfully

For: Head of Department:  
KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs  
cc: martink@richbay.co.za



01 Cedara Road, Pietermaritzburg, 3200

KZN Department of Agriculture & Rural Development, Private Bag X9059, Pietermaritzburg, 3200

Enquiries: Thabede Bongiwe (Prof. Natural Scientist)

Tel: 033 355 9347

Ref No: 2022/12/6044

Date: 24 January 2023

**WSP IN AFRICA  
BUILDING 1, GOLDER HOUSE  
MAXWELL OFFICE PARK  
MAGWA CRESCENT WEST, WATERFALL CITY  
MIDRAND**

**Attention: Anri Scheepers**

**Email: [Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)**

**RE: NOTICE IS GIVEN INTERMS OF REGULATION 41(2) OF GNR 982 (2014 AS AMENDED) PUBLISHED UNDER SECTION 24 AND 24D OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NO 107 OF 1998) NEMA FOR SUBMISSION FOR SUBMISSION OF AN APPLICATION FOR ENVIRONMENTAL (EA) IN RESPECT OF ACTIVITIES IDENTIFIED INTERMS OF GNR 983, 984 AND 985 (AS AMENDED AMENDED) FOR PROPOSED DEVELOPMENT A CHEMICAL WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS ON ERF 2306 AND 2307, SHORTS RETREAT.**

**1. GENERAL**

- 1.1. The Provincial Department of Agriculture and Rural Development: Agricultural Resource Management, Land Use Regulatory Unit acknowledges the receipt of the above mentioned application.
- 1.2. The main objective of the submitted application is to request Provincial Department of Agriculture and Rural Development to recommend, provide valuable inputs and comments on the proposed development a chemical warehouse for the storage of dangerous goods on ERF 2306 and 2307, Shorts Retreat.

**2. BACKGROUND**

- 2.1. R- Bay Properties (Pty) Ltd proposes to construct a chemical warehouse for the storage of dangerous goods with a capacity of approximately 2000m<sup>3</sup>.
- 2.2. The proposed warehouse will be located on ERF 2306 and 2307, Shorts Retreat, Pietermaritzburg.
- 2.3. The warehouse will be designed as a purpose built chemical structure. The project will entail the clearance of potential indigenous vegetation on a site of 9 955m<sup>2</sup>.
- 2.4. The project will hence require a Scoping and Environmental Impact Reporting (S&EIR) Process.
- 2.5. The warehousing will be used as an importation hub where chemicals (already packed and palletized) will be offload from shipping containers, and stored, prior to dispatch to Richbay facilities throughout Southern Africa. In addition, processed chemicals (already packed and palletized) will be stored prior to dispatch for international distribution. No processing or decanting will take place in the warehouse/s.
- 2.6. The chemicals that will be stored at the warehouse/s will include:
  - Hydrochloric Acid.
  - Acetic Acid.
  - Sodium Hypochlorite.
  - Sulphuric Acid.



## KWAZULU-NATAL PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

- Caustic Soda (Solid).
  - Caustic Soda Liquid.
  - Phosphoric Acid.
  - Nitric Acid.
  - Sodium Metabisulphite (Solid).
  - Formaldehyde.
  - Ammonium 25%.
  - Sodium Chlorite 25-31%.
- 2.7. The site is located in an Industrial area, with other industry surrounding the site. The current state of the land is that of open grasslands and scattered shrubs/trees, and surrounded by various storage warehouses, a medical treatment facility, waste treatment facility and chemicals companies. The vacant land portion to the northeast of the site is being developed to include small warehousing.
- 2.8. The warehouse is required to cater for additional storage in order for backlogs in shipping not hamper the ongoing operation of the Richbay facilities or supply to markets. The proposed warehouse will therefore act as a buffer to receive the imported chemicals, ensure packaging is adequate, quality checks conducted, and a small volume of stock will be available at the warehouse. The products will therefore be readily available for their chemical manufacturing facilities.
- 2.9. The site falls within U20J quaternary catchment in the Mvoti - Umzimkulu Water Management Area (WMA) 11, and, with a catchment area of 687 km<sup>2</sup>. Mean annual precipitation is approximately 840 mm, whilst mean annual evaporation is approximately 1200 mm. The uMsunduzi River lies approximately 5 km to the northeast and Mpushini River 4.2 km to the south of the proposed site.
- 2.10. Groundwater depth is anticipated to be 20 to 30 meters below ground level (bgl). Localised flow is anticipated to be generally towards the north of the proposed site.
- 2.11. Listed activity that are related to the project

Listed activity	Description of Project Activity	
GNR 984, Listing Notice 2	Activity 4: 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 more than 500 cubic metres.	Approximately 2 000m <sup>3</sup> of dangerous goods are proposed to be stored at the warehouse
GNR 985, Listing Notice 3	Activity 12(d)(v): The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. d. KwaZulu-Natal v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans	The project will entail the clearance of (potentially indigenous) vegetation on a site of 9.955 m <sup>2</sup> within a critical biodiversity area, in Shortts Retreat, Pietermaritzburg.

### 3. Comments

- 3.1. The proposed development will not physically affect agricultural production as it is within a well-developed industrial area of Msunduzi Local Municipality.
- 3.2. As per site observation there are agricultural activities that are happening and it has an indication that there are number of years it was ceased.



## KWAZULU-NATAL PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

3.3. Such proposed projects are mainly the affecters of the environment but through the submission of a draft scoping report the office was assured that

- Even if the project falls within an agricultural sensitive site because of land capability however through that the site is within the well-developed area the sensitivity was then downgraded but as matter of precautionary measure the applicant provided the relevant mitigation measures.
- For relative aquatic biodiversity theme sensitivity, the project is over a very low sensitivity but through proper monitoring and evaluation plan the applicant has promised that the irregularities will be detected earlier.

3.4. General there are no alarming factors on the submitted application but the statement is taking cognisance of possibilities of air pollution and some spillages that might occur it is therefore recommended that a proper management plan is incorporated with the project.

3.5. Moreover, the office recommends that the applicant makes sure that

- EMPr is assuring us that stormwater flow will be controlled as to avoid possible erosions.
- Surface stormwater channels will be fitted with screens to filter litter
- Contaminated stormwater will not reach environment as water will pass sump, hydrocarbon trap or filter prior to being released into the environment or stormwater system.
- Seepage of liquid material into the ground will be prevented and they will promptly clean up accidental spillages.
- Waste, fire management, health and safety issues are addressed on the submitted programme

#### 4. RECOMMENDATION

4.1. Please be advised that the Provincial Department of Agriculture and Rural Development: Land Use Management Component **IS NOT OBJECTING** to the proposed development a chemical warehouse for the storage of dangerous goods on ERF 2306 and 2307, Shorts Retreat.

.....  
**FOR HEAD OF DEPARTMENT**  
**AGRICULTURE AND RURAL DEVELOPMENT**

**LETTER SIGNED BY: Thabede S. B.**

**DESIGNATION: Acting Scientific Manager\_ Land Use Regulatory Unit**

**DATE: 27/01/2023**



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 03 February 2023 09:56  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Pollution of Mkondeni Spruit

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Sunday, 29 January 2023 18:01  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: Pollution of Mkondeni Spruit

Good day Mr Scheepers

RE Richbay (PTY) hazardous chemicals storage application

Please add [REDACTED] as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.

I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are:

- Hydrochloric Acid
- Acetic Acid
- Sodium Hypochlorite
- Sulphuric Acid
- Caustic Soda (Solid)
- Caustic Soda Liquid
- Phosphoric Acid
- Nitric Acid
- Sodium Metabisulphite (Solid)
- Formaldehyde
- Ammonium 25%
- Sodium Chlorite 25-31%.

Thank you.

Regards



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 03 February 2023 09:43  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: RICHBAY (PTY) HAZARDOUS CHEMICALS STORAGE APPLICATION

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments.

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Monday, 30 January 2023 11:30  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: RICHBAY (PTY) HAZARDOUS CHEMICALS STORAGE APPLICATION

Dear Anri

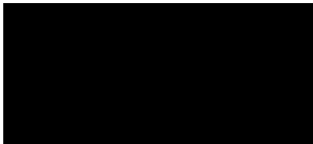
RE: RICHBAY (PTY) HAZARDOUS CHEMICALS STORAGE APPLICATION

Please add Anne Rautenbach, from 58 Burns Road, Hayfields, Pietermaritzburg, as an interested and affected party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts retreat, Mkondeni.

I have a copy of the activities in Listing Notices for authorisation from Nora Choveaux and note with great concern that chemicals included are:

- Hydrochloric Acid
- Acetic Acid
- Sodium Hypochlorite
- Sulphuric Acid
- Caustic Soda (solid)
- Caustic Soda (liquid)
- Phosphoric Acid'-Nitric Acid
- Sodium Metabisulphate (solid)
- Formaldehyde
- Ammonium 25%
- Sodium Chlorite (25-31%)

Thank you



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Wednesday, 01 February 2023 12:55  
To: [REDACTED]  
Subject: RE: Registration as I and AP for Richbay Chemicals

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note that comments can be made on the Draft Scoping Report until 7 February 2023.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Wednesday, 01 February 2023 12:04  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject: Registration as I and AP for Richbay Chemicals

Dear Anri,  
As per our earlier call,

Dear Anri,

RE Richbay (PTY) hazardous chemicals storage application

Please add [REDACTED] (Ward 36, on behalf of Ward 36 Mkondeni and neighbouring communities) as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.

Kind Regards

[REDACTED]

Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 03 February 2023 09:53  
To: [REDACTED]  
Subject: RE: Mkondeni Spruit

Dear [REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards

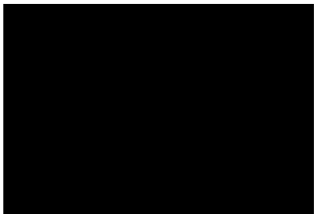


**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Sunday, 29 January 2023 20:55  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject: Mkondeni Spruit

I don't know if you received my previous email: I wish to be registered as an interested person in the protection of Blackburrow/ Mkondeni Spruit.



Sent from [Mail](#) for Windows



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Wednesday, 01 February 2023 13:13  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: R-BAY PROPERTIES PROPOSED CHEMICAL WAREHOUSE, Project No. 41103633

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note that the following specialist assessments have been commissioned for the Environmental Impact Assessment Phase:

- Terrestrial Biodiversity Assessment;
- Wetland and Aquatic Assessment;
- Heritage and Palaeontology Impact Assessment;
- Conceptual Stormwater Management Plan;
- Soils and Agricultural Potential Assessment; and
- Qualitative Risk Assessment (specific to the storage of chemicals).

The results from the specialist studies will be included in the Environmental Impact Assessment Report, which will be made available for review, and will form the basis of assessment.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Monday, 30 January 2023 14:08  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: RE: R-BAY PROPERTIES PROPOSED CHEMICAL WAREHOUSE, Project No. 41103633

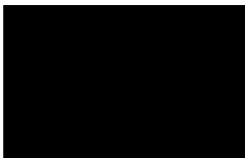
Dear Anri,

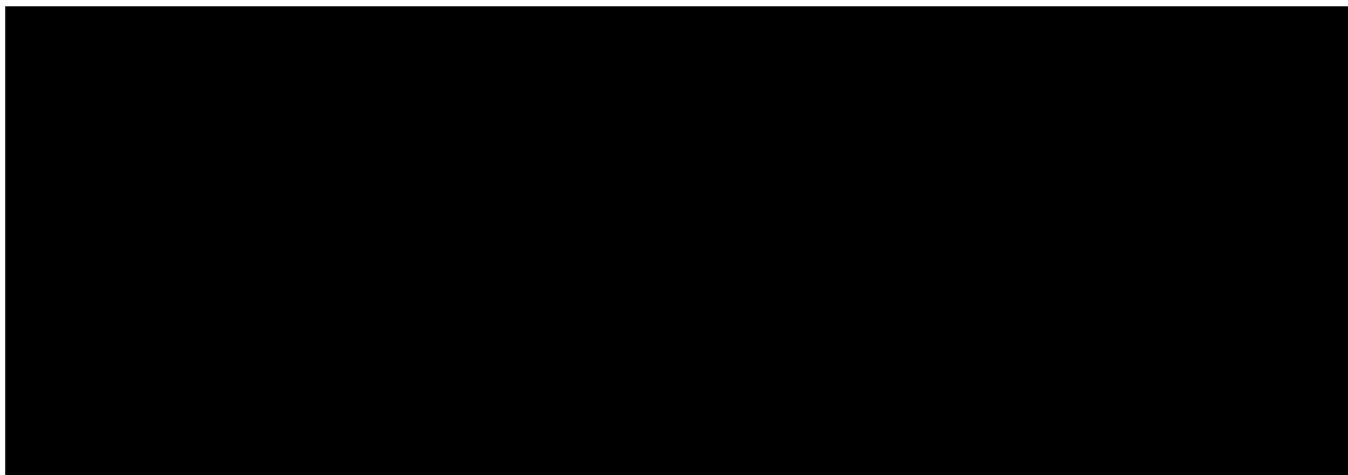
Regarding the application for environmental authorisation for a warehouse to store dangerous chemicals (R-BAY PROPERTIES PROPOSED CHEMICAL WAREHOUSE, Project No. 41103633):

Please can you register me as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni. I am a resident along the Mkondeni Spruit stream.

I am opposed to the construction of this warehouse at this location due the negative impacts it will have on the environment and to human health.

The site where the warehouse is to be built contains areas of high biodiversity value that are categorised as irreplaceable and of very high sensitivity. The area includes many species of plants and animals that are listed by the IUCN as critical, endangered, vulnerable, near threatened and reare and endemic. The impacts on biodiversity and soils, land and agriculture are listed as high, and I believe that this is unacceptable in such an area. The mitigation considerations of "the preferred layout must avoid sensitive habitats as far as possible" does not suffice, as who is to determine what is possible? Further, avoiding building on sensitive habitats will not conserve them as they will be negatively affected by any other disturbance nearby. I also have concerns over the impact that any accidental spillage of the chemicals that will be stored in the warehouse will have on the environment and human health. This has not been addressed in the document. The chemicals to be stored in the warehouse are highly toxic and accidental spillage could cause significant impacts on the environment and to human health. These toxins will poison groundwater and streams in the vicinity and thus I don't believe it is safe or responsible to build a warehouse in an area that is important for biodiversity and so close to residential and agricultural areas.





UKZN email disclaimer:

The contents of this e-mail may contain personal information, and/or privileged information, and/or confidential information. The information contained herein is therefore only meant for consumption by the recipient mentioned and for the purpose as specified in the body of the e-mail. Should you receive this e-mail in error kindly inform the sender of such by responding to the sender via a response e-mail and thereafter please delete the original e-mail received as well as the response e-mail. The University of KwaZulu-Natal e-mail platform is meant for business purposes (of the University) only and the University therefore does not accept any liability whatsoever that may arise from instances where such platform is utilised for personal reasons. Any views or opinions expressed in this e-mail represent those of the author and may not necessarily be binding on the University. The author of the e-mail may also not bind the University in any manner that may be construed from the contents of the e-mail unless such sender has been granted the requisite authority to do so by the University.

Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Wednesday, 01 February 2023 11:50  
To: [REDACTED]  
Subject: [Pending]RE: Notice of proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals)  
Attachments: 41103633\_R-Bay\_PMB\_Draft Scoping\_Letter\_1Feb2023.pdf

[REDACTED]

Kindly note that I have been on site and have not had the opportunity yet to respond to all emails.

Please find attached the notification letter and a link to the Draft Scoping Report. Kindly note that we can provide an extension until 7 February 2023.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate

T +27 11 300-6089

---

From: [REDACTED]  
Sent: Wednesday, 01 February 2023 09:34  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject: RE: Notice of proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals)

Good morning

I have not had an acknowledgement of my email, nor have I received the documents in order to make comment. The cutoff date was yesterday.

This is unacceptable.

Your urgent response and solution is requested.

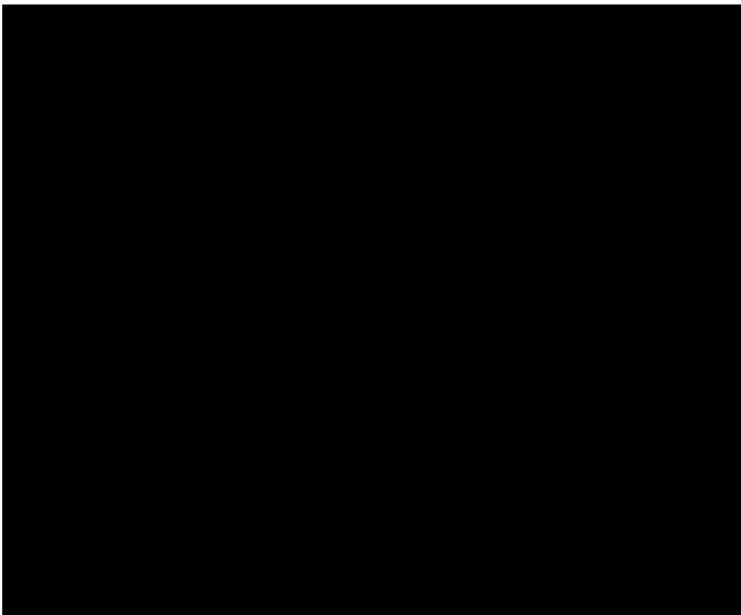
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From: [REDACTED]  
Sent: Monday, 30 January 2023 14:21  
To: [anri.scheepers@wsp.com](mailto:anri.scheepers@wsp.com)  
Subject: Notice of proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals)

Good afternoon Anri

Please can you send me the relevant documentation for this notice of a proposed construction and operation of a warehouse to store dangerous chemicals.?

I would like to register as an interested and affected party for this please.



Anyone who believes in indefinite growth on a physically finite planet is either mad, or an economist – David Attenborough

Scheepers, Anri

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From: Scheepers, Anri  
Sent: Friday, 10 February 2023 09:21  
To: [REDACTED]  
Subject: RE: Notice of proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals)

[REDACTED]

Your comments are noted and will be included in the Comment and Response Report.

In terms of the site notices placed the Scoping Report was printed prior to the site notices being distributed. While erecting the site notices, we identified the post office as a concern, as such site notices were placed at the following locations:

1. Msunduzi Municipal Library (Bessie Head Library);
2. Civic Centre and Municipal Clinic;
3. Ndlovu Park Tuckshop;
4. Polly Short Centre; and
5. Site Boundary (these were erected on poles that were placed on site, unfortunately these are often removed by passers-by, and on the palisades on the corner of the development site).

Kindly note that the following specialist assessments have been commissioned for the Environmental Impact Assessment Phase:

- Terrestrial Biodiversity Assessment;
- Wetland and Aquatic Assessment;
- Heritage and Palaeontology Impact Assessment;
- Conceptual Stormwater Management Plan;
- Soils and Agricultural Potential Assessment; and
- Qualitative Risk Assessment (specific to the storage of chemicals).

The results from the specialist studies will be included in the Environmental Impact Assessment Report, which will be made available for review, and will form the basis of assessment.

Please contact us should you have any further queries or comments



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: Debbie Jewitt <Debbie.Jewitt@kznwildlife.com>

Sent: Tuesday, 07 February 2023 15:08

To: Scheepers, Anri <Anri.Scheepers@wsp.com>

Subject: RE: Notice of proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals)

Good afternoon Anri

I wish to object to the R-Bay Warehousing application to store dangerous goods in the Mkondeni area.

Firstly, I don't believe a written notice was given to the Ashburton community (I acknowledge the newspaper notifications). It would have been good for a notice to put up for our community since we neighbour Mkondeni where the warehouse will be erected. The draft scoping report indicates that a notice was put up at the Mkondeni post office. To the best of my knowledge the post office was destroyed and thereafter closed down after the July 2021 riots.

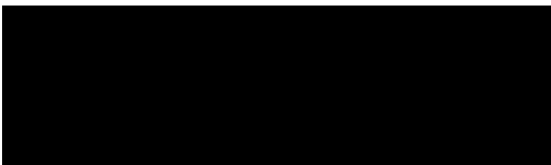
My major concern lies with the risk for storing dangerous chemicals that are harmful to human health, that can cause permanent damage, or death, breathing difficulties, and irritation to the skin, mucous membranes and eyes, amongst many others. These chemicals are also extremely harmful in the environment (water, soil and atmosphere). The risk comes from spillage, accidents or external threats. KZN is still on high alert following the riots of July 2021. Warnings have been issued that riots are likely to occur again. After Durban's UPL warehouse was damaged in the riots, immense environmental harm ensued and the toxic chemicals harmed the health of people in the area and downstream. The risk is too high and detrimental to the surrounding communities and hence unacceptable.

I also note that the catchment is in the Umgeni catchment with the Inanda and Nagle dams downstream. This is a major source of water for the eThekweni municipality and population. Any leakage, from any cause, will ultimately affect this hydrological system.

The dangerous chemicals will also have to be transported to and from the warehouse, increasing traffic in the area. Risks of vehicle accidents are high given the road construction on the N3. Another unacceptable risk from transporting dangerous chemicals in our community.

Hence I object in the strongest terms to the warehouse being erected and used to store dangerous chemicals.

Yours sincerely



---

From: Scheepers, Anri <[Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)>

Sent: Wednesday, 01 February 2023 11:50

To: [REDACTED]

Subject: RE: Notice of proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals)

[REDACTED]

Kindly note that I have been on site and have not had the opportunity yet to respond to all emails.

Please find attached the notification letter and a link to the Draft Scoping Report. Kindly note that we can provide an extension until 7 February 2023.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate

T +27 11 300-6089

---

From: [REDACTED]

Sent: Wednesday, 01 February 2023 09:34

To: Scheepers, Anri <[Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)>

Subject: RE: Notice of proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals)

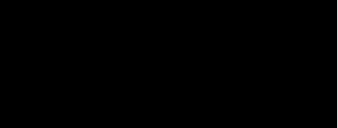
Good morning

I have not had an acknowledgement of my email, nor have I received the documents in order to make comment. The cutoff date was yesterday.


This is unacceptable.

Your urgent response and solution is requested.





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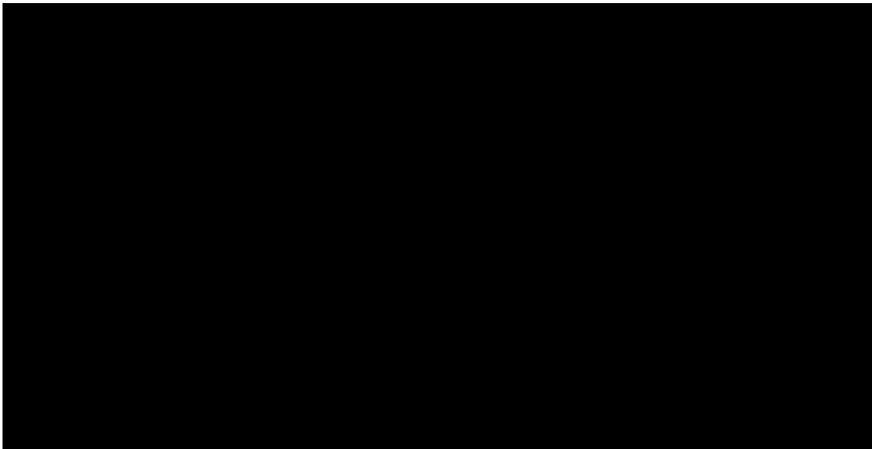
From:   
Sent: Monday, 30 January 2023 14:21  
To: [anri.scheepers@wsp.com](mailto:anri.scheepers@wsp.com)  
Subject: Notice of proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals)

Good afternoon Anri

Please can you send me the relevant documentation for this notice of a proposed construction and operation of a warehouse to store dangerous chemicals.?

I would like to register as an interested and affected party for this please.

Thank you and regards  
Debbie



Anyone who believes in indefinite growth on a physically finite planet is either mad, or an economist – David Attenborough

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-LAEmHhHzdJzBITWfa4Hgs7pbKl

Scheepers, Anri

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From: Scheepers, Anri  
Sent: Friday, 03 February 2023 10:34  
To: [REDACTED]  
Subject: RE: RE Richbay (PTY) hazardous chemicals storage application

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate

T +27 11 300-6089



WSP in Africa  
Building 1, Maxwell Office Park, Magwa Crescent West, Waterfall City, Midrand  
1685 South Africa

[wsp.com](http://wsp.com)

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WSP Group Africa (Pty) Ltd, Registered Office: Building 1, Maxwell Office Park, Magwa Crescent West, Waterfall City, Midrand, Gauteng, 1685, South Africa Registered Number: 1999/008928/07 South Africa-----Original Message-----

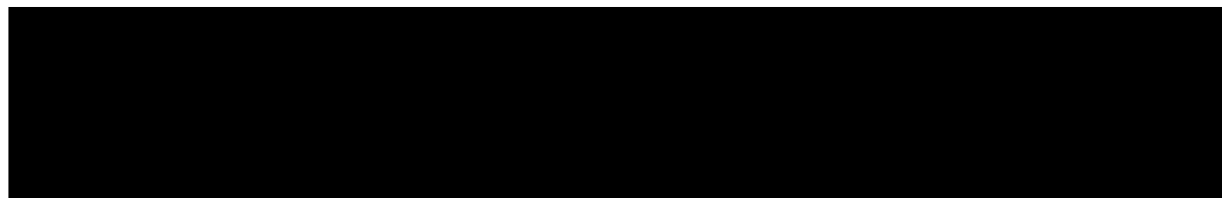
From: [REDACTED]  
Sent: Sunday, 29 January 2023 09:19  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject: RE Richbay (PTY) hazardous chemicals storage application

Dear Anri

Please add me as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni. I live on [REDACTED] with my young son and the spruit passes through at the bottom of our residential complex.

I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are:

- Hydrochloric Acid
  - Acetic Acid
  - Sodium Hypochlorite
  - Sulphuric Acid
  - Caustic Soda (Solid)
  - Caustic Soda Liquid
  - Phosphoric Acid
  - Nitric Acid
  - Sodium Metabisulphite (Solid)
  - Formaldehyde
  - Ammonium 25%
- Sodium Chlorite 25-31%.



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Scheepers, Anri

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From: Scheepers, Anri  
Sent: Friday, 03 February 2023 10:25  
To: [REDACTED]  
Cc: Edith  
Subject: RE: Regarding the application for environmental authorisation for a warehouse to store dangerous chemicals (R-BAY PROPERTIES PROPOSED CHEMICAL WAREHOUSE, Project No. 41103633)

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note that the following specialist assessments have been commissioned for the Environmental Impact Assessment Phase:

- Terrestrial Biodiversity Assessment;
- Wetland and Aquatic Assessment;
- Heritage and Palaeontology Impact Assessment;
- Conceptual Stormwater Management Plan;
- Soils and Agricultural Potential Assessment; and
- Qualitative Risk Assessment (specific to the storage of chemicals).

The results from the specialist studies will be included in the Environmental Impact Assessment Report, which will be made available for review, and will form the basis of assessment.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate

T +27 11 300-6089

---

From: [REDACTED]  
Sent: Sunday, 29 January 2023 14:53  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: Regarding the application for environmental authorisation for a warehouse to store dangerous chemicals (R-BAY PROPERTIES PROPOSED CHEMICAL WAREHOUSE, Project No. 41103633)

Dear Anri,

Regarding the application for environmental authorisation for a warehouse to store dangerous chemicals (R-BAY PROPERTIES PROPOSED CHEMICAL WAREHOUSE, Project No. 41103633):

Please can you register me as an Interested and Affected Party. I am a resident along the Mkondeni Spruit stream.

Please kindly note the following comments regarding this proposed development.

The Mkondeni Spruit stream has not been mentioned, nor labelled on any of the maps provided in the scoping report. The area surrounding the proposed site has been highlighted as that of a very high sensitivity (APPENDIX E, MAP OF RELATIVE AQUATIC BIODIVERSITY THEME SENSITIVITY), yet this stream and any potential negative impact that wastewater and chemical spillage may have on this waterway is not clear.

Regarding Appendix E, MAP OF RELATIVE AQUATIC BIODIVERSITY THEME SENSITIVITY, this map illustrates that the proposed warehouse is in close proximity to a very high sensitivity area (i.e. a distance of approximately 0.0325 km). Given that one of the potential impacts identified for the Operational Phase is that of contaminated runoff from the Warehouse and Parking Areas (which could impact the adjacent wetland and ecosystem) it remains unclear how Aquatic Biodiversity (i.e. Table 3-1: Sensitivities identified in the screening report, aquatic biodiversity theme has been identified as low sensitivity) is designated here as Low Sensitivity.

Given that groundwater has been identified at a shallow depth of 20 to 30 meters, the threat of potential groundwater contamination appears to be high.

The close proximity of the proposed site to a highly sensitive area (including the Mkondeni Spruit stream) coupled with the shallow groundwater depth (i.e. 20 to 30 metres), suggest that any accidental spillage or contaminated runoff could pose a significant threat to aquatic life. Likewise, any potential chemical exposure from wastewater and spillage could negatively impact communities downstream – where river water is consumed by humans and their livestock.

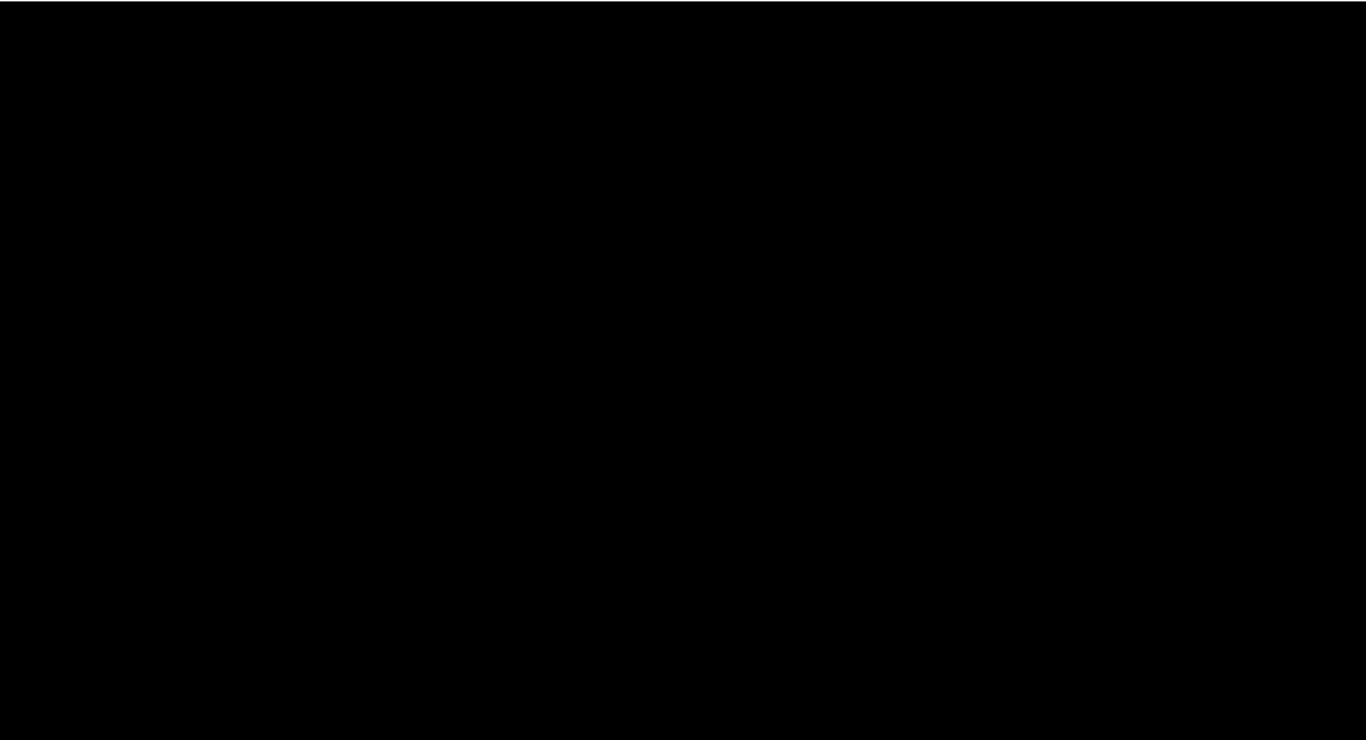
The potential negative impact of wastewater runoff and accidental spillage on aquatic biodiversity is not mentioned. What assurances are given that accidental spillage due to unforeseen circumstances will not significantly negatively impact local and downstream aquatic biodiversity?

The potential long term effects on humans and their livestock to exposure from contaminated waste water and chemical spillage are not explored – particularly in the context of the diverse array of chemicals which are proposed for storage in the Warehouse. Formaldehyde for example, is a known carcinogen.

What impact would unforeseen events such as a Warehouse fire have on the air quality of the surrounding industrial and residential areas? How would this be mitigated? What are the possible scenarios for air pollution should this particular array of chemicals be combined in a combustion event?

Residents living along the Mkondeni Spruit Stream have repeatedly complained of noxious fumes and many have reported respiratory distress from volatile compounds being emitted from the river water. The aquatic biodiversity of the stream is very poor, suggesting existing chemical pollutants. What impact would cumulative exposure to existing and potentially new hazardous chemicals have on environmental health, and the health of residents living along the Mkondeni Spruit Stream as well as further along the watercourse? Likewise, what potential risk does such exposure pose to downstream agricultural practice? The Mkondeni Spruit stream passes through residential areas, and further downstream joins rivers which are used by people and their livestock. Should accidental spillage of hazardous chemicals occur, would there not be a significant potential negative impact on communities and their livestock further downstream?

It is questioned whether the potential risks to human and environmental health are outweighed by the need for the development of this specific location. Given that a premise for the development of this Warehouse is the storage of hazardous chemicals for export via the port of Durban, would it not make sense to utilize a site closer to this location for the purposes of expediting transport and alleviating the associated costs?



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Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Wednesday, 01 February 2023 13:15  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Interested & affected party of Chemical storage affect on Mkondeni Spruit

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note that the following specialist assessments have been commissioned for the Environmental Impact Assessment Phase:

- Terrestrial Biodiversity Assessment;
- Wetland and Aquatic Assessment;
- Heritage and Palaeontology Impact Assessment;
- Conceptual Stormwater Management Plan;
- Soils and Agricultural Potential Assessment; and
- Qualitative Risk Assessment (specific to the storage of chemicals).

The results from the specialist studies will be included in the Environmental Impact Assessment Report, which will be made available for review, and will form the basis of assessment.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate

T +27 11 300-6089

---

From: [REDACTED]  
Sent: Monday, 30 January 2023 13:45  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: Interested & affected party of Chemical storage affect on Mkondeni Spruit

ATTENTION: Anri

Please add me to the Interested and Affected Party list for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat Mkondeni.

As a home owner whose property borders the Mkondeni Spruit the water quality and smell is affecting us directly. It is also affecting the bird life and animal wild life in the area.

Thanking you and looking forward to hearing what action will be taken to prevent this ongoing destruction of the environment .

[REDACTED]

Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Wednesday, 01 February 2023 12:56  
To: [REDACTED]  
Subject: RE: Mkondeni stream

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note that comments can be made on the Draft Scoping Report until 7 February 2023.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Wednesday, 01 February 2023 09:54  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject: Mkondeni stream

Please add me to the group, I reside in Hereford circle near the stream

[REDACTED]

Sent from my phone

Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 27 January 2023 10:11  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: EIA FOR RICHBAY PROPERTIES (PTY) LTD

[REDACTED]

Thank you for your comment, kindly note that I have included your details on the stakeholder database.

Kindly note that the below activities were initially identified as potentially applicable, however I have included an explanation as to why Activity 12(d)(v) will not trigger.

***Listing Notice 2: GNR 984***

***Activity 4 – 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 more than 500 cubic metres.***

**Description:**

The proposed project involves the erection of a chemical warehouse and the approximate storage of 2000 m<sup>3</sup> of chemicals.

Proposed chemicals to be stored:

- Hydrochloric Acid
- Acetic Acid
- Sodium Hypochlorite
- Sulphuric Acid
- Caustic Soda (Solid)
- Caustic Soda Liquid
- Phosphoric Acid
- Nitric Acid
- Sodium Metabisulphite (Solid)
- Formaldehyde
- Ammonium 25%
- Sodium Chlorite 25-31%

<b>Listing Notice 3: GNR 985</b>	<p><b>Activity 12(d)(v)</b> - <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>d. KwaZulu-Natal</i></p> <p><i>v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans</i></p> <p><b>Description:</b></p> <p>The project will entail the clearance of (potentially indigenous) vegetation on a site of 9 955 m<sup>2</sup> within a critical biodiversity area, in Shortts Retreat, Pietermaritzburg.</p> <p><b>The Biodiversity Assessment has been undertaken and there is less than 300 square meters of indigenous vegetation remaining.</b></p>
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Please contact us should you have any further questions or comments.

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Tuesday, 24 January 2023 12:39  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: EIA FOR RICHBAY PROPERTIES (PTY) LTD

Dear Anri,

Please ask Richbay Properties (Pty) Ltd to add [REDACTED] to the register of Interested and Affected Parties for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erven 2306 & 2307 Shortts Retreat.

Please may I have a copy of the activities in Listing Notices that must be authorised before construction commences.

[REDACTED]



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Tuesday, 31 January 2023 15:24  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: [Pending]RE: REQUEST FOR EXTENSION TO SUBMIT COMMENTS ON DSR FOR RICHBAY PROPERTIES (PTY) LTD  
Attachments: PS1209\_010\_524318791.pdf; IMG\_0081.JPEG; IMG\_0086.JPEG; IMG\_0099.JPEG

Tracking:	Recipient	Delivery	Read
	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

Thank you for the notification.

Kindly note that an extension can be granted until 7 February 2023.

Kindly note that an advert was placed in the Maritzburg Sun on 9 December 2023 (as attached), which is prior to the December shut-down period. Please note the commenting period was extended by the amount of days calculated in terms of the annual shut-down required in terms of the EIA Regulations. Often other newspapers in the same area duplicate our adverts, and as such the Witness placed an advert on 21 December 2021 without our knowledge.

In terms of the site notices placed, the Scoping Report was printed prior to the site notices being distributed. While erecting the site notices, we identified the distance and the post office as a concern, as such site notices were placed at the following locations:

1. Msunduzi Municipal Library (Bessie Head Library);
2. Civic Centre and Municipal Clinic;
3. Ndlovu Park Tuckshop;
4. Polly Short Centre; and
5. Site Boundary (these were erected on poles that were placed on site, unfortunately these are often removed by passers-by, and on the palisades on the corner of the development site).

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089



---

From: [REDACTED]

Sent: Tuesday, 31 January 2023 13:20

To: [REDACTED]

Cc: [REDACTED]

Subject: REQUEST FOR EXTENSION TO SUBMIT COMMENTS ON DSR FOR RICHBAY PROPERTIES (PTY) LTD

Dear Anri and Tutayi,

I refer to the draft Scoping Report ("DSR") for the construction and operation of a warehouse for storage of dangerous goods on property owned by Richbay Properties (Pty) Ltd in Mkondeni, Msunduzi Municipality.

Please will you ask the Department for an extension to the timeframe to submit comments on the draft Scoping Report .

My request is made because the notice of the application was poorly advertised and the closing date for comments in one notice differs from the date in another notice.

According to section 3.6.5 of the DSR, the notice was placed at Mkondeni Post Office, on the boundary fence of the site, at Superspar Southgate, Msunduzi Municipal Library and Civic centre Municipal Clinic.

The Mkondeni Post Office burnt down in the unrest in July 2021. Therefore it was and is impossible to place a notice at the Mkondeni Post Office.

I have visited the site. A boundary fence does not exist neither is a notice visible on site.

The other locations where the notice was placed are long distances from the site and unlikely to be seen by the communities affected by the application.

Furthermore, the notice was advertised in The Witness on 21 December 2021 during a timeframe in which the applicant is obligated to refrain from conducting a public participation process (Regulation 3(3) of National Environmental Management EIA Regulations 2014 as amended).

With regard to the timeframe in which to submit comments, the DSR states that the closing date for comments is 24 January 2023.

However, according to the notice advertised in The Witness, the closing date for comments is 31 January 2023.

Under the circumstances I request that

1. [REDACTED] Councillor for Ward 36 be contacted to establish suitable locations for advertising notices and viewing reports and
2. the timeframe to submit comments be extended to at least Monday 6 February 2023.

Please acknowledge receipt of this email.

[REDACTED]

Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 10 February 2023 09:36  
To: [REDACTED]  
Subject: RE: COMMENTS ON DRAFT SCOPING REPORT FOR A MAJOR HAZARDOUS INSTALLATION ON ERVEN 2306 & 2307 SHORTTS RETREAT

[REDACTED]

We hereby acknowledge receipt of your comments.

All comments and responses will be included in the Comment and Response Report to be included in the Final Scoping Report. The Final Scoping Report will be distributed to all stakeholders for review and comment.

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Wednesday, 08 February 2023 11:26  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject: COMMENTS ON DRAFT SCOPING REPORT FOR A MAJOR HAZARDOUS INSTALLATION ON ERVEN 2306 & 2307 SHORTTS RETREAT

Dear Anri,

My comments below are based on the legal requirements for a Scoping Report contained in Appendix 2 of the Regulations and the content of the draft Scoping Report for a Major Hazardous Installation on Erven 2306 & 2307 Shortts Retreat (" the Report").

Regulation 21(3) states that a scoping report must contain ALL (emphasis added) information set out in Appendix 2 to the Regulations.

An application for environmental authorisation of a Major Hazardous Installation requires stringent adherence to legal requirements of the National Environmental Management Act.

The legislated requirements of Appendix 2 and information in the Report which purportedly meets the requirements of Appendix 2 are cross referenced in Table 1-2 of the Report.

The draft Report does not substantially comply with the requirements of Appendix 2 in the following instances:

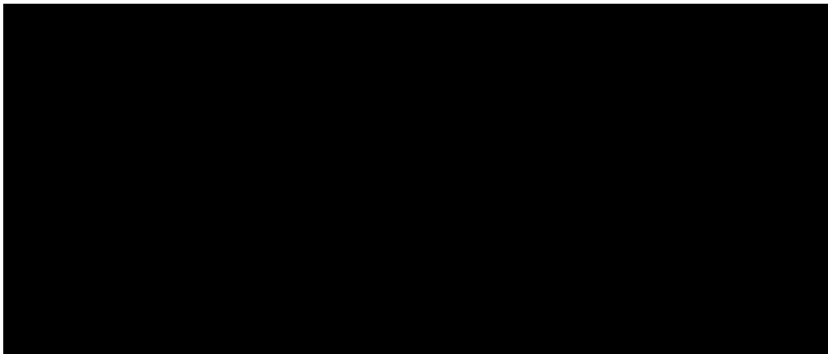
1. Appendix 2(d)(i) - The list of activities in Section 2 may be incomplete. The Screening Report ( appendix E to the Report) refers to the Msunduzi Environmental Management Framework (" the EMF"). If Activity 12 (d)(v) requires authorisation, it is likely that other activities in Listing Notice 3 related to EMF may also require authorisation. The Report is devoid of information about the site in terms of the EMF.
2. Appendix 2(e)- Section 2 of the Report is devoid of information about the property and the proposed building in terms of the Msunduzi Single Land Use Scheme and relevant municipal by-laws.
3. Appendix 2(f) – The motivation for the need and desirability for the proposed activity in Section 4.1 does not comply with the Guidelines for a Need and Desirability Assessment. Due to the severity of harm posed by the activity, the need and desirability of the undertaking of the proposed activity must be thoroughly investigated. The limited information in section 4.1 belies the risks involved in undertaking the proposed activity.
4. Appednix 2 (g) – The opening line to Appendix 2( g) reads as follows " A full description of the PROCESS FOLLOWED (emphasis added) to REACH (emphasis added) the proposed preferred activity, site and location with the site..."
  - a. The information is purportedly found in Section 3, 4, 5 and 6 of the Report.
  - b. The Report is devoid of a full description of the process that the EAP followed to reach the conclusion that a Major Hazardous Installation is the preferred activity ; that Erven 2306 and 2307 Shortts Retreat is the preferred site and that the location of the buildings is the preferred location within the site.
5. Appendix 2(g)(i) – Section 4 of the Report is devoid of details of all the alternatives considered.
6. Appendix 2(g)(iv) – Section 5 of the Report is devoid of the environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects.
7. Appendix 2(g)(v) – Section 6 of the Report does NOT include a description of the impacts and risks identified for each alternative.
8. Appendix 2(g) (vi) – Section 3.5 of the Report does not describe the methodology use to determine and rank potential enviornmenalt impacts and risks associated with the alternatives.
9. Appendix 2(g)(vii) – Section 6.16 of the Report does not include a description of the positive and negative impacts that the alternatives will have on the environment and on the community that may be affected.
10. Appendix 2(g)(ix) – Section 6 of the Report does NOT include the outcome of the site selection matrix
11. Appendix 2(g)(x) – Section 4.3 of the Report states that no alternatives including alternative locations for the activity were investigated. Considering the severity of the impact of a Major Hazardous Installation and the need to minimise the impact on the environment and the community affected by the activity, the decision to not investigate alternative sites is a dereliction of duty on the part of the Environmental Assessment Practitioner.
  - a. Figure 5-5 in the Report depicts the extent and proximity of wetlands on contours below the site. This fact alone should have raised a red flag to investigate alternative sites.
12. Appendix 2(g)(xi) – Section 4.3 of the Report provides for a concluding statement of the Report. However, the concluding statement does NOT indicate the preferred alternatives including the preferred activity, preferred site and preferred location in the site because NO alternatives were investigated.
13. The scoping phase creates the opportunity to investigate alternative sites. The environmental impact assessment phase considers and assesses alternatives within the preferred site. The choice to not investigate alternative sites limits the success of the competent authority authorising a Major Hazardous Installation on site.
14. Appendix 2(h)(iii)- Section 7.4 (not 7.5) of the Report describes aspects to be assessed by specialists. According to the Screening Report (Appendix E attached to the Report) the following assessments on the preferred site are required:

- a. Agricultural Assessment
  - b. Archaeological and Cultural Heritage Impact Assessment
  - c. Palaeontology Impact Assessment
  - d. Terrestrial Biodiversity Impact Assessment
  - e. Aquatic Biodiversity Impact Assessment
  - f. Hydrology Assessment
  - g. Noise Impact Assessment
  - h. Traffic Impact Assessment
  - i. Geotechnical Assessment
  - j. SocioEconomic assessment
  - k. Plant Species Assessment
  - l. Animal Species Assessment.
15. The EAP has NOT commissioned the following specialist assessments identified by the Screening Tool and NOT given reasons for excluding them from the plan of study:
- a. Agricultural Assessment
  - b. Hydrological Assessment
  - c. Noise Impact Assessment
  - d. Traffic Impact Assessment
  - e. Geotechnical Assessment
  - f. Socioeconomic Assessment.
16. I request that due to the potential severity of the impacts and risks of the proposed activity that the Report be revised to meet ALL the requirements of Appendix 2 to the Regulations and that in addition to specialist studies identified by the Screening Tool, the following specialist studies be included in the plan of study:
- a. Hydropedological Assesment
  - b. Geohydrological Assessment

Please inform me when the Final Scoping Report is submitted to the Competent Authority.

My apologies for not meeting the deadline of 7 February 2023 for the submission of comments.

Please acknowledge receipt of this email.





Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 03 February 2023 09:58  
To: [REDACTED]  
Subject: RE: Register

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate

T +27 11 300-6089

---

From: [REDACTED]  
Sent: Sunday, 29 January 2023 17:38  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject: Register

Good day Anri,  
I would like to register as an interested party, and affected by the river pollution.

[REDACTED]



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Wednesday, 01 February 2023 13:04  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: [Pending]RE: APPLICATION TO STORE TOXIC CHEMICALS IN MKONDENI

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note that comments can be made on the Draft Scoping Report until 7 February 2023.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

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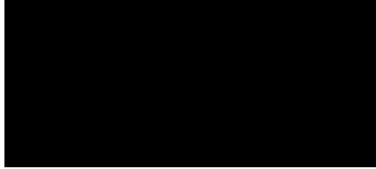
From: [REDACTED]  
Sent: Monday, 30 January 2023 14:54  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: APPLICATION TO STORE TOXIC CHEMICALS IN MKONDENI

Dear Anri  
APPLICATION TO STORE TOXIC CHEMICALS IN MKONDENI



The recent pollution in the Mkondeni spruit has made affected persons much more aware of the potential impacts of applications made in Mkondeni and in the neighbourhood.

Please register me an Interested and Affected Party..I would like to be able object.



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 03 February 2023 10:38  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Richbay (PTY) hazardous chemicals storage application

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

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From: [REDACTED]  
Sent: Sunday, 29 January 2023 08:59  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: Richbay (PTY) hazardous chemicals storage application

Dear Anri,

RE : Richbay (PTY) hazardous chemicals storage application

Please add [REDACTED] PMB(Ward 37) as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.

I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are:

- Hydrochloric Acid
- Acetic Acid
- Sodium Hypochlorite
- Sulphuric Acid
- Caustic Soda (Solid)
- Caustic Soda Liquid
- Phosphoric Acid
- Nitric Acid
- Sodium Metabisulphite (Solid)
- Formaldehyde
- Ammonium 25%
- Sodium Chlorite 25-31%.



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 10 February 2023 08:07  
To: [REDACTED]  
Subject: RE: Proposed storage of toxic chemicals at Mkondeni.

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note that the following specialist assessments have been commissioned for the Environmental Impact Assessment Phase:

- Terrestrial Biodiversity Assessment;
- Wetland and Aquatic Assessment;
- Heritage and Palaeontology Impact Assessment;
- Conceptual Stormwater Management Plan;
- Soils and Agricultural Potential Assessment; and
- Qualitative Risk Assessment (specific to the storage of chemicals).

The results from the specialist studies will be included in the Environmental Impact Assessment Report, which will be made available for review, and will form the basis of assessment.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Tuesday, 07 February 2023 19:56

To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject: Proposed storage of toxic chemicals at Mkondeni.

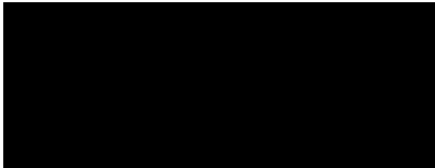
Dear Sir/Madam,

I should like to be registered as an interested and affected party.

I object strongly to the storage of toxic chemicals so close to a residential area and within such a busy business hub. There is risk of injury to residents and workers.

My property in Mpushini is part of the gazetted Lower Mpushini Protected Area. It is within a 6 or 7 kilometer radius of the proposed site. There is strong possibility of any accident affecting this protected area.

The Msunduzi municipality as local government, and also our national government have shown themselves to be incapable of keeping any kind of control over this kind of facility and have also shown themselves to be heedless of the well being and safety of South African citizens. Government cannot be trusted to ensure that such a facility is safely run



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 03 February 2023 09:49  
To: [REDACTED]  
Subject: RE: RE Richbay (PTY) hazardous chemicals storage application

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Monday, 30 January 2023 09:25  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject: RE Richbay (PTY) hazardous chemicals storage application

Morning

Please add [REDACTED] as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.

I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that the chemicals included are:

- Hydrochloric Acid
- Acetic Acid

- Sodium Hypochlorite
- Sulphuric Acid
- Caustic Soda (Solid)
- Caustic Soda Liquid
- Phosphoric Acid
- Nitric Acid
- Sodium Metabisulphite (Solid)
- Formaldehyde
- Ammonium 25%
- Sodium Chlorite 25-31%.

Scheepers, Anri

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From: Scheepers, Anri  
Sent: Friday, 03 February 2023 10:36  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Richbay (PTY) hazardous chemicals storage application

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Sunday, 29 January 2023 09:05  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: Richbay (PTY) hazardous chemicals storage application

Dear Anri,

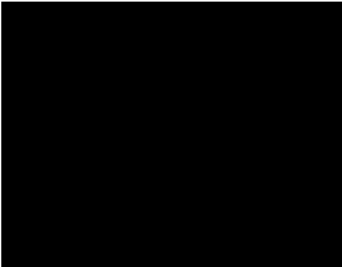
RE : Richbay (PTY) hazardous chemicals storage application



Please add [REDACTED] PMB(Ward 37) as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.

I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are:

- Hydrochloric Acid
- Acetic Acid
- Sodium Hypochlorite
- Sulphuric Acid
- Caustic Soda (Solid)
- Caustic Soda Liquid
- Phosphoric Acid
- Nitric Acid
- Sodium Metabisulphite (Solid)
- Formaldehyde
- Ammonium 25%
- Sodium Chlorite 25-31%.



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Monday, 30 January 2023 08:54  
To: [REDACTED]  
Subject: RE:

[REDACTED]

Thank you for your email, however please can you advise to which list you would like to be added.

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Monday, 30 January 2023 06:09  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Subject:

Please add me to the list. [REDACTED]

Scheepers, Anri

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From: Scheepers, Anri  
Sent: Friday, 03 February 2023 11:48  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: [Pending]RE: Registration request as an I and AP on Richbay (PTY) LTD hazardous chemicals storage application

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

In terms of your questions, please see responses below:

1. How many of these chemicals are already handled by Richbay Chemicals (PTY) LTD

[Kindly note that all the chemicals will either be raw materials that will be used by Richbay Chemicals throughout South Africa or that have already been manufactured by them. This warehouse will however be for storage only.](#)

2. What are the existing protocols observed in the handling and storage of those already handled?

[There are currently no chemicals being handled at the proposed warehouse site by R-Bay Properties. The Richbay Chemicals site is adjacent to the proposed warehouse site, however they will operate independently from each other and storage and handling procedure specific to the warehouse will be developed. As part of the EIA process and EMPr mitigation measures will be stipulated for the management of the chemicals at the warehouse.](#)

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Friday, 27 January 2023 22:39

To: Scheepers, Anri <Anri.Scheepers@wsp.com>

Cc: [REDACTED]

Subject: Registration request as an I and AP on Richbay (PTY) LTD hazardous chemicals storage application

Dear Anri,  
RE Richbay (PTY) hazardous chemicals storage application

Please add Cllr Edith Elliott (Ward 37, on behalf of Ward 37 neighbouring communities) as an Interested and Affected Party for the application for environmental authorisation for a warehouse to store dangerous chemicals on Erf 2306 and 2307 Shortts Retreat, Mkondeni.

I have a copy of the activities in Listing Notices for authorisation From Nora Choveaux and note with great concern that chemicals included are:

- Hydrochloric Acid
- Acetic Acid
- Sodium Hypochlorite
- Sulphuric Acid
- Caustic Soda (Solid)
- Caustic Soda Liquid
- Phosphoric Acid
- Nitric Acid
- Sodium Metabisulphite (Solid)
- Formaldehyde
- Ammonium 25%

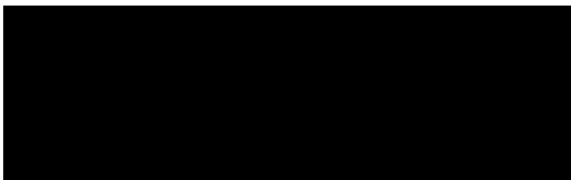
Sodium Chlorite 25-31%.

I have two questions/requests in respect to the above list:

1. How many of these chemicals are already handled by Richbay Chemicals (PTY) LTD
2. What are the existing protocols observed in the handling and storage of those already handled?

Thank you.

Regards  
Edith



Scheepers, Anri

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From: Scheepers, Anri  
Sent: Friday, 10 February 2023 09:45  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Re R-BAY PROPERTIES PROPOSED CHEMICAL WAREHOUSE, Project No. 41103633 ERf 2306 and 2307

[REDACTED]

We hereby acknowledge receipt of your comments.

All comments and responses will be included in the Comment and Response Report to be included in the Final Scoping Report. The Final Scoping Report will be distributed to all stakeholders for review and comment.

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Wednesday, 08 February 2023 10:07  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: Re: Re R-BAY PROPERTIES PROPOSED CHEMICAL WAREHOUSE, Project No. 41103633 ERf 2306 and 2307

Dear Ari  
I have had network problems...Apologies.....I found my submission sitting in my outbox unsent.

Please acknowledge receipt of this submission - apologies if it was an hour over the deadline and I sent the draft via the other email in my haste as I could not retrieve the final as it said "sending" - so if that comes through please only use this corrected email submission from this address...thank you!

[REDACTED]

On Wed, Feb 8, 2023 at 1:43 AM [REDACTED]

Dear Anri

I am not sure my comments went through so this is a resend.

COMMENTS Regarding the application for environmental authorisation for a warehouse to store dangerous chemicals (R-BAY PROPERTIES PROPOSED CHEMICAL WAREHOUSE, Project No. 41103633) ERF 2306 and 2307:

On behalf of the all the communities that live along the Mkondeni Spruit (that arises in a wetland very near the proposed site of this proposed Warehouse, approx 500 m or less), the Msunduzi and ultimately Inanda Dam (into which the Mkondeni Spruit flows) and my own interested as a resident living along the route via which toxic chemicals would be transported, and within a distance within which the effects of a potential toxic chemical spills would be acutely felt, I wish to raise the following concerns.

I consider the chosen site to be highly unsuitable and ill-considered and that better options could have been suggested for the following reasons (from least to greatest concern):

1. The transport route along which toxic chemicals will be transported will be highly compromised and dangerous for the next 5-10 years (at least) with all the construction along the N3. This construction is just starting along the Camperdown-Lynnfield Park and Ashburton areas and will carry on for a minimum for the next 5 years. This route at present carries a high number of trucks and serious accidents happen regularly. A chemical spill from a tanker accident would be disastrous, and completely unavoidable considering the severity of accident experienced in the area at present. Such spills would not only compromise the very environmentally sensitive Ashburton-Lynnfield Park protected and Mpushini and Mkondeni riverine protected areas but would hold serious consequences for all the communities who live in close proximity to the N3 in the Ashburton, Epworth and Cleland-Meadows areas.

The route potentially taken by such trucks is at present, is unpoliced and trucks coming off at the Lynnfield Park on Pope Ellis Drive, at Ashburton Exit 69, would pass between housing communities onto the extremely narrow, winding and badly cambered R103, over the Mkondeni river and up a steep gradient to the Shortts Retreat and Yarborrow road, where the turn off to the new facility (behind the existing Richbay plant is based). This route and the potential danger of any accident with highly toxic, volatile or highly corrosive chemicals poses extreme risk to all residents, rivers and industries of the Mkondeni Business area, the lifeblood Industrial Centre of Msunduzi, the approx. 3,000 residents of the SACCA informal Settlement off Shortts Retreat Road (Formaldehyde for example, is a known carcinogen and no description of any possible mitigating measures for fire or corrosion could justify such as risk to either the health, the environment or the economy of the region). Even the airport traffic that passes almost overhead of the proposed site could be affected in the case of an accident. This site could be better geographically chosen.

2. Zoning the zoning of the erven is assume to be either Light Industrial or General Industrial

Light Industrial Building: Means a building used for the manufacture or assembly of products with no adverse impact to the adjacent uses and no hazardous materials are used in the production of such products and may including uses ancillary thereto – so no such development could occur in such a case without rezoning .

General Industrial Building:A land use zone that provides for land uses and buildings for a full range of industrial uses where the emphasis is on bulk and heavy industry and where due cognizance must be taken of environmental impacts, ensuring sustainable locations which accommodate the requirements for industrial activities and minimize the impact on surrounding uses. Warehousing of materials considered non-noxious or non-hazardous are permitted in buildings in this land use zone.

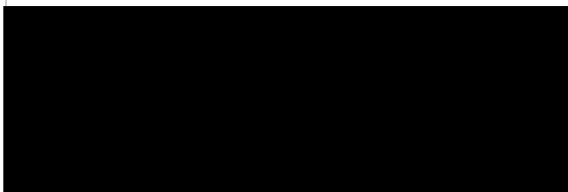
In such an instance, a Consent level B would be required i.e. consent from all neighbouring businesses. Given the level of damage already reputed to be caused to some neighbouring businesses by the handling of chemicals by the existing Richbay chemical facility and the damage caused to infrastructure due to an earlier accidental spill, consent would not be easily obtained from all businesses.

3. The area around the proposed site of the Hazardous Waste facility is indicated in the scoping report to be of a very high sensitivity nature (Appendix E, map of relative aquatic biodiversity theme sensitivity),the proposed warehouse would be in close proximity to a very high sensitive wetland area (i.e. a distance of approximately 2-300m). The Operational Phase alone poses a contaminated runoff risk from the Warehouse and Parking Areas. The sensitivities identified in the screening report (i.e. Table 3-1) do not line up with the facts. The groundwater has been identified at a depth of 20 to 30 meters, and visually seems to be much less, the risk of potential groundwater contamination appears to be extremely high and unacceptable. The close proximity of the proposed site to a highly sensitive wetland (including the Mkondeni Spruit stream) and the shallow groundwater (i.e. 20 to 30 metres), suggest that any accidental spillage and run-off contamination could poses an unacceptably high risk to the environment, surface water potentially being contaminated with chemicals from spillage and would negatively impact local factories neighbouring the wetland and communities and livestock. The potential negative impact of wastewater runoff and accidental spillage on aquatic biodiversity would also be severe.

4. The existing sewer and stormwater system in Mkondeni is in an already delicate and extremely compromised state. Residents living along the Mkondeni Spruit are already complaining of chemical fumes and sewage contamination and many have reported respiratory distress from volatiles in the spruit, as the sewage and effluent stormwater infrastructure has already been seriously corrosion damaged and the stream polluted. The environmental health and the health of residents living along the Mkondeni Spruit is at risk until massive restoration of the infrastructure has been undertaken.

Given the potential risks to all potentially affected parties due to existing poor road and infrastructure conditions, and the prevailing on site environmental sensitivities, the establishment of a hazardous chemical facility at the proposed site just cannot be justified at this stage.

Kind regards



Scheepers, Anri

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From: Scheepers, Anri  
Sent: Friday, 03 February 2023 10:30  
To: [REDACTED]  
Subject: RE: Register and interested party concerning Richbay PTY Mkondeni

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note that the following specialist assessments have been commissioned for the Environmental Impact Assessment Phase:

- Terrestrial Biodiversity Assessment;
- Wetland and Aquatic Assessment;
- Heritage and Palaeontology Impact Assessment;
- Conceptual Stormwater Management Plan;
- Soils and Agricultural Potential Assessment; and
- Qualitative Risk Assessment (specific to the storage of chemicals).

The results from the specialist studies will be included in the Environmental Impact Assessment Report, which will be made available for review, and will form the basis of assessment.

Kindly note that your comments have been noted and we will respond once the specialist studies are undertaken. In addition, please note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Sunday, 29 January 2023 14:32



To [REDACTED]  
Subject: Register and interested party concerning Richbay PTY Mkondeni

Dear Anri, please let me start again, following my last confused message!? Ignore all that and pretend you never read it

I wish to register and be added as an interested and effected party, in that my property borders on this stream: Re Richbay (PTY) hazardous chemical storage application. Ware house to store dangerous chemicals erf 2306 2307Sortss Retreat Mkondeni.

My comments as such follow.

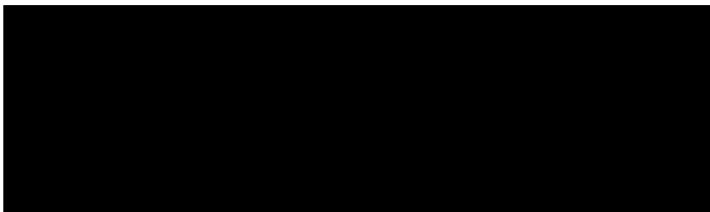
I appreciate that some of my comments and objections are already detailed in the report. Nevertheless, in view of the potential seriousness of severe pollution from this activity and, as resident I want to specifically reiterate and confirm these misgivings

- Topographically it's a vulnerable area due to already illegal extensions to factories at the river, resulting in the destruction of the sewer system and or storm water drainage. Not discounting the altering of the natural landscape, thus effecting the river course: all of which has and is presently resulting in heavy pollution of the stream. Any further development and activities such as chemical storage or processing needs to be postponed until such time as the basic infrastructure is in place and remedial work carried out to carry sewage and storm water. That the area and natural landscape is rehabilitated to allow for industries, such as this to be established. The situation, as of now, the area is too insecure in terms of the above, to allow any new business to be added which, has the potential to pollute.
- Whatever measures they make, such as, bunding, containment tanks, ponds etc have to be sufficiently big enough and reliable to contain ALL their chemicals plus storm water spillage. Historical evidence, namely Thor Chemicals in Cato Ridge, had most of the necessary mitigating measures in place. However, two incidents resulted in pollution of the Mngweceni River, tributary of the Duzi. One was a storm, whereby the holding ponds were breached resulting in heavy pollution of chemical waste and the second was drums were stolen and the contents of heavily contaminated chemical waste was poured directly into the river. Security is also another issue in view of this. The present situation, linked with the above suggests that there is a real possibility that this very scenario can reoccur, in that it mimics exactly the Thor Chemicals situation. Further, this is discounting that the area under review is even more vulnerable than the position of Thor Chemicals in Cato Ridge, as given in the report and as presented here. That incident alone demonstrates no development of hazardous waste handling of any kind should ever take place near to a river. History has a habit of repeating itself. I am surprised that this has not been legislated, given the international and seriousness of Thor Chemical incident.
- Already demonstrated by the lack of response from the Umsunduzi Municipality, probably Umgeni Water and other Government Departments, to this specific streams pollution since 2013, with each year getting progressively worse, is there the capacity and the will to police such a facility. As a chemical storage plant, which has a potential for serious pollution, will it be policed and inspected. Because of its location this is a relevant point. If it was away from a river, built up area and other numerous vulnerable groups, then the lack of policing would not be as serious. But any changes to the structure and operation of this facility over the subsequent years, could take place unchecked to a point where a serious and potential 'incident' can

occur. Further, how are we as community, going to be assured that no activity of any kind be carried out other than just storage. Siphoning, decanting and moving of chemicals may still be carried out, and in view of the above that's a possibility

- If a pollution incident occurs ground water & surrounding soil could be situated with chemical waste with years of seepage taking place and absolutely no means of rectifying the situation. Such saturation will take place into the deep earth and wider area with no means to remove the contaminants. Maybe an over exaggeration but this occurred in South Durban where contaminants entered the subsoil and whole communities were seriously threatened and I think relocated. Again lessons from the past need to be headed
- I don't accept or agree with some of the points declared low risk in 6.14 SUMMARY OF IMPACT SIGNIFICANCE SCREENING, this specifically relates to:
  - Climate change. Classified as very low. With recent flooding, wash away's and the damage done to this specific area it should be re-classified as high risk and definitely needs further investigation.
  - In that table high risk has been established for terrestrial activity but low risk for biodiversity effects. I don't understand that, if an incident occurs both will be seriously affected, including wet lands further downstream and agricultural activities. Further the entire catchment area can be negatively impacted on effecting treatment of our water supply, farming activities and vulnerable groups that rely on the Duzi . It seems as though this report is only focussing on the immediate area, the potential is wider and potentially effects the whole of the eastern area of KZN from Pietermaritzburg to Durban.
  - Socio economic is classified as low. Factories in the vicinity have already been affected in terms of negative effects against personal and equipment due to chemical drift and contamination of the surrounding air. This needs to be further investigated and maybe reclassified.

I assume through this email I can be registered and my comments be made known. If there is another process in this regard please can you advise me



Scheepers, Anri

---

From: Scheepers, Anri  
Sent: Friday, 03 February 2023 09:54  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: ADD TO : I & AP

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Sunday, 29 January 2023 18:30  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: ADD TO : I & AP

Please add me to I & AP list

[REDACTED]

Sent from my Galaxy



Scheepers, Anri

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From: Scheepers, Anri  
Sent: Wednesday, 01 February 2023 12:58  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: [Pending]RE: Richbay hazardous chemicals storage application

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note that comments can be made on the Draft Scoping Report until 7 February 2023.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Wednesday, 01 February 2023 07:11  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: Richbay hazardous chemicals storage application  
Importance: High

Good Day

Please add Liane Henman and Paul Henman, residing in Ward 37 community as interested and affected parties for the application for environmental authorization for a warehouse to store dangerous chemicals on Erf 2306 and 2307, Shortts Retreat, Mkondeni.

Thank you.



Scheepers, Anri

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From: [REDACTED]  
Sent: Thursday, 09 February 2023 15:47  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Proposed construction of a chemical warehouse on Shortts Road, Pietermaritzburg

Follow Up Flag: Follow up  
Flag Status: Flagged

[REDACTED]

I trust this finds you well.

I received your below email from the WSP team and wanted to take this opportunity to introduce myself and share my contact details, as I am the lead contact for WSP's media and PR agency for Africa.

Also, thank you for reaching out to WSP in lieu of your story. I have received the enclosed feedback on your questions as sent to Anri earlier today.

Please can we ask that any information/statements taken from the enclosed feedback and used in your story is attributed to "WSP in Africa".

Should you need anything further, don't hesitate to contact me.

[REDACTED]

Q: When does the company plan to start with the construction of this warehouse?

A: For information regarding the company's intentions, we kindly refer you to their spokesperson/ management. However, in our capacity as independent consultant we can report that the Scoping and Environmental Impact Reporting (S&EIR) process is still ongoing, however, taking into consideration the legislated timeframes, it is estimated that a decision will be made by end October 2023. Thereafter, environmental authorisation will still need to be obtained by the company before it may commence construction.

Q: What will this warehouse store?

A: The warehousing will be used as an importation hub where the chemicals already packed and palletized will be offloaded from shipping containers and stored, prior to being dispatched to the Richbay Chemical Plants throughout Southern Africa. No decanting will take place in the warehouse/s. As outlined in the Draft Scoping Report which has been made available publicly, the chemicals that will be stored at the warehouse/s will include:

- Hydrochloric Acid
- Acetic Acid
- Sodium Hypochlorite
- Sulphuric Acid
- Caustic Soda (Solid)
- Caustic Soda Liquid
- Phosphoric Acid
- Nitric Acid
- Sodium Metabisulphite (Solid)
- Formaldehyde
- Ammonium 25%
- Sodium Chlorite 25-31%

Q: Has the company completed an environmental study for this project and were there any negative findings?

A: WSP Group Africa (Pty) Ltd has been appointed to undertake the Scoping and Environmental Impact Reporting (S&EIR) process for the proposed development. The project is currently in the Scoping Phase with specialist studies still being undertaken. The outcome of the specialist studies, and the impact assessment, will be made available to the public for review and comment during the Environmental Impact Reporting Phase.

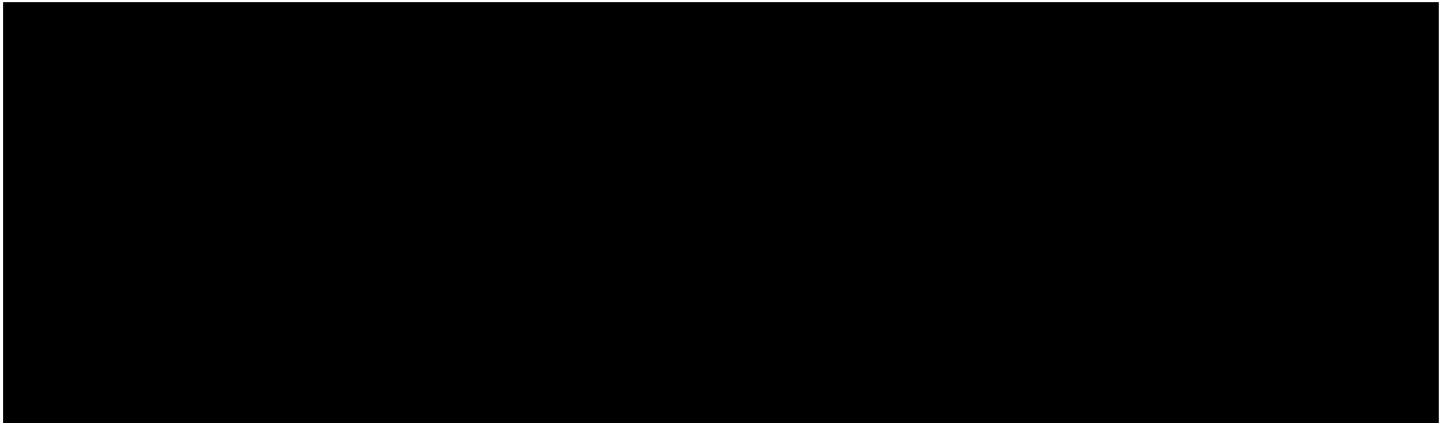
Q: Has this project been approved by Msunduzi Municipality?

A: As part of the application for environmental authorisation (S&EIR process), the Draft Scoping report has been provided to the Msunduzi Municipality for comment. The Environmental Impact Assessment Report will also be submitted to the municipality for comment. All comments received from the Msunduzi Municipality will be included in the comment, and response report, which will be submitted as part of the Final EIAR for decision making to the KwaZulu Natal Department of Economic Development, Tourism and Environmental Affairs.

Q: Will this project benefit Pietermaritzburg residents in any way, if so how?

A: Based on information received from R-Bay Properties (Pty) Ltd, should the project be approved, the following potential employment opportunities could be created for the local community:

- Construction phase – approximately 20 un-skilled employment opportunities.
- Construction phase – approximately 5 skilled employment opportunities.
- Operational phase – approximately 10 skilled employment opportunities
- Operational phase – approximately 15 unskilled employment opportunities.



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From: [Redacted]

Sent: Thursday, 09 February 2023 10:57

To: Scheepers, Anri <[Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)>

Subject: Proposed construction of a chemical warehouse on Shortts Road, Pietermaritzburg

Good morning

I trust you are well. I'm a reporter from The Witness newspaper and would like to get comments regarding the proposed construction of a chemical warehouse on Shortts Road, Pietermaritzburg. I believe there's been some objections for this project and an email was sent to you by the Msunduzi Association of Residents Ratepayers and Civics (MARRC) with questions regarding this project

- When does the company plan to start with the construction of this warehouse
- What will this warehouse store
- Has the company completed an environmental study for this project and were there any negative findings
- Has this project been approved by Msunduzi Municipality
- Will this project benefit Pietermaritzburg residents in any way, if so how

Your response will be appreciated, kindly by 4 pm today.

Thank you





-LAEmHhHzdJzBITWfa4Hgs7pbKI

Scheepers, Anri

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From: Scheepers, Anri  
Sent: Friday, 10 February 2023 09:52  
To: [REDACTED]  
Subject: [Pending]RE: Register MARRC as Interested and Affected Parties

[REDACTED]

We hereby acknowledge receipt of your comments.

All comments will be included in the Comment and Response Report to be included in the Final Scoping Report. However, many of the responses will only be available after the specialist studies have been completed and as such will only be provided in the EIA Phase.

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

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From: Anthony Waldhausen [REDACTED]  
Sent: Sunday, 05 February 2023 17:40  
To: Scheepers, Anri <[Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)>

[REDACTED]

Subject: RE: Register MARRC as Interested and Affected Parties

Dear Anri

Please find attached our submission of comments.

I hope all is in order and if you have any questions please don't hesitate to contact me.

Kind regards

[REDACTED]



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From: Scheepers, Anri <[Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)>  
Sent: Tuesday, January 31, 2023 9:32 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Register MARRC as Interested and Affected Parties

[REDACTED]

Thank you for registering as an interested and affected party.

We are able to provide you with an extension of submission of comments until close of business on 7 February 2023, I trust this is in order.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments.

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Tuesday, 31 January 2023 09:05  
To: Scheepers, Anri <[Anri.Scheepers@wsp.com](mailto:Anri.Scheepers@wsp.com)>  
Cc: [REDACTED]  
Subject: Register MARRC as Interested and Affected Parties  
Importance: High

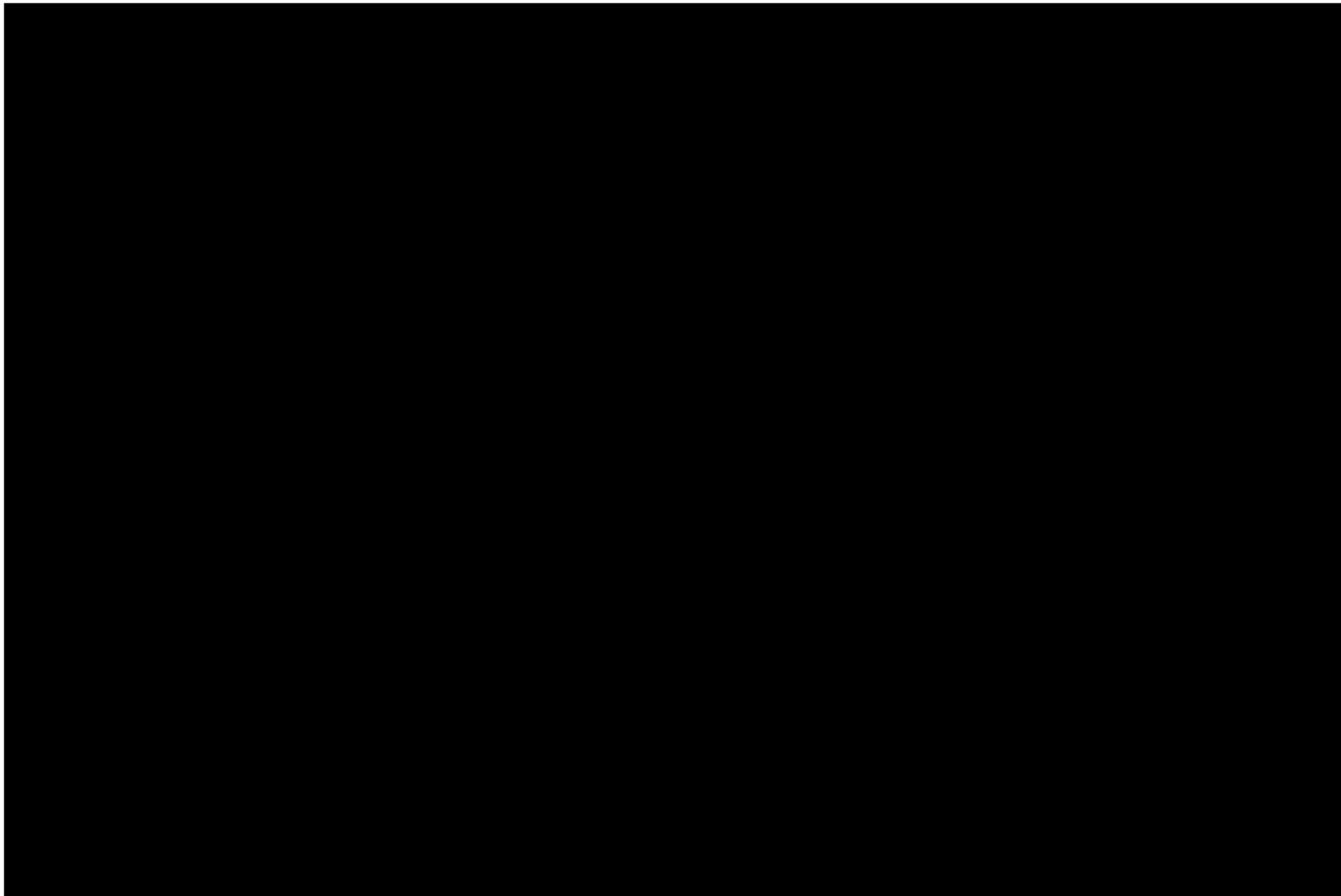
Dear Anri

On behalf of Msunduzi Association of Residents Ratepayers and Civics (MARRC), we would like to register as interested and affected parties for the proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals) located at Erf 2306 and 2307 Shortts Retreat, Pietermaritzburg.

The draft scoping review report comments ends today and I would like to request an extension in order to make a submission.

I hope you are able to extend date for comment and look forward to your reply.

Kind regards



Scheepers, Anri

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From: Scheepers, Anri  
Sent: Friday, 03 February 2023 09:45  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: [Pending]RE: PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR STORAGE OF DANGEROUS GOODS (CHEMICALS) PIETERMARITZBURG - REGISTRATION AS AN INTERESTED AND AFFECTED PARTY.

[REDACTED]

Thank you for registering as an interested and affected party for the R-Bay Properties Dangerous Goods Warehouse.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments.

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

---

From: [REDACTED]  
Sent: Monday, 30 January 2023 10:30  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR STORAGE OF DANGEROUS GOODS (CHEMICALS) PIETERMARITZBURG - REGISTRATION AS AN INTERESTED AND AFFECTED PARTY.

Dear Sir/Madam,  
REGISTRATION AS AN INTERESTED AND AFFECTED PARTY

Please register me as AN INTERESTED AND AFFECTED PARTY with regards to the above PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR STORAGE OF DANGEROUS GOODS (CHEMICALS) PIETERMARITZBURG.



Virus-free [www.avg.com](http://www.avg.com)

Scheepers, Anri

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From: Scheepers, Anri  
Sent: Tuesday, 31 January 2023 09:32  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Register MARRC as Interested and Affected Parties

Dear Anthony,

Thank you for registering as an interested and affected party.

We are able to provide you with an extension of submission of comments until close of business on 7 February 2023, I trust this is in order.

Kindly note you are able to submit comments throughout the process, and comments received post the submission of the Final Scoping Report will be captured in the Draft EIA Report.

Please contact us should you have any further queries or comments.

Kind Regards



**Anri Scheepers**  
Principal Associate  
T +27 11 300-6089

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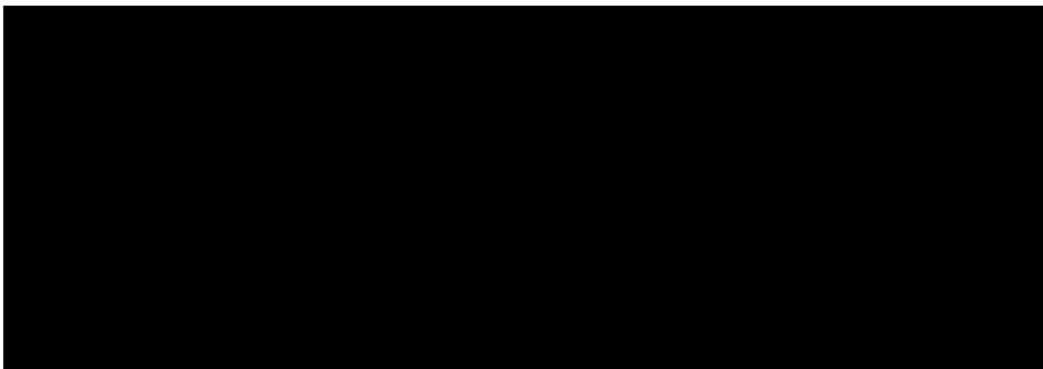
From: [REDACTED]  
Sent: Tuesday, 31 January 2023 09:05  
To: Scheepers, Anri <Anri.Scheepers@wsp.com>  
Cc: [REDACTED]  
Subject: Register MARRC as Interested and Affected Parties  
Importance: High

Dear Anri

On behalf of Msunduzi Association of Residents Ratepayers and Civics (MARRC), we would like to register as interested and affected parties for the proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals) located at Erf 2306 and 2307 Shortts Retreat, Pietermaritzburg.

The draft scoping review report comments ends today and I would like to request an extension in order to make a submission.

I hope you able to extend date for comment and look forward to your reply.









5 February 2023

**To: Ms Anri Scheepers  
Principal Associate  
WSP  
Per email: anri.scheepers@wsp.com**

**MARRC**

Dear Ms Anri Scheepers,

**Proposed Construction and operation of a Chemical Warehouse on Erf 2306 and 2307, Shortts Retreat, Pietermaritzburg**

On behalf of Msunduzi Association of Residents Ratepayers and Civics (MARRC) we would like to make a submission as interested and affected parties for the proposed construction and operation of a warehouse for the storage of dangerous goods (chemicals) located at Erf 2306 and 2307 Shortts Retreat, Pietermaritzburg.

We are deeply concerned about the proposed construction and operation of a chemical warehouse due to environmental and safety aspects of the project that it may pose to the local residents and businesses if not properly managed.

We hereby submit the following questions and would appreciate in-depth and reliable responses to these questions:

1. What is the zoning of the area and what is allowed versus proximity and density of households? Land use zoning and planning – is this the right location for this warehouse?
2. Considering the recent United Phosphorous Limited (UPL) warehouse fire and massive chemical contamination of the surrounding community and sensitive receptors what protocols and system will be in place to mitigate these risks?
3. Does R-Bay Properties (Pty) Ltd have qualified and experienced staff to handle chemicals?
4. Are there contingency plans for all chemicals stored?
5. What are the monitoring mechanisms in terms of effluent going out by independent agencies?
6. What is the specialised containment infrastructure will there be in case of emergency e.g. if storage of gas then must have infrastructure to neutralise gas in an event of emergency?
7. Will backup power and water systems be available?
8. General safety of the area - will there be a disaster/emergency management plan in place and what does it comprises of?
9. What plans will be in place to protect the ecosystem, environment and neighbouring residents and businesses from any chemical emissions coming out from the warehouse into the air? Will there be air quality control done and how often?
10. What safety measure will be in place for the safe transportation of the chemicals to and from the warehouse?

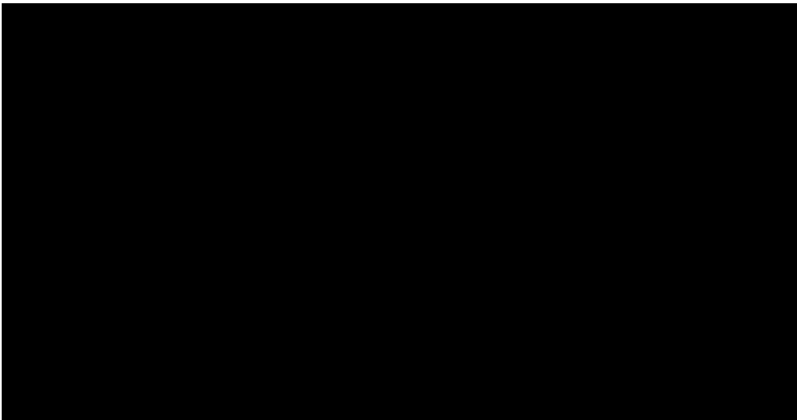


11. What will the impact be of the warehouse on the Bisley Nature Reserve and if they offloading effluent into a stream, how it will impact on communities downstream?
12. Did the warehouse obtain risk assessment and planning permissions as required by environmental and municipal by-laws?
13. Will a compliance profile be identified for the chemical storage and manufacturing sectors to assess the need for a national compliance and/or enforcement programme?
14. Before any construction take place, will the provincial department of Forestry, Fisheries and Environment establish an interdepartmental rapid emergency response team to deal with a certain category of incidents?
15. In the event of a major fire or major incident what will be the impact on the surrounding communities (schools, residents, rivers, clubs) – what mitigation measures and protocols are in place?
16. What environmental and community air sampling system will be used to detect environmental impacts?
17. Will the monitoring processes, protocols and procedures be explicit for a hazardous storage installation?

We hope that these questions would be adequately addressed to as to circumvent any doubt and stress towards affected stakeholders, especially residents in proximity of the warehouse that this type of construction could bring.

Please acknowledge receipt of this correspondence and we look forward to your reply in anticipation.

Yours sincerely





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## Planning Division: IEM Section

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[REDACTED] Your Ref: DC22/0002/2023: KZN/EIA/0001867/2023  
Our Ref: 13202

WSP Group Africa (Pty) Ltd  
Building C, Knightsbridge  
33 Sloane Street  
Bryanston  
2191  
Email: [Tutayi.Chifadza@wsp.com](mailto:Tutayi.Chifadza@wsp.com)  
[Anri.Scheepers@WSP.com](mailto:Anri.Scheepers@WSP.com)

24 March 2023

**ATTENTION: TUTAYI CHIFADZA / ANRI SCHEEPERS**

Dear Mr Chifadza / Ms Scheepers

**LETTER: PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS BY R-BAY PROPERTIES (PTY) LTD ON ERF 2306 AND 2307 SHORTTS RETREAT PIETERMARITZBURG, MSUNDUSI LOCAL MUNICIPALITY, UMGUNGUNDLOVU DISTRICT, KWAZULU-NATAL**

Thank you for sending the Final Scoping Report (FSR) to Ezemvelo KZN Wildlife (Ezemvelo) for review and comment. This document was received by the Integrated Environmental Management (IEM) Section of Conservation Planning in hardcopy for comment by the 24<sup>th</sup> of March 2023.

It should be noted that Ezemvelo is an Organ of State that has a legal mandate to manage the environment and protect biodiversity within the province in terms of the KwaZulu-Natal Nature Conservation Management Act, 1997 (Act 9 of 1997). We have a duty to provide professional comments on land-use changes that occur both within and outside protected areas, where such changes may have a detrimental effect on ecological processes and biodiversity. It is also Ezemvelo's statutory and fiduciary duty to advise other Organs of State (inclusive of licensing authorities) of any prescribed process where there may be a threat to the environment and particularly biodiversity. Within KwaZulu-Natal (KZN), you are legally obligated to engage with Ezemvelo's Integrated Environmental Management (IEM) Section: Conservation Planning (the internally mandated section of

Ezemvelo), as the Biodiversity Authority, in all environmental authorisation processes. Ezemvelo will always provide a formal official response to the submissions made through the correct channels to the IEM Section. Should the IEM Section not be engaged, and our responses not be received and included in your submission to the competent authority this can be considered a flaw in your public participation process.

In this regard, we would like to point out that the comments attributed to Ezemvelo in Appendix G of the FSR (points 12 to 21; pages 4 to 7) are not official comments from Ezemvelo's IEM Section, but from an individual within the organisation that approached you, as the EAP via email (to request further information based on a notice that they had seen), and who has subsequently registered as an Interested and Affected Party (I&AP) in their personal capacity. There is no evidence that the IEM Section, as the Biodiversity Authority within KZN, has been contacted by you in respect of the above-mentioned activity, nor has the environmental authorisation application been registered with our organisation through the appropriate channels until the FSR was received and logged. Ezemvelo is notably absent from the list of I&APs (Table 3-6 (v) and/or (vi)) under Section 3.6.4 "Stakeholder Identification" (p24 FSR).

It is therefore respectfully requested that:

1. The comments in the FSR incorrectly attributed to Ezemvelo are correctly attributed to the individual and the response and comments herein are recognised as the official comments of Ezemvelo.
2. Engagement for future submissions to Ezemvelo be made through the correct channels as follows:
  - a. All new applications may be emailed to: [IEM.App@kznwildlife.com](mailto:IEM.App@kznwildlife.com) and this submission must include a cover letter and the document to be reviewed (e.g. BID, BAR, SR, EIA, EMPr). Ezemvelo will acknowledge your submission within two working days of receipt. Should you not receive an acknowledgement within two working days, this means that we have not received your complete application and you will need to resubmit/resend. Please note that we are tied to a government website and server with associated constraints to network and download capacity, so it is preferable that large documents are couriered/hand-delivered to our offices.
  - b. Documentation for a returning/existing application may be emailed directly to the planner assigned to your project, however, this email must also be copied to [IEM.App@kznwildlife.com](mailto:IEM.App@kznwildlife.com). The Ezemvelo reference number must be included in the subject line.
  - c. Should the application/submission be couriered, or hand delivered, the following contact details must be used:

Dr Andy Blackmore – Manager Conservation Planning  
c/o The IEM Technician  
Planning Division: IEM Section  
Queen Elizabeth Park  
1 Peter Brown Drive  
Montrose, 3201  
Tel: 033 845 1346

*Ref: Please include the Ezemvelo reference number if the submission is an existing application*

The FSR as received has been reviewed by the IEM Section and based on the information supplied, and interrogation of our databases, please find outlined below Ezemvelo's comments and recommendations.

### **Biodiversity Features**

1. As highlighted in the FSR the proposed development area falls within an Irreplaceable Critical Biodiversity Area (CBA). CBAs are areas where there are no other alternatives or options for the province to achieve its binding biodiversity conservation targets. Therefore, the conservation of CBAs in a natural or near-natural



Ezemvelo KZN Wildlife Letter	13205	Proposed dangerous goods warehouse by R-Bay Properties (Pty) Ltd on Erf 2306 and 2307 Shortts Retreat Pietermaritzburg, Msundusi LM, Umgungundlovu DM	Page 2 of 4
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state is crucial. Key drivers for the CBA classification include several millipede species<sup>1</sup> and molluscs<sup>2</sup>, as well as the plant species *Acalypha angustata* within the KwaZulu-Natal Hinterland Thornveld vegetation type. It is acknowledged that the area in the vicinity of the proposed development has been altered.

2. The FSR also highlights the Ecological Support Area (ESA), Mkhondeni Local Corridor, to the south of the site, which includes habitat for millipedes and molluscs.
3. The FSR acknowledges the alluvial wetland areas to the west of the proposed development area.
4. It is however concerning to note that the Site Sensitivity Verification Report (15 February 2023; Appendix H) was undertaken as part of a Section 24G application. This is presumably related to the illegal stockpiling of construction materials on the proposed development site (p32 FSR); however, this has not been clarified in the FSR. A Section 24G application on the proposed development site should stop the current application, change the legislated process that is followed, and will have an impact on the assessment of the CBA.
5. The following specialist studies are acknowledged by Ezemvelo as being part of the environmental impact assessment phase:

5.1. Terrestrial Biodiversity Impact Assessment.

This assessment should include specialist input on the CBA drivers, as well as provide information on the Provincial (KwaZulu-Natal) legislation and permitting processes for the harming, removal, or destruction (translocation) of protected and specially protected indigenous animals and plants and threatened and/or protected species that may be found onsite.

5.2. Wetland and Aquatic Biodiversity Impact Assessment.

Aspects to be undertaken in this assessment are noted.

5.3. Qualitative Risk Assessment (specific to the storage of chemicals) – Major Hazard Installation.

This appears to focus on the impact on humans of storing the listed chemicals at the facility and reviewing emergency procedures of a major incident. It is not specified, but based on the recent UPL disaster (July 2021), the importance of a study on the solubility and leaching potential of the chemicals being stored with the possible interaction between the chemicals themselves, the possible interaction of the stored chemicals/chemical complexes with the surrounding geology (including soils), and the possible impacts that these may have on the surrounding environment and biodiversity from a major spill/incident should be included in such an assessment.

5.4. Desktop geotechnical assessment.

A geotechnical assessment is not a geological, structural geological or hydrogeological assessment. The soils are said to be relatively shallow (20cm to 50cm; p8 FSR), and groundwater is “anticipated” to be 20 to 30m below surface with moderate vulnerability to contamination (p9 FSR). However, there is no source<sup>3</sup> provided for this data. The proposed development area is situated on Pietermaritzburg Shale with dolerite intrusions and faulting evident within the area (Council for Geoscience, Pietermaritzburg 2930CB Geology 50K Map) – the bedding planes of the shale, fracture planes from the dolerite intrusions, and fault zones may act as groundwater flow paths; which, depending on the direction of flow of a contamination spill, could detrimentally impact wetlands, surface water habitats, and biodiversity adjacent to or downstream/flow from the site. Owing to the nature of the proposed

<sup>1</sup> *Gnomeskelus tuberosus urbanus*, *Spinotarsus glomeratus*, *Spinotarsus maritzburgensis*, *Patinatius bidentatus simulator*, *Spinotarsus destructus*, *Gnomeskelus spectabilis*, *Camaricoproctus planidens*

<sup>2</sup> *Gulella separata*, *Gulella euthymia*

<sup>3</sup> Under Section 7.4.5 it is indicated that a soil site assessment was undertaken in November 2021, presumably by WSP.



Ezemvelo KZN Wildlife Letter	13205	Proposed dangerous goods warehouse by R-Bay Properties (Pty) Ltd on Erf 2306 and 2307 Shortts Retreat Pietermaritzburg, Msundusi LM, Umgungundlovu DM	Page 3 of 4
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activity (storage of dangerous goods), and considering the recent UPL disaster where the same geology detrimentally affected the biodiversity impact, it is of concern that no structural geology and surface-groundwater interaction study is being undertaken. Discounting the local geological baseline and understanding this impact on surface-groundwater interactions could result in unintended environmental consequences if a pollution event does occur. Depending on the nature of the spill/incident, a concrete slab/bunding is not impermeable.

### **Recommendations**

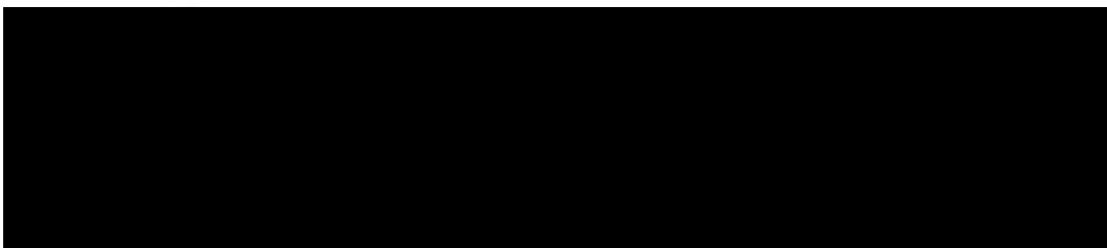
Based on the above, Ezemvelo recommends that:

- a) It is noted that Ezemvelo was not included in the draft SR phase of public participation and comments.
- b) The comments in the FSR incorrectly attributed to Ezemvelo are correctly attributed to the individual and the response and comments herein are recognised as the official comments of Ezemvelo.
- c) The details of the status and area of the Section 24G application are reviewed to ensure that the correct legislated process is followed for the proposed project in terms of the National Environmental Management Act, 1998 (as amended).
- d) The Terrestrial Biodiversity Impact Assessment should include input from a millipede and mollusc specialist.
- e) The Qualitative Risk Assessment should include interactions between the chemicals that are stored, as well as the chemicals and the surrounding soils/rocks and water to effectively determine the risk to biodiversity resulting from a major incident (e.g. fire).
- f) A structural geology assessment, in combination with possible surface-groundwater interactions, should be undertaken to assess and minimise the risk from a major incident (e.g. fire).
- g) The competent authority should take cognisance of the UPL disaster (July 2021) and ensure that the environmental baseline provided is holistic with sufficient information and workable procedures to mitigate and remediate the biodiversity impacts from a major contamination incident.

This letter is submitted without prejudice, and Ezemvelo reserves the right to revise and add to these comments should this be deemed necessary.

Should any biodiversity issues arise, please do not hesitate to contact this office.

Yours sincerely



Ezemvelo KZN Wildlife Letter	13205	Proposed dangerous goods warehouse by R-Bay Properties (Pty) Ltd on Erfs 2306 and 2307 Shortts Retreat Pietermaritzburg, Msundusi LM, Umgungundlovu DM	Page 4 of 4
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**SUSTAINABLE DEVELOPMENT & CITY ENTERPRISES DEPARTMENT**  
**Environmental Management Unit**

P O Box 321  
Pietermaritzburg  
3200

**Date:** 22 March 2023

Our Ref: ENV 305

**WSP**

1<sup>st</sup> Floor, Pharos House,  
70 Buckingham Terrace  
Westville  
3629

Dear Sir/Madam,

**RE: NOTICE OF THE PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOOD (CHEMICALS), PIETERMARITZBURG, KWAZULU – NATAL – FINAL SCOPING REPORT.**

**EIA REFERENCE: DC22/0002/2023: KZN/EIA/0001867/2023**

With reference to the above Final Scoping Report received on the 28<sup>th</sup> of February 2023, the following comments are submitted for your information and consideration:

1. Table 2 – 1, p.8: The activity triggered in Listing Notice 3 is incorrectly referenced. It should be Activity **12** not **2**.
2. Table 2 – 1, p. 7-12: The Msunduzi Integrated Environmental Management Plan (IEMP), must be included in this section.
3. Please ensure that comments are obtained from the following Municipal Business Units:
  - Stormwater & Drainage Unit.
  - Disaster/Fire Unit.
4. The Stormwater Management Plan must be submitted to the Msunduzi Municipality's Stormwater and Drainage Unit for approval.
5. An Invasive Alien Plant Control Plan must be attached to the EMP; this plan must include follow – up clearing for post construction.
6. Building plans must be submitted, prior to any construction, for approval to the Msunduzi Municipality's Building Control and Signage Section, on the 2<sup>nd</sup> floor A.S Chetty Building.
7. This unit recommends the following green technologies are incorporated:
  - Installation of rainwater collection / harvesting tanks
  - The use of solar geysers and solar lighting
  - Low flush toilets and low flow taps and showers

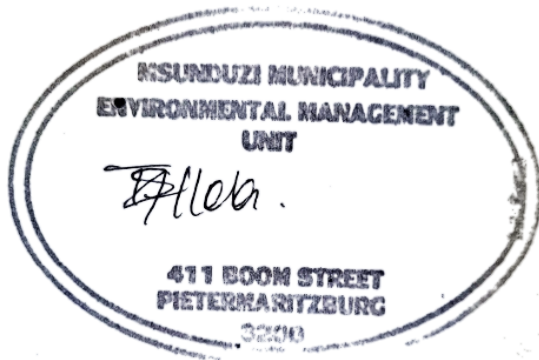
**SUSTAINABLE DEVELOPMENT AND CITY ENTERPRISES**

# Msunduzi Municipality



- Recycling initiatives, a designated recycling area must be established and this area must be indicated on all future plans / layouts.
  - Please ensure that waste storage areas are suitably covered, banded and enclosed to ensure that waste materials are not impacted on by weather and / or any other factors.
8. Msunduzi Municipality's Green Building Guideline Toolkit must be taken into consideration to ensure the sustainability and improved efficiency of the proposed building.
  9. The applicant must ensure that both hard and electronic copies of the Draft Environmental Impact Assessment Report (EIAR) is submitted to the Msunduzi Municipality: Environmental Management Unit at 411 Boom Street, Pietermaritzburg, 3201.

Please feel free to contact this office should you have any further queries.

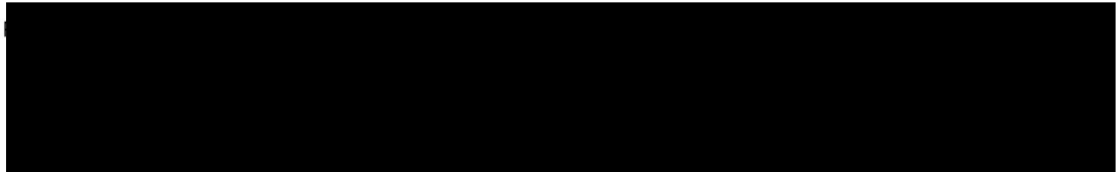






## forestry, fisheries & the environment

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



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3629

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### PER E-MAIL

Dear Sir/Madam

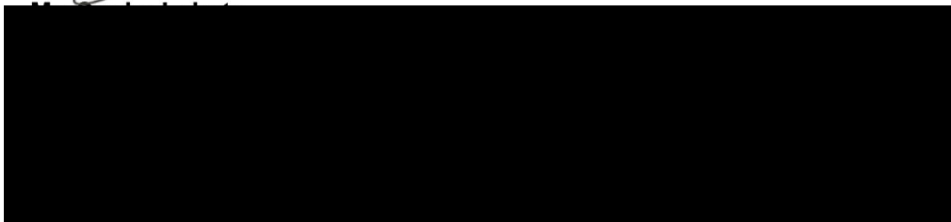
#### **COMMENTS ON THE DRAFT SCOPING REPORTS FOR PROPOSED CONSTRUCTION AND OPERATION OF A WAREHOUSE FOR THE STORAGE OF DANGEROUS GOODS (CHEMICALS), PIETERMARITZBURG, KWAZULU-NATAL PROVINCE**

The Directorate: Biodiversity Conservation has reviewed and evaluated the above mentioned report and does not have any objection to the draft Scoping Report and the Plan of Study, however, the final report must comply with the procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5)(A) and (H) and 44 of the National Environmental Management Act, 1998.

In conclusion, the Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email;



Yours faithfully



*Batho pele*- putting people first.



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