

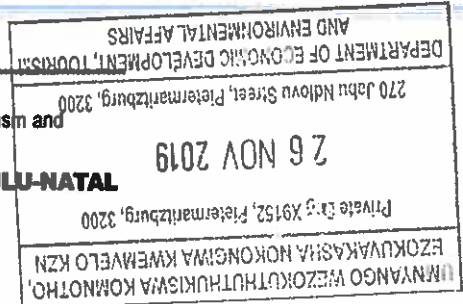
**APPENDIX K:
ENVIRONMENTAL AUTHORISATION**



edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL



Enquiries : PJST Xulu
Imibuzo :
Navrae :

Telephone: 035 780 0308
Ucingo :
Telefoon :

Private Bag : X20018
Isikhwama Seposi : Empangeni
Privaat Sak : 3880

Reference: DC28/0010/2019
Inkomba :
Verwysing:

Fax : 035 780 0315
iFeksi :
Faks :

Date :
Usuku : 26/11/2019
Datum :

Fax Transmission

Wilmar Processing (Pty) Ltd
PO Box 1990
Sunninghill
2157

Attention: Aidan Dowdle
Fax: aidan.dowdle@za.wilmar-intl.com

Dear Madam

DC28/0010/2019: ENVIRONMENTAL AUTHORIZATION FOR THE PROPOSED WILMAR VEGETABLE OIL PIPELINE IN RICHARDS BAY, KWAZULU-NATAL.

The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs has **authorized** the abovementioned project. The environmental authorization and reasons for the decision are attached herewith.

ENQUIRIES

Please note that:

- All queries regarding this application for environmental authorization (including the Department's decision) must be directed to the official of this Department with contact details provided on the letterhead above.
- **Only** queries regarding appeals must be submitted to the Office of the MEC (details provided below).

NOTIFICATION OF DECISION ON APPLICATION

In accordance with regulation 4(2) of the EIA Regulations 2014, the applicant must in writing **within 14 days** of the date of this decision ensure that

- a. All registered interested and affected parties are provided with access to this decision and the reasons for the decision; and

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- b. The attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations 2014, if such appeal is available in the circumstances of the decision.

APPEALS

In accordance with regulation 4(1) of the National Appeal Regulations, 2014 an appellant must submit an appeal to the appeal administrator and a copy of the appeal to the applicant, any registered interested and affected party and organ of state with interest in the matter within 20 days from the date of notification of this decision.

An appellant must comply with regulation 4(2) and submit the appeal in writing and in the form obtainable from the appeal administrator by posted, faxed, e-mailed or hand delivered correspondence to the following address:

**The Appeal Administrator,
Office of the KwaZulu-Natal MEC for Economic Development, Tourism & Environmental Affairs**

POSTAL/ FAX/ E-MAIL:	PHYSICAL:
Private Bag X9159 PIETERMARITZBURG 3200 Tel: 033 264 2651 Fax: 033 328 8048 Mobile: 081 731 7361 (Haresh Inderall) E-mail: haresh.inderall@kznedtea.gov.za	2 ND Floor, Room 218.23 270 Jabu Ndlovu Street, Pietermaritzburg 3201

Yours faithfully


for: **Mr S. Mkhize**
Acting Head of Department
Department of Economic Development, Tourism and Environmental Affairs

Signed by: Mr. P.J.S.T. Xulu
Designation: District Manager: King Cetshwayo Environmental Services
Date: 26 / 11 / 2019

cc: Reuben Maroga, email:reuben@savannahsa.com

Environmental Authorization
Wilmar Vegetable Oil Pipeline in Richards Bay, KwaZulu-Natal

UMNYANGO WEZOKUZIPHATHUKISHA KCOMDTHO,
 EZOKUVAKASHA NOKONCISA KWEMVELO KEN
 Private Bag 90150, Pietermaritzburg, 3200
26 NOV 2019
 270 Jabu Ndlovu Street, Pietermaritzburg, 3200
 DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM
 AND ENVIRONMENTAL AFFAIRS



edtea

Department :
 Economic Development, Tourism and
 Environmental Affairs
PROVINCE OF KWAZULU-NATAL

Environmental Authorization

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014

Wilmar Vegetable Oil Pipeline in Richards Bay, KwaZulu-Natal

uMhlathuze Local Municipality

Application number: NEAS No.	DC28/0010/2019 KZN-EIA-00001146-2019
Authorization holder:	Wilmar Processing (Pty) Ltd
Location:	Remainder of the Farm Lot 223 Umhlathuze No 16230, Remainder of Portion 21 of Erf 5333 Richards Bay, Portion 153 of Erf 5333 Richards Bay, Erf 16856 Richards Bay Erf 16182 Richards Bay Erf 17424 Erf 17422 Under uMhlathuze Local Municipality, KwaZulu-Natal

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Scope of the Project

Wilmar Processing (Pty) Ltd is proposing the development of a vegetable oil pipeline in Richards Bay Port (RBP), located approximately 3km south-west of Arboretum, 4 km south-east of Richards Bay Central Business District (CBD), 16km east of Empangeni in the KwaZulu-Natal province. The Wilmar vegetable oil pipeline is proposed within a 2.8km long and 50 m wide corridor routing from the Richards Bay Terminal (RBT) to a proposed processing facility to be located on the Richards Bay Phase 1A (RBIDZ1A). The pipeline will transport raw material required for the manufacturing of vegetable oil and related products from the vessels docking at the RBT to the proposed processing facility on Phase RBIDZ 1A.

The project infrastructure will include four (4) Carbon steel D200 pipes with a diameter of 8 inches (approximately 216mm) each, and will extend from the berths of the RBT to the proposed processing facility. The pipes will be stacked vertically in double rows or arranged horizontally on mounting structures aboveground within the identified corridor. The elevation of the pipeline aboveground will be 500mm typical mounting structures will be 2.25m² in extent and 1.2m into the ground of which 2.7cm³ of soil will have to be excavated to construct the mounting structures along the proposed route.

The proposed pipelines will route within a single servitude in a north easterly direction for about 500m from Berths 706, 707 and 708 Quayside at the Richards Bay Port, where a pipe manifold will be constructed into the concrete of the shipping dock for the flexible hose connection to the proposed pipelines. The pipes will run through an underground concrete tunnel before surfacing at the end of the tunnel, where they will then route in a northwards direction above-ground until reaching the southern access road to dry bulk slab. From here the pipeline will be routed above road infrastructure past the asphalt surfaced parking area towards the northern access road to the dry bulk slab area. The approximate length of this section of the proposed pipeline from the end of the tunnel void to the northern access road dry bulk slab is approximately 300m. From here the pipeline then heads a short distance of approximately 50 m in a north-easterly direction spanning an open drain channel as well as the single-track railway line further along the route. The pipelines will then continue to route in an easterly direction for approximately 850m before making a 90° turn northwards through the Transnet North Railyard, firstly

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Environmental Authorization
Wilmar Vegetable Oil Pipeline in Richards Bay, KwaZulu-Natal

crossing above Newark Road and then spanning the single-track railway line and an open unlined drainage channel. The approximate length of this section of the proposed pipelines is 300m. the pipeline will then take another 90° turn eastwards for a short distance (approx. 15m), before making 90° turn once more northwards, routing above Silver Ocean Road for further 400m within the RBIDZ area. At this point, the pipeline will take another 90° turn to the west and run for approximately 100m before making a final 90° turn northwards into the proposed facility site on Lot 17422 within RBIDZ phase 1A.

The proposed Wilmar vegetable oil pipeline will consist of the following infrastructure:

- Four (4) x 216mm DN200 steel pipes, and
- Overhead steel bridges

The proposal is reflected on the Locality Map and Layout Plan attached as Annexure 2 and Annexure 3 respectively to this environmental authorisation.

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Decision

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014, the
KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs
(hereafter referred to as the "Department")

grants environmental authorization

to:

Wilmar Processing Pty Ltd (herein after referred to as "the authorization holder")

Details of the contact person:

Aidan Dowdle

PO Box 1990

Sunninghill

2157

Tel: 011 519 1000

to undertake the following activities (hereafter referred to as "the activities") as described in section 1 below.

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1 Activities authorized and location of activity

The following activities in Listing Notice 1 and 3 of the NEMA EIA Regulations dated 08 December 2014 (as amended) are triggered by the abovementioned project:

1.1 Description of Activities and location

Component (or phase) of the project	Listing Notice/ Activity No.	21 Digit Surveyor General code
The development and operation of the proposed pipeline will occur within 32m of a depression wetland	Listing Notice 1, Activity 12 (ii)	
The Wilmar vegetable oil pipeline corridor falls within the designated Biodiversity area under the KwaZulu-Natal Systematic Conservation Plan. Furthermore, the project development corridor of the pipeline falls partially within a CBA under the King Cetshwayo Biodiversity Sector Plan. In addition, the development of the pipeline will require the clearance of indigenous vegetation of an area exceeding 300 square meters for the development of the pipeline.	Listing Notice 3, Activity 12 (d) (v)	N0GV0000000162300000 N0GV04210000533300021 N0GV04210000533300153 N0GV04210001685600000
The project development corridor for the Wilmar vegetable oil pipeline falls within the designated Biodiversity area under the KwaZulu-Natal Systematic Conservation Plan. Furthermore, the project development corridor of the pipeline falls partially within a CBA under the King Cetshwayo Biodiversity Sector Plan. Furthermore, the development of the pipeline will require the construction of infrastructure within 32m of the depression	Listing Notice 3, Activity 14 (ii) (d) (vii)	N0GV04210001618200000 N0GV04210001742400000 N0GV04210001742200000

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Environmental Authorization
Wilmar Vegetable Oil Pipeline in Richards Bay, KwaZulu-Natal

wetland identified adjacent to the project development corridor.		
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as described in the Basic Assessment Report plan dated August 2019 at:

1.2 The physical address or farm name:

Remainder of the Farm Lot 223 Umhlathuze No 16230,
Remainder of Portion 21 of Erf 5333 Richards Bay,
Portion 153 of Erf 5333 Richards Bay,
Erf 16856 Richards Bay
Erf 16182 Richards Bay
Erf 17424
Erf 17422
Under uMhlathuze Local Municipality, KwaZulu-Natal

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2. Conditions of Authorization

This Environmental Authorization is subject to the conditions set out below:

2.1. Period of Validity: One or more of the listed activities authorized must commence within ten **(10)** years from the date of issue. If commencement of the authorized activity/ any of the authorized activities does not occur within that period, this authorization lapses.

2.2 Environmental Management Programme

2.2.1 The Environmental Management Programme (EMPr) dated August 2019 for the construction and operational phases of this project as submitted for the environmental authorization of this project complies with section 24N of NEMA and Appendix 4 of the EIA Regulations, 2014 (as amended). This EMPr is hereby **approved** and must be implemented.

2.2.2 The EMPr must be kept on site during all phases of the development.

2.3 Monitoring and Reporting to the Department

2.3.1 All requirements for the management, monitoring and reporting of impacts for all phases of the project must be as specified in the EMPr or environmental audit report.

2.4 The activities authorized must only be carried out at the location as described in **section 1** above.

2.5 Written notice of the commencement of the construction and operational phases

2.5.1 Not less than **seven (7) days** written notice must be given to the Department that the construction phase will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence.

2.5.2 **Thirty (30) days** written notice must be given to the Department that the operational / decommissioning phase will commence.

2.6 Availability of this environmental authorization

- 2.6.1 A copy of this environmental authorization must be kept by the authorization holder and made available to any official of the Department on request.

2.7 Specific Conditions

- 2.7.1 The proposed Wilmar vegetable oil pipeline must avoid the depression wetland completely.
- 2.7.2 No vehicles or machinery are allowed in the depression wetland or artificial drainage channel.
- 2.7.3 No soil-stockpiles are to be placed directly within, or within 15m, of the depression wetland or the artificial drainage channel.
- 2.7.4 Mounting structures are to be monitored post-construction for erosion and subsidence around the depression wetland and artificial drainage channel once every year for a period of two (2) years post-construction by an appropriate agent to check on the structural integrity of the structures.
- 2.7.5 All soil stockpiles within 15m of the depression wetland and the artificial drainage channel are to be adequately bunded to ensure that that no sediment enters the wetlands via surface run-off. Bunding can take the form of stacked bricks or wooden planks fixed with pegs surrounding the stockpile.
- 2.7.6 Stockpiles must be removed immediately after construction to limit the spread of alien vegetation and any disturbances on site. The removed soils can be re-used for levelling during the construction phase. Or rehabilitation of other areas post-construction, or it can be disposed of at a licenced landfill site.
- 2.7.7 The depression wetland must be demarcated with tape or other similar markers and no worker movement is allowed in the wetland for the construction of the pipeline. Construction activities within the drainage line is completely forbidden.
- 2.7.8 The existing access road and associated bare turning areas is to be utilised as far as possible during construction of any support structures near the depression wetland.
- 2.7.9 Construction activities and worker movements must be limited to the servitude/right of way of the proposed pipeline. Workers are prohibited from wondering freely into the surrounding areas, particularly the wetland and drainage channel.

- 2.7.10 No mounting or piling structures are to be placed directly in the wetland or drainage channels.
- 2.7.11 No laydown material, machinery, stockpiles or any other construction equipment are allowed within the demarcated depression wetland footprint.
- 2.7.12 Vegetation clearance in general must be limited to the areas required for development. No clearance is to be undertaken in adjacent areas, particularly within the wetland and drainage line channel.
- 2.7.13 Construction of the pipeline must take place as far as possible in the winter months (April/May to August/September) as these are the drier months in which rainfall is likely to be limited.
- 2.7.14 An alien invasive eradication and control management programme included in this BAR must be implemented throughout the lifecycle of the project.
- 2.7.15 No fuels, oils or any other hazardous materials are to be brought into the wetland and artificial drainage channel or stored within 100m from the edge of the wetland and artificial drainage channel.
- 2.7.16 Temporary chemical sanitation facilities must not be placed in the wetland and artificial drainage channel. These must be placed 100m away from the wetland and the drainage channel. Temporary chemical sanitation facilities must also be checked regularly for maintenance purposes and cleaned often to prevent spills.

3. General

3.1. Compliance with the conditions of this authorization

In terms of section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998), no person may commence with an activity listed in terms of section 24(2) (a) or (b) of the Act, unless the competent authority has granted an environmental authorization.

3.2. Understanding the conditions of this authorization

It is the responsibility of the authorization holder to understand the conditions of this authorization. Any queries regarding this environmental authorization must be submitted in writing to the Department (contact details in section 3.4).

3.3. Amendments to the project / EMPr

3.3.1. Any changes to, or deviations from, the project description set out in this authorization must be approved, in writing, by the Department before such changes or deviations may be effected.

3.3.2. Any subsequent amendments to the approved EMPr must also be submitted to the Department for review. The amendments must only be implemented after being approved by the Department.

3.4. Contact details of the Department

KZN Department of Economic Development, Tourism and Environmental Affairs

Private Bag X 20018


Empangeni

3880

Fax No: 035 780 0315 / email: bonga.mkhize@kznedtea.gov.za

Attention: Control Environmental Officer: Compliance, Monitoring and Enforcement, King Cetshwayo District Office.

Environmental Authorization
Wilmar Vegetable Oil Pipeline in Richards Bay, KwaZulu-Natal



for: **Mr. S. Mkhize**
Acting Head of Department
Department of Economic Development, Tourism and Environmental Affairs

Signed by: Mr. P.J.S.T. Xulu
Designation: District Manager: King Cetshwayo Environmental Services
Date: 26 / 11 / 2019

UMNYANGO WEZOKUTHUKISWA KOMNOTHO, EZOKUVAKASHA NOKONGIWA KWEMVELO KZN
Private Bcg X9152, Pietermaritzburg, 3200
26 NOV 2019
270 Jabu Ndlovu Street, Pietermaritzburg, 3200
DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS

P.J.S.T.

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) Application form received by this department on the 28 May 2019.
- b) The BAR dated August 2019;
- c) The comments received from the organs of state and interested and affected parties as included in the BAR dated August 2019;
- d) Mitigation measures as proposed in the BAR dated August 2019 (including specialist studies) have been incorporated in the EMPr dated August 2019; and
- e) The findings of the site visit undertaken by Muzi Mdamba, Siyanda Nzuzza, Zamokuhle Mashiyane (*KZN EDTEA*), Percy Langa (*RBIDZ*) and Shaun Taylor (*Savannah Environmental Pty Ltd*) on 6 March 2019.

2. Key factors considered in making the decision

a) Basic Assessment Report (dated August 2019)

- i. The BAR dated August 2019 complies with the requirements of the EIA Regulations, 2014 and have been accepted by the Department;
- ii. The BAR dated August 2019 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- iii. The methodology used in assessing the potential impacts identified in the BAR dated August 2019 and the specialist studies have been adequately indicated.

b) Public participation:

The public participation process complies with the requirements of Chapter 6 of the EIA Regulations, 2014 and the comments from the organs of state and interested and affected parties have either been included in the BAR dated August 2019 or were received after the BAR was submitted.

c) Social impacts:

The Social Impact Assessment identified that most social impacts associated with the development of the Wilmar vegetable oil pipeline will have a short term duration associated with the construction phase, with some positive impacts expected during the operational phase of the pipeline.

During the construction phase, negative social impacts include, nuisance, dust and noise, an increased risk of crime, an influx of construction workers in the area, disruption of daily living patterns, disruption to social and community infrastructure. Positive social impacts identified for the construction phase include job creation and skills development opportunities and socioeconomic benefits. These positive impacts are applicable to the operational phase of the pipeline. No fatal flaws are identified associated with the proposed development as the project will result in limited negative impacts on the social environment of the Richards Bay area and surrounding communities.

d) Need and desirability:

The proposed vegetable oil pipeline is in line with local, provincial and national development frameworks. The proposed development has a potential to create employment opportunities and business opportunities for the residents under the King Cetshwayo district. Further, the RBIDZ site where the proposed Wilmar vegetable oil pipeline will be located has been earmarked for the development of various industries through the Special Economic Zones Act 16 of 2014. Therefore the development of the vegetable oil pipeline within the Richards Bay Port and RBIDZ supports the land use in which the area has been earmarked for. The proposed development provides the Applicant, and other stakeholders such as government with a symbiotic relationship within the manufacturing, trade and industry sectors of the economy.

e) Ecological impacts

The ecological impact assessment was undertaken for the proposed Wilmar vegetable oil pipeline project to assess the impacts of the vegetable oil pipeline on the sensitive ecological features present within the project development corridor for the life cycle of the project. Eventually, the study found that no impacts of high ecological significance were identified that would hinder the development of the Wilmar vegetable oil pipeline. The entire corridor is located

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within an area of low sensitivity. The proposed development is considered to be appropriate from an ecological perspective and will not result in detrimental impacts to ecosystems and habitat features present within the project development corridor and within the surrounding environment.

f) Impacts on wetlands

The Wetland delineation impact assessment found that the potential impacts on the wetland and artificial drainage channel features would result from a variety of activities and risk factors associated with the construction phase of the project. Direct potential impacts to the depression wetland and artificial drainage channel are not expected as the proposed pipeline will span the channel and avoid the wetland, and no mounting or piling structures are to be placed directly within the depression wetland and artificial drainage channel. Furthermore, no direct or indirect potential impacts are expected for the nearby un-channelled valley bottom wetland since there are a number of physical barriers which already fragmented the proposed pipeline from the catchment of the un-channelled valley bottom wetland, and thus create a hydraulic barrier. Ultimately the significance of the construction phase impacts will be low, following the implementation of the recommended mitigation measures by the specialist.

g) Alternatives:

As required by the EIA Regulations 2014, a Basic Assessment Report must consider alternatives such as site location, technology and the no – go - option. For this development, these alternatives were investigated, and eventually the best environmentally practicable option was considered. In terms of the preferred site location the preferred corridor is regarded as environmentally inexpensive location for the development of the pipeline. This is for the reason that the preferred project corridor is within an area that is extensively modified, easy access to vessels transporting raw materials to the port required for the industrial process at the Oil processing facility within Phase 1A of the RBIDZ. In terms of the technology, the use of the carbon steel pipes for oil transport is considered as the preferred alternatives taking into account the financial, technical and environmental implications using the carbon steel with a greater carrying capacity and makes it more cost effective.

h) No-go option:

This no-go-option was also investigated as required by the EIA Regulation. This option dictates that the proposed Wilmar Vegetable oil pipeline will not be constructed. Therefore the status quo of the area will remain the same. Accordingly, this means that any benefits associated with the development of the pipeline will not be realised, and a subsequent loss of income and opportunities for the residents of Richards Bay. Above all, this option will deprive Wilmar (Pty) Ltd of the opportunity to develop state of the art infrastructure that will position South Africa as a key exporter and consumer of agri-processed products within the South African Development Community region.

i) Heritage and Archaeological impacts

No archaeological or built environment heritage resources were identified within the project development corridor. Previous heritage impact assessments conducted in the Richards Bay Harbour precinct attest to a low sensitivity of the heritage resources.

j) Objectives of integrated environmental management:

The Department is satisfied that, subject to compliance with the conditions contained in the environmental authorization, the general objectives of integrated environmental management laid down in Chapter 5 of NEMA will be met.

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Annexure 2: Locality Map
(see overleaf)

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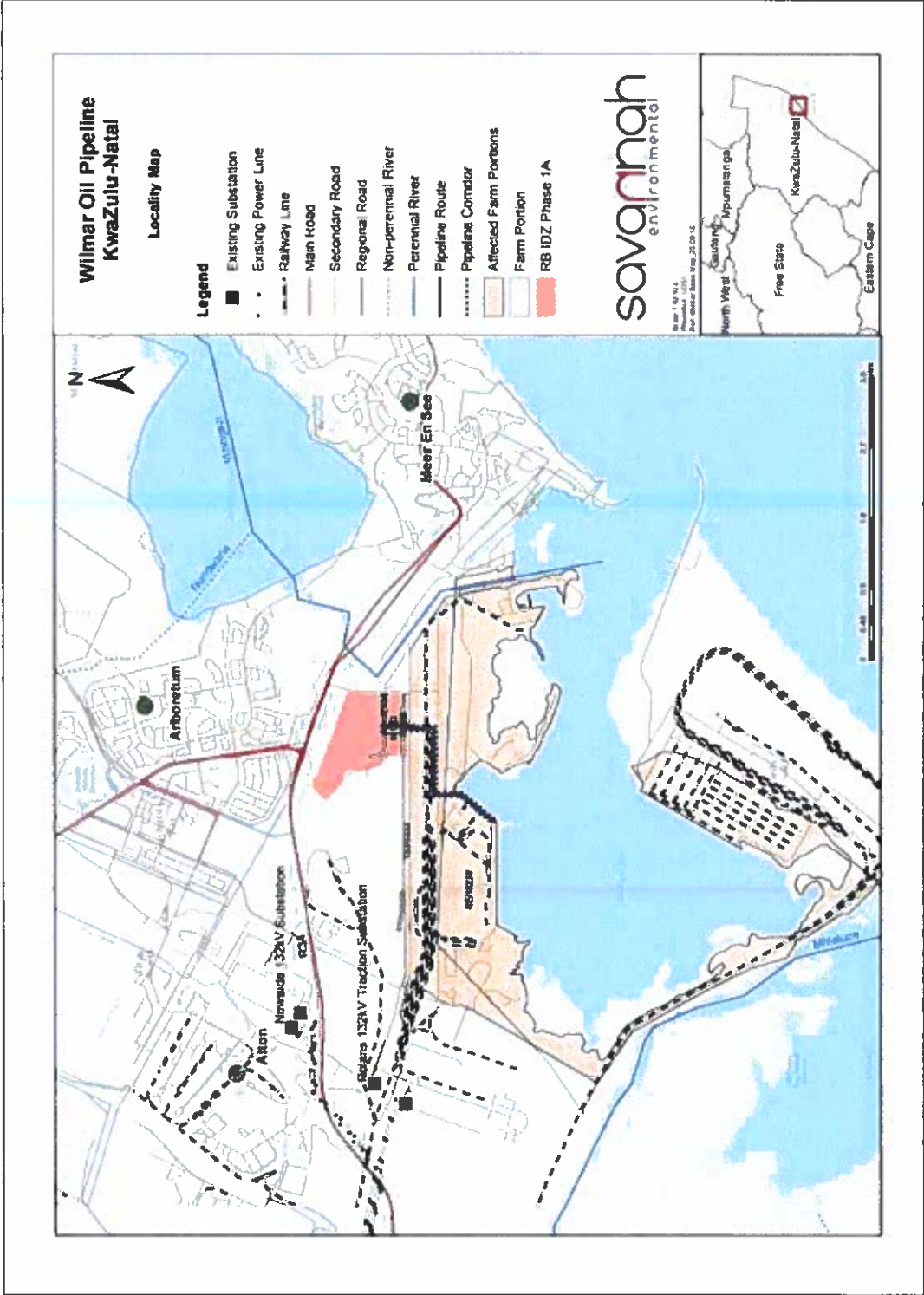


Figure 4.3: Locality Map showing the project development corridor for the Wilmar Vegetable Pipeline.

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Annexure 2: Layout Plan
See overleaf

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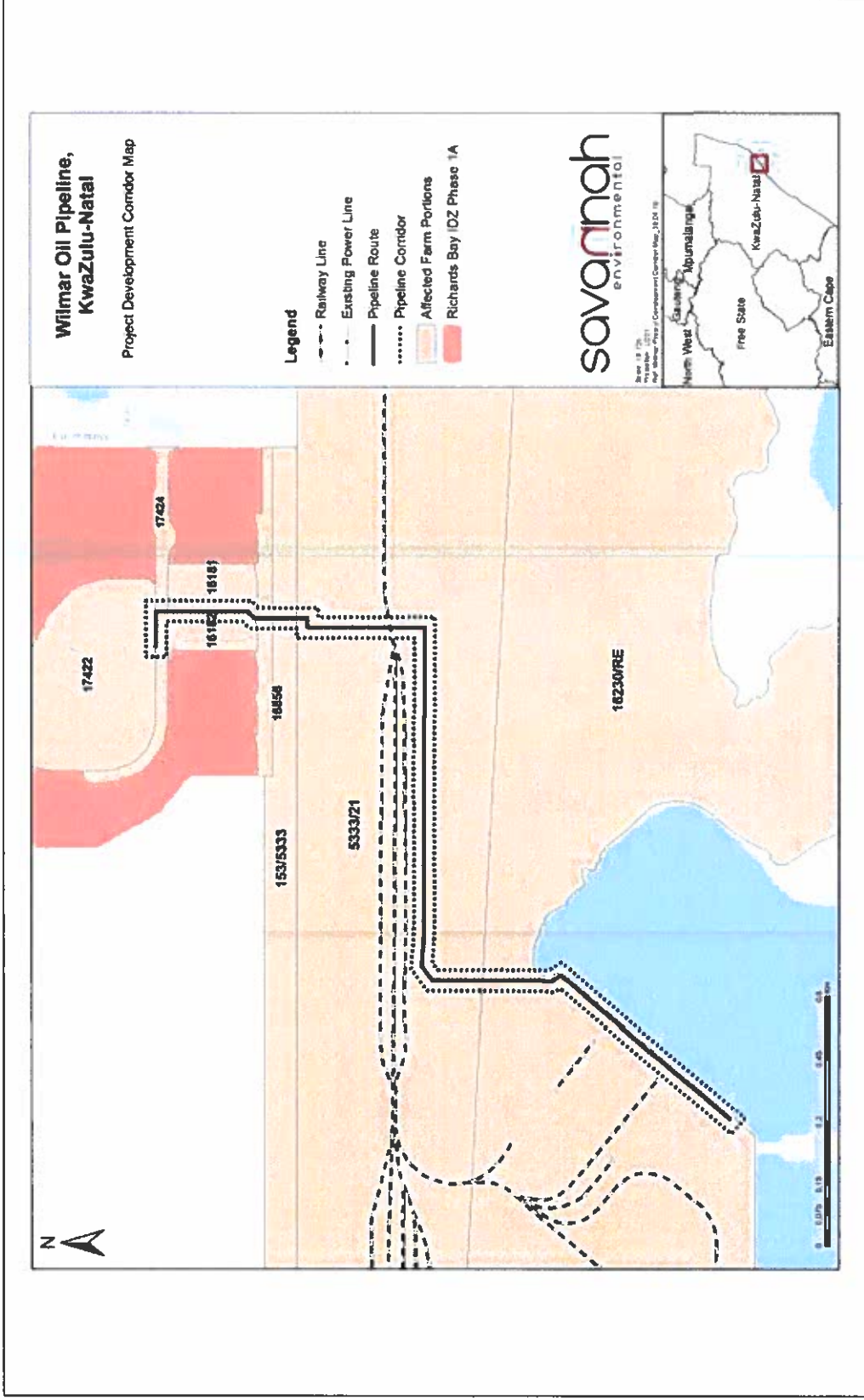


Figure 6.2: Final preferred layout map for the vegetable oil pipeline, as was assessed as part of the BA process (A3 map included in **Appendix J**)

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