

Meeting Agenda

Project number	1001556	Meeting date	2022-07-26
		Meeting Time	09h30 – 11h17
Project name	Cato Ridge EIA	Drafted by	N Way-Jones / J Wiese
Meeting/Subject	EDTEA Pre-Application Meeting	Total pages	13

AGENDA

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2	Apologies
3	Review of the Draft Scoping Report
4	Project Introduction
5	Biodiversity Offsetting
6	Alternatives for Bulk Services Provision and Financial Viability
7	Refinement of the DSR Layout
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9	Alternatives
10	Specialist Studies
11	Listed Activities
12	Cumulative Impacts
13	Strategic Environmental Assessment for Cato Ridge
14	Strategic Infrastructure Project 2 (SIP2) status
15	Transfer of Responsibilities
16	Way Forward
17	Close of Meeting

Attendees

Name	Organisation	Telephone	Email
Ian Felton (IF)	EDTEA: Head Office: Integrated Environmental Management (IEM) Tools	082 461 9101	ian.felton@kznedtea.gov.za
Nombulelo Zungu	EDTEA eThekwini District: EIA Component		Nombulelo.Zungu@kznedtea.gov.za
Natasha Brijlal (NB)	EDTEA eThekwini District: EIA Component	079 898 0491	Natasha.Brijlal@kznedtea.gov.za
Werner Botha	Cato Ridge Development Company (CRDC)/ Assmang	082 411 1656	wernerb@feralloys.co.za
Mel Pillay (MP)	Zutari	073 0334306	mel.pillay@zutari.com
Jeanne-Louise Wiese (JLW)	Zutari	073 163 6409	jeanne-louise.wiese@zutari.com
Natalie Way-Jones (NWJ)	Zutari	083 254 6602	natalie.way-jones@zutari.com

Apologies

Kacy Rengasamy from EDTEA: Head Office: Coordinator for EIA Unit

Meeting Minutes

Item	Topic Discussion	Action	Responsibility
1.	Welcome and Attendance Jeanne-Louise Wiese (JLW) from Zutari welcomed all attendees. Attendees introduced themselves.		
2.	Apologies Apologies were recorded from Kacy Rengasamy, EDTEA: Head Office: Coordinator for EIA Unit		
3.	Review of the Draft Scoping Report (DSR) JLW queried whether Ian Felton (IF) had reviewed the Draft Scoping Report (DSR). IF stated that he had not had time to review the DSR. He stated that he was hoping there would be a presentation on the DSR. JLW stated that no presentation had been prepared as it was envisaged that the meeting would go through EDTEA comments on the DSR. JLW queried whether the other EDTEA District officials had reviewed the DSR. Nombulelo Zungu (NZ) stated that she had not reviewed the DSR. She requested background on the project as she had joined the Department in April 2022. She has received some background from Natasha Brijlal (NB). She stated that she would use today's presentation and come back if there were any issues. NB stated that she had skimmed through the document but not in detail. She hoped that the presentation would assist with the review. IF stated that this was a Pre-Application meeting and as such minutes should be prepared and draft minutes should be circulated for review. IF stated that the Department would respond to any issues. The Department expects a presentation on what the project entails. It is recognised that this is a fairly large-scale project. IF requested specific clarity on potential listed activities, the process to be followed, specialist studies, and how the biodiversity offset process would be integrated. JLW stated that the intention of the pre-application engagements is to seek guidance from EDTEA on the approach followed in the DSR and the type of information and additional specialist studies required to support decision-making. She stated that this application is unique in that the applicant is not the ultimate developer and the proposal is based on proposed land uses, and not specific end-use activities. She stated that, although this was a DSR, it was a comprehensive document aimed at capturing all the information to date and streamlining future EIA phases.	Zutari to prepare minutes of the Pre-Application meeting and circulate them for review by attendees	Zutari

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4.	Project Introduction JLW presented the background to the project. She explained that the applicant will not develop the land directly but is applying for certain land uses. She introduced the 3 Proposed Development Areas (land release areas). The listed activities and land uses are described in detail in the DSR. No residential land uses or medium/ heavy industrial activities are proposed. Light industrial and services are proposed. JLW explained that KwaZulu-Natal Sandstone Sourveld (KZNSS) had been identified within the study area, and is regarded as Critically Endangered.		
5.	Biodiversity Offsetting IF stated that the key issue was the biodiversity offset process and how this would be integrated into the environmental assessment process. IF stated that major issues relating to the need for biodiversity offsetting and the sensitivity of the grassland had been raised upfront in the process by eThekweni Environmental Planning and Climate Protection Department (EPCPD) and Ezemvelo KZN Wildlife (EKZNW). JLW explained that Doug MacFarlane of EcoPulse was undertaking the biodiversity offsetting process. Consultations and negotiations are still underway in this regard. Mel Pillay (MP) stated that EcoPulse had arrived at a framework for the approach and methodology for the offset study. Doug MacFarlane is currently on leave and back in early August. Potential land lease and land purchase options both within and outside the eThekweni Municipality on both private land and traditional authority areas were being investigated. MP stated that the costs of these options were being investigated. In addition, priority areas for conservation that include KZNSS grasslands identified by the eThekweni Municipality were being assessed. MP stated that the challenge is that there is not sufficient KZNSS available for conservation based on the ratio currently being applied. The EcoPulse study is assessing what is reasonably available, what can be secured and protected, and if offset ratios cannot be met by KZNSS, perhaps trade-offs would be required (i.e., not like-for-like). MP stated that further discussions would be held with EDTEA as a commenting authority for the biodiversity offset process. The competent authorities were EPCPD and EKZNW. IF stated that the Department had raised a concern regarding the biodiversity sensitivity of the site in previous meetings. He stated that the full layout that is being proposed is thus unlikely to be favourably looked at unless an extraordinary offsetting arrangement can be found. He stated that it had been highlighted that the chance of offsetting this grassland within the Municipality and the surrounding Municipalities is very limited. He stated that EPCPD was adamant that the offsetting should take place within eThekweni Municipality. He stated that the Department felt that a bigger-picture approach was needed.		

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	IF agreed that the biodiversity offsetting process was fluid and complex. He stated that a draft Biodiversity Guideline was being developed by the national Department. He suggested that the team follow the process in the draft Biodiversity Guideline. The Guideline specifies how to integrate the biodiversity offsetting process into the EIA process. IF stated that he was aware that any development on the site would require some form of offsetting.	To align the biodiversity offset process with the draft Biodiversity Guideline	Zutari/ EcoPulse
	IF stated that the Department would need to know whether a viable offset site was available to offset the impact of any approved development. He stated that it was important to assess in the EIA reports whether the proposed offset site could achieve the objectives.	Assess the viability of proposed biodiversity offsets	Zutari/ EcoPulse
	IF stated that ideally a landowner agreement/ consent should be established for the proposed offset site. Alternatively, the process to secure that offset site in perpetuity should be outlined. This would be applied in decision-making.	Landowner agreements/ consent/ process to secure offset site should be established for proposed offset site/s	Zutari/ EcoPulse
	NB stated that the biodiversity offsets should not be addressed in the EIA process. The offset should be done before the EIA process. She stated that, in her experience, the offset process holds back the development. She stated that, based on the offset process, it could be determined what parcels of land could be developed.		
	IF stated that biodiversity offsets would only be considered where there was substantial socioeconomic justification. He stated that biodiversity offsets would be a very "hard sell" with both EPCPD and EKZNW. Therefore substantial motivation would be required to justify the consideration of biodiversity offsets.		
6.	Alternatives for Bulk Services Provision and Financial Viability MP stated that the engagements with eThekweni Municipality had revealed that there are not sufficient bulk services to service the development. As such, alternative options were being explored to satisfy the bulk service requirements. This would have significant cost implications for the applicant. These costs are being collated and assessed in a feasibility/ viability report. The costs of infrastructure as well as the costs of meeting the biodiversity offsetting requirements would be used to assess the viability of the development. MP stated that the final approved development footprint is linked to the viability of the proposed land uses. MP stated that it would be important to capture all costs associated with the proposed project. MP stated that the majority of the site is covered with KZNSS so a viable development cannot be achieved by avoiding all KZNSS.. Supply options for bulk water provision would be required. MP stated that to maintain viability, there is a minimum threshold to achieve to make the investments into bulk services viable. It had not been anticipated that the eThekweni Municipality would not be able to provide these services. Engineering studies had been commissioned to assess the bulk services options.		

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	MP stated that the viability of the development could only be assessed based on the approved development footprint. Through the EIA process, a development footprint would be proposed to achieve a level of conservation, make provision for biodiversity offsetting and balance the costs of the provision of bulk services. MP stated that the engineers had met with the Head of the eThekweni Sanitation Department. It would be 10 plus years before a trunk sewer can be installed within Cato Ridge. MP stated that the Municipality would not install the trunk sewer if the area was not unlocked for development due to the costs. MP stated that various options for sewage provision were being investigated, including alternative wastewater treatment plants (WWTPs) as an interim measure. A bulk services engineering study is currently being completed by Kantey and Templar (K&T). The feasibility of an on-site WWTP was also being investigated. MP stated that the impacts of the proposed sanitation option would be assessed. He stated that no pumping of sewage was permitted so gravity-fed options were being assessed. The outcomes of the K&T study are expected within a few weeks. MP stated that proposed sanitation options would need to cater for the next 10-15 years, depending on the timing of the Metro to install bulk services. MP stated that the preferred alternative was to link into Municipal bulk services as this was the most affordable and efficient option. However, based on feedback from EWS, other alternatives would be presented with motivation from an engineering and technical perspective. MP stated that EWS had informed the applicant that effluent discharge would not be permitted in the catchments north of the site due to the position of dam infrastructure to the north. Thus, discharge would only be permitted in a southerly direction and the wetland on Rem 29 could be investigated as a potential discharge point.		
7.	Refinement of the DSR Layout IF stated that at the last meeting it was discussed that less sensitive areas and areas of higher conservation importance would be identified. The development footprint or layout should be aligned to this. IF requested clarity as to whether the layout of the 3 PDAs is as it will be submitted or whether further alignment to sensitivities would take place. JLW stated that the proposed layout would consider additional inputs from the specialists and the biodiversity offsetting process. An additional study had been completed by Doug MacFarlane and David Styles on the recoverability of the KZNSS grasslands. The layout would be refined on this basis. JLW added that other aspects such as wetlands would be used to further refine the layout. The present layout in the DSR will be further refined. MP added that the current 609 ha footprint in the DSR was primarily informed by geotechnical and topographical suitability for development. The layout would be further refined based on his discussions with Doug MacFarlane and the mapping by David Styles, and the results of the specialist studies, in line with the mitigation hierarchy. MP stated that the minimum viable development footprint would continue		

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	to be adapted based on the bulk services and offset costs and requirements. MP stated that through the EIA process, a balance would be sought between these two variables. JLW presented the detailed layouts for the 3 PDAs. JLW stated that the layout would change based on the KZNSS recoverability and biodiversity offset studies. She stated that Zutari was trying to align the EIA regulatory process with the potential feasible outcome from the biodiversity offset process. It was challenging to predict the timing of the outcome of the biodiversity offset process. JLW committed to keeping EDTEA up to date on developments in the biodiversity offset process. NZ stated that overlays of the layout and site sensitivity would enable the Department to assess the proposed development.		
8.	Water Use Licensing JLW stated that a WWTP and bulk services were not included in the DSR. Only the internal network of pipelines and roads had been assessed to date in the DSR. JLW stated that additional studies would be required to assess the impact of a WWTP. She queried whether the Department would require proof of submission of the Water Use License Application (WULA). NB stated that this would be required.	Zutari is to submit proof of submission of the WULA to EDTEA.	Zutari
9.	Alternatives NB stated that alternative sewage options need to be considered in consultation with EWS. NB stated that in the assessment of alternatives, the best environmental option should be described. MP stated that EWS had suggested the use of septic tanks as an interim measure. The closest WWTP with spare capacity is in South Durban. He stated that the costs of regular emptying every 2-3days by a honeysucker were prohibitive. This could be feasible as an interim measure for the first few developments. MP stated that EWS had also suggested the use of a WWTP on site, either in conjunction with septic tanks or disposing to existing WWTPs. He stated that the Municipality was not in favour of this option as they regard on-site WWTPs as competition in terms of service provision. He stated that all options would be explored. MP stated that there are several on-site WWTPs in the vicinity and further investigation would be done in terms of the available capacity. K&T is investigating these aspects. These alternative options would be presented in the EIA based on the outcomes of the engineering study. NB stated that all reasonable and feasible alternatives should be explored before settling on a particular option.	Alternative sewage options are to be assessed. To assess all	Zutari Zutari

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	IF stated that alternative layouts, bulk services options, development footprints and proposals should be thoroughly investigated in the EIA reports. Although it had been discussed that an approved development footprint was needed to assess the viability and the reverse approach should be followed. The feasibility of various alternative options should be assessed against the economic feasibility including socioeconomic costs and benefits in determining a feasible layout based on the threshold of viability. He stated that in terms of the mitigation hierarchy the priority was to avoid environmental impacts, then mitigate and only thereafter look at offsetting. JLW responded that Chapter 7 of the DSR presents the alternatives assessed to date. MP stated that an affordability analysis would be completed, and this could be shared with the Department. He stated that there would need to be an agreement on the sharing of any intellectual property relating to market demand in the public domain.	reasonable and feasible alternatives	
10.	Specialist Studies NZ stated that she appreciated that a detailed financial analysis was being undertaken to enable the Department to support the assessment of the sustainability of the proposed development. NZ stated that she was aware that the engineering study is yet to be finalised. She stated that once these findings were available and alternative options had been explored, a follow-up meeting could be arranged. JLW stated that the specialist studies were presented in Chapter 8 of the DSR. She presented a summary of the specialist studies in the DSR. NZ stated that they would consult the relevant guidelines and legislation and send comments on the scope of the climate change study. IF stated that the impact and potential loss of ecological infrastructure and the impact on stormwater and flooding risk should be included in the climate change assessment, in the light of the recent flooding damage in the Municipality. MP stated that a stormwater management study would be undertaken. MP queried whether the need for an emissions inventory where the specific end-use activities were not available currently. He suggested that an emissions inventory could be a condition of Environmental Authorisation (EA). IF stated that an approach similar to a noise assessment should be used, where emissions from similar industries/ activities are assessed. In general, light industry and logistics have a certain level of emissions as percentages.	To arrange a follow-up meeting to discuss the findings of the engineering study Climate change study to include an assessment of the impact and potential loss of ecological infrastructure and the impact on stormwater and flooding risk Emissions should be predicted based on similar	Zutari Zutari Zutari

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	IF queried whether land use compatibility had been assessed as part of the specialist studies. He stated that this covers town planning aspects and land use risks between land uses, such as between industry and residential. He stated that potential risks to surrounding land uses related to logistics and light industry land uses should consider the lessons learned at Cornubia and the UPL matter. He stated that incompatible land uses should be identified as well as recommendations for limitations or restrictions in certain areas to reduce risk. IF stated that another key aspect was the visual and aesthetic impacts. JLW responded that heavy industrial land uses had been excluded due to risks to adjacent land uses. Some of these aspects had been addressed in the Landscape and Visual Impact Assessment (LVIA). JLW stated that the Cato Ridge Local Area Plan (LAP) specified land uses and the proposed land uses are aligned to the LAP. JLW stated that, based on previous discussions with EDTEA, the lot sizes in the northern PDA (PDA 3) had been divided into smaller lot sizes to reduce possible impacts on adjacent residential areas and to allow for community-based projects. IF stated that the stormwater management plan and attenuation proposals should ensure that pre- and post-development stormwater runoff are equitable. MP stated that there had been engagements with the eThekweni Transport Authority (ETA) on traffic and they had certain specifications. There was a strong focus on the need to align with the Cato Ridge LAP. David MacFarlane, a traffic engineer from Durban, had completed the Traffic Impact Assessment (TIA). Certain infrastructure requirements had been identified in the baseline TIA including upgrades to existing roads, pedestrian safety, public transport, and new intersections. The TIA would be finalised once the development footprint had been finalised and the regulatory EIA process initiated. MP stated that the findings of the TIA would feed into the overall affordability analysis. He stated that the costliest bulk service was roads. IF stated that the original intention had been to link to the rail network coming from the harbour. IF queried whether the TIA included the logistics in the broader sense to include the need for rail infrastructure, siding and an assessment of existing rail networks. IF stated that consultation would be needed with Transnet and Passenger Rail Agency of South Africa (PRASA) on rail networks in the area. MP stated that there had been engagements with Transnet Freight Rail. He explained that the rail capacity was 8-10 locomotives per day carrying 40-50 containers per trip, which could significantly reduce the number of trucks on the roads. The use of the railway line was factored into the TIA to demonstrate how maximising the existing rail infrastructure can further ease traffic congestion locally and at the Port. MP stated that there would not be any new or additional rail infrastructure as there are two existing sidings at Cato Ridge. Any flood damage to rail infrastructure had been resolved. MP stated that there was additional capacity on the rail network. NB stated that the outcomes of the biodiversity offset study and engineering study may impact the scope of the specialist studies and	land uses/developments To assess land use risks and compatibility and provide recommendations to mitigate risks Stormwater management plan to ensure that pre- and post-development stormwater runoff are equitable.	Zutari Zutari

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	these may need to be updated. MP queried whether the specialists could attach a memo to their existing reports to address any reduction in the footprint of the proposed development. NB agreed with this approach of including an addendum or memo to the original studies. JLW stated that this approach had been followed in the past and allowed for the retention of the original information while the addendum addresses any changes to the layout or impacts.	Addenda or memos to be included in the specialist studies as required.	Zutari
11.	Listed Activities NZ stated that the listed activities being applied for and the applicability of these activities should be outlined in the DSR, given the size of the proposed development, impact on Critical Biodiversity Areas (CBAs) and wetlands and size of the proposed infrastructure. JLW responded that Chapter 3 (Tables 3-5) in the DSR lists the applicable listed activities. NB reiterated the need to outline what listed activities are triggered and the applicability of these listed activities. It is important so that the Department can determine what activities are being authorised. MP stated that there were wetlands within the study area, particularly within Rem 29 (PDA 1). He stated that, based on the aquatic ecological assessment, the wetland would be avoided. He stated that the specialist prescribed wetland buffer would also be maintained. NZ stated that she had reviewed the listed activities presented in the DSR. She stated the listed activities information would be shared with the planning unit to enable tracking of the loss of the CBAs. She stated that the listed activities were presented at a strategic level and not at a project-specific level. JLW requested clarity as to whether the Department required an exact estimate of the area of CBA to be impacted (footprint) relating to each listed activity. NZ confirmed this.	To include details on the estimated loss of CBAs in the table of listed activities.	Zutari
12.	Cumulative Impacts NB stated that, as the land would be sold off to other developers, the cumulative impacts of proposed light industrial activities should be assessed. It is recognised that there is uncertainty regarding the final developers and the nature of the final developments. JLW responded that the terms of reference for the specialists had included the need to address cumulative impacts. Cumulative impacts of proposed developments would be presented in the EIA reports. NZ queried which specialist studies would include an assessment of cumulative impacts.	To assess cumulative impacts of potential light industrial activities	Zutari

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	JLW stated that the specialist studies were presented in Chapter 8 of the DSR. She presented a summary of the specialist studies in the DSR.		
13.	Strategic Environmental Assessment for Cato Ridge JLW queried whether there had been any progress in terms of the proposed Strategic Environmental Assessment (SEA) for the Cato Ridge area, to be undertaken by EDTEA. IF stated that Departmental resources had been directed to deal with flooding-related matters. He stated that the intention was to undertake an SEA for a broader area from Ashburton down to Pinetown looking at logistics and light industry and including both uMgungundlovu and eThekweni Districts. This project would be initiated within the current financial year. He stated that the SEA outcomes were expected within the next year or 18 months. This would provide a framework for biodiversity offsetting, biodiversity banking and related logistics. IF stated that an exclusion standard had been developed in the Western Cape relating to light industrial land uses in high biodiversity areas at Atlantis. Biodiversity banks had been established. He stated that a similar approach would be taken. IF stated that the process was in the early stages and engagements had been undertaken with EPCPD and EKZNW. The process may be driven by Trade and Investment KZN or another parastatal entity which may facilitate the appointment of consultants.		
14.	Strategic Infrastructure Project 2 (SIP2) status JLW queried what supporting documentation the Department would need as part of the EIA to show that the proposed development supports the goals of Strategic Infrastructure Project 2 (SIP2). JLW enquired whether the Department needed a letter in this regard from the Presidential Infrastructure Coordinating (PICC). IF stated that he was not aware of a standardised process relating to SIP motivation (Kacy Rengasamy could be consulted) but that any supporting letters and agreements can be provided as part of the Need and Desirability section in the DSR.		
15.	Transfer of Responsibilities IF stated that the transfer of responsibilities of the EA to the ultimate land purchasers and developers should be clarified in the DSR. IF stated that a landowners or property owners association could take over the responsibility for implementation and administration of the EA. MP stated that there are preliminary suggestions to address this with the involvement of Cato Ridge Development Company and a potential Joint Venture (JV) with the developer. He stated a description of this proposal	Clarification on the transfer of responsibilities of the EA to the ultimate land purchasers and developers should be provided to	Zutari

Item	Topic Discussion	Action	Responsibility
	would be provided to the EIA team for further review by the Department.	EDTEA for review.	
16.	Way Forward JLW queried whether the Department needed further time to review the DSR and to provide comments on specific requirements to support decision-making. IF apologised for the delay in submitting detailed comments and stated that further comments could be provided on the DSR. He queried timeframes for the biodiversity offset study and then for submission of the application. JLW explained that the team were awaiting the outcomes of the K&T engineering study which would have implications on the feasibility of the development. The other main factor was the biodiversity offset process – timeframes for this study could only be confirmed once Doug was back from leave. JLW stated that it was hoped that an application could be lodged by early September but this was dependent on the above processes being concluded. She stated that the team was hoping to refine the DSR in consultation with the Department in the interim. MP stated that the engineering study would be completed by 19 August subject to receiving information from the Municipality and other stakeholders. On this basis, an affordability analysis would be undertaken, looking at costs versus revenue to inform viable development options. In addition, the need for additional specialist studies would be determined. MP stated that the draft biodiversity offset report would be completed by the mid-end of October. The biodiversity offset report would be finalised by mid-end November. Engagements had been initiated with private landowners and further engagements were planned with Traditional Authorities to understand the cost of securing land for conservation. A private valuator would be appointed to determine the cost of private land for conservation purposes both within and outside the Municipality. These costs would be included in the draft biodiversity offset report which would be submitted to the Department as part of the EIA process. MP stated that obtaining landowner agreements would be more challenging and would have a longer lead time and would involve legal expertise and therefore this will not be done until we know if this Project will be approved for development. MP stated that the timelines would be confirmed with Doug and shared with the Department. JLW would circulate some proposed dates for the next meeting. NZ requested that the next meeting be held in the week of 22 August to allow time for a review of the DSR.	Timelines for biodiversity offset process to be shared with EDTEA Circulate dates for the next pre-application meeting with EDTEA.	Zutari Zutari

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	IF stated that he should be able to review the DSR by mid-August. NB requested a presentation of the application before the formal application is lodged.	Provide comments on DSR by mid-August. To arrange a presentation of the application to EDTEA before lodging the application.	EDTEA Zutari
17.	Close of Meeting JLW thanked attendees for their participation. The meeting was closed at 11h17.		