



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/2/1116

Enquiries: Ms Mmamohale Kabasa

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Ms M Botha
Naledzi Environmental Consultants (Pty) Ltd
Private Bag X 9307
POLOKWANE
0700

Telephone Number: (015) 296 3988
Email Address: botham@naledzi.co.za

PER MAIL / E-MAIL

Dear Ms Botha

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED DEVELOPMENT OF THE LEPHALALE RAILWAY YARD WEST OF THE TOWN OF LEPHALALE WITHIN THE LEPHALALE LOCAL MUNICIPALITY IN THE LIMPOPO PROVINCE

The Application for Environmental Authorisation (EA) and draft scoping report (SR) dated October 2018 and received by the Department on 05 November 2018 refer.

This letter serves to inform you that the following information must be included to the final SR:

(a) Listed Activities

- (i) Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.
- (ii) The EAP must establish whether Activity 10 (e) (i) of Listing Notice 3 is applicable to the proposed development.
- (iii) If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.
- (iv) The Department notes that the development is located within the Tierkop Nature Reserve and the Koedoe Nature Reserve. The applicant must secure the necessary permissions as per Sections 46 and 50 of the National Environmental Management: Protected Areas Act, (Act 57 of 2003).

(b) Public participation

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final SR.
- (ii) The Department notes that the development is located within the Tierkop Nature Reserve and the Koedoe Nature Reserve. The environmental assessment practitioner (EAP) is advised to engage with

the DEA branch as included in Appendix 2 of this letter for comments and inputs on the proposed development.

- (iii) Please ensure that comments from all relevant stakeholders are submitted to the Department with the final SR. This includes but is not limited to the Limpopo Department of Economic Development, Environment and Tourism, the Department of Agriculture, Forestry and Fisheries (DAFF), the provincial Department of Agriculture, the South African Civil Aviation Authority (SACAA), the Department of Transport, the Lephalale Local Municipality, the Waterberg District Municipality, the Department of Water and Sanitation (DWS), the South African National Roads Agency Limited (SANRAL), the South African Heritage Resources Agency (SAHRA), the Endangered Wildlife Trust (EWT), BirdLife SA, the Department of Mineral Resources, the Department of Rural Development and Land Reform, and the Department of Environmental Affairs: Directorate Biodiversity and Conservation.
- (iv) Please ensure that all issues raised and comments received during the circulation of the draft SR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final SR. Proof of correspondence with the various stakeholders must be included in the final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (v) A Comments and Response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&AP's comments.
- (vi) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014 as amended.
- (vii) The final SR must also indicate that this draft SR has been subjected to a public participation process.
- (viii) The final SR must indicate clearly the name of the newspaper that the advertisement for the draft SR has been advertised.

(c) Alternatives

- (i) Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 1 (2) (e) and 3 (1) (h) (i) of GN R.982 of 2014. Further, you are required to indicate which alternative is preferred and provide detailed motivation on why it is preferred.

(d) Layout & Sensitivity Maps

- (i) The final SR must provide the technical details of the proposed railway line in a table format as well as their description and/or dimensions, as attached to this letter.
- (ii) The SR must provide a clear indication of the envisioned area for the proposed railway line route and all associated infrastructure should be mapped at an appropriate scale.
- (iii) The SR must provide a clear description of all associated infrastructure. This description must include, but is not limited to the following:
 - The start, middle and end point of all linear activities to be authorised;
 - All supporting onsite infrastructure such as buildings, laydown area, access and service roads etc.
- (iv) A copy of the final preferred route layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:

- Wetlands, drainage lines, rivers, stream and water crossing of the facility, roads and powerlines indicating the type of bridging structures that will be used;
 - The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the facility and its associated infrastructure;
 - Substation(s) and/or transformer(s) sites including their entire footprint;
 - Location of access and service roads;
 - Connection routes (including pylon positions) to the distribution/transmission network;
 - All existing infrastructure on the site, especially railway lines and roads;
 - Buffer areas;
 - Buildings, including accommodation; and
 - All “no-go” areas.
- (v) An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
- (vi) A map combining the final layout map superimposed (overlain) on the environmental sensitivity map.

(e) Specialist assessments

- (i) The terms of reference (TOR) for the ecological assessment must also investigate the following:
- The property falls within the Tierkop Nature Reserve and the Koedoe Nature Reserve. The ecological study must assess the impact on the proposed development on the integrity of the protected areas.
 - Must indicate and describe the competing land uses in the area.
- (ii) The Department does not approve the request submitted by the EAP via email correspondence dated 21 November 2018. Due to the sensitivity of the development area and the location of the development area within protected areas, the ecological study must include assessment and ground truthing for both the summer and winter months.
- (iii) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
- A detailed description of the study’s methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations.
 - Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
 - Please note that the Department considers a ‘no-go’ area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the ‘no-go’ areas.
 - Should the specialist definition of ‘no-go’ area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the ‘no-go’ area’s buffer if applicable.
 - All specialist studies must be final, and provide detailed/practical mitigation measures and recommendations, and must not recommend further studies to be completed post EA.
 - Should specialist recommend specific mitigation measures, these must be clearly indicated.
 - Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
 - A detailed process flow to indicate how the specialist’s recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
 - Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
 - The significance rating must also inform the need and desirability of the proposed development.
 - A cumulative impact environmental statement on whether the proposed development must proceed.

- (iv) The final SR must include a visual assessment to investigate the following:
 - Conduct a visual sensitivity analysis for the proposed development based on preferred alternative and the topographic data available for the broader study area.
 - Identify key visual issues relating to the development and determine the potential extent of visual impacts.
 - Characterising of the visual environment of the area and identification of areas of potential visual sensitivity (Nature Reserves) that may be subject to visual impacts.
 - The visual impact assessment report must clearly provide a clear distinction of the categories used for the assessment of the visibility impact intensity of the facility.
- (v) The geohydrological impact assessment must clearly indicate how many water crossings will be affected by the development footprint. This must also be clearly indicated on the sensitivity map.
- (vi) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.

(f) General

- (i) The draft SR makes reference to the fact that the 11-33kV Eskom distribution line, approximately 6m south of the existing railway line would need to be relocated to make way for the facility. The final SR must indicate where the powerline would be relocated to and clearly provide evidence of engagements with Eskom.
- (ii) With regards to the point raised above, clarification must be sought as to who will be responsible for the relocation, and an assessment of the relocation must be included as part of this project, should the holder be found to be responsible for relocating the powerline.
- (iii) In terms of Appendix 2 of the EIA Regulations, 2014, the report must include an undertaking under oath or affirmation by the EAP in relation to:
 - the correctness of the information provided in the reports;
 - the inclusion of comments and inputs from stakeholders and I&APs;
 - the inclusion of inputs and recommendations from the specialist reports where relevant;
 - any information provided by the EAP to I&APs; and
 - responses by the EAP to comments or inputs made by I&APs.
- (iv) The affirmation of oath by the EAP must be witnessed and signed by a commissioner of oath.
- (v) In accordance with Appendix 2 of the EIA Regulations 2014, the details of—
 - (i) *the EAP who prepared the report; and*
 - (ii) *the expertise of the EAP to carry out Scoping and Environmental Impact assessment procedures;*
 must be submitted.
- (vi) You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations, 2014.
- (vii) The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIAr.

Further note that in terms of Regulation 45 of the EIA Regulations 2014, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Signed by: Mr Coenrad Agenbach

Designation: Deputy Director: Strategic Infrastructure Developments

Date: 04/12/2013

cc:	Mr A van Ross	Transnet SOC Ltd	Email: Andries.VanRoss@transnet.net
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Appendix 1

Format for Comments and Response Trail Report:

Date of comment, format of comment name of organisation/I&AP	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Environmental Affairs: Strategic Infrastructure Development (John Soap)	Please record C&R trail report in this format Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form

Appendix 2

Contact details of the Department of Environmental Affairs internal stakeholders that must be included in the public participation process as required:

1. Trans-Frontier Conservation Areas and Protected Areas Planning
For Attention: Karl Naude
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