



forestry, fisheries & the environment

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

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

DFFE Reference: 14/12/16/3/3/2/2664

Enquiries: Ms Zamalanga Langa

Telephone: (012) 399 9389 **E-mail:** zlanga@dfffe.gov.za

Mr Mtho Zwane
Terratest (Pty) Ltd
PO Box 794
HILTON
3245

Cell Number: 033 343 6700
Email Address: mzwane@zwaneenvironmental.com

PER MAIL / E-MAIL

Dear Mr Zwane

ACCEPTANCE OF SCOPING REPORT FOR THE PROPOSED CONSTRUCTION OF A DEDICATED ROAD-OVER-RAIL BRIDGE AND APPROACH ALIGNMENT AT THE MBAZWANA/SODWANA INTERSECTION OF ROUTE 22, HLUHLUWE, BIG 5 HLABISA LOCAL MUNICIPALITY, WITHIN UMKHANYAKUDE DISTRICT MUNICIPALITY, KWAZULU-NATAL PROVINCE

The final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment (PoSEIA) dated February 2025 and received by the Department on 28 February 2025, refer.

The Department has evaluated the submitted final SR, and the Plan of Study for Environmental Impact Assessment dated February 2025 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the EIAR:

(a) Listed Activities

- (i) Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Also ensure to choose the correct and relevant sub listing. Additionally, note that the onus is thus on the applicant and the



Batho pele- putting people first

The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others

N.N.

environmental assessment practitioner (EAP) to ensure that all the applicable listed activities are included in the application. Failure to do so may result in unnecessary delays in the processing of the application.

- (ii) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (iii) If the activities applied for in the application form differ from those mentioned in the final EIAr, 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 relevant authorities with jurisdiction in respect of geographically designated areas in terms of GN R. 985 (Listing Notice 3) Activities must be continuously involved throughout the environmental impact assessment process. Written comments (or proof of consultation) must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided. Please also ensure that the potential impacts on the affected Critical Biodiversity Areas are fully assessed in the EIAr.

(b) Public Participation

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr.
- (ii) Please ensure that all issues raised, and comments received during the circulation of the draft SR and draft EIAr from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAr. Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (iii) Copies of comments received must be submitted to the Department. Copies of responses provided to all comments received must also be submitted. In addition, the EIAr must also include proof that responses were sent to Interested and Affected Parties.
- (iv) A Comments and Response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this 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. Please ensure that the comments and trail report is in the format provided by the department. This must include all comments received on this application.
- (v) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- (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 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.
- (viii) All evidence of public participation must be included in the final EIR including site notices and newspaper articles

(c) Specialist assessments

- (i) The 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 for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.
 - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
 - Regarding cumulative impacts:
 - 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.
- (ii) 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.
- (iii) It is further brought to your attention that 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, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Should this study be required, the specialist assessments must be conducted in accordance with these protocols.
- (iv) The screening tool output:
 - The screening tool and the gazetted protocols (GN R320 of 20 March 2020 and GN R 1150 of 30 October 2020) require a site sensitivity verification to be completed to either confirm or dispute the findings and sensitivity ratings of the screening tool.
 - It is the responsibility of the EAP to confirm the list of specialist assessments and to motivate in the assessment report, the reason for not including any of the identified specialist studies including the provision of photographic evidence of the site situation.

- (v) Additionally, the protocols specify that an assessment must be prepared by a specialist who is an expert in the field and is SACNASP registered for e.g. an aquatic assessment must be prepared by a specialist registered with SACNASP, with expertise in the field of aquatic sciences.
- (vi) Please be reminded that section 2(3) of NEMA requires developments to be socially, environmentally and *economically* sustainable, while section 2(4)(i) of NEMA requires the social, *economic* and environmental impacts of activities, including disadvantages and benefits, to be considered, assessed and evaluated.
- (vii) Specialist findings and recommendations must be separated per project.
- (viii) The following Specialist Assessments will form part of the EIAR:

Specialist Study
Terrestrial Biodiversity, Wetland and Vegetation Impact Assessment
Agricultural Impact Assessment
Civil Aviation
Heritage and Palaeontological Impact Assessment
Traffic Impact Assessment (verification letter to be included by the Engineers to confirm the validity of the existing Traffic Impact Assessment)

(d) Layout & Sensitivity Maps

- (i) Please provide a layout map which indicates the following:
 - Position of proposed road and other associated infrastructure,
 - Connection routes to the distribution/transmission network; and
 - The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected.
 - Buffer areas; and
 - All “no-go” areas.
- (ii) The above map must be overlain with a sensitivity map. All available biodiversity information must be used in the finalisation of the map and infrastructure must not encroach on highly sensitive areas as far as possible.
- (iii) Ensure that similar colours are not used to differentiate between infrastructure. i.e., items must be easily distinguishable in the Legend.
- (iv) Google maps will not be accepted for decision-making purposes.

(e) Environmental Management Programme (EMPr)

- (i) Kindly ensure that the EMPr complies with the content of the EMPr in terms of Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended.
- (ii) Please ensure that any specific mitigation measures identified in the BAR and specialist reports are incorporated into the EMPr.
- (iii) Please also include in the EMPr, a recommended frequency for the auditing of compliance with the conditions of the EA and EMPr (for the construction and post-construction monitoring phases), and the submission of such compliance reports to the competent authority

General

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, with regard to the time period allowed for complying with the requirements of the Regulations.

Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

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



Dr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Signed by: Ms Nyiko Nkosi

Designation: Control Environmental Officer: National Integrated Authorisation Projects

Date: 14/04/2025

cc:	Dudley Mbambo	SANRAL	Email: MbamboD@nra.co.za
-----	---------------	--------	--------------------------