

# APPENDIX D3 - COMMENTS AND RESPONSES REPORT


SCOPING PHASE

## COMMENTS ON DRAFT SCOPING REPORT

Stakeholder: Department of Environmental Affairs Date received: 07 June 2018	
COMMENT	RESPONSE
<p>The Department confirms having received the Application for Environmental Authorisation and Draft Scoping Report for the abovementioned project on 04 June 2018. You have submitted these documents to comply with the Environmental Impact Assessment (EIA) Regulations, 2014, as amended.</p> <p>Please take note of Regulation 40(3) of the EIA Regulations, 2014, as amended, which states that potential Interested &amp; Affected Parties, including the Competent Authority, may be provided with an opportunity to comment on reports and plans contemplated in Regulation 40(1) of the EIA Regulations, 2014, as amended, prior to the submission of an application but must be provided an opportunity to comment on such reports once an application has been submitted to the Competent Authority.</p> <p><b>Note that in terms of Regulation 45 of the EIA Regulations, 2014, as amended, this application will lapse if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless an extension has been granted by the Department in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended.</b></p> <p>All documentation delivered to the physical address contained in this form must be delivered during the <u>official Departmental Office Hours</u> which are visible at the Department's entrance gate. No faxed and emailed applications; applications delivered to Security or applications placed in the Departmental Tender Box will be accepted.</p> <p>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.</p>	<p>Noted.</p>

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Stakeholder: CapeNature Date received: 07 June 2018	
COMMENT	RESPONSE
<p>CapeNature would like to thank you for the opportunity to comment on the proposed service station and wish to make the following comments:</p> <ol style="list-style-type: none"> <li>1. The onshore component of the proposal involves the construction of a pipeline. Although the report states that the pipeline will use the existing oil pipeline servitude, it must be confirmed that no additional vegetation clearing will take place. The servitude runs through an area determined as a Critical Biodiversity Area supporting Saldanha Flats Strandveld. Calculations to determine the remaining extent of this vegetation type have shown that less than 34% remains which means that Saldanha Flats Strandveld qualifies as an Endangered habitat type. If additional clearing will be required, the exact disturbance footprint must be calculated and assessed by a botanical specialist (a new study should be conducted and studies from previous applications should not be the sole source of information as biodiversity has already been lost and cumulative impacts must be considered). A detailed rehabilitation plan must also be included as an annexure to the Environmental Management Programme (EMPr).</li> <li>2. Note that page 19 makes reference to the CAPE conservation plans which are now considered outdated and have been replaced by the 2017 Western Cape Biodiversity Spatial Plan. Please update this section accordingly in order that it speaks to the map included in Appendix E. Other ecological references used (e.g. for fauna) are also quite outdated.</li> <li>3. The jetty will also require modification – please provide more detail of what this modification will entail, the footprint size and whether the marine and benthic environments will be altered. For example, will the structures will require deepening of the seabed?</li> </ol>	<ol style="list-style-type: none"> <li>1. The construction of the pipeline 30cm (12 inches) in diameter will require excavation for laying of the pipe cannot exceed 91.44cm (36 inches) as per the standard. The total disturbed area of the entire pipeline will therefore equate to 0.9144ha. This will fall within the existing servitude which can be described as partially vegetated.</li> </ol> <p>The LPG facility will be in the red highlighted site below. The total highlighted area is approximately 11 hectares, but only 3 hectare of the land will be used for LPG terminal, including loading gantry, storage, offices etc. see image below:</p> 

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	<p>The application will therefore be amended to include vegetation clearing activities. It will also be included in the Plan of Study that a botanical assessment of the proposed impacted areas be done to determine the potential impact and obtain probable mitigation measures to avoid negative impacts.</p> <p>Noted - A rehabilitation plan will be included as part of the EMPr and will be informed by the appointed botanical specialist.</p> <p>2. Noted. This has been amended to correctly refer to the WCSBP 2017.</p> <p>3. The design specification of the modification required at the jetty will be provided to us in the engineering report. This will be included in the Draft EIR. Once this has been received the cumulative impacts on the marine environment will be included in the report.</p>
<p><b>Stakeholder: Eskom</b>  <b>Date received: 15 June 2018</b></p>	
<p><b>COMMENT</b></p>	<p><b>RESPONSE</b></p>
<p>I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for <b>12 months</b> only, after which reapplication must be made if the work has not been completed.</p> <p>1. THIS IS NOT AN APPROVAL TO START CONSTRUCTION</p> <p>2. Eskom services are affected by your proposed works however the following must be noted:.</p> <ul style="list-style-type: none"> <li>i. Eskom has no objection to the proposed work and include the following drawing indicating Eskom 11kV/LV underground services in close proximity.</li> <li>ii. Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.</li> <li>iii. There may also be LV overhead services / connections not indicated on this drawing. No building structure to be erected 9 metres from either side of the Eskom 11kV overhead powerline.</li> </ul>	<p>Noted.</p>

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<p>iv. The successful contractor must be notified to apply (BY APPOINTMENT) for the necessary agreement forms and additional cable information not indicated on included drawing from Eskom Customer Network Centres before construction commences at VREDENBURG Customer Network Centre, RYAN ALI, Tel: 022 703 7823</p> <p>v. Note: Included Eskom as built drawings and all documentation to be submitted by contractor on application for a permit.</p> <p>vi. Should it be necessary to move / relocate or support any existing services for possible future needs then it will be at the developer's cost and applicant can be made to Sabelo Potela on 084 745 8990.</p> <p>3. Underground Services The following conditions to be adhered to at all times.</p> <p>i. Works will be carried out as indicated on plans.</p> <p>ii. No mechanical plant to be used within 3,0m of Eskom underground cables.</p> <p>iii. All services to be verified on site.</p> <p>iv. Cross trenches to be dug by hand to locate all underground services before construction work commences.</p> <p>v. If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates then all work is to be stopped and Esack Daware from the Land Development Office to be contacted on 021 980 3404 to arrange the capturing of such services.</p> <p>vi. In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.</p> <p>vii. Where proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables. (Preferably a concrete slab)</p> <p>viii. No manholes; catch- pits or any structure to be built on top of existing underground services.</p> <p>ix. Only walk behind (2 ton Bomac type) compactors to be used</p>	
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<p>when compacting on top of and 1 metre either side of underground cables.</p> <p>x. If underground services cannot be located then the CNC should be consulted before commencement of any work.</p> <p>4. O.H. Line Services:</p> <p>i. No mechanical plant to be used within 3m of Eskom 11kV/LV Overhead Power lines.</p> <p>ii. Safety meeting to be held every morning before working in close proximity of power line.</p> <p>5. NOTE</p> <p>i. To enable Eskom to meet all the wayleave requests within a reasonable time, a minimum of 21 working days are required to process applications from date received.</p> <p>ii. Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.</p>	
<p><b>Stakeholder: Transport and Public Works: Road Network Management</b>  <b>Date received: 26 June 2018</b></p>	
<p><b>COMMENT</b></p>	<p><b>RESPONSE</b></p>
<p>This Branch offers no objection to the issuing of the environmental authorisation in terms of the National Environmental Management Act.</p> <p>This Branch has already commented on the land use application to the local authority for which it offered no objections.</p>	<p>Noted with thanks.</p>
<p><b>Stakeholder: West Coast District Municipality</b>  <b>Date received: 27 June 2018</b></p>	
<p><b>COMMENT</b></p>	<p><b>RESPONSE</b></p>
<p>1. I refer to your letter dated 28 May 2018 and the Draft Seeping Report for the proposed development.</p> <p>2. The proposed pipeline will cross two of the West Coast District Municipality's bulk water pipelines (150mm and 225mm respectively) to Langebaan in the vicinity of Farm 194 and Portion 2 of Farm 191. In this regard the following is pertinent:</p>	<p>1.</p> <p>2. Noted.</p> <p>2.1. The Engineering report and design specification will be provided once this has been received by the appointed engineers. The draft reports should be available for inclusion in the Draft EIR.</p> <p>2.2. Noted.</p>

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<p>2.1. Professional Engineers must design the areas of the pipeline crossings to protect the bulk water pipes. These drawings must be submitted to the WCDM for approval prior to any construction taking place.</p> <p>2.2. The WCDM must be notified at least a month ahead of construction to arrange for supervision and assistance.</p> <p>2.3. Cost of repairs of any damage caused to the water pipelines during construction will be borne by the developer.</p> <p>2.4. The WCDM Council will not accept any responsibility for any damage caused by pipe bursts.</p> <p>3. In terms of the Disaster Management Act no 57 of 2002 the West Coast District Disaster Management Centre must institute an integrated and co-ordinated disaster management policy that focuses on:</p> <ul style="list-style-type: none"><li>• preventing or reducing the risk of disasters,</li><li>• mitigating the severity of disasters,</li><li>• emergency preparedness,</li><li>• rapid and effective response to disasters and post disaster recovery and</li><li>• rehabilitation.</li></ul> <p>3.1. The DMC recommends that a Disaster Risk Management Plan (DRM) be compiled to ensure coordinated organisational and institutional arrangements to the satisfaction of all stakeholders. This is to prevent or reduce/mitigate any hazards from occurring and to prepare and respond if a hazard cannot be avoided. The DRM Plan will guide the tactical and operational coordination and cooperation mechanism between all the relevant stakeholders, both proactively and reactively. Due to the nature of the risks the DRM Plan must be considered a "work in progress/live document", which requires regular review as well as adjustment to the prevailing circumstances.</p> <p>3.2. The onsite DRM Plan should:</p> <ul style="list-style-type: none"><li>• Anticipate the likely types of emergencies and possible impacts;</li><li>• Identify the vulnerable areas and people;</li><li>• Provide for appropriate prevention, risk reduction and</li></ul>	<p>2.3. Noted.</p> <p>2.4. Noted.</p> <p>3. Noted the DRM plan(s) as described in the comments will be drafted and included as part of the EIR phase.</p>
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<p>mitigation strategies;</p> <ul style="list-style-type: none"><li>• Identify and address weaknesses in capacity to deal with possible emergencies; and</li><li>• Facilitate maximum emergency preparedness.</li></ul> <p>3.3. The onsite DRM Plan should provide for:</p> <ul style="list-style-type: none"><li>• The allocation of responsibilities to the various stakeholders. And coordination in carrying out responsibilities;</li><li>• Prompt emergency response and relief that will;<ul style="list-style-type: none"><li>○ Save lives.</li><li>○ reduce further risk exposure,</li><li>○ reduce suffering,</li><li>○ protect property.</li><li>○ protect the environment,</li><li>○ reduce economic and social losses, and</li><li>○ provide for the safety and health of all responders;</li></ul></li><li>• disaster recover, business continuity and rehabilitation. which are again focussed on risk elimination and/or mitigation efforts;</li><li>• the procurement of essential goods and services;</li><li>• the establishment of strategic communication links; and</li><li>• the dissemination of information.</li></ul> <p>3.4. The onsite DRM Plan, covering the identified group of hazards, is intended to facilitate multi-departmental coordination in both the proactive and reactive tactical and operational elements required for dealing with these hazards, as provided for in the Disaster Management Act. Relevant legislation to be noted are:</p> <ul style="list-style-type: none"><li>• Disaster Management Act,</li><li>• Disaster Management Amendment Act, (Act 16 of 2015),</li><li>• National Disaster Management Framework, 2005,</li><li>• Occupational Health and Safety Act (Act 85 of 1993),</li><li>• Major Hazardous Installations Regulations issued in terms of the Occupational Health and Safety Act,</li><li>• Fire Brigade Services Act (Act 99 of 1987),</li><li>• Saldanha Bay Fire Safety Bylaw.</li></ul>	
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<p>3.5. An off-site Disaster Risk Management Plan must also be drafted to supplement the onsite DRM Plan, confirming the institutional arrangements for emergency and essential services and other identified stakeholders. This needs to be done in conjunction with the local and district municipalities to facilitate integrated / effective and efficient cooperation in the event of a major incident or emergency at or near the proposed facility.</p>	
<p><b>Stakeholder: Department of Environmental Affairs and Development Planning</b>  <b>Date received: 29 June 2018</b></p>	
COMMENT	RESPONSE
<p>1. The copy of the Application Form submitted to the Department of Environmental Affairs ("DEA") and the Draft Scoping Report ("DSR") and Plan of Study for Environmental Impact Assessment ("EIA") dated May 2018 as received by the Department on 31 May 2018, refer. Please find consolidated comment from various directorates within the Department on the DSR and Plan of Study for EIA.</p> <p>2. Directorate: Development Management (Region 1) (Melanese.Schippers@westerncape.gov.za: Tel: (021) 4838349): Ms Melanese Schippers</p> <p>2.1. Section 2.3.1.4, page 18 of the DSR states that "There are no significant watercourses on the site."(emphasis added). Clarity is sought whether the proposed pipeline will have an impact on any watercourses located along the pipeline route. Furthermore, the distance of the proposed pipeline in relation to any watercourses must be confirmed in the Final Scoping Report ("FSR") or the Draft EIA Report.</p> <p>2.2. Section 2.3.1.5, page 19 of the DSR states that "The Saldanha Flats Strandveld (Endangered) and Saldanha Limestone Strandveld (Endangered) on the specific site are in a moderate to good condition with a high conservation value due to the conservation status of these vegetation types."</p> <p>2.2.1. Based on GIS biodiversity data obtained from <a href="https://lgis.elsenburg.com/apps/cfm">https://lgis.elsenburg.com/apps/cfm</a>, the proposed pipeline route is located within a Critical Biodiversity Area ("CBA").</p>	<p>1. Noted.</p> <p>2. Noted.</p> <p>2.1. Distances to the closest watercourses have been indicated in the FSR.</p> <p>2.2.</p> <p>2.2.1. Correct.</p> <p>2.2.2. Correct.</p> <p>2.2.3. The construction of the pipeline 30cm (12 inches) in diameter will require excavation for laying of the pipe cannot exceed 91.44cm (36 inches) as per the standard. The total disturbed area of the entire pipeline will therefore equate to 0.9144ha. This will fall within the existing servitude which can be described as partially vegetated.</p> <p>The LPG facility will be in the red highlighted site below. The total highlighted area is approximately 11 hectares, but only 3 hectare of the land will be used for LPG terminal, including loading gantry, storage, offices etc. see image below:</p>



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2.2.2. The National List of Ecosystems that are Threatened and in Need of Protection promulgated in Government Notice No. 1002 of 9 December 2011, published in terms of section 52(1)(a) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), lists Saldanha Granite Strandveld (not Saldanha Limestone Strandveld) as an Endangered Ecosystem and lists Saldanha Flats Strandveld as a Vulnerable Ecosystem.

2.2.3. It is noted that no listed activities associated with the clearance of indigenous vegetation are being applied for. The FSR and Draft EIA Report must confirm whether any indigenous vegetation will be cleared for the proposed pipeline.

2.2.4. The Plan of Study for EIA indicates that no specialist studies will be undertaken in the EIA phase. Considering that the pipeline route will be located within a CBA, it is recommended that input from a suitably qualified, independent botanical specialist be obtained regarding potential impacts of the proposed pipeline on the ecological functioning of the CBA.

2.3. The DSR indicates that only design alternatives for the liquid petroleum gas ("LPG") bullets have been considered. The Draft EIA Report must provide a clear description of all the alternatives that have been considered and include a substantiated motivation why the preferred alternatives are considered as the most feasible and reasonable alternatives for the proposed development.

2.4. Not all the potential impacts associated with the proposed development were identified in the DSR for further assessment in the EIA phase. Potential fire/ explosion hazards resulting from the operational phase of the proposed development were not identified as a potential impact requiring further assessment. If this does not require additional investigation, an explanation must be provided in the FSR or Draft EIA Report. In addition, any recommendations of the botanical specialist on the proposed LPG pipeline route must be considered and addressed in the Draft EIA Report.

2.5. The Plan of Study for EIA does not meet the requirements as set out



The application will therefore be amended to include vegetation clearing activities.

2.2.4. A botanical assessment of the proposed impacted areas will be included in the Plan of Study to determine the potential impacts and obtain probable mitigation measures to avoid negative impacts.

2.3. Additional alternatives have been included in accordance with Appendix 2 of the EIA Regulations. Please also refer to the Pre-Feasibility Study in Appendix F1.

2.4. Noted these potential impacts have been included for assessment.

2.5. Noted this section has been amended to meet the requirements of the Regulations.

2.6. Noted the section has been amended.

2.7. Noted, the units for the pipeline widths have been amended

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<p>in regulation (2) (1) (h) of Appendix 2 of the EIA Regulations, 2014 (as amended). The Plan of Study for EIA must be amended to include a description of the alternatives to be considered and assessed within the preferred site, a description of the aspects to be assessed by specialists, and a description of aspects to be assessed as part of the EIA process.</p> <p>2.6. Page 21, section 2.3.2 of the DSR refers to a mixed-use development. This error must be corrected to denote the correct proposed development.</p> <p>2.7. The metric units used in the DSR to describe the LPG pipeline diameter and the capacity of the LPG tanks must be indicated in accordance with the metric units used in the Listing Notices of the EIA Regulations, 2014 (as amended) (i.e. please use of metric system/ International System of Units).</p> <p>3. Directorate: Waste Management Mr Vishwanath (Vishwanath.Gianpersad@westerncape.gov.za; Tel: (021) 4838325): Gianpersad</p> <p>3.1. The Draft EIA Report and Environmental Management Programme ("EMPr") must include information how an integrated waste management approach will be followed during the construction and operational phases of the proposed development (i.e. volumes of waste generated, waste minimisation, where will be waste be disposed of, etc.).</p> <p>4. Directorate: Pollution and Chemicals Management (AnthonY.vanWyk@westerncape.gov.za; Tel: (021) 4832980): Mr Anthony van Wyk</p> <p>4.1. It is anticipated that the construction phase of both the LPG pipeline and the LPG storage tanks will result in dust pollution. The EMPr must therefore provide suitable mitigation measures to avoid and minimise excessive dust pollution.</p> <p>4.2. It is further anticipated that the construction phase will result in increased levels of noise pollution that may impact on construction workers/staff and various animal species (birds, reptiles and mammals) inhabiting the area; both on - and off-shore. As such,</p>	<p>accordingly.</p> <p>3.</p> <p>3.1. Noted. This will be provided in the EIR phase as more information regarding the on-site operations will be available.</p> <p>4.</p> <p>4.1. Mitigation of dust during the construction phase will be included in the EMPr which will be provided in the EIR phase.</p> <p>4.2. Mitigation measures to minimise the impact of noise pollution during the construction phase will be included in the EMPr which will be provided in the EIR phase.</p> <p>4.3. Noted, this will be addressed in the Draft EIR and EMPr.</p> <p>4.4. Noted, this will be addressed in the Draft EIR and EMPr.</p> <p>4.5. The facility is cognisant of the water situation in the Western Cape and due consideration will be provided in the Draft EIR and EMPr.</p> <p>4.6. The existing facility is an MHI, and will be amending their Risk Assessments once the final engineering study and design specification have been completed by the appointed engineer. These will be provided once this has been completed.</p> <p>4.7. Noted this will be included in the Draft EIR.</p> <p>4.8. The EMPr will include as recommended.</p> <p>5. Noted.</p> <p>6. Noted.</p> <p>7. Noted.</p>
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<p>noise pollution mitigatory measures must be addressed in the EMPr to prevent or minimise the impact of noise pollution during the construction phase.</p> <p>4.3. It is anticipated that harbour traffic would increase during the construction and operational phases of the proposed development, which could increase trace metal pollution in the Saldanha Bay area. Furthermore, the increased activity of vessels containing LPG, oil and wastewater, and the discharging of ballast water, could result in environmental pollution and degradation. The Draft EIA Report and EMPr must therefore address the following impacts:</p> <p>4.3.1. How oil and LPG spills will be avoided, mitigated and managed;</p> <p>4.3.2. The effects of increased ballast water discharge into the harbour to prevent pollution and the possible introduction of alien species to the West Coast; and</p> <p>4.3.3. How vessel wastewater will be managed to prevent spills into the harbour.</p> <p>4.4. The onshore installation of the LPG transfer pipeline will result in a disturbance of soil and may impact on fauna and flora; more so where the pipeline will be laid underground. The Draft EIA Report and EMPr must indicate how the potential environmental impacts during the construction phase of the development will be avoided, or where it cannot be avoided, adequately mitigated.</p> <p>4.5. The Western Cape Province is experiencing an ongoing drought which has implications on water usage efficiency. Information on the effective and efficient utilisation of water must be provided in the Draft EIA Report and EMPr.</p> <p>4.6. The onsite storage of LPG will be in either 20 or 25 horizontal mounded bullet tanks with a capacity ranging between 320 to 400 metric tonnes each. A Risk Assessment on the LPG import facility must be done for various scenarios, including leakages and spillages, and for catastrophic failure of one or more of the (proposed and existing) storage units. Ideally, the risks should be represented by contour mapping of emissions from such leaks or failures, considering various meteorological conditions.</p>	
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<p>4.7. The following information must be provided in the Draft EIA Report:</p> <p>4.7.1. Management of leaks from the LPG bullet tanks and associated pipelines, especially regarding the risk of creating volatile plumes that may pose an explosion risk;</p> <p>4.7.2. Compliance of the storage tanks with the local SANS requirements in terms of safety;</p> <p>4.7.3. Compliance with the Major Hazardous Installation ("MHI") requirements - is the existing facility registered as a MHI facility and must the Plan of Study for EIA be amended to include a MHI Risk Assessment;</p> <p>4.7.4. Updating of safety plans in terms of the Vessels under Pressure Regulations promulgated in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);</p> <p>4.7.5. Safety buffer zone requirements for the horizontal mounded bullet tank area; and</p> <p>4.7.6. What is the constant internal pressure of the storage tanks and what mechanical requirements will be necessary to maintain this pressure?</p> <p>4.8. The EMPr must address incidents related to tank failure and leakages that must be logged and reported on in terms of section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).</p> <p>5. Please direct all enquiries to the officials indicated in this correspondence should you require any clarity on any of the comments provided.</p> <p>6. Please provide the DEA EIA reference number in future communication of the application. Kindly provide the Department with 1 x hard copy and 3 x CDs of the Draft EIA Report, marked for the attention of Ms Adri La Meyer at the Directorate: Development Facilitation.</p> <p>7. The Department reserves the right to revise initial comments and request further information based on any information received.</p>	
<p><b>Stakeholder: Saldanha Bay Municipality</b>  <b>Date received: 29 June 2018</b></p>	
<p><b>COMMENT</b></p>	<p><b>RESPONSE</b></p>
<p>1. The Draft Scoping Report for the Proposed Development Of An LPG</p>	<p>1.</p>

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<p>(Liquid Petroleum Gas) Import Facility, Pipeline And Handling Facility In The Port Of Saldanha dated May 2018 refers.</p> <ol style="list-style-type: none"> <li>2. Appendix D: The email address for Saldanha Bay Municipality is incorrect.</li> <li>3. Draft Scoping Report Pg 16: It is the Saldanha Bay Municipality Spatial Development Framework, not "Vredenburg".</li> <li>4. Pg 31: The 2018-2023 Spatial Development Framework is still a draft.</li> <li>5. Saldanha Bay municipal area is a water scarce area and is currently on Level 6B water restrictions. Even if the drought passes, the area is still water scarce. Please contact Mr Gavin Williams (gavin.williams@sbm.gov.za 022 70 1 7047) and Mr David Wright (david.wright@sbm.gov.za 022 70 1 6988) in this regard.</li> <li>6. When the MHI report is made available, please also make it available to the Saldanha Bay Municipality's Disaster Management team.</li> <li>7. Even though the pipeline will be in an existing servitude, it must be noted that the pipeline will be traversing a dynamic coastal area also known as spreeuwalle.</li> <li>8. As mentioned in the report, the increase in the amount of vessels will have an impact on the bay and monitoring of the impact on the bay will be required. Currently the Saldanha Bay Water Quality Forum Trust is managing the monitoring in the bay. Please contact Mr Christo van Wyk <a href="mailto:metsal@imagnet.co.za">metsal@imagnet.co.za</a>.</li> </ol>	<ol style="list-style-type: none"> <li>2. This has been amended.</li> <li>3. Noted, the reference has been amended.</li> <li>4. Noted, the reference has been amended.</li> <li>5. Noted.</li> <li>6. The MHI report / Risk Assessments will be made available once they have been completed by the appointed consultant. This will be sent to the Municipality's Disaster Management team.</li> <li>7. Noted. The impact of the pipeline will be investigated by the appointed botanical specialist. Mitigation measures to reduce negative impacts will be included in the EMPr which will be provided during the EIR phase.</li> <li>8. Noted. The Saldanha Bay Water Quality Forum Trust has been added as an I&amp;AP and will be given the opportunity to comment on the EIR phase of the process.</li> </ol>
<p><b>Stakeholder: Department of Environmental Affairs</b>  <b>Date received: 03 July 2018</b></p>	
<p><b>COMMENT</b></p>	<p><b>RESPONSE</b></p>
<p><u>Contact details</u>  It has been noted that the details (name and email address) of the official at the Department of Environmental Affairs and Development Planning: Development Management has not been provided in the application form, therefore, you are requested to provide the details of the relevant officials responsible for the review of the Environmental Impact Assessment (EIA) applications.</p> <p><u>Activities applied for</u>  Please ensure that all relevant listed activities applied for, and can be linked</p>	<p><u>Contact details</u>  Contact details in Appendix D1 has been included.</p> <p><u>Activities applied for</u>  Additional activities have been included and an amended application has been included with the FSR (Final Scoping Report).</p> <p><u>Plan of Study</u>  The Plan of Study has been amended to meet the requirements of Appendix 2 of the EIA Regulations, 2014 as amended. Specialist investigations to be</p>

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to the development activity or infrastructure as described in the project description. Should there be any other listed activity/ies be added, please amend the application form to be submitted with the final Scoping Report.

#### Plan of Study

It is noted in the Plan of Study that it was not indicated which specialist studies will be conducted for this proposed development, therefore, ensure the final Scoping Report include which specialist studies will be conducted for the proposed development.

#### Public participation Process (PPP)

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 (including this Department's Biodiversity Section) 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. The Public Participation Process must be conducted in terms of Regulations 39, 40, 41, 42, 43 &44 of the EIA Regulations 2014, as amended.

#### Project Alternatives and Impacts Assessment

- This Department requires a cumulative impact assessment to be undertaken in the final SR to determine potential fatal flaws.
- 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 2 of GN R.982 of 2014, as amended. Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.

#### Final Scoping Report to be submitted

undertaken has been included in this section of the report.

#### Public participation Process (PPP)

All comments received has been included in a comments and responses report included in the FSR as Appendix D3. Proof of correspondence is included as Appendix D2.

#### Project Alternatives and Impacts Assessment

- A cumulative impact assessment has been included in the FSR.
- Alternatives have been considered and included.

#### Final Scoping Report to be submitted

Noted.

#### General Comments

Noted.

## APPENDIX D3 - COMMENTS AND RESPONSES REPORT

### SCOPING PHASE

<p>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, as amended.</p> <p><u>General Comments</u></p> <p>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 the Regulations, unless an extension has been granted in terms of Regulation 3(7).</p> <p>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.</p>	
<p><b>Stakeholder: Department of Agriculture</b>  <b>Date received: 27 September 2018</b></p>	
<p><b>COMMENT</b></p>	<p><b>RESPONSE</b></p>
<p>The Western Cape Department of Agriculture has no comment.</p>	<p>Noted.</p>

### COMMENTS ON FINAL SCOPING REPORT

<p><b>Stakeholder: Department of Environmental Affairs</b>  <b>Date received: 03 July 2018</b></p>	
<p><b>COMMENT</b></p>	<p><b>RESPONSE</b></p>
<p>The final Scoping Report (SR) and Plan of Study for Environmental Impact Assessment (PoSEIA) dated July 2018 and received by this Department on 13 July 2018 refer.</p> <p>This Department has evaluated the final SR and the PoSEIA dated July 2018 and is satisfied that the documents comply with the minimum requirements</p>	<p>Noted.</p>

## APPENDIX D3 - COMMENTS AND RESPONSES REPORT

### SCOPING PHASE

of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The final SR is hereby accepted by the Department in terms of Regulation 22 (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 PoSEIA and the requirements of the EIA Regulations, 2014, as amended.

**In addition, the following additional information is required and must be incorporated in the EIAR:**

#### **Contact Details of the provincial Department representative in the Application form**

- The Department noted that the contact details *inter alia* (i.e.) email address of the Director from Department of Environmental Affairs and Development Planning (DEADP): Development Management region 1 was not provided in the application form. Please provide such information as well as the name of the Director responsible for this section as the Department currently use email communication with all relevant stakeholders who have jurisdiction to the proposed development.

#### **Specialist studies**

- It has been noted that site falls within an agricultural land therefore an Agricultural Specialist Study must be conducted. The terms of reference for the study must include, i.e. the following:
  - Assessment of the loss of agricultural/and;
  - The current state of agricultural activities on land;
  - The impact of the loss of agricultural land within the property as well as the cumulative impact of the loss of agricultural land on the site and within the area.
- Please ensure that all mitigation measures and recommendations in the specialist studies are addressed and included in the final EIAR and Environmental Management Programme (EMPr).

#### **Contact Details of the provincial Department representative in the Application form**

- The contact details have been included in the Amended Application submitted to the Department with the Draft EIR (26 October 2018).

#### **Specialist studies**

- The loss of potential agricultural land or agricultural potential by the proposed development has been assessed as part of the EIR.
- All mitigation measures as indicated by specialist reports or engineering inputs have been included in the EIR and EMPr.



## APPENDIX D3 - COMMENTS AND RESPONSES REPORT

### SCOPING PHASE

- Due to the similar project operating in the same area, all the specialist assessments must include a cumulative environmental impact statement. Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.

#### **Impacts Assessment**

- The cumulative impacts significance rating must inform the need and desirability of the proposed development.
- All environmental issues identified on section 6 must be addressed, and information must be included in the EIAr.

#### **Coordinates**

- It has been noted that coordinates for the proposed storage facility and pipeline were not provide in the final SR therefore you are requested to include coordinates in the EIAr.

#### **Activities applied for**

- Ensure that all the relevant Listing Notice, listed activities and sub-activities are applied for, that they are specific and can be linked to the development activity/ies or infrastructure in the project description.
- Furthermore ensure that a detailed description is provided for the listed activity in the EIAr. The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for. The listed activities in the EIAr and the application form must be the same and relevant to the proposed development.
- The description provided in the application form and scoping report does not give a detailed description relating to how the proposed development triggers the applied activity, i.e. GN R. 324, Activity 12.

#### **Proposed alternatives**

- It was noted that the disadvantages and advantages of the identified site alternatives named red and blue were not discussed, please provide a

- A cumulative environmental impact statement has been included in the draft EIR.

#### **Impacts Assessment**

- The cumulative impact significance ratings for all identified impacts has been used to inform the need and desirability of the development.
- All environmental issues identified in section 6 of the FSR has been included in the EIR.

#### **Coordinates**

- Co-ordinates for the LPG handling facility, pipeline, jetty modifications have been provided in the EIR.

#### **Activities applied for**

- All activities applied for have been linked to the various applicable development activities proposed.
- A detailed description is provided for each activity applied for.
- The application has been amended to reflect the activities applied for in the EIR. And amended application is submitted with the draft EIR.
  
- This has been amended to fully describe the applicability of activity 12.

#### **Proposed alternatives**

- Detailed descriptions and discussions in terms of alternatives provided have been included in the draft EIR.

## APPENDIX D3 - COMMENTS AND RESPONSES REPORT

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<p>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.</p> <ul style="list-style-type: none"><li>• Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix</li></ul> <p><b><u>Layout, regional and Locality as well as sensitivity Maps</u></b></p> <ul style="list-style-type: none"><li>• A copy of the final site 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. The layout map must indicate the following:<ul style="list-style-type: none"><li>○ Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;</li><li>○ 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;</li><li>○ Buffer areas;</li><li>○ All "no-go" areas.</li></ul></li><li>• A sensitivity layout plan overlaid by the sensitive features and the buffer zones i.e. wetland and also the existing structure in the vicinity of the proposed development must be submitted as part of the report for analysis of the effect of the proposed project on the environment. Please ensure all features are clearly indicated on the legend of the sensitivity layout plan.</li><li>• Please ensure that the Final EIR includes at least one A3 regional map of the area and the locality maps included in the final EIR illustrate the different proposed alignments and above ground storage of fuel. The maps must be of acceptable quality and as a minimum, have the following attributes:</li></ul>	<ul style="list-style-type: none"><li>• A pre-feasibility study has been included as Appendix G to motivate the reasons for the development proposal applied for and the alternatives investigated through this study.</li></ul> <p><b><u>Layout, regional and Locality as well as sensitivity Maps</u></b></p> <ul style="list-style-type: none"><li>• Site development plans has been included in Appendix B.<ul style="list-style-type: none"><li>○ Sensitive areas have been indicated on relatable maps included in Appendix E.</li></ul></li><li>• Biodiversity overlay maps have been included in Appendix E.</li><li>• An A3 regional map has been included in Appendix A.</li></ul>
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<ul style="list-style-type: none"><li>○ Maps are relatable to one another;</li><li>○ Cardinal points;</li><li>○ Co-ordinates;</li><li>○ Legible legends;</li><li>○ Indicate alternatives;</li><li>○ Latest land cover;</li><li>○ Vegetation types of the study area; and</li><li>○ A3 size locality map.</li></ul> <p><b><u>Public Participation Process (PPP)</u></b></p> <ul style="list-style-type: none"><li>● All comments and recommendations made by all stakeholders and Interested and Affected Parties (I&amp;APs) in the draft SR and submitted as part of the final SR must be taken into consideration when preparing the Environmental Impact Assessment report (EIAR) in respect of the proposed development.</li><li>● You are also required to address all issues raised by Organs of State and I&amp;APs prior to the submission of the EIAR to the Department. Proof of correspondence with the various stakeholders must be included in the EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.</li><li>● The EAP must, in order to give effect to Regulation 8, give registered I&amp;APs access to, and an opportunity to comment on the report in writing within 30 days before submitting the final EIAR to the Department. The EIAR must also include comments and response report in accordance with Appendix 3 of the EIA Regulations, 2014, as amended and the PPP must be in accordance with Regulation 41 of the EIA Regulations. Submission of Draft EIAR</li><li>● When submitting a draft EIAR ensures that you submit another copy to Department's Biodiversity Planning Directorate.</li></ul> <p><b><u>General comments</u></b></p> <p>Please note that the Department will undertake a site inspection prior to or</p>	<p><b><u>Public Participation Process (PPP)</u></b></p> <ul style="list-style-type: none"><li>● Refer to Appendix D3 of the EIR</li><li>● Refer to Appendix D3 of the EIR</li><li>● Refer to proof of submission to I&amp;APs and organs of state and key departments in Appendix D2.</li><li>● The Department's Biodiversity Planning Directorate has been added to the list of Key Department to be consulted in Appendix D2. A copy of the Draft EIR will be sent to them. Proof of which will be provided in the Final EIR.</li></ul>
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## APPENDIX D3 - COMMENTS AND RESPONSES REPORT

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<p>upon receipt of the draft EIAr for comment.</p> <p>You are hereby reminded that should the EIAr fail to comply with the requirements of this acceptance letter, the project will be refused in accordance with the EIA Regulations, 2014, as amended.</p> <p>The applicant is hereby reminded to comply with the requirements of Regulation 45 of the Environmental Impact Assessment Regulations, 2014 published under Government Notice R982 in Government Gazette No. 38282 dated 04 December 2014, as amended ('the EIA Regulations, 2014'), with regard to the time period allowed for complying with the requirements of the Regulations.</p> <p>Further, it must be reiterated that, should an application for Environmental Authorisation be subject to the provisions of Chapter II, Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), then this Department will not be able to make nor issue a decision in terms of your application for Environmental Authorisation pending a letter from the pertinent heritage authority categorically stating that the application fulfils the requirements of the relevant heritage resources authority as described in Chapter II, Section 38(8) of the National Heritage Resources Act, 1999.</p> <p>You are requested to submit two (2) electronic copies {CD/DVD and one {1} hard copies of the Environmental Impact Report (EIAr) to the Department.</p> <p>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.</p>	<p><b><u>General comments</u></b></p> <p>All the general comments made have been noted and will be adhered to accordingly.</p>
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