

**COMMENTS AND RESPONSE TABLE**  
**PROPOSED DANA BAY EMERGENCY ACCESS ROAD MOSSEL BAY MUNICIPALITY, WESTERN CAPE**  
**16/3/3/6/7/1/D6/29/0261/19**

COMMENT	ORGANIZATION/NAME/DATE	RESPONSE
<p>Hi Michael</p> <p>I hereby request to be registered as an interested and affected party of the proposed Dana Bay Emergency Access Road. Kindly register me on the database as an interested and affected party for the Environmental Impact Assessment.</p> <p>DEADP Ref: 16/3/3/6/7/1/D6/29/0261/19</p> <p>Personal details:  Mr Daniel Esterhuysen  Email: -</p> <p>Reason for interest:  I am an owner and full time resident of Moquini Coastal Estate located in Dana Bay and the road will traverse our northern perimeter. There is no direct financial interest in the construction of the road, but the road might have an impact on our ease of access and the risk of crime on our estate.</p> <p>Kindly confirm via return email that I have been registered as an affected and interested party.</p> <p>Warm regards  Daniel Esterhuysen</p>	<p>Mr Daniel Esterhuysen</p> <p>20 May 2021</p>	<p>Dear Mr. Esterhuysen,</p> <p>Thank you for your interest, you have successfully been registered on the I&amp;AP list for the proposal. Would you please be able to expand on your points regarding ease of access and risk of crime?</p> <p>It is proposed that the road be gated at either ends so there will be no casual/daily use of the road, instead the road will only be opened to allow Dana Bay residents to evacuate the area in times of emergencies such as if a fire were to sweep from east to west or public unrest blocks the only access point in the east of Dana Bay.</p> <p>The Public Participation Period will end on the 3 June 2021 and as nearby resident your input will be valuable to the Public Participation Process.</p>
<p>CapeNature reminds the applicant that the property does have CBA and these areas should be maintained in a functional, near-natural state. When assessing the impact of the road construction on CBA, the reasons</p>	<p>18 June 2021</p> <p>Megan Simons  CapeNature</p>	<p>Assessment of the CBA's have been undertaken in by the specialist and are also contained within the BAR</p>

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behind CBA delineation should be investigated and critically assess whether these will be compromised by the proposed road construction.		
The construction of the road should maximise connectivity within functioning CBA to avoid any negative impact on remaining intact natural vegetation and habitat fragmentation. Furthermore, spatial components of ecological processes, especially in ecological corridors, must be maintained.		The road will not compromise spatial components of the CBA as no barriers will be constructed only a flat gravel road for use in emergencies to evacuate the residents of Dana Bay.
In terms of the Alien and Invasive Species regulations, specific alien plant species are either prohibited or listed as requiring a permit; aside from restricted activities concerning, inter alia, their spread, and should be removed; without the use of heavy machinery, especially in close proximity to the watercourse.		This is correct.
To prevent the dispersal of alien seeds, we advise that construction vehicles and machinery be washed regularly and away from any watercourse.		This will be undertaken as far as practically possible.
<p>The removal of alien and invasive plant species must be continuous and around properties adjacent to the road. Suitable indigenous vegetation must be used during the rehabilitation. We recommend a rehabilitation plan be compiled with inputs from a Botanist to inform the plan. The rehabilitation plan should include the following:</p> <ol style="list-style-type: none"> <li>1. A list (with photographs) of suitable indigenous vegetation to be used for the rehabilitation;</li> <li>2. define the timeframe for the re-vegetation; specify a timeframe and strategy for re-vegetation (i.e. season or time of the year when plants must be planted);</li> </ol>		Only the footprint and a reasonable working area around the footprint to safely undertake the activities will be cleared of vegetation within the fynbos section. It is requested in the proposed conditions of Environmental Authorisation that a rehabilitation plan be approved by the CA before the commencement of the construction phase.

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<p>3. list when and how seeds or cuttings should be harvested from identified indigenous plants to be used for rehabilitation purposes; and</p> <p>4. delineate the locations of suitable indigenous plant populations which could be sustainably used.</p>		
<p>Biodiversity Survey</p> <p>The survey was undertaken during late spring and the limitations to field sampling was acknowledged by the specialist. CapeNature agrees that the biodiversity corridors to the south must not be impacted by the construction as these corridors facilitate the movement of species in response to a changing environment. Prior to construction we agree that a search-and-rescue should be conducted. A CapeNature permit would be required for plant and animal search-and-rescue. If any animal species are found, they should be relocated to suitable habitats. The plant species can be used during rehabilitation. The indigenous tree, <i>Pittosporum viridiflorum</i> (Cheesewood), is a listed indigenous protected tree species<sup>5</sup>. Therefore, during construction there should not be any disturbance or damage to the protected trees without obtaining a permit from the Department of Forestry, Fisheries and Environment (DFFE). Prior to construction carefully mark the trees that will be retained and have measures to protect these trees. CapeNature will not object to the findings\recommendations as DFFE is a custodian of forestry resources in South Africa. Fire is an important driver in fynbos vegetation<sup>6</sup> natural fire regimes must be maintained and managed in the landscape. The exclusion of fire from certain habitats will be</p>		<p>It will be ensured through the implementation of the EMP<sub>r</sub> that all necessary permits are obtained if any protected trees need to be disturbed during the construction.</p> <p>The requirement for search and rescue has been included into the EMP<sub>r</sub> and will be requested to be included into the EA as a condition of Authorisation</p>

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considered unacceptable as this may ultimately cause the loss of species.		
<p>Freshwater Habitat Risk Assessment</p> <p>The freshwater report has confirmed that the depressions dam is artificial and were historically used for agriculture. We agree that the wetland should be avoided to prevent any negative impact. Areas that are susceptible to erosion should be protected by installing the necessary temporary structures. Topsoil should be stored separately from subsoil during construction and the soil should be replaced in the during rehabilitation. The aquatic habitats outside the construction areas should not be disturbed and must be considered as 'No-Go'. Furthermore, the proposed mitigation measures must be strictly implemented during all phases.</p> <p>The Environmental Control Officer should be present during the construction phase and during the removal of alien and invasive species, if possible. The ECO should identify any harmful impacts and ensure the implementation of the proposed mitigation and monitoring of the activities.</p> <p>In conclusion, throughout construction of the road, the impact on the indigenous vegetation must be minimal and undisturbed areas should remain intact. CapeNature maintains minimal habitat loss is acceptable (in line with the WCSBP Land Use Guidelines Handbook, 2017) provided the underlying biodiversity objectives and ecological functioning are not compromised.</p>		<p>These mitigation measures are contained within the EMPr and the appointed ECO will report monthly on the level of compliance of the construction phase.</p>
1. Please request further inputs from the aquatic ecologist to advise if the proposed activity has	19 May 2022	Please see the inputs from the aquatic ecologist contained within the BAR and Specialist Report. It

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<p>potential negative impacts to the identified surface water feature to trigger the need for section 21 (c) &amp; (i) water use authorisation in terms of the National Water Act, 1998.</p> <p>Notwithstanding the above, the responsibility rests with the applicant to identify any sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment.</p>	<p>Rudzani Makahane</p> <p>BGCMA</p>	<p>has been confirmed that a water use licence in terms of Section 21 (c) and (i) is required and that the application has been submitted to the BGCMA on 22 August 2022.</p>
<p>1. The abovementioned document dated 11 October 2021 received by this Directorate on 7 April 2022, as well as the following has reference, namely: the Public Participation Plan ("PP Plan") submitted during the pre-application consultation process; Screening Tool Report dated 12 November 2020; and the Site Sensitivity Verification Report (SSVR") submitted during the pre-application consultation process.</p> <p>2. This letter serves as an acknowledgment of receipt of the abovementioned Application Form by the Department. In accordance with sub-regulation 3(1) and 3(2) of the EIA Regulations, 2014, the date of receipt of the application form is determined to be <b>7 April 2022</b>.</p>	<p>19 April 2022</p> <p>Department of Environmental Affairs and Development Planning</p> <p>Jessica Christie</p>	<p>Thank you for your acknowledgment, please note in terms of 7.2 of the CIRCULAR: DEA&amp;DP NO. 0005/2022, the requirement for the submission of a PPP plan has been withdrawn.</p>
<p>3. This Directorate has reviewed the Application Form and supporting documentation presented during the pre-application consultation process which were</p>		<p>i) Please refer to Appendix G for the Agriculture compliance statement</p>

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<p>compiled by the EAP (DEA&amp;DP ref. no. 16/3/3/6/7/1/D6/29/0261/19) and provides comment in respect of the following: 3.1. <i>Site Sensitivity Verification Report &amp; Identified Specialist Studies</i></p> <p>Please be advised that the sensitivity verification report must comply with the requirements of the applicable protocols as published in Government Notice No. 320 of 20 March 2020 and Government Notice No. 1150 of 30 October 2020 and that the outcome of the site sensitivity verification must be recorded in the form of a report that:</p> <p>a) confirms or disputes the current use of the land and the environmental sensitivity as identified by the screening tool; and</p> <p>b) contains a motivation and evidence (e.g. photographs) of either the verified or different use of the land and environmental sensitivity. The Site Sensitivity Verification Report ("SSVR") does not fully comply with the requirements of Point 3.1(b) above for all the applicable themes identified in the Screening Tool Report ("STR").</p> <p>i (i) <i>Agriculture Theme (High Sensitivity)</i></p> <p>The SSVR refutes the <i>High Sensitivity</i> of the site for this theme and the EAP presumably recommends a sensitivity of Low. It is noted that an Agricultural Compliance Statement will be undertaken in terms of Table one:</p>		
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<p>Assessment and reporting of impacts on agricultural resources and specifically point 1.2. The findings of the <i>Agricultural Compliance Statement</i> must be incorporated into the Basic Assessment Report, including any mitigation and monitoring measures as identified, which are to be contained in the EMPr. The compliance statement must be prepared by a soil scientist or agricultural specialist registered with the SACNASP.</p>		
<p>i (ii) <i>Animal Species Theme (High Sensitivity)</i></p> <p>The EAP has not refuted the sensitivity rating in the SSVR but does state that an Animal Species Compliance Statement will be undertaken. However, the theme still requires assessment as contained within the protocol. The assessment must be prepared by a specialist registered with the SACNASP with a field of practice relevant to the taxonomic group ("taxa") for which the assessment is being undertaken.</p> <p>The protocol states that "An applicant intending to undertake an activity identified in the scope of this protocol, on a site identified by the screening tool as being of "very high" or "high" sensitivity for terrestrial animal species must submit a Terrestrial Animal Species Specialist Assessment Report." If, however, where the information gathered from the site sensitivity verification differs from the screening tool designation of "very high" or "high", for terrestrial animal species</p>		<p>A Terrestrial Animal Species Compliance Statement and Terrestrial Animal Species Assessment has been undertaken. Please refer to Appendix G.</p>

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<p>sensitivity and it is found to be of a "low" sensitivity, then a <b>Terrestrial Animal Species Compliance Statement</b> must be submitted. Prior to the EIA process being undertaken, the EAP is required to provide this Directorate with any additional motivation to demonstrate that the correct level of assessment will be followed as per the relevant protocol requirements. However, if not further information / motivation is received, then based on the current SSVR a <i>Terrestrial Animal Species Specialist Assessment</i> must be undertaken by a specialist registered with the South African Council for Natural Scientific Professions (SACNASP) with a field of practice relevant to the taxonomic group ("taxa") for which the assessment is being undertaken. Furthermore, the Screening Tool Report (STR) lists species which names have been withheld as the species may be prone to harvesting and must be protected. As such you are required to e-mail SANBI to obtain the information. It is advised that the species' identity and location must remain unidentified in public documents in order to minimise the risk of illegal harvesting / poaching.</p>		
<p>(iii) <i>Aquatic Biodiversity Sensitivity (Very High Sensitivity)</i> It is also understood that an Aquatic Impact Assessment was commissioned prior to 9 May 2020 and as such, the report must comply with Appendix 6 of the NEMA EIA Regulations 2014.</p>		<p>As indicated in the Aquatic Impact Assessment (Appendix G):</p> <p>The following report has been prepared:</p> <ul style="list-style-type: none"> <li>• As per the requirements of Section 32 (3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) Environmental Impact Assessment</li> </ul>

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		<p>Regulations 2017 as per Government Notice No. 326 Government Gazette, 7 April 2017.</p> <ul style="list-style-type: none"> <li>• In accordance with Section 13: General Requirements for Environmental Assessment Practitioners (EAPs) and Specialists as well as per Appendix 6 of GNR 326 - Environmental Impact Assessment 2017 Regulations and the National Environmental Management Act, 1998.</li> <li>• With consideration to Cape Nature's standard requirements for biodiversity assessments.</li> <li>• In accordance with DEA&amp;DP's Guideline on Involving biodiversity specialists in the EIA process</li> <li>• Independently of influence or prejudice by any parties.</li> </ul>
<p>(iv) <i>Terrestrial Biodiversity Sensitivity (Very High Sensitivity)</i></p> <p>The STR states that the sensitivity in terms of terrestrial biodiversity is 'Very High' and the EAP does not refute this but only states that a specialist will be appointed to undertake an Animal Species Compliance Statement.</p> <p>The Protocol however states that if the site identified on the Screening tool as being very high sensitivity, a Terrestrial Biodiversity Specialist Assessment must be conducted. Prior to the EIA process being undertaken, the EAP is required to provide this Directorate with any additional motivation to demonstrate that the correct level of assessment will be followed as per the relevant protocol requirements.</p> <p>The assessment must be prepared by a specialist registered with the SACNASP with a</p>		<p>The Animal Species Assessment has been undertaken. Please refer to Appendix G</p>

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field of practice relevant to the field for which the assessment is being undertaken.		
<p>(v) <i>Archaeological and Cultural Heritage Sensitivity (Low Sensitivity)</i></p> <p>It is noted that a Notice of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) and they have provided comment that no further studies will be required.</p>		<p>Additionally a pile of rocks were found and a Heritage specialists was appointed to confirm if they were just rocks removed from the fields or graves, the outcome is that they are just rocks and not graves</p>
<p>i (vi) <i>Civil Aviation Sensitivity (High Sensitivity)</i></p> <p>It is noted that the Civil Aviation Theme has not been addressed in the SSVR. Therefore, considering that the sensitivity is given as high, due to the proximity of the airfield within 8km of it, a Civil Aviation Compliance Statement must be undertaken unless otherwise refuted by the EAP. Such motivation must be appended to the Draft BAR.</p> <p>Nonetheless; the EAP must consult the South African Civil Aviation Authority (% Ms. Lizell Strohl) at E-mail: Strohl@caa.co.za and / or Tel: (011) 545 1232 regarding the process to obtain comment from the aviation authority.</p>		<p>Logically the proposed gravel road will not pose any impacts to civil aviation, the cattle that roam the farm will be in closer proximity to any aircraft. None the less SACAA will be given an opportunity to comment on the BAR. No comments were received and it should therefore be accepted that the SACAA has no comments or requirements. This is however expected as the proposal is for a gravel road that will have no influence on Civil Aviation air space.</p>
<p>(vii) <i>Defence Sensitivity</i></p> <p>It is noted that the Screening Tool report has noted a low sensitivity for the Defence theme therefore no further assessment and mitigation measures are required in terms of the applicable Protocol published in Government Notice No. 320 of 20 March 2020.</p>		

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<p>(viii) <i>Palaeontology Sensitivity (Medium Sensitivity)</i> It is noted that a Notice of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) and they have provided comment that no further studies will be required.</p>		
<p>(ix) <i>Plant Species Theme (Medium Sensitivity)</i> It is noted that a vegetation assessment (Biodiversity Survey) was undertaken by Mark Berry Environmental Consultants (dated December 2019) prior to the relevant Protocol coming into effect. Notwithstanding this, the report must be updated to include the information contained in the Screening Tool Report. The Screening Tool Report (STR) lists species which names have been withheld as the species may be prone to harvesting and must be protected. A site inspection is to confirm the presence, likely presence or confirmed absence of a species of conservation concern (SCC). As such the specialist is required to consult SANBI to obtain the information. It is advised that the species' identity and location must remain unidentified in public documents in order to minimise the risk of illegal harvesting / poaching keep in mind that assessment must be prepared by a specialist registered with the SACNASP with a field of practice relevant to the taxonomic</p>		<p>The Report has been updated in accordance with this comment. Please refer to Appendix G</p>

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group ("taxa") for which the assessment is being undertaken.		
<p>3.2. <i>Other Specialist Studies identified in the Screening Tool Report</i></p> <p><i>(i) Landscape / Visual Impact Assessment</i> This Directorate agrees that a visual impact assessment would not be required due to the lack of visual receptors.</p> <p><i>(ii) Noise Impact Assessment</i>  This Directorate agrees that noise impacts will mainly result from the construction phase and in times of use (Emergencies). In addition, the site is located on a farm and as such there are no nearby noise receptors.</p> <p><i>(iii) Geotechnical Assessment</i>  It is noted that since the site is considered flat, there appears to be no risk of slope instability or slumping, the EAP is of the opinion that a Geotechnical assessment will not add any value to the EIA process and that this study will not be undertaken. This Directorate disagrees with this view and would like to advise that the engineers address the geotechnical aspects as a minimum in their report or provide input.</p>		Thank you for concurring with the Site Verification Report in this regard.
<p>4. <i>Public Participation Plan</i> This Directorate has reviewed the PP-plan and <b>agrees</b> to the proposed actions to conduct</p>		please note in terms of 7.2 of the CIRCULAR: DEA&DP NO. 0005/2022, the requirement for the submission of a PPP plan has been withdrawn.

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<p>the public participation process as contained therein, <b>subject to the following:</b></p> <p>The following detail which is lacking must be submitted to this Directorate prior to proceeding with the public participation process:</p> <p>✦ The PP-plan must contain a preliminary register with a list of I&amp;APs which have been identified. It is noted that this has been done, however, the information has not been provided submitted so comment cannot be provided on this information.</p> <p>✦ The PP Plan must describe how the Protection of Personal Information Act (POPIA) will be taken into account when notifying I&amp;APs, obtaining personal information, addresses, comments in the Comments and Responses Report and /or making their details available during the EIA process, Appeal Process and Post -decision phase.</p>		<p>All PPP does however comply with Regulation 41(2) of the NEMA EIA Regulations.</p>
<p><i>5. Guidelines</i></p> <p>When undertaking the EIA process, you must take into account applicable guidelines, including the guidelines developed by this Department. In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:</p> <ul style="list-style-type: none"> <li>• Guideline for determining the scope of specialist involvement in EIA processes, June 2005.</li> <li>• Guideline for the Review of Specialist Input in the EIA process (June 2005);</li> </ul>		<p>The list of Guidelines taken into account are found in Section C (5) of the BAR.</p>

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<ul style="list-style-type: none"> <li>• Guideline for involving biodiversity specialists in the EIA process, June 2005.</li> <li>• Guideline for Environmental Management Plans (June 2005);</li> <li>• Guideline on Alternatives (March 2013).</li> <li>• Guideline on Need and Desirability (March 2013).</li> </ul>		
<p>6. <i>Need &amp; Desirability</i> In terms of the NEMA EIA Regulations, when considering an application, the Department must take into account a number of specific considerations including inter alia the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department's Guideline on Need and Desirability (March 2013).</p>		<p>A separate and concise Appendix K was attached to the BAR which address the Need and Desirability.</p>
<p>7. Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.</p> <p>8. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") for a person to commence with a</p>		

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<p>listed activity unless the Department has granted an environmental authorisation for the undertaking of the activity. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.</p> <p>9. The Department reserves the right to revise initial comments and request further information based on the information received.</p>		
<p>1. The abovementioned documents dated 25 May 2021 received by this Department electronically on 30 May 2022, refers.</p> <p>2. This letter serves as an acknowledgment of receipt of the aforementioned document by the Competent Authority.</p> <p>3. In accordance with Regulation 3 of the Environmental Impact Assessment Regulations, 2014 (as amended) and the reckoning of days, please be reminded that any public participation process must be conducted for a period of at least 30 days.</p> <p>Furthermore, where a prescribed timeframe is affected by one or more public holidays, the timeframe must be</p>	<p>31 May 2022</p> <p>Department of Environmental Affairs and Development Planning</p> <p>Jessica Christie</p>	<p>Thank you for your acknowledgment.</p> <p>The public holiday during the PPP was overlooked, a notification was sent out the same day notifying the I&amp;AP's of this and that the final day for submission of comments was extended by another day till 30 June 2022.</p>

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<p>extended by the number of public holiday days falling within that timeframe.</p> <p>From the e-mail notice received on 30 May 2022, it is noted that the "Draft BAR is now available for commenting till 29 June 2022". As such, the 16th of June is a Public Holiday which falls within the proposed commenting period. Therefore, the comment period must be extended by one day to ensure that a full 30-day commenting period is provided. The correct end-date is reckoned to be 30 June 2022.</p> <p>4. In light of the above, the EAP must notify all other registered I&amp;APs of the correct date the 30-day commenting period should end, namely 30 June 2022. This Directorate will provide comment on the documents by 30 June 2022.</p> <p>If any other notices have been issued with the incorrect end-date for the comment period for the draft BAR, these too must be corrected.</p> <p>5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.</p> <p>6. The Department reserves the right to revise initial comments and request further</p>		
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information from you based on any new or revised information received.		
<p>The proposed alignment of the road is part of the Road Master Planning for Mossel Bay Municipality. The alignment is therefore in line with the MSDF and spatial planning for the Dannabaai area.</p> 	<p>15 June 2022</p> <p>Jaco Roux</p> <p>Mossel Bay Municipality Town Planner</p>	<p>Thank you for confirming that the proposed in line with the MSDF and spatial planning for the Dana Bay area.</p>
<p>The Breede-Gouritz Catchment Management Agency (BGCMA) has received the email correspondence on 30 May 2022 and has the following comments:</p> <p>1. Please note that the water use application process for this application is in progress and further assessment will be done once all the information is provided. All comments and response related to water use activities shall be made</p>	<p>27 June</p> <p>Rudzani Makahane</p> <p>Breede Gouritz Catchment Management Agency</p>	<p>Thank you for confirming that the water use application process for this application is in progress. The application was submitted on 22 August 2022.</p>

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available to the BGCMA for consideration during decision making stage.		
2. The mitigation measures for the protection of water resources as recommended by the freshwater specialist might be adhere to.		Mitigation measure recommended by the freshwater specialist are included into the draft EMPr where applicable.
<p>General comments</p> <ul style="list-style-type: none"> <li>• No water must be taken from a water resource for any purpose without authorisation from the National Water Act, 1998 (Act 36 of 1998).</li> <li>• No waste or water containing waste may be disposed of without authorisation from the National Water Act, 1998 (Act 36 of 1998).</li> <li>• All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.</li> <li>• Stormwater management must be addressed both in terms of flooding, erosion and pollution potential.</li> </ul>		SUDS will be applied to the stormwater management of the proposed gravel road.
<p>1. The abovementioned document dated 25 May 2022 received by this Directorate on 30 May 2022, refers.</p> <p>2. General Requirements for a Basic Assessment Report</p> <p>The Draft BAR as submitted to this Directorate does not comply with</p>	<p>30 June 2022</p> <p>Jessica Christie</p> <p>Department of Environmental Affairs and Development Planning</p>	

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Regulation 19(3) of the NEMA EIA Regulations 2014 (GN No. 982 of 4 December 2014, as amended 7 April 2017) as the DBAR does not comply with Appendix 1 of said regulation. The above determination is supported by inter alia the aspects highlighted below:		
<p>2.1. Aquatic Habitat Impact Assessment Report</p> <p>It is noted in this report that a Water Use License (WULA) must be obtained due to the risk assessment done. However, there is no indication that an application has been initiated to date. Please be advised of the required synchronisation between the EIA process and the Water Use License Application ("WULA") process is required. Proof that the WULA process has been commenced with and that the two processes are aligned must be included in the Final Basic Assessment Report as none has been included in the draft report.</p>		<p>Please note BGCMA's comment dated 27 June 2022 which indicates that the water use application process for this application is in progress.</p> <p>Proof of the EWULA submission on 22 August 2022 and the acknowledgment of the submission is attached as Appendix E.</p>
<p>2.2. Botanical Assessment Report</p> <p>In this report the specialist has described the proposed project as "Due to fire safety risks associated with having only one access road into Dana Bay and due to peak hour congestion, Mossel Bay Municipality proposes to construct an additional access road on the north-</p>		<p>As indicated in the BAR, Section B (3.4)</p> <p>"Since the NOI, the preferred Alternative has changed from that of a tarred road to that of a gravel road. The preferred Alternative A will only be an emergency road with locked gates at each end. This Alternative was developed due to the findings of the TIA which highlighted the need for a large diamond interchange. This will drastically drive the cost of the</p>

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<p>western side of Dana Bay, which will essentially extend Flora Road across the remainder of Portion 7 of Farm 225 and junction with the N2 opposite the existing R327 (Herbertsdale Rd) junction." The DBAR however states that it is just for emergency access. Clarity is required.</p> <p>It is written in the methodology that Species listed as Vulnerable were mapped, however, this is not indicated on a map nor in the DBAR. Furthermore, it is unclear why the Sensitive species name has not been made known to this Department. This Department needs to know what these species are. The reports to the public domain may have the name withheld.</p> <p>The impact assessment does not assess the clearance of the vegetation as the extent would be permanent and irreversible. Furthermore, the mitigation measure identified for the impact on the biodiversity network is to investigate speed control measures through the section of road through the CBA as well as fencing and underpasses for fauna, is not clearly understood and whether this is acceptable and practical for the Mossel Bay Municipality.</p>		<p>project up, therefore a gravel road only used in times of emergencies negates the need for a large intersection."</p> <p>The specialist undertook the assessment when the initial alternative of a tared road and second entrance to Dana Bay was proposed however as indicated above the ramifications of junctioning a tarred road onto the N2 exceeds the budget allocated for the proposal. As the new preferred alternative, a gravel road on the same initially proposed route, will have a relatively smaller impact on the biophysical aspects. Additionally, the findings of the Vegetation specialists did not reveal any fatal flaws or high significance impacts, even with the larger initial proposal it was deemed unnecessary to revise the specialist report to that extent as it still covers what is required, and more, in regard to what is proposed.</p> <p>However it has also since been verbally communicated to SES that the southern section of the road which has an existing track needs to be included into the BAR and as such the vegetation report has been revised to include this section of the road.</p>
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<p>2.3. Animal Species Compliance Statement</p> <p>On comment issued on the Site Sensitivity Verification Report, it was written that the theme requires an assessment as contained within the protocol. In the Animal Species Compliance Statement, the specialist has recommended that an Animal Species Environmental Impact Assessment be undertaken with specific focus on the invertebrate SCC's since some were noted. Clarity is required why a Terrestrial Animal Species Specialist Assessment was not done.</p> <p>It is unclear why the Sensitive species name has not been made known to this Department. This Department needs to know what these species are. The reports to the public domain may have the name withheld.</p>		<p>A Terrestrial Animal Species Specialist Assessment was undertaken, refer to Appendix G.</p> <p>The sensitive species names cannot be made public and as such they will be submitted with the final BAR which is not made public.</p> <p>If your Department requires the names of these species before the submission of the Final BAR please make such a request via email to the EAP so that SANBI, who provided us with such information and recorded the details of the EAP that requested the information can also be notified of your request and then also record the details of the person we will be sharing the names of the sensitive species with so that we are not held responsible for sharing such information without permission to do so.</p>
<p>3. Alternatives</p> <p>It is clear from the report that no other alternatives were investigated. It is noted that for future growth purposes in the Dana Bay area, that in the event that this alternate access, which is indicated as for emergency purposes only, would serve as a primary or secondary access to the area, various road improvements would be required. It is not understood why this</p>		<p>Alternative B was the preferred Alternative when the BAR was in Pre-Application Phase. However as mentioned in the BAR Alternative B was deemed not viable and as such was not included as an option for approval. Reference is however made to Alternative B to highlight how Alternative A was derived.</p> <p>In short, there is an existing road (Flora Road) which leads up to the property boundary. This section of road is located ideally for the purpose of the proposal. It already leads through the Fynbos section north of Dana Bay and as such a new path of</p>

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<p>option is not assessed as an alternative as it is mentioned as Alternative B but not assessed.</p>		<p>disturbance is not required and vegetation clearance for the upgrading of that section of road will result in the least amount of vegetation loss. Then the path through the property leaves very little “wiggle” room, the route misses the two larger wetland features and impacts a small depression wetland that was deemed to not serve much purpose by the Freshwater Specialist. Due to road legislation/SANRAL requirements the junction of the proposed road must align with the existing junction (R327). The shortest distance and therefore the least amount of area required for the proposal is the straightest route between these two limiting points of junction in the north and the south of the site.</p> <p>The revised Draft BAR has been updated to include the Impacts associated with Alternative B, the non-viable Tarred Road and Alternative C, the No-Go Alternative.</p>
<p>4. Need &amp; Desirability It is noted that a 20-metre-wide road reserve is proposed. It is not understood why such a road reserve would be required if the gravel road is only 6 metres wide. Furthermore, the Botanical Assessment states that the road will be 8.8metres wide. Kindly clarify the discrepancy in the width of the road. Also, the need to clear a 15-metre strip of vegetation needs to be justified to</p>		<p>The Botanical report has been updated.</p> <p>According to the Engineer, the original design was for a second access to Dana Bay. With this, the road reserve was set on 20m as it can then be used in future for the correct road classification.</p> <p>The municipality after discussions then decided only to have an emergency access road. If they need to upgrade the road in the future to a permanent access road, the road reserve will be correct. At present they need to expropriate the land and are therefore doing it for 20m once off.</p>

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construct the gravel road needs to be justified.		The proposed 20m road reserve is therefore taking into consideration the future growth of Dana Bay and the future possibility of upgrading the road to accommodate this growth. Current funding however does not allow for this scenario and as such will only be considered and the necessary investigations and approvals obtain when or if this is required.
5. General Kindly take note of the requirement on page 13 of the DBAR which requires "map indicating the co-ordinates for every 100m along the route must be attached to the BAR as Appendix A3."		Thank you for Highlighting this point, such a map has been attached to the BAR as Appendix A3.
6. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an environmental authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10		The applicant is aware of this aspect.

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<p>million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>7. The Department reserves the right to revise initial comments and request further information based on the information received.</p>		
<p>CapeNature would like to thank you for the opportunity to review the above application. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.</p> <p>CapeNature provided initial comments during the pre-application draft basic assessment report. Following a review of the dBAR and specialist reports CapeNature wishes to make the following additional comments:</p> <p>The botanical specialist listed the season of sampling as a limitation to the study. No plants Species of Conservation Concern was recorded, but regional endemic plants such as <i>Protea lanceolata</i> and <i>Bobartia robusta</i> were recorded on site. The specialist has determined a suitable location for the bulbs that will be searched-and-rescued. The micro-climate should also be suitable for the species. The season should also be considered to give the plants an adequate chance to re-establish. Extreme caution should be applied during the relocation of the plants to ensure they are not damaged. Furthermore, it is important to</p>	<p>Cape Nature</p> <p>Megan Simons</p> <p>5 July 2022</p>	<p>The requirement for search and rescue has been included into the EMPr in addition to the requirement to exclude livestock for the recovering areas for a period. It is also requested in the BAR that this be a condition of Environmental Authorisation.</p>

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exclude livestock for a period to allow the species to re-establish.		
A rehabilitation plan can be drafted by a qualified specialist to outline the ecological functioning of the rescued plants and their success. The rehabilitation plan must have a monitoring programme to determine if the protection measures are achieving their objectives and to report on the success and challenges.		It has been requested that as a condition of EA that a rehabilitation plan be submitted to the DEADP for approval prior to the commencement of the construction phase.
The impact of the proposed activity might not have a significant impact on vegetation alone, as concluded in the botanical report. However, in the Animal Species Compliance Statement the specialist concluded the impact on listed SCC would be high. This was determined after the EN butterfly species and VU grasshopper species was found. The animal assessment was done outside the flight season, which was mentioned by the specialist. Thus, the removal of the vegetation would have a Medium to High impact on these species and we agree with the recommendation for an Animal Species Environmental Impact Assessment.		An Animal Species Environmental Impact Assessment was undertaken (Appendix G) at the correct time of year and the findings are that of a low impact.
The east-west corridor, which is within CBA, is important for connectivity and must remain intact. The botanical specialist mentioned the functionality of the CBA corridor might be impacted by the proposed activity. CapeNature would like to remind the applicant that the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017) <sup>1</sup> has specific guidelines regarding CBA/ESA loss, their sensitivity and conservation objectives. Thus, the proposed activity especially the development layout should be guided by those		The proposed layout is limited in the possibility of extensive alternatives. In the north, the junction with the N2 National Road has to be at that proposed point due to SANRAL safety requires that the junction has to be opposite to the existing junction and that a staggered junction is not permitted. In the south the existing track road that will be upgraded, will limit the disturbance of vegetation as there is an existing footprint to expand on and connect the N2 to. Additionally the more direct the route is between these two points will limit the area needed for the

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<p>objectives to conserve and protect the CBAs/ESAs (Pool-Stanvliet et al. 2017).</p>		<p>proposal and therefore minimize the clearance associated therewith.</p> <p>According to the vegetation report:  <i>"The potential impact of the road on vegetation type per se is of a lesser concern than the impact on the east-west biodiversity (CBA) corridor at the southern end of the route. The only practical mitigation measure that can be considered to lessen the impact would be to investigate speed control measures along the section of the road through the CBA, as well as fencing and a few underpasses (e.g. large box culverts) for fauna to move safely across the road. This impact can unfortunately not be avoided by means of rerouting the access road. With current information in hand, the value of the northern patchy CBA is questionable and probably of a lesser concern than the southern CBA corridor. It is recommended that the affected bulbs (and succulents) here be searched and rescued and replanted in the adjacent fallow land area."</i></p> <p>This extract of the vegetation report was extracted prior to the final revision of the report and was written when the proposed road was still proposed to be a permanent tarred access point. The new Preferred Alternative A which is now a proposed gravel road only used in times of emergency now alleviates some of the impact on the CBA as fauna will be able to traverse the road without the potential to be run over by cars, the fencing installed either side of the road will also be fauna friendly allowing for easy movements across the road.</p>
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		<p>Additionally, and due to the fact that the CBA is a Terrestrial CBA a Terrestrial Biodiversity Compliance Statement was compiled, which recommended a Terrestrial Biodiversity Impact Assessment. The findings thereof can be seen in the Report (Appendix G), however the report concludes that: “<i>The proposed access road development is unlikely to generate significant negative impacts on any of the invertebrate SCC flagged for this project once mitigation is followed. It is the specialist’s opinion that the proposed development will have an overall low significance on the four invertebrate SCC and therefore the proposed development can be approved in terms of the specific theme of this terrestrial animal species assessment.</i>”</p> <p>The proposal is therefore within reasonable impact levels and should be approved for the safety of the Dana Bay residents.</p>
<p>In terms of the protected tree species the botanical specialist only recorded <i>Pittosporum viridiflorum</i> during his assessment and no <i>Sideroxylon inerme</i> were recorded. Whereas the animal specialist only recorded <i>S.inerme</i> during his assessment. Thus, we do remind the applicant to obtained comments from the Department of Forestry, Fisheries and Environment regarding the extent and any impact on the Indigenous Forest vegetation at site. A NFA licence for the removal, disturbance and / or the transplant of indigenous protected tree species<sup>2</sup> will be required from the DFFE. CapeNature will not object to the findings\recommendations as DFFE is a custodian of forestry resources in South</p>		<p><i>Pittosporum viridiflorum</i> appear vastly similar to <i>Sideroxylon inerme</i>, for confirmation of botanical aspects refer to the Botanical Report.</p> <p>The department of Forestry will be offered the opportunity to comment. The Vegetation report however does note that: “<i>A few Pittosporum viridiflorum trees, a protected tree species in terms of the National Forests Act (Act 84 of 1998), were recorded in the fynbos in close proximity to the proposed road. No milkwoods (Sideroxylon inerme), another protected tree species common in the area,</i></p>

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<p>Africa. Mitigation should be proposed if an accident occurs on site during construction to protect the forest vegetation.</p>		<p><i>were recorded. The removal of these trees requires a permit from the Department of Forestry."</i></p> <p>Some of these protected species may be affected by the proposal however, if the tree needs to be removed the necessary procedure will be followed to obtain a permit for its removal from the department of Forestry.</p>
<p>Eradication of invasive alien plant species are of high priority. Alien plant species that occur outside of the development footprint must be cleared during the alien clearing phase. In this way, more alien plant species can be removed. The removal of alien and invasive species must be continuous, and removal of invasive alien plant species should be compliant with the National Environmental Management: Biodiversity Act (Act No.10 of 2004)</p>		<p>The eradication of alien species outside of the development footprint remains the responsibility of the landowner, the applicant is not the landowner in this case.</p>
<p>All stormwater runoff within the development area must be managed in a manner as to minimise or prevent erosion. Areas susceptible to erosion must be protected by installing the necessary temporary structures.</p>		<p>Stormwater runoff during the construction phase will be managed in accordance with the EMPr.</p>
<p>Waste generated must be stored on site until it is removed to a registered facility. Implement the integrated waste management approach that addresses waste avoidance, reduction, re-use, recycling, recovery, treatment, and safe disposal as a last resort.</p>		<p>No waste is expected to be generated on site during the construction phase as the proposal is that of a gravel road and as such all material are natural in nature.</p>
<p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>		<p>Thank you for your comments</p>