



**REFERENCE:** 16/3/3/6/7/1/D7/10/0125/23  
**ENQUIRIES:** Dorien Werth  
**DATE:** **04 September 2023**

Western Cape Government (WCG)  
Department of Infrastructure: Transport infrastructure Branch  
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**Attention: Mr Azni November**

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**COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (BAR) FOR THE PROPOSED STRETHENING OF THE TR75/1 (TRUNK ROAD/N12-HIGHWAY) NEAR OUDTSHOORN, OUDTSHOORN LOCAL MUNICIPALITY, GARDEN ROUTE DISTRICT MUNICIPALITY**

1. The abovementioned document received by the Directorate: Development Management (Region 3), hereinafter referred to as "this Directorate" via electronic mail on 28 July 2023 refers.
2. It is understood that the proposal entails the rehabilitation of a portion of the road TR75/1, which is located near Oudtshoorn. The portion under consideration stretches for approximately 14.9km (starting in Oudtshoorn). The rehabilitation works will include the widening of existing cut and fill slopes at select locations. This will require the reconstruction of the existing pavement, subbase and base layers and a new surfacing seal. The road will be widened at selected locations and will also include the construction of auxiliary lanes at selected locations. The works will also include the rehabilitation of selected accesses to main and minor farm portions, as applicable. Further to these works, the maintenance of existing minor culvert inlet and outlet structures will be undertaken and will require the widening or raising head and wing walls of the major culverts where required. General maintenance to the major culverts will include the repair of the cracks which have developed in the culverts and the scouring which has occurred. Specific to the road B4691 over the Olifants River including repair of honeycombing in the concrete and the replacement of bridge joints. Residual works associated with the project will include the construction of concrete lined drains, the installation of road signs, the painting of road markings, the installation of guardrails and the installation of fencing, including the clearing of vegetation along the fence line.
3. This Directorate has reviewed the Pre-application draft BAR and comments as follows:
  - 3.1. Public Participation Plan
    - It is noted that Heritage Western Cape ("HWC") was included in the register of interested and affected parties, please ensure to obtain final comments for HWC and submit these comments as part of the Basic Assessment Report.

### 3.2. Botanical Assessment

- Based on the Botanical Assessment it is noted that there are a few highly sensitive strips next to the road and any potential impacts in these areas should be avoided or minimized. The Basic Assessment Report should be specific and clearly indicate the measures that will be implemented to avoid or minimize any potential impacts in these areas.

### 3.3. Alternatives

- According to the design and layout alternatives investigated it is noted that the current road is Class 3, with a portion (between km 29.44 and 31.22) classified as Class 1. As a design alternative that holds relevance to the proposed project the establishment of various road classes (Class 1, 2 or 3) throughout the length of the project was investigated. Please elaborate more as to what the design alternative entails.
- Also be advised that in terms of NEMA the investigation of alternatives is mandatory. The consideration of alternatives is not limited to site alternatives, but include layout alternatives, design, activity, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (i.o.w. the "no-go" option) in addition to other alternatives identified. **It is therefore required that at least one alternative along with the preferred and the no-go must be considered.**

3.4. The Notice of Intent ("NOI") indicated that the proposed development requires a water use license or a general authorisation in terms of the National Water Act, 1998. However, the pre-app BAR is silent about this requirement. Please provide clarity in this regard and whether a water use license is still required.

3.5. Further to the above, should a water use license be required, please note it is now a requirement to synchronise the EIA and WULA processes in order to ensure that both processes are duly informed by one another. You are also reminded that the duty of the Environmental Assessment Practitioner ("EAP") is to take note of the timeframes and synchronise the two processes. Failure to give effect to the one environmental system may prejudice the success of the application. This Directorate will require a final recommendation from the Breede-Olifants-Catchment Management Agency ("BOCMA"), which indicates whether there are any reasons why a WULA cannot be issued for the proposed development. This information will assist this Directorate to make an informed decision on the development proposal.

3.6. It is also noted from Appendix G5 that this Directorate's concern regarding the stability of slopes along the proposed route has been resolved and that no detailed specialist geotechnical investigation is required.

3.7. Further be reminded that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application, which may be submitted to the Department.

3.8. No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indicator or confirmation:

- that additional information or documents will not be requested
- of the outcome of the application.

## General

4. **Note:** This Directorate has created a generic e-mail address to centralise its administration within the component (i.e. notifying clients of decisions and receiving EIA applications, Notice of Intent form; request for fee reference numbers, etc.) Please make use of the new e-mail address too when submitting such documents:

[DEADPEIAAdmin.George@westerncape.gov.za](mailto:DEADPEIAAdmin.George@westerncape.gov.za)

5. Kindly note that this Directorate requires that when the final BAR is submitted, one (1) electronic version of the document be submitted to the Directorate for consideration. Hard copies of the document are no longer required but must be made available upon request.
6. Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.
7. Also note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
8. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any new or revised information received.

Yours faithfully

pp \_\_\_\_\_  
**HEAD OF DEPARTMENT**  
**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

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