

REFERENCE: 16/3/3/6/7/1/A1/41/3084/25

DATE: 11 JUNE 2025

Head of Department
Western Cape Government: Infrastructure
Private Bag X9185
CAPE TOWN
8001

For Attention: Ms. Louise Buys

Tel.: (021) 483 0537

Email: Louise.Buys@westerncape.gov.za

Dear Sir

COMMENTS ON THE NOTICE OF INTENT ("NOI") TO SUBMIT AN APPLICATION FORM FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED DEVELOPMENT OF THE N7 NATIONAL ROAD VISSERHOK WEIGHBRIDGE ON THE FARM VISSERSHOK NO. 153, THE FARM MORNING 25/141 AND A PORTION OF THE FARM MORNINGSTAR RE/141, OUTSPAN (C1038: UPGRADING OF TR11/1), CAPE TOWN

1. The Notice of Intent ("NOI") form and supporting documentation, received by this Directorate via electronic mail correspondence on 9 May 2025, and this Directorate's acknowledgement thereof (dated 19 May 2025), refer.
2. This serves to acknowledge receipt of the NOI and supporting documentation by this Directorate.
3. Based on the information provided by you, the following is noted:
 - 3.1. The proposed development entails the relocation of the weighbridge located on a Portion of Farm Vissershok Outspan No. 153 and sections of the weighbridge such as slipway roads are located on the Farm Morning 25/141 and a portion of the Farm Morningstar RE/141, Cape Town.
 - 3.2. The existing weighbridge will be demolished, and the site will be rehabilitated. The proposed new Vissershok weighbridge will be located approximately 600m north of the existing weighbridge.
 - 3.3. The proposed development will comprise of the main weighbridge structure, a services building, offices and parking areas, fencing and relevant service connections such as water, sewer and electricity infrastructure and connecting slipway roads, and the weigh-in-motion station along the southbound corridor of the N7 National Road.
 - 3.4. The site is currently zoned Agricultural and Transport 2 and located both inside and outside the Urban area.

4. Landowner Consent

It is noted that there is more than one landowner for the properties that make up the proposed site. Therefore, please ensure that all relevant landowners are notified of the proposed development and landowner consent forms signed by the landowners are appended to pre-application- and the formal EIA forms and reports.

5. Listed Activities

- 5.1. This Directorate has reviewed the information contained in the NOI and hereby confirms that Listed Activities 27 and 56 of Listing Notice 1 and Listed Activities 12 and 18 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) are applicable to the development proposal.
- 5.2. You are hereby advised that only those Listed Activities applied for in terms of the EIA Regulations, 2014 (as amended) will be considered for authorisation.
- 5.3. The onus is on the proponent to ensure that the above applicable Listed Activities are applied for and assessed, as part of the pre-application and the formal EIA application processes. Failure to include any applicable Listed Activity may invalidate the application.

6. Heritage Resources

- 6.1. It is noted that the development proposal may trigger Section 38(1) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA").
- 6.2. A Notice of Intent to Develop ("NID") must be submitted to Heritage Western Cape ("HWC"). A copy of the NID must be appended to the pre-application BAR submitted to this Directorate.
- 6.3. The Record of Decision ("RoD") from Heritage Western Cape must be appended to the final report submitted for decision-making.

7. Screening Tool Report, the Protocols, Site Sensitivity Verification Report and Specialist Assessment

7.1. Screening Tool Report

- 7.1.1. This Directorate notes that the Screening Tool Report (dated 8 May 2025) has identified a number of specialist studies to be conducted. A motivation as to why certain specialist studies highlighted in the Screening Report will/will not be conducted has been provided.
- 7.1.2. The following specialist assessments were identified in the Screening Tool Report (dated 8 May 2025):
 - 7.1.2.1. An Agricultural Impact Assessment;
 - 7.1.2.2. An Archaeological and Cultural Heritage Impact Assessment;
 - 7.1.2.3. A Paleontological Impact Assessment;
 - 7.1.2.4. A Terrestrial Biodiversity Impact Assessment;
 - 7.1.2.5. An Aquatic Biodiversity Impact Assessment;
 - 7.1.2.6. A Hydrological Assessment;
 - 7.1.2.7. A Noise Impact Assessment;
 - 7.1.2.8. A Traffic Impact Assessment;
 - 7.1.2.9. A Geotechnical Assessment;
 - 7.1.2.10. A Socio-Economic Impact Assessment;
 - 7.1.2.11. A Plant Species Assessment; and
 - 7.1.2.12. An Animal Species Impact Assessment.

7.2. The Protocols

- 7.2.1. The “Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation” (“the Protocols”) were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and the Protocols are applicable to your development proposal.
- 7.2.2. Be advised that **the Protocols must be complied with for every new application that is submitted after 9 May 2020**. Specialist studies/compliance statements conducted during the pre-application phase must meet the requirements of the Protocols by the time the draft report is submitted to the Competent Authority.

7.3. Site Sensitivity Verification Report (dated May 2025) and Specialist Assessments

- 7.3.1. According to the Protocols, before commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool must be confirmed by undertaking Site Sensitivity Verification (“SSV”). This Directorate notes that the outcome of the SSV Report has been recorded submitted with the NOI form.
- 7.3.2. The motivation for not conducting certain specialist studies, as identified in the Screening Tool Report is noted.
- 7.3.3. Please be advised that the Terrestrial Biodiversity Impact Assessment Report, must meet the requirements of the Protocols in terms of the Terrestrial Biodiversity Theme.
- 7.3.4. The Archaeological and Cultural Heritage Impact Assessment must meet the requirements of Appendix 6 of the EIA Regulations 2014 (as amended) and any requirements stipulated by HWC.
- 7.3.5. Since you have indicated that the site sensitivity rating in terms of the Animal Species and Plant Species Themes, should be “low”, and the Agricultural themes should be “medium”, Compliance Statements, which meets the requirements of the applicable Protocols, must be provided.
- 7.3.6. A Landscape/Visual Assessment and the Paleontological Impact Assessment will be determined by HWC. A Notice of Intent to Develop (“NID”) application must be submitted to HWC in terms of Section 38(8) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). This Directorate awaits the comment from HWC to confirm whether the said specialist studies will be required.
- 7.3.7. Please note that should any authority that have jurisdiction in respect of any aspect of the proposed development request that further specialist studies be conducted, and where the request is supported by this Directorate, this must take precedence.

8. Process

- 8.1. A Basic Assessment process must be followed in order to apply for Environmental Authorisation.
- 8.2. Please ensure the BAR contain all information requirements outlined in Appendix 1 of the EIA Regulations, 2014 (as amended) for the requirements with respect to the ‘Content of basic assessment reports’. You are advised that when undertaking the Basic Assessment process, you must take into account the Department’s Circular EADP 0028/2014 on the “One Environmental Management System” and the EIA Regulations, 2014 (as amended) as well as any other Guidelines developed by the Department.

8.3. The Department's Guidelines can be downloaded from the Department's website: www.westerncape.gov.za/eadp. In particular, the guidelines that may be applicable to the development proposal include, *inter alia*, the following:

- 8.3.1. Guideline for Environmental Management Plans (June 2005)
- 8.3.2. Guideline on Public Participation (March 2013)
- 8.3.3. Guideline on Alternatives (March 2013)
- 8.3.4. Guideline on Need and Desirability (March 2013)

9. Public Participation

9.1. A Public Participation Process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken.

9.2. The pre-application BAR must be made available to the Interested and Affected Parties ("I&APs"), including all the relevant State Departments that administer laws relating to a matter affecting the environment, for comment for a minimum period of thirty (30) days.

9.3. In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State early in the pre-application and formal EIA processes to solicit their inputs on any of their requirements to be addressed in the pre-application and formal EIA processes. Please note that this does not replace the requirement of making the pre-application and formal BAR available to State Departments/Organs of State as stipulated above.

9.4. This Directorate herewith provides the following additional comments with respect to the PPP:

9.4.1. Your attention is drawn to Circular 0027 of 2021 regarding the electronic administration of EIA applications. The Directorate: Development Management (Region 1 and 2) will continue with the electronic submission of correspondence and has for this reason established a dedicated e-mail address for the submission of all correspondence to the Directorates. For the Cape Town office, the e-mail address is DEADPEIAAdmin@westerncape.gov.za.

9.4.2. This new electronic means of working is effective from 1 February 2022 and all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to the aforementioned email address.

9.4.3. Please ensure that where electronic copies cannot be accessed by I&APs, alternative access to copies of the pre-application- and application BARs are made available.

9.4.4. E-mail notification to I&APs is strongly supported. However, other means of notification for those I&APs will be required, where no e-mail addresses are available, or where the likelihood of success of this electronic correspondence is expected to be low.

9.4.5. Where I&APs are unable to access electronic copies of the pre-application and/or application BARs, a hard copy of the report must be made available. Alternatively, the EAP will be required to engage with I&APs, with respect to alternative methods of accessing electronic copies of the pre-application and/or application BARs.

9.5. The following State Departments/Organs of State must be consulted during the pre-application and EIA processes:

9.5.1. Eskom;

9.5.2. CapeNature;

- 9.5.3. Heritage Western Cape;
- 9.5.4. Relevant Departments within the City of Cape Town;
- 9.5.5. South African Civil Aviation Authority;
- 9.5.6. South African National Roads Agency;
- 9.5.7. Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Pollution and Chemicals Management;
- 9.5.8. Western Cape Government: Agriculture;
- 9.5.9. Western Cape Government: Infrastructure;
- 9.5.10. DEA&DP Directorate: Pollution and Chemicals Management;
- 9.5.11. Western Cape Government: Agriculture; and
- 9.5.12. The National Department of Water and Sanitation.

10. Environmental Management Programme ("EMPr")

- 10.1. In accordance with Section 24N of the NEMA and Regulation 19 of the EIA Regulations, 2014 (as amended), the Department hereby requires the submission of an Environmental Management Programme ("EMPr").
- 10.2. The contents of such an EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended).
- 10.3. The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing).
- 10.4. The EMPr must be submitted together with the pre-application BAR. When compiling the EMPr, the Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website must be considered as well as Appendix 4 of the EIA Regulations, 2014 (as amended).

11. Need and Desirability

- 11.1. In terms of the NEMA and the EIA Regulations, 2014 (as amended), 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 project. As such, the need for and desirability of the proposed activity must be considered and reported on in the pre-application BAR.
- 11.2. The pre-application 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).

12. Alternatives

- 12.1. Please be advised that in terms of the NEMA and EIA Regulations, 2014 (as amended), the investigation of alternatives is mandatory. All alternatives identified must be determined to be feasible and reasonable. In this regard it must be noted that the Department may grant Environmental Authorisation for an alternative as if the alternative had been applied for, or may grant Environmental Authorisation for the proposed project in respect of all or part of the activities applied for in the application as specified in Regulation 20 of the EIA

Regulations, 2014 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives.

12.2. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (i.e., the “No-Go” option) in addition to other alternatives identified. Every pre-application and formal EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after identified alternatives have been investigated, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is proof of the investigations undertaken, and motivation for there being no reasonable or feasible alternatives other than the preferred option and the “No-Go” option.

13. Project Schedule

Your Project Schedule, submitted together with the NOI, is noted. You are required to include the Appeal Period for the formal EIA process.

14. NEMA Principles

In addition to the above, you must clearly show how the proposed project complies with the principles contained in Section 2 of the NEMA and must show how the proposed project meets the requirements of sustainable development.

15. Climate Change

15.1. The pre-application- and application BARs must report on the potential impacts on climate change. One of the objectives of the Western Cape Provincial Spatial Development Framework published by this Department is to minimise the consumption of scarce environmental resources such as water, fuel, building materials, mineral resources, electricity, and land. To this effect and as part of the efforts to reduce the effects of climate change, you must, as part of the EIA process, identify energy efficient technologies (e.g., the use of low voltage or compact fluorescent lights instead of incandescent globes, maximising the use of solar heating, etc.) that could be implemented for the proposed development.

15.2. Considering that South Africa is a water scarce country and that many catchments in the Western Cape are already water stressed, you must also consider implementing the use of water saving devices and technologies (e.g., dual flush toilets, low-flow shower heads and taps, etc.) for the proposed development.

16. General

16.1. You are hereby advised that the pre-application BAR must contain all the information outlined in Appendix 1 of the EIA Regulations, 2014 (as amended), and must also include the information requested in this letter. Omission of any of the said information may result in the refusal of Environmental Authorisation.

16.2. Please note 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. No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation that additional information or documents will not be requested, or of the outcome of an application.

- 16.3. Kindly ensure that the pre-application BAR is submitted as a standalone document, separate to the accompanying appendices, and ensure that each one of the appendices is saved separately (in PDF format and not scanned).
17. It is prohibited in terms of the NEMA to commence with a Listed Activity without a relevant Environmental Authorisation from the Competent Authority. Non-compliance in terms of the prohibition must be referred to the Environmental Law Enforcement Directorate of the Department for possible prosecution. The penalty for a person convicted of an offence in terms of the above is a fine not exceeding R10 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
18. Kindly quote the abovementioned reference number in any future correspondence regarding this correspondence.
19. This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

pp **ZAAHIR TOEY**
DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

Copied to:

- (1) Ms. Betsy Ditcham (Sharples Environmental Services CC)
- (2) Ms. Rachel Schnackenberg (City of Cape Town)
- (3) Mr. Frans Badenhorst (Zwiegberg Eiendomme (Pty) Ltd)
- (4) Ms. Anthea Houston (Communicare (Pty) Ltd)
- (5) Ms. Sonja Warnich Stemmet (City of Cape Town)

- Email: betst@sescc.net / Jessica.sescc.net
- Email: Rachel.schnackenberg@capetown.gov.za
- Email: rika.k@militrans.co.za
- Email: dhubner@communicare.org.za
- Email: Sonja.WarnichStemmet@capetown.gov.za