



REFERENCE: 16/3/3/1/A1/41/3042/25
DATE: 30 SEPTEMBER 2025

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

For Attention: Ms. Louise Buys

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Dear Madam

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT 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 VISSERSHOK WEIGHBRIDGE ON THE FARM NO. 153, VISSERSHOK OUTSPAN, MORNING STAR 25/141 AND MORNING STAR RE/141 (C1038: UPGRADE OF TR11/1), CITY OF CAPE TOWN MUNICIPALITY, WESTERN CAPE

1. The Application Form and supporting documentation, received by this Directorate via electronic mail correspondence on 22 August 2025, this Directorate's acknowledgement thereof (dated 1 September 2025), and the draft Basic Assessment Report ("BAR"), Environmental Management Programme ("EMPr") and supporting documentation, received by this Directorate via electronic mail correspondence on 4 September 2025, and this Directorate's acknowledgement thereof (dated 15 September 2025), refer.
2. This Directorate has considered the information contained in the draft BAR and has the following comments:

2.1. Listed Activities

This Directorate confirms that Listed Activity 27 and 56 of Listing Notice 1 and Listed Activity 12 and 18 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is applicable to the proposed development of the N7 Vissershok Weighbridge on Farm No. 153, Vissershok Outspan, Morning Star 25/141 and Morning Star RE/141 (C1038: Upgrading of TR11/1), City of Cape Town Municipality, Western Cape.

2.2. Public Participation Process

You are required to submit proof of the Public Participation Process being conducted for the draft BAR. This will include (but is not limited to):

- 2.2.1. Proof that the draft BAR was made available to all relevant and registered Interested and Affected Parties ("I&APs"), which includes the following relevant authorities:

- 2.2.1.1. Eskom;
- 2.2.1.2. CapeNature;
- 2.2.1.3. Heritage Western Cape;

- 2.2.1.4. Relevant Departments within the City of Cape Town;
 - 2.2.1.5. South African Civil Aviation Authority;
 - 2.2.1.6. South African National Roads Agency ("SANRAL");
 - 2.2.1.7. Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Pollution and Chemicals Management;
 - 2.2.1.8. DEA&DP Directorate: Air Quality;
 - 2.2.1.9. Western Cape Government: Agriculture;
 - 2.2.1.10. Western Cape Government: Mobility Department;
 - 2.2.1.11. Western Cape Government: Infrastructure;
 - 2.2.1.12. Morningstar Flying Club; and
 - 2.2.1.13. The National Department of Water and Sanitation.
- 2.2.2. A complete list of registered I&APs and the Comments and Response Report, indicating all the comments received from I&APs on the draft BAR and the responses thereto.
 - 2.2.3. Please be advised to ensure that comments from the City of Cape Town are provided in the Final BAR.
 - 2.2.4. Please ensure that all comments are adequately addressed, prior to the submission of the final BAR for decision-making.
 - 2.2.5. It is noted that Heritage Western Cape has been consulted and has confirmed that the proposed development does not require any action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- 2.3. Specialist Reports
- 2.3.1. According to the Botanical Assessment Report (dated 26 March 2025 and compiled by Nick Helme), the site contains Critically Endangered vegetation and has high sensitivity areas and Species of Conservation Concern ("SCC") near the development footprint, including *Restio impolitus* (Vulnerable) and *Aspalathus ternata* (Near Threatened). Therefore, please ensure that highly sensitive areas are avoided for the development proposal through the application of the mitigation hierarchy and the assessment of alternatives.
 - 2.3.2. It is noted that the Traffic Impact Assessment and Geotechnical Assessment will not be undertaken for the proposed development. Please note that any development that affects a National or Provincial Road requires a Traffic Impact Assessment under SANRAL or Provincial Transport Regulations. Therefore, a Traffic Impact Assessment is required to assess the impacts on the National route (N7 National Road), new access and freight movement. Moreover, the proposed N7 Weighbridge will support heavy freight vehicles, requiring soil stability analysis to prevent subsidence or structural failure. Therefore, a minimum Phase 1 Geotechnical Assessment is required to assess soil stability, excavation risks and infrastructure safety, providing appropriate foundations and mitigations for drainage and erosion risks. These specialist assessments are important to ensure that safety risks on road users and structural risks are considered.
 - 2.3.3. Please note that signed declarations from all relevant specialists must be appended to the final BAR.
 - 2.3.4. Please ensure that all specialists appointed, as registered with the relevant professional bodies and their credentials such as CV and professional registration are provided in the Final BAR.
 - 2.3.5. Kindly be advised to ensure that the content of specialist reports complies with the relevant Protocols, or Appendix 6 of the EIA Regulations, 2014 (as amended), where no protocol exists. Failure to do so may render your application invalid.

2.4. EMPr Requirements

- 2.4.1. The relevant recommendations of specialist professionals contained in specialist reports and in comments provided by commenting authorities must be transferred into the Environmental Management Programme ("EMPr") to be submitted with the final BAR for decision-making.
- 2.4.2. This Directorate notes that the site has not burned in over twenty (20) years, leading to senescent vegetation and reduced species diversity. Fire is essential for seed germination and ecological functioning in Fynbos systems. Therefore, it is advised to include a fire management strategy in the EMPr to support ecological restoration and avoid further fire suppression due to infrastructure placement.
- 2.4.3. According to the Botanical Assessment Report (dated 26 March 2025 and compiled by Nick Helme), the proposed development may result in Argentine ant invasion, which disrupts native seed dispersal mechanisms critical for Fynbos regeneration. Therefore, the monitoring and management of ant population within the development footprint, including ant control protocols must be included in the EMPr. Contractors will be required to be educated on ecological risks of soil and plant movement.
- 2.4.4. Please be advised to include the Faunal Relocation Protocol in the EMPr, adequately detailing the methods, timing and responsibilities for relocating burrowing mammals, reptiles and birds, specifying that the relocation must occur only to adjacent undeveloped area on the west of the site, as per the recommendation of the Faunal Biodiversity Specialist in the Terrestrial Fauna and Avifauna Species Compliance Statement Report (dated January 2025 and compiled by Dr Jacobus H. Visser).
- 2.4.5. Your attention is drawn to Appendix 4 of the EIA Regulations, 2014, (as amended), for the requirements with respect to the '*Content of Environmental Management Programme*'. Please ensure that you fulfil these requirements.

2.5. BAR Requirements

Your attention is once more drawn to Appendix 1 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the '*Content of basic assessment reports*'. Please ensure that these requirements are met.

2.6. Prescribed Timeframes

- 2.6.1. Please be reminded that in accordance with Regulation 19(1) of the EIA Regulations, 2014 (as amended), the final BAR must be submitted within ninety (90) days of receipt of the application by the Competent Authority, calculated from **22 August 2025**.
- 2.6.2. In terms of Regulation 45 of the EIA Regulations, 2014 (as amended), an application in terms of the EIA Regulations, 2014 (as amended) lapses and the Competent Authority will deem the application as having lapsed, if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations.
- 2.6.3. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Competent Authority that an additional 50 days (i.e., 140 days from receipt of the Application Form for Environmental Authorisation) will be required for the submission of the final BAR for decision-making. The additional 50 days must include a minimum commenting period of thirty (30) days to allow I&APs to comment on the revised report/additional information.

2.7. General

2.7.1. This Directorate awaits the submission of the final BAR for decision-making.

2.7.2. Please note that the final BAR must be submitted via mail correspondence to the central email address (DEADPEIAAdmin@westerncape.gov.za) and must include a link to download the documents. The submission of the final BAR must contain an MS Word document/pdf (not scanned) copy of the final BAR and separate appendices.

3. You are reminded that it is an offence in terms of Section 49A of the NEMA for a person to commence with a Listed Activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity.
4. Kindly quote the abovementioned reference number in any future correspondence regarding this application.
5. 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 MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

Copied to:

- (1) Ms. Betsy Ditcham (Sharples Environmental Services CC)
- (2) Ms. Bongiwe Mli-Swelindawo (City of Cape Town)
- (3) Mr. Frans Badenhorst (Zwiegborg Eiendomme (Pty) Ltd)
- (4) Mr. Dylan Hubner (Communicare (Pty) Ltd)
- (5) In-X-Trans (Pty) Ltd
- (5) Ms. Sonja Warnich Stemmet (City of Cape Town)

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