

REFERENCE: 16/3/3/1/D1/14/0026/25
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The Head of Department Western Cape Government
Department of Infrastructure
Transport Infrastructure Branch
Chief Directorate Road Programme Management
9 Dorp Street
Cape Town
8000

Attention: Lousie Buys

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Dear Madam,

COMMENT ON DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED REMOVAL AND REPLACEMENT OF THE EXISTING ROAD AND CULVERT INFRASTRUCTURE LOCATED ALONG DIVISION ROAD 1791 AT KM 1.59, STOPPAD ROAD, CROSSING FARM NO. 501 AND FARM NO. 306 ON PORTION 22 WITTEDRIFT, BITOU LOCAL MUNICIPALITY, GARDEN ROUTE DISTRICT MUNICIPALITY

1. The draft basic assessment report (Ref: CT6/BAR/10/25 dated October 2025) ("DBAR") compiled by your appointed Environmental Assessment Practitioner ("EAP"), Betsy Ditcham (EAPASA No: 2020/1480) and assisted by Candidate EAP, Jessica Gossman, (EAPASA No: 2022/6154) of Sharples Environmental Services (Pty) Ltd, and received by this Department on 03 November 2025, refers.
2. This Directorate: Development Management (Region 3) ("this Directorate") has reviewed the DBAR and provides the following comment:

2.1 Proposal

It is understood that the existing causeway, which is located at kilometre marker 1.59 along DR1791, with approximate starting coordinates at 34°00'04.57"S 23°19'27.98"E, needs to be repaired due to damage caused by previous flood events. The existing causeway is approximately 20m long × 6.1m wide and comprises three 600mm diameter precast concrete pipes that are permanently submerged.

To effectively repair the damaged causeway, it is proposed to demolish the existing structure and construct a new in situ reinforced concrete causeway with three cells, each measuring approximately 4 m wide × 1.5m high, providing a reduced road width over the watercrossing of 4.0m wide between guide blocks. The road approaches on both sides will also be raised by approximately 1.4 m over lengths of about 100m to tie into the new causeway deck height. The new inlet and outlet works will include wing walls and an apron slab, with erosion protection as required.

2.2 Applicable listed activities

The application for environmental authorisation was received by this Department on 24 October 2025, the proposed works for the replacement of the existing road and culvert infrastructure located along Division Road ("DR) 1791 KM 1.59, Stofpad Road will remain within the registered road reserve. In order to maintain traffic during the construction phase, it is proposed to construct a bypass road of approximately 4m wide x 1.5 m high. The bypass road will be utilised for the duration of the construction phase, will be installed on the downstream or upstream side of the existing road, depending on the time of construction.

In light of the above, please be reminded that only those activities applied for and assessed as part of the application for environmental authorisation will be considered during the decision-making process.

2.3 Alternatives

It is understood that only one alternative has been proposed for the location and design of the upgrade of the causeway itself.

It is noted that the DBAR describes the two alternatives for the location and design for the respective bypass roads (i.e., either upstream or downstream from the causeway). However, the supporting specialist report - *Aquatic Biodiversity Specialist Assessment* - has not separated the assessment and findings of the two bypass road alternatives, yet the specialist recommends the implementation of the upstream bypass, if practical. This matter must be clarified, and the *Aquatic Biodiversity Specialist Assessment* report should reflect why the upstream bypass road alternative is preferred or recommended option.

The DBAR and specialist reports are not clear how the preferred bypass road will be determined (methodology) for implementation. This is an aspect which should have been motivated in the DBAR, please refer to Annexure 1 of the EIA Regulations, 2014. The gap in information may imply that both bypass routes will need to be physically investigated before the construction activities will be undertaken which may lead to the unnecessary transformation of the aquatic environment and loss of aquatic biodiversity. The latter is contrary to the recommendations, avoidance of impacts and mitigation measures proposed by the Freshwater Aquatic Specialist. If the implementation of either of the bypass road alternatives, is subject to specific factors, these must be explained in the DBAR and the EAP and specialists must include such factors as conditional to the approval of the activity (if they are in support of the activity).

Note: According to the Aquatic Biodiversity Impact Assessment done, the upstream area is slightly more disturbed and encroached by alien species, whereas the downstream side of the causeway is more robustly vegetated. Construction of the temporary bypass road will involve clearance of indigenous vegetation within the watercourse and associated disturbance to the riverbanks. The total footprint of the proposed temporary deviation road downstream is approximately 514.49m², which will fall outside the road reserve. The total development footprint of the upstream deviation road will be 3279.15m², including the area located within the road reserve. The total footprint of the proposed temporary deviation road downstream would approximately be 561.71m². The total development footprint of the temporary deviation downstream will be approximately 4996.57 m², including the area located within the road reserve.

Considering the above, it is apparent that the upstream location alternative should be considered as the preferred alternative for the bypass road. It is therefore important that this issue be addressed in greater detail to inform the decision-maker on which single location alternative should be considered, or why both should be considered.

Furthermore, the specialist requires the full rehabilitation of the temporary bypass disturbed area, to preconstruction condition once the construction phase concludes. This is understood to apply to both alternative bypass road locations, even if only a small section of the area is disturbed. The EMPr must clearly address this aspect too.

2.4 Aquatic Biodiversity Specialist Assessment

With regard to the Aquatic Biodiversity Specialist Assessment report (dated 29 November 2025), it is noted that only one alternative location (i.e., Alternative A) has been assessed and compared to the No-Go Alternative. However, with regard to the proposed bypass road, it is understood that a bypass road located either upstream or downstream has been considered.

Please refer to the section on 'alternatives above'; however, to reiterate, the *Aquatic Biodiversity Specialist Assessment* has not separated the assessment and findings of the two bypass road alternatives, yet the specialist recommends the implementation of the upstream bypass, if practical. This matter must be clarified, and the *Aquatic Biodiversity Specialist Assessment* report should reflect why the upstream bypass road alternative is the preferred or recommended option.

The mitigation measures recommended by the specialist include *inter alia* restricting activities to the smallest possible working corridor, designating all other watercourses as no-go areas, focusing on sediment and erosion control, managing stormwater effectively and ensuring full compliance with the National Water Act (Act 36 of 1998).

Considering that the proposed mitigation measures aim to avoid and minimise the impact on the aquatic ecosystem, it is unclear whether these aspects have been specified as conditional to obtaining the environmental authorisation. Furthermore, the DBAR and more specifically the Environmental Management Programme ('EMPr') do not clearly specify the mitigation measures of all the specialist reports (specifically the aquatic biodiversity assessment) and how this relates to the content of method statements, that will need to be implemented. In this regard, the restrictions and mitigation measure which are included the General Authorisation in terms of Section 39 of the National Water Act, 1998 (Act No. 36 of 1998) for water uses as defined in Section 21(c) or Section 21(i), which pertain to the implementation non-operational aspects of the proposed activities associated with the proposal, must be described in the DBAR and incorporated in the EMPr. It is noted that these aspects have been included in the *Aquatic Biodiversity Specialist Assessment* report.

It is not clear whether the mitigation measures proposed by *inter alia* the Freshwater Aquatic Specialist will be feasible to the Holder (should the application be approved) and that such measures will be implemented. The practicability of the restrictions of the proposed work (including the mitigation measures) must be discussed with the consulting engineers. Should it be determined that the efficiency of the construction team will be hindered by the restrictions (either upstream or downstream), alternative methods for the proposed construction works must be reported on and assessed in the BAR. It is important for the competent authority to understand whether these measures are conditional to the best practicable environmental authorisation. This information must be included in the BAR.

2.5 Environmental Management Programme:

The contents of the EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of the EIA Regulations, 2014. 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).

(a) Environmental Monitoring vs Auditing

The Environmental Control Officer ("ECO") is responsible for fortnightly environmental monitoring site inspections as well as the compilation of monthly environmental monitoring reports. In this regard, a clear distinction must be made between the following:

- ECO and the environmental auditor (please note that the environmental auditor cannot be the EAP or the ECO); and
- an environmental monitoring report (to be compiled by the ECO) and environmental audit report (to be compiled by the independent environmental auditor).

Furthermore, your attention is drawn to the auditing requirements with regard to environmental authorisations and EMPr's under Regulation 34 of the EIA Regulations, 2014 (as amended). In this regard, the EMPr must be amended to ensure compliance with the requirements. The contents of the environmental audit report must comply with Appendix 7 of the EIA Regulations.

(b) Incorporation of measures specified in the General Authorisation

It is noted that the General Authorisation ("GA") issued in terms of Section 39 of the National Water Act, 1998 (Act No. 36 of 1998) for the water uses as defined in Section 21(c) or Section 21(i), shall apply to the proposed development. There are several cross-cutting issues in said GA which are relevant to the non-operational aspects of the activity that has been applied for. Integrated Environmental Management good practise dictates that these aspects be incorporated in the EMPr. The EAP is required to demonstrate that these aspects have been incorporated in the EMPr that must be submitted together with the BAR.

3. Submission of Basic Assessment Report

The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations, 2014, and must also include and address any information requested in any previous correspondence in respect of this matter.

Please be reminded that in accordance with Regulation 19 of the EIA Regulations, 2014, the Department hereby stipulates that the BAR (which has been subjected to public participation) must be submitted to this Department for decision within **90 days** from the date of receipt of the application by the Department. However, if significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of the EIA Regulations, 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted.

NOTE: Furthermore, in accordance with Environmental Impact Assessment best-practice, you are kindly requested to notify all registered Interested and Affected Parties including the authorities identified in the Public Participation Plan of the submission of the FBAR and to make the document available to them. This will provide such parties an opportunity to review the document and how their issues were addressed.

4. Please note that 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 listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. 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.
5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
6. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully

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HEAD OF COMPONENT:

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

(reference: 16/3/3/1/D1/14/0026/25)

Copied to:

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