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Department of Infrastructure: Transport Infrastructure Branch  
Western Cape Government,  
11 Leeuwen Street,  
**CAPE TOWN,**  
8000

**Attention: Louise Buys**

Tel: 082 730 7792

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Dear Madam,

**ACKNOWLEDGEMENT OF AND COMMENT ON THE NOTICE OF INTENT TO SUBMIT AN APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED REMOVAL AND REPLACEMENT OF EXISTING ROAD AND CULVERT INFRASTRUCTURE LOCATED ALONG DIVISION ROAD (DR) 1602 KM 8.48, KLEINPLAAS ROAD CROSSING FARM 338 AND PORTION 6 OF FARM 220, MOSSEL BAY MUNICIPALITY**

1. The abovementioned document dated 21/02/2025, compiled by the appointed Environmental Assessment Practitioner, Ms. Betsy Ditcham (EAPASA No: 2020/1480), assisted by Candidate Environmental Assessment Practitioner ("Candidate EAP"), Ms. Jessica Gossman (EAPASA No: 2022/6154) of Sharples Environmental Services CC, and received by this Department on 11 March 2025, refers.
2. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department.
3. Following a review of the information submitted to this Department, we note the following:
  - 3.1. Proposed Development

The proposed development entails the re-establishment and upgrading of the causeway located along DR1602 (Kleinplaas Road) over the Varings River, within the jurisdiction of the Mossel Bay Local Municipality in the Western Cape. The existing causeway was extensively damaged during a significant flood event in November 2021 and no longer provides safe or reliable access.

The proposed activity includes the repair and upgrade of the existing causeway infrastructure within the existing 20-meter-wide road reserve, as well as the construction of a temporary bypass road to facilitate traffic flow during the construction period. While the permanent works will remain within the designated road reserve, the temporary bypass is proposed to extend partially beyond the road reserve boundary, thereby triggering listed activities in terms of the Environmental Impact Assessment Regulations, 2014 (as amended).

The bypass will be located north of the existing road and will consist of a gravel surface approximately 4 meters wide and 60 meters long. Approximately 2.5 meters of the bypass will extend beyond the existing road reserve, resulting in a temporary encroachment of  $\pm 168\text{m}^2$  (including a 2-meter working corridor). Ancillary infrastructure required for the temporary deviation includes an apron slab and wing walls to ensure structural stability and safe vehicle passage. The total construction footprint, inclusive of both permanent and temporary works, is estimated at approximately  $1,262\text{m}^2$ .

The proposed development forms part of a broader programme aimed at enhancing the resilience of municipal road infrastructure to climate-related events, safeguarding ecological infrastructure, and addressing road safety risks associated with the damaged causeway. The project is designed to have minimal long-term environmental impact, with temporary disturbances to be managed through appropriate mitigation and rehabilitation measures as outlined in the Environmental Management Programme (EMPr).

4. The following advice or instructions of the nature and extent of any of the processes that may or must be followed or decision support tools that must be used, in order to comply with the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 (GN R. 982 of 4 December 2014, as amended) ("EIA Regulations, 2014"), is provided below.

#### Process

5. Exemptions:

This Department notes that you do not intend to apply for exemption in terms of the National Exemption Regulations, 2014 from:

- any of the requirements of the PPP, as stipulated in Regulation 41 of the EIA Regulations, 2014 (as amended); and
- any other provisions contained in the EIA Regulations, 2014, the NEMA or any notice issued under the NEMA.

Please note that should you fail to meet a requirement of the EIA Regulations, 2014 (as amended) or the NEMA and if no exemption from that provision was applied for and granted, your EIA application may be refused by this Department.

6. A Basic Assessment process must be followed in order to apply for Environmental Authorisation.
7. Only those activities applied for shall be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.

After considering the information provided in the Notice of Intent form, the Department concurs that the proposed development constitutes a listed activity/listed activities as defined in terms of the Environmental Impact Assessment Regulations Listing Notices of 2014 which have been identified in the NOI Form.

8. Please ensure the Basic Assessment Report ("BAR") and Environmental Management Programme ("EMPr") contain all information requirements outlined in Appendices 1 and 4 respectively of the EIA Regulations, 2014.

9. *Environmental Management Programme ("EMPr")*

In accordance with Section 24N of NEMA and the EIA Regulations, 2014, the applicant is required to submit an Environmental Management Programme ("EMPr") with the BAR. The contents of such an EMPr must meet the requirements outlined in 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). It must be submitted together with the EIAR. When compiling the EMPr, the Department's Guideline for Environmental Management Plans (June 2005), must be taken into account.

10. *National Web Based Environmental Screening Tool and Site Sensitivity Verification*

It is noted that a Screening Tool Report ("STR") has been generated by the national web based environmental screening tool and appended to the NOI Form.

In accordance with the applicable protocols or minimum information requirements, which have been published in the Government Gazette (i.e. Government Gazette No. 43110 of 20 March 2020 and Government Gazette No. 43855 of 30 October 2020) you are required to submit a site sensitivity verification report(s) which confirms or disputes the site sensitivities for each of the themes identified in the STR. Furthermore, the report(s) must include a motivation for the exclusion of any of the specialist assessments identified in the STR, which in the opinion of the EAP are not considered relevant or required.

The STR generated by the national web based environmental screening tool on 05 March 2025, and the Site Sensitivity Verification Report ("SSVR") (Ref: CT6/SSVR/03/25 dated March 2025) appended to the NOI Form have been reviewed by the Department and provides the following comment on the respective themes and additional specialist studies that have been identified.

Please be advised that where a protocol has been published for an identified theme, that the respective specialist reports must adhere to the requirements of the protocol. Where a specific protocol has not been identified for a specialist study, such specialist study must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

10.1. *Agricultural Theme*

According to the Screening Tool Report ("STR") submitted with the NOI the sensitivity rating for the Agricultural Theme is **VERY HIGH**. The SSVR indicates that the EAP's reasoning requires no Agricultural Impact Assessment to be conducted due to the nature of the proposed development (removal and repair of existing culverts and roads, mainly over a watercourse), with a temporary bypass along with extended construction footprint to minimise road disturbances during the construction phase. This is because the small temporary bypass section will be rehabilitated fully after construction has been completed.

This Directorate acknowledges the finding of the SSVR; however, the EAP must consult the Western Cape Government: Department of Agriculture (DoA) - Land Use Management in the

public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Agriculture Theme.

**“Nonetheless**, the EAP must consult the WCG Department of Agriculture (DoA) - Land Use Management in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Agriculture Theme.”

#### 10.2. *Animal Species Theme*

The STR specifies a **VERY HIGH** sensitivity in terms of the Animal Species theme. However, it is noted that a Faunal Assessment has already been undertaken, which concluded that the sensitivity of the site is low due to the absence of Species of Conservation concern on the site.

According to the Faunal Assessment, a site inspection occurred on 29 and 30 October 2023. The specialist confirmed that there were no sensitive faunal and avifaunal species on site and that 5 bird species were recorded and no identified sensitive bird species from the DFFE Screening Tool report were observed during the site visits. In addition to the area already being disturbed the specialist concluded that the likelihood of faunal and avifaunal species that were found in the DFFE Screening Tool on site and no habitant species within the development footprint were to be sensitive.

Based on the motivation regarding the site sensitivity for the Animal Species Theme, an Animal Species Compliance Statement must be undertaken within the study area. The compliance statement must be prepared by a SACNASP registered specialist under one of the two fields of practice (Zoological Science or Ecological Science).

**Furthermore**, the EAP/specialist must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Animal Species Theme.

#### 10.3. *Aquatic Biodiversity Theme*

The STR specifies a **VERY HIGH** sensitivity rating for the Aquatic Biodiversity Theme. According to the SSVR, Upstream Consulting was appointed to conduct the aquatic site sensitivity verification on the 4<sup>th</sup> of November 2023. The specialist confirmed the presence of four hydrogeomorphic Units within the 500-meter radius of DR1602 km 80.5 study area, with regards to the construction footprint which affects the Varing River directly. The SSVR indicated that an Aquatic Biodiversity Impact Assessment will be undertaken to inform the Basic Assessment Report.

This Directorate acknowledges the findings of the SSVR that an Aquatic Biodiversity Impact Assessment will be undertaken. **Therefore**, it must be ensured that the assessment complies with the minimum information requirements of the Aquatic Biodiversity Specialist Assessment of the protocol.

#### 10.4. *Civil Aviation Theme*

The STR specifies a **HIGH** sensitivity in terms of the Civil Aviation Theme. According to the SSVR sensitivity is disputed as the proposed development will not add a new risk to any civil aviation activities either as an obstacle or in terms of communications.

This Directorate acknowledges the findings of the SSVR; **nonetheless**, the South African Civil Aviation Authority must be consulted regarding any matters that must be addressed in the compliance statement and / or BAR.

#### 10.5. *Plant Species Theme*

According to the SSVR Enviroworks conducted a site visit on the 30<sup>th</sup> of October 2023. Based on the site visit it was found that no Species of Concern are found within the development footprint of DR1602 km 8.5. The specialist observed that, although the screening tool classified the area as having **very high** sensitivity, their assessment determined it to be of medium sensitivity. Alien invasive species are known to be prevalent in the area, and the implementation of the Garden Route Alien Invasive Species Management Plan is recommended. It is also important to note that the site is already degraded and disturbed. As such, the proposed project is primarily a restoration of existing infrastructure and is not expected to impact the Ecological Support Area.

This Directorate acknowledges the findings of the SSVR; **nonetheless**, Cape Nature must be consulted regarding any matters that must be addressed in the compliance statement and / or BAR. In addition, a compliance statement will be required and completed by a registered SACNAP specialist.

#### 10.6. *Terrestrial Biodiversity Theme*

The STR specifies a **VERY HIGH** sensitivity in terms of the Terrestrial Plant Species Theme. According to the SSVR the specialist confirmed that the Site Ecological Importance (SEI) is rated as low. This is attributed to the area's low biodiversity value, reduced ecological functioning, and a moderate recovery potential.

Although the vegetation within DR1602 falls within the Critically Endangered Garden Route Granite Fynbos, the presence of extensive alien invasive species has significantly altered the ecological character of the site. Nevertheless, some ecological value may still persist, particularly in the buffer area located outside the road reserve.

The specialist also indicated that the likelihood of encountering Species of Conservation Concern (SCC) on site is low.

**Therefore**, it must be ensured that a compliance statement is required. Furthermore, the EAP must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Animal Species Theme.

### 11. *Government Policies and Plans, Guidelines, Environmental Management Instruments:*

You are advised that when undertaking the EIA process, it is the responsibility of the EAP and Specialists to take into account all the government policies and plans, guidelines, environmental management instruments and other decision making instruments in respect of the application process or the kind of activity which will be the subject of the application, including the guidelines, information documents or circulars developed by this Department which include *inter alia*, the following:

- Circular EADP 0005/2022: EIA and related licensing services and supporting professional services after the withdrawal of the National Directions in response to the COVID-19 State of Disaster.
- Guideline for the Review of Specialist Input in the EIA process (June 2005).

- Guideline for Environmental Management Plans (June 2005).
- Guideline for determining the scope of specialist involvement in EIA processes, June 2005.
- Guideline for the review of specialist input in the EIA process, June 2005.
- Guideline for involving biodiversity specialists in the EIA process, June 2005.
- Guideline for involving hydrogeology specialists in the EIA process, June 2005.
- Guideline for environmental management plans, June 2005.
- Guideline for involving visual and aesthetic specialists in the EIA process, June 2005.
- Guideline for involving heritage specialists in the EIA process, June 2005.
- Guideline for involving social assessment specialists in the EIA process, February 2007.
- Guideline for involving economists in the EIA process, June 2005.
- Western Cape Provincial Spatial Development Framework, November 2014 (as amended)
- Western Cape Land Use Planning Guidelines – Rural Areas, March 2019
- DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa (ISBN: 978-0-9802694-4-4)

### Public Participation

12. A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 must be undertaken. You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the BAR including the EMPr respectively.
13. Please be advised that in accordance with Sub-regulation 40(3) public participation may be undertaken prior to the submission of the application. Should a public participation process, which includes the circulation of the pre-application BAR for comment to potential or registered interested and affected parties, be undertaken in terms of Regulation 40 prior to the submission of an Application Form to the Department, then the requirements of Regulation 41 must be complied with simultaneously and the pre-application BAR must also be submitted to the Department for commenting purposes.
14. This Department has reviewed the proposed actions to conduct a public participation process and regards them to fulfil the requirements of the EIA Regulations, 2014.
15. In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014, any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. **Please note that the Environmental Assessment Practitioner ("EAP") is responsible for such consultation.**

### Relevant considerations applicable to the EIA process

#### 16. *Alternatives*

In terms of the EIA Regulations, 2014 the investigation of alternatives is mandatory. This includes the option of not proceeding with the proposed activity (the "no-go" option). All alternatives identified must be determined to be feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it had been applied for or may grant authorisation in respect of the whole or part of the proposed project in the application. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives.

## 17. *Need & Desirability*

In terms of the EIA Regulations, 2014, 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 DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa (ISBN: 978-0-9802694-4-4).

## 18. *Climate Change*

The BAR 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, climate change mitigation measures that could be implemented for the proposed development.

## Other legislative considerations

### 19. *NEMA Principles*

The applicant will be required to clearly demonstrate how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.

### 20. *Synchronising applications in terms of other applicable legislation with the EIA process*

Subsection 24C (11) of the National Environmental Management Act, 1998 (as amended) indicates that if both an environmental authorisation as well as a licence or permit in terms of any of the Specific Environmental Management Acts ("SEMA") is required, those applications must simultaneously be submitted to the relevant competent authority or licensing authority, as the case may be, indicating in each application all other licences, authorisations and permits applied for.

Please be advised of the required synchronisation between the EIA process and the respective other licensing/permitting process (if the latter is required). You are reminded that if these processes are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may prejudice the success of this application for environmental authorisation.

#### 20.1. *National Water Act, Act No. 36 of 1998 ("NWA")*

##### *(Synchronisation of the WULA – EIA processes / applications)*

Please be advised of the required synchronisation between the EIA process and the Water Use License Application ("WULA") process (if the latter is required). You are reminded that if these processes are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may prejudice the success of this application for environmental authorisation.

The applicability of the National Water Act, 1998 must be confirmed by Breede Olifants Catchment Management Agency (BOCMA) in writing.

Please be reminded that all specialist reports submitted as part of the BAR (including those submitted for consideration and which also may form part of the WULA) must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations 2014.

20.2. Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) ("CARA")  
Synchronisation of the CARA – EIA processes / applications

Where an application for the cultivation of virgin soil application in terms of the CARA and the Conservation of Agricultural Resources Regulations of 1984 (as amended) ("CARA Regulations") must be complied with, the Standard Operating Procedure between the Department of Agriculture and this Department must be followed.

General

21. Landowner's consent

According to the NOI the properties are owned by the Department of Public Works and Infrastructure. In this regard, this Directorate notes the consent provided by the said Department in respect of the application for environmental authorisation. Should the work be conducted on private land, you are reminded to obtain consent from the landowner.

22. The Department awaits the submission of the Application Form prescribed by the EIA Regulation, 2014.

23. Please 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.

24. 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 the application.

25. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

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

Copied to: (1) EAP: Betsy Ditchem  
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